



Center *for* Research Libraries  
GLOBAL RESOURCES NETWORK

The Center for Research Libraries scans to provide digital delivery of its holdings. In some cases problems with the quality of the original document or microfilm reproduction may result in a lower quality scan, but it will be legible. In some cases pages may be damaged or missing. Files include OCR (machine searchable text) when the quality of the scan and the language or format of the text allows.

If preferred, you may request a loan by contacting Center for Research Libraries through your Interlibrary Loan Office.

### **Rights and usage**

Materials digitized by the Center for Research Libraries are intended for the personal educational and research use of students, scholars, and other researchers of the CRL member community. Copyrighted images and texts may not be reproduced, displayed, distributed, broadcast, or downloaded for other purposes without the expressed, written permission of the copyright owner.

### **Center for Research Libraries**

Identifier: 8c571958-ae09-4beb-9c52-432f885073ec

Range: Scans 001 - 500

Downloaded on: 2022-05-21 02:47:25

*British*  
*Parliamentary Papers*

CORRESPONDENCE RELATIVE TO THE SLAVE TRADE  
[ 1846 [724] VOL LI ]

# IUP LIBRARY OF FUNDAMENTAL SOURCE BOOKS

EDITORIAL DIRECTOR T P O'Neill

RESEARCH UNIT DIRECTOR T F Turley

*The IUP Series of British Parliamentary Papers*

CHIEF EDITORIAL ADVISORS

*Professor P Ford, Professor Emeritus, Southampton University  
and Mrs G Ford*

CONSULTANT EDITORS

*Professor J H Smith, Dean of the Faculty of Social Sciences, Southampton University*

*Professor Oliver MacDonagh, University College, Cork*

*Christopher Townley, Librarian, University College, Galway*

*Colman Lyne, National Museum of Canada*

*Dan O'Keeffe, Librarian, University College, Cork*

*This Series*

*is published with the active co-operation of*  
SOUTHAMPTON UNIVERSITY

IRISH UNIVERSITY PRESS SERIES

OF

*British  
Parliamentary Papers*

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

*Slave Trade*

30



SHANNON • IRELAND

## PRINTER'S NOTE

The Printer wishes to draw attention to the many variations in the graphic quality of this series: broken type, ink set-off, poor impression and background blemishes are to be found in the original copy.

Every effort has been made to minimise these faults and to make the reprint copy as legible as possible.

© 1969

*Irish University Press Shannon Ireland*

### *Microforms*

*Microfilm, microfiche and other forms of micro-publishing*  
© Irish University Microforms Shannon Ireland

SBN 7165 0759 5

## PUBLISHER'S NOTE

The Irish University Press Series of British Parliamentary Papers is a facsimile reproduction. The original documents in this volume have been reproduced by photo-lithography and are unabridged even to the extent of faithfully retaining the printer's imprint.

The contents of this volume have been printed in their entirety by Robert Hogg, Printer to the Irish University Press, Shannon, Ireland.

As a result of the arrangement of the documents in subject sets and of the bringing together in a single book of a number of papers, some volumes in the Irish University Press Series may include the imprints of more than one printer.

*Irish University Press Shannon Ireland*

DUBLIN CORK BELFAST LONDON NEW YORK

*Captain T M MacGlinchey Publisher*

*Robert Hogg Printer*

**Class B.**

---

**CORRESPONDENCE**

ON

**THE SLAVE TRADE**

WITH

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

**PARTIES TO TREATIES,**

UNDER WHICH

**CAPTURED VESSELS ARE TO BE TRIED BY MIXED  
TRIBUNALS.**

---

From January 1 to December 31, 1845, inclusive.

---

---

*Presented to both Houses of Parliament by Command of Her Majesty,*  
1846.

---

---

LONDON:

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

1846.



## Class B.—1845.

### LIST OF PAPERS.

SPAIN.		Date.	Receipt.	SUBJECT.	Page
No.		1844.	1845.		
1.	Mr. Bulwer to the Earl of Aberdeen One Enclosure	Dec. 26	Jan. 6	Penal Law presented to the Senate	1
2.	Mr. Bulwer to the Earl of Aberdeen	Jan. 6	Jan. 16	Penal Law, amendments proposed by Committee of Senate	4
3.	Mr. Bulwer to the Earl of Aberdeen Extract	Jan. 11	Jan. 20	Discussion in the Senate on the Penal Law	5
4.	Mr. Bulwer to the Earl of Aberdeen Three Enclosures	Jan. 25	Feb. 2	Imprisonment of British subjects in Cuba	6
5.	Mr. Bulwer to the Earl of Aberdeen Two Enclosures	Jan. 25	Feb. 2	Penal Law, amendments in the Senate	9
6.	The Duke of Sotomayor to the Earl of Aberdeen	Feb. 5	Feb. 6	Demands the removal of the "Romney" hulk from the Havana	10
7.	The Earl of Aberdeen to Mr. Bulwer One Enclosure	Feb. 7		"El No Se"	12
8.	The Earl of Aberdeen to Mr. Bulwer	Feb. 13		Amendment of Penal Law. Importation of slaves into Cuba	13
9.	The Earl of Aberdeen to Mr. Bulwer Extract.—Two Enclosures	Feb. 14		Communications of Her Majesty's Agents in Cuba with the Captain-General on Slave Trade	13
10.	Mr. Bulwer to the Earl of Aberdeen Extract	Feb. 9	Feb. 19	Discussions in the Cortes concerning the "Romney" hulk	14
11.	Mr. Bulwer to the Earl of Aberdeen Extract	Feb. 9	Feb. 19	Recapitulation of the steps taken by Mr. Bulwer respecting Slave Trade during the year 1844	14
12.	The Earl of Aberdeen to Mr. Bulwer One Enclosure	Mar. 1		Good conduct of the Governor of Porto Rico	16
13.	The Earl of Aberdeen to Mr. Bulwer One Enclosure	Mar. 1		Copy of Havana Commissioners' Annual Report for 1844. To make a representation of the condition of the emancipados	16
14.	The Duke of Sotomayor to the Earl of Aberdeen One Enclosure	Feb. 28	Mar. 1	Madrid newspaper with article on Slave Trade of Cuba	17
15.	Mr. Bulwer to the Earl of Aberdeen One Enclosure	Mar. 1	Mar. 10	Note to M. Martinez de la Rosa, respecting amendments to Penal Law	20
16.	Mr. Bulwer to the Earl of Aberdeen One Enclosure	Mar. 1	Mar. 10	Note to M. Martinez de la Rosa. Right of Her Majesty's Consul-General to represent against infractions of Treaty	21
17.	The Duke of Sotomayor to the Earl of Aberdeen One Enclosure	Mar. 11	Mar. 13	Penal Law against Slave Trade passed in Cortes February 27, 1845	22
18.	Mr. Bulwer to the Earl of Aberdeen One Enclosure	Mar. 10	Mar. 19	Note to M. Martinez de la Rosa respecting the "El No Se"	23
19.	Mr. Bulwer to the Earl of Aberdeen One Enclosure	Mar. 11	Mar. 19	Copy and translation of Penal Law on Slave Trade	23
20.	The Earl of Aberdeen to the Duke of Sotomayor	Mar. 19		"Romney" hulk: and Penal Law passed at Madrid on Slave Trade	25



## LIST OF PAPERS.

No.	Date. 1845.	Receipt. 1845.	SUBJECT.	Page
21. The Earl of Aberdeen to Mr. Bulwer Two Enclosures	Mar 22		"Romney" hulk; and Penal Law	26
22. The Duke of Sotomayor to the Earl of Aberdeen	Mar. 31	April 2	Removal of the "Romney" hulk from the Havana	27
23. The Earl of Aberdeen to Mr. Bulwer One Enclosure	April 8		Thirty adult emancipados and 19 of their children removed from Havana to a British colony	27
24. The Earl of Aberdeen to the Duke of Sotomayor	April 10		"Romney" hulk. Fitting up of place for the emancipated negroes at the Havana	28
25. Mr. Bulwer to the Earl of Aberdeen Four Enclosures	Mar. 31	April 11	Condition of emancipados in Cuba	28
26. Mr. Bulwer to the Earl of Aberdeen Two Enclosures	Mar. 31	April 11	Good conduct of the Governor of Porto Rico	28
27. Mr. Bulwer to the Earl of Aberdeen One Enclosure	Mar. 31	April 11	"El No Se"	32
28. Mr. Bulwer to the Earl of Aberdeen One Enclosure	Mar. 31	April 11	Appointment of Senor Potestad as Spanish Commissary Judge and Consul at Sierra Leone	33
29. Mr. Bulwer to the Earl of Aberdeen	April 2	April 11	"Romney" hulk at the Havana	34
30. The Duke of Sotomayor to the Earl of Aberdeen One Enclosure	April 9	April 11	Appointment of Spanish Commissary Judge and Consul at Sierra Leone	34
31. The Earl of Aberdeen to Mr. Bulwer One Enclosure	April 19		Annual Report of Sierra Leone Commissioners on the Slave Trade	35
32. The Earl of Aberdeen to Mr. Bulwer Five Enclosures	April 19		Increase of Slave Trade in Cuba in 1844	36
33. The Earl of Aberdeen to Mr. Bulwer	April 19		Negroes emancipated at the Havana	36
34. The Duke of Sotomayor to the Earl of Aberdeen Two Enclosures	April 24	April 26	List of emancipated negroes who have received tickets of liberty in Cuba	37
35. Mr. Bulwer to the Earl of Aberdeen	April 22	April 30	Right of Consul-General at Havana to represent infraction of Slave Trade Treaties	39
36. Mr. Bulwer to the Earl of Aberdeen Two Enclosures	April 22	April 30	List of negroes emancipated at the Havana	39
37. The Duke of Sotomayor to the Earl of Aberdeen Three Enclosures	May 13	May 14	Slaves landed at Santiago. Steps taken by General O'Donnell	40
38. The Duke of Sotomayor to the Earl of Aberdeen	May 16	May 18	Her Majesty's Consul-General at the Havana not competent to make Slave Trade denunciations	41
39. The Duke of Sotomayor to the Earl of Aberdeen Eight Enclosures	May 30	May 31	"Josepha" captured by Her Majesty's ship "Curlew" in 1835. Claim for indemnity	44
40. The Earl of Aberdeen to Mr. Bulwer Eight Enclosures	May 31		Negroes emancipated by the Mixed Court at the Havana under the Treaty of 1817	54
41. The Earl of Aberdeen to Mr. Bulwer One Enclosure	June 4		Negroes emancipated by the Mixed Court at the Havana under the Treaty of 1817	56
42. The Duke of Sotomayor to the Earl of Aberdeen	June 5	June 6	Removal of the "Romney" hulk from the Havana	56
43. The Earl of Aberdeen to the Duke of Sotomayor	June 6		Removal of the "Romney" hulk from the Havana	57
44. Mr. Bulwer to the Earl of Aberdeen One Enclosure	May 30	June 8	Conduct of General O'Donnell. Note to the Spanish Government	57
45. Mr. Bulwer to the Earl of Aberdeen One Enclosure	May 30	June 8	Penal Law	58
46. Mr. Bulwer to the Earl of Aberdeen One Enclosure	May 30	June 8	Negroes emancipated under the Treaty of 1817	59

## LIST OF PAPERS.

vii

No.	Date.	Receipt.	SUBJECT.	Page
	1845.	1845.		
47. Mr. Bulwer to the Earl of Aberdeen One Enclosure	May 30	June 8	Removal of 30 emancipados and children to Jamaica . . .	60
48. The Earl of Aberdeen to Mr. Bulwer One Enclosure	June 8		Penal Law . . .	61
49. The Earl of Aberdeen to the Duke of Sotomayor	June 10		Copy of Convention of May 29, 1845, with France . . .	62
50. The Duke of Sotomayor to the Earl of Aberdeen	June 12	June 13	Acknowledgment of a note of June 10. Copy of Convention with France . . .	62
51. The Earl of Aberdeen to the Duke of Sotomayor	June 24		Case of the "Florentina," seized after landing a cargo of slaves, by the Spanish vessel of war "Clarita" . . .	62
52. The Earl of Aberdeen to the Duke of Sotomayor One Enclosure	July 9		Emancipados in Cuba . . .	63
53. Mr. Jerningham to the Earl of Aberdeen One Enclosure	July 9	July 17	Promulgation of Penal Law. Note to Spanish Minister . . .	63
54. Mr. Jerningham to the Earl of Aberdeen One Enclosure	July 9	July 17	Liberation of emancipados. Note to Spanish Minister . . .	64
55. Mr. Jerningham to the Earl of Aberdeen One Enclosure	July 9	July 17	Refusal of Captain-General to inform Commissioners of names of emancipados made free . . .	65
56. The Duke of Sotomayor to the Earl of Aberdeen	July 30	July 30	Murder of the prize crew of the "Felicidade" . . .	66
57. The Duke of Sotomayor to the Earl of Aberdeen	Aug. 4	Aug. 5	Murder of the prize crew of the "Felicidade" . . .	66
58. The Earl of Aberdeen to the Duke of Sotomayor	Aug. 8		Respite of the murderers of the prize crew of the "Felicidade" . . .	67
59. The Duke of Sotomayor to the Earl of Aberdeen Two Enclosures	Aug. 13	Aug. 18	List of emancipados made free by the Captain-General of Cuba . . .	68
60. The Earl of Aberdeen to Mr. Jerningham Three Enclosures	Aug. 23		Emancipated negroes . . .	69
61. The Duke of Sotomayor to the Earl of Aberdeen	Aug. 21	Aug. 23	Removal of the "Romney" . . .	70
62. The Duke of Sotomayor to the Earl of Aberdeen One Enclosure	Aug. 21	Sept. 1	List of emancipados sent to Jamaica . . .	72
63. The Duke of Sotomayor to the Earl of Aberdeen One Enclosure	Sept. 3	Sept. 5	Complaint against the capture of the "San Antonio," alias "Cayman" . . .	73
64. The Earl of Aberdeen to the Duke of Sotomayor	Sept. 13		Proposed removal of the "Romney" . . .	96
65. The Earl of Aberdeen to the Duke of Sotomayor	Sept. 19		Representations on Slave Trade made by Her Majesty's Consul-General in Cuba to the Captain-General . . .	98
66. The Earl of Aberdeen to Mr. Bulwer One Enclosure	Sept. 20		Emancipados in Cuba . . .	99
67. The Earl of Aberdeen to Mr. Bulwer Three Enclosures	Sept. 20		Proposed removal of the "Romney" . . .	101
68. The Earl of Aberdeen to Mr. Bulwer Two Enclosures	Sept. 20		Correspondence with the Duke of Sotomayor respecting communications with the Captain-General in Cuba by Her Majesty's Agents in that island . . .	101
69. The Earl of Aberdeen to Mr. Bulwer	Sept. 25		Warrant issued to Her Majesty's ship "Spartan" under Treaty with Spain, cancelled . . .	102
70. Mr. Jerningham to the Earl of Aberdeen	Sept. 20	Sept. 29	Case of the "El Cayman." Removal of the "Romney" . . .	102
71. The Duke of Sotomayor to the Earl of Aberdeen One Enclosure	Oct. 1	Oct. 1	Sends further list of emancipados made free . . .	103
72. The Duke of Sotomayor to the Earl of Aberdeen	Oct. 11	Oct. 13	Proposed removal of free negroes from Cuba to Fernando Po . . .	104

## LIST OF PAPERS.

No.	Date. 1845.	Receipt. 1845.	SUBJECT.	Page
73. The Earl of Aberdeen to Mr. Bulwer . . . .	Oct. 16		Warrants issued to Her Majesty's ship "Growler" and "Scylla," under Treaty with Spain, cancelled . . . .	105
74. The Duke of Sotomayor to the Earl of Aberdeen	Oct. 17	Oct. 20	Proposed removal of the "Romney" . . . .	105
75. The Duke of Sotomayor to the Earl of Aberdeen One Enclosure	Oct. 21	Oct. 22	Twenty-two emancipados sent to Jamaica . . . .	107
76. The Earl of Aberdeen to the Duke of Sotomayor One Enclosure	Oct. 31		Removal of the "Romney" . . . .	108
77. The Earl of Aberdeen to Mr. Bulwer . . . . Four Enclosures	Nov. 18		Removal of the "Romney" . . . .	109
78. The Earl of Aberdeen to the Duke of Sotomayor One Enclosure	Nov. 21		The murderers of the prize crew of the "Felicidade" . . . .	110
79. Mr. Bulwer to the Earl of Aberdeen . . . . One Enclosure	Nov. 18	Nov. 26	Correspondence between Consul-General and Captain-General in Cuba . . . .	110
80. The Duke of Sotomayor to the Earl of Aberdeen	Nov. 25	Nov. 27	Prisoners under sentence of death at Exeter . . . .	111
81. The Duke of Sotomayor to the Earl of Aberdeen	Dec. 5		Release of the prisoners at Exeter . . . .	112
82. The Duke of Sotomayor to the Earl of Aberdeen One Enclosure	Dec. 8	Dec. 10	Emancipados who received tickets of liberty in September . . . .	112
83. The Duke of Sotomayor to the Earl of Aberdeen	Dec. 8	Dec. 10	The Spaniard released at Exeter will be sent out of the country . . . .	113
84. The Earl of Aberdeen to Mr. Bulwer . . . . Three Enclosures	Dec. 11		Improved conduct on the part of General O'Donnell . . . .	114
85. The Earl of Aberdeen to Mr. Bulwer . . . . Five Enclosures	Dec. 11		"Romney" hulk; proposed purchase by Spanish Government . . . .	115
86. The Earl of Aberdeen to the Duke of Sotomayor . Two Enclosures	Dec. 15		Pardon of the convicts at Exeter . . . .	117
87. The Earl of Aberdeen to Mr. Bulwer . . . . One Enclosure	Dec. 19		List of emancipados made free. Duke of Sotomayor's note of Dec. 8 . . . .	117
88. The Earl of Aberdeen to the Duke of Sotomayor Two Enclosures	Dec. 19		Case of the "Josefa" . . . .	118
89. The Earl of Aberdeen to Mr. Bulwer . . . .	Dec. 31		Acknowledgment of Despatch of November 18 1845. Correspondence between Mr. Crawford and the Captain-General of Cuba . . . .	119

SPAIN. (*Consular*)—Havana.

90. Mr. Crawford to the Earl of Aberdeen . . . .	1844. Dec. 7	1845. Jan. 6	"San Antonio" alias "Cayman," sailed to Africa with 96 free negroes . . . .	121
91. The Earl of Aberdeen to Mr. Crawford One Enclosure	1845. Jan. 14		Mary Gallagher, deceased, and her slave Charlotte . . . .	121
92. The Earl of Aberdeen to Mr. Crawford One Enclosure	Feb. 3		Correspondence with the Captain-General . . . .	123
93. Mr. Crawford to the Earl of Aberdeen . . . .	Jan. 8	Feb. 11	Acknowledgment of Despatch of November 29, 1844. Kelsall family . . . .	122
94. Mr. Crawford to the Earl of Aberdeen . . . .	Jan. 8	Feb. 11	Acknowledgment of Despatch of November 29, 1844. Four emancipados sent to Jamaica . . . .	122
95. Mr. Crawford to the Earl of Aberdeen Extract	1844. Dec. 31	Feb. 12	Report on Slave Trade. Cargo landed from "Jacinta," at Trinidad, &c. . . .	123

## LIST OF PAPERS.

ix

No.	Date. 1845.	Receipt. 1845.	SUBJECT.	Page
96. The Earl of Aberdeen to Mr. Crawford One Enclosure	Mar. 1		Copy of a Despatch to Mr. Bulwer, respecting his communications with the Captain-General of Cuba . . .	123
97. Mr. Crawford to the Earl of Aberdeen Extract	Feb. 10	Mar. 12	Acknowledgment of Despatch of December 14, 1844 . . .	124
98. Mr. Crawford to the Earl of Aberdeen Extract.—Three Enclosures	Feb. 20	April 9	Correspondence with the Captain-General, respecting the "Matilda" slaver . . .	124
99. Mr. Crawford to the Earl of Aberdeen Two Enclosures	Feb. 27	April 9	Correspondence with the Captain-General, respecting the "Florentina" slaver . . .	125
100. Mr. Crawford to the Earl of Aberdeen Extract.—Six Enclosures	Mar. 11	April 9	Liberation of Charlotte, one of Mary Gallagher's negroes . . .	126
101. Mr. Crawford to the Earl of Aberdeen	Mar. 11	April 9	Acknowledgment of Despatch of February 3, 1845. Correspondence with the Captain-General . . .	130
102. The Earl of Aberdeen to Mr. Crawford	April 23		Negress Charlotte . . .	130
103. The Earl of Aberdeen to Mr. Crawford Two Enclosures	May 1		Slave Trade in Cuba. Instructions to Mr. Bulwer . . .	130
104. Mr. Crawford to the Earl of Aberdeen Six Enclosures	April 9	May 6	His communications on Slave Trade returned by Captain-General . . .	131
105. Mr. Crawford to the Earl of Aberdeen One Enclosure	April 10	May 6	His communications on Slave Trade returned by Captain-General . . .	134
106. The Earl of Aberdeen to Mr. Crawford One Enclosure	May 31		Despatch from Mr. Turnbull, on Kelsall and other Bahama negroes . . .	135
107. Mr. Crawford to the Earl of Aberdeen	May 9	June 4	Acknowledgment of Despatch of March 1, 1845 . . .	135
108. Mr. Crawford to the Earl of Aberdeen	May 9	June 4	Landing of a cargo of slaves at the Chorrero . . .	135
109. Mr. Crawford to the Earl of Aberdeen	June 9	July 4	Acknowledgment of Despatch of April 23, 1845. Negress Charlotte . . .	136
110. Mr. Crawford to the Earl of Aberdeen	June 10	July 4	Acknowledgment of Despatch of May 1, 1845 . . .	136
111. Mr. Crawford to the Earl of Aberdeen	July 10	Aug. 5	Acknowledgment of Despatch of May 31, 1845. Kelsall family . . .	136
112. Mr. Crawford to the Earl of Aberdeen Two Enclosures	Sept. 30		Refusal of Captain-General of Cuba to receive communications on Slave Trade from Her Majesty's agents . . .	136
113. Mr. Crawford to the Earl of Aberdeen	Nov. 7	Dec. 5	Acknowledgment of Despatch of September 30, 1845 . . .	137

SPAIN. (*Consular*)—*Porto Rico*.

	1845.	1845.		
114. Mr. Lindegren to the Earl of Aberdeen Extract	Jan. 14	Feb. 11	Extract from a report on the trade of Porto Rico . . .	139
115. Mr. Lindegren to the Earl of Aberdeen	Jan. 25	Feb. 24	Refusal of Governor of Porto Rico to permit slaves being landed . . .	140
116. The Earl of Aberdeen to Mr. Lindegren	April 23		Queries respecting the population of the State in which his Consulate is established; and the relative condition of the whites, free coloured, and slaves . . .	141

CLASS B.

## LIST OF PAPERS.

No.	Date. 1845.	Receipt. 1845.	SUBJECT.	Page
117. The Earl of Aberdeen to Mr. Lindegren	April 25		Conduct of Governor of Porto Rico . . .	141
118. Mr. Lindegren to the Earl of Aberdeen	April 9	May 6	Acknowledgment of Despatch of February 19, 1845 . . .	142
119. Mr. Lindegren to the Earl of Aberdeen Extract	May 9	June 4	Announcing capture of slaver, which had sailed from Porto Rico, by one of Her Majesty's steamers . . .	142
120. Mr. Lindegren to the Earl of Aberdeen One Enclosure	June 11	July 4	Answer to Lord Aberdeen's Despatch of April 23, 1845 . . .	143
121. Mr. Lindegren to the Earl of Aberdeen	June 11	July 4	Acknowledgment of Despatch of April 25, 1845 . . .	145
122. Mr. Lindegren to the Earl of Aberdeen	June 12	July 4	Publication by Captain-General of Porto Rico, of Queen of Spain's Proclamation against Slave Trade . . .	146
123. Mr. Lindegren to Mr. Bidwell One Enclosure	June 26	July 22	Requests information as to interpretation to be given to certain parts of Act 6 and 7 Vict., cap. 98, entitled "An Act for the more effectual Suppression of the Slave Trade" . . .	146
124. The Earl of Aberdeen to Mr. Lindegren	Sept. 26		Interpretation to be given to certain clauses of the Act 6 and 7 Vict., cap. 98, entitled "An Act for the more effectual Suppression of the Slave Trade" . . .	147
125. Mr. Lindegren to the Earl of Aberdeen	Sept. 26	Oct. 21	No Slave Trade going on at Porto Rico . . .	148
126. Mr. Lindegren to the Earl of Aberdeen	Nov. 4	Dec. 5	Acknowledgment of Despatch of Sept. 26, 1845 . . .	148
127. Mr. Lindegren to the Earl of Aberdeen	Nov. 8	Dec. 5	Slaver, with slaves on board, off the port of San Juan . . .	148

SPAIN. (*Consular*)—*Teneriffe*.

128. Mr. Bartlett to the Earl of Aberdeen . . .	1845. April 12	1845. May 6	Official bulletin of the Canaries, with the new law against Slave Trade . . .	151
129. Mr. Bartlett to the Earl of Aberdeen . . .	May 31	June 26	Schooner "Clotilde" bought by Spaniards, probably for Slave Trade . . .	151

## PORTUGAL.

130. Lord Howard de Walden to the Earl of Aberdeen One Enclosure	1844. Dec. 23	1845. Jan. 3	Connivance of the Authorities at Quillemane in Slave Trade. Enquiry instituted . . .	153
131. The Earl of Aberdeen to Lord Howard de Walden	Jan. 9	1845.	Warrant issued to Her Majesty's ship "Mutine" . . .	154
132. The Earl of Aberdeen to Lord Howard de Walden	Jan. 11		Warrant issued to Her Majesty's ship "Waterwitch" . . .	154
133. Lord Howard de Walden to the Earl of Aberdeen One Enclosure	Jan. 6	Jan. 13	Warrant issued to Portuguese brig "Vouga" . . .	154
134. The Earl of Aberdeen to Lord Howard de Walden	Jan. 14		Warrant issued to Her Majesty's ship "Pantaloan" . . .	155

## LIST OF PAPERS.

xi

No.	Date. 1845.	Receipt. 1845.	SUBJECT.	Page
135. The Earl of Aberdeen to Lord Howard deWalden One Enclosure	Jan. 23		Satisfactory conduct of the Portuguese Authorities at Loanda . . .	155
136. The Earl of Aberdeen to Lord Howard deWalden	Jan. 25		Warrant issued to Her Majesty's ship "Ranger" . . .	156
137. The Earl of Aberdeen to Lord Howard deWalden	Jan. 25		Warrant issued to Her Majesty's ship "Acorn" . . .	156
138. The Earl of Aberdeen to Lord Howard deWalden	Jan. 25		Warrant issued to Her Majesty's ship "Iris," cancelled . . .	156
139. Lord Howard de Walden to the Earl of Aberdeen One Enclosure	Jan. 18	Jan. 28	Mr. Gabriel, Arbitrator at Loanda . . .	156
140. Baron Moncorvo to the Earl of Aberdeen	Feb. 3	Feb. 4	Requests payment of award, in case of the "Flor do Tejo," released at Loanda . . .	157
141. The Earl of Aberdeen to Lord Howard deWalden	Feb. 7		Warrant issued to Her Majesty's ship "Persian" . . .	158
142. The Earl of Aberdeen to Lord Howard deWalden	Feb. 25		Warrant issued to Her Majesty's ship "Lily" . . .	158
143. The Earl of Aberdeen to Lord Howard deWalden	Feb. 25		Warrant issued to Her Majesty's ship "Fireband" . . .	158
144. The Earl of Aberdeen to Lord Howard deWalden	March 11		Warrant issued to Her Majesty's ship "Rolla" . . .	159
145. The Earl of Aberdeen to Lord Howard deWalden	March 11		Warrant issued to Her Majesty's ship "Comus" . . .	159
146. The Earl of Aberdeen to Lord Howard deWalden	March 11		Warrant issued to Her Majesty's ship "Actæon" . . .	159
147. Lord Howard deWalden to the Earl of Aberdeen Four Enclosures	March 4	March 12	Issue of, and cancelling of warrants, notified to Portuguese Government . . .	159
148. The Earl of Aberdeen to Lord Howard deWalden	March 10		Proceedings in the Cape Verds against slave traders . . .	161
149. The Earl of Aberdeen to Lord Howard deWalden	April 7		Warrant issued to Her Majesty's ship "Rose" . . .	161
150. The Earl of Aberdeen to Lord Howard deWalden	April 7		Warrant issued to Her Majesty's ship "Vindictive" . . .	161
151. The Earl of Aberdeen to Lord Howard deWalden	April 7		Warrant issued to Her Majesty's ship "Eagle" . . .	162
152. The Earl of Aberdeen to Baron Moncorvo	April 10		Damages in the case of the "Flor do Tejo" . . .	162
153. The Earl of Aberdeen to Lord Howard deWalden One Enclosure	April 16		"Quatro deMarco" slaver . . .	162
154. The Earl of Aberdeen to Lord Howard deWalden	April 16		Suggestion as to Secretary to Board of Superintendence at Boa Vista . . .	163
155. Lord Howard de Walden to the Earl of Aberdeen Four Enclosures	April 5	April 16	Employment of five of Her Majesty's ships, communicated to Portuguese Government . . .	163
156. Lord Howard de Walden to the Earl of Aberdeen Two Enclosures	April 5	April 16	Thanks of Portuguese Government for co-operation of Her Majesty's ship "Alert" at Bissao . . .	164
157. Lord Howard de Walden to the Earl of Aberdeen Two Enclosures	April 5	April 16	Delay in trial of persons at the Cape Verds accused of slave trading . . .	165
158. Lord Howard de Walden to the Earl of Aberdeen One Enclosure	April 5	April 16	Warrant issued to Portuguese brig-of-war "Douro" . . .	166
159. The Earl of Aberdeen to Lord Howard deWalden One Enclosure	April 30		Warrant issued to Her Majesty's ship "Flying Fish" . . .	166
160. The Earl of Aberdeen to Lord Howard deWalden	April 30		Warrant issued to Her Majesty's ship "Grecian" . . .	167
161. The Earl of Aberdeen to Lord Howard deWalden One Enclosure	May 1		Slave Trade on east-coast of Africa; conduct of Portuguese Authorities . . .	167
162. Lord Howard de Walden to the Earl of Aberdeen Two Enclosures	April 26	May 3	"Quatro de Marco" slaver . . .	167

## LIST OF PAPERS.

No.	Date. 1845.	Receipt. 1845.	SUBJECT.	Page
163. The Earl of Aberdeen to Lord Howard de Walden Two Enclosures	May 6		Ships supplied with warrants under Treaty of July 3, 1842 . . .	168
164. The Earl of Aberdeen to Lord Howard de Walden One Enclosure	May 7		Cape Commissioners' Report on Slave Trade for 1844 . . .	170
165. The Earl of Aberdeen to Lord Howard de Walden One Enclosure	April 29	May 19	Secretary to Commission at Boa Vista to act as Curator of Liberated Africans . . .	170
166. Lord Howard de Walden to the Earl of Aberdeen Two Enclosures	May 10	May 19	Employment of Her Majesty's ships "Rose," "Vindictive," and "Eagle," communicated to Portuguese Government . . .	171
167. The Earl of Aberdeen to Lord Howard de Walden	May 20		Warrant issued to Her Majesty's ship "Vesuvius" . . .	171
168. The Earl of Aberdeen to Lord Howard de Walden	May 20		Warrant issued to Her Majesty's ship "Melampus" . . .	171
169. Lord Howard de Walden to the Earl of Aberdeen One Enclosure	May 17	May 26	Warrant issued to Her Most Faithful Majesty's ship "Tamega," cancelled . . .	172
170. Lord Howard de Walden to the Earl of Aberdeen Two Enclosures	May 23	June 3	Co-operation of Portuguese Authorities in the Mozambique in suppressing Slave Trade . . .	172
171. Lord Howard de Walden to the Earl of Aberdeen One Enclosure	May 28	June 3	List of Her Majesty's ships furnished with warrants, communicated to Portuguese Government . . .	173
172. The Earl of Aberdeen to Lord Howard de Walden Three Enclosures	June 25		Good conduct of Portuguese Authorities on south-western coast of Africa . . .	174
173. The Earl of Aberdeen to Lord Howard de Walden	June 28		Warrants issued to Her Majesty's ships "Viper," "Illustrious," "Rose," "Electra," and "Inconstant," cancelled . . .	174
174. The Earl of Aberdeen to Lord Howard de Walden	June 28		Warrant issued to Her Majesty's steam-vessel "Styx" . . .	174
175. The Earl of Aberdeen to Lord Howard de Walden	June 28		Warrant issued to Her Majesty's steam-vessel "Hecate" . . .	175
176. Lord Howard de Walden to the Earl of Aberdeen One Enclosure	June 16	June 28	Warrants issued to Her Majesty's ships "Vesuvius" and "Melampus" . . .	175
177. Lord Howard de Walden to the Earl of Aberdeen One Enclosure	June 16	June 28	Disposal of negroes captured by Portuguese ships, and emancipated under Treaty of July 3, 1842 . . .	175
178. The Earl of Aberdeen to Lord Howard de Walden	July 2		Warrant issued to Her Majesty's ship "Vernon" . . .	176
179. Lord Howard de Walden to the Earl of Aberdeen One Enclosure	July 5	July 15	Death of Portuguese Arbitrator at Loanda . . .	177
180. The Earl of Aberdeen to Lord Howard de Walden Two Enclosures	July 24		Death of a slave belonging to Curator of liberated negroes at Boa Vista . . .	177
181. The Earl of Aberdeen to Baron Moncorvo	July 24		"Flor de Tejo;" orders given to pay 245 <i>l</i> . . .	178
182. Lord Howard de Walden to the Earl of Aberdeen One Enclosure	July 10	July 27	"Quatro de Marco." No indications of Slave Trade discovered on board . . .	178
183. Lord Howard de Walden to the Earl of Aberdeen Three Enclosures	July 14	July 27	Mr. Vice-Consul Brand not recognised at Loanda . . .	179
184. Lord Howard de Walden to the Earl of Aberdeen	July 15	July 27	Co-operation of Portuguese Authorities in suppression of Slave Trade . . .	181

## LIST OF PAPERS.

xiii

No.	Date. 1845.	Receipt. 1845.	SUBJECT.	Page
185. Baron Moncorvo to the Earl of Aberdeen	July 30	July 30	Requests commutation of sentence on four Portuguese subjects condemned at Exeter	181
186. Baron Moncorvo to the Earl of Aberdeen	Aug. 2	Aug. 4	Alleged violation of Portuguese territory in the Coanza by Captain Yorke, of Her Majesty's ship "Albatross"	182
117. Lord Howard de Walden to the Earl of Aberdeen One Enclosure	July 24	Aug. 4	Warrant issued to Portuguese brig "Tejo," cancelled	183
188. Lord Howard de Walden to the Earl of Aberdeen One Enclosure	July 25	Aug. 4	Exertions of Portuguese Government to suppress Slave Trade	183
189. Lord Howard de Walden to the Earl of Aberdeen One Enclosure	July 28	Aug. 4	Warrants issued to British ships	184
190. Lord Howard de Walden to the Earl of Aberdeen	July 28	Aug. 4	Senhor Demony appointed Portuguese Arbitrator at Loanda, and Senhor Maya, Secretary	185
191. The Earl of Aberdeen to Baron Moncorvo	Aug. 8		Respite of the murderers of prize crew of the "Felicidade"	186
192. Baron Moncovto to the Earl of Aberdeen	Aug. 12	Aug. 13	Respite of the murderers of prize crew of the "Felicidade"	186
193. Viscount Canning to Baron Moncorvo	Aug. 15		Complaint against Captain Yorke of Her Majesty's ship "Albatross"	187
194. Viscount Canning to Lord Howard de Walden	Aug. 16		Warrant issued to Her Majesty's ship "Heroine," cancelled	187
195. The Earl of Aberdeen to Lord Howard de Walden	Aug. 16		Warrant issued to Her Majesty's ship "Bittern," cancelled	187
196. The Earl of Aberdeen to Lord Howard de Walden	Aug. 16		Warrant issued to Her Majesty's ship "Frolic," cancelled	187
197. The Earl of Aberdeen to Lord Howard de Walden	Aug. 21		Warrants issued to Her Majesty's ships "Heroine," "Rapid," "Bittern," "Alfred," "Frolic" and "Ferret," cancelled	188
198. The Earl of Aberdeen to Lord Howard de Walden Two Enclosures	Aug. 22		Brazilian brigantine "Esperanca," condemned at Sierra Leone; Portuguese Vice-Consul at Bahia	188
199. Lord Howard de Walden to the Earl of Aberdeen Two Enclosures	Aug. 27	Sept. 8	Distinctions bestowed on captors of slavers	188
200. Lord Howard de Walden to the Earl of Aberdeen One Enclosure	Aug. 28	Sept. 8	Boards of Superintendence of liberated negroes	189
201. Lord Howard de Walden to the Earl of Aberdeen	Sept. 2	Sept. 15	Vice-Consul Brand's exequatur furnished by Portuguese Government	190
202. Lord Howard de Walden to the Earl of Aberdeen Three Enclosures	Sept. 8	Sept. 15	Death in Boa Vista of slave belonging to Curator of liberated Africans	191
203. The Earl of Aberdeen to Baron Moncorvo	Sept. 16		Proceedings of Her Majesty's ship "Albatross" against the "Albanez" in the river Coanza	193
204. The Earl of Aberdeen to Lord Howard de Walden	Sept. 20		Disposal of slaves captured by Portuguese cruizers, and emancipated at Boa Vista	194
205. The Earl of Aberdeen to Baron Moncorvo Two Enclosures	Sept. 22		Case of the "Flor de Tejo"	195
206. The Earl of Aberdeen to Lord Howard de Walden	Sept. 25		Warrant issued to Her Majesty's ship "Spartan," cancelled	198
207. Lord Howard de Walden to the Earl of Aberdeen One Enclosure	Sept. 17	Sept. 26	Warrant issued to Portuguese brig "Mondego"	
208. Lord Howard de Walden to the Earl of Aberdeen Two Enclosures	Sept. 30	Oct. 10	Canelling of warrants	199



No.	Date. 1844.	Receipt. 1845.	SUBJECT.	Page
209. The Earl of Aberdeen to Lord Howard de Walden	Oct. 15		Warrant issued to Her Majesty's ship "Heroine" . . . . .	200
210. The Earl of Aberdeen to Lord Howard de Walden One Enclosure	Oct. 16		Case of the "Suspiro," Misconduct of Portuguese Vice-Consul at Rio de Janeiro . . . . .	200
211. The Earl of Aberdeen to Lord Howard de Walden Thirty Enclosures	Oct. 16		Exertions of Commander of Portuguese corvette "Relampago," and of the Government of Mozambique, against Slave Trade . . . . .	200
212. The Earl of Aberdeen to Lord Howard de Walden	Oct. 16		Warrants issued to Her Majesty's ships "Scylla" and "Growler," cancelled . . . . .	201
213. The Earl of Aberdeen to Lord Howard de Walden One Enclosure	Oct. 16		Attention shown by Governor of Boa Vista to the crew of Her Majesty's steam-vessel "Eclair" . . . . .	202
214. Lord Howard de Walden to the Earl of Aberdeen One Enclosure	Oct. 8	Oct. 18	Disposal of negroes emancipated at Boa Vista . . . . .	203
215. The Earl of Aberdeen to Lord Howard de Walden	Oct. 27		Warrant issued to Her Majesty's steam-vessel "Ardent," cancelled . . . . .	204
216. The Earl of Aberdeen to Lord Howard de Walden	Oct. 28		Warrant issued to Her Majesty's ship "Sappho," . . . . .	204
217. The Earl of Aberdeen to Lord Howard de Walden	Oct. 29		Boards of Superintendence in Portuguese colonies; mode of replacing the absent British member of the Board . . . . .	204
218. Lord Howard de Walden to the Earl of Aberdeen Five Enclosures	Oct. 28	Nov. 5	Case of the "Nynfa Catalana" detained by Portuguese Authorities at Princes . . . . .	204
219. Lord Howard de Walden to the Earl of Aberdeen One Enclosure	Oct. 28	Nov. 5	Location of negroes taken by Portuguese cruizers and emancipated at Boa Vista . . . . .	208
220. Lord Howard de Walden to the Earl of Aberdeen Two Enclosures	Oct. 29	Nov. 5	Misconduct of Portuguese Vice-Consul at Bahia. "Esperanca" . . . . .	208
221. The Earl of Aberdeen to Baron Moncorvo	Nov. 21		Murder of the prize crew of the "Felicidade" . . . . .	210
222. Baron Moncorvo to the Earl of Aberdeen	Nov. 24	Nov. 25	Murderers of prize crew of the "Felicidade" . . . . .	210
223. Lord Howard de Walden to the Earl of Aberdeen Two Enclosures	Nov. 16	Nov. 26	Warrants cancelled . . . . .	210
224. Lord Howard de Walden to the Earl of Aberdeen Two Enclosures	Nov. 26	Dec. 5	Warrant issued to Portuguese frigate "Diana," cancelled . . . . .	211
225. The Earl of Aberdeen to Baron Moncorvo	Dec. 5		Murder of the prize crew of the "Felicidade" . . . . .	212
226. Baron Moncorvo to the Earl of Aberdeen	Dec. 5	Dec. 6	Prisoners under sentence of death at Exeter . . . . .	212
227. Lord Howard de Walden to the Earl of Aberdeen Three Enclosures	Nov. 26	Dec. 9	Satisfaction of Her Majesty's Government at conduct of Portuguese Authorities . . . . .	213
228. The Earl of Aberdeen to Baron Moncorvo	Dec. 15		Pardon of the prisoners at Exeter; their departure for London . . . . .	214
229. The Earl of Aberdeen to Lord Howard de Walden	Dec. 17		Warrant issued to Her Majesty's ship "President" . . . . .	214
230. The Earl of Aberdeen to Lord Howard de Walden	Dec. 17		Warrant issued to Her Majesty's ship "Kingfisher" . . . . .	215
231. Lord Howard de Walden to the Earl of Aberdeen One Enclosure	Dec. 6	Dec. 17	Warrant issued to Portuguese brig "Douro," cancelled . . . . .	215
232. Lord Howard de Walden to the Earl of Aberdeen Two Enclosures	Dec. 6	Dec. 17	Case of the "Suspiro" . . . . .	215

LIST OF PAPERS.

XV

No.	Date. 1845.	Receipt. 1845.	SUBJECT.	Page
233. Lord Howard de Walden to the Earl of Aberdeen One Enclosure	Dec. 9	Dec. 17	Warrant issued to Portuguese ships "Douro" and "Vouga," cancelled	217
234. The Earl of Aberdeen to Lord Howard de Walden	Dec. 18		Warrants issued to Her Majesty's ship "Ringdove," "Eclair," and "Albert," cancelled	217
235. The Earl of Aberdeen to Lord Howard de Walden	Dec. 26		Warrants issued to Her Majesty's ships "Alecto," "Alarm," "Endymion," "Lizard" and "Bittern"	217

PORTUGAL. (*Consular*)—*Lisbon*.

236. Mr. Smith to the Earl of Aberdeen One Enclosure	1845. July 19	1845. July 28	Approval by Portuguese Government of the zeal of their officers in suppressing Slave Trade	219
---	------------------	------------------	--	-----

PORTUGAL. (*Consular*)—*Cape Verds*.

237. Mr. Rendall to the Earl of Aberdeen One Enclosure	1844. Dec. 31	1845. April 14	Slave Trade at the Cape Verd Islands	221
238. Mr. Rendall to the Earl of Aberdeen	1845. Feb. 21	April 28	Acknowledgment of Despatch of December 31, 1844. Removal of liberated Africans to the West Indies	221
239. Mr. Rendall to the Earl of Aberdeen One Enclosure	April 6	July 28	Return of number of slaves in Cape Verds in 1843	222

BRAZIL.

240. Mr. Hamilton to the Earl of Aberdeen	1845. Nov. 25	1845. Jan. 9	"Nova Granada," prize to Her Majesty's ship "Viper," before the Mixed Court	223
241. Mr. Hamilton to the Earl of Aberdeen Two Enclosures	Nov. 25	Jan. 9	Measures of Brazilian Government to prevent the export of food for slaves manifested as spirit	223
242. Mr. Hamilton to the Earl of Aberdeen Three Enclosures	Nov. 25	Jan. 9	Case of the "Vencedora"	224
243. Mr. Hamilton to the Earl of Aberdeen Three Enclosures	Nov. 25	Jan. 9	"Maria Carlota," embargo on specie raised	226
244. Mr. Hamilton to the Earl of Aberdeen Four Enclosures	Nov. 25	Jan. 9	Stamping papers of prizes taken before the Mixed Court	229
245. Mr. Hamilton to the Earl of Aberdeen One Enclosure	Nov. 25	Jan. 9	"Bom Destino." Misconduct of President of Bahia	231
246. Mr. Hamilton to the Earl of Aberdeen	Oct. 12	Jan. 16	"Bom Destino" condemned	233
247. Mr. Hamilton to the Earl of Aberdeen Five Enclosures	Nov. 14	Jan. 16	"Leopoldina"	233
248. The Earl of Aberdeen to M. Lisboa	1845. Jan. 21		Case of the "Relampago." Indemnity refused	236
249. Mr. Hamilton to the Earl of Aberdeen Five Enclosures	1844. Dec. 14	Jan. 25	"Maria Thereza" restored to owners	237
250. Mr. Hamilton to the Earl of Aberdeen Five Enclosures	Dec. 14	Jan. 25	Case of the "Sooy"	239
251. Mr. Hamilton to the Earl of Aberdeen Eight Enclosures	Dec. 14	Jan. 25	"Nova Granada." Brazilian Government refuse to allow condemnation for equipment	234

## LIST OF PAPERS.

No.	Date. 1845.	Receipt. 1845.	SUBJECT.	Page
252. Mr. Hamilton to the Earl of Aberdeen . . . One Enclosure	Dec. 14	Jan. 25	Suggestions of the American Minister at Rio, Mr. Wise, as to Slave Trade . . .	252
253. M. Lisboa to the Earl of Aberdeen . . .	Jan. 28	Jan. 30	Case of the "Relampago" . . .	258
254. Mr. Hamilton to the Earl of Aberdeen . . . One Enclosure	Dec. 27	Mar. 21	Charge of violating Brazilian territory made against a British ship of war . . .	259
255. Mr. Hamilton to the Earl of Aberdeen . . . One Enclosure	Dec. 27	Mar. 21	Slaves landed near Santos . . .	260
256. Mr. Hamilton to the Earl of Aberdeen . . . One Enclosure	Dec. 30	Mar. 21	Steamers allowed to pass Santos Port without examination . . .	261
257. Mr. Hamilton to the Earl of Aberdeen . . . One Enclosure	Dec. 30	Mar. 21	Hamburg schooner "Romeo" unsuccessfully chased by Her Majesty's ship "Frolic" . . .	262
258. The Earl of Aberdeen to Mr. Hamilton . . .	April		Approval of conduct in the case of the "Romeo" . . .	263
259. The Earl of Aberdeen to Mr. Hamilton . . .	April 2		Alleged violation of Brazilian territory by a British brig of war. Asking for copy of Mr. Hamilton's reply to note of the Brazilian Minister . . .	263
260. The Earl of Aberdeen to Mr. Hamilton . . . One Enclosure	April 2		Question of authority of Mixed Commission to open documents sealed with the Imperial arms of Brazil . . .	264
261. Mr. Hamilton to the Earl of Aberdeen . . . Five Enclosures	Feb. 15	April 7	Respecting claim of Africans André, and Jacob, by their owners . . .	264
262. Mr. Hamilton to the Earl of Aberdeen . . . Two Enclosures	Feb. 15	April 7	"Bom Destino" . . .	267
263. Mr. Hamilton to the Earl of Aberdeen . . . Extract.—One Enclosure	Feb. 15	April 7	American slaver. Difference between American Minister and Brazilian Government . . .	269
264. Mr. Hamilton to the Earl of Aberdeen . . . One Enclosure	Feb. 15	April 7	Relatorio of Brazilian Minister of Foreign Affairs to the Legislative Chambers . . .	270
265. Mr. Hamilton to the Earl of Aberdeen . . . One Enclosure	Feb. 15	April 7	Mixed Commission at Rio; inaccuracies in the Relatorio of Brazilian Minister for Foreign Affairs to the Legislative Chambers . . .	274
266. Mr. Hamilton to the Earl of Aberdeen . . . Five Enclosures	Feb. 15	April 7	Case of the "Nova Granada" . . .	276
267. The Earl of Aberdeen to Mr. Hamilton . . .	April 19		Approval of his note to Brazilian Minister on inaccuracies of annual Relatorio . . .	279
268. Mr. Hamilton to the Earl of Aberdeen . . . Extract.—Three Enclosures	Mar. 22	May 8	Cessation of Convention of 1817 on Slave Trade. Notification by Brazilian Government . . .	279
269. The Earl of Aberdeen to Mr. Hamilton . . .	May 14		Acknowledgment of Despatch of March 22, 1845. Notification of Brazilian Government on cessation of Convention of 1817 . . .	282
270. Mr. Hamilton to the Earl of Aberdeen . . . One Enclosure	Mar. 29	May 19	Africans André and Jacob, demand for their restitution . . .	283
271. Mr. Hamilton to the Earl of Aberdeen . . . Five Enclosures	Mar. 29	May 19	Assumed violation of Brazilian territory by Her Majesty's naval officers . . .	284
272. The Earl of Aberdeen to Mr. Hamilton . . . Two Enclosures	June 4		Expiration of Convention of 1817. Note to be presented to the Brazilian Government . . .	285

## LIST OF PAPERS.

xvii

No.	Date.	Receipt.	SUBJECT	Page
	1845.	1845.		
273. Mr. Hamilton to the Earl of Aberdeen Four Enclosures	April 21	June 18	Negroes of the "Flor de Loanda." Half-yearly Report of condition	289
274. Mr. Hamilton to the Earl of Aberdeen Four Enclosures	April 21	June 18	Case of the "Nova Granada"	329
275. The Earl of Aberdeen to Mr. Hamilton	July 2		Convention of 1826 with Brazil	305
276. M. Lisboa to the Earl of Aberdeen	June 30	July 3	Complaints of the condemnation of the "Imperador Don Pedro" at Sierra Leone for equipment	306
277. Mr. Hamilton to the Earl of Aberdeen Two Enclosures	May 24	July 15	Alleged violation of territory by a British ship of war in November 1843	307
278. Mr. Hamilton to the Earl of Aberdeen Five Enclosures	May 24	July 15	Case of the "Leopoldina"	308
279. Mr. Hamilton to the Earl of Aberdeen	May 24	July 15	"Porpoise" taken possession of by the American Commanding Officer	312
280. Mr. Hamilton to the Earl of Aberdeen Two Enclosures	May 26	July 27	African girl Serafina. Senhor Franca denies her ill-treatment	312
281. M. Lisboa to the Earl of Aberdeen	July 25	July 28	Protests against the Brazil Slave Trade Bill	314
282. M. Lisboa to the Earl of Aberdeen One Enclosure	July 29	July 31	Requests commutation of sentence on Brazilian subjects condemned at Exeter	316
283. The Earl of Aberdeen to M. Lisboa Two Enclosures	Aug. 6		Reply to M. Lisboa's protest against the Brazil Slave Trade Bill	318
284. M. Lisboa to the Earl of Aberdeen	Aug. 5	Aug. 6	Brazil Slave Trade Bill	321
285. M. Lisboa to the Earl of Aberdeen	Aug. 7	Aug. 8	Brazilian Commissioner at Sierra Leone has retracted his acquiescence in condemnations for equipment	322
286. The Earl of Aberdeen to M. Lisboa	Aug. 8		Reply to M. Lisboa's confidential note of August 5, 1845	324
287. The Earl of Aberdeen to M. Lisboa	Aug. 8		Murderers of prize crew of the "Felicidade"	326
288. The Earl of Aberdeen to Mr. Hamilton	Aug. 9		Negroes Andre and Jacob	326
289. The Earl of Aberdeen to Mr. Hamilton One Enclosure	Aug. 9		Stamp duties	326
290. The Earl of Aberdeen to Mr. Hamilton Fourteen Enclosures	Aug. 9		Papers on recent Act on Brazil Slave Trade	327
291. The Earl of Aberdeen to Mr. Hamilton Five Enclosures	Aug. 9		Trial of the murderers of the prize crew of the "Felicidade"	331
292. The Earl of Aberdeen to Mr. Hamilton	Aug. 9		Emancipated negroes	331
293. The Earl of Aberdeen to M. Lisboa	Aug. 9		Brazilian subjects acquitted at Exeter	332
294. M. Lisboa to the Earl of Aberdeen	Aug. 11	Aug. 12	"Felicidade." Disposal of the three persons acquitted at Exeter	332
295. Mr. Hamilton to the Earl of Aberdeen Two Enclosures	June 18	Aug. 21	Examination of sealed documents brought into Mixed Court	333
296. Mr. Hamilton to the Earl of Aberdeen Two Enclosures	June 20	Aug. 21	"Nova Granada." Delays in process	335
297. The Earl of Aberdeen to M. Lisboa	Aug. 29		Recent trial at Exeter.	338
298. The Earl of Aberdeen to Mr. Hamilton Two Enclosures	Sept. 3		"Nova Granada"	338
299. The Earl of Aberdeen to Mr. Hamilton	Sept. 3		Practice of entrusting the execution of sentences of Mixed Commission at Rio to Brazilian functionaries solely	340
300. Mr. Hamilton to the Earl of Aberdeen Two Enclosures	July 4	Sept. 18	Relations of Great Britain and Brazil as to Slave Trade	340
301. Mr. Hamilton to the Earl of Aberdeen One Enclosure	July 29	Sept. 25	Case of the "Sooy." Compensation demanded by Brazilian Government.	345

CLASS B.

No.	Date. 1844.	Receipt. 1845.	SUBJECT.	Page
302. Mr. Hamilton to the Earl of Aberdeen	July 29	Sept. 25	Brazilian slaver, with 418 slaves, captured by a Brazilian Government steamer . . .	346
303. Mr. Hamilton to the Earl of Aberdeen Four Enclosures	July 29	Sept. 25	"Nova Granada" . . .	374
304. Mr. Hamilton to the Earl of Aberdeen One Enclosure	July 29	Sept. 25	Acknowledgment of Despatch of June 4, 1845 . . .	351
305. Mr. Hamilton to the Earl of Aberdeen	Aug. 29	Oct. 29	Acknowledgment of Despatches to that of July 2, 1845, inclusive . . .	353
306. Mr. Hamilton to the Earl of Aberdeen Three Enclosures	Aug. 31	Oct. 29	Case of the "Dous Amigos" . . .	353
307. Mr. Hamilton to the Earl of Aberdeen One Enclosure	Sept. 1	Oct. 29	Note to Brazilian Government. Termination of Convention of 1826 . . .	358
308. Mr. Hamilton to the Earl of Aberdeen One Enclosure	Sept. 1	Oct. 29	Murder of prize crew of the "Felicidade" . . .	362
309. Mr. Hamilton to the Earl of Aberdeen Three Enclosures	Sept. 1	Oct. 29	Case of the "Nova Granada" . . .	363
310. Mr. Hamilton to the Earl of Aberdeen Two Enclosures	Sept. 2	Oct. 29	Proposed disposal of the archives, &c. of the Mixed Commission . . .	367
311. Mr. Hamilton to the Earl of Aberdeen Extract.—Three Enclosures	Sept. 22	Nov. 15	Proposed disposal of the archives, &c. of the Mixed Commission . . .	369
312. Mr. Hamilton to the Earl of Aberdeen	Sept. 22	Nov. 16	Acknowledgment of Despatches to that of August 9, 1845, inclusive . . .	372
313. The Earl of Aberdeen to M. Lisboa One Enclosure	Nov. 21		Murderers of prize crew of the "Felicidade" . . .	372
314. M. Lisboa to the Earl of Aberdeen	Nov. 22	Nov. 24	Acknowledgment of the preceding . . .	372
315. Mr. Hamilton to the Earl of Aberdeen Two Enclosures	Oct. 8	Nov. 29	Senhor Galvao has full powers to negotiate a Slave Trade Treaty with Mr. Hamilton . . .	373
316. Mr. Hamilton to the Earl of Aberdeen	Oct. 8	Nov. 29	Liberated Africans, Andre and Jacob . . .	374
317. The Earl of Aberdeen to Mr. Hamilton One Enclosure	Dec. 4		Mr. Wise's statement as to British houses and capital being indirectly engaged in Slave Trade . . .	375
318. The Earl of Aberdeen to M. Lisboa	Dec. 5		Release of prisoners at Exeter . . .	381
319. M. Lisboa to the Earl of Aberdeen	Dec. 6	Dec. 8	Acknowledgment of Lord Aberdeen's note of December 5. Release of prisoners at Exeter . . .	381
320. The Earl of Aberdeen to M. Lisboa One Enclosure	Dec. 15		Pardon of prisoners at Exeter; their departure for London . . .	382
321. M. Lisboa to the Earl of Aberdeen	Dec. 16	Dec. 16	Acknowledgment of letter of December 15. Pardon of prisoners at Exeter . . .	382
322. Mr. Hamilton to the Earl of Aberdeen Two Enclosures	Nov. 11	Dec. 27	Andre and Jacob; receipts of their late owners for their value . . .	382
323. Mr. Hamilton to the Earl of Aberdeen	Nov. 11	Dec. 27	Capture of slave brigantine "Subtil" by Brazilian ship-of-war "Correio Brasileiro" . . .	383
324. Mr. Hamilton to the Earl of Aberdeen	Nov. 11	Dec. 27	"Nova Granada;" reference to arbitration in the case . . .	384
325. Mr. Hamilton to the Earl of Aberdeen Three Enclosures	Nov. 11	Dec. 27	Protest of Brazilian Government against Act 8 and 9 Vict., cap. 122 . . .	384
326. Mr. Hamilton to the Earl of Aberdeen	Nov. 11	Dec. 27	Departure of Mr. Samo for England . . .	399
327. M. Lisboa to the Earl of Aberdeen One Enclosure	Dec. 27	Dec. 29	Protest of the Brazilian Government against the Act 8 and 9 Vict., cap. 122 . . .	399
328. The Earl of Aberdeen to Mr. Hamilton	Dec. 31		Transport of crew of "Vencedora" to the Cape. Sir T. Pasley did right . . .	400

No.	Date.	Receipt.	SUBJECT.	Page
	1845.	1845.		
329. The Earl of Aberdeen to Mr. Hamilton	. Dec. 31		Case of the "Sooy"	. 400
330. The Earl of Aberdeen to Mr. Hamilton	. Dec. 31		Proceedings in the Brazilian Courts against the "Subtil," captured with a cargo of slaves by a Brazilian schooner	401
331. The Earl of Aberdeen to Mr. Hamilton	. Dec. 31		Protest of Brazilian Government against the Act 8 and 9 Vict., cap. 112	. 402

BRAZIL. (*Consular*)—*Rio de Janeiro.*

	1844.	1845.		
332. Mr. Hesketh to the Earl of Aberdeen	. Dec. 14	Jan. 27	Shipments to Africa by French schooner "Fourmi"	. 403
			One Enclosure	
333. Mr. Hesketh to the Earl of Aberdeen	. Jan. 2	Mar. 22	Omission in return of arrivals, &c., in first half-year of 1844	. 404
			Two Enclosures	
334. Mr. Hesketh to the Earl of Aberdeen	. Jan. 15	Mar. 22	Hamburg schooner "Romeo" sailed for Africa. Increase of Slave Trade in foreign vessels	. 406
335. Mr. Hesketh to the Earl of Aberdeen	. Jan. 31	Mar. 26	Circular to British Consul in Brazil on Acts of Parliament relative to Slave Trade	. 406
			Two Enclosures	
336. The Earl of Aberdeen to Mr. Hesketh	. April 2		Approval of steps taken by Mr. Hesketh for calling the attention of Her Majesty's subjects residing in his Consulate to laws passed by Great Britain against Slave Trade	. 410
337. Mr. Hesketh to the Earl of Aberdeen	. Feb. 3	April 7	Return of arrivals and departures for quarter ending December 31, 1844	. 410
			Two Enclosures	
338. Mr. Hesketh to the Earl of Aberdeen	. April 22	June 20	Quarterly return of arrivals from, and departures to, the coast	. 412
			Two Enclosures	
339. Mr. Hesketh to the Earl of Aberdeen	. May 23	July 15	Acknowledgment of Despatch of April 2, 1845	414
340. The Earl of Aberdeen to Mr. Hesketh	. Sept. 30		French schooner "Fourmi," sailed from Rio for Africa in November, 1844, not engaged in Slave Trade	. 414
			One Enclosure	
341. Mr. Hesketh to the Earl of Aberdeen	. July 30	Oct. 29	Quarterly returns of arrivals from, and departures to, the coast	. 414
			Two Enclosures	
342. Mr. Hesketh to the Earl of Aberdeen	. Oct. 3	Nov. 29	Quarterly lists of arrivals from, and departures to, the coast	. 416
			Two Enclosures	
343. The Earl of Aberdeen to Mr. Hesketh	. Dec. 4		Correspondence between him and the partner of Messrs. Carruthers, at Rio, relative to cargo of the "Agnes"	. 418
			Five Enclosures	

BRAZIL. (*Consular*)—*Bahia.*

	1844.	1845.		
344. Mr. Whately to the Earl of Aberdeen	. Nov. 20	Jan. 20	Schooner "Picon" condemned at Sierra Leone, re-sold for Slave Trade	. 421
345. Mr. Whately to the Earl of Aberdeen	. Dec. 31	April 14	Arrivals and departures in quarter ending December 31, 1844	. 421
			Two Enclosures	
346. Mr. Whately to the Earl of Aberdeen	. Mar. 31	June 18	Arrivals and departures in quarter ending March 31, 1845	. 424
			Two Enclosures	

## LIST OF PAPERS.

No.	Date. 1845.	Receipt. 1845.	SUBJECT.	Page
347. Mr. Whately to the Earl of Aberdeen . . .	April 25	June 18	"Washington Barge," American brig, engaged in Slave Trade . . .	418.
348. Mr. Whately to the Earl of Aberdeen . . . Two Enclosures	June 5	July 15	Cessation of right of search communicated by President of the Province . . .	418
349. Mr. Whately to the Earl of Aberdeen . . . Two Enclosures	June 30	Aug. 21	Quarterly list of arrivals from, and departures to, the coast . . .	421
350. Mr. Whately to the Earl of Aberdeen . . . Two Enclosures	Sept. 30	Nov. 29	Quarterly list of arrivals from, and departures to, the coast . . .	421.

BRAZIL. (*Consular*)—*Maranhã*.

	1844	1845		
351. Mr. Corbett to the Earl of Aberdeen . . . One Enclosure	Dec. 14	April 3	Clearance of the "Aguia Maranhense" for the coast of Africa . . .	423
352. Mr. Corbett to the Earl of Aberdeen . . . One Enclosure	Jan. 21	April 3	Return of departures of vessels for Africa during quarter ending Decem- ber 31, 1844 . . .	424
353. Mr. Corbett to the Earl of Aberdeen . . .	Mar. 31	Ma 20	Quarterly return of ar- rivals from, and de- partures to, the coast .	424
354. The Earl of Aberdeen to Mr. Corbett . . .	Aug. 8		"Amalia," now called "Quatro de Marco" .	433

BRAZIL. (*Consular*)—*Para*.

	1844.	1845.		
355. Mr. Ryan to the Earl of Aberdeen . . .	Dec. 31	April 2	Quarterly report of Slave Trade. No importations nor ships fitted out . . .	435
356. Mr. Ryan to the Earl of Aberdeen . . . One Enclosure	Dec. 31	April 2	Transmitting return of population of the Pro- vince of Para on De- cember 31, 1844 . . .	435
357. Mr. Ryan to the Earl of Aberdeen . . .	Mar. 31	May 14	No Slave Trade occur- rences in the Province of Para during the quarter . . .	436
358. Mr. Ryan to the Earl of Aberdeen . . .	July 1	Sept. 18	No Slave Trade occur- rences in the Province of Para during the quarter . . .	436
359. Mr. Ryan to the Earl of Aberdeen . . .	Oct. 1	Nov. 20	No Slave Trade occur- rences in the Province of Para during the quarter . . .	436

BRAZIL. (*Consular*)—*Paraíba*.

	1845.	1845.		
360. Mr. Newcomen to the Earl of Aberdeen . . . Extract	Feb. 3	May 6	Slave Trade Report for 1844 . . .	437

BRAZIL. (*Consular*)—*Pernambuco*.

	1845.	1845.		
361. Mr. Goring to the Earl of Aberdeen . . .	May 16	June 15	Statement on the Slave Trade of the Province	443
362. Mr. Cowper to the Earl of Aberdeen . . . Extract	June 11	July 15	Dormant state of Slave Trade in the Province.	445
363. Mr. Cowper to Mr. Bidwell . . .	June 12	July 15	Revival of Slave Trade probable . . .	445

## NETHERLANDS.

No.	Date. 1845.	Receipt. 1845.	SUBJECT.	Page
364. The Earl of Aberdeen to Mr. Hudson . Two Enclosures	Feb.	21	Condition of negroes in Surinam. Question of recalling Mr. Schenley, or removing the Mixed Court . . . . .	447
365. Mr. Hudson to the Earl of Aberdeen . . . . .	Mar.	4	Mar. 6 Acknowledgment of Despatch of Feb. 21, 1845	456
366. Mr. Howard to the Earl of Aberdeen . . . . .	April	25	April 28 Observations of Netherlands Foreign and Colonial Ministers on proposed removal of Mixed Commission from Surinam . . . . .	456
367. M. Dedel to the Earl of Aberdeen . . . . .	April	25	April 28 Proposed removal of Mixed Court. Recall of Mr. Schenley . . . . .	456
368. The Earl of Aberdeen to Mr. Howard Two Enclosures	April	28	Negroes of the "Légère"	459
369. Mr. Howard to the Earl of Aberdeen . . . . . One Enclosure	May	2	May 4 Acknowledgment of Despatch of April 28, 1845, and enclosing copy of note to Netherlands Government respecting negroes of the Légère . . . . .	460
370. Mr. Howard to the Earl of Aberdeen . . . . .	June	2	June 5 Negroes of the "Légère"	461
371. The Earl of Aberdeen to M. Dedel . . . . .	June	14	Reply to note of April 25, 1845 . . . . .	461
372. Mr. Howard to the Earl of Aberdeen . . . . .	June	17	June 19 Approval of Convention of May 29, 1845, by persons conversant with the subject . . . . .	464
373. Mr. Howard to the Earl of Aberdeen . . . . .	July	6	July 10 Negroes termed free labourers at Surinam, &c.	464
374. Mr. Howard to the Earl of Aberdeen . . . . .	July	11	July 13 Negroes termed free labourers at Surinam, &c.	465
375. The Earl of Aberdeen to Sir E. Disbrowe . . . . .	July	21	Negroes termed free labourers at Surinam . . . . .	465
376. Sir E. Disbrowe to the Earl of Aberdeen . . . . .	Aug.	8	Aug. 11 Negroes termed free labourers at Surinam . . . . .	466
377. The Earl of Aberdeen to Sir E. Disbrowe Four Enclosures	Aug.	27	Proposed removal of Mixed Commission from Surinam . . . . .	466
378. Sir E. Disbrowe to the Earl of Aberdeen . . . . .	Sept.	2	Sept. 4 Acknowledgment of Despatch of Aug. 27, 1845	466
379. Sir E. Disbrowe to the Earl of Aberdeen One Enclosure	Sept.	19	Sept. 22 Negroes termed free labourers at Surinam . . . . .	467
380. Sir E. Disbrowe to the Earl of Aberdeen One Enclosure	Sept.	30	Oct. 2 Negroes of the "Snow" and "Légère," Mr. Schenley, &c. . . . .	467

## ARGENTINE CONFEDERATION.

381. The Earl of Aberdeen to Mr. Mandeville . . . . .	1845. Jan.	9	1845. Warrant issued to Her Majesty's sloop "Mutine" . . . . .	469
382. Mr. Mandeville to the Earl of Aberdeen . . . . .	1844. Oct.	21	Jan. 9 Acknowledgment of Despatches . . . . .	469
383. Mr. Mandeville to the Earl of Aberdeen . . . . .	1845. Jan.	11	Warrant issued to Her Majesty's sloop "Waterwitch" . . . . .	469
384. Mr. Mandeville to the Earl of Aberdeen . . . . .	Jan.	14	Warrant issued to Her Majesty's ship "Pantalon" . . . . .	470
385. Mr. Mandeville to the Earl of Aberdeen . . . . .	Jan.	25	Warrant issued to Her Majesty's sloop "Ranger" . . . . .	470
386. Mr. Mandeville to the Earl of Aberdeen . . . . .	Jan.	25	Warrant issued to Her Majesty's ship "Acorn"	470
387. Mr. Mandeville to the Earl of Aberdeen . . . . .	Jan.	25	Warrant issued to Her Majesty's ship "Iris," cancelled . . . . .	470



No.	Date. 1844.	Receipt. 1845.	SUBJECT.	Page
388. Mr. Mandeville to the Earl of Aberdeen	Nov. 15	Jan. 25	Acknowledgment of Despatch . . . . .	471
	1845.			
399. Mr. Mandeville to the Earl of Aberdeen	Feb. 7		Warrant issued to Her Majesty's ship "Persian" . . . . .	471
390. Mr. Mandeville to Mr. Ouseley	Feb. 25		Warrant issued to Her Majesty's ship "Firebrand" . . . . .	471
391. Mr. Mandeville to Mr. Ouseley	Feb. 25		Warrant issued to Her Majesty's ship "Lily" . . . . .	471
392. Mr. Mandeville to Mr. Ouseley	Mar. 11		Warrant issued to Her Majesty's ship "Rolla" . . . . .	472
393. Mr. Mandeville to Mr. Ouseley	Mar. 11		Warrant issued to Her Majesty's ship "Comus" . . . . .	472
394. Mr. Mandeville to Mr. Ouseley	Mar. 11		Warrant issued to Her Majesty's ship "Actæon" . . . . .	472
395. Mr. Mandeville to Mr. Ouseley	April 7		Warrant issued to Her Majesty's ship "Vindictive" . . . . .	472
396. Mr. Mandeville to Mr. Ouseley	April 7		Warrant issued to Her Majesty's ship "Eagle" . . . . .	472
397. Mr. Mandeville to the Earl of Aberdeen	Jan. 23	April 9	Acknowledgment of Despatch of Oct. 31, 1844 . . . . .	473
398. The Earl of Aberdeen to Mr. Ouseley	May 1		Warrant issued to Her Majesty's ship "Flying Fish" . . . . .	473
399. Mr. Mandeville to the Earl of Aberdeen	Feb. 18	May 8	Acknowledgment of Despatches of November 11 and 19, 1844 . . . . .	473
400. The Earl of Aberdeen to Mr. Ouseley	May 12		Warrant issued to Her Majesty's ship "Grecian" . . . . .	474
401. The Earl of Aberdeen to Mr. Ouseley	May 20		Warrant issued to Her Majesty's steam-vessel "Vesuvius" . . . . .	474
402. The Earl of Aberdeen to Mr. Ouseley	May 20		Warrant issued to Her Majesty's ship "Melampus" . . . . .	474
403. Mr. Mandeville to the Earl of Aberdeen	March 28	June 18	Acknowledgment of Despatch of Dec. 7, 1844 . . . . .	474
404. Mr. Ouseley to the Earl of Aberdeen	April 14	June 18	Acknowledgment of Despatches . . . . .	475
405. The Earl of Aberdeen to Mr. Ouseley	June 28		Warrants issued to Her Majesty's ships "Viper," "Illustrious," "Rose," "Electra," and "Inconstant," cancelled . . . . .	475
406. The Earl of Aberdeen to Mr. Ouseley	June 28		Warrant issued to Her Majesty's steam-vessel "Styx" . . . . .	475
407. The Earl of Aberdeen to Mr. Ouseley	June 28		Warrant issued to Her Majesty's steam-vessel "Hecate" . . . . .	475
408. The Earl of Aberdeen to Mr. Ouseley	July 2		Warrant issued to Her Majesty's ship "Vernon" . . . . .	476
409. Mr. Mandeville to the Earl of Aberdeen	April 16	July 15	Acknowledgment of Despatch of Jan. 9, 1845 . . . . .	476
410. Mr. Mandeville to the Earl of Aberdeen	April 16	July 15	Acknowledgment of Despatch of Jan. 11 and 14, 1845 . . . . .	476
411. Mr. Mandeville to the Earl of Aberdeen	April 16	July 15	Acknowledgment of Despatch of Jan. 25, 1845 . . . . .	476
412. Mr. Mandeville to the Earl of Aberdeen	April 16	July 15	Acknowledgment of Despatch of Jan. 25, 1845 . . . . .	477
413. Mr. Mandeville to the Earl of Aberdeen	April 16	July 15	Acknowledgment of Despatch of Jan. 25, 1845 . . . . .	477
414. Mr. Mandeville to the Earl of Aberdeen	May 7	July 27	Acknowledgment of Despatch of Feb. 7, 1845 . . . . .	477
415. The Earl of Aberdeen to Mr. Ouseley	Aug. 21		Warrants issued to Her Majesty's ships "Rapid," "Bittern," "Alfred," and "Ferret," cancelled . . . . .	478

## LIST OF PAPERS.

xxiii

No.	Date.	Receipt.	SUBJECT.	Page
416. The Earl of Aberdeen to Mr. Ouseley .	1845. Sept. 25	1845.	Warrant issued to Her Majesty's ship "Spartan," cancelled .	478
417. Mr. Ouseley to the Earl of Aberdeen .	June 4	Sept. 26	Acknowledgment of three Despatches of March 11, 1845 .	478
418. Mr. Ouseley to the Earl of Aberdeen .	June 14	Sept. 26	Warrants issued to Her Majesty's ships "Firebrand" and "Lily" .	478
419. Mr. Ouseley to the Earl of Aberdeen .	June 18	Sept. 26	Warrants issued to Her Majesty's ships "Rolla," "Comus," and "Actæon" .	479
420. Mr. Ouseley to the Earl of Aberdeen .	July 4	Sept. 29	Acknowledgment of two Despatches of April 7 and May 1, 1845 .	479
421. The Earl of Aberdeen to Mr. Ouseley .	Oct. 15		Warrant issued to Her Majesty's ship "Heroine" .	479
422. The Earl of Aberdeen to Mr. Ouseley .	Oct. 16		Warrants issued to Her Majesty's ships "Scylla" and "Growler" cancelled .	479
423. The Earl of Aberdeen to Mr. Ouseley .	Oct. 27		Warrant issued to Her Majesty's steam-vessel "Ardent," cancelled .	480
424. Mr. Ouseley to the Earl of Aberdeen .	July 10		Warrants issued to Her Majesty's ships "Vindictive," "Eagle," and "Flying Fish" .	480
425. Mr. Ouseley to the Earl of Aberdeen .	Sept. 9	Nov. 15	Acknowledgment of Despatch of June 28, 1845	480
426. The Earl of Aberdeen to Mr. Ouseley .	Dec. 17		Warrant issued to Her Majesty's ship "President" .	480
427. The Earl of Aberdeen to Mr. Ouseley .	Dec. 17		Warrants issued to Her Majesty's ship "Kingfisher" .	481
428. The Earl of Aberdeen to Mr. Ouseley .	Dec. 18		Warrants issued to Her Majesty's ships "Ringdove," "Eclair," and "Albert," cancelled .	481
429. The Earl of Aberdeen to Mr. Ouseley .	Oct. 31	Dec. 21	Acknowledgment of Despatch of July 2, 1845	481
430. The Earl of Aberdeen to Mr. Ouseley .	Dec. 26		Warrants issued to Her Majesty's ships "Aleto," "Alarm," "Endymion," "Lizard," and "Bittern" .	481

## BOLIVIA.

	1845.	1845.		
431. The Earl of Aberdeen to Mr. Masterton .	Jan. 9		Warrant issued to Her Majesty's ship "Mutine" .	483
432. The Earl of Aberdeen to Mr. Masterton .	Jan. 11		Warrant issued to Her Majesty's ship "Waterwitch" .	483
433. The Earl of Aberdeen to Mr. Masterton .	Jan. 14		Warrant issued to Her Majesty's ship "Pantaloons" .	483
434. The Earl of Aberdeen to Mr. Masterton .	Jan. 21		Warrant issued to Her Majesty's ship "Hornet," cancelled .	484
435. The Earl of Aberdeen to Mr. Masterton .	Jan. 25		Warrant issued to Her Majesty's ship "Ranger" .	484
436. The Earl of Aberdeen to Mr. Masterton .	Jan. 25		Warrant issued to Her Majesty's ship "Acorn" .	484
437. The Earl of Aberdeen to Mr. Masterton .	Jan. 25		Warrant issued to Her Majesty's ship "Iris," cancelled .	484
438. The Earl of Aberdeen to Mr. Masterton .	Feb. 7		Warrant issued to Her Majesty's ship "Persian" .	484

## LIST OF PAPERS.

No.	Date.	Receipt.	SUBJECT.	Page
	1844.	1845.		
439. Mr. Masterton to the Earl of Aberdeen One Enclosure	Sept. 29	Feb. 11	Replies to queries on Slave Trade and slavery in Bolivia . . . . .	485
	1845.			
440. The Earl of Aberdeen to Mr. Masterton	Feb. 25		Warrant issued to Her Majesty's ship "Fire-brand" . . . . .	487
441. The Earl of Aberdeen to Mr. Masterton	Feb. 25		Warrant issued to Her Majesty's ship "Lily" . . . . .	487
442. The Earl of Aberdeen to Mr. Masterton	Mar. 11		Warrant issued to Her Majesty's ship "Rolla" . . . . .	487
443. The Earl of Aberdeen to Mr. Masterton	Mar. 11		Warrant issued to Her Majesty's ship "Comus" . . . . .	487
444. The Earl of Aberdeen to Mr. Masterton	Mar. 11		Warrant issued to Her Majesty's ship "Actæon" . . . . .	487
	1844.			
445. Mr. Masterton to the Earl of Aberdeen	Nov. 18	Mar. 26	Acknowledgment of Despatches of June 15 and 17, 1844 . . . . .	488
446. Mr. Masterton to the Earl of Aberdeen One Enclosure	Nov. 21	Mar. 26	Law passed in Bolivia to make Slave Trade piracy . . . . .	488
	1845.			
447. The Earl of Aberdeen to Mr. Masterton	April 7		Warrant issued to Her Majesty's ship "Vindictive" . . . . .	488
448. The Earl of Aberdeen to Mr. Masterton	April 7		Warrant issued to Her Majesty's ship "Eagle" . . . . .	489
449. The Earl of Aberdeen to Mr. Masterton	May 1		Warrant issued to Her Majesty's ship "Flying Fish" . . . . .	489
	1844.			
450. Mr. Masterton to the Earl of Aberdeen One Enclosure	Nov. 28	May 9	Law passed declaring Slave Trade piracy . . . . .	489
451. Mr. Masterton to the Earl of Aberdeen	Dec. 10	May 9	Acknowledgment of Despatch; warrant . . . . .	490
	1845.			
452. The Earl of Aberdeen to Mr. Masterton	May 12		Warrant issued to Her Majesty's ship "Grecian" . . . . .	490
453. The Earl of Aberdeen to Mr. Masterton	May 20		Warrant issued to Her Majesty's ship "Vesuvius" . . . . .	491
454. The Earl of Aberdeen to Mr. Masterton	May 20		Warrant issued to Her Majesty's ship "Melampus" . . . . .	491
455. The Earl of Aberdeen to Mr. Masterton	June 28		Warrants issued to Her Majesty's ships "Viper," "Illustrious," "Rose," "Electra," and "Inconstant," cancelled . . . . .	491
456. The Earl of Aberdeen to Mr. Masterton	June 28		Warrant issued to Her Majesty's steam-vessel "Styx" . . . . .	491
457. The Earl of Aberdeen to Mr. Masterton	June 28		Warrant issued to Her Majesty's steam-vessel "Hecate" . . . . .	492
458. The Earl of Aberdeen to Mr. Masterton	July 2		Warrant issued to Her Majesty's ship "Vernon" . . . . .	492
459. Mr. Masterton to the Earl of Aberdeen	March 5	July 28	Acknowledgment of Despatches of 1844 . . . . .	492
460. Mr. Masterton to the Earl of Aberdeen	March 5	July 28	Warrant issued to Her Majesty's ship "Spy" . . . . .	492
461. The Earl of Aberdeen to Mr. Masterton	August 21		Warrants issued to Her Majesty's ships "Rapid," "Bittern," "Alfred," and "Ferret," cancelled . . . . .	493
462. Mr. Masterton to the Earl of Aberdeen	April 21	Sept. 23	Acknowledgment of Despatches of 1844 . . . . .	493
463. The Earl of Aberdeen to Mr. Masterton	Sept. 25		Warrant issued to Her Majesty's ship "Spartan," cancelled . . . . .	493

## LIST OF PAPERS.

XXV

No.	Date. 1845.	Receipt. 1845.	SUBJECT.	Page
464. The Earl of Aberdeen to Mr. Masterton	Oct.	15	Warrant issued to Her Majesty's ship "Heroiné" . . .	494
465. The Earl of Aberdeen to Mr. Masterton	Oct.	16	Warrants issued to Her Majesty's ships "Scylla" and "Growler," cancelled . . .	494
466. Mr. Masterton to the Earl of Aberdeen	June	13	Oct. 20 Acknowledgment of Despatches of 1843 and 1844 . . .	494
467. Mr. Masterton to the Earl of Aberdeen	June	13	Oct. 20 Acknowledgment of Circular of December 31, 1843 . . .	494
468. The Earl of Aberdeen to Mr. Masterton	Oct.	27	Warrant issued to Her Majesty's steam-vessel "Ardent," cancelled . . .	495
469. Mr. Masterton to the Earl of Aberdeen	July	21	Acknowledgment of Despatches . . .	495
470. The Earl of Aberdeen to Mr. Masterton	Dec.	17	Warrant issued to Her Majesty's ship "President" . . .	495
471. The Earl of Aberdeen to Mr. Masterton	Dec.	17	Warrant issued to Her Majesty's ship "Kingfisher" . . .	496
472. The Earl of Aberdeen to Mr. Masterton	Dec.	18	Warrants issued to Her Majesty's ships "Ringdove," "Eclair," and "Albert" . . .	496
473. The Earl of Aberdeen to Mr. Masterton	Dec.	26	Warrants issued to Her Majesty's ships "Alecto," "Alarm," "Endymion," "Lizard," and "Bittern" . . .	496
474. Mr. Masterton to the Earl of Aberdeen	Aug.	21	Dec. 30 Acknowledgment of Despatches . . .	496

## CHILE.

	1844.	1845.		
475. Colonel Walpole to the Earl of Aberdeen	Aug.	10	Jan. 6	Acknowledgment of Despatch; warrant . . . 497
	1845.			
476. The Earl of Aberdeen to Colonel Walpole	Jan.	9		Warrant issued to Her Majesty's ship "Mutine" . . . 97
477. The Earl of Aberdeen to Colonel Walpole	Jan.	11		Warrant issued to Her Majesty's ship "Waterwitch" . . . 497
478. The Earl of Aberdeen to Colonel Walpole	Jan.	14		Warrant issued to Her Majesty's ship "Pantaloon" . . . 498
	1844.			
479. Colonel Walpole to the Earl of Aberdeen	Oct.	18	Jan. 26	Acknowledgment of Despatches of 1844 . . . 498
	1845.			
480. The Earl of Aberdeen to Colonel Walpole	Jan.	25		Warrant issued to Her Majesty's ship "Ranger" . . . 498
481. The Earl of Aberdeen to Colonel Walpole	Jan.	25		Warrant issued to Her Majesty's ship "Acorn" . . . 498
482. The Earl of Aberdeen to Colonel Walpole	Jan.	25		Warrant issued to Her Majesty's ship "Iris," cancelled . . . 498
483. The Earl of Aberdeen to Colonel Walpole	Feb.	7		Warrant issued to Her Majesty's ship "Persian" . . . 499
484. The Earl of Aberdeen to Colonel Walpole	Feb.	25		Warrant issued to Her Majesty's steam vessel "Firebrand" . . . 499
485. The Earl of Aberdeen to Colonel Walpole	Feb.	25		Warrant issued to Her Majesty's ship "Lily" 499
486. The Earl of Aberdeen to Colonel Walpole	Mar.	11		Warrant issued to Her Majesty's ship "Rolla" 499

## CLASS B.

No.	Date.		Receipt.	SUBJECT.	Page
	1845.	1845.			
487. The Earl of Aberdeen to Colonel Walpole	Mar.	11		Warrant issued to Her Majesty's ship "Comus" . . . . .	500
488. The Earl of Aberdeen to Colonel Walpole	Mar.	11		Warrant issued to Her Majesty's ship "Actæon" . . . . .	500
		1844.			
489. Colonel Walpole to the Earl of Aberdeen	Dec.	16	Mar. 26	Acknowledgment of Despatch . . . . .	500
		1845.			
490. Colonel Walpole to the Earl of Aberdeen	April	7		Warrant issued to Her Majesty's ship "Vindictive" . . . . .	500
491. Colonel Walpole to the Earl of Aberdeen	April	7		Warrant issued to Her Majesty's ship "Eagle" . . . . .	501
492. Colonel Walpole to the Earl of Aberdeen	May	1		Warrant issued to Her Majesty's ship "Flying Fish" . . . . .	501
493. Colonel Walpole to the Earl of Aberdeen	May	12		Warrant issued to Her Majesty's ship "Greecian" . . . . .	501
494. Colonel Walpole to the Earl of Aberdeen	Jan.	27	May 13	Acknowledgment of Despatch of Aug. 14, 1844 . . . . .	501
495. The Earl of Aberdeen to Colonel Walpole	May	20		Warrant issued to Her Majesty's steam-vessel "Vesuvius" . . . . .	502
496. The Earl of Aberdeen to Colonel Walpole	May	20		Warrant issued to Her Majesty's ship "Melampus" . . . . .	502
497. The Earl of Aberdeen to Colonel Walpole	June	28		Warrants issued to Her Majesty's ships "Viper" "Illustrious," "Rose," "Electra," and "Inconstant" . . . . .	502
498. The Earl of Aberdeen to Colonel Walpole	June	28		Warrant issued to Her Majesty's steam-vessel "Styx" . . . . .	502
499. The Earl of Aberdeen to Colonel Walpole	June	28		Warrant issued to Her Majesty's ship "Hecate" . . . . .	503
500. The Earl of Aberdeen to Colonel Walpole	July	2		Warrant issued to Her Majesty's ship "Vernon" . . . . .	503
501. The Earl of Aberdeen to Colonel Walpole	Aug.	21		Warrants issued to Her Majesty's ships "Heroine," "Rapid," "Bittern," "Alfred," and "Ferret" cancelled . . . . .	503
502. The Earl of Aberdeen to Colonel Walpole	Sept.	25		Warrant issued to Her Majesty's ship "Spartan," cancelled . . . . .	503
503. Colonel Walpole to the Earl of Aberdeen	April	4	Oct. 13	Warrant issued to Her Majesty's steam-vessel "Eclair," . . . . .	504
504. Colonel Walpole to the Earl of Aberdeen	April	30	Oct. 20	Warrants issued to Her Majesty's ships "Hornet," "Griffin," and "Fair Rosamond," cancelled . . . . .	504
505. Colonel Walpole to Mr. Bidwell	June	7	Oct. 13	Issuing and cancelling of warrants . . . . .	504
506. The Earl of Aberdeen to Colonel Walpole	Oct.	15		Warrant issued to Her Majesty's ship "Heroine" . . . . .	505
507. The Earl of Aberdeen to Colonel Walpole	Oct.	16		Warrants issued to Her Majesty's ships "Seylla" and "Growler," cancelled . . . . .	505
508. Colonel Walpole to the Earl of Aberdeen	June	30	Oct. 20	Acknowledgment of Despatches . . . . .	505
509. The Earl of Aberdeen to Colonel Walpole	Oct.	27		Warrant issued to Her Majesty's steam-vessel "Ardent," cancelled . . . . .	505
510. The Earl of Aberdeen to Colonel Walpole	Dec.	17		Warrant issued to Her Majesty's ship "President" . . . . .	506
511. The Earl of Aberdeen to Colonel Walpole	Dec.	17		Warrant issued to Her Majesty's ship "Kingfisher" . . . . .	506

No.	Date. 1845.	Receipt. 1845.	SUBJECT.	Page
512. The Earl of Aberdeen to Colonel Walpole	Dec. 18		Warrants issued to Her Majesty's ships "Ringdove," "Eclair," and "Albert," cancelled	506
513. The Earl of Aberdeen to Colonel Walpole	Dec. 26		Warrants issued to Her Majesty's ships "Alecto," "Alarm," "Endymion," "Hazard," and "Bittern"	506

## URUGUAY.

No.	Date. 1845.	Receipt. 1845.	SUBJECT.	Page
514. The Earl of Aberdeen to Mr. Turner	Jan. 9		Warrants issued to Her Majesty's ship "Mutine"	509
515. The Earl of Aberdeen to Mr. Turner	Jan. 11		Warrants issued to Her Majesty's ship "Waterwitch"	509
516. The Earl of Aberdeen to Mr. Turner	Jan. 14		Warrant issued to Her Majesty's ship "Pantaloon"	510
1844.				
517. Mr. Turner to the Earl of Aberdeen	Sept. 26	Jan. 16	Acknowledgment of Despatches of 1844; warrants	510
518. Mr. Turner to the Earl of Aberdeen	Oct. 21	Jan. 16	Acknowledgment of Despatch of 1844; warrant	510
1845.				
519. The Earl of Aberdeen to Mr. Turner	Jan. 21		Warrant issued to Her Majesty's ship "Hornet," cancelled	511
520. The Earl of Aberdeen to Mr. Turner	Jan. 25		Warrant issued to Her Majesty's ship "Ranger"	511
521. The Earl of Aberdeen to Mr. Turner	Jan. 25		Warrant issued to Her Majesty's ship "Acorn"	511
522. The Earl of Aberdeen to Mr. Turner	Jan. 25		Warrant issued to Her Majesty's ship "Iris," cancelled	511
1844.				
523. Mr. Turner to the Earl of Aberdeen	Nov. 19	Jan. 25	Acknowledgment of Despatch of 1844; warrant	511
1845.				
524. The Earl of Aberdeen to Mr. Turner	Feb. 7		Warrant issued to Her Majesty's ship "Persian"	512
525. The Earl of Aberdeen to Mr. Turner	Feb. 25		Warrant issued to Her Majesty's ship "Lily"	512
526. The Earl of Aberdeen to Mr. Turner	Feb. 25		Warrant issued to Her Majesty's steam-vessel "Firebrand"	512
527. The Earl of Aberdeen to Mr. Turner	March 11		Warrant issued to Her Majesty's ship "Rolla"	512
528. The Earl of Aberdeen to Mr. Turner	March 11		Warrant issued to Her Majesty's ship "Comus"	513
529. The Earl of Aberdeen to Mr. Turner	March 11		Warrant issued to Her Majesty's ship "Actæon"	513
530. The Earl of Aberdeen to Mr. Turner	April 7		Warrant issued to Her Majesty's ship "Vindictive"	513
531. The Earl of Aberdeen to Mr. Turner	April 7		Warrant issued to Her Majesty's ship "Eagle"	513
532. The Earl of Aberdeen to Mr. Turner	May 1		Warrant issued to Her Majesty's ship "Flying Fish"	513
533. Mr. Turner to the Earl of Aberdeen	Jan. 16	May 8	Warrant issued to Her Majesty's steam-vessel "Eclair"	514
534. Mr. Turner to the Earl of Aberdeen	Feb. 24	May 8	Warrant issued to Her Majesty's ships "Fair Rosamond" and "Grifon," cancelled	514

No.		Date. 1845.	Receipt. 1845.	SUBJECT.	Page
535.	The Earl of Aberdeen to Mr. Turner . . .	May	12	Warrant issued to Her Majesty's ship "Grecian" . . .	514
536.	The Earl of Aberdeen to Mr. Turner . . .	May	20	Warrant issued to Her Majesty's steam vessel "Vesuvius" . . .	515
537.	The Earl of Aberdeen to Mr. Turner . . .	May	20	Warrant issued to Her Majesty's ship "Melampus" . . .	515
538.	Mr. Turner to the Earl of Aberdeen . . .	Mar.	29	June 18 Acknowledgment of Despatches . . .	515
539.	The Earl of Aberdeen to Mr. Turner . . .	June	28	Warrants cancelled . . .	515
540.	The Earl of Aberdeen to Mr. Turner . . .	June	28	Warrant issued to Her Majesty's steam-vessel "Styx" . . .	516
541.	The Earl of Aberdeen to Mr. Turner . . .	June	28	Warrant issued to Her Majesty's steam-vessel "Hecate," . . .	516
542.	The Earl of Aberdeen to Mr. Turner . . .	July	2	Warrant issued to Her Majesty's ship "Vernon" . . .	516
543.	The Earl of Aberdeen to Mr. Turner . . .	Aug.	21	Warrants issued to Her Majesty's ships "Rapid," "Bittern," "Alfred," and "Ferret" cancelled . . .	516
544.	Mr. Turner to the Earl of Aberdeen . . .	May	8	Aug. 21 Acknowledgment of Despatches . . .	517
545.	The Earl of Aberdeen to Mr. Turner . . . Two Enclosures	Sept.	9	Tuscan pass, granted at Monte Video to a slaver . . .	517
546.	The Earl of Aberdeen to Mr. Turner . . .	Sept.	25	Warrant issued to Her Majesty's ship "Spartan," cancelled . . .	517
547.	Mr. Turner to the Earl of Aberdeen . . .	June	10	Sept. 25 Acknowledgment of Despatches . . .	517
548.	The Earl of Aberdeen to Mr. Turner . . .	Oct.	15	Warrant issued to Her Majesty's ship "Heroine" . . .	518
549.	The Earl of Aberdeen to Mr. Turner . . .	Oct.	16	Warrants issued to Her Majesty's steam-vessels "Scylla" and "Growler," cancelled . . .	518
550.	The Earl of Aberdeen to Mr. Turner . . .	Oct.	27	Warrants issued to Her Majesty's steam-vessel "Ardent," cancelled . . .	518
551.	Mr. Turner to the Earl of Aberdeen . . .	Aug.	11	Oct. 29 Warrants issued to Her Majesty's ships "Vindictive," "Eagle," "Flying Fish," "Grecian," "Vesuvius," and "Melampus" . . .	518
552.	Mr. Turner to the Earl of Aberdeen . . .	Sept.	10	Nov. 15 Acknowledgment of Despatches; warrants . . .	519
553.	The Earl of Aberdeen to Mr. Turner . . .	Dec.	17	Warrant issued to Her Majesty's ship "President" . . .	519
554.	The Earl of Aberdeen to Mr. Turner . . .	Dec.	17	Warrant issued to Her Majesty's ship "Kingfisher" . . .	519
555.	The Earl of Aberdeen to Mr. Turner . . .	Dec.	18	Warrants issued to Her Majesty's ships "Ringdove," "Eclair," and "Albert," cancelled . . .	520
556.	The Earl of Aberdeen to Mr. Turner . . .	Dec.	26	Warrants issued to Her Majesty's ships "Alecto," "Alarm," "Endymion," "Lizard" and "Bittern" . . .	520

# Class B.

---

## CORRESPONDENCE

WITH

# FOREIGN POWERS.

---

## SPAIN.

---

No. 1.

*Mr. Bulwer to the Earl of Aberdeen.*

*Madrid, December 26, 1844.  
(Received January 6, 1845.)*

MY LORD,

I HAVE the honour to enclose a copy and translation of the Penal Law for suppressing Slave Trade, which was presented to the Senate by M. Martinez de la Rosa on the 22nd instant, and which his Excellency has assured me that he will do his best to get rapidly passed by the Cortes.

Your Lordship will observe that there is no essential difference between this law and the one proposed by the Marques de Viluma.

I have, &c.  
(Signed) H. L. BULWER.

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

---

Enclosure in No. 1.

(Translation.) *Project of Penal Law for the Suppression of Slave Trade.*

To the Cortes.

IN the Treaty concluded between Her Majesty and Her August Ally Her Majesty the Queen of Great Britain and Ireland, on the 28th of June, 1835, a Treaty which was only the confirmation and complement of the one concluded on the 23rd of September, 1817, and both of which were intended for the suppression of the Slave Trade, the following stipulation was entered into:—

“Article 2. Her Majesty the Queen Regent of Spain, during the minority of her daughter Donna Isabella II., hereby engages, that immediately after the exchange of the ratifications of the present Treaty, and from time to time afterwards as it may become needful, Her Majesty will take the most effectual measures for preventing the subjects of Her Catholic Majesty from being concerned, and her flag from being used, in carrying on, in any way, the trade in slaves; and specially, that within two months after the said exchange she will promulgate throughout the dominions of Her Catholic Majesty, a penal law, inflicting a severe punishment on all those Her Catholic Majesty's subjects

CLASS B.



who shall, under any pretext whatsoever, take any part whatever in the traffic in slaves."

Her Majesty's Government being desirous of strictly fulfilling the stipulation contained in this Article, directed the Royal Council of Spain and the Indies to draw up a Project of Penal Law against those who should be engaged in that illicit traffic; and, indeed, that enlightened body hastened to discharge the honourable commission which had been entrusted to it. That Project was forthwith submitted to an especial committee, appointed by the Government from among the members of the two legislative bodies, who did likewise correspond to the confidence with which they had been honoured; and the matter was carried so far, that the Project of Penal Law drawn up by them was laid before the Estamento of Proceres in the month of December, 1835.

But the political disturbances which shortly after took place, the civil war becoming every day more violent and sanguinary, and the very grave occurrences which followed one upon another without allowing the Government any truce or repose, necessarily diverted its attention from a matter which, though an important one, was not so urgent as other momentary questions. The fact is, that, for these or other motives, that Project of Law was withdrawn when the Estamento de Proceres ceased to exist, to the discussion of which it was submitted.

During the years which elapsed since that period, this matter remained paralyzed; but the time is now come to bring to an end so important a work with that maturity and circumspection which it requires from its nature, but at the same time with that resolution and firmness which may prevent the difficulties and dangers of a prolonged delay. Although no other reason should exist to adopt this course than the express stipulation of a Treaty, the good faith and dignity of Her Majesty's Government would be sufficient to recommend its fulfilment, the more so, that the execution of this duty on the part of the Spanish Cabinet will give greater authority and weight to the exertions which it may have to practise, to the effect, that at the same time that the importation of slaves into our colonies is definitively suppressed, the right of property should not be disturbed, nor the tranquillity of that valuable portion of the monarchy remain exposed to fresh intrigues and disturbances.

This principal reason alone would be sufficient, even in default of other ones, to decide Her Majesty's Government to adopt the most effectual measures in order to put an end to the traffic in slaves, a traffic not only contrary to the prescriptions of religion and morals, not only opposed to the commercial relations which we must endeavour to establish with the African coast, but which would be likely, within a more or less immediate period, and should it increase to an excess, to threaten the tranquillity, and even the very existence, of the rich possessions in the behalf of which it seemed to be promoted.

This truth has been acknowledged by several proprietors of our Antilles; and indeed it could not escape their enlightened good sense. It is also acknowledged by the zealous Authorities of those islands; and the lamentable events which have recently taken place in Cuba have completely opened the eyes to the blindest, and quickened the desire of seeing the removal of every cause which may give rise to fresh commotions and dangers.

Reasons of morals, of policy, of expediency, and, it may even be said, of proper preservation, advocate the measure in question; and it is only to be examined whether the Government, in proposing it, has succeeded in presenting it in proper terms. Above all, the Government must state in their favour, that not being satisfied with the numerous data which had been collected upon this matter, and not considering the Projects of Law drawn up in a former period, to be sufficient, wished to acquire more information by which they might be enabled to walk with some security on so difficult a path.

For this purpose the Government consulted the Governors, Captain-Generals, of Cuba and Porto Rico, who took the opinion of the principal Authorities, of enlightened corporations, and of zealous inhabitants; and, besides, has not omitted to consult, likewise, some persons who, from the command they have holden in those colonies, or from peculiar circumstances, are more thoroughly acquainted with the necessities and wishes thereof.

After having examined all these opinions, and selected from among them what has been considered the most proper and adequate to attain the desired

object, the Government have drawn up the Project of Law which is hereinafter inserted.

This Project is so clear and simple in itself, that making a long and prolix analysis of it would be an offence to the enlightened sense of the Cortes. Suffice it to say, that it has been endeavoured to inflict penalties proportioned to the gravity of the crime, without their being either so slight as to induce to the infringement of the law, or so excessively rigorous as to ensure impunity by overpassing the end which is aimed at.

It has also been endeavoured, that the aforesaid penalties shall reach all those who should be engaged or take any part in this unlawful traffic; and for some cases, heavy pecuniary fines have been resorted to, as one of the best means of punishing an offence, the principal temptation to which is sordid interest.

It has been endeavoured, as much as possible, that the prescriptions contained in this Law should come within the range of the ordinary code; and the manner and form of proceeding to the investigation and punishment of the offences which are the object of this Law, has been established under the same principle, in order that the offenders may be severely punished according to the laws of the country, in conformity with the letter of the above-mentioned Treaty.

But as it would not be sufficient to punish those who should engage or take part in so immoral a traffic, if penalties were not at the same time established against the Authorities and employes who, by bribery or corruption, may be accomplices in the crime, or may tolerate it from negligence or culpable carelessness, the Government have also thought proper to adopt this efficacious means of repression, in order that their prescriptions may be more punctually and strictly fulfilled.

Such are the principal reasons on which the following Project of Law is grounded, which, by order of Her Majesty, and in conformity with her Council of Ministers, I have the honour to submit to the approval of the Cortes

## PROJECT OF LAW.

### TITLE I.

Penalties to which those who are engaged or take part in the illicit traffic of slaves are liable.

Article 1. The Masters, Supercargoes, Pilots, and officers of vessels captured with bozal negroes on board by the cruisers authorized to exercise the right of search, shall be condemned to the penalty of eight years' presidio (banishment as convicts), provided that they have made no resistance; to 10 years' ditto, in case of their having resisted without any loss of lives or severe wound having ensued from it; and should they occasion any of these accidents, they will be liable to that penalty which is prescribed by the laws for this sort of crimes.

Article 2. The sailors and other persons forming the crew of a captured vessel having bozal negroes on board, shall be liable to the penalty of four years' presidio, in case of their having offered no resistance; and that of six years' ditto, if they have resisted, besides the penalties to which they may be liable for the loss of lives or wounds which may have ensued therefrom.

Article 3. The Masters, Pilots, Supercargoes, and officers of a vessel fitted out for the Slave Trade, but on board of which no negroes will be found, shall be liable to the following penalties:—

If the vessel is captured on the coasts of Africa, whilst being engaged in the purchase of slaves, the penalty of six years' presidio will be imposed; that of four years, should the vessel be captured on the high seas steering for that destination; and the penalty of two years' ditto, in case of the vessel's being seized in the harbour previous to her setting sail.

Article 4. The sailors and other individuals of the crew shall be liable to half the penalties assigned in the preceding Article, according to their respective cases.

Article 5. The proprietors of the vessel, the outfitters, the owners of the cargo, and those for whose account the expedition is made, shall be condemned to as many years' banishment, not under 50 leagues distance from their domicile, as will be imposed on the Master of the vessel to a convicts' establishment.

Besides, a fine will be exacted from them, which shall not be less than 1,000 dollars, and may be increased up to 10,000 dollars, according to the gravity and circumstances of the offence.

In case of insolvency, the penalty of banishment will be increased, at the rate of one year for every 1,000 dollars.

The aforesaid persons will only be exempted from all responsibility in case they should produce evidence of their having been ignorant of the use which the Master and crew have made of the vessel for that illicit traffic.

Article 6. Besides the penalties assigned in the preceding Article, the offenders will undergo the confiscation of the vessel and all the effects on board. The vessel will be cut to pieces, and sold by separate portions, according to the prescriptions of the Treaty of 1835.

Article 7. The crimes which may be committed in a vessel against the African bozal negroes on board of her, shall be punished with the penalties assigned by common law for such crimes.

Article 8. In case of a relapse, the penalties assigned in the preceding Articles will be augmented from one-third to one-half.

## TITLE II.

Manner of proceeding against the offences which form the object of this Law.

Article 9. The superior Authorities, the ordinary Courts of Justice, the Judges and Royal Fiscals, shall, and are bound to proceed against those who should be engaged in this illicit traffic, either by instituting an official process, or by a denunciation, made with the legal requisites, whenever they become aware that an expedition of this kind is being fitted out, or that it has arrived with a cargo of slaves.

Article 10. The Authorities and employés residing in a place in which a landing of bozal negroes recently arrived from Africa is effected, will be liable, in case of any complicity, or connivance on their part by bribery, being proved, to the penalty assigned by the laws for that sort of offences.

If it should appear from the process that they are only culpable for negligence or omission, and their fault were considered to be a slight one, they will be suspended from their employment for a period of from two to four years; and should the fault be considered a grave one, the aforesaid Authorities shall be deprived in future of the right of holding any public employment.

Article 11. The Notary who should authorize any deed of sale or other documents whereby the right of possession of any bozal negro recently arrived from Africa is transmitted or consigned, shall likewise be deprived of his employment.

Article 12. The tribunals, or Mixed Courts of Justice, alluded to in the Treaty of 1835, shall transmit to the Governor, Captain-General of the respective island, in case of any vessel having been declared by them a lawful prize, all the papers connected with the case, in order that the proper tribunals may be enabled to take cognizance of the crime, and to inflict on its perpetrators the penalties fixed by this Law.

(Signed) FRANCISCO MARTINEZ DE LA ROSA.

*Madrid, December 22, 1844.*

No. 2.

*Mr. Bulwer to the Earl of Aberdeen.*

*Madrid, January 6, 1845.*

*(Received January 16.)*

MY LORD,

WITH reference to my Despatch of the 26th ultimo, I have the honour to inform your Lordship, that the Committee of the Senate appointed to examine the Project of a Penal Law presented by the Government for the suppression of the Slave Trade, has made its report upon the subject, in which the following alterations are proposed:—

Article 1. The Masters, Supercargoes, Pilots, and Mates (instead of officers), &c. shall be condemned to six years' presidio (instead of eight), in case of their having made no resistance; to eight years' (instead of 10), should they

have resisted, without any loss of lives or severe wounds ensuing therefrom, &c.

Article 3. The same alteration of *Mates*, instead of officers, is introduced in the first paragraph of this Article; and the second paragraph runs so:—"In case of the vessel's being captured on the coasts of the African continent, lying at anchor, or when at a distance less than three miles from the shore, engaged in the purchase of slaves," &c.

Article 9. In continuation of the last words of this Article, "with a cargo of slaves," the following are added, "proceeding from the continent of Africa."

In Articles 10 and 11, the same word continent is introduced before Africa.

And, finally, the following Article is added by the Committee at the end:—

"Article 13. For the punctual fulfilment and execution of the present Law, the period of one month is hereby fixed after its promulgation, for the Peninsula and the adjacent islands, three months for the possessions of America, and six months for Africa."

The debate upon this Project of Penal Law began in the Senate on the 4th instant, when Senors Barrio Ayuso, Olavarrieta, and Garcia Goyena spoke against the Project, stating, that the penalties in it are disproportioned to the crimes; that England appears to assume in this question an authoritative tone which is injurious to the honour and dignity of Spain; and, finally, that Spain grants everything, and gets nothing in return; adding, that the English hulk stationed in the harbour of the Havana ought to be removed.

The two Ministers of Foreign Affairs and of Justice replied to these observations; and particularly, the former, in an excellent speech, fully demonstrated the expediency, and even the necessity, of promulgating, without further delay, the Penal Law, in fulfilment of the solemn engagement entered into by Spain.

The discussion on the different Articles commenced immediately afterwards, when they were approved of, to the 8th inclusive, as amended by the Committee, with the only addition of the words "proceeding from the continent of Africa" after the phrase "bozal negroes on board," in the 1st and 2nd Articles, an addition proposed by Senor Ondovilla, and accepted by the Senate.

The debate will very likely be closed, and the remaining Articles passed, in the sitting of to-morrow.

I have, &c.

(Signed) H. L. BULWER.

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

&c.

&c.

&c.

No. 3.

(Extract.)

*Mr Bulwer to the Earl of Aberdeen.*

*Madrid, January 11, 1845.*

*(Received January 20.)*

MY LORD,

The debate on the Penal Law against Slave Trade continued in the Senate on the 7th instant, when Senor Olavarrieta presented an amendment, to be added at the end of the law, in the following terms: "After the removal of the hulk which exists in the port of the Havana." Senor Martinez de la Rosa spoke against the amendment, and stated, that its adoption would be productive of some harm and embarrassment to the Government; said that it was true that the existence of the hulk in that port was not derived from any Treaty stipulation, but only from a concession made to England in March, 1837; that he did not conceal that this had been the cause of some inconvenience; and that he had already taken some steps to obtain the removal of the said hulk, which was a measure that only belonged to the Government, and not to the Cortes. Satisfied with these explanations, Senor Olavarrieta withdrew his amendment.

On the following day, another amendment to the Penal Law was presented by the above-mentioned Senator, to the effect of declaring, that proprietors, once in the possession of slaves, were not to be disquieted as to the question of where they were purchased.

This amendment, which is intended, no doubt, indirectly to maintain the

Slave Trade, and to protect those who purchase slaves still smuggled into the colony, was carried, in spite of the opposition of the Government, by 55 to 19.

I have, &c,  
(Signed) H. L. BULWER.

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

No. 4.

*Mr. Bulwer to the Earl of Aberdeen.*

(Extract.)

January 25, 1845.  
(Received February 2.)

P.S.—Your Lordship will see in the enclosed papers the expression of General O'Donnell's determination to put a final stop to the Slave Trade in Cuba.

Enclosure 1 in No. 4.

*Captain-General O'Donnell to the Minister of Foreign Affairs.*

(Translation.)

*Superior Civil Government of the Island of Cuba,  
Havana, August 30, 1844.*

MOST EXCELLENT SIR,

IN fulfilment of the Royal Order of the 2nd of June, 1843, and the information which is directed by the same to be collected being completed, in order to carry the promulgation of the Penal Law mentioned in Article II. of the Treaty of 1835 into effect, I transmit these papers to your Excellency, for the decision which Her Majesty may think proper.

The object of this measure being, to establish the penalties which are to be inflicted on the infractors of the existing prescriptions for the prevention of the clandestine traffic of negro slaves; and the last meeting that took place having coincided with the receipt of the Royal Order of the 19th of June last, communicated to me through the Colonial Office, directing me to prevent, at any cost, the importation of slaves, I mentioned this Order in the aforesaid meeting, because I am determined to fulfil Her Majesty's orders, and to adopt measures capable of putting at once a stop to the traffic of bozal negroes, in such a manner as will never before have been practised in this island; and I finish by assuring your Excellency, that I am determined faithfully to fulfil the Sovereign resolutions.

God preserve your Excellency many years!

(Signed) LEOPOLDO O'DONNELL.

*The Minister of Foreign Affairs,*  
&c. &c.

Enclosure 2 in No. 4.

(Translation.) *Captain-General O'Donnell to the Minister of State.*

*Superior Civil Government of the Island of Cuba,  
Havana, October 9, 1844.*

MOST EXCELLENT SIR,

THE British Commissioner has addressed to me, under date of the 2nd instant, the communication of which I enclose a copy (No. 1), and to which I have replied what is stated in the copy No. 2. The assertion of the Commissioner, of the merchant vessel he cites being fitting out for the illicit traffic in slaves, is not correct in my opinion; and although I have, either as Governor or as Captain-General, no direct interference in the clearance of vessels from the ports of this island, I have taken advantage of that intelligence, and communicated it to the Commandant-General of the station, and to the principal Financial Authority, in order that they may adopt, on their part, the proper

measures, to the effect of preventing, not only the departure of the vessel in question, should her object be the aforesaid forbidden one, but also that of any other vessel which may in future be reasonably suspected of having the same object in view. Under these circumstances, I repeat to your Excellency, and request you to state to Her Majesty, that although I have myself no direct interference in the clearance and departure of vessels, and cannot therefore guarantee that none will be fitted out for the Slave Trade, I can assure your Excellency, on my part, that so long as Her Majesty's orders are not changed, and the command of this island is entrusted to me, no landing of bozal negroes will take place in it with impunity.

God preserve, &c.

(Signed)

LEOPOLDO O'DONNELL.

*The Minister of State,*  
&c. &c.

---

Enclosure 3 in No. 4.

*Opinion of Committee of Authorities respecting the Penal Law against Slave Trade.*

(Translation.)

*Superior Civil Government of the Island of Cuba.*

IN the city of Havana, on the 17th day of August, 1844, in consequence of an official summons from his Excellency the Governor and Captain-General, a meeting took place in his Excellency's own house, composed of their Excellencies Count Fernandina, Marques de Esteva de las Delicias, Don Rafael de Quesada, and Don Joaquim Gomez, and attended by the Political Secretary, Brigadier Don Miguel Maria Paniagua, all of whom constitute the Junta which has been appointed to give an opinion as to the Penal Law that is to be drawn up, in conformity with the stipulation contained in Article II. of the Treaty of 1835, which forbids the clandestine traffic of African negroes, and in fulfilment of the Royal Order of June 2nd, 1843. His Excellency the Governor and President stated, that Don Rafael de Quesada, and Don Joaquim Gomez, who, by a resolution of the Junta, dated the 12th ultimo, had been named to draw up the opinion respecting the Project of Penal Law, had accomplished this task, although in a separate manner; each of the two presenting an opinion of his own, which two opinions were to be read forthwith. Their reading took place; and the Junta, who listened with particular attention and satisfaction to the extensive, enlightened, and well founded projects of those gentlemen, proceeded immediately to their discussion, entering into the analysis of such an important question, and examining it under all its points of view, bearing in mind, and having before them, the other opinions given by the Corporations, Authorities, and private persons, whom it had been deemed expedient to consult. All these opinions having been taken into consideration, the Junta unanimously resolved, that the opinions of the two members of the same should be added to the general information, and that all the papers belonging to this subject should be transmitted to Her Majesty's Government, after consigning in the present Act the Junta's opinion as to the three points mentioned in the aforesaid Royal Order of the 2nd June, in the same form and order therein specified; and the Junta consequently determined:

1st. That conformably to the engagement entered into in the above-mentioned Treaty, and the fulfilment of which is demanded by Her Britannic Majesty's Government, as a means for suppressing the Slave Trade, the penalties to be inflicted on the infractors could be the following:—

Any vessel captured with a cargo of bozal negroes, or against which sufficient evidence may be brought forth to prove that she was fitted out for that traffic, shall be confiscated with her whole cargo and stores, and the produce thereof applied to the Treasury of the State, after deduction of the expenses occasioned by the capture and the proceedings.

The Master, the First and Second Pilot, and the Mate of any vessel which has been declared to be a lawful prize, shall be condemned for the first time to six years, presidio in one of the convict establishments of Africa, to eight years' ditto for the second time, and to perpetual presidio in case of committing the same

offence for the third time. The same penalty shall be inflicted on the outfitter or owner of the vessel, should they not produce full evidence of their being ignorant of all destination for that traffic. The First and Second Mate of the vessel shall be condemned, for the first time to four years' service in a vessel-of-war, to six years' ditto for the second, and in case of a third offence of the same kind, to eight years' presidio.

No vessel can be detained that has a fewer number than 10 negroes on board, unless it is proved that she was engaged for that voyage in the Slave Trade, nor any other vessel transporting negroes from one Spanish possession to another.

The negroes who may be captured in the vessel shall be declared free; and, according to the rules established in the Treaties on this matter, they will receive their certificates of emancipation from the Government where they should reside, after the expiration of the time of the apprenticeship they are bound to make, in order that they may be enabled to make a good use of their freedom.

2nd. That the trial of these crimes, and the infliction of the penalties assigned to them, shall be exclusively entrusted to the Captain-Generals of the Island of Cuba, or to the Governors of Fernando Po, and Annabon, without interference of any especial tribunal, since it is not considered expedient or necessary; but on the contrary, very important to national commerce, that the Mixed Commission of Africa should be provided with intelligent and respectable Spanish members, with a salary proportioned to their rank. These tribunals in their respective jurisdiction, shall try the prizes that may be seized, and decide their confiscation or release; and in case of some of the offenders being absent and in Spanish territory, the part of the process relative to their offence shall be transmitted to the proper Judge of the district, in order that he may try and condemn them, according to the general laws of the kingdom, and to the subsequent ones that may be promulgated on this matter.

When vessels shall have been captured with a cargo of bozal negroes, or full evidence been produced proving that they were engaged in that traffic, no representation or appeal whatsoever shall be admitted from the offenders against the sentence pronounced by the Territorial Judges; but had they only been detained in consequence of more or less well-founded suspicions, their appeal to the Royal Court of Justice of this capital, or to those of the Canary Islands, or Seville shall be admitted from them, according to the place where the capture has been made and the greater facility in the communications.

3rd. That the responsibility and penalties to be inflicted to the cruizers, captors, and judges who should cause any injury to our commerce, ought to be made effectual, and proper compensation given; for which purpose, whenever such injury should be caused by English vessels-of-war, Her Majesty's Government ought to demand from the British Government that the Commanders of the aforesaid vessels should be punished with a temporary or absolute suspension of their commission, and even with the dismissal from their post, according to the greater or lesser gravity of the injustice or violence they may have committed, and which may be proved, an authentic copy of the proceedings being in this case transmitted to England. That the same penalties ought to be respectively inflicted on the Commanders of Spanish vessels, or Spanish Judges, should they have committed any abuses; which shall be examined and decided upon by the proper Tribunal of the jurisdiction to which the prize should have been conveyed, or where the injury has been occasioned. That with regard to the compensation for such injury, if the responsible parties are Spaniards, the claims shall be put forth also, in conformity to our laws, before the proper tribunals; and if the offenders are British vessels or British subjects, the Supreme Government shall take care to have the proper compensation given, after the liquidation of damages has been made in both cases, according to the rule and tariff contained in Article VII. of the Regulation for the Courts of Justice, annexed to the Treaty of June 28, 1835.

The Junta, after having determined to give the preceding replies to the three points contained in the aforesaid Royal Order, was also unanimously of opinion to state to Her Majesty, that the gravity of this question, and the consequences it is likely to produce on the material interests and the tranquillity of this island, required the greatest circumspection and caution as to the form and manner in which the Penal Law alluded to was to be drawn up and promulgated by Her Majesty's Government, since it was important, not only to prevent the continuation of the abuses which had been committed at different periods by the English cruizers, with

great injury of our commerce, on the coasts of Africa, under the pretext of watching over the fulfilment of the Treaties which forbid the Slave Trade, but also in order to avoid most carefully at present the fatal influence of a public discussion; wherefore the Junta equally determined to request Her Majesty, that the Decree which was to be issued, should be so in the form of an additional Regulation to the Treaty of 1835, which, from its examination and discussion in the superior courts of justice of the kingdom and in the committees or juntas which Her Majesty might be pleased to appoint, might obtain all the information and data required by the matter, but without presenting it to the legislative bodies, nor making it the object of a law passed by the Cortes, which was evidently not necessary, because the Sovereign decision which may be adopted was only intended for and directly applicable to this country, which is ruled by exceptional laws.

Under these circumstances his Excellency the Captain-General stated to the Junta, that, in his private opinion, he considered it the more expedient that a public debate upon this subject in the Cortes of the kingdom should be prevented, that the clandestine traffic of negro slaves in this island would cease within a very short period. And his Excellency, in confirmation of this assertion, added, that he had recently received peremptory orders from Her Majesty's Government for preventing the infringement of existing Treaties, in fulfilment of which, he had actually issued the strictest instructions for the purpose of carrying the Royal prescriptions into effect in a complete and absolute manner; finally assuring that, being accustomed always faithfully to fulfil Her Majesty's orders, as well as to have his own obeyed without the least delay or excuse, he was able to assure, that within a very short period, and in a manner which has never before been done in this country, not a single landing of bozal negroes will take place on the whole coast of this island.

The members of the Junta, who listened with attention to the preceding observations, and who are at the same time persuaded of the severity and firmness with which the Captain-General carries his decisions into effect, applauded the decided resolution with which his Excellency was prepared completely to prevent the continuation of the traffic in slaves, thus avoiding the dangers which are likely to ensue, more particularly at the present time, from that illicit traffic.

(Signed) LEOPOLDO O'DONNELL,  
[And the other members of the Commission.]

No. 5.

*Mr. Bulwer to the Earl of Aberdeen.*

*Madrid, January 25, 1845.*

*(Received February 2.)*

MY LORD,

I HAVE the honour to enclose the copy of a note which I addressed to Mr. Martinez de la Rosa in consequence of the amendment to the Penal Law against Slave Trade passed in the Senate; and also a copy and translation of his Excellency's answer.

I have, &c.

(Signed) H. L. BULWER.

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

*&c.*

*&c.*

*&c.*

Enclosure 1 in No. 5.

*Mr. Bulwer to Senor Martinez de la Rosa.*

SIR,

*Madrid, January 9, 1845.*

WITH reference to the amendment to the Penal Law for the suppression of Slave Trade, which was yesterday carried in the Senate, stipulating that no examination should ever be instituted upon the estates of the proprietors of slaves, regarding the origin of such slaves; I deem it my duty to state to your Excellency, that, if the said amendment be of a nature to operate so as to prevent the recovery, and restoration to liberty, of such emancipated negroes as might have been re-consigned to slavery, it is my opinion that the existing Treaty stipulations

CLASS B.



upon Slave Trade between Great Britain and Spain would be seriously infringed thereby.

I have, &c.  
(Signed) H. L. BULWER.

*His Excellency Martinez de la Rosa,*  
&c. &c.

---

Enclosure 2 in No. 5.

(Translation.) *Senor Martinez de la Rosa to Mr. Bulwer.*

SIR,

*Madrid, January 14, 1845.*

I OUGHT to inform you, in answer to your note of the 9th instant, that the addition approved by the Senate to which reference is made in your note, is not in any manner opposed to the spirit of the existing Treaties on the subject, which Her Majesty's Government are resolved to fulfil, and cause to be fulfilled, with the greatest punctuality. If, in the debate which took place in the Senate on this point, I was opposed to the insertion of the said addition in the Law, it was because I thought it absolutely useless and unnecessary, as I repeated several times; and when the resolution of that respectable body was voted, it finally showed itself in conformity with the opinion of the Committee and of the Ministry, and in the very act, and with the best understanding, it was agreed to put the addition in the most proper and fitting place, in order that a wrong interpretation might not be given to it.

Inserted in Article IX. of the Law its object clearly appears, namely, prescribing to the Authorities, Judges and other employés, that they ought to proceed, whether officially or by information received, according to the laws, whenever it comes to their notice that bozal negroes have been landed, or that any vessel is being fitted out for this illicit commerce; but, at the same time, it was deemed expedient to take care that none of these Authorities should, under pretext of this measure, go so far as to molest the proprietors of slaves with illegal searches, this abuse occasioning innumerable annoyances and vexations, or giving rise to bribery and corruption to free themselves from such grievous injuries.

This addition, however, inserted in the place in which it is, and merely referring to the Authorities and employés subjects of the Spanish Government, and to whom it has the right to mark the line of conduct which they are to follow, does not in the smallest degree lessen or injure the obligations which Her Majesty's Government have contracted with regard to Her Britannic Majesty's Government, in order that the liberty conceded to the negroes captured in vessels employed in this forbidden traffic, and legally condemned as good prizes, shall not be vain and illusory.

I avail, &c.

(Signed) FRANCISCO MARTINEZ DE LA ROSA.

*The British Minister Plenipotentiary,*  
&c. &c.

---

No. 6.

(Translation.) *The Duke of Sotomayor to the Earl of Aberdeen.*

MY LORD,

*London, February 5, 1845.*

IN the first conference I had with your Lordship, I did myself the honour to state the well-grounded motives which induced the Government of Her Catholic Majesty to desire the immediate removal of the "Romney" hulk from the port of Havana. I pointed out that grave injuries were occasioned in a variety of ways, by stationing for an indefinite period, in those waters, a vessel of this description. I called your Lordship's attention to the unpleasant questions, and the scandalous scenes to which it frequently gave rise, as sometimes even the landing of the men of colour from that hulk was attended with shedding of blood. I indicated how prejudicial to the public

order and tranquillity of that settlement of Her Catholic Majesty, is the existence, in its very heart, of a colony, so to express it, of emancipated negroes, whose sight and example cannot but keep the slaves of that island in a state of continued disquietude, and impel them to the perpetration of acts of insubordination and rebellion. I manifested to your Lordship the abuse which had crept in, contrary to the laws of Spain, and to the conditions under which the hulk in question was established, of conveying from on board her to the men-of-war and the merchant vessels lying at anchor in the port of Havana, provisions and other effects, to the notable and unjust curtailment of the revenue of that island. I had also the honour very particularly to direct your Lordship's attention to the bad effect produced in the public spirit, as well in Spain as in the Antilles, by the unlimited continuance of a three-decker within the bounds of her jurisdiction, and opposite to her batteries; this fact being generally considered, with a perhaps overstrained but very justifiable delicacy, as derogatory to the dignity and independence of the Spanish nation. The debates in the Cortes, and the observations of the press pending the discussion of the Penal Law for repressing the unlawful Slave Trade, in which the question of the hulk has been incidentally touched upon, will have borne out what on that occasion I did myself the honour to state.

The Spanish Cabinet, in obtaining the approval of its Project of Law in the Senate, has contracted the moral obligation with the whole country, to cause the removal of the "Romney" hulk from the port of Havana, being assured that this measure, which is demanded by the independence and dignity of Spain, cannot meet with the least hesitation or inconvenience on the part of Her Britannic Majesty's Government, inasmuch as it is conformable with the principles of justice, and the right possessed by Spain in virtue of Treaties.

The Government of Her Catholic Majesty, in applying for this measure on the part of the English Government, has been desirous of frankly setting forth the cause on which it rests, and which, if duly appreciated, will, I am certain, not allow room for any unfavourable construction to be put on its designs, or for any apprehension respecting its intentions.

Lest the removal of the hulk from the Havana should offer any inconvenience, and in order to fulfil completely the desires of the two Governments relatively to the emancipated negroes, in virtue of the stipulations of the Treaty, Her Catholic Majesty's Government has not the least objection to there being assigned on shore a convenient point, where, under the vigilance of the Mixed Commission, they may be kept till they can be otherwise disposed of; or to an agreement being come to with the British Government regarding any other disposition of this kind calculated for the same object, and which may be reciprocally both honourable and satisfactory.

The Spanish Government has afforded to that of Her Britannic Majesty the most signal proof of the sincere desire with which it is animated of cutting off the Slave Trade by the root, by presenting to the Cortes of the Kingdom the Project of the Penal Law for the just and proportioned punishment of those either engaging in, or becoming parties to, this odious traffic. The exposition which precedes this Project cannot be more frank and explicit; nor can it be surprising that its presentation should have been delayed till the present moment, when it is considered that the political convulsions, the civil war, and the very important events which have consecutively occurred in the country, have absorbed in such a manner the attention of the Cortes and of the Government, as not to allow them for successive years properly to examine or discuss the public estimates, notwithstanding the constitutional injunction to that effect.

The policy of the Spanish Government in the negro question being conformable throughout with the stipulations of Treaties, is clear, frank, and straightforward; being determined to employ all the means in its power in order to do away with, and punish, the unlawful importation of African negroes into its colonies, it is equally so not to allow, for any motive, or under any pretext, any either direct or indirect infringement of the right of property to the slaves now in Cuba or Porto Rico, nor to concede those valuable portions of the monarchy to be exposed to fresh menaces and subversions. When I had for the first time the honour to discuss this topic with your Lordship, I made the very same frank manifestation, and had the satisfaction to hear your Lordship's concurrence in these bases, which, if observed with good faith by

the two Governments, will prove the most solemn guarantee of the good understanding that ought to subsist between both on so important a subject.

After the preceding explanations, I doubt not but that your Lordship will be impressed with the well-founded causes which induce the Government of Her Catholic Majesty to claim the removal of the "Romney" hulk, from the port of Havana, and with the real object at which that measure aims; and I flatter myself that the Government of Her Britannic Majesty, by acceding without delay to its desires, will afford a fresh motive for drawing closer the relations of friendship happily subsisting between the two Governments.

God preserve your Lordship!

I avail, &c.

(Signed) THE DUKE OF SOTOMAYOR.

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

&c.

&c.

&c.

No. 7.

*The Earl of Aberdeen to Mr. Bulwer.*

SIR,

*Foreign Office, February 7, 1845.*

I TRANSMIT to you herewith a copy of a Despatch, and of its enclosure from Her Majesty's Commissioners at Sierra Leone, containing their report of the case of the Spanish felucca "*El No Se*," captured on the 29th of September last by Her Majesty's sloop "*Espoir*," Lieutenant Hadaway, Commander, carried to Sierra Leone for adjudication, and there condemned by the Mixed British and Spanish Commission, on a charge of being engaged in Slave Trade, contrary to the Treaty of 1835, between Great Britain and Spain.

From the papers found on board of the "*El No Se*," and from the evidence produced in the case, it appears that this vessel was originally the mistico "*San Pablo*," belonging to Isidoro Plá, of Masnou, a small port near Mataro, in Catalonia; that in November, 1843, she was purchased from him by Bartolomé Jayme Estaper, of the same place, a matriculated pilot of Malaga; that he fitted her out in the April following, gave her a slave deck, equipped her with fire arms for 28 men, a quantity of ammunition, and a long swivel gun, and obtained papers for her at Mataro, under the name of "*El No Se*," ostensibly bound for Malaga; that she sailed, however, direct to Almeida, and there took in an additional crew of 16 other persons, shipped some more fittings for Slave Trade, and sailed professedly for Monte Video; that she went first to Cadiz, and thence finally she cleared out on the 8th of June.

From Cadiz she steered for Cape Frio, in Brazil, but when within a few days' sail of that port altered her course, and eventually shaped it for the coast of Guinea; but bending down towards the river Congo, she was taken in latitude 5° 20' south, and longitude 2° 30' east, by Her Majesty's brig "*Espoir*."

You will communicate the information contained in the enclosed papers to the Spanish Government.

They will perceive that there must have been some flagrant neglect on the part of the Authorities in the seaport towns at which the "*El No Se*" touched, to have permitted proceedings of so suspicious a character as the fitting out of a vessel for Slave Trade and piratical purposes, with apparently no attempt at concealment.

*H. L. Bulwer, Esq.*

&c.

&c.

I am, &c.

(Signed) ABERDEEN.

Enclosure in No. 7.

*Sierra Leone Commissioners to the Earl of Aberdeen, November 11, 1844.*

(See Class A., No. 72, page 305.)

No. 8.

*The Earl of Aberdeen to Mr. Bulwer.*

SIR,

*Foreign Office, February 13, 1845.*

I HAVE received your Despatch of the 25th ultimo.

Her Majesty's Government entirely approve the representation which you made in your note of the 9th ultimo to M. Martinez de la Rosa against that amendment to the Penal Law for the suppression of the Slave Trade which enacts, that no examination shall ever be instituted upon the estates of the proprietors of slaves in the Spanish colonial possessions regarding the origin of such slaves.

You will inform Senor Martinez de la Rosa, that you have received from Her Majesty's Government their approval of the step which you took in this matter, and that Her Majesty's Government must protest against any measure which shall prevent justice being done to any emancipated negroes who may have been again consigned to slavery, or to any negroes newly imported into the Spanish possessions in defiance of Treaty and law.

H. L. Bulwer, Esq.  
&c. &c.

I am, &c.  
(Signed) ABERDEEN.

No. 9.

(Extract.)

*The Earl of Aberdeen to Mr. Bulwer.*

SIR,

*Foreign Office, February 14, 1845.*

I observe, that General O'Donnell alleges, that in his refusal to receive any communications from Her Majesty's Consul-General, referring to denunciations of infractions of the Treaty prohibiting the traffic in slaves, he acted in conformity with the orders of Her Catholic Majesty, communicated in a Royal Order of the 4th of January, 1844.

Her Majesty's Government had hoped, that the Government of Her Catholic Majesty would have given instructions to the Captain-General of Cuba in accordance with the requisition which, by my Despatch of the 31st December, 1843, you were instructed to make, that his Excellency should be enjoined to pay due attention to such communications bearing upon the infraction of the Treaties between Great Britain and Spain as may be addressed to him by the authorized agents of Her Majesty.

And Her Majesty's Government have now the greater right to entertain this expectation, since, with the view of meeting inconvenience, which the Captain-General had alleged to arise from communications upon cases of the same nature being addressed to the Spanish Authorities sometimes by one functionary and sometimes by another, Her Majesty's Commissioners have been instructed to limit their communications with the Captain-General to the cases of vessels detained under the Treaty in virtue of which they act as Commissioners, and to leave to Her Majesty's Consul the duty of communicating with the Captain-General on all other matters affecting the execution of that Treaty.

I herewith transmit to you a copy of the instructions which I addressed to Her Majesty's Commissioners and Her Majesty's Consul-General on that point.

You will communicate those instructions to the Government of Her Catholic Majesty, and state, that the right of Her Majesty's Consul-General to make representations to the local Authorities on infractions of the Treaty, will be insisted upon. And you will add, that Her Majesty's Government cannot doubt that the Government of Madrid will give positive orders to the Captain-General to receive those representations with respect, and pay due attention to them.

H. L. Bulwer, Esq.  
&c. &c.

I am, &c.  
(Signed) ABERDEEN.

## Enclosures in No. 9.

1. *The Earl of Aberdeen to the Havana Commissioners, February 3, 1845.*  
(See Class A., No. 124, page 377.)
  2. *The Earl of Aberdeen to Mr. Crawford, February 3, 1845.*  
(See No. 92 page 122.)
- 

## No. 10.

(Extract)

*Mr. Bulwer to the Earl of Aberdeen.**Madrid, February 9, 1845.**(Received February 19.)*

MY LORD,

IN the discussion of the Penal Law against the Slave Trade much opposition has been made to the right of visit, and to the existence of the English pontoon at the Havana.

It appears to me, that this pontoon is merely a means to an end, that is to say, that it is necessary in order to keep such slaves as should be taken by the English cruizers until they can be removed to our colonies. Some such means should exist; but I apprehend, and this I have said to Mr. Martinez de la Rosa, that if the Spanish Government will propose any other practicable mode of keeping the captured negroes provisionally in Cuba, Her Majesty's Government will be very willing to give every due consideration to such proposition, and be desirous to consult, as far as possible, the feeling which the Spanish Chambers entertain upon the subject.

I have, &amp;c.

(Signed)

H. L. BULWER,

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

&amp;c.

&amp;c.

&amp;c.

## No. 11.

(Extract.)

*Mr. Bulwer to the Earl of Aberdeen.**Madrid, February 9, 1845.**(Received February 19.)*

MY LORD,

As it may be satisfactory to your Lordship to possess a brief sketch of what I have done since my arrival in this country, in relation to the question of Slave Trade in the island of Cuba, I have the honour to submit the following details to your Lordship.

On the 7th of February, 1844, I addressed a note to Mr. Gonzalez Bravo, complaining of the impunity with which the Slave Trade was carried on in Cuba, and demanding that the Captain-General should be instructed to receive and attend to all representations which Her Majesty's Consul-General and Commissioners might address to him in the execution of their duty.

No answer having been received, I addressed another note to Mr. Gonzalez Bravo, on the 6th of April, pressing for his reply.

On the 8th of April his Excellency assured me, that Her Catholic Majesty's Government were determined to fulfil, and cause to be fulfilled by their Authorities in Cuba, the Treaty of 1835; that they had already given the most positive instructions on this subject, and were actually preparing certain labours, which would afford the most undeniable proof of their good faith in the execution of their engagements. With regard to the remonstrance respecting the refusal of the Captain-General to receive the denunciations from the Consul-General or Commissioners, his Excellency could only consider the former as a mere commercial agent, without any diplomatic mission to watch over, and represent against the non-execution of, Treaties; and the latter, being a Court of Justice for deciding in cases of seizure of slaves, could not be converted into informers without infringing every principle of jurisprudence.

On the 15th of April I replied, insisting upon the expediency of the Consul-General's protesting at once, and on the spot itself, against the infractions of Treaties, when such a grievance occurred, rather than by adopting the circuitous mode of communicating to Her Majesty's Government, which would furthermore have to remonstrate with that of Her Catholic Majesty's Government, to render the injustice greater, and consequently more difficult of atonement. I added, moreover, that if the Mixed Commission had gone beyond the extent of their

powers (of which I could not pretend to judge), Her Majesty's Government, scrupulous in seeing that its own just rights are accorded, was equally scrupulous in respecting those of others. I also requested to be informed, whether in the measures which his Excellency stated were in the course of preparation, he alluded to the promulgation of a Penal Law against slave dealers, to which Spain was bound by Article II. of the Treaty of 1835, an engagement the execution of which could admit of no further delay.

On the 26th of April Mr. Gonzalez Bravo replied, by insisting upon his first view, that the powers of Consuls were confined to matters purely commercial; and that the admission of such agents in the colonies being a gracious concession of the Government of the mother country, ought to be subordinate to the conditions which that Government may chose to impose; that this doctrine was equally applicable to Spain as to England. With regard to the measures in preparation, his Excellency frankly stated, that they comprehended the Penal Law to which I alluded, observing, that former Governments had considered that this Law could only be made by the Cortes, but that the Government which he had the honour to preside over, viewed it as a regulation for the execution of the Treaty of 1835, and consequently within the limits of their attributions. He added, that the Spanish Government was assiduously occupied in framing this Law, and that it would be accompanied by the most positive orders for its fulfilment.

The overthrow of the Administration of Mr. Gonzalez Bravo at this period rendered any reply on my part impossible; and indeed, the new Minister of Foreign Affairs being at that time in England, business was for awhile suspended.

On the 31st of October I stated officially to M. Martinez de la Rosa, that I had seen with much pain and surprise that his Excellency had manifested in the Cortes that no Decree of Penal Law against Slave Trade had been sent out to Cuba, having been informed by the Marques de Viluma, in June last, that such a Decree would be forwarded immediately, with orders for its being strictly observed. M. Martinez de la Rosa answered, on the 7th of November, that what he had stated in the Cortes was exactly true, according to the documents in the archives of the State Department; that the Marques de Viluma, in the few days he was in office, had indeed called upon the Departments of War and Colonies to issue the most stringent orders to put an end to the unlawful traffic; and that such was the attention paid to the subject by the Cabinet, that the Minister of the Colonies, in replying to the Marques de Viluma, forwarded to him a Project of Penal Law, drawn up by a special commission appointed for the purpose; that this Project was doubtlessly the one which had been shown to me as intended to be sent out immediately to the colonies, and carried at once into effect. The sudden withdrawal from office of the Marques, Her Majesty's journey, and other circumstances had, however, prevented this intention from being carried through; but the Council of Ministers had the subject under consideration, and deemed it preferable that a Penal Law should be submitted to the Cortes, which were then open.

On the 18th of November, in execution of the instructions contained in your Lordship's Despatch of the 22nd of October, I addressed another note to M. Martinez de la Rosa, detailing the facts of the landing of three cargoes of negroes near the Havana, one of which was effected within six days after General O'Donnell had acknowledged the receipt of the Royal Order of 15th June, and promised implicit obedience thereto. I concluded my note by observing, that up to that time it was evident, whatever the cause, that the good faith of Spain, engaged with sincerity at Madrid, was constantly violated at the Havana; that his Excellency would best know how to prevent this calamity for the future; but it was a most serious one, hostile to the interests of the colony, of the monarchy, and gravely compromising the friendly relations which so happily, on other points, subsisted between the two Governments. His Excellency answered on the 21st of the same month that information had been demanded on the subject from Cuba, and proper instructions given to General O'Donnell.

I have, &c.

(Signed)

H. L. BULWER.

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

&c.

&c.

&c.

No. 12.

*The Earl of Aberdeen to Mr. Bulwer.*

SIR,

*Foreign Office, March 1, 1845.*

I TRANSMIT herewith to you a copy of a Despatch which I have received from M. Lindegren, Her Majesty's Consul at Porto Rico, stating that the Governor of Porto Rico had positively refused permission to a vessel which had started from that island on a slave trading voyage, to land her slaves on her return.

Her Majesty's Government earnestly hope that the Governor of Porto Rico will persevere in his declared intention to maintain the good faith of his Government in respect to the Treaty on Slave Trade, and that his conduct will receive the marked approval of the Government of Her Catholic Majesty.

*H. L. Bulwer, Esq.*  
&c. &c.

I am, &c  
(Signed) ABERDEEN.

---

Enclosure in No. 12.

*Consul Lindegren to the Earl of Aberdeen, January 25, 1845.*

(See No. 115, page 140.)

---

No. 13.

*The Earl of Aberdeen to Mr. Bulwer.*

SIR,

*Foreign Office, March 1, 1845.*

I HEREWITH transmit to you a copy of a Despatch from Her Majesty's Commissary Judge at the Havana, giving an account of Slave Trade in the island of Cuba during the year 1844.

You will, as occasion may offer, make use of the information contained in it for strengthening your representations to the Government of Her Catholic Majesty upon the encouragement which of late has been given to the Slave Trade in that island. But you will, without loss of time, address Senor Martinez de la Rosa upon that portion of the report which relates to the negroes emancipated under the Treaty of 1817.

You will call the attention of the Spanish Minister to the very long period which has elapsed since these persons, by sentence of the Mixed British and Spanish Commission guaranteed by the two Governments, received the solemn promise of their freedom. You will remind him that, in 1842, the Spanish Government, moved by pressing representations of the injustice which was committed in respect to the unfortunate individuals in question, assured Her Majesty's Government that the survivors of them, then supposed to amount to about 7,000, should receive, one after another, the entire freedom of which they had so long and so cruelly been deprived, so that, at the latest, at the expiration of five years the liberation of all of these negroes should be effected.

In that year (1842) 920 adults, being about one-eighth of the supposed number, and 295 children, their offspring, received their liberty.

In 1843, 285 adults and 62 children obtained the same happiness.

But in 1844 the number reported as liberated have, as yet, amounted only to five adults and five children.

The Captain-General has refused to give any further account of them to the Commissioners; but few or none are supposed to have obtained their liberty since January 1844, while, on the contrary, numbers are stated to have been re-assigned to their former state of bondage. The lot of many of them, who are still termed emancipados, and who worked for the Government, is said to be harder than that of ordinary slaves. Labouring on the public roads, with no one whose interest it is to look after their welfare—tasked to the utmost—in the winter scantily clothed—and at all times insufficiently fed—the number of those who fall victims to the hardships which they are compelled to suffer is said to be constantly increasing.

You will observe to Senor Martinez de la Rosa, that after the experience of the honourable and successful course pursued by General Valdez, Her Majesty's Government feel themselves justified in assuming, that there is no danger or difficulty to the Captain-General in the performance of the promise made to Her Majesty's Government in 1842, to which I have already alluded; and you will state, that you have been instructed to make an earnest appeal to the good faith and humanity of the Spanish Government in behalf of this unfortunate class, and to require that strict orders may be given to General O'Donnell to carry out the good work undertaken by his predecessor, and to proceed, without delay, to place those who yet survive in the condition of free men.

H. L. Bulwer, Esq.  
&c. &c.

I am, &c.  
(Signed) ABERDEEN.

Enclosure in No. 13.

*The Havana Commissioners to the Earl of Aberdeen, January 1, 1845.*

(See Class A., No. 127 page 378.)

No. 14.

*The Duke of Sotomayor to the Earl of Aberdeen.*

9, Cavendish Square, February 28, 1845.

THE Duke of Sotomayor presents his compliments to the Earl of Aberdeen, and begs leave to call his Lordship's attention to an article in the enclosed semi-official Madrid paper, which contains some observations relative to the convenience, in the interests of the colony, of the suppression of the Slave Trade in Cuba.

Enclosure in No. 14.

(Translation.)

*Extract from the Herald.*

*Madrid, February 20, 1845.*

"THUS I make no doubt that the abolition of the Slave Trade will occasion a variation and a fresh circulation in the agricultural industry of that country, which is the only wealth in its possession. Of this I am certain; but should the slaves remain such as they are, the number of existing black hands suffices to answer all the necessities of agriculture in that island, and to increase its prosperity."—The Minister of State in the sitting of Congress, on the 29th of January.

"The slave population now existing in the island suffices to keep up and foment its agriculture."

We are now proceeding to combat one of the most grave errors incurred by those who, *bonâ fide*, maintain the necessity of the Slave Trade, asserting, that by its interruption the isle of Cuba will be deprived of the sufficient number of hands for the cultivation of its lands, and for the progressive development of its agriculture.

The authentic and official statistic data which we gave in our last number, irrefragably prove, that the negroes actually existing in Cuba are enough to supply all its present necessities, and include all the means for attending to its future ones. A country counting, among 1,175,905 inhabitants, 693,981 that either devote themselves, or are susceptible of devoting themselves, to the occupations of the field and to the labours of production, is not likely, as may be clearly seen from a mere comparison of these numbers, to want the hands required by those labours.

Supposing that, after the cessation of the traffic, this population adapted for work should remain stationary, how will the fresh necessities of the country be supplied, and how will the exigencies of the increase of production be attended

CLASS B.



to? On this ideal and hypothetic case, which is at variance with all the infallible anticipations of experience, as we shall show presently, there are infinite resources which may be made choice of, without resorting to the reprobated Slave Trade.

The development and increase of agricultural wealth must be effected in the isle of Cuba, not only by sugar-mills, as many believe erroneously, but by the simultaneous rise of many other cultivations, for which that soil offers all the necessary conditions of fertility and temperature; such are cotton, wool, tobacco, cocoa, rice, wax, indigo, silk, and many others, some already under preparation, others bursting into existence, and others again whose utility has been acknowledged, and whose cultivation will more or less speedily be undertaken. But in order to simplify our arguments, and not to extend ourselves too much, we shall confine ourselves for the present only to the sugar-mills.

According to the census of 1841, there existed in the isle of Cuba 1,238 of the latter, and in them there were occupied 133,747 black slaves. Simultaneously there existed 1,838 coffee plantations, with 107,410 slaves. Well, it is notorious that the cultivation of coffee has received a death-blow in the isle of Cuba. Mr. Olivan, one of the persons who best and most practically understand ultra-marine questions, said, in the excellent speech which he delivered in the sitting of the 29th, "One may count by hundreds the coffee estates that have recently been rooted up because they gave no return, and it is scarcely known by what beneficial cultivation they are to be replaced."

This decay of so important a branch as coffee was, is owing to several causes. One of them has been the impoverishment of the soils employed in this plantation, which no longer produce what they used to do; another, which is the principal and most fatal, is the competition of Brazilian coffee, which is cheaper than that of Cuba, because it is inferior in quality, and of a less choice berry, but whose consumption spreads in an extraordinary manner, in proportion as ours diminishes, especially in the south-eastern States of the American Union, where, owing to the use of it created by the cheapness, they have habituated themselves to the strong and oily flavour of it, so as to prefer it now to ours. To show the obvious ruin to which this branch has been reduced, it will be enough to say, that a hundredweight, having in 1816 fetched 28 dollars, is now sold, from motives of prudence, at six and a half. There is no industry that can resist so unheard of a fall of prices in so short a period. In fact, the ruin of this cultivation is so palpable, that while in 1843 there were exported to the United States, from the ports of Havana and Matanzas, 417,106½ arrobas, the exportation in 1844 amounted only to 272,726 arrobas! and to the Peninsula, to 43,358 arrobas in 1843, and to 29,502½ arrobas in 1844. These figures prove more than any arguments could do.

Coffee plantations cannot be converted into sugar-mills for the same reason, that the mould is extremely impoverished, and because the cane requires soils in the whole force of their fertility and their productive juices. The coffee estates are also in want of fuel; firewood is extremely scarce in them, and its abundance is notoriously one of the indispensable conditions for the establishment of a sugar-mill. Moreover, the owners of the coffee plantations are poor, and the establishment of a sugar-mill requires enormous capital, especially now, that from the fall of prices in the produce, mills that do not produce more than 1,500 cajas (at four hundredweight), are worked, a ta loss; those who arrive at from 2,000 to 2,400, remain stationary; and only those are gainers whose production is beyond this sum. Observe, therefore, how enormous must be the capital required for creating a new sugar-mill, and how little it is consistent with the means of a class of proprietors who, as those of the coffee plantations, have been suffering losses for many years, or have realized proceeds scarcely sufficient for maintaining their slaves.

The cultivation of coffee being, for the above reasons, annihilated and lost, and the other proprietors being impelled to require hands in the island itself, on account of the cessation of the traffic, there will be at their disposal the 107,410 that now occupy the coffee estates, and who will, without difficulty, be made to benefit any branch that may offer more probability of success than the expiring culture of coffee; and the producers of other commodities will, in proportion as they abandon this branch, avail themselves of those negroes, with much more advantage to themselves and to the island, than if they drew them from Africa. Would it not prove a double gain to the island, to encourage other useful and profitable cultures, and abandon one, with the intention of employing the hands

which this abandonment should leave out of work—one which already produces nothing but losses? Thus, then, we have already one resource, of the first order, for the purpose of supplying any want which the suppression of the traffic might occasion. After proving the existence of so rich a fund for meeting all the necessities, the most timid conscience, the most dastard imagination, cannot entertain any the least fear, except on the subject of work for those hands, for we may count with safety on the procreation of the negro race not being in a less proportion than that in the United States.

The transfer of negroes from the coffee plantations to the sugar-mills is so pointed out by the very nature of things, that individual interest has already begun to practise it to a certain extent. At the time of the cholera, when there happened to be a great mortality among the negroes of the sugar-mills, many masters of coffee estates lost no time (as even before the present period the cultivation of coffee had begun to fall off) in drafting from their complement of slaves, the strongest and the most expert, and in forming parties of 10, 20, and up to 40, headed by a white agent of confidence, under the name of Mayoral, whom they hired out to the owners of sugar-mills, at from 15 to 17 dollars per month, according to the nature of the work.

Subsequently to this epoch, the owners of coffee plantations continued to turn this branch of industry to account, because they perceived daily that coffee was gradually going to decay, and many proprietors of sugar-mills continued employing this resource, as they were in want of sufficient means for buying the negroes necessary for the cultivation of their estates; and others, because though in the possession of a sufficient complement of slaves, they found their account in undertaking many works with these hired parties, by planting, through their means, large quantities of cane, and calculating that they were thus augmenting their gains without the necessity of withdrawing their own hands from other pursuits.

These results have contributed greatly to the considerable increase of those gangs; and the natural consequence of this competition has been, the daily diminution of the rate of wages, so that when it was necessary in the beginning to pay 17 dollars per month for the hire of each negro, they are at present satisfied with 12. This industry resting on the solid basis of mutual interest and reciprocal gain, has continued to increase the circle of its operations, whence many have made it their business to buy fresh negroes, and after seasoning them for a year on the estates of friends, they place them in these gangs, and hire them out to any one willing to employ them. The capital laid out in these speculations produces, as may easily be calculated, an enormous return.

These gangs are not only employed in working the sugar-mills, but are made use of for every kind of enterprise; and one speculator is known to have let out as many as 200 negroes on enterprizes of railways, which have so much improved the communications in the isle of Cuba, and he has taken the amount of the wages in shares of the Company. This system of working parties is at present in all its vigour. In proof of this we may state, that on looking over the journals of that country we met, in the *Diario de la Habana* of the 17th December, an advertisement couched in the following terms, which we copy literally, as well to bear us out in what we have said, as because it will appear curious to our readers of the Peninsula:—

“If it should suit the owner of any estate to enter into a contract of hiring a number of negroes for the ensuing season [zafra] either for the purpose of cutting and harvesting cane, or of other works, he may call at No. 11, of St. Nicholas Street.”

And another, in the same journal of the 5th of January, confirms our assertion more in detail, as follows:—

“A gang of from 25 to 30 negroes, now in the district of Magusiges, and fit for working in a sugar plantation, may be hired at No. 104, Cuba Street.”

These simple announcements prove, in our opinion, more impressively than the most laboured arguments, that hands are not scarce in the isle of Cuba; on the contrary, they prove irrefragably that hands abound for agricultural operations.

Such at least are the inferences deduced by political economy in similar cases. It is, then, proved, that when the illicit traffic in negroes ceases, as cease it must in virtue of the Penal Law now sanctioned, and when henceforth not a single negro can be imported into the isle of Cuba, the latter will instantly find in its domestic

resources hands sufficient to fill up the void that might ensue, which we can pledge ourselves will not be the case.

From all this it naturally follows, that the coffee plantations would not only be a very vast and almost inexhaustible nursery of hands for filling up those of the sugar mills, but that this is so feasible and conformable with the nature of things, that it has begun to be put in practice of itself, without urgent necessities, and in spite of the vicious system which imposes on the agriculture of the island the importation of negroes from Africa.

Lastly, we have before our eyes the eloquent example of the United States, where, after the abolition of the traffic, the negro race, so far from diminishing, has increased in such a way that their labour has exceeded the demand, and its extension to States where it did not exist has been obliged to be prohibited, and that it has been necessary to find outlets for it to other countries, in order to spare to America the evils which might attend a too rapid development of a dangerous race. It is now many years ago that the free negroes of the southern States, favoured in this enterprize by the inhabitants of the country, have begun emigrating to Liberia; thousands of individuals placed in the same circumstances have emigrated thither, and continue to emigrate to the island of St. Domingo; and, finally, one of the principal reasons which impel the southern States of the Anglo-American Republic to desire and to stimulate by all possible means the annexation of Texas to their country, is the wish of having this outlet open, in order to pour out into the fields of the ancient Mexican province the superabundance of negroes for whom they already have no work in their own territory. What reasons are there for believing that the black race will not increase in the isle of Cuba, as it has increased in the United States? Why is their natural augmentation not to supply a sufficient number of hands for meeting all the occasions of the agriculture of the island? Has not the isle of Cuba all the necessary conditions for increase of the population, such as salubrity of the climate, abundance of products, facilities for trade, and whatever can be required for its being great, prosperous, and happy? Such is our belief, and we doubt not that all unprejudiced persons who have read with impartiality what we have stated on the subject, will be persuaded of the truth and justice of our reasons, and will believe with us that the present labouring population of the isle of Cuba is sufficient, without the aid of the traffic, for answering all its present necessities, and for supplying the means of satisfying its future wants.

(Signed) M. DE LA C.

No. 15.

*Mr. Bulwer to the Earl of Aberdeen.*

*Madrid, March 1, 1845.*

*(Received March 10.)*

MY LORD,

I HAVE the honour to enclose the copy of a note which, in obedience to your Lordship's Despatch of the 13th ultimo, I have addressed to M. Martinez de la Rosa, on the subject of the amendment voted in the Penal Law, to the effect that no examination shall ever be instituted upon the estates of the proprietors of slaves in the Spanish colonial possessions regarding the origin of such slaves.

I have, &c.

(Signed) H. L. BULWER.

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

*&c.*

*&c.*

*&c.*

Enclosure in No. 15.

*Mr. Bulwer to Senor Martinez de la Rosa.*

SIR,

*Madrid, February 27, 1845.*

WITH reference to the note which I addressed to your Excellency on the 9th ultimo, respecting the amendment to the Penal Law for the suppression of Slave Trade, I have the honour to state, that I have been instructed to inform

your Excellency, that Her Majesty's Government have approved of that note, and that they would protest against any measure which might prevent justice being done to any emancipated negroes who should have been again consigned to slavery, or to any negroes newly imported into the Spanish colonial possessions, in defiance of law and Treaty.

I trust, however, that your Excellency's observations, dated January 14th, in answer to that note, afford a sufficient guarantee against any such misapplication of the Article to which I therein called your Excellency's attention.

I avail, &c.

(Signed) H. L. BULWER.

*His Excellency Martinez de la Rosa,*  
&c. &c.

No. 16.

*Mr. Bulwer to the Earl of Aberdeen.*

*Madrid, March 1, 1845.*

*(Received March 10.)*

MY LORD,

I HAVE the honour to enclose the copy of a note which, in obedience to the instructions contained in your Lordship's Despatch of the 14th ultimo, I have addressed to M. Martinez de la Rosa, insisting upon the right of Her Majesty's Consul-General at the Havana to represent to the Captain-General against the infraction of Treaties.

I have, &c.

(Signed) H. L. BULWER.

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

Enclosure in No. 16.

*Mr. Bulwer to Senor Martinez de la Rosa.*

SIR,

*Madrid, February 27, 1845.*

I HAVE been instructed to communicate to your Excellency the accompanying instructions, which Her Majesty's Government have issued to the British Commissioners and Consul-General at the Havana, regulating their representations to the Captain-General.

Her Majesty's Government have observed, in General O'Donnell's statement of the 30th of September last, that his Excellency alleges that, in his refusal to receive any communications from Her Majesty's Consul-General referring to denunciations of infractions of the Treaty for the suppression of Slave Trade, he acted in conformity with the orders of Her Catholic Majesty, communicated in a Royal Order of the 4th of January, 1844. Her Majesty's Government had hoped that the Government of Her Catholic Majesty would have given instructions to the Captain-General of Cuba in accordance with the requisition which, in compliance with my instructions, I had the honour to make in my note of the 7th February of last year, namely, that his Excellency should be enjoined to pay due attention to such communications bearing upon the infraction of the Treaties between Great Britain and Spain as might be addressed to him by the authorized agents of Her Majesty. And Her Majesty's Government have now the greater reason to entertain this expectation, since, with the view of meeting the inconvenience which the Captain-General had alleged to arise from communications upon cases of the same nature being addressed to the Spanish Authorities sometimes by one functionary and sometimes by another, Her Majesty's Commissioners have been instructed to limit their communications with the Captain-General to the cases of vessels detained under the Treaty in virtue of which they act as Commissioners, and to leave to Her Majesty's Consul the duty of communicating with the Captain-General in all matters affecting the execution of that Treaty.

I am sure that your Excellency will see, that the right of Her Majesty's

Consul-General to make representations to the local Authorities on infractions<sup>s</sup> of Treaties, is one so essentially necessary to the fulfilment of his duties, that it cannot be otherwise than maintained by Her Majesty's Government; and I feel confident, from the friendly feeling manifested by that of Her Catholic Majesty and by your Excellency, that the Captain-General of Cuba will receive orders to receive such communications with the attention due to the observations, if they be properly made by one of Her Majesty's agents.

I avail, &c.

(Signed) H. L. BULWER.

*His Excellency Senor Martinez de la Rosa,*  
&c. &c.

No. 17.

(Translation.) *The Duke of Sotomayor to the Earl of Aberdeen.*

9, Cavendish Square, March 11, 1845.

(Received March 13.)

THE Undersigned, &c. &c., in compliance with the orders which he has received from his Government, has the honour to enclose to the Right Honourable the Earl of Aberdeen, &c. &c., a copy of the Penal Law\* against the illicit Slave Trade, as approved by the Cortes of Spain, and sanctioned by Her Catholic Majesty.

The Government of Her Britannic Majesty cannot but recognise, as respects this document, the good faith and ardent desire of the Spanish Government to repress the immoral Slave Trade in its dominions, and flatters itself that this legislative disposition will completely attain its object, fulfilling thereby, in all their parts, the stipulations of the Treaties concluded with its ally Great Britain, which, as it hopes, will prove a fresh motive for drawing closer the existing relations of good intelligence and amity which ought ever to reign between the two Powers.

The Undersigned, &c.

(Signed)

THE DUKE OF SOTOMAYOR.

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

No. 18.

*Mr. Bulwer to the Earl of Aberdeen.*

Madrid, March 10, 1845.

(Received March 19.)

MY LORD,

I HAVE the honour to enclose the copy of a note which, in obedience to the instructions contained in your Lordship's Despatch of 7th ultimo, I have addressed to Mr. Martinez de la Rosa, respecting the seizure of the Spanish felucca "*El No Se*."

I have, &c.

(Signed)

H. L. BULWER.

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

Enclosure in No. 18.

*Mr. Bulwer to Senor Martinez de la Rosa.*

SIR,

Madrid, March 2, 1845.

IN compliance with the orders of my Government, I have the honour to enclose a copy of a Despatch, and of its enclosure, from Her Majesty's Commissioners at Sierra Leone, containing their report of the case of the Spanish felucca "*El No Se*," captured on the 29th of September last by Her Majesty's sloop

\* See Enclosure in No. 19.

“Espoir,” Lieutenant Hadaway, Commander, carried to Sierra Leone for adjudication, and there condemned by the Mixed British and Spanish Commission, on a charge of being engaged in Slave Trade, contrary to the Treaty of 1835, between Great Britain and Spain.

From the papers found on board of the “*El No Se*,” and from the evidence produced in the case, it appears that this vessel was originally the mistico “*San Pablo*,” belonging to Isidoro Pla, of Masnou, a small port near Mataro, in Catalonia; that in November 1843 she was purchased from him by Bartolome Jaime Estaper, of the same place, a matriculated pilot of Malaga; that he fitted her out in April following, gave her a slave deck, equipped her with fire-arms for 28 men, a quantity of ammunition, and a long swivel gun, and obtained papers for her at Mataro, under the name of “*El No Se*,” ostensibly bound for Malaga; that she sailed, however, direct to Almeria, and there took in an additional crew of 16 other persons, shipped some more fittings for Slave Trade, and sailed professedly for Monte Video; that she went first to Cadiz, and thence finally cleared out on the 8th June.

From Cadiz she steered for Cape Frio, in Brazil; but when within a few days’ sail of that port, altered her course, and eventually shaped it for the coast of Guinea; but bending down towards the river Congo, she was taken, in latitude 5° 20’ south, and longitude 2° 30’ east, by Her Majesty’s ship “Espoir.”

Her Majesty’s Government feel sure that the Government of Her Catholic Majesty will perceive that there must have been some great neglect on the part of the Authorities in the seaport towns at which the “*El No Se*” touched, to have permitted proceedings of so suspicious a character as the fitting out of a vessel for Slave Trade and for piratical purposes, with, apparently, no attempt at concealment.

I have, &c.

(Signed)

H. L. BULWER.

*His Excellency Senor Martinez de la Rosa,*  
&c. &c.

No. 19.

*Mr. Bulwer to the Earl of Aberdeen.*

*Madrid, March 11, 1845.*

*(Received March 19.)*

MY LORD,

I HAVE the honour to enclose a copy and translation of the Penal Law for the suppression of Slave Trade, lately passed by the Cortes, and sanctioned by Her Catholic Majesty, which was published in the Gazette of the 3rd instant.

I have, &c.

(Signed)

H. L. BULWER.

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

Enclosure in No. 19.

(Translation.) *Penal Law for the Suppression of Slave Trade.*

DONNA ISABELLA II., by the Grace of God and the Constitution of the Spanish Monarchy, Queen of Spain, to all those who may see and understand the present, be it known, that the Cortes have decreed, and we have sanctioned the following:

TITLE I.

Penalties to which those who are engaged or take a part in the illicit traffic of slaves are liable.

Article 1. The Masters, Supercargoes, Pilots, and Boatswains of vessels with bozal negroes on board, proceeding from the continent of Africa, captured by the cruisers authorized to exercise the right of search, shall be condemned to the penalty of six years presidio (convict establishment), in case of their having made no resistance; to eight years’ of the same if they have resisted, without any loss

of lives or severe wounds arising from it; and should they occasion any of these, such penalty shall be inflicted on them as is fixed by the laws for crimes of that sort.

Article 2. The sailors and other individuals forming the crew of the vessel captured with bozal negroes on board, proceeding from the continent of Africa, shall incur the penalty of four years' presidio, if they have made no resistance, and that of six years' of the same in case of their having resisted, besides the penalties to which they may be liable for the loss of lives or wounds they may have occasioned.

Article 3. The Masters, Pilots, Supercargoes, and Boatswains of a vessel fitted out for the Slave Trade, but on board of which no negroes shall be found, shall incur the following penalties:—

If the vessel be captured on the coasts of the African continent, while lying at anchor, or at a distance less than three miles from them, being engaged in the purchase of slaves, the penalty of six years' presidio shall be inflicted; that of four years' should the vessel be captured on the high sea, and steering for that destination; and that of two years' of the same, if the vessel were detained in the port of departure.

Article 4. The sailors and other individuals of the crew of such vessel shall incur half the penalties assigned in the preceding Article, according to the respective cases.

Article 5. The owners of the vessel, the outfitters, the proprietors of the cargo, and those on whose account the expedition is made, shall be condemned to as many years' banishment, at a distance greater than 50 leagues from their place of residence, as those of presidio inflicted upon the Master of the vessel.

Moreover, a fine shall be exacted from them, which shall never be under 1,000 hard dollars, and may be increased up to 10,000 dollars, according to the gravity of the circumstances of the crime.

In cases of insolvency, the penalty of banishment shall be increased at the rate of one year for every 1,000 dollars. They will only be free from all responsibility if they prove that they were ignorant of the use which the Master and crew have made of the vessel for that illicit traffic.

Article 6. Besides the penalties established in the preceding Article, the guilty parties shall incur the penalty of confiscation of the vessel, and of all the objects found on board of her; the vessel shall be cut to pieces, and sold by separate portions, according to the prescriptions of the Treaty of 1835.

Article 7. The crimes committed in a vessel against the African bozal negroes embarked on her, shall be punished with the penalties marked by common law for such offences.

Article 8. In case of a relapse, the penalties established in the preceding Articles shall be increased from a third part to a half.

## TITLE II.

Directions for the trial of the crimes alluded to in the present Law.

Article 9. The Superior Authorities, Tribunals, Ordinary Judges, and Her Majesty's Fiscals, can and must proceed, in their respective cases, against those who are engaged in this illicit traffic, either officially or by a denunciation or deposition made with the legal requisites, whenever they become aware that a maritime expedition of that kind is being prepared, or that it has arrived on the coast with a cargo of slaves proceeding from the continent of Africa; but in no case, and at no time, shall it be permitted to institute any proceedings against, nor molest in their possession, the proprietors of slaves, under the pretext of their origin or procedency.

Article 10. The Authorities and public servants residing in a place where a landing of bozal negroes, recently arrived from the African continent, has been carried into effect, if any complicity or connivance on their part by bribery should be proved, shall incur the penalty marked by the laws for that sort of crimes.

If it should appear from the trial that they have been negligent or committed any omission, and should their fault be considered slight, they shall be dismissed from their posts; should the fault be a grave one, the aforesaid Authorities shall incur the penalty of from six months' to four years' suspension from their charge.

Article 11. The penalty of suspension from his charge for from two to four

years shall be inflicted to the Notary who should authorize a deed or any other document in contravention of this Law; and should he relapse, he shall be perpetually forbidden to exercise the said charge.

Article 12. The Mixed Tribunals mentioned in the Treaty of 1835 shall transmit, the one established in the Antilles, to the Governors and Captains-General of the islands of Cuba and Porto Rico, and the other, established at Sierra Leone, to the Regente of the Court of Justice of the Canary Islands, all the documents relating to the trial, in case of any vessel having been declared to be a lawful prize, together with the persons seized on board of the same, in order that the proper tribunals may be enabled to institute the necessary trial for the investigation of the crime and infliction of the penalties established by this Law.

In the formation of these proceedings, and in the examination of evidence respecting the crimes alluded in the present Law, the prescriptions of the laws of the kingdom for common crimes shall be observed.

Article 13. The competent tribunals for the institution and decision of these trials are:

In the Peninsula, the Judges of First Instance, with power to appeal to the Territorial Courts of Justice; in the Canary Islands, the Judge in First Instance of the city of Las Palmas, with power to appeal to the Territorial Court of Justice; and in the islands of Cuba and Porto Rico, their Territorial Courts of Justice in First and Second Instance. Every fuero (privilege) is hereby derogated in all trials instituted upon the aforesaid crimes.

Article 14. For the punctual fulfilment and execution of this Law, the periods of one month, for the Peninsula and the adjacent islands; of three months, for the provinces of America; and of six months' for Africa, are hereby fixed, to be reckoned from the day of its promulgation.

We consequently command all Tribunals, Justices, Officers, Governors, and other Authorities, as well civil and military as ecclesiastical, of whatever class and rank they may be, to fulfil the present Law, and cause it to be fulfilled, observed, and executed in all its parts.

Given in the Palace, this 2nd day of March, 1845.

(Signed) MANU REGIA.

(Countersigned) FRANCISCO MARTINEZ DE LA ROSA,  
*Minister of Foreign Affairs.*

No. 20.

*The Earl of Aberdeen to the Duke of Sotomayor.*

*Foreign Office, March 19, 1845.*

ON the 6th of last month the Undersigned, &c. &c. had the honour to receive from the Duke of Sotomayor, &c. &c. a note, in which, in the name of the Spanish Government a demand was made for the removal from the Havana of the hulk which, eight years ago, was placed there, with the consent of the Government of Madrid, for the reception of liberated Africans.

In that Note, after referring to a conversation which the Undersigned had the honour of holding with the Duke of Sotomayor on this subject a short time before, the reasons which induce the Spanish Government to make the demand are shortly recapitulated.

It is stated, that the landing of the men who are stationed on board of the hulk had frequently given rise to serious disturbances; that the sight and example of those persons, they being free negroes in Her Majesty's service, is calculated to excite the slave population of the island, and to move them to insubordination; that an abuse had arisen in the transfer of provisions and stores from the hulk to English men-of-war and merchant vessels in the harbour, whereby the revenue of the island suffered; and, lastly, that the continued presence of a large vessel within the limits of the jurisdiction of the island, and in front of its batteries, was, through an overstrained but pardonable sensitiveness, considered as derogatory from the dignity and independence of the Spanish nation.

CLASS B.



Without enquiring minutely into the validity of the above reasons, the Undersigned does not for a moment question the right of the Government of Spain to make the demand, whenever they shall see fit to do so. No Treaty forbids it; nor is it in contravention of any engagement between the two Governments. It is sufficient, therefore, that the proposal comes from a friendly Government, in the discharge of what they consider to be their duty to the interests committed to their care, in order to induce the Undersigned to receive it with every desire to meet the wishes of those from whom it proceeds.

The sole ground upon which Her Majesty's Government might have felt it necessary to resist the measure, is removed by the willingness of the Government of Spain, as expressed in the Duke of Sotomayor's note, to assign for the use of the emancipated negroes a convenient place on shore, where due care may be taken of them until otherwise disposed of. By the establishment of such a place, the object for which, so far as Her Majesty's Government were concerned, the hulk was stationed at the Havana, will be fully answered; that object having been, to reconcile the well-being of the liberated negroes during the time that they remained at the Havana, with the convenience of the Spanish Government, and the Police Regulations of the Captain-General, which prohibited their being put on shore.

Under these circumstances, the Undersigned begs to assure the Duke of Sotomayor, that Her Majesty's Government are perfectly willing to comply with the request conveyed in his note; and that so soon as a convenient building shall have been prepared for the reception of negroes freed by the Commission, and shall have been placed at the disposal of the Commissioners, orders will immediately be given for the departure of the Romney.

The Duke of Sotomayor, in the note to which the Undersigned has now the honour to reply, made allusion to the Penal Law against the Slave Trade, which was then under the consideration of the Legislature of Spain; that Law has since received the sanction of the Crown, and is now complete; and the Undersigned gladly seizes this opportunity of returning his thanks to the Duke of Sotomayor for the announcement to that effect, which was conveyed to the Undersigned in his note of the 11th instant.

The Duke of Sotomayor will easily believe, that the interest which the Government and people of this country feel in the suppression of the Slave Trade led them to set a high value upon the pledge which the Spanish Government gave in the Article II. of the Treaty of 1835, and that the redemption of that pledge will be proportionably appreciated. In the sincerity of the intention with which the Government of Spain have now fulfilled their engagement, and in their determination to act in the true spirit of the Treaty, the Undersigned entirely confides; and he therefore assumes, that neither the resolution expressed in the Duke of Sotomayor's note, not to allow any infringement of the right of property in slaves, nor Article IX. of the Law, which prescribes that owners of slaves are not to be disturbed in their possession on account of the quarter from which the slaves may have come, are to be interpreted as interfering in any way with the liberation of those emancipated Africans who may still be detained in servitude, or with the full investigation of any future case in which a slaver may be suspected of having landed and disposed of her cargo in a Spanish colony.

The Undersigned, &c.

(Signed) ABERDEEN.

No. 21.

*The Earl of Aberdeen to Mr. Bulwer.*

SIR,

*Foreign Office, March 22, 1845.*

I HAVE received your Despatches marked Slave Trade of this year to that of the 11th March inclusive.

I transmit to you herewith, for your information, copies of two notes which I have received from the Duke de Sotomayor, the one demanding that the hulk which eight years ago was placed at the Havana for the reception of captured negroes may be removed from thence, and the other enclosing a copy of the Penal

Law against the Slave Trade, as passed by the Legislature, and sanctioned by the Crown of Spain; and a copy of a note which I have addressed to his Excellency in reply to those two notes.

H. L. Bulwer, Esq.  
&c. &c.

I am, &c.  
(Signed) ABERDEEN.

---

Enclosures in No. 21.

1. *The Duke of Sotomayor to the Earl of Aberdeen, February 5, 1845.*
2.         "   "   *March 11, 1845.*
3. *The Earl of Aberdeen to the Duke of Sotomayor, March 19, 1845.*  
(See Nos. 6, 17, and 20, pages 10, 22, and 25.)

---

(Translation.)

No. 22.

*The Duke of Sotomayor to the Earl of Aberdeen.*

*London, March 31, 1845.*  
(Received April 2.)

MY LORD,

I HAVE had the honour to receive the note of the 19th March, in which your Lordship is pleased to inform me, that Her Britannic Majesty's Government has acceded to the removal of the "Romney" hulk from the port of Havana, and to assure me, that the moment a building fit for the reception of the negroes declared free by the Mixed Commission shall have been established, and placed at its disposal, the proper orders shall be issued for the departure of the "Romney."

The anticipated announcement which, from my anterior conferences with your Lordship, I had the honour to make to the Spanish Government on this subject, has been received in a very satisfactory manner, seeing that this step will do away with all motives for the unpleasant feeling occasioned by the presence of that vessel in the port of the Havana.

Her Catholic Majesty's Government will give immediately the needful instructions to the Captain-General of the Isle of Cuba to expedite as much as possible, in concert with the British Commissioners, the establishment and endowment of the locality that may be set apart for the custody of free negroes; and it now remains for me only to entreat your Lordship to be pleased to give the same orders to the Commissioners of Her Britannic Majesty at the Havana, to the end that, going hand in hand with the said Captain-General as far as they are concerned, and with the good intelligence and harmony which ought to exist between functionaries of two friendly and allied Governments, they may contribute to the speedy realization of what the two Governments have agreed upon, without the necessity of further references or delays.

I avail, &c.  
(Signed) THE DUKE OF SOTOMAYOR.

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

---

No. 23.

*The Earl of Aberdeen to Mr. Bulwer.*

SIR,

*Foreign Office, April 8, 1845.*

I HEREWITH transmit to you a copy of a Despatch, and of its enclosures, from Her Majesty's Commissary Judge at the Havana, stating that 30 adult emancipated negroes (12 men and 18 women) and 19 of their children, had received tickets of freedom, and had been removed, at the desire of the Spanish Government, to a British colony.

Without stopping to enquire whether this act of the Spanish colonial Authorities is to be attributed chiefly to a sense of the just rights of the persons thus liberated, or to a wish to remove from the island such negroes as cannot be held in a state of declared slavery, I do not hesitate to instruct you to express to the Government of Spain the great satisfaction with which the announcement of this measure of General O'Donnell has been received by Her Majesty's Government.

*H. L. Bulwer, Esq.*  
&c. &c.

I am, &c.  
(Signed) ABERDEEN.

Enclosure in No. 23.

*Her Majesty's Commissary Judge at the Havana to the Earl of Aberdeen,*  
*February 3, 1845.*

(See Class A. No. 131, page 384.)

No. 24.

*The Earl of Aberdeen to the Duke of Sotomayor.*

*Foreign Office, April 10, 1845.*

THE Undersigned, &c. &c. has had the honour to receive the note which the Duke of Sotomayor, &c. &c. addressed to him on the 31st ultimo, requesting that orders might be given to Her Majesty's Commissioners at the Havana to expedite, in concert with the Governor-General of Cuba, the establishment and fitting up of the place which may be fixed upon for the reception of liberated negroes at the Havana; and the Undersigned has to acquaint the Duke de Sotomayor, that orders have been given to Her Majesty's Commissioners to afford their best assistance to the Governor-General for carrying into effect the intentions expressed in the note of the 19th ultimo, from the Undersigned to the Duke of Sotomayor, upon this subject.

The Undersigned, &c.

(Signed) ABERDEEN.

No. 25.

*Mr. Bulwer to the Earl of Aberdeen.*

*Madrid, March 31, 1845.*

*(Received April 11.)*

MY LORD,

I HAVE the honour to enclose the copy of a note which, in fulfilment of the instructions contained in your Lordship's Despatch, of the 1st instant, I have addressed to M. Martinez de la Rosa, relative to the condition of the emancipated negroes in the island of Cuba.

I likewise enclose the copy and translation of a note from his Excellency, transmitting a list of 12 negroes and 18 negresses, with their 20 children, who had received certificates of freedom, and been placed at the disposal of the British Commissary Judge on the 29th January ultimo.

I have, &c.

(Signed) H. L. BULWER.

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

P.S.—I have also the honour to enclose a copy and translation of the answer of M. Martinez de la Rosa to my note above alluded to, of the 18th instant, and which I have just received.

H. L. B.

## Enclosure 1 in No. 25.

*Mr. Bulwer to Senor Martinez de la Rosa.*

SIR,

*Madrid, March 18, 1845.*

I HAVE been instructed to call the attention of Her Catholic Majesty's Government to the state of the negroes emancipated in the island of Cuba, under the Treaty between Great Britain and Spain of 1817.

I am directed to point out to your Excellency the very long period which has elapsed since these persons, by sentence of the Mixed British and Spanish Commission, guaranteed by the two Governments, received the solemn promise of their freedom, and to remind your Excellency that in 1842 Her Catholic Majesty's Government, moved by pressing representations of the injustice which was committed in respect to the unfortunate individuals in question, assured the Government of Her Majesty, that the survivors of them, then supposed to amount to about 7,000, should receive, one after another, the entire freedom of which they had so long and so cruelly been deprived, so that, at the latest, at the expiration of five years, the liberation of all these negroes should be effected.

In that year (1842), 920 adults, being about one-eighth of the supposed number, and 295 children, their offspring, received their liberty.

In 1843, 285 adults and 62 children obtained the same happiness.

But in 1844, the number reported as liberated have as yet amounted only to five adults and five children.

The Captain-General has refused to give any further account of them to the Commissioners, but few or none are supposed to have obtained their liberty since January 1844, while, on the contrary, numbers are stated to have been re-assigned to their former state of bondage.

The lot of many of them, who are still termed emancipated, and who work for the Government, is said to be harder even than that of ordinary slaves. Labouring on the public roads, with no one whose interest it is to look after their welfare, tasked to the utmost, in the winter scantily clothed, and at all times insufficiently fed, the number of those who fall victims to the hardships which they are compelled to suffer, is said to be constantly increasing.

I have been instructed to observe to your Excellency, that after the experience of the honourable and successful course pursued by General Valdes, Her Majesty's Government feel themselves justified in assuming, that there is no danger or difficulty to the Captain-General in the performance of the promise made to Her Majesty's Government in 1842, to which I have already had the honour to allude; and I have been further directed to make an earnest appeal to the good faith and humanity of Her Catholic Majesty's Government in behalf of this unfortunate class, and to request that strict orders may be given to General O'Donnell, to carry out the good work undertaken by his predecessor, and to proceed without delay to place those who yet survive in the condition of free men.

I avail, &amp;c.

(Signed)

H. L. BULWER.

*His Excellency Senor Martinez de la Rosa,**&c.**&c.*

P.S.—I have had the honour to receive your Excellency's note of the 10th instant, informing me of the number of emancipated negroes to whom the Captain-General of Cuba has recently granted certificates of freedom, and I shall have great pleasure in transmitting a copy of it to Her Majesty's Government.

(Signed)

H. L. B.

## Enclosure 2 in No. 25.

(Translation.)

*Senor Martinez de la Rosa to Mr. Bulwer.*

SIR,

*Madrid, March 10, 1845.*

I HAVE the honour to enclose a list of the emancipated negroes to whom the Captain-General of the island of Cuba has lately issued certificates of

freedom, and who have forthwith been placed at the disposal of the British Commissioner of the Mixed Court established in that colony.

I avail, &c.

(Signed) FRANCISCO MARTINEZ DE LA ROSA.

*The British Minister Plenipotentiary,*  
&c. &c.

Enclosure 3 in No. 25.

(Translation.)

*Superior Government of the Island of Cuba,*  
*Havana, January 29, 1845.*

LIST of the EMANCIPATED NEGROES who have received their Certificates of Freedom, and been placed at the disposal of the British Commissioner.

MEN.

Nos.	Names.	Vessels in which they came.
96	Pedro . . . . .	Planeta
429	Damian . . . . .	Firme
83	Francisco . . . . .	Aguila
187	Fermin . . . . .	Joven Reina
121	Norberto . . . . .	Indagadora
22	Leoncio . . . . .	Detained at San Marcos
395	Justo . . . . .	Aguila
120	Isidro . . . . .	Ditto
109	Lazaro . . . . .	Magico
46	Faustino . . . . .	Portugues
32	Valentin . . . . .	Voladora
397	Nicolas . . . . .	Aguila

WOMEN.

Nos.	Names.	Vessels in which they came.	Children which they take with them.
75	Agueda . . . . .	Intrepido . . . . .	One son
127	Natividad . . . . .	Ricomar . . . . .	Two daughters
52	Flora . . . . .	Campeador . . . . .	One son and one daughter
89	Gregoria . . . . .	Intrepido . . . . .	
409	Martina . . . . .	Firme . . . . .	One son
277	Isabel . . . . .	Rosa . . . . .	One daughter
58	Barbara . . . . .	Relampago . . . . .	Ditto
61	Feliciana . . . . .	Magico . . . . .	Ditto
194	Luisa . . . . .	Josefa . . . . .	
84	Salome . . . . .	Santiago . . . . .	One son
131	Gervasia . . . . .	Emilio . . . . .	Two sons
535	Francisca . . . . .	Aguila . . . . .	One daughter
128	Dorotea . . . . .	Joaquina . . . . .	One son
254	Cleofas . . . . .	Firme . . . . .	Two daughters
351	Clotilde (Martina) . . . . .	Ninfa . . . . .	One son
201	Benita . . . . .	Voladora . . . . .	
121	Maria de la Paz . . . . .	Indagadora . . . . .	One son
276	Gertandis . . . . .	Rosa . . . . .	One son and one daughter

(Countersigned) (Signed) O'DONNELL.  
FRANCISCO MARTINEZ DE LA ROSA.

## Enclosure 4 in No. 25.

(Translation.) *Senor Martinez de la Rosa to Mr. Bulwer.*

SIR,

*Madrid, March 26, 1845.*

IN answer to your note of the 18th instant, relative to the number of emancipated negroes to whom liberty has been given in the island of Cuba, I ought in the first instance to state to you, that Her Majesty's Government has just given the most irrefragable proofs that they intend by every means to put an end to the immoral traffic in slaves, having issued the most positive orders for that purpose, which orders will be faithfully carried into effect, according to the fresh assurances contained in the last communications from the Captains-General of Cuba and Porto Rico.

It is also the intention of Her Majesty's Government, that the negroes taken on board of any vessel declared a legal prize shall be placed at liberty, that they may enjoy the same really and effectively; the wishes of the Spanish Government on this point being so sincere, that the Undersigned Secretary of State, in concluding the Treaty of 1835, himself proposed to the British Plenipotentiary, that the negroes captured should remain at the disposal of the Government whose cruizer might have taken them, in order to their being set at liberty, which was equivalent, in most of the cases, to leaving this to the care of the English Government, and thus avoid complaints and reclamations.

That which you have addressed to me in the name of your Government, and which I have the honour of answering, comprises various points, with regard to which I have this day demanded information from the Captain-General of the island of Cuba, to be enabled to form a better judgment of the exactness of the facts, and of the grounds which may have given rise to them.

But in the meantime it is difficult to believe what you indicate in your note, that a large number of the negroes captured, and whose successive emancipation ought to have taken place in these late years, should have been again reduced to slavery. This fact, of a grave nature in itself, and equally opposed to the tenor of the Treaties as to the repeated orders of Her Majesty's Government, must necessarily have obtained a certain publicity, and might easily be proved by giving names and cases, instead of attending to vague rumours which may be more or less unfounded.

Neither is it to be credited, that the ill-treatment given in the island of Cuba to the negroes employed on the public works is real and positive; for the good treatment which has generally been given in the Spanish colonies to negroes, whether slaves or free, is notorious, their condition being preferable in this respect to that which is frequently the lot of the labouring classes in some nations of Europe.

It is, however, easy, without going beyond the limits of the Treaties, (limits which Her Majesty's Government is as disposed to respect religiously, as it is not to consent to their being overstepped,) it is easy to proceed with full information in the matter, without the necessity of recurring to private sources, which are more or less subject to mistakes or errors; for with due foresight it was established, in Articles V. and VI. of the Annex C. which forms part of the Treaty of 1835, that in the Captain-General's office a detailed register should be kept of all the negroes emancipated by the Mixed Commission, to which a general statement, in accordance with that register, should be delivered every six months, a medium the best adapted to avoid any fraud or abuse, and a medium which Her Majesty's Government is resolved to see punctually employed, as it is prescribed with that object in the above-mentioned Treaty, and is the most conformable to the loyalty of its views and intentions.

I avail, &amp;c.

(Signed) FRANCISCO MARTINEZ DE LA ROSA.

*The British Minister Plenipotentiary,*

&amp;c.

&amp;c.

No. 26.

*Mr. Bulwer to the Earl of Aberdeen.**Madrid, March 31, 1845.**(Received April 11.)*

MY LORD,

IN obedience to your Lordship's Despatch of the 1st instant I addressed a note to M. Martinez de la Rosa, the copy of which I have the honour to enclose, together with a copy and translation of his Excellency's answer, respecting the good conduct of the Captain-General of Porto Rico in refusing to sanction the landing of slaves in that island.

I have, &amp;c.

(Signed)

H. L. BULWER.

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

&amp;c.

&amp;c.

&amp;c.

Enclosure 1 in No. 26.

*Mr. Bulwer to Senor Martinez de la Rosa.**Madrid, March 17, 1845.*

SIR,

I HAVE the great satisfaction to acquaint your Excellency, that Her Majesty's Government have received a Despatch from Mr. Lindegren, Her Majesty's Consul at Porto Rico, stating that the Governor of that colony had positively refused permission to a vessel, which had started from Porto Rico on a slave trading voyage, to land her slaves on her return.

Her Majesty's Government earnestly hope that the Governor of Porto Rico will persevere in his declared intention to maintain the good faith of his Government in regard to the Treaty on Slave Trade, and they cannot doubt that his conduct will receive the marked approval of the Government of Her Catholic Majesty.

I have, &amp;c.

(Signed)

H. L. BULWER.

*His Excellency Senor Martinez de la Rosa,*

&amp;c.

&amp;c.

Enclosure 2 in No. 26.

*(Translation.) Senor Martinez de la Rosa to Mr. Bulwer.**Madrid, March 18, 1845.*

SIR,

I HAVE received with great satisfaction your note, dated yesterday, in which you have the goodness to state to me, that General Count Mirasol had not allowed some slaves, who had been conveyed to Porto Rico in a slave vessel, to be landed there.

This fact, of which the British Government has been acquainted through a channel worthy of all their confidence, is an irrefragable proof of the good faith of Her Majesty's Government, and a corroboration of the sincerity of their promise that the Slave Trade would now completely cease.

A communication has been addressed, under this day's date, to Count Mirasol, expressing to him the satisfaction which the Spanish Government have felt at this fresh instance of his zeal for the fulfilment of the Sovereign's orders.

I trust, that by both Governments proceeding with good faith, as they do, on this matter, all those recriminations which the want of confidence may hitherto have caused, will entirely cease; and that the questions still pending on this subject will all be arranged as becomes two nations friendly to each other, and united by so many ties.

I avail, &amp;c.

(Signed)

FRANCISCO MARTINEZ DE LA ROSA.

*The British Minister Plenipotentiary,*

&amp;c.

&amp;c.

No. 27.

*Mr. Bulwer to the Earl of Aberdeen.**Madrid, March 31, 1845.**(Received April 11.)*

MY LORD,

WITH reference to my Despatch of the 10th instant, I have the honour to enclose the copy and translation of a note from M. Martinez de la Rosa respecting the slave vessel "*El No Se*," in answer to mine of the 2nd instant.

I have, &amp;c.

(Signed) H. L. BULWER.

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

&amp;c. &amp;c. &amp;c.

Enclosure in No. 27.

(Translation.) *Senor Martinez de la Rosa to Mr. Bulwer.*

SIR,

*Madrid, March 13, 1845.*

I HAVE the honour to acknowledge the receipt of your note, dated the 2nd instant, relative to the seizure, by Her Britannic Majesty's sloop "*Espoir*," of the felucca "*El No Se*," which has been declared to be a lawful prize by the Mixed Court of Justice at Sierra Leone. Under this day's date I acquaint the Minister of Marine with the circumstances of this case, in order that, should it prove true that there has been some negligence on the part of the Spanish Authorities, these functionaries may be duly reprimanded, and warned with respect to their future conduct; but if such is not the case, that they may state what they know about it.

I avail, &amp;c.

(Signed) FRANCISCO MARTINEZ DE LA ROSA.

*The British Minister Plenipotentiary,*

&amp;c. &amp;c.

No. 28.

*Mr. Bulwer to the Earl of Aberdeen.**Madrid, March 31, 1845.**(Received April 11.)*

MY LORD,

I HAVE the honour to enclose the copy and translation of a note from M. Martinez de la Rosa, announcing the appointment of Don Fabricio Potestad as Spanish Judge in the Mixed Court of Sierra Leone.

I have, &amp;c.

(Signed) H. L. BULWER.

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

&amp;c. &amp;c. &amp;c.

Enclosure in No. 28.

(Translation.) *Senor Martinez de la Rosa to Mr. Bulwer.*

SIR,

*Madrid, March 24, 1845.*

I HAVE the honour to inform you, that the Queen my Sovereign has been pleased to appoint Don Fabricio Potestad to be Spanish Judge of the Mixed Court at Sierra Leone.

The anxious solicitude with which Her Majesty's Government intends to fulfil the stipulations of the Treaty of 1835, has caused them to fix their attention upon this subject, which they consider as the complement of what still remained for them to do.

I request you will have the goodness to communicate this appointment to your Government, in order that when the Spanish Judge arrives at his post, he

CLASS B.



may find the superior Authority at Sierra Leone furnished with the proper instructions.

I avail, &c.  
(Signed) FRANCISCO MARTINEZ DE LA ROSA.  
*The British Minister Plenipotentiary,*  
&c. &c.

No. 29.

*Mr. Bulwer to the Earl of Aberdeen.*

*Madrid, April 2, 1845.*  
(Received April 11.)

MY LORD,

M. MARTINEZ de la Rosa is very anxious that I should beg your Lordship to give orders that the "Romney" should be withdrawn at once from the Havana, on a fitting substitute being offered, since he thinks that any delay might interfere with the good effect that has been produced, and which he is anxious to maintain, by your Lordship's considerate concession on this point.

I have had no hesitation in assuring M. Martinez de la Rosa, that I would acquaint your Lordship with his wishes.

I have, &c.  
(Signed) H. L. BULWER.

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

No. 30.

(Translation.) *The Duke of Sotomayor to the Earl of Aberdeen.*

*Cavendish Square, April 9, 1845.*  
(Received April 11.)

THE Duke of Sotomayor presents his compliments to the Earl of Aberdeen, and has the honour to acquaint his Lordship, that the Government of Her Catholic Majesty being decided to carry into the fullest effect the stipulations of the Treaty of 1835, has thought proper to appoint Don Fabricio Potestad Spanish Judge in the Mixed Court at Sierra Leone, and to re-establish the Spanish Consulate in that locality, choosing for that purpose Don Adolfo Guillemard y Aragon.

The Duke de Sotomayor has the honour to enclose to his Lordship the Royal Commission issued in favour of that gentleman, requesting his Lordship to be pleased to obtain the Regium Exequatur from Her Britannic Majesty, in order that Don Adolfo Guillemard may be able to enter upon the exercise of his functions.

Enclosure in No. 30.

(Translation.) *Royal Commission to Don Guillemard, as Consul.*

Donna Isabel II, by the Grace of God and the Constitution of the Spanish Monarchy, Queen of the Spains:

WHEREAS, it is conducive to the national service and the good of my subjects employed in commerce and navigation, especially on the western coast of Africa, that a Consul should reside at Sierra Leone, therefore, and inasmuch as there concur in the person of Don Adolfo Guillemard de Aragon the required information, zeal, and prudence, I have resolved to choose and nominate him, as by these presents I do choose and nominate him, to serve and exercise the said office, in the same manner as is done by others of the same class of other nations there residing, without any exception, with power to nominate Vice-Consuls in such localities as he shall deem proper, and with the prerogatives, privileges, franchises, and rights which, by reason of the said employment, may belong to him. I order my Ambassador, Minister Plenipotentiary, or Chargé d'Affaires, that now is, or hereafter may be, residing near Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, to consider and hold the said Don

Adolfo Guillemard y Aragon as such Consul of Spain at Sierra Leone, and to afford all the assistance that may be proper and needful to him in defence of my subjects who trade and resort to the said port and its dependencies. I enjoin, also, all Spanish Captains, Commanders, Masters of ships or any other vessels, and the commercialists, mariners, and other natives, to treat and honour the said Don Adolfo Guillemard y Aragon as such Consul of Spain at Sierra Leone, and to have recourse to his help, direction, and advice in what may chance to them, and to hand over to him the dues belonging to his employment, on pain of being compellable thereto. I pray and beseech Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and Her Ministers, Commanders, Governors, and other officers whom it may concern, to recognise the said Don Adolfo Guillemard y Aragon as such Consul of Spain in Sierra Leone, and to permit him to exercise his trust in the said point with whatever is appertaining thereto, as stated above, freely and peaceably, and to confer upon him all the favour and aid which he may want, I offering to do the like with regard to those recommended to me on the part of Her Britannic Majesty.

Done at Madrid, the 28th of March, 1845.

(Signed) I, THE QUEEN.  
(Countersigned) FRANCISCO MARTINEZ DE LA ROSA.

No. 31.

*The Earl of Aberdeen to Mr. Bulwer.*

SIR,

*Foreign Office, April 19, 1845.*

I HEREWITH transmit to you a copy of a Despatch, and of its enclosures, which I have recently received from Her Majesty's Commissioners at Sierra Leone, containing their report upon Slave Trade for the year 1844.

You will communicate these papers to the Spanish Government, and you will draw their attention to the result of General O'Donnell's administration of Cuba, as set forth in that report, confirming only too positively the several accounts already furnished to you, of the laxity, to use the mildest term, with which General O'Donnell administers the laws against Slave Trade, and of the impulse thereby given to the speculations of the unprincipled dealers of human beings in the island under his government. Her Majesty's Government desire that you will point out distinctly to the Spanish Minister the irresistible proof furnished by the Commissioners' returns, of the increase in the Slave Trade of Cuba during the past year, during which, as was to be expected, the effects of General O'Donnell's neglect of his duties and indifference to the honour of Her Catholic Majesty's Government, have become painfully evident. You will also draw the attention of the Spanish Government to the case of the felucca "*Huracan*," built, as it is stated, under the direction of a Senor Negri, reported to be a Captain in the Spanish service, now residing at Barcelona, and commanded by his son, said to be a Lieutenant in the same service.

You will urge M. Martinez de la Rosa to enforce strictly the orders given by the Spanish Government to the Captain-General of Cuba for the suppression of the Slave Trade; and you will press upon him the propriety of instituting enquiries into the truth of the reports circulated as to the felucca "*Huracan*," so that if, as has been stated, the Senors Negri, officers in the Spanish service, should be implicated in the proceedings of that vessel, they may be dismissed from the honourable service of their Sovereign.

*H. L. Bulwer, Esq.*  
&c. &c.

I am, &c.  
(Signed) ABERDEEN.

Enclosure in No. 31.

*The Sierra Leone Commissioners to the Earl of Aberdeen, December 31, 1844.*  
(See Class A., No. 5, page 3.)

*The Earl of Aberdeen to Mr. Bulwer.*

SIR,

*Foreign Office, April 19, 1845.*

IN my Despatch of this day's date, I have furnished you with a report from Her Majesty's Commissioners at Sierra Leone, showing the great increase which took place in the Slave Trade of Cuba during the year 1844.

I now transmit to you copies of Despatches which I have recently received from Her Majesty's Commissioners and Her Majesty's Consul-General at the Havana, reporting the unrestrained continuation of that Trade.

You will communicate the substance of these reports to Senor Martinez de la Rosa, as evidence of the manner in which orders from Madrid, the issue of which has been announced to you from time to time, are received and acted upon by General O'Donnell, when they relate to the suppression of the Slave Trade.

Although Her Majesty's Government cannot attach much value to any instruction, however stringent, the execution of which is to be confided to General O'Donnell, they desire that you will now urge the Spanish Government to call upon the Captain-General to promulgate without delay, and in the most public manner, throughout Cuba the Penal Law against the Slave Trade, which has recently passed the Cortes, and received the sanction of the Crown.

For the enforcement of that Law, so soon as it shall have been made public, (which as yet does not appear to have been done,) Her Majesty's Government look with confidence to the good faith and honourable zeal of the Supreme Government at Madrid.

I am, &c.  
(Signed) ABERDEEN.

*H. L. Bulwer, Esq.*  
&c. &c.

---

Enclosures in No 32.

1. *Her Majesty's Commissary Judge at the Havana to the Earl of Aberdeen, February 20, 1845.*
  2. " " " *February 28, 1845.*
  3. " " " *March 8, 1845.*
  - (See Class A., Nos. 135, 136, and 138, pages 388, 389, and 392.)
  4. *Mr. Crawford to the Earl of Aberdeen, February 20, 1845.*
  5. " " " *February 27, 1845.*
  - (See Nos. 98 and 99, pages 124 and 251.)
- 

## No. 33.

*The Earl of Aberdeen to Mr. Bulwer.*

SIR,

*Foreign Office, April 19, 1845.*

I HAVE received your Despatches, marked Slave Trade, of this year's series, up to that of the 2nd April.

I have now to refer you to the note addressed to you by M. Martinez de la Rosa, on the 26th ultimo, in reply to a note which you addressed to that Minister on the 18th of the same month, on the state of the negroes emancipated in Cuba by the Mixed Court of Commission, under the Treaty of the 23rd September, 1817.

M. Martinez de la Rosa, in his note just referred to, of the 26th of March last, appears to have misapprehended the nature of your representation, inasmuch as he treats it as if it had been made on behalf of the negroes emancipated under the Treaty of the 28th June, 1835.

The cases of the negroes emancipated under the two Treaties are widely different. Those emancipated at the Havana under the Treaty of 1817, were consigned to the care of the Government of the country where the Commission sat.

By the Treaty of 1835, the negroes thenceforward to be emancipated were consigned to the care of the Government whose cruizer should have captured them. And M. Martinez de la Rosa justly observes, that this stipulation was equivalent in most of the cases to leaving them to the care of the British Government. But 8,777 negroes were emancipated at the Havana under the Treaty of 1817, and before the Treaty of 1835 came into operation. These were consigned to the care of the Spanish Government; and it was on behalf of the survivors of such of those 8,777 as are still retained in slavery, though under the name of emancipados, that the representation which, under my instructions, you made to the Spanish Government, was put forward.

From this it is obvious, that the reference made by Senor Martinez de la Rosa to the register of emancipated negroes contemplated by Articles V. and VI., of Annex C. to the Treaty of 1835, is not to the purpose, and that that register cannot furnish the information which Senor Martinez expects to derive from it, or indeed any information respecting the emancipados in whose behalf you addressed him.

Her Majesty's Government fully appreciate the sincerity of the Spanish Minister's intentions, in saying that the Government of Her Catholic Majesty are resolved to see the provisions of the above-mentioned Articles punctually observed, and that a general return, in accordance with the register, shall be communicated to the Mixed Commission every six months. But it is evident that, until a slaver shall have been captured by a Spanish cruizer, or a cargo of slaves shall have been liberated by Spanish Authorities, and shall thereby come under the care of those Authorities, the register to which Senor Martinez de la Rosa proposes to appeal must continue, as it is now, a blank.

You will, therefore, address a note to the Spanish Minister, correcting the mistake into which he appears to have fallen; and you will again press upon his attention the case of the unfortunate persons emancipated under the conditions of the Treaty of 1817, and who have for so long a period of time been deprived of the freedom which had been promised to them under Treaty.

You will add, that Her Majesty's Government can scarcely conceive it necessary for the Government of Her Catholic Majesty to wait for further information from Cuba upon this subject, before issuing orders to General O'Donnell to carry out the intentions of the Treaty of 1817 in the spirit of humanity and good faith which marked the conduct of his predecessor. And you will remind the Spanish Minister, that although Her Majesty's Government, confiding in the honour and sincerity of General Valdez, and understanding that such a course might be more convenient to the colony, did not resist the proposal that the liberation of the emancipados should take place gradually, so as to be completed in five years, they do not the less consider that the negroes in question are entitled to their absolute and immediate freedom; and that Her Majesty's Government have the right to require this for them, in virtue of the guarantee given to Great Britain by Spain in Article VII., of Annex 3 to Treaty of 1817.

H. L. Bulwer, Esq.  
&c. &c.

I am, &c.  
(Signed) ABERDEEN.

No. 34.

*The Duke of Sotomayor to the Earl of Aberdeen.*

(Translation.)

9, Cavendish Square, April 24, 1845.  
(Received April 26.)

THE Duke of Sotomayor presents his compliments to the Right Honourable the Earl of Aberdeen, and has the honour to enclose to his Lordship two lists, containing the names of the emancipated negroes to whom the Captain-General of the isle of Cuba, Don Leopold O'Donnell, has issued letters of liberty, and specifying the vessels whence they proceeded, as well as the number of children accompanying them.

The Duke of Sotomayor flatters himself, that these particulars will confirm to Lord Aberdeen what the Duke has on other occasions had the honour to

assure his Lordship, relatively to the good faith with which the Spanish Government and its delegates fulfil the stipulations of the Treaties of 1817 and 1835, and that Lord Aberdeen will view this as a fresh proof, of how little exactitude is observed in the reports transmitted by the British agents in the isle of Cuba.

Enclosure 1 in No. 34.

*Superior Civil Government of the Isle of Cuba,  
Havana, February 1845.*

(Translation.)

LIST of the EMANCIPATED NEGROES to whom I furnished their Letters of Liberty, at different dates, in addition to those I gave to the persons stated in the Reports which I addressed to the Ministers of State on the 27th of September of last year, and of the 29th of January last.

Nos.	Names.	Vessels in which they came.	Children whom they took with them.
4	Luciane . . . .	Voladora . . . .	Two sons
197	Matilde . . . .	Campeador . . . .	One son and two daughters
245	Anacléta . . . .	Jerges	
212	Anastasia . . . .	Julita	
119	Bonifacio <i>alias</i> Santiag .	Aguila	
273	Pedro <i>alias</i> Modesto . .	Ditto	
14	Pablo . . . . .	Ricomar	
368	M. Magdalena . . . .	Ninfa	
209	Anastasia . . . . .	Firme	
199	M. Encarnacion . . . .	Voladora . . . .	Two sons
63	Dimas . . . . .	Midas	
149	Juan . . . . .	Maria	
134	Carmen . . . . .	Indagadora . . . .	
87	Ciriaco . . . . .	Orestes	
127	Primo . . . . .	Planeta	
113	Monica . . . . .	Emilio . . . . .	One son.
197	Carmen . . . . .	Midas . . . . .	Two sons and two daughters.
63	Esteban . . . . .	Carlota	
10	Santiago . . . . .	Rosa . . . . .	
371	Estanislao . . . . .	Negrilo	
288	Micaela . . . . .	Firme	
561	Catalina . . . . .	Aguila . . . . .	One daughter
44	Modesto <i>alias</i> Benito . .	Jerges	
347	Nicolas de Bari . . . .	Ditto	

(Signed) O'DONNELL.

Enclosure 2 in No. 34.

(Translation.)

*Superior Civil Government of the Isle of Cuba,  
Havana, January 29, 1845.*

LIST of the EMANCIPATED NEGROES to whom their letters of liberty have been furnished, and who have been placed at the disposal of the British Commissioner.

MEN.

Nos.	Names.	Vessels from which they proceed.
96	Pedro . . . . .	Planeta
429	Damian . . . . .	Firme
83	Francisco . . . . .	Aguila
187	Fermin . . . . .	Joven Reyna
121	Norberto . . . . .	Indagadora
22	Leoncio . . . . .	Detained at St. Marcos
395	Justo . . . . .	Aguila
120	Isidro . . . . .	Ditto
109	Lazaro . . . . .	Magico
46	Paustino . . . . .	Portugues
32	Valentin . . . . .	Voladora
397	Nicholas . . . . .	Aguila

## WOMEN.

No.	Names.	Vessel from which they proceed.	Children whom they took with them.
75	Agueda . . . .	Intrepido . . . .	One son
127	Natividad . . . .	Ricomar . . . .	Two daughters
52	Flora . . . .	Campeador . . . .	One son and daughter
89	Gregoria . . . .	Intrepido . . . .	
409	Martina . . . .	Firme . . . .	One son
277	Isabel . . . .	Rosa . . . .	One daughter
38	Barbara . . . .	Relampago . . . .	Ditto
61	Feliciana . . . .	Magico . . . .	Ditto
194	Luisa . . . .	Josefa . . . .	
87	Salome . . . .	Santiago . . . .	One son
131	Gervasia . . . .	Emilio . . . .	Two sons
535	Francisca . . . .	Aguila . . . .	One daughter
128	Dorotea . . . .	Joaquina . . . .	One son
254	Cleofas . . . .	Firme . . . .	Two daughters
351	Clotilde <i>alias</i> Martina . . . .	N nfa . . . .	One son
201	Benita . . . .	Voladora . . . .	
121	Maria de la Paz . . . .	Indagadora . . . .	One son
276	Gertrudis . . . .	Rosa . . . .	One son and daughter

(Signed) O'DONNELL.

No. 35.

*Mr. Bulwer to the Earl of Aberdeen.**Madrid, April 22, 1845.**(Received April 30.)*

MY LORD,

WITH reference to my Despatch, of the 1st ultimo, I have the honour to inform you Lordship, that I have received a communication from M. Martinez de la Rosa, stating the instructions which his Excellency had given to the Duke de Sotomayor on the subject of the right claimed by Her Majesty's Consul-General at the Havana to represent to the Captain-General against the infraction of Treaties.

I presume that M. de Sotomayor will have communicated to your Lordship the views of Her Catholic Majesty's Government on this point, and therefore add nothing further thereupon.

I have, &amp;c.

(Signed) H. L. BULWER.

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

&amp;c. &amp;c. &amp;c.

No. 36.

*Mr. Bulwer to the Earl of Aberdeen.**Madrid, April 22, 1845.**(Received April 30.)*

MY LORD,

I HAVE the honour to enclose the copy and translation of a note from M. Martinez de la Rosa, transmitting a further list of emancipated negroes who have recently obtained certificates of freedom in the island of Cuba.

I have, &amp;c.

(Signed) H. L. BULWER.

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

&amp;c. &amp;c. &amp;c.

Enclosure 1 in No. 36.

(Translation.) *Senor Martinez de la Rosa to Mr. Bulwer.*

SIR,

*Madrid, April 12, 1845.*

I HAVE the honour to enclose a copy of the list, which has been sent to me by the Captain-General of the island of Cuba, of the emancipated negroes to whom he has recently given certificates of freedom.

I think it expedient to call your attention to the circumstance that, notwithstanding the dangers with which the aforesaid Spanish colony has been threatened, and the conflicting position in which its Authorities were put in consequence thereof, General O'Donnell issued, however, 37 certificates of freedom in September last, 30 in January, and now 24, which corroborates the good opinion in which that zealous Authority is held by her Majesty's Government.

I avail, &c.  
(Signed) FRANCISCO MARTINEZ DE LA ROSA.  
*The British Minister Plenipotentiary,*  
&c. &c.

Enclosure 2 in No. 36.

(Translation.)

*Havana, February 15, 1845.*

Nominal List of of the EMANCIPATED NEGROES to whom I have issued their Certificates of Freedom at different dates, besides those which I delivered to the individuals mentioned in the Lists which were addressed to the Foreign Office at Madrid, on September 27, of last year, and January 29 last.

(See Enclosure 1 No. in 34.)

No. 37.

*The Duke of Sotomayor to the Earl of Aberdeen.*

9, *Cavendish Square, May 13, 1845.*  
(Received May 14.)

THE Duke of Sotomayor presents his compliments to the Earl of Aberdeen, and with reference to the conversation he had the honour of holding with Lord Aberdeen this afternoon, begs leave to enclose three documents, copies authenticated by General O'Donnell's signature, being a translation of the letter addressed by Mr. Kennedy to the Captain-General, this gentleman's reply, and the instructions which he, without a moment's delay, and on the same day, sent to the Governor of Santiago de Cuba.

Lord Aberdeen will be pleased to observe that, although General O'Donnell considered it his duty to return the communication made to him by Mr. Kennedy, as on a subject foreign to his (Mr. K.'s) duties at Havana, he by no means disregarded the information it conveyed, but issued immediate orders for the capture of the vessel and punishment of the offenders, if any such should be found to exist.

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

Enclosure 1 in No. 37.

*Mr. Kennedy to the Captain-General, Havana, February 25, 1845.*  
(See Enclosure 1 in No. 136, Class A, page 390.)

(Translation.)

Enclosure 2 in No. 37.

*The Captain-General to Mr. Kennedy, Havana, February 25, 1845.*  
(See Enclosure 2 in No. 136, Class A, page 390.)

(Translation.)

Enclosure 3 in No. 37.

*The Captain-General of Cuba to the Governor of Santiago de Cuba.*  
EXCELLENCY, *Havana, February 26, 1845.*

THERE has been denounced to me the disembarkation on this coast of 449 newly acquired negroes; and though I suppose, if such be the fact, that it must have come to the knowledge of your Excellency, and that you will,

accordingly, have taken the proper steps in compliance with the orders I have communicated to you, I nevertheless desire your Excellency, in case it should not have been done already, to see that the proper means be adopted immediately for ascertaining the fact, using the greatest endeavours to this end, and that, if it should turn out as has been stated, the transgressors may be apprehended, however numerous, and of whatever description they may be. Your Excellency will also detain the vessel, Captain, and crew, see that the negroes are kept in safe custody, and inform me of it, to enable me to give the necessary orders for preventing such a crime to remain unpunished, as it is the pleasure of Her Majesty the Queen to pursue, by all means possible, and without the regard of any person, those who violate the orders. Being determined to insist on the exact and religious fulfilment of Her Majesty's directions, I hope your Excellency will take care on your responsibility to see this carried into execution.

God preserve your Excellency many years!

(Signed) LEOPOLDO O'DONNELL.

*His Excellency the Governor of Santiago de Cuba,*  
&c. &c.

No. 38.

(Translation.) *The Duke of Sotomayor to the Earl of Aberdeen.*

*London, May 16, 1845,*  
(Received May 18.)

The Undersigned, &c. &c. has the honour to address to the Right Honourable the Earl of Aberdeen, &c. &c. some observations transmitted to the Undersigned by his Government, with respect to the question which has arisen between the Captain-General of the isle of Cuba and the English Consul at the Havana, concerning the non-admission by the Captain-General of the denunciations presented by the Consul as to the disembarkation of recently acquired negroes.

In the estimation of the Government of Her Catholic Majesty, the English Consul's demand can be just only if founded on the nature of his office, on Treaties, or on some principle of reciprocity, either established or admitted, between the two Governments. Beyond these bases no ground of justification can exist in this question. Her Catholic Majesty's Government, abstaining from vague phrases, whereby untenable positions are usually maintained, in bad causes, proceeds to analyze each of the questions.

Have foreign Consuls in the colonies any right to demand the fulfilment of stipulations contained in Treaties, other than those relative to commercial transactions?

Her Catholic Majesty's Government replies decidedly in the negative.

Foreign Consuls in the colonies, generally speaking, have no such right, because colonies are governed by special laws, and not on the principles of the common law; and this is the very reason why foreign Consuls in colonies are considered as mere commercial agents. Foreign Consuls in Europe, it is true, have the right of claiming the fulfilment of Treaties in whatever has any reference to their mercantile sphere; but more latitude cannot be given to such right, as this would be confounding the diplomatic representation with the Consular. The diplomatic agent represents the Government and the country, consequently, he watches over the fulfilment of Treaties; but the Consul does not essentially represent more than commercial interests.

Thus the Government of Her Catholic Majesty views this question on general principles, and the Government of Her Britannic Majesty cannot possibly view it in any other light. Confining it, however, to the particular situation of the Foreign Consuls in the Spanish Antilles, there is another still stronger rule than the general one, namely, the particular mode wherewith the Spanish Government permitted the establishment of these foreign agents.

The Spanish colonies in the New World had remained shut against foreign commerce ever since their discovery till the year 1824. During this series of centuries, not a single Government required to establish an agent of any kind to enable it to claim the fulfilment of Treaties; not that in the Treaties of those times the interests of those vast dominions had been left unarranged, as was the case with the abolition of the Slave Trade, which principally affects the isle



of Cuba; for by the Treaties of the 20th January, 1783, and of the 14th July, 1786, numerous concessions were made to English subjects with regard to the cutting of wood, the obtaining provisions, the right of fishing, &c. in the dominions of the New World; and notwithstanding that these concessions were limited by severe conditions, so as possibly to present frequent complications, it never occurred to Great Britain to demand the establishment of any agent whatsoever to guard over the fulfilment of the Treaties on which those grants were grounded. Whenever the English Government had any complaint to make in that respect, it addressed them to the Spanish Government direct, and the Governors of our American possessions had not to stand the irksome remonstrances of foreign agents. The last King's Government, desirous of attaching the other Powers by the ties of interest, opened, in virtue of the Decree of February 1828, the ports of its colonies to foreign commerce, and permitted all nations to go and avail themselves of the resources of that fortunate soil, making thereby manifest, that Spain was willing to share the wealth of America with the whole world.

The King's Government, while resolving on this concession, was so far from intending thereby to equalize the provinces beyond sea with those of the Peninsula, that when France desired the establishment of commercial agents competent to adjust any differences which might happen between French commercialists, the Spanish Government granted only the establishment of agents so entirely commercial, and so distant in their rank from that of Consul, that it would not allow them even the designation of commercial agents, but only that of inspectors of commerce. Such is the origin and nature of the foreign Consuls in the isle of Cuba; for, although the name of Commercial Inspectors was in sequel replaced by that of Consuls, this was done only in consequence of repeated applications of the French Government to relinquish a name fallen into desuetude, yet without any the least alteration in the powers of these functionaries.

This favour having been conceded to France by the Royal Order of the 7th April, 1829, the like concession was made to the other Powers.

From this succinct history of the establishment of foreign Consuls in the Spanish colonies, his Lordship will be able to come to the conclusion—

1stly. That the above concession was entirely gratuitous, and not founded on any compact or Treaty which rendered it obligatory, and that, consequently, the Government of Her Catholic Majesty would be justified, on any day it might please, in revoking it, by warning all foreign Consuls to depart from the Antilles, as may be inferred from the clause inserted in the exequators furnished to these Consuls, as thus:—"In the way directed by the Royal Order of March 24, 1829, purporting, that if they should countenance disorders, maintain suspicious political relations, harbour any secret society in their house, or be in any other way authors, agents, or promoters of subversions, disloyalty, or disobedience to Her Majesty, it shall be lawful for the Captain-General, *ipso facto*, at his discretion, and without the necessity of instituting legal proceedings, to suspend, and cause him even to quit the island, although for all this there be no intention to fail in the respect due to the nation that appoints him."

2ndly. That, in permitting the establishment of these agents, the only object was, to provide the foreign commerce in those countries with commercial agents capable to protect their relations of this nature, but by no means to afford foreign Governments, in those agents, functionaries invested with a political character, and empowered to enter into direct discussions with the principal Authorities of the colonies, and to demand the fulfilment of the obligations contracted by one Power to the other.

Passing now to examine the second point, Is there in existence any Treaty authorizing the English Consul to require the fulfilment of that of 1835? the Government of Her Catholic Majesty maintains, that there exists none, for a very obvious reason. In this Treaty, and in that of 1817, which preceded it, there is nothing stipulated on this particular, consequently the English Consul has no such right.

It ought to be observed on this point, that when, in 1835, the second Treaty for the abolition of the Slave Trade was concluded, England carried her precautions to an extreme point, by giving more latitude to the right of visit, by ratifying the establishment of Mixed Tribunals, by stipulating for the publication of a Penal Law, and by doing all in her power to shut the door against that

traffic; but she could entertain no idea of having the English Consul constituted the official and fiscal denouncer of the principal Authorities of Cuba, in order to the punctual fulfilment of this Treaty.

The fiscal intervention of the English Consul, or the office of public accuser, such as is demanded by him, not only wants the sanction of the Treaties of 1817 and 1835, but would introduce a very essential novelty into them—a novelty not required when those stipulations were negotiated by the two Powers, and which certainly would, at that time, not have obtained, any more than it will now, the consent of the Spanish Government, seeing that it is offensive to its character and dignity.

The above Treaties make no mention whatever of the British Consul, much less do they concede to him the character of fiscal, or official accuser, which he would arrogate to himself, a creation that would be entirely new, foreign from the conditions of the Treaty, and derogatory to the decorum and independence of the Spanish Government, inasmuch as it would constitute, within the dominions of Her Catholic Majesty, a foreign functionary, who, under the pretext of exercising such functions, would unavoidably come into collision with the internal administration of the colony, so as to furnish occasion for heartburning and disagreements with the local Authorities, which, if it be wished to uphold the good relations between the two countries, ought to be strenuously shunned.

This principle, in common with the other reasons set forth in the present exposition, are the only causes opposed to the demand of the British Consul, though this must by no means be attributed to any design of eluding or diminishing the persecution of the Slave Trade, which persecution is, and will continue to be, so active on the part of the Cuba Authorities, that the Government of Her Catholic Majesty looks forward to the bringing about its total extinction. In proof of this steady purpose, the Undersigned must repeat to his Lordship, that the Captain-General of Cuba, though in compliance, with the orders communicated to him, he has sent back to the British Consul, and to the President of the Mixed Commission, such applications as were incompatible with their competency, has not, for all that, disregarded their information respecting the disembarkation of slaves, and the outfitting of vessels supposed to be intended for this illicit traffic, but has immediately ordered the facts to be enquired into, as appears from the original documents which the Undersigned has had the honour to entrust to Lord Aberdeen's examination.

Since it therefore is also demonstrated that the demand of the English Government is not founded on any Treaty, may it perhaps be founded on some principle of reciprocity admitted between both Governments?

To this point Her Catholic Majesty's Government answers by a very remarkable fact.

The Governor of Gibraltar never returns any answer to the Spanish Consul, however just a complaint he may have to prefer; all that he does, since he cannot leave the Consul without a reply, is to cause the Colonial Secretary to send him one; and Lord Aberdeen cannot but be aware of the great difference there is between the Governor of a fortress, and a Captain-General at the head of a colony of a numerous population and great wealth, at such a considerable distance from the mother country.

The Spanish Government, however, respects the rules which every Government thinks proper to establish in its dominions, and for the same reason requires that attention be paid to those established in its own. If the Governor of Gibraltar does not communicate directly with the Spanish Consul, he will do so in consequence of instructions from his Government, which the Government of Her Catholic Majesty respects; but, such being the case, it cannot comprehend why the British Cabinet should take umbrage that the Captain-General of the isle of Cuba declines to receive communications from the English Consul essentially disparaging to his character and dignity, and many of them discourteous in their form.

Her Catholic Majesty's Government, tired of receiving the continual denunciations of the English Consul, which were many times contradictory to those of the Mixed Commission, because they were founded on vague rumour, and of the not very decorous manner in which they were presented, since they accused the subaltern Authorities of being parties to the criminality of the traffic, and thereby disparaged the dignity indispensable to any one exercising a command or juris-

diction, resolved to put a stop to this abusive practice, by directing General O'Donnell not again to receive such denunciations or complaints which were not founded on any legal principle, and impeded the administrative march of those Authorities. In dictating this measure, the Government kept in view not only these considerations, but the sense of its own dignity, because, in order to the fulfilment of the stipulations of the Treaty of 1835, it neither admitted public accusers or guardians, nor needed any thing beyond its good faith.

General O'Donnell, in compliance with his duty, communicated this superior order to the English Consul and the Mixed Commission. The Consul, notwithstanding, persists in presenting this kind of complaint, and places that Authority under the hard necessity of returning to him the letters which he on that account addresses to it.

The Undersigned flatters himself, that this faithful statement of facts, and the observations which he has had the honour to submit to his Lordship's consideration, will be sufficient to show, that the refusal of General O'Donnell to receive the denunciations of the landing of negroes, is not at variance either with Treaties or with the privileges of Consular Agents, though, for all that, the Captain-General is not remiss in employing the utmost precautions for repressing the illicit Slave Trade by all means in the competency of his authority.

The Undersigned, &c.

(Signed)

THE DUKE OF SOTOMAYOR.

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

&c.

&c.

&c.

No. 39.

(Translation.) *The Duke of Sotomayor to the Earl of Aberdeen.*

*London, May 30, 1845.*

*(Received May 31.)*

The Undersigned, &c. &c. deems it his duty to bring under the consideration of the Right Honourable the Earl of Aberdeen, the claim of Don Estevan Balaguer, merchant of Porto Rico, for the damages and prejudices he sustained by the "Curlew," Her Britannic Majesty's brig, capturing and detaining the schooner "Josefa," in 1835.

It appears to be fully proved by the documents which the Undersigned has the honour of submitting to his Lordship's examination, that the "Josefa," on sailing from Porto Rico, was bound for the island of St. Thomas and the coast of Africa, in the exercise of a legitimate commerce, but that, on her making Cape Mesurado, she was taken, and forcibly conducted to Sierra Leone, by Her Britannic Majesty's brig, the "Curlew," whose Commander at that time was Mr. Joseph Denman. This officer detained the Spanish goleta 16 days; and as the Mixed Commission saw no motive to justify further proceedings, they released her, giving to her Captain, Don Miguel Calvet, a safe conduct for 10 days. Notwithstanding this circumstance, and that there was on board an officer of the British navy, the Spanish vessel was again captured on the following day, by the same brig, "Curlew," though not at that time under the orders of Mr. Denman, but under those of Mr. Edmund Northcot, and carried the second time to Sierra Leone. Captain Calvet took the proper steps before the Mixed Commission, and the case being submitted to the cognizance of that tribunal, the latter, after many months' detention, and when Captain Calvet had already fallen a victim to the insalubrious influence of that climate, declared the capture of the "Josefa" illegal and ordered her to be set at full liberty, though they, for all that, condemned her First Mate, Claudio Alvarez, who by reason of Calvet's decease had assumed the command, to pay all the costs. It being out of the power of this gentleman to comply with what was demanded of him, and the protest which he made against so unjust a sentence proving of no effect, he was reduced to the hard necessity of selling at auction vessel and cargo, for 440*l.* 0*s.* 7*d.*, at a grievous loss, as is vouched for by document G.

Such are the facts on which rests the claim which the Undersigned has the honour to present to Her Britannic Majesty's Government.

In the Regulation annexed to the Treaty of 1817, "The Commissioners of the

Mixed Court are expressly ordered to pronounce sentence with as much expedition as possible; and directed, in as far as shall be practicable, to decide within the term of 20 days, (to compute from that at which every detained vessel shall have been conducted to the port of its residence,) first, on the legality of the capture, and, secondly, in case the captured vessel be released, on the indemnity she has to receive;" and in the subsequent paragraph it is added, "That, at all events, the definitive sentence is not to be delayed beyond two months, on account of the absence of witnesses, or for want of other proofs, except when any of the interested parties require it, giving sufficient security to incur the expenses and risks of the delay, in which case it shall be lawful for the Commissioners to allow, at their discretion, a prolonged term, not exceeding four months." It appears, however, that the Mixed Commission did not attend to these stipulations; and that, so far from passing sentence within the appointed time, they did not pronounce it till six months after the capture, when the prize was declared illegal, as is seen by the enclosed documents.

It being evident that this vessel is comprehended in the case anticipated by Article IX. of the Treaty of 1817, the Undersigned, Envoy Extraordinary, and Minister Plenipotentiary of Her Catholic Majesty, requests the Right Honourable Earl of Aberdeen, taking into consideration the fully established illegality of this capture, to be pleased to order the claimant to be reimbursed the costs and injuries so unjustly occasioned to him, as also an equitable indemnity to the family of Captain Don Miguel Calvet, whose death was, beyond doubt, caused by his detention in that fatal climate.

The Undersigned, &c.

(Signed) THE DUKE OF SOTOMAYOR.

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

Enclosure 1 in No. 39.

THESE are to certify, that the schooner called the "*Josefa*," sailing under Spanish colours, whereof Miguel Calvet is Master, was detained by His Majesty's brig-of-war "*Curlew*," then under my command, on the 17th day of November, 1835, off Cape Mesurada, in or about latitude 6° 21' north, and longitude 10° 40' west, and was released this day, the seizure having been made under circumstances which could not be taken cognizance of by the Courts of Mixed Commission. I therefore request that any British ship-of-war, boarding the said vessel within 10 days from this date, a term I consider sufficient to restore her to the place of seizure, will not molest her, as she is to be placed in the same situation in which I found her.

Dated at Freetown, Sierra Leone, this 3rd day of December, 1835.

Witness. (Signed) JOS. DENMAN, *Commander*.  
R. DOUGAN, *Notary Public*.

Captain Miguel Calvet schooner "*Josefa*."

To W. H. Savage, Advocate.

December, 1835. To my attendance in and about your defence, as being seized by Her Britannic Majesty's brig "*Curlew*," Joseph Denman, Esq., Commander, various consultations and advice, procuring a settlement and release, preparing, examining, and executing every document necessary

	£25 0 0
Deduct 1 Hat . . . . .	£2 0 0
1 Ham, &c. . . . .	2 0 0
—————	4 0 0

Received the balance.

W. H. SAVAGE.

Don Miguel Calvet.

Sierra Leone, December 3, 1835.

	D. C.
To 1 Tin pump . . . . .	3 0
1 Coil rope (175 lbs.)—at 12d. . . . .	21 0
1 Jug of paint oil . . . . .	3 50
11½ lbs. Nails at 20 d. . . . .	2 30
1 lb. Sewing twine . . . . .	0 50
25 lbs. Onions at 12 d. . . . .	3 30
To paid canoe men, watering the schooner . . . . .	4 0
To paid Custom House duty on hats . . . . .	2 0
	Dollars 39 60
To amount of W. H. Savage's law account, for procuring restoration of the schooner "Josefa" . . . . .	120 0
To sundries had by him . . . . .	18 50
	101 50
	141 10
To commission 5 per cent. . . . .	7 0
	148 10

(Signed) JOHN CATHCART.

Enclosure 2 in No. 39.

*Notarial Protest against Delay.*

BE it known and made manifest unto all to whom these presents shall come, that on the 5th day of February, in the year of our Lord 1836, at Freetown, in the colony of Sierra Leone, Miguel Calvet, Master of the Spanish schooner "Josefa," now lying in the harbour of Freetown, came and appeared before me, William Henry Savage, a Notary Public, duly appointed and registered in the High Court of Chancery in England, who did declare, allege, affirm, and for protest say, that the said schooner was seized and detained by His Britannic Majesty's brig-of-war "Curlew," the Hon. Joseph Denman, Lieutenant, Commander, on the 17th day of November last, laden with a general cargo of merchandize; but that the said seizure having been found and acknowledged to have been illegal, the said captor released the said schooner, and gave a document which he, said Commander, represented to this appearer would have the effect of preventing a re-capture until the end of 10 days, that time being deemed sufficient to place the said schooner so far on her voyage as she had been found on seizure; and the said schooner, while in the act of preparing for leaving this harbour of Freetown aforesaid, and still having on board the officer put in charge by the said captor, was again seized by his said Britannic Majesty's brig "Leveret," in conjunction with his Britannic Majesty's brig "Curlew," on the 4th of December, and brought back to her anchorage in the harbour aforesaid; that the said schooner was originally seized under a pretence that she was navigating contrary to the new Treaty or Convention entered into between Great Britain and Spain in June last, relative to the African Slave Trade, although the said captor admitted he was not furnished with any authority so to act under the said Treaty or Convention, as is stipulated and required by the same; and further, that the joint capture was alleged to have taken place under the authority of the said Treaty or Convention, with which the Commander, that is to say, Edmund Norcott of the "Curlew," and John Charles Bosanquet, of the "Leveret," had then in their possession; and the said appearer did further declare, allege, affirm, and for protest say, that proceedings have been duly gone into before the British and Spanish Court of Mixed Commission established in the said colony for the suppression of the illicit traffic in slaves, whereof the Hon. Henry William Macaulay, and the Hon. Walter William Lewis, are the officiating Judges for the two nations; that the Proctor for the captor, and the Proctor for this appearer, have both closed their pro-

ceedings, and jointly prayed that a day of trial be named by the said Court, but which petition has not been granted; and further, the said appearer, Miguel Calvet, doth allege, declare, affirm, and for protest say, that upwards of two months have expired since the monition has been issued by the said Court against the said schooner called the "*Josefa*."

Whereupon I, the said Notary, at the instance and request, and in the name of him, Miguel Calvet, do hereby declare, intimate, and make known, that forasmuch as it appears that the proceedings had against the said schooner called the "*Josefa*," whereof the said Miguel Calvet is Master, is, under the authority of the said Treaty and Convention, dated the 28th of June, 1835; and that in the instructions to the Court while acting under the same, it is stipulated and enjoined: "The final sentence shall not in any case be delayed beyond the period of two months, whether on account of the absence of witnesses, or for any other cause, except upon the application of the parties interested; but in that case, upon such party or parties giving satisfactory security that they will take upon themselves the expense and risks of the delay, the Court may, at their discretion, grant an additional delay, not exceeding four months;" and in the Treaty or Convention entered into by the said Powers, bearing date the 23rd of September, 1817, under which the said Court was originally established on the coast of Africa, it was also stipulated that the following should form part of the instructions for the guidance of the said Court: "And it is hereby provided, that, in all cases the final sentence shall not be delayed, on account of the absence of witnesses, or for want of other proof, beyond the period of two months, except upon the application of any of the parties interested, when, upon their giving satisfactory security to charge themselves with the expense and risk of delay, the Commissioners may, at their discretion, grant an additional delay, not exceeding four months;" and the said two months having expired, and the absence of any further evidence being declared unnecessary by the aforesaid petition for trial, and the said fact appearing well known to the said Court, although no such security has been by the said Court required, and the party interested in the capture not having alleged any cause to justify further delay; therefore I, the said Notary, being thereunto requested by the said Miguel Calvet, do most solemnly protest, as well as against the said captors, generally for all losses, damages, and expenses, which have or may take place by and through the said detention, as also against the delay which has taken place, and which may hereafter take place, before the said Court may give sentence in this cause, such delay appearing contrary to the spirit and meaning of the several Treaties and Conventions recited, on the authority of which only Spanish vessels and Spanish subjects are amenable to the said Court, and also because the said captors have not alleged any cause whatever, or given security as required, and still keep possession of the said schooner "*Josefa*," and her cargo laden on board, the same consisting, as aforesaid, of general merchandize, of all which an act notarial having been required of me by the said appearer, I have granted the same, under my hand, and seal notarial, at Freetown aforesaid, in the colony of Sierra Leone aforesaid, the day and year first above written, and thereupon have duly caused the said appearer to sign this instrument.

In testimonium veritatis.

(Signed) W. H. SAVAGE, *Notary Public.*

---

Enclosure 3 in No. 39.

*Copy of Claim in the case of the "Josefa."*

BE it known and made manifest unto all whom it may concern, that Claudio Alvarez, now claimant before the Mixed Court of Justice established in this colony under the Treaty between Great Britain and Spain, dated 28th June, 1835, and chief officer of the said Spanish schooner "*Josefa*" since the death of the late Master, Don Miguel Calvet, and did demand of me, William Henry Savage, Notary Public within the said colony, a copy of the original claim filed by the said late Master before the said Court for the said schooner and her cargo, and which, as Proctor for the said Court, I prepared and delivered; therefore I have granted the same, and do hereby attest, declare, and make known, that the

document hereto attached is a true and faithful copy of the said claim and verification thereof.

Witness my hand, and seal of office, at Freetown, Sierra Leone, the 19th day of September, 1836.

(Signed)

W. H. SAVAGE, *Notary Public.*

British and Spanish Court of Mixed Commission, colony of Sierra Leone.

Schooner "*Josefa*," Miguel Calvet, Master.

*January, 1836.*

The claim of the said Miguel Calvet, the Master of the said schooner or vessel, a subject of Her Catholic Majesty the Queen of Spain, for the said schooner or vessel, her tackle, apparel, and furniture, goods, wares, and merchandize, on board the said schooner or vessel at the time of her capture or seizure by His Britannic Majesty's brig "*Curlew*," Edmund Norcott, Lieutenant, and Commander, and His Majesty's brig "*Leveret*," Charles John Bosanquet, Lieutenant, and Commander, while lying in the harbour of Sierra Leone, for the said schooner or vessel, her tackle, apparel, and furniture, and her cargo, as the sole property of himself, the said Miguel Calbet, and inhabitant of Porto Rico, and native of Catalonia, and as protected by the Treaty or Convention entered into between His Britannic Majesty and Her Catholic Majesty, dated the 28th day of June, 1835, and for all costs, damages, demurrages, and expenses, as have arisen, or shall or may arise, by means of the capture and detention of the said schooner or vessel, and her cargo as aforesaid.

British and Spanish Court of Mixed Commission, colony of Sierra Leone.

*January, 1836.*

Appeared personally, the said Miguel Calvet, the Master and owner of the said schooner or vessel, and maketh oath, that he is a subject of Her Catholic Majesty the Queen of Spain, and was Master of the said schooner or vessel at the time of the capture or seizure thereof by His Britannic Majesty's brig-of-war "*Curlew*," Edmund Norcott, Lieutenant, and Commander, and His Britannic Majesty's brig-of-war "*Leveret*," Charles John Bosanquet, Lieutenant, and Commander; and that the said schooner or vessel was so seized and detained on the 4th day of December last past, while lying at anchor in the harbour of Sierra Leone, in the prosecution of her voyage from Porto Rico to St. Thomas, on the coast of Africa, with a general assorted cargo of merchandize laden on board; and he further maketh oath, that himself, the said deponent, a subject of Her Catholic Majesty, was, at the time of the said seizure and detention, and now is, the true, lawful, and sole owner and proprietor of the said schooner or vessel, her tackle, apparel, and furniture, and of the cargo laden on board the same; and the deponent further maketh oath, that he verily believes the said schooner or vessel, and her cargo are protected by the Treaty or Convention between His Britannic Majesty and Her Catholic Majesty, bearing date the 28th day of June, in the year of our Lord 1835; and deponent further maketh oath, that the Honourable Joseph Denman, while Commander of His said Britannic Majesty's brig-of-war "*Curlew*," had, on the 17th day of November last, seized and detained the said schooner or vessel called "*Josefa*," and caused her to be brought to Sierra Leone; and that on or about the 2nd day of December last he, the said Honourable Joseph Denman, by Robert Dougan, a gentleman, a Proctor of the Court of Mixed Commission, did enter into an arrangement with this deponent, and did admit that the seizure and detention of the said schooner or vessel was illegal, and could not be supported, inasmuch as the said capturing vessel was not at the time of the said seizure furnished with the necessary instructions and power under the said Treaty of the 28th day of June before alluded to, and that therefore the said Proctor, on behalf of the said Honourable Joseph Denman, would release the said schooner or vessel called the "*Josefa*," and permit her to proceed on her voyage, provided this deponent would execute a release to him, the said Honourable Joseph Denman, renouncing all claims on him for and on account

of the said seizure and detention, to all which this deponent did consent, and did give the said release accordingly, although the said schooner still remained under the charge of an officer belonging to His said Majesty's vessel "Curlew," and who had been put on board at the time of her seizure and detention, by the said Honourable Joseph Denman; and that the said schooner or vessel called the "Josefa," being still at anchor in the place where she had been brought by the officer so in charge when first the said schooner or vessel arrived within this colony, the said schooner or vessel was boarded, on the 4th day of December last, by another British officer, and a document was put into the hands of this deponent, stating that the said schooner or vessel, being at Sierra Leone, was detained by His Britannic Majesty's sloops "Curlew" and "Leveret," and the same being signed by Edmund Norcott, Lieutenant, and Commander of the "Curlew," and Charles John Bosanquet, Lieutenant, and Commander of the "Leveret," who took away the papers that had been returned to this deponent, and belonging to the said schooner or vessel, together with the document which had been delivered unto this deponent from the said Honourable Joseph Denman, in proof of the arrangement before set forth, as entered into relative to the release of the said schooner or vessel called the "Josefa;" and he further maketh oath, that no person or persons other than himself, the deponent, have any right, title, or interest in the said schooner or vessel called the "Josefa," her tackle, apparel, and furniture, goods, wares, and merchandize laden on board the same at the time of seizure and detention thereof; and that he, the said deponent, is duly authorized to make the claim hereunto annexed; and that the same is a true and just claim; and that he shall be able to make due proof and specification thereof.

---

Enclosure 4 in No. 39.

*Decree of Court in the case of the "Josefa."*

British and Spanish Mixed Court of Justice, Sierra Leone.

BEFORE Walter William Lewis, Esq., His Britannic Majesty's Judge *ad interim*, and his Excellency Lieutenant-Governor Henry Dundas Campbell, His Britannic Majesty's Arbitrator *ad interim* in the said Court, as associated with the Judge aforesaid, in the absence of either the Judge or Arbitrator on the part of her Catholic Majesty the Queen of Spain. Present, Michael Linning Melville, Esq., Registrar.

Wednesday, the 10th day of August, 1836.

Schooner "Josefa," Miguel Calvet was Master.

Robert Dougan, Proctor for captors, prayed the Court that a like sentence to that decreed in the case of the "General Manso," might be passed upon the "Josefa," those vessels having been seized under similar circumstances; and William Henry Savage, Proctor for claimant, having assented thereto, it was decreed by the said Judge and Arbitrator, that the said schooner, her tackle, apparel, and furniture, and the goods, wares, and merchandize laden on board the same, should be restored as claimed to Claudio Alvarez, the Mate, and senior officer of the said vessel on the decease of the said Master. And it was further decreed by the Court, that the said claimant should pay the costs of suit of the captors.

---

These are to certify, that the foregoing is a just and true copy of the original decree made in the British and Spanish Mixed Court of Justice established at Sierra Leone, in the case of the schooner "Josefa," whereof Miguel Calvet was Master, as appears by the records of the said Court.

In faith and testimony whereof, I have hereunto set my hand, and affixed the seal of the Mixed Commissions at Freetown, in the said colony, this 30th day of August, in the year of our Lord, 1836.

M. L. MELVILLE, Registrar.



Enclosure 5 in No. 39.

*Voucher for Funeral Expenses.*

RECEIVED 17th September, 1836, from Mr. J. C. Cathcart, the sum of six pounds, seven shillings, and six pence, for funeral expenses of the late Captain Miguel Calvet.

6*l.* 7*s.* 6*d.*

MANUEL LARTIN.

Enclosure 6 in No. 39.

*Voucher for Proctor's Fees.*Schooner "*Josefa*," Miguel Calvet late Master.

July, 1836.

FOR costs incurred by the captors in the prosecution of this cause in the British and Spanish Court of Mixed Commissions, and in the British and Spanish Mixed Court of Justice.

To Proctor's fees, at 40 gs.	£42	0	0
Surveyor's bill	6	6	0
Harbour Master's fees	2	10	0
Marshal's Bill	5	18	8
Agency	15	15	0
	£72	9	8

Sierra Leone, August 25, 1836.

Received from J. C. Cathcart, Esq., Agent for Sales, the sum of 67*l.* in full of the captor's costs and charges of this vessel.

R. DOUGAN, *Proctor.*

Enclosure 7 in No. 39.

*Protest of Captain Alvarez.*

By this public instrument of declaration and protest be it known and made manifest unto all, that on the 11th day of August, 1836, personally appeared before me, William Henry Savage, at Freetown, in the colony of Sierra Leone, a Notary Public by Royal Authority, duly admitted, sworn, and registered, in the High Court of Chancery in England, and of practice within the said colony, Claudio Alvarez, now Master of the Spanish schooner "*Josefa*," lying at anchor off Freetown aforesaid, who did declare and for protest set forth; the said schooner "*Josefa*" sailed from Porto Rico on the 23rd day of August last, laden with a general cargo, and bound along the coast of Africa, and soon to the island of St. Thomas, and that Miguel Calvet was Master of the said vessel, and this appearer the Chief Mate or Pilot; that on or about the 4th day of November last the said schooner came to an anchor off Cape Montserrado, on the western coast of Africa; and that this appearer soon after went on shore, to barter and traffic with the natives, and was on shore at New Sess, on the 17th day of November last; but the said schooner was seized and detained, and taken away from her anchorage off Cape Montserrado, by His Britannic Majesty's brig-of-war "*Curlew*," Lieutenant Joseph Denman, Commander, and proceeded with to Sierra Leone; that this appearer being so left on shore, used all diligence to get up to the said colony; when he arrived on the 25th day of April, 1836, found that the schooner was then in charge of the British vessels-of-war "*Curlew*" and "*Leveret*," commanded respectively by Edmond Norcott and John Charles Bosanquet, Esqrs.; and that the said Master Miguel Calvet was dead, having departed this life on the 16th day of February, 1836; that this appearer found that the said schooner, soon after her arrival within the said colony, when detained by the "*Curlew*," commanded by Lieutenant Joseph Denman, had, after a few days' detention been given up, or offered to be given up, upon receiving a release to exempt the said seizer from all costs

and damages which had arisen to the schooner "*Josefa*" by reason of the said detention, which was acknowledged to have been done without legal authority, inasmuch as the instructions required under the Treaty, on which the authority for seizing was said to be founded, namely, 28th June 1835, had not been furnished to the said capturing vessel; that on the 4th day of December, 1835, while the said schooner was at anchor off Freetown, and under the control of the said capturing vessel, although the release had been delivered, and a written document, under the hand of the said Lieutenant Joseph Denman, the said seizing officer, purporting that the said schooner should not be molested for 10 days from the date, thereof, being the 3rd of the said month, yet the British brigs-of-war "*Curlew*" and "*Leveret*," the former then commanded by Edmund Norcott, and the latter by Charles John Bosanquet, boarded, searched, and seized the said schooner and her cargo; and forasmuch as he the said ap-  
 pearer, by the death of the said Master, and all others concerned in the same, finding the cause still pending before the British and Spanish Mixed Commission Court of Justice against the said schooner and her cargo, did thereupon claim the same; and finally, the said Court, on the 10th day of August, did pronounce that the said schooner and her cargo be restored as claimed, but that no costs, damages, demurrages, or other expenses, should be allowed the said vessel; and did also adjudge, that the claimant should pay all the expenses of prosecution incurred by the said captors; and he the said Don Claudio Alvarez being without credit, and unable to raise funds to pay the same, together with the costs and charges to which the late Master and himself hath been put to relative to the said cause;

Therefore he the said ap-  
 pearer, Don Claudio Alvares, protests to abandon the said schooner and her cargo laden now on board, consisting of articles in the list marked A., and thereupon hath resolved to sell the same by public auction for and on account of the said Joseph Denman, his officers and crew, the said seizure having taken place and been solely occasioned by this original unlawful detention by him made of the schooner as aforesaid.

Whereupon I, the said Notary, at the request of the said ap-  
 pearer, do hereby declare, intimate, and make known to the Proctor of the said Commander Joseph Denman, (he having himself left this colony,) and all others concerned, that he, the said Claudio Alvarez, doth hereby abandon, cede, and from necessity will publicly offer for sale, the said schooner "*Josefa*," her tackle, apparel and furniture, and the goods, wares, and merchandize laden on board thereof; as will he also abandon, cede, and leave to him, the said Commander Joseph Denman, all the cargo landed on the coast of Africa from the said schooner "*Josefa*" on this present voyage; and that he, the said Claudio Alvarez, for himself and all others concerned in and about the said schooner or her cargo, doth claim reimbursement of all and every sum or sums which the same cost, together with the lawful and usual allowance due for the adventure she was engaged in at that time of capture, and as the same in time and place convenient shall be made to appear.

Of all which an act notarial having been demanded of me, I have granted the same, under my hand and seal notarial, this 17th day of September, 1836, *in testimonium veritatis*.

(Signed) H. W. SAVAGE.

Enclosure 8 in No. 39.

(Translation.)

*Bill of Damages, &c.*

RETURN of the damages and losses occasioned by Captain Denman, of the English brig-of-war "*Curlew*," to the Spanish schooner "*Josefa*," in seizing her at Cape Mensurado, on November 17, 1845, and that without any order of permission, and conducting her to Sierra Leone.

Cost of the schooner " <i>Josefa</i> ," fitted with a bronze coliza,	D.	R.
with all the required appointments, two sets of sails, one		
of them prime, with all the rigging, also spare stores and		
rigging complete	9,548	0
One month's wages advanced to the crew	805	0
Victualling the schooner for the voyage	1,950	0

	D.	R.
Cost of goods laden at St. Thomas . . . . .	15,931	4
Cost of venture goods of Captain and Mate, sharing cost and profit . . . . .	1717	0
Owner's commission on purchase and outfit of the "Josefa," at 5 per cent. . . . .	1,510	1½
Respondentia bond on value of the expedition, at 31,521 dollars 5½ reals, at 5 per cent. per month, as usual . . . . .	18,282	5
Eleven months 18 days' wages to the crew, at the rate of 865 dollars per month . . . . .	9,368	1
Commission to the Master on value of cargo, being 17,648 dollars, at 5 per cent. on the sale . . . . .	882	4
Cost of boats to proceed to Sierra Leone to Captain and crew . . . . .	232	4
<b>Total . . . . .</b>	<b>60,288</b>	<b>3½</b>

(Translation.)

INVOICE of Goods obtained at St. Thomas, for the Spanish schooner "Josefa," specifying their value.

	Lots.	Articles.	Value.	
			D.	R.
A	1 to 4	4 Bales of 250 pieces of white long cloth at 3 dollars each . . . . .	750	0
B	5 8	4 Bales of 250 pieces of blue long cloth . 3 d. 4 r. each . . . . .	825	0
C	9 15	7 Bales of 18 dozens of woollen blankets . 20 d. the dozen . . . . .	360	0
D	16 18	3 Bales of 250 pieces of carranclanes (?) . 3 d. 4 r. each . . . . .	875	0
E	19 22	4 Bales of 250 pieces nicanies (?) . . . . .	1,187	4
F	23 27	5 Bales of 250 pieces slops . . . . .	875	0
G	28 31	4 Boxes of 250 pieces wide slops . . . . .	1,000	0
H	32 35	4 Boxes of 250 pieces narrow slops . . . . .	875	0
I	36 37	2 Boxes of 125 pieces sailors' checks . 3 d. 4 r. each . . . . .	437	0
J	38 39	2 Bales of 125 pieces sailors' checks . 3 d. 4 r. each . . . . .	437	0
K	40 45	5 Bales of 250 pieces striped linen . 4 d. each . . . . .	1,000	0
L	46 49	4 Boxes of 250 pieces chintzes . . . . .	1,125	0
LL	50 54	5 Bales of 250 yards scarlet baize . . . . .	187	4
M	55 57	3 Boxes of 300 doz. Madras handkerchiefs. 2 d. the dozen . . . . .	600	0
N	58 59	2 Bales of 200 dozen of ditto . . . . .	300	0
NN	60 00·1	A Large box of 250 cloaks and 42 carpets 2 d. each . . . . .	524	0
NO	61 62	A Large box of 20 dozen umbrellas . 26 d. the dozen . . . . .	520	0
PO	63 64	2 Large boxes of 20 doz. German mirrors 18 d. the dozen . . . . .	360	0
Q	65	A Large box of 20 dozen matchets . 4 d. the dozen . . . . .	80	0
QR	66	1 Bale of 250 woollen caps . . . . .	62	4
		24 Dozen knives with horn handles . . . . .	108	0
		24 Dozen razors . . . . .	72	0
		24 Dozen combs . . . . .	36	0
		24 Dozen collars . . . . .	96	0
		250 Iron bars with 32½ qq. (?) . . . . .	208	0
		250 Muskets, English, with 4 trompedillas (?) 5 d. each . . . . .	1,250	0
		200 Barrels of gunpowder of 200 arrobas each 25 d. per quintal . . . . .	1,150	0
		100 Coral collars, each of six strings . . 2 d. each collar . . . . .	200	0
		6 Silk umbrellas . . . . .	30	0
		20 Pipes of rum . . . . .	400	0
		Sum total of invoice . . . . .	15,731	4

This Signature is certified by (Signed) CLAUDIO ALVAREZ.  
H. W. SAVAGE, Notary Public.

(Translation.)	Invoice of effects belonging to the Captain and the Mate.	D.
8 Dozen of shirt buttons, at 6 dollars per dozen . . . . .		48
19 Purses of knitting beads, at 1 dollar each . . . . .		19
24 Pieces of muslin, at 8 dollars per piece . . . . .		192
29 Pieces of fine carranclanes, at 5 dollars per piece . . . . .		145
6 Dozen of slippers, at 8 dollars per dozen . . . . .		48
4 Gross of combs, at 12 dollars per gross . . . . .		48
1 Dozen silk aprons, and 1 dozen scarfs, at 2 dollars each . . . . .		48
1 Reticule of knitting beads, at 4 dollars . . . . .		4

	D.
29 Pieces of muslin, inferior quality, at 6 dollars per piece . . . . .	174
50 Pieces of cambric handkerchiefs at 3 dollars per piece . . . . .	150
24 Pieces of fine chintz, at 6 dollars per piece . . . . .	144
7 Pieces of silk shawls at 20 dollars per piece . . . . .	140
11 Dozens of stockings, at 3 dollars per dozen . . . . .	33
1 Dozen barrels of Bourdeaux wine, at 30 dollars per barrel . . . . .	360
33 Casks of Madeira wine, at 4 dollars per cask . . . . .	132
2 Barrels of Oporto wine, at 16 dollars per barrel . . . . .	32

Total . . . . . 1,717

(Signed) **CLAUDIO ALVAREZ.**

Signature certified by

**H. W. SAVAGE, Notary Public.**

**SALES by PUBLIC AUCTION of the Spanish schooner "Josefa," and her cargo, August 1836, sold under Protest of Abandonment, for benefit all parties concerned.**

Lots.	Articles.	Amount.
Nos.		£ s. d.
1 to 7	70 Blankets . . . . . at 3s. 9d. each	13 2 6
8 10	30 Ditto . . . . . 3s. 7d.	5 7 6
11 16	60 Ditto . . . . . 3s. 6d.	10 10 0
17	1 Dozen looking glasses—large	0 18 0
18 19	2 ditto ditto . . . . . 17s. 6d.	1 15 0
20 21	2 ditto middling . . . . . 9s. 0d.	0 16 0
22 25	4 ditto ditto . . . . . 7s. 9d.	1 11 0
26 28	3 ditto small . . . . . 5s. 0d.	1 15 0
29	¼ ditto . . . . .	0 3 0
30	48 Red caps . . . . .	1 9 3
31	48 Ditto . . . . .	1 8 3
32	40 Ditto . . . . .	1 6 0
33	1 Bale red baize . . . . .	3 3 9
34	1 Ditto . . . . .	3 1 0
35	1 Ditto . . . . .	3 0 0
36	1 Dozen pieces check . . . . . 11s. 6d.	6 18 0
37 41	5 ditto . . . . . 10s. 0d.	30 0 0
42 43	2 ditto . . . . . 9s. 6d.	11 8 0
44 46	3 ditto . . . . . 9s. 0d.	16 4 0
47 48	2 ditto . . . . . 7s. 0d.	8 8 0
49 53	5 ditto . . . . . 3s. 9d.	11 5 0
54	1 ditto . . . . . 3s. 7d.	2 3 0
55 1	ditto . . . . . 2s. 9d.	1 13 0
56 1	ditto . . . . . 2s. 2d.	1 6 0
57 62	6½ ditto—damaged . . . . .	8 18 0
66	36 pieces Madras handkerchiefs . . . . .	7 16 0
67	36 ditto . . . . .	7 10 0
68	36 ditto . . . . .	7 6 0
69	36 ditto . . . . .	7 6 0
70	22 ditto . . . . .	3 16 0
63 65	3 Dozen pieces check . . . . . 7s. 3d.	13 1 0
71	20 Pieces navy blue print . . . . . 5s. 0d.	5 0 0
73	20 ditto . . . . . 5s. 7d.	5 11 8
74	20 ditto . . . . . 5s. 6d.	5 10 0
75	20 ditto . . . . . 5s. 6d.	5 10 0
76 80	53 Pieces prints . . . . . 4s. 4d.	11 9 8
81	24 Shawls . . . . . 4s. 0d.	4 16 0
82	20 Ditto . . . . . 4s. 1d.	4 1 8
83	18 Ditto . . . . . 4s. 6d.	4 1 0
84	41 Ditto—damaged . . . . .	5 2 0
85	23 Ditto—ditto . . . . .	2 11 0
86 87	26 Pieces handkerchiefs—ditto . . . . .	4 16 0
88	12 Ditto maddapollams . . . . . 4s. 4d.	2 12 0
89 90	30 Ditto . . . . . 3s. 6d.	5 5 0
91	17 Ditto, gingham . . . . . 16s. 0d.	13 12 0
92	8 ditto . . . . . 16s. 3d.	6 10 0
93 96	45 Muskets . . . . . 15s. 6d.	12 7 6
97 102	72 Ditto . . . . . 5s. 0d.	18 0 0
103 104	4 Dozen umbrellas . . . . . 4s. 1d.	9 16 0
105 106	4 ditto . . . . . 4s. 0d.	9 12 0
107	4 ditto—damaged . . . . .	2 1 0
108 109	6 Ditto cutlasses . . . . . 7s. 4d. dozen	2 4 0

Lots.		Articles.	Amount.
Number.			£ s. d.
110	111	5½ Dozen cutlasses . . . . .	1 17 0
112	130	87 Quarter barrels powder . . . . .	24 16 0
	131	7 Tin pans . . . . .	0 7 0
132	140	132 Bars iron . . . . .	6 19 0
	141	Slave Deck . . . . .	3 5 0
142	145	4 Barrels, beef . . . . . 29s. 0d. each	5 16 0
	146	1 Half barrel ditto . . . . .	0 13 0
	147	1 Barrel pork . . . . .	1 6 0
	148	4 Barrels rice . . . . . 8s. 8d.	1 13 4
	149	6 Dozen wine . . . . . 15s. 0d.	4 13 0
	150	3 Ditto . . . . . 16s. 0d.	2 8 0
151	157	7 Casks claret—ullaged . . . . .	6 12 0
		1 Hogshead rum, 50 gallons . . . . . 3s. 1d.	7 14 2
		5 Ditto 227 ditto . . . . . 2s. 6d.	28 7 6
		A brass cannon . . . . .	17 10 0
		The schooner "Josefa," with her masts, yards, spars, range, tackle, and rigging	70 0 0
			£517 6 9
CHARGES.			
To paid Customs duties, 3 per cent. on value of cargo, 14l. 8s. 2d., wharfage 1l. 15s. . . . .			£16 3 2
To paid extra duty on rum, 238 imperial gallons, at 1s. 6d. . . . .			17 17 0
To paid auctioneer's Commissions, 7½ per cent. on 517l. 6s. 9d. . . . .			38 16 0
To paid storing powder in magazine . . . . .			4 10 0
			77 6 2
Nett proceeds . . . . .			£440 0 7

Sierra Leone,  
September 1, 1836.

RICHARD J. FISHER,  
Licensed Auctioneer.

No. 40.

*The Earl of Aberdeen to Mr. Bulwer.*

*Foreign Office, May 31, 1845.*

SIR,

I HAVE received your Despatches of March 31st, and of the 22nd ultimo containing the answers of the Spanish Government to the representations which, by my directions, you had made to them upon the laxity of General O'Donnell in fulfilling, during the last year, the promises held out to Her Majesty's Government as to the restoration to freedom of the negroes emancipated under the Treaty of 1817.

In answer to your representations, the Spanish Minister, in his note dated the 10th of March last, transmitted to you a list of 30 negroes and 20 children to whom certificates of freedom had recently been issued, and who had forthwith been placed at the disposal of the British Commissioners; and on the 12th of April the Spanish Minister sent to you a further note, enclosing, as he stated, a list sent to him by the Captain-General of Cuba of the emancipated negroes who had recently received certificates of freedom; and he called attention to the fact, that General O'Donnell had issued 37 certificates of freedom in September last, 30 in January last, and now 24, of which last a list was enclosed.

With respect to the 37 certificates said to have been delivered in September 1844, I hereby transmit to you copies of Despatches from Her Majesty's Commissioners and Consul-General, containing such information as Her Majesty's Government possess upon that point.

You will perceive that the Captain-General did not, as had been the custom before, deliver, either to Her Majesty's Commissioners or Consul-General, a list containing the names and particulars of these 37 persons, with the exception of four, whom he did not think fit to allow to remain in Cuba, and whom he gave up accordingly to the Consul-General, to send to British colony.

With respect to the certificates delivered in January to 30 negroes of this

class, besides their 20 children, said to have been placed at the disposal of the British Commissioners, you have already, by my Despatch of the 8th ultimo, been instructed to express to the Spanish Government the great satisfaction of Her Majesty's Government at that measure; but I have to call your attention to the circumstance which appears by the Despatches, of which the enclosed are copies, that one of these negroes, being one of the two sons of the negress, Gervacia, No. 131, from the "*Emilio*," has not been delivered up to her Majesty's Commissioner, but has been retained in the service of the Captain-General.

I have to desire that you will acquaint the Spanish Government with this fact, and that you will state, that Her Majesty's Government are of opinion that the Captain-General would have adopted a course more consonant with the dictates of humanity and justice by allowing the lad in question to follow his mother to her new abode; and that you will suggest to them, to convey an intimation of their desire that this should be done.

With respect, however, to the list of 24 negroes, besides 13 children, enclosed in M. Martinez's note, to whom he states that the Captain-General of Cuba had recently given certificates of freedom; you will perceive from the accompanying copies of Despatches from Her Majesty's Commissioners at the Havana, that such is far from the fact. Three of them, namely, Luciano, Matilde, and Anacleto, are those to whom Captain-General O'Donnell delivered certificates of freedom so long ago as in October 1843; three others, namely, Anastacio, Bonifacio, and Pedro, in November 1843; six others, namely, Pablo, Maria Magdalena, Anastacia, Maria Escarnacion, Dimas, and Juan, besides their two children, in December 1843; and lastly, five, namely, Maria del Carmen, Ciriaco, Primo, Monica, and Maria Carmen, with their five children, are those who received their certificates of freedom in January 1844.

Thus, of this list of 24 and 13 children, 17 and 12 children are known to have had their certificates of freedom delivered to them nearly a year and a half ago.

The remaining seven, namely, Esteban, Santiago, Estanislada, Micaela, Catalina, Modesto *alias* Benito, and Nicolas de Bari, and the remaining child, have not been reported by name to Her Majesty's Government as having received their tickets of freedom.

I have accordingly to desire, that you will represent these facts to the Spanish Government; that you will request that a list may be furnished of the 37 persons said to have had their certificates of freedom delivered to them in September last; that you will enquire, at what period the seven negroes and one child remaining unaccounted for in the list sent to Senhor Martinez on the 12th ultimo, received their freedom; and that you will state, that the very small number of these unfortunate persons made free since the accession of General O'Donnell to the Government of Cuba, renders it imperative on the Spanish Government to order him to proceed with more rapid steps in the accomplishment of the final liberation of the whole of the remaining negroes of the class referred to.

H. L. Bulwer, Esq.  
&c. &c.

I am, &c.  
(Signed) ABERDEEN.

Enclosures in No. 40.

1. *The Havana Commissioners to the Earl of Aberdeen, October 9, 1844.*  
(See Class A., 1844, presented 1845, No. 119, p. 164.)
2. *Mr. Crawford to the Earl of Aberdeen, October 5, 1845.*  
(See Class B., 1844, presented 1845, No. 79, p. 101.)
3. *Mr. Kennedy to the Earl of Aberdeen, March, 4, 1845.*
4. *The Havana Commissioners to the Earl of Aberdeen, April 7, 1845.*  
(See Class A, Nos. 137, page 390, and 145, page 395)
5. *The Havana Commissioners to the Earl of Aberdeen, November 3, 1843.*  
(See Class A., 1843, presented 1844, No. 138, p. 152.)
6. *The Havana Commissioners to the Earl of Aberdeen, December 12, 1843.*  
(See Class A., 1844, presented 1845, No. 2, p. 102.)
7. *The Havana Commissioners to the Earl of Aberdeen, January 1, 1844.*
8. *February 2, 1844,*  
(See Class A., 1844, presented 1845, Nos. 87 & 90, pp. 113 & 119.)

No. 41.

*The Earl of Aberdeen to Mr. Bulwer.*

SIR,

*Foreign Office, June 4, 1845.*

WITH reference to my Despatch of the 31st ultimo, I have now to enclose to you the copy of a Despatch from Her Majesty's Commissioners at Havana, dated the 2nd of May, announcing the further delivery by the Captain-General of certificates of freedom to certain emancipados, and the removal of 46 of the number (24 men, 10 women, and 12 children) to Jamaica.

Her Majesty's Government have had great satisfaction in finding that the son of the negress Gervacia, upon whose detention in Cuba I felt it my duty to instruct you, in my above-mentioned Despatch, to make a representation to the Spanish Government, has also been sent to join his mother in Jamaica.

There is one point, however, in the Despatch of the Commissioners which Her Majesty's Government have seen with great regret, and that is, the refusal of the Captain-General to inform the Commissioners of the names and particulars of emancipados whom he had mentioned as having received their certificates of freedom, but who were not to be removed from the island.

You will call the attention of the Spanish Government to the fact of General O'Donnell having refused this information; and you will state, that Her Majesty's Government feel confident that he is not supported in that refusal by instructions from Madrid. You will, at the same time, move Senor Martinez de la Rosa to cause directions to be issued to the Captain-General no longer to withhold from Her Majesty's agents the knowledge of particulars which are necessary in order that Her Majesty's Government may judge how far the engagements between the Crowns, too long neglected by the Government of Spain, are or are not in course of being redeemed.

*H. L. Bulwer, Esq.*  
*&c. &c.*

I am, &c.  
 (Signed) ABERDEEN.

---

Enclosure in No. 41.

*The Havana Commissioners to the Earl of Aberdeen, May 2, 1845.*

(See Class A., No. 150 page 405.)

---

No. 42.

*The Duke of Sotomayor to Viscount Canning.**Cavendish Square, June 5, 1845.**(Received June 6.)*

THE Duke of Sotomayor presents his compliments to Lord Canning, and begs to acquaint him, that by the West India mail arrived yesterday he has received Despatches from the Governor-General of Cuba, of the 8th May ultimo, in which he informs him, that the British Commissioners of the Mixed Court had not received, to that date, any orders or instructions for the removal of the hulk "Romney," as soon as a proper place (which was already prepared) should be established on land for the reception of liberated negroes. As these Despatches will be forwarded to Madrid by the steamer that sails to-morrow for Corunna, the Duke of Sotomayor would be very much obliged to Lord Canning, if he could afford him occasion to renew to his Government by this opportunity the assurance, that the orders in question, to which Lord Aberdeen made reference in his note of the 10th April, have been effectually forwarded, and when it can be expected they may have reached the Havana.

The Duke of Sotomayor avails, &c.

---

No. 43.

*Viscount Canning to the Duke of Sotomayor.**Foreign Office, June 6, 1845.*

VISCOUNT Canning presents his compliments to the Duke of Sotomayor, and, by direction of the Earl of Aberdeen, has the honour to state to the Duke, in reference to his note of yesterday's date, that copies of the two notes from the Duke de Sotomayor, dated respectively the 5th February and the 13th March, together with a copy of Lord Aberdeen's reply, dated the 19th March, were transmitted to Her Majesty's Commissioners at the Havana on the 2nd of April last; and that on the 10th of the same month they were furnished with a copy of the note of 31st March, from the Duke of Sotomayor, and, in conformity with the desire expressed in that note, were instructed to give their best assistance to the Governor-General of the Havana for carrying into effect the intentions expressed in Lord Aberdeen's note of the 19th March, as to the removal of the receiving ship the "Romney," so soon as a proper place should be established on land, and placed at the disposal of Her Majesty's Commissioners, for the reception of the liberated negroes.

The Secretary of State for the Colonial Department, and the Lords of the Admiralty, have likewise been moved to give directions respectively, to the Commander of the "Romney" and Superintendent of Liberated Africans at the Havana, to put himself in communication with Her Majesty's Commissioners for the purpose in question.

The orders given to Her Majesty's Commissioners at the Havana were dispatched from this office on the day on which they were dated, but the post office packet sails for the Havana only once a month; and as the packet which sailed next after the date of these Despatches, took its departure on the 1st May only, the probability is, that the orders referred to will not have reached the Havana until the latter end of May or the beginning of the present month.

*The Duke of Sotomayor,*  
&c. &c.

No. 44.

*Mr. Bulwer to the Earl of Aberdeen.*

*Madrid, May 30, 1845.*  
(Received June 8.)

MY LORD,

I HAVE the honour to enclose the copy of a note which, in fulfilment of the instruction contained in your Lordship's Despatch of the 19th ultimo, I have addressed to M. Martinez de la Rosa, respecting the unsatisfactory conduct of General O'Donnell with regard to the suppression of Slave Trade in the island of Cuba, as demonstrated by the report of Her Majesty's Commissioners at Sierra Leone.

I have, &c.  
(Signed) H. L. BULWER.

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

Enclosure in No. 44.

*Mr. Bulwer to Senor Martinez de la Rosa.*

SIR,

*Madrid, May 10, 1845.*

IN compliance with the orders of my Government, I have the honour to enclose a copy of a Despatch, and of its enclosure, which have been recently received from Her Majesty's Commissioners at Sierra Leone; and I am directed to draw the attention of Her Catholic Majesty's Government, to the result of General O'Donnell's administration of Cuba as set forth in that report, confirming, as Her Majesty's Government consider, only too positively the several accounts already received of the laxity, to use the mildest term, with which

CLASS B.



General O'Donnell administers the laws against Slave Trade, and of the impulse thereby given to the speculations of the unprincipled dealers in human beings in the island under his Government.

I am instructed to point out distinctly to your Excellency the irresistible proof furnished by the Commissioners' returns, of the increase in the Slave Trade of Cuba in the course of the past year, during which, in the opinion of Her Majesty's Government, the natural effects of General O'Donnell's neglect of his duties, and indifference to the honour of Her Catholic Majesty's Government, have become painfully evident.

I am further directed to draw your Excellency's attention to the case of the felucca "*Huracan*," built, as it is stated, under the direction of a Senor Negri, reported to be a Captain in the Spanish service, now residing at Barcelona, and commanded by his son, said to be a Lieutenant in the same service.

I am finally instructed to urge your Excellency to enforce strictly the orders given by Her Catholic Majesty's Government to the Captain-General of Cuba for the suppression of the Slave Trade; and to press upon your Excellency the propriety of instituting enquiries into the truth of the reports circulated as to the felucca "*Huracan*," so that if, as has been stated, the Senors Negri, being officers in the Spanish service, should be implicated in the proceedings of that vessel, they may be dismissed from the honourable service of their Sovereign.

I avail, &c.

(Signed) H. L. BULWER,

*His Excellency Senor Martinez de la Rosa,*  
&c. &c.

No. 45.

*Mr. Bulwer to the Earl of Aberdeen.*

*Madrid, May 30, 1845.*

*(Received June 8.)*

MY LORD,

IN obedience to your Lordship's Despatch of the 19th ultimo, I have addressed a note to M. Martinez de la Rosa, urging Her Catholic Majesty's Government to cause the recent Penal Law against Slave Trade to be promulgated in Cuba, the copy of which note I have the honour to enclose.

I have, &c.

(Signed) H. L. BULWER.

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

Enclosure in No. 45.

*Mr. Bulwer to Senor Martinez de la Rosa.*

SIR,

*Madrid, May 10, 1845,*

WITH reference to my note of this day's date, furnishing your Excellency with a report from Her Majesty's Commissioners at Sierra Leone, showing the great increase in the Slave Trade of Cuba during the past year, I have the honour to enclose, for your Excellency's perusal, copies of Despatches recently received from Her Majesty's Commissioners and Her Majesty's Consul-General at the Havana, reporting the unrestrained continuance of that Trade.

I am instructed to draw your Excellency's attention to these papers, as furnishing evidence of the manner in which orders from Madrid, the issue of which has been announced to me from time to time, are received and acted upon by General O'Donnell, when they relate to the suppression of the Slave Trade.

Although Her Majesty's Government cannot consequently attach much value to any instruction, however stringent, the execution of which is to be confided to General O'Donnell, I am directed to urge the Government of Her Catholic Majesty to call upon the Captain-General to promulgate, without delay, and in the most public manner, throughout Cuba, the Penal Law against

the Slave Trade which has recently passed the Cortes and received the sanction of the Crown.

For the enforcement of that Law, so soon as it shall have been made public, Her Majesty's Government look with confidence to the good faith and honourable zeal of the Supreme Government at Madrid.

I avail, &c.

(Signed)

H. L. BULWER.

*His Excellency Senor Martinez de la Rosa,*  
&c. &c.

No. 46.

*Mr. Bulwer to the Earl of Aberdeen.*

*Madrid, May 30, 1845.*

*(Received June 8.)*

MY LORD,

I HAVE the honour to enclose the copy of a note which I have addressed to M. Martinez de la Rosa, respecting the misapprehension of his Excellency with regard to the emancipated negroes in Cuba, in obedience to the instructions contained in your Lordship's Despatch of the 19th ultimo.

I have, &c.

(Signed)

H. L. BULWER.

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

Enclosure in No. 46.

*Mr. Bulwer to Senor Martinez de la Rosa.*

SIR,

*Madrid, May 10, 1845.*

I HAVE been instructed to make some observations on the note addressed to me by your Excellency on the 26th of March, in reply to a note which I had the honour of addressing to your Excellency on the 18th of the same month, upon the state of the negroes emancipated in Cuba by the Mixed Court of Commission, under the Treaty of the 23rd of September, 1817.

In the note just referred to, your Excellency appeared to Her Majesty's Government to have misapprehended the nature of my representation, inasmuch as your Excellency treats it as if it had been made on behalf of negroes emancipated under the Treaty of the 28th of June, 1835.

The cases of the negroes emancipated under the two Treaties are widely different.

Those emancipated at the Havana under the Treaty of 1817, were consigned to the care of the Government of the country where the Commission sat.

By the Treaty of 1835, the negroes thenceforward to be emancipated were consigned to the care of the Government whose cruizer should have captured them; and your Excellency justly observed that this stipulation was equivalent, in most of the cases to leaving them to the care of the British Government.

But 8,777 negroes were emancipated under the Treaty of 1817, and before the Treaty of 1835 came into operation; they were consigned to the care of the Spanish Government; and it was on behalf of the survivors of such of those 8,777 as are still retained in slavery, though under the name of emancipados, that my said representation was put forward.

From this it appears obvious to Her Majesty's Government, that the reference made by your Excellency to the register of emancipated negroes contemplated by the Articles V. and VI. of Annex C. to the Treaty of 1835, is not to the purpose, and that that register cannot furnish the information which your Excellency expected to derive from it, or indeed any information respecting the emancipados, in whose behalf my note was written.

Her Majesty's Government fully appreciate the sincerity of your Excellency's intentions in saying, that the Government of her Catholic Majesty are resolved to see the provisions of the above-mentioned Articles punctually observed, and

that a general return, in accordance with the register, shall be communicated to the Mixed Commission every six months; but it is evident that, until a slaver shall have been captured by a Spanish cruizer, or a cargo of slaves shall have been liberated by Spanish Authorities, and shall thereby come under the care of those Authorities, the register to which your Excellency proposed to appeal must continue, as it is now, a blank.

In making the present representations, I have been directed to press again upon your Excellency's attention the case of the unfortunate persons who were emancipated under the conditions of the Treaty of 1817, and who have for so long a period of time been deprived of the freedom which had been promised to them under Treaty.

I am instructed to add, that Her Majesty's Government can scarcely conceive it necessary for the Government of Her Catholic Majesty to wait for further information from Cuba upon this subject, before issuing orders to General O'Donnell to carry out the intentions of the Treaty of 1817 in the spirit of humanity and good faith which marked the conduct of his predecessor; and I am further to remind your Excellency, that, although Her Majesty's Government, confiding in the honour and sincerity of General Valdes, and understanding that such a course might be more convenient to the colony, did not resist the proposal that the liberation of the emancipados should take place gradually so as to be completed in five years, they do not the less consider that the negroes in question are entitled to their absolute and immediate freedom, and that Her Majesty's Government have the right to require this for them in virtue of the guarantee given to Great Britain by Spain, in Article VII., of the 3rd Annex to the Treaty of 1817.

I avail, &c.  
(Signed) H. L. BULWER.

*His Excellency Senor Martinez de la Rosa,*  
&c. &c.

No. 47.

*Mr. Bulwer to the Earl of Aberdeen.*

*Madrid, May 30, 1845.*  
(Received June 8.)

MY LORD,

I HAVE the honour to enclose the copy of a note which, in obedience to your Lordship's Despatch of the 8th ultimo, I have addressed to M. Martinez de la Rosa, respecting the removal to a British colony of 30 adult negroes, emancipated by the Captain-General of Cuba.

I have, &c.  
(Signed) H. L. BULWER.

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

Enclosure in No. 47.

*Mr. Bulwer to Senor Martinez de la Rosa.*

SIR,

*Madrid, May 2, 1845.*

I HAVE the honour to acquaint your Excellency, that Her Majesty's Government have received information from Her Majesty's Commissioners at the Havana, that 30 adult emancipated negroes, 12 men and 18 women, and 19 of their children, had received tickets of freedom, and had been removed, at the desire of the Spanish Authorities, to a British colony.

Without stopping to enquire whether this act of the Spanish colonial Authorities is to be attributed chiefly to a sense of the just rights of the persons thus liberated, or to a wish to remove from the island such negroes as cannot be held in a state of declared slavery, Her Majesty's Government have not hesitated to instruct me to express to the Government of Spain the great satisfaction with which the

announcement of this measure of General O' Donnell has been received by the Government of Her Majesty.

I avail, &c.  
(Signed) H. L. BULWER.

*His Excellency Senor Martinez de la Rosa,*  
&c. &c.

No. 48.

*The Earl of Aberdeen to Mr. Bulwer.*

SIR,

*Foreign Office, June 8, 1845.*

I HAVE received your Despatch of the 30th ultimo. I approve of the note which you addressed to Senor Martinez de la Rosa, under date of the 10th of that month, urging that Minister to call upon the Captain-General of Cuba to promulgate without delay, and in the most public manner, throughout that island, the Penal Law against the Slave Trade of Spain, passed on the 2nd of March last.

From the accompanying copy of a Despatch from Her Majesty's Commissioners at the Havana, you will perceive, that the Captain-General refrained, until some time after the arrival of the packet containing the Law, from giving any publicity to it, and that the promulgation of it was not even then made full and effectual, inasmuch as it was published only once in the Government paper, instead of three times, as is stated by the Commissioners to be customary, and as it was not permitted to be copied into the other papers of the city.

You will urge, that not only in the Havana, but elsewhere throughout the island of Cuba, the Law in question may receive every publicity, and that it may be carried into effect with fidelity and vigour.

I do not learn from your Despatches that the Spanish Government have replied to the note which you presented to Senor M. de la Rosa on the 9th January last, in respect to this Law. If before the receipt of the present instruction, no satisfactory answer to that note shall have reached you, you will repeat the representation which you made in that note, and you will protest against any construction of this Law which shall prevent enquiry being made into the case of any negroes newly imported into the Spanish possessions in defiance of law or Treaty, or which shall interfere with justice being done to any emancipated negroes who may have again been consigned to slavery. You will add, that the silence of the Spanish Government upon these points would give some colour of ground for doubts which have been expressed, whether the Penal Law of the 2nd of March will apply to any other parties engaged in Slave Trade excepting those whose vessels have been seized by cruisers under the Treaty, and whether by Article IX. of that Law it may not be intended to preclude all enquiry even into the cases of negroes who, after having been duly emancipated, may again be reduced to slavery, or who, being newly landed, shall, before the officers of the Government have interfered, be conveyed into the possession of their purchasers.

You will press for a satisfactory answer upon these points, observing, that the Penal Law would indeed ill accord with the intention of the parties who stipulated for its enactment if the construction to be given to it were such as I have described.

You will make such use as you may consider necessary of the enclosed Despatch from Her Majesty's Commissioners, but you will not furnish a copy of it to the Spanish Minister.

I am, &c.  
(Signed) ABERDEEN.

*H. L. Bulwer, Esq.*  
&c. &c.

Enclosure in No. 48.

*The Havana Commissioners to the Earl of Aberdeen, April 30, 1845.*

(See Class A., No. 149, page 403.)

No. 49.

*The Earl of Aberdeen to the Duke of Sotomayor.**Foreign Office, June 10, 1845.*

THE Undersigned, &c. &c. has the honour to transmit to the Duke of Sotomayor, &c. &c. for communication to his Government, the accompanying copy of a Convention, which was signed on the 29th ultimo, on the part of Her Majesty and the King of the French, for the suppression of the Slave Trade.

The ratifications of this Convention were exchanged on the 7th instant.

The Undersigned, &c.

(Signed) ABERDEEN.

*Mem.*—A similar communication to this was sent to all the Foreign Ambassadors, Ministers, and Chargés d’Affaires in England.

No. 50.

*The Duke of Sotomayor to the Earl of Aberdeen.**London, June 12, 1845.**(Received June 13.)*

THE Undersigned, &c. &c. has the honour to acknowledge the receipt of the note of the 10th instant, from his Excellency the Earl of Aberdeen, &c. &c. with which he has been pleased to transmit a copy of the Treaty just concluded between Her Britannic Majesty and His Majesty the King of the French, for the suppression of the traffic in slaves.

In compliance with the wishes of his Excellency the Earl of Aberdeen, the Undersigned has availed himself of the first opportunity to remit to his Government the note referred to; and he avails, &c.

(Signed) THE DUKE OF SOTOMAYOR.

No. 51.

*The Earl of Aberdeen to the Duke of Sotomayor.**Foreign Office, June 24, 1845.*

THE Undersigned, &c. has the honour to acknowledge the receipt of the note addressed to him on the 13th ultimo by the Duke de Sotomayor, &c. enclosing a copy of a letter addressed by Her Majesty’s Commissary Judge at the Havana to the Captain-General of Cuba, containing information of the landing of a cargo of 449 slaves in the neighbourhood of Santiago de Cuba, a copy of the order issued thereupon by the Captain-General of Cuba to the Governor of Santiago, and a copy of the reply which he returned to Her Majesty’s Commissary Judge.

Her Majesty’s Government have learned, by a Despatch, dated the 26th April last, from Her Majesty’s Commissioners at the Havana, that the vessel (the “*Florentina*,”) from which the slaves in question are supposed to have been landed, had been seized by the Spanish vessel-of-war “*Clarita*,” that the case had been sent by the Captain-General before the Mixed Court of Justice at the Havana; and that the Court had very properly declared itself incompetent to entertain the case, and had returned the process to the Captain-General, for his proceeding thereupon, on the ground that the capture had been made close to the shore of the island of Cuba, and within the exclusive territorial jurisdiction of the Crown of Spain.

Her Majesty’s Government have not learned the result of the steps which may have been taken by the Captain-General with respect to the captured vessel. But with respect to the negroes who formed her cargo, Her Majesty’s Government cannot abstain from expressing their regret, that no step appears to have been taken for rescuing those unhappy beings from the slavery to which, in the absence of all interference on the part of the Authorities of the colony, they will, upon their landing in Cuba, infallibly have been consigned.

The Undersigned, &c.

(Signed) ABERDEEN.

No. 52.

*The Earl of Aberdeen to the Duke of Sotomayor.**Foreign Office, July 9, 1845.*

THE Undersigned, &c. has the honour to acknowledge the receipt of the Note addressed to him on the 24th April last, by the Duke de Sotomayor, &c. enclosing, 1st, a list, dated the 20th January, 1845, of 30 emancipados and 20 children who had been furnished with certificates of emancipation, and had been placed at the disposal of Her Majesty's Commissioners at the Havana; and 2ndly, a list, dated the 15th February, 1845, of 24 emancipados and 13 children, to whom the Captain-General of Cuba had furnished certificates of emancipation at different dates, in addition to those reported by him on the 27th September, 1844, and the 27th January, 1845.

From the date of this last-mentioned document, namely, the 15th February, 1845, the Duke de Sotomayor appears to have assumed, that the emancipados therein named had received their freedom subsequently to the 29th January; and the Duke having been informed by the Undersigned that no report had reached Her Majesty's Government of any emancipados having received their certificates of freedom subsequently to that date, considers that Her Majesty's agents in Cuba are chargeable with not transmitting to Her Majesty's Government correct reports of the proceedings of the Captain-General in this respect.

The Duke of Sotomayor will perceive from the accompanying extract from a Despatch which the Undersigned has addressed to Her Majesty's Envoy at Madrid, that the British functionaries in question are not open to this charge, and that Her Majesty's Commissioners at the Havana had reported to Her Majesty's Government the delivery of certificates of emancipation to 17 of that number, and to 12 of the 13 children, so long ago as in the months of October, November, and December, 1843, and January, 1844.

But if there should have been any of this class to whom their certificates of emancipation have been issued since the 29th January last, and who have not been reported to Her Majesty's Government, this can be a matter of no surprise, since the Captain-General has taken upon himself to refuse to inform Her Majesty's Commissioners of the names and particulars of emancipados to whom he may deliver certificates of freedom, but whom it is not his intention to send out of the island of Cuba.

Upon this point, however, Her Majesty's Government have already issued instructions to Her Majesty's Minister at Madrid to address himself to the Spanish Government; it is therefore unnecessary that the Undersigned should trouble the Duke of Sotomayor with any further remarks upon it.

The Undersigned, &amp;c.

(Signed) ABERDEEN.

Enclosure in No. 52.

*The Earl of Aberdeen to Mr. Bulwer, May 31, 1845.—Extract.*

(See No. 40, page 54.)

No. 53.

*Mr. Jerningham to the Earl of Aberdeen.**Madrid, July 9, 1845.**(Received June 17.)*

MY LORD,

I HAVE the honour to enclose a copy of the note which I have addressed to Senor Martinez de la Rosa, in execution of the instruction contained in your Lordship's Despatch of the 8th June, respecting a proper promulgation in Cuba, of the Penal Law against Slave Trade.

With regard to the second part of your Lordship's Despatch, I have the honour to observe that answers from Senor Martinez de la Rosa to Mr.

Bulwer's note of the 9th January last, respecting Article IX. of the Penal Law, were transmitted to your Lordship in Mr. Bulwer's Despatches.

I have, &c.

(Signed) G. S. S. JERNINGHAM.

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

&c. &c. &c.

Enclosure in No. 53.

*Mr. Jerningham to Senor Martinez de la Rosa.*

SIR,

*Madrid, June 30, 1845.*

HER Majesty's Government having received information that the Captain-General of Cuba refrained, until some time after the arrival of the packet containing the Penal Law against Slave Trade, from giving any publicity to it, and that the promulgation of it was not even then made full and effectual, inasmuch as it was published only once in the Government paper, instead of three times, as is stated by Her Majesty's Commissioners to be customary; and as it was not permitted to be copied into the other papers of the city; I have been instructed to urge the Government of Her Catholic Majesty to give orders, that, not only in the Havana, but elsewhere throughout the island of Cuba, the Law in question may receive every publicity, and that it may be carried into effect with fidelity and vigour.

I avail, &c.

(Signed) G. S. S. JERNINGHAM.

*His Excellency Senor Martinez de la Rosa,*

&c. &c.

No. 54.

*Mr. Jerningham to the Earl of Aberdeen.*

MY LORD,

*Madrid, July 9, 1845.*

*(Received July 17.)*

I HAVE the honour to enclose a copy of the note which I have addressed to Senor Martinez de la Rosa, in execution of the instruction contained in your Lordship's Despatch of the 31st of May last, respecting the liberation of emancipated negroes in the island of Cuba.

I have, &c.

(Signed) G. S. S. JERNINGHAM.

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

&c. &c. &c.

Enclosure in No. 54.

*Mr. Jerningham to Senor Martinez de la Rosa.*

SIR,

*Madrid, June 30, 1845.*

WITH reference to your Excellency's note to Mr. Bulwer of the 12th of April last, giving information of certain certificates of freedom granted by the Captain-General of Cuba to emancipated negroes, I have been directed to observe to your Excellency regarding the 37 certificates stated by your Excellency to have been issued in September last, that General O'Donnell did not, as had been the custom before, deliver, either to Her Majesty's Commissioners or Consul-General, a list containing the names and particulars of the 37 persons in question, with the exception of four, whom his Excellency did not think fit to allow to remain in Cuba, and whom he gave up accordingly to the Consul-General to send to a British colony.

With respect to the list of 24 negroes, besides 13 children, enclosed in your Excellency's note above-mentioned, and to whom the Captain-General of Cuba was stated to have recently given certificates of freedom, I am instructed to

observe, that, from the information given by Her Majesty's Commissioners, such would seem to be far from the fact.

Three of them, namely, Luciano, Matilde, and Anacleto, are those to whom General O'Donnell delivered certificates of freedom so long ago as in October 1843; three others, namely, Anastasio, Bonifacio, and Pedro, in November 1843; six others, namely, Pablo, Maria Magdalena, Anastasia, Maria Encarnacion, Dimas, and Juan, besides their two children, in December 1843; and lastly, five, namely, Maria del Carmen, Ciriaco, Primo, Monica, and Maria Carmen, with their five children, are those who received their certificates of freedom in January 1844.

Thus, of this list of 24 and 13 children, 17 and 12 children are known to have had their certificates of freedom delivered to them nearly a year and a half ago.

The remaining seven, namely, Esteban, Santiago, Estanislada, Micaela, Catalina, Modesto *alias* Benito, and Nicolas de Bari, and the remaining child, have not been reported by name to Her Majesty's Government as having received their tickets of freedom.

I have accordingly been directed to request, that a list may be furnished of the 37 persons said to have received their certificates of freedom in September last, and to enquire at what period the seven negroes and one child, remaining unaccounted for in the list furnished by your Excellency on the 12th April last, received their freedom.

I am further instructed to observe, that the very small number of these unfortunate persons made free since the accession of General O'Donnell to the Government of Cuba, appears to render it imperative upon Her Catholic Majesty's Government to order his Excellency to proceed more rapidly in the accomplishment of the final liberation of the whole of the remaining negroes of the class referred to.

I avail, &c.

(Signed) G. S. S. JERNINGHAM.

*His Excellency Senor Martinez de la Rosa,*  
&c. &c.

No. 55.

*Mr. Jerningham to the Earl of Aberdeen.*

*Madrid, July 9, 1845.*

*(Received July 17.)*

MY LORD,

I HAVE the honour to enclose a copy of the note which I have addressed to Senor Martinez de la Rosa, in execution of the instruction contained in your Lordship's Despatch of the 4th ultimo, respecting the refusal of the Captain-General of Cuba, to inform Her Majesty's Commissioners of the names and particulars of certain emancipated negroes whom his Excellency had represented as having received their certificates of freedom.

I have, &c.

(Signed) G. S. S. JERNINGHAM.

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

Enclosure in No. 55.

*Mr. Jerningham to Senor Martinez de la Rosa.*

SIR,

*Madrid, June 30, 1845.*

HER Majesty's Government have received information, dated the 2nd of May, from Her Majesty's Commissioners at the Havana, announcing the further delivery, by General O'Donnell, of certificates of freedom to certain emancipados, and the removal of 46 of the number (24 men, 10 women, and 12 children) to Jamaica.

There is one fact, however, which Her Majesty's Government have learnt with great regret, namely, the refusal of the Captain-General to inform the Commis-

CLASS B.



sioners of the names and particulars of the emancipados whom he had mentioned as having received their certificates of freedom, but who were not to be removed from the island.

I am instructed to call the attention of Her Catholic Majesty's Government to General O'Donnell's refusal of this information, and to state, that Her Majesty's Government feel confident that he is not supported in that refusal by instructions from Madrid; and I am further directed to move your Excellency to cause orders to be issued to the Captain-General no longer to withhold from Her Majesty's agents the knowledge of particulars which are necessary, in order that Her Majesty's Government may judge how far the engagements between the Crowns, too long neglected by the Government of Spain, are or are not in course of being redeemed.

I avail, &c.

(Signed) G. S. S. JERNINGHAM.

*His Excellency Senor Martinez de la Rosa,*  
&c. &c.

No. 56.

*The Duke of Sotomayor to the Earl of Aberdeen.*

9, Cavendish Square, July 30, 1845.

(Received July 30.)

MY LORD,

By information that I have received from Her Catholic Majesty's Vice-Consul at Exeter, it appears that seven men of the crew belonging to the Brazilian vessel "*Felicidade*," have been condemned to death, as authors of a crime committed on board the said vessel off the coast of Africa, and that one of these unhappy culprits is a Spanish subject, named Jenis Majaval. It would be preposterous to pretend to lessen the enormity of such an outrage, although it would appear that some objections could be alleged with regard to the strict regularity of the legal proceeding in this case. Notwithstanding, a feeling of humanity urges me to address myself to your Lordship, to request that, if it were possible to conciliate mercy with justice, your Lordship would have the goodness to incline Her Most Gracious Majesty to make use, on this occasion, of her high prerogative, and commute the sentence of death to which the unfortunate Majaval has been condemned.

The high feeling of benevolence and humanity that so much distinguishes Her Most Gracious Majesty, and which is also the characteristic of the English nation, has induced me to address your Lordship on this subject; and I expect that the philanthropic object that has moved me will excuse this step.

I have, &c.

(Signed) THE DUKE OF SOTOMAYOR.

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

No. 57.

*The Duke of Sotomayor to the Earl of Aberdeen.*

9, Cavendish Square, August 4, 1845.

(Received August 5.)

MY LORD,

ON the 30th ultimo I had the honour of addressing your Lordship, beseeching the clemency of Her Most Gracious Majesty on behalf of the unfortunate Majaval, who stands committed for piracy on the high seas. I then observed, that some objections could be alleged with regard to the strict regularity of the legal proceedings in this case. Latterly the legal counsel of Majaval has pointed out to me—

First, That, being a Spanish subject, the Treaty with Brazil does not apply to him.

Second, That the "*Felicidade*" was unlawfully captured, and in contra-

vention of the Treaty with Brazil, she not having, or having had, slaves on board.

Third, That the "*Felicidade*" was not a vessel of the English navy when she captured the "*Echo*," and that, consequently, the "*Echo*" was unlawfully captured.

Fourth, That the "*Felicidade*," being a foreign vessel at the time of the commission of the offence, the English Courts have no jurisdiction over it, it never having been decided that a foreigner is amenable to the English law for an offence committed on the high seas on board a foreign vessel.

Fifth, That if the offence be triable here, it does not amount to murder; to destroy life for the purpose of escaping from unlawful custody being either justifiable homicide or manslaughter.

Taking into consideration these important points, which, as it appears, are in perfect accordance with the laws of England, I most earnestly entreat your Lordship to claim the investigation and decision of the highest tribunal in this country, as I am informed should be the case on such an important occasion.

At all events, if the mercy of Her Britannic Majesty should be granted to some of these offenders, I expect that the only Spanish subject who is complicated in this unfortunate event may participate, in some way, of her gracious benevolence.

I trust that your Lordship, concurring in the feelings of humanity that induce me to make this application, will contribute, as far as possible, to further this philanthropic object.

I have, &c.

(Signed) THE DUKE OF SOTOMAYOR.

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

&c.

&c.

&c.

No. 58.

*The Earl of Aberdeen to the Duke of Sotomayor.*

*Foreign Office, August 8, 1845.*

THE Undersigned, &c. lost no time in transmitting to Her Majesty's Secretary of State for the Home Department the representation which was addressed to him on the 30th July by the Duke of Sotomayor, &c. setting forth certain points for the consideration of the proper Authorities, in respect to carrying out the sentence which was passed upon the persons convicted at the late assizes at Exeter of murder committed on board the vessel the "*Felicidade*," on the coast of Africa, and expressing a hope that the clemency of the Queen might be extended to those persons.

The Undersigned has the honour now to acquaint the Duke of Sotomayor, that, by a communication from the Secretary of State for the Home Department, he learns that certain points of law have been raised in the case of those prisoners, and that, with a view of affording an opportunity of taking the opinion of the 15 Judges upon the subject, the execution of the sentence of death which was passed upon them, has been respited until the 25th of November next.

Sir James Graham adds, that in the meantime he will not fail to give this case his most attentive consideration.

The Undersigned begs to state, that the further communication of the 4th instant, which he has had the honour to receive from the Duke of Sotomayor, has also been transmitted to Sir James Graham.

The Undersigned, &c.

(Signed) ABERDEEN.

*The Duke of Sotomayor,*

&c.

&c.

*The Duke of Sotomayor to the Earl of Aberdeen.*

(Translation.)

9, Cavendish Square, August 13, 1845.  
(Received August 18.)

THE Undersigned, &c. has the honour to enclose to the Right Honourable the Earl of Aberdeen, &c. two lists, containing the names of the emancipated negroes who have received letters of liberty from the Captain-General of the Isle of Cuba. In these lists his Lordship will find set down the names of the liberated slaves that have been handed over to the British Commissioners, and sent out of that island on board the English ships "Tweed" and "Tay," and of those who have been left in it to remain there.

The Undersigned &amp;c.

(Signed)

THE DUKE OF SOTOMAYOR.

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

&amp;c.

&amp;c.

&amp;c.

## Enclosure I in No. 59.

(Translation.)

Havana, May 1, 1845.

LIST of the EMANCIPATED INDIVIDUALS to whom their Letters of Liberty have been issued, and who have been sent out of this island, on board the "Tweed" English steam vessel, and of those who have been left to remain there.

Delivered to the British Commissioners.

## MEN.

Nos.	Names.	Vessels whence they were taken.
23	Facundo . . . .	Macambo
239	Calisto . . . .	Aguila
21	Anastasio . . . .	Emilio
169	Mariano . . . .	Zerxes
11	Arcadio . . . .	Manuelita
88	Epifanio . . . .	Aguila
171	Laureano . . . .	Firme
128	Gregorie . . . .	Aguila
189	Ignacio . . . .	Firme
231	Wenceslao . . . .	Negrito
58	Longino . . . .	Planeta
208	Ignacio <i>alias</i> Santiago . . . .	Marte
252	Cosme . . . .	Manuelita
150	Bonifacio . . . .	Ditto
82	Isidoro . . . .	Firme
237	German . . . .	Aguila
255	Judas Tadeo . . . .	Negrito
250	Crispin . . . .	Ditto
63	Abraham . . . .	Firme
199	Ceferino . . . .	Aguila
100	Santiago . . . .	Voladora
281	Damaso . . . .	Aguila
112	Damaso . . . .	Aurelia Feliz
366	Lazaro . . . .	Firme

## WOMEN.

Nos.	Names.	Vessels whence they were taken.	Children they have taken with them.
61	Olaya . . . .	Carlota . . . .	With a son
155	Loreto . . . .	Ricomar . . . .	With two sons
195	Juliana . . . .	Planeta . . . .	With a son
216	Petronila . . . .	Ditto . . . .	Ditto
79	Gavina . . . .	Intrepido . . . .	With three daughters
293	Petronila . . . .	Marte . . . .	With a daughter
559	Cecilia . . . .	Aguila . . . .	
116	Serafina . . . .	Macambo . . . .	
404	Jacoba . . . .	Firme . . . .	With a son and two daughters
142	Merced . . . .	Macambo . . . .	

Left in this Island, with the design of their remaining in it.

Nos.	Names.	Vessels whence they were taken.
102	Marcelino . . .	Firme
413	Maria Salome . . .	Ditto

(Signed) O'DONNELL.

Enclosure 2 in No. 59.

(Translation.)

Havana, May 30, 1845.

LIST specifying the NAMES of the EMANCIPATED INDIVIDUALS who have received their Letters of Liberty, and who were placed at the disposal of the British Commissioners, by whom they were sent out of the island, on board the British steam vessel "Tay."

MEN.

Nos.	Names.	Vessels whence they were taken.
58	Leandro . . .	Manuelita
917	Ceferino . . .	Julita
256	Alejandro . . .	Negrilo
130	Teofilo . . .	Orestes
112	Pablo . . .	Julita
329	Andres . . .	Zerxes
100	Zil . . .	Orestes

WOMEN.

Nos.	Names.	Vessels whence they were taken.	Children they have taken with them.
82	Ramona . . .	Relampago	
228	Icesta . . .	Voladora . . .	A daughter
92	Maria del Carmen . . .	Carlota . . .	A son

(Signed) O'DONNELL.

No. 60.

*The Earl of Aberdeen to Mr. Jerningham.*

SIR,

Foreign Office, August 23, 1845.

WITH reference to my Despatch of the 4th June last, and to other Despatches upon the subject of the negroes emancipated by the Mixed Commission, at the Havana, under the Treaty of 1817, I herewith transmit to you, for your information, copies of a further Despatch which I have received from Her Majesty's Commissioners, of a note from the Duke de Sotomayor, and of an instruction which I have recently addressed to Her Majesty's Commissioners at the Havana upon this subject.

I am, &c.

Hon. G. S. S. Jerningham,  
&c. &c.

(Signed) ABERDEEN.

Enclosures in No. 60.

1. *The Havana Commissioners to the Earl of Aberdeen, June 2, 1845.*  
(See Class A., No. 154, page 410.)
2. *The Duke of Sotomayor to the Earl of Aberdeen, August 13, 1845.*  
(See No. 59.)
3. *The Earl of Aberdeen to the Havana Commissioners, August 23, 1845.*  
(See Class A., No. 164, page 427.)

*The Duke of Sotomayor to the Earl of Aberdeen.*

(Translation.)

*London, August 21, 1845.**(Received August 28.)*

THE Undersigned, &c. in his note addressed on the 5th of February last, to Her Britannic Majesty's Minister for Foreign Affairs, had the honour to state to his Lordship the well-founded motives which induced him to demand the immediate removal of the English hulk "Romney" from the port of Havana.

Reasons of convenience and national decorum on the part of Spain, required the speedy adoption of the measure, which could not possibly be objected to by alleging any justifiable right or motive on the part of the English Government. The Government of Her Catholic Majesty, however, being desirous that the principle of humanity, which had been pleaded for the establishment of the "Romney," should not be encroached upon, manifested that they would be very willing to have pointed out to them any locality on shore proper for lodging, under the supervision of the Mixed Commission, the emancipated negroes, until they could be further disposed of in conformity with the Treaties.

Lord Aberdeen, under date of the 19th of last March, in his answer to the above note, recognized the incontestable right of the Spanish Government to require the removal of the hulk, a measure, added his Lordship, which would be carried into effect the moment the Mixed Commission should be put in possession of the locality adapted for the custody of the emancipated negroes while they remained at the Havana.

Under date of the 31st of March last, the Undersigned on acknowledging the receipt of his Lordship's preceding communication, had the honour once more to draw Lord Aberdeen's attention to this subject, requesting that his Lordship would be pleased to issue the most explicit directions to the British Commissioners at Havana to proceed in, as far as it should be competent to them, in concert with the Captain-General of the isle of Cuba, and in the spirit of the good intelligence and harmony which ought to exist between the functionaries of two friendly and allied Governments, to contribute towards the speedy realization of what had been agreed upon, so as that no further consultations or delays might be rendered necessary.

In requesting that the directions issued to the British Commissioners might be precise and peremptory, the Undersigned owned he was not without fear, that, from some motive, or under some specious pretext, difficulties and obstacles might be started on the part of those functionaries to the realization of the just demand urged by the Spanish Government. Time has justified these suspicions, and has shown that every expectation of good harmony and cordial co-operation has been frustrated on the part of individuals who, unfortunately in the present case, as in all their proceedings, know how to evoke motives of discontent and bad understanding between the two Governments.

The Captain-General of the isle of Cuba, on being informed that the English Commissioners had already received the necessary instructions for the removal of the "Romney," wrote to the President of the Mixed Commission, offering to place at the disposal of the tribunal the great barracoon, called La Noria, distant a mile from the coast, and five from the Havana, authorizing him moreover, in case of necessity, to erect any kind of works which might be thought calculated for the greater convenience and security of the negroes who were to occupy it.

This communication having been read in the Mixed Commission, the British Commissioners manifested, that with regard to this point they did not depend on the collective resolution of the Tribunal, inasmuch as the Captain-General had not come to an understanding with them in their corporate capacity, but only in their special quality of English Commissioners alone, refusing, in consequence, either to view or examine the edifice in question, or indeed at all to proceed in the business.

Neither could the Undersigned fail adverting to the singular and captious interpretation which the British Commissioners, in countenance of their conduct, have chosen to give to some words of the note which he had the honour to address to Lord Aberdeen on the 31st of March last. In that note the Undersigned certainly requested Her Britannic Majesty's Minister for Foreign Affairs to have the goodness to give the required orders to the English Commissioners

to come to an understanding with the Captain-General, in the spirit of good intelligence which was so desirable, &c., indicating in the clearest manner, by the phrase "en la parte que los corresponda," that is, in so far as it should be competent to them, which competence would only be vested in their capacity of members of the Mixed Commission; for every other interpretation is strained and violent, and discovers only the sinister intention of raising improper questions contrary to the matter under consideration, or else a very imperfect knowledge of the Spanish language and phraseology.

This unpleasant incident, and the character which the British Commissioners have endeavoured to give to this business, render it necessary for the Undersigned to enter into more accurate and minute explanations.

The Spanish Government does not recognize any right in the "Romney," English hulk, to remain in any of its ports against its will, and to the disparagement of its dignity and decorum. It has requested its removal in the friendly manner consistent with the good intelligence uniting it with that of Her Britannic Majesty, though, for all that, no other inference can be made from that request, than its desire of keeping up good harmony with an allied nation; being solicitous to contribute as much as possible to the happiness of the blacks declared free by the Mixed Commission, and of those, as yet under the cognizance of that Tribunal, it has consented to indicate on shore a locality adapted to their temporary abode, under the surveillance of the Mixed Commission. This benevolent disposition, however; this measure of mere humanity; and this charitable desire, ought never to be construed, as the British Commissioners have attempted to do, into a concession or compensation for the removal of the hulk, in favour of which, as already observed, there cannot be alleged any the most remote right of indefinite permanence in the port of Havana. It ought to be understood, then, that the Spanish Government acts in this case on its own impulse; but falling in with the philanthropic sentiments cherished by the English Government, it has deemed that this measure might be carried out with the mutual satisfaction inspired by a generous act.

It ought not, however, to be inferred from hence, that the Spanish Government has ever entertained the idea of renouncing what is called for by its own decorum, a procedure which, in fact, would amount to placing at the disposal of foreign officials a point of its territory where, to judge from the former requirements of the British Commissioners, they would quickly insist upon establishing a guard of their own, or on raising a standard other than the Spanish; for it may be imagined that their singular and unaccountable demands would have such an absurd result.

Since it is in vain to hope that the British Commissioners would be animated by the good feeling and upright disposition subsisting between the two Governments, and would co-operate on their part, as it was to be desired, in carrying out this measure according to its true spirit and meaning, it becomes indispensable for the instructions now about to be forwarded by the English Government to be such as may leave no room for any the least misinterpretation or doubt. The Undersigned is of opinion that, laying down the reservations set forth in the present note as to the nature of the negotiation in hand, those instructions might be to the following purport:—

Firstly, That the British Commissioners at the Havana shall act in this case as members of the Mixed Commission, without the personal or special representations which they have attempted to arrogate to themselves.

Secondly, That the edifice pointed out by the Captain-General, after it shall have been examined by the Mixed Commission as fulfilling the conditions of salubrity, comfort, and accommodation, shall be placed at the disposal of that Tribunal, with the view to the deposit of the emancipated negroes, or those awaiting the fiat of the Tribunal.

Thirdly, When there shall exist no more emancipated negroes looking forward to the destination intended them in conformity with the provisions of Treaties, then there shall be an end to any ulterior intervention of the Mixed Commission in the said edifice; and the keys of all its habitations shall, without any reserve, be immediately returned to the Authority which the Captain-General may appoint.

Fourthly, The custody of the emancipated negroes shall belong to the Spanish Authority which appoints the force required for guarding the depôt, whose

Commandant shall receive from the Tribunal such instructions as it may deem proper respecting the internal order.

Fifthly, The English Government shall immediately direct the departure of the "Romney" hulk from the port of Havana; and if she be not in a seaworthy condition, she shall be immediately disarmed, and the guards, crew, and officials now on board her shall be withdrawn, and shall retire from the island on the first opportunity that may offer.

In the estimation of the Undersigned, the views of humanity which animate the Spanish Government, and which are shared by that of Her Britannic Majesty, may fully be accomplished on the above bases, while, at the same time, the motives of disgust occasioned by the presence of the "Romney" in the port of Havana may cease. He therefore hopes that his Lordship will be pleased to send out orders to this effect to the English Commissioners at the Havana, and thus terminate a question which otherwise would have no other result than the transference of the Mixed Commission to Porto Rico, which the Spanish Government would instantly demand, in conformity with the right vested in it by existing Treaties.

The Undersigned, &c.

(Signed) THE DUKE OF SOTOMAYOR.

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

&c. &c. &c.

(Translation.)

No. 62.

*The Duke of Sotomayor to the Earl of Aberdeen.*

*London, August 30, 1845.*

*(Received September 1.)*

THE Undersigned, &c. has the honour to enclose to the Right Honourable the Earl of Aberdeen, &c. a list containing the names of the emancipated negroes who have received letters of liberty from the Captain-General of the isle of Cuba, and who, after having been placed at the disposition of the British Commissioners, were sent on board the British steamer "Tay" that sailed from the Havana on the 30th of June last.

The Undersigned, &c.

(Signed) THE DUKE OF SOTOMAYOR.

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

&c. &c. &c.

Enclosure in No. 62.

(Translation.)

*Havana, June 30, 1845.*

LIST of the NAMES of the EMANCIPATED NEGROES who, having received their Letters of Liberty, have been placed at the disposition of the British Commissioners, and sent on board the British steam vessel "Tay," which sailed to-day from this port.

MEN.

No	Names.	Vessels whence they were taken.
123	Isidoro . . . . .	Rosa
24	Donato . . . . .	Relampago
77	Celestino . . . . .	Voladora
45	Cesareo . . . . .	Firme
31	Celestino . . . . .	Fingal
105	Julian . . . . .	Julita
192	Bernardo . . . . .	Zerxes
357	Eligio . . . . .	Firme
150	Juan Francisco Regis . . . . .	Ditto
155	Teodoro . . . . .	Magico
114	Lucas . . . . .	Ditto

## WOMEN.

No.	Name.	Vesse whence taken.
166	Concepcion . . .	Campeador

(Signed) O'DONNELL.

(Translation.)

No. 63.

*The Duke of Sotomayor to the Earl of Aberdeen.*

London, September 3, 1845.

(Received September 5.)

THE Undersigned, &c. has the honour to call the attention of the Right Honourable the Earl of Aberdeen, &c. to the recurrence of one of those lamentable events which demonstrate the abuses committed with regard to Spanish vessels occupied in lawful commerce on the coast of Africa, an event occasioned by the right of search, whose inconveniences and oppression are revealed every day by experience.

Under date of the 30th May last, the Undersigned had the honour to address to Lord Aberdeen a note, stating the irregularity committed relative to the Spanish schooner "*Josefa*," detained by the English cruiser "*Curlew*," and which, though acquitted by the Mixed Commission, because there appeared not any the most remote pretext whereon to found a different sentence, was again detained by the same cruiser, and once more conducted to Sierra Leone, where her Captain falling a victim to such repeated persecutions in that insalubrious climate, died, and the Mate found himself reduced to the necessity of selling the vessel at a disadvantage, in order to pay the costs demanded of him for such unjust proceedings. And though this occurred a considerable time ago, the Spanish Government has not yet received the reparation due to it for that offence offered to the national flag, nor has the Master of the vessel been paid the indemnity demanded by him, and which belongs to him of right, in virtue of the stipulations laid down in existing Treaties.

An incident still more unjust and offensive, if possible, occurred very recently, on which occasion the Spanish flag was again insulted, so as to cause great injuries to several subjects of Her Catholic Majesty, who accordingly look forward to an equitable compensation from the justice of Her Britannic Majesty's Government.

Last October, Don Pedro Antonio Gaza, Captain of the Spanish schooner-brigantine "*San Antonio*," alias "*Cayman*," intimated to the Captain-General of the isle of Cuba, that a considerable number of liberated negroes had presented themselves to him, applying for a passage to Africa, and had petitioned for authority to undertake that voyage with all due formality. Conformably with the right possessed by every Spanish vessel to carry on lawful commerce and navigate on those coasts, the Captain-General complied with Gaza's prayer, directing the negroes to be provided with their corresponding passports, setting forth the respective parentage of each; to which effect the proper instructions were made out to the Commandant-General and the Intendant of the Army of Havana. While this expedition was getting ready, one of the British Commissioners wrote to General O'Donnell, stating that the "*San Antonio*" was fitting out for the Slave Trade. He was answered, that she was doubtless preparing to sail for the coast of Africa, though not with the view he supposed, but for the purpose of conveying some freed negroes, desirous to return to their country, and who would themselves pay their passage. The British Commissioner declared himself satisfied, and replied, that he would give information of it to his Government, as he no doubt will have done, so that his Lordship will be beforehand apprized of this circumstance.

The vessel, when ready, set sail from the Havana on the 29th November, for Malagueta, and other points on the coast of Africa, taking 98 liberated negroes and a white person as passengers. She was dispatched with the authorization of the Captain-General of the isle of Cuba, under all the required formalities, and was furnished with the needful papers, cognizance of her departure being

CLASS B.



also given to the British Commissioners of the Mixed Tribunal, and, to go quite sure, the Custom House manifest was viséd by the Consul-General of England, so as not only to satisfy all the conditions of the law, but also those that could be devised by the most scrupulous foresight for completely guaranteeing the security of the voyage.

On the 30th of last April, the above Captain Don Pedro Antonio Gaza landed in the Havana, coming from Boston in the United States' vessel the "*Ganges*," and immediately reported there to the Captaincy of the Port, that on the 11th of January, when already near the African coast, he was taken by the English steam vessel of war "*Growler*," and conducted to Sierra Leone, the whole crew (with the exception of the Captain, the First Mate, and the Boatswain), and all the negroes, being put on board the capturing vessel. On their arrival at Sierra Leone, the "*San Antonio*" was condemned, no regard being paid to the legal objections that stood in the way, and was broken up, the Captain and crew being deprived of their papers, money, and effects; and all, inclusive of the blacks, with the exception of seven mariners, whose fate is unknown, were cast on shore, without any aid, inhumanely abandoned to their unjust and unfortunate lot. The presentation of the documents which Gaza carried with him, all drawn up according to the prescribed rules, his protests, the declaration of the crew, the examination of the 98 negroes he had on board, and whose exterior, apparel, and language evidently showed them not to be newly-acquired negroes, all was of no use. In outrage of the Spanish flag, of the public law, and of the Treaties in full force which authorize the lawful navigation on the coast of Africa, the vessel, the Captain, and his crew, were declared by the Commission a good prize, having been despoiled of all they had, and subjected to every kind of humiliation and vexatious treatment.

All these facts are fully borne out by the enclosed documents; and on considering the particulars recorded in them, it is difficult to conceive how, according to the instructions which the officers commanding the cruizers must carry, such an outrage could be committed by an officer of the Royal English navy. What further proofs could the latter require of the legitimate object of the voyage of the brigantine-schooner "*San Antonio*," than the papers with which she was provided, which were authorized by the Captain-General of the isle of Cuba, and the certificate of Her Britannic Majesty's Consul? He does not find them sufficient; and, arrogating a right conceded to him by no Treaty, insults the Spanish flag, disparages the character of one of the highest functionaries of Her Catholic Majesty, stops a vessel navigating lawfully, causes her to be broken up, and effects the ruin, not only of the Master of the vessel and her crew, but also that of the 98 black passengers, who had acquired their liberty by the sweat of their labour, and who, instead of arriving free in their country, and in the bosom of their families, were thrown on shore at Sierra Leone, abandoned to their destiny, without the least help, and stripped of all they possessed.

The prize being illegal, as has been amply demonstrated, so is likewise the inconceivable sentence of the Commission at Sierra Leone.

In consequence of the scandalous occurrence stated by the Undersigned, and which has produced a general feeling of indignation in Spain and her colonies, the Undersigned has received the most precise orders from the Government of Her Catholic Majesty, to demand, from the justice which characterizes that of Her Britannic Majesty, the just reparation which this case requires, and the compensation in cash due to the owner of the vessel for the amount of her and of her appointments, which, according to the account backed by vouchers, presented by him, and enclosed, comes to 59,544 dollars 32 cents.; as also a fair indemnity for the prejudices sustained, as well by him as by the crew and passengers of the brigantine-schooner "*San Antonio*," alias "*Cayman*;" and, consequently, that Her Britannic Majesty's Government will declare null and void the sentence which, in abandonment of every regard to the authentic and respectable documents carried by the Captain, was pronounced by the English Judges, who at that period exclusively composed the Commission at Sierra Leone.

It therefore hopes, that the officer who commanded the assailing vessel "*Growler*," will be visited with the penalty set down in Article IX. of the Treaty signed at Madrid the 28th June, 1835, for having openly violated the said Treaty; and that if the account, together with its vouchers tendered by Captain Gaza, be found correct, it may be paid with all possible expedition.

This claim is founded by the Government of Her Catholic Majesty on the following Articles of the Treaty above-mentioned:—

Article IV., line 3, recites—“If it appear from the search that the ship's papers are regular, and that her operations are lawful, the officer of the capturing vessel shall state in the ship's journal, that the register is drawn up in virtue of the above special orders; and the vessel shall be at liberty to pursue her voyage.”

Article IX. purports that—“If the officer commanding any of the ships of the respective Royal navies of Spain and Great Britain, duly commissioned according to what is stipulated in Article IV. of this Treaty, deviate in any manner from the stipulations of the same, or from the instructions thereto annexed, the Government which may deem itself aggrieved, shall be entitled to demand satisfaction; and in that case, the Government to which the said commanding officer may belong, binds itself to cause enquiries to be set on foot as to the fact which occasioned the complaint, and to visit the said officer with a penalty proportioned to the spontaneous transgression committed by him.”

In Article III. of Annex A. it is laid down, that—“The commander of any ship of the Royal navy, duly authorized as before expressed, who, in compliance with the tenor of these instructions, detains a merchant vessel, shall leave on board her the Captain, Mate, or Boatswain, and two or three at least of her crew, all the slaves, if any, and all the cargo,” &c.

Lastly, it is said in Article VI.—“The preceding Articles being entirely reciprocal, the two High Contracting Parties bind themselves mutually to make good the losses which their respective subjects may sustain by the arbitrary or illegal detention of their vessels, under the understanding that the indemnity shall be satisfied by the Government whose cruiser shall have caused the said illegal detention,” &c.

The Undersigned makes no doubt that this just claim will meet with a favourable reception from the Government of Her Britannic Majesty; and requests his Lordship to be pleased to cause to be issued the strictest orders to the English cruisers on the African coast, to confine themselves, in their proceedings with the Spanish vessels occupied in lawful commerce, strictly to the stipulations of the Treaty which authorized the right of search, without which the latter will be converted into a means of real oppression, to the prejudice of Spanish commerce, and of the right of the subjects of Her Catholic Majesty to trade in those localities.

The Undersigned, &c.

(Signed)

THE DUKE OF SOTOMAYOR.

(Translation.)

Enclosure in No. 63.

*Alleged outrage on the Spanish Flag.*

*Capture of the “San Antonio” by Her Majesty's steamer “Growler.”*

*Demand of Reparation.*

*Office of the Political Secretary of the Government,  
October, 1844.*

[GRANTING a license to the brigantine “*San Antonio*,” to convey to Africa a certain number of negroes desirous of returning to their country.]

*Observation.*—Inserted are letters from the British Commissioners, and an account of the above vessel having been captured by the English cruisers.

*Havana, October 29, 1844.*

Most Excellent Sir, Governor and Captain-General,

Don Pedro Antonio Gaza, of the brigantine-schooner “*San Antonio*,” alias “*Cayman*,” registered at Palma, in the isle of Majorca, of 90 tons burthen, with due respect, states to your Excellency, that there having presented themselves nearly 80 passengers, natives of the coasts of Malagueta and Oro, in Africa, freedmen, desirous of transferring themselves to their respective provinces or

nations, and they deeming it for their interest to do so by the said vessel under his command, he supplicates your Excellency to be pleased to issue to whom it may concern, the proper orders for preventing any obstacle being offered by the Custom House, or the Commandancy of Registries in this capital, to the clearing out of that vessel; a favour which he hopes your Excellency will, in your justice, confer upon him.

(Signed) PEDRO ANTONIO GAZA.

*Havana, October 31, 1844.*

Whereas lawful commercial intercourse with the coast of Africa is not prohibited, any free negroes who desire it shall have permission to undertake the voyage on paying their passage, and providing themselves, each of them, with their corresponding passports, specifying their respective parentage and origin.

(Signed) O'DONNELL.

To the General of the Marine, and the Intendant.

Excellencies,

*October 3, 1844.*

Don Pedro Antonio Gaza, Captain of the brigantine-schooner "*San Antonio*," alias "*Cayman*," registered at Palma, in the isle of Majorca, has applied to my authority for permission to convey as passengers, to their country, on the coast of Africa, from 70 to 80 free negroes, who are desirous to return, at their own charge, to their country; now, since the trade to Africa is not prohibited, and as the parties are to go provided with corresponding passports, setting forth their individual and respective origin, I have not hesitated on my part in conceding to the said Captain Gaza the authorization which he has prayed. With this I acquaint your Excellencies, for your cognizance, and such ends as may be deemed proper.

Count Villanueva to his Excellency the Superior Civil Governor.

Excellency,

*Havana, November 4, 1844.*

I have communicated to the Administration-General of the Maritime Revenue, for the proper ends, on the part of the Royal Finance, your Excellency's letter of the 31st ultimo, stating that you had acceded to the application made by the Captain of the "*San Antonio*," alias "*Cayman*," Don Pedro Antonio Gaza, to be allowed to convey, as passengers to the coast of Africa, from 70 to 80 free negroes, who desire to revisit their country. And this I say to your Excellency by way of answer.

God preserve, &c.

(Signed) THE CONDE DE VILLANEUVA.

Don Xavier de Ulloa to his Excellency the Captain-General of this Island.

Most Excellent Sir,

*Havana, November 2, 1844.*

I find by your Excellency's communication of the 31st ultimo, that you have allowed the Captain of the Spanish brig "*San Antonio*" to take on board, as passengers to the coast of Africa, from 70 to 80 free negroes, who, at their own charge, are inclined to leave for their country. And as I have given the orders competent to my Department, I inform your Excellency thereof by way of reply.

God preserve, &c.

(Signed) XAVIER DE ULLOA.

*His Excellency the Captain-General of Cuba,*  
&c. &c.

Havana, November 23, 1844.

Let the enclosure be sent to the Senor Colonel, Captain of the Port, for him to be pleased to inform me, on the understanding that I have given permission to the Captain of the brigantine "*San Antonio*," who has written the enclosed, to transport to Africa several free individuals of colour, whether that Captain has on board the effects which he mentions, and to add any other observations that may appear proper to him.

(Signed) O'DONNELL.

---

Don Pedro Antonio Gaza to the Captain-General.

Most Excellent Senor Governor and Captain-General,

Don Pedro Antonio Gaza, Captain of the Spanish brigantine-schooner "*San Antonio*," alias the "*Cayman*," respectfully sets forth to your Excellency, that the said vessel will, with the permission of this Government, sail within a few days from this port, for the purpose of conducting to the coasts of Malagüeta and Oro, in Africa, several passengers, individuals of colour, of free condition, with their corresponding passports, for which purpose it has been absolutely indispensable to embark all the effects and warlike stores specified in the list hereinafter inserted. The applicant, however, is afraid that it may occasion him great prejudice, if he should be examined and detained by any of the English cruizers, seeing that the said objects are among those mentioned in Article X. of the Treaty concluded with England, in Madrid, the 28th June, notwithstanding the purpose they are intended for is extremely harmless, and it being, moreover, indispensable on board, to be furnished with the requisite armament, by way of precaution, and with the view of instilling respect into the description of passengers going thither; therefore, in order to obviate these prejudices, which, once inflicted, it would be difficult to repair, he implores your Excellency to be pleased to declare, that all these effects and arms are comprised in the permission conceded by the Government for the voyage of the vessel, and to order, not only that the original of this petition, together with the decree consequent thereupon, may be returned, but that the Attorney of the Government may furnish petitioner with a certificate, setting forth that your Excellency has given leave for shipping the above effects, which petitioner will consider as a very just act and favour of your Excellency.

(Signed) PEDRO ANTONIO GAZA.

---

List of effects and arms shipped on board the "*San Antonio*," alias "*Cayman*:"—

Seventy-five quintals of rice, and the food necessary for the messes, as specified in the entry at the Custom House.

Forty-three water casks.

Five barrels for taking in water.

Fifty brass plates for the use of the passengers and crew.

Eighteen hatchbars.

A galley, wherein to cook, with its pots and boiler, all of iron; likewise a large ladle and hooks.

A large spare iron pot.

Forty pair of shackles, to reduce the passengers to submission in the unexpected case of their becoming disorderly.

Four zanbullos (?).

Twelve buckets for use.

Two pumps of copper, and one of brass, to pump out water.

An orlop, with its pitchings,

Three spare pine planks for making any partitions required on the orlop.

Four lanterns of talk.

A dozen of brass pots, or jars, for the use of the passengers.

Ninety caballos of firewood, for dressing the victuals.

A travelling medicine chest, with some surgical instruments.

Two swivel guns.

Twenty muskets.

Three pair of pistols, with the corresponding ammunition.

Six sabres.

Eighteen chunzos (?).

(Signed)

PEDRO ANTONIO GAZA.

Don Pablo de Clanes to the Captain-General.

Most Excellent Sir,

*Havana, November 23, 1844.*

With regard to the petition of Don P. A. Gaza, Captain of the "*San Antonio*," to which your Excellency replied with the preceding decree, and concerning which your Excellency desires me to state my opinion as to his application for leave to ship several articles which he says are indispensable for the conveyance of passengers of colour to the coast of Africa, a conveyance that your Excellency has been pleased to concede to him, and among which articles there are some prohibited by the Treaty concluded between the Spanish and English Governments for the abolition of the Slave Trade; it is incumbent on me to manifest to your Excellency my opinion, that the articles of rice, hatchbars, and shackles, are excessive, it appearing to me also that there is no occasion for the orlop and the planks in case of partitions being required, and that he rather should have a galley and pots proportioned to the number of his passengers; but, at all events, in order that as well the Supreme Government as your Excellency may be entirely safe, I think your Excellency ought to require of him a security of 10,000 dollars for the satisfaction of your Excellency, and that this deposit should be kept till the vessel returns, or, in case of accident, till sufficient evidence should appear of her loss. Such is my opinion on this subject nevertheless, your Excellency will take what steps may be of your Excellency's superior pleasure.

(Signed)

PABLO DE CLANES.

*Havana, November 5, 1844.*

His Excellency the Governor and Captain-General resolved, the party interested should be informed that he was not authorized to take more provisions and effects than was necessary for the maintenance and occasions of the passengers and crew. This was accordingly carried into effect.

(Signed)

PANIQUE.

Her Britannic Majesty's Commissary Judge to the Captain-General.

Most Excellent Sir,

*Havana, November 5, 1844.*

I beg to refer to my letter to your Excellency, of the 2nd of last month, and your reply thereto of the 3rd, for which I now have to make my acknowledgments, as well as for the steps taken in consequence, to prevent the sailing of the "*Andeluxa*" for the coast of Africa. Hoping for the same results, I now beg to inform your Excellency, that the same parties who were fitting out the "*Andeluxa*" are now preparing the brig "*San Antonio*" for the same purposes, in place of the "*Andeluxa*."

I have, &c.

His Excellency the Captain-General,  
&c.

(Signed)

J. KENNEDY.

The Captain-General to Her Britannic Majesty's Commissary Judge.

*November 6, 1844.*

It is certain that the brigantine "*San Antonio*" is proceeding to the coast of Africa, but not with the view of engaging in the unlawful Slave Trade; she is only conveying to that country about 70 or 80 free negroes, who of their own free will are desirous to repair thither, paying their passage in the same manner as any other traveller, and each being furnished with the required passport which

specifies the particular name and description of the party in consequence of the permission which for this purpose I have granted to the owner of the vessel; for you are aware, that by Treaty there exists no prohibition to trade to the said coast of Africa, or to return to that country in case any of its natives should be inclined thereto.

This, Sir, I state to you for your information, and in answer to your letter of yesterday on the subject.

God preserve, &c.

(Signed) O'DONNELL.

Her Britannic Majesty's Commissary Judge to the Captain-General.

Most Excellent Sir,

Havana, November 7, 1844.

I have received your letter of yesterday's date, informing me that the "*San Antonio*," of which I had written to you on the 5th instant, was engaged, under the permission of your Excellency's Government, to carry a number (70 or 80) of free negroes to the coast of Africa, and was not intended for the illicit traffic in slaves.

I will take immediate opportunity of forwarding this statement to Her Britannic Majesty's Government, to whom, at the beginning of the last month, I gave information of a vessel being about to proceed to the coast under such circumstances, for the purpose of instructions being sent to the blockading cruisers in consequence.

His Excellency the Captain-General,  
&c. &c.

I have, &c.  
(Signed) J. KENNEDY.

To the Minister of State.

Most Excellent Sir,

Havana, November 21, 1844.

In my letter No. 79, I informed your Excellency of the complaint of the British Commissioner, who supposed that the merchant vessel called "*la Andaluza*" was fitting out for the clandestine Slave Trade. Though satisfied at that time that his assertion was unfounded, he has, nevertheless, ventured on a similar step, by making another such denunciation respecting the brigantine "*San Antonio*." To his communication, No. 1, I replied by No. 2. In the latter I acquaint him, that the latter vessel is doubtless fitting out for the coast of Africa, though not with the reprobate intention of carrying on the traffic, but with that of conducting thither some 70 or 80 free negroes, who, at their own expense, and paying themselves the passage, desire spontaneously to revisit that country, for which purpose I have conceded them the competent authorization.

I have been induced to give this permission, in the first place, because there exists no impediment in the way of free commerce with Africa, and in the second, because the departure of these liberated negroes is positively a boon for the future of this island. It is evident, from experience and facts, and reason also demonstrates, that from the raw negro, from the poor slave, little apprehension need be entertained, because his pretensions and desires are likewise very moderate. But the free negro, who has obtained his manumission, and has created for himself an independence and even a fortune, cherishes, in proportion, more enlarged ideas, gives scope to a more aspiring ambition, and forms higher expectations; and such will ever be the history of the human heart, whether it beats in a black or white breast. Hence it is not difficult to be convinced of the advantage which results from diminishing in these dominions the elements of inquietude; and, provided the free negroes petition for it, and have the means of carrying it out, so far from opposing their design, I shall ever do all that lies in my power to favour it, if, as I hope, it receives Her Majesty's approbation.

The British Commissioner appeared to be satisfied with my reply; for he wrote back that he would inform his Government of it to enable them to give cognizance of it to the Commanders of the cruising vessels.

God preserve, &c.

*First Secretary of State's Office,  
Madrid, January 4, 1845.*

Most Excellent Sir,

I have laid before the Queen our Mistress your Excellency's communication No. 85, in which you advise having authorized the brigantine "*San Antonio*" to convey to the coast of Africa 70 or 80 free negroes desirous of returning to their country; and Her Majesty has been pleased to approve that measure, in reference to the considerations that your Excellency sets forth. I say this to your Excellency by the Royal order, for your information.

God preserve, &c.

---

To the Governor Captain-General of this Island.

Most Excellent Sir,

*Havana, April 30, 1845.*

There has just come to an anchor in this port, proceeding from Boston, the American ship "*Ganges*," having on board the Captain of the Spanish brigantine-schooner, "*San Antonio*," alias "*Cayman*," Don Pedro Antonio Gaza, who sailed from hence under authority on the 29th November last, for the coast of Malagueta, in Africa, carrying 97 free individuals of colour, who of their own accord were going thither, and a white passenger.

On the 11th of January, when the said vessel was already near the coast, she was taken by an English war steamer, and carried to Sierra Leone, having been obliged to send immediately 17 of her crew on board the capturing vessel. At that point the Captain and the four remaining men of his crew were not allowed for five days to have communication with any one. He suggested a thousand reasons for being suffered to take the negroes to Jamaica; but the Captain refusing to listen to them, cast all the negroes on shore, without supplying them with any assistance whatsoever. The vessel was condemned by the English; and the Captain, and the other individuals of the "*San Antonio*," despoiled of their effects and money. Thereupon the Captain, furnished with a passport, sailed for the port of Salem, in the United States, whence, having proceeded to Boston, he presented himself to Her Majesty's Consul at that port.

Such an outrage, Excellency, is without example. The vessel in question departed under all the formalities of the law required by this Department, as well as by all the others.

I enclose, for such ends as your Excellency may think proper, the print delivered to me by Captain Gaza, and which the English industriously circulate among the negroes.

All which I convey to the superior cognizance of your Excellency, in compliance with my duty; it exactly tallies with what was communicated to me by Captain Gaza.

God preserve, &c.

(Signed) PABLO DE LEANES.

[The print above alluded to, is a notice addressed to such labourers, male or female, as wish to emigrate to America.]

---

Captaincy of the Port,

*Havana, May 2, 1845.*

Let the preceding be appended to the order issued for making out a license from this Government on behalf of the vessel in question, and enclose it to the First Assessor-General, for him to give me his opinion.

O'DONNELL.

---

Most Excellent Sir,

*Havana, May 2, 1845.*

Don Pedro Antonio Gaza, Captain of the merchant vessels registered at Palma, in Majorca, with his wonted respect, states to your Excellency, that on the 11th of January last, the Castilian flag suffered the greatest outrage, and the Spanish subjects on board, who were provided with their passports, were treated with the greatest rigour, in the name of an allied nation greatly boasting of her philanthropy, and whose flag is treated in our ports with the honours and considerations which civilized nations always confer upon the citizens of an allied people. Memorialist was unable to employ force with the view of preventing the aggression of a powerful opponent; he did not meet, in the

Mixed Tribunal at Sierra Leone, with that uprightness and impartiality which he expected; and even the Advocate to whom the Undersigned trusted his defence, told him, that the circumstance of his being a Spaniard was sufficient for condemning him; and petitioner, stript of all he possessed, has now recourse to your Excellency, for you to be pleased to adopt such measures as your enlightened zeal may suggest, to repair in some manner the losses undergone by Spaniards, who, tranquil in the testimony of their conscience, could entertain no fear of being reduced to the plight of prisoners, and of being ill-treated, debased, and degraded, as if they were criminals.

On the 29th of November he sailed from this port, in the brigantine-schooner his property, denominated "*San Antonio*," alias "*Cayman*," bound for the coast of Malagueta, and other points of Africa, and for the purpose of conveying a white passenger and 98 blacks, who, after having obtained their liberty in this island, returned to their country, blessing the nation in which they with so much ease had acquired the means of ransoming themselves, and a consolatory and divine religion, as also the illustrious chief who granted them the return to their homes. No fear disturbed petitioner, crew, or passengers. The vessel sailed with the requisites laid down in the Treaty, carrying only the food and water necessary for the consumption of 120 individuals, and indispensable for their stay in the country and their return to Europe; the documents were not deficient in any formality; the manifest was viséd by Her Britannic Majesty's Consul, and there existed neither reasons nor pretexts to form suspicions against petitioner. On the 1st of January, he arrived at Santiago de Praya, to take in more water, of which he was very short. On the 5th he sailed from thence, after the vessel had been visited by the Portuguese Authorities, and by a deputy of the Spanish Consul; and on the 11th, at 9 in the morning, when he had made the coast of Africa, he was boarded by the English steamer-of-war "*Growler*," whose Commander, with some of his officers and crew, remained on board the "*Cayman*" till 5 in the afternoon, during which time they made a thorough search, broke some pipes, and looked in vain for the quantity of shackles they expected to find in the hold. The crew of the vessel was replaced by English sailors and the capturing steamer took possession of all the papers, and of 25 ounces of gold, which the applicant had carried with him; and your Excellency is too enlightened to render necessary the laying any excessive stress on the gravity of this outrage. Free men, who hired themselves for the purpose of rendering their services on board the "*Cayman*" at extremely moderate wages, were reluctantly carried into an English vessel, to be treated there with the greatest hardship. The black passengers were placed in the alternative of either taking arms in Sierra Leone, or of enlisting for Jamaica, where they failed not to learn, that in the name of the law, they would philanthropically be torn in pieces the moment they should refuse to contribute to the increase of some proprietor's wealth, by labours more constant and more painful than those they rendered while their mild slavery was on in the isle of Cuba. Those unfortunate men shuddered at such an announcement, and, unwilling to close with the proposals made them, they in vain solicited a ration; but without being supplied with any means of transferring themselves to their much-wished-for homes, they remained exposed to suffer all the horrors of hunger in an unknown port, or to enlist themselves for another, in which the harshest treatment and death awaited them. The writer is far from supposing that the enlightened Government of the British nation will approve of these abuses of some of its employés; and the parties themselves that committed them are convinced that their conduct will be amenable to just censure; but, whatever was their incentive to perpetrate them, those who were the victims of the excesses in question, those who have suffered such martyrdoms remote from their country, and those who beheld some subjects of Great Britain converted into angry and rapacious enemies, have, no doubt, the right of complaining, and of hoping that your Excellency will interest yourself for their being indemnified, and for some corrective being applied to outrages committed on a Spanish vessel, and on all those who navigated in her.

Exponent is as yet in ignorance of what became of seven of the men composing his crew. They have perhaps perished for want of sustenance; it is at least possible that they may be wandering on the coast of Africa, if some wild beast has not devoured them; at any rate, their kinsmen and friends will never



set eyes on them again. And these acts of cruelty, so frequently exercised on those coasts, have been committed in time of peace, when the ink was not yet dry wherewith the last Treaty was written, in prejudice of men who respected that adjustment, at an epoch in which the laws of war have so much been softened, in which the rights of humanity have so frequently been recommended, and in which a declamatory and loquacious philanthropy, as hypocritical as it is cruel and inhuman, has undertaken the not very honourable task of disturbing the repose and tranquillity of nations who have hitherto been happy, and may still be so, by means of the wisdom and discretion of their rulers; while free men, belonging to a magnanimous and generous nation, men who honourably exercised their industry, and were navigating with all indispensable formalities, did not encounter, in the Commander of the steam vessel "Growler," the humanity and the philanthropy which confer so much honour on the enlightened subjects of the British nation.

Memorialist was in hopes he should find in the Mixed Commission the rectitude and justice which unfortunately he did not encounter in the officers of the steamer; but he soon convinced himself, that the trial set on foot was a mere matter of form, whereof the sentence had been settled beforehand, and that the object only was to go through some routine in order to prostitute the forms and guarantees connected with the laws, and to conceal a horrible outrage under them. No one discovered in the procedure, and in the resolution come to, an act of justice, but an act of war; no impeachment took place, nor was there any accurate hearing of evidence required for the defence; and the advocate charged with conducting the defence of memorialist announced to him, with a frankness very creditable to him, that his noble efforts would prove useless, and that no Spaniard could hope for an acquittal. His prognostications were unfortunately not unfounded. The white passenger and the crew had nothing left them but their clothes. The vessel was broken up, and her timbers, appointments, stores, and provisions sold at auction; nor was it possible to prevail on them to leave, at least to the petitioners and to the other officers, their nautical instruments and papers, no, not even the log-book in which he had entered his protest.

Such was the result of a voyage commenced under the best auspices, with the precautions counselled by prudence, and with the straightforwardness and frankness usual to men of honour. Our laws have more than once been criticized by strangers, who have viewed our Judges with contempt; and those who were unable to doubt the integrity which has always characterized the Spanish Magistrates, have at least doubted their enlightenment, or have supposed, that with their defective institutions, it was out of their power to discharge their trust. Now, here your Excellency sees how a Commission, consisting of the individuals of a nation so advanced in science, and which possesses wise laws and juries, perpetrates an outrage never committed among us, or by any other civilized nation.

Your Excellency will learn, from the enclosed copy of the original, signed by the English advocate who undertook the defence to which he alludes, the ridiculous sophisms on which the sentence of the Commission was founded. The vessel had an orlop deck, but this it had under the authorization of the Commandancy of the Marine, and for the convenience of 98 passengers, who otherwise could not have been accommodated. To infer from this fact a design of engaging in the Slave Trade, is to proceed with a levity and malignity of which there exist few examples, and which would appear incredible, if it were not attested by an English subject. Even if this reasoning were not so violent, the sentence of the Mixed Commission would be absurd, because, in order to punish a man, it has never been deemed sufficient to suspect, either with or without reason, that he has had the design of committing a fault. The Authorities in that case observe the person who excited their suspicions, follow his steps, watch him, and take precautions lest he should carry his outrage into effect; but they do not judge him beforehand, imprison, or punish him, because such conduct would be unworthy of an enlightened Government, and would prove its tendency to oppress, and its debility; it would evince its want of resources for preventing any possible excesses, without committing other more pernicious and alarming ones against individual security. To fetter every one would be a very efficacious expedient for impeding an individual from killing another, still no nation has as yet adopted so atrocious and degrading a pre-

ventive. The dangers of the savage state would be less prejudicial than a security acquired at such a cost ; and it appears scarcely credible, that in the 19th century, and this, too, by English Judges, a system should have been adopted which has indeed the merit of originality, but which, happily, will not meet with many apologists.

There were provisions and water on board ; and because blacks will eat and drink, it was inferred that these articles must have been consumed by slaves : but are, then, the latter the only persons that feel hunger and thirst ? There were many passengers ; the duration of the voyage was unknown ; it was not easy to fix the epoch of return ; and it was not surprising that the provisions should be abundant. The greater part of the ship's provisions consisted of hung beef, salt beef, bread, and pulse, descriptions of food notoriously never given to slaves.

On board the "*Cayman*" was Don Pablo Alvarez, provided with a passport, It was said that he had several times been engaged in the Slave Trade ; and it was thence inferred, without any apparent circumstance, that the others must also be occupied in the same pursuit. The writer is ignorant to what degree the imputations cast on Alvarez are exact ; but he is fully convinced, that whatever foundations they may possess, the way in which the Judges draw their inferences does not afford an advantageous idea of them. According to their principles, if Alvarez had addicted himself to rob or murder, all his fellow-passengers ought to be punished as guilty of theft or homicide ; and the fortuitous circumstance of having been in his company would convert many innocents into criminals.

If the brigantine "*Cayman*" put into Santiago de Praya, the motive for her resorting thither was subject to no doubt whatever. Out of 42 casks of water, 31 had already been consumed ; there were only left 11, and a fresh supply of such an important article was necessary. The vessel was, moreover, visited 'ere she sailed from that point, and no rational suspicion could be conceived. If there was a larger portion of rice on board than could be consumed, that fact could not serve to any sound logician as an argument that slaves were to be procured from Africa ; because the abundance of food only proves that precautions have been adopted for not starving, in case the voyage should last longer than it was expected. No considerable surplus of rice would remain after the return of the vessel, as she had been detained at the moiety of her outward passage, an observation which ought to have sufficed for doing away with every suspicion, seeing, that if a design had been harboured of acquiring slaves, an infinitely larger quantity of that grain would have been shipped, as it is the article most copiously consumed in these expeditions.

It was perhaps unnecessary to impugn the grounds of the sentence pronounced by the Commission ; but it is not useless to inform your Excellency and the whole world, of the frivolous pretext adopted for seizing the vessel and all she had on board. All principles of international right have been forgotten, a respectable Treaty has been violated, innocents have fallen victims to the indiscreet animosity of the officers of the capturing vessel and of the members of the Mixed Commission ; and such great vexations and offences call undoubtedly for redress. If the ill-treated individuals did not deserve this for many reasons, that redress is so much the more deserved by the magnanimous, noble, and generous nation to which they belong, and whose flag will find itself precluded from resorting, in common with other nations, to those rich coasts, for the acquisition of their produce.

Under the same date the writer also gives information of this very unpleasant occurrence to his Excellency the Commander-General of this naval station, enclosing all the original papers referred to ; but he further deems it his duty to solicit your Excellency to take the above into consideration, and to adopt such measures as your enlightened zeal may suggest to you, with the view of obtaining an indemnification and a just reparation for our navy, our flag, and the individuals that were on board the brigantine "*Cayman*," and who have undergone such a cruel treatment. This favour and this justice he looks forward to from your Excellency's rectitude.

(Signed)

PEDRO ANTONIO GAZA.

Havana, May 3, 1845.

Let the above application be added to the other proceedings, and be sent to the Second Assessor, for him to give his opinion.

(Signed)

O'DONNELL.

Most Excellent Sir,

Havana, May 4, 1845.

Your Excellency may be pleased to direct Don P. A. Gaza to appear before the Assessor, accompanied by the Escribano of the Government, in order to authenticate the preceding petition, and to be examined touching all the circumstances that shall appear conclusive, so that the summons which may result therefrom may be proceeded to, to enable us to tender such counsel as the case may require.

BLAS OSES.

In compliance with official duty.

Letter from the English Advocate, Benjamin Wisno, Esq., of Sierra Leone.  
(Re-Translated.)

Sierra Leone, February 13, 1845.

The brigantine "*San Antonio*," alias "*Cayman*," Captain, Don Pedro Antonio Gaza, was condemned by the Mixed English and Spanish Commission on the 8th instant, by reason of having engaged in the Slave Trade. The sentence proceeded chiefly on the ground of the vessel having an orlop deck and 42 pipes for water, together with other articles, all shipped at the Havana, and which, as the papers purported, were wanted for the use of 98 emigrating passengers, who were found on board the vessel, and were coming hither.

The Court was also induced thereto by the circumstance of their being on board the vessel a passenger of the name of Don Pablo Alvarez, who, it was alleged, was a person generally known for occupying himself with the Slave Trade; it was, however, not proved that Don Pablo had any interest in the vessel.

The Court did not ascertain at all that the vessel had any suspected articles on board since her departure from Havana, except perhaps that she touched at Cape Verd, to take in water.

It appears to me, that the sentence principally rests on the articles with which the vessel sailed from the Havana, as set forth in her papers, having been found on board.

(Signed)

BENJAMIN WISNO.

It is necessary for me to say, that some articles of the provisions, I believe rice, were said not to have been in the manifest of the vessel.

In the ever most faithful city of Havana, the 5th of May, 1845, there appeared before the Assessor, Mr. Pedro Antonio Gaza, born at Palma, in the isle of Majorca, and having a house there, married, in respect of his pursuits a Captain of a merchant ship, and 36 years of age, of which he made oath before me, in the form directed by law, under which he promised to tell the truth; and there having been sworn and read to him, from beginning to end, the statement which he, under the 2nd instant, addressed to his Excellency the President, Governor and Captain-General, as also the annexed copy of a letter written by the English advocate Mr. Benjamin Wisno, he said, that the whole tenor of the said statement was certain and true, which he affirmed and ratified, acknowledging the signature which authorizes it to be his own handwriting, and that he can assert the same with regard to the translation made in this city, by a person whose name he does not know, from the English original annexed to the proceedings drawn up at the Commandancy-General of the Marine.

Q. Of how many men consisted the crew of the "*San Antonio*?" State the names if you recollect them.

A. Of 20 persons besides deponent; recollects only the names of the two Mates and of the Boatswain, namely, Don Joze Vastarrachea, Don Joze Antonio

Torrens, and Don Juan Perce. The two sailors who returned with him, and who are now at this port, are called Theodoro Cabot, and Gabriel Catala, but it is easy to learn the names of the rest, as they are specified in the manifest deposited at the Commandancy, and of which a copy exists at the Office of Registries.

Q. What became of the 18 men of the crew who did not return with him?

A. Eleven of them remained at Sierra Leone, for want of means to defray the passage. As to the other seven, he does not know where they are, because they did not proceed to that point, the capturing steamer having either kept or landed them somewhere else.

Q. On what day did deponent sail from Sierra Leone? in what vessel? and whither?

A. He sailed on the 15th of last February, with the above two mariners, on board an American schooner whose name he does not recollect, to Salem, whence he passed to Boston, and thence to this port.

Q. At how much does he estimate the losses, damages, and prejudices which he, deponent, and his shipmates have sustained in consequence of the capture and the other events under consideration?

A. There is now making out a statement of the amount, which is about to be presented to his Excellency.

Q. Where is the white passenger Don Pedro Alvarez?

A. He also remained at Sierra Leone, undoubtedly for want of the wherewithal to pursue his voyage.

Deponent adds, that this is the truth, &c., and he signed it before me, which I certify.

(Signed) PEDRO ANTONIO GAZA.  
OSES.

Before me.

FRANCISCO DE CASTRO.

Most Excellent Sir,

*Havana, May 5, 1845.*

In addition to the citations above-mentioned of the mariners T. Cabot and G. Cabala, it will be necessary to address the Commandant-General of the Marine, for him to transmit a certified copy of the list of the "*San Antonio's*" crew when she sailed from this port, and also to write to the Consul of Her Britannic Majesty for the purpose of his being pleased to say whether Captain Gaza sent him the manifest of the Custom House, as he declares he did. And thus, or whatever else shall be most proper, your Excellency may be pleased to direct.

(Signed) BLAS OSES.

*Havana, May 5, 1845.*

Let the above opinion be carried into effect, as it meets with my concurrence.

(Signed) O'DONNELL.

On the same day, month, and year, I delivered this order to the Brigadier, Political Secretary, for him to make out the letters directed by the superior decree, in conformity with the opinion which occasioned it.

This I certify.

(Signed) FRANCISCO DE CASTRO.

To the Commandant-General of the Marine.

Most Excellent Sir,

*May 3, 1843.*

The proceedings relative to the capture by an English cruizer of the brigantine "*San Antonio,*" alias "*Cayman,*" which was conveying to Africa a certain number of free negroes, rendering it necessary to ascertain the names of the

crew on board the said brigantine, when she sailed from this port last November, I hope your Excellency will be pleased to give orders for taking a certified copy of a list of their names as soon as possible.

God preserve, &c.

---

To the Consul of Her Britannic Majesty.

I hope, Sir, you will be pleased to inform me whether the Captain of the Spanish brigantine schooner "*San Antonio*," alias "*Cayman*," who, last November, sailed from this port for the coast of Africa, in order to conduct a certain number of free negroes that were returning to their country, has handed to you the manifest sent him by the Custom House previous to his departure.

God preserve, &c.

---

Havana, the ever faithful city, 6th May, 1845, there appeared before Mr. Assessor and before me, the present escribano Don Gabriel Catala, a native of Palma, in the isle of Majorca, and domiciliated in the same, now, however, accidentally residing in this city, following the vocation of a mariner, single, and 21 years of age, which he affirmed on oath, &c. ; and being interrogated in consequence of the summons resulting from Gaza's deposition, he replied, that about the latter end of last year; doés, however, not recollect the exact date, he sailed from this port in the "*San Antonio*," Captain Gaza, with a white passenger, of the name of Don Pablo, and a great number of free negroes, proceeding to the coast of Africa with the competent authorization and license from the Government; and having fallen very short of water about the 33rd or 34th day of the voyage, they touched at Santiago de Praya, in the Cape Verd islands, staying only five or six days; and, after replenishing the empty casks, they continued their voyage; but when the brigantine had made the coast of Africa, she was boarded by an English war steamer, to which were transferred all the passengers and crew, except the Captain, the First Mate, and the Boatswain, who remained on board the "*San Antonio*," that was manned by English sailors, and subsequently they were carried to Sierra Leone, all but seven men of the crew, whose fate is unknown to him; there he was told that the brigantine had been broken up, by the direction of the Authorities of that locality; after staying eight days, deponent sailed in an American brig-schooner, with Captain Gaza, and the mariner Theodore Cabot; they proceeded to Salem, and thence to Boston in another American vessel.

Q. Did the English, on taking the "*San Antonio*," possess themselves of the effects on board, and of the private property belonging to deponent and to the other persons in the ship?

A. They took all, and restored nothing; he and his shipmates saved only a few articles of wearing apparel.

Says that this is the truth, &c.

(Signed)

OSÉS.

GABRIEL CABALA.

Before me.

FRANCISCO DE CASTRO.

---

Havana, May 6, 1845

Havana, the ever faithful city, 6th May, 1845, before Mr. Assessor and me the escribano, appeared Mr. Teodoro Cabot, of Palma, in the isle of Majorca, where he resides, but now chancing to dwell in the city, unmarried, by vocation mariner, and 19 years of age, who being duly sworn, was interrogated by reason of having been summoned and said: that last November he sailed from this port in the Spanish brigantine-schooner "*San Antonio*," alias "*Cayman*," Captain Gaza, bound for the coast of Africa, and carrying a white passenger of the name of Don Pablo, something and 90 odd free blacks, returning to their country under a license from the Government; and as during the voyage they happened to fall short of water, they put into Santiago de Praya, in the isle of Cape Verd, when, after staying but a few days, they continued their voyage; on nearing the African coast they were captured by an English steamer of war, which put English sailors on board, leaving only the Captain, the Mate, and Boatswain,

and transferring to the steamer all the rest, passengers as well as mariners, inclusive of deponent, and landing them afterwards at Sierra Leone, all but seven men of the crew, who were never again heard of; was told here that they were going to break up the "*San Antonio*;" a week after he embarked, with Captain Gaza, and Gabriel Catala the mariner, on board an American vessel, which took them to Salem, whence they went to Boston, and ultimately to this port.

Q. Did the English, on capturing the "*San Antonio*," take also the effects that were on board, and the private property of the persons there?

A. They took possession of all, and returned nothing; and every one saved only such articles of clothing as he could carry in his hands.

This is the truth &c.

(Signed) OSES.

Before me. FRANCISCO DE CASTRO.

To his Excellency the Captain-General.

Havana, May 6, 1845.

I have the honour of acknowledging the receipt of your Excellency's note of yesterday's date, and in reply I have to acquaint your Excellency, that Mr. Gaza, Master of the Spanish brig "*San Antonio*," alias "*Cayman*," which sailed from this port in November last, with free negro passengers, for the Gold Coast and Malaguera, on the coast of Africa, presented the list of stores of said vessel, duly signed by the Custom House officer of this Royal Custom House, which signature was certified by me, and sealed with the seal of Her Majesty's Consulate-General in this island.

I have, &c.

(Signed) JOSEPH T. CRAWFORD,  
H.B.M's Consul-General in Cuba.

To the Captain-General of this Island.

Most Excellent Sir,

Havana, May, 6, 1845.

The Commandent of Registries in this province wrote to me yesterday as follows:—

Most Excellent Sir,

Captain Don Joaquim Zuazo, in a letter of this day, intimates to me what follows:—

In the summary hearing for which by your order I am making preparations, in consequence of the capture of the Spanish brigantine "*San Antonio*" alias "*Cayman*," Captain Gaza, by the English schooner "*Growler*," on the coast of Africa, I have occasion to insert in the proceedings a copy of the muster roll of the crew with which that vessel undertook her voyage on the 29th November last for Malagueta on that coast; and as it is also ascertained from the Captain's deposition, that he was fully authorized to carry 98 passengers, who were returning to that country, I request you, Sir, to be pleased to write what is necessary to the Commander-General of this naval station, for him to apply to their Excellencies the Captain-General of the island and the Superintendent of the Royal Finance, as also to the British Consul in this city, to the end that it may be known for certain at that summary hearing, whether 98 passports were actually made out by the Captaincy-General, with the view to the return in that vessel to the coast of Africa of as many individuals; whether in the Royal Custom House there was drawn out the respective register for said port; and finally, whether the English Consul viséd the documents, as asserted, to the end of substantiating the legality of the fiat issued by all the Authorities to the above-mentioned "*Cayman*," to sail for the coast of Africa with that object.

This I state to your Excellency, for the purpose of your being pleased to make out the necessary enquiries, with a view to the ends alluded to.

And I copy it for your Excellency, with my request for the ends he solicits on his part.

God preserve, &c.

(Signed) XAVIR DE VILOA.

Havana, May 8, 1845.

In conformity with what is prayed, let there be made out by the Political Secretary a certificate, specifying the number and name of the individuals to whom a passport was handed for their return to Africa on board the brigantine "*San Antonio*," alias "*Cayman*."

(Signed)

O'DONNELL.

To the General of the Marine.

Most Excellent Sir,

May 8, 1845.

I address to your Excellency the enclosed certificate, setting forth the passports made out to 99 individuals of colour last November, to enable them to repair to the coast of Africa on board the Spanish brigantine "*San Antonio*," alias "*Cayman*," which particulars your Excellency desires me to supply in your letter of the 6th, to which this is the answer.

God preserve, &amp;c.

I, Don Miguel Maria Paniagua, Knight of the Second Class, by a *judicium contradictorium*, of the Royal and Military Order of St. Ferdinand, Commander of the American Order of Isabel the Catholic, decorated with various Orders, namely, of Military Merit, of Academical Merit, of the Royal Arragonian Society of Friends of the Country, and of that of St. Louis of Saragossa, Brigadier of infantry, and Secretary for Her Majesty of the Superior Civil Government of the Isle of Cuba;

Do certify, after seeing the entries made in this Secretary's office, that from the 1st to the 27th of November last, there were issued by this Government 70 passports to 99 individuals of colour, who applied for them with the view of proceeding to the coast of Africa, of which coast the greater part of them were natives, and whose list, with specification of the number with which the said documents were issued, as also of the persons comprehended in each document, is as follows:—

Number of Passport.	Name of the Individual.	Number of Persons.
2	Joze Salome Veleś, his wife, and seven children . . . . .	9
3	Justo Manun . . . . .	1
4	German . . . . .	1
5	Genoveva . . . . .	1
6	Santiago Apostol . . . . .	1
7	Ramon Cisterna . . . . .	1
8	Joaquim Munos and his daughter . . . . .	2
9	Patricia . . . . .	1
10	Ynez Hernandez . . . . .	1
11	Nicolas Hernandez and a son . . . . .	2
12	Francisco J. Lyon and wife . . . . .	2
13	Felis Villar with his son . . . . .	2
14	Fortunato, his wife, and four children . . . . .	6
15	Valentin Xifre . . . . .	1
16	Joze Dolores, with two daughters . . . . .	3
17	Ines . . . . .	1
18	Coleta Villar . . . . .	1
20	Joze Maria Crespo . . . . .	1
21	Maria de Jesus Roig . . . . .	1
22	Francisco Montiel . . . . .	1
23	Miguel Romero . . . . .	1
24	Rosalia Vasquez . . . . .	1
25	Juana Sanchez and his son . . . . .	2
26	Joze Dolores de Cardenas . . . . .	1
27	Santiago Pallara . . . . .	1
28	Brigida and her son . . . . .	2
30	Tomas Sierra and his wife . . . . .	2
31	Juan Bantista Contreras . . . . .	1
32	Antonio Garcia . . . . .	1
33	Lino Santa Cruz and his wife . . . . .	2
43	Juan Granados . . . . .	1
44	Joze Pazos y Aldao . . . . .	1
46	Joaquim Rubira . . . . .	1
48	Miguel Donoso . . . . .	1

Number of Passport.	Name of the Individual.	Number of Persons.
49	Antonio Castillo . . . . .	1
50	Rita Santa Cruz . . . . .	1
52	Enlogio Garcia . . . . .	1
53	Bruno Pinillos . . . . .	1
54	Anastasia Ayala . . . . .	1
55	Beatriz Rodriguez . . . . .	1
56	Matilde Hormillos . . . . .	1
57	Manuel Garcia . . . . .	1
58	Ma'ias Garcia . . . . .	1
59	Manuel Menendez . . . . .	1
60	Joze Eligio Marengo . . . . .	1
65	Maria de la Cruz Garcia . . . . .	1
66	Julio Garcia . . . . .	1
67	Agustin Trente . . . . .	1
68	Antonio Garcia . . . . .	1
69	Felis Rascalal, his wife, and two sons . . . . .	4
71	Maria de la Merced Cardero, with two sons . . . . .	3
72	Maria del Carmen Garcia . . . . .	1
84	Estefania Martinez and a daughter . . . . .	2
85	Bernardino . . . . .	1
86	Juan de la Cruz Verusia . . . . .	1
87	Tomas Damon . . . . .	1
88	Francisco Bonet and a son . . . . .	2
89	Joze Cayetano . . . . .	1
90	Cristoval Sotera y Mora . . . . .	1
110	Magui o Juan . . . . .	1
111	Mateo Apostol and a daughter . . . . .	2
115	Joze Antonio Tuerto . . . . .	1
173	Teresa Rina . . . . .	1
178	Francisco Aguilar . . . . .	1
179	Maria Petrona Guirola . . . . .	1
186	Sorela Soria . . . . .	1
187	Joze de la Luz Zuazo . . . . .	1
189	Clara Lubut . . . . .	1
190	Domingo Garcia . . . . .	1
242	Joze Clanes . . . . .	1

Seventy passports with 90 individuals. And in order that it may be known, as also in pursuance of the decree of His Excellency the Governor Captain-General, I issue the present in Havana, the 8th May, 1845.

(Signed) MIGUEL PANIAGUA.

*Havana, May 8, 1845.*

Most Excellent Senor Governor and Captain-General,

Don Pedro Antonio Gaza, Captain of the brigantine "*San Antonio*," alias "*Cayman*," taken and condemned at Sierra Leone by the Mixed Commission of that place, with due respect states to your Excellency, that having made out the account of the damages occasioned him by that occurrence, he encloses it, together with its nine vouchers, praying that your Excellency will consider them as having been presented to you, and will order them to be added to the proceedings framed of the suit, for the needful ends, a favour which he hopes for from your Excellency's well known justice.

(Signed) PEDRO ANTONIO GAZA.

*Havana, May 7, 1845.*

Account of the damages arising from the capture of the Spanish brigantine "*San Antonio*," alias "*Cayman*," owned and commanded by Don Pedro Antonio Gaza, native of, and registered at, Palma, in the isle of Majorca, which vessel put to sea on the 29th November, 1844, bound for Gallinas, on the coast of Malagueta, Cape Monte, Ajudah, Uni, and Popo, with the view of conducting to those points 98 free negroes, and a white, as passengers; she replenished her water at Santiago de Praya, in the Cape Verd islands, navigating from the Ist

CLASS B.



to the 5th of January, 1845, on which day she again put to sea, proceeding to her first destination, but was detained on the 11th of January, by the English steamer-of-war "Growler," near the coast of Africa, and was re-manned, and thereafter carried to Sierra Leone, where she was condemned by the Mixed Commission, on suspicion of being engaged in the Slave Trade.

	D.	C.
Value of the brigantine " <i>San Antonio,</i> " alias " <i>Cayman,</i> " with all her rigging, masts, anchors, and other stores, on the 1st November, 1844, . . . . .	8,875	0
To Messrs. Castillo and Vazquez, for fitting an orlop deck in the vessel, coppering her, examining overhauling her seams, and performing other carpenters' and caulkers' work, such as a foremast, with its beams, top, cross-trees, cap, two top-masts, rigging, blocks, and 28 days stowing (No. 1) . . . . .	4,224	37
Hire of 33 casks for watering her, which required 70 pipes to be returned to Don Cristobal Aragon (No. 2.) . . . . .	250	0
Amount of said casks, which he has paid over to that gentleman, being the price agreed upon, in case they should not be returned (No. 3) . . . . .	900	0
To a master sailmaker, for a complete set of sails and awnings (No. 4) . . . . .	2,271	30
Value of armament, ammunition, and warlike stores, for the defence of the vessel (No. 5) . . . . .	435	20
For plates, pots, cooking place, and boilers, &c. . . . .	715	0

Damages incurred:—

Profit on discounted wages of the crew, and other benefits which reasonably might have been expected to result to me from the vessel till her return to this port, as she would have gone to Marseilles and Philadelphia, with a cargo bought at those coasts, though for all that she might have arrived in August, or before that time, in fulfilment of the charter party, executed on the 20th November, 1844, with Don Julian Zulueta, of this city, merchant . . . . .	8,500	0
For the profit resulting to me from that chartering, as settled through the intervention of Zulueta's broker, Don Guillermo Retortillo (No. 9) . . . . .	9,500	0
Nautical instruments, plans, papers, &c., of the three superior officers . . . . .	570	0
Pay and wages of the crew, from the Captain down to the boy, for 12 months, from the 22nd November, 1844, when they were adjusted in this office of the Secretary of Marine, at the rate of 467 dollars per month . . . . .	5,604	0
Indemnity to the three superior officers for their sustenance during the said period, at 100 dollars per month . . . . .	3,600	0
Ditto to those of the sea on the same account, at 60 dollars per month . . . . .	2,160	0
Ditto to 15 mariners ditto, at 40 dollars ditto . . . . .	7,200	0
Passages to their homes of the three superior officers, at 400 dollars each . . . . .	1,200	0
Ditto of the 18 men remaining out of the crew, at 100 dollars ditto . . . . .	1,800	0
For five ounces of gold out of the 25 which the Commander of the capturing vessel took from me, the other 20 belonging to a negro passenger . . . . .	80	0
Paid to the Advocate who defended the cause at Sierra Leone . . . . .	250	0
Loss "en el giro de dicha sre Palma," (?) at 20 per cent. . . . .	50	0

Dollars 59,544 32

*Havana, May 7, 1845.*

Observation.—In the above account of 59,544 dollars 32 cents, are not included the prejudices caused to the white passenger, and to the 98 negroes, who were compelled to stop at Sierra Leone, on the understanding that Her Catholic Majesty's Government will hereafter claim from Her Britannic Majesty's Government what it may deem adequate.

Second observation.—Nor are here mentioned the expenses which I shall be forced to incur, by reason of having to prefer the present claim, and which expenses will be added to this account at the time of my being indemnified.

Third observation.—The above wages and maintenance are calculated on the supposition, that the entire restitution will not take place before the expiration of a year, reckoned from the 22nd November, 1844; but should it be effected before that time, the anticipated months will be deducted, in the same proportion as the expenses exceeding the calculation, up to the whole; reimbursement will also be increased at the same rate.

(Signed) PEDRO ANTONIO GAZA.

*Voucher No. 1.*

*Casa-blanca, November 28, 1844.*

Captain Antonio Gaza,

To Castillo y Vazquez, Dr.

For overhauling the vessel, sheathing her with copper, and doing to her all the needful carpenter's work, as per agreement . . .	2,860	0
To a new foremast, with its beams, caps, and cross-trees, fore-cap, two top-masts and top-gallant-masts, studding-sail-booms . . .	580	0
For rigging, painting blocks, and 28 days stowing at the wharf . . .	784	37
	<hr/>	
	Dollars	4,224 37

(Signed) RODRIGUEZ CASTILLO Y VAZQUEZ.

*Voucher No. 2.*

*Havana, November 20, 1844.*

Received of Don Pedro Antonio Gaza, the sum of 250 dollars, for 70 pipes in 33 empty casks of cedar, with iron hoops, which I lent to him on hire for the voyage he is going to undertake, under the condition that he is going to make use of them for six months, after which period, and on his happy return from Africa, the said gentleman is to return them to me in a good state, or to renew the contract, it being fully understood, that if he fails to do so, by reason of his wishing to keep the said casks, or because they either are become useless, or may have been lost while in his possession, it is covenanted that he is to pay me the sum of 900 dollars; and in order that it may be known, we have signed the present in duplicate, each party keeping a copy.

(Signed) CRISTOVAL ARAGON.  
PEDRO ANTONIO GAZA

*Voucher No. 3.*

Received of Don Pedro Antonio Gaza the sum of 900 dollars, being the amount of the 33 butts of cedar for water, which I lent to him on hire on the 20th November, 1844, and whose import, according to the agreement of the same date, the same Gaza was to disburse to me on his return from Africa, in case these butts were lost; and for his security, as well as that it may be on record, I sign for him the present, at Havana, May 6, 1845.

CRISTOVAL ARAGON

*Voucher No. 4.*

The Spanish brigantine schooner, "*San Antonio*," alias "*Cayman*," owes to Nicholas Silva:—

For three principal sails of canvas of cotton, No. 7 . . . . .	370	0
For a top-sail, ditto ditto, No. 5 . . . . .	125	0

For a main-top-gallant-sail, of canvas of cotton, No. 5.	56	0
For a sliding gunter sail, ditto ditto, No. 10	44	0
For a round fore-sail, ditto ditto, No. 6	261	0
For two fore-top-sails, ditto ditto, No. 6	350	0
For a fore-royal-sail, ditto ditto, No. 8	60	0
For a royal-sail, ditto ditto, No. 10	50	0
For two fore-stay-sails, ditto ditto, No. 5	100	0
For a jib-sail, ditto ditto, No. 7	100	0
For two lower studding-sails, ditto ditto, No. 10	139	0
For two fore-top-mast studding sails, ditto ditto, No. 10	95	0
For two main-top-gallant-studding-sails, ditto ditto, No. 10	65	4
For two awnings and one gaff-sail, ditto ditto, No. 7	398	0

---

Dollars 2,271 4

*Havana, November 15, 1844.*

Received from Captain Don P. A. Gaza, the 2,271 dollars to which amounts the set of sails and awnings which I have made for his brigantine "*Cayman*."

NICHOLAS SILVA.

---

*Voucher No. 5.*

*Havana, November 23, 1844.*

The brigantine "*Cayman*" is indebted to Ramon Rodriguez:—

For 18 English muskets, at 6 dollars each	108	0
For 20 pikes at 3 dollars	60	0
For six pistols, at 6 dollars	36	0
For four sabres, at 4 dollars	16	0
For two bronze swivels, at 70 dollars	140	0
For ammunition for the armament	25	20

---

Dollars 435 20

Received the 435 dollars 20 cents of the above account.

RAMON RODRIGUEZ.

---

*Voucher No. 6.*

*Havana, November 23, 1844.*

The brigantine "*San Antonio*," alias "*Cayman*," owes to Ramon Rodriguez:—

For a patent iron galley	285	0
For two spare boilers	85	0
For 12 iron pots of various size	75	0
For six iron plates, to be fitted under the galley	20	0
For 25 iron plates	50	0
For 25 jars, four ladles, and two hooks	20	15
For crockery for the cabin, and a coffee service	26	25
For a dozen covers for the cabin	5	0
For one pewter soup plate and two braziers	4	0
For two funnels, two oil bottles, and four lanterns	14	10
For a large lantern and two pumps	10	0
For 45 brass plugs for the water casks	11	12
For mending the binnacle	4	0
For 50 fish-hooks, with six bundles of currican, for fishing	6	0
For a comboy (?) for the cabin	6	0
For abarometer for the use of the vessel	34	0
For one pair of compasses	28	0
For a telescope	30	0
For paper, pens, ink and wafers	9	30

---

Dollars 715 0

*Havana, November 18, 1844.*

Received from the Captain of the brigantine "*Cayman*," Don Pedro Antoine Gaza, the sum of 715 dollars. being the value of articles of ironmongery, brass ware, crockery and other requisites for the said vessel.

RAMON RODRIGUEZ.

*Voucher No. 8.**Havana, November 23, 1844.*

The brigantine "*Cayman*," Captain Gaza, owes to J. M. Cabezas, chemist, Bishop-street, No. 25, for a travelling medicine chest, with a complete assortment of medicines for about 200 persons, with surgical instruments, and other corresponding articles . . . 380 25  
 Received 298 dollars 25 cents.

J. M. CABEZAS.

*Regla, November 21, 1844.*

The Spanish brigantine "*San Antonio*," alias "*Cayman*," Captain Don Pedro Gaza, owes to Antonio Rodriguez Pardo, for one of Davies's chronometers, No. 280 . . . . . 510 0  
 Received the sum of 510 dollars.

A. R. PARDO.

*Voucher No. 9.**Havana, November 20, 1844.*

Be it known, that on the one part we, Don Julian de Zulueta, of this commerce, and on the other, Don Pedro Antonio Gaza, Captain of the Spanish brigantine-schooner "*San Antonio*," alias "*Cayman*," of the registry of Palma, in the isle of Majorca, of 90 tons burthen, lying at anchor in the port of Havana, have covenanted and agreed upon the following:—

Article 1. That Don Julian de Zulueta freights the said brigantine-schooner "*Cayman*," to carry from this port to the coast of Africa, and to the points that will be specified, 200 free negroes, and after landing them, to set sail for Buenos Ayres, with the view of receiving there, according to order, a complete cargo of hung beef, for account of the freighter, and of conveying it to this port.

Article 2. The provisions necessary for the maintenance of the said passengers during the voyage will be procured at the charge of the freighter, who will put on board a person, under whose care they will be.

Article 3. For the whole freight in going and returning, are stipulated 13,400 dollars, which the freighter will hand over to the Captain, after the latter shall have landed the cargo alluded to.

Article 4. If by some unforeseen accident the freighter should deem proper to set aside this contract previous to the 15th of August, 1845, he binds himself to pay to the Captain 3,350 dollars, by way of dead freight; but if he set it aside after that date, he shall pay, on the same ground, 6,700 dollars.

Article 5. The Captain binds himself, on his part, to be ready with his vessel in this port, to receive on board, by the 1st of October, 1845, the passengers, who must be embarked on the 15th of the said month.

Article 6. On the Captain's responsibility, the water casks shall be in perfect condition, and of well-seasoned cedar-wood.

Article 7. On quitting this port, he is to stand for one of the Cape Verd islands, in order there to fill up the casks that may be empty; whereupon he is to shape his course towards the coast of Malagueta, and come to an anchor between Cape Monte and Cape Mesurado, in order to leave there all the passengers of the Gangu nation that may desire to remain, continuing to afford assistance on the Gold coast, in order to do the same with regard to those of the Lucumy nation; and after landing them, he is to stand out to sea again, to land the Carabolies at one of the Calabars, proceeding to Cabinda, in order to set on shore the Congos. In all these points he is to employ thereto his boats; but he shall by no means trust either the passengers or his crew with the natives of the country, by reason of the little faith which can be reposed in them.

Article 8. As has been said, when the last passengers shall have been landed, he will proceed to Buenos Ayres, where he will find an order directing him to carry a cargo of hung beef, which will be ready prepared, to this port.

Article 9. In both ports, the Captain concedes to the freighter 40 days, for loading and unloading; and it is stipulated that he is to pay 30 dollars for each day which he exceeds the time prefixed.

Article 10. If the Captain have not the vessel ready in this place for receiving

the passengers, as laid down in Article 5, he shall pay to the freighter 500 dollars over and above the additional expense that may be incurred by purchasing a vessel of similar burthen, in order to perform such a voyage, unless the non-compliance should arise from shipwreck, or some other visible or notorious disaster, which may render the vessel useless, in which case the contract shall be set aside.

Article 11. The Captain binds himself to present, on his return, certificates, to prove that he has treated the passengers with the greatest attention, and that they have been landed on the coasts of their respective nations.

Article 12. If there should arise any divergence as to the fulfilment of all or any of the articles of this contract, the parties shall refer themselves to amicable arbitrators, subject to what the code of commerce prescribes for the like cases. And we sign three copies of one tenor, but all to the same effect.

(Signed) JULIAN DE ZULUETA.  
PEDRO ANTONIO GAZA.

With my intervention.

GUILLERMO RETORTILLO.

Most Excellent Sir,

*Havana, May 7, 1845.*

In reply to your Excellency's letter of the day before yesterday, I have the honour of enclosing to you the certified list, made out by the Commandant of Registries in this province, not only of the "*Cayman's*" crew, but also of the free persons of colour whom she was carrying from this port, under a license from the Government of this island, to the coast of Africa, whither they wished to be transferred.

God preserve, &c.

(Signed) XAVIER DE ULLOA.

*Havana, May 9, 1845.*

The Escribano of the Government having made out the necessary applications, let there be appended to these proceedings the information furnished in the preceding letter by the General of the Marine, as also the answer of the English Consul, the return of the damages and prejudices caused to Don P. A. Gaza, Captain of the "*San Antonio*," as presented by him, and a copy of the certificate supplied at the instance of that General of the Marine touching the passports of the individuals of colour who took their passage in that vessel; and let all this be sent to the First Assessor-General, for him to report his opinion to me thereon.

(Signed) O'DONNELL.

Most Excellent Sir,

*Havana, May 10, 1845.*

The grave outrage inflicted on the national flag, and the immense prejudices caused by the British Authorities of Sierra Leone to the Captain, crew, and passengers of the brigantine-schooner "*San Antonio*," alias "*Cayman*," which, provided with all the necessary documents and requisites, was navigating to the coast of Africa, demand, without losing any time, the elevation of these proceedings in the original, after a certified copy thereof shall have been taken by the Escribano of the Government, to Her Majesty the Queen our Lady, through the medium of the Ministry for the Internal Administration of the Dominions Beyond Sea, in order to the corresponding resolution.

And your Excellency may be pleased to give directions to this effect, or resolve upon whatever may appear the most proper course.

(Signed) BLAS OSES.

*Havana, May 14, 1845.*

In conformity with the above, let these proceedings be put into the hands of the Escribano of the Government, with a view to the object mentioned in the preceding; and when the transcript is completed, let it be carried up to Her Majesty, through the medium of the Ministry of State, after a certified copy thereof shall have been lodged in the Political Secretary's Office of this Superior Government.

(Signed) O'DONNELL.

I, Don Francisco de Paulo de Irigoyen y Bedoza, Knight of the Royal and distinguished Spanish Order of Charles III., Commander of the Royal American Order of Isabel the Catholic, holding the Cross and Star of the Military Order of St. Hermenegildo, Captain of a ship in the fleet, Military Commander of the Registries in this Province, and President of the Guild of Able Seamen and Fishermen for Her Majesty, &c. ;

Certify, that in the archives of this Dependency, and among the lists deposited by the Captains of vessels at the time of their clearing out, there is the list of the Spanish brigantine-schooner, "*San Antonio*," alias "*Cayman*," which is as follows :—

*Havana, November 20, 1844.*

List of the crew of the Spanish brigantine-schooner "*San Antonio*," alias "*Cayman*," of the registry of Palma, in the island of Majorca, of 90 tons burthen, bound to the coast of Africa, carrying passengers :—

Don Pedro Antonio Gaza, of Majorca, Captain and Mate.

Don Joze Antonio Basterachea, of Ferrol, Second Mate.

Don Joze Estanislao Torrens, of Corunna, Third Mate.

Juan Peres, of Barcelona, Boatswain.

Francisco Adolfo Oporto, of Galicia, cook.

Manuel Rivero, of Cadiz, steward

Gabriel Catala, of Palma, mariner.

Miguel Roix, of Palma, ditto.

Teodoro Cabot, of Palma, ditto.

Miguel Soler, of Mataro, ditto.

Pedro Antonio Jose Gutierrez, of Ferrol, ditto.

Manuel Antonio Barela, of Terrol, ditto.

Tomas Sanchez, of Malpica, ditto.

Joze Simon, of Palafrugel, ditto.

Antonio Benito Torres, of Porto Novo, ditto.

Rafael Salas, of Majorca, ditto.

Joze Lamper, of Majorca, ditto.

Pedro Aragones, of Barcelona, ditto.

Felix Nicolas Joze Vega, of Ferrol, ditto.

Secundino Nadal, of Asturia, ditto.

Juan Horca, of Cartagena, ditto.

Andres Alvares, of Sillero, ditto.

Being 22 individuals, including the Captain.

PEDRO ANTONIO GAZA.

The nomination passed muster under this date, without any alteration, and were viséd by his Excellency.

*Observation.*

*Havana, November 20, 1844.*

By his Excellency's decree, there were delivered out to him, 20 muskets, 20 sabres, 20 pikes, two swivels, and six pair of pistols, and likewise werewithal to frame an orlop, as also with an iron galley, and large boilers, as set forth in the petition of the Captain deposited in the archives.

(Signed) P. Y. D. Q. C. ZUAZO

*Havana, November 21, 1844.*

Passengers of colour whom he carries to their country with the proper passport from Government :—

Joze Salome Beles, with his wife, and seven children

Felix Villary, and a son

Ines

Fortunato, his wife, and two sons

Santiago Palares

Matias Garcia

Bruno Pinillos

Mara de la Merced Cordero, with two children

Joze Maria Crespo  
 Maria de Jesus Roch  
 Antonio Castillo Felix Bascasal, his wife, and two children  
 Joze Eulogio Marengo  
 Teresa  
 Joaquim Munoz, and son  
 Patricio  
 Nicolas Hernandez, with a son  
 Ynes Risa Hernandez  
 Ramon Sisterna  
 Justo Marin  
 Jerman  
 Jenoveva  
 Tomas Damon  
 Estefania Martinez, and a son  
 Francisco J. Leon, and his wife  
 Lino Santa Cruz, and his wife  
 Santiago Apostol  
 Coleta Bilar  
 Beatriz Rodriguez  
 Anastasia Ayala  
 Valentin Cifre  
 Joze Antonio Juertes  
 Joze Cayetano  
 Manuel Menendez  
 Rita Santa Cruz  
 Tomas Sierra, and his wife  
 Joze Dolores, and two children  
 Brigida, with a son  
 Joze Dolores  
 Antonio Garcia  
 Juan B. Contrera  
 M. de la Cruz Garcia  
 M. del Carmen Garcia  
 Julio Garcia  
 Antonio Garcia  
 Augustin Irnete  
 Joaquim Rubira  
 Juan Granada  
 Miguel Donosa  
 Majin  
 Mateo Apostol, and a son  
 Francisco Bonet, and a son  
 Miguel Romero  
 Rosalia Vazquez  
 Joze Pasos  
 Bernardino  
 Seledad Solia  
 Francisco Aguilar  
 M. Petrona Girola  
 Joze de la Luz  
 Clara Tibant  
 Domingo Garcia  
 Don Pablo Alvarez Simider

There are 79 passengers.

No. 64.

*The Earl of Aberdeen to the Duke of Sotomayor.*

*Foreign Office, September 13, 1845.*

THE Undersigned, &c. &c. has had the honour to receive the note addressed to him on the 21st ultimo by the Duke of Sotomayor, &c. &c. relative to the proposed

removal of her Majesty's ship "Romney" from the harbour of the Havana, and the substitution of a building on shore for the purposes for which that ship was stationed there.

In that note the Duke of Sotomayor complains of the conduct of the British Commissioners at the Havana, in declining to adopt the proposition, under the conditions annexed to it, made to the Mixed Court of Justice by the Captain-General of Cuba, for delivering up to the jurisdiction of the Mixed Court the barracoon Noria as a place of temporary deposit for negroes emancipated by that Court. And the Duke of Sotomayor, with the view of preventing any further delay or doubt about the matter, requests the issue of precise instructions to Her Majesty's Commissioners, and suggests the purport of such instructions.

The Undersigned has, in reply, to express to the Duke of Sotomayor his regret at the misunderstanding which has arisen between Her Majesty's Commissioners at the Havana and the Captain-General; but he cannot agree with the Duke of Sotomayor in considering that the error is altogether on the side of the British Commissioners, or that they have not shown themselves willing to act in the spirit of their instructions, and to come to an agreement with the Captain-General upon the subject in question.

Her Majesty's Government are of opinion, that it is desirable, in substituting a place on shore for the "Romney," that the building should be devoted, as the "Romney" has been, solely to the reception of negroes from on board slave vessels captured by British cruisers, and condemned by the Mixed Court, and who, thereupon, become at the disposal of Her Majesty's Government; and they consider that it is by no means requisite or convenient that the building should be under the joint authority of the Commissioners of the two Crowns.

The Undersigned can assure the Duke of Sotomayor, that Her Majesty's Government do not hold this opinion from any desire of exercising jurisdiction, or of displaying any signs of British Authority on Spanish territory, as the Duke of Sotomayor supposes to be the case with the British Commissioners. Admitting, as Her Majesty's Government do to the fullest extent, the exclusive sovereignty of Spain over her colony, they have no pretension to claim a right over any part of the island, or to interfere with the due administration therein of any police or other regulations required by Spanish law. They are, moreover, quite willing that neither arms nor flags shall be exhibited upon the building, nor any sort of guard placed over it, other than such as, when necessary, the Captain-General may be ready to assign to that purpose. Indeed, her Majesty's Government have no wish that British subjects should be employed, even as attendants upon the negroes, or to take care of the building; but would prefer that the services of persons on the spot should, as occasion might require, be hired by the British Commissioners.

The reason for which Her Majesty's Government desire the adoption of the course which the Undersigned has pointed out, is solely, that the confusion and disputes, which would be likely to arise from the joint occupancy and use of the building, as proposed by the Captain-General, may be avoided: though they must add, that they consider it very desirable that the building, whatever it may be, should be more conveniently situated as regards the Office of the Mixed Commission, than that which the Captain-General has offered.

But while Her Majesty's Government are especially anxious to guard against everything that can furnish ground for future discussion between the British functionaries in Cuba and the Authorities of the island, they are not less desirous of complying with the wishes expressed in the Duke of Sotomayor's notes of the 5th February and 21st August last; and, with this view, although the Undersigned cannot instruct Her Majesty's Commissioners in the terms proposed by the Duke of Sotomayor, he is willing to authorize them at once, and at the expense of Her Majesty's Government, to hire a building suitable for the purpose, instructing them at the same time not to engage it without the sanction of the Captain-General to the use of the particular building which they may select; and when hired, to avoid all mark or show of its being in the occupation of servants of the British Crown, and to employ, in attending upon any negroes that may be placed there, only hired labour of the place, and guards furnished by the Captain-General; it being at the same time clearly understood, that the building is to be solely for the use of negroes found on



board slavers captured by Her Majesty's cruisers, and, according to Treaty, delivered over to the British Government.

The Undersigned thinks it better not to follow the note of the Duke of Sotomayor into matters of a personal nature, and which cannot be discussed without leading to irritation and bad feeling between the servants of the two Governments. He believes, that the proposal which he has made sufficiently shows the desire of Her Majesty's Government to consult the wishes of the Government of Spain in the matter under consideration; and he cannot anticipate that, as the two Governments are agreed as to the object to be accomplished, there need be any difficulty in determining the mode of carrying it out.

The Spanish Government have, doubtless, places in abundance where any negroes who may be rescued by Spanish cruisers, and whom the Mixed Commission may, under Treaty, assign to their charge, can be securely and conveniently lodged, apart from those who may fall to the care of the servants of Her Majesty: and certainly it must be the wish of the Spanish, as well as of the British Governments, to avoid, to the best of their power, laying the ground of future differences.

The acceptance of the above-mentioned proposal will prove the readiness professed by the Spanish Government to come to such an arrangement as shall obviate all inconvenience from the removal of the "Romney;" and should the Duke of Sotomayor feel himself at liberty to consent on the part of his Government to the course suggested, the Undersigned will immediately issue the proposed instructions to Her Majesty's Commissioners, and will not hesitate, in anticipation of a suitable place being found and agreed upon, at once to give directions in the proper quarter to prepare for the removal of the "Romney."

The Undersigned, &c.

*The Duke of Sotomayor,*  
&c. &c.

(Signed)

ABERDEEN.

No. 65.

*The Earl of Aberdeen to the Duke of Sotomayor.*

*Foreign Office, September 19, 1845.*

HER Majesty's Government have had under consideration, in conjunction with the proper law adviser of the Crown, the note addressed to the Undersigned, &c. on the 16th of May last by the Duke of Sotomayor, &c. on the subject of the representations which are from time to time made to the Captain-General of Cuba, by Her Majesty's Consul-General in that island, respecting the reported introduction of African slaves into Cuba, or on other matters affecting the due execution of the Treaty of June 28, 1835, between Great Britain and Spain, for the suppression of Slave Trade.

With respect to that part of the Duke of Sotomayor's note which professes to describe the terms in which, and the circumstances under which, commercial agents from foreign Powers were first permitted by the Spanish Government to reside in their colonies in the West Indies, the Undersigned has only to remark, that while in the first instance the Duke of Sotomayor states, that the functions of the agents in question were entirely commercial, and that their rank was distinct from that of Consuls, yet he immediately afterwards proceeds to deny to the recognized Consul-General of Great Britain any powers or attributes beyond those enjoyed by such agents.

With reference to the two questions proposed by the Duke of Sotomayor in his note, and to both of which he states that his Government reply decidedly in the negative, namely—

First, Have foreign Consuls in the colonies any right to demand the fulfilment of stipulations contained in Treaties other than those relative to commercial transactions?

Secondly, Is there in existence any Treaty authorizing the English Consul to require the fulfilment of the Treaty of 1835?

The Undersigned has to observe, that it does not appear to Her Majesty's Government to be necessary to enquire how far the Duke of Sotomayor may be right upon these two points; for although it should, for the sake of argument, be conceded that there was no Treaty in existence conferring upon the British Consul the right of requiring the fulfilment of that of 1835, and also that no such

power was inherent in him in virtue of his Consular office, still Her Majesty's Government apprehend, that it cannot be denied that Her Majesty has an undoubted right to insist that the stipulations of the Treaty shall be punctually executed, and for this purpose to enquire, through the medium of Her Consul General, or of any other acknowledged agent in Cuba, as to the execution of the Treaty subsisting between Great Britain and Spain upon Slave Trade, and to require from the Government of Spain that the representations which Her Majesty's Consul-General may make upon this subject to the local Authority in Cuba with becoming courtesy and respect, shall be received, and meet with due attention.

Lastly, with respect to the enquiry made by the Duke of Sotomayor, Whether the right of Her Majesty to make complaints through the medium of the British Consul at Cuba is founded upon any principle of reciprocity between the two Governments? and in order to prove that no such reciprocity exists, the Duke of Sotomayor states that the Governor of Gibraltar never returns any answer to the Spanish Consul, however just a complaint he may have to prefer, all that he does, since he cannot leave the Consul without a reply, is to cause the Colonial Secretary to send him one; the Undersigned has only to observe, that in the opinion of Her Majesty's Government this seems to prove the direct contrary of the conclusion which the Duke has drawn from it, for it shows that the complaints of the Spanish Consul at Gibraltar are duly received and answered, although not by the Governor himself.

Her Majesty's Government will be quite satisfied if a similar course is pursued by the Captain-General of Cuba.

The Undersigned, however, thinks it right to assure the Duke of Sotomayor, that he has been misinformed with respect to the refusal or neglect of the Government of Gibraltar to reply personally to the Spanish Consul. The Undersigned has at this moment lying before him, the copy of a reply made directly by Sir R. Wilson, in August last, to the Spanish Consul, on a political matter, on which the latter had addressed him.

The Undersigned, &c.

*The Duke of Sotomayor,*  
&c.                      &c.

(Signed)

ABERDEEN.

No. 66.

*The Earl of Aberdeen to Mr. Jerningham.*

SIR,

*Foreign Office, September 20, 1845.*

I HEREWITH transmit to you the copy of a Despatch, and of its enclosure, from Her Majesty's Commissioners at the Havana, reporting the result of a request which those functionaries had made to the Captain-General of Cuba, that three individuals, named respectively Demetrio Lucumi, Ricardo Ganga, and Maria Cleofa, part of the cargo of the Spanish slave vessel "*Negrito*," liberated, so far as a sentence of the Mixed Commission could effect their liberation, as far back as in the year 1832, might be released from their present state of bondage, and allowed to be removed to Jamaica.

The Captain-General has replied, that as by the existing Treaties the Commissioners are not authorized to receive the applications of emancipated negroes, it is not in his power, consistently with those Treaties, and with the instructions of his Government, to comply with their request.

Her Majesty's Government admit the fact, that the Treaty does not contain an express stipulation that Her Majesty's Commissioners shall receive the application which the unfortunate class of persons referred to may make to them, or be the channel for conveying such applications to the Supreme Authority in Cuba.

But the Treaty does contain a stipulation, by which the Spanish Government binds itself to Great Britain to do justice to the emancipated negroes, inasmuch as Spain has, by that Treaty, guaranteed, in express terms, the liberty of such portion of those individuals as may be consigned to its care.

Yet in respect to the three persons whose cases are here in question, that justice has been cruelly withheld.

In the year 1832 they were taken from their country by Spanish slave traders, for the purpose of being sold into captivity in Cuba. The vessel, the "*Negrito*," in which they were thus proceeding, was captured by a British cruizer. The

case was adjudged by the Mixed British and Spanish Commission at the Havana. It was declared, by sentence of the Mixed Court, that the negroes taken in that vessel were freed from all slavery and captivity; and they were assigned to the Spanish Government, in order to this decree being carried out in their favour.

How was this done? The first step taken by the Spanish Authorities in respect to them was, to set them to work on the public roads,—a labour in which they were associated with common felons,—and shortly afterwards, although it was declared that at any rate they should be employed by the Government, the Authorities let them out to persons who purchased their services from the Government for a term of years. The price of their labour, however, was not given to these unfortunate men; they were compelled to work in all respects as slaves, without the pretence of a remuneration, and without the security which even a slave possesses, of being cared for, and not overtaken, for the sake of his owners' interests.

In the year 1840 the time of service for which they had been thus unjustly assigned, expired; but even then the Spanish Authorities failed to take the opportunity of redeeming the faith of Spain in respect to them. The Captain-General of Cuba assigned them anew for money, and took the price of their assignment as a perquisite to himself.

Her Majesty's Commissioners formally protested against this conduct.

The Captain-General answered, that he had reported to his Government the case of the emancipados, and would, upon this incident, report it to them anew.

Her Majesty's Envoy at Madrid was then instructed to remonstrate, and did accordingly remonstrate against the violation of Treaty committed in respect to these persons; and he demanded that the negroes, so formally emancipated by judicial sentence, but practically held as slaves, might be delivered over to the Superintendent of Liberated Africans, to be by him sent to a British colony, where their liberty would be by law secure.

Again and again the subject was brought before the local Authorities of Cuba by Her Majesty's Commissioners, and before the Government of Madrid by Her Majesty's Envoy. And in the month of June, 1841, the distinguished officer who then filled, with so much honour to himself, the post of Captain-General of Cuba declared to Her Majesty's Commissioners, that he saw no objection to carry into effect the plan proposed by the British Government in respect to all the negroes liberated under the Treaty of 1817.

Yet now, when, in 1845, three of those unhappy beings who had been the subject of these representations, feeling bitterly the disappointment, year after year, of their legitimate hopes, venture to express to Her Majesty's Commissioners their earnest request to be spared from any further extension of unjust bondage, and the Commissioners respectfully repeat that request to General O'Donnell, he refuses to listen to it, on the express ground that it is made through the Commissioners; so that, not only has a distinct stipulation of Treaty been broken in respect to these emancipados, by the constituted Authorities of that party to the Treaty which had engaged to be their protector, but those Authorities quote the Treaty itself as ground for refusing to do justice in the matter, because the Treaty does not specifically prescribe that it is the business of the representatives of the other party to point out that they have neglected to comply with their obligations.

Her Majesty's Government cannot, without a direct communication to that effect from the Spanish Government, believe that such is the tenor of the instructions, which have been issued to the Captain-General of Cuba.

They believe, on the contrary, that the Spanish Government will hasten to disavow his conduct on this occasion; and that justice will be done to the unfortunate persons for whom the appeal has been made, though, as it is pretended, informally, by Her Majesty's Commissioners.

The Spanish Government will recollect, that it is but justice which is asked, a justice which, under Treaty, Her Majesty's Government have a right to require from Spain, and which, without abandoning their duty to the unfortunate individuals concerned, they cannot refrain from exacting.

I am, &c.

*The Hon. G. S. S. Jerningham,*  
&c. &c.

(Signed) ABERDEEN.

Enclosure in No. 66.

*The Havana Commissioners to the Earl of Aberdeen, June 25, 1845.*  
(See Class A., No. 157, page 413.)

No. 67.

*The Earl of Aberdeen to Mr. Bulwer.*

SIR,

*Foreign Office, September 20, 1845.*

WITH reference to previous correspondence relative to the desire expressed by the Spanish Government for the removal of Her Majesty's ship "Romney" from the island of Cuba, I herewith transmit to you, for your information, a copy of a further note which I have received on the subject from the Spanish Minister at this Court, together with a copy of the answer which I have returned thereto.

I also transmit to you, for your further information, a duplicate of a Despatch from Her Majesty's Commissioners at the Havana, reporting the steps which had been taken by the Captain-General of Cuba, with the view of substituting, instead of the "Romney," a place on shore for the reception of captured negroes.

I have to desire, that in any communications which you may have with the Spanish Government on this subject, you will take for your guidance the line adopted by Her Majesty's Government in my note to the Duke de Sotomayor, of which I enclose you a copy.

*The Right Hon. H. L. Bulwer,*  
&c. &c.

I am, &c.  
(Signed) ABERDEEN.

Enclosures in No. 67.

1. *The Duke of Sotomayor to the Earl of Aberdeen, August 21, 1845.*
2. *The Earl of Aberdeen to the Duke of Sotomayor, September 13, 1845.*  
(See Nos. 61 and 64, pages 70 and 96.)
3. *The Havana Commissioners to the Earl of Aberdeen, July 4, 1845.*  
(See Class A., Nos. 161, and 417.)

No. 68.

*The Earl of Aberdeen to Mr. Bulwer.*

SIR,

*Foreign Office, September 20, 1845.*

WITH reference to previous correspondence on the subject of the representations which are, from time to time, made to the Captain-General of Cuba by Her Majesty's Consul-General in that island, respecting the reported introduction of African slaves, or on other matters affecting the due execution of the Treaty of 1835 for the suppression of the Slave Trade; I herewith transmit to you, for your information, a copy of a further note which I have received on the subject from the Spanish Minister at this Court, together with a copy of the answer which, in accordance with the opinion of the proper law officer of the Crown, I have returned thereto.

And I have to desire that, in any communications you may have with the Spanish Government on this subject, you will take for your guidance the line adopted by Her Majesty's Government in my note to the Duke of Sotomayor, of which I enclose you a copy.

From these papers you will perceive, that the Duke of Sotomayor alleges, that the Governor of Gibraltar never returns any answer to the Spanish Consul, however just a complaint he may have to prefer, and that all that Sir Robert Wilson does, is to cause the Colonial Secretary to send him a reply.

You will also see, that I have practically pointed out to the Spanish Minister that he has been led into error on this point,

In case you should find difficulty in obtaining from the Spanish Government an

assurance, that General O'Donnell shall be instructed to receive and attend to the communications made to him by Her Majesty's Consul-General in Cuba, it may be right that you should intimate to the Spanish Secretary of State, that we may find it necessary, on our part, to instruct Sir Robert Wilson to treat the Spanish Consul at Gibraltar in a manner precisely similar to that which Her Majesty's Consul-General in Cuba experiences at the hands of General O'Donnell.

*The Right Hon. H. L. Bulwer,*  
&c. &c.

I am &c.  
(Signed) ABERDEEN.

Enclosures in No. 68.

1. *The Duke of Sotomayor to the Earl of Aberdeen, May 16, 1845.*
2. *The Earl of Aberdeen to the Duke of Sotomayor, September 19, 1845.*  
(See Nos. 38 and 65, pages 41 and 98.)

No. 69.

*The Earl of Aberdeen to Mr. Bulwer.*

SIR,

*Foreign Office, September 25, 1845.*

I HAVE to desire that you will acquaint the Government of Spain, that the warrant supplied to Her Majesty's ship "Spartan," on the North America and West India station, authorizing her to act under the Treaty of June 28, 1835, between Great Britain and Spain, for the suppression of the Slave Trade, has been returned to the Lords Commissioners of the Admiralty, and cancelled by them.

*The Right Hon. H. L. Bulwer,*  
&c. &c.

I am, &c.  
(Signed) ABERDEEN.

No. 70.

*Mr. Jerningham to the Earl of Aberdeen.*

MY LORD,

*Madrid, September 20, 1845.*  
(Received September 29.)

SEÑOR Martinez de la Rosa has informed me, that he had received from the Duke of Sotomayor a copy of a note addressed by him to your Lordship, complaining that a Spanish ship, proceeding from Cuba to Africa, with between 90 and 100 emancipated negroes, and furnished with certificates from Her Majesty's Consul-General and Commissioners at the Havana, had been seized as a Slave Trade vessel, on the African coast, by an English cruizer, when the negroes were sent on shore, and the vessel sunk, its Captain having subsequently died of vexation.

His Excellency stated, that such an occurrence appeared to him quite inexplicable, especially considering what the present Government had done regarding Slave Trade, by granting the Penal Law, as well as what they were showing a determination to do respecting a complete cessation of that trade.

I observed to Senhor Martinez de la Rosa, that the occurrence appeared to me altogether inconceivable; but that, should it really be proved to have happened as had been represented, ample justice would doubtless be accorded by Her Majesty's Government.

His Excellency begged that I would write to your Lordship on the subject, which I naturally agreed readily to do.

Another subject on which the Minister spoke to me was, the building to be substituted at the Havana for the "Romney" hulk. His Excellency stated, that General O'Donnell had offered, in lieu of that vessel, an edifice commodious in every respect, but for the use of the Commissioners of both nations, to which Her Majesty's Commissioners had objected, contending, that they had a right to a building for their separate use, a pretension which he considered without an object, since one building would be amply sufficient for the Mixed Commission,

particularly as, to judge from the "Romney," little or no use would be made of it, whilst the grant of a separate edifice to the British Commissioners could not fail, as the idea of it had already not failed, to excite suspicion and jealousy, however unreasonably.

I observed in reply, that, whilst I had heard nothing upon the subject from your Lordship, it seemed to me natural for Her Majesty's Commissioners to prefer a separate building, as the "Romney" had been separate, but that the most important part of the question would appear to be, that it should be settled amicably.

Senor Martinez de la Rosa repeatedly expressed his determination that the Spanish Slave Trade should completely cease, as well as his conviction, that General O'Donnell was doing all in his power for that end; in proof of which, his Excellency stated, that the said Captain-General had recently challenged Her Majesty's Commissioners to point out a single proof to the contrary.

With regard to the emancipated negroes, his Excellency said, that General O'Donnell was instructed to rid Cuba of them as quickly as possible, and that their mixture with the slaves had always appeared to him to be dangerous.

Senor Martinez de la Rosa further expressed an anxious hope, that the two subjects on which he had spoken to me would be equitably and speedily arranged by Her Majesty's Government, since, if still unsettled at the approaching meeting of the Cortes, the Spanish Government would find themselves subjected to virulent and inconvenient attacks on the part of the opposition.

I have, &c.

(Signed) G. S. S. JERNINGHAM.

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

&c. &c. &c.

No. 71.

(Translation.) *The Duke of Sotomayor to the Earl of Aberdeen.*

*London, October 1, 1845.*

*(Received October 1.)*

THE Undersigned, &c. has the honour to enclose to the Earl of Aberdeen, a list, containing the names of some emancipated negroes who have received certificates of liberty from the Captain-General of the isle of Cuba, and who being placed at the disposal of the British Commissioners, were sent out of that island on board the British steam vessel "Severn," which sailed from Havana on the 30th of last July.

The Undersigned, &c.

(Signed) THE DUKE OF SOTOMAYOR.

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

&c. &c. &c.

## Enclosure in No. 71.

(Translation.)

*Supreme Civil Government of the Island of Cuba,  
Havana, July 30, 1845.*

LIST of the NAMES of the EMANCIPATED NEGROs who have received their letters of liberty, and who, on being placed at the disposal of the British Commissioners, were sent out of the island, on board the British steamer "Severn," which sailed to-day from this port, all but one, whom I permitted to remain in this city.

## MEN.

Nos.	Names.	Vessels whence they were taken.
414	Wenceslao . . . . .	Aguila
127	Pedro, <i>alias</i> Ciriaco . . . . .	Julita
83	Toribio . . . . .	Indagadora
120	Denderio . . . . .	Voladora
169	Alejo . . . . .	Aguila
95	Perfecto . . . . .	Cuartan de Majarn a
98	Cosmo . . . . .	Aurelia Felix
174	Rufino . . . . .	Aguila

## WOMEN.

Nos.	Names.	Vessels whence they were taken.	Children they have taken with them.
268	Maria Purificacion . . . . .	Marte	
77	Elena . . . . .	Magico	
171	Genoveva . . . . .	Ditto	
21	Maria Rosario . . . . .	Fingal	
208	Soledad . . . . .	Campeador . . . . .	A daughter
212	Martina . . . . .	Firme . . . . .	Two sons and a daughter
102	Ysabel, <i>alias</i> Masta . . . . .	Ricomar	

## REMAINED IN THIS CITY.

No.	Names.	Vessel whence taken.
382	Gumersindo . . . . .	Firme

(Signed) O'DONNELL.

## No. 72.

*The Duke of Sotomayor to the Earl of Aberdeen.*

(Translation.)

*London, October 11, 1845.*

*(Received October 13.)*

THE Undersigned, &c. &c. has the honour to inform the Right Honourable the Earl of Aberdeen, &c. &c. that the Spanish Government having the intention to disseminate civilization, and to benefit its colonies in the Gulf of Guinea, purposes to authorize the transference to the isles of Fernando Po and Annabon of the free negroes and mulattoes of the island of Cuba, who of their own accord may be willing to proceed to those dominions of the Crown of Spain, where, devoted to the agricultural and mechanical arts which they have been able to acquire in Cuba, they may propagate their adopted language, religion, and industrious habits among the still rude inhabitants of those islands.

This idea which has been taken up by the Spanish Government in favour of the men of colour, will doubtless meet with the sympathy of Her Britannic Majesty's Cabinet, for which reason it is communicated to them, as also, because Spain hopes that England will, on its part, lend its assistance in carrying out this object.

To this end, and as intimately connected with this philanthropic purpose, the Undersigned cannot refrain from once more calling his Lordship's attention to

the outrage committed by an English cruizer against a Spanish vessel called "*San Antonio*," alias "*Cayman*," which, while conveying freed negroes desirous of returning to their homes, was taken on the coast of Africa, broken up, and pillaged of what her Captain and crew had in their possession, while the negro passengers were detained at Sierra Leone. This irritating case (unfortunately not the only one) of the abuse in exercising the right of visit, requires in justice a competent reparation, not only as consistent with strict equity, and solemnly stipulated in existing Treaties, but because otherwise it would be impossible to meet with any vessel which, if exposed to such contingencies, would be willing to conduct as passengers liberated men of colour who should intend to ship themselves for Fernando Po.

Entertaining no doubt that the rectitude of the British Government will bestow on the owners, the Captain, and the crew of that vessel, a competent indemnity, which may be equivalent to their losses and prejudices, the Undersigned, in the meantime, requests his Lordship to be pleased to issue the proper orders to the English cruizers, duly to respect the Spanish vessels engaged in lawful trade on the coast of Africa, and not to molest, or detain beyond the time sanctioned by the Treaties, those who shall conduct free men of colour duly authorized by the Superior Authorities of the isles of Cuba and Port Rico, proceeding from those colonies, to transfer themselves to the said possessions of Fernando Po or Annabon.

The Undersigned, &c.

(Signed)

THE DUKE OF SOTOMAYOR.

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

&c.

&c.

&c.

No. 73.

*The Earl of Aberdeen to Mr. Bulwer.*

SIR,

*Foreign Office, October 16, 1845.*

I HAVE to desire that you will acquaint the Government of Spain, that the warrants supplied to Her Majesty's ships "*Scylla*" and "*Growler*," on their respective stations, authorizing them to act under the Treaty of June 28, 1835, between Great Britain and Spain, for the suppression of the Slave Trade, have been returned to the Lords Commissioners of the Admiralty, and cancelled by them.

I am, &c.

*The Right Hon. H. L. Bulwer,*

&c.

&c.

(Signed)

ABERDEEN.

No. 74.

*The Duke of Sotomayor to the Earl of Aberdeen.*

(Translation.)

*London, October 17, 1845.*

*(Received October 20.)*

THE Undersigned, &c. has the honour to acknowledge the receipt of the note which the Earl of Aberdeen, &c. was pleased to address to him, unde date of the 7th of September ultimo, relative to the means proposed for carrying into effect the beneficent ideas of assigning an asyum on shore, near the Havana, fully calculated for carefully guarding the negroes taken by the cruizers of the two nations, either pending the sentence of the Mixed Commission, or after they shall have been declared free by that tribunal, and shall be awaiting the further destination to be assigned to them according to the Treaties.

When the Government of Her Catholic Majesty demanded, through the medium of the Undersigned, the removal of the "*Romney*" hulk, on the well-founded reasons stated in his note of the 5th of February last, he did not lose sight of the well-being, and the just considerations of humanity, on behalf of the unfortunate Africans who should arrive on the coast of Cuba,

CLASS B.



after having been so crowded together in narrow or ill-ventilated vessels, that it would prove of paramount necessity to obtain for them easier accomodation, and free air to breathe in. Wherefore, animated by these sentiments, it hastened to communicate to the Government of Her Britannic Majesty, its intention to point out on shore a fitting locality as the temporary depôt of the negroes who should come under this description, though, for all that, this measure was not to be construed into a concession, or a compensation for the removal of the "Romney," but was to be considered as a spontaneous and voluntary act.

Since the two Governments concurred, as might be expected, in these principles, it was, perhaps, owing to the want of uniformity in the instructions forwarded to the respective functionaries in the isle of Cuba, that the execution of this resolution has been delayed, causing a misunderstanding as to the means and details of the execution which requires to be cleared up. To this end, the Undersigned had the honour, under date of the 21st of August last, to propose to the Earl of Aberdeen the basis of such explicit arrangements as, in his opinion, might, with the view of obtaining the proposed object, be communicated to the British Commissioners of the Mixed Tribunal at the Havana, which proposal has given rise to the observations made by the Earl of Aberdeen in his Lordship's note of the 13th of last September. But having now come to an agreement on this point, in the conference held yesterday with Lord Aberdeen, at the Foreign Office, and which was entered into with a view to reconcile the wishes (deseos?) of the two Governments, the Undersigned has hereinafter set down the new bases, such as he understood them, in the hope that their wording will be conformable with the agreement, and will meet with his Lordship's approbation, in which case they may be forwarded by the two Governments to the Havana, for the purpose of their strict observance on the part of the respective functionaries who are to see to their being carried out.

1. There shall be placed at the disposal of the Mixed Commission a convenient and adequate locality on shore, for the temporary abode, custody, and conservation of the negroes taken by the cruizers of either of the two nations, and whose sentences shall be pending, or who shall have been declared free by that tribunal, and so be awaiting the destination to be assigned to them in conformity with the provisions of the Treaties now in force.

2. When the negroes shall have been taken by a cruizer of Her Britannic Majesty, the Mixed Commission shall, on the proposal of the English Commissioners, appoint what servants it shall be found necessary to engage for their care and comfort relative to their internal management. In like manner, if the capture have been made by Spanish cruizers, or by the Authorities of the isle of Cuba, the Mixed Commission shall nominate for their care and comfort such hired servants as shall be proposed by the Spanish Commissioners.

3. It being desirable to provide the means of guarding the negroes captured by the respective cruizers of the two Governments during the short period for which, in the manner already referred to, they are to continue in the depôt, but with due separation, it shall be understood that if, which is not likely, there be at one and the same time negroes taken by the cruizers of the two nations, those captured by the English cruizers shall be lodged in the above-mentioned locality, to be designated forthwith, and that the Spanish Authority shall see on its part to the fixing on a distinct abode for the negroes detained by its own cruizers.

4. The negroes declared free by the Mixed Commission shall have immediately assigned to them the destination provided by the Treaties.

If there be no negroes to occupy the above depôt in accordance with the preceding regulations, then the keys of this locality shall be returned to the Superior Authority of the isle of Cuba, which shall superintend and hold it at the disposal of the Mixed Commission, for the ends before stated.

(Signed) THE DUKE OF SOTOMAYOR.

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

&c.

&c.

&c.

No. 75.

(Translation.) *The Duke of Sotomayor to the Earl of Aberdeen.*

*London, October 21, 1845.  
(Received October 22.)*

THE Undersigned, &c. has the honour to enclose to the Right Honourable the Earl of Aberdeen, &c. a copy of a list of names, setting forth the description of 22 emancipated negroes, with six children, of both sexes, who have received their letters of liberty from the Captain-General of the isle of Cuba; whereof his Lordship will be pleased to observe, that seven, with four children, have remained in this island, whilst the rest were sent out of it on board the English steamer "Teviot," on the 29th of August last, for which purpose they were placed at the disposal of the British Commissioners.

The Undersigned, &c.

(Signed) THE DUKE OF SOTOMAYOR.

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

&c. &c. &c.

Enclosure in No. 75.

(Translation.)

*Superior Civil Government of the Isle of Cuba,  
Havana, August 29, 1845.*

LIST of the NAMES of 22 EMANCIPATED NEGROES, with six children, of both sexes, who have received their respective letters of liberty, whereof seven, with four children, have remained in this island, and the other 15, with two children, were placed by me at the disposal of the British Commissioners, and sent out of the island, on board the English steam vessel "Teviot."

Have remained in this island.

MEN.

Nos.	Names.	Vessels whence they were taken.
161	Juan . . . .	Firme
163	Pedro Apostal . . . .	Ninfa
113	Antonino . . . .	Aguila

WOMEN.

Nos.	Names.	Vessels whence they were taken.	Children they have taken with them.
44	Dolores . . . .	Fingal . . . .	One son and one daughter
199	Juliana . . . .	Firme . . . .	
184	Maria Circumcision . . . .	Planeta . . . .	Two sons
129	Paula . . . .	Josepha . . . .	

Were sent out of the island, on board the English schooner "Teviot."

MEN.

Nos.	Names.	Vessels whence they were taken.
107	Emeterio . . . .	Orestes
106	Rufino . . . .	Detained at Macambo
86	Carlos . . . .	Relampago
241	Juno . . . .	Marte
231	Lucio, <i>alias</i> Federico . . . .	Julita
160	Ifigenio . . . .	Orestes
228	Magin . . . .	Marte
311	Damaso, <i>alias</i> Domingo . . . .	Manuelita
220	Timoteo . . . .	Ditto
206	Augustin . . . .	Aguila

## WOMEN.

No.	Names.	Vessels whence they were taken.	Children they have taken with them.
239	Francisca . . . .	Firme	One son and one daughter
132	Monica . . . . .	Aurelia . . . . .	
243	Filomena . . . . .	Zerxes	
109	Mariana . . . . .	Intrepido	
223	Maria de la Luz . . . .	Joven Reina	

(Signed) O'DONNELL.

No. 76.

*The Earl of Aberdeen to the Duke of Sotomayor.**Foreign Office, October 31, 1845.*

THE Undersigned, &c. has had the honour to receive from the Duke of Sotomayor, &c. a note, dated the 17th instant, referring to that which he addressed to the Duke of Sotomayor on the 13th of last month, and proposing that instructions of a different tenor from those to which the Undersigned then stated his objections should be issued to the members of the Mixed Commission at the Havana, with respect to the steps to be taken for substituting a building on shore in the place of the "Romney."

The Undersigned is glad to be able to state, that the objections which he felt himself called upon to make to the instructions proposed in the Duke of Sotomayor's note of the 21st of August last, do not apply to those which have now been suggested.

The chief of those objections was the probability that difficulties and disputes would arise if the building were to be occupied jointly by the negroes under the care of each Government, as had been originally proposed by the Captain-General to the Commissioners. According to the explanation now given, this danger is removed, inasmuch as the Duke of Sotomayor proposes, that if ever it should be necessary to accommodate at the same time negroes liberated by both Governments, the building in question is to be left to the sole occupation of those who may be under the charge of Her Majesty's Government, and a separate one provided for those who have been rescued by the cruizers, or other Authorities, of Her Catholic Majesty.

With respect to the care and custody of the negroes, which, according to the original proposal of the Duke of Sotomayor, was to belong to the Spanish Authorities alone, the Undersigned, although he was unable to concur absolutely in that proposal, has already stated, that Her Majesty's Government are quite willing that the guard to be placed over the building should be furnished by the Captain-General, whether the building is occupied or not, whilst the persons to attend on the negroes should be hired on the spot; and the suggestion which the Duke of Sotomayor has now made, that such persons should hold their appointments from the Mixed Commission, but should be chosen and named to the Commission for appointment by the British or Spanish members of that body, accordingly as the negroes are under British or Spanish charge, is one to which the Undersigned can without difficulty agree.

As, therefore, the obstacles which opposed themselves to the acquiescence of the Undersigned in the instructions first suggested by the Duke of Sotomayor in his note of the 21st of August, are removed, and as the purport of those now proposed is in conformity with the views which the Undersigned felt it necessary to press upon the Duke of Sotomayor in his note of the 13th ultimo, as well as with the understanding come to by the Duke of Sotomayor and the Undersigned in their recent verbal communications upon the subject, the Undersigned has the satisfaction of assuring the Duke of Sotomayor, that directions to the effect requested by him will be sent to Her Majesty's Commissioners at the Havana by the mail of the 1st proximo.

The Undersigned will also communicate with the proper Department of Her Majesty's Government, in order that preparations may be made for the removal

of the "Romney" as soon as the convenient and adequate substitute for that vessel proposed by the Duke of Sotomayor, shall have been fixed upon.

The Undersigned, &c.

*The Duke of Sotomayor,*  
&c. &c.

(Signed) ABERDEEN.

No. 77.

*The Earl of Aberdeen to Mr. Bulwer.*

SIR,

*Foreign Office, November 18, 1845.*

I TRANSMIT to you for your information, a copy of a further note which I have received from the Duke of Sotomayor relative to the proposed removal of the "Romney" hulk from the harbour of the Havana, and of the reply which I have returned thereto.

I also transmit to you a copy of the instruction which I have given to Her Majesty's Commissioners at the Havana on the subject; and a copy of a letter which, by my directions, was transmitted to the Admiralty thereupon.

I am, &c.

*The Right Hon. H. L. Bulwer,*  
&c. &c.

(Signed) ABERDEEN.

Enclosure 1 in No. 77.

*The Duke of Sotomayor to the Earl of Aberdeen, October 17, 1845.*

Enclosure 2 in No. 77.

*The Earl of Aberdeen to the Duke of Sotomayor, October 31, 1845.*

(See Nos. 74 and 76.)

Enclosure 3 in No. 77.

*The Earl of Aberdeen to the Havana Commissioners, October 31, 1845.*

(See Class A., No. 170 and 433.)

Enclosure 4 in No. 77.

*Viscount Canning to the Secretary to the Admiralty.*

SIR,

*Foreign Office, October 31, 1845.*

WITH reference to my letter of the 11th April last, on the subject of the proposed removal of the "Romney" hulk from the harbour of the Havana, and the selection and preparation of a suitable building on shore instead thereof; I am directed by the Earl of Aberdeen to request, that you will state to the Lords Commissioners of the Admiralty, that the arrangements which Her Majesty's Commissioners at the Havana were instructed to make with the Captain-General of Cuba, in order to carry out the intentions of Her Majesty's Government as expressed in his Lordship's note of the 19th March last to the Spanish Minister at this Court, have been suspended, owing to a misunderstanding by the Spanish Authorities as to the precise terms to which Her Majesty's Government had signified their readiness to agree.

The proposed measure has accordingly formed the subject of a renewed correspondence between the Spanish Minister at this Court and the Earl of Aberdeen; and you will perceive from the enclosed copies of the two last notes in that correspondence, to what terms Her Majesty's Government have finally consented.

I am to request that you will lay the enclosed papers before the Lords Commissioners of the Admiralty; that you will state to their Lordships, that Her Majesty's Commissioners at the Havana have been instructed to lose no time in putting themselves into communication with the Captain-General, in order to bring to a speedy conclusion the measures thus finally agreed upon; and that Her Majesty's Secretary of State for the Colonies has been moved to give to

Lieutenant M'Clure, of the "Romney," in his capacity of Superintendent of Liberated Africans, such instructions as may seem to be required; and that you will move their Lordships to issue, and to transmit by the mail of to-morrow, either to Lieutenant M'Clure, in his capacity of Commander of the "Romney," to the Commander-in-Chief on the station, or to other officers, such instruction as may be requisite to ensure proper co-operation on the part of Her Majesty's naval officers with Her Majesty's Commissioners at the Havana, in carrying out the measures agreed upon between Her Majesty's Government and that of Spain on this subject.

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

I am, &c.  
(Signed) CANNING.

No. 78.

*The Earl of Aberdeen to the Duke of Sotomayor.*

*Foreign Office, November 21, 1845.*

THE Undersigned, &c with reference to previous communications from the Duke of Sotomayor, &c. respecting the prisoners now under sentence of death in the gaol at Exeter, for piracy in the case of the "*Felicidade*," has the honour to transmit to the Duke of Sotomayor, for his information, and for such proceedings as he may judge proper to take thereupon, the accompanying copy of a letter which has just been received at this Office from the Home Department, upon the subject in question.

The Undersigned, &c.

(Signed) ABERDEEN.

*The Duke of Sotomayor,*  
&c. &c.

Enclosure in No. 78.

*Mr. Phillipps to Viscount Canning.*

*Whitehall, November 20, 1845.*  
(Received November 21.)

MY LORD,

I AM directed by Secretary Sir James Graham to acquaint your Lordship, for the information of the Earl of Aberdeen, that the Judges required a second argument before them by Civilians, in the case of the seven prisoners now under sentence of death in the gaol at Exeter for piracy; and, as Sir James Graham understands that the funds which have been hitherto applied to their defence are exhausted, he would suggest, for Lord Aberdeen's consideration, whether it would be expedient that the Ministers of the respective nations to which the prisoners belong should be informed of the necessity of making some provision for defending them in the last resort.

I am to add, that the day for hearing the second argument in this case will probably be about the 4th of December; and that the execution of the prisoners has been further respited until the 17th of December.

*Viscount Canning,*  
&c. &c.

I am, &c.  
(Signed) J. M. PHILLIPPS.

No. 79.

*Mr. Bulwer to the Earl of Aberdeen.*

*Madrid, November 18, 1845.*  
(Received November 26.)

MY LORD,

WITH reference to your Lordship's Despatch of the 20th September last, of this series, on the subject of the refusal of the Captain-General of the Havana to receive and attend to the communications made to him by

Her Majesty's Consul-General in Cuba, I have the honour to inform your Lordship, that I have succeeded in obtaining M. Martinez de la Rosa's consent to the arrangement, a copy and translation of which are herewith enclosed; and should this arrangement meet with your Lordship's approval, and instructions be sent to Her Majesty's Consul-General to attend to it, M. Martinez de la Rosa assures me, that he will give similar orders to the Captain-General of Cuba.

I have, &c.

(Signed) H. L. BULWER.

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

---

Enclosure in No. 79.

(Translation.)

*Madrid, November 4, 1845.*

WHEREAS, differences having arisen respecting the correspondence on certain subjects between Her Majesty's Consul-General in Cuba and the Captain-General of the Havana, it is desirable to settle such differences in a manner that may be in conformity with diplomatic usage, and may prevent any inconvenience that might otherwise occur; and whereas the British Consul, though he enjoys the full power of requiring due protection for British subjects, and a just attention to all rights affecting their commercial interests, cannot assume, in his communications with the Captain-General of the island of Cuba, the character of the Representative of Her Britannic Majesty at Madrid, to whom it belongs, according to diplomatic forms, to communicate with Her Catholic Majesty's Minister for Foreign Affairs respecting the general fulfilment of the Treaties between the two nations; it has been agreed by the Undersigned, Don Francisco Martinez de la Rosa, &c., and the Right Honourable Henry Lytton Bulwer, &c.

First, That Her Majesty's Consul-General, besides reporting to his Government every act or circumstance which he may think contrary to the stipulations which bind England and Spain, will, when he thinks proper, bring the same at once under the notice of the Captain-General of the island of Cuba, so that this Authority, being acquainted with the case, shall, in the event of the Consul-General's opinion being correct, adopt the fitting measures respecting it.

And, secondly, That the Consul-General, using the courteous and decorous tone which is proper in such communications, the Captain-General shall reply to the same, either himself or through his Secretary, with the courtesy and consideration which are due to the functionary of a friendly and allied nation.

(Signed) FRANCISCO MARTINEZ DE LA ROSA.  
HENRY LYTTON BULWER.

---

(Translation.)

No. 80.

*The Duke of Sotomayor to the Earl of Aberdeen.*

*London, November 25, 1845.*

*(Received November 27.)*

THE Undersigned, &c. has had the honour to receive the note of the 21st instant, in which the Earl of Aberdeen, &c. is pleased to enclose to him a copy of a letter from the Home Office relative to the culprits landed from the "*Felicidade*," who now are prisoners in Exeter gaol, and are condemned to death for piracy on the high seas.

The Undersigned lost not a moment in setting on foot the proper enquiries, by which he has ascertained, that the Spanish Consul-General in London has come to an agreement with the Portuguese Consul, who holds the like commission from the Brazilian Minister, to bear his proportion of any expenses that may be occasioned by the defence of the accused, until the conclusion of the cause which is still pending.

The Undersigned, in doing himself the honour to manifest the above to the Earl of Aberdeen, thanks his Lordship, at the same time, for the communication, which he hereby answers, and repeats, &c.

(Signed) THE DUKE OF SOTOMAYOR.

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

---

No. 81.

*The Earl of Aberdeen to the Duke of Sotomayor.*

*Foreign Office, December 5, 1845.*

THE Undersigned, &c. with reference to the communication made to him by the Duke of Sotomayor, &c. on the 21st ultimo, respecting the case of the Spanish and other prisoners now under sentence of death at the gaol at Exeter for piracy, has the honour to inform the Duke of Sotomayor that the Judges have determined that the conviction of those persons was not good.

This being the case, a pardon will be issued to the prisoners, and orders will forthwith be sent to set them at liberty; but as there is reason to apprehend that, unless proper precautions be taken, they may, upon their release, be exposed to some violence from the strong popular feeling which exists against them, the Undersigned has to suggest to the Duke of Sotomayor, that no time should be lost in securing for them the means of a speedy removal from Exeter.

The Undersigned, &c.

(Signed) ABERDEEN.

*The Duke of Sotomayor,*  
&c. &c.

---

No. 82.

*The Duke of Sotomayor to the Earl of Aberdeen.*

(Translation.)

*London, December 8, 1845.*  
(Received December 10.)

THE Undersigned, &c. has the honour to enclose to the Earl of Aberdeen, &c. a list of the names of the emancipated negroes who, on the 30th of last September, received letters of liberty from the Captain-General of the isle of Cuba.

The Undersigned, &c.

(Signed) THE DUKE OF SOTOMAYOR.

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

---

## Enclosure in No. 82.

(Translation.)

Supreme Civil Government of the Isle of Cuba.  
Havana, September 30, 1845.

## LIST of the EMANCIPATED NEGROES who have received letters of liberty.

There were placed at the disposal of the British Commissioners, and embarked in the English steamer  
"Thames," which yesterday sailed with them from this port :—

## MEN.

Nos.	Names.	Vessels whence they were taken.
27	Blas . . . . .	Indagadora
270	Agustin . . . . .	Firme
33	Hilario . . . . .	Intrepido
92	Sisto . . . . .	Campeador
76	Ruperto . . . . .	Firme
407	Eusbuquio . . . . .	Aguila
85	Rodolfo, <i>alias</i> Marios . . . . .	Campeador
170	Rufino . . . . .	Zerxes
8	Gavino . . . . .	San Marcos
257	Calisto . . . . .	Manuelita
119	German . . . . .	Planeta
105	Joze . . . . .	Magico
21	Blas . . . . .	Relampago

## WOMEN.

Nos.	Names.	Vessels whence they were taken.	Children they have taken with them.
380	Trinidad . . . . .	Negrito . . . . .	Two sons
223	Desideria . . . . .	Firme . . . . .	
91	Gabriela . . . . .	Intrepido . . . . .	Three children
59	Genoveva, <i>alias</i> Antonia . . . . .	Ricomar . . . . .	One son
220	Bernarda . . . . .	Voladora . . . . .	Two sons
220	Gertrudis . . . . .	Chubasco . . . . .	One son

## REMAINING IN THE ISLAND.

Nos.	Names.	Vessels whence they were taken.
80	Tibureio . . . . .	Midas
86	Alejandro . . . . .	Ditto

(Signed) O'DONNELL.

## No. 83.

*The Duke of Sotomayor to the Earl of Aberdeen.*

London, December 8, 1845.

(Received December 10.)

THE Undersigned &c. has had the honour to receive the note of the 5th instant, in which the Earl of Aberdeen, &c. referring to that of the Undersigned of the 21st ultimo, is pleased to inform him, that the prisoners detained in Exeter gaol, and condemned to death for piracy, have been acquitted. His Lordship has the goodness to intimate, at the same time, that it would be advisable to remove these individuals from Exeter, in order to avoid the bad consequences which the public resentment existing against them might produce.

The Undersigned is very particularly obliged to the Earl of Aberdeen for this kind communication, as well as for the benevolence with which his Lordship has been pleased to receive the intercession of the Undersigned in favour of the Spanish subject Antonio Majaval, implicated in this lamentable event; and begs to add, that he has taken the most efficacious measures for having Majaval, the only Spanish subject in the number of the accused, sent out of these kingdoms forthwith.

The Undersigned, &amp;c.

(Signed)

THE DUKE OF SOTOMAYOR.

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

&amp;c. &amp;c. &amp;c.

CLASS B.



No. 84.

*The Earl of Aberdeen to Mr. Bulwer.*

SIR,

*Foreign Office, December 11, 1845.*

I HEREWITH transmit to you a copy of a communication which I have received from the Admiralty, and from the contents of which it appears that at length the Spanish Government is disposed to carry out faithfully the question of its engagements with Great Britain for the complete suppression of the Slave Trade.

I have to desire that you will communicate these papers to the Spanish Government, and express the satisfaction of Her Majesty's Government at the intelligence which they contain.

*The Right Hon. H. L. Bulwer,*  
&c. &c.

I am, &c.  
(Signed) ABERDEEN.

Enclosure 1 in No. 84.

*Captain Hamilton to Viscount Canning.*

MY LORD,

*Admiralty, December 9, 1845.*

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 18th ultimo, from Vice-Admiral Sir Francis Austen, with its enclosure, relative to the apparent determination of the Spanish Government to put an end to the Slave Trade.

I am, &c.  
(Signed) W. A. B. HAMILTON.

*Viscount Canning,*  
&c. &c.

Enclosure 2 in No. 84.

*Vice-Admiral Austen to the Hon. Sidney Herbert.*

SIR,

*"Vindictive," Bermuda, November 18, 1845.*

I HAVE great satisfaction in transmitting, to be laid before the Lords Commissioners of the Admiralty, a copy of a letter from Mr. McClure, of the "Romney," at the Havana, from a perusal of which their Lordships will perceive that the Spanish Government appears determined to put an end to the traffic in slaves, in consequence, no doubt, of the urgent remonstrances made by the British Government.

I am, &c.  
(Signed) F. W. AUSTEN, *Vice-Admiral.*

*Hon. Sidney Herbert,*  
&c. &c.

Enclosure 3 in No. 84.

*Lieutenant McClure to Vice-Admiral Austen.*

SIR,

*"Romney," Havana, October 6, 1845.*

I HAVE the honour to acquaint you, that on the 11th ultimo a brigantine, of about 80 tons, was brought in by one of the Spanish schooners-of-war, found deserted a few miles off Batabona, a small port on the south side of the island. It is reported a clearance was found on board from the Authorities of Sierra Leone. How she came, or what the cargo was, is still a mystery. Having pulled round her, I have no hesitation in saying she was a slaver, had landed her cargo, and then left the vessel to her fate.

This, Sir, is indeed an event in the annals of slave trading in Cuba, that a

slave ship is fearful of entering her ports. Another instance will more fully impress you with an idea of the check the traffic is now sustaining. The notorious Pedro Forcade, the greatest slave dealer in the place, a few days ago requested his Excellency the Captain-General to grant him a license for the equipping of a celebrated slaver, the "*Matilda*." His Excellency's answer was, "At your peril attempt it, and I will put the penal laws in force against yourself and Captain, and dismiss and punish the Government officers." The remonstrance of Her Majesty's Government to that of Madrid, have apparently aroused the Authorities here to act with something bordering upon good faith. If such is really the determination of the military despotism, the traffic may be considered at its last gasp, for not anything, even the removal of negroes from one estate to another, can be accomplished without a Government order. I have not heard of any vessel either landing or fitting out for a considerable time.

I am, &c.

(Signed) ROBERT M'CLURE, *Lieutenant.*

*Vice-Admiral Sir Francis Austen, K.C.B.*

&c.

&c.

No. 85.

*The Earl of Aberdeen to Mr. Bulwer.*

SIR,

*Foreign Office, December 11, 1845.*

WITH reference to the correspondence which has passed between Her Majesty's Government and the Spanish Minister in London respecting the removal of the "*Romney*" from Havana, and of which copies have been transmitted to Her Majesty's Legation at Madrid, I herewith enclose to you a copy of a Despatch upon the same subject, which has been received from the British Commissioners at Havana, and also of a letter and its enclosures from the Admiralty.

I have to desire that you will forthwith ascertain whether the proposal that Her Catholic Majesty's Government should purchase the "*Romney*," for the purpose mentioned in the Despatch of the Commissioners, has the sanction of the Government of Madrid.

I am, &c.

*The Right Hon. H. L. Bulwer,*

(Signed) ABERDEEN.

&c.

&c.

Enclosure 1 in No. 85.

*The Havana Commissioners to the Earl of Aberdeen, November 8, 1845.*

(See Class A., No. 181, page 445.)

Enclosure 2 in No. 85.

*Capt. Hamilton to Viscount Canning.*

MY LORD,

*Admiralty, December 9, 1845.*

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 18th ultimo, from Vice-Admiral Sir Francis Austen, with its enclosures, relative to the removal of the "*Romney*" from the Havana as a receiving ship for liberated Africans.

I am, &c.

*Viscount Canning,*

(Signed) W. A. B. HAMILTON.

&c.

&c.

## Enclosure 3 in No. 85.

*Vice-Admiral Austen to the Hon. Sidney Herbert.*

SIR, "Vindictive," Bermuda, November 18, 1845.

WITH reference to former correspondence respecting the sale of the "Romney," at the Havana, I transmit, to be laid before the Lords Commissioners of the Admiralty, a copy of a letter from the Commanding Officer of that vessel relative thereto.

I am of opinion that a joint Commission Court is as much as will be granted; and if an exclusive Court is claimed for the British Commissioners, I fear the "Romney" will still have to be employed as at present.

I am, &amp;c.

(Signed) F. W. AUSTEN, *Vice-Admiral.*

*Hon. Sidney Herbert,*  
&c. &c.

November 19, 1845.

P.S.—Since writing the above, I have received another letter from Lieutenant M'Clure on this subject, a copy of which I enclose.

F. W. A.

## Enclosure 4 in No. 85.

*Lieutenant M'Clure to Vice-Admiral Austen.*

SIR, "Romney," Havana, October 9, 1845.

I HAVE the honour to acknowledge the receipt of your letter of the 27th July, relative to the sale of this vessel, and beg to acquaint you, that having this day had an interview with Mr. Kennedy, Her Majesty's Judge of the Mixed Court, he has informed me, that he considers it will be at least six months before anything can be done in the matter, as he has received no instructions by the packet to renew the communication, the result of which I expressed in my letter of the 9th of July last; so that, supposing orders were to arrive by the November mail to carry out the wishes of the respective Governments for our removal, it would take at least five or six months before it could be finally arranged, supposing there to be no difference of opinion requiring a reference to the Home Governments.

If Her Majesty's Government persist in claiming a spot exclusively, I am of opinion it will never be conceded, the Authorities considering the remedy worse than the disease. The Castilian honour takes fire at the bare idea of the British Government possessing an inch of Cuban ground; so it is far from improbable this vessel may be continued.

I have, &amp;c.

(Signed) R. M'CLURE, *Lieutenant.*

*Vice-Admiral Sir F. Austen, K.C.B.*  
&c. &c.

## Enclosure 5 in No. 85.

*Lieutenant M'Clure to Vice-Admiral Austen.*

SIR, "Romney," Havana, November 10, 1845.

I HAVE the honour to inform you, that Her Majesty's Commissioners have not received any instructions by the packet of the 6th instant to proceed with the negotiations relating to the removal of this vessel; they have, however, intimated to their Spanish colleagues, that the readiest method of bringing about an amicable arrangement would be, to purchase, and retain her for the purpose she is now employed on, giving her up as a place of deposit for Africans captured by Her Majesty's cruisers, when required, which would obviate all dispute as to a grant of land for building, &c.; and this proposition appears to be entertained by his Excellency the Captain-General.

(Signed)

ROBERT M'CLURE, *Lieutenant.*

*Vice-Admiral Sir F. Austen, K.C.B.*  
&c. &c.

No. 86

*The Earl of Aberdeen to the Duke of Sotomayor.**Foreign Office, December 15, 1845.*

THE Earl of Aberdeen presents his compliments to the Duke of Sotomayor, and with reference to previous correspondence respecting the prisoners confined in Exeter gaol, on a charge of piracy, has the honour to transmit to the Duke of Sotomayor the accompanying copy of a communication which has just been received from the Home Department, reporting that these prisoners were to proceed to London on Saturday last.

Enclosure 1 in No. 86.

*Mr. Phillipps to Mr. Addington.*

SIR,

*Whitehall, December 13, 1845.*

I AM directed by Secretary Sir James Graham to transmit to you, for the information of the Earl of Aberdeen, the enclosed copy of a letter from the Governor of the Devon County Gaol, reporting that the Brazilian prisoners then in his custody, would proceed to London this day.

H. U. Addington, Esq.  
&c. &c.

I am, &c.  
(Signed) S. M. PHILLIPPS.

Enclosure 2 in No. 86.

*Mr. Cole to Sir James Graham.*

SIR,

*Devon County Gaol, December 12, 1845.*

I BEG to acknowledge the receipt of the free pardon for Manuel Joze Alves, Juan Francisco, Antonio Joaquim, Joze Maria Martinos, James Majaval, Florencio Ribeiro, and Francisco Fereira de Santo Serva, who received sentence of death, at the last Devon assizes, for piracy and murder.

The above prisoners will leave Exeter, for London, to-morrow morning, by the 8 o'clock train, under the superintendence of the Consul here acting for the three Governments, Spain, Portugal, and the Brazils.

I have, &c.  
(Signed) W. COLE,  
Governor, Devon County Gaol.

The Right Hon. Sir James Graham,  
&c. &c. &c.

No. 87.

*The Earl of Aberdeen to Mr. Bulwer.*

SIR.

*Foreign Office, December 19, 1845.*

I HEREWITH transmit to you, for your information, a translation of a note which I have received from the Spanish Minister at this Court, enclosing a list, dated the 30th of September last, of 21 negroes of the class of emancipados and of their nine children, who had received their certificates of emancipation, and 19 of whom, with the nine children above mentioned, had been placed at the disposal of Her Majesty's Commissioners, for removal to a British colony.

The Right Hon. H. L. Bulwer,  
&c. &c.

I am, &c.  
(Signed) ABERDEEN.

Enclosure in No. 87.

*The Duke of Sotomayor to the Earl of Aberdeen, December 8, 1845.**(See No. 82, page 112.)*

*The Earl of Aberdeen to the Duke of Sotomayor.**Foreign Office, December 19, 1845.*

THE Undersigned, &c. has the honour to acknowledge the receipt of the note addressed to him on the 30th of May last by the Duke of Sotomayor, &c. claiming, on behalf of Don Estevan Balaguer, merchant of Porto Rico, reimbursement from Her Majesty's Government for the costs and damages occasioned to him by the detention of his vessel, the Spanish schooner "*Josefa*," in 1835, by Her Majesty's brig "*Curlew*," on a charge of being equipped for the traffic in slaves; and also claiming an indemnity to the family of Don Miguel Calvet, the Captain of that vessel, who died while she was awaiting adjudication at Sierra Leone.

The Undersigned begs to inform the Duke of Sotomayor, that this claim has received the attentive consideration of Her Majesty's Government, as well as of the law advisers of the Crown; and that it appears from documents on the record, that the Duke of Sotomayor has been misinformed in a very important particular of the case.

The Duke of Sotomayor observes in his note, that it is fully proved by the documents that the "*Josefa*," in sailing from Porto Rico, was bound for the island of St. Thomas and the coast of Africa, in the exercise of a legitimate commerce; whereas, the proceedings before the Court show, beyond a doubt, that at the time of her seizure that vessel was equipped and destined for the Slave Trade.

Moreover, it clearly appears, that the consent of Captain Denman, the original seizer, to give the vessel up to the Master, and the subsequent sentence of restitution by the Mixed Commission Court, were founded, not upon the innocence of the transaction in which the vessel was engaged, but entirely upon the circumstance that the first seizer was not duly authorized under the Treaty to make the capture, the instrument of authorization not having then reached him. The second seizer was differently situated, being furnished with the requisite powers to seize Spanish vessels equipped for the Slave Trade; and notwithstanding this, and the fact that the "*Josefa*" had the prohibited equipments on board, the Mixed Court, upon the ground that she had been thrown in the way of the second seizer by the irregular act of the first seizer, thought it right to restore her to the owner, but accompanied the sentence of restitution with a condemnation in the costs, by reason of his guilty occupation.

Her Majesty's Government cannot think that this sentence was contrary to law or equity; and they are the more inclined to take this view, as they find, upon reference to the proceedings in the case, a copy of which the Undersigned has the honour to enclose, that when a joint petition for a day of trial was presented, the Proctors on both sides expressed their willingness that a judgment should pass on the "*Josefa*" similar to that which had already been given in the case of the "*General Manso*," the circumstances attending the seizure of these vessels being similar; and accordingly, a corresponding sentence was pronounced.

With respect to the complaint of delay, the Undersigned has to observe, that the proceedings in the "*Josefa*" were postponed, on the joint application of both parties, until judgment had been pronounced upon the prosecution of the "*General Manso*."

There is, however, a circumstance attending the case of the "*Josefa*," which is not especially adverted to by the Duke of Sotomayor, but which the Undersigned feels it to be his duty not to pass unnoticed.

It appears that the decree of the Court for the restitution of the vessel and cargo was only partially carried into effect, owing to a deficiency in the stores occasioned by the misconduct of the prize master. The nature and amount of this deficiency is set forth in a Despatch from Her Majesty's Commissioners at Sierra Leone, a copy of which the Undersigned has the honour to enclose.

As Her Majesty's Government deem it just that the owner should receive the full amount of this deficiency, namely, 125*l.* 12*s.* 4*d.*, and are willing to make it good to him or his representatives, the Undersigned begs to inform the Duke of Sotomayor, that the Lords of Her Majesty's Treasury will be prepared to direct

the issue of the amount to any person authorized by the Duke of Sotomayor to receive the same.

The Undersigned, &c.

(Signed)

ABERDEEN.

*The Duke of Sotomayor,*  
&c. &c.

Enclosures in No. 88.

1. *The Sierra Leone Commissioners to Viscount Palmerston, August 10, 1836.*  
(See Class A., 1836, presented 1837, No. 38, p. 54.)
2. *The Sierra Leone Commissioners to Viscount Palmerston, November 13, 1836.*  
(See Supplement B. to Class A., 1836, presented 1837, No. 12, page 34.)

No. 89.

*The Earl of Aberdeen to Mr. Bulwer.*

SIR,

*Foreign Office, December 31, 1845.*

I HAVE to acknowledge the receipt of your Despatch dated the 18th ultimo, enclosing, with reference to previous correspondence, a copy and translation of a paper which you had at length received from M. Martinez de la Rosa, proposing an arrangement for settling the mode in which the communications between Her Majesty's Consul-General in Cuba and the Captain-General in that island are henceforward to be conducted.

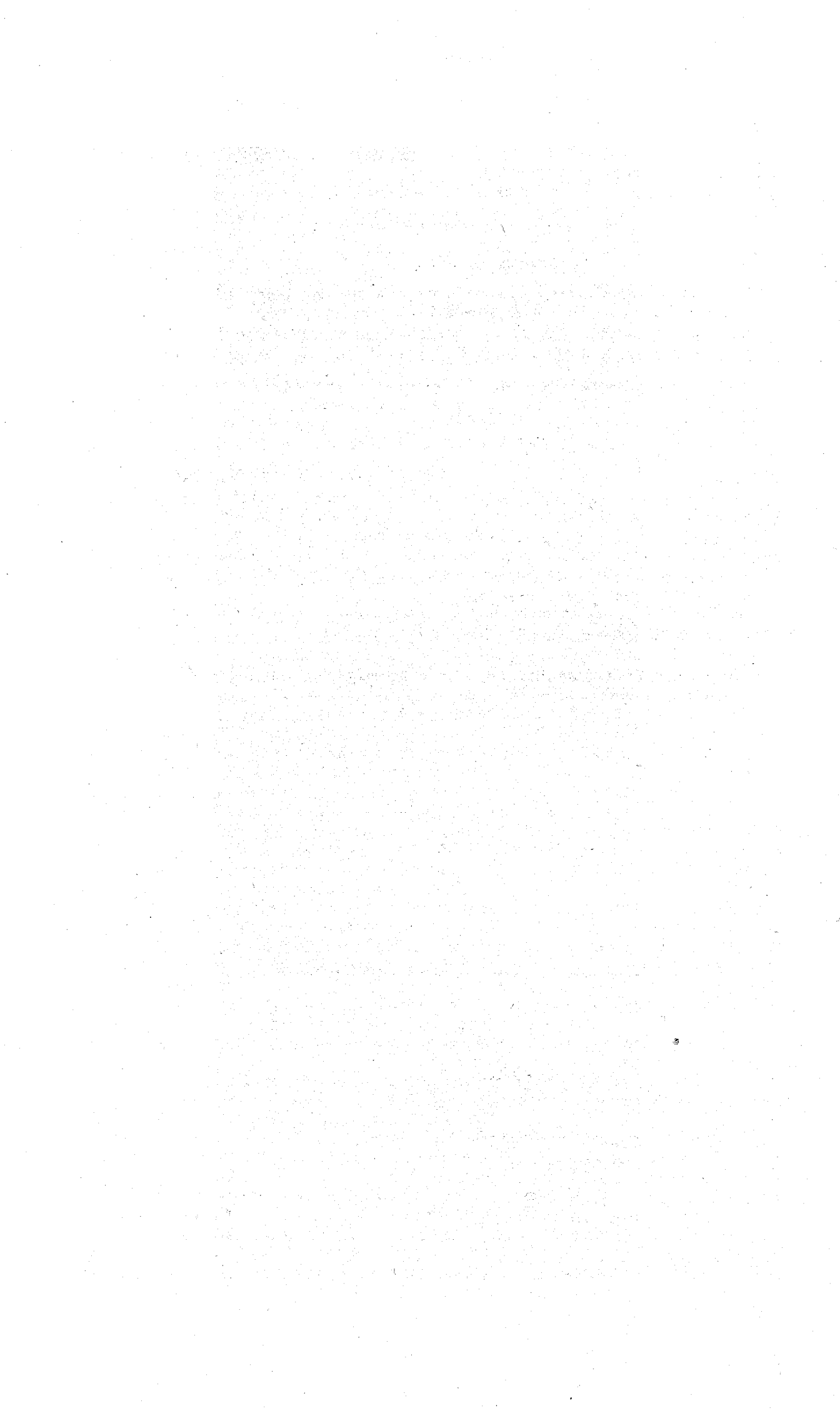
I have to acquaint you, in reply, that Her Majesty's Government accept this arrangement, and I will instruct Mr. Crawford accordingly.

I am, &c.

*The Right Hon. H. L. Bulwer,*  
&c. &c.

(Signed)

ABERDEEN.



SPAIN. (*Consular*)—*Havana.*

---

No. 90.

*Mr. Crawford to the Earl of Aberdeen.*

*Havana, December 7, 1844.*  
(*Received January 6, 1845.*)

MY LORD,

I CRAVE YOUR Lordship's reference to my Despatch of the 20th ultimo, and its enclosure.

I have now to report to your Lordship, that the "*San Antonio*," alias "*Cayman*" therein alluded to, has sailed from this port, having on board 96 free negroes, who chartered her for the Gold Coast and Malaguera, with the sanction of the Captain-General.

The vessel belongs to Majorca, and the Master, Pedro Antonio Gaza, applied at this office to have his Custom House papers certified. These being in a sealed package, I declined to certify, in ignorance of what might be within. The Master, however, subsequently brought me a copy of his papers and clearance, signed by the Comptroller, whose signature I duly certified upon the document itself, the Master assuring me that it was in all respects the same as what the sealed packet contained; and so he carries the uncertified packet and the certified paper, which, if examined by any cruizer, and found alike, will operate for his greater protection.

Mr. Gaza requested, and very much pressed me, to mention in my certificate his having a temporary deck and coppers for 110 persons, to which number the crew and passengers of the brig amounted. This I declined to do; but I thought it fair to explain to him the risk of capture which he would incur by having the deck and extra-sized coppers on board whilst on the coast of Africa, after having landed the passengers from hence at their respective destinations.

Thus prepared, and having also a great number of water casks on board, I fancy Mr. Gaza will make a very advantageous sale of his vessel, and that before six months are over she will have landed another cargo of human beings somewhere on this side the Atlantic.

I have, &c.  
(Signed) JOSEPH T. CRAWFORD,  
*Consul-General in Cuba.*

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

---

No. 91.

*The Earl of Aberdeen to Mr. Crawford.*

SIR,

*Foreign Office, January 14, 1845.*

I HEREWITH transmit to you a copy of a letter, and of its enclosures, which I have received from Mr. Turnbull, formerly Consul at the Havana, now Commissary Judge in Jamaica, respecting one Mrs. Mary Gallagher, a British subject, said to have died recently at the Havana, intestate, and to have had,

CLASS B.



while living, a slave named Charlotte, and probably others, who, from the place and date of their birth, have claims to protection as British subjects.

You will enquire into the facts alleged in that communication; and you will use such authority and influence as you can properly exercise, to obtain the release of the persons so situated.

J. T. Crawford, Esq.  
&c. &c.

I am, &c.  
(Signed) ABERDEEN.

No. 92.

*The Earl of Aberdeen to Mr. Crawford.*

SIR,

*Foreign Office, February 3, 1845.*

I HEREWITH transmit to you a copy of a Despatch which I have this day addressed to Her Majesty's Commissioners at the Havana, relating to the nature of the communications which Her Majesty's functionaries at that place are respectively to make to the Captain-General on matters connected with the execution of the Slave Trade Treaty of 1835. You will take the instructions contained in that Despatch for your guidance, so far as they apply to you as Consul-General.

J. T. Crawford, Esq.  
&c. &c.

I am, &c.  
(Signed) ABERDEEN.

Enclosure in No. 92.

*The Earl of Aberdeen to the Havana Commissioners, February 3, 1845.*  
(See Class A., No. 124, page 377.)

No. 93.

*Mr. Crawford to the Earl of Aberdeen.*

*Havana, January 8, 1845.*  
(Received February 11.)

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of the 28th November, expressing your Lordship's high approval of the zeal and diligence exerted by me in obtaining the liberation from slavery of the British subjects Nat, Cuffy, John, Newton, and Billy Kelsall.

I shall not fail to express to his Excellency Captain-General O'Donnell the satisfaction felt by Her Majesty's Government at the accomplishment of this act of justice.

I have written to his Excellency the Governor of the Bahamas, respecting the free papers of Eve Kelsall, but I have not as yet received an answer, which is to be imputed to the fact, that the poor woman is from an island some distance from New Providence.

I have, &c.  
(Signed) JOSEPH T. CRAWFORD,  
*Consul-General in Cuba.*

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

No. 94.

*Mr. Crawford to the Earl of Aberdeen.*

*Havana, January 8, 1845.*  
(Received February 11.)

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Slave Trade Despatch of the 29th November, conveying your Lordship's

approval of my having sent four emancipados, placed at my disposal by the Captain-General, to Jamaica.

I have, &c.  
(Signed) JOSEPH T. CRAWFORD,  
*Consul-General in Cuba.*

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

No. 95.

(Extract.) *Mr. Crawford to the Earl of Aberdeen.*

*Havana, December 31, 1844.*  
(Received February 12, 1845.)

SIR,

At the conclusion of this year I had hopes that some decisive measure would have been adopted, and carried out by the Government of Spain, to redeem in some degree the want of good faith which has hitherto been so apparent, in neglecting to fulfil its obligations under the Treaties for putting an end to the traffic in slaves, and for the abolition of slavery.

I much fear, however, that there is but a very remote chance of any result of that nature, as no public intimation has been put forth upon the subject of restricting even this most detestable trade; and, on the contrary, we hear of renewed activity amongst those concerned in carrying it on, whilst cargoes of miserable victims continue to arrive from the African coast.

The brigantine "*Jacinta*" has again made a successful voyage, and run her negroes at or near to Trinidad de Cuba, and her owner, Don Pedro Forcade, is once more in the market, preparing the necessaries for her return to the coast. Another slaver, whose name I have not been able to learn, left Africa with her freight of human beings along with the "*Jacinta*," and, no doubt, has landed at some other place on this island. I learn, also, that several others are expected; and all this is going on with the knowledge and consent of the Captain-General O'Donnell, who receives his quota for each negro, and who, when remonstrated with by Her Majesty's functionaries, under your Lordship's positive instructions, continues contemptuously to return their official letters, and, moreover, has informed Her Majesty's Commissioners and myself, that according to the instructions which he holds from the Queen of Spain, he is prohibited from receiving any such communications; and so the trade goes on, and has increased ever since his Excellency assumed the Government of this island.

I have, &c.  
(Signed) JOSEPH T. CRAWFORD,  
*Consul-General in Cuba.*

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

No. 96.

*The Earl of Aberdeen to Mr. Crawford,*

SIR,

*Foreign Office, March 1, 1845.*

WITH reference to my Despatch to you of the 3rd ultimo, respecting your communications with the Captain-General of Cuba, I herewith transmit to you for your information, a copy of a Despatch which I have addressed to Mr. Bulwer, containing instructions to him as to the representation which he is to make to the Spanish Government upon this subject.

*J. T. Crawford, Esq.*  
&c. &c.

I am, &c.  
(Signed) ABERDEEN.

Enclosure in No. 96.

*The Earl of Aberdeen to Mr. Bulwer, February 14, 1845.*

(See No. 9, page 13.)

No. 97.

(Extract.) *Mr. Crawford to the Earl of Aberdeen.**Havana, February 10, 1845.**(Received March 12.)*

MY LORD,

I HAVE the honour of acknowledging the receipt of your Lordship's Despatch of the 14th of December, and its enclosures.

Were the instructions of Her Catholic Majesty's Government, as communicated to us, carried out by the Government of this island, there can be but little doubt of the good effects which they would produce.

I have, &amp;c.

(Signed)

JOSEPH T. CRAWFORD,  
*Consul-General in Cuba.*

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

No. 98.

(Extract.) *Mr. Crawford to the Earl of Aberdeen.**Havana, February 20, 1845.**(Received April 9.)*

MY LORD,

IN laying before your Lordship copies of a correspondence which has passed between Her Majesty's Commissioners and the Captain-General relative to the disembarkation of about 300 negroes near to this port (at Cojimar), from Don Pedro Forcade's vessel the "*Matilda*," I feel myself under the painful necessity of repeating to your Lordship the expression of my conviction, that it is in vain for us to expect any measures will be adopted to stop this infernal traffic by General O'Donnell; on the contrary, the public manner in which this last cargo was disposed of, and the very extensive expeditions sent off and preparing for future operations, are demonstrative of fixed arrangements, and that those engaged in the Slave Trade count upon protection here at any rate; so that, either the assurances given by the Spanish Government as to the nature of the instructions sent to the Captain-General are not to be depended upon, or they are disregarded by his Excellency.

Her Majesty's functionaries here, continue to suffer the indignity of having their communications returned, with a denial of their right of interference. The Treaties are violated under our very eyes. Even the slave traders have, within the present month made proposals to our merchants, with schemes for goods adapted to their purposes on the coast of Africa, to enormous extent, which, I am happy to say, have been rejected; and several cargoes of miserable victims are daily expected on the coasts of this island.

It will be easily understood by your Lordship, that although schemes for such goods have been refused by British merchants, others will be found to execute them.

I have, &amp;c.

(Signed)

JOSEPH T. CRAWFORD,  
*Consul-General in Cuba.*

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

Enclosure 1 in No. 98.

*Her Majesty's Commissary Judge to the Captain-General.*

MOST EXCELLENT SIR,

*Havana, February 17, 1845.*

I REGRET to have to make known to your Excellency, that I have received information, of the truth of which there can be no doubt, that another cargo of slaves has been landed on this coast within the last few days.

The common report of the city states the number to be about 300, and that they have been brought on account of Don Pedro Forcade. I understand also, that they were landed at or near Cojimar, and are now in the barracoons in the neighbourhood of this city.

Knowing how important it is that no time should be lost in making the denunciation, I do not wait to learn further particulars; but trust your Excellency will receive this communication, and prosecute the offenders, as due to the instructions of the Government of Her Catholic Majesty, conformably to the Treaty with Great Britain.

I have, &amp;c.

(Signed) J. KENNEDY.

*His Excellency the Captain-General,*  
&c. &c.

(Translation.)

Enclosure 2 in No. 98.

*The Captain-General to Her Majesty's Commissary Judge.**Havana, February 18, 1845.*

NOT having received orders from my Government to alter what is prescribed in the Treaties with respect to your authority for making denunciations, I am therefore not able to receive that which is referred to in the accompanying communication which your Honour has addressed to me; but that does not hinder me from adopting on my part the necessary steps to enquire into the matter, and, if it is true, to chastise the infractors.

God preserve your Honour many years!

(Signed)

LEOPOLDO O'DONNELL.

*Her Britannic Majesty's Commissary Judge,*  
&c. &c.

Enclosure 3 in No. 98.

*Her Majesty's Commissary Judge to the Captain-General.*

MOST EXCELLENT SIR,

*Havana, February 19, 1845.*

I HAVE received your note of yesterday's date, returning me therewith the denunciation I had made to you the day before of the arrival of the brig "*Matilde*," with 300 negroes. On this I have it again left me my duty to protest against the course your Excellency thinks proper to pursue, and will take the earliest opportunity of making the circumstances known to the Government of Her Britannic Majesty, reserving for the same occasion what further observations I have to make respecting them.

I have, &amp;c.

(Signed) J. KENNEDY.

*His Excellency the Captain-General,*  
&c. &c.

No. 99.

*Mr. Crawford to the Earl of Aberdeen.**Havana, February 27, 1845.**(Received April 9.)*

MY LORD,

It is again my most disagreeable task to report the landing of 449 negroes near to Santiago de Cuba, as denounced to the Captain-General by Her Majesty's Commissary Judge of the Mixed Court.

Your Lordship will observe, that General O'Donnell's reply to Mr. Kennedy seems to give promise of active measures for the detection and punishment of the guilty parties, and refers to instructions he acknowledges to have received from Her Catholic Majesty's Government, a point of some importance, as his Excellency thereby admits it is his duty, at all hazards, to put an end to the unlawful traffic in slaves.

I cannot, however, persuade myself of the sincerity of such professions; and I am almost certain that nothing will result like detection now by the investigation ordered at Santiago de Cuba; where, I am told, the Authorities levied a contribution for each negro of the "*Florentina's*" cargo, besides the usual quota of blood money expected at head quarters.

The "*Florentina*" is said to have been lately under the British flag, trading at the coast, and that, not having the appearance of a slaver, she took in her cargo, and left under her original (English) colours, thereby deceiving our cruizers; but this is rumour, and possibly is not to be depended upon; and I regret, in the meantime, that Mr. Pro-Consul Forbes has not made any report to me upon the subject.

I have, &c.  
(Signed) JOSEPH T. CRAWFORD,  
*Consul-General in Cuba.*

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

Enclosure 1 in No. 99.

*Her Majesty's Commissary Judge to the Captain-General.*

MOST EXCELLENT SIR, *Havana, February 25, 1845.*

AS a duty incumbent on me, which I cannot omit, whatever may be the course respecting it your Excellency may take, I think it right to make known to you, that I have heard of another flagrant infraction of the laws and Treaties in prohibition of Slave Trade having been committed by the disembarkation of 449 negroes at or near Santiago de Cuba, within the last 10 days or fortnight, from the vessel known as the "*Florentina*."

I have, &c.  
(Signed) J. KENNEDY.

*His Excellency the Captain-General,*  
&c. &c.

Enclosure 2 in No. 99.

(Translation.) *The Captain-General to Her Majesty's Commissary Judge.*

*Havana, February 26, 1845.*

ALTHOUGH I am not allowed to admit your denunciation of a disembarkation of bozal negroes on the coast near Santiago de Cuba, for which reason I herewith return it to you; desirous, nevertheless, of investigating the matter, and of punishing it with severity, if true, have sent without delay the necessary orders for that purpose, in compliance with the instructions of my Government to put down at all hazards, as is my wish, the unlawful traffic in slaves.

God preserve your Honour many years!

(Signed) LEOPOLDO O'DONNELL.

*Her Britannic Majesty's Commissary Judge,*  
&c. &c.

No. 100.

(Extract.) *Mr. Crawford to the Earl of Aberdeen.*

*Havana, March 11, 1845.*

(*Received April 9.*)

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of the 14th of January last, enclosing a copy of a letter and its enclosures from

Mr. Turnbull, respecting the late Mrs. Mary Gallagher's affairs, and, what is much more interesting, the circumstances of a negress named Charlotte, who was in her family, and held by her in slavery.

Mrs. Gallagher did not die intestate. She left all her property (a few hundred dollars only in amount), to Mr. Tomas de Almeyda, in trust for her daughter Susan Buchanan, or Blathwayt. Understanding that the girl Charlotte was claimed by the trustee, as well as a negro boy, slave of the deceased, I ascertained that the girl was registered in 1822 at Nassau, as then the property of Susan Buchanan and John Kennedy; and on the 12th of September, 1843, I claimed her liberation from slavery.

I beg leave to lay the correspondence which has been since going on, before your Lordship; and I have the extreme satisfaction of reporting, that I have succeeded in my endeavours, having just received the Captain-General's order for her delivery to me from the depôt at the Casa de Beneficencia, in order to her being sent to Nassau; but as the poor girl earns her living here very respectably, as a washer-woman, and is desirous to remain, I propose asking his Excellency's permission to that effect; but if it is refused, she must depart by the next steamer.

Your Lordship will, I feel confident, do me the justice to admit, that the case of this girl has not been neglected: as regards the boy, I have no claim to his freedom; it depends upon Mrs. Blathwayt to order his manumission. Upon this subject I addressed her 27th July, 1843, but it appears she never received my letter.

I have, &c.

(Signed)

JOSEPH T. CRAWFORD,  
*Consul-General in Cuba.*

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

---

Enclosure I in No. 100.

*Mr. Crawford to the Captain-General.*

*Havana, September 12, 1843.*

CHARLOTTE Gallagher, a negress, native of Nassau, of the age of 33 years, was taken from that place in the year 1822, by Mrs. Maria Gallagher, and brought to Matanzas, in this island. Some years afterwards, Mrs. Gallagher came to this city, bringing the said negress with her, and she has ever since been retained as Mrs. Gallagher's slave, until her said mistress died, a few months ago.

Mrs. Gallagher left all her property to her daughter, Susan Buchanan, or Blathwayte, who resides in England; and she appointed a certain Don Tomas Almeida, of this city, as Albacea.

The property has been inventoried according to law; and amongst the other effects, Charlotte, the negress, is put down as having belonged to Mrs. Gallagher; and the Albacea, Mr. Almeida, has taken charge of her. During the time Charlotte has been here, she has had several children; one only, called Thomas, is alive, and living at Nassau, of which place his father, Tom Mackie, is also a native.

At the time (1822) Charlotte was taken away from Nassau, the embarkation of slaves from any British colony was prohibited by Act of Parliament, and their having been so embarked decreed their forfeiture to the British Crown, whereby they became free; and consequently, Charlotte having been illegally deported from Nassau, was forfeited to the British Crown, even had she been the property of the deceased Mrs. Gallagher, by whom she was so deported illegally.

It however appears, by the certificate of the registry of the said Charlotte, which I have recovered, and which I have now the honour of presenting to your Excellency, that she was not the property of Mrs. Gallagher, but was the registered slave of Susan Buchanan and John Kennedy, of New Providence, minors at that time; consequently, she ought not in any way to be taken as belonging to the estate or testamentaria above referred to you.

This poor woman has applied to me under these circumstances for her freedom from slavery; and I have made a full statement of the facts of her case to your Excellency, requesting that you will be pleased to order her liberation,

that she be placed at my disposition, as belonging to the Crown of Great Britain, and permitted to return to her native land, should she think proper.

I have, &c.  
(Signed) JOSEPH T. CRAWFORD,  
*Consul-General in Cuba.*

*His Excellency the Captain-General,*  
&c. &c.

Enclosure 2 in No. 100.

*Mr. Crawford to the Captain-General.*

*Havana, August 5, 1844.*

ON the 12th of September last year, I addressed your Excellency's predecessor, claiming the freedom of Charlotte Gallagher, a negress illegally carried from Nassau, and held here in slavery. To that note I respectfully crave reference. Your Excellency, on the 31st October, informed me that the case had been passed to the Juez de los Difuntos. In consequence I addressed that functionary as follows:—

*Havana, Novembre 2, 1843.*

Senor Oidor Decano, de la Real Audiencia Pretorial, Juez General de Bienes de Difuntos, &c. &c.

El Exmo. Senor Capitan Geral en la contestacion que con fecha 31 del mes pasado, se sirvis dar á mi oficio de 12 de Septiembre me inserta el oficio que de conformidad á lo que ha consultado el Asesor Primo del Gobierno el dia 28 del mes pasado paso s. e. á V. S. : el mismo dia 31 tocante á la negra Carlota, natural de Nassau, comprendida en la testamentaria de la parda Maria de la Encarnacion Gallagher. Y tengo la honra de advertir a V. S. como incidente rigoroso. Mi reclamo de la referida Carlota, respetuosamente solicitando a V. S. la mas pronta decision que sea conbeniente, a favour de este polre muger aprovecho, &c.

The Juez de los Bienes de los Difuntos has never deigned to answer my letter ; and Carlota remains in slavery. I therefore am under the necessity of requesting your Excellency's immediate interference, demanding the liberation of the said person from slavery, and that her earnings may be restored to her by the Albacea (Don Tomas Almeyda) of the deceased Donna Maria de la Encarnacion Gallagher, to whom she has been obliged to pay the same every week or month.

I have, &c.  
(Signed) JOSEPH T. CRAWFORD,  
*Consul-General in Cuba.*

*His Excellency the Captain-General,*  
&c. &c.

(Translation.)

Enclosure 3 in No. 100.

*The Captain-General to Mr. Crawford.*

*Havana, August 28, 1844.*

THE Magistrate Judge-General of the Effects of the Dead informs me, by letter of the 20th instant, that he is about to give sentence on the question raised as to the liberation of the negress Charlotte Gallagher, treated of in the communication which you have been pleased to address to me on the 5th, which I now reply to.

God preserve your Honour many years !  
(Signed)

LEOPOLDO O'DONNELL.

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

Enclosure 4 in No. 100.

*Mr. Crawford to the Captain-General.**Havana, February 21, 1845.*

WITH reference to my note addressed to your Excellency on the 12th of September, 1843, and subsequent correspondence relative to the negress Charlotte, whose freedom I claim, I have now the honour of stating to your Excellency, that the Judge of the Tribunal de Bienes de Difuntos has, I understand, decreed that the estate of the late Mrs. Maria Gallagher has no right to the said Charlotte, and that in consequence she is ordered to be placed at the orders of your Excellency, for such disposition relative to the said Charlotte as your Excellency may think proper.

I have therefore to request that she may be declared free, because of her illegal abduction from the Bahamas, and that Don Tomas de Almeyda, the Albacea under the late Mrs. Maria Gallagher's will, shall pay back to her the sums which the said Charlotte has been obliged improperly to pay to him as slave to that estate.

I have, &amp;c.

(Signed)

JOSEPH T. CRAWFORD,  
*Consul-General in Cuba.**His Excellency the Captain-General,*  
&c. &c.

Enclosure 5 in No. 100.

*Mr. Crawford to the Captain-General.**Havana, March 3, 1845.*

I DID myself the honour of addressing your Excellency on the 21st ultimo, respecting the negress Charlotte, in consequence of her having been placed at your Excellency's disposition, the Tribunal de Bienes de Difuntos having declared that she does not appertain to the estate of the late Mrs. Gallagher.

I have just learnt that the woman Charlotte was taken from her house by an officer of police yesterday morning, and lodged in the Casa de Beneficencia, which, besides depriving her of her liberty, prevents her from earning her livelihood.

The fact of her abduction from the Bahamas, after her having been registered at Nassau in the year 1822, operates her forfeiture to the Crown of Great Britain, according to the laws of England; consequently she became free the moment she was illegally embarked by the deceased Mrs. Gallagher, whose property she was not even then. And the competent tribunal here has now decided that she does not belong to that estate, so that she has no owner whatever, but remains at the disposition of your Excellency. And should your Excellency determine that she shall return to the Bahamas, from whence she came, I shall provide her a passage by the steamer of the 10th instant; but being a quiet industrious woman, I hope that your Excellency will leave her free to remain on this island, exercising her business as a washerwoman, by which she earns her subsistence, and be pleased to order her release from the Casa de Beneficencia.

(Signed)

JOSEPH T. CRAWFORD,  
*Consul-General in Cuba.**His Excellency the Captain-General,*  
&c. &c.

Enclosure 6 in No. 100.

*Mr. Crawford to Mrs. Susan Blathwayte Buchanan.**Havana, July 27, 1843.*

I HAVE to announce to you the death of your mother Mrs. Mary Encarnacion Gallagher, at this place, on the 15th of May last, and I now enclose a copy of her will and inventory of her property, bequeathed to you, of which Mr. Thomas Almeyda is the executor. If you do not yourself understand the Spanish language, it will be necessary to have the will and inventory translated into

CLASS B.



English, by which you will see, that your mother has left about 80*l.* sterling in money, some old clothes, and other effects of little value, and a negro woman, a native of Nassau, named Carlota, also a negro lad named Henry, held by your late mother as slaves.

Mr. Almeyda is a respectable person, and will dispose of the whole of this property as you may direct by your power of attorney, which you should have made out, and sent to him through me immediately; I would recommend your ordering him to defray all expenses, and hand over the account and balance to Her Majesty's Consul-General, to be remitted to you. And with respect to the slaves, I have reason to think, Carlota having served your late mother for nearly 30 years, it was her intention, had time been allowed her during her last illness, to have given her her freedom, as I would advise you to empower me to do now, by a regular separate power of attorney for that purpose, directing Mr. Almeyda to combine with me in that act of humanity. As respects the lad Henry, I would advise you also to order him to be freed; but if you think otherwise you will have to instruct Mr. Almeyda about his disposal. I, however, expect more Christian sentiments, and that him also you will order to be manumitted.

I am, &c.

(Signed) JOSEPH T. CRAWFORD,  
*Consul-General in Cuba.*

No. 101.

*Mr. Crawford to the Earl of Aberdeen.*

*Havana, March 11, 1845.*

(*Received April 9.*)

MY LORD,

I HAVE the honour of acknowledging the receipt of your Lordship's Despatch of the 3rd ultimo, transmitting copy of a Despatch of the same date, addressed by your Lordship to Her Majesty's Commissioners at this place, relative to the nature of the communications which Her Majesty's functionaries here are respectively to make to the Captain-General on matters connected with the Slave Trade Treaty of 1835.

I shall, so far as the instructions contained in that Despatch apply to me as Consul-General, implicitly follow them as the rule for my guidance.

I have, &c.

(Signed) JOSEPH T. CRAWFORD,  
*Consul-General in Cuba.*

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

&c. &c. &c.

No. 102.

*The Earl of Aberdeen to Mr. Crawford.*

SIR,

*Foreign Office, April 23, 1845.*

I HAVE received your Despatch of the 11th ultimo, and I have to express to you my approval of the steps which you took to obtain the freedom of the negress Charlotte, and my satisfaction at the result of the efforts which you made for that object.

I am, &c.

(Signed) ABERDEEN.

*J. T. Crawford, Esq.*

&c. &c.

No. 103.

*The Earl of Aberdeen to Mr. Crawford.*

SIR,

*Foreign Office, May 1, 1845.*

I HEREWITH transmit to you for your information copies of two Despatches which I have recently addressed to Her Majesty's Envoy at Madrid on the subject of Slave Trade in the island of Cuba.

I am, &c.

(Signed) ABERDEEN.

*J. T. Crawford, Esq.*

&c. &c.

## Enclosures in No. 103.

1. *The Earl of Aberdeen to Mr. Bulwer, April 19, 1845.*

2.

"

"

(See Nos. 32 and 33, page 36.)

## No. 104.

*Mr. Crawford to the Earl of Aberdeen.**Havana, April 9, 1845.**(Received May 6.)*

MY LORD,

IN obedience to your Lordship's instructions, I wrote to the Captain-General on the 31st ultimo relative to the Spanish brig "*Matilde*," a slaver, which Her Majesty's Commissioners informed me was fitting out for the coast of Africa at Guanamar, a small out-port of this island.

His Excellency having returned my letter, I considered it my duty to address to him a second communication on the 4th instant, which he has also returned.

I have therefore informed General O'Donnell, that, according to the instructions which I have from your Lordship, I must continue to apprise him of all infractions of the Treaties which may occur; and I have done this that there may be no excuse made that such infractions never reached his knowledge.

I have the honour of laying before your Lordship a copy and translations of this correspondence; I trust that your Lordship will approve of my having been so explicit. I did hope that the strong remonstrance contained in my letter to his Excellency of the 4th would have produced a different result; but your Lordship will observe, he does not even attempt to deny the facts I have stated, or defend himself from the charges I have so broadly insinuated, but contents himself with contemptuously refusing to receive my communications, or to give me any explanations, unless he shall be instructed to do so by his own Government.

Your Lordship must be satisfied, from what has taken place, that our interference here requires to be recognised, and placed upon a proper footing.

General O'Donnell, as long as he can hold his situation, will not hesitate to go on in the course he has adopted; and unless he is checked or removed by his own Government, by every species of evasion he will connive at slave trading, in order to enrich himself and his officers.

This state of things, already so well known to the Spanish Government, I should hope will no longer be permitted to continue; and I trust your Lordship will not allow a repetition of such indignities towards the authorized agent of Her Majesty in this island.

I have, &amp;c.

(Signed)

JOSEPH T. CRAWFORD,  
*Consul-General in Cuba.**The Right Hon. the Earl of Aberdeen, K.T.*

&amp;c.

&amp;c.

&amp;c.

## Enclosure 1 in No. 104.

*Her Majesty's Commissioners to Mr. Crawford.*

SIR,

*Havana, March 31, 1845.*

WE have this morning received information that the Spanish brig "*Matilde*," the property of Don Pedro Forcade, is again fitting out at Guanamar, for the coast of Africa; and public report further states, that the Secretary Paniagua, the Brigadier Falgueras, and others connected with this Government, have shares in the expedition.

We state this to you in obedience to the Earl of Aberdeen's Despatch to us, of the 3rd February last, of which we are informed you have received a copy, directing us to give you all information we receive respecting infractions of the Treaty for the suppression of Slave Trade, in order that you may communicate thereon with the Captain-General; and we beg to suggest, that you forward us

copies of all communications on the subject for our guidance, as soon as they are made.

We are, &c.  
(Signed) J. KENNEDY.  
CAMPBELL. J. DALRYMPLE.

J. T. Crawford, Esq.  
&c. &c.

Enclosure 2 in No. 104.

*Mr. Crawford to the Captain-General.*

*Havana, March 31, 1845.*

INSTRUCTED anew by Her Majesty's Government, that, as Her Majesty's Consul-General, I alone am to communicate with your Excellency on all matters affecting the due execution of the Treaty with Spain for the suppression of Slave Trade, but which have not reference to the detention and adjudication of vessels under it; I beg leave to state to your Excellency, that I have received information upon which I can rely, that the Spanish brig "*Matilde*," the property of Don Pedro Forcade, is again fitting out at Guanimar for the coast of Africa, and that public report further states, that other parties (whose names I forbear from mentioning) have shares in, or are connected with the result of this expedition. The "*Matilde*" is a notorious slaver, and has very recently landed a cargo of negroes on this island.

I hope that your Excellency will be pleased to order enquiry into this matter; and if the parties interested have made themselves liable, I feel confident that the law will be strictly enforced against them.

I have, &c.  
(Signed) JOSEPH T. CRAWFORD,  
*Consul-General in Cuba.*

*His Excellency the Captain-General,*  
&c. &c.

Enclosure 3 in No. 104.

(Translation.) *The Captain-General to Mr. Crawford.*

*Havana, April 3, 1845.*

I HAVE no intimation whatever of the instructions which you inform me have been sent to you by your Government; but as it is not for me to receive them, excepting direct from the Government of Her Majesty the Queen my Mistress, for that reason it is out of my power to alter my conduct, or to receive your communication, which I herewith return, it referring to your power of interfering in matters which turn upon the prohibition of the trade in African slaves, which interference, according as it is established by the Treaties, corresponds alone with the Commissaries of the Mixed Court of Justice.

God preserve your Honour many years!

(Signed) LEOPOLDO O'DONNELL.

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

Enclosure 4 in No. 104.

*Mr. Crawford to the Captain-General.*

*Havana, April 4, 1845.*

I HAVE received your Excellency's note of yesterday's date, returning a communication which I addressed to your Excellency on the 31st ultimo, in obedience to renewed instructions which I have received from Her Majesty's Government.

I shall take the earliest opportunity to report this repetition of your Excellency's refusal to receive such intimations as I am thus expressly directed by my Government to make, bearing upon infractions of Treaties between Great Britain and Spain.

Such infractions have been very frequent; and although all of them which have reached our knowledge have been immediately denounced by the British functionaries to your Excellency, I regret to observe that they have been suffered to pass wholly unnoticed, notwithstanding the repeated assurances which have been given by the Government of Her Catholic Majesty to Her Britannic Majesty's Envoy at the Court of Spain, to the effect, that the most stringent orders have been sent here, and the most ample power delegated to your Excellency, at once to put an end to the disgraceful traffic in slaves, to which Spain is so solemnly pledged in the existing Treaties.

Her Majesty's Government has an undoubted right to watch the observance of those Treaties; and under the belief that your Excellency will oblige fulfilment of their stipulations when they come, or are brought under your notice, it is, that I am instructed to report all infractions as they occur, and to remonstrate thereon with your Excellency.

The duties of Her Majesty's Commissioners under the Treaty of 1835, which provides for the establishment of the Mixed Court, are defined therein, and upon all matters therewith connected they will address themselves to your Excellency.

Your Excellency has upon several occasions returned my communications pointing out and denouncing the most glaring infractions of the Treaties.

This has given rise to very serious remonstrances and discussions between our respective Governments, so that I did not expect a repetition of such an act of discourtesy, but indulged the hope that your Excellency would have been instructed to receive and pay attention to my communications bearing upon infractions of Treaties, which, I am told by my Government in my latest instructions, it is my duty, and mine alone, to notice to your Excellency.

It appears, however, that no such instruction has been given by your Government; and your Excellency persists in treating discourteously the authorized agent of Her Majesty, by returning his communications, a matter which will be regulated, I have no doubt, between the Governments of Great Britain and of Spain.

But, in the meantime slave trading is notoriously carried on. Your Excellency has not been left in ignorance that it is so; you have not informed me of any orders having been issued to arrest the outfitting of the "*Matilde*," and I am therefore left to the conjecture, that, like so many others, she will be allowed to depart upon her hateful expedition to the African coast, from whence she will in due time return to the shores of this island.

I have, &c.

(Signed) JOSEPH T. CRAWFORD,  
*Consul-General in Cuba.*

*His Excellency the Captain-General,*  
&c. &c.

---

Enclosure 5 in No. 104.

(Translation.) *The Captain-General to Mr. Crawford.*

*Havana, April 5, 1845.*

I RETURN to your Honour your communication of yesterday's date, relative to supposed infractions of the Treaties which prohibit the trade of bozal negroes, repeating to your Honour my former declarations, that I will not receive from your Honour any writing which treats upon this subject, nor will I give you any explanation whatever respecting it, so long as the instructions I receive from my Government are not altered.

God preserve your Honour many years!

(Signed)

LEOPOLDO O'DONNELL.

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

---

Enclosure 6 in No. 104.

*Mr. Crawford to the Captain-General.*

Havana, April 7, 1845.

I HAVE received your Excellency's note of the 5th instant, returning my letter of the previous day's date, and informing me that you will not receive any writing from me relative to infractions of the existing Treaties between Great Britain and Spain for the suppression of Slave Trade, nor give me any explanation whatever upon that subject whilst your instructions are not altered by your Government.

I shall transmit to Her Majesty's Government a copy of this correspondence, by the mail steamer, which sails for England on the 10th instant.

In the meantime, in the performance of my duties, under the instructions I hold from my Government, I must continue to place under your Excellency's notice any infraction which unfortunately may occur, or any violation of the stipulations of the Treaties in question, which takes place within the limits of your Excellency's Government.

I have, &amp;c.

(Signed)

JOSEPH T. CRAWFORD,  
*Consul-General in Cuba.*

*His Excellency the Captain-General,*  
&c. &c.

No. 105.

*Mr. Crawford to the Earl of Aberdeen.*

Havana, April 10, 1845.

*(Received May 6.)*

MY LORD,

I HASTEN to place before your Lordship copy and translation of a note which I have received from his Excellency the Captain-General in reply to my letter to him of the 8th instant, referred to in mine of yesterday's date. Your Lordship will observe that General O'Donnell denies the right of my interference altogether, and repeats his determination to return all such communications as I may find it necessary to make to him relative to Slave Trade.

There is, therefore, no hope of even a diminution, much less that anything will be done to put an end to the traffic whilst this officer is in power here.

I have, &amp;c.

(Signed)

JOSEPH T. CRAWFORD,  
*Consul-General in Cuba.*

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

Enclosure in No. 105.

(Translation.)

*The Captain-General to Mr. Crawford.*

Havana, April 9, 1845.

I HAVE acquainted myself with your communication of yesterday, answering mine of the 5th; and as you insist in mixing in affairs relating to the negro question, in the which the existing Treaties do not concede to you, as Consul, any intervention, although it may be disagreeable to me, I shall continue in that case returning to you your writings upon the subject, as long as the instructions which have been transmitted to me by my Government are not altered.

God preserve you many years!

(Signed)

LEOPOLDO O'DONNELL.

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

No. 106.

*The Earl of Aberdeen to Mr. Crawford.*

SIR,

*Foreign Office, May 31, 1845.*

WITH reference to my previous correspondence with you on the subject of the family named Kelsall, and other persons, natives of the Bahamas, said to be British subjects, held in captivity in the island of Cuba, I herewith transmit to you a copy of a Despatch which I have received from Her Majesty's Commissioner at Jamaica, containing information on this subject.

You will make use of the intelligence which these papers convey, for assisting your endeavours to rescue the unfortunate persons concerned from slavery.

J. T. Crawford, Esq.  
&c. &c.

I am, &c.  
(Signed) ABERDEEN.

Enclosure in No. 106.

*Mr. Turnbull to the Earl of Aberdeen, November 22, 1844.**(See Class A., 1844, presented 1845, No. 247, page 340.)*

No. 107.

*Mr. Crawford to the Earl of Aberdeen.**Havana, May 9, 1845.**(Received June 4.)*

MY LORD,

I HAVE the honour of acknowledging the receipt of your Lordship's Despatch of the 1st of March, enclosing a copy of instructions to Mr. Bulwer of the 14th of February last, having reference to your Lordship's Despatch of the 3rd of February last.

I have, &c.  
(Signed) JOSEPH T. CRAWFORD,  
*Consul-General in Cuba.*

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

No. 108.

*Mr. Crawford to the Earl of Aberdeen.**Havana, May 19, 1845**(Received June 4.)*

MY LORD,

ON the 6th instant, at 7 in the morning, it was known here that during the previous night some negroes had been landed at the Chorero, and a man-of-war schooner was got ready, and dispatched (apparently with great exertion) in chase of the slaver, which was seen towing a small craft which had been employed in the landing of the miserable victims.

As might have been expected, the slaver, said to have been the famous "*Palmyra*," effected her escape, and the negroes which were landed were placed in safety for the proprietors of the expedition.

The Penal Laws were promulgated by authority here in the *Diario* of the 26th ultimo; but of what use are any enactments, when connivance such as must have been practised upon this occasion, permits the guilty parties to escape, after landing the negroes where there is a military post, and almost under the guns of Fort Principe?

I have, &c.  
(Signed) JOSEPH T. CRAWFORD,  
*Consul-General in Cuba.*

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

No. 109.

*Mr. Crawford to the Earl of Aberdeen.**Havana, June 9, 1845.**(Received July 4.)*

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of the 23rd April, approving of the steps taken by me to obtain the freedom of the negress Charlotte, and expressing your Lordship's satisfaction at the result.

The said Charlotte, now free, is ordered to leave the island, to which effect her passport has been sent to me; but as she can maintain herself creditably here, and is desirous of remaining, I am endeavouring to obtain the necessary permission.

I have, &amp;c.

(Signed) JOSEPH T. CRAWFORD,  
*Consul-General in Cuba.**The Right Hon. the Earl of Aberdeen, K. T.*

&amp;c. &amp;c. &amp;c.

No. 110.

*Mr. Crawford to the Earl of Aberdeen.**Havana, June 10, 1845.**(Received July 4.)*

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch dated 1st May, and its enclosures, relative to Slave Trade in the island of Cuba.

I have, &amp;c.

(Signed) JOSEPH T. CRAWFORD,  
*Consul-General in Cuba.**The Right Hon. the Earl of Aberdeen, K. T.*

&amp;c. &amp;c. &amp;c.

No. 111.

*Mr. Crawford to the Earl of Aberdeen.**Havana, July 10, 1845.**(Received August 5.)*

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of the 31st May last, transmitting copy of a Despatch from Mr. Turnbull, Her Majesty's Commissioner at Jamaica, relative to certain natives of the Bahamas, said to be British subjects, held in captivity in this island.

And in compliance with your Lordship's instruction, I shall make use of the intelligence which these papers convey, to assist my endeavours to rescue the unfortunate persons concerned in them.

I have, &amp;c.

(Signed) JOSEPH T. CRAWFORD,  
*Consul-General in Cuba.**The Right Hon. the Earl of Aberdeen, K. T.*

&amp;c. &amp;c. &amp;c.

No. 112.

*The Earl of Aberdeen to Mr. Crawford.*

SIR,

*Foreign Office, September 30, 1845.*

WITH reference to previous correspondence on the subject of the refusal of the Captain-General of Cuba to receive representations from Her Majesty's agents in Cuba respecting infractions of the Treaty of 1835 for the suppression of the Slave Trade, I herewith transmit to you a copy of a further note which I have received from the Spanish Minister at this Court, together with a copy of

the reply which, in accordance with the opinion of the proper law adviser of the Crown, I have returned thereto.

J. T. Crawford, Esq.  
&c. &c.

I am, &c.  
(Signed) ABERDEEN.

Enclosures in No. 112.

1. *The Duke of Sotomayor to the Earl of Aberdeen, May 16, 1845.*
2. *The Earl of Aberdeen to the Duke of Sotomayor, September 19, 1845.*

(See Nos. 38 and 65, pages 41 and 98.)

No. 113.

*Mr. Crawford to the Earl of Aberdeen.*

*Havana, November 7, 1845.*

(Received December 5.)

MY LORD,

I BEG leave to acknowledge the receipt of your Lordship's Despatch dated 30th of September, transmitting a further note which your Lordship had received from the Spanish Minister, together with a copy of the reply which, in accordance with the opinion of the proper law adviser of the Crown, your Lordship had returned thereto.

I have, &c.  
(Signed) JOSEPH T. CRAWFORD,  
*Consul-General in Cuba.*

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





SPAIN. (*Consular*)—*Porto Rico.*

---

No. 114.

*Mr. Lindegren to the Earl of Aberdeen.*

*Porto Rico, January 14, 1845.*

*(Received February 11.)*

(Extract.)

THE following are, I understand, the regulations respecting slaves in the island of Porto Rico. In every large and small town, there is an Alcalde or Justice of the Peace, and likewise, a person appointed for the special protection of the slaves, called a Syndic, who is expected to see that justice is done them. It is always in the power of a slave to purchase his freedom, as soon as he can collect sufficient money for the purpose; and the master and slave generally come to an understanding as to the price, if the value is not ascertained, which it generally is in most instances, from the master having purchased him, or from other circumstances; and he cannot demand more than he has given for him, unless he has taught him any trade, when he is allowed to demand a higher price; but the general value of a slave not knowing a trade is 300 dollars, though some are not worth so much; and if they cannot agree, the slave goes to the Syndic, and one person is appointed on the part of the slave, and another on that of the master, and in case of difference, the Alcalde appoints a third, who gives the price, which the master is then obliged to take.

The slave can also change his master; but the owner is not obliged to sell him to any third person if he does not like it, unless either of the following can be proved against him, that the slave is either badly fed, badly clothed, ill-treated, or prevented from going to church; and if the slave can prove either of these, he may go before the Syndic, and demand to change masters; the Syndic will then order the master to sell him within a specified time, and the slave has a paper given him authorizing him to find another master; the master is at the same time ordered to fix his price; and if no one will give the sum asked by the master within the time fixed by the Syndic, he is obliged to take the highest price that may have been offered for the slave. All this appears favourable for the protection of the slaves, but it is principally those only in the towns, who have means of access to the Syndic, and can derive advantage from it; as in the country, when slaves have bad masters, it is a very difficult thing, and almost impossible, for them to make a complaint, for, from the strict regulations on the estates, it is difficult for them to absent themselves a sufficient length of time to go to the Syndic; when, however, they are well treated, which I am told they are in most instances, they are very careless about purchasing their freedom, as, after they are free, they are subject to serve in the militia, and fill the parochial offices. When a slave has saved a little money, sufficient to purchase a head of cattle, in which the island abounds, he can buy one, with his master's consent, and let it to a free man, who pays him half the earnings, and the master sees that his slave has justice done him; whereas, if he was free, he would not have any master to protect him. Many slaves are enabled thus to become possessed of property, much more than sufficient to purchase their freedom; but when they die, what they leave becomes the property of the

master, I am told, however, that the masters do not take it, but give it to their wives and children.

The population of the island I cannot ascertain, as a census has not been taken lately; but there are not less than 500,000 inhabitants, of which not more than from 40,000 to 50,000 are slaves, or about 10 whites to one black; the distinction, however, between black and white inhabitants is not made with reference to colour; for a black, as soon as he has purchased his freedom, is considered a white man; and when they show any hair upon their heads, they are taken to serve in the militia, the Spanish law not allowing any but white people to become soldiers, except three companies of black artillery, who are distributed over the island, having officers of their own, with white officers over them.

There are in the island seven battalions of militia, of 1,000 men each, formed from the free inhabitants, independent of the regular troops, who furnish guards over the different prisons in the towns and villages, keep the slaves in subjection, and perform other duties.

The work on the estates is generally done by both free people and slaves; the free people are employed in planting and cutting the canes, and digging ditches; but it is very difficult to get them to work in the boiling houses, where the negroes are principally employed; on a few estates, however, where they are well treated, and are regularly paid, they are employed at all the different works that are in hand, indiscriminately with the negro slaves; and I am in hopes, therefore, that working with free labourers will gain ground in the islands. What the proprietors of estates complain of with regard to the free labourers is, that they cannot depend upon their remaining with them; but from some whim, or from having managed to get a little money in advance, they will leave their work at once, frequently without giving any notice, and at a time, perhaps, when it may be very inconvenient to lose them. Whilst they work, the general pay which the free labourers receive is, I understand, six dollars, or about 24s. per month; and they receive the same provisions as the slaves; and the negro drivers have charge over them as well as the slaves.

No. 115.

*Mr. Lindegren to the Earl of Aberdeen*

*San Juan, Porto Rico, January 25, 1845.*

*(Received February 24.)*

MY LORD,

I HAVE had the honour of advising your Lordship, of the departure slaver, for Africa and that I had communicated all the information I had procured respecting her, and other matters relating to the Slave Trade, to Vice-Admiral Sir Charles Adam, from whom I have received an answer from Antigua, saying, that he will send one of his cruizers to communicate with me. I have also advised him of her departure; and I have now only to add, that I have ascertained from good authority that the Governor here has positively refused leave for the slaver to land her cargo here when she returns, though the owners were previously led to expect that he would have allowed it; and all that he will permit is, that they may hold communication with her when she calls off the port. The other slaver, which is expected, has not yet made her appearance.

I have, &c.  
(Signed) JOHN LINDEGREN.

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

&c.            &c.            &c.

No. 116.

*The Earl of Aberdeen to Mr. Lindegren.*

SIR,

*Foreign Office, April 23, 1845.*

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

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

Second—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?

Third—Is the slave protected by law equally with a free man in criminal cases?

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

Fifth—Is the evidence of a slave received in a court of law?

Sixth—Is the slave well or ill-fed, well or ill-treated?

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

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

Ninth—Is the manumission of slaves of common occurrence?

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

Eleventh—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?

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

Thirteenth—Are free coloured men ever admitted to offices of the State?

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

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

*J. Lindegren, Esq.*  
&c. &c.

I am, &c  
(Signed) ABERDEEN.

No. 117.

*The Earl of Aberdeen to Mr. Lindegren*

SIR,

*Foreign Office, April 25, 1845.*

I HEREWITH transmit to you a copy of an instruction which I addressed to Her Majesty's Envoy at Madrid, instructing him to communicate to the Government of Her Catholic Majesty the gratifying statement contained in your Despatch of the 25th January last, in relation to the conduct of his Excellency the Governor of Porto Rico as to Slave Trade.

I also transmit to you a copy of a Despatch which I have received from Her Majesty's Envoy, containing the reply of M. Martinez de la Rosa to that communication.

You are at liberty, if you think fit, to read these papers to Count Mirasol.

*J. Lindegren, Esq.*  
&c. &c.

I am, &c.  
(Signed) ABERDEEN.

Enclosures in No. 117.

1. *The Earl of Aberdeen to Mr. Bulwer, March 1, 1845.*
  2. *Mr. Bulwer to the Earl of Aberdeen, March 31, 1845.*  
(See Nos. 12 and 26, pages 16 and 32.)
- 

No. 118.

*Mr. Lindegren to the Earl of Aberdeen.**San Juan, Porto Rico, April 9, 1845.**(Received May 6.)*

MY LORD,

I am glad to find that your Lordship approves of the communications I made to the Commander-in-Chief on the West India station relative to the slavers, and beg to inform your Lordship, that I received an answer from Vice-Admiral Sir Charles Adam, saying, that he should leave orders with the Honourable Montague Stopford, of Her Majesty's ship "Pique," the senior officer in charge of the Barbadoes division of the station under his command, to take such steps to intercept the vessel that had sailed from hence as the limited force under his command would admit of; and he sent Her Majesty's ship "Rose" to communicate with me on any information I might have to make for Her Majesty's service.

I have now only to add, that the slaver has not yet returned although the owners have been expecting her back for upwards of a month, and I hope, therefore, that she may have fallen into the hands of one of Her Majesty's cruizers. No other slaver is fitting out here; and the Governor, as I have ascertained within these few days, remains firm in his determination, not to allow any slaves to be landed on the island.

I have, &amp;c.

(Signed)

JOHN LINDEGREN.

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

&amp;c.

&amp;c.

&amp;c.

No. 119.

(Extract.)

*Mr. Lindegren to the Earl of Aberdeen.**San Juan, Porto Rico, May 9, 1845.**(Received June 4.)*

MY LORD,

I HAVE not had occasion lately to address your Lordship on the subject of the Slave Trade, but I have been for some time looking out for the return of the brigantine which sailed for the coast of Africa in January last, and so has the Captain of Her Majesty's sloop "Rose," who was in hopes of capturing her off here upon her return. I am glad, however, to find, that the owner here has just received letters informing him of her capture by one of Her Majesty's steamers in the river Pongo, where I stated to your Lordship that she was most probably destined to take in her cargo. The brigantine had just arrived there, and, without anchoring, was sending a boat ashore, when, at 2 o'clock in the afternoon, the steamer appeared, and chased her until 4 o'clock, when the brigantine had run her out of sight; but it falling calm, the steamer came up with her at 8 o'clock in the evening, and captured her. Had this not occurred, all the slaves would have been on board the same evening on which she had appeared off the coast, as 650 were ready for shipment in launches, and she would have been off again during the night; and had it not been a steamer that she met with, she would probably have escaped, as they represent her to have been a surprisingly fast sailor. The vessel was cut in two and the crew were landed at Sierra Leone. I understand, further, that no British cruizer had appeared off this part of the coast for two years until the 16th of January last, when this steamer, whose name I have not been able to learn, first appeared, since which she had, up to the time when this letter was written, captured 15 vessels from Cuba.

I have, &amp;c.

(Signed)

JOHN LINDEGREN.

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

&amp;c.

&amp;c.

&amp;c.

No. 120.

*Mr. Lindegren to the Earl of Aberdeen.*

*San Juan, Porto Rico, June 11, 1845.*

(*Received July 4.*)

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of the 23rd of April, and have since been endeavouring to obtain information to enable me to answer the queries which it contained; and I now beg to forward to your Lordship answers to them. I regret, however, to say, that in spite of my utmost endeavours, it has been impossible for me to obtain correct information as to the population, with all the particulars relating thereto which your Lordship requires; and finding I could not get the population of the census in 1838, I at last applied to the Governor, to endeavour to obtain it from him; but he told me, that he had not any accounts in his office relative to the population, for all the papers upon that subject had been transferred from thence to the parties who were engaged in drawing up a statistical account of the island.

With regard to the other queries, I have made enquiries in various quarters to get information on the various subjects, and after comparing the answers with each other, I forward to your Lordship the result, which I believe to be substantially correct; and I have made, I trust, my answers as concise as the circumstances would admit of.

I have, &c.

(Signed)

JOHN LINDEGREN.

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

&c.

&c.

&c.

Enclosure in No. 120.

*Answers to Queries to treatment of Slaves.*

*Porto Rico, June 11, 1845.*

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

A. I cannot send a return of the present population of Porto Rico; but a committee is making a statistical account of the island, in which the present population will appear, and when that is made I will forward the particulars. As far as I can ascertain, the present population is not less than 500,000 whites, blacks, and mulattoes; of these, between 80,000 and 90,000 are free labourers, and the slaves do not exceed 50,000.

No census was taken here in the years 1832 and 1837, but an account of the population was taken in the years 1828 and 1838.

I can obtain but imperfect information of these, as I cannot find that they have ever been published for the use of the public, and I do not believe that they were correctly taken.

As far as I can learn, the population in that of 1828 amounted to—

Whites	.	.	.	133,155	
Free mulattoes and blacks	.	.	.	96,840	
Free labourers, people of all colours possessed of no property	.	.	.	38,397	
Slaves	.	.	.	34,240	
					302,632

SLAVES.

Males	.	.	.	17,554	
Females	.	.	.	16,686	
					34,240

TOTAL.	
Males . . .	145,670
Females . . .	156,962
	302,632

In 1838 the population was—

Whites . . . . .	176,000
Free mulattoes and blacks . . . . .	130,000
Slaves . . . . .	44,000
	350,000

I have not been able to ascertain the number of males and females, and I believe the general amount of the population to be much underrated, from what has been reported to me, from apparently good authority, as the present population; but the number of slaves is correct, as an account was taken at that period, to lay a tax upon them.

Q. Is it supposed that any slaves were 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. It is impossible to ascertain the number of slaves imported within the last 10 years, for it being an illegal importation, no notice is taken of it in the Custom House returns. Most of the slaves were imported into the island during the government of General Manoel de la Torre, who remained here for 15 years. General Lopez Banos succeeded him in 1837, and continued in the command until 1841, and during his government from 500 to 600 may have been imported from Africa; under the government of his successor, General Mendez Vigo, who left in 1844, from 900 to 1,000 may have been landed from the same quarter; and since the present Governor arrived, about 15 months ago, none have been imported.

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

A. Yes, with the difference, that if it is a trifling case, the owner defends him; but in a serious one, the owner abandons him; and he is now and then sold, to pay the expenses of the suit, or sent to the Government works; and there are cases of aggravated crimes, where a free man would have been subject to severe punishment, or death, that a slave has escaped in this way.

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

A. In every parish a Syndic, or Protector of Slaves, is appointed, who is chosen every two years by the neighbouring proprietors; and in case of ill-treatment by the master, the slave appeals to the Syndic, and if he can prove to have been either badly fed, badly clothed, ill-treated, or prevented from going to church, he can demand to change his master, who is obliged to sell him at a fair price; but although complaints can be made with facility to the Syndic in the towns, it is not so easily done in the country, especially if the slave has a tyrannical master, as they are locked up in most of the estates at night, as soon as their work is over, so that they have only a chance of seeing the Syndic on a Sunday; and if the slave is found off the estate to which he belongs, without a pass from the owner or manager, he is taken up.

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

A. Against a slave, but not against a free man.

Q. Is the slave well or ill fed, well or ill treated?

A. The slaves are in general well fed, well treated, although they meet with tyrannical masters occasionally; but according to law, a master can only give his slave 25 stripes. The working hours fixed by law are, 9 in the 24 at ordinary periods, and 13 when the crop is getting in; but at that time this is not attended to, and they work much longer. There is also a law, that the slaves are to be locked up at night, in buildings surrounded by a wall, in which there are separate divisions for married and unmarried persons. There is also a hospital for the sick; but in some few of the estates the married slaves are allowed huts, and a piece of ground for a garden.

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

A. Yes, the slaves enjoy as good health generally as the free people of the

lower class in the island, and perhaps more, as the master attends to their health for his own interest, and the free people are lazy and careless beyond the absolute necessities of life, and being insufficiently housed, they are exposed to the night dews, which produce agues and rheumatism.

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

A. On the increase, as the slave female population is nearly as numerous as that of the male, and many of the owners encourage marriage, and give the married slaves huts to live in, separate from the rest; although those interested in the importation of slaves say the contrary, and that the island will be soon ruined through want of slaves, as they are constantly diminishing in number, which does not appear to be the case.

Q. Is the manumission of slaves of common occurrence?

A. Slaves do not often obtain their freedom gratuitously, except when now and then their masters free them in their wills, for good behaviour; but a slave owner is obliged to give his slave his freedom, at a price fixed by arbitors if they cannot agree, as soon as he can find money to purchase it; this does not happen very often in the country, as they have not frequent means of earning money; but it does in the towns, where labourers, and persons knowing a trade are often allowed by their masters to hire themselves out to work; and the usual rate of payment by the slave to the master for this is one real, or about 6*d.* per day for every 100 dollars that he has paid for him; and as he will probably earn more than twice that sum, he can lay by money to purchase his freedom; but if they have a good master there are many slaves who, having ample means are careless about purchasing their freedom.

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

A. There has not been any alteration in the laws respecting the treatment of slaves for many years.

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. I do not believe that there is any party favourable to the abolition of slavery here, for all are more or less interested in its continuation, as on the estates it is difficult to get the free population, which is very numerous, to work in the sugar boiling houses, and in the towns they make very bad servants, and are in both instances apt to leave at a moment's notice.

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

A. No, there is none; all who are free are on a similar footing in the eye of the law.

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

A. No.

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

A. I have procured my information from those private sources from whence I thought I could best obtain it, as I could not get it from public documents; and with regard to the census of the population, I beg to refer to my answer to the first question; and have only to add, that no fixed periodical census is taken by the Government.

(Signed) JOHN LINDEGREN.

No. 121.

*Mr. Lindegren to the Earl of Aberdeen.*

*San Juan, Porto Rico, June 11, 1845.*

*(Received July 4.)*

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of the 25th of April, enclosing copy of an instruction addressed by

CLASS B.



your Lordship to Her Majesty's Envoy at Madrid, instructing him to communicate to the Government of Her Catholic Majesty the statement made in my Despatch of the 25th January, in relation to the conduct of his Excellency the Governor of Porto Rico as to the Slave Trade, as well as copies of the Despatch which your Lordship has received from Her Majesty's Envoy, containing the reply of M. Martinez de la Rosa to this communication, which I have shown to his Excellency the Count de Mirasol, who appeared much gratified, and told me that he had received by the preceding packet the Despatch from his Government which your Lordship had requested might be sent to him in approval of his conduct; and I have no doubt that he will persevere in his determination of prohibiting the introduction of any slaves into this island.

I have, &c.

(Signed)

JOHN LINDEGREN.

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

&c.

&c.

&c.

No. 122.

*Mr. Lindegren to the Earl of Aberdeen.*

*San Juan, Porto Rico, June 12, 1845.*

(Received July 4)

MY LORD,

I HAVE the honour to inform your Lordship, that an official communication has just been made to the public by the Captain-General of Porto Rico, containing the Proclamation of the Queen of Spain against the Slave Trade, and detailing the pains and penalties to which all those will be subject who may engage in it, agreeable to the last Decree of the Cortes, and pointing out the tribunals which are to take cognizance of such cases of this kind as may occur.

I have, &c.

(Signed)

JOHN LINDEGREN.

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

&c.

&c.

&c.

No. 123.

*Mr. Lindegren to Mr. Bidwell.*

*San Juan, June 26, 1845.*

(Received July 22.)

MY DEAR SIR,

SINCE I have been here, in answer to the enquiries which have been made me, I have given all British subjects to understand, that it was illegal in them to hold slaves, or to dispose of them, except they were in their possession prior to the passing of the Act 6 and 7 Vict., cap. 98, or unless they had become possessed of them prior to such sale by indenture, devise, bequest, marriage, or otherwise by operation of law. Enquiries have, however, been made of me grounded upon the Acts of the 5 Geo. IV., cap. 113, "An Act to amend and consolidate the laws relating to the abolition of the Slave Trade," and the 6 and 7 Vict., cap. 98, "An Act for the more effectual suppression of the Slave Trade," as to whether it is distinctly clear that British subjects cannot hold, and purchase, and sell slaves in this island.

The 13th clause of 5 Geo. IV., cap. 113, allows the purchase and sale of slaves for the purpose of employing them upon the same island.

The last part of the 1st clause of 6 and 7 Vict., cap. 98, extends the operation of the above consolidated Slave Trade Act to all British subjects, whether residing within the dominions of Her Majesty or of any foreign country; and concludes—"Provided, nevertheless, that nothing herein contained shall repeal or alter any of the provisions of the said Act." In clause 5 of 6 and 7 Vict., cap. 98, it provides, "That in all cases in which the holding or taking of slaves shall not be prohibited by this or any other Act of Parliament, it shall be lawful to sell or transfer slaves, anything in this or any other Act contained notwithstanding." And clause 6 points out what persons can hold or dispose of slaves without incurring penalties, &c.

It has, therefore, been suggested to me, that as by the 13th clause of 5 Geo. IV., cap. 113, it is allowed to sell and purchase slaves on the same island; and as by the concluding proviso in the 1st clause of 6 and 7 Vict., cap. 98, it is stated "That nothing herein contained shall repeal or alter any of the provisions of the said Act," it is lawful for a British subject to sell and purchase slaves upon this island, for use here, but not to be sent out of it.

I should be glad, on this account, if you could point out to me by what Act the purchase and sale of slaves by British subjects in the island of *Porto Rico*, for purposes within the island as above stated, is prohibited; and whether the Act of 3 and 4 Will. IV., for the abolition of slavery throughout the British colonies (which I have not) does away with the clause 13 in the Act of 5 Geo. IV., cap. 113, first referred to, on which this suggestion is grounded.

I remain, &c.

(Signed)

JOHN LINDEGREN.

J. Bidwell, Esq.  
&c. &c.

---

Enclosure in No. 123.

*Extract of a Letter from Guayama.*

June 21, 1845.

WITH regard to the case of the planter imprisoned on suspicion of murdering his slaves, the matter is still being investigated; but everything tends to show it was a conspiracy got up among the negroes. His Excellency the Governor was so thoroughly convinced of this, that he ordered him to be released (under bail) from prison, and he is now residing on the estate, but not interfering in the management, nor will be allowed to do so until the investigation has been completed, and he acquitted. That this will shortly be the case, there is no doubt.

---

No. 124.

*The Earl of Aberdeen to Mr. Lindegren.*

*Foreign Office, September 26, 1845.*

SIR,

Your letter of the 26th of June last to Mr. Bidwell (which, being on a matter of an important nature, ought to have been addressed to the Secretary of State,) was, under my directions, referred to the law officers of the Crown for their opinion of the question therein treated of, namely, whether, taking into consideration the Acts of the Imperial Parliament of Great Britain, the 5 Geo. IV., cap. 113, and the 3 and 4 Will. IV., cap. 73, and the 6 and 7 Vict., cap. 98, British subjects can, without infringing the law of Great Britain, buy and sell slaves in *Porto Rico* for their use in that island, and not to be sent out of it.

I have to state to you, for your information and guidance, and for communication to any of Her Majesty's subjects who may make enquiries of you on this subject, that the law advisers of the Crown have reported, that British subjects cannot purchase and hold, or sell slaves in the island of *Porto Rico*, or elsewhere, without being guilty of an offence against British law, with certain exceptions mentioned in the Statute 6 and 7 Vict., cap. 98.

That by the 2nd section of the Statute 5 Geo. IV., cap. 113, the purchase, sale, or contract for slaves, is declared unlawful, and by the 1st section of 6 and 7 Vict., cap. 98, the 5 Geo. IV. is made applicable to all British subjects, wherever residing, subject to the exceptions above adverted to.

Her Majesty's advisers also observe, that it is true, as stated by you, that there is in the 13th section of 5 Geo. IV., cap. 113, an exception to the purchase and sale of slaves to be used in the same island; but that this exception relates only to islands, &c., belonging to, or in the possession of, the British Crown, and consequently that it has no bearing upon the point at issue.

I am, &c.

(Signed)

ABERDEEN.

J. Lindegren, Esq.  
&c. &c.

---

No. 125.

*Mr. Lindegren to the Earl of Aberdeen.**San Juan, Porto Rico, September 26, 1845.**(Received October 21.)*

MY LORD,

I HAVE the honour to acknowledge receipt of your Lordship's circular of the 30th June, enclosing copy of a Convention between Her Majesty and the King of the French, for the suppression of the Slave Trade, for which I am much obliged.

I have not at present any communication to make to your Lordship from hence relative to the Slave Trade, as it appears, for the present, at least, to be quite put a stop to here, from the decided conduct of the Governor of Porto Rico in prohibiting the admittance of slaves into the island.

I have, &amp;c.

(Signed)

JOHN LINDEGREN.

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

&amp;c.

&amp;c.

&amp;c.

No. 126.

*Mr. Lindegren to the Earl of Aberdeen.**San Juan, Porto Rico, November 4, 1845.**(Received December 5.)*

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of the 26th September last, and am much obliged to your Lordship for having had the goodness to refer to the law officers of the Crown the question I asked Mr. Bidwell, as to whether British subjects, under the existing laws to which I referred, could buy and sell slaves in Porto Rico for their own use upon the island, provided they were not sent out of it; who had reported that they could not, unless under the exceptions provided in the Statute of the 6 and 7 Vict., cap. 98, which I shall not fail to communicate to all those of Her Majesty's subjects who may make enquiries of me about it, apprizing them that they will be guilty of an offence against the British laws if they enter into transactions of this kind unless permitted by the exceptions in the Statute of the 6 and 7 Vict., cap. 98, above mentioned.

I have, &amp;c.

(Signed)

JOHN LINDEGREN.

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

&amp;c.

&amp;c.

&amp;c.

No. 127.

*Mr. Lindegren to the Earl of Aberdeen.**San Juan, Porto Rico, November 8, 1845.**(Received December 5.)*

MY LORD,

I WAS in great hopes that all attempts to carry on the Slave Trade from hence were put a stop to, by the capture of the slaver which sailed from hence in the beginning of the year, and the strong laws lately passed in Spain against it, as I could not hear of any further movements in that way, and I thought that the slaves intended for shipment had either been sold on the spot or sent to the Brazils. On the 28th ultimo, however, a small slaver appeared off this port from the coast of Africa, but being signalized only as a schooner in the offing, which is a frequent signal here, she was not known to be a slaver; but in the evening the Captain came ashore, in hopes that the Governor would allow part of the slaves to be landed on the island, as well as to get provisions; but the Governor had so decidedly refused to allow it a few months ago, that those interested in her here, who were owners of the slaver taken on the coast of Africa in the early part of the year, did not attempt to communicate with him upon the subject; and having, therefore, received a supply of water and

provisions the following morning whilst laying off the port, she sailed again in the forenoon, with the intention, I believe, of landing her slaves, if possible, on the island of Cuba, and if she could not succeed there, of carrying them on to the Brazils.

Her arrival off this port was kept so secret, as the Captain did not land until after dark, that I did not hear of it until the next morning, when I waited upon the Governor, and found that he had not been informed of it; but he assured me, that he would not only prevent any of the slaves from being landed, but, if this should by any possible means be effected, that they should be all seized immediately; and he gave directions for the only man-of-war in the port, which was a brig, to be got ready to seize her, if practicable, but as she was refitting, and her sails were unbent, they could not get her ready before 4 o'clock in the afternoon, when it fell calm, and they could not get her out of the harbour, and before that time the schooner was out of sight. It was calm also the following morning, which prevented her again from getting out of harbour, and by that time the slaver had got too great a start to be overtaken.

I wrote a letter to the Admiral or Commanding Officer of Her Majesty's ships at Barbadoes, communicating the circumstances to him, which I forwarded by the West India mail steamer on the 1st instant, thinking, that if one of our men-of-war should be going down to the Havana, she might perhaps still fall in with the slaver, as, perhaps, from the late orders from Spain, there may be now rather more difficulty in landing slaves there, and if disappointed in landing them where they expected, she might be hovering off the coast; and I told him that I thought they would attempt to land them at Bahia Honda or Punto de Cabanes, the two places formerly named to me as those fixed upon as the most convenient for landing slaves. I sent him, likewise, a description of the slaver, which is, a small schooner of about 100 tons, low, painted black, with a narrow white streak, and a figure-head, with three stars on her stern, and carrying a square top-sail. She had about 240 slaves on board, and was under the orders of a person named Carreras, who was Master of the vessel sent from hence in January to bring slaves from the river Pongo, and was taken by Her Majesty's steamer "Albert;" and the principal person sent previously from hence is still upon the spot, and has between 600 and 700 slaves now ready for shipment; and I am told that another vessel may be shortly expected, if she escapes our cruisers; but I hear that this is the only one out of 15 that has escaped, and that the Company to which she belongs have lost seven in this trade, and that she was not intended to call here, but was ordered to try to land part of the slaves at the west end of the island, and then to proceed to Cuba with the remainder; but having been for four days on short allowance of provisions and water, she was obliged to get a supply of both here. I told the Governor of this intention to endeavour to land part of the slaves on the island, and enquired of him to-day whether any attempt had been made to land any to the westward; but he told me, that there had not, and that it was impossible for any to be landed without his knowledge; and should any attempts of the kind be made hereafter, I am sure they will not succeed, as he expressed himself very strongly upon this point, and said, that whilst he had such orders as that which he now held, I might be assured that no slaves should be landed on this island; and if they should attempt to land any, that they should be immediately seized.

I beg to assure your Lordship, that I shall keep a sharp look out for any fresh arrivals of slavers; and if I obtain any information on this subject likely to be useful, I shall communicate it by the first opportunity to the Commanding Officer of Her Majesty's ships on the station, of which I trust your Lordship will approve.

I have, &c.

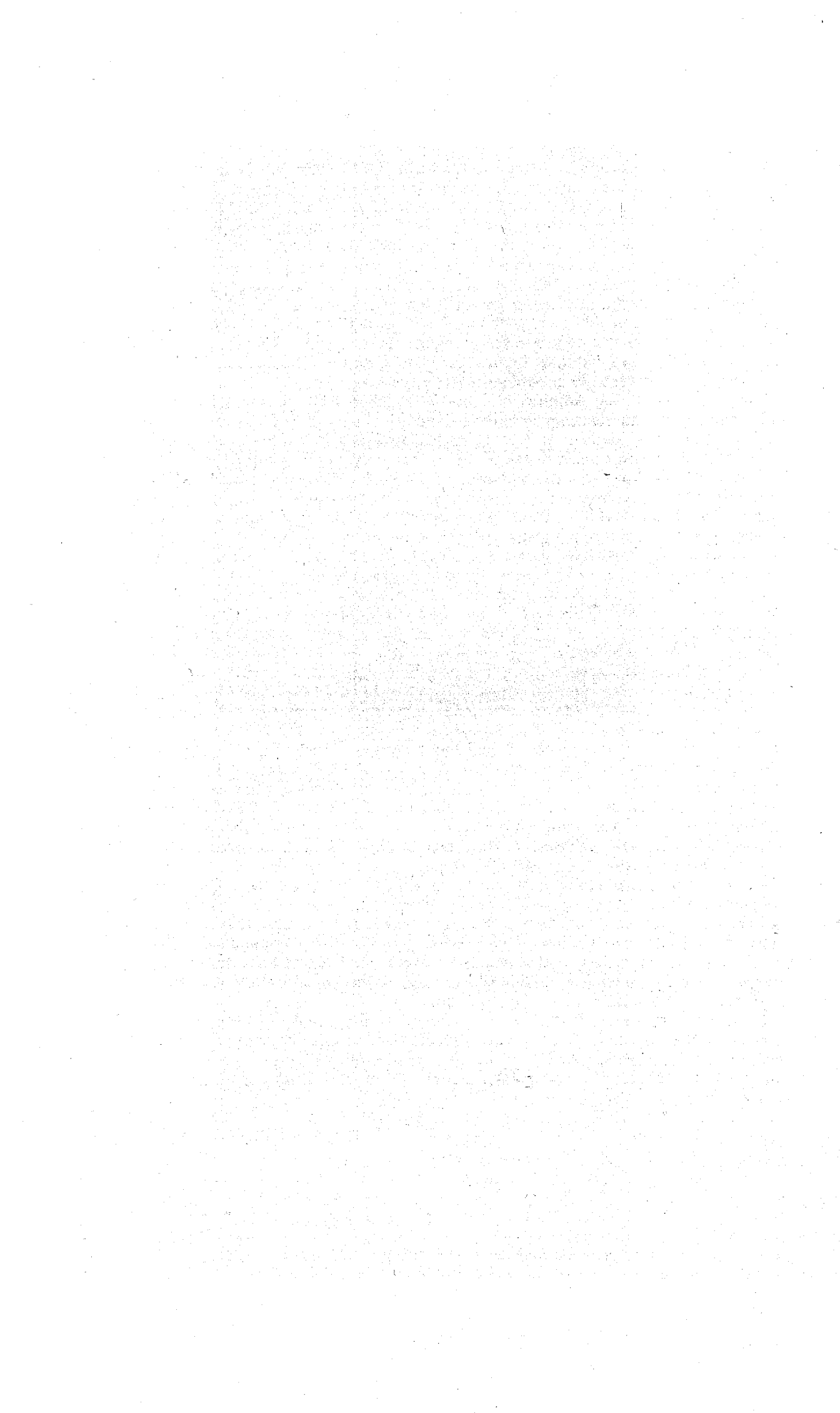
(Signed) JOHN LINDEGREN.

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

&c.

&c.

&c.



SPAIN. (*Consular*)—*Teneriffe.*

---

No. 128.

*Mr. Bartlett to the Earl of Aberdeen.*

*Santa Cruz, April 12, 1845.*

*(Received May 6.)*

MY LORD,

I HAVE the honour to inform your Lordship, that the new Spanish Penal Law against the Slave Trade has been promulgated in these islands. I enclose a copy of the *Official Boletin* in which it is inserted, dated April 2nd, 1845.

I have, &c.

(Signed) RICHARD BARTLETT, *Consul.*

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

&c.

&c.

&c.

---

No. 129.

*Mr. Bartlett to the Earl of Aberdeen.*

*Santa Cruz, May 31, 1845,*

*(Received June 26.)*

MY LORD,

A SHORT time ago two Spaniards, Dominguez, a native of Malaga, and Brunet, a Catalan, arrived here from the Havana, and purchased one of the island schooners, which they altered, increasing the height of the sides (bulwarks). The vessel was afterwards laden with onions and potatoes, and declared at the Custom House bound for Sierra Leone, and the coast of Africa; the Authorities, however, refused to grant papers for the coast, and the vessel sailed for the Havana. There is little doubt that the object of the owners was, and probably is, to employ the vessel in the Slave Trade. The schooner was formerly known as the "*Mariquita*," and is now called the "*Clotilde*."

I have, &c.

(Signed) RICHARD BARTLETT, *Consul.*

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

&c.

&c.

&c.

---



## PORTUGAL.

---

No. 130.

*Lord Howard de Walden to the Earl of Aberdeen.*

*Lisbon, December 23, 1844.  
(Received January 3, 1845.)*

MY LORD,

I HAVE the honour to enclose a copy of the reply which I have received from Senhor Gomes de Castro to the communication I made to his Excellency, under the instructions conveyed in your Lordship's Despatch of the 28th ultimo, relative to the conduct of the Portuguese Governor and Director of Customs at Quillemane, in connivance and participation in the Slave Trade, in which his Excellency states, that the Minister of Marine was going to direct the proper enquiries to be made into the charges brought against the Director of Customs, in order that, if proved, preventive measures may be adopted with respect to him; and that the Governor of that district had already been substituted by a person in whom the Minister of Marine places the greatest confidence.

I have, &c.

(Signed) HOWARD DE WALDEN.

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

---

Enclosure in No. 130.

(Translation.) *Senhor Gomes de Castro to Lord Howard de Walden.*

MY LORD,

*Foreign Office, Lisbon, December 20, 1844.*

IN acknowledging the receipt of your Lordship's note of the 12th instant, enclosing extracts of communications made by Commanders of British cruizers, relative to connivance on the part of the Authorities of Quillemane in the illicit Slave Trade, I have the honour to acquaint your Lordship, that the Minister of Marine, to whom I referred your Lordship's note, communicated to me on the 18th instant, that he was going to take the necessary steps to prevent the Director of Customs of Quillemane from continuing to abuse the charge confided to him, should the proceedings of which he is accused in the above mentioned communications, be proved; and that the Governor of that district, who in them is also suspected of connivance in the Slave Trade which is carried on there, has already been exonerated from that Government, and substituted by a person deserving of his Excellency's greatest confidence.

I renew, &c.

(Signed) JOZE JOAQUIM GOMES DE CASTRO

*Lord Howard de Walden, G.C.B.*  
&c.                      &c.

---



No. 131.

*The Earl of Aberdeen to Lord Howard de Walden.*

MY LORD,

*Foreign Office, January 9, 1845.*

I HAVE to desire that you will acquaint the Portuguese Government, that Her Majesty's sloop "Mutine," of 12 guns, will be employed on the Cape of Good Hope station in the suppression of the Slave Trade, under the Treaty of the 3rd July, 1842, between Great Britain and Portugal.

The "Mutine" is commanded by Commander R. B. Crawford, and Lieutenant J. P. Mends is the officer second in command.

Lord Howard de Walden, G.C.B.  
&c. &c.

I am, &c.  
(Signed) ABERDEEN.

No. 132.

*The Earl of Aberdeen to Lord Howard de Walden.*

MY LORD,

*Foreign Office, January 11, 1845.*

I HAVE to desire that you will acquaint the Portuguese Government, that Her Majesty's sloop "Waterwitch," of 8 guns, will be employed on the West Coast of Africa station, in the suppression of the Slave Trade, under the Treaty of the 3rd July, 1842, between Great Britain and Portugal.

The "Waterwitch" is commanded by Commander T. F. Birch, and Lieutenant G. B. Williams is the officer second in command.

Lord Howard de Walden, G.C.B.  
&c. &c.

I am, &c.  
(Signed) ABERDEEN.

No. 133.

*Lord Howard de Walden to the Earl of Aberdeen.*

MY LORD,

*Lisbon, January 6, 1845.*  
(Received January 13.)

I HAVE the honour to enclose a copy of a note which I have received from Senhor Gomes de Castro, communicating to me, that the Portuguese brig-of-war "Vouga," of 12 guns, left this port on the 24th ultimo, with instructions to act under the Treaty of the 3rd July, 1842, between Great Britain and Portugal, for the suppression of the Slave Trade, at the Cape Verd islands and coast of Guinea.

I have, &c.  
(Signed) HOWARD DE WALDEN.  
The Right Hon. the Earl of Aberdeen, K. T.  
&c. &c. &c.

(Translation.)

Enclosure in No. 133.

*Senhor Gomes de Castro to Lord Howard de Walden.*

MY LORD,

*Foreign Office, Lisbon, January 2, 1845.*

IN conformity with the sect. 2, of Article III., of the Treaty of the 3rd July, 1842, between Portugal and Great Britain, for the abolition of the Slave Trade, I have the honour to acquaint your Lordship, that the Minister of Marine communicated to me on the 30th ultimo, that the brig-of-war "Vouga," of 12 guns, commander the Captain Lieutenant C. Craveiro Lopez, and second commander, the Second Lieutenant J. L. F. Pery de Linde, left this port on the 24th of that month, to prevent the illicit traffic in negroes at the Cape Verd

islands, and on the coast of Guinea, under the stipulations of the above-mentioned Treaty.

I have, &c.  
(Signed) JOZE JOAQUIM GOMES DE CASTRO.

Lord Howard de Walden, G.C.B.  
&c. &c.

No. 134.

*The Earl of Aberdeen to Lord Howard de Walden.*

MY LORD,

Foreign Office, January 14, 1845.

I HAVE to desire, that you will acquaint the Portuguese Government, that Her Majesty's sloop "Pantaloön," of eight guns, will be employed on the West Coast of Africa station, in the suppression of the Slave Trade, under the Treaty of the 3rd July, 1842, between Great Britain and Portugal.

The "Pantaloön" is commanded by Commander Edmund Wilson, and Lieutenant L. de S. Prevost, is the officer second in command.

I am, &c.  
(Signed) ABERDEEN.  
Lord Howard de Walden, G.C.B. &c. &c.

No. 135.

*The Earl of Aberdeen to Lord Howard de Walden.*

MY LORD,

Foreign Office, January 23, 1845.

I HEREWITH transmit to your Lordship, an extract of a letter from Commodore Jones, senior officer of Her Majesty's ships and vessels on the west coast of Africa, containing an account of his proceedings while at the Portuguese settlement of Saint Paul de Loanda.

Her Majesty's Government have perceived with great satisfaction the testimony borne in this communication to the upright conduct of the Portuguese Authorities at Loanda, in carrying into effect the Treaty between Great Britain and Portugal, for the suppression of the Slave Trade; and it is an additional gratification to them to witness the friendly feeling which exists between Her Majesty's naval officers and those Authorities, upon matters connected with this service.

Your Lordship will take a proper opportunity of expressing these sentiments on the part of Her Majesty's Government, to the Government of Her Most Faithful Majesty.

I am, &c.  
(Signed) ABERDEEN.  
Lord Howard de Walden, G.C.B. &c. &c.

Enclosure in No. 135.

(Extract.)

*Commodore Jones to the Hon. Sidney Herbert.*

*Her Majesty's ship "Penelope,"  
Aseencion, November 18, 1844.*

DURING the night which intervened, an odd incident occurred. Our prize, the "Virginia," was at anchor off Kacongö; while we were looking out in the offing, six deserters from the Portuguese schooner-of-war "Nympha," came alongside the "Virginia," supposing her to be a slaver; they were detained, and I afterwards gave them up to their officers at St. Paul de Loanda, with the boat, in which they had been a week on the coast. I interceded for them, and obtained a promise that, under the circumstances, they should be mercifully dealt with.

I arrived at Loanda on the 23rd, and the next morning had a long and satisfactory interview with the Captain-General of Angola. I had to express to his Excellency my acknowledgments of the good faith and kindness with which himself, and the officers under his orders, had co-operated in carrying out the

spirit of the Treaties respecting the Slave Trade, as well as the very efficient manner in which the coals for this squadron had been stowed, in buildings which contained nearly the whole quantity, and, from the progress making, would soon be completed so as to hold the 1,500 tons which had arrived.

The commander of the Portuguese squadron, Captain de Cunha, had given a very convincing proof of the sincerity of his Government by the recent capture of a vessel with 800 slaves on board.

No. 136.

*The Earl of Aberdeen to Lord Howard de Walden.*

MY LORD,

*Foreign Office, January 25, 1845.*

I HAVE to desire that you will acquaint the Portuguese Government, that Her Majesty's sloop "Ranger," of six guns, will be employed on the coast of Africa station, in the suppression of the Slave Trade, under the Treaty of the 3rd July, 1842, between Great Britain and Portugal.

The "Ranger" is commanded by Commander James Anderson, and Lieutenant C. D. O'Brien, is the officer second in command.

*Lord Howard de Walden, G.C.B.*  
&c. &c.

I am, &c.  
(Signed) ABERDEEN.

No. 137.

*The Earl of Aberdeen to Lord Howard de Walden.*

MY LORD,

*Foreign Office, January 25, 1845.*

I HAVE to desire that you will acquaint the Portuguese Government, that Her Majesty's sloop "Acorn," of 16 guns, will be employed on the Brazil station in the suppression of the Slave Trade, under the Treaty of the 3rd July, 1842, between Great Britain and Portugal.

The "Acorn" is commanded by Commander J. E. Bingham, and Lieutenant J. B. Christopher, is the officer second in command.

*Lord Howard de Walden, G.C.B.*  
&c. &c.

I am, &c.  
(Signed) ABERDEEN.

No. 138.

*The Earl of Aberdeen to Lord Howard de Walden.*

MY LORD,

*Foreign Office, January 25, 1845.*

I HAVE to desire that you will acquaint the Portuguese Government, that the warrant supplied to Her Majesty's ship "Iris," on the Cape of Good Hope station, authorizing her to act under the Treaty of the 3rd July, 1842, between Great Britain and Portugal, for the suppression of the Slave Trade, has been returned to the Lords Commissioners of the Admiralty, and cancelled by them.

*Lord Howard de Walden, G.C.B.*  
&c. &c.

I am, &c.  
(Signed) ABERDEEN.

No. 139.

*Lord Howard de Walden to the Earl of Aberdeen.*

MY LORD,

*Lisbon, January 18, 1845.*  
(Received January 28.)

WITH reference to your Lordship's Despatch of the 31st ultimo, I have the honour to enclose a copy of a note which I have received from Senhor Gomes de Castro, acquainting me that orders have already been issued

to the Governor-General of Angola, to acknowledge Edmund Gabriel, Jun., Esq., as Arbitrator on the part of Her Majesty to the Mixed British and Portuguese Commission established at St. Paul de Loanda, and to cause that gentleman's effects to be admitted at Loanda free of duty; and further, that this appointment has been duly communicated to the Portuguese Commissioner in that Court.

I have, &c.

(Signed)

HOWARD DE WALDEN.

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

&c.

&c.

&c.

(Translation.)

Enclosure in No. 139.

*Senhor Gomes de Castro to Lord Howard de Walden.*

MY LORD,

*Foreign Office, Lisbon, January 15, 1845.*

IN acknowledging the receipt of your Lordship's note of the 7th instant, I have the honour to acquaint your Lordship that, at my request, orders have duly been issued, through the Marine Department, to the Governor-General of the province of Angola, to cause Mr. Edmund Gabriel, Jun., Esq., to be recognised by the Authorities of that province as Arbitrator on the part of Great Britain, to the Mixed Portuguese and British Commission established at Loanda; and also to admit free of duty the baggage and effects he carries out with him.

I have also duly communicated this appointment to the Portuguese Commissioner in that Court; your Lordship's request on this head being thereby complied with.

I avail, &c.

(Signed)

JOZE JOAQUIM GOMES DE CASTRO.

*Lord Howard de Walden, G.C.B.*

&c.

&c.

No. 140.

*Baron Moncorvo to the Earl of Aberdeen.*

(Translation.)

*London, February 3, 1845.*

*(Received February 4.)*

THE Undersigned, &c. has the honour to inform the Right Honourable the Earl of Aberdeen, &c. that he, the Undersigned, has been directed by his Government to demand from the British Government, through the intervention of his Lordship, the two sums of 285,600 reas, Portuguese currency, (amounting, by the present course of exchange, to about 65*l.*) and of 180*l.* sterling, which two sums were awarded to Vicente Ferreira Nunez, a Portuguese subject, and owner of the brig "*Flor do Tejo*," by a sentence pronounced by the Mixed Commission established, in conformity with the Treaty of the 3rd of July, 1842, in the town of Loanda and kingdom of Angola, seeing that the said Commission had held the capture of the "*Flor do Tejo*," by the British ship "*Hyacinth*," F. Scott, Commander, to rest on no solid grounds, and to be illegal.

The Undersigned supposes his Lordship to be already in possession of the circumstances which led to the capture of that Portuguese vessel, and of all that occurred before the Commission pronounced final sentence, declaring the capture illegal, and awarding to the proprietor of the vessel the sums of which the Undersigned now claims payment.

Should his Lordship, by chance, not have received copies of the different documents, the Undersigned will take pleasure in communicating all the papers relative to this case sent him by his Government; and he now encloses to his Lordship the original demand addressed by V. F. Nunes to Her Most Faithful Majesty, with copy of the sentence pronounced by the Mixed Commission on the 6th of August, 1844, in the town of Loanda.

The Undersigned, however, requests that his Lordship will return him the enclosed petition, with its annex, when examined.

The Undersigned cannot forbear expressing to his Lordship the pleasure he feels at seeing the good results of the Treaty of the 3rd of July, 1842, for the total extinction of the nefarious Slave Trade, as also the proper protection given by that Treaty to such Portuguese merchants as honestly send their ships to the different coasts of Africa, with the view of trading lawfully in the commodities and produce of that part of the world.

The Undersigned, &c.

(Signed) MONCORVO.

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

&c. &c. &c.

---

No. 141.

*The Earl of Aberdeen to Lord Howard de Walden.*

MY LORD,

*Foreign Office, February 7, 1845.*

I HAVE to desire that you will acquaint the Portuguese Government, that Her Majesty's sloop "Persian," of 16 guns, will be employed on the North America and West India station in the suppression of the Slave Trade, under the Treaty of the 3rd July, 1842, between Great Britain and Portugal.

The "Persian" is commanded by Commander Henry Coryton, and Lieutenant F. A. Fellowes is the officer second in command.

*Lord Howard de Walden, G.C.B.*

&c. &c.

I am, &c.

(Signed) ABERDEEN.

---

No. 142.

*The Earl of Aberdeen to Lord Howard de Walden.*

MY LORD,

*Foreign Office, February 25, 1845.*

I HAVE to desire that you will acquaint the Portuguese Government, that Her Majesty's sloop "Lily," of 16 guns, will be employed on the West Coast of Africa station in the suppression of the Slave Trade, under the Treaty of the 3rd July, 1842, between Great Britain and Portugal.

The "Lily" is commanded by Commander C. J. F. Newton, and Lieutenant C. E. Wilmot is the officer second in command.

*Lord Howard de Walden, G.C.B.*

&c. &c.

I am, &c.

(Signed) ABERDEEN.

---

No. 143.

*The Earl of Aberdeen to Lord Howard de Walden.*

MY LORD,

*Foreign Office, February 25, 1845.*

I HAVE to desire that you will acquaint the Portuguese Government, that Her Majesty's steam vessel "Firebrand," of eight guns, will be employed on the Brazil station in the suppression of the Slave Trade, under the Treaty of the 3rd July, 1842, between Great Britain and Portugal.

The "Firebrand" is commanded by Captain James Hope, and Lieutenant Charles Barker is the officer second in command.

*Lord Howard de Walden, G.C.B.*

&c. &c.

I am, &c.

(Signed) ABERDEEN.

---

No. 144.

*The Earl of Aberdeen to Lord Howard de Walden.*

MY LORD,

*Foreign Office, March 11, 1845.*

I HAVE to desire that you will acquaint the Portuguese Government, that Her Majesty's sloop "Rolla," of 10 guns, will be employed on the west coast of Africa station in the suppression of the Slave Trade, under the Treaty of the 3rd July, 1842, between Great Britain and Portugal.

The "Rolla" is commanded by Commander Robert Simpson, and Lieutenant Robert Willcox is the officer second in command.

*Lord Howard de Walden, G.C.B.*  
&c. &c.

I am, &c.  
(Signed) ABERDEEN.

No. 145.

*The Earl of Aberdeen to Lord Howard de Walden.*

MY LORD,

*Foreign Office, March 11, 1845.*

I HAVE to desire that you will acquaint the Portuguese Government, that Her Majesty's sloop "Comus," of 18 guns, will be employed on the Brazil station in the suppression of the Slave Trade, under the Treaty of the 3rd July, 1842, between Great Britain and Portugal.

The "Comus" is commanded by Commander T. S. Thompson, and Lieutenant C. S. Norman is the officer second in command.

*Lord Howard de Walden, G.C.B.*  
&c. &c.

I am, &c.  
(Signed) ABERDEEN.

No. 146.

*The Earl of Aberdeen to Lord Howard de Walden.*

MY LORD,

*Foreign Office, March 11, 1845.*

I HAVE to desire that you will acquaint the Portuguese Government, that Her Majesty's ship "Actæon" of 26 guns, will be employed on the West Coast of Africa station in the suppression of the Slave Trade, under the Treaty of the 3rd July, 1842, between Great Britain and Portugal.

The "Actæon" is commanded by Captain George Mansel, and Lieutenant Walter Need is the second in command.

*Lord Howard de Walden, G.C.B.*  
&c. &c.

I am, &c.  
(Signed) ABERDEEN.

No. 147.

*Lord Howard de Walden to the Earl of Aberdeen.*

MY LORD,

*Lisbon, March 4, 1845.*  
(Received March 12.)

HAVING duly notified to Senhor Gomes de Gastro, that the warrants supplied to Her Majesty's ships "Hornet," "Griffon," and "Isis," authorizing them to act in the suppression of the Slave Trade, had been cancelled, and that Her Majesty's ships "Mutine," "Waterwitch," "Pantaloons," "Ranger," "Acorn," and "Persian," would be employed in the suppression of the Slave Trade, under the Treaty of the 3rd July, 1842, between Great Britain and Portugal; I have the honour to enclose copies of the notes which I have received from His Excellency in reply.

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

I have, &c.  
(Signed) HOWARD DE WALDEN.

(Translation.)

Enclosure 1 in No. 147.

*Senhor Gomes de Castro to Lord Howard de Walden.*

MY LORD,

*Foreign Office, Lisbon, December 23, 1844.*

IN returning my best thanks for the communication conveyed in your Lordship's note of the 20th instant, I have the honour to acquaint your Lordship, that I have this day communicated to the Minister of Marine, that the warrant supplied to the brigantine "Hornet," on the North America and West India station, authorizing her to act in the suppression of the Slave Trade, under the stipulations of the Treaty of 1842, had been cancelled, and returned to the Lords Commissioners of the British Admiralty.

I avail, &amp;c.

(Signed) JOZE JOAQUIM GOMES DE CASTRO.

*Lord Howard de Walden, G.C.B.*

&amp;c. &amp;c.

(Translation.)

Enclosure 2 in No. 147.

*Senhor Gomes de Castro to Lord Howard de Walden.*

MY LORD,

*Foreign Office, Lisbon, January 25, 1845.*

I HAVE the honour to acquaint your Lordship, that I this day made known to the Minister of Marine, your Lordship's communication of the 24th instant, that Her Britannic Majesty's sloops "Mutine," "Waterwitch," and "Pantaloon," would be employed in the suppression of the Slave Trade, under the Treaty of the 3rd July, 1842, between Portugal and Great Britain, the first on the Cape of Good Hope station, and the two latter on the West Coast of Africa station.

I avail, &amp;c.

(Signed) JOZE JOAQUIM GOMES DE CASTRO.

*Lord Howard de Walden, G.C.B.*

&amp;c. &amp;c.

(Translation.)

Enclosure 3 in No. 147.

*Senhor Gomes de Castro to Lord Howard de Walden.*

MY LORD,

*Foreign Office, Lisbon, February 5, 1845.*

IN acknowledging the receipt of your Lordship's note of this day's date, relative to Her Britannic Majesty's ships "Isis," "Ranger," and "Acorn," I have the honour to acquaint your Lordship, that I have this day communicated to the Minister of Marine the destination given to those vessels.

I avail, &amp;c.

(Signed) JOZE JOAQUIM GOMES DE CASTRO.

*Lord Howard de Walden, G.C.B.*

&amp;c. &amp;c.

(Translation.)

Enclosure 4 in No. 147.

*Senhor Gomes de Castro to Lord Howard de Walden.*

MY LORD,

*Foreign Office, Lisbon, February 28, 1845.*

IN thanking your Lordship for your communication of the 25th instant, I have the honour to acquaint you, that I this day communicated to the Minister of Marine that the English sloop-of-war "Persian" will be employed on the North America and West India station in the suppression of the Slave Trade, under the Treaty of the 3rd July, 1842, between Portugal and Great Britain.

I renew, &amp;c.

(Signed) JOZE JOAQUIM GOMES DE CASTRO.

*Lord Howard de Walden, G.C.B.*

&amp;c. &amp;c.

No. 148.

*The Earl of Aberdeen to Lord Howard de Walden.*

MY LORD,

*Foreign Office, March 14, 1845*

I HAVE to refer your Lordship to Viscount Palmerston's Despatch to you, of the 8th August, 1840, transmitting a list of vessels which had received passports from the Portuguese Authorities at the Cape Verds, and had been afterwards condemned by the Mixed Commission at Sierra Leone for Slave Trade; and also to the note of the 4th September, of the same year, from M. Magalhaes to your Lordship, enclosed in your Despatch of the 19th of the same month, stating that the Minister of Marine had been requested to cause the most positive orders to be issued, that the owners, Captains, and all other persons implicated in the criminal traffic in slaves carried on in the said vessels, should be tried and adjudged in conformity with the Decree of the 10th December, 1836.

I have now to transmit to your Lordship an extract of a Despatch from Her Majesty's Commissioners at Cape Verds, stating that every effort has been made to evade these orders of the Portuguese Government.

And I have to desire, that your Lordship will communicate this information to the Government of Her Most Faithful Majesty, and urge them to take the necessary steps to secure the ends of justice in respect to the delinquents in question.

*Lord Howard de Walden, G.C.B.*  
&c. &c.

I am, &c.  
(Signed) ABERDEEN.

---

Enclosure in No. 148.

*The Boa Vista Commissioners to the Earl of Aberdeen, January 25, 1845.*  
(See Class A., No. 337, page 761.)

---

No. 149.

*The Earl of Aberdeen to Lord Howard de Walden.*

MY LORD,

*Foreign Office, April 7, 1845.*

I HAVE to desire that you will acquaint the Portuguese Government, that Her Majesty's sloop "Rose," of 16 guns will be employed on the North America and West India station in the suppression of the Slave Trade, under the Treaty of the 3rd July, 1842, between Great Britain and Portugal.

The "Rose" is commanded by Commander R. W. Pelly, and Lieutenant W. H. Doblidge is the officer second in command.

*Lord Howard de Walden, G.C.B.*  
&c. &c.

I am, &c.  
(Signed) ABERDEEN.

---

No. 150.

*The Earl of Aberdeen to Lord Howard de Walden.*

MY LORD,

*Foreign Office, April 7, 1845.*

I HAVE to desire that you will acquaint the Portuguese Government, that Her Majesty's ship "Vindictive," of 50 guns, will be employed on the North America and West India station in the suppression of the Slave Trade, under the Treaty of the 3rd July, 1842, between Great Britain and Portugal.

The "Vindictive" is commanded by Captain Michael Seymour, and Commander J. W. Noble is the officer second in command.

*Lord Howard de Walden, G.C.B.*  
&c. &c.

I am, &c.  
(Signed) ABERDEEN.

---

CLASS B.



No. 151.

*The Earl of Aberdeen to Lord Howard de Walden.*

MY LORD,

*Foreign Office, April 7, 1845.*

I HAVE to desire that you will acquaint the Portuguese Government, that Her Majesty's ship "Eagle," of 50 guns, will be employed on the South-East Coast of America station in the suppression of the Slave Trade, under the Treaty of the 3rd July, 1842, between Great Britain and Portugal.

The "Eagle" is commanded by Captain George B. Martin, and Commander James C. Prevost is the officer second in command.

*Lord Howard de Walden, G.C.B.*  
&c. &c.

I am, &c.  
(Signed) ABERDEEN.

No. 152.

*The Earl of Aberdeen to Baron Moncorvo.**Foreign Office, April 10, 1845.*

THE Undersigned &c. had the honour to receive from the Baron de Moncorvo &c. a note dated the 3rd of February last, with enclosures, claiming payment of sums awarded by the Mixed Portuguese and British Commission at Loanda to Mr. Nunez, the owner of the brig "*Flor de Tejo*," which had been detained by Her Majesty's ship "*Hyacinth*," on suspicion of being equipped for Slave Trade, and released, with damages and demurrage against the captors, by that Commission. And the Undersigned has to acquaint the Baron de Moncorvo, that the several papers upon this case have been transmitted to the Lords of Her Majesty's Treasury, with a suggestion that their Lordships should give directions that the sums due to Mr. Nunez, as owner of the "*Flor de Tejo*," in consequence of the sentence passed by the Mixed Commission, shall be paid to the Baron de Moncorvo accordingly.

The Undersigned, &c.

*Baron Moncorvo,*  
&c. &c.

(Signed) ABERDEEN.

No. 153.

*The Earl of Aberdeen to Lord Howard de Walden.*

MY LORD,

*Foreign Office, April 16, 1845.*

I TRANSMIT herewith to your Lordship, the accompanying extract from a Despatch from Her Majesty's Consul at Maranham, giving an account of a schooner named the "*Quatro de Marco*," which is reported to have recently sailed from Lisbon, on an intended slave trading voyage to Africa.

You will communicate this paper to the Portuguese Government, and move them to make enquiry into the facts.

A copy of the paper has been transmitted to the Colonial Department in this country, in order that the Authorities at Gibraltar, at which port it is said that this vessel will touch, on her return voyage, for a false clearance, may be made aware of the supposed intentions of the owner and Master.

*Lord Howard de Walden, G.C.B.*  
&c. &c.

I am, &c.  
(Signed) ABERDEEN.

Enclosure in No. 153.

*Her Majesty's Consul at Maranham to the Earl of Aberdeen, December 14, 1844.*  
(Extract.)

(See No. 351, page 423.)

No. 154.

*The Earl of Aberdeen to Lord Howard de Walden.*

MY LORD,

*Foreign Office, April 16, 1845.*

I HEREWITH transmit to your Lordship a copy of a Despatch from Her Majesty's Commissioners at Boa Vista, suggesting that the Secretary to the Mixed British and Portuguese Commission established at that island should also act as Secretary to the Board of Superintendence of Liberated Africans; and I have to instruct your Lordship to communicate that paper to the Portuguese Government, for their consideration

*Lord Howard de Walden, G.C.B.*  
&c. &c.

I am, &c.  
(Signed) ABERDEEN.

No. 155.

*Lord Howard de Walden to the Earl of Aberdeen.*

MY LORD,

*Lisbon, April 5, 1845.*  
(Received April 16.)

HAVING duly notified to Senhor Gomes de Castro, that Her Majesty's steam-vessel "Firebrand," Her Majesty's ship "Actæon," and Her Majesty's sloops "Lily," "Rolla," and "Comus," would be employed under the Treaty of the 3rd July, 1842, between Great Britain and Portugal, for the suppression of the Slave Trade, the first and last on the Brazil station, and the other three on the West Coast of Africa station; I have the honour to enclose copies of the notes which I have received from his Excellency in reply.

I have, &c.  
(Signed) HOWARD DE WALDEN.

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

(Translation.)

Enclosure 1 in No. 155.

*Senhor Gomes de Castro to Lord Howard de Walden.*

MY LORD,

*Foreign Office, Lisbon, March 12, 1845.*

IN acknowledging the receipt of your Lordship's note of the 5th instant, I have the honour to acquaint your Lordship, that I this day communicate to the Minister of Marine the employment of Her Britannic Majesty's steam-vessel "Firebrand," and sloop "Lily," in the suppression of the Slave Trade, the former on the Brazil station, and the latter on the West Coast of Africa station, under the Treaty of the 3rd July, 1842, between Portugal and Great Britain.

I renew, &c.  
(Signed) JOZE JOAQUIM GOMES DE CASTRO.

*Lord Howard de Walden, G.C.B.*  
&c. &c.

(Translation.)

Enclosure 2 in No. 155.

*Senhor Gomes de Castro to Lord Howard de Walden.*

MY LORD,

*Foreign Office, Lisbon, March 22, 1845.*

ACKNOWLEDGING the receipt of your Lordship's note of the 20th instant, I have the honour to acquaint your Lordship, that I this day communicate to the Minister of Marine the employment of the British sloop "Rolla," and ship "Actæon," on the West Coast of Africa station, and of the British sloop

"Comus," on the Brazil station, in suppression of the Slave Trade, under the Treaty of the 3rd July, 1842, between Portugal and Great Britain.

I renew, &c.

(Signed) JOZE JOAQUIM GOMES DE CASTRO.

*Lord Howard de Walden, G.C.B.*

&c. &c.

No. 156.

*Lord Howard de Walden to the Earl of Aberdeen.*

*Lisbon, April 5, 1845.*

*(Received April 16.)*

MY LORD,

WITH reference to your Lordship's instructions conveyed in your Despatch of the 14th ultimo, I have the honour to enclose copies of the note which I addressed to the Minister of Foreign Affairs, and of his Excellency's reply, thanking her Majesty's Government for the communication made to them, and for the assistance afforded to the Portuguese Authorities by Her Majesty's ship "Alert."

Senhor Gomes de Castro told me, that the Portuguese Government had been displeased at the proceedings of the commander of the Portuguese brig-of-war "Vouga." His Excellency also informed me, that measures had been taken to build or strengthen a fort at Bissao, so as to protect that possession from a recurrence of the danger to which it had been exposed.

I have, &c.

(Signed) HOWARD DE WALDEN.

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

&c. &c. &c.

Enclosure 1 in No. 156.

*Lord Howard de Walden to Senhor Gomes de Castro.*

MONSIEUR LE CONSEILLER,

*Lisbon, March 27, 1845.*

I HAVE the honour herewith to enclose an extract of a Despatch from Her Majesty's Commissioners at Boa Vista, upon the subject of the defenceless state of the Portuguese settlements on the north west-coast of Africa, which I have been instructed by the Earl of Aberdeen to communicate to your Excellency, considering it possible that the knowledge of this state of things, as conveyed to Her Majesty's Government, may be of importance to the Government of Her Most Faithful Majesty.

I avail, &c.

(Signed) HOWARD DE WALDEN.

*His Excellency Senhor Gomes de Castro,*

&c. &c.

(Translation.)

Enclosure 2 in No. 156.

*Senhor Gomes de Castro to Lord Howard de Walden.*

MY LORD.

*Foreign Office, Lisbon, March 29, 1845.*

I HAVE the honour to acknowledge the receipt of your Lordship's note of the 27th instant, enclosing an extract of a Despatch from the British members of the Mixed Commission established in the island of Boa Vista, in which they communicate, that the defenceless state of some of the Portuguese establishments of the west coast of Africa had rendered necessary the co-operation of the British and French vessels in the vicinity, in repelling the attacks of the natives; and thanking your Lordship for this communication, as also for any aid which may have been lent to those establishments by British vessels, I this day forward it to the Minister of Marine, for his information.

I avail, &c.

(Signed) JOZE JOAQUIM GOMES DE CASTRO.

*Lord Howard de Walden, G.C.B.*

&c. &c.

No. 157.

*Lord Howard de Walden to the Earl of Aberdeen.**Lisbon, April 5, 1845.**(Received April 16.)*

MY LORD,

I HAVE the honour to enclose a copy of a note which I addressed to the Minister for Foreign Affairs, as instructed in your Lordship's Despatch, of the 14th ultimo, on the subject of the long-pending prosecutions which had been instituted in the Cape de Verd islands, under orders from the Portuguese Government in 1840, against certain parties who had been discovered through the evidence taken on the trials before the Slave Trade Commission at Sierra Leone, and transmitted to the Authorities in the Cape de Verds, as engaged in the Slave Trade. I add a copy of a reply which I have received from his Excellency, stating, that he has called on the Minister of Marine, with a view to such steps being taken in this matter as may be considered necessary, under the circumstances of the case, and requested to be furnished with all due information on the subject.

I have, &amp;c.

(Signed)

HOWARD DE WALDEN.

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

&amp;c.

&amp;c.

&amp;c.

Enclosure 1 in No. 157.

*Lord Howard de Walden to Senhor Gomes de Castro.*

MONSIEUR LE CONSEILLER,

*Lisbon, March 20, 1845.*

I HAD the honour to communicate to the Government of Her Most Faithful Majesty, under date of the 18th August, 1840, a list of vessels which had received passports from the Portuguese Authorities at the Cape de Verd islands, in reply to which I received a note from Senhor Rodrigo da Fonseca Magalhaes, stating that the Minister of Marine had been requested to cause the most positive orders to be issued, that the owners, Captains, and all other persons implicated in the criminal traffic in slaves carried on in the said vessels, should be tried and adjudged, in conformity with the Decree of the 10th December, 1836.

It would appear, however, from the report made to Her Majesty's Government, that the instructions of the Minister of Marine and Colonies have not only not been attended with any satisfactory result, but that every effort has been made in the Cape de Verd islands to evade these orders of the Portuguese Government.

I have been instructed to communicate to your Excellency now, an extract of a Despatch upon this subject from Her Majesty's Commissioners at the Cape de Verd islands, and to express the anxious hope of Her Majesty's Government, that the Government of Her Most Faithful Majesty may enforce in the proper quarter such steps being taken as may be necessary promptly to secure the ends of justice in regard to the delinquents in question.

I avail, &amp;c.

(Signed)

HOWARD DE WALDEN.

*His Excellency Senhor Gomes de Castro,*

&amp;c.

&amp;c.

(Translation.)

Enclosure 2 in No. 157.

*Senhor Gomes de Castro to Lord Howard de Walden.*

MY LORD,

*Foreign Office, Lisbon, March 31, 1845.*

IN acknowledging the receipt of your Lordship's note of the 28th instant, and of the extract therein enclosed, in which the Authorities of Cape Verd are accused of negligence in complying with the orders of the Government for the

trial of the slave vessels contained in the list forwarded by your Lordship to this Department on the 18th of August, 1840, I have the honour to acquaint your Lordship, that I this day request the Minister of Marine to furnish me with the requisite information, and to cause such measures to be taken as the case may call for.

I avail, &c.  
(Signed) JOZE JOAQUIM GOMES DE CASTRO.

*Lord Howard de Walden, G.C.B.*  
&c. &c.

---

No. 158.

*Lord Howard de Walden to the Earl of Aberdeen.*

MY LORD,

*Lisbon, April 5, 1845.*  
(Received April 16.)

I HAVE the honour to enclose a copy of a note which I have received from the Minister for Foreign Affairs, notifying to me that the Portuguese brig-of-war "*Douro*" left Gibraltar on the 23rd ultimo, to be employed on the Cape Verd and Coast of Guinea station, under the Treaty of the 3rd July, 1842, between Great Britain and Portugal, for the suppression of Slave Trade.

I have, &c.  
(Signed) HOWARD DE WALDEN.

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

---

(Translation.)

Enclosure in No. 158.

*Senhor Gomes de Castro to Lord Howard de Walden.*

MY LORD,

*Foreign Office, Lisbon, April 3, 1845.*

I HAVE the honour to acquaint your Lordship, under a communication from the Minister of Marine, dated the 1st instant, that the brig-of-war "*Douro*," of 18 guns, commander the Captain Lieutenant P. A. Caminha, and second commander the Second Lieutenant R. de la Nogueira, left the Bay of Gibraltar on the 23rd ultimo, with instructions to act in the suppression of Slave Trade, under the Treaty of the 3rd July, 1842, between Portugal and Great Britain, on the Cape Verd station and Portuguese establishments on the coast of Guinea.

I renew, &c.  
(Signed) JOZE JOAQUIM GOMES DE CASTRO.

*Lord Howard de Walden, G.C.B.*  
&c. &c.

---

No. 159.

*The Earl of Aberdeen to Lord Howard de Walden.*

MY LORD,

*Foreign Office, April 30, 1845.*

I HAVE to desire that you will acquaint the Portuguese Government, that Her Majesty's sloop "*Flying Fish*," of 12 guns, will be employed on the Coast of Africa station in the suppression of the Slave Trade, under the Treaty of the 3rd July, 1842, between Great Britain and Portugal.

The "*Flying Fish*" is commanded by Commander Robert Harris, and Lieutenant H. J. Robins is the officer second in command.

I am, &c.  
(Signed) ABERDEEN.

*Lord Howard de Walden, G.C.B.*  
&c. &c.

---

No. 160.

*The Earl of Aberdeen to Lord Howard de Walden.*

MY LORD,

*Foreign Office, April 30, 1845.*

I HAVE to desire that you will acquaint the Portuguese Government, that Her Majesty's sloop "Grecian," of 16 guns, will be employed on the South-East Coast of America station in the suppression of the Slave Trade, under the Treaty of the 3rd July, 1842, between Great Britain and Portugal.

The "Grecian" is commanded by Commander Alexander L. Montgomery, and Lieutenant W. L. Partridge is the officer second in command.

*Lord Howard de Walden, G.C.B.*  
&c. &c.

I am, &c.  
(Signed) ABERDEEN.

No. 161.

*The Earl of Aberdeen to Lord Howard de Walden.*

MY LORD,

*Foreign Office, May 1, 1845.*

I HEREWITH transmit to your Lordship a copy of a Despatch from Captain Wyvill, of Her Majesty's ship "Cleopatra," reporting that the Governor of Quillemane, lately arrived, will not allow the Slave Trade to be carried on from the Quillemane river, and that the Governor-General of Mozambique is earnestly endeavouring, by every means in his power, to put an end to the Slave Trade within the province under his administration.

I have to instruct your Lordship to communicate these papers to the Portuguese Government, and to express to them the satisfaction of Her Majesty's Government at learning that the Portuguese Authorities on the east coast of Africa are thus using their best exertions to give effect to the engagements entered into by the Crowns of Great Britain and Portugal, under the Treaty of July 3, 1842, for the suppression of the Slave Trade.

*Lord Howard de Walden, G.C.B.*  
&c. &c.

I am, &c.  
(Signed) ABERDEEN.

Enclosure in No. 161.

*Captain Wyvill to Mr. Sidney Herbert, Quillemane, December 20, 1844.*  
(See Enclosure 86 in No. 9, Class A.)

No. 162.

*Lord Howard de Walden to the Earl of Aberdeen.*

*Lisbon, April 26, 1845.*  
(Received May 3.)

MY LORD,

I HAVE the honour to enclose a copy of a note which I addressed to Senhor Gomes de Castro, in fulfilment of your Lordship's instructions, conveyed in your Despatch of the 16th instant, in respect to the suspicions attached to the voyage of the Brazilian schooner "Quatro de Marco," said to be bound for Lisbon and Gibraltar, preparatory to a slave trading expedition from the coast of Africa.

I add a copy of the note which I have received in reply from his Excellency, stating that he has requested the Ministers of Interior and Finance to cause due investigation to be made on this subject.

I have, &c.  
(Signed) HOWARD DE WALDEN.

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

Enclosure 1 in No. 162.

*Lord Howard de Walden to Senhor Gomes de Castro.*

MONS. LE CONSEILLER,

*Lisbon, April 23, 1843.*

I HAVE the honour to enclose an extract from a Despatch from Her Majesty's Consul at Maranham, giving an account of a schooner named the "*Quatro de Marco*," which is reported to have recently sailed for Lisbon, on an intended slave trading voyage to Africa.

I have been instructed, in communicating this paper to the Government of Her Most Faithful Majesty, to request your Excellency to cause the proper steps to be taken with a view to the investigation of the fact.

I avail, &amp;c.

(Signed) HOWARD DE WALDEN.

*His Excellency Senhor Gomes de Castro,*  
&c.

&amp;c.

Enclosure 2 in No. 162.

*Senhor Gomes de Castro to Lord Howard de Walden.*

MY LORD,

*Foreign Office, Lisbon, April 24, 1845.*

ACKNOWLEDGING the receipt of your Lordship's note of yesterday's date relative to the Brazilian schooner "*Quatro de Marco*," which sailed from Maranham for Lisbon, with a view to being engaged in the prohibited Slave Trade, I have the honour to acquaint your Lordship, that I this day officially wrote to the Departments of the Interior and Finance, in order that they may cause this matter to be duly investigated.

I will hasten to inform your Lordship of the result of the investigation.

I avail, &amp;c.

(Signed) JOZE JOAQUIM GOMES DE CASTRO.

*Lord Howard de Walden, G.C.B.*

&amp;c.

&amp;c.

No. 163.

*The Earl of Aberdeen to Lord Howard de Walden.*

MY LORD,

*Foreign Office, May 6, 1845.*

I HEREWITH transmit to you, for communication to the Portuguese Government, a copy of a letter received at this Office from the Admiralty, and of its enclosure, containing a list of Her Majesty's ships which are supplied with warrants under the Treaty concluded between Great Britain and Portugal, on the 3rd July, 1842, for the suppression of the Slave Trade.

I am, &amp;c.

*Lord Howard de Walden, G.C.B.*

(Signed) ABERDEEN.

&amp;c.

&amp;c.

Enclosure 1 in No. 163.

*Captain Hamilton to Viscount Canning.*

MY LORD,

*Admiralty, April 21, 1845.*

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith a list of Her Majesty's ships, employed on the several stations, which are supplied with warrants, under the Treaty of 3rd July, 1842, with Portugal, for the suppression of Slave Trade, with the names of their commanding officers, and officers second in command; and my Lords request the Earl of Aberdeen will cause the same to be communicated to the Portuguese Government.

I am directed at the same time to add, that the other ships in possession of warrants under the above-mentioned Treaty which are not included in the

accompanying list, have been ordered to England, or removed from the stations on which they have been hitherto employed, and the warrants recalled to be cancelled, which will be communicated to you when they are received.

I am, &c.  
 (Signed) W. A. B. HAMILTON.  
*Viscount Canning,*  
 &c. &c.

Enclosure 2 in No. 163.

April 9, 1845.

The NAMES of the OFFICERS commanding, and second in command of the undermentioned Ships.

Ship.	Commanding Officer.	Officer Second in Command.
<b>CAPE OF GOOD HOPE.</b>		
Winchester . . .	Capt. Chas. Eden . . .	Com. W. Cornwallis Aldham
Cleopatra . . .	Capt. Christopher Wyvill . . .	Lieut. G. Caswell
Conway . . .	Capt. W. Kelly . . .	Lieut. Albert Haseltine
Helena . . .	Com. Sir Cornwallis Ricketts . . .	Lieut. C. G. Phillips
Sappho . . .	Com. Hon. G. Hope . . .	Lieut. Thomas A. Aldridge
Mutine . . .	Com. R. B. Crawford . . .	Lieut. G. P. Mends
Thunderbolt . . .	Com. G. N. Broke . . .	Lieut. W. P. Jamieson
Actæon . . .	Capt. G. Mansel . . .	Lieut. Walter Need
Albatross . . .	Com. Reginald Yorke . . .	Lieut. W. T. Rivers
Larne . . .	Com. J. W. D. Brisbane . . .	Lieut. Augustus C. May
Wasp . . .	Com. Sidney H. Ussher . . .	Lieut. E. Hockin
Lily . . .	Com. C. J. F. Newton . . .	Lieut. Charles E. Wilmot
Flying Fish . . .	Com. Robert Harris . . .	Lieut. H. J. Robins
Waterwitch . . .	Com. Thomas F. Birch . . .	Lieut. G. B. M. Williams
Racer . . .	Com. Archibald Reed . . .	Lieut. G. Wints
Pantaloon . . .	Com. Edmund Wilson (Acting) . . .	Lieut. Lewis De J. Prevost
Espoir . . .	Com. George S. Hand . . .	Lieut. Thomas W. Purver
Alert . . .	Com. Charles J. Bosanquet . . .	Lieut. Richard B. Creyke
Sealark . . .	Com. Thomas L. Gooch . . .	Lieut. Richard D. White
Star . . .	Com. R. J. W. Dunlop . . .	Lieut. Thomas Etheridge
Cygnat . . .	Com. Henry Layton . . .	Lieut. Edmund A. Glynn
Ranger . . .	Com. James Anderson . . .	Lieut. Charles D. O'Brien
Rolla . . .	Com. John Simpson . . .	Lieut. Robert Willcox
Penelope . . .	Capt. William Jones . . .	Lieut. John M'D. Smith
Hydra . . .	Com. H. B. Young . . .	Lieut. Edward H. Alston
Growler . . .	Com. C. H. M. Buckle . . .	Lieut. H. St. John Georges
Ardent . . .	Com. John Russell (B) . . .	Lieut. H. C. Harston
Eclair . . .	Com. W. G. B. Estcourt . . .	Lieut. C. R. Johnson
Prometheus . . .	Com. John Hay . . .	Lieut. John Strettell
<b>BRAZIL.</b>		
Eagle . . .	Capt. George B. Martin . . .	Com. J. C. Prevost
Curacoa . . .	Capt. Sir T. S. Pasley . . .	Lieut. Owen P. Knott
Acorn . . .	Com. John E. Bingham . . .	Lieut. Thomas B. Christopher
Grecian . . .	Com. Alexander L. Montgomery . . .	Lieut. William L. Partridge
Comus . . .	Com. Thomas S. Thompson . . .	Lieut. Charles S. Norman
Gorgon . . .	Capt. Charles Hotham . . .	Lieut. Richard S. Smith
Firebrand . . .	Capt. James Hope . . .	Lieut. Charles Barker
Do'phin . . .	Lieut. R. T. J. Levinge . . .	T. William H. Haswel, Mate
Spider . . .	Lieut. and Com. R. E. Pym . . .	William H. Pym, Mate
Viper . . .	Lieut. and Com. James Carter . . .	J. H. T. Norris, Acting Master
<b>NORTH AMERICA AND WEST INDIES.</b>		
Vindictive . . .	Capt. Michael Seymour . . .	Com. Jefferey W. Noble
Pique . . .	Capt. Hon. M. Stopford . . .	Lieut. John Macdougall
Spartan . . .	Capt. C. G. J. B. Elliot . . .	Lieut. Edward Tatham
Eurydice . . .	Capt. George Elliot . . .	Lieut. Edmund Heathcote
Persian . . .	Com. Henry Coryton . . .	Lieut. W. A. Fellowes
Hyacinth . . .	Com. Francis Scott . . .	Lieut. Colin Y. Campbell
Scylla . . .	Com. Robert Sharpe . . .	Lieut. William C. Coffin
Rose . . .	Com. Richard W. Pelly . . .	Lieut. W. H. Dobbie
Hermes . . .	Lieut. and Com. Washington Carr . . .	William Cashman, Mate
Pickle . . .	Lieut. and Com. J. A. Bainbridge . . .	Nathaniel J. Soane, Acting Master

CLASS B.



No. 164.

*The Earl of Aberdeen to Lord Howard de Walden.*

MY LORD,

*Foreign Office, May 7, 1845.*

I HEREWITH transmit to your Lordship, for your information, a copy of a Despatch which I have received from Her Majesty's Commissioners at the Cape of Good Hope, containing their report upon Slave Trade, especially as carried on from the Portuguese possessions on the eastern coast of Africa, for the year 1844.

*Lord Howard de Walden, G.C.B.*  
*&c. &c.*

I am, &c.  
 (Signed) ABERDEEN.

Enclosure in No. 164.

*Cape of Good Hope Commissioners to the Earl of Aberdeen, January 1, 1845.**(See Class A., Nos. 257 and 609.)*

No. 165.

*Lord Howard de Walden to the Earl of Aberdeen.*

MY LORD,

*Lisbon, April 29, 1845.*  
*(Received May 19.)*

I HAVE the honour to enclose a copy of a note which I have received from Senhor Gomes de Castro, in which his Excellency informs me, that the Portuguese Government acquiesce in the suggestion submitted to them, under your Lordship's instructions, in my note of the 23rd instant, that the Secretary of the Mixed Commission at Boa Vista should be appointed Curator of Liberated Negroes; and that, as a precaution against inconveniences which may result from possible contingencies, they have also decided to name a substitute, Senhor Antonio de Souza Machado, respecting whom they have received the most favourable reports.

I have, &c.  
 (Signed) HOWARD DE WALDEN.  
*The Right Hon. the Earl of Aberdeen, K.T.*  
*&c. &c. &c.*

(Translation.)

Enclosure in No. 165.

*Senhor Gomes de Castro to Lord Howard de Walden.*

MY LORD,

*Foreign Office, Lisbon, April 26, 1845.*

I HAD the honour to receive your Lordship's note of the 23rd instant, in which you bring under the consideration of Her Majesty's Government a correspondence of the British Commissioner in the island of Boa Vista, as to the convenience resulting from the Secretary of the Mixed Commission established in that island, acting also as Secretary to the Board of Superintendence.

Her Majesty's Government considering, that the end in view is to fill the office of Curator of Liberated Negroes, under Article IV., Annex C. of the Treaty of 1842, wherein the appointment of a Secretary to the Board of Superintendence was not stipulated, has no objection in desiring the Secretary of the Mixed Commission in the island of Boa Vista to accept the new office of Curator; but in order that the service may not suffer from this accumulation of duties, Her Majesty's Government has resolved on appointing Antonio de Souza Machado, of whom the most satisfactory information has been received, Secretary Substitute to the said Mixed Commission; to which effect the necessary orders have been issued.

I avail, &c.  
 (Signed) JOZE JOAQUIM GOMES DE CASTRO.  
*Lord Howard de Walden, G.C.B.*  
*&c. &c.*

No. 166.

*Lord Howard de Walden to the Earl of Aberdeen.*

MY LORD,

*Lisbon, May 10, 1845.*

HAVING duly notified to Senhor Gomes de Castro, for the information of the Portuguese Government, that Her Majesty's sloop "Rose," and Her Majesty's ships "Vindictive" and "Eagle," would be employed under the Treaty of the 3rd of July, 1842, between Great Britain and Portugal, for the suppression of the Slave Trade, I have the honour to enclose herewith a copy of the note which I have received from his Excellency in reply.

I have, &amp;c.

(Signed) HOWARD DE WALDEN.

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

&amp;c.

&amp;c.

&amp;c.

(Translation.)

Enclosure in No. 166.

*Senhor Gomes de Castro to Lord Howard de Walden.*

MY LORD,

*Foreign Office, Lisbon, April 24, 1845.*

I HAVE the honour to acquaint your Lordship, in answer to your note of the 22nd instant, that I this day communicate to the Minister of Marine, for his information and guidance, the employment of the sloop "Rose," and frigate "Vindictive," on the North America and West India station, and of the frigate "Eagle" on the South-West Coast of America station, in the suppression of the Slave Trade, under the Treaty to that effect concluded between Portugal and Great Britain.

I avail, &amp;c.

(Signed) JOZE JOAQUIM GOMES DE CASTRO.

*Lord Howard de Walden, G.C.B.*

&amp;c.

&amp;c.

No. 167.

*The Earl of Aberdeen to Lord Howard de Walden.*

MY LORD,

*Foreign Office, May 20, 1845.*

I HAVE to desire that you will acquaint the Portuguese Government, that Her Majesty's steam-vessel "Vesuvius," of six guns, will be employed on the North America and West India station, in the suppression of the Slave Trade, under the Treaty of the 3rd July, 1842, between Great Britain and Portugal.

The "Vesuvius" is commanded by Commander George W. D. O'Callaghan, and Mr. C. R. Bamber is the officer second in command.

I am, &amp;c.

*Lord Howard de Walden, G.C.B.*

(Signed) ABERDEEN.

&amp;c.

&amp;c.

No. 168.

*The Earl of Aberdeen to Lord Howard de Walden.*

MY LORD,

*Foreign Office, May 20, 1845.*

I HAVE to desire that you will acquaint the Portuguese Government, that Her Majesty's ship "Melampus," of 42 guns, will be employed on the South-East Coast of America station in the suppression of the Slave Trade, under the Treaty of the 3rd July, 1842, between Great Britain and Portugal.

The "Melampus" is commanded by Captain John N. Campbell, C.B., and Lieutenant J. H. Norcock is the officer second in command.

I am, &amp;c.

*Lord Howard de Walden, G.C.B.*

(Signed) ABERDEEN.

&amp;c.

&amp;c.

No. 169.

*Lord Howard de Walden to the Earl of Aberdeen.**Lisbon, May 17, 1845.  
(Received May 26.)*

MY LORD,

I HAVE the honour to enclose a copy of a note which I have received from Senhor Gomes de Castro, communicating to me that the warrant supplied to the Portuguese brig-of-war "*Tamega*," authorizing her to act under the Treaty of the 3rd July, 1842, between Great Britain and Portugal, for the suppression of the Slave Trade, has been cancelled.

I have, &amp;c.

(Signed) HOWARD DE WALDEN.

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

&amp;c.

&amp;c.

&amp;c.

(Translation.)

Enclosure in No. 169.

*Senhor Gomes de Castro to Lord Howard de Walden.*

MY LORD,

*Foreign Office, Lisbon, May 14, 1845.*

I HAVE the honour to acquaint your Lordship, for your information and guidance, that the Minister of Marine communicated to me on the 12th instant, that the warrant supplied to the brig-schooner "*Tamega*," authorizing her to act in the suppression of Slave Trade on the Brazil station, under the Treaty of the 3rd July, 1842, between Portugal and Great Britain, has been cancelled by Her Majesty's Government.

I avail, &amp;c.

(Signed) JOZE JOAQUIM GOMES DE CASTRO.

*Lord Howard de Walden, G.C.B.*

&amp;c.

&amp;c.

No. 170.

*Lord Howard de Walden to the Earl of Aberdeen.**Lisbon, May 23, 1845.  
(Received June 3.)*

MY LORD,

I HAVE the honour to enclose copies of a note, which, under your Lordship's instructions, I addressed to Senhor Gomes de Castro, and of his Excellency's reply, expressive of satisfaction at the proceedings of the Portuguese Authorities on the east coast of Africa, in co-operating to fulfil the object of the Treaty of the 3rd July, 1842, for the suppression of the Slave Trade.

I have, &amp;c.

(Signed) HOWARD DE WALDEN.

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

&amp;c.

&amp;c.

&amp;c.

Enclosure 1 in No. 170.

*Lord Howard de Walden to Senhor Gomes de Castro.*

MONS. LE CONSEILLER,

*Lisbon, May 15, 1845.*

I HAVE the honour to enclose copies of a letter which had been addressed to the Earl of Aberdeen by the Admiralty, and its enclosures, sending an account of the earnest co-operation of the Governor-General of Mozambique, and of the Governor of Quillemane, in endeavouring to put an end to the Slave Trade.

In communicating these papers to your Excellency, I am instructed to convey to the Government of Her Most Faithful Majesty the expression of the satis-

faction derived by the British Government at learning that the Portuguese Authorities on the east coast of Africa are thus using their best exertions to give effect to the engagements entered into by the Crowns of Great Britain and Portugal, under the Treaty of July 3, 1842, for the suppression of Slave Trade.

I avail, &c.

(Signed) HOWARD DE WALDEN.

*His Excellency Senhor Gomes de Castro,*  
&c. &c.

(Translation.)

Enclosure 2 in No. 170.

*Senhor Gomes de Castro to Lord Howard de Walden.*

MY LORD,

*Foreign Office, Lisbon, May 20, 1845.*

IN acknowledging the receipt of the note which your Lordship addressed to me on the 15th instant, under instructions from your Government, I have the honour to acquaint you, that Her Majesty's Government are highly gratified to learn that the Governor-General of Mozambique, the Governor of Quillemane, and the other Portuguese Authorities on the east coast of Africa, have proved worthy of the confidence placed in them by Her Majesty's Government in effectually co-operating in putting an end to the inhuman traffic in slaves, under the stipulations of the Treaty of the 3rd July, 1842, between Portugal and Great Britain, for the suppression of Slave Trade.

I avail, &c.

(Signed) JOZE JOAQUIM GOMES DE CASTRO.

*Lord Howard de Walden, G.C.B.*  
&c. &c.

No 171.

*Lord Howard de Walden to the Earl of Aberdeen.*

*Lisbon, May 28, 1845.*

*(Received June 3.)*

MY LORD,

HAVING communicated to Senhor Gomes de Castro the list of Her Majesty's ships employed under the Treaty of the 3rd July, 1842, for the suppression of the Slave Trade, I have the honour to enclose a copy of the note which I have received from his Excellency in reply.

I have, &c.

(Signed) HOWARD DE WALDEN.

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

(Translation.)

Enclosure in No. 171.

*Senhor Gomes de Castro to Lord Howard de Walden.*

MY LORD,

*Foreign Office, Lisbon, May 24, 1845.*

IN acknowledging the receipt of your Lordship's note of the 22nd instant, in which you communicate to me a list of Her Britannic Majesty's ships to be employed under the Treaty of the 3rd July, 1842, for the suppression of Slave Trade, I have the honour to acquaint your Lordship, that I this day transmit to the Marine Department a copy of the list in question.

I avail, &c.

(Signed) JOZE JOAQUIM GOMES DE CASTRO.

*Lord Howard de Walden, G.C.B.*  
&c. &c.

No. 172.

*The Earl of Aberdeen to Lord Howard de Walden.*

MY LORD,

Foreign Office, June 25, 1845.

I TRANSMIT herewith to your Lordship, copies of papers recently received at this Office, containing an account of the captures made by Her Majesty's ships engaged on the west coast of Africa in suppressing the Slave Trade, between the 1st of April, 1844, and the 6th of March, 1845; and referring to the faithful exertions made, and the activity displayed, by the Portuguese Government and the officers employed under their orders in the southern portion of that station, in the object of putting down the trade, you will communicate these papers to the Portuguese Government, and you will express the satisfaction of Her Majesty's Government at this continued proof of their earnestness in the humane cause in which the two nations are jointly engaged.

I am, &c.  
(Signed) ABERDEEN.

Lord Howard de Walden, G.C.B.  
&c. &c.

Enclosures in No. 172.

1. *Commodore Jones to Captain Hamilton, April 5, 1845.*
2. *List of Slavers detained by Her Majesty's Squadron, from April 1, 1844 to March 31, 1845.*
3. *Sir Wm. Daniell to Commodore Jones, February 18, 1844.*  
(See Enclosures 136, 138, in No. 9, Class A., page 66, 69.)

No. 173.

*The Earl of Aberdeen to Lord Howard de Walden.*

MY LORD,

Foreign Office, June 28, 1845.

I have to desire that you will acquaint the Portuguese Government, that the warrant supplied to Her Majesty's ships "Viper," Brazil station, "Illustrious," "Rose," "Electra," and "Inconstant," North America and West India station, authorizing them to act under the Treaty of the 3rd July, 1842, between Great Britain and Portugal for the suppression of the Slave Trade, have been returned to the Lords Commissioners of the Admiralty, and cancelled by them.

I am, &c.  
(Signed) ABERDEEN.

Lord Howard de Walden, G.C.B.  
&c. &c.

No. 174.

*The Earl of Aberdeen to Lord Howard de Walden.*

MY LORD,

Foreign Office, June 28, 1845.

I HAVE to desire that you will acquaint the Portuguese Government, that Her Majesty's steam-vessel "Styx," of six guns, will be employed on the Coast of Africa station in the suppression of the Slave Trade, under the Treaty of the 3rd July, 1842, between Great Britain and Portugal.

The "Styx" is commanded by Commander William W. Hornby, and Lieutenant J. H. Carroll is the officer second in command.

I am, &c.  
(Signed) ABERDEEN.

Lord Howard de Walden, G.C.B.  
&c. &c.

No. 175.

*The Earl of Aberdeen to Lord Howard de Walden.*

MY LORD,

*Foreign Office, June 28, 1845.*

I HAVE to desire that you will acquaint the Portuguese Government that Her Majesty's steam-vessel "Hecate," of four guns, will be employed on the West Coast of Africa station in the suppression of the Slave Trade, under the Treaty of the 3rd July, 1842, between Great Britain and Portugal.

The "Hecate" is commanded by Commander Joseph West, and Lieutenant George Oldmixon is the officer second in command.

*Lord Howard de Walden, G.C.B.*  
&c. &c.

I am, &c.  
(Signed) ABERDEEN.

No. 176.

*Lord Howard de Walden to the Earl of Aberdeen.*

MY LORD,

*Cintra, June 16, 1845.*  
(Received June 28.)

HAVING duly notified to Senhor Gomes de Castro that Her Majesty's steam-vessel "Vesuvius" and Her Majesty's ship "Melampus," would be employed under the Treaty of the 3rd July, 1842, between Great Britain and Portugal, for the suppression of the Slave Trade, I have the honour to enclose a copy of the note which I have received from his Excellency in reply.

I have, &c.  
(Signed) HOWARD DE WALDEN.

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

(Translation.)

Enclosure in No. 176.

*Senhor Gomes de Castro to Lord Howard de Walden.*

MY LORD,

*Foreign Office, Lisbon, June 7, 1845.*

I HAVE the honour to acquaint your Lordship, that I this day communicate to the Marine Department your Lordship's note of the 4th instant, informing me that the necessary instructions had been issued to Her Britannic Majesty's ships "Vesuvius" and "Melampus," to act under the Treaty of the 3rd July, 1842, between Portugal and Great Britain, for the suppression of Slave Trade, the former on the North America and West India station, and the latter on the South-East Coast of America.

I avail, &c.  
(Signed) JOZE JOAQUIM GOMES DE CASTRO.

*Lord Howard de Walden, G.C.B.*  
&c. &c.

No. 177.

*Lord Howard de Walden to the Earl of Aberdeen.*

MY LORD,

*Cintra, June 16, 1845.*  
(Received June 28.)

I HAVE the honour to transmit, for your Lordship's information, a copy and a translation of a note which I have received from Senhor Gomes de Castro.

It appears from this note, that a communication has been made by Mr. Macaulay, Her Majesty's Commissioner in the island of Boa Vista, to the Military Governor of that island, as member of the Board of Superintendence of Liberated Negroes, to the effect, that negroes captured by British cruizers, and emancipated by the Mixed Commission, are to be sent to British colonies, even where no Board

of Superintendence exists, notwithstanding the provisions of Articles III. and X. of the Annex C. to the Treaty between Great Britain and Portugal, and of the Additional Article to the same Treaty. Senhor Gomes de Castro proceeds to acquaint me, that accordingly, it is the intention of the Portuguese Government to send instructions to the Board of Superintendence at Boa Vista to distribute such negroes as are to be delivered to the Portuguese Authorities in pursuance of the Treaty, among the islands in that archipelago beyond the limits of 20 miles prescribed in the same Annex, in consequence of the aridity of the soil preventing a profitable employment of such negroes within the above-mentioned limits.

I have, &c.

(Signed) HOWARD DE WALDEN.

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

&c.

&c.

&c.

(Translation.)

Enclosure in No. 177.

*Senhor Gomes de Castro to Lord Howard de Walden.*

MY LORD,

*Foreign Office, Lisbon, June 11, 1845.*

MR. MACAULAY, member of the Mixed Commission established in the island of Boa Vista under the Treaty of the 3rd July, 1842, and of the Board of Superintendence of Liberated Negroes, having communicated to the Military Governor of that island, who is also member of the said Board of Superintendence, that he had received instructions from his Government to cause such negroes as are captured by British cruizers and emancipated by the Mixed Commission of Boa Vista, to be sent to the British colonies, even where no Board of Superintendence is established, contrary to the provisions of Articles III. and X. of the Annex C. of the said Treaty, and of the Additional Article of the 22nd October, 1842, which enjoins the adoption, in preference to the regulations in Annex C. of the most efficacious and convenient provisions already in force in the colonies of each respective State, where, however, Mixed Commissions are established; and Her Majesty's Government considering that the sending of the liberated negroes in question to British colonies where no Board of Superintendence exists, has in view their more ready and profitable employment, I feel it my duty, for the benefit and convenience of such liberated negroes as shall, under the Treaty, be delivered up to the Portuguese Government, to communicate to your Lordship, that the Board of Superintendence of the island of Boa Vista, not being able to provide employment for them within the limit of 20 miles, as prescribed in Article III. of Annex C., on account of the aridity of the soil in that neighbourhood, will be authorized, after the example set by Her Britannic Majesty's Government, to distribute them all over that archipelago, according to the amount or possibility of employment, which I request your Lordship to be so good as to lay before the Government of Her Britannic Majesty.

I avail, &c.

(Signed) JOZE JOAQUIM GOMES DE CASTRO.

*Lord Howard de Walden, G.C.B.*

&c.

&c.

No. 178.

*The Earl of Aberdeen to Lord Howard de Walden.*

MY LORD,

*Foreign Office, July 2, 1845.*

I HAVE to desire that you will acquaint the Portuguese Government, that Her Majesty's ship "Vernon," of 50 guns, will be employed on the South-East Coast of America station, in the suppression of the Slave Trade, under the Treaty of the 3rd July, 1842, between Great Britain and Portugal.

The "Vernon" is commanded by Captain John C. Fitzgerald, and Commander J. C. Prevost is the officer second in command.

I am, &c.

*Lord Howard de Walden, G.C.B.*

&c.

&c.

(Signed) ABERDEEN.

No. 179.

*Lord Howard de Walden to the Earl of Aberdeen.**Cintra, July 7, 1845.  
(Received July 15.)*

MY LORD,

I HAVE the honour to enclose a copy of a letter which I have received from Mr. Edmund Gabriel, Her Majesty's Acting Commissioner at St Paul de Loanda, reporting the death of Senhor Domingues, Portuguese Arbitrator in the Mixed Commission at that place, and recommending in high terms the ability and efficiency of Senhor Guilherme Cypriano Demony, an officer belonging to the Mixed Commission, representing at the same time that the appointment of this gentleman to the vacant office of Arbitrator would be a valuable addition to the Court, and highly satisfactory to its present members.

I have communicated the same to Senhor Gomes de Castro.

I have, &amp;c.

(Signed) HOWARD DE WALDEN.

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

Enclosure in No. 179.

*Mr. Gabriel to Lord Howard de Walden.*

MY LORD,

*St. Paul de Loanda, May 17, 1845.*

SINCE closing my Despatches yesterday, I have received a communication from Her Most Faithful Majesty's Commissioner, informing me of the melancholy death of Senhor Domingues, the Portuguese Arbitrator in the Mixed Commission of which I am a member, who has fallen a victim to the malignant fever of this country, and expired last night, after an illness of only eight days.

The Portuguese frigate "*Fernando e Gloria*," not having yet sailed, I avail myself of the opportunity offering by her to apprise your Lordship of this melancholy event, for the information of Her Most Faithful Majesty's Government, so that no time may be lost in the appointment of another Portuguese Arbitrator, which office, by virtue of the Treaty, will now be filled *ad interim* by his Excellency the Governor-General.

I hope, my Lord, it may not be deemed bold or presumptuous in me to bring under your Lordship's notice the ability and efficiency for this appointment of an officer at present belonging to the Mixed Commission, Senhor Guilherme Cypriano Demony, whose zeal and energy in strictly carrying out his duties towards the abolition of the Slave Trade, is highly appreciated by my Portuguese colleague and myself; and I can with safety assure your Lordship, that the appointment of this gentleman to the vacant office of Arbitrator, which he well merits, would be a valuable addition to the Court, and highly satisfactory to its present members.

I have, &amp;c.

(Signed) EDMUND GABRIEL, JUN.

*Lord Howard de Walden, G.C.B.*  
&c.                      &c.

No. 180.

*The Earl of Aberdeen to Lord Howard de Walden.*

MY LORD,

*Foreign Office, July 24, 1845.*

I HEREWITH transmit to your Lordship copies of two Despatches, and of their enclosures, from Mr. Macaulay, Her Majesty's Commissary Judge, and joint Commissioner with the Governor of the Cape Verd islands in the Board of Superintendence of Liberated Negroes established at the Cape Verds under the Treaty between Great Britain and Portugal for the suppression of the Slave Trade.

Your Lordship will perceive from these papers, that a slave belonging to a  
**CLASS B.**



gentleman nominated under the Treaty to be Curator of Liberated Negroes, has been treated with horrible and persevering cruelty, and that the death of the miserable victim followed immediately upon such treatment.

You will lay these papers before the Portuguese Government.

You will express, at the same time, the confidence of Her Majesty's Government, that a searching investigation will be made into the facts of the case, and that whatever measures may be necessary will be taken, to prevent a repetition of such barbarity.

You will disclaim on the part of Her Majesty's Government, and of British Commissioners, any intention of undue interference in matters which do not properly come under their cognizance.

But, as the circumstance of this case may affect the character and conduct of a person nominated jointly, on the part of Great Britain and of Portugal, to an office the object of which is to secure humane treatment for liberated negroes, you will request the Portuguese Government to communicate to Her Majesty's Government the result of the investigation which may be made into this matter.

I am, &c.

*Lord Howard de Walden, G.C.B.* (Signed) ABERDEEN.  
&c. &c.

---

Enclosures in No. 180.

1. *The Boa Vista Commissioners to the Earl of Aberdeen, April 10, 1845.*
2. " " " " *April 11, 1845.*

(See Class A., Nos. 345 and 346, pages 773 to 781.)

---

No. 181.

*The Earl of Aberdeen to Baron Moncorvo.*

*Foreign Office, July 24, 1845.*

THE Undersigned, &c. has the honour to state to Baron Moncorvo, &c. that he has received intimation from her Majesty's Treasury, that directions have been given to the Paymaster of Civil Services to pay to Baron Moncorvo the sum of 245*l.* sterling, being the amount awarded by the Mixed Commission Court of Loanda to Senhor Nunez, the owner of the Portuguese brig the "*Flor de Tejo*," for the detention of that vessel.

The Undersigned, &c.

(Signed) ABERDEEN.

*Baron Moncorvo,*  
&c. &c.

---

No. 182.

*Lord Howard de Walden to the Earl of Aberdeen.*

*Cintra, July 10, 1845.*

(Received July 27.)

MY LORD,

WITH reference to your Lordship's Despatch of April 16, I have the honour to enclose copy of a note which I have received from Senhor Gomes de Castro, acquainting me that the Brazilian schooner "*Quatro de Marco*," which, in a communication from Her Majesty's Consul at Maranham, was suspected to be destined for a slave trading expedition, entered the port of Lisbon on the 12th December last, from Maranham, discharged her cargo, and took in a full cargo for Rio de Janeiro, for which port she sailed on the 23rd January of this year.

His Excellency adds, that no other than the ordinary Custom House regulations were enforced in the case of this vessel, as no part of her cargo could warrant a suspicion of her being intended for the Slave Trade.

The date of the communication from her Majesty's Consul at Maranham was,

as your Lordship will observe, two days subsequent to the actual arrival of the "*Quatro de Marco*" in the Tagus; the vessel left this port again on the 23rd January, my note to his Excellency being only of the 23rd April of this year.

I have, &c.

(Signed) HOWARD DE WALDEN.

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

(Translation.)

Enclosure in No. 182.

*Senhor Gomes de Castro to Lord Howard de Walden.*

MY LORD,

*Foreign Office, Lisbon, June 21, 1845.*

WITH reference to my note of the 24th April last, and in answer to yours of the 23rd of that month, enclosing an extract of a Despatch from Her Britannic Majesty's Consul at Maranham, dated 4th December 1844, which states that the Brazilian schooner "*Quatro de Marco*" had sailed from that port for Lisbon, with the object of making a slave trading speculation, I have the honour to acquaint your Lordship, that the Minister of Marine communicated to me officially, on the 14th instant, that the Director *ad interim* of the great Lisbon Custom House, having been interrogated on this matter, had stated, that the schooner "*Quatro de Marco*" having made her entry in the Custom House on the 12th December last, coming from Maranham, discharged her cargo, and sailed from this port on the 23rd January last, with a full cargo for Rio de Janeiro, it being proved from the Custom House visits on the occasion of her sailing, that she had nothing on board at the time which would make it appear that she was intended to be employed in the illicit Slave Trade; and, moreover, that as she had already left this port when your Lordship addressed the above-mentioned note to me, it was not possible to make any further investigation beyond that made on the occasion of her sailing, and by virtue of which she was freely permitted to undertake the voyage; it being, however, much to be regretted, that the British Consul at Maranham should only have communicated the circumstance on the 14th December, that is, two days after the vessel entered the port of Lisbon.

I avail, &c.

(Signed) JOZE JOAQUIM GOMES DE CASTRO.

*Lord Howard de Walden, G.C.B.*  
&c. &c.

No. 183.

*Lord Howard de Walden and Seaford to the Earl of Aberdeen.*

*Cintra, July 14, 1845.*  
(Received July 27.)

MY LORD,

I HAVE the honour to enclose copies of a letter and its enclosures, addressed by Mr. Brand, Her Majesty's Vice-Consul at St. Paul de Loanda, to Mr. Consul Smith, which have been communicated to me by Mr. Smith.

As the exequatur of the Queen of Portugal can be given to Mr. Brand only on the official communication of the document appointing him to the situation of Her Majesty's Vice-Consul, I would submit to your Lordship, whether it might not be as well that it should pass through my hands, when I could at once secure the due execution of the necessary formalities on the part of the Portuguese Government, and transmit the commission to him in a form to enable him at once with regularity to enter upon his various official duties.

I have, &c.

(Signed) HOWARD DE WALDEN AND SEAFORD.

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

Enclosure 1 in No. 183.

*Her Majesty's Consul at Loanda to Her Majesty's Consul at Lisbon.*

SIR,

Loanda, May 1, 1845.

I HAVE to inform you, that at present the Arbitrator on the part of Her Britannic Majesty is the only British member of the Court of British and Portuguese Mixed Commission established in this city by the Treaty of the 3rd of July, 1842, between Great Britain and Portugal, for the complete suppression of the Slave Trade; that by Article X., Annex B. of the said Treaty, that officer has become British Commissioner *ad interim*; and that, in the meantime, the duties of the British Arbitrator have devolved on me, as British Vice-Consul, in terms of the aforesaid Article X., Annex B.

The Portuguese members of the above-mentioned Court, however, have objected to calling me in as British Arbitrator *ad interim*, on the ground that no official intimation from the Portuguese Government of my appointment as British Vice-Consul has yet reached this province; but these gentlemen being present at the interview I had with the Governor-General on the 25th ultimo, when his Excellency expressed his willingness to receive me as British Vice-Consul, notwithstanding the want of information to that effect from his own Government, and having stated their readiness to allow me to be called in, if his Excellency would declare in writing what he then stated verbally, I was induced by the importance of the subject to address a letter to his Excellency, a copy of which I enclose, together with a copy of the answer, and a translation of the same, from which it will be seen, that on the occasion to which I have made reference I was only received privately, and that the Authorities here have no instructions or power to recognise me officially. A correspondence between his Excellency the Governor-General and the Court of Mixed Commission has taken place, but as yet I have been unable to enter on my duties as British Arbitrator. As my connection with the Mixed Commission arises out of my character as British Vice-Consul, I have deemed it proper to acquaint you with what has taken place; and I have only to add, that being without any instructions from the British Government for the guidance of my conduct, and also without any official recognition by the Authorities here, I feel myself placed in a singularly difficult and unpleasant position.

*W. Smith, Esq.*  
&c. &c.

I have, &c.  
(Signed) G. BRAND.

Enclosure 2 in No. 183.

*Mr. Brand to the Governor-General.*

SIR,

Loanda, April 28, 1845.

IN consequence of no official notice of my appointment as British Vice-Consul in the province of Angola having reached this city from the Government of Her Most Faithful Majesty, the Portuguese members of the British and Portuguese Court of Mixed Commission have felt a difficulty in formally recognising me as Arbitrator *ad interim* on the part of Her Britannic Majesty, without an acknowledgment in writing from your Excellency of my official character. I have therefore the honour to solicit your Excellency to grant me a written recognition of my character as British Vice-Consul in this province, in terms of that your Excellency so courteously gave me verbally on Friday last, in order that I may enter without delay upon my duties as Arbitrator of the aforesaid Court of British and Portuguese Mixed Commission.

*His Excellency the Governor-General,*  
&c. &c.

I have, &c.  
(Signed) G. BRAND.

Enclosure 3 in No. 183.

(Translation.)

*The Governor-General to Mr. Brand.*

*General Office of the Province of Angola,*  
April 30, 1845.

SIR,

YOUR official letter of the 28th instant has been presented to his Excellency the Governor-General of the province, in which you request that his

Excellency would give you a written recognition by which you may have authority to act as Vice-Consul of Her Britannic Majesty, and be able as such to be called to fill the vacancy in the Portuguese and British Mixed Commission in this city; and his Excellency, in reply to the said official letter, requests me to acquaint you, that although on seeing the documents you presented to him from the Government of Her Britannic Majesty, he received you privately as Vice-Consul, nevertheless the powers he possesses as Governor-General do not permit him to grant such a written recognition, which belongs solely to the Government of Her Most Faithful Majesty to forward, much less, not having up to the present moment received any official notice on that subject.

God preserve you!

(Signed) JOAO DE ROBEREDO, *Secretary.*

No. 184.

*Lord Howard de Walden and Seaford to the Earl of Aberdeen.*

*Cintra, July 15, 1845.*

*(Received July 27.)*

MY LORD,

I HAVE duly communicated to the Portuguese Government, in fulfilment of your Lordship's instructions conveyed in your Despatch, of the 25th ultimo, copies of the papers transmitted to me therein, and have expressed to Senhor Gomes de Castro the satisfaction entertained by Her Majesty's Government at learning of the co-operation of the Portuguese Authorities and naval officers in fulfilment of the Treaty of July 1842.

I have, &c.

(Signed) HOWARD DE WALDEN AND SEAFORD.

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

&c.

&c.

&c.

No. 185.

*Baron Moncorvo to the Earl of Aberdeen.*

*Portuguese Legation, July 30, 1845.*

*(Received July 30.)*

MY LORD,

THE performance of a most difficult, and, under many circumstances, of a most painful duty, has fallen upon me which is, to endeavour to save the lives of four countrymen of mine, at present under sentence of death in Exeter gaol.

Though the situation of these four men, and of the other three, equally condemned to death with them, is most awful, and the crime of murder for which they have been sentenced, after a long, and, I truly believe, an impartial trial, is one of those which deserves severe punishment; yet I should be wanting in that humane feeling towards an unfortunate countryman, and in that protection and assistance which every Portuguese expects from the Minister of his Sovereign, if I did not strive to the utmost of my power to save the lives of these wretched men, though their crimes be punished with the greatest severity short of the forfeiture of their lives.

In the noble-minded principles of your Lordship, and in the natural goodness of your heart, I am sure to meet with every excuse and allowance for the step I have taken in addressing myself to your Lordship on this subject—a step taken entirely on my own responsibility, as I could not have time to wait for instructions from my Government, who, I am convinced, will approve of what I have done, considering that it was only dictated by the most humane sympathy, together with sentiments honourable to any Portuguese.

I have read with the greatest attention in the newspapers the report of this extraordinary and protracted trial; and I spoke to a most trustworthy gentleman who attended all the proceedings, and who, by his perfect knowledge of the English and of the Portuguese languages, was able to give a correct and an impartial account of what passed. From these different sources I have collected some circumstances which may fairly be adduced on behalf of these condemned men, so far as to obtain for them a commutation of the capital punishment.

For instance, that the principal parties concerned in this horrible plot, or at least the wretch who was the immediate cause of Mr. Palmer's death, are to be found among the three criminals who turned "Queen's evidence," as it is usually named; when most of the other criminals at present under sentence of death, obeyed the commands of those who had planned the plot. Another circumstance reported to me was, that in the original plot there was no pre-meditated idea of murder; and that it was in consequence of the resistance on the part of one of the British sailors, who gallantly defended himself, and felled some of his assailants, that the terrible murders followed which afterwards took place.

Then comes a question on a point of law, which though it does not exonerate the murderers, yet it might throw doubts on the legality of the trial. Such is, whether a slave-trading vessel, on being taken by a British cruiser, and before its condemnation by a regular tribunal, Commission or Vice-Admiralty Court, becomes immediately a British vessel, or, as it is said, "in the peace of the Queen," losing the nationality of the flag under which it was taken.

But laying aside all these reported circumstances, or any other argument that might be adduced to favour these men, allow, my Lord, that, through your benevolent and humane interference, I may appeal only and entirely to the high and most gracious clemency of Her Majesty the Queen on behalf of these my unfortunate countrymen, considering that it is long since a Portuguese subject has been capitally convicted before a British criminal court, and that these wretched men are certainly the first who come under that terrible predicament in the reign of Her Majesty.

Let me, then, most earnestly beseech your Lordship's interference on their behalf, giving thus one proof more of your personal good and friendly disposition towards Portugal.

I have, &c.

(Signed) MONCORVO.

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

No. 186.

*Baron Moncorvo to the Earl of Aberdeen.*

(Translation.)

*London, August 2, 1845.*  
*(Received August 4.)*

THE Undersigned, &c. has the honour to inform the Right Honourable the Earl of Aberdeen, &c. that, in obedience to orders from his Government, it is incumbent on him to bring under his Lordship's notice the reprehensible proceeding of Captain Yorke, Commander of the brig "Albatross," of the British Royal navy, at the mouth of the Coanza, on the coast of Africa, within the territory of the Crown of Portugal, to the end, that his Lordship, after convincing himself of the just motives of the complaint preferred by the Government of Her Most Faithful Majesty, may give to it such reparation as circumstances require, and issue immediately the most express and most positive orders to the commander of the cruisers on that station, not to incur again into such transgressions.

The following are the facts which have occasioned the complaint now addressed to his Lordship.

On the 3rd of March last the "Albatross," Captain Yorke, entered the port of Loanda, conducting a considerable slaver as her prize, captured on the first of that month at the mouth of the Coanza, and which she encountered in the act of embarking the; slaves and though that operation was not yet concluded, there were already about 230 odd on board. After boarding her, he with his men went ashore from the vessel, where the black slaves still remained, and on shore seized on those he there met, amounting to 750, whom he took to Sierra Leone along with the respective prize, carrying indiscriminately with the prisoners some free negroes who inhabited the bank of the Coanza, which gave umbrage both to the Sobbar and the people of that district.

This proceeding of Captain Yorke is not only a complete violation of territory, but so much the more singular, as it was quite unnecessary, seeing that

Loanda, where a Portuguese naval station exists, is very near the mouth of the river Coanza; it is, moreover, contrary to the stipulations of par. 4, of Article III., of the Treaty of the 3rd July, 1842, and in opposition to the provision of Article III., of Annex A., of the same Treaty, which expressly obliged that Commander to conduct the captured vessel to the nearest Mixed Commission, and which, in the present case, could be no other than that of Loanda.

According to the above, and in virtue of the orders received by the Undersigned, he complains not only of the violation of the Portuguese territory perpetrated by Captain Yorke's invasion, but also of the want of complying with, and infraction of, the dispositions of the Treaty of the 3rd of July, 1842, on the part of that officer; particularly since that Treaty has been faithfully and punctually executed by the Government of Her Most Faithful Majesty, a fact as notorious as fully borne witness to by the Ministers of Her Britannic Majesty in Parliament.

Being persuaded that so just a complaint will be duly attended to by Her Britannic Majesty's Government, the Undersigned, &c.

(Signed)

MONCORVO.

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

No. 187.

*Lord Howard de Walden and Seaford to the Earl of Aberdeen.*

*Cintra, July 24, 1845.*

*(Received August 4.)*

MY LORD,

I HAVE received a note from Senhor Gomes de Castro, a copy of which I have the honour to enclose, acquainting me, for the information of Her Majesty's Government, that the warrant supplied to Her Most Faithful Majesty's brig "*Tejo*," authorizing her to act to the east of the Cape of Good Hope in the suppression of the Slave Trade, under the Treaty of July 1842, between Great Britain and Portugal, has been cancelled.

I have, &c.

(Signed) HOWARD DE WALDEN AND SEAFORD.

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

(Translation.)

Enclosure in No. 187.

*Senhor Gomes de Castro to Lord Howard de Walden and Seaford.*

*Julho 14, 1845.*

MY LORD,

I HAVE the honour to communicate to your Lordship for your information, and that you may be pleased to make it known to the Government of Her Britannic Majesty, that, according to an official communication from the Minister of Marine, dated the 11th instant, the Instructions which were held by the Portuguese brig-of-war "*Tejo*," Commander Domingues Fortunato da Valle, in conformity with the Treaty of 1842 for the prevention of the traffic in slaves on the Cape of Good Hope station, have been cancelled.

God preserve your Excellency!

I have, &c.

(Signed) JOZE JOAQUIM GOMES DE CASTRO.

*Lord Howard de Walden and Seaford, G.C.B.*  
 &c.                      &c.

No. 188.

*Lord Howard de Walden and Seaford to the Earl of Aberdeen.*

*Cintra, July 25, 1845.*

*(Received August 4.)*

MY LORD,

WITH reference to my Despatch of the 15th instant, relative to the co-operation of the Portuguese Government in the suppression of

the Slave Trade, I have now the honour to enclose a copy of a note which Senhor Gomes de Gastro has addressed to me, requesting me to convey to Her Majesty's Government the expression of the satisfaction experienced by the Government of Her Most Faithful Majesty at the strong testimony borne by Her Majesty's Government to their earnest exertions in the object of putting down the Slave Trade.

I have, &c.

(Signed) HOWARD DE WALDEN AND SEAFORD.

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

&c. &c. &c.

(Translation.) Enclosure in No. 188.

*Senhor Gomes de Castro to Lord Howard de Walden and Seaford.*

MY LORD,

*Foreign Office, Lisbon, July 19, 1845.*

ACKNOWLEDGING the receipt of your Lordship's note of the 14th instant, I have the honour to acquaint your Lordship, that I this day communicate its contents to the Minister of Marine: the statement on the part of Her Britannic Majesty's Government that they recognise the loyalty and earnest efforts with which Portugal has contributed towards the suppression of the Slave Trade, being highly flattering to Her Majesty's Government.

I beg your Lordship to be pleased to express to Her Britannic Majesty's Government, the satisfaction of Her Most Faithful Majesty's Government at such an incontestible proof being given of their desire strictly to act up to the Treaty of 1842.

I avail, &c.

(Signed) JOZE JOAQUIM GOMES DE CASTRO.

*Lord Howard de Walden and Seaford, G.C.B.*

&c. &c.

No. 189.

*Lord Howard de Walden and Seaford to the Earl of Aberdeen.*

*Cintra, July 28, 1845.*

*(Received August 4.)*

MY LORD,

HAVING duly notified to Senhor Gomes de Castro, in conformity with your Lordship's instructions, that the warrants supplied to Her Majesty's ships "Viper," "Rose," "Illustrious," "Electra," and "Inconstant," authorizing them to act in the suppression of the Slave Trade, had been cancelled; and that Her Majesty's ships "Styx," "Hecate," and "Vernon," would be employed under the Treaty between Great Britain and Portugal for the suppression of the Slave Trade; I have the honour to enclose a copy of a note which I have received from his Excellency in reply.

I have, &c.

(Signed) HOWARD DE WALDEN AND SEAFORD.

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

&c. &c. &c.

(Translation.) Enclosure in No. 189.

*Senhor Gomes de Castro to Lord Howard de Walden and Seaford.*

MY LORD,

*Foreign Office, Lisbon, July 21, 1845.*

I THIS day acquaint the Minister of Marine with your Lordship's communication of the 15th instant, informing me that the warrants supplied to Her Britannic Majesty's ships "Viper," "Rose," "Illustrious," "Electra," and "Inconstant," authorizing them to act in suppression of Slave Trade, on different stations, under the Treaty of the 3rd July, 1842, between Portugal and Great

Britain, had been returned to the Lords Commissioners of the Admiralty, and cancelled by them; and that Her Britannic Majesty's steam-vessels "Styx" and "Hecate," and frigate "Vernon," would be employed under the above-mentioned Treaty in the suppression of Slave Trade on the West Coast of Africa, and South-East Coast of America stations.

I avail, &c.

(Signed) JOZE JOAQUIM GOMES DE CASTRO.

*Lord Howard de Walden and Seaford, G.C.B.*

&c.

&c.

No. 190.

*Lord Howard de Walden and Seaford to the Earl of Aberdeen.*

*Cintra, July 28, 1845.*

*(Received August 4.)*

MY LORD,

WITH reference to my Despatch of the 5th instant, transmitting a copy of a letter which I had received from Her Majesty's Acting Commissioner at St. Paul de Loanda, and which I communicated to Senhor Gomes de Castro, relative to the death of the Portuguese Arbitrator to the Mixed Commission at St. Paul de Loanda, and the eligibility of Senhor Guilherme Cypriano Demony as his successor, I have now the honour to enclose a copy of a note which Senhor Gomes de Castro has addressed to me, stating that previous to my communication to his Excellency on the subject, Her Most Faithful Majesty had already been pleased, under Decree of the 5th instant, to confer on Mr. Demony the office of Arbitrator to the Commission; and expressing the satisfaction of the Portuguese Government, that the choice should have fallen on a gentleman of whose merits the British Commissioner entertained so high an opinion.

His Excellency adds, that Senhor Frederico d'Oliveira Maya has been appointed Secretary to the Commission at Loanda, and that he will shortly proceed to his post.

I have, &c.

(Signed) HOWARD DE WALDEN AND SEAFORD.

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

&c.

&c.

&c.

(Translation.)

Enclosure in No. 190.

*Senhor Gomes de Castro to Lord Howard de Walden and Seaford.*

MY LORD,

*Foreign Office, Lisbon, July 22, 1844.*

THE premature death of Felix Antonio Dominguez, Portuguese Arbitrator to the Mixed Commission at Loanda, having come to the Queen's knowledge previous to the receipt of the note which your Lordship addressed to me on the 7th instant, Her Majesty was pleased, by Decree of the 5th instant, to appoint to that office the Secretary to the above Commission, Guilherme Cypriano Demony, of whose services the Government had received the most satisfactory information. Her Majesty's Government cannot, therefore, but congratulate itself at the appointment having fallen on a person who seemed so highly to merit the good feeling of the British Member of the Commission in question.

I take the opportunity of acquainting your Lordship, that Senhor Frederico d'Oliveira Maya has been appointed Secretary, also by Decree of the 5th instant; and that he will proceed to his post shortly.

I avail, &c.

(Signed) JOZE JOAQUIM GOMES DE CASTRO.

*Lord Howard de Walden and Seaford, G.C.B.*

&c.

&c.



No. 191.

*The Earl of Aberdeen to Baron Moncorvo.**Foreign Office, August 8, 1845.*

THE Undersigned, &c. lost no time in transmitting to Her Majesty's Secretary of State for the Home Department the representation which was addressed to him on the 30th July by Baron de Moncorvo, &c. setting forth certain points to the consideration of the proper Authorities in respect to carrying out the sentence which was passed upon the persons convicted at the late Assizes at Exeter of murder, committed on board the vessel the "*Felicidade*," on the coast of Africa; and expressing a hope that the clemency of the Queen might be extended to those persons.

The Undersigned has the honour now to acquaint the Baron de Moncorvo, that by a communication from the Secretary of State for the Home Department he learns, that certain points of law have been raised on the case of these prisoners, and that, with a view of affording an opportunity of taking the opinion of the 15 Judges upon the subject, the execution of the sentence of death which was passed upon them has been respited until the 25th of November next.

Sir James Graham adds, that in the meantime he will not fail to give this case his most attentive consideration.

The Undersigned, &c.

(Signed) ABERDEEN.

*Baron Moncorvo,*  
&c. &c.

No. 192.

*Baron Moncorvo to the Earl of Aberdeen.**Portuguese Legation, August 13, 1845.**(Received August 13.)*

MY LORD,

I HAVE had the honour of receiving the note you addressed me, dated the 8th instant, in which your Excellency is pleased to inform me of the steps taken on receiving the representation I had sent to your Excellency on the 30th of July last on behalf of certain Portuguese subjects lately convicted at the Assizes at Exeter for the murder committed on board the "*Felicidade*," on the coast of Africa; and that, in order to consider some allegations founded on certain points of law, upon which the opinion of the 15 Judges is to be taken, the execution of the sentence of death which was passed upon them has been respited until the 25th of November next.

The very kind manner in which your Excellency was pleased to receive my representation, and the humane attention it has met with on the part of Her Britannic Majesty's Government, and more especially of Sir James Graham, to whose Department this representation was sent, for due consideration, impose upon me a most grateful duty of conveying to your Excellency personally, and, through you, to Sir James Graham, and the other members of Her Majesty's Government, my most heartfelt and everlasting thanks.

Should the result of the opinion of the Judges be such as to save the lives of these men under sentence of death, I hope that Her Majesty's most gracious clemency towards them will have the powerful effect of due repentance on the part of those whose lives have thus been spared, and that it will be at the same time a warning to others, to deter them from the commission of such an abominable crime as the wilful murder of a fellow-being.

I will not fail to convey, by the earliest opportunity, to the knowledge of my Government, your Excellency's note; and I am sure that its contents will be highly gratifying to, and duly appreciated by, Her Most Faithful Majesty's Government.

I have, &c.

(Signed) MONCORVO.

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

&c. &c. &c.

No. 193.

*Viscount Canning to Baron Moncorvo.**Foreign Office, August 15, 1845.*

LORD Canning has the honour, in the absence of the Earl of Aberdeen, to acknowledge the receipt of the note, which was addressed under date of the 2nd instant, to the Earl of Aberdeen, &c. by the Baron Moncorvo, &c. complaining, by orders from his Court, of the conduct of Captain Yorke, of Her Majesty's ship "Albatross," in violating the territory of Portugal at the mouth of the river Coanza, by taking certain negroes from the shore, and in infringing also the stipulations of the Treaty of 1842 between Great Britain and Portugal, on Slave Trade, by conducting for trial to Sierra Leone, instead of to Loanda, the vessel on board of which those negroes and others are embarked.

Lord Canning begs leave to state, that the note from Baron Moncorvo has been transmitted to the proper Department, in order that the necessary enquiries may be instituted into the facts. As soon as the result of these enquiries shall have been received, Her Majesty's Government will have the honour to communicate further with the Baron Moncorvo upon the subject.

*Baron Moncorvo,*  
&c. &c.

---

No. 194.

*The Earl of Aberdeen to Lord Howard de Walden and Seaford.*

MY LORD,

*Foreign Office, August 16, 1845.*

I HAVE to desire that you will acquaint the Portuguese Government, that the warrant supplied to Her Majesty's brig "Heroine," on the West Coast of Africa station, authorizing her to act under the Treaty of the 3rd July, 1842, between Great Britain and Portugal, for the suppression of the Slave Trade, has been returned to the Lords Commissioners of the Admiralty, and cancelled by them.

I am, &amp;c.

(Signed) ABERDEEN.

*Lord Howard de Walden and Seaford, G.C.B.*  
&c. &c.

---

No. 195.

*The Earl of Aberdeen to Lord Howard de Walden and Seaford.*

MY LORD,

*Foreign Office, August 16, 1845.*

I HAVE to desire that you will acquaint the Portuguese Government, that the warrant supplied to Her Majesty's sloop "Bittern," on the Cape of Good Hope station, authorizing her to act under the Treaty of the 3rd July, 1842, between Great Britain and Portugal, for the suppression of the Slave Trade, has been returned to the Lords Commissioners of the Admiralty, and cancelled by them.

I am, &amp;c.

(Signed) ABERDEEN

*Lord Howard de Walden and Seaford, G.C.B.*  
&c. &c.

---

No. 196.

*The Earl of Aberdeen to Lord Howard de Walden and Seaford.*

MY LORD,

*Foreign Office, August 16, 1845.*

I HAVE to desire that you will acquaint the Portuguese Government, that the warrant supplied to Her Majesty's sloop "Frolic," on the Brazil station, authorizing her to act under the Treaty of the 3rd July, 1842, between Great



"*Nynfa*," having taken two other slave vessels, both officers have been honoured with the Cross of the Tower and Sword.

Antonio da Silva Ribeiro, Acting Boatswain, who captured the Brazilian brig "*Bom Successo*," employed in the Slave Trade, has been promoted, and has been named Knight of the Tower and Sword.

I enclose copies of the documents on the subject of these distinctions, which have been published in the *Diario do Governo*.

The Portuguese Government take every opportunity of rewarding those officers who, by their activity, prove their zealous co-operation against the Slave Trade.

I have, &c.

(Signed) HOWARD DE WALDEN AND SEAFORD.

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

&c. &c. &c.

(Translation.)

Enclosure 1 in No. 199.

*Decree of Promotion and Decoration of Acting Boatswain Ribeiro.*

*Palace at Cintra, July 14, 1845.*

THE Queen commands that it be communicated to the Major-General of the Fleet through the Marine and Colonial Department, in answer to his official letter of the 12th instant, and in consideration of the recommendation of the Commander of the naval station at Angola respecting the distinguished conduct of the Acting Boatswain Antonio da Silva Ribeiro, who captured the Brazilian brig "*Bom Successo*," engaged in the Slave Trade, and already condemned by the competent prize tribunal, that Her Majesty is pleased to appoint the said Antonio da Silva Ribeiro Boatswain in the Royal navy, which appointment the Major-General shall communicate to the Inspector of the Marine Arsenal, in order that the necessary diploma may be passed. And the Major-General is, moreover, informed hereby, that an official note has been addressed to the Home Department, requesting the transmission of the diploma of Chevalier of the Order of the Tower and Sword which Her Majesty has been pleased to confer on the said Boatswain.

(Signed) JOAQUIM JOZE FALCAO.

Enclosure 2 in No. 199.

(Translation.)

*Palace of Cintra, August 18, 1845.*

THE official communications of the Commander of the naval station of Angola, under date of the 17th and 18th May last, relative to the distinguished services of Joao Maximo da Silva Rodovalho, Commander of the sloop "*Relampago*," and of the Second Lieutenant Joao Baptista Garcao, Commander of the schooner "*Nynfa*," the latter having captured a vessel with 92 slaves on board, and the former, two slave vessels, having been laid before the Queen, Her Majesty has been pleased, by decree of the 12th instant, to confer on each of the said Commanders the Order of the Tower and Sword of Valour, Loyalty, and Merit; which Her Majesty commands, through the Marine and Colonial Department, to be communicated to the Major-General of the Navy, for his information and due communication to the officers in question, in order that they may solicit their diplomas through the Home Department within the legal term.

(Signed) JOAQUIM JOZE FALCAO.

No. 200.

*Lord Howard de Walden and Seaford to the Earl of Aberdeen.*

*Cintra, August 28, 1845.*  
(Received September 8.)

MY LORD,

I HAVE the honour to enclose a copy of a note which I have received from Senhor Gomes de Castro, in which his Excellency notifies to me, that in order to

obviate an inconvenience not provided for by the Treaty of July 1842, for the suppression of the Slave Trade, which may result to the service of the Board of Superintendence of Liberated Negroes from the absence of the British Commissioner and Arbitrator, Her Most Faithful Majesty's Government have resolved that in such case the office of the British Member to the Board of Superintendence shall be filled by the British Consular Agent, or, in his absence, by the Portuguese Commissioner or Arbitrator, in the same manner as, under Article X., of Annex B. to the above Treaty, the offices of British Commissioner and Arbitrator are supplied when vacant; and his Excellency expresses the hope that this step will meet with the approbation of Her Majesty's Government.

I have, &c.

(Signed) HOWARD DE WALDEN AND SEAFORD.

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

&c.

&c.

&c.

(Translation.)

Enclosure in No. 200.

*Senhor Gomes de Castro to Lord Howard de Walden and Seaford.*

MY LORD,

*Foreign Office, Lisbon, August 13, 1845.*

THE Commissioner on the part of Portugal to the Mixed Portuguese and British Commission established at Angola under the Treaty of the 3rd July, 1842, for the suppression of the Slave Trade, having represented to Her Majesty's Government the necessity of determining as to who shall act as Member of the Board of Superintendence of Liberated Negroes in the absence of the British Commissioner and Arbitrator, no stipulation to this effect having been made in the above-mentioned Treaty or its Annexes, Her Majesty's Government have resolved, that in the absence of the British Commissioner or Arbitrator, the office of Member of the Board of Superintendence of Liberated Negroes shall be filled in the same manner as is stipulated in sect. 2, Article X., of Annex B. to the above Treaty, for supplying the offices of the British Commissioners in the Mixed Commission, that is, by the British Consul or Vice-Consul, or, in the absence of such, by the Portuguese Commissioner or Arbitrator.

I have, therefore, the honour of making this resolution of Her Majesty's Government known to your Lordship, confiding that it will meet with the approbation of Her Britannic Majesty's Government.

I avail, &c.

(Signed) JOZE JOAQUIM GOMES DE CASTRO.

*Lord Howard de Walden and Seaford, G. C. B.*

&c.

&c.

No. 201.

*Lord Howard de Walden and Seaford to the Earl of Aberdeen.*

*Cintra, September 2, 1845.*

*(Received September 15.)*

MY LORD,

HAVING officially applied to Senhor Gomes de Castro for the proper exequatur to the certified copy of Mr. Brand's commission of British Vice-Consul at Angola, transmitted to me by your Lordship in your Despatch of August 6th, 1845, his Excellency has duly caused to be annexed thereto the confirmation of the Portuguese Government; and informs me, that he has, moreover, requested the Minister of Marine to issue the necessary orders to the Authorities of Angola to recognise Mr. Brand, and lend him any assistance he may require for the due performance of his duties as British Vice-Consul.

I shall forward Mr. Brand's exequatur to him by the first opportunity.

I have, &c.

(Signed) HOWARD DE WALDEN AND SEAFORD.

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

&c.

&c.

&c.

No. 202.

*Lord Howard de Walden and Seaford to the Earl of Aberdeen.**Cintra, September 8, 1845.**(Received September 15.)*

MY LORD,

I HAVE the honour to enclose copies of two notes which have passed between Senhor Gomes de Castro and myself, on the circumstances attending the death of the slave Ventura, in the island of Boa Vista, the property of Don Antonio Joaquim Martins, the Curator of Liberated Negroes in that island, as reported by Mr. Macaulay, Her Majesty's Commissioner, to your Lordship, and which I was instructed by your Lordship's Despatch of the 24th July, to bring before the Portuguese Government.

I have also had a long conversation with Senhor Gomes de Castro on the subject; during which the tone of His Excellency, although evidently inclined to ascribe exaggeration to the complaints of Her Majesty's Commissioner, was everything one could desire in deprecation of the horrors said to accompany the punishment of the slave, if true. His Excellency told me, that he had already sent for Senhor Ladislau Benvenuto dos Santos, the Portuguese member of the Mixed Commission, who happened to be absent on leave, and had had explanations from him, and that he shall send me the particulars of that gentleman's statements, while awaiting the result of further enquiries, which would be required by his colleague of the Marine Department.

As regards the Minister of Marine, although his Excellency in his various appointments and acts has certainly proved his good disposition to co-operate cordially for the suppression of the Slave Trade, I have always observed a reluctance to listen to any complaint advanced against a Portuguese Authority, and a disposition to ascribe to any of the representations of British agents exaggeration, and to believe that their complaints originate in some interested or personal motive.

I have, &amp;c.

(Signed) HOWARD DE WALDEN AND SEAFORD.

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

&amp;c. &amp;c. &amp;c.

Enclosure 1 in No. 202.

*Lord Howard de Walden and Seaford to Senhor Gomes de Castro.*

MONSEIUR LE CONSEILLER,

*Lisbon, August 7, 1845.*

I HAVE the honour herewith to transmit to your Excellency copies of two Despatches, and of their enclosures, from Mr. Macaulay, Her Majesty's Commissary Judge, and joint Commissioner with the Governor of the Cape Verd islands, in the Board of Superintendence of Liberated Negroes established at the Cape Verds under the Treaty between Great Britain and Portugal for the suppression of the Slave Trade, which I have been instructed to lay before the Portuguese Government.

Your Excellency will perceive from these papers, that a slave belonging to a gentleman nominated under the Treaty to be Curator of Liberated Negroes, has been treated with horrible and persevering cruelty, and that the death of the miserable victim followed immediately upon such treatment.

In making this communication, and in expressing to your Excellency the confidence of Her Majesty's Government that a searching investigation will be made into the facts of the case, and that whatever measures may be necessary will be taken, to prevent a repetition of such barbarity, I am to disclaim on the part of Her Majesty's Government, and of the British Commissioner, any intention of undue interference in matters which do not properly come under their cognizance; but as the circumstances of this case may affect the character and conduct of a person nominated jointly on the part of Great Britain and of Portugal to an office the object of which is to secure humane treatment for liberated negroes, I am instructed to request of your Excellency the communi-

cation to Her Majesty's Government of the result of the investigation which may be made into this matter.

I avail, &c.

(Signed) HOWARD DE WALDEN AND SEAFORD.

*His Excellency Senhor Gomes de Castro,*  
&c. &c.

(Translation.)

Enclosure 2 in No. 202.

*Senhor Gomes de Castro to Lord Howard de Walden and Seaford.*

MY LORD,

*Foreign Office, Lisbon, August 30, 1845.*

I HAD the honour of receiving your Lordship's note of the 7th instant, enclosing communications from the British Member of the Mixed Commission in the island of Boa Vista, relative to the death of a slave, Ventura, belonging to Antonio Joaquim Martins, which he attributes to ill-treatment. And Her Majesty's Government, considering that the circumstance of Senhor Martins holding the office of Curator to the Board of Superintendence of Liberated Negroes established in that island renders it incumbent on them to make a prompt and strict investigation of the case referred to in the British Commissioner's representation, I availed myself of the arrival at this city of Senhor Ladislau Benvenuto dos Santos, Portuguese Member of the Commission in question, to obtain at once all possible information on the subject, until such time as I shall receive an answer from the Marine Department, which I duly addressed on this matter. From the answer returned by the said Commissioner, an extract of which I have the honour to enclose herewith, Her Majesty's Government perceived with satisfaction, that the accusation brought against the Curator Martins was without foundation; in proof of which, I would particularly point out to your Lordship the alleged circumstance of the slave having been punished in his Master's absence, who consequently took no part in the punishment, which was, nevertheless, inflicted for serious offences.

I would also beg to draw your Lordship's attention to the fact, that by the inquest held on the body of the slave it was found, that his death proceeded from entirely other causes than his chastisement; and moreover, that Ensign Eca, who was accused as having been instrumental in his death, fully cleared himself of this charge before a Council of Investigation, which was held at his own request.

Under these circumstances, I cannot but infer that the laudable zeal of Mr. Macaulay was roused rather by groundless information than by justified motives. However, on receiving more circumstantial information in this case, which, as I have already stated, I have applied for to the Marine Department, I will answer your Lordship's note more fully, and avail, &c.

(Signed) JOZE JOAQUIM GOMES DE CASTRO.

*Lord Howard de Walden and Seaford, G.C.B.*  
&c. &c.

Enclosure 3 in No. 202.

(Extract.) *Senhor dos Santos to Senhor Gomes de Castro.*

IN pursuance of your Excellency's orders, transmitted to me under date of the 11th instant, I have the honour to lay before your Excellency a circumstantial and faithful report of the occurrences which took place in the island of Boa Vista, having reference to the death of the slave Ventura, the property of Antonio Joaquim Martins, Curator of Liberated Negroes to the Board of Superintendence established under the Treaty of the 3rd July, 1842. This slave, having on different occasions robbed the stores of his Master, which he entered by means of false keys, was at last taken *in flagrante*, and flogged, which is the customary mode of punishing slaves, not only in the Cape Verds, but in all our African possessions; he was then attended by the surgeon Hypolito

Joze Xavier de Almeida, Arbitrator to the Mixed Commission, who, finding that no extraordinary symptoms existed, merely ordered emollient baths, whence it may easily be inferred, that the assertion of the slave having been denied food or water after the punishment, or of his having been found dead, with his hands and feet tied, and with his head between his knees, is perfectly untrue.

Two days afterwards, the slave died, when the Judicial Authority, taking cognizance of the circumstance, found, from the inquest and other proofs, that his death had not been occasioned by the flogging, but proceeded from other causes, which the surgeon enumerated. Antonio Joaquim Martins was absent in the island of St. Antao; and I can assure your Excellency, that he did not, directly or indirectly, take any part in this disastrous affair. His failing is, rather that of being too lenient towards his slaves, which often renders them insolent; so much so, that, it becoming necessary to punish this slave Ventura, Donna Maria Amalia Martins, sister of the Curator, who directs the household in her brother's absence, was obliged to request Ensign Eca to be present on the occasion, the slave having insulted her when taken into custody. Immediately after the occurrences above stated had taken place, the British Member of the Commission, Henry William Macaulay, who is also Member of the Board of Superintendence of Liberated Negroes, took upon himself to write to the Authorities officially, requiring, for the information of his Government, a serious investigation of the case, and accusing Ensign Eca as being one of the parties implicated in the death; in consequence of which, the latter requested that a Council of Investigation might be held, in order to enable him to justify himself of such an unfounded accusation. I was President of this Council, which, after having heard a great number of witnesses, some of which had been eye witnesses, unanimously decided, that no fault was imputable to Ensign Eca; this decision was then referred to the Governor-General of the province, at that time Brigadier Bastos. The British Commissioner, Henry William Macaulay, did not limit himself to require of the Civil and Military Authorities, as above stated, an investigation of the case; he went further, for the Council received an official letter from him, calling for an authentic copy of the process, in order to lay it before his Government; the Council, considering this demand to be perfectly unauthorized, simply returned a negative answer.

No. 203.

*The Earl of Aberdeen to Baron Moncorvo.*

*Foreign Office, September 16, 1845.*

THE Undersigned, &c. has the honour to reply to the note addressed to him on the 2nd ultimo by Baron Moncorvo, &c. and in which Baron Moncorvo complained, by order of his Government, of the proceedings of Captain Yorke, of Her Majesty's ship "Albatross," at the mouth of the river Coanza, with respect to the slave vessel "*Albanex*," as a violation of Portuguese territory, and an infringement of Article III., of the Treaty of July 3, 1842, and of his subsequent proceedings in conducting that vessel to Sierra Leone for adjudication, as an infringement of Article I. of Annex A. to the said Treaty, according to which, Baron Moncorvo states that the captor was bound to have taken her before the Mixed Court at Loanda.

The Undersigned has now the honour to transmit to Baron Moncorvo the accompanying copy of a letter from Commodore Jones, enclosing a copy of the report made to him by Captain Yorke of his proceedings in the case in question, and which, Baron Moncorvo will perceive, differs in some measure from the statements contained in his note of the 2nd ultimo. For Baron Moncorvo will perceive, that those negroes who were not found actually on board the "*Albanex*" were taken, not from the shore, but from rafts moored alongside the vessel; and that it does not appear from Captain Yorke's statement, that any officer or man from the "Albatross" set foot on shore. Baron Moncorvo will also perceive, that the vessel was considered by Captain Yorke, and apparently with good reason, to be Brazilian, and not Portuguese, and therefore that there could be no question of bringing her for adjudication before the Mixed Commission at Loanda.

CLASS B.



But as regards the alleged violation of territorial jurisdiction, and the consequent infringement of Article III. of the Treaty, the Undersigned has the honour to acquaint Baron Moncorvo, that the commanders of Her Majesty's cruizers will, according to his request, receive instructions which will effectually prevent the recurrence of this cause of complaint. The Undersigned, however, cannot but observe, that if Captain Yorke had not acted as he did, the result would have been, that the whole cargo of 737 negroes would have been carried to slavery in a foreign country, in defiance, not only of the Treaty and Portuguese law, but, as the Undersigned is fully convinced, of the wishes of the Government of Portugal, to whose honourable execution of their engagements in the endeavour to suppress their Slave Trade in their African possessions, Her Majesty's Government will always be anxious to bear testimony.

For it is not to be supposed that, on a part of the coast where a slaver can openly, and in the face of day, embark a cargo of upwards of 700 negroes, and where her crew, or the inhabitants, can venture, without notice or sign of hostility, to open a fire upon the boat of a British man-of-war, any measures of authority would have been taken against the vessel, or any attempt made to rescue the negroes from their fate.

With respect to the complaint, that some free natives of the Coanza were carried with the slaves to Sierra Leone; if Baron Moncorvo will furnish the particulars respecting them, the Undersigned will lose no time in communicating with the Authorities at Sierra Leone on the subject.

The Undersigned, &c.

*Baron Moncorvo,*  
&c. &c.

(Signed)

ABERDEEN.

Enclosures in No. 203.

1. *Commodore Jones to the Hon. Sidney Herbert, April 3, 1845,*
2. *Commander Yorke to Commodore Jones, March 16, 1845.*

(See Enclosures 134 and 135, in No. 9, Class A., page 66.)

No. 204.

*The Earl of Aberdeen to Lord Howard de Walden and Seaford.*

MY LORD,

*Foreign Office, September 20, 1845.*

I HAVE received your Despatch of the 16th June last, enclosing a copy and translation of a note from the Portuguese Minister for Foreign Affairs, dated the 11th June, 1845, stating, that owing to the impossibility of providing employment for captured negroes within the limits prescribed by the Treaty, the Board of Superintendence of Negroes Emancipated by the Mixed Court at Boa Vista would be authorized to distribute such negroes all over the archipelago of the Cape Verds, according to the means of finding employment; and that the Portuguese Minister considers his Government authorized to take this step, owing to the determination come to by her Majesty's Government, to send to British colonies negroes captured by British cruizers and emancipated by the Mixed Court in question.

I have to desire that you will, in reply, present a note to Senhor Gomes de Castro, stating that Her Majesty's Government, fully convinced that the proposition of the Portuguese Government is intended to conduce to the comfort and well-being of the negroes themselves, have no objection to offer thereto; but that they must maintain the right of the British Member of the Board of Superintendence to make enquiry, and to report to Her Majesty's Government, respecting the condition of such negroes, and to see that they enjoy the full degree of liberty to which they are entitled under Annex C. to the Treaty of 1842.

I am, &c.

(Signed)

ABERDEEN.

*Lord Howard de Walden and Seaford, G.C.B.*  
&c. &c.

No. 205.

*The Earl of Aberdeen to Baron Moncorvo.**Foreign Office, September 22, 1845.*

THE Undersigned, &c. has the honour to transmit to Baron Moncorvo, &c. for communication to the Portuguese Government, the accompanying copies of two letters from Commander Scott, of Her Majesty's ship "Hyacinth," reporting the circumstances under which he detained the Portuguese brig "Flor de Tejo," on suspicion of Slave Trade; and commenting on the proceedings before the Mixed Commission at Loanda on this case.

The Undersigned, &amp;c.

(Signed)

ABERDEEN.

*Baron Moncorvo,*  
&c. &c.

(Extract.)

Enclosure 1 in No. 205.

*Commander Scott to the Secretary of the Admiralty.*

SIR,

*"Hyacinth," St. Helena, August 27, 1844.*

I HAVE the honour to forward to you, for the information of the Lords Commissioners of the Admiralty, the following statement direct, to avoid the delay which must attend sending it through the senior officer on the west coast of Africa, to point out the unprotected state of the British interests, at St. Paul de Loanda, since the death of Her Majesty's Commissioners, and of the interests of commanders of ships engaged in the Slave Trade, as there is now neither Consul, Agent, nor other representative of the British nation in that port; and the late trial of the Portuguese brig "Flor de Tejo" proves how much the presence of one is required. She was detained by this ship, under my command, for a very flagrant case of illegal equipment, which was actually defended by the Portuguese Judge and Arbitrator on the bench, who would not permit the captors to examine witnesses, and had every possible impediment thrown in the way to prevent their establishing the case, even going so far as to destroy a document, after obtaining the prize master's signature to a supposed duplicate, upon the promise of the Portuguese Arbitrator that the original should be preserved, which duplicate, on the day of declaring judgment, was discovered to have been altered, so as to elude the observation of a person unacquainted with the language, but sufficient to alter entirely the sense. They even refused at first to receive the brig into Court, pleading orders from the Portuguese Governor of Angola. The reasons of detention were, a female slave room, two immense hatchways, a large cabouse, fitted for the occasional reception of a very large boiler, a great many divisions on deck, and water casks, without any sort of permission from a custom house, or the slightest mention of a water cask in the manifest, capable of containing upwards of 15 tons of water, with a number of passengers, said to be from Lisbon to the island of Thomas, on the Equator, when, by the track on the chart, after having been in sight of the Cape de Verd islands, she altered her course, ran into 30° south latitude, and was found and detained by me off the notorious slaving district of Benguela. It is unnecessary to refer to the innumerable instances of condemnation at Sierra Leone for cases much less suspicious; and I have no hesitation in asserting, that there is no chance of an empty slaver in any way connected with St. Paul de Loanda being condemned in that port, before the arrival of some British representative, to be a check on their proceeding. I beg to add, that on the acquittal of the vessel, I was permitted to withdraw the party on board the detained brig without remark; and that after this, on the following day, when I was about to sail, in compliance with previous orders, I received a letter, stating that they meant to entertain the Master's claim for damages on the day after, but I was unable to remain; and I beg to solicit the protection of Her Majesty's Government from such a claim, under such circumstances.

I have, &amp;c.

(Signed)

F. SCOTT, *Commander.*

*The Secretary of the Admiralty,*  
&c. &c.

Enclosure 2 in No. 205.

*Commander Scott to Vice-Admiral Austen.*

SIR,

*"Hyacinth," Halifax, August 1, 1845.*

IN reply to your letter of the 2nd of June, respecting the detention of the Portuguese brig "*Flor de Tejo*," for illegal fittings, on the coast of Africa, in about latitude  $12^{\circ} 30'$  south, and longitude  $12^{\circ} 14'$  east, I beg to refer you to the accompanying document, which contains a list of the Articles of the Treaty with Portugal, of July 1842, which were violated by the equipment of the said brig, and rendered her detention a matter, not of choice or of discretionary power on my part, but of compulsion, and in compliance with the positive letter of the instructions referring to that Treaty.

The "*Flor de Tejo*" was discovered during the middle watch, under a crowd of sail, steering, to all appearance, for the most notorious slaving district on that part of the coast of Africa, at a moment when we were in search of a brig that had escaped from our boats on the previous evening. The Lieutenant who boarded her observed at the first glance an extraordinary number of water casks, and a regular female slave room; at daylight I went on board, and then discovered that the authority for searching her had not been placed in my boat, as was intended, on which I informed the Master of the "*Flor de Tejo*," through the one individual on board who spoke English, that it had been forgotten, but that I would send a boat back for it; to which he answered, that it was not necessary, as he saw what the ship was, and knew there could be no doubt on the subject. He then brought forward an officer, whom he pointed out as Deputy Lieutenant-Governor of St. Thomas, but having more the appearance of a stoker in a merchant steam-packet than anything else I can describe; nevertheless, I treated him with every possible courtesy, stating my regret at putting him to any inconvenience, and my assurance that he should be incommoded as little as possible, and even that his desk and private papers should be respected, provided he would give his word of honour that they contained nothing relating to the brig in which he was embarked. I then called upon the Master to produce some authority from the Custom House at Lisbon for having an additional number of divisions both below and on deck, and for the extraordinary quantity of wood and water on board, the latter contained in 23 casks, the two largest of which could not, by any possibility, have been got at without removing the whole cargo. No such document could be found or produced, or was even alleged to be on board; I examined every paper on board, with the exception above alluded to, and one bag, apparently a mail bag, with the Government seal upon it, which, from a wish to render my proceedings as delicate as possible, I left unopened, but insisted upon the whole being placed in an iron box belonging to the Master of the suspected brig, which he locked, retaining the key, while the box was placed in charge of the prize master, to be opened in the Commission Court at Loanda. And I most distinctly declare, that no document of any description whatever was ever produced, or did ever exist, to my knowledge, permitting the deviation from the legal equipment of Portuguese merchant vessels, or proving that the Custom House Authorities had ever been cognizant of such deviation; and moreover, that it could not have been from ignorance, as they produced a copy of the Treaty under which I was acting, and frequently referred to it; upon which occasion I again offered to send for my authority for searching the vessel, which was again declined, as unnecessary. The Master repeatedly tried to insinuate that the vessel was a Government transport, which was clearly disproved; he stated first, that they were bound to St. Thomas and Loanda, with passengers for the former place; and their track upon their own chart, proved them to have run for that island until within a very short distance, when, for reasons not apparent, he resolved to go first to Loanda; in the pursuance of which plan he steered away from St. Thomas, which is on the Equator, into upwards of  $20^{\circ}$  south of it, and near to the coast of Brazil, to arrive at a port in about latitude  $9^{\circ}$  south, on the coast of Africa; this unaccountable proceeding would in itself have appeared to me extremely suspicious, even if unaccompanied by the other flagrant violation of the Treaty observable in the brig's equipment.

On the arrival of the brig at Loanda, the Lieutenant in charge finding that both British Commissioners were dead, was at a loss how to proceed. Ignorant

of the language, he thought it proper and courteous to wait on the Governor at once, and state the circumstances, as such a course could not possibly cause an hour's delay. In the meantime, a report was circulated from the suspected brig, asserting the false statement, that she was chartered by Government; on which the Governor, until he discovered the falsehood, ordered the Judge of the Mixed Commission Court not to receive her into Court; and on his (the Judge's) compliance with that order, the Lieutenant in charge had not sufficient decision of character to sail immediately, without waiting for my arrival, to Boa Vista, where, from the Court being mixed, and the parties on the bench uninterested in the vessel, the result would probably have been very different.

When after the delay of two days (or momentary delay, as it is called, I observe in their statement) the case of the suspected brig was received into Court, every obstacle that legal ingenuity and chicanery could suggest were thrown in our way. Our witnesses were not allowed to be called. The Arbitrator (one of the Judges) prevented any cross-examination of the defendant's witnesses, promising that a day should be appointed for us to do so, which he afterwards positively denied, and refused to us. One document (the report of survey) was found not to be sufficiently garbled, and the Arbitrator requested the Lieutenant in charge to sign another document, declared by him to be a true copy of the original; but taking advantage of the officer's ignorance of the language, the contents were altered, and he was induced to sign it, upon the positive pledge of the Arbitrator (one of the Judges) that the original should be preserved for comparison, which he, the Arbitrator himself, actually destroyed, and admitted the fact of having done so. When I demanded of him how he was able to reconcile these two cases of monstrous and infamous falsehood with his position as a public officer, and his character as an honest and upright judge, who was peculiarly called upon in the present instance to see that we should obtain justice; he could only offer mean evasions, and frivolous excuses, as if any excuse would palliate a lie twice proved to have emanated from a public officer and a judge. No word was ever spoken of costs, damages, or demurrage, until the day following that on which the suspected vessel had been acquitted, and the Lieutenant and party withdrawn more than 12 hours without any complaint. At that time we were going to sea, and it was not in my power to stay longer, from want of provisions.

From the moment of our arrival at Loanda, no one of the Portuguese ever hesitated publicly to laugh at the idea of any vessel connected with the port being condemned in a Court where there was no one to watch over the British interests, and where the owners openly and confidently alluded to the influence of bribery on the officers of the Court.

To sum up the explanation of my conduct as concisely as possible, I assert, that I must have neglected my duty most egregiously, and laid myself open to severe censure from a Court Martial, had I permitted any Portuguese vessel to proceed under the existing circumstances.

Had additional wood, water, or apartments, been required for the use or accommodation of passengers, prisoners, or public officers, it was the duty of the Master or owners to obtain from the Custom House a certificate to that effect, in compliance with the positive injunctions of the Treaty. No such certificate did they possess, nor could they produce, either at the time of detention, or on the trial; and it was not for me to take the word of a man who might be a notorious contrabandist, or to admit the old and (in the slavers) constantly urged excuse, of passengers, for the illegality of their proceedings.

It was sufficient for me that the equipment was illegal, and I was bound to bring it before the proper tribunal; and I do trust that the country and Government I serve will defend and support my conduct in the zealous and diligent execution of a most difficult duty, where my error, if it be one, appears to have been the over delicacy of the way in which it was performed, but which, in addition to my own feelings, I believe to be in consonance with the wishes of my Government, that the *suaviter in modo* should be adopted as much as possible in every intercourse with the subject of an allied Sovereign.

Whatever the result of this explanation may be, I cannot for a moment regret the line of conduct I then, not hastily but deliberately, adopted; and I should as soon hesitate about taking Her Majesty's sloop, while under my command, into action with an enemy for fear of the loss of my life, as flinch from doing

what I consider to be my duty from the fear of having to pay damages. Should any confirmation of the above statement be required, or could the oath of a naval officer and man of honour add any weight to his positive assertion, I am prepared at any time, if called on, to swear to the truth of the above statement; and can produce at least one commissioned officer, of unblemished reputation, the Senior Lieutenant of this sloop, Colin York Campbell, who will do the same. Should this evidence be considered conclusive that such articles were on board the detained brig without the prescribed certificate from the Custom House, no matter for what purpose embarked, I beg to refer you to Article X. of the above-mentioned Treaty, which expressly relieves me from all liability of loss, damage, or expense consequent upon the detention of any vessel infringing the stipulations therein contained.

I have, &c.  
(Signed) F. SCOTT, *Commander.*

*Vice-Admiral Sir F. Austen, K.C.B.*  
&c. &c.

No. 206.

*The Earl of Aberdeen to Lord Howard de Walden and Seaford.*

MY LORD,

*Foreign Office, September 25, 1845.*

I HAVE to desire that you will acquaint the Portuguese Government that the warrant supplied to Her Majesty's ship "Spartan," on the North America and West India station, authorizing her to act under the Treaty of the 3rd July, 1842, between Great Britain and Portugal, for the suppression of the Slave Trade, has been returned to the Lords Commissioners of the Admiralty, and cancelled by them.

I am, &c.  
(Signed) ABERDEEN.

*Lord Howard de Walden and Seaford, G.C.B.*  
&c. &c.

No. 207.

*Lord Howard de Walden and Seaford to the Earl of Aberdeen.*

MY LORD,

*Cintra, September 17, 1845.*  
(Received September 26.)

I HAVE the honour to enclose a copy of a note which I have received from Senhor Gomes de Castro, informing me that Her Most Faithful Majesty's brig "Mondego," of 18 guns, commanded by Commander F. A. G. Cardozo, and having for second commander the Second Lieutenant A. M. Passalagua, will be employed on the west coast of Africa, and St. Thomas and Princes islands, under the Treaty of the 3rd July, 1842, between Great Britain and Portugal, for the suppression of the Slave Trade.

I have, &c.  
(Signed) HOWARD DE WALDEN AND SEAFORD.

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

(Translation.)

Enclosure in No. 207.

*Senhor Gomes de Castro to Lord Howard de Walden and Seaford.*

MY LORD,

*Foreign Office, Lisbon, September 15, 1845.*

I HAVE the honour to acquaint your Lordship, for your information and guidance, that the Minister of Marine communicated to me, on the 2nd instant, that Her Majesty's brig "Mondego," of 18 guns, commander the Captain-Lieutenant F. A. G. Cardozo, and second commander the Second Lieutenant A. M. Passalagua, left this port on the 24th ultimo, provided with the necessary instructions to act under the Treaty of the 3rd July, 1842, between Great Britain

and Portugal, for the suppression of Slave Trade on the west coast of Africa and islands of St. Thome and Principe.

I renew, &c.

(Signed) JOZE JOAQUIM GOMES DE CASTRO.

*Lord Howard de Walden and Seaford, G.C.B.*

&c. &c.

No. 208.

*Lord Howard de Walden and Seaford to the Earl of Aberdeen.*

*Cintra, September 30, 1845.*

*(Received October 10.)*

MY LORD,

HAVING duly notified to Senhor Gomes de Castro, under the instructions conveyed to me by your Lordship, that the warrants supplied to Her Majesty's ships "Heroine," "Bittern," "Frolic," "Rapid," "Ferret," and "Alfred," authorizing them to act in the suppression of Slave Trade, under the Treaty of July 1842, between Great Britain and Portugal, had been returned to the Lords' Commissioners of the Admiralty, and cancelled by them, I have the honour to enclose copies of the notes which I have received from his Excellency in reply.

I have, &c.

(Signed) HOWARD DE WALDEN AND SEAFORD.

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

&c. &c. &c.

(Translation.)

Enclosure 1 in No. 208.

*Senhor Gomes de Castro to Lord Howard de Walden and Seaford.*

MY LORD,

*Foreign Office, Lisbon, August 30, 1845.*

I HAVE the honour to acquaint your Lordship, that I this day communicate to the Minister of Marine your Lordship's note of the 26th instant, informing me that the warrants supplied to Her Britannic Majesty's ships "Heroine," "Bittern," and "Frolic," authorizing them to act in the suppression of Slave Trade under the Treaty of the 3rd July, 1842, between Portugal and Great Britain respectively, on the West Coast of Africa, Cape of Good Hope, and Brazil stations, had been cancelled by the Lords of the Admiralty.

I renew, &c.

(Signed) JOZE JOAQUIM GOMES DE CASTRO.

*Lord Howard de Walden and Seaford, G.C.B.*

&c. &c.

(Translation.)

Enclosure 2 in No. 208.

*Senhor Gomes de Castro to Lord Howard de Walden and Seaford.*

MY LORD,

*Foreign Office, Lisbon, September 12, 1845.*

I THIS day communicate to the Minister of Marine your Lordship's note of the 3rd instant, informing me that the warrants supplied to Her Britannic Majesty's ships "Rapid," "Ferret," and "Alfred," authorizing them to act in the suppression of Slave Trade, under the Treaty of the 3rd July, 1842, between Portugal and Great Britain, the two first on the West Coast of Africa station, and the last on the Brazil station, had been cancelled by the Lords of the British Admiralty.

I avail, &c.

(Signed) JOZE JOAQUIM GOMES DE CASTRO.

*Lord Howard de Walden and Seaford, G.C.B.*

&c. &c.

No. 209.

*The Earl of Aberdeen to Lord Howard de Walden and Seaford.*

MY LORD,

Foreign Office, October 15, 1845.

I HAVE to desire that you will acquaint the Portuguese Government, that Her Majesty's sloop "Heroine," of six guns, will be employed on the Coast of Africa station in the suppression of the Slave Trade, under the Treaty of the 3rd July, 1842, between Great Britain and Portugal.

The "Heroine" is commanded by Commander Charles Edmunds, and Lieutenant Adam G. Glascott is the officer second in command.

I am, &amp;c.

(Signed)

ABERDEEN.

*Lord Howard de Walden and Seaford, G.C.B.*

&amp;c.

&amp;c.

No. 210.

*The Earl of Aberdeen to Lord Howard de Walden and Seaford.*

MY LORD,

Foreign Office, October 16, 1845.

I HEREWITH transmit to your Lordship a copy of a Despatch, and of its enclosure, from Her Majesty's Commissioners at Sierra Leone, reporting the case of the Brazilian brigantine "Suspiro," captured by Her Majesty's steam-vessel "Prometheus," and condemned in the Mixed British and Brazilian Commission at Sierra Leone, for being engaged in Slave Trade.

I have to desire that you will communicate these papers to the Portuguese Government, calling their attention to the facilities which were given by the Portuguese Vice-Consul at Rio de Janeiro, to the voyage of a vessel whose cargo and equipments evidently pointed her out as destined for the Slave Trade.

You will state, that Her Majesty's Government consider it due to the integrity and good faith with which Her Most Faithful Majesty's Government are fulfilling their engagements with this country for the suppression of the Slave Trade, and which are so honourably exemplified in the documents enclosed to you in my other Despatch of this date, to make known to them every case in which the humane wishes and policy of the Sovereign and Government of Portugal are thwarted by the venality or carelessness of their inferior agents in foreign countries.

I am, &amp;c.

(Signed)

ABERDEEN.

*Lord Howard de Walden and Seaford, G.C.B.*

&amp;c.

&amp;c.

Enclosure in No. 210.

*The Sierra Leone Commissioners to the Earl of Aberdeen, August 4, 1845.*  
(See Class A., No. 58, page 283.)

No. 211.

*The Earl of Aberdeen to Lord Howard de Walden and Seaford.*

MY LORD,

Foreign Office, October 16, 1845.

I HEREWITH transmit to your Lordship copies of two Despatches from Her Majesty's Arbitrator at Loanda, reporting the active and zealous manner in which the Commander of Her Most Faithful Majesty's corvette "Relampago" has fulfilled the instructions of his Government with respect to the suppression of Slave Trade on the west coast of Africa, and the great success which has attended his efforts.

I also transmit to you copies of two letters, and of their enclosures, which have been received at this Office from the Admiralty, reporting the active and zealous co-operation afforded by the Governor-General of Mozambique to Her Majesty's

cruizers on the east coast of Africa, in order to suppress the trade in slaves within the limits of his jurisdiction.

I have to desire, that you will communicate these papers to the Portuguese Government, and that you will state, that Her Majesty's Government have received with sincere satisfaction these renewed proofs of the active and energetic measures taken by the Portuguese naval and civil Authorities against the Slave Trade, and that they highly appreciate the cordial co-operation of the Portuguese forces with those of Her Majesty. You will further express the hope of Her Majesty's Government, that the Portuguese Government may not feel it inconsistent with their duty highly to approve the conduct both of the Commander of the Portuguese corvette "*Relampago*," and of the Governor-General of Mozambique.

I am, &c.  
(Signed) ABERDEEN.

*Lord Howard de Walden and Seaford, G.C.B.*  
&c. &c.

---

Enclosures in No. 211.

1. *The Loanda Commissioner to the Earl of Aberdeen, May 31, 1845.*
  2. *June 10, 1845.*  
(See Class A., No. 306, page 708, and No. 310, page 725.)
  3. *Rear-Admiral Percy to Mr. Corry, June 17, 1845.*
  4. *Sir Cornwallis Ricketts to Rear-Admiral Percy, June 14, 1845.*
  5. *Lieutenant Forsyth to Sir Cornwallis Ricketts, April 3, 1845.*
  6. *Sir Cornwallis Ricketts to Rear-Admiral Percy, June 14, 1845.*
  7. *to Commander Hope, May 12, 1845.*
  8. *to Rear-Admiral Percy, June 14, 1845.*
  9. *Lieutenant Forsyth and Assistant-Surgeon Henry to Sir Cornwallis Ricketts, April 5, 1845.*
  10. *Surgeon Sharpe to Sir Cornwallis Ricketts, June 14, 1845.*
  11. *Rear-Admiral Percy to Mr. Corry, June 20, 1845.*
  12. *Sir Cornwallis Ricketts to Rear-Admiral Percy, May 12, 1845.*
  13. *Surgeon Sharpe to Sir Cornwallis Ricketts, May 10, 1845.*
  14. *Sir Cornwallis Ricketts to the Governor of Mozambique, May 10, 1845.*
  15. *The Governor of Mozambique to Sir Cornwallis Ricketts, May 11, 1845.*
  16. *Rear-Admiral Percy to Mr. Corry, June 20, 1845.*
  17. *Sir Cornwallis Ricketts to Rear-Admiral Percy, May 9, 1845.*
  18. *to the Governor of Mozambique, May 5, 1845.*
  19. *The Governor of Mozambique to Sir Cornwallis Ricketts, May 6, 1845.*
  20. *Sir Cornwallis Ricketts to Commander Hope, May 6, 1845.*
  21. *to the Governor of Mozambique, May 6, 1845.*
  22. *The Governor of Mozambique to Sir Cornwallis Ricketts, May 8, 1845.*
  23. *Sir Cornwallis Ricketts to Commander Hope, May 8, 1845.*
  24. *to the Governor of Mozambique, May 8, 1845.*
  25. *Commander Hope to Sir Cornwallis Ricketts, May 8, 1845.*
  26. *Rear-Admiral Percy to Mr. Corry, June 20, 1845.*
  27. *Sir Cornwallis Ricketts to Rear-Admiral Percy, May 8, 1845.*
  28. *The Governor of Mozambique to Sir Cornwallis Ricketts, May 7, 1845.*
- (See Enclosures 271 to 292 in No. 9, Class A. pages 126 to 131.)

---

No. 212.

*The Earl of Aberdeen to Lord Howard de Walden and Seaford.*

MY LORD,

*Foreign Office, October 16, 1844.*

I HAVE to desire that you will acquaint the Portuguese Government, that the warrants supplied to Her Majesty's ships "*Scylla*," Commander Buckle, Coast of Africa station, "*Growler*," Commander R. Sharpe, North America and West India station authorizing them to act under the Treaty of the 3rd July, 1842, between Great Britain and Portugal, for the suppression of the Slave Trade, have

CLASS B.



been returned to the Lords Commissioners of the Admiralty, and cancelled by them.

I am, &c.  
(Signed) ABERDEEN.

*Lord Howard de Walden and Seaford, G.C.B.*  
&c. &c.

No. 213.

*The Earl of Aberdeen to Lord Howard de Walden and Seaford.*

MY LORD,

*Foreign Office, October 16, 1845.*

YOU will have seen by the public papers the account of the fearful mortality which has taken place on board of Her Majesty's steam-vessel "Eclair," recently returned to this country from her station on the West Coast of Africa.

Upon first leaving the coast, at the end of August, the "Eclair" repaired to the Cape Verd islands, in the hope that change of climate, and the adoption of such measures as would be practicable in a friendly port, might check the ravages of the disease which had fastened upon that unfortunate vessel. The precautions which, by the humane and considerate assistance of the Governor of Boa Vista, the Commanders of the "Eclair" and of Her Majesty's steam-vessel "Growler" were enabled to take for the purpose, proved, unhappily, to be of little effect. But it is not less the duty of Her Majesty's Government to express their gratitude for the sympathy and ready help which the late Captain Estcourt and his crew met with from the Authorities at Boa Vista.

You will see, indeed, by the enclosed letter, that the Commander of the "Growler" did not fail, before sailing for England, to convey his own thanks and those of his brother officer to the Governor of the island; nevertheless, Her Majesty's Government are anxious to express for themselves, and to the Government at Lisbon, their grateful sense of the generous treatment which Her Majesty's officers and men received at the hands of Senhor Joze da Noronha; and I have therefore to desire, that your Lordship will make a communication to this effect to the Portuguese Minister, furnishing his Excellency at the same time with a copy of Commander Buckle's letter.

I am, &c.  
(Signed) ABERDEEN.

*Lord Howard de Walden and Seaford, G.C.B.*  
&c. &c.

Enclosure in No. 215.

*Commander Buckle to Senhor Miguel de Noronha.*

SIR,

*"Growler," September 13, 1845.*

BEING on the point of putting to sea with Her Britannic Majesty's steam-vessel under my command, in company with Her Britannic Majesty's steam-vessel "Eclair," I beg your Excellency to accept the expression of the most sincere and heartfelt thanks of Commander Estcourt and myself for the great and most generous act of kindness in so readily granting the use of Her Most Faithful Majesty's forts for the accommodation of the entire crew of Her Britannic Majesty's ship "Eclair," at a moment when the Almighty had been pleased to visit them with a most fatal and virulent fever, and consequently when such a noble and disinterested instance of hospitality was so highly acceptable, and which it is my very agreeable duty to report to Commodore Jones, Senior Officer in Command of Her Britannic Majesty's squadron on the West Coast of Africa and Cape de Verd station, and which, I trust I may be allowed to add, cannot but be gratifying to the British Government.

I have requested Her Majesty's Consul to take upon himself, with your Excellency's permission, the charge of thoroughly cleaning the buildings, and repairing any damage the fort may have sustained during its occupancy by the crew of the "Eclair" under the above very afflicting circumstances.

I have much to regret that the severe illness of Commander Estcourt prevents

his adding his signature to this feeble expression of our mutual sentiments, though he delivered them to me in the warmest and most grateful terms.

Wishing your Excellency and family perfect health and happiness,

I have, &c.

(Signed) C. H. M. BUCKLE, *Commander.*

*His Excellency Senhor Miguel de Noronha,*  
&c. &c.

No. 214.

*Lord Howard de Walden and Seaford to the Earl of Aberdeen.*

*Lisbon, October 8, 1845.*

*(Received October 18.)*

MY LORD,

I HAVE the honour to enclose the copy of a note which, in conformity to your Lordship's instructions conveyed in your Despatch of the 20th of last month, I have addressed to Senhor Gomes de Castro, stating to him, that although Her Majesty's Government, fully convinced that the proposition of the Portuguese Government for the employment of the negroes emancipated by the Mixed Court at Boa Vista, is intended to conduce to the comfort and well-being of the negroes themselves, have no objection to offer thereto, they must, however, maintain the right of the British member of the Board of Superintendence to make enquiry, and to report to Her Majesty's Government, respecting the condition of such negroes, and to see that they really enjoy the full degree of liberty to which they are entitled under Annex C. to the Treaty of 1842.

I have, &c.

(Signed) HOWARD DE WALDEN AND SEAFORD.

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

Enclosure in No. 214.

*Lord Howard de Walden and Seaford to Senhor Gomes de Castro.*

MONSIEUR LE CONSEILLER,

*Cintra, October 6, 1845.*

HAVING duly communicated to Her Majesty's Government the note which I had the honour to receive from your Excellency, under date of the 11th June last, notifying that, owing to the impossibility of providing employment for captured negroes within the limits prescribed by the Treaty, the Board of Superintendence of Negroes Emancipated by the Mixed Court at Boa Vista would be authorized to distribute such negroes all over the archipelago of the Cape Verds, according to the means of finding employment; and that the Government of Her Most Faithful Majesty considered themselves authorized to take this step, owing to the determination come to by Her Britannic Majesty's Government to send to British colonies negroes captured by British cruisers, and emancipated by the Mixed Court in question; I have been instructed to state to your Excellency, in reply, that Her Majesty's Government, fully convinced that the proposition of the Portuguese Government is intended to conduce to the comfort and well-being of the negroes themselves, have no objection to offer thereto; but that they must, of course, maintain the right of the British member of the Board of Superintendence to make enquiry, and to report to Her Majesty's Government, respecting the condition of such negroes, and to see that they really enjoy the full degree of liberty to which they are entitled under Annex C. to the Treaty of 1842, and which it is, no doubt, the unqualified desire of the Government of Her Most Faithful Majesty they should do.

I avail, &c.

(Signed) HOWARD DE WALDEN AND SEAFORD.

*His Excellency Senhor Gomes de Castro,*  
&c. &c.

No. 215.

*The Earl of Aberdeen to Lord Howard de Walden and Seaford.*

MY LORD,

Foreign Office, October 27, 1845.

I HAVE to desire that you will acquaint the Portuguese Government, that the warrant supplied to Her Majesty's steam-sloop "Ardent," on the West Coast of Africa station, authorizing her to act under the Treaty of the 3rd July, 1842, between Great Britain and Portugal, for the suppression of the Slave Trade, has been returned to the Lords Commissioners of the Admiralty, and cancelled by them.

I am, &amp;c.

(Signed)

ABERDEEN.

*Lord Howard de Walden and Seaford, G.C.B.*

&amp;c.

&amp;c.

No. 216.

*The Earl of Aberdeen to Lord Howard de Walden and Seaford.*

MY LORD,

Foreign Office, October 28, 1845.

I HAVE to desire that you will acquaint the Portuguese Government, that Her Majesty's sloop "Sappho," of 16 guns, will be employed on the Cape of Good Hope station, in the suppression of the Slave Trade, under the Treaty of the 3rd July, 1842, between Great Britain and Portugal.

The "Sappho" is commanded by Commander Robert F. Gambier, and Lieutenant Robert Reid is the officer second in command.

I am, &amp;c.

(Signed)

ABERDEEN.

*Lord Howard de Walden and Seaford, G.C.B.*

&amp;c.

&amp;c.

No. 217.

*The Earl of Aberdeen to Lord Howard de Walden and Seaford.*

MY LORD,

Foreign Office, October 29, 1845.

I HAVE received your Despatch of the 28th August, enclosing a note which you had received from Senhor Gomes de Castro, stating, that in the event of the absence of the British member of the Board of Superintendence of negroes liberated in a Portuguese colony, under the Treaty of 1842, the Portuguese Government propose that such absence should be temporarily filled up, in the same manner as the absence of a British Commissioner would be, according to the provisions of Annex B. to that Treaty.

I have to desire that you will inform the Portuguese Minister for Foreign Affairs, that Her Majesty's Government see nothing to object to in the arrangement proposed by Senhor Gomes on this point; and that they will recognise the acts performed by such acting member of the Board of Superintendence as having equal validity and authority as those performed by the actual British member of the Board.

I am, &amp;c.

(Signed)

ABERDEEN.

*Lord Howard de Walden and Seaford, G.C.B.*

&amp;c.

&amp;c.

No. 218.

*Lord Howard de Walden and Seaford to the Earl of Aberdeen.*

MY LORD,

Lisbon, October 28, 1845.

(Received November 5.)

I HAVE the honour to enclose copies of a note which I received from Senhor Gomes de Castro, communicating the seizure at Princes Island of a Spanish

vessel, the "*Nympha Catalana*," and of a note which I addressed to his Excellency, requesting further information on the subject, and of his Excellency's reply.

I have, &c.

(Signed) HOWARD DE WALDEN AND SEAFORD.

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

&c.

&c.

&c.

(Translation.) Enclosure 1 in No. 218.

*Senhor Gomes de Castro to Lord Howard de Walden and Seaford.*

MY LORD,

*Foreign Office, Lisbon, July 24, 1845.*

ON the 12th August, of last year, a Spanish schooner, named "*Ninfa Catalana*," Captain Antonio Olive, entered the port of Princes Island from the island of Cuba, with a cargo of brandy, and other marketable goods; but the Commander of Her British Majesty's sloop "*Cygnnet*," having officially notified to the person in charge of the Government of that island in the absence of the Governor, that he entertained well-grounded suspicions that the schooner in question was destined for the Slave Trade a search was duly made, the result of which was, the discovery on board of two chains, one 78 and the other 116 feet long, Portuguese measure, and of a thin chain 172 feet long.

Surety being required of the Captain of the schooner, in consequence of the discovery of the above-mentioned objects, he answered, that he was unable to give it, there being no person in that island to stand surety for him; and on the 21st September following, having discharged and sold the cargo, he presented at the Custom House his protest of abandonment of the vessel and its tackle, dated 26th August.

In consequence of the above circumstances, Her Catholic Majesty's Minister addressed to me a note transmitting a document, copies of both which I enclose, which I referred to the Minister of Marine, in order that he may furnish me with the information necessary to enable me to return an answer on the subject; all which circumstances I have the honour to lay before you, in order that you may not be ignorant of them, in the event of any ulterior consequences resulting from this affair.

I avail, &c.

(Signed) JOZE JOAQUIM GOMES DE CASTRO.

*Lord Howard de Walden and Seaford, G.C.B.*

&c.

&c.

(Translation.) Enclosure 2 in No. 218.

*Senor Luis Gonzalez Bravo to Senhor Gomes de Castro.*

SIR,

*Spanish Legation, Lisbon, July 2, 1845.*

By the enclosed note, addressed to Her Majesty's Minister for the Marine Department, from Port St. Anton, Princes Island, in the Gulf of Guinea, your Excellency will be made acquainted with the serious and unwarrantable violence committed by the Governor of the said island towards the Spanish merchant schooner "*Ninfa Catalana*."

In acquainting me with this unpleasant incident, my Government has instructed me to communicate it to your Excellency, in order that the Government of Her Most Faithful Majesty, with the loyalty and good faith of which it has given so many proofs, may do justice to, and duly indemnify, the Captain of the schooner in question, Don Antonio Olive, and the other parties interested.

In truth, the bare recital of the facts communicated by the Captain, sufficiently proves the injustice and oppressive nature of the proceedings of the Authorities at Princes Island, and under whatever pretext they may endeavour to excuse it; it must ever be evident that they have acted against all right, and that their conduct bears the impress of an insulting outrage.

Her Majesty's Government cannot and ought not to hide from the Cabinet of Lisbon its deep sorrow at this unqualifiable violence committed against a Spanish vessel by the agents of a friendly nation, and doubts not but that the Government

of Her Most Faithful Majesty will act up to the dictates of justice, strengthened by the close ties of friendship existing with the Court of Madrid, by adopting such measures as may be necessary with a view to reimbursement for all losses and damages, and reparation for the insult done to the Spanish flag.

In communicating to your Excellency the sentiments of my Government,

I have, &c.

(Signed) **LUIS GONZALEZ BRAVO.**

*His Excellency Senhor Gomes de Castro,*

&c.

&c.

(Translation.)

Enclosure 3 in No. 218.

*Senor Antonio Olive to Her Catholic Majesty's Minister of Marine.*

*San Antonio, Prince's Island, December 1, 1844.*

**MOST EXCELLENT SIR,**

ON the 2nd May, of this year, I left the port of Santiago de Cuba, in the Spanish schooner under my command, "*Ninfa Catalana*," for this island, which I reached on the 12th August, after having been twice constrained by bad weather to put into the port of Guantanamo, and having touched at the islands of Fayal (Terceira) and San Nicolao, (Cape Verd islands.) On the 24th August, having found that the market prices were too low, and having taken the advice of my crew, I requested a clearance for the Spanish island Fernando Po, where I expected to meet with a Spanish squadron. On that day a strict search was made on board, and although nothing of a suspicious nature was found, the people of the Custom House carried off a chain, the cable and property of my vessel. In the evening of the same day, Most Excellent Sir, I had the misfortune of seeing our flag insulted; for about 5·30 the commander of a boat, with armed men on board, which then came alongside, informed me that he was come to take possession of the vessel. I immediately caused the Spanish flag to be hoisted, and protested solemnly against such an arbitrary proceeding on the part of the Governor of the island, after which I permitted the armed men to come on board. At 6·30 o'clock another boat came alongside, with some Custom House employes, who told me that they were ordered by the Governor to unbend my sails, and carry them on shore. At 12·30 o'clock at night they concluded this operation. At 10 o'clock A.M. of the 26th, the armed force left the vessel; and at 11·30 I received a note, of which the following is a faithful translation:—

*Office of the Subordinate Government,  
Princes Island, August 26, 1844.*

Sir,

The Subordinate Governor of this island orders me to communicate to you, that in consequence of a representation from Mr. Henry Layton, Commander of one of Her British Majesty's sloops, and of an official note from the Public Ministry, based on one from the Director of Customs, all received at this office, you must, in order to be freely permitted to leave this port, give security as required by the Decree of the 10th December, 1836.

(Signed)

**LAUREANO MARQUES DE BARROS.**

*Senor D. Antonio Olive,*

&c.

&c.

Although the reason for treating me in this arbitrary manner was not mentioned in the note; and notwithstanding that I could perceive in the Decree referred to, nothing in common with, or applicable to, my case, I endeavoured to procure a person to stand surety for me; but being a perfect stranger, and without any relations at the island, I was not able to succeed, which I communicated on the 27th of that same month to the Under Governor. On the 28th I assembled my crew in council, and after having taken the opinion of all and each separately, I resolved, in conformity with their unanimous opinion, to discharge the vessel, and then abandon it to the Authorities who had so unjustly prevented our sailing. This I accordingly did, and on the 21st September transmitted to the Custom House an inventory of the vessel, and the keys of the lockers. Some time after this, it was notified to me that the vessel was undergoing a legal process; but to this day I

am ignorant of the nature of the accusation, or as to who defends the suit. Lastly, Most Excellent Sir, having requested passports for myself and all my crew, to proceed to Goree, in the French sloop-of-war "*Indiana*," the Commander of which generously consents to receive us on board his vessel, mine is refused, on the pretext that I am responsible for the result in case the vessel should be condemned. I said, my passport was refused because the security they require of me is, as they are well aware, the most complete refusal. This detention, which prevents me from proceeding to Lisbon to bring forward my claims for the losses and damages resulting to myself and the other parties interested in the vessel, plainly proves, that the object of the Authorities is to see me die here from the malignant fevers of this climate, or at least to prevent me from making my claim during the time they are in office. Under these circumstances, I must hope that your Excellency, by laying my case before the Queen, will thus induce Her Majesty to bring it to the knowledge of Her Most Faithful Majesty, and to demand that justice may be done to me.

---

Enclosure 4 in No. 218.

*Lord Howard de Walden and Seaford to Senhor Gomes de Castro.*

MONS. LE CONSEILLER,

*Cintra, July 29, 1845.*

I HAVE the honour to return my acknowledgments to your Excellency for the communication contained in your Excellency's note of the 24th instant, relative to the detention, at Princes Island of a Spanish schooner, on suspicion of her being implicated in the Slave Trade, the contents of which I shall not fail to communicate to Her Majesty's Government.

In order, however, to enable Her Majesty's Government to form a correct judgment on this question, I would beg your Excellency, in further elucidation of the case, to be so good as to afford me information on the following points; namely, first, as regards equipment for Slave Trade, whether the Law of December, 1836, with regard to Slave Trade, is generally applicable to foreign vessels in Portuguese African ports, as the ordinary fiscal regulations are in regard to contraband; and second, whether, in the case in question, the articles which were found on board were included in the manifest, or were discovered on a search being made.

I avail, &c.

(Signed) HOWARD DE WALDEN AND SEAFORD.

*His Excellency Senhor Gomes de Castro,*  
&c.

(Translation.)

Enclosure 5 in No. 218.

*Senhor Gomes de Castro to Lord Howard de Walden and Seaford.*

MY LORD,

*Foreign Office, Lisbon, October 15, 1845.*

I ACKNOWLEDGE the receipt of your Lordship's note of the 29th July last, and in answer to the queries therein contained, I have to state to your Lordship, as regards the first, whether the provisions of the Decree of the 10th December, 1836, with regard to Slave Trade, are generally applicable to foreign vessels in Portuguese African ports, as the ordinary fiscal laws are in regard to contraband; that Her Majesty's Government effectually consider those provisions generally applicable to foreign vessels in those ports, as the fiscal laws are in respect to contraband.

As regards the second, whether the suspected articles found on board the schooner "*Nynfa Catalana*," were described in the manifest, or discovered on search being made; I have the honour to inform your Lordship, that from the communications received on this subject from the Governors of the islands of St. Thomé and Prince, it does not appear whether the articles in question were or not included in the manifest of the vessel. However, as more circum-

stantial information in this affair has been called for by the Marine Department, I will duly communicate it to your Lordship so soon as it reaches me.

I renew, &c.

(Signed) JOZE JOAQUIM GOMES DE CASTRO.

*Lord Howard de Walden and Seaford, G.C.B.*

&c.

&c.

No. 219.

*Lord Howard de Walden to the Earl of Aberdeen.*

*Lisbon, October 28, 1845.*

*(Received November 5.)*

MY LORD,

WITH reference to my Despatch of the 8th instant, relative to the employment of negroes, emancipated by the Mixed Court at Boa Vista, I have the honour to enclose a copy of a note which I have received from Senhor Gomes de Castro, in reply to the one which I addressed to his Excellency on the 6th of this month, in which he acquiesces in the reservation made in regard to the right of the British member of the Board of Superintendence, to make enquiry into the condition of such negroes, understanding that it is based upon due reciprocity.

I have, &c.

(Signed) HOWARD DE WALDEN AND SEAFORD.

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

&c.

&c.

&c.

(Translation.)

Enclosure in No. 219.

*Senhor Gomes de Castro to Lord Howard de Walden and Seaford.*

MY LORD,

*Foreign Office, Lisbon, October 18, 1845.*

I HAVE the honour to acknowledge the receipt of your Lordship's note of the 8th instant, in answer to mine of the 11th June last.

It gave me great satisfaction to find that Her Britannic Majesty's Government should see the impracticability, as noticed by me, of the Board of Superintendence at Boa Vista providing employment for the liberated negroes within the limits prescribed in Article III. of Annex C.

With respect to the observation made in the latter part of your Excellency's note, I have to state, that no objection exists to the members of the Boards of Superintendence on the part of Her Britannic Majesty, making enquiry into the mode of treatment of liberated negroes, in the same manner as the Portuguese members of those Boards have ever been considered as possessing the right to examine into the condition of such liberated negroes sent to different places, and to represent in favour of them, whenever such a step might be considered necessary.

I avail, &c.

(Signed) JOZE JOAQUIM GOMES DE CASTRO.

*Lord Howard de Walden and Seaford, G.C.B.*

&c.

&c.

No. 220.

*Lord Howard de Walden to the Earl of Aberdeen.*

*Lisbon, October 29, 1845.*

*(Received November 5.)*

MY LORD,

I HAVE the honour to enclose a copy of a note which I addressed to Senhor Gomes de Castro, according to the instructions contained in your Lordship's Despatch of the 22nd of August last, complaining of the conduct of the Portuguese Vice-Consul at Bahia, in furnishing antedated papers to a

Brazilian brig called the "*Esperanca*," afterwards condemned by the Mixed British and Brazilian Commission, at Sierra Leone.

I have the honour to transmit also, a copy and a translation of the reply I have received from Senhor Gomes de Castro, from which your Lordship will perceive, that the Portuguese Government have caused instructions to be sent to investigate this matter, and at the same time express their intention to take severe measures with regard to the Vice-Consul, should the charge be proved against him.

I have, &c.

(Signed) HOWARD DE WALDEN AND SEAFORD.

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

Enclosure 1 in No. 220.

*Lord Howard de Walden and Seaford to Senhor Gomes de Castro.*

M. LE CONSEILLER,

*Cintra, September 4, 1845.*

I HAVE the honour herewith to transmit to your Excellency copies of two Despatches, and of their enclosures, from Her Majesty's Commissioners at Sierra Leone, containing a statement of the case of the brigantine "*Esperanca*," condemned in the Mixed British and Brazilian Commission at Sierra Leone, for being engaged in the Slave Trade.

By the Despatch of the 15th of April, and its enclosure, your Excellency will perceive, that the Portuguese Vice-Consul at Bahia is charged with having antedated documents which he furnished, in order to denote that the vessel was regularly cleared for a legal voyage.

In communicating these papers to the Government of Her Most Faithful Majesty, I am instructed to bring under your Excellency's consideration the importance of causing an enquiry to be made into the circumstances of this case.

I avail, &c.

(Signed) HOWARD DE WALDEN AND SEAFORD.

*His Excellency Senhor Gomes de Castro,*  
&c. &c.

(Translation.)

Enclosure 2 in No. 220.

*Senhor Gomes de Castro to Lord Howard de Walden and Seaford.*

MY LORD,

*October 25, 1845.*

IN acknowledging the receipt of the note which your Lordship was pleased to address to me on the 4th September last, as well as of the copy of two official letters, and of the documents therein referred to, addressed to the Earl of Aberdeen by the British Commissioners in Sierra Leone, relating to the capture and adjudication of the Brazilian brig "*Esperanca*," condemned by the Mixed English and Brazilian Commission established in that place, I have the honour to acquaint your Lordship, with regard to the Portuguese Vice-Consul, at Bahia, against whom a complaint is preferred by the Commission in question, for having transmitted an antedated bill of health and manifest to the said brig, that peremptory and positive orders were, on the 23rd instant, dispatched from the office under my charge to the Portuguese Consul in that city to proceed to the strictest investigation of the matters laid to the charge of the Vice-Consul; that, in case they should be proved against him, Her Majesty's Government may take such measures of severity against the Vice-Consul in question as justice may require.

I avail, &c.

(Signed) JOZE JOAQUIM GOMES DE CASTRO.

*Lord Howard de Walden and Seaford, G.C.B.*  
&c. &c.



No. 221.

*The Earl of Aberdeen to Baron Moncorvo.**Foreign Office, November 21, 1845.*

THE Undersigned, &c. with reference to previous communications from Baron Moncorvo, &c. respecting the prisoners now under sentence of death in the gaol at Exeter for piracy in the case of the "*Felicidade*," has the honour to transmit to Baron Moncorvo, for his information, and for such proceedings as he may judge proper to take thereupon, the accompanying copy of a letter which has just been received at this Office from the Home Department, upon the subject in question.

(Signed) ABERDEEN.

Enclosure in No. 221.

*Mr. Phillipps to Viscount Canning, November 20, 1845.*  
(See Enclosure in No. 78, page 110.)

No. 222.

*Baron Moncorvo to the Earl of Aberdeen.*

*Portuguese Legation, November 24, 1845.*  
(Received November 25.)

MY LORD,

I HAVE the honour to acknowledge the receipt of your Excellency's note of the 21st instant, accompanied with the copy of a letter written by Mr. Under-Secretary Phillipps to Viscount Canning, concerning the pending situation of the prisoners under sentence of death in Exeter gaol for piracy, in the case of the "*Felicidade*."

Permit me to offer to your Excellency my grateful thanks for the communication that the prisoners have again been respited to the 17th December next, and that the Judges require a second argument before them by Civilians.

In consequence then of this communication, I have lost no time in directing the necessary steps to be taken by the Portuguese Consul-General in London, to afford to those prisoners who are subjects of Her Most Faithful Majesty all the legal advice requisite on such occasion, and in conformity with the decision of the Judges.

With respect to that part of Mr. Phillipps' letter that has reference to making some provision for defending the prisoners at this last resort, I beg to inform your Excellency, that not only has such provision already been commanded, but that since the arrival of these prisoners in this country, those that are Portuguese subjects have had every legal advice and assistance that could be procured at their trial, and at the late conference of the Judges, for their defence; and that the expenses incurred with the said defence are wholly paid by Her Most Faithful Majesty's Government.

Consequently, I am not aware that funds from any other quarter have been applied to the defence of these prisoners.

I have, &c.  
(Signed) MONCORVO.

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

No. 223.

*Lord Howard de Walden and Seaford to the Earl of Aberdeen.*

*Lisbon, November 16, 1845.*  
(Received November 26.)

MY LORD,

HAVING duly notified to Senhor Gomez de Castro, in conformity with your Lordship's instructions, that the warrants supplied to Her Majesty's ships

"Spartan," "Scylla," and "Growler," authorizing them to act in the suppression of the Slave Trade under the Treaty of the 2<sup>rd</sup> July, 1842, between Great Britain and Portugal, had been returned to the Lords Commissioners of the Admiralty, and cancelled by them; and that Her Majesty's ship "Heroine" would be employed on the Coast of Africa station under the above-mentioned Treaty, I have the honour to enclose herewith copies of the notes which I have received from his Excellency in reply.

I have, &c.

(Signed) HOWARD DE WALDEN AND SEAFORD.

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

(Translation.) Enclosure 1 in No. 223.

*Senhor Gomes de Castro to Lord Howard de Walden and Seaford.*

MY LORD,

*Foreign Office, Lisbon, October 15, 1845.*

I HAVE the honour to acquaint your Lordship, that I this day communicate to the Minister of Marine the contents of your Lordship's note of the 7th instant, informing me, that the Lords of the British Admiralty had cancelled the warrant supplied to the ship "Spartan," on the North America and West India station, authorizing her to act in the suppression of the Slave Trade under the Treaty of the 3<sup>rd</sup> July, 1842, between Portugal and Great Britain.

I renew, &c.

(Signed) JOZE JOAQUIM GOMES DE CASTRO.

*Lord Howard de Walden and Seaford, G.C.B.*  
&c. &c.

(Translation.) Enclosure 2 in No. 223.

*Senhor Gomes de Castro to Lord Howard de Walden and Seaford.*

MY LORD,

*Foreign Office, Lisbon, November 10, 1845.*

I HAVE the honour to acquaint your Lordship, that on the 28th October last I made known to the Minister of Marine the communication which your Lordship made to me on the 24th of that month, of the Lords of the Admiralty having cancelled the warrants supplied to Her Britannic Majesty's ships "Scylla" and "Growler," authorizing them to act in the suppression of Slave Trade under the Treaty of the 3<sup>rd</sup> July, 1842, the first on the Coast of Africa station, and the second on the North America and West India station.

I also informed the Minister of Marine, that the "Heroine" had been supplied with the necessary Instructions to act in the suppression of the Slave Trade on the coast of Africa station.

I avail, &c.

(Signed) JOZE JOAQUIM GOMES DE CASTRO.

*Lord Howard de Walden and Seaford, G.C.B.*  
&c. &c.

No. 224.

*Lord Howard de Walden and Seaford to the Earl of Aberdeen.*

*Lisbon, November 26, 1845.*

*(Received December 5.)*

MY LORD,

I HAVE received a note from Senhor Gomes de Castro, of which I have the honour to enclose a copy, informing me that the warrant supplied to the Portuguese frigate "Diana," authorizing her to act in the suppression of the Slave

Trade on the Brazil and West Coast of Africa stations, under the Treaty of 1842, between Great Britain and Portugal, had been cancelled.

I have, &c.

(Signed) HOWARD DE WALDEN AND SEAFORD.

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

&c. &c. &c.

(Translation.)

Enclosure in No. 224.

*Senhor Gomes de Castro to Lord Howard de Walden.*

MY LORD,

*Foreign Office, Lisbon, November 17, 1845.*

I HAVE the honour to acquaint your Lordship, for your information, and for communication to Her Britannic Majesty's Government, that the Minister of Marine informed me, on the 14th instant, of the cancelling of the instructions given to the commander of the frigate "*Diana*," to act under the Treaty of the 3rd July, 1842, between Portugal and Great Britain, in the suppression of the Slave Trade on the coasts of Brazil and West Africa.

I avail, &c.

(Signed) JOZE JOAQUIM GOMES DE CASTRO.

*Lord Howard de Walden and Seaford, G.C.B.*

&c. &c.

No. 225.

*The Earl of Aberdeen to Baron Moncorvo.*

*Foreign Office, December 5, 1845.*

THE Undersigned, &c. with reference to the communication made by him to Baron Moncorvo, &c. on the 21st ultimo, respecting the case of the Portuguese and other prisoners now under sentence of death in the gaol at Exeter, for piracy, has the honour to inform Baron Moncorvo, that the Judges have determined that the conviction of those persons was not good.

This being the case, a pardon will be issued to the prisoners, and orders will forthwith be sent to set them at liberty. But as there is reason to apprehend that, unless proper precautions be taken, they may upon their release be exposed to some violence, from the strong popular feeling which exists against them, the Undersigned has to suggest to Baron Moncorvo, that no time should be lost in securing for them the means of a speedy removal from Exeter.

The Undersigned, &c.

(Signed) ABERDEEN.

*Baron Moncorvo,*

&c. &c.

No. 226.

*Baron Moncorvo to the Earl of Aberdeen.*

*Portuguese Legation, December 5, 1845.*

*(Received December 6.)*

MY LORD,

I LOSE no time in acknowledging the receipt of your Excellency's note of this day, and in requesting your Excellency to accept my heartfelt thanks for the communication it contains, that the Judges declared that the conviction of the prisoners under sentence of death in Exeter gaol was not good, and that, in consequence of that declaration, a free pardon would be granted to the said prisoners.

The earnest attention that has been paid to the fate of these prisoners, after the trial in which they were condemned to death, is an event reflecting everlasting honour both on Her Britannic Majesty's Government and on the Judges of this country; because, however great, as it naturally was, the excitement produced by the murder of a Midshipman and several sailors of the British navy by the prisoners, that lamentable fact has by no means biased either the Government or

the Judges in allowing to the prisoners every advantage which they might derive from doubtful points of the law; so that in the balance of justice, mercy should always predominate in the manner that it has done.

According to your Excellency's suggestion, I have given immediate instructions to the Portuguese Consul-General in this capital, to take the necessary steps that as soon as the prisoners who are Portuguese subjects are set at liberty, they may be removed from Exeter, to be conveyed to Portugal by the very earliest opportunity.

I have, &c.  
(Signed) MONCORVO.

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

No. 227.

*Lord Howard de Walden and Seaford to the Earl of Aberdeen.*

*Lisbon, November 26, 1845.*  
(Received December 9.)

MY LORD,

I HAVE the honour to enclose copies of a note which I addressed to Senhor Gomes de Castro, on placing in his Excellency's hands, for communication to his colleagues, the correspondence referring to the activity of the Portuguese Authorities in Africa against the Slave Trade, and transmitted in your Lordship's Despatch of the 16th ultimo, and of the reply which I have received from his Excellency, expressing the gratification caused to the Portuguese Government by the said communication, and stating that he had requested the Minister of Marine to signify to the parties in question the eulogium which their proceedings had elicited from Her Majesty's Government.

I have, &c.

(Signed) HOWARD DE WALDEN AND SEAFORD.

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

Enclosure 1 in No. 227.

*Lord Howard de Walden and Seaford to Senhor Gomes de Castro.*

MONS. LE CONSEILLER,

*Lisbon, October 29, 1845.*

WITH reference to my communication of yesterday, and in compliance with your Excellency's request, I have the honour to place in your Excellency's hands the copies of the correspondence relating to the active and zealous co-operation afforded by the Governor of Mozambique to Her Majesty's cruisers on the east coast of Africa, as well as to the praiseworthy manner in which the Commander of Her Most Faithful Majesty's corvette "*Relampago*" has fulfilled the instructions of his Government on the west coast, and the great success which has attended his efforts with respect to the suppression of the Slave Trade.

I take this opportunity of reiterating the expression of the sincere satisfaction with which Her Majesty's Government have received these renewed proofs of the active and energetic measures taken by the Portuguese naval and civil Authorities against the Slave Trade, and of assuring your Excellency, that Her Majesty's Government highly appreciate the cordial co-operation of the Portuguese forces with those of Her Majesty.

I am instructed further to convey to your Excellency the hope of Her Majesty's Government, that the Government of Her Most Faithful Majesty may not feel it inconsistent with their duty, with reference to the reports in question, highly to approve the conduct both of the Governor-General of Mozambique, and of the Commander of the Portuguese corvette "*Relampago*."

I avail, &c.

(Signed) HOWARD DE WALDEN AND SEAFORD.

*His Excellency Senhor Gomes de Castro,*  
&c. &c.

(Translation.)

Enclosure 2 in No. 227.

*Senhor Gomes de Castro to Lord Howard de Walden and Seaford.*

MY LORD,

*Foreign Office, Lisbon, November 20, 1845.*

I HAD the honour to receive the note which your Lordship addressed to me under date of the 29th October last, and the documents relating to it.

Her Majesty's Government were highly gratified at the satisfaction which your Lordship expresses, in the name of your Government, at the services of the Governor of Mozambique, the Commander of the corvette "*Relampago*," and other Portuguese civil and military Authorities, in the suppression of the Slave Trade.

I have already communicated to the Minister of Marine your Lordship's note, at the same time requesting his Excellency to make known to the parties mentioned by your Lordship, the praise which their honourable conduct had merited on the part of the British Government.

I avail, &amp;c.

(Signed)

JOZE JOAQUIM GOMES DE CASTRO.

*Lord Howard de Walden and Seaford, G.C.B.*

&amp;c.

&amp;c.

No. 228.

*The Earl of Aberdeen to Baron Moncorvo.**Foreign Office, December 15, 1845.*

THE Earl of Aberdeen presents his compliments to the Baron Moncorvo, and, with reference to previous correspondence respecting the prisoners confined in Exeter gaol on a charge of piracy, has the honour to transmit to Baron Moncorvo the accompanying copy of a communication which has just been received from the Home Department, reporting that these prisoners were to proceed to London on Saturday last.

Enclosures in No. 228.

1. *Mr. Phillipps to Mr. Addington, December 13, 1845.*
2. *Mr. Cole to Sir James Graham, December, 12, 1845.*

(See Enclosure in No. 86, page 117.)

No 229.

*The Earl of Aberdeen to Lord Howard de Walden and Seaford.*

MY LORD,

*Foreign Office, December 17, 1845.*

I HAVE to desire that you will acquaint the Portuguese Government, that Her Majesty's ship "*President*," of 50 guns, will be employed on the Cape of Good Hope station in the suppression of the Slave Trade, under the Treaty of the 3rd July, 1842, between Great Britain and Portugal.

The "*President*" is commanded by Captain William P. Stanley, and Commander J. C. Mottley is the officer second in command.

I am, &amp;c.

(Signed)

ABERDEEN.

*Lord Howard de Walden and Seaford, G.C.B.*

&amp;c.

&amp;c.

No. 230.

*The Earl of Aberdeen to Lord Howard de Walden and Seaford.*

MY LORD,

*Foreign Office, December 17, 1845.*

I HAVE to desire that you will acquaint the Portuguese Government, that Her Majesty's sloop "Kingfisher," of 12 guns, will be employed on the West Coast of Africa station in the suppression of the Slave Trade, under the Treaty of the 3rd July, 1842, between Great Britain and Portugal.

The "Kingfisher" is commanded by Commander Charles F. Brown, and Lieutenant Henry Stuart is the officer second in command.

I am, &amp;c.

(Signed)

ABERDEEN.

*Lord Howard de Walden and Seaford, G.C.B.*

&amp;c.

&amp;c.

No. 231.

*Lord Howard de Walden and Seaford to the Earl of Aberdeen.**Lisbon, December 6, 1845.**(Received December 17.)*

MY LORD,

I HAVE the honour to enclose a copy of a note which I have received from Senhor Gomes de Castro, informing me that the warrant supplied to Her Most Faithful Majesty's brig "Douro," authorizing her to act in the suppression of the Slave Trade under the Treaty of July 1842, between Great Britain and Portugal, has been cancelled.

I have, &amp;c.

(Signed)

HOWARD DE WALDEN AND SEAFORD.

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

&amp;c.

&amp;c.

&amp;c.

(Translation.)

Enclosure in No. 231.

*Senhor Gomes de Castro to Lord Howard de Walden and Seaford.*

MY LORD,

*Foreign Office, Lisbon, September 2, 1845.*

I HAVE the honour to acquaint your Lordship, for your information and guidance, that on the 30th August last the Minister of Marine communicated to me that the warrant supplied to Her Most Faithful Majesty's brig "Douro" to act under the Treaty of the 3rd July, 1842, between Portugal and Great Britain, in the suppression of the Slave Trade on the Cape Verd Islands and Coast of Guinea station, had been cancelled.

I avail, &amp;c.

(Signed)

JOZE JOAQUIM GOMES DE CASTRO.

*Lord Howard de Walden and Seaford, G.C.B.*

&amp;c.

&amp;c.

No. 232.

*Lord Howard de Walden and Seaford to the Earl of Aberdeen.**Lisbon, December 6, 1845.**(Received December 17.)*

MY LORD,

I ADDRESSED a note to Senhor Gomes de Castro, under your Lordship's instructions, conveyed in your Despatch of the 16th October, of which I enclose a copy, on the subject of the papers given by the Portuguese Vice-Consul at Rio de Janeiro to the Brazilian vessel "Suspiro," which had been captured while employed in the Slave Trade.

I have the honour to transmit a copy of the reply which I have received from Senhor Gomes de Castro, in which his Excellency acquaints me with the death subsequently of the Vice-Consul in question, Senhor Antonio Ferreira de Noronha Feital, but assures me, that the Portuguese Chargé d'Affaires at Rio de Janeiro has nevertheless been instructed to examine into the circumstances of the case alluded to, with the object of preventing the repetition in future of proceedings similar to those of which the late Vice-Consul is accused.

I have, &c.

(Signed) HOWARD DE WALDEN AND SEAFORD.

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

&c. &c. &c.

Enclosure 1 in No. 232.

*Lord Howard de Walden and Seaford to Senhor Gomes de Castro.*

MONS. LE CONSEILLER,

*Lisbon, October 25, 1845.*

I AM instructed to communicate to your Excellency a copy of a Despatch, and its enclosures, from Her Britannic Majesty's Commissioners at Sierra Leone, reporting the case of the Brazilian brigantine "*Suspiro*," captured by Her Majesty's steam-vessel "*Prometheus*," and condemned in the Mixed British and Brazilian Commission at Sierra Leone for being engaged in the Slave Trade.

In bringing these papers under your Excellency's notice, I beg to solicit your attention to the report of the facilities which were given by the Portuguese Vice-Consul at Rio de Janeiro to the voyage of a vessel whose cargo and equipments evidently pointed her out as destined for the Slave Trade. Her Majesty's Government have considered it due to the integrity and good faith with which Her Most Faithful Majesty's Government are fulfilling their engagements with Great Britain for the suppression of the Slave Trade, to make known to them every case in which the humane wishes and policy of the Sovereign and Government of Portugal are thwarted by the venality or carelessness of their inferior agents in foreign countries.

I avail, &c.

(Signed) HOWARD DE WALDEN AND SEAFORD.

*His Excellency Senhor Gomes de Castro,*

&c. &c.

(Translation.)

Enclosure 2 in No. 232.

*Senhor Gomes de Castro to Lord Howard de Walden and Seaford.*

MY LORD,

*Foreign Office, Lisbon, December 2, 1845.*

IN answer to the note which your Excellency addressed to me on the 25th October last, complaining of the facility with which the late Vice-Consul at Rio de Janeiro, Senhor Antonio Ferreira de Noronha Feital, furnished documents to the Brazilian brig "*Suspiro*," which was captured by the English steam-vessel "*Prometheus*" for being engaged in the Slave Trade, I have the honour to state to your Lordship, that notwithstanding the death of the Vice-Consul in question, Her Majesty's Government sent instructions on the 15th ultimo to the Portuguese Chargé d'Affaires at that Court, to institute an enquiry into the conduct of the late Vice-Consul, not only in order that the Government may obtain full information in the matter, but also to prevent in future a repetition of facts similar to that mentioned in your Lordship's note.

I avail, &c.

(Signed) JOZE JOAQUIM GOMES DE CASTRO.

*Lord Howard de Walden and Seaford, G.C.B.*

&c. &c.

No. 233.

*Lord Howard de Walden and Seaford to the Earl of Aberdeen.**Lisbon, December 9, 1845.**(Received December 17.)*

MY LORD,

I HAVE the honour to enclose a copy of a note, which I have received from Senhor Gomes de Castro, informing me that Her Most Faithful Majesty's brig "*Douro*," and brig-schooner "*Tamega*," have been authorized to act in the suppression of the Slave Trade under the Treaty of 1842, between Great Britain and Portugal, the former on the coast of Guinea and at the Cape de Verd islands, and the latter on the west coast of Africa, and at the islands of St. Thomas and Princes.

I have, &amp;c.

(Signed)

HOWARD DE WALDEN AND SEAFORD.

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

&amp;c.

&amp;c.

&amp;c.

(Translation.)

Enclosure in No. 233.

*Senhor Gomes de Castro to Lord Howard de Walden and Seaford.*

MY LORD,

*Foreign Office, Lisbon, December 3, 1845.*

I HAVE the honour to make known to your Lordship, that on the 27th ultimo I received information from the Minister of Marine, that on the 24th of that month sailed from the port of this capital, with instructions to act in the suppression of the Slave Trade on the coast of Guinea and in the Cape Verd islands, Her Majesty's brig "*Douro*," of 16 guns, commander the Captain-Lieutenant P. A. Caminha, and the officer second in command, P. H. R. Ferreira; and to act on the west coast of Africa and the islands of St. Thomas and Princes, Her Majesty's brig-schooner "*Tamega*," of 14 guns, commander the Captain-Lieutenant J. M. Esteves, and the officer second in command, the Second Lieutenant M. J. da Nobrega.

I avail, &amp;c.

(Signed)

JOZE JOAQUIM GOMES DE CASTRO.

*Lord Howard de Walden and Seaford, G.C.B.*

&amp;c.

&amp;c.

No. 234.

*The Earl of Aberdeen to Lord Howard de Walden and Seaford.*

MY LORD,

*Foreign Office, December 18, 1845.*

I HAVE to desire, that you will acquaint the Portuguese Government, that the warrants supplied to Her Majesty's ships "*Ringdove*," "*Eclair*," and "*Albert*," on the Coast of Africa station, authorizing them to act under the Treaty of the 3rd July, 1842, between Great Britain and Portugal, for the suppression of the Slave Trade, have been returned to the Lords Commissioners of the Admiralty, and cancelled by them.

I am, &amp;c.

(Signed)

ABERDEEN.

*Lord Howard de Walden and Seaford, G.C.B.*

&amp;c.

&amp;c.

No. 235.

*The Earl of Aberdeen to Lord Howard de Walden and Seaford.*

MY LORD,

*Foreign Office, December 26, 1845.*

I HAVE to desire, that you will inform the Portuguese Government, that warrants under the Treaty of July 3, 1842, between Great Britain and

CLASS B.



Portugal, for the abolition of Slave Trade, have been issued to Her Majesty's ships and vessels described below, to be employed on the stations there mentioned.

I am, &c.  
(Signed) ABERDEEN.

*Lord Howard de Walden and Seaford, G.C.B.*  
&c. &c.

---

*Warrants Issued.*

Her Majesty's steam-vessel "Alecto," three guns, Commander Francis W. Austen, officer second in command Lieutenant James Hunt, South-East Coast of America station.

Her Majesty's ship "Alarm," 26 guns, Captain Charles C. Frankland, officer second in command Lieutenant Augustus C. May, North America and West India station.

Her Majesty's ship "Endymion," 44 guns, Captain G. F. Lambert, officer second in command Lieutenant L. W. Tarleton, North America and West India station.

Her Majesty's steam-vessel "Lizard," one gun, Lieutenant Henry M. Tylden, officer second in command Mr. Edwin Rowe, South-East Coast of America station.

Her Majesty's ship "Bittern," 16 guns, Commander Thomas Hope, officer second in command Lieutenant Matthew Nolloth, West Coast of Africa station.

---

PORTUGAL. (*Consular*)—*Lisbon.*

---

No. 236.

*Mr. Smith to the Earl of Aberdeen.*

*British Consulate, Lisbon, July 19, 1845.*

(*Received July 28.*)

MY LORD,

I HAVE the honour to enclose for your Lordship's information, the *Diario do Governo* of the 17th instant, with a translation of a portaria from the Department of Marine and Colonial Affairs, in commendation of the zeal and activity displayed by the Commander, officers, and crews of the Portuguese naval station at Angola, in the repression of the Slave Trade, and holding out to them the prospect of rewards proportioned to the merits of each individual.

I have, &c.

(Signed) WILLIAM SMITH.

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

&c.

&c.

&c.

---

(Translation.)

Enclosure in No. 236.

*Extract from the Diario do Governo of July 17, 1845.*

*Palace of Cintra, July 14, 1845.*

HER MOST FAITHFUL MAJESTY THE QUEEN having seen the communications sent to this Department by the Major-General of the Fleet, the Governor-General of the Ultramarine Provinces, and the Commander of the Naval Station at Angola, respecting the good and incessant services rendered by the Commanders, officers, and crews of the ships-of-war employed in the repression of the Slave Trade; as also respecting the recent capture of various slaving vessels, and destruction of others; Her Majesty orders, through this Marine and Colonial Office, that the Major-General of the Fleet, commending, in Her Royal Name, the Commander of the said station for the efficacious activity and zeal he has displayed in so important a commission, and, in general, all the commanders, officers, and men, serving under his orders, or employed in other places upon the same service, shall make known to him and them Her Majesty's high appreciation of their good services, which she will reward according to the merits of each individual.

(Signed) JOAQUIM.

---



PORTUGAL. (*Consular*)—*Cape Verds.*

---

No. 237.

*Mr. Rendall to the Earl of Aberdeen.*

*Boa Vista, Cape Verds, December 31, 1844.*  
(Received April 14, 1845.)

MY LORD,

I HAVE the honour to enclose your Lordship a copy of a letter that I addressed to Her Majesty's Commissioners at Sierra Leone, dated this day.

I have, &c.  
(Signed) JOHN RENDALL,  
*Her Britannic Majesty's Consul.*

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

---

Enclosure in No. 237.

*Mr. Rendall to the Sierra Leone Commissioners.*

GENTLEMEN,

*Boa Vista, Cape Verds, December 31, 1844.*

COMMODORE JONES, in Her Majesty's steam-frigate "Penelope," arrived here the day before yesterday, and I have much pleasure in stating, that he has expressed to me his intention of making immediate arrangements for the cruizers under his command calling here in early succession, and thereby affording a most salutary check to the movements of the daring piratical slave vessels which are in the habit of frequenting these islands.

This measure was proposed by the Commodore, in preference to allotting a cruizer to the station, as it is believed, that the crews of the vessels coming here will receive much benefit from the cool breezes generally prevailing in these islands.

I have, &c.  
(Signed) JOHN RENDALL,  
*Her Britannic Majesty's Consul.*

*Her Majesty's Commissioners,*  
&c. &c.

---

No. 238.

*Mr. Rendall to the Earl of Aberdeen.*

*Boa Vista, Cape Verds, February 21, 1845.*  
(Received April 28.)

MY LORD,

I HAVE the honour to acknowledge your Lordship's Despatch, dated the 31st December last, transmitting for my information, a memorandum, explanatory of the manner in which it is desired that liberated Africans placed at the disposal of the British Government should henceforward be removed to the West Indies, and requesting that I will attend to this duty, and guide myself

in all respects by the contents of the memorandum, and which I am to consider as an instruction addressed to myself.

I beg your Lordship to believe, that I shall apply myself with much assiduity to the duties thus entrusted to me.

I have, &c.

(Signed) JOHN RENDALL,  
*Her Britannic Majesty's Consul.*

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

&c. &c. &c.

No. 239.

*Mr. Rendall to the Earl of Aberdeen.*

*Boa Vista, Cape Verds, April 6, 1845.*  
(Received July 28.)

MY LORD,

I HAVE the honour to enclose herewith to your Lordship, a return of the number of slaves in these islands, which I have received from the Authorities here.

It is proper that I should inform your Lordship, that persons well acquainted with the extent of population in these islands declare the return in question to be incorrect, the number of slaves being estimated at twice the number therein stated.

I have, &c.

(Signed) JOHN RENDALL,  
*Her Britannic Majesty's Consul.*

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

&c. &c. &c.

Enclosure in No. 239.

MAP of the SLAVES existing in the under-mentioned Districts, in 1843.

*General Government of the Province, Head Quarters in the Island of Brava.*  
*November 22, 1844.*

DISTRICTS.	Slaves.						Total.
	Male Slaves.	Female Slaves.	With a Trade.	Without a Trade.	Above 18 Years of age.	Under 18 Years of age.	
Porto Praia, Santiago . . . . .	918	948	395	1,474	1,229	637	1,866
St. Catharina, ditto . . . . .	468	410	222	656	545	333	878
Fogo, Island of Fogo . . . . .	555 $\frac{3}{4}$	673 $\frac{1}{2}$	750 $\frac{1}{2}$	478 $\frac{3}{4}$	692 $\frac{1}{2}$	536 $\frac{3}{4}$	1,229 $\frac{1}{4}$
Brava . . . . .	101	149	32	218	124	126	250
St. Antonio and St. Vincent . . . . .	106	129	..	235	131	104	235
St. Nicholas . . . . .	84	79	59	104	102	61	163
Boa Vista and Sal . . . . .	367	295	310	352	396	266	662
Maio . . . . .	180	196	40	336	204	172	376
Total . . . . .	2779 $\frac{3}{4}$	2,879 $\frac{1}{2}$	1,808	3,850	3,423	2,235	5,659 $\frac{1}{4}$

(Signed)

BASTOS.

J. M. DE SOUZA MONTEIRO,  
*Secretary-General.*

A true copy

JOHN RENDALL, *Consul.*

## BRAZIL.

---

No. 240.

*Mr. Hamilton to the Earl of Aberdeen.*

*Rio de Janeiro, November 25, 1844.*

*(Received January 9, 1845.)*

MY LORD,

I HAVE to apprise your Lordship that a Brazilian vessel, called the "*Nova Granada*," was carried before the Court of Mixed Commission on the 11th instant, having been detained by Her Majesty's schooner "*Viper*," Lieutenant Carter commanding, a day or two previous, off Santos, for breach of the Slave Trade Conventions between Brazil and Great Britain.

I have, &c.

(Signed)

HAMILTON HAMILTON.

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

&c.

&c.

&c.

---

No. 241.

*Mr. Hamilton to the Earl of Aberdeen.*

*Rio de Janeiro, November 25, 1844.*

*(Received January 9, 1845.)*

MY LORD,

By your Despatch of the 12th September, 1843, I was instructed to call the attention of the Brazilian Government to the fact, that at Bahia, farina, or mandioca flour, and water had been exported to the coast of Africa in puncheons, on board foreign vessels, manifested under the denomination of cachaça, or rum, and intended for the use of vessels engaged in the Slave Trade.

On the 27th December this instruction was carried into effect; but only on the 29th of last month was an answer returned to my communication. It conveyed, however, a circular (copies of which are enclosed) from the Department of Finance to the Inspectors of the Provincial Treasuries, pointing out the measures requisite to put an end to such an abuse, and ordaining that the penalties incurred thereby, shall be exacted, whenever the case occurs.

I have, &c.

(Signed)

HAMILTON HAMILTON.

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

&c.

&c.

&c.

---

Enclosure 1 in No. 241.

*Senhor Franca to Mr. Hamilton.*

(Translation.)

*Palace of Rio de Janeiro, October 30, 1844.*

THE Undersigned, &c. being enabled, by a communication that he has just received from the Minister of Finance, to reply to the note No. 38, which

Mr. Hamilton, &c. addressed to his predecessor in office on the 27th December, last year, has the honour to inform him, that it being proved, by information obtained from the Treasury of the Province of Bahia, that the abuse had been practised there of shipping for the coast of Africa barrels of mandioca flour, entered in the manifests as rum, the said Minister of Finance has just dispatched the circular, of which a copy is enclosed, in which the necessary instructions on the subject are given.

On this occasion the Undersigned, &c.

(Signed)

ERNESTO FERREIRA FRANCA.

H. Hamilton, Esq.  
&c. &c.

Enclosure 2 in No. 241.

(Translation.) *Circular of President of National Treasury.*

*Public National Treasury, October 29, 1844.*

MANOEL ALVEZ BRANCO, President of the Tribunal of the Public National Treasury, in order to put an end to the abuse which has been practised, in defiance of law and Treaty, of shipping for the coast of Africa pipes full of mandioca flour, cleared outwards as rum, directs, although this case is not fully and explicitly provided for by the Regulation of 30th May, 1836, that what is ordained by Article CLXXI. be applied whenever it may occur, proceeding to the seizure of the goods not duly dispatched, in accordance with the Article CXCVIII. This the Inspector of the Treasury of the Province of \_\_\_\_\_ will cause to be carried into execution, giving the necessary orders to this effect.

(Signed)

MANOEL ALVEZ BRANCO.

No. 242.

*Mr. Hamilton to the Earl of Aberdeen.*

*Rio de Janeiro, November 25, 1844.*

*(Received January 9, 1845.)*

MY LORD,

I HAVE had frequent occasion to communicate with your Lordship on the subject of the slave schooner "*Vencedora*," or "*Tartaruga*," as she was also named, which her captors sent for adjudication before the Vice-Admiralty Court at the Cape of Good Hope, where she was condemned; my last Despatch respecting her being dated April 24.

On the present occasion I have to forward other notes thereon, subsequently exchanged between the Minister for Foreign Affairs and myself.

In the first communication, his Excellency's protest is renewed against the adjudication at the Cape of Good Hope, an infraction, as he styles it, of Treaties subsisting between the two Crowns, and upon which the Brazilian Minister in London will be charged to communicate with Her Majesty's Government. But in the concluding paragraph, St. França reverts to Madeira, a Brazilian subject, found on board the prize, who was sent to the Cape as an evidence on the trial—a proceeding which had already produced much discussion between us, asking for information as to his fate. That information is supplied in my answer, which mentions his return to Rio de Janeiro. Not satisfied with the explanation thus afforded regarding this individual, the Minister in his rejoinder announces further reference to your Lordship.

To this last note I have not replied. Hopeless that any reasoning of mine would have weight, or be satisfactory, I have preferred to wait for such instructions as your Lordship might be pleased to send me, based on my antecedent reports on the subject.

I have, &c.

(Signed)

HAMILTON HAMILTON.

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

&c.

&c.

&c.

Enclosure 1 in No. 242.

*Senhor Franca to Mr. Hamilton.**Rio de Janeiro, July 31, 1844.*

(Translation.)

THE Undersigned, &c. has the honour to acknowledge the receipt of the note addressed to him on the 13th April last by Mr. Hamilton, &c. respecting the schooner "*Vencedora*," otherwise "*Tartaruga*," captured by the English brig "*Frolic*."

The Undersigned cannot but manifest his surprise that, notwithstanding the just representation of the Imperial Government, urging that the said schooner should be brought before the Brazilian and British Mixed Commission in this capital, she was, nevertheless, tried and condemned by the Vice-Admiralty Court at the Cape of Good Hope, as implicated in acts of piracy; and, convinced that the arguments employed in his note of the 22nd March of this year, were not by any means confuted by the reasons which Mr. Hamilton brings forward to prove that the conduct of the British cruizers in the case did not infringe the Treaties existing between the two countries, he deems it his duty to continue to protest, as he does now protest, against similar infractions, instructing, at the same time, the Brazilian Minister at the Court of London to demand of Her Britannic Majesty's Government, the adoption of such measures as shall compel Her Majesty's cruizers to return within the sphere of their duties.

The Undersigned will not conclude this note without requesting of Mr. Hamilton the necessary explanations respecting the fate of the Brazilian subject Manoel Joze Madeira, the subject of Mr. Hamilton's note of 19th December, last year.

The Undersigned, &amp;c.

(Signed)

ERNESTO FERREIRA FRANCA.

*H. Hamilton, Esq.*  
&c. &c.

Enclosure 2 in No. 242.

*Mr. Hamilton to Senhor Franca.**Rio de Janeiro, August 28, 1844.*

THE Undersigned, &c. has received the note No. 53, which Senhor Ernesto Ferreira Franca, &c. addressed to the British Legation on the 31st ultimo, recording again his protest against the adjudication and condemnation of the slave schooner "*Vencedora*," otherwise "*Tartaruga*," by the Vice-Admiralty Court at the Cape of Good Hope; and notifying, that the Brazilian Minister in London would be instructed to demand from the Queen's Government, that such measures be taken as shall compel Her Majesty's cruizers to return within the sphere of their duties.

The Undersigned conceives it to be his duty to wait for further instructions, before replying to his Excellency on this subject.

With reference to the concluding paragraph, however, of Senhor Franca's note, by which the Undersigned is requested to afford information as to the fate of the Brazilian subject Manoel Joze Madeira, who was conveyed in the said vessel to the Cape of Good Hope, as a witness in the legal proceeding against her in the Vice-Admiralty Court, the Undersigned has the honour to acquaint his Excellency, that the individual in question returned from the Cape of Good Hope to this capital, as the Undersigned has been informed, immediately after the adjudication of the "*Vencedora*," and as he communicated to his Excellency, at least, he is under such an impression, sometime since.

But before quitting the subject of M. J. Madeira, the Undersigned begs permission to observe, that this person was found on board a vessel engaged in piratical practices; that for his participation in such acts, he is liable by Brazilian law to be criminally prosecuted; but that, nevertheless, he is permitted by the Brazilian Police Authorities to go at large.

The Undersigned, &amp;c.

(Signed)

HAMILTON HAMILTON.

*His Excellency Senhor Ernesto F. Franca,*  
&c. &c.



Enclosure 3 in No. 242.

(Translation.)

*Senhor Franca to Mr. Hamilton.**Palace of Rio de Janeiro, September 9, 1844.*

THE Undersigned, &c. has the honour to acknowledge the receipt of the note which, on the 28th of last August, under No. 59, Mr. Hamilton, &c. addressed to him, respecting the condemnation of the schooner "*Vencedora*," by the Vice-Admiralty Court at the Cape of Good Hope.

The Undersigned does not deem it necessary to add anything to what has been already stated on the part of the Imperial Government, as to the incompetency of the tribunal to which the adjudication of this prize was submitted, on the nature whereof Her Britannic Majesty's Government shall be fully informed, to whom the Undersigned looks for a decision, in accordance with the Treaties between the two countries.

With regard to what is stated respecting the proceedings in the case of the Brazilian subject Manoel Joze Madeira, Mr. Hamilton, noticing his return to this city, observes that this individual is permitted to go at large, although, from the part which he is said to have taken in the acts for which the schooner was condemned, he is liable, by Brazilian law, to be criminally prosecuted.

The Undersigned is convinced, that such a mode of argument only strengthens the more the claim of the Imperial Government. And, in effect, how could Brazilian Authorities carry out the sentence of a foreign tribunal? What are the data? what the indications in this case, on which he can be made to lose the enjoyment of liberty, and be subjected to a judicial prosecution? Such, however, is the consequence of all this affair not having been brought before the Mixed Brazilian and English Commission in this capital, which was so much insisted upon by the Imperial Government.

The Undersigned, &c.

(Signed)

ERNESTO FERREIRA FRANCA.

*H. Hamilton, Esq.*

&amp;c.

&amp;c.

No. 243.

*Mr. Hamilton to the Earl of Aberdeen.**Rio de Janeiro, November 25, 1844.**(Received January 9, 1845.)*

MY LORD,

WITH reference to previous correspondence regarding the embargoes brought forward against the sentence of condemnation pronounced in the Court of Mixed Commission on the Portuguese barque "*Maria Carlota*," and the cargo on board her, by certain parties resident in this city, of whom one claim to be the proprietors of a quantity of specie found in her, the other to have a mortgage on her, or her proceeds; I have the honour to lay before you herewith, a communication recently made to the Legation by the Minister of Foreign Affairs, covering a copy of the decision of the *Relacao* whereby the embargoes in question, in what concerns the specie, have been annulled.

Having put Her Majesty's Commissioners in possession of these documents, I received from them the answer also transmitted herewith, of which I have passed a copy to the Minister for Foreign Affairs.

From this correspondence it is seen, that although in one instance the embargoes have been disallowed, it is only after the lapse of 27 months; and that in the other instance, final sentence is not yet pronounced. I invite your Lordship's attention, however, to this letter of Her Majesty's Commissioners more particularly on account of the explanation it gives, at length, of the case alluded to but very slightly in my Despatch of the general series of this day's date, respecting the encroachments effected by the *Relacao* on the jurisdiction of the Conservatorial Court.

I have, &amp;c.

(Signed)

HAMILTON HAMILTON.

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

&amp;c.

&amp;c.

&amp;c.

Enclosure 1 in No. 243.

*Senhor Franca to Mr. Hamilton.*

(Translation.)

*Palace of Rio de Janeiro, October 26, 1844.*

THE Undersigned, &c. has the honour to transmit to Mr. Hamilton Hamilton &c. the enclosed copy of a Despatch from the President *ad interim* of the Relacao of this capital, with copies to which it refers of the decisions by which the embargoes brought forward by Faro, Vergueira and Co. and Manoel Ventura Rodrigues, to the execution of the sentence issued by the Mixed Brazilian and English Commission, condemning the Portuguese barque "*Maria Carlota*," were rejected; and by the contents of the Despatch above referred to, Mr. Hamilton will see that the parties interested have now no right to any other recourse than that of Revista, in conformity with the respective law.

The Undersigned, &amp;c.

(Signed) ERNESTO FERREIRA FRANCA.

H. Hamilton, Esq.  
&c. &c.

Enclosure 2 in No. 243.

(Translation.)

*Senhor d'Abreo to Senhor Galvao.*MOST ILLUSTRIOUS AND EXCELLENT SIR, *Rio de Janeiro, October 22, 1845.*

As the capture of the Portuguese barque "*Maria Carlota*," which was declared to be a good prize, and was condemned, with all her cargo, by sentence of the Mixed Brazilian and British Commission as being destined for the prohibited commerce with the coast of Africa, has given rise to certain legal proceedings in regard to which claims are pending on the part of Her Britannic Majesty's Minister in this capital; and as there exist, on the part of the Imperial Government, various orders sent to this Tribunal, for the purpose of expediting and regulating the processes, according to the Treaties and Conventions existing between the Government of Brazil and that of Great Britain; it is my duty to inform your Excellency, that at the session of the 14th of the present month, one of those processes was closed in this Tribunal (Relacao), in which Faro, Vergueiro and Co., and Manoel Ventura Rodrigues, claimed, by means of embargoes opposed to the execution of the sentence of the Municipal Judge of the First *Vara*, the exclusion from the said execution of a portion of gold pieces, of the value of 6,400 milreas each, which were shipped on their account, with others belonging to a different owner, on board the above-mentioned Portuguese barque "*Maria Carlota*," on the grounds that the said gold pieces had not been included in the condemnation.

The sentence, however, issued in the Municipal Court rejected the embargoes; and this sentence being confirmed by two decrees of this Tribunal, as your Excellency will see by the annexed certificate, it is evident that the execution will have to extend to those gold pieces, notwithstanding the efforts made by the parties interested to save them, to whom there is now no other recourse than that of Revista.

God preserve your Excellency!

(Signed) ANTONIO PAULINO LIMPO D'ABREO,

*Senhor M. Antonio Galvao, President ad interim.*  
*Minister and Secretary of State for the Affairs of Justice.*

*Certificate of Sentence and Decrees.**Rio de Janeiro, October 16, 1844.*

I, Joze Leite Pereira Campos, &c. certify, that referring to the process treated of in the Despatch above, I find what follows:—

*Rio de Janeiro, July 28, 1842.*

I reject the embargoes at folios because their subject matter bears upon the merits of the sentence, inasmuch as the parties embarguing petitioned, at folios 70 and 73 for the delivery of the said sums of money, which petition was not attended to in the sentence, at folio 47, where the barque "*Maria Carlota*," and her cargo, of whatever nature it might be, were expressly condemned, a

declaration having been made in the said sentence, at folio 15, that these sums formed part of the cargo; therefore, to admit the embargoes in this case, would be in the first place, to act in direct opposition to the Law of Book III., chap. lxxxvii., pp. 1, 2; and chap. lxxvi., pp. 6; and in the second place, it would be to violate Article VIII. of the Additional Convention of the 28th of July, 1817, which does not admit the recourse of appeal; that is, that there cannot be any authority to take cognizance of the justice or injustice of the sentences of the Brazilian and British Mixed Commission; and it would amount to the admission of that recourse, if the embargoes which contain matter only applicable to appeals were received; because by that proceeding the justice and merits of the sentences of the Mixed Commission would be examined. From what is above stated, and from the further contents of the process, I reject the embargoes; and the parties embargoing must pay the costs.

(Signed) DOCTOR JOZE JOAQUIM DE SEQUIERA.

At folio 287 there is the decree, of the following tenor:—

*Rio de Janeiro, August 19, 1843.*

Decreed in Relacao, &c. that they confirm the sentence appealed from, its basis being conformable with the evidence in the process, and with the provisions of the law. The appellants must pay the costs, in which they are condemned.

(Signed) PERDIGAO MATHEIROS.

Were present,

CAMPOS.  
A. PANTOJA.  
LIMA.  
BRAGA.  
LISBOA.  
VEIGA.

At folio 304 there is the last decree, of the following tenor:—

*Rio de Janeiro, October 14, 1844.*

Decreed in Relacao, that notwithstanding the embargoes at folio 291, which are rejected, because their subject matter does not destroy the basis of the sentence folio 254, which is confined by the decree folio 287. Let this decree be complied with, and let the parties embargoing pay the costs.

(Signed) LIMPO DE ABREO.

Were present,

MAIA.  
PINTO CHICHORRO.  
MATTOS.

Dissentient (vencido), because the form of execution is severe.

ARANJO VIANNA  
CARNEIRO.

And nothing further was contained in the above-mentioned sentence and decrees, of which I have here passed certified copies, in observance of the order above.

(Signed) JOZE LEITE PEREIRA CAMPOS.  
BARAO DE CAYRU.

A true copy.

---

Enclosure 3 in No. 243.

*Her Majesty's Commissioners to Mr. Hamilton.*

SIR,

*Rio de Janeiro, November 12, 1844.*

WE had the honour to receive your note of the 6th instant, with its enclosures, regarding the decision of the Relacao, in a claim made by certain persons residing in this city to a portion of the confiscated property found on board of the condemned slaver "*Maria Carlota*."

It appears that Faro, Vergueiro, and Co., and Manoel Ventura Rodriguez, have prosecuted their above-mentioned claim since August 1, 1842, and the property in question still remains under attachment.

The institutional branch designated the Court of First Instance, gave sentence against the claimants on the 19th August, 1842, and from that sentence the parties appealed to the Second Instance of the same Court, which, on the 14th October last, pronounced the decision mentioned in your Excellency's note.

From these details it may be gathered, that the unjustifiable proceedings of the Relacao have alone taken up a period of nearly 27 months; and so far from that decision having the effect of removing all obstacles to the execution of the sentence of this Commission, passed on the 13th September, 1839, there still exists a further difficulty, of the same character.

Joao Pereira de Andrade has an appeal before the Relacao, arising from a mortgage upon the hull or the proceeds of the ship. That appeal has been decided in the branch of the Relacao which serves as a Court of First Instance. And there is still pending before the second institutional branch of the same Relacao, a further appeal against that decision, in which no judgment has hitherto been given. We therefore submit, that the information contained in the Despatch of the 26th ultimo is anything but satisfactory.

We have, &c.  
(Signed) JOHN SAMO.  
FRED. GRIGG.

H. Hamilton, Esq.  
&c. &c.

No. 244.

*Mr. Hamilton to the Earl of Aberdeen.*

*Rio de Janeiro, November 25, 1844.*

*(Received January 9, 1845.)*

MY LORD,

HER Majesty's Commissioners have kept you duly informed of the inconveniences resulting from the new stamp duties, as they affect the adjudications in the Mixed Court. In the present Despatch I have the honour to lay before your Lordship the correspondence to which an attempt to remove these inconveniences in the case of the "*Nova Granada*," has given rise. The Minister has not replied to my communications; but they appear to have been productive of the desired effect, an instruction having been just issued, that in future all "documents and papers necessary to justify and show the right of circumstances of the capture," which may be carried into Court, should be received without stamp, but with the understanding, that they should be submitted to that formality previous to promulgation of the sentence.

I have, &c.  
(Signed) HAMILTON HAMILTON.

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

Enclosure 1 in No. 244.

*Mr. Hamilton to Senhor Franca.*

*Rio de Janeiro, November 11, 1844.*

In the recent case of the slaver "*Bom Destino*," condemned in the Court of Mixed Commission, the Brazilian Commissary Judge declined to receive the papers found on board that vessel, unless they were previously stamped. This refusal of the Commissary Judge was overruled by his Excellency the Minister of Foreign Affairs, with the understanding, that the documents in question should be stamped after publication of the evidence,—an arrangement which was duly acted upon.

In the case of the papers of the "*Nova Granada*," a Brazilian vessel, which has just been brought into the Registry of the Mixed Commission by the officer commanding Her Majesty's schooner "*Viper*," for the purpose of instituting proceedings against her for breaches of the Slave Trade Conventions between

Great Britain and Brazil, the Brazilian Commissary Judge declines to receive these documents without first being stamped.

The Undersigned, &c. understands, that the refusal of the Brazilian officer in question proceeds from an instruction lately issued by his Excellency Senhor E. F. Franca, &c. to that effect. But this instruction is not only directly at variance with the preceding decision of the Minister, which is referred to above; it is also not warranted in any manner by the provisions of the Conventions just mentioned, and is one, therefore, to which Her Majesty's Commissioners cannot consent to adhere.

The Undersigned, would fain hope, that, on re-consideration, the Brazilian Government will be pleased to dispense with this regulation regarding the stamp duties in question, with the same understanding as before; if not, the captor of the "*Nova Granada*" will be put to the grave inconvenience of seeking other means for the adjudication of the property.

The Undersigned, &c.

(Signed)

HAMILTON HAMILTON.

*His Excellency Senhor Ernesto F. Franca,*  
&c.

&c.

---

Enclosure 2 in No. 244.

*Commodore Purvis to Mr. Hamilton.*

SIR,

*"Alfred," Rio de Janeiro, November 15, 1844.*

I do myself the honour to enclose the copy of a letter from Mr. Hesketh, Her Majesty's Consul, who, as Agent and Proctor for Lieutenant Carter, commanding Her Majesty's schooner "*Viper*," therein reports, that proceedings have not been commenced against the vessel captured by that officer on suspicion of being engaged in the slave traffic, in consequence of some newly-instituted regulations on the part of the Government of Brazil, and which, it appears, are objected to by the British Commissary Judge as a needless and injurious innovation in the established forms of the Court; such being the case, and as the service of Her Majesty is, and will be, materially retarded; the same meeting with your concurrence, I shall issue orders that the "*Nova Granada*" be taken to Sierra Leone forthwith, and that all captures made by the squadron under my orders be sent thither also for adjudication.

I have, &c.

(Signed)

J. B. PURVIS, *Commodore.*

*H. Hamilton, Esq.*  
&c. &c.

---

Enclosure 3 in No. 244.

*Mr. Hesketh to Commodore Purvis.*

SIR,

*Rio de Janeiro, November 14, 1844.*

As Agent and Proctor for Lieutenant Carter, commanding Her Majesty's ship "*Viper*," in the case of the Brazilian brigantine "*Nova Granada*," I deem it proper to place before you, Sir, the following circumstances, which, by the needless and great delay they occasion, prove very detrimental to Her Majesty's service.

Lieutenant Carter having detained the "*Nova Granada*" under the Slave Trade Treaties with Brazil, brought her, in compliance also therewith, to the British and Brazilian Mixed Commission Court at this the nearest port, and as soon as possible, which was the 11th instant, he appeared before the Court with the needful declarations and the ship's papers.

However, up to this date no proceedings in the case have been commenced by the Commission Court, because the Brazilian Commissary Judge refuses to receive any papers without stamps, which, in other words, is requiring that these valuable documents should be first taken to the Brazilian Stamp Office, where there is no security against their being made use of against the captor's case, or even defacing or losing them; and on the other hand, the British Commissary Judge justly objects to this needless and injurious innovation in the established forms of the Court.

From the reply given this afternoon to my application at the Commission, it appears quite uncertain how much longer this detention, so injurious to Her Majesty's service, may continue, and I therefore have brought it under your consideration.

Commodore J. B. Purvis,  
&c. &c.

I have, &c.  
(Signed) ROBERT HESKETH.

Enclosure 4 in No. 244.

*Mr. Hamilton to Senhor Franca.*

*Rio de Janeiro, November 15, 1844.*

IN addition to the note which the Undersigned, &c. had the honour to address to his Excellency Senhor Ernesto F. Franca, &c. on the 11th instant, regarding the stamp regulations recently promulgated by the Brazilian Government, so far as those regulations interfere with the established forms of the Court of Mixed Commission in the case of the detained slaver "*Nova Granada*," the Undersigned hastens to transmit for his Excellency's information, the accompanying copy of a communication having relation to that vessel and the proceedings respecting her, and to other vessels similarly situated, which he has just received from the officer in command of Her Majesty's ships on the coast of Brazil.

The Undersigned, &c.

(Signed) HAMILTON HAMILTON.

*His Excellency Senhor Ernesto F. Franca,*  
&c. &c.

No. 245.

*Mr. Hamilton to the Earl of Aberdeen.*

*Rio de Janeiro, November 25, 1844.*  
(Received January 9, 1845.)

MY LORD,

By the October packet you were made acquainted with the detention and condemnation of the Brazilian polacca "*Bom Destino*," (see No. 246.) Such circumstances transpired in the course of the judicial investigations implicating the conduct of the President of Bahia, and of his officers, in regard to the register and sailing papers of the polacca, as appeared to call for the prompt interference of the Supreme Government.

It was proved that her last piratical speculation was successful; that she landed in Brazil a full cargo of human beings; but it was also shown, that for the unlawful means by which this act was effected, by which the national flag was prostituted to unchristian-like purposes, and by which the chief delinquent was shielded through concealment of his actual place of residence, from the punishment awarded by law, the President of the Province of Bahia was responsible. In consequence, I addressed to Senhor Franca a note, of which the enclosed is a copy, denouncing all the Brazilian functionaries and others who aided and abetted the nefarious voyage of the polacca "*Bom Destino*."

I have, &c.

(Signed) HAMILTON HAMILTON.

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

Enclosure in No. 245,

*Mr. Hamilton to Senhor Franca.*

*Rio de Janeiro, October 24, 1844.*

THE Brazilian Government is fully informed of the recent detention, by the English brig-of-war "*Racer*," of the Brazilian polacca "*Bom Destino*," for

being employed in the contraband traffic in slaves, and of her condemnation in the Court of Mixed Commission.

Certain circumstances, however, attaching to the preliminary arrangements for the last voyage to the coast of Africa of this piratical vessel, in respect of the papers found on board her, have transpired in the course of her trial, at once so irregular and illegal, as, notwithstanding her condemnation, to call imperatively on the Undersigned, &c. &c. for the subjoined observations.

The "*Bom Destino*" was one of six vessels, all intended, according to public belief at Bahia, for the commerce in negroes, which sailed from that port for the coast, in the months of May and June last, the "*Bom Destino*" having returned from a previous voyage, on the same speculation, only on the 29th January.

The muster-roll of the polacca exhibited a crew of 16, Master and Mate included, half national, half foreign; six of the latter being Portuguese.

This document, as well as the Brazilian clearance, the bill of health, and the manifest, all presented respectively the *visa* of the Portuguese Vice-Consul at Bahia; and these papers were accompanied by a sealed copy of the manifest, addressed by the said Vice-Consul to the Director of the Custom House at the Cape de Verd.

These circumstances, combined with the fact of a Portuguese ensign having been found on board, may be presumed very fairly to denote both intention and preparation, in case of necessity, to change the nationality of the "*Bom Destino*," and give to her the character of a Portuguese vessel; and, furthermore, to establish, that the said Portuguese Consular Agent facilitated knowingly, by his official acts, the illicit objects of her voyage.

But the irregular and illegal mode of action so manifest in relation to the "*Bom Destino*," is not limited to what is exposed above. The President of the Province, it should seem, was not altogether blameless. His Excellency actually granted to this vessel, notwithstanding all the *primâ facie* evidence existing as to her suspicious character and employment, a passport and register.

In these documents, however, all mention was omitted of the place of residence of the principal agent in this inhuman speculation, Senhor Andre Gomez de Vasconcellos Barriga, owner of the "*Bom Destino*," that individual being thereby sheltered from the punishment awarded by the law of the misdeeds he was guilty of.

This passport had likewise the effect of facilitating the introduction into Brazil by the said piratical vessel, of the unfortunate cargo with which she was laden, a criminal act, for which his Excellency, and all other Brazilian functionaries who aided and abetted her nefarious voyage to the slave coast, ought to be held responsible by the Brazilian Government.

Over and above, however, the issuing of the passport by which the "*Bom Destino*" was enabled to sail and traffic, for purposes not justifiable, under the Imperial flag, the President appears to have acted informally, and in violation of a law dated May 30, 1836, by issuing the said official instrument on paper, instead of on parchment.

Again, it is a question which seems to demand close examination, how far it is allowable by the Brazilian code of law for a Brazilian subject, domiciled and resident in a foreign territory, to be sole owner of a Brazilian ship. The Undersigned cannot but regard this point, as one highly deserving the attention of the Brazilian Government. The residence out of the Empire of an individual who is sole owner of a Brazilian ship, manifestly tends to defeat the object of the Treaty concluded for the suppression of Slave Trade in Brazil, and appears to be not less opposed to the law of nations.

Trusting that the very questionable conduct of the President of Bahia, and of other local Authorities in that city, in this affair, may be considered by the Supreme Government of a nature to require their prompt interference, the Undersigned, &c.

(Signed) HAMILTON HAMILTON.

His Excellency Senhor Ernesto F. Franca,  
&c. &c.

---

No. 246.

*Mr. Hamilton to the Earl of Aberdeen.**Rio de Janeiro, October 12, 1844.**(Received January 16, 1845.)*

MY LORD,

I HAVE the honour to inform you, that on the 7th ultimo Her Majesty's brig "Racer," Commander A. Reed, captured off Bahia, under Brazilian colours, the polacca "*Bom Destino*," on suspicion of being employed in the illicit traffic in slaves; and that having been carried before the Mixed British and Brazilian Commission sitting in this capital, the prize in question was condemned in that Court on the 7th instant.

I have, &amp;c.

(Signed) HAMILTON HAMILTON.

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

&amp;c.

&amp;c.

&amp;c.

No. 247.

*Mr. Hamilton to the Earl of Aberdeen.**Rio de Janeiro, November 14, 1844.**(Received January 16, 1845.)*

MY LORD,

My last Despatch to your Lordship, on the subject of the Portuguese slaver "*Leopoldina*," was dated July 18, last year; since then has passed between Her Majesty's Legation and this Government the further correspondence herewith transmitted, originating in my demand to be supplied with copies of the proceedings before the Municipal Courts with respect to that vessel.

The note from the Minister of Foreign Affairs covers copies of two distinct sentences pronounced, one by the Sub-Delegate of Police of Macahé, in November 1842, the other in March 1843, by the Municipal Judge of that town.

The result of the judicial investigations detailed in these two documents, was to legalize the detention of the "*Leopoldina*;" at the same time, so many remarkable discrepancies were exhibited therein, in relation to the facts of the case, and so much maladministration on the part of the Authorities, it appeared to be imperative on me to make a representation to the Government on these points, and this was done in the note enclosed under No. 3.

I have, &amp;c.

(Signed) HAMILTON HAMILTON.

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

&amp;c.

&amp;c.

&amp;c.

Enclosure 1 in No. 247.

*Mr. Hamilton to Senhor Franca.**Rio de Janeiro, March 2, 1844.*

In the *Jornal de Commercio* of Sunday, the 25th February last, appeared an advertisement, of which the following is a translation:—

"To be sold this day at public auction, by the Municipal Judge of the First Vara, at the door of the *Relaçao*, at 10 o'clock, the brig "*Leopoldina*," captured for being engaged in the illicit commerce of Africans, which sale is made by superior orders, to provide against loss to those persons who may be interested in the proceeds thereof."

With reference to the above, the Undersigned, &c. has the honour to request of Senhor E. F. Franca, &c. that copies of the proceedings had before the Brazilian Municipal Courts in the case of the "*Leopoldina*" be furnished to him, for the due information of Her Majesty's Government.

The Undersigned, &amp;c.

(Signed) HAMILTON HAMILTON.

*His Excellency Senhor Ernesto F. Franca,*

&amp;c.

&amp;c.

CLASS B.



Enclosure 2 in No. 247.

(Translation.)

*Senhor Franca to Mr. Hamilton.**Palace of Rio de Janeiro, October 2, 1844.*

THE Undersigned, &c. duly acknowledges receipt of the note No. 20, which Mr. Hamilton Hamilton, &c. addressed to him on the 2nd of March last, requesting from the Imperial Government copies of the process of the Portuguese brig "*Leopoldina*," instituted before the Authorities of the town of Macahé.

The Undersigned being now enabled to reply to the said note, having received the information which he had required from the Department of Justice, has the honour to transmit to Mr. Hamilton the copies, Nos. 1 and 2, of the two sentences pronounced in this cause by the Sub-Delegate, and by the Municipal Judge of the town of Macahe, in which the facts of the affair in question are summarily related.

That brig having been sent to this capital, it was imposible to continue the judicial proceedings, because all the endeavours made by the Authorities of the country to apprehend the Master, and other individuals of the crew of the said vessel, were in vain, they having made their escape immediately after her capture.

But as the hull was completely ruined, and on the point of sinking, the Minister of Justice, in consequence of having been informed of that circumstance, ordered the Municipal Judge of the First Vara of the capital, to sell the above-mentioned Portuguese brig "*Leopoldina*," by public auction, which was effected on the 26th February last, producing the sum of reas 2,399,855 which is placed in the coffers of the Public Deposit, as is seen by the receipts which are annexed to the process.

The Undersigned, &c.

(Signed)

ERNESTO FERREIRA FRANCA.

*H. Hamilton, Esq.*  
&c. &c.

Enclosure 3 in No. 247.

*Sentence of Sub-Delegate of Police.*

(Translation.)

*Macahe, November 28, 1842.*

ALTHOUGH from the examination and survey which I made on board the Portuguese brig "*Leopoldina*," which had put into this port in distress on the 26th instant, it is ascertained that she had not been engaged in the traffic of Africans, which is further corroborated by the clearances from folios 10 to 19, which were delivered to me, and by the answers of the persons interrogated, folio 20, and from which it is seen, that the reason for her coming to this port was her being leaky, her pumps choked, and her knees parted, as is also seen from the protest at folio 7; still, as there were more pipes on board than were entered in the manifest, folio 13, I consider her for this reason detained, and the Clerk shall pass the necessary orders for the apprehension of all the crew, as they had escaped from on board during the night, in order to their being proceeded against according to law; and as the brig is already delivered to Captain Jorge Broom, Commander of the Brazilian brig-of-war "*Tres de Maio*," to be taken to the capital, the Clerk shall send the process to the Dr. Municipal Judge, and Delegate of Police of the District, a copy thereof remaining in Court, in order to its being brought to the cognizance of the Most Excellent the President of this province.

(Signed)

DEMETRIO MARIA FRAGOSO.  
GONSALVES DA SILVA.  
BARAO DE CAYRU.

A true copy.  
A true copy.

Enclosure 4 in No. 247.

*Sentence of the Municipal Judge.**Macahé, March 27, 1843.*

ON examining the documents of the present summary process *ex officio* it is seen, that the Portuguese brig "*Leopoldina*" entered this port on the 26th of November of last year, having sailed from the port of Benguela for Rio de Janeiro, in ballast, the cause of her entering this port being a strong gale of wind, which obliged the Captain to bear up, as is declared at folio 37. It is also seen, however, from all the documents annexed, and especially from the survey held on board of the said brig, and the examination at folio 37, that she had brought a greater quantity of water casks than was required for her crew, or than she cleared out with, as is seen by her manifest at folio 30, a circumstance too particular to permit the supposition that this vessel had come from that port in ballast only, as declared by the Captain, the Boatswain, and the rest of the crew; that their attempt at evasion, by saying that this large number of casks was put on board as ballast for the vessel, cannot avail them, as the manifest at folio 30, with which she cleared out from the port of Benguela, states, that she was allowed to bring only 10 pipes of water, for the use of the crew; that they ought, therefore, on wishing to put more water on board for ballast, to have declared the same in the respective manifests, and to have been so cleared out; in which case the said vessel would have been beyond all suspicion of criminality.

From the said summary of the process it is seen, that the Captain, the Boatswain, and the rest of the crew, made a hasty retreat from on board, leaving the vessel abandoned, when the Commander and officers of the Brazilian brig came alongside; which caused the competent authority to issue orders for the capture of those people, as appears by the official communications, copies of which are annexed to the documents of the process, at folio 49 and folio 50. The finding, therefore, of 77 pipes of water, and an excessive portion of provisions on board, by the Commander of the brig "*Tres de Maio*" and the precipitate flight of all the crew, do not leave the least doubt regarding the true employment of this vessel, coming from the coast of Africa; all these facts demonstrating that she had actually been engaged in the illicit commerce in Africans, contrary to the established laws and Treaties. And although the witnesses examined, folios 44 and 48, swear that they did not see any landed from the said vessel, still this does not prevent it having been effected on some other part of the coast, which, being so extensive, would afford an opportunity for such landing at any place, the vessel seeking the nearest port afterwards, as she did. Therefore, with reference to the proofs resulting from the present process, I adjudge the detention of the Portuguese brig "*Leopoldina*" to be lawful, and the Captain, Joaquim Joze da Assumpcao, and the Boatswain, Rufini Antonio Rodrigues, to be imprisoned, as comprehended in Article CLXXIX. of the Penal Code. The Clerk shall enter their names in the list of criminals, and issue the necessary orders for their apprehension; and, on the time marked by law expiring, shall transmit this process to the Dr. Judge of Right of the District (Comarca) in order to ulterior steps being taken.

(Signed)

GUILHERME BANDEIRA DE GONVEA.

Enclosure 5 in No. 247.

*Mr. Hamilton to Senhor Franca.**Rio de Janeiro, October 20, 1844.*

THE Undersigned, &c. has had the honour to receive, and will not fail to lay before his Government, the note addressed to him on the 2nd instant, by his Excellency Senhor E. F. Franca, &c. communicating copies of the sentences pronounced in the case of the "*Leopoldina*" slaver, at Macahé, in November 1842, by the Sub-Delegate of Police of that town, and subsequently, in March 1843, by the Municipal Judge there.

The Undersigned, however, cannot, consistently with his duty, let pass without remark the discrepancies so apparent between these documents and many of the

facts belonging to the case of the "*Leopoldina*," and more particularly the fact of the then Government having appointed the Municipal Judge in question to conduct the investigation.

In neither of these documents is there any reference to the very peculiar circumstances which marked the arrival of the "*Leopoldina*" at Macahé, and the landing there of her cargo. In each of them appears a studied endeavour to avoid all kind of allusion to the irrefragable evidence presented by those circumstances of the illegal nature of the traffic that vessel had been engaged in.

In the sentence delivered by the Sub-Delegate, it is affirmed most distinctly, that an examination and survey he had made of the "*Leopoldina*" proved that she had not been engaged in the commerce of negroes; and that the occasion of her arrival at Macahé was her leaky condition, her pumps being choked, &c.; but, notwithstanding, he pronounces for the legality of her detention, seeing that she had on board more water casks than were declared in the manifest, although of the leaguers also on board he says nothing, a reticence, however, easily understood. On the other hand, it is averred by the Municipal Judge, in his sentence, that a strong gale of wind compelled the Captain to bear up for Macahé; that he was of opinion demonstration sufficient existed to prove her being engaged in Slave Trade practices, contrary to established laws and Treaties; and her having landed a cargo of Africans, if not at Macahé, certainly on some other point of the coast; and for this and other special reasons, he likewise adjudges the detention to be legal. On the part of the Sub-Delegate, an intention is apparent to conceal altogether the contraband acts of the "*Leopoldina*;" on the part of the Municipal Judge, an intention, while admitting the existence of those acts, to mystify the honest antagonists of the trade, and remove from himself and the Sub-Delegate all suspicion of their participation therein; and yet both one and the other of these public functionaries were eye-witnesses, from the Municipal Judge's residence, distant only 30 yards, of the abrupt landing of the "*Leopoldina's*" cargo of human beings, and of the unhappy fate which befel many of them.

It cannot, then, be disputed, that both these magistrates were accessories after the fact to the illicit pursuits of the "*Leopoldina*;" and yet, on the 31st January, 1843, the then Minister of Justice instructed the President of the Province of Rio de Janeiro to commence a process against that vessel before the aforesaid Municipal Judge of Macahé, although, at that very time the Government were in possession of ample documentary evidence, supplied to them by the Undersigned on the 7th December, 1842, tending to show the connivance the Municipal Judge in question had been guilty of, in relation to the occurrences thus submitted to his legal jurisdiction, he being thereby constituted Judge, as it were, of a crime in which he was himself art and part.

The result of this judicial investigation, as has been seen, was to legalize the detention of the "*Leopoldina*." The proofs implicating her were too cogent, too numerous, to be all set aside. It is most remarkable, however, that her condemnation should have been based on evidence which was constructive, rather than on such as was direct and positive; while the evidence that was both direct and positive, and not liable to any misconstruction, which was readily attainable also, namely, evidence of the landing of the cargo of Africans on the beach of Macahé, in broad daylight, and in the face and with the knowledge of the Municipal Judge himself, is nowhere noted in the sentence which he (the Municipal Judge) considered himself called on to pronounce.

(Signed)

HAMILTON HAMILTON.

*His Excellency Senhor Ernesto F. Franca,*  
&c. &c.

No. 248.

*The Earl of Aberdeen to M. Lisboa.*

*Foreign Office, January 21, 1845.*

THE Undersigned, &c. received the note which M. Lisboa, &c., did him the honour to address to him on the 20th ultimo, submitting for the consideration of Her Majesty's Government a claim brought forward by the owner of the Brazilian brig "*Relampago*," for an indemnity of reas 4,456,8192, with interest thereupon, as reparation for the alleged illegal detention of that vessel by Her

Majesty's brig "Dolphin," on account of her having been found off Macahé, unprovided with a manifest, in April last.

The Undersigned has submitted that representation, together with the whole of the correspondence which had occurred in Brazil upon the subject, to the proper law adviser of the Crown, for his opinion whether the claim put forward for indemnity is well founded.

And the Undersigned has now the honour to assure M. Lisboa, that the absence of so important a document as the ship's manifest, which, for some secret and unexplained motive was in this case sent on board another vessel, constituted so suspicious a circumstance, as to justify an officer employed under the Convention with Brazil in suppressing the Slave Trade, in taking the "*Relampago*" back to the port from which she had sailed on the previous day; and that Her Majesty's Government must, for this reason, feel themselves justified in declining to make the required compensation.

The Undersigned, &c.

*The Commander Marques Lisboa,*  
&c. &c.

(Signed) ABERDEEN.

No. 249.

*Mr. Hamilton to the Earl of Aberdeen.*

*Rio de Janeiro, December 14, 1844.*

*(Received January 25, 1845.)*

MY LORD,

I HAVE the honour to acquaint you of the further progress made in the affair of the Brazilian schooner "*Maria Thereza*," captured by Her Majesty's brigantine "Dolphin," Lieutenant Hoare commanding, and to enclose copies of the additional correspondence, &c. that has passed on the subject.

A survey of the schooner having been made on the 14th ultimo, by order of Commodore Purvis, in the presence of an agent on the part of the proprietor, Antonio Joze da Graca, she was taken possession of on the 27th by the said agent, and was advertized for sale by auction on the 29th. The sale, however, did not then take place, neither has it been effected since; and here the matter rests for the present. But your Lordship will perceive from the context of the agent's receipt for the schooner, that it is probable a claim for damages will be laid, should the proceeds of the sale not amount, as seems certain, to the estimated value of her at the time of detention.

I have, &c.

(Signed) HAMILTON HAMILTON.

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

Enclosure 1 in No. 249.

*Mr. Hamilton to Senhor Franca.*

*Rio de Janeiro, August 13, 1844.*

REQUESTING reference to proceeding correspondence concerning the capture of the Brazilian schooner-launch "*Maria Thereza*," by the British brig-of-war "Dolphin," off the Isle of Porcos, the Undersigned, &c. has the honour to notify to the Minister for Foreign Affairs, the result of the communication transmitted by the Legation to the Government of the Queen on that subject.

Her Majesty's Government having given due consideration to the circumstances detailed in that report, are of opinion that the capture of the "*Maria Thereza*" was not justified, and that her owner is entitled to have her restored, or her value paid to him; and they have in consequence instructed the Undersigned to inform his Excellency, that they will take care this shall be done.

And the Undersigned has also been ordered to state, that instructions will be issued to Her Majesty's officers employed in the suppression of Slave Trade, enjoining them in the most positive terms to abstain from capturing slave vessels when found within the territorial waters of the Brazilian Empire.

The Undersigned, &c.

(Signed) HAMILTON HAMILTON.

*His Excellency Senhor Ernesto F. Franca,*  
&c. &c.

## Enclosure 2 in No. 249.

(Translation.)

*Senhor Franca to Mr. Hamilton.**Palace of Rio de Janeiro, August 26, 1844.*

THE Undersigned, &c. has the honour to acknowledge the receipt of the note No. 53, of the 13th instant from Mr. Hamilton, &c. announcing that his Government had considered the capture of the barque "*Maria Thereza*," at Ubatuba, by the English brig-of-war "*Dolphin*," as irregular, and ordered that the same should be restored, or the value thereof, to the respective owner, Mr. Hamilton adding, that the necessary instructions will be given to the British naval officers employed in the suppression of the Slave Trade, to the effect that they should not proceed against slave vessels found in the territorial waters of the Empire.

The Imperial Government duly appreciates this act of justice on the part of Her Britannic Majesty's Government, and hopes that the said instructions will be faithfully fulfilled by the English cruisers.

The Undersigned requests Mr. Hamilton, that he will give the proper orders to the competent British Authorities, in order that the barque in question be delivered to her owner, Antonio Joze de Graca, or to whomsoever may legitimately represent him before the English Conservatorial Court at this capital, before which the prejudices, losses, and damages occasioned by that detention are to be decided, according to the protest made in the same Court by the parties concerned.

The Undersigned, &amp;c.

(Signed)

ERNESTO FERREIRA FRANCA.

*H. Hamilton, Esq.*

&amp;c. &amp;c.

## Enclosure 3 in No. 249.

*Mr. Hamilton to Senhor Franca.**Rio de Janeiro, August 30, 1844.*

THE Undersigned, &c. has received the note No. 59, wherein Senhor Ernesto Ferreira Franca, &c. acknowledges receipt of the communication which the Undersigned had the honour to address to his Excellency on the 13th instant, notifying the opinion entertained by the English Government with regard to the capture of the "*Maria Thereza*," Brazilian schooner; by Her Majesty's brigantine "*Dolphin*," and their decision in consequence.

It is assumed by the Brazilian Minister in this note, that Her Majesty's Government, having disapproved of the capture in question, had already, when writing, issued instructions for restitution of the vessel, or for payment to the proprietor of her value. This assumption is erroneous. If his Excellency will have the goodness to reconsider the note No. 53, from the Undersigned, he will perceive, that instead of the statement which is there made implying, as he supposes, that instructions for restitution of the vessel, or for payment of her value, had already been given, its import is prospective, the words are "that Her Majesty's Government will take care this shall be done."

It is to be presumed, that the instructions here alluded to will have been issued by Her Majesty's Government before this; but, as yet, they have not been received, either by the Commodore commanding Her Majesty's squadron at Rio de Janeiro, by the Mixed Court, or by the Undersigned; and till they are, to take any measures as called for in the last paragraph of Senhor Franca's note, for restitution of the "*Maria Thereza*," would be premature.

The Undersigned, &amp;c.

(Signed)

HAMILTON HAMILTON.

*His Excellency Senhor Ernesto F. Franca,*

&amp;c.

&amp;c.

## Enclosure 4 in No. 249.

*Report of Survey on the "Maria Thereza."*

PURSUANT to an order from John Brett Purvis, Esq., Commodore of the Second Class, and Senior Officer in command of Her Britannic Majesty's ships and vessels employed on the eastern coast of South America, we whose names

are hereunto subscribed, have been on board the schooner "*Maria Thereza*," captured by Her Majesty's brigantine "*Dolphin*," and have held a careful survey on her present condition, which we find as follows:—Her hull, as far as can be seen above water, requires caulking and part re-fastening; rudder very badly eaten by worms, and the pintles and braces nearly worn through, and not fit to trust to; her frame and plank of the bottom inside, in a very bad state of decay; beams, carlings, and plank sheer, quite unserviceable; the greater part of her upper deck, stanchions and counter timbers, broken, and in a state of decay; pump, rotten and perfectly useless; the whole of the spars on board defective, excepting the main-mast and main-boom; she is stripped of all her running rigging and sail; and we are of opinion she cannot be made fit for sea, being completely worn out.

Given under our hands, on board the "*Maria Thereza*," in Rio de Janeiro, this 14th day of November, 1844.

(Signed)

R. B. ROBERTS, *Master*.  
T. WILEY, *Carpenter*.

---

Enclosure 5 in No. 249.

(Translation.) *Proctor's Receipt for the Launch "Maria Thereza."*

*Rio de Janeiro, November 27, 1844.*

RECEIVED from Mr. Robert Hesketh, Her Britannic Majesty's Consul, the launch "*Maria Thereza*," the property of Antonio Joze da Graca, whose Proctor I am, for the purpose of having her sold by auction, and receiving the amount of sale, on account of her value at the time of detention by Her Britannic Majesty's brig-of-war "*Dolphin*," as well as on account of the indemnities to which the owner has a right in consequence of the illegal detention, as also for her being kept in possession of the captor until the present time, when she is given up by order of the British Government, which declared the detention to be illegal; she was, at the time of capture in a perfect state, and well prepared, but is at present totally destroyed, and completely ruined, as was declared by the Surveyors, at the survey held, which I keep in my possession, to prove my right, and for the purpose of proceeding with the claim which Senhor Graca has upon Her Britannic Majesty's Government, for the losses which he has sustained, as well as for indemnities; the sale by auction to be effected by Mr. Southam, on the 29th instant; and I will pass to Mr. Hesketh a receipt or declaration of the amount produced by the launch in her present ruinous state, for his information.

(Signed)

JOAO M. P. DA SILVA.

Certified by

JOAO PINTO DE MIRANDA,  
*Notary Public.*

---

No. 250.

*Mr. Hamilton to the Earl of Aberdeen.*

*Rio de Janeiro, December 14, 1844.*  
(Received January 25, 1845.)

MY LORD,

WITH reference to my Despatch of the 12th of October last, relating to the brig "*Sooy*," taken possession of off Bahia, by her Majesty's brig "*Racer*," I have the honour to lay before your Lordship the further correspondence which has passed between Her Majesty's Legation and others respecting this detention.

With exception of the first enclosure, which is an answer to a letter from the American Minister at this Court, sent home in the Despatch above-mentioned, this correspondence turns on nothing more than our endeavours to induce the Government to take possession of the "*Sooy*." A threat to put the vessel up to auction after a stated period, at last drew from the Government a decision, that she should be given up to the competent Authority—an arrangement, however, not yet effected. The owners never came forward to claim; and apprehensions of being themselves compromised has been the motive, I imagine, why the Government have been so tardy.

An observation in Senhor Franca's note of the 6th instant, that the Government reserved to themselves the right of further representation with regard to Commander Reed's conduct in the detention of the "*Sooy*," led Mr. Hesketh to enter into a review of the whole affair. This he did in the letter addressed to me, which is enclosed under No. 5, and which I lost no time in forwarding the Minister for Foreign Affairs.

I have, &c.

(Signed) HAMILTON HAMILTON.

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

&c. &c. &c.

---

Enclosure 1 in No. 250.

*Mr. Hamilton to the United States Minister.*

SIR,

*Rio de Janeiro, October 12, 1844.*

I DULY received the letter your Excellency did me the honour to address to me on the 21st September, respecting a brig called the "*Sooy*," recently captured off Bahia by the English brig-of-war "*Racer*."

Under an impression, from circumstances which you enumerate, that the brig "*Sooy*" may be American property, or that American citizens may in some measure be interested in her, your Excellency asks for information respecting the capture and character of the said vessel, so far as the same may concern the character and conduct of citizens of the United States; your Excellency's objects being, to ascertain, first, whether the flag of the United States, and papers issued by their authority (if that vessel was sailing under their protection) were duly respected in the chase and capture by Her Britannic Majesty's cruizer "*Racer*;" and, second, whether there is any testimony or evidence to prove that any citizen or citizens of the United States have, in this instance, been guilty of violating the laws of the United States enacted against the African Slave Trade; and, if so, that your Excellency may be enabled to take every possible step in your power to detect and cause the arrest of the culprits, and to bring them to trial and condign punishment.

With a view to obtain the required information, I referred your letter immediately to the officer in command of Her Majesty's squadron on the Brazilian station. My communication to that effect was crossed by one from Commodore Purvis, covering a detailed report from Captain Reed, of the "*Racer*," on the subject, of which report copy is enclosed, under No. 1; and, subsequently, in answer to my requisition, the Commodore addressed to me two others, enclosed under Nos. 2 and 3. These communications, together with the accompanying copies of letters and other documents found on board the "*Sooy*," contain all the information connected, proximately or remotely, with the capture and character of that vessel, which I have been able to procure; and I trust it will show that the capture was fully justified, and that it may offer to your Excellency data for following up with greater success the very laudable investigations you have undertaken.

I have, &c.

(Signed) HAMILTON HAMILTON.

*His Excellency Henry Wise, Esq.*

&c. &c.

---

Enclosure 2 in No. 250.

*Mr. Hesketh to Mr. Hamilton.*

SIR,

*Rio de Janeiro, November 28, 1844.*

HAVING been authorized by Commodore Purvis, in the absence of Commander Reed, of Her Majesty's sloop "*Racer*," to act as agent in behalf of the latter respecting the brigantine "*Sooy*," *alias* "*Fortuna*," found abandoned and secured in the neighbourhood of the harbour of Bahia, without any document on board to show her nationality or ownership, but under circumstances which leave no doubt that this vessel was employed unlawfully; and having been informed by Commodore Purvis, that no result has followed the communications which he has had with the Brazilian Under Secretary of State for Foreign Affairs, or the solicitations this British officer has repeatedly made to that

functionary, that this vessel should be received from British care, now that she has been brought from the perilous situation in which she was found, and safely anchored in this harbour, I find myself forced to resort to your Excellency's assistance, for the purpose of obtaining from the Imperial Government a decisive answer whether or not the brigantine in question, which has thus been saved from shipwreck under such peculiar circumstances, will be received by the competent authority here; or whether those who have safely brought this vessel into the harbour, are to be left to their own course.

A considerable time has now elapsed since the "*Sooy*," alias "*Fortuna*," arrived, and during all this period the expenses of an officer and crew have continued, and the vessel is also unavoidably exposed to deterioration; added to which, such is the dirty state of the hold, with decayed matting and other rubbish between the casks, as well as the remnants of firewood, and the vermin produced by such an accumulation of decaying matter, that the health of those on board is severely exposed.

Under these circumstances, I propose to await three days more for the decision of the Brazilian Government regarding the occurrence in question, which has already been so long under its consideration; after which, I conceive that it will be advisable that the brigantine should be sold by auction, after due notice by advertisement, and for the benefit of all whom it may concern, and the proceeds thereof deposited.

I have, &c.  
(Signed) ROBERT HESKETH, *Consul*.

*H. Hamilton, Esq.*  
&c. &c.

Enclosure 3 in No. 250.

*Mr. Hamilton to Senhor Franca.*

*Rio de Janeiro, December 3, 1844.*

THE Undersigned, &c. has the honour to lay before the Miuster of Foreign Affairs the accompanying copy of a communication addressed to him Mr. Hesketh, agent on the part of Commander Reed, of Her Majesty's sloop "*Racer*," in the affair of the brigantine "*Sooy*," otherwise "*Fortuna*."

On the 14th October the Undersigned sent into his Excellency a note, covering explanatory letters from Commodore Purvis, of the circumstances under which the "*Sooy*" had been detained, and touching on other matters respecting her. This note has not provoked any decision—at least it has not been answered. But the personal representations of the Commodore at the Foreign Department having proved equally unsuccessful in obtaining a decision on the subject, it has, in consequence, been considered advisable, for the reasons which are assigned at length in Mr. Hesketh's communication, and after the period there mentioned, to proceed to the sale of the brigantine "*Sooy*" by auction, after due notice by advertisement, the proceeds of the sale to be vested for the benefit of all whom it may concern.

Inviting Senhor E. F. Franca's immediate attention to the query submitted in Mr. Hesketh's letter, and to reasons in support of it, the Undersigned, &c.

(Signed) HAMILTON HAMILTON.

*His Excellency Senhor Ernesto F. Franca,*  
&c. &c.

Enclosure 4 in No. 250.

(Translation.) *Senhor Franca to Mr. Hamilton.*

*Rio de Janeiro, December 6, 1844.*

THE Undersigned, of the Council of his Imperial Majesty, &c. having, by order of the said August Personage, transmitted to the Section for Foreign Affairs in the Council of State all the documents relating to the American brig "*Sooy*," otherwise "*Ventura*," captured by Her Britannic Majesty's brig "*Racer*," on

CLASS B.



this coast, to the south of the false bar at Bahia, has awaited the decision of the same Section, in order to reply to the note respecting this seizure, addressed to him on the 14th October last by Mr. Hamilton, &c. &c.; but having first to give an answer to the note of the 3rd instant, in which Mr. Hamilton represents the pressing necessity existing for that brig being taken possession of immediately, the Undersigned hastens to inform Mr. Hamilton that, under this date, he solicits with urgency from the Minister of Justice, that the needful orders be given for the delivery of that vessel to the competent Authority, the Imperial Government reserving to itself the right to make any further representations which it may deem necessary respecting the conduct of the "Racer's" Commander in the case of that brig.

(Signed) ERNESTO FERREIRA FRANCA.

H. Hamilton, Esq.  
&c. &c.

---

Enclosure 5 in No. 250.

*Mr. Hesketh to Mr. Hamilton.*

SIR,

*Rio de Janeiro, December 9, 1844.*

I HAVE the honour to acknowledge the receipt of your Excellency's letter, enclosing a copy of the note from His Imperial Majesty's Secretary of State for Foreign Affairs, respecting the brig "*Sooy*," alias "*Fortuna*," from which it appears, that the Brazilian Government has issued orders that the competent Authorities do forthwith take charge of that vessel. But as, in addition to that decision, there is the declaration that the Brazilian Government reserves to itself the right of bringing forward any claims to which it may deem itself entitled in consequence of the proceedings of the Commander of Her Majesty's ship "*Racer*" with the brig in question; and as this reservation implies a disposition to remonstrate against the conduct of that officer, it becomes both expedient and just, in his absence, and on the occasion of the delivery of the vessel, to submit the following observations on the occurrences which led to the "*Sooy's*" arrival at this port in charge of a British crew, and not, as assumed on in the official note referred to, as a seizure made by Her Majesty's cruiser.

The "*Racer*" was cruising off the Morro S. Paulo, a spot on the open coast of Brazil, which has hitherto been considered an advantageous cruising station in that locality; and whilst there, a square-rigged vessel was seen standing out, not from the Morra, but from the shoals which are to the northward of it, and which form the barra falsa, a place where nothing like a Custom House exists, and where, consequently, no foreign trade is allowed. This vessel, in leaving the shoals and proceeding seaward, neared the "*Racer*," from which a boat was sent, for the purpose of exercising a requisite and allowable act—namely, that of ascertaining what she was.

But the intended enquiry was apparently dreaded on board the "*Sooy*," her course being suddenly reversed, and she was steered back dead on the shoals, which she reached and struck upon, before the "*Racer's*" boat could overtake her, the crew abandoning the vessel in her boats when she struck, being then a considerable distance from the shore.

It was at this spot, and under these circumstances, that the "*Racer's*" boat boarded the "*Sooy*," and found her totally deserted by her crew, without anything on board which could show conclusively to what flag she was entitled, her ownership, or even her real name, at the same time that the state of the vessel afforded every appearance that it was illicit service she was employed on, which occasioned a dread of being boarded, and the reckless attempt made to destroy her, and to conceal the parties concerned in her.

Under such circumstances, the first act of the crew of the "*Racer's*" boat was, to preserve the vessel from wreck, by bringing her to the offing.

Can such a proceeding be condemned as uncalled for, or illegal?

The second act on the part of the "*Racer*" was, to send this mysterious vessel to Rio de Janeiro, where, under the cognizance of the Supreme Government, an efficient examination might be ordered into the singular character of the

vessel, and the extraordinary proceedings of those concerned in her; and where also the "Racer" herself was to proceed.

And can such a determination on the part of Commander Reed be condemned as improper? or is he to be blamed because he preserved a vessel from being wrecked, while in the performance of his duty he chanced to witness her perilous position? or is he to be made accountable for acts of parties who designedly placed their property in peril, and who, after it is rescued from destruction, unaccountably refrain from avowing themselves the owners.

And can it be expected, that after such conduct on the part of the owners of the "Sooy," alias "Fortuna," they are to regain their property without even refunding the expense incurred in its preservation?

It is on these grounds, Sir, that I make these observations on behalf of the Commander and crew of Her Majesty's sloop "Racer," being convinced that, instead of holding a menace of remonstrance against that officer for the acts I have detailed, the Imperial Government will be disposed to adopt a diametrically different course.

This is not a case open to the allegations that a British cruizer infringed territorial waters, the "Sooy" not having been dealt with as a vessel seized under the Slave Trade Treaties, for she has not been brought under the cognizance of the Mixed Commission Court, but on the contrary, has been, since her arrival, placed at the disposal of the Supreme Government; because, notwithstanding the guilt apparent on the face of this case, the Commander-in-Chief of Her Majesty's naval forces on this station is resolved not to moot further questions as to whether or not captures are made on the territorial waters of the Empire.

But the "Sooy" is a case affording glaring evidence that she has been the instrument of piratical practices on the coast of this Empire; with this indelible brand upon her, she has accidentally furnished evidence, that not only subjects of Brazil are implicated in her lawless employment, but also those of the United States, and, I regret to add, those of Her Britannic Majesty; so that the attention of three States, all deeply interested in the abolition of the piratical Slave Trade, will be drawn to the final decision of the Imperial Government as to this vessel.

With a character which must consequently now become so notoriously ignominious, this vessel is handed over to the Brazilian Authorities; and I doubt not that the conduct of the British officer who availed himself of the accidental opportunity of bringing to light such piratical acts, will meet the approval, not only of his own Government, but also that of Brazil.

Under this impression, and seeing that expense has been incurred in bringing the "Sooy" to this port, and in taking charge of her all this time, I feel confident that there will not be any opposition on the part of the Imperial Government to refund such expense, and to allow to the "Racer" the customary salvage in similar cases.

I have, &c.

H. Hamilton, Esq.  
&c. &c.

(Signed) ROBERT HESKETH, Consul.

No. 251.

*Mr. Hamilton to the Earl of Aberdeen.*

*Rio de Janeiro, December 14, 1844.  
(Received January 25, 1845.)*

MY LORD,

WITH reference to the case of the "Nova Granada," the capture of which vessel was reported in my Despatch of the 25th ultimo, I now have to bring under your consideration a correspondence that has grown out of a determination taken by the Brazilian Commissioner of the Mixed Court, not to consent to the condemnation of that vessel, however it might be assumed, from her equipment, that she was destined for slave traffic.

While the British Commissary Judge is of opinion, that satisfactory evidence is presented by her equipment of her being destined for that piratical pursuit, and that she incurs, in consequence, the penalty of confiscation; the Brazilian

Commissary Judge will not for a moment admit she is liable even to detention on account of such equipment, still less to confiscation.

Mr. Samo endeavoured to bring his colleague to conform to his view of the subject, based as it was on Treaty, and antecedent decisions in cases of detention, which were characterized by similar circumstances, but in vain; and he appealed, in the accompanying communications, for the support of Her Majesty's Legation.

In the note which laid these letters before the Government, I sought to enforce and illustrate further the arguments they advanced, by recapitulating many of the adjudications pronounced in the Mixed Court here and at Sierra Leone, by which the principle contended for by Her Majesty's Commissioners, and with the approval, and under the authority, of your Lordship, had been confirmed; and that no loophole might remain for the Brazilian Commissioner to escape by, called also on the Government, in very distinct terms, to issue anew the instruction given to him in 1839 with regard to the "*Maria Carlota*," importing that her case was to be considered as one of equipment, and coming within Article I. of the Convention of the year 1826.

I have only to add to the above, that the letter from Her Majesty's Commissioners, marked No. 3, has not been sent in to the Government; and that to my note, covering the other two, no answer has yet been returned.

I have, &c.

(Signed)

HAMILTON HAMILTON.

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

---

Enclosure 1 in No. 251.

*Her Majesty's Commissioners to Mr. Hamilton.*

SIR,

*Rio de Janeiro, November 30, 1844.*

WITH reference to the Brazilian patacho "*Nova Granada*," detained by Her Majesty's schooner "*Viper*," as reported to your Excellency in our letter of the 18th instant, we herewith transmit a copy of the Act of Survey and Inspection of the vessel and cargo, which will suffice, for the present, to show the alleged grounds for the seizure in question.

The Brazilian Commissary Judge yesterday presented the enclosed written opinion of the case, in which is set forth his outline of the seizure, and his definition of the voyage from Santos; a definition solely based upon the testimony of the Master and crew, and upon the open, and presumed contents of the sealed documents, found on board.

In that opinion the Brazilian, Commissioner specially refers to the vote given by himself on the 31st August, 1839, in the cases of the barque "*Maria Carlota*" and patacho "*Recuperador*." (*Vide Parliamentary Papers, Class A., 1839-40, pp. 262-3.*)

The contents of the enclosed vote, clearly demonstrates, that our colleague persists in his interpretation of the Treaty of 1826, namely, that Brazilian ships are not even liable to detention, much less to confiscation, on account of an equipment for Slave Trade.

The Despatch from the Earl of Aberdeen, of September 11, of last year, mentions, that a similar declaration has been made by the Brazilian Commissioner at Sierra Leone, and that Her Majesty's Government most unequivocally dissent from such a construction of the Conventions with this country.

In fact, were such principles tolerated, the grossest cases of Slave Trade equipment will be subject to the conflicting opinions of the Commissary Judges at this station, and the consequent uncertainty attending the drawing of lots for an Arbitrator.

The Brazilian Commissary Judge, in anticipation of a difference in this case, has already signified his intention to call for arbitration.

The numerous ships which are notoriously and undisguisedly equipping and fitting out at this port, and in others of the Empire, for slaving voyages, render it highly probable that many similar cases of detention of Brazilian vessels by British cruisers will take place.

We therefore conceive, that the present affords a most urgent occasion for obtaining from the Imperial Government a distinct and prompt avowal of its intention regarding the liability of vessels met with under the circumstances which are herein detailed of the "*Nova Granada*."

In our humble opinion, the Brazilian Government require little consideration for resolving this question; because it has virtually acquiesced in the principle, by receiving from Great Britain large sums of money arising from the sale of ships condemned upon the *prima facie* evidence furnished by a slave equipment.

H. Hamilton, Esq.  
&c. &c.

We have, &c.  
(Signed) JOHN SAMO.  
FRED. GRIGG.

Enclosure 2 in No. 251.

*Surveyors' Report.*

WE, the Undersigned George Baker, Lieutenant, Percival Benjamin Roberts, Master, and Thomas Wiley, carpenter, all of the Royal navy, and all belonging to Her Majesty's ship "Alfred," do hereby certify, that we have been on board the brigantine "*Nova Granada*," detained by Her Majesty's schooner "Viper," under the slave Treaties with Brazil; and having requested the attendance of the Master of the said brigantine, who was on board during the survey, the Undersigned made a strict examination of the "*Nova Granada's*" hold, fore and aft, as well as of her store-rooms, cabins, and other compartments, and we found therein as follows, namely, her hold contains 89 leaguers or casks, measuring 4 feet 6 inches long, and 2 feet 7 inches in diameter, and 20 other casks, of three different sizes, namely, 2 feet 7 inches long, and 2 feet 1 inch in diameter; 2 feet 11 inches long, and 1 foot 11 inches in diameter; 2 feet 7 inches long, and 1 foot 10 inches in diameter; that all these casks were stowed in such a manner, as to admit of a slave deck being placed over, with the greatest facility; that they were all filled with pure fresh water excepting two, the water in which is slightly brackish; that, as near as we can compute, these casks contain about 10,670 gallons, or about 48 tons of fresh water.

We also found a complete slave deck, which could be very soon laid, as all the planks, beams, and chocks are ready cut, and, as we found on trial, exactly fitted the masts, stanchions, and sides of the vessel; and the planks, beams, and chocks, are all carefully numbered with black lead pencil.

There were in the after hold 93 bags of farina, 40 bags of beans, three bags of rice. There is a great quantity of firewood all over the hold, which we found very carefully stowed amongst the water casks, and we estimate the quantity at about 20,000 billets. There were also in the hold 24 small casks, wood bound, empty, apparently butter firkins, and in our opinion, intended to be cut for mess kids.

In her forepeak we found a considerable quantity of clay, in which were buried two iron cooking pots, one able to contain two gallons one pint, the other one gallon and a half and one pint; and a large tea kettle, able to contain seven quarts one pint.

In her after cabin, under the deck, we found a large quantity of "*carne secca*," or jerked beef, much more than necessary for the consumption of her crew. In various places of concealment, both on deck and below, we discovered 137 large and small bricks, sufficient to enlarge greatly her cooking place, with the assistance of the clay, the cooking place being, even at present, larger than requisite for the use of the crew, measuring 5 feet 1 $\frac{3}{4}$  inches high, 5 feet  $\frac{3}{4}$  inch wide, 5 feet 1 inch long. Some medicines, consisting of three bottles of ointment, one bag of herbs, one bag of linseed, and a quantity of lint and sticking plaster, was discovered in a concealed place in the cabin, which the Master of the brigantine stated he was not aware of. We also found an American ensign, and four remarkable distinguishing flags, all quite new. There is also on board, in a concealed place under the companion ladder, a

large iron chest, but for what use intended, we could not ascertain; when opened, it had a few bricks inside. From the nature of the cargo, and the materials we found on board, as before stated, we are of opinion that the "*Nova Granada*" is fully prepared to carry a cargo of slaves.

Given under our hands, on board the brigantine "*Nova Granada*," in Rio de Janeiro harbour, this 21st day of November, 1844.

(Signed)

GEORGE BAKER, *Lieutenant*.  
 PERCIVAL BENJAMIN ROBERTS, *Master*.  
 T. WILEY, *Carpenter*.

On the 23rd day of November, 1844, the said George Baker, Percival Benjamin Roberts, and Thomas Wiley, were duly sworn to the truth of the within-written certificate, and the interlineation therein.

---

Enclosure 3 in No. 251.

(Translation.) *Opinion of the Brazilian Commissary Judge.*

*Rio de Janeiro, November 29, 1844.*

THE Brazilian Commissary Judge having to give his opinion regarding the detention of the Brazilian patacho "*Nova Granada*," by Her Britannic Majesty's schooner "*Viper*," James Carter, Commander, in latitude 25° 1' south, and longitude 44° 17' west of Greenwich, might limit himself to call the attention of his colleague to the reasons which he offered, on the 31st August, 1839, regarding the barque "*Maria Carlota*," (the first vessel detained on leaving the Brazilian ports,) to demonstrate the want of right with which the English cruisers proceeded in such circumstances, by the absolute want of special stipulations between Brazil and Great Britain authorizing such detentions, grounded only on the articles found on board, which they consider an undeniable proof of the vessel being decidedly employed in the traffic in slaves; articles, which supposing they are described in many other Treaties with different nations, do not yet form a part of that between Brazil and Great Britain, and therefore cannot be considered as binding upon Brazil; but he will not abstain from stating the reasons for which he declares the detention of the patacho in question to be illegal, with reference to the special circumstances contained in the process.

The patacho "*Nova Granada*" having left the port of Santos, for Pernambuco, with a Brazilian passport, and with all the other clearances in order, on the 7th of November, was boarded on the following day, detained, and brought to this capital, by the said schooner-of-war, under the pretext of being prepared and suitably equipped for the traffic of slaves. The captor in his declaration alleges, as the cause of such proceeding, the vessel having on board an excessive number of pipes, and other casks, full of water, a large quantity of jerked beef, farina, beans, and rice, some clay, planks, and sticks, which are considered as intended for forming a slave deck, and the clay for enlarging the fireplace, &c.

The Captain, the Mate, the Boatswain, and even a seaman, who were examined, uniformly declared, that all these articles had been cleared at the Custom House of Santos for the port of Pernambuco, as ought to be stated in the closed and sealed manifest which exists in the process. Now, if all the above-mentioned articles, according to the Brazilian laws and fiscal regulations are permitted to be conveyed from one port to another in Brazil, without any restriction; if this vessel was cleared for the port of Pernambuco, as is seen by her passport and other papers on board; if, among these, a letter of orders only was found addressed by the consignee of the patacho in Santos to the Master of the same, enclosing another sealed letter for Angelo Francisco Carneiro, a known merchant in the city of Pernambuco, from whom he was to receive the orders regarding this vessel; if she were only one day at sea, during which she had steered a course to enable her to get away from the land, for proceeding afterwards to her destination, as the Captain and Mate deposed, without there being the least appearance of their having any other intention,—how can the Commander of the schooner-of-war be considered authorized to take her out of

her course, detain her, and bring her to this port, even contrary to the new Instructions given to the English cruizers, and communicated by Lord Aberdeen to the House of Lords in the session of the 25th July last? because, as Article IV. says, that no vessel with a foreign flag should be visited upon the high seas on suspicion of being employed in the traffic of slaves, except by virtue of a special authority given by the Treaties. The Commander of the schooner having declared that he proceeded to make the visit and detention in virtue of the Conventions between Brazil and Great Britain only, he demonstrated by that declaration, that in fact he had deviated from the powers which were conferred upon him, by the Instructions No. 2, annexed to the Convention of the 28th July, 1817, which forms an integral part of the last Treaty, 23rd November, 1826. Seeing that no one article exists in those Instructions, which declares (not even as a *primâ facie* proof) that the existence of any of the articles above-mentioned on board of Brazilian vessels, ought to be considered as destined for the traffic in slaves, it is evident that the captor should not have impeded the patacho from proceeding to her destination; the more so, as there were no reasons to suppose, as is stated above, that she intended to deviate therefrom, it appearing, on the contrary, from the last Instructions of the English Government, that the visit ought never to be made on board of vessels cleared from one port of Brazil to another, which may be fallen in with in the right course to their destination without leaving the coast of Brazil, and not being on the high seas.

With reference, therefore, to what is herein set forth, the Brazilian Commissary Judge is of opinion, that the detention of the patacho "*Nova Granada*" was illegal, and that it should be declared as such in the sentence, in which the Commission cannot refuse to recognise the right which the parties interested have of claiming and exacting the competent indemnities.

(Signed) JOAO CARNEIRO DE CAMPOS.

---

Enclosure 4 in No. 251.

*Her Majesty's Commissioners to Mr. Hamilton.*

SIR,

*Rio de Janeiro, December 3, 1844.*

WE herewith transmit an extract of the minute of this date, referring to the case of the "*Nova Granada*," mentioned in our letter to your Excellency of the 30th ultimo.

The Brazilian Commissary Judge has signified, that he accedes to the delay necessary to ascertain the result of the existing correspondence upon the question of equipments, provided that such delay be for a reasonable period, and shall cause no loss or damage to the owner of the vessel and cargo.

Should the settlement of the discussion be unavoidably postponed, we most respectfully suggest, that the Brazilian Government may be induced to concur with your Excellency to have the property in dispute sold at auction in the meantime, and the proceeds deposited with the Mixed Commission, to abide the decision of this Court.

*H. Hamilton, Esq.*  
&c. &c.

We have, &c.  
(Signed) JOHN SAMO.  
FRED. GRIGG.

---

Enclosure 5 in No. 251.

*Extract of Minute of Session of December 3, 1844.*

Case of the "*Nova Granada*."

MEMORANDUM of British Commissary Judge, in reply to the opinion of the Brazilian Commissioner, given at the session of the 29th ultimo:—

*Rio de Janeiro, December 3, 1844.*

The Brazilian Commissary Judge founds his objection to the detention of this vessel on precisely the same grounds as were advanced by him in 1839, in the case of the "*Maria Carlota*," namely, that there exists no Article in the

Convention between Brazil and Great Britain which can in anywise authorize the detention of vessels, unless with slaves on board, or proof that such have been put on board during the voyage.

The Undersigned deplores that this declaration of his honourable colleague should still be maintained, after the attentive and elaborate discussion of that principle which has taken place at this Board, and likewise between the two High Contracting Parties.

It is true, that since 1839 no vessel has been adjudicated before this branch of the Commission on account of her being equipped for Slave Trade; but in the meantime upwards of 40 cases of equipments have been brought before the other branch of this Commission, and sentence of confiscation passed on the property in almost every instance, without the slightest effort on the part of Brazil to call in question the justice or the equity of the sentences.

In the above-mentioned case of the "*Maria Carlota*," the conduct of the present Administration of this Government, and of its predecessors, place beyond a doubt its assent to the liability of vessels being forfeited on account of the nature of the equipment, or proof other than that of slaves having been shipped on board.

With the greatest reliance upon the high character of his honourable colleague, the Undersigned ventures to hope, that he has succeeded in showing that the Brazilian Government assent to the interpretation of that of Great Britain, in regard to the detention of vessels engaged in the Slave Trade without proof of slaves having been actually on board.

To consent to the call of arbitration in this case, which has been suggested by the Brazilian Commissary Judge, would put at issue that decision of the two Governments; a proceeding which would be highly unbecoming, and deservedly bring down upon the members of this Board the censure of the respective Sovereigns.

The Undersigned entreats his honourable colleague at all events to suspend the proposed reference to arbitration, until the result shall be known of the correspondence regarding this subject which at present is in progress between his Excellency the Minister for Foreign Affairs and Her Majesty's Envoy at the Imperial Court.

(Signed) JOHN SAMO.

*Rio de Janeiro, December 3, 1844.*

The Brazilian Commissary Judge having already given his vote in regard to the patacho "*Nova Granada*," has nothing more to add thereto; but, as his worthy colleague, besides being of a contrary opinion, in pursuance of special instructions from his Government regarding the manner in which Brazilian vessels may be prepared or equipped, requires that recourse be not had to arbitration, until the result be known of the correspondence at present pending upon this subject between the Minister for Foreign Affairs and Her Britannic Majesty's Envoy in this capital; and the said Brazilian Commissary Judge, exempting himself from every responsibility which may ensue from delay in the adjudication of the same, is willing to await the result of such correspondence, provided that it be not protracted so as to occasion loss to the owner of the patacho.

(Signed) JOAO CARNEIRO DE CAMPOS.

---

Enclosure 6 in No. 251.

*Her Majesty's Commissioners to Mr. Hamilton.*

SIR,

*Rio de Janeiro, December 10, 1844.*

WITH reference to the contents of our letter of the 3rd instant, we herewith transmit an extract of the minute of session on the 6th instant, at which the Brazilian Commissary Judge again resumed his call for arbitration, upon the question of the slave equipment of a Brazilian vessel being within the meaning of Article I. of the Treaty of 1826.

Your Excellency will see, that the proposed reference was declined by the

British Commissioner, for the same reasons as had already been urged at the previous and the present discussion.

We have, &c.

(Signed)

JOHN SAMO.

FRED. GRIGG.

H. Hamilton, Esq.  
&c. &c.

---

Enclosure 7 in No. 251.

*Extract of Minute of Session of December 6, 1844.*

THE British Commissary Judge presents the following memorandum:—

*Rio de Janeiro, December 6, 1844.*

The Undersigned has to acknowledge the indulgence accorded by his honourable colleague, in deferring for three days his call for arbitration in this case of the "*Nova Granada*."

The point which is renewed by the Brazilian Commissary Judge, upon the signification of Article I. of the Treaty of 1826, as embracing cases of presumed slave equipments of Brazilian vessels, and particularly in reference to the present instance, has rendered it expedient to obtain, formally, from the existing Imperial Administration, its specific interpretation of that Article. An application of a similar nature was submitted by the Brazilian Commissary Judge, in the cases of the "*Maria Carlota*" and "*Recuperador*," already referred to, the proceedings wherein were suspended nearly two months, awaiting the decision thereon; that decision is still looked upon by the Brazilian Commissioner as inadequate for the present case.

The Undersigned repeats, that he cannot agree to the call for arbitration, until the determination of the principle regarding slave equipments be again received through Her Majesty's Minister, to whom the British Commissioners addressed themselves on the 3rd instant; and the Undersigned particularly adverts to his reasons given at the session of that date.

As regards loss or damage, which may arise from further delay, the Undersigned will content himself with disavowing, in the language of his honourable colleague, every responsibility which may ensue thereby, or from any other cause whatsoever.

(Signed)

JOHN SAMO.

After some discussions the Brazilian Commissary Judge presented the following vote:—

*Rio de Janeiro, December 6, 1844.*

The Brazilian Commissary Judge having presented, at the session of the 29th ultimo, his vote regarding the detention of the Brazilian patacho "*Nova Granada*," although the British Commissary Judge declared then, that having only just received the same translated into English, he wished to consider upon it, to be enabled to give his opinion at the following session, he (the Brazilian Commissary Judge) immediately perceived that his colleague's vote would be contrary to his, as he declared, that besides the reasons and arguments which he then adduced, he had particular instructions from his Government to condemn all Brazilian vessels that should be met with, prepared, loaded, and equipped in the manner in which the patacho was; and therefore he was not all surprised at the vote presented by his colleague at the session of the 3rd instant, based, not upon the Articles of the existing Treaties between Brazil and Great Britain for declaring the detention of this vessel legal, but perhaps in the particular instructions, and the arbitrary manner in which the British cruisers have applied to Brazilian vessels Articles belonging to other Treaties existing between the British Government and other nations. But it cannot but be foreseen, how his colleague, as if anticipating the want of weight of his own arguments to convince him, (Brazilian Commissary Judge,) concluded by requesting, that the drawing of lots for arbitration, as is marked for such cases in Article III. of the Regulations of this Commission, should be prolonged for some days, until the result of the correspondence between Her Britannic Majesty's Plenipotentiary and the Minister for Foreign Affairs upon this subject shall be known; because, firmly convinced, that for the adjudication of prizes which may be brought before

CLASS B.



this Commission, no other authority can interfere other than the two Commissary Judges mentioned in the Treaties, he could not conceive how such correspondence could take place, for the purpose of altering or subverting the regular proceeding of such processes; but wishing to give always to his said colleague proofs of the desire which he entertains of maintaining the most perfect harmony, and of condescending to his proposal when no irreparable loss results therefrom, he had no objection in agreeing with his demand, declaring, however, that he would only wait until the session of to-day, which makes a week since he presented his vote.

Without wishing, therefore, to enter into the discussion, whether the particular instructions with which his colleague says he is furnished, are capable of altering and destroying the stipulations of the existing Treaties and Conventions with Brazil, he comes forward, compelled by the discharge of his duties, definitively to propose, that with reference to the difference which exists between his opinion and that of his colleague the British Commissary Judge, that recourse be immediately had to the drawing of lots for Arbitration, as is established in the above-mentioned Article III. of the Regulations of this Commission, as the only means which, considering the independence of his office and the Treaties, he considers lawful for the final decision of this process.

(Signed) JOAO CARNEIRO DE CAMPOS.

To which the British Commissary Judge replied:—

*December 6, 1844.*

The Undersigned regrets that the observations of his honourable colleague tend only to confirm the view expressed in the memorandum of this date, to which he again reverts.

(Signed) JOHN SAMO.

Whereupon the Brazilian Commissary Judge presented the following note:—

*December 6, 1844.*

The Brazilian Commissary Judge, in reply to the observations which his worthy colleague has just offered, wishing, in the first place, to convince him that the process of the patacho "*Nova Granada*," at present treated of, is the same as the doubt which occurred regarding the barque "*Maria Carlota*," and, secondly, that under such circumstances he cannot agree to the choice of Arbitrators, has only to state, as regards the first point, that there is a great difference, because the doubt which occurred in the case of the "*Maria Carlota*," was only as to the competency of this Commission to take cognizance of that prize, whereas now the adjudication of the patacho is treated of, regarding which the Brazilian Commissary Judge had no doubt, neither did he offer any upon the "*Maria Carlota*" after the Imperial Government replied to the Despatch which he addressed to it respecting the competency of the Commission.

The point now treated of is, the sentence in the process of the "*Nova Granada*," regarding which the opinions of the two Judges are already pronounced; and as they do not agree, the course to be followed, is that which was practised in the case of the "*Maria Carlota*," that is, to proceed to arbitration, as is expressed in the existing Treaty; and the Brazilian Judge having to-day stated his opinion in that respect, has nothing further to add, than insisting that this provision of the said Treaty be complied with, independently of the decisions which his colleague the British Commissary Judge expects, because he is convinced that, let them be as they may, they can never alter that which is so positively stipulated in that respect.

(Signed) JOAO CARNEIRO DE CAMPOS.

And the British Commissary Judge not agreeing to the drawing of lots, the Brazilian Commissary Judge presented his final vote:—

*Rio de Janeiro, December 6, 1844.*

The Brazilian Commissary Judge, in consequence of the refusal of his colleague, the British Commissary Judge, to put in practice the drawing for an Arbitrator for the decision of the proceedings in the process of the patacho

“*Nova Granada*,” as proposed in his previous opinions, and seeing that by means of argument he cannot induce his colleague to acquiesce in fulfilling that which is stipulated in the Treaty between Brazil and Great Britain, finds himself under the grave necessity of making, in regard to such illegal refusal, a solemn protest, as he hereby does, that he will, at no time, be responsible for losses or damages which may ensue from the same.

(Signed) JOAO CARNEIRO DE CAMPOS.

Enclosure 8 in No. 251.

*Mr. Hamilton to Senhor Franca.*

*Rio de Janeiro, December 4, 1844.*

THE Undersigned, &c. has the honour to forward to Senhor Franca, &c. copies of two communications, with documents annexed, made to Her Majesty's Legation by Her Majesty's Commissioners, relating to the case of the “*Nova Granada*,” now under adjudication in the Mixed Court, and to invite to them the immediate attention of His Excellency.

From the context of these communications, the following two facts appear, that—

Her Britannic Majesty's Commissioners are of opinion, the state of equipment of the “*Nova Granada*,” affords satisfactory evidence of her being destined for slave traffic; and being so, that she is liable to confiscation, as provided by Article I. of the Convention of 1826: and that—

The Brazilian Commissioner holds a different opinion, namely, that Brazilian vessels are not liable even to detention on account of an equipment for Slave Trade, much less to confiscation.

The Brazilian Commissary Judge vindicates his opinion, first, by showing its consistency with one delivered by him in the year 1839, in the case of the “*Maria Carlota*”—but that former opinion was overruled at the time by the directions issued to him by his Government, to entertain the case of the “*Maria Carlota*,” as coming within the Convention in question; and, also, the case of the “*Recuperador*,” both being recognised as cases of equipment; and he next vindicates his opinion, as being based on the testimony of the Master and crew of the prize vessel, *participes criminis*!

On the other hand, the opinion of the British Commissary Judge is borne out by a decision of the Mixed Court at Sierra Leone, in the same year, 1839, when the “*Emprehendedor*” was condemned, having been the first Brazilian ship, it is believed, so condemned, on the ground of being fully equipped for Slave Trade, which sentence received the sanction and approval of Her Majesty's Government.

And this opinion has been further borne out by about 40 other condemnations of Brazilian vessels, on the same principle, since that period, now five years ago: a series of confiscations that have carried considerable sums into the Brazilian Treasury, and from which the Brazilian Government has not dissented.

A difference of opinion, however, similar to what is now under consideration, arose in the course of last year at Sierra Leone, between the British and Brazilian Commissioners, with regard to the prizes “*Confidencia*” and “*Esperanca*,” as embracing cases of equipment. The dilemma was reported to the Earl of Aberdeen, who adhered to the view taken of the matter by Her Majesty's Commissioners; and there is no reason to suppose the Brazilian Government did not adhere likewise.

In a word, this view of the Convention has not been shaken by any subsequent practice of the Courts, either at Rio de Janeiro or Sierra Leone, in cases of this description; and instructions in accordance with it were issued by Her Majesty's Government to Her Majesty's cruizers employed in suppressing the Slave Trade under the Brazilian flag.

Her Majesty's Government then, having determined on adhering to this interpretation of Article I. of the Convention of 1826, instructed the Under-

signed to communicate the same to the Brazilian Government; and he obeys those instructions in now inviting that Government to reiterate the directions issued to the Brazilian Commissioner in 1839.

The contraband in slaves is pushed with so much vigour at present from many of the ports of Brazil, that the detention by Her Majesty's cruisers of vessels engaged therein, is likely to be frequent; and such an especial measure on the part of the Government as the one above-mentioned, appears indispensable, in order to arrest that inconvenient conflict of opinions between the respective Commissioners of this branch of the Mixed Court so probable without that precaution.

But there is a subsidiary point as concerns the "*Nova Granada*," that calls for a prompt determination on the side of the Brazilian Government.

A good deal of the perishable property on board her is likely to suffer waste and injury, under the delays to be apprehended in leading the Brazilian Commissary Judge to a more reasonable view of the question at issue between him and his British colleague; and an enormous augmentation of expense also to ensue, and to the British Government alone, from the protracted detention in this port of the capturing vessel. For these reasons, the Undersigned considers it advisable to support the suggestion thrown out by the British Commissary Judge, that the Brazilian Government do forthwith concur with the Undersigned in having the property in dispute sold by auction, and the proceeds deposited with the Mixed Commission, to abide the decision that may be there taken.

The Undersigned, &c.

(Signed)

HAMILTON HAMILTON.

*His Excellency Senhor Ernesto F. Franca,*  
&c.

&c.

No. 252.

*Mr. Hamilton to the Earl of Aberdeen.*

*Rio de Janeiro, December 14, 1844.*

*(Received January 25, 1845.)*

MY LORD,

THE accompanying letter, addressed to me by Mr. Wise, the Minister of the United States, on matters connected with Slave Trade, is well worthy of your Lordship's attentive perusal.

It is the production of an individual who has been, during many sessions, a distinguished member of the American Congress, who, a follower of Presidents Jackson and Harrison, is now so of Mr. Tyler, by whom he was appointed to this mission some six or eight months ago. As a native of Virginia, he is a holder of slaves, but to the contraband itself he is a decided, a most uncompromising enemy. Since his arrival in this country, his one sole constant object has been to counteract the traffickers in it; and to that task he has applied himself with unremitting activity and zeal.

The fruits of this occupation are shown in the annexed document, and in the general panic now prevailing throughout the American interests in this country, connected remotely or proximately with African commerce. Some exaggerated ideas, some erroneous views, are to be found in his exposition; but still they are the ideas and the views of an individual possessed of much intelligence, and whose sincerity and goodwill as an abolitionist cannot be contested for one moment; and I again beg to invite your Lordship's attention to it. To supply you with any clear abstract of views, which in their development embrace a multitude of facts greatly complicated, would require more leisure than I could hope to command at present,

My answer to Mr. Wise merely acknowledged the receipt of his letter, and announced my intention of transmitting it to your Lordship.

I have, &c.

(Signed)

HAMILTON HAMILTON.

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

&c.

&c.

&c.

P.S.—The American consignees of the vessels alluded to in Mr. Wise's letter, are the two houses of Birkhead, and of Maxwell, Wright, and Co.

H. H.

Enclosure in No. 252.

*Mr. Wise to Mr. Hamilton.*

SIR,

*Engenho Velho, December 1, 1844.*

My whole time has been occupied lately in attending to the examination held before our Consul in the cases of several persons charged with the violation of the laws of the United States for the suppression of the Slave Trade. You know how information in part was obtained, upon which to institute proceedings. The examination has been so successful in the development of three cases at least, as to trace the entire connections of the Slave Trade, and to show, that whilst the vessels and the flag of the United States are employed for transportation, British brokers are the immediate agents of the slave dealers in Brazil, in negotiating the charters and sales of those vessels, and British goods chiefly are sent and consigned, to make funds for the Slave Trade on the coast of Africa, and British capital and credit are used here to guarantee the payments. Of these facts, now verified under oath in the examination going on before the United States Consul, I requested Mr. Walsh, the Secretary of this Legation, to inform you, being too busily employed myself to see you in person, or to address you in writing. By a note of Friday last, Mr. Walsh says, "I saw Mr. Hamilton yesterday, &c. He appears well disposed to act in the matter, and says, he will be glad to receive a note from you, communicating all the details which you may possess. Neither he nor Mr. Hesketh had heard of the case of the "*Agnes*," &c.

Acting on this message, I proceed to state, as briefly as I can, the general history of these cases, which may serve to illustrate the leading features of the foreign Slave Trade, and the perfect affiliation of the means between citizens of England, the United States, and Brazil, by which it is carried on. I shall not be precise as to dates, because I have not the depositions before me, and they are numerous, and very voluminous.

The "*Agnes*," a United States merchant vessel, employed in the lawful and regular trade between Rio de Janeiro and Philadelphia, arrived here on the — day of —. She brought letters from her owners in Philadelphia to her American consignees here, instructing them to procure, if possible, an advantageous charter-party for the vessel. The consignees, as is usual in Rio, employed an English broker, by the name of Weetman, of the English firm of Hobkirk and Weetman, to negotiate this charter-party for her. Weetman negotiated it with Manoel Pinto Fonseca, a person whose only known business is that of the foreign Slave Trade, and whose character for slave dealing is as notorious as any other universally known fact in Rio de Janeiro. It was to commence either here or in Philadelphia; I think at the latter part. The "*Agnes*" was to return to the United States, ship a cargo for Liverpool, take in a cargo of English goods there, and thence to sail, *viâ* Rio de Janeiro, for the coast of Africa. She did return to the United States, took in there a cargo, either for the owners or charterer, or in part for both, of lard, &c. and cleared on or about the 30th of October, 1843, for Liverpool, chartered by the month, at so much per month, until she should arrive on the coast of Africa, and there the charter-party was to determine or not, as might be agreed upon by the parties. The English broker here was paid a commission for negotiating the charter-party, and the American consignees here were paid commissions for guaranteeing the stipulated monthly payments, and for remitting them to the United States. On or about the 5th day of December, 1843, she arrived in Liverpool, consigned to persons as yet unknown to me, and there took in a cargo, consisting of sundry dry goods, of powder, muskets, bar and hoop iron, and other articles known in the English market, and here particularly, as coast goods. The papers found on board the "*Sooy*" will show you an exact description, by an Englishman, of the goods suitable for the Slave Trade. On or about the 3rd day of January, 1844, she cleared from Liverpool with this cargo, for Rio de Janeiro, consigned to American merchants; entered in *frankia*; discharged no cargo whatever; took orders from her charterer; remained here only two or three days; cleared, I think, for Monte Video, and sailed direct for Cabinda, in Africa, consigned to a certain Cunha, a known agent of Fonseca in the African Slave Trade. There she discharged all her cargo, which she

shipped in Liverpool, into boats. She was in all about six months on the coast of Africa, and during that time made one other trip from Cabinda to Congo and back. During this time the brig "*Monte Video*" arrived, in the latter part of 1843, at Rio de Janeiro, consigned to an American house other than that to which the "*Agnes*" was consigned, with like instructions to charter her for the coast of Africa, or to sell her, deliverable on that coast. These consignees also applied to the same English broker, Weetman, and he negotiated a charter-party for her with the same Manoel Pinto Fonseca. It stipulated, that the "*Monte Video*" should take in a lawful cargo here for the coast, at 900 dollars per month, with privilege of examining and rejecting all objectionable bales, or boxes and binding the vessel to take certain passengers at the cost of the charterer. On the 11th of February 1844, she sailed from this port, with a cargo sorted for the coast, and with certain Brazilian or Portuguese passengers on board direct for Cabinda; delivered her cargo to Cunha; and, about June or July, 1844, she returned, still under American colours, to Victoria, perhaps in ballast. There, about the first part of August 1844, she was fitted for the coast, with most of the appliances of the Slave Trade, under the superintendence of a man named Souto, who has heretofore been acting at that port as Vice-Consul of the United States, and whose appointment has, on my application, been since revoked, on the ground of his being also a notorious slave dealer. There, too, she took on board as passengers a Master and crew of Portuguese or Brazilian seamen; and there for the present we will leave her, to return to the "*Agnes*," and recur to other events transpiring.

The Master of the "*Agnes*," a man of some such name as Eugene Godet, had in this time died on the coast, leaving her in command of her Mate. Late in the spring, or early in the summer of 1844, another brig of the United States, the "*Sea Eagle*," arrived here, and was chartered in like manner as the "*Monte Video*," through Weetman, for the coast of Africa, to take a lawful cargo at 900 dollars per month, and to take passengers, &c. Her charter-party was with Fonseca also, and was, like them all, stereotyped, as it were, as the goods, wares, and merchandize are manufactured "fit for the coast." And she too was consigned to this same Cunha, the agent of Fonseca at Cabinda. She took out hence, as passengers, a Brazilian or Portuguese Master and crew, and also took out, as passenger, a certain Captain Gray, a citizen of the United States, the owner, or agent of the owners of the "*Agnes*," and who came Master in her from Philadelphia to this port. This Gray had here, through Weetman, sold the "*Agnes*" to Fonseca, deliverable on the coast of Africa at 9,000 dollars, Weetman receiving, as usual, a commission for the negotiation, and he or her consignees receiving commissions for the guarantee also of the bills drawn by Fonseca or his agent in Africa, payable in Rio de Janeiro, for the amount of the purchase money. When the "*Sea Eagle*" arrived at Cabinda, she found the "*Agnes*" in that port. Captain Gray had orders or authority to sell the "*Agnes*," in case he could get 9,000 dollars, and Fonseca had advised his agent Cunha to bargain for her at that price, as before described. The sale, in fact, was made here by Gray, before he left, the vessel being on the coast of Africa, and deliverable there; but the appearance was kept up of selling there. As soon as the sale and delivery were effected, and probably before, the Brazilian passengers who were taken out in the "*Sea Eagle*," in company with Gray, were transferred to the "*Agnes*." Water was shipped in the usual pipes, stowed two tiers deep, fore and aft, and the upper tier being chocked even, with billets of wood; rush mats were spread over the pipes, and the negro slaves were berthed on these mats, without any regular slave deck. The American flag hauled down, and papers taken off, and name erased or painted over, she sailed on or about the 7th of September, 1844, with about 500 slaves, and landed them on the coast of Brazil, near Cape Frio, it is said. Captain Gray and the American crew were transferred to the "*Sea Eagle*," which vessel remained at Cabinda until after the arrival of the brig "*Monte Video*."

Whilst these events were transpiring at Cabinda, the brig "*Monte Video*," having fitted at Victoria, taken in water pipes, lumber for a slave deck, and a Master and crew of Brazilian passengers, was sailing on her second voyage for Africa, and arrived at Cabinda after the "*Agnes*" had sailed with her cargo of slaves; she delivered a part of her cargo at Cabinda; her Master, Captain Pendleton, had authority, apparently, to sell her; she had, in fact, already been sold, through Weetman, to Fonseca, in Rio, in the usual way, for 9,000 dollars.

deliverable on the coast of Africa; and 4,000 dollars of that sum had been advanced, either by Weetman or her American consignee here as security, and the one or the other took the bills of Fonseca, payable in Rio, for 9,000 dollars, Weetman receiving commission on the negotiation; she was consigned also to Cunha, to whom she was delivered up; the Brazilian Master and crew whom she took out from Victoria, were left in charge of her; the United States flag and papers, and her name, were taken off; her American Master and crew were transferred to the "*Sea Eagle*" also, which carried out the Brazilian crew for the "*Agnes*," and brought back the United States Masters and crews for both the "*Monte Video*" and "*Agnes*." The "*Monte Video*" shipped 800 slaves at Cabinda, and landed them, it is said, at Cape Frio. The "*Sea Eagle*" was ordered by Cunha to Victoria, with the intention to discharge the crews of the "*Agnes*" and "*Monte Video*" there; but the acting Vice-Consul, Souto, having been stripped of his commission in the mean time, the "*Sea Eagle*," with all her passengers, was compelled to sail for Rio, to discharge them here; here the United States Consul arrested Pendleton and his crew; and the Master and crew of the "*Sea Eagle*," and two of the men of the "*Agnes*," have been examined, and will be sent home as witnesses; and the examination shall proceed, until all the testimony to be obtained in Rio de Janeiro, shall be recorded. For the facts detailed, I speak on the authority of the depositions taken and to be taken.

Aside from these depositions, I have obtained much information, which it is proper you should know.

The goods and credits of British manufacturers and merchants are liberally and indulgently extended to the Portuguese and Brazilian merchants in Brazil, on long time; the Portuguese and Brazilian merchants ship them in these vessels, chartered by the slave traders for the coast; and in many cases a single vessel will take out the shipments of some 10 or 20 various persons. They are not always loaded by the slave dealers themselves. Those persons who purchase of the British merchants the goods fit for the coast, are mostly small dealers; and the chief security which the British merchants have for payment, is the successful sales of these goods in Africa; if they are captured or destroyed, the British merchants suffer. The consequence, it is said, is, that the English cruizers will not now capture or destroy them, because the blow is found to fall upon the trade and commerce of their own countrymen.

Again, it is asserted here positively, as I have informed you on another occasion, that the British cruizers do not take the proper and active steps to prevent the shipping of slaves in Africa; and the alleged motive is, that they seem to desire the slaves to be shipped, to be once put on board, in order to obtain the bounty of so many pounds sterling *per capita* for their capture, and to send them as apprentices to Demerara, and other possessions of Great Britain.

It is alleged, moreover, that the obvious effect, if not design, of the British efforts on the African coast, is, not so much to suppress the African Slave Trade, as to monopolize the African commerce, and particularly to exclude the trade there of the United States.

Further, it is said, and I am convinced truly, that the trade to and from Africa and Brazil, particularly that part of the coast of the former in and about Cabinda and Congo, with very little exception, is the buying and selling and transportation of slaves; and that the entire trade, with very little exception, in dry goods, provisions, crockery, cachaca, muskets, powder, iron, and all other articles, but contributes, and is only auxiliary to, the one great business of capturing and enslaving the negroes; this is too notorious to be denied in Rio de Janeiro. The passengers from Brazil, to carry whom is almost always a stipulation of the charter-parties of our vessels, are mostly Masters and crews of Brazil, taken hence to bring the slave vessels and their cargoes back; and those brought back from Africa by our vessels, are mostly American Masters and crews, who have carried our vessels out. Those passengers who are not either Masters, Mates, or of the crews, of Brazil or the United States, are either agents or owners of vessels, or are factors, agents, or employés in some capacity or other, of the large rich slave dealers, or are merchants, or their factors and agents, who are going and coming to look after the proceeds of their goods, shipped at immense profit, to make funds for the one great trade in the staple article of slaves! No such thing as money proper, or cash, is known scarcely among the African tribes on that part of the coast of which I am speaking. They buy and sell by the

measure of cotton cloth or of aguadiente. The only medium of exchange among the Africans, is in the form of goods, wares, and merchandize, by barter; and that between the agents there and the large dealers in slaves, or in goods for that market in this country, is in the form of bills on Brazil. The very ivory and other products of Africa for export, are brought from the interior to the coast on the heads of the negroes who are themselves to be shipped as slaves.

It is said that there is not a merchant or dealer of any sort on this whole coast, from Para to Rio Grande, engaged in the trade between Brazil and Africa, who does not, directly or indirectly, participate in the profit or loss of the foreign Slave Trade. And there is very little loss in that trade; nothing is lost if two out of five trips succeed; and that trade has of late rather increased than diminished. It has decreased, perhaps, to Rio de Janeiro, but increased to every other province of Brazil. By the estimation of very good authority, I am informed, that there will probably have been imported into Brazil, not less than 30,000 slaves, the present year of 1844. Since my arrival in this city on the 2nd of August last, I can specify the vessels that have brought about 3,000 to this coast between Cape Frio and Victoria; these 3,000 have been brought at a loss to the slave dealers of the brig "*Sooy*" only, which landed her cargo and crew safely; and the vessel herself, I understand, will be claimed of Brazil by her owners, if delivered up by reclamation from the British squadron.

Slave decks are no longer used; the water casks stowed level in one or more tiers, according to the size of the vessel, fore and aft, and rush mats spread over them, is the last improvement of fitting a slaver; and they can now ship,—indeed, it is proved under oath in this examination, that it took the "*Monte Video*," with a swept hold, from but two to seven hours to ship a cargo of 800 slaves; they have their water pipes filled, and buried in the sand of the beach, and the slaves, the farina, the jerked beef, the provisions and stores, and the water, are moved at a moment's warning in canoes and launches, to the vessel, waiting at the distance of a five minutes' row from the shore.

And this, and much more besides, proves that all future efforts will be as vain as the past to arrest the African Slave Trade, unless other and entirely new measures are taken. These facts show you, Sir, in the first place, that it is worse than idle for Great Britain to reproach the United States for permitting their flag and their vessels to be the common carriers, as long as British manufacturers, merchants, brokers, and capitalists are allowed to furnish the very pabulum of the Slave Trade. Why should the United States most vindictively punish as pirates the poor ignorant Masters, Mates, and crews of their vessels, when they are but the tempted tools of highly respectable English, American, and Brazilian gentlemen, manufacturers, merchants, capitalists of money and of character, owners of vessels, brokers, and consignees, and large slave dealers, too rich to be within reach of the halter of the law? And *cui bono*? if American merchants and goods are to be driven away, and American consignees, factors, and agents are to be subjected to like penalties as Masters, Mates, and crews (which they are not now subjected to), just to yield the use of our vessels and flag to the consignees, factors, and agents of Great Britain and Brazil?

These questions are asked with no other views than these:—to say, first, that neither Great Britain nor the United States are exactly in that blameless position to assume the high tone of casting reproach, or of reading moral lectures, in respect to the sin of the African Slave Trade, so long as they leave its high places within their respective jurisdictions untouched by the penalties of public law or public opinion; neither can cast the first stone, so long as they are both so equally and deeply inculpated. If they are both acting in good faith, on the elevated grounds of a pure morality, and not on the selfish and base motives of a policy at once hypocritical and inhuman, they will cordially cooperate to make their separate laws and their separate execution faithfully contribute to wipe from themselves all cause of reproach, and to confer inestimable blessings on all mankind. And to say, secondly, that though it may be but an act of the African slave traders, in order to divide their opponents, to insinuate that England's only object is to monopolize the African trade, yet, so long as England fails to give better evidence than she has given, that such is not her object, it will be more difficult than it otherwise would be, in the United States, to obtain the enactments and prosecution of such measures as are needed to assist honest efforts to suppress the Slave Trade.

If asked, what evidences Great Britain ought to give to secure a more cordial co-operation in the United States, I would answer very plainly—

First, That Great Britain must desist from all attempts or pretensions to visit or search the vessels of the United States. The United States are in all respects competent to superintend and controul their own citizens within their own jurisdiction; they will never yield the position, that their flag is absolute protection to their vessels in time of peace; and they will always turn even from their efforts against the Slave Trade, however earnest, to protect the perfect freedom of their commerce and navigation. Whilst they are endeavouring to aid Great Britain in a great moral reform, she must not, and ought not, to pretend, or attempt, to injure them in a point they deem vital; as long as she does, they will ever be suspicious of her motives, jealous of her action, and cold to her overtures of union and co-operation on any subject of national policy or good; the United States, too, will never treat upon that right; it is one upon which they will insist in peace if they can, and in war, if they must.

Secondly, This cordial co-operation in their separate action once attained, (I say, in their separate action, because the United States will never concur in anything like the Quintuple Treaty,) they must both cease to rely so much upon African squadrons. As far as naval operations are concerned, more ships are needed on the coast of Brazil than on that of Africa. They are needed for the aid of Ministers and Consuls in this country. And Ministers and Consuls, men above price, and without fear, must be well clothed with full powers to arrest culprits, to summon witnesses, and to send culprits and witnesses home. Forms of proceeding should be adopted for them, and a lawful latitude given to administer oaths, to require bonds, to take recognizances, and to hold examinations. Here this civil power is all essential. The ships-of-war should be rather to hold, and transport for trial, the culprits, whom they can rarely catch at sea, but whom Consuls, fully clothed with the power and authority of magistrates, can easily catch on the land, either of Africa or Brazil.

Thirdly, The laws of both countries must aim their penalties, above all, against the offenders at home—the vessel-owners, shippers, manufacturers, merchants, and dealers and traders there; and, next to them, against the factors, agents, consignees, brokers, &c. abroad. In respect to all these persons, the laws of the United States are very defective. I cannot speak as to the laws of Great Britain. A Master and crew of a United States vessel, chartered in Rio for Africa, may be wholly ignorant of the use to be made of them until their necks are fairly run into a halter for piracy, and they are compelled, by the necessities of crime, to proceed in their career of guilt, whilst there is no law to punish the parties of higher degree in criminality here, who plan and profit by their voyage, and its dangers and crimes. After these Masters and crews have once been trained in the knowledge of guilt, and are once within the power of the informer, they are compelled to work on in iniquity, at poor wages, until the African fever takes them from the fears and apprehensions of human tribunals, before their Eternal Judge. They, in truth, demand our sympathy nearly as much as do the captives of African wars, inflamed by Brazilian cachaca, shackled with British iron, armed with British muskets, supplied with British goods, transported in vessels of the United States.

Fourthly, Great Britain should by all means change her policy of making apprentices of the Africans captured from the slavers. It is urged with great effect against that policy, If servitude for five or seven years, why not servitude for life? Is not the apprentice system a part of the foreign Slave Trade? How does England then engage in it? Is it consistent with her Treaties? Far better would it be to restore the captives to their native land, place them in manual labour, or other schools, at Sierra Leone or the Cape of Good Hope, or elsewhere in the British colonies in Africa, and teach them to be the fittest missionaries of civilization and arts, if not of Christianity, amongst their benighted brethren. This would be to apply the most effectual moral power at once to the seat of the disease and the root of the evil in Africa herself; and withdraw the bounties to the officers of the British cruizers, and turn them over to such schools. The United States appropriate funds to restore the Africans captured by their cruizers, but it is doubtful whether they can, under their federal constitution, go as far as desirable in establishing proper institutions in Africa for the moral reform of the captives.

But I am writing too much, and am too much engaged to write more, or with

CLASS B.



due care. I have written what I have with the freedom of private correspondence, as man to man, rather than as Minister to Minister. This was best, perhaps, for the purposes of plain truth. If I have written too plainly, you, I am sure, will pardon an honest zeal for a great good. You are a witness to the integrity of my intentions, and are fully aware of my promptings in the great responsibilities I have of late voluntarily assumed, in endeavouring to snatch my country's flag from its foul prostitution to the foreign Slave Trade. Yes, as I said to you verbally, Sir, if that flag, to me in this strange land the sacred personification of a patriot's hope and a patriot's home, were trailing in the dust of victory over it, in glorious war, I could weep over it, and honour it, and love it still; but to see it lift its folds, like the bold countenance of a bad woman, over a traffic at once infamous and horrid, is shockingly revolting, and enough to turn its white into its red with shame. That would be the universal sentiment of my countrymen at home, if they but knew the half of what is notorious in Brazil. They have not been informed of what is passing here; and an appeal there to public sentiment, will be responded to authoritatively by measures stern and salutary.

And, Sir, let me add, as one of the duties of Great Britain, that the facts as they are should be exposed there too. Let her powerful press, and her mighty debates, not continue to cry shame upon Brazil and Spain, even whilst not a finger is pointed to her own manufacturers, merchants, and brokers in the Slave Trade; and whilst they are snug and secure in their secret gains. Let names, and facts, and dates, and damning deeds at home, be unsparingly exposed before the dread tribunal of that great lawgiver to Congresses in the United States, to Parliaments in England, and to society in both—public sentiment; and, my life upon it, with the measures I have described, and a moral power in Africa, and this moral power at home, in England and in the United States, true philanthropists will not long have to mourn that, in spite of the efforts and means of the world, the Slave Trade goes on increasing and still increasing. These civil and moral means, and this attention on the part of each nation to itself and its own correction, will do all that our navies combined have failed, even in part, to accomplish.

With the highest personal and official esteem,

H. Hamilton, Esq.  
&c. &c.

I am, &c.  
(Signed) HENRY A. WISE.

No. 253.

*M. Lisboa to the Earl of Aberdeen.*

York Place, Janvier 28, 1845.  
(Received January 30.)

LE Soussigné, &c. a eu l'honneur de recevoir la note du 21 de ce mois qu'en réponse à la sienne du 20 Décembre dernier, au sujet de l'indemnité réclamée par l'armateur du bric Brésilien "*Relampago*," a bien voulu lui adresser Son Excellence le Très-Honorable Comte d'Aberdeen, &c.

Le Soussigné a de la peine à concilier le refus d'indemnité, que renferme la note de Lord Aberdeen, avec la décision prise par le Commandant de la station Britannique au Brésil relativement au bric "*Relampago*." Sir Thomas Pasley a ordonné que ce navire, à son entrée à Rio de Janeiro, fût sur le champ relâché. Cet acte équivant certainement à une désapprobation formale de la conduite du capteur, et toutefois, d'après la note de Lord Aberdeen, et sans que Sir Thomas Pasley en souffre le moindre blâme, l'officier par lui désapprouvé ne serait passible d'aucune punition; il aurait même agi légalement en conduisant à Rio de Janeiro le "*Relampago*," qu'il a dû néanmoins y relâcher sans retard, et sans condition aucune.

Le dilemme que le Soussigné vient d'insinuer ne trouve pas de solution satisfaisante dans aucune des pièces que le Soussigné a lues sur cette réclamation.

Le Gouvernement Impérial a fourni à la Légation de Sa Majesté Britannique la preuve officielle, irrécusable que l'armateur du "*Relampago*" avait dûment légalisé le manifeste de ce navire avant son départ de Rio de Janeiro; et le Soussigné ne peut que s'étonner de l'importance exagérée qu'on paraît attacher à

ce que ce document ne se trouvât pas à bord, quand il est prouvé qu'il a été acheminé par un bateau à vapeur, et devait par conséquent devancer l'arrivée du "*Relampago*" au port de sa destination.

Mais, est-il dit dans la note de Lord Aberdeen, le manque du manifeste "constituted so suspicious a circumstance, as to justify an officer employed under the Convention with Brazil in suppressing the Slave Trade, in taking the "*Relampago*" back to the port from which she sailed the previous day, &c."

Le Soussigné ne peut répéter trop souvent qu'en vertu de cette Convention entre le Brésil et la Grande Bretagne il n'y a pas, pour les croiseurs des deux Pays, d'autres Instructions légales, légitimes, et obligatoires que celles qui ont été convenues entre les deux Couronnes : le Soussigné demande quel en est l'Article qui ait consacré la doctrine qu'on invoque ? Il doit d'ailleurs répugner à la droiture de Lord Aberdeen de donner son concours pour que le principe d'impunité soit établi en faveur d'un croiseur, dont la conduite aura été si arbitraire qu'il ne lui aura pas même été loisible de soumettre sa prise au jugement du tribunal compétent.

Le Soussigné ose se flatter que ces considérations ne passeront pas inaperçues, et que Lord Aberdeen se trouvera encore à même de lui annoncer, sur la réclamation du "*Relampago*," une décision plus juste et plus équitable, que celle contre laquelle le Soussigné représente en ce moment.

Le Soussigné, &c.

(Signé)

MARQUES LISBOA.

*Son Excellence le Très-Hon. Comte d'Aberdeen, K. T.*

&c.

&c.

&c.

No. 254.

*Mr. Hamilton to the Earl of Aberdeen.*

*Rio de Janeiro, December 27, 1844.*

*(Received March 21, 1845.)*

MY LORD,

I DELAYED transmitting the accompanying note, as I have done with other notes, in the expectation that the subject of it would produce further correspondence. This has not been the case. The Government after receipt of my answer let the affair drop.

The note prefers a charge against some unknown British brig-of-war, of violating the Brazilian territory, by driving on shore, and subsequently seizing and carrying away, a Portuguese brig, engaged in slave traffic, in the month of November, 1843. Like the piratical acts which the Authorities of the Province of St. Paul alleged to have been practised in the vicinity of Ubatuba, by a British ship-of-war, in 1842, the accusation appears to have been unfounded.

The officer in command of Her Majesty's ships-of-war in this harbour having, by my desire, instituted enquiries into the circumstances to which the charge referred, reported to me in the month of February last, and I forthwith acquainted the Government, that there was no British brig-of-war cruising on the part of the Brazilian coast, and at the time, that were indicated in Senhor Paulino's note ; and that no British ship-of-war whatever had been concerned in the transactions to which it related.

I have, &c.

(Signed)

HAMILTON HAMILTON.

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

&c.

&c.

&c.

(Translation.)

Enclosure in No. 254.

*Senhor Paulino de Souza to Mr. Hamilton.*

*Palace of Rio de Janeiro, January 11, 1844.*

THE President of the Province of Rio de Janeiro has informed the Undersigned, &c. that in November of last year, an English brig, which was in chase of another of the Portuguese nation engaged in the traffic, and which ran ashore at

the Praia da Armação dos Buzios, about four leagues and a half from Cape Frio, landed a part of her crew armed at that place, preventing any Brazilian coming near, and totally disregarding the Inspector of the District, who appeared; and that, after having examined the vessel aground, putting some of her crew on shore in order to lighten her, she was got off at the flood tide; after which, the former made sail, taking away the latter, with all her cargo, and leaving on shore three sailors who had remained on board the captured vessel.

Supposing, on one side, that the introduction of the portion of Africans which the captured vessel brought being frustrated, is an act for congratulation, yet, on the other hand, it is unquestionable, that the proceeding of the English brig referred to constitutes one more violation of Brazilian territory, and of the very explicit and clear disposition of Article II. of the Instructions annexed to the Convention of the 28th July, 1817, and it is therefore the Undersigned's duty to beg that Mr. Hamilton, &c. will forward him the necessary information and explanation of this fact.

The Undersigned, &c.  
(Signed)

PAULINO JOZE SOARES DE SOUZA.

No. 255.

*Mr. Hamilton to the Earl of Aberdeen.*

*Rio de Janeiro, December 27, 1844.*  
(Received March 21, 1845.)

MY LORD,

THAT your Lordship may be perfectly informed of the successful career of the slave merchants on the Brazilian coast, and how little the persons in authority appear to occupy themselves with opposing impediments to it, I enclose herewith the copy of a note addressed by me to the Government in April last, reporting divers occurrences in the neighbourhood of Santos, to which note the Minister of Foreign Affairs has not returned any answer.

I have, &c.  
(Signed) HAMILTON HAMILTON.

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

Enclosure in No. 255.

*Mr. Hamilton to Senhor Franca.*

*Rio de Janeiro, April 2, 1844.*

THE Undersigned, &c. has the honour to invite the attention of Senhor E. F. Franca, &c. to the following extract from a communication recently received by Her Majesty's Legation, respecting certain occurrences in the vicinity of Santos, consequent on the landing at Pereque, towards the middle of last month, of upwards of 600 Africans, from a barque belonging to that notorious Brazilian slave merchant Joze Bernardino de Sa:—

“On the 17th instant (March), an attempt was made by two individuals, residents of this place (Santos), one the Escrivao do Juiz de Paz, and the other a wine merchant, to secure a number of the slaves landed at Pereque, to whence they proceeded with 26 armed men, and, after securing M. Flecheur, a Frenchman, and partner with Vergueiro, they succeeded in carrying off 92 slaves, whom they said they intended to present to the competent Authority, who had been informed by Vergueiro of this occurrence, and had issued a warrant (at Vergueiro's request) for the re-taking of the slaves, which was carried into effect yesterday morning (March 20), Vergueiro himself being at the head of the military force furnished by the Delegado Joao Octavio Nebias, which force, after re-taking the slaves, conveyed them to the deposit from whence they had been taken, and no further steps are to be taken in the affair; thus sanctioning the introduction of slaves, as if it were perfectly lawful.”

Many observations by the Undersigned on the facts here brought forward, do not appear called for; the facts speak for themselves; strengthening the sus-

picious long entertained of collusion between some of the subordinate Brazilian Authorities and the great and wholesale dealers in human flesh, for carrying on their nefarious practices.

The suspected participation of Senhor Nebias in matters connected with the contraband traffic in slaves, has already been pointed out to the Brazilian Government; and the Undersigned persuades himself, that the said Government, giving due consideration to the gravity of the facts alleged, will, in their wisdom, adopt such corrective measures as may best contribute to remedy a state of things so unfortunate.

The letter of which an extract is inserted above, notices likewise the landing, about the same period, at Guarau, a small place near Santos, of more than 400 slaves, from a vessel called the "*Virginia*," the property of Vergueiro and Co.

The Undersigned, &c.

(Signed)

HAMILTON HAMILTON.

*His Excellency Senhor Ernesto F. Franca,*  
&c.

&c.

No. 256.

*Mr. Hamilton to the Earl of Aberdeen.*

*Rio de Janeiro, December 30, 1844.*

*(Received March 21, 1845.)*

MY LORD,

THE occurrence noted by me in the accompanying communication to the Minister for Foreign Affairs, taken in conjunction with other circumstances which I have had the honour to report, must satisfy your Lordship of the extreme indifference with which the local provincial Authorities regard matters calculated to uphold and encourage the slave dealers in their nefarious practices; if, indeed, it does not afford proof sufficiently convincing, that those Authorities are directly implicated therein.

I have not been honoured with an answer to this communication, and must not hope for one.

I have, &c.

(Signed)

HAMILTON HAMILTON.

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

&c.

&c.

Enclosure in No. 256.

*Mr. Hamilton to Senhor Franca.*

*Rio de Janeiro, December 17, 1844.*

THE Undersigned, &c. is obliged to call the attention of the Brazilian Government to the following statement just communicated to him:—

"The notorious slave merchant Vergueiro has recently obtained from the President of the Province of St. Paul, Manoel da Fonseca de Lima e Silva, a license for the steamers under Vergueiro's agency, to pass the fort of Santos without being visited by the local Authority; this contraband trader being thereby afforded a ready means of conveying slaves to and from that port *ad libitum*; and that the license has such an object, is the more presumable, seeing that all other steamers, not excepting those of war, are invariably subjected to the visit."

Urging his Excellency to enquire into this questionable transaction, and hoping that the Government will bestir itself to counteract the illegal results anticipated from it, the Undersigned, &c.

(Signed)

HAMILTON HAMILTON.

*His Excellency Senhor Ernesto F. Franca,*  
&c.

&c.

No 257.

*Mr. Hamilton to the Earl of Aberdeen.**Rio de Janeiro, December 30, 1844**(Received March 21, 1845.)*

MY LORD,

ON the 21st instant, the Hamburg schooner "*Romeo*" sailed from this port for Angola, and Her Majesty's brig "*Frolic*" went out the same day in pursuit of her, in consequence of suspicions, which appeared exceedingly well founded, that she was engaged in the contraband trade to the coast. The schooner, evading the chase of the brig, returned the next day into port, when the latter returned also.

On the 23rd, Mr. Herman Schroeder, the Hamburg Consul-General, called at the Legation, and proposed, that in order to prevent delay and trouble, should the "*Romeo*" be afterwards detained at sea, the officer commanding the "*Frolic*" should assist, either personally, or in the person of some of his officers, at the inspection of the schooner's cargo, while in port; a measure which her Master desired to resort to, as he professed not to be aware that any contraband merchandize was on board. To this proposal of Mr. Schroeder's, I objected, stating to him, that had the schooner been detained out of the territorial waters of Brazil, she would have been visited and overhauled, to verify the suspicions entertained, but that within those waters it was not fitting Her Majesty's ships or subjects should be concerned in any proceeding of the kind, or any measures connected therewith.

On the 28th, Mr. Schroeder addressed to me a note, of which the enclosed is a copy, suggesting that, in the interests of the Master of the "*Romeo*," some individual named by me should be present at the landing, and the examination above alluded to, of her cargo. To this proposal also I returned a negative. It was observed in my answer, that Her Majesty's Diplomatic and Consular Authorities in this country, have no warrant to be parties to any examination of the kind, and would not be justified in assisting at one; that it is a proceeding which interests exclusively the Brazilian Government and the Hamburg Consulate; and that I must beg leave, therefore, to decline assisting, either directly or indirectly, at the proposed examination of the cargo shipped on board the Hamburg schooner "*Romeo*."

It is said, that the passengers on board, who were numerous, compelled the Master to return to port, they having about them 1,200 doubloons more than were entered in the manifest.

The "*Romeo*" had already made two successful voyages to the coast, on the same contraband pursuit.

I have, &amp;c.

(Signed) HAMILTON HAMILTON.

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

&amp;c.

&amp;c.

&amp;c.

Enclosure in No. 257.

*M. Schroeder to Mr. Hamilton.**Rio de Janeiro, December 28, 1844.*

THE Undersigned, &c. has the honour of addressing the following to his Excellency Hamilton Hamilton, &c. in consequence of the personal interview which occurred on the 23rd instant, relative to the Hamburg schooner "*Romeo*."

This vessel sailed hence on the 21st instant, bound for Angola, and returned the following day, in consequence of having been followed by Her Majesty's brig "*Frolic*;" the Master having been apprehensive of his vessel being sent to Hamburg, or some other distant port, for the purpose of visiting her and inspecting her cargo, and thereby incurring large expenses, sustaining damage, loss of time, &c., for which he might not hereafter be indemnified. He declared to the Undersigned, that he was not aware of any illegal merchandize on board his vessel, and that he neither had nor has any intention of carrying on any illicit traffic, and that he imagined, by returning to port, the Commander of

Her Britannic Majesty's brig "Frolic" might acquiesce, on his request, to visit his vessel and cargo here, and that he was willing to discharge the whole of his cargo, and submit it to inspection for this purpose.

The Undersigned having communicated to the Master, that in conformity with the result of the interview before stated, his request could not be complied with, he, together with three of the principal shippers of the cargo, appeared at the Consulate of the Undersigned, and the latter expressed the wish to unload the cargo, so as to avoid a visit, and a possible voyage to Hamburg; to which the Master objected, and insisted upon going out the next morning, intending that any other course would but unjustly subject him to the suspicion of having illicit merchandize on board. The owners of the cargo subsequently offered to pay the full freight and all expenses incurred, and to be incurred; and, further, that the goods should be landed at one of the bonding warehouses, in the presence of an officer of the Customs, and such other person or persons as the Master might choose to name; which offer was accepted by the Master, who requested the Undersigned to name competent persons for this purpose. The Undersigned suggested the naming of two Masters of British or Hanseatic vessels; and the Master, desirous of establishing his innocence, expressed the wish that some person named by the British Minister at this Court, might assist such examination. With the view, then, of effecting this object of the Master, the Undersigned addressed himself to his Excellency, who, he feels assured, will, if such be practicable, assist the Undersigned in furthering this laudable desire of the Master of the "Romeo."

The Undersigned, &c.

H. Hamilton, Esq.  
&c. &c.

(Signed)

HERMAN SCHROEDER.

No. 258.

*The Earl of Aberdeen to Mr. Hamilton.*

SIR,

*Foreign Office, April 2, 1845.*

I HAVE received your Despatch of the 30th December, 1844, stating the unsuccessful chase of the Hamburg schooner "Romeo" by Her Majesty's ship "Frolic," and the substance of the replies returned by you to a verbal application made to you on the 23rd of December last, and to a written application made to you on the 28th of the same month, by M. Schroeder, Consul-General for Hamburg, in respect to a proposed examination of the cargo of the "Romeo" in the port of Rio de Janeiro.

I have the satisfaction of acquainting you, that I approve entirely of your conduct in this case, as reported in your Despatch above referred to.

I am, &c.

H. Hamilton, Esq.  
&c. &c.

(Signed)

ABERDEEN.

No. 259.

*The Earl of Aberdeen to Mr. Hamilton.*

SIR,

*Foreign Office, April 2, 1845.*

I HAVE received your Despatch of the 27th December, 1844, enclosing a copy and translation of a note addressed to you on the 11th January, 1844, by the Brazilian Minister for Foreign Affairs, complaining of an alleged violation of Brazilian territory by a British brig-of-war, in November 1843.

You state, that you delayed forwarding to me that note, in the expectation that the subject of it would produce further correspondence; but that this had not been the case, the Government, after the receipt of your answer, having let the affair drop.

You have not, however, forwarded to me a copy of your answer alluded to and I have, accordingly, to instruct you to lose no time in doing so.

I am, &c.

(Signed)

ABERDEEN.

H. Hamilton, Esq.  
&c. &c.

No. 260.

*The Earl of Aberdeen to Mr. Hamilton.*

SIR,

*Foreign Office, April 2, 1845.*

I HEREWITH transmit to you for your information, a copy of a Despatch which I have this day addressed to Her Majesty's Commissioners at Rio de Janeiro, upon the authority of the Mixed British and Brazilian Commission at Rio de Janeiro to examine the contents of documents which are shut up by a seal bearing the arms of Brazil, and are found in that condition on board Brazilian vessels brought for adjudication before the Mixed Court.

*H. Hamilton, Esq.*  
&c. &c.

I am, &c.  
(Signed) ABERDEEN.

Enclosure in No. 260.

*The Earl of Aberdeen to the Commissioners at Rio de Janeiro, April 2, 1845.*  
(See Class A., No. 194, page 480.)

No. 261.

*Mr. Hamilton to the Earl of Aberdeen.**Rio de Janeiro, February 15, 1845.**(Received April 7.)*

MY LORD,

WITH reference to my preceding Despatches respecting the two Africans Andre and Jacob, who formed part of the crew found on board the captured slave vessel "*Maria Carlota*," and have since been at large on board Her Majesty's ship "*Crèscant*," I have the honour to lay before your Lordship herewith, the correspondence that has passed subsequently respecting them, between this Government and Her Majesty's Legation.

In his note of the 29th ultimo, Senhor França renews the demand for restitution of the said individuals to the Brazilian subjects claiming to be their proprietors, or, if there be impediments to this just proceeding, their value in money.

Awaiting your Lordship's further instructions on this matter,

I have, &c.  
(Signed) HAMILTON HAMILTON.

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

Enclosure 1 in No. 261.

(Translation.)

*Senhor Franca to Mr. Hamilton.**Palace of Rio de Janeiro, September 17, 1844.*

MORE than eight months having already elapsed since the Imperial Government repeated its claim, in the note of the 12th January, of the present year, for the delivery to the Brazilian subject Vicente Thomas dos Santos, of the slave Jacob, detained with the Portuguese barque "*Maria Carlota*;" and as the solution of the question regarding the slave Andre, whose owner is Antonio Joze Gomes Moreira, also a Brazilian subject, belonging to the said barque at the time of her detention, has likewise been delayed for more than nine months, notwithstanding the documents which accompanied the note of the 11th of December of last year, in which that claim was further corroborated; the Undersigned, &c. begs to call the attention of Mr. Hamilton Hamilton, &c. to the contents of the former note upon these two subjects, and to solicit an answer in conformity to the unquestionable right of the claimants.

As regards the slave Andre, both before and after receiving the new documents, obtained from the party interested in substitution of those mislaid, Mr. Hamilton Hamilton had already stated, in his notes Nos. 62 and 90, of last year, that

he awaited orders from his Government; it is now nearly 12 months since those instructions were solicited, wherefore the Undersigned cannot but address Mr. Hamilton, in order that a determination be come to, which shall put an end to this prolonged question.

The Undersigned, &c.

(Signed)

ERNESTO FERREIRA FRANCA.

*H. Hamilton, Esq.*  
&c. &c.

Enclosure 2 in No. 261.

*Mr. Hamilton to Senhor Franca.*

*Rio de Janeiro, September 23, 1844.*

THE Undersigned, &c. duly referred to the Queen's Government the communication addressed to him on June 23, 1843, by Senhor Paulino, at that time directing the Department of Foreign Affairs, with a demand by Senhor Antonio Joze Gomes Moreira, for the restitution of a negro named Andre, said to be the property of Moreira, and who was one of the crew of the Portuguese slaver "*Maria Carlota*," at the time of her capture in 1839, by Her Majesty's ship "*Grecian*;" and he has the honour to state in answer, under instructions from his Government, as follows:—

That if the negro Andre proves to be, according to the law of Brazil, the property of Senhor Moreira, the latter has a right to demand possession of him, whenever he can find him within the jurisdiction of Brazilian courts of law; and consequently, that if Andre were to land at Rio de Janeiro, or elsewhere within the Empire of Brazil, the claim of Senhor Moreira could not properly be resisted, but that, inasmuch as the right of the owner to the slave, revives only upon the return of the latter to the country of his former servitude, and Mr. Moreira himself states, that the jurisdiction of the Empire does not reach so far as is requisite for effecting the object of Senhor Moreira, Her Majesty's Government cannot properly comply with his demand.

The Undersigned, &c.

(Signed)

HAMILTON HAMILTON.

*His Excellency Senhor Ernesto F. Franca,*  
&c. &c.

Enclosure 3 in No. 261.

*Mr. Hamilton to Senhor Franca.*

*Rio de Janeiro, September 24, 1844.*

THE Undersigned, &c. by his note of yesterday's date, had the honour to reply to the communication addressed to him on the 17th instant, by Senhor Franca, &c. in so far as that communication related to the African Andre. With reference to the other African mentioned therein, by name Jacob, who, like the said Andre, had been found on board the Portuguese barque "*Maria Carlota*," and whom the Brazilian Government require, in like manner, to be given up to the Brazilian subject assumed to be his owner; the Undersigned has to acquaint Senhor Franca, that Senhor Paulino's note of January 12th, renewing the requisition on the part of the Brazilian Government for the liberation of the said Jacob, was forwarded to Her Majesty's Government on the 12th of last March, but that the Undersigned has not yet been provided with any instructions on the subject. So soon as received, the Undersigned will not fail to communicate their purport to Senhor E. F. Franca; yet he cannot but apprehend, that the reply will be conformable in all essentials to what he has already had the honour to intimate to his Excellency in regard to Andre.

Availing himself of the present opportunity, the Undersigned offers, &c.

(Signed)

HAMILTON HAMILTON.

*His Excellency Senhor Ernesto F. Franca,*  
&c. &c.



Enclosure 4 in No. 261.

(Translation.)

*Senhor Franca to Mr. Hamilton.**Palace of Rio de Janeiro, January 29, 1845.*

THE Undersigned, &c. has before him the notes dated the 23rd and 24th of September last, addressed to him by Mr. Hamilton, &c. in which, referring to the claims for the two slaves Andre and Jacob, the property of Antonio Joze Gomes Moreira, and of Vicente Thomas dos Santos, of which the notes from this Department of State of the 11th December, 1843, and 12th of January, of last year, treat, Mr. Hamilton states, that he has received instructions from his Government to declare to the Imperial Government, in reply to the former, that the demand in restitution of the slave Andre, could only be allowed if he were found within the Empire; and in reference to which decision, he considers the claim relating to the other slave, will be also unattended to.

The simple declaration of this principle could not but surprise the Imperial Government, more especially being presented by Mr. Hamilton, as the organ of his Government. The Undersigned, however, is persuaded, that with the observations which he is about to make, it will be impossible not to attend, as has been practised up to the present time, to the right which those two Brazilian subjects have to require the restitution of their property or its value, in the impossibility of effecting that delivery by any considerations which may be alleged.

The whole question reduces itself to ascertaining whether the two slaves were lawfully acquired by the claimants; second, if notwithstanding their acknowledged ownership, they have been detained by the British Authorities.

As regards the former point, there is not the least doubt, that with reference to the documents which accompanied the notes above cited from this Department of State, the validity of which is not contested, the said slaves belonged by right of property to the claimants. With respect to the slave Andre, the Undersigned is convinced, that a decision in conformity to the justice of the cause of the Brazilian subject Antonio Joze Gomes Moreira, would have been obtained from the Government of Her Britannic Majesty, if perchance it had been aware of the occurrence, which is not to be gathered from Mr. Hamilton's communications. And as relates to the slave Jacob, he deems the decision which Mr. Hamilton thinks will be come to in this case, premature, the note of the 12th of January, last year, not having been yet answered. The Undersigned would be very glad to know what instructions have been issued to Her Britannic Majesty's Legation in this capital regarding the late claims of the Imperial Government.

Respecting the second part, it is a fact, and those documents also prove it, that after the condemnation of the Portuguese barque "*Maria Carlota*," on the 17th of September, 1839, besides the crew, there were some slaves on board of her, who were sent to Her Britannic Majesty's ship "*Crescent*," and subsequently set at liberty, with the exception of two or three, among whom were those now treated of. The sentence which decreed the capture of that barque to be legal, did not embrace these individuals employed in her service; and they could not be included therein, according to what is laid down in the Conventions upon the traffic in slaves, and more expressly in Article VI. of the Instructions given to the vessels-of-war of the two High Contracting Parties employed in the suppression of the said traffic; and in conformity thereto, the Law of the 7th of November, 1831, was promulgated, which exempts from emancipation those slaves registered in the service of vessels belonging to a country where slavery is permitted, while employed in the service of the said vessels; whence it is seen, that it was neither the intention of Brazil nor that expressed in the Conventions between the two Governments, to confound the blacks, slaves, even although found on board a vessel evidently employed in the traffic of Africans, with those who are dragged from their native country after the period of the legal abolition of that commerce.

The observations which are herein stated, give every right to the Imperial Government to require the delivery of the said slaves illegally detained by the British Authorities, or an indemnity proportional to so direct an offence against the property of the claimants; and upon the Undersigned, in the name of his Government, devolves the sacred duty of insisting that claims so just be attended to, it not belonging to him to enquire whether they are still in the "*Crescent*,"

or in any other service, or whether, from any motive slavery, has ceased for them.

The Imperial Government relies upon the good faith of that of Her Britannic Majesty, which will not fail to look upon the present question in the same light as it did the claim of the Brazilian subject Antonio Goncalves da Luz, who, at length, after a long correspondence, was indemnified for the loss of two slaves which he had suffered, who were also serving as sailors on board of the Portuguese brig "*Dois de Fevereiro*," condemned in this capital, and were also sent on board the "*Crescent*." The Undersigned begs to call Mr. Hamilton's attention to the correspondence upon that subject, and avails, &c.

(Signed)

ERNESTO FERREIRA DE FRANCA.

H. Hamilton, Esq.  
&c. &c.

Enclosure 5 in No. 261.

*Mr. Hamilton to Senhor Franca.*

*Rio de Janeiro, February 4, 1845.*

THE Undersigned, &c. has received, and will not delay to transmit to his Government, the note addressed to him on the 29th ultimo, by his Excellency Senhor E. F. Franca, &c. renewing his demand for restitution to the individuals claiming to be their proprietors, of the two Africans André and Jacob.

In the note in question his Excellency is pleased to observe, with reference to André, that he is "convinced a decision in conformity to the justice of the cause of the Brazilian subject Antonio Joze Gomes Moreira, would have been obtained from the Government of Her Britannic Majesty, if perchance it had been aware of the occurrence, which is not to be gathered from Mr. Hamilton's communication."

By an attentive perusal of the correspondence on this subject, it will be seen, that in the note from the Undersigned to Senhor Paulino, No. 62, of October 10th, 1843, it is stated, that no time should be lost in referring the case to Her Majesty's Government, and in putting his Excellency in possession of the result; that in his note No. 63, of December 30th, 1843, to the same Minister, he apprized his Excellency, that in conformity to the engagements the Undersigned had taken in his note of October 10th, he had on the 19th of that month referred home the demand of the Brazilian Government, and had requested instructions; and that in his note of September 23rd, 1844, to Senhor Franca, the identical note to which his Excellency is replying, when he hazards the observation above-mentioned, the Undersigned notified distinctly, that having duly referred to the Queen's Government the communication addressed to him by Senhor Paulino, June 28th, 1843, he had then the honour, under instructions, to state their answer to that communication.

And yet his Excellency assumes, that Her Majesty's Government had not been made cognizant of the affair of the Brazilian subject Moreira; that, at least "it is not to be gathered from Mr. Hamilton's communication."

The Minister of Foreign Affairs would be very glad to know what instructions have been issued to Her Majesty's Legation regarding the last demands of the Imperial Government. The Undersigned, adhering to the promises he had made, notified to his Excellency in his note No. 63, the instructions he has received respecting André; concerning Jacob, he has nothing to add to what is stated in his note No. 64.

The Undersigned, &c.

(Signed)

HAMILTON HAMILTON.

*His Excellency Senhor Ernesto F. Franca,*  
&c. &c.

No. 262.

*Mr. Hamilton to the Earl of Aberdeen.*

*Rio de Janeiro, February 15, 1845.*

*(Received April 7.)*

MY LORD,

BEGGING reference to my Despatch of last year, of the 25th November, representing the censurable conduct of the President of Bahia, in the case of the Brazilian slave polacca "*Bom Destino*," I have the honour to lay

before your Lordship herewith, the answer from the Brazilian Government to the note presented by this Legation on that subject, and which was enclosed in the Despatch in question ; together with my brief reply.

The case of the "*Bom Destino*" is not the first instance, by many, of Brazilian slave ships condemned in the Mixed Court, which had been equipped for the contraband traffic at Bahia, and dispatched thence, all furnished with sea papers and protections signed by the same Senhor Vasconcellos, President of the province.

Ignorance on the part of that high functionary, and of his subordinate officers, as to the real object of the voyages made by these vessels, cannot be fairly urged in excuse. The plea can be regarded only as an endeavour to palliate their neglect—perhaps their connivance.

But the conduct of the Brazilian Authorities in this instance is the more suspicious, the more open to reprehension, as the "*Bom Destino*," at the period in question, had only just returned to Bahia from another successful Slave Trade speculation.

I have, &c.

(Signed) HAMILTON HAMILTON.

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

&c. &c. &c.

(Translation.)

Enclosure 1 in No. 262.

*Senhor Franca to Mr. Hamilton.*

*Palace of Rio de Janeiro, February 3, 1845.*

THE Undersigned, &c. having received from the President of the Province of Bahia the necessary information regarding the irregularities in the clearances with which it is said the Brazilian patacho "*Bom Destino*" sailed, which patacho was condemned by the Brazilian and English Commission in this capital, and of which Mr. Hamilton Hamilton, &c. treats in the note No. 72, of the 24th of October, of last year, which he addressed to this Department of State; the Undersigned has now the honour to communicate to Mr. Hamilton, that this vessel, of foreign build, was nationalized Brazilian in the port of Bahia, as belonging to André Gomes de Vasconcellos Barriga, a subject of the Empire, notwithstanding his residence in a foreign country; and his correspondent only cleared the vessel for Cape Verd, *viâ* the ports of the coast of Africa, after having complied with the precepts of the law which regulates matriculation. The vessel at that time presented no suspicions of her being destined for the traffic in Africans; her cargo consisted of sundry goods and merchandize, with the proceeds of which she was to take in salt at that Portuguese possession, according to the letter of orders given by the consignee himself; and, therefore, no blame can be attached, either to the President for having granted the Imperial passport, or to the Board of Exports of Bahia by which the clearances of the vessel and her cargo were passed, as insisted upon by Mr. Hamilton. And, in fact, if the Regulation of the 30th of May, 1836, does not prohibit the matriculation of national vessels when their owners are not in the Empire, and the essential point is, that the ownership and nationality be proved; if matriculated, an Imperial passport must be given, which, according to Article CXXXIV. of the above-mentioned Regulation, is transmitted to the Presidents of the provinces, who sign it, and affix the seal of the Imperial arms, in order to its having the necessary validity; if the other clearances were made in the supposition that the vessel was about to engage in licit commerce at the time when she sailed from the port of Bahia, how can it be said, that by subsequent facts, which alone proved her true destination, this nefarious voyage was encouraged and assisted in the respective Departments?

The Undersigned, &c. abstains from showing how unjust and unfounded such charges are; and he will only observe, that without more weighty reasons, the good faith and loyalty with which the Brazilian Authorities proceed in the fulfilment of their duties, ought not to be suspected. And in laying these observations before Mr. Hamilton, he avails, &c

(Signed)

ERNESTO FERREIRA FRANCA.

*H. Hamilton, Esq.*

&c. &c.

Enclosure 2 in No. 262.

*Mr. Hamilton to Senhor Franca.**Rio de Janeiro, February 12, 1845.*

THE note which Senhor E. F. Franca, &c. addressed to the Undersigned, &c. on the 3rd instant, in answer to the representation he had the honour to make to his Excellency on the 24th of last October, regarding divers irregularities observable in the clearances of the Brazilian patacho "*Bom Destino*," then recently condemned in the British and Brazilian Commission Court of this capital, has been duly received.

It will be the duty of the Undersigned, to submit this communication to the Government of Her Majesty the Queen without delay; but it is one, he apprehends, in which, while it seeks to vindicate the provincial Authorities of Bahia, that Government cannot fail to perceive principles acknowledged, and measures in conformity therewith justified and upheld, of which the direct tendency is to encourage and protect that piratical traffic in human beings which is denounced by all the civilized states of the world, and which Brazil is bound by Treaty to counteract and suppress by all the means at her command.

The Undersigned, &amp;c.

(Signed)

HAMILTON HAMILTON.

*His Excellency Senhor Ernesto F. Franca,*  
&c.

No. 263.

(Extract.)

*Mr. Hamilton to the Earl of Aberdeen.**Rio de Janeiro, February 15, 1845.**(Received April 7.)*

MY LORD,

A DIFFERENCE has recently arisen between this Government and the United States Authorities here, that at one moment appeared likely to produce a resort to extreme measures on both sides. For the present, happily, all apprehensions have subsided; what may result from the decision of the Cabinet of Washington, when cognizant of the matter, time will declare.

On the 23rd of January, the American brig "*Porpoise*" arrived at Rio de Janeiro, from Quillemane, having landed a cargo of Africans in this vicinity.

During her presence on the coast, she had acted as a tender, conveying the unfortunate natives on board the slave vessels there; and when she came into harbour here, she had on board the Captain and four of the crew of the American vessel "*Kentucky*," disposed of on the coast to another flag. The occurrences to which the "*Porpoise's*" entrance into port has given rise, are correctly stated in the accompanying memorandum.

Among the American Authorities here, an opinion prevails very generally, that the affair stands on the very best grounds possible for themselves; but that it is likely to become very serious, and, as connected with Slave Trade, very embarrassing to this people. In this case the Brazilian Government is represented, in its endeavours to foster and protect that trade, as refusing the surrender of foreigners charged with the crime of piracy against their own country. No Treaty stipulation exists, I believe, with the United States on the question of extradition; but neither is there, I believe, any Brazilian law which is hostile to it; but policy, good faith, comity, a due regard for the rights of other nations, ought to have prompted the immediate surrender, instead of such an undisguised protection, of pirates.

I have, &amp;c.

(Signed)

HAMILTON HAMILTON.

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

Enclosure in No. 263.

*Memorandum.*

ON the arrival of the brig "*Porpoise*," Commodore Turner, commanding the United States squadron, sent his boat to make the usual enquiries. While the boat was lying near the brig, a note was dropped into it, addressed to the Commodore, and signed by several of the sailors, informing him, that there were two negroes on board with false passports as passengers, who were in reality slaves. The Commodore immediately communicated the fact to the American Consul, who went to the Guarda Mor, and obtained his permission to put a guard of United States Marines in the "*Porpoise*," in order to prevent her Captain, &c. from escaping, until application could be made and decided on for their extradition. This application was made without delay, by the United States Minister, Mr. Wise, in person. The answer of Mr. Franca was, that some days would be requisite to consider the question: and when he was asked, if in the meantime the United States guard might remain on board the "*Porpoise*," he replied, that no objection would be made. Matters were allowed to continue in this state for four days and a half, when, suddenly, without any previous reply to Mr. Wise's application, or any diplomatic demand for the release of the brig, &c. the Brazilian Government sent a number of armed boats to take forcible possession of the vessel. They were compelled, however, to move off, by the officer in command of the guard. They then approached the "*Raritan*," and their Commander was permitted to go on board, but was told by the Commodore at once, that he could not speak with him until he sent away the boats. This was done forthwith; and the Commodore then asked him what he wanted. He said, that the Government had sent him to take possession of the "*Porpoise*," and release the persons on board of her. The Commodore answered, that the "*Porpoise*" must remain *in statu quo*, but that he would allow him to take from her some Brazilian passengers (agents of the slave dealers) who had only been detained until they should be asked for by the Imperial Government. The next day a formal demand for the surrender of the vessel, &c. was made by Mr. Franca, which was at first refused by Mr. Wise, unless the Government promised to re-deliver at once. The matter, however, was at length compromised, by his agreeing to give up the vessel, &c. on condition of the Government preventing the escape of the American criminals on board until the question of extradition was decided, and allowing the negroes to go free. Mr. Wise then sent in an argument upon that question; but before it reached the hands of Mr. Franca, the latter had written to Mr. Wise a note, refusing to give the vessel, &c. back to the United States Authorities. Against this decision Mr. Wise made a solemn protest; and there the matter rests, until instructions can be received from the President of the United States.

No. 264.

(Extract.)

*Mr. Hamilton to the Earl of Aberdeen.**Rio de Janeiro, February 15, 1845.**(Received April 7.)*

MY LORD,

I HAVE the honour to forward herewith the annual report presented to the Legislature now assembled, by the Minister for Foreign Affairs.

I have, &amp;c.

(Signed) HAMILTON HAMILTON.

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

&amp;c.

&amp;c.

&amp;c.

Enclosure in No. 264.

*Extract of Report presented by Senhor Franca.**Rio de Janeiro, January 13, 1845.*

BRAZILIAN AND ENGLISH MIXED COMMISSION IN THIS CAPITAL.

THE Brazilian polacca "*Bom Destino*," was captured by the British brig-of-war "*Racer*," Commander A. Reed, in latitude 13° 44' south, and longitude

38° 33' west, and taken before the Mixed Commission, where she was condemned, and the sum of reas 1,309,8330 was remitted to the Public National Treasury, being the moiety which belonged to the Imperial Government of the nett proceeds of the sale of the said polacca.

The Brazilian patacho "*Nova Granada*," of which Manoel dos Santos, a Brazilian subject, resident in this capital, is owner, was also submitted to the cognizance of that Commission, having been captured by Her Britannic Majesty's schooner-of-war "*Viper*," James Carter, Commander, in latitude 25° 1' south, and longitude 44° 17' west, on the day after her departure from the port of Santos, bound to that of Pernambuco.

The process in this case is at a stand in the Commission, because there having been a difference of opinion between the Brazilian and English Commissary Judges in their votes, the latter, notwithstanding the requisition of his colleague for proceeding to the choice of arbiters, in conformity to the Regulation of the Commission annexed to the Convention of 1817, would not consent thereto, under pretext of a correspondence on this subject existing between the British Minister and this Department for Foreign Affairs. The Imperial Government has under its serious consideration this business, in order that the respective Conventions may be strictly observed.

In the execution of the sentences of the Mixed Commission of this capital, condemning the Portuguese barque "*Maria Carlota*," and ordering the release and delivery of the Brazilian brig, "*Dous Amigos*," with her cargo, to her owner, it has been argued, that it did not belong to the Ordinary Justices of the country, and this pretension is founded on the fact, that by Article XIV. of the Regulations for the Mixed Commissions, annexed to the Convention of 1817, the execution of their sentences, does not belong either to the Municipal Judge, or to any other Authority, which does not make part of the Commissions.

There is not, however, in this Regulation, nor even in the Convention, any express and positive determination, to the effect that the execution of those sentences should be brought within the competency of the Commissions; but on the contrary, the inference to be drawn from what is expressed in Articles I., III., and VII., of the Regulation, and from Article VIII. of the Convention; is, that their jurisdiction is limited to the adjudication of the legality and validity of the detention of vessels employed in the Slave Trade; it always belonged, by paragraph 4, of the Alvara of the 26th January, 1818, to a judicial Authority of the Empire (the Judge of Contraband), whose jurisdiction is now exercised by the Municipal Judge.

To this question is to be attributed the great delay in the conclusion of the execution of the two sentences to which I refer. In the case of the "*Maria Carlota*," it has proceeded from no special rules being laid down for that Authority, who, therefore, deemed it to be his duty to regulate himself by the legislation and jurisprudence of the country, which govern the execution of the judicial sentences, which even in those affecting the State, admit questions and resources, which of necessity must retard them, as well in the first as in the second instance. The Imperial Government, in accordance with the opinion of the sections of the Council of State, for Foreign Affairs and Finance, has determined, that the part of the nett proceeds of the sale of that barque which belongs to the Government of Her Britannic Majesty, should be paid; and, in order to avoid the reproduction of embarrassments and delays in identical cases, will take such measures as it may deem advisable.

As regards the sentence upon the Brazilian brig "*Dous Amigos*," the Imperial Government, seeing that its execution could not be delayed any longer, without serious injury to the parties interested, ordered, even before the British Commissary Judge subscribed to the said sentence issued by the majority of the Mixed Commission, its transit into Chancery; and in its execution Joze Bernardino de Sa, the owner, received reas 491,8340, proceeds of the sale of the cargo and part of the rigging of the vessel; but in reference to her ruinous state, he declared, that he would only receive that which he could get for her, under protest of claiming the remainder of the value of the brig, and her cargo and appurtenances, and of all which existed in her at the time of capture and detention.

## BRAZILIAN AND ENGLISH COMMISSION IN SIERRA LEONE.

The Brazilian brig "*Isabel*," captured on the 16th of July, last year, by the English sloop-of-war "*Larne*," Commander John William Douglas Brisbane, for being employed in the traffic in Africans, was condemned by that Commission on the 21st of August, of the same year.

The Imperial Government gave instructions to its Minister in London, to claim from Her Britannic Majesty's Government the necessary orders for the functionaries who serve there as British Commissioners, to comply with their respective Regulations, from which they had deviated, as I communicated to you in my last report; and I am still unable to announce to you any satisfactory result.

[Various subjects.]

Brazil continues in peace with all nations.

The Brazilian barque "*Maria Thereza*," having been captured in the waters of the Empire, without the slightest indication of her being employed in the traffic of Africans, the captor claimed to submit this case to a British Vice-Admiralty Court, under the pretext of the said barque not having papers on board, while it is impossible to doubt their existence with reference to the documents upon which the Imperial Government founded its claim. This act being not only a manifest violation of the existing Conventions upon the Slave Trade, but also a grave offence to the national dignity, the Government insisted upon the immediate delivery of the vessel and cargo, and solicited from that of Her Britannic Majesty the issuing of the necessary orders to the English cruizers employed in suppressing the illicit traffic in Africans, to keep within the just limits of the duties imposed upon them by the said Conventions; and it is very flattering to me now to be able to inform you, that the efforts of the Imperial Government have not been in vain.

The British Authorities have received orders to restore that prize, or her value; and her owner, Antonio Joze da Graça, has already received her, under a protest for the right to claim indemnity for the losses and damages which he has suffered by that illegal detention.

The Brazilian brig "*Relampago*," captured at the entrance of the bar of Macahé by the English brig-of-war "*Dolphin*," Commander Hoare, is a similar case to that of the "*Maria Thereza*."

The reason of her detention was, the not finding the manifest of the vessel among the other papers on board; which circumstance arose from that document having been previously transmitted to that port. Having been brought here, that prize was immediately released and delivered to her lawful owners; so unjustifiable was the proceeding of the captor.

A claim which the Imperial Government instructed its Minister in London to make, is still pending upon this case.

The brig-schooner "*Sooy*," or "*Ventura*," being chased by a launch belonging to the English brig "*Racer*," under the command of Archibald Reed, on making for the port of Bahia, ran on shore, on the coast to the southward of the false bar, within the limits of the territorial jurisdiction of the Empire, and being in that state, and abandoned, was got off and captured by the above-mentioned launch, in violation of what is literally and expressly declared in Article II. of the Instructions annexed to the Convention of the 28th of July, 1817.

The captor, instead of delivering the prize to the competent Brazilian Authorities, as required by the Commanding Officer of the Central Naval Division, brought her to this port, where she was placed at the disposal of the Imperial Government, which reserved to itself the right of making whatever claim it may deem proper respecting the proceedings of the Commander of the "*Racer*." On the part of this officer it is alleged, that the brig which effected the capture saved the vessel from inevitable destruction; and they therefore claim the right to the salvage which it is customary to pay in like cases, as also the other expenses incurred with the said vessel. The Government trusts that this business will be satisfactorily settled.

If such excesses committed by the English cruizers employed in suppressing the traffic were not restrained and made good, the coasting trade, the only advantage which the national navigation has over the foreign, would be subject to most serious vexations and losses; the Conventions regarding the commerce in

Africans, which limit the right of visit and search, and only permit it on the high seas, and when that traffic is actually being carried on, would be dead letters; the national sovereignty and dignity would not be properly protected.

The Imperial Government has constantly and energetically protested and remonstrated against such abuses; and it is to be hoped, that in reference to the Instructions of the 12th of June, issued by Lord Aberdeen to the British cruizers, they will conform to the Treaties and Conventions celebrated for carrying into effect that suppression. These Instructions positively prohibit captures being made within the private jurisdiction of the respective States, without express permission from the local Authorities. The Section for Foreign Affairs of the Council of State has undertaken the examination of these Instructions, in order to enable the Government to form an adequate opinion upon them.

I have to lament that the practice still exists of detaining vessels on the high seas, on mere suspicion of their being engaged in the traffic of Africans, and carrying them to the Vice-Admiralty Courts of Demerara and the Cape of Good Hope, when they ought to be submitted to the cognizance of the Mixed Commissions.

The incompetency of those tribunals to adjudicate such prizes is clear, and the infraction of the existing Conventions between the Empire and Great Britain is manifest, against which the Imperial Government has also energetically protested, and will not cease to remonstrate until measures entirely in accordance with the good faith of the Treaties be adopted.

In the latter hypothesis, besides other cases, is the schooner "*Vencedora*," alias "*Tartaruga*," captured by the English brig-of-war "*Frolic*," to the northward of Campos, with Africans on board, under the pretext of not finding papers and documents which might prove her nationality; there being, however, sufficient means of finding out whether she belonged to a Brazilian subject or to a foreigner residing in the Empire, as well by the declarations of the persons on board, as by the Departments whence clearances, passports, &c. are expedited. These are proceedings so much the more unjustifiable, inasmuch as to legalize them, Acts passed in the English Parliament are cited.

The Portuguese brig "*Cacador*" was apprehended in the river Bertioga, by a boat belonging to Her British Majesty's brig "*Frolic*," by order of the Commander of the English corvette-of-war "*Curacoa*," at the request of the Acting Chief of Police of Santos, from information of her having landed Africans in the neighbourhood of that city. In virtue of Article II. of the Instructions annexed to the Additional Convention to the Treaty of the 22nd January, 1815, this cause was submitted to the ordinary Justices, who pronounced the Master and the Owner to have incurred the penalties of the Law of the 7th of November, 1831, ordering the brig to be put in deposit until final adjudication.

Notwithstanding the precautions taken by the Government to avoid disagreeable occurrences between the inhabitants of the sea shore of the Empire, and the crews and British officers employed in suppressing the commerce in Africans, still some conflicts have taken place; and among the number, I deem it my duty to inform you of one of a grave nature. I refer to the barbarous assault committed near a place called Boqueirao, of the city of Santos, between 6 and 7 o'clock on the evening of the 5th January of last year, upon W. A. Willis, Commander of the English brig-of-war "*Frolic*," Francis May, and Richard Byrne, the former the Master, and the latter steward of the said brig, an assault which is imputed to some seamen of the crews of two vessels at anchor at the time in the port of Santos.

As soon as the President of the Province of St. Paul heard of this horrible crime, he ordered the Acting Chief of Police to go immediately to Santos, and proceed with all the rigour of the laws against the aggressors; and already all the measures for facilitating this object had been taken, when this affair, from its grave nature, was recommended by the Imperial Government. The individuals who were taken into custody for this crime, were placed at the disposal of the Judge of the British Conservatorial Court in this capital; and all the papers and judicial proofs which had been taken for the formation of the indictment against the defendants, were forwarded to the same tribunal. Joze Maria Renovar, Master of the national patacho "*Emprehendedor*," Manoel Diogo de Brito, a seaman belonging to the same vessel, and Manoel Rodriguez Mereira, one of the crew of the national smack "*Constancia*," were pronounced guilty in that privileged

CLASS B.



Court, but were afterwards acquitted by the Relacao. Her British Majesty's Minister considering this result very unsatisfactory, insists, that according to the existing stipulations between Brazil and Great Britain, it did not belong to the Relacao of this capital to take cognizance by means of this appeal of the sentence pronounced by the Judge Conservator of the English nation, but to the Supreme Tribunal of Justice, the first tribunal of the country, which, in his opinion, ought to substitute in this case the Caza da Supplicacao, to which that recourse was formerly had. It being certain, however, that by the old legislation the sentences of that Court could only be appealed from to a Tribunal of Ultimate Instance, it is therefore unquestionable that this recourse belonged to the Relacao, which, by Article CLVIII. of the Constitution of the Empire is the Tribunal of the Second and Ultimate Instance, for which the Supreme Tribunal of Justice is entirely incompetent from its very organization; therefore the claim of the said Minister is inadmissible.

Various other processes in which British subjects are interested were transmitted to the British Conservatorial Court, to which their cognizance belonged in virtue of Article VI. of the Treaty celebrated between Brazil and Great Britain, on the 17th August 1827; but, this privilege having terminated on the 10th November last, with the cessation of the dispositions of the above-mentioned Treaty, His Majesty the Emperor was pleased to approve the opinion of the Section of Justice of the Council of State on this subject, ordering that all the books and papers of the Conservatorial Court should be transferred to various Judicial Authorities. Her Britannic Majesty's Legation protested against the cessation of the privileged jurisdiction of the English nation in the Empire, and against the destination given to the books, processes and other papers, grounding this objection upon the above cited Article VI. of the Treaty of 1827. It being however incontestible, that the consent to a satisfactory substitute of which that Article speaks, could never go beyond the period marked for the existence of the Treaty which granted the privilege for the causes of British subjects, the Imperial Government considered that the time had arrived to put a stop to this anomaly in the judicial system of Brazil.

The Government of Her Britannic Majesty ordered the sum of 1,600,000 reas to be paid to the Brazilian subject Antonio Goncalves da Luz, being the value of his two slaves, Joze and Francisco, who were part of the crew of the slave vessel, "*Dous de Fevereiro*." Other claims with which the Imperial Legation in London was entrusted, have not as yet met with the same result.

These, august and most worthy Representatives of the Nation, are the subjects which I have deemed it right to bring under your notice. Desirous of employing all my efforts in order to correspond to the confidence with which His Majesty the Emperor has been pleased to honour me, and of serving the nation faithfully, I am ready to furnish you with any information which may be compatible with the important affairs treated of by this Department, and which may not prejudice the march of pending negotiations.

(Signed) ERNESTO FERREIRA FRANCA.

No. 265.

*Mr. Hamilton to the Earl of Aberdeen.*

*Rio de Janeiro, February 15, 1845.*

*(Received April 7.)*

MY LORD,

WITH reference to the annual relatorio of the Minister of Foreign Affairs, transmitted in my Despatch of this date, I have the honour to solicit your Lordship's attention to the note enclosed herewith, which it appeared to me expedient to address to Senhor Franca, in order to point out some glaring errors remarkable in that official and public document.

These errors occur in the statement therein put forth of the cases and adjudications in the Court of Mixed Commission, in the course of last year.

The statement in question affords another irrefragable proof, where certainly none was wanting, of the very imperfect attention given by his Excellency, not

only to the correspondence addressed to him, but to other affairs also coming specially within his province.

I have, &c.

(Signed) HAMILTON HAMILTON.

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

&c. &c. &c.

Enclosure in No. 265.

*Mr. Hamilton to Senhor Franca.*

*Rio de Janeiro, February 6, 1845.*

At a recent conference with the Minister of Foreign Affairs, the Undersigned, &c. when alluding to the annual relatorio just laid before the Legislature by his Excellency, had the honour to observe to him, that in the notice there taken of the labours of the Court of Mixed Commission during the past year, there were apparent an omission and some inaccuracies, which he would take the liberty to point out on a future day. The Undersigned now proceeds to perform that duty.

In the first item, mentioning the capture of the Brazilian polacca "*Bom Destino*," there is omitted the very notable fact, that it was distinctly proved at her trial, that when she landed her cargo of Africans near Bahia, she was navigating with Brazilian papers, furnished to her by Senhor Vasconcellos, the President of the Province of Bahia.

In respect of the second process alluded to by the relatorio, that of the "*Nova Granada*," concerning which any notice whatever, to say the least, was premature, seeing that the case is still *sub judice*, the reasons alleged for the stoppage of that process are inexact. Although the Brazilian Commissary Judge has pronounced his opinion of the case, the vote of the British Commissary Judge has not yet been given. Two circumstances have prevented it: first, the refusal, and then the delay, of the Brazilian Government to order their Commissioners to open the sealed documents filed in evidence—a measure which was effected with two only of them at the last session of the Board; and secondly, the refusal of the Brazilian Commissary Judge to be guided in forming his judgment in the case by that interpretation of Article I. of the Treaty of 182A, which the two Governments have admitted, namely, that slave equipments found on board Brazilian vessels constitute just grounds for the detention and condemnation of such vessels. This last impediment was notified to Senhor Franca by the Undersigned in his note No. 94, of last year, when, in order to do away with it, the Brazilian Government were invited to reiterate the instructions they issued to the Brazilian Commissary Judge in the year 1839, founded on the above-mentioned interpretation of the Treaty of 1827. No order of this nature appears as yet to have been issued, neither has any reply been made to the Undersigned on the subject.

These are the real causes, as seen in the correspondence, which have arrested the procedure concerning the "*Nova Granada*," and not those set forth in the relatorio. Opportunity will not be wanting to his Excellency, and will doubtless be taken advantage of, to rectify this mis-statement, which at present wears the appearance of an unfair attempt to fix the odium of delay on the British branch of the Commission.

With reference to the "*Maria Carlota*," the next case introduced—the delays in the execution of the sentence pronounced on that vessel, which it is assumed arose from an erroneous interpretation of Article XIV. of the Regulations attached to the Convention of 1817, had altogether another origin, namely, an unwarrantable exercise of jurisdiction over the sentences of the Court by the law tribunals of this country—a power still maintained and submitted to by the present Administration, notwithstanding the Imperial Decree in Council, of October 13, 1843.

The interpretation of Article XIV. of the Regulations which is assumed to be erroneous, namely, that it is not competent to the Ordinary Justices of the country to execute the sentences of the Mixed Court, was never advanced during the adjudication of the "*Maria Carlota*." That interpretation—one

which the Undersigned is still of opinion was correct—constitutes the subject matter of the note of the Undersigned to his Excellency, No. 51, of last year, a note that remains unanswered.

As regards the "*Dous Amigos*," the sentence of the Court was signed by the British Commissary Judge in the month of March last, and it was forthwith transmitted for execution to the Municipal Judge, without the slightest reference to Article XIV. of the Regulations—a reference declared by Senhor Franca to have been an impediment to the execution of the sentence on that vessel.

The Undersigned, &c.

(Signed)

HAMILTON HAMILTON.

*His Excellency Senhor Ernesto F. Franca,*  
&c.

No. 266.

*Mr. Hamilton to the Earl of Aberdeen.*

*Rio de Janeiro, February 15, 1845.*

*(Received April 7.)*

MY LORD,

REQUESTING reference to preceding Despatches on the case of the Brazilian slaver "*Nova Granada*," I have the honour on the present occasion to bring under your consideration the copy of an instruction from the Minister of Foreign Affairs to the Brazilian Commissary Judge, dated the 3rd of last December, concerning the opening of two of the sealed letters found on board that vessel at the time of her capture, together with a note addressed by me to Senhor Franca, conveying a strong remonstrance on the nature of that instruction.

Three other notes also are submitted herewith to your Lordship, urging on his Excellency the desirableness of an early injunction to the Brazilian Commissary Judge, to conform his judgment in the present instance to the instruction issued to him in the case of the "*Maria Carlota*;" and likewise, seeing the perishable nature of the property, that the hull and cargo of the prize be sold at public auction, without further loss of time.

To none of these notes, however, has his Excellency condescended to reply; nor is it apparent that any measures in the sense of the suggestions pressed on him, have yet been taken. The case of the "*Nova Granada*" is, therefore, still in Court; and the period of her final adjudication cannot yet be guessed at. All this inaction is greatly to be regretted, for the inconveniences and expenses attendant on it are considerable, and continually increasing.

I have, &c.

(Signed)

HAMILTON HAMILTON.

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

&c.

&c.

Enclosure 1 in No. 266.

(Translation.)

*Senhor Franca to Senhor de Campos.*

*Palace of Rio de Janeiro, December 3, 1844.*

I ACKNOWLEDGE the receipt of the Despatch which you addressed to me on the 11th of last month.

Under date of the 22nd of the above-mentioned month, the doubt which had arisen in the Commission regarding the payment of the stamp duty of the documents referred to in your said Despatch, was solved. With regard to the other part of your letter, which refers to the Despatches sealed with the Imperial Arms, that were found on board the Brazilian prize "*Nova Granada*," addressed by the Inspector of the Brazilian Custom House of Santos, to the Inspector of the Custom House, and Administrator of the Export Office, of Pernambuco, they being probably manifests and permits which may be of use for the information of the Mixed Commission, and offer grounds for its just decision, His Majesty the Emperor, after hearing the Section for Foreign Affairs of the Council of State, was pleased to determine, that the said Despatches be opened; ordering

at the same time, that no Despatch be opened, addressed to Brazilian Authorities, and found on board of prizes submitted to the cognizance of the Mixed Commission, without previous permission be obtained from the Imperial Government.

God preserve you!

(Signed)

ERNESTO FERREIRA FRANCA.

*Senhor Carneiro de Campos,  
Brazilian Commissary Judge in the Mixed Court.*

Enclosure 2 in No. 266.

*Mr. Hamilton to Senhor Franca.*

*Rio de Janeiro, December 17, 1844.*

HER Majesty's Commissioners of the Mixed Court have transmitted to the Undersigned, &c. a copy of an instruction, dated 3rd instant, from Senhor E. F. Franca, &c. to their colleague in that tribunal, regarding two of the sealed letters found on board the slaver "*Nova Granada*," said to be written by the Custom House officer at the port of Santos, to a like functionary at the port of Pernambuco, which letters are surmised to contain certain manifests and permits of the articles detected on board the above-named vessel.

The declaration of the Council of State, that all similar documents shall only be opened by the Mixed Commission with the consent and permission of the Imperial Government, appears to the Undersigned highly objectionable.

The independent examination of the papers of vessels brought within the jurisdiction of the Mixed Court, belongs to it by virtue of Article III. of the Regulations of the Treaty of 1817. The right, then, thus arrogated by the Brazilian Government to deny or qualify such prerogative, is consequently mischievous and untenable, destructive of that entire free exercise of the functions of the Commissioners which was guaranteed by the High Contracting Parties at the first establishment of the Mixed Commission in this capital.

The Undersigned cannot permit that proceeding, nor others of a similar character and tendency, to pass without urgent remonstrance on his part. He persuades himself, that on more mature consideration the Brazilian Government will perceive the great inaptitude of the declaration issued by the Council of State, and that the Minister for Foreign Affairs will be induced to withdraw the instruction based thereon, which is the motive of the present communication.

The Undersigned, &c.

(Signed)

HAMILTON HAMILTON,

*His Excellency Senhor Ernesto F. Franca,  
&c. &c.*

Enclosure 3 in No. 266.

*Mr. Hamilton to Senhor Franca.*

*Rio de Janeiro, December 17, 1844.*

THE British Commissioners have sent to the Undersigned, &c. the minute of the session of the Mixed Court on the 6th instant, concerning the slave vessel "*Nova Granada*." A copy of this paper is transmitted herewith to the Minister for Foreign Affairs, as a reminder of the note addressed to his Excellency on the 4th instant, on that subject.

The concluding paragraph of the note in question, alluding to the perishable nature of the property on board the "*Nova Granada*," and to the delays to be apprehended in adjudicating the vessel, suggested the immediate sale of that property. Senhor Franca not having yet replied to the note, the Undersigned must believe there is no present probability of arresting those delays; and he here reiterates most strenuously the suggestion, that the cargo be disposed of by auction, without any further loss of time.

To the motives which render this measure so expedient, and which are given in detail in the note of the Undersigned, No. 94, must here be added the fact, that no Brazilian claimant has yet qualified himself before the Court.

The Undersigned, &c.

(Signed)

HAMILTON HAMILTON.

*His Excellency Senhor Ernesto F. Franca,*  
&c.

---

Enclosure 4 in No. 266.

*Mr. Hamilton to Senhor Franca.*

*Rio de Janeiro, January 27, 1844.*

THE Undersigned, &c. has had the honour, on frequent occasions, both by note and in conference, to address his Excellency Senhor E. F. Franca, &c. in the most urgent manner, concerning the slave ship "*Nova Granada*," calling on his Excellency for such a decision on the point submitted to him as would enable the Mixed Court to proceed without further delay to the final adjudication of the said ship, or, at least, for his assent to the sale by auction of the property in dispute, in order, seeing the perishable nature of the cargo, to preserve it from further deterioration. Other reasons also were alleged, showing why an early decision was desirable. All these representations of the Undersigned appear to have failed in their object.

The pertinacious silence preserved by Senhor Franca may fairly be interpreted as a refusal to comply with the demands of the Undersigned; still, as it is most desirable that the report on the subject which it will be his duty to make to his Government by the packet which sails next week, should leave nothing to conjecture, he has the honour to call once more on his Excellency for an injunction to the Brazilian Commissary Judge that shall put an end to the inconvenient and reprehensible delay of the Mixed Court in adjudicating in the case of the "*Nova Granada*;" or, for his assent to the sale by auction of the property; or, at any rate, for some immediate and definite reply to his communications.

The Undersigned, &c.

(Signed)

HAMILTON. HAMILTON.

*His Excellency Senhor Ernesto F. Franca.*  
&c.

---

Enclosure 5 in No. 266.

*Mr. Hamilton to Senhor Franca.*

*Rio de Janeiro, February 10, 1845.*

SEVERAL notes have passed recently from Her Majesty's Legation to the Brazilian Department of Foreign Affairs, inviting his Excellency Senhor E. F. Franca, &c., presiding over that Department, to hasten a decision regarding certain points mooted in the case of the "*Nova Granada*," with a view to an early adjudication of that vessel in the Court of Mixed Commission. To these notes it has not pleased his Excellency to return any answer. This invitation has been reiterated, likewise, at several conferences which the Undersigned, &c. has had the honour to hold with his Excellency.

On the last occasion, being pressed by the Undersigned in a very urgent manner, by reason of the dangerous state of health of the British Commissary Judge, which renders a temporary but immediate removal of that functionary from Rio de Janeiro indispensable, such removal, at the same time, being next to impossible so long as his Excellency's decision is not communicated to the Mixed Court, Senhor Franca did engage to act in accordance with the wishes of the Undersigned. Ten days have elapsed since, and his Excellency is still silent.

Although the Undersigned has too frequently occasion to regret a want of

that attention to his communications, whether made in conference or by note, which he has an unquestionable right to expect from the Minister of Foreign Affairs, still, in the present case, the Undersigned had encouraged a hope, that from motives of sympathy, Senhor Franca would have been led to make such a statement relative to the subject under consideration, as would not fail to render any later appeal to him altogether unnecessary. Disappointed in that hope, the Undersigned feels himself once more reluctantly compelled to enquire what decision his Excellency may have come to regarding the points submitted to him in the notes from the Undersigned, Nos. 94 and 103 of last year, and No. 7 of the current year.

The Undersigned, &c.

(Signed)

HAMILTON HAMILTON

*His Excellency Senhor Ernesto F. Franca,*  
&c.

&c.

No. 267.

*The Earl of Aberdeen to Mr. Hamilton.*

SIR,

*Foreign Office, April 19, 1845.*

I HAVE received your Despatches of the 15th February last, and I approve of the note which you addressed, on the 6th of February last, to the Brazilian Minister for Foreign Affairs, placing on record the inaccuracies and omissions in the annual relatorio of that Minister.

I am, &c.

*H. Hamilton, Esq.*  
&c.

(Signed) ABERDEEN.

No. 268.

(Extract.)

*Mr. Hamilton to the Earl of Aberdeen.*

*Rio de Janeiro, March 22, 1845.*

*(Received May 8.)*

MY LORD,

ON the 12th instant a notification was addressed to me by the Minister for Foreign Affairs, that under the stipulations of the Slave Trade Conventions between Great Britain and Brazil, the Convention of July 28, 1817, would cease to have force and effect from the day following, and that, consequently, from that date, namely the 13th of the month, would cease and determine the right of visit and search provided for by the said Convention of July 28, 1817, as well as all other provisions comprehended therein, or in the Additional Articles, the Instructions, &c., annexed thereto. And the notification also explained, that the Brazilian Government had agreed, that the British and Brazilian Courts of Mixed Commission established in this capital and Sierra Leone, should continue in the exercise of their authority for six months longer, that is, until the 13th of September next, in order to a final arrangement of all cases and questions yet undetermined, and of any others to be brought into Court that might have occurred previously to the said 13th of March.

On the 15th instant, also, a notification of the cessation of the right of visit and search was made by the Minister of Justice to the supreme legal tribunals of the capital, and to the Presidents of maritime provinces, but accompanied by an injunction, that until some specific regulation should be organized for the adjudication of vessels captured on account of illicit trade in slaves, the ordinary courts of law of the Empire should be competent to take cognizance of such acts.

We have yet to see how far these new measures contemplated by the Brazilian Government for putting down the contraband, may be successful; but thus far it cannot be denied, that although they have been pledged by Treaty to abolish it within a stated period of time, that abolition has not been accomplished; that, on the contrary, it has flourished, and continues to flourish, under the connivance of the Authorities, in the face of all engagements, however solemn; and it seems

an admissable question whether, looking to this abandonment of their engagements, the Conventions on Slave Trade between the British and Brazilian Crowns ought not to be considered as remaining in full vigour.

Of the two documents mentioned above, I have the honour to enclose copies My answer to the first, contained simply an acknowledgment of receipt, and an assurance that it should be laid before Her Majesty's Government without delay.

I was thus measured in my reply to Senhor Franca, because his Excellency had stated to me, a short time before the above notification was made, but without any allusion to it, that the Brazilian Government are preparing for the consideration of the Legislature new measures for the better suppression of slave traffic; and it appeared to me of advisable to enter prematurely into discussion on this important matter.

I have, &c.

(Signed) HAMILTON HAMILTON.

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

&c. &c. &c.

Enclosure 1 in No. 268.

(Translation.)

*Senhor Franca to Mr. Hamilton.*

*Palace of Rio de Janeiro, March 12, 1845.*

As from to-morrow, the 13th of the current month of March, 1845, the 15 years will be completed during which, according to the Conventions between Brazil and Great Britain in regard to the abolition of the traffic in slaves, the Convention of the 28th July, 1817, still continued in force, from that day the right of visit and search consequently ceases, as well as all the other stipulations contained in the above-mentioned Convention of the 28th of July, 1817, the Additional Articles, Instructions, and Regulations annexed thereto. The Undersigned &c. has received an order from His August Majesty, to communicate to Mr. Hamilton Hamilton, &c. that, attending to the fact, that by an understanding between the two High Contracting Parties it was agreed to allow the period of six months for Brazilian vessels employed in the traffic to return unmolested to the ports of the Empire, provided they had left the coast of Africa before the 13th of March, 1830, on which day, according to the Convention of the 23rd of November, 1826, this traffic was to cease entirely, the Imperial Government will not hesitate to agree, that the Brazilian and English Mixed Commissions established in this capital and Sierra Leone continue for six months longer, which period will expire on the 13th of September of this year, for the sole purpose of concluding the adjudication of the cases pending, and of those which may perchance have occurred before the above-mentioned 13th day of March of the current year.

The Undersigned, &c.

(Signed)

ERNESTO FERREIRA FRANCA.

*H. Hamilton, Esq.*

&c. &c.

(Translation.)

Enclosure 2 in No. 268.

*Extract from the Jornal do Commercio, March 18, 1845.*

Department of Justice.

MOST ILLUSTRIOUS AND EXCELLENT SIR,

*Palace, March 15, 1845.*

THE period of 15 years, during which, as I have just been informed by the Minister for Foreign Affairs, according to the Conventions between Brazil and Great Britain in regard to the abolition of the traffic in slaves, the Convention of the 28th July, 1817, still remained in force, having expired on the 13th instant; and, as the right of visit and of search ceased, in consequence thereof, after that day, as also all the other stipulations, Instructions, and Regulations thereto annexed, I communicate the same to your Excellency, for

your information and for that of the Supreme Tribunal of Justice—as also, that, until a fit regulation in regard to the adjudication of captures made on account of the illicit commerce in slaves to be adopted, such processes are of the competence of the ordinary tribunals of the country.

God preserve, &c.

(Signed) MANOEL ANTONIO GALVAO.

Senhor Joze Bernardo de Figueiredo,  
&c.

&c.

In the same conformity to the President *ad interim* of the Relação of the capital, and by circular to the Presidents of the maritime provinces.

(Translation.)

Enclosure 3 in No. 268.

*Extract from the Jornal do Commercio of March 19, 1845.*

The traffic, and the right of search.

IN one of the last sessions of the House of Peers in France, M. Guizot, Minister for Foreign Affairs, replying to a question from Count Molé, regarding the negotiations upon the right of visit, expressed himself in the following terms:—

“Since the last session, I have followed up the negotiation with which I was charged. I represented to the English Government the necessity of procuring, in order to attain the common end of the abolition of the traffic, other measures than those employed up to the present time, measures which have become inefficient, and at the same time compromise the two countries.

“The English Government understood my motives. Mixed Commissions are about to be charged with seeking in common new measures to repress the traffic. Such is the state of this question, as completely settled as it could be at this time.”

The words of M. Guizot show that the British Government has already admitted in thesis the revision of the Treaties of 1831 and 1833, which established the reciprocal right of visit between France and England for the suppression of the traffic. The appointment of Mixed Commissions to seek and agree upon, in common, new measures for the suppression of the traffic, is, in fact, an acknowledgment of the truth of the assertion made by M. Guizot, that the right of visit, besides being inefficient, compromises the two countries.

A short time, therefore, will be necessary for France to acquire the entire abolition of the right of visit. This will be another triumph of public opinion. The right of visit between France and England continued, from 1831 to 1842, unnoticed by the Chambers, and, perhaps from the necessity which the Government of Louis Philippe had of consolidating itself; but the attempt to extend, by a new Treaty, the zones in which it ought to be exercised, was fatal. The French Chambers, not content with having prevented the ratification of this Treaty, required the abolition of the reciprocal right of visit; and the Chamber of Deputies, by a unanimous vote, obliged the Minister for Foreign Affairs to announce, that he would enter, frankly and loyally, into a negotiation to obtain that abolition.

It is here proper to remark, that the Treaties of 1831 and of 1833 between France and England, had no term of duration; they are perpetual; and, notwithstanding this, they will shortly be revoked.

Brazil, by a fortunate event, which we cannot sufficiently applaud, and which, in the neglected state of our affairs, we cannot even explain, only admitted the right of search for a limited term.

This term expired on the 13th of the present month. The Treaty of 1826 between Brazil and Great Britain, stipulated that the abolition of the traffic in slaves should be verified three years after the exchange of the ratifications.

This exchange took place on the 13th of March, 1827, and, consequently, the illicit traffic became totally abolished in Brazil from the 13th of March, 1830, forward.

By the above-mentioned Treaty of 1826, the Treaties regarding the traffic which existed between England and Portugal were adopted and renewed between Brazil and Great Britain, as also the Convention of the 28th July,

CLASS B.



1817, which establishes the right of visit and the Mixed Commissions. Happily, however, this Convention is not perpetual: a separate Article annexed to it establishes that when the total abolition of the traffic in slaves shall be verified, the High Contracting Parties shall adapt, by common accord, their stipulations to the new circumstances; but that, should no other arrangement be made, the Convention should remain valid until the expiration of 15 years, reckoned from the day on which the traffic in slaves was totally abolished.

That this is the lawful duration of the Convention of 1817, is not a mere opinion of the Imperial Government. In this respect we know that the Government of Great Britain is agreed; for we are assured, that during Lord Palmerston's Administration, it was officially recognized by him, after having consulted the law officer of the Crown, that the Conventions of 1817 and their stipulations ought to terminate in 15 years, reckoned from the 13th March, 1830.

We are, therefore, certain, that the resolution taken by the Imperial Government, and announced in the *Jornal do Commercio* of yesterday, which gives the Convention of 1817 as terminated, neither will, nor can be, contested by the Government of Great Britain.

The right of search which the English cruizers exercised over our merchant vessels has consequently terminated; and it is not to be presumed, that it will be again permitted at a time when those nations which established it perpetually are treating of abolishing it. We trust, therefore, that the two Governments of Brazil and Great Britain will, without desisting from the honourable enterprise of suppressing the traffic, adopt measures other than the right of visit which experience has demonstrated to be completely inefficient, despicable, and destructive of all kindly feeling between the two nations.

It is a motive for congratulation as regards our national commerce, which is thus freed from the vexations to which it has been subjected by the violence of the British cruizers, and which would have annihilated it entirely; and it is also a motive for us sincerely to congratulate the English merchants established in the country, to whom the new order of things cannot but be advantageous.

No one is ignorant of the progressive prosperity of British commerce in Brazil, since 1808, of the benevolence which all Englishmen met with, of the confidence with which they came to the country, and of the good reception and preference which they encountered; but every one knows also, that from 1835, the period when the violences of the British cruizers commenced, and were exercised without measure, and even in contempt of the Treaties, that confidence and mutual kindly feeling began to be weakened, and an irritation of the minds appeared, which unhappily manifested itself more than once in acts, and which at length might have produced the most fearful consequences.

We, who acknowledge how advantageous the produce of the industry of England and its capital is to Brazil; we, who believe that no foreign commerce is more useful to the country, desire that the former good feeling be re-established; and therefore, we sincerely wish that the right of visit, happily terminated, be interred for ever.

No. 269.

*The Earl of Aberdeen to Mr. Hamilton.*

SIR,

*Foreign Office, May 14, 1845.*

YOUR Despatch, Slave Trade, of the 22nd March, forwarded by Her Majesty's ship "Viper," and enclosing a copy of the notification which you have received from the Minister for Foreign Affairs, with respect to the cessation of the Treaty of 1817 between Great Britain and Brazil, reached this Office on the 8th instant.

It is rather for the purpose of apprizing you, that that Despatch has been received, and that the important announcement conveyed in it is under the consideration of Her Majesty's Government, than to furnish you with any present instructions for your conduct, that I take advantage of the early departure of Her Majesty's ship "Melampus" to address this Despatch to you.

Her Majesty's Government had hoped,—and your Despatch of the 15th of February last in some measure confirmed that hope,—that the Government of Brazil, conscious how inadequately the object of all their engagements with this

country upon the subject of the Slave Trade has been carried out, and how far we are from having accomplished the abolition of that trade under the Brazilian flag, would have been slow to give an interpretation to their obligations which could not fail to impart new energy and confidence to the slave dealers, and, if acquiesced in by Her Majesty's Government, to place them beyond the reach of the only means of repression which have hitherto been found effective in Brazil.

The expectations of Her Majesty's Government, however, have, unfortunately, been disappointed; and it now becomes necessary for them to determine the course which, after the notification put forward by the Government of Brazil, it will be the duty of this country to pursue, in order to secure the due fulfilment of existing engagements.

I shall take the earliest opportunity of informing you of the decision of Her Majesty's Government.

H. Hamilton, Esq.  
&c. &c.

I am, &c.  
(Signed) ABERDEEN.

No. 270.

*Mr. Hamilton to the Earl of Aberdeen.*

*Rio de Janeiro, March 29, 1845.  
(Received May 19.)*

MY LORD,

MY Despatch of the 15th ultimo, conveyed to your Lordship a further correspondence between this Legation and the Brazilian Government, relating to the Africans Andre and Jacob, and their restitution to the individuals assuming to be their proprietors. I have the honour to transmit, on the present occasion, the rejoinder of the Minister of Foreign Affairs to my last communication on the subject of these individuals, enclosed under No. 5, in the Despatch above-mentioned. His Excellency reiterates in this note the demand of restitution.

I have, &c.  
(Signed) HAMILTON HAMILTON.

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

Enclosure in No. 270.

(Translation.)

*Senhor Franca to Mr. Hamilton.*

*Palace of Rio de Janeiro, March 11, 1845.*

THE Undersigned, &c. acknowledges the receipt of the note No. 10, dated the 4th of February last, which Mr. Hamilton Hamilton, &c. addressed to him, and in which, referring to the note of the 29th January from the Undersigned, claiming the restitution of the two slaves Andre and Jacob, the property of the Brazilian subjects, Antonio Joze Gomes Moreira and Vicente Thomas dos Santos, Mr. Hamilton communicates, that he will, without delay, transmit the said note to Her Britannic Majesty's Government.

With reference to what Mr. Hamilton communicates in the note to which the Undersigned has the honour to reply, he does not deem it necessary now to add anything to what was stated in his above-cited note of the 29th of January, to which he refers, awaiting the decision of Her Britannic Majesty's Government, which the Undersigned is certain will be in every way conformable to the principles of justice.

The Undersigned therefore trusts, that the Government of Her Britannic Majesty will give its attention to the arguments on which that note was founded, as they are incontestably of great weight, inasmuch as they are based on Article VI. of the Instructions given to the vessels-of-war of the two High

Contracting Parties employed in the suppression of the traffic in slaves, and on the Law of the 7th of November, 1831, which expressly excepts the emancipation of the slaves matriculated in the service of vessels belonging to a country wherein slavery is permitted. And he is certain that so just a claim will not be neglected, but that an order will be given for the delivery to the said claimants of their slaves, so long detained by the British Authorities, or, in lieu thereof, an indemnity proportional to so direct an offence against their property.

The Undersigned, &c.

(Signed)

ERNESTO FERREIRA FRANCA.

H. Hamilton, Esq.  
&c. &c.

No. 271.

*Mr. Hamilton to the Earl of Aberdeen.*

*Rio de Janeiro, March 29, 1845.*

*(Received May 19.)*

MY LORD,

I HAVE the honour to lay before you a representation from the Minister of Foreign Affairs, respecting certain recent proceedings at the islands of Santa Anna, involving a violation of the Imperial territory, in which it is assumed a party of Her Majesty's subjects have been concerned.

Having invited Commodore Purvis to institute an enquiry into the movements of any of Her Majesty's cruizers in that quarter, I have received from that officer the accompanying copy of a letter addressed to him by Captain Hamilton, of Her Majesty's ship "Frolic," the only vessel under his orders that could have been there at the time stated, showing, so far as any of the "Frolic's" boats are concerned, the very exaggerated nature of the representation made to me.

This communication from Senhor Franca affords a proof, when indeed none was wanting, of the ready disposition of the Brazilian Government to receive, on all occasions, the complaints brought forward by the local Authorities on the coast, tending to show the delinquency of Her Majesty's subjects employed in Her Majesty's squadron on this station.

Captain Hamilton's statement has been transmitted to the Foreign Department.

I have, &c.

(Signed)

HAMILTON HAMILTON.

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

&c.

&c.

&c.

Enclosure 1 in No. 271.

(Translation.)

*Senhor Franca to Mr. Hamilton.*

*Palace of Rio de Janeiro, January 18, 1845.*

THE Undersigned, &c. has just been informed, by a Despatch from the Vice-President of the Province of Rio de Janeiro, in consequence of a communication from the Delegate Chief of Police of the town of Macahé, dated the 14th of the present month, that a boat and a launch had anchored at the islands of Santa Anna, their crews, to the number of 20 armed men, all English, disembarked, and erected a tent on the island, establishing a telegraph; and that on the date of the above-mentioned Despatch, they had taken a fishing launch, and carried her to the said island, where she remains, with the persons who were in her.

In consequence of such report, the Undersigned hastens to beg Mr. Hamilton Hamilton, &c. to furnish him, with as little delay as possible, with the necessary information regarding a proceeding, which if true, is not only extremely irregular, but is a violation of the territory of the Empire, in order that the Undersigned may, with a perfect knowledge of the affair, proceed as he may deem most proper.

On this occasion he reiterates, &c.

(Signed)

ERNESTO FERREIRA FRANCA.

H. Hamilton, Esq.  
&c. &c.

Enclosure 2 in No. 271.

*Commander Hamilton to Commodore Purvis.*

SIR,

*"Frolic," Rio de Janeiro, February 28, 1845.*

I HAVE the honour to acknowledge the receipt of your letter, dated February 22, relative to a communication from the Brazilian Government, complaining of certain irregularities on the part of the crews of two boats, said to be English, who had landed on the islands of Santa Anna.

With reference to this communication, so far as Her Majesty's sloop "Frolic," under my command, is concerned, I have to state as follows:—

First, regarding the landing of armed men; the only occasion when this can be said to have happened was, at the burial of a petty officer, when myself and officers landed with our side arms, but when the individuals of the ship's company who attended were without arms.

Secondly, with regard to the erection of a hut, I beg to state that the only hut or place of shelter I saw on the island, was there when we landed.

Thirdly, regarding the complaint of having established a telegraph; nothing of the sort was done by my boat's crew; but a tree there, which had been stripped of its branches, seemed at former periods to have been used by the natives, or others, for that purpose.

With regard to the fourth complaint, relative to the detention of a fishing boat, I beg to state, that the boat detained by the "Frolic" had not the smallest pretension to being called a fishing boat; she was, on the contrary, actually engaged in the Slave Trade, having been employed towing, and otherwise assisting, a full slaver, away from me towards Macahé, on the 14th, the day mentioned; the boat had not so much as a fishing-line in her; and the men in her confessed their occupation before myself and officers; she was liberated just after entering the territorial waters. The burial occurred on the 25th January, 1845.

I have, &amp;c.

(Signed)

C. B. HAMILTON, *Commander.**Commodore Purvis,*

&amp;c.

&amp;c.

No. 272.

*The Earl of Aberdeen to Mr. Hamilton.*

SIR,

*Foreign Office, June 4, 1845.*

THE attentive consideration of Her Majesty's Government has been given to the subject of your Despatch, Slave Trade, of the 22nd March last, enclosing copy and translation of a notification made to you on the 12th of that month, by Senhor Ernesto Ferreira Franca, that under the Conventions between Great Britain and Brazil for the abolition of the traffic in slaves, the several stipulations contained in the Convention of the 28th July, 1817, its Additional Articles, Instructions, and Regulations would cease on the 13th of March last, that is, on the day following the date of that notification; but that the Brazilian Government would willingly agree, that the Brazilian and British Mixed Commissions established at Rio de Janeiro and Sierra Leone shall continue for six months longer, for the sole purpose of concluding the adjudication of cases pending, and of those which have occurred before the above-mentioned 13th day of March.

You will, immediately on the receipt of this Despatch, present to the Brazilian Government a note, of which the draft is enclosed; and you will inform me of the day on which it is presented.

You will see by the draft in question, that Her Majesty's Government admit that the Convention of 1817, with all its Annexes, are at an end from the above-mentioned date; that they agree to the continuance of the Mixed Commissions until the 13th of September next, for the purpose proposed by the Brazilian Government; and that they consider that the only course now open to them is, to appeal to the rights and obligations which attach to Her Majesty under the Article I. of the Convention of 1826.

I have addressed to Her Majesty's Commissioners an instruction, which I send to you under flying seal, acquainting them with the approaching termination of their powers.

The commanders of Her Majesty's cruizers will receive immediate instructions from the Lords of the Admiralty, as to the termination of the Convention of 1817, and the cessation of their right to search and detain vessels under that Convention.

H. Hamilton, Esq.  
&c. &c.

I am, &c.  
(Signed) ABERDEEN.

---

Enclosure in No. 272.

*Note to be presented by Mr. Hamilton to the Brazilian Minister.*

THE Undersigned, &c. has submitted to the Government of the Queen his Sovereign, the note which the Senhor Ernesto Ferreira Franca, &c., addressed to him on the 12th of March last, in which that Minister declares, on the part of the Imperial Government of Brazil, that they consider, that from the 13th of that month the 15 years will have been completed during which, according to the Conventions between Great Britain and Brazil in regard to the abolition of the traffic in slaves, the Convention of the 28th July, 1817, was to continue in force; and that consequently, from that day all the stipulations contained in the above-mentioned Convention, of the 28th July, 1817, the Additional Articles, Instructions, and Regulations annexed thereto, would cease. Senhor Franca adds, that "as by an understanding between the High Contracting Parties, which was entered into at the time, it was agreed, that a period of six months should be allowed to Brazilian vessels employed in the Slave Trade to return unmolested to the ports of the Empire, provided they had left the coast of Africa before the 13th of March, 1830, on which day, according to the Convention of the 23rd of November, 1826, this traffic was to cease entirely, the Imperial Government will not hesitate now to agree, that the British and Brazilian Mixed Commissions established at Rio de Janeiro and Sierra Leone shall continue to act for six months longer, namely, until the 13th day of September next, for the sole purpose of concluding the adjudication of the cases pending, and of those which may have occurred, before the 13th day of March, in the current year."

The note of Senhor E. F. Franca has received the attentive consideration of Her Majesty's Government. The several provisions of the Conventions of the 28th July, 1817, and of the 23rd of November, 1826, and the correspondence which has since taken place between the Governments of Brazil and of Great Britain, respecting the execution of those engagements, have been carefully examined by them; and the Undersigned has been directed to call the recollection of the Brazilian Government to the following facts.

On the 26th August, 1828, the Viscount d'Itabayana, the Brazilian Envoy at the Court of London, proposed, in a note to the Earl of Aberdeen, then His Majesty's Secretary of State for Foreign Affairs, that the term which was fixed by the Convention of the 23rd of November, 1826, for the final cessation of the trade, should be extended.

The British Government declined at that time to accede to this suggestion; and in the subsequent year, the Brazilian Government, by a note of the 13th February, 1829, from the Marquis d'Aracaty to Lord Ponsonby (then His Majesty's Envoy at Rio de Janeiro), declared, that in making the above-mentioned proposal, the Imperial Legation in London has mistaken the orders conveyed to them, and that the Brazilian Government limited themselves to a desire, that His Majesty's Government would give them a guarantee, that British cruizers should not capture Brazilian vessels engaged in the Slave Trade adventures which had commenced within the term when that trade was still legal.

Lord Aberdeen, in a note which he addressed to the Chevalier de Mattos, on the 16th of September following, signified the assent of His Majesty's Government to that request; and the Brazilian Government, adopting the expression in which the assent was conveyed, issued, on the 4th of November following, a portaria, declaring that they had received from the British Minister "the assurance, that those Brazilian vessels employed in the traffic of slaves which could

prove that they had finally left the coast of Africa on or before the 13th March, 1830, should prosecute and finish their *bonâ fide* voyages direct from Africa to any port in Brazil, without incurring the liability of being treated as pirates according to the Convention."

Such, therefore, was the understanding between the two High Contracting Parties as to the circumstances under which Brazilian subjects and vessels should be exempt from penalty, although found to be engaged in the Slave Trade subsequently to the 13th of March, 1830. And Senhor Franca will perceive, that there was not, as supposed by him, any mention of a specific term of six months during which such liberty should be continued to Brazilian vessels.

It further appears, from an examination of the correspondence between the two Governments, that on the 4th October, 1830, the Chevalier Mattos declared to His Majesty's Secretary of State, that the Slave Trade being totally forbidden to Brazilian subjects from the 13th March, 1830, and those who should thereafter engage in it being liable to punishment, under the Convention of 1826, by the ordinary tribunals of the Contracting Parties, he was directed by the Imperial Government to concert with His Majesty's Government the dissolution of the Mixed Commissions established at Sierra Leone and Rio de Janeiro, as having become entirely superfluous; the functions of the latter to cease in December, 1830, and those of the former in June, 1831.

The Chevalier de Mattos was answered on the 10th December, 1830, that the dissolution of the Mixed Commission Courts at the periods suggested would be productive of much inconvenience, because some time must elapse before tribunals could be finally constituted for exercising criminal jurisdiction in cases of piracy under the provisions of the Convention.

On the 30th March, 1831, the Chevalier Mattos replied, "that the Mixed Commissions were instituted with the view of judging of the legality of the detention of vessels employed in the Slave Trade, but that at the present period it is impossible any longer to dispute the legality of such a detention, as all traffic in slaves is illicit."

On these grounds M. de Mattos suggested, that "the necessary remedies must be had recourse to," but that the illegal protraction of the Mixed Tribunals ought not to be sanctioned.

In answer to this, Viscount Palmerston, at that time Secretary of State, stated to M. de Mattos, that His Majesty's Government could come to no other decision than that, under the Separate Article of the 11th September, 1817, the Mixed Commissions might continue to exercise their functions until 15 years after the 13th March, 1830, or until the two Governments should have agreed upon and completed the alterations contemplated by that Article for adapting the stipulations of the Convention of 1817 to the *status* of the total abolition of the Slave Trade. Lord Palmerston at the same time expressed the readiness of His Majesty's Government to enter into negotiations for such alterations.

Negotiations followed; and, on the part of His Majesty's Government, with an earnest desire to arrive at a satisfactory conclusion, and one that should accord with the honour and interests of both parties, and secure the accomplishment of their common object.

Repeated representations were made to the Brazilian Government on the continuance of the Slave Trade of that country, and the necessity of more active and powerful measures for suppressing it; and in the year 1835 Articles additional to the Convention, were actually signed by Plenipotentiaries on the part of the Contracting Parties. Unfortunately, these Articles were never ratified by the Crown of Brazil.

Again, on the 23rd of August, 1840, new propositions were made on the part of Great Britain, framed on memoranda drawn up by the Brazilian Government; but when proposed by Great Britain, the Brazilian Government declined to accept them.

On the 26th August, 1841, the Brazilian Government on their part proposed certain terms; and in April 1842, the Undersigned submitted to the Imperial Government proposals for modifying those terms, so as to carry out effectually the intentions of the Parties to the Convention of 1826; but on the 17th October, in that year, the Brazilian Government thought proper, not only entirely to reject those modifications, but to declare, by a note under that date, from Senhor

Aureliano to the Undersigned, that "the Imperial Government not only consider that other dispositions besides those which already exist are now unnecessary, in order to the total extinction of the traffic, but that they regard it as prudent not to adopt any others."

Accordingly, Senhor Aureliano returned to the Undersigned the draft of Convention, refusing peremptorily even to enter into negotiation on it.

This occurred at a time in respect to which the British Commissioners had observed to Her Majesty's Government, that "at no period has the Brazilian Slave Trade been so extensively carried on as it is at the present moment in Rio de Janeiro itself."

The Government of Brazil having thus, notwithstanding the necessity shown for the adoption of new and more decisive measures of suppression, openly rejected all overtures for rendering the compact of 1817 thoroughly and permanently effectual, Her Majesty's Government commanded the Undersigned to make the declaration contained in his note of the 1st September, 1843, that "if the Brazilian Government still decline to enter with Great Britain into formal engagements calculated to give full effect to the declared intentions of the Parties to the Convention of 1826, for the total and final abolition of the Slave Trade of Brazil, it will remain for Her Majesty to take alone, and by her own means, the steps which she may feel called upon to adopt for carrying into full and complete effect the humane object of the obligation imposed upon Her Majesty by Article I. of that Convention." It is true, that, by a subsequent instruction from Her Majesty's Government, the Undersigned was empowered to take advantage of any disposition which the Brazilian Government might evince, even at that late hour, for entering into the formal arrangements referred to. But the Undersigned regrets to say, that he failed to perceive any indication of a disposition which would enable him to act upon that instruction with effect.

The next communication of importance that passed between the two Governments, upon the subject of their relations regarding the Slave Trade, is the note of Senhor Franca, of the 12th of March last, which Her Majesty's Government have recently had under their consideration, and in which the Government of Brazil require, that the Convention of 1817 shall be considered as ceasing from the 13th of March last, proposing at the same time, that the Mixed Commissions shall continue their functions to the 13th of September, for disposing of the cases pending, and of those which may have occurred before the 13th of March last.

Senhor Franca contends, that Brazil having abolished the Slave Trade from the 13th of March, 1830, the 15 years referred to in the Separate Article to the Convention of 1817 have now expired, and that consequently all the stipulations of that Convention to which the Additional Article refers are at an end.

It does not appear, however, that there is any decree or law of Brazil abolishing the Slave Trade generally from the 13th of March, 1830.

The first law on the subject, so far as Her Majesty's Government are informed, is on the 7th of November, 1831, and the next in April, 1832, in neither of which is any reference made to the 13th of March, 1830.

The Brazilian Government, therefore, must rest entirely on Article I. of the Convention of 1826, ratified on the 13th of March, 1827, and contend, that inasmuch as between them and the British Government the Slave Trade by their subjects has been piracy since the 13th of March, 1830, the stipulations of 1817 are no longer applicable thereto.

The Undersigned has been commanded to state to the Imperial Government of Brazil, that, upon a full consideration of the case, Her Majesty's Government are disposed to think that the view thus taken of it by the Senhor Franca is correct, as between the two countries; and they therefore feel themselves bound to admit to the Brazilian Government, that the Convention of 1817, with all its Annexes, are, and must be considered as at an end from the 13th of March, 1845.

This being the case, the Undersigned is directed to observe, that Her Majesty's Government have no longer any course open to them, under the Convention of the 23rd November, 1826, than that of giving full effect to the stipulations of Article I. of that Convention.

They had indeed hoped, up to the very latest moment, that the Brazilian Government would, by a renewal and extension of the engagements between the

two countries, have offered to Great Britain some other means of carrying out by joint operations the object of that compact. But, unfortunately, this has not been the case; and the vigour and success with which the Slave Trade is now carried on under the Brazilian flag, leaves the British Government no choice but to appeal to the rights and obligations which attach to Her Majesty under Article I. of the above-mentioned Convention.

With respect to the proposal of Senhor Franca for the continuance of the functions of the Mixed Commissions, although the example by which he supports his proposal has been shown, in the early part of this note, to be inaccurate, Her Majesty's Government are willing that the British and Brazilian Mixed Commissions established at Rio de Janeiro and at Sierra Leone shall sit until the 13th of September next, for the sole purpose of concluding the adjudication of the cases pending, and of those which may perchance have occurred before the 13th of March last.

Her Majesty's Commissioners will accordingly receive an instruction to that effect; and the commanders of Her Majesty's cruisers will receive instructions as to the termination of the Convention of 1817, and the cessation of their right to capture under the same.

The Undersigned, &c.

---

*Memorandum.*

There is some slight variation between a portion of the foregoing Despatch and its Enclosure, and the Despatch and its Enclosure of the same tenor and date as laid before Parliament in 1845. The reason of the difference is this, an amended Despatch according to the present version had been sent to Mr. Hamilton, to be substituted for the former one if it reached him in time, but when the former one was laid before Parliament, there was reason to believe that the amended one would not have arrived in time, and consequently the original version was laid before Parliament. It happened, however, that the amended Despatch was received in time, and was accordingly the one acted upon.

---

No. 273.

*Mr. Hamilton to the Earl of Aberdeen.*

*Rio de Janeiro, April 21, 1845.*

*(Received June 18.)*

MY LORD,

IN obedience to your Lordship's Despatch of the 4th of July, 1842, I have the honour to transmit the enclosed reports of the state of the Africans from the "*Flor de Loanda*" slaver, apprenticed out to various individuals resident at and near Rio de Janeiro, under contracts with Her Majesty's Legation, for the half-year ending December 31, 1844; and am happy to be able to add, that with one or two exceptions therein specified, they appear to be quite satisfactory.

The delay which has occurred in the transmission of the present report, arose out of a protracted absence from Rio de Janeiro of Senhor Clemente Pereira, the Governor of the Misericordia Hospital, and there being for a time no suitable substitute to whom we could address ourselves.

I have, &c.

(Signed) HAMILTON HAMILTON.

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

&c.

&c.

&c.

---



## Enclosure I in No. 273.

Rio de Janeiro, December 31, 1844.

REPORT of Africans from "*Flor de Loanda*," Slaver, Apprenticed at Rio de Janeiro, to Mr. Charles Lukin.

Names.	Ages.	Occupations.	Remarks.
Eliza . . . .	Years. 18	House service . .	Rather indolent; her son Joao drowned; Manoel is doing well.
Fanny . . . .	17	House service . .	Well behaved; sons Joze and Domingos.
Louisa . . . .	18	..	Wife of Diogo; capable of gaining her livelihood; daughter Josefa.
Francisco . .	34	Employed in out-door work.	Ill behaved.
Joao . . . .	36	Employed in out-door work.	Well behaved; lunatic at times.
Domingos . .	31	General service . .	Idiotical; improved since last report.
Diogo . . . .	21	House and general service.	Capable of gaining his livelihood.

Mr. Lukin is satisfied with conduct of above, except Francisco.

REPORT of Africans from "*Flor de Loanda*," Slaver, Apprenticed to Mr. John Young.

Names.	Ages.	Occupations.	Remarks.
Thereza . . . .	Years. 16	House service . .	Removed to "Crescent" receiving ship.
Carlotta . . . .	15	House service . .	Good tempered; in England with Mr. Young.
Carlos . . . .	13	House service . .	Good tempered; in England with Mr. Young.
Antonio . . . .	14	..	Good active servant; with Mr. Hamilton.

REPORT of African from "*Flor de Loanda*," Slaver, Apprenticed to Senhor Lopes Gama.

Marianna . .	18	Nurse . . . .	Well disposed, useful girl.
--------------	----	---------------	-----------------------------

His Excellency's family are perfectly satisfied with her conduct.

REPORT of Africans from "*Flor de Loanda*," Slaver, Apprenticed to Mr. J. H. Dickenson.

Bob . . . .	15	General service . .	Slightly deformed.
Rose . . . .	15	House service . .	Clever and active, when sober.

The conduct of the above quite satisfactory.

REPORT of Africans from "*Flor de Loanda*," Slaver, Apprenticed to the Rev. J. J. Champness.

Charles Jimbatch .	18	. .	Sent on board "Crescent" for bad conduct; has since returned to his duty.
Rosa Jimbatch .	19	House servant; washes	

Mr. Champness satisfied.

REPORT of African from "*Flor de Loanda*," Slaver, Apprenticed to Dr. Lee.

Rita . . . .	19	House servant	In service with Mr. James's brother-in-law
--------------	----	---------------	--

REPORT of Africans from "*Flor de Loanda*," Slaver, Apprenticed to Mr. Robert Coats.

Francisca . . . .	32	Out-door work . .	Married.
Rose . . . .	26	Out-door work . .	Married.
Anna . . . .	17	Out-door work . .	Married.
Caterina . . . .	52	Out-door work . .	Married.
Joanna . . . .	17	Out-door work . .	
Sabina . . . .	14	Out-door work . .	
Joze . . . .	6		

Mr. Coats satisfied with the above.

REPORT of Africans from "*Flor de Loanda*," Slaver, Apprenticed to Major Koëller.

Geronimo . . .	32	Out-door work . .	General health bad.
Carlos . . . .	16	Out-door work . .	Health and conduct good.
Pedro . . . .	16	Out-door work . .	Health and conduct good.
Joanna . . . .	22	House servant . .	Health bad.
Carlota . . . .	22	Washes and picks coffee	Health bad.
Carolina . . .	20	House service . .	Health bad.

The above were among the least healthy of the Africans distributed from the "*Flor de Loanda*." They are improving.

REPORT of Africans from "*Flor de Loanda*," Slaver, Apprenticed to Mrs. Moke.

Names.	Ages.	Occupations.	Remarks.
Victoria . . .	Years. 13	Washes, makes her own clothes, &c.	Improved.
Alexandrina . .	13	Washes, makes her own clothes, &c.	
Gertrudez . . .	12	Washes, makes her own clothes, &c.	
Angela . . . .	12	Washes, makes her own clothes, &c.	Has a son.
Thereza . . . .	11	Washes, makes her own clothes, &c.	
Julia . . . . .	11	Died October 1843.	

Mrs. Moke wishes to keep them until the expiration of their servitude.

REPORT of Africans from "*Flor de Loanda*," Slaver, Apprenticed to Mr. Tross.

Rosa . . . . .	17	House servant	Returned to Legation by Mr. Tross.
Francisco . . .	32	House servant . .	

Mr. Tross's family satisfied with conduct of Rosa. Francisco remains with Mr. Ouseley; conduct very unsatisfactory.

The above Africans, excepting those of Major Koeller and Mr. Coats, respecting whom certificates are enclosed, have been inspected by the Undersigned; and no change worthy of notice appears to have taken place since the last report.

(Signed) FRED. HAMILTON.

Enclosure 2 in No. 273.  
*Declaration of Physician.*

February 1, 1845.

I, UNDERSIGNED, declare, that having been in the fazenda Julioca, belonging to Mr. Julio Frederico Koeller, I have found sufficient the state of health of following six free Africans: Carlos, Pedro, Jeronymo, Joanna, Carolina, and Carlotta, At the same time, it appears, that the treatment of these blacks is a very good one; and it only can be mentioned, that the bodily constitution of the two, Jeronymo and Joanna, is in somewhat weakly, without apparent symptoms of sickness.

(Signed) C. W. BOEDEKER,  
*Physician of the fazenda Julioca.*

Enclosure 3 in No. 273.

*Certificate of Mr. Coats.*

*Salt Works, Itaguahy, December 22, 1844.*

I, THE undersigned Robert Coats, at the request of Hamilton Hamilton, Esq., &c. &c. do hereby certify and attest, that a male child, and six female African apprentices, received by me from on board the "*Flor de Loanda*," slaver, are all in good health, and the whole of them are employed at my establishment.

(Signed) ROBERT COATS.

## Enclosure 4 in No. 273.

Rio de Janeiro, December 30, 1844.

NOMINAL LIST OF FREE AFRICANS now in the service of the Misericordia Hospital from on board the captured slaver "*Flor de Loanda*," showing their Names, Nations, supposed Ages, and Occupations.

Nos.	Names.	Nations.	Ages.	Occupations.	Remarks, &c.
1	Joao . . . .	Benguela . . . .	20	Boatman . . . .	Health and conduct good.
2	Samuel . . . .	Cabinda . . . .	26	Ditto . . . .	Ditto.
3	Bruno . . . .	Cabinda . . . .	28	Ditto . . . .	Ditto.
4	Gastao . . . .	Benguela . . . .	30	Quarryman . . . .	Master workman, ditto.
5	Camillo . . . .	Cabinda . . . .	32	Ditto . . . .	Ditto ditto.
6	Joze . . . .	Benguela . . . .	28	Ditto . . . .	Health and conduct good.
7	Leandro . . . .	Benguela . . . .	32	In Infirmary . . . .	Ditto.
8	Pedro . . . .	Bayaca . . . .	27	Boatman . . . .	Dead.
9	Pedro . . . .	Cabinda . . . .	26	Mason . . . .	Health and conduct good.
10	Joaquim . . . .	Cabinda . . . .	20	In Infirmary . . . .	Ditto.
11	Antonio . . . .	Benguela . . . .	20	Ditto . . . .	Ditto.
12	Luiz . . . .	Benguela . . . .	32	Ditto . . . .	Ditto.
13	Cosmé . . . .	Cabinda . . . .	27	Quarryman . . . .	Ditto.
14	Jeronymo . . . .	Cabinda . . . .	32	Cook . . . .	Ditto.
15	Joao . . . .	Cabinda . . . .	26	Boatman . . . .	Ditto.
16	Manoel . . . .	Cabinda . . . .	16	In service of em- ployers . . . .	Ditto.
17	Francisco . . . .	Cabinda . . . .	16	Ditto . . . .	Ditto.
18	Joao . . . .	Cabinda . . . .	16	Ditto . . . .	Thievish; now employed at Hospital.
19	Leonardo . . . .	Benguela . . . .	22	Stone-cutter . . . .	Health and conduct good.
20	Braz . . . .	Cabinda . . . .	20	Mason . . . .	Ditto.
21	Gaspar . . . .	Benguela . . . .	18	Ditto . . . .	Ditto.
22	Matheos . . . .	Benguela . . . .	32	Quarryman . . . .	Ditto.
23	Thomas . . . .	Cabinda . . . .	20	Stone-cutter . . . .	Ditto.
24	Lauriano . . . .	Benguela . . . .	22	Mason . . . .	Ditto.
25	Timotheo . . . .	Cabinda . . . .	20	Stone-cutter . . . .	Ditto.
26	Januario . . . .	Benguela . . . .	32	Quarryman . . . .	Ditto.
27	Antero . . . .	Benguela . . . .	20	Mason . . . .	Ditto.
28	Adao . . . .	Benguela . . . .	20	Stone cutter . . . .	Ditto.
29	Christovao . . . .	Cabinda . . . .	24	Mason . . . .	Ditto.
30	Salvador . . . .	Cabinda . . . .	24	Quarryman . . . .	Master workman.
31	Bernardo . . . .	Benguela . . . .	22	Domestic . . . .	Health and conduct good.
32	Marcos . . . .	Benguela . . . .	20	Ditto . . . .	Ditto.
33	Nicolao . . . .	Cabinda . . . .	20	Mason . . . .	Ditto.
34	Esmeria . . . .	Cabinda . . . .	24	Cook . . . .	Female child dead.
35	Esperanca . . . .	Benguela . . . .	28	Washerwoman . . . .	Two sons, Antonio and Olavio.
36	Engracia . . . .	Cabinda . . . .	27	Ditto . . . .	Health and conduct good.
37	Antonia . . . .	Cabinda . . . .	22	Servant in asylum . . . .	Ditto.
38	Lena . . . .	Cabinda . . . .	22	Washerwoman . . . .	Has charge of Generosa's son.
39	Manoel . . . .	Cabinda . . . .	32	Land-tiller . . . .	Health and conduct good.
40	Nuno . . . .	Benguela . . . .	26	Quarryman . . . .	Ditto.
41	Theodoro . . . .	Benguela . . . .	20	Mason . . . .	Ditto; stutters.
42	Ambrosio . . . .	Benguela . . . .	20	Ditto . . . .	Ditto.
43	Alexandre . . . .	Benguela . . . .	20	Land-tiller . . . .	Ditto.
44	Anastasio . . . .	Cabinda . . . .	20	Ditto . . . .	Ditto.
45	Jacintho . . . .	Benguela . . . .	18	Carter . . . .	Recovered from punish- ment by Police.
46	Eusebio . . . .	Benguela . . . .	18	. . . .	Health and conduct good. Wishes to learn a trade.
47	Paulo . . . .	Benguela . . . .	20	Land-tiller . . . .	Health and conduct good.
48	Martinio . . . .	Cabinda . . . .	16	Ditto . . . .	Ditto.
49	Rufino . . . .	Cabinda . . . .	20	Mason . . . .	Ditto.
50	Joao . . . .	Benguela . . . .	36	Washerman . . . .	Ditto.
51	Januario . . . .	Benguela . . . .	26	Quarryman . . . .	Master workman.
52	Antonio . . . .	Cabinda . . . .	20	. . . .	Prisoner for murder.
53	Felipe . . . .	Benguela . . . .	32	Land-tiller . . . .	Health and conduct good.
54	Bernardo . . . .	Angola . . . .	18	Shepherd . . . .	Ditto.
55	Joze . . . .	Benguela . . . .	15	Land-tiller . . . .	Ditto.
56	Caetano . . . .	Benguela . . . .	18	Mason . . . .	Master workman.
57	Francisco . . . .	Benguela . . . .	22	Stone-cutter . . . .	Health and conduct good.
58	Luiz . . . .	Angola . . . .	18	Land-tiller . . . .	Ditto.
59	Raimundo . . . .	Angola . . . .	22	Blacksmith . . . .	Ditto.
60	Francisco . . . .	Benguela . . . .	22	Shepherd . . . .	Ditto.
61	Joaquim . . . .	Cabinda . . . .	20	Land-tiller . . . .	Ditto.
62	Rita . . . .	Rebolo . . . .	36	Gardener . . . .	Two sons dead; has one named Felipe, (died Jan. 5, 1845.

NOMINAL LIST OF FREE AFRICANS—*continued.*

Nos.	Names.	Nations.	Ages.	Occupations.	Remarks, &c.
63	Antonio . . .	Cabinda . . .	32	Gardener	
64	Thereza . . .	Cabinda . . .	32	Ditto.	
65	Luiza . . .	Cabinda . . .	26	Washerwoman .	Son born April 28, 1844.
66	Catherina . . .	Cabinda . . .	28	Washerwoman .	Son born, September 8, 1842, called Joaquim Pedro, died December 19, 1844.
67	Anna . . .	Benguela . . .	22	Gardener . . .	Girl Maria.
68	Pedro . . .	Cabinda . . .	38	Hospital servant	Sight better.
69	Joaquim . . .	Benguela . . .	32	Ditto . . .	Health, &c., good.
70	Simplicio . . .	Benguela . . .	32	Ditto . . .	Ditto
71	Justino . . .	Benguela . . .	32	Ditto . . .	Ditto
72	Sabino . . .	Benguela . . .	32	Ditto . . .	Ditto, wishes to learn a trade.

All the above Africans have been individually seen and spoken with by the Undersigned, excepting Pedro, deceased, and the man Antonio, still suffering imprisonment for murder, and the two women Generosa and Maria, also deceased. They are all in good health, and are well treated and clothed; their conduct has been most satisfactory, and their general appearance does much credit to their present employers.

(Signed)

FREDERICK HAMILTON.

ROBERT HESKETH,

*Her Britannic Majesty's Consul.*

No. 274.

*Mr. Hamilton to the Earl of Aberdeen.**Rio de Janeiro, April 21, 1845.**(Received June 18.)*

MY LORD,

IN supplement to my Despatch of the 15th February last, I have the honour to lay before you the accompanying correspondence, relative to the Brazilian slaver "*Nova Granada*." It comprises minutes of two sessions of the Court of Mixed Commission, on December 23rd, 1844, and February 21st, 1845; a note in which the minutes were communicated to the Brazilian Government on the 27th February; the vote of Her Majesty's Commissary Judge for confiscation of the "*Nova Granada*;" and Senhor Franca's reply to my note above-mentioned, and others on the same subject antecedent to it.

The minutes exhibit further proceedings in the case of this vessel, and other obstacles opposed to a searching examination into it by the Brazilian Commissary Judge; that officer having declined to accede to another survey, proposed by Mr. Samo, of the lading of the detained vessel, and again tenaciously insisted on recourse being had to arbitration, notwithstanding the still incomplete state of the process—for the Government had not yet pronounced its opinion upon the interpretation given by Senhor Carneiro de Campos to Article I. of the Treaty, as to slave equipments not being evidence sufficient to justify seizure and confiscation of Brazilian vessels.

The object had in view by Her Majesty's Commissioners in calling for a second survey of the prize, was, to liberate the captors, in whose custody the property had remained since the seizure, such survey, in reference to the official manifest, and in their presence, appearing advisable before their departure from the country; while to Senhor Campos' proposal to proceed to arbitration, Mr. Samo considered it proper to demur, in obedience to the instructions which had been conveyed to me in your Lordship's Despatch of September 11th, 1843.

For a detail of the motives for Mr. Samo's vote, I beg permission to refer your Lordship to the document itself.

Senhor Franca, in his note, after presenting a summary of the proceedings in Court—a summary not accurate in all particulars—does not hesitate to aver, that Mr. Samo, far from acting as an impartial judge, seeking to ascertain the truth, has by subterfuges endeavoured to procrastinate adjudication, for purposes that he, Senhor Franca, will not attempt to unveil; and this imputation he follows up with others equally gross and unfounded.

He next proceeds to consider the four points which are set forth in my note,

as so many obstacles to an unfettered investigation into this particular case, all of them emanating from instructions issued by the Brazilian Government, or from mistaken views entertained by their Commissioner. His Excellency contends, with regard to the third and most important item, namely, the interpretation of Article I. of the Convention of 1826, that had Senhor de Campos admitted as correct Mr. Samo's, he would thereby have incurred grave responsibility; that such interpretation would be totally subsversive of Article VI. of the Additional Convention of July 1817, and that an alteration in the provisions of the Treaty can be accomplished only by mutual agreement. Into any examination whether vessels have been adjudicated in the Commission Court of this capital under an alteration of the provisions above referred to of the Slave Trade Conventions, his Excellency declines to enter; he asserts, however, that supposing this has occurred—but which is not admitted—the deviation could have been caused only by special circumstances. And he concludes, then, with observing, as regards the judgments of the similar tribunal at Sierra Leone, that the Brazilian Government have already, at various times, addressed representations to the Government of the Queen respecting them, as it will be their duty to do again with reference to the recent condemnation there of the Brazilian vessel "*Imperador Don Pedro*." Now, the only fair inference to be drawn from all that is set forth above, is, that the adjudication of the case of the "*Nova Granada*" is adjointed (qy. adjourned) *sine die*.

Although without expectation of any good resulting, I ought, perhaps, to have replied to some passages in Senhor Franca's note; but Mr. Samo, who is so materially alluded to in it, being absent from his post through severe indisposition, I have forborne to do so for the present.

I have, &c.

(Signed) HAMILTON HAMILTON.

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

(Translation.)

Enclosure 1 in No. 274.

*Extract of Minute of Session, December 23, 1844.*

THE British Commissary Judge presented the following memorandum:—

*Rio de Janeiro, December 23, 1844.*

There are two obstacles which have chiefly prevented the Undersigned from pronouncing his opinion, and recording his vote, upon the detention of the "*Nova Granada*."

The first relates solely to the true intent and meaning of Article I. of the Treaty of 1826, in the interpretation of which the Brazilian Commissary Judge differs with his own Government, and consequently, has rendered it imperative to seek their advice and assistance.

The second obstacle arises out of the claim of that Power to regulate which of the ship's papers or documents shall be examined by the Judges, in the event of any such being closed up with the Imperial Arms, or, as is the case in the paper Nos. 8 and 9, at folio 20 of the process, which is merely closed with a private seal.

By the latter circumstance part of the evidence is concealed, which, for aught that is known, may prove to be of the highest importance in the consideration of this case; and the Undersigned takes this occasion to remind his honourable colleague, that, in giving his vote, he has reserved to himself to adduce further observations, should the contents of the sealed papers, upon examination, seem to require such, or be of any importance.

To neither of the above-mentioned impediments have the Brazilian Government yet returned an answer satisfactory to the British Representative at the Imperial Court; and, if the honourable Brazilian Commissioner is not already aware of the fact, the Undersigned assures him, that both points are still under discussion by the Ministers of the two Crowns: these references have always produced great delay to the course of the proceedings at this Board, and such is likely to be the case in every instance.

The Undersigned regards the application of Mr. Proctor Hesketh as one of

extreme emergency, and solely intended for the security and preservation of the property in question, without any reference to the ultimate adjudication by the Court; and the Undersigned again reminds his honourable colleague, that an enormous expense is accruing daily for taking care of the vessel and cargo. Reference to the Imperial Government as to the means suggested by the captors for the preservation of the property, will only lead to further delay and further expense.

It is the humble opinion of the Undersigned, that it appertains to the Court, in its discretion, to order the sale of the perishable articles, and, under the existing circumstances, to grant the present application.

(Signed)

JOHN SAMO.

The Brazilian Commissary Judge declared, that he would reply to it as soon as it was translated.

The British Commissary Judge presented the following memorandum:—

*Rio de Janeiro, December 23, 1844.*

At the session of the 3rd December last, the Brazilian Commissary Judge adverted to private instructions which were assumed to have been received from the British Government, to the intent that, under the circumstances attending the seizure of the "*Nova Granada*," the British Commissioner should condemn all Brazilian vessels.

As soon as this remark had been explained in English. The Undersigned observed to the Interpreter (who was likewise acting as Secretary), that no such representation had been made by him, a fact which reference to the previous minutes would demonstrate, every observation actually made by the Undersigned being invariably reduced into writing, and translated into Portuguese.

It was the intention of the Undersigned to remove the erroneous impression of his honourable colleague, when the period had arrived for the British Commissioner to pronounce his judgment in the case; but circumstances have very recently occurred which render it expedient for the Undersigned forthwith to assure his honourable colleague, that at no period has it ever been alleged by the Undersigned that private instructions from the British Government of the nature mentioned by the Brazilian Commissioner, had been issued or received at this station.

The British Commissary Judge, therefore, persuades himself, that his honourable colleague will admit that he has been led into error in the impression that the Undersigned had mentioned any such orders of the British Government, or that the like ever existed.

(Signed)

JOHN SAMO.

To which the Brazilian Commissary Judge answered, that he would reply to it as soon as it was translated.

(Translation.) *Extract of Minute of Session of February 21, 1845.*

*Rio de Janeiro, February 21, 1845.*

The Undersigned, at the last session of the 23rd of December, mentioned two obstacles which had prevented the recording or giving his opinion in the case of the "*Nova Granada*," as may be seen by referring to the minutes of that date; and at the same session of the Board, one of those difficulties was partially removed, in consequence of the permission granted to the Court by the Brazilian Minister for Foreign Affairs, to open two only of the sealed documents, marked folios 17 and 18, in the filed papers of the detained vessel. On that day the seals were removed, and the enclosures therein proved to be the official manifests of the cargo on board the "*Nova Granada*." Orders were then given to have those documents translated into English.

In the interval which has taken place, no session of the Board has been held, owing to the vacation, and consequent intermission of the meetings of the Court, and, since then, to the illness of the British Commissary Judge.

This delay is of little importance, because the Imperial Government have hitherto failed to answer the point submitted to it by the British Minister, regarding the interpretation of the evidence furnished by the slave equipment of Brazilian vessels.

The before-mentioned manifests appear to the Undersigned of importance in the consideration of this case, and the circumstances connected with the actual cargo on board, and its criminal character. But should the Brazilian Commissary Judge entertain any doubt, the Undersigned deems it indispensable to examine strictly into this portion of the evidence, and for this purpose, he proposes that the Secretary furnish the Marshal of the Court with a copy of the documents alluded to, and that the latter named officer, assisted by such competent persons as may be selected for such purpose, shall proceed on board the detained vessel, carefully to examine and ascertain whether, all or any of the Articles described in the said manifests of the cargo be still there, and likewise whatever else be found on board, beyond those articles enumerated in the said official manifests, and of their present state and condition respectively, as well as their apparent uses and purposes: and that having taken and made a careful account and inspection of the same, the said Marshal and his assistants shall certify in due form to this Court a full and complete inventory and description of all their acts proceedings, together with a schedule of the entire cargo; and the Marshal, before entering upon the said examination, shall give notice thereof to the captors of the vessel, and likewise to the Master on board.

(Signed) JOHN SAMO

*Rio de Janeiro, February 21, 1845.*

The Brazilian Commissary Judge only collects, from all that his colleague the British Commissary Judge has stated in the memorandum, which has just been presented to him, as he has already said, a desire of retarding by every means the conclusion of the process of the prize now treated of; and as he has already given his vote, and required arbitration, in consequence of his said colleague having then stated that his opinion was contrary, as is well seen by all the answers which he has given, the Brazilian Commissary Judge concludes that he has nothing more to offer upon this subject, and that he continues to insist upon the execution of Article III. of the Regulation of this Commission; but that at any rate, if his colleague continue, as he has lately done, to say that he has not yet given his vote upon the legality or illegality of the detention of the patacho "*Nova Granada*" in question, perhaps as it was not done in writing, he requires, in order to obviate such protracted and prejudicial delay, that the British Commissary Judge give his vote on this subject in writing; and he declares most positively, that beyond this he will enter upon no further discussion on this subject, evidently perceiving the nullity thereof.

(Signed) JOAO CARNEIRO.

The British Commissary Judge refers to his remarks on the 23rd of December last for withholding the giving of his vote, and likewise the necessity of a survey to compare the contents of the articles mentioned in the recently opened manifest with the cargo actually on board.

(Signed) JOHN SAMO.

*Rio de Janeiro, February 21, 1845.*

The Brazilian Commissary Judge sees that there is a desire to prolong this question, and with a view of preventing that, he declares that he will not treat of anything more regarding the "*Nova Granada*" until the British Commissary Judge shall communicate to him, that he is ready to give his vote upon the detention of this vessel; because, after having said that his opinion was contrary to that of the Brazilian Commissary Judge, for which reason the latter demanded arbitration, he now denies that fact, and pretends to institute a new process.

(Signed) JOAO CARNEIRO.

*Rio de Janeiro, February 21, 1845.*

Immediately that the impediments for the survey by the Commission be removed, the British Commissary Judge will be enabled to give his opinion.

(Signed) JOHN SAMO.

The Brazilian Commissary Judge replied verbally, that he had nothing further to answer.

The Brazilian Commissary Judge presented two answers, dated the 7th of January last, which he had not done before, owing to the illness of his British colleague, which were as follow :—

*Rio de Janeiro, January 7, 1845.*

The Brazilian Commissary Judge having to reply to what the British Commissary Judge adduced at the session of the 23rd of December last, regarding the causes why he has not agreed to the drawing of lots for arbitration, for the purpose of deciding the difference between them in regard to the patacho "*Nova Granada*," is sorry to be under the necessity of saying, that he does not perceive, in the reasons set forth by his colleague, more than a designed purpose of delaying the final adjudication of the vessel, inasmuch as his said colleague, declaring that the difference of opinion which he observes in the Brazilian Commissary Judge, regarding the true meaning of Article I. of the Treaty of the 23rd November, 1826, is the first cause why he does not agree to the drawing of lots for arbitration, the said Brazilian Commissary Judge, cannot but be surprised, that in the want of Articles in the same Treaty, to mark the manner in which Brazilian vessels ought to be considered as prepared for the Slave Trade, his colleague should wish to discover in the provisions of that Article I. such stipulations, when the same has only in view the total abolition of the Slave Trade.

If the Brazilian Commissary Judge were to imitate the British Commissary Judge, when he has recourse to all possible means to draw him (Brazilian Commissary Judge) to his opinion, he might, in reference to this same Article, say, that British cruizers ought not to detain any vessel on the Brazilian coast, and much less on their leaving the Brazilian ports, without slaves being found on board, because, with reference to the manner in which it is worded, it might be argued, that, to make the traffic of slaves on the coast of Africa, as the said Article refers, is very different from going to make the same traffic; and he might still add, that the instructions lately given to English cruizers refer only to vessels met on the high seas. The Brazilian Commissary Judge, however, will abstain from making use of such arguments, but continues still to insist that, neither in the Treaty of 1826 between Brazil and Great Britain, nor in the Conventions, Regulations, and previous Instructions, which form part of the same Treaty, exists one sole Article which can authorize English cruizers to detain Brazilian vessels prepared and loaded in the manner in which the "*Nova Granada*" is, with articles which the Brazilian Government allow to be carried from one to another of the ports of Brazil, because, it does not consider itself bound by any stipulations to prohibit it.

The Brazilian Commissary Judge admits the necessity of such stipulations, but with some restrictions, and not so ample as the British cruizers desire and practise; but in the total want of them, he cannot but repute such detentions as arbitrary and illegal.

With regard to the want of cognizance of the contents of the two Despatches sealed with the Imperial Arms, to which the British Commissary Judge refers as the second cause, that is already decided by the opening of the same Despatches, and it being seen by the contents of the same, that the articles found on board of the patacho in question were all cleared at Santos for Pernambuco, according to the manifest addressed by the Inspector of the Custom House of that place to that of Pernambuco this is a further proof to corroborate the vote of the Brazilian Commissary, that the patacho in question was not destined for the coast of Africa, and of which she could give no indication on the second day of the voyage on which she was detained.

With regard, finally, to the third and last cause, of there being certain correspondence pending between the Minister for Foreign Affairs and the Envoy Extraordinary and Minister Plenipotentiary of Her Britannic Majesty, the Brazilian Commissary Judge has already shown, that let these correspondences be what they may, it is not to be expected that their decision should have sufficient force to alter that which is so positively marked out in the Regulation of this Commission; and he has only to add, that not being able to agree with any of the reasons offered by the British Commissary Judge, he insists again for the

CLASS B.



execution of Article III. of the same Regulation, and that, in conformity to it, recourse be immediately had to the drawing of lots for an Arbitrator, because any other course which may be adopted will be nothing but a manifest and arbitrary infraction of the existing Treaties between Brazil and Great Britain, upon the observance of which it is his duty to insist, as he now does, and will always do, when circumstances shall so oblige him.

(Signed) JOAO CARNEIRO DE CAMPOS.

*Rio de Janeiro, February, 21, 1845.*

The Undersigned has only had time to glance at the contents of the Memorandum dated the 7th of January last, on which day the Undersigned was at the Commission, but was not fortunate in meeting his honourable colleague, who did not attend owing to the Undersigned having been unwell. There is one remark of the Brazilian Commissary Judge which affords an additional reason for having the survey held which the Undersigned has just proposed, "it being seen by the contents of the same that the articles found on board of the patacho in question were all cleared at Santos," &c.

The examination of the actual cargo now on board thus becomes very important.

(Signed) JOHN SAMO.

*Rio de Janeiro, February 21, 1845.*

The Brazilian Commissary Judge refers entirely to what he has just said regarding another memorandum presented to-day touching this subject, because he even considers the survey unnecessary, which can only have in view the delay of the process, much more so when in the process there exists a survey made by the officers of the captor's vessel.

(Signed) JOAO CARNEIRO DE CAMPOS.

*Rio de Janeiro, February 21, 1845.*

The Undersigned, with the highest regard for this opinion of his honourable colleague, requests that the survey be held, as requested by him.

(Signed) JOHN SAMO.

*Rio de Janeiro, February 21, 1845.*

The Brazilian Commissary Judge having already answered, has nothing to add, except that he will not attend to any further discussion until his colleague give his vote regarding the detention of the "*Nova Granada*" in conformity to what he has just declared.

(Signed) JOAO CARNEIRO DE CAMPOS.

*Rio de Janeiro, January 7, 1845.*

The British Commissary Judge endeavours, by the exposition which he presented at the session of the 23rd of last month, to convince that he never declared that he had special instructions from this Government to condemn Brazilian vessels prepared and loaded like the "*Nova Granada*," the same having been detained by British cruisers; and for that purpose he refers to the previous minutes, declaring that any observations which he made were always in writing, and translated into Portuguese.

The Brazilian Commissary Judge is really sorry to be under the necessity of frequently contradicting the assertions of his colleague, as it happens in the present case, but he is unavoidably driven to it, to do away with the bad effect which his silence in so delicate a question might produce.

The British Commissary Judge denies having referred to special instructions for proceeding in the manner above referred to; but the Brazilian Commissary Judge well recollects that during the verbal discussion which he had with his colleague at the session of the 23rd of last month, he was asked whether he was not of opinion to condemn any Brazilian vessel prepared as the "*Nova Granada*" is; when he (the Brazilian Commissary Judge) replied, that without further proofs he certainly would not condemn; and his colleague then replied, that in virtue of his instructions he would condemn; and in consequence of this

the Brazilian Commissary Judge had to refer to this very circumstance in the answer he gave to the objections which the British Commissary Judge produced for not proceeding to the drawing of lots for arbitration, and again repeated it at the session of the 6th when he insisted upon the execution of Article III. of the Regulation of this Commission, which is so clearly expressed, and cannot admit of any other interpretation.

Now, if the British Commissary Judge, as he says, observed at that time to the interpreter the want of correctness of such declaration, this is a fact which the Brazilian Commissary Judge (although he had no idea of it, because nothing was communicated to him) does not pretend to doubt; nevertheless, he cannot but assure his colleague, that he is incapable of advancing such a proposition, had he not really heard it during the discussion which they maintained regarding the legality or illegality of the capture of the "*Nova Granada*;" and that the silence which his colleague maintained from the day of that occurrence until the day on which he retracted the same (20 days) could leave no doubt to the Brazilian Commissary Judge regarding the proposition referred to.

If the Brazilian Commissary Judge wished to enter into new arguments to show that his colleague acts in virtue of particular instructions, and not according to what is stipulated between Brazil and Great Britain he would have no need to refer to the declaration above mentioned; and the acts practised by his said colleague since he has taken a seat in this Commission, up to the present, of tenaciously refusing to agree to the drawing of lots for Arbitrators, the only legal means which the Treaty admits for deciding the doubts which may occur in the adjudication of prizes, would be sufficient, because he cannot conceive how a Judge of this Court, who ought to act only in virtue of what is determined in the respective Regulations, should depart therefrom, and endeavour, by means of arguments and recourses not legal, to evade and refuse absolutely that which is so positively stipulated, as the British Commissary Judge has done, and continues to do, unless authorized by instructions from his Government, or convinced that by acting in this manner he did not run the risk of being reprimanded.

The Brazilian Commissary Judge thus terminates his observations, protesting to add nothing more upon the subject.

(Signed)

JOAO CARNEIRO DE CAMPOS.

*Rio de Janeiro, February 21, 1845.*

The Undersigned having only now seen the foregoing paper, dated the 7th January, which, like the preceding, is only this day presented to the Board, has to observe, that he adheres strictly and emphatically to all the assertions made by him on the 23rd December last.

(Signed)

JOHN SAMO.

With reference to the above reply, the Brazilian Commissary Judge has only to ratify all that he has stated.

A true copy.

(Signed)

B. M. C. PASSOS, *Secretary.*

Enclosure 2 in No. 274.

*Mr. Hamilton to Senhor Franca.*

*Rio de Janeiro, February 27, 1845.*

THE Undersigned, &c. has the honour to transmit herewith extracts from the minutes of session held by the Mixed Court on the 23rd December of last year, and on the 21st February of the current year, reporting proceedings therein in the case of the "*Nova Granada*," he begs leave to solicit to them the particular attention of his Excellency the Minister of Foreign Affairs.

The conduct of the Brazilian Commissioner in this case, exhibits an indisposition towards the suppression of Slave Trade directly at variance with the assurances given so repeatedly by the Government of his Imperial Majesty as to their sincere desire to co-operate effectually with the Government of Great Britain for the extermination of that horrible commerce.

The operations of the slave dealers within the harbour and city of Rio de Janeiro, the capital of the Empire, are notorious and incessant; they are not less so in the ports and places adjacent. The line of action adopted by the

Brazilian Commissioner in the case of the "*Nova Granada*," if permitted to continue, can hardly fail affording to those operations additional activity and encouragement. And it is to be regretted, that the supineness with which all the representations and remonstrances made on the subject by the Undersigned have been received, should warrant the apprehension that no reversal of that conduct is meditated by the Government.

The case of the "*Nova Granada*," if it does not present a most unjustifiable instance of Brazilian slave trading, demands at least a most searching investigation; and what aid have the Government afforded to that effort?

Four obstacles have successively presented themselves to such enquiry during the proceedings before the Mixed Commission, all emanating from instructions issued by the Government itself, or from mistaken views of the Brazilian Commissioner.

Firstly. The regulation of the Brazilian Government, by which stamp duties were to be imposed on documents required for evidence before the above-mentioned international tribunal.

Secondly. Another regulation, made solely and exclusively by the Brazilian Government, by which the sealed papers found on board the captured vessels were retained unopened from the 11th November until the 23rd December last; a regulation, which as not coming within the true intent and meaning of the Treaty of 1826, is not, and cannot be, applicable to cases in adjudication before the British and Brazilian Mixed Courts, either in Rio de Janeiro, or at Sierra Leone.

Thirdly. The rejection by the Brazilian Commissary Judge of the interpretation of Article I. of the Treaty of 1826, respecting Slave Trade equipments, an interpretation that had been admitted in numerous precedents by both Governments; and the omission of the Brazilian Minister to reply to the several applications of the Undersigned on the subject, or to take any steps towards an alteration in the decision adopted by his Excellency's subordinate officer.

Fourthly. The refusal of the latter functionary to proceed any further in the enquiry, or to consent to an efficient examination whether the cargo on board the vessel agrees with the documents recently under seal, which the Brazilian Government only permitted to be opened and inspected after considerable demur.

One of the more important objects, however, had in view in this communication to the Brazilian Government is, to announce the utter impossibility of detaining any longer at Rio de Janeiro the ship and crew that captured the "*Nova Granada*," and further, to explain to the Brazilian Government, that if in the future stages of the legal proceedings regarding her, the absence of the captors should in any way prove detrimental to the individuals interested in the property involved, it is that Government, and that Government alone, with whom have originated the impediments above stated, or by whom they have been tolerated, who can for such loss and detriment be held responsible.

The Undersigned, &c.

(Signed)

HAMILTON HAMILTON.

*His Excellency Senhor Ernesto F. Franca,*  
&c.

&c.

Enclosure 3 in No. 274.

*Opinion of British Commissary Judge.*

*Rio de Janeiro, March 3, 1845.*

THE Undersigned has had under consideration the minutes of the last session of the 21st ultimo, and in particular the earnest and renewed demands of the Brazilian Commissary Judge, that the Undersigned proceed to give his vote in the case of the "*Nova Granada*," in its present stage of investigation.

At this last session, the Brazilian Commissary Judge insisted, that in respect to the further survey demanded by the Undersigned, there is no occasion for the same, because that held by the British officers of Her Majesty's frigate

"Alfred," which is found (upon oath) at folio 52-7 of the process, renders a similar proceeding uncalled for.

The survey here quoted by the Brazilian Commissioner describes the articles found on board the in these words: "From the nature of the cargo and the materials we found on board, as before stated, we are of opinion that the '*Nova Granada*' is fully prepared to carry a cargo of slaves."

The substance of this survey and inventory of the articles and equipments in question, may be concisely stated as follows:

First—The entire materials and preparations for forming a slave deck, fitted and marked.

Second—Upwards of 10,000 gallons of fresh water, contained in 89 pipes and 20 casks, all scientifically stowed in lower and upper tiers.

Third—Upwards of 20,000 billets of firewood.

Fourth—A proportion of the customary slave provisions, namely, 93 bags of farina, 40 bags of beans, three bags of rice, a large quantity of jerked beef.

Fifth—A considerable number of large and small fire bricks and others, and a proportion of clay.

Sixth—In the latter were secreted three large cooking utensils.

Seventh—Medicines peculiar to the use of negroes.

Eighth—A quantity of empty kegs or firkins.

Ninth—A large cooking place 5 feet  $\frac{3}{4}$  inch in breadth, by 5 feet 1 inch in length, &c.

Of these items Nos. 2, 3, 5, 6, 7 and 8, are not included or mentioned in the official manifest of the cargo at folio 18 of the process.

The Brazilian Commissary Judge insists, that the fact of slave equipments being found on board cannot even justify the detention of this Brazilian vessel, much less call for the confiscation of the property.

A similar principle was laid down by the Brazilian Commissary Judge at the other branch of this Commission in Sierra Leone, and that view being pertinaciously upheld by Mr. Niteroi, the British Government have deemed it necessary to take the opinion of its law officers in regard to the liability of Brazilian vessels, on account of an equipment for Slave Trade; and the Undersigned takes this occasion to record his entire occurrence with the law officers opinion, that, according to the true intent and meaning of Article I. of the Convention of November 1826, such vessels are liable to confiscation, and have hitherto been justly condemned.

The Undersigned was desirous to obtain further and other details of the slave equipments already discovered, or which may still exist on board the "*Nova Granada*," and likewise to await the termination of the correspondence which is pending between the two Governments upon the subject of such equipments being evidence of slave trading.

But as the Brazilian Commissary Judge refuses to accede to that delay, and he does not contest the facts of the slave equipments on board the vessel as described by the Surveyors, the Undersigned will proceed, at this urgent demand of his honourable colleague, to record his vote in the case.

It has been sufficiently proved by the survey at folio 52-7 of the process referred to by the Brazilian Commissary Judge at the last session of the Court, that the articles and equipments carried by and found on board the Brazilian vessel called the "*Nova Granada*," are manifestly destined for transporting and conveying a cargo of slaves; and that during this investigation nothing has been urged or brought forward hitherto to the contrary thereof; and it is likewise seen, that many of these articles and equipments have been surreptitiously laden on board, inasmuch as there does not exist any formal permit for the pass from the Custom House, or mention of the same in the lately sealed up official manifest and cockets of the cargo shipped.

Upon these grounds the Undersigned declares, that the Brazilian patacho "*Nova Granada*," her cargo and appurtenances, is a good and lawful seizure by the officers and crew of Her Britannic Majesty's cruizer "*Viper*," James Carter, Esq., Lieutenant commanding; and that the said property is liable to confiscation, according to the true intent and meaning of Article I. of the Convention of 1826, between Great Britain and Brazil.

(Signed)

JOHN SAMO.

## Enclosure 4 in No. 274.

(Translation.)

*Senhor Franca to Mr. Hamilton.**Palace of Rio de Janeiro, March 10, 1845.*

THE Undersigned, &c. &c. has to reply to the notes, Nos. 94 and 103, of the 4th and 17th December of last year, and Nos. 7 and 17 of the 27th January and 27th February, 1845, having already acknowledged the receipt of some which Mr. Hamilton Hamilton, &c. &c. addressed to him, all relating to the occurrences in the process of the patacho "*Nova Granada*."

The Undersigned has already signified to Mr. Hamilton the principal cause why he did not reply immediately, that is, the desire of hearing the Section of the Council of State, and the Dezembargador Attorney-General, upon a subject of such magnitude as that of desiring to understand the stipulations between the two nations in a manner different from that in which they have always been interpreted.

In order the better to explain the business treated of, the Undersigned must be permitted to make a succinct statement thereof. The patacho "*Nova Granada*" was captured by the English schooner-of-war "*Viper*," at her departure from the port of Santos for that of Pernambuco, brought to this place, and submitted for adjudication to the Brazilian and English Mixed Commission on the 29th November, 1844.

The Commission immediately commenced the examination of the declaration made by the captor, which was based upon the vessel being prepared and equipped for the traffic in slaves, as well as of all the other papers seized on board; but, as among these there were two Despatches from the Inspector of the Custom House at Santos to the Inspector of the Custom House at Pernambuco, both being closed with the Imperial seal, the Brazilian Commissary Judge opposed their being opened, as also a private letter, and he immediately reported this to his Government.

In, the meantime, the Commission went on with the examination of the witnesses, according to its regulations; and all the necessary investigations having been made, the two Judges agreed between themselves (the decision of the Government regarding the opening of the Despatches referred to not having come) to give their votes as to the legality or illegality of the capture independently of such opening, and even because it was well known that those Despatches related to the manifest of the cargo which the patacho was taking from one port to another, and, consequently, by unanimous consent, they ordered the process to be closed, and the documents to be sealed for passing sentence.

The Brazilian Commissary Judge shortly afterwards presented his vote (a copy of which is in this Department of State, and a translation of it accompanied the note No. 94) declaring the detention of the patacho in question to be illegal, from the circumstances therein stated, leaving the owner the right to petition for indemnities.

On this occasion, after the said vote had been read to the British Commissary Judge, he stated, that his opinion was contrary, (and I think even that the Commissioners of Arbitration of both nations were present,) and, in reference to this declaration, the Brazilian Commissary Judge had immediately to require the drawing of lots for an Arbitrator, in conformity to Article III. of the Regulations for the Mixed Commission, of the 28th July, 1817, which says in extract, "And in the event of the two Commissary Judges not agreeing on the sentence they ought to pronounce, whether as to the legality of the detention, or the indemnification to be allowed, or on any other question which might result from the stipulations of the Convention of this date, they shall draw by lot the name of one of the two Commissioners of Arbitration, who, after having considered the documents of the process, shall consult the above-mentioned Commissary Judges on the case in question, and the final sentence shall be pronounced, conformably to the opinion of the majority of the above-mentioned Commissary Judges, and of the above-mentioned Commissary of Arbitration."

The British Commissary Judge did not then show himself to be opposed to the execution of this Article, but proposed to delay this formality for some days, until a certain correspondence between the Undersigned and the British Envoy should be decided. The Brazilian Commissary Judge acquiesced, on condition that the adjournment should be for three days only, at the end of which he

appeared, in order to verify the choice of Arbitrators, and he again required the execution of Article III. ; and inasmuch as he met with new obstacles, he had still to insist twice more, endeavouring, as is gathered from his replies, also existing in this Department of State, and translations of which accompanied the note, No. 103, to destroy the arbitrary arguments of the British Commissioner, and to call him to the fulfilment of his duty, but always in vain. The Christmas holidays then commenced, and the process was stopped.

In the meantime, the decision was received from the Government regarding the opening of the Despatches ; and on their being opened, it was found, that in fact they were the permits of the cargo of the patacho. The holidays being over, the British Commissary Judge appeared at the Commission, and retired without waiting for his Brazilian colleague, because he then said he was very unwell ; and this being reported to the Brazilian Commissary Judge, he did not go to the Commission, and, consequently, could not present the two replies, dated the 7th January, to his colleague's two memorandums.

The British Commissioner remained away from the Commission from that time up to the 21st February, on which day he appeared, only to deny, and tenaciously maintain, that he had not yet voted regarding the legality or illegality of the capture, notwithstanding that the Brazilian Commissioner showed him, that in consequence of his having pronounced a contrary opinion it was that he had required the drawing of lots for Arbitrators ; still, in his answers, the British Commissary Judge did not oppose the precept of the Treaty, declaring, however, that the time had not arrived for taking such a step ; and he only endeavoured to delay this act, as may be seen from his above-mentioned answers.

He agreed to nothing ; and as the Brazilian Commissary Judge saw that his endeavours to convince him were in vain, he protested, that seeing he so positively denied an act which he had practised, he should then give his vote. The British Commissioner then had recourse to another measure for delaying this business, pretending that he required a survey to be held on board the patacho, in order to ascertain whether the articles existing there agreed with the permits of the Custom House. The Brazilian Commissary Judge refused to acquiesce, being convinced that the only object of it was to render the adjudication of this prize interminable, showing even that in the process there existed a survey made by the English officers themselves. The British Commissioner continued to insist, and to argue, spending three hours without agreeing to the requisition for the drawing of lots, or to vote, which he still denied having done.

Finally, on the 3rd March the Commissary Judges having met, the British Commissary Judge presented his vote, already translated, condemning the patacho, and subjecting her to confiscation.

After this vote had been read, the Brazilian Commissioner replied, that as there was the difference of opinion between the two Judges treated of in Article III. of the Regulations for the Mixed Commission, they should proceed to the drawing of lots for an Arbitrator ; but after having given some idea that he would agree thereto, the British Commissary Judge took his pen, and declared that he would not consent. Against so unwonted and arbitrary proceeding the Brazilian Commissary Judge was obliged to protest.

At length the British Commissary Judge declared, that he was going to Monte Video, and that the Commission should advise the English Consul, in order to his substituting him in this process, which will thus be rendered interminable, because the said Consul cannot be Judge in this case, having, up to the present time, figured as Proctor for the captor. And Mr. Samo being absent, Mr. Hamilton will easily understand, that in conformity to Article XIV. of the Regulations already quoted, the Consul ought to be substituted by the Vice-Consul, without which the process cannot go on.

This is an exact exposition of the unwonted occurrences which have taken place in the Brazilian and English Mixed Commission during the process of the "*Nova Granada* ;" and the Undersigned does not hesitate to say, that Mr. Samo, far from proceeding as an impartial judge, who endeavours to find out the truth in order to give his sentence, has endeavoured, by means of subterfuges, to procrastinate the adjudication, for purposes which the Undersigned will not attempt to unveil.

Neither is this the only case in which that functionary has desired to infringe

clear stipulations, wishing to make imaginary interpretations prevail, without any foundations whatever, as has already happened with the facts of the vessels "*Nova Aurora*," "*Dous Amigos*," and always when there is a disagreement with the Brazilian Judge.

The Imperial Government has already solemnly protested, that it will not recognise any other Treaty upon the abolition of the traffic in slaves than the Convention of the 23rd November, 1826, which revalidated and recognised, as efficaciously as if they were inserted word for word therein, all the Articles and provisions of the Treaties concluded between Her Most Faithful Majesty and Her Britannic Majesty upon this subject, on the 22nd January, 1815, and on the 28th July, 1817, and the different Articles which have been annexed thereto.

Let, therefore, the negotiations in this respect which have been begun between the Empire and Great Britain be what they may, as none of them have arrived at the conclusion which international law prescribes to bind the two nations, such negotiations were nothing more than attempts without effect.

With reference, therefore, to what has been set forth, the Undersigned flatters himself, that Mr. Hamilton will be convinced that the Brazilian Commissary Judge, merely claiming the religious execution of the Regulation, far from protecting the traffic in slaves, as Mr. Hamilton appears to insinuate, fulfilled his duty, and, far from delaying, endeavoured to accelerate, the adjudication of the "*Nova Granada*," which would long since have been concluded, had it not been for Mr. Samo's chicanery. And it is the Undersigned's duty to protest also, with the greatest solemnity, against all the losses and damages which may result to those who have a right, for all the results of this unheard of procrastination, which is proved not to be the fault of the Brazilian agent.

The Undersigned will now pass on to reply to the note No. 17 of the 27th of February last, from Mr. Hamilton, which contains all the subject matter of the other notes upon the business of the "*Nova Granada*."

Mr. Hamilton presents four points, which he considers as so many obstacles opposed by the Imperial Government to the continuation of the labours of the Brazilian and English Mixed Commission.

As regards the first, that is, the stamp duty upon certain documents, Mr. Hamilton is aware that it is the result of a law which the Imperial Government ought religiously to execute; but the doubts which arose in this respect as regards the processes the cognizance of which belongs to that tribunal, have already been satisfactorily solved by the Finance Department. Relating to the second, that is, the resistance of the Brazilian Commissary Judge to the documents closed with the Imperial arms being opened, the British Commissary Judge was so well aware that this could not influence the decision of the process, that he consented to the following the steps marked in the Regulation; and when the resolution of the Imperial Government arrived, although still in good time, the opening of the Despatches clearly proved, that far from prejudicating the claimants, the vessel had been cleared in conformity to the laws of the country.

As regards the third, the Undersigned will tell Mr. Hamilton, that the Brazilian Commissary Judge would have incurred a serious responsibility had he admitted the interpretation which his colleague wishes to give to Article I. of the Convention of 1826.

The Undersigned has already stated in this note, and he repeats it, that only by the mutual consent of the two Governments can the Articles of the Treaty be altered; and such an interpretation would be a total subversion of Article VI. of the Additional Convention of the 28th of July, 1817, which says: "No Portuguese or British cruizer, shall detain any slave ships not having slaves actually on board; and in order to render lawful the detention of any ship, whether Portuguese or British, the slaves found on board such vessels must have been brought there for the express purpose of the traffic; and those on board Portuguese ships must have been taken from that part of the coast of Africa where the Slave Trade was prohibited by the Treaty of the 22nd of January, 1815."

The Undersigned will not now examine whether any vessels have been adjudicated in the Commission of this capital with an alteration of the provisions referred to, and of Article I. of the Instructions of the 28th of July, 1817.

But granting this to have occurred, which is not admitted, it would be owing to a deviation caused by special circumstances, which do not injure the right conceded in solemn Treaties.

As regards that which has occurred in the Mixed Commission in Sierra Leone, the Imperial Government has caused various representations against the judgments of that tribunal, evidently prejudicial to the Empire, to be made to Her Britannic Majesty's Government; and without speaking of many former ones, against which the Imperial Government will always claim, one has lately occurred with the Brazilian vessel "*Imperador Don Pedro*," the condemnation of which is, without doubt, scandalous, and so illegal that Her Britannic Majesty's Crown Advocate himself undertook to defend the cause, which he considered could not but be attended to in any tribunal of the world.

The Undersigned will fulfil his duty, representing against such a proceeding, which has involved nothing less than the complete ruin of the lawful commerce of Brazil, in manifest contradiction to the Instructions.

As regards the fourth, it is clear that it is the British Commissary Judge who desired to delay the decision, inasmuch as, after having abstained from the opening of the Despatches to continue the process as far as the drawing of lots, in which he had already acquiesced, he thought of a new survey, when there was one in the process sufficiently minute, which the English officers had made, who ought to deserve from him all due credit. And the inutility of such a survey is evident; which, furthermore, is not founded upon any Article of the Regulation, when the process was already closed.

The Undersigned considers he has shown that, let Mr. Samo's views be what they may, he has proceeded irregularly in the fulfilment of his functions as British Commissary Judge; and lamenting that there should still exist persons so ambitious as, that for the love of gain should continue to engage in the nefarious traffic of slaves, and assuring Mr. Hamilton, that the Imperial Government will not cede to any other in the desire to employ every means to repress it, he repels the inconsiderate allegations introduced into that note; and trusting that they will not be reproduced, he avails, &c.

(Signed) ERNESTO FERREIRA FRANCA.

*His Excellency Hamilton Hamilton,*  
 &c.            &c.            &c.

No. 275.

*The Earl of Aberdeen to Mr. Hamilton.*

SIR,

*Foreign Office, July 2, 1845.*

It is with regret that Her Majesty's Government have found themselves compelled to appeal to the rights and obligations attaching to Her Majesty under Article I. of the Convention of 1826, between Great Britain and Brazil, upon Slave Trade; but the notification made to you upon the 12th of March last by the Senhor E. F. Franca, on the part of the Brazilian Government, that they considered that the Convention of July, 1817, as adopted by Brazil, must cease on the 13th of that month, and the apparent absence of all intention to join in any definite and practical measures for the performance of the engagement by which they continue bound, has left to Her Majesty's Government no other course than to provide for themselves the means of carrying those rights into effective execution.

For it is unhappily notorious, that vessels intended for Slave Trade are fitted out almost daily in the ports of Brazil; that of the slave-ships met with in the African seas, three-fourths are under the Imperial flag, or are prosecuting the trade on account of Brazilian subjects; that along the southern coast of the Empire, there is scarcely a creek where a landing is practicable, which has not become known as a resort and a refuge to slave dealers; that the importation of human beings as slaves into Brazil, far from being discountenanced as a violation of law and Treaty, is favoured by the local Authorities; and that even in the Legislative Assemblies the trade is avowed as one in respect to which it is not necessary, or even becoming, that the Government should keep the faith of their Treaties with Great Britain.

CLASS B.



When, therefore, that Government declared its determination to relinquish the means hitherto adopted in concert between the High Contracting Parties for fulfilling the Convention of 1826, Her Majesty's Government found themselves called upon to choose between leaving the Slave Trade to flourish and increase, in spite of the obligations imposed, and the rights conferred upon them by that Convention, or recurring to such other means as are open to Great Britain for carrying its avowed object into effect.

Her Majesty's Government have felt it their duty to choose the latter course; and accordingly they have prepared, and are about to submit to Parliament, a Bill, giving to Her Majesty's Courts of Admiralty the power to take cognizance of, and to adjudicate upon, all vessels captured for carrying on the Slave Trade contrary to the Convention of 1826, a power from which those Courts have hitherto been specially debarred by the Act of Parliament originally passed for carrying that Convention into execution, in consideration that provisions were therein adopted for the maintenance of those Mixed Tribunals which the Brazilian Government has now determined to dissolve.

Her Majesty's Government, however, are far from wishing this mode of adjudicating those vessels to be permanent. They will be ready, so soon as any measures of the Brazilian Government shall enable them to do so, to recommend to Parliament to repeal the Bill now about to be brought forward. But whilst the present state of things continues, and until either the Slave Trade of Brazil shall have entirely ceased, or the Brazilian Government shall have entered into engagement with Great Britain jointly to carry into execution the declared intentions of the parties to the Convention of 1826, that course will not be open to them.

You are already aware, that the measure by which, in the opinion of Her Majesty's Government, the Government of Brazil would best evince their determination to carry out the intention which they have so solemnly recorded, would be the negotiation of a Treaty, similar either to that concluded between Great Britain and Spain in 1835, or to that between Great Britain and Portugal in 1842.

Should the Brazilian Government show any willingness to entertain the question of such a Treaty, you will frankly declare, that nothing would give Her Majesty's Government more sincere pleasure than to find themselves relieved by the conclusion of it, from enforcing the operation of the Bill which they are now about to propose to Parliament; and you will assure the Brazilian Minister, that it will be a source of real satisfaction to Her Majesty's Government to return to a good understanding, both on this and on other subjects, with a nation in whose welfare and independence they have from the earliest times taken a lively interest, and whose growing prosperity and power they have witnessed with the greatest gratification.

H. Hamilton, Esq.  
&c &c.

I am, &c.  
(Signed) ABERDEEN.

No. 276.

*M. Lisboa to the Earl of Aberdeen.*

York Place, 30 Juin, 1845.  
(Received July 3.)

LE Soussigné, &c. &c. en remplissant les ordres qu'il a recus de sa Cour, a l'honneur de s'adresser à son Excellence le Très-Honorable Comte d'Aberdeen, &c. &c. pour lui dénoncer une flagrante violation des clauses convenues entre leurs dites Majestés, et qui, seules, doivent décider du sort des navires Brésiliens et Anglais passibles des peines que peuvent leur infliger les respectives Commissions Mixtes.

Le bric Brésilien "*Imperador Dom Pedro*," propriété d'un sujet de Sa Majesté Impériale, a été capturé le 23 Juin, 1844, par la corvette-de-guerre de Sa Majesté Britannique "*Bittern*," et conduit à la Sierra Leone, où il n'est arrivé qu le 1er. Novembre suivant, soumis au jugement de la Commission Mixte Brésilienne et Anglaise, les deux Commissaires de Sa Majesté Britannique

l'ont condamné non pas que le capteur aux termes des 'Traités, ait prouvé qu'il se trouvait des noirs à bord de sa prise, ou qu'il y en ait eus, mais (et cela même le Commissaire Brésilien l'a formellement contesté dans sa protestation) parce que le bric "*Imperador Dom Pedro*" était simplement équipé pour la traite.

Le Soussigné par sa note du 27 Juin de l'année dernière, a déjà eu l'honneur de démontrer à Lord Aberdeen l'illégalité manifeste de ces extensions qu'on veut faire subir aux Traités existans, sans observer les conditions essentielles de validité qui s'y trouvent consignées. Le consentement préalable des Hautes Parties Contractantes est en effet de rigueur indispensable pour toute innovation de ce genre; or, le Soussigné se flatte d'avoir clairement prouvé qu'un semblable consentement n'a jamais été accordé par le Gouvernement de Sa Majesté Impériale.

En se référant à tout ce qu'il a eu l'honneur d'exposer alors à Lord Aberdeen, le Soussigné se croit d'autant plus en droit d'insister sur ce point et sur les demandes correspondantes qu'il a plus d'une fois formulées que Son Excellence ne lui ayant jamais fait l'honneur de combattre son argumentation, il est permis au Soussigné de considérer comme valables et inattaquables les raisons par lui produites à l'appui de la réclamation qui a fait l'objet principal de sa susdite note du 27 Juin, 1844.

Le Soussigné en appelant l'attention de Lord Aberdeen sur le fait exorbitant dont il vient d'entretenir son Excellence, ose espérer qu'il sera promptement redressé, comme il est de justice et d'équité.

Le Soussigné, &c.

(Signé) MARQUES LISBOA.

*Son Excellence le Très-Hon. Comte d'Aberdeen, K. T.*

&c.

&c.

&c.

No. 277.

*Mr. Hamilton to the Earl of Aberdeen.*

*Rio de Janeiro, May 24, 1845.*

*(Received July 15.)*

MY LORD,

IN obedience to the instructions given to me in your Lordship's Despatch, of the 2<sup>nd</sup> ultimo. I hasten to forward herewith a copy of my answer to the representation I had received early in last year from the Minister of Foreign Affairs, concerning an alleged violation of Brazilian territory by a British brig-of-war in November, 1843; and I add to it, the report of Captain Stopford, commanding Her Majesty's sloop "Pearl," at that time senior officer in this port.

I did not enclose my note to the Minister, nor the last-mentioned document, in my preceding Despatch on this matter, seeing that Captain Stopford's report was very brief, and my note, which was little else than a transcript, equally so; and because the substance of the report was fully conveyed in the final paragraph of my Despatch.

I have, &c.

(Signed) HAMILTON HAMILTON.

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

&c.

&c.

&c.

Enclosure 1 in No. 277.

*Mr. Hamilton to Senhor Franca.*

*Rio de Janeiro, February 21, 1844.*

EARLY in this month the Undersigned, &c. &c. called on the officer in command of Her Majesty's ships-of-war in this port, to institute enquiries into an alleged violation of the Brazilian territory near the Praia da Armacao dos Buzios, in November last, by an English brig, an occurrence communicated to the Undersigned by Senhor Paulino, on the 11th January.

In answer to the allegations thus brought forward, but which do not appear sufficiently explicit, it has been reported to the Undersigned, that no English brig-of-war appears to have been on that part of the station at the period indicated; and that no other English ship-of-war has been guilty of the offences referred to in Senhor Paulino's note.

The Undersigned, &c.

(Signed)

HAMILTON HAMILTON.

*His Excellency Senhor Ernesto F. Franca,*  
&c.

&c.

Enclosure 2 in No. 277.

*Commander Stopford to Mr. Hamilton.*

SIR,

*"Pearl," Rio de Janeiro, February 10, 1844.*

IN reply to your Excellency's letter of the 7th instant, requesting me to institute enquiries relative to a complaint preferred by Senhor Paulino J. S. de Souza, against an English brig, for a violation of the Brazilian territory near the Praia da Armacao dos Buzios, in November last, I have the honour to inform you, that having made the necessary enquiries, I find that no English brig-of-war was in that part of the station at the time mentioned, and that no other English vessel-of-war was guilty of the offences referred to in Senhor Paulino J. S. de Souza's note.

I am, &c.

*H. Hamilton, Esq.*  
&c. &c.

(Signed)

A. H. STOPFORD, *Commander.*

No. 278.

*Mr. Hamilton to the Earl of Aberdeen.*

*Rio de Janeiro, May 24, 1845.*

*(Received July 15.)*

MY LORD,

WITH reference to antecedent correspondence respecting the Portuguese slaver "*Leopoldina*," I have the honour to forward for your Lordship's information, an additional communication made to me by the Brazilian Government, in explanation of the proceedings of the local Authorities at Macahé, but which explanation, as it appears to me, does not in any degree exonerate those Authorities from the grievous accusations to which they rendered themselves so obnoxious by their most nefarious conduct in all that concerns the "*Leopoldina*" and her unfortunate cargo of human beings.

I have, &c.

(Signed)

HAMILTON HAMILTON.

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

Enclosure 1 in No. 278.

(Translation.)

*Senhor Franca to Mr. Hamilton.*

*Palace of Rio de Janeiro, April 22, 1845.*

THE Undersigned, &c. &c. in order to give Mr. Hamilton, &c. &c. a suitable answer to the note No. 72 which was addressed to him on the 20th October of last year, having demanded of the Minister of Justice the necessary information, now finds himself enabled to do so.

His Excellency having charged the Juiz de Direito of the District of Cabo Frio to detail what had occurred, the latter, in consequence, required from the competent Authorities all the information respecting the Portuguese brig "*Leopoldina*," which vessel had put in to Macahé, and upon which, having been duly tried, sentence was pronounced on the 28th November, 1842, and

27th March, 1843, by the respective Sub-Delegate of Police, and the Municipal Judge, as was communicated to Mr. Hamilton by the Undersigned, in his note of the 2nd October last, under No. 68.

The Undersigned is persuaded that the Judges in this matter did all that lay in their power, and proceeded most legally in the matter, and that Mr. Hamilton will participate the conviction of the Undersigned, on perusing the documents he has now the honour to transmit in copy, and which served as basis for the sentences given, of which Mr. Hamilton has official information.

The Undersigned, &c.

*His Excellency Hamilton Hamilton,*

&c.

&c.

(Signed)

ERNESTO FERREIRA FRANCA.

Enclosure 2 in No. 278.

(Translation.)

*Senhor da Motta to Senhor de Menezes.*

SIR,

*Macahé, January 10, 1845.*

As I cannot enter into a minute analysis of the conduct of the Authorities then existing in this municipality on the occasion alluded to in the enclosed papers, and which I have the honour to return to you, I limit myself to transmit to you herewith, copies of some of the pieces of the process instituted by the Police Authorities of the municipality, according to which the detention of the brig "*Leopoldina*" is considered legal, in order that, after examining the said papers with your usual perspicacity, you may be pleased to lay before the Government of His Majesty the Emperor those considerations you conceive most proper on the occasion.

I consider that in this manner I have satisfied the orders given to me in your Despatch of the 30th November past.

(Signed)

IGNACIO F<sup>co</sup>. SILVEIRA DA MOTTA.

*Senhor Gomes de Menezes,*

*Juiz de Direito of the District.*

Enclosure 3 in No. 278.

(Translation.)

*Senhor de Gouvea to Senhor Fragoza.*

*Macahé, November 26, 1842.*

ON receipt of this, you will immediately embargo a vessel that has entered this port, in order to proceed against her as is incumbent on you by law, and by Article CCCCLXXXVIII. of the Regulations of the 31st January of this year. You must proceed in this matter with the utmost energy possible, to the end that the laws and Treaties in this respect may be observed; and, filing this order with the process you must immediately open, you will finally report to me what has taken place, in order that I may lay the same before the Imperial Government.

(Signed)

GUILHERME BANDEIRA DE GOUVEA.

*Senhor Demetrio Maria Fragoza,*

*Delegate of Police.*

*Sub-Delegate of Police of Macahé.*

Enclosure 4 in No. 278.

(Translation.)

*Senhor Gouvea to Senhor Fragoza.*

*Macahé, November 26, 1842.*

IN addition to the Despatch I addressed to you to-day, you must, accompanied by your clerk, and the officers of justice, and two other persons whom you will swear in, to serve as surveyors, proceed immediately on board of the vessel that entered this port, demand all her papers and documents, which the Master must present, and all the persons composing the crew, who must be detained, and examined whether this vessel was employed in the traffic of slaves. After this examination shall have taken place by the surveyors, the

result being put down in writing, and you and your clerk shall have signed it, you will proceed to interrogate the Master upon the subject, enquiring whence he came? whither he was going? what was the length of his voyage? who is his owner, and the port he sailed from? and what was his destination? as well as what cargo he brought? You must also interrogate three of the crew, and such witnesses as may know anything on the subject, taking such declarations and obtaining all such other informations as you are rigorously bound to do; and having seen the ship's passport, register, and other papers, which you are to receive, and add to the process, you will conclude the matter; and, considering the accusation to be just, you will proceed with it, or act in any other manner as justice demands; but should no person petition against your award, the legal term granted by law expiring, you will give the necessary orders for the vessel's discharge, and notice to the Public Accuser of the nature of that award. Under this date I notify to the Commander of the National Guard, Lieutenant Joze Maria da Cunha Valle, to send immediately on board of this vessel six soldiers, to guard and watch the same.

You will acquaint me with what takes place, as also of the process up to its conclusion, in order to enable me to inform promptly his Excellency the President of the Province. This, my order, must be appended to the process which you are obliged to open, according to Article CCCCLXXXVIII. of the Regulations of the 31st January of this year.

(Signed) **GUILHERME BANDEIRA DE GOUVEA,**  
*Senhor Demetrio Maria Fragoza,* *Delegate of Police.*  
*Sub-Delegate of Police at Macahé.*

---

Enclosure 5 in No. 278.

(Translation.) *Senhor de Menezes to Viscount da Praia Grande.*

ILLUSTRIOUS AND MOST EXCELLENT SIR, *Cabo Frio, March 17, 1845.*

I NOW wait upon your Excellency with the papers relative to the question of the Portuguese brig "*Leopoldina*," and respecting which I was ordered to inform upon.

From the annexed documents from the actual Municipal Judge of Macahe it will be seen, that on the 26th November, 1842, the then Municipal Delegate of Police ordered the Sub-Delegate of the town to embargo the brig in question, which had anchored there; and not considering sufficient his brief Despatch on the subject, in addition to the same, and on the same day, explained that the said Sub-Delegate ought to go with his officers on board, and demand all the papers there existing, and proceed to a survey of the said brig, and detain her crew until the final solution of the examinations ordered, for the purpose of ascertaining whether the said brig had been employed in the illicit commerce of slaves and to effect this, he was to examine witnesses, proceeding in conformity with the laws. (Documents No. 1 and 2.)

By document No. 3 it will be seen, that acting in conformity with such orders, the Sub-Delegate, on the 28th November, gave as his opinion, that although by the papers presented, and the steps taken, it was apparent the brig had touched there, having sprung a leak, &c. as from her papers it appears her destination was the port of Rio de Janeiro, in ballast, yet, as there was found on board a larger number of pipes than was declared in her manifest, he suspected her to be employed in the illicit commerce of slaves, and consequently he not only embargoed her, but gave orders for the imprisonment of the crew, whose escape, after the steps which had been taken, only induced greater suspicion respecting the criminal employment of the same brig. And as by this time she was already delivered up to the Commader of the national brig, "*Tres do Maio*," the Sub-Delegate considered it useless to proceed any further in the matter, and forwarded the process to the Municipal Judge for further action thereon.

By document No. 4 it will be seen, that the Municipal Judge Delegate of Police then gave notice to six citizens, of some standing in the place, and carried forward the process, concluding it with the sentence given in No. 5. Therein the Judge reports the history of the question, declaring, that however exempt the brig appears to be (after examination of her papers, and the declaration that she was driven into port) from suspicion of being employed in the illicit com-

merce, still the circumstances of her having 77 pipes of water not declared in the manifest, and also a large quantity of provisions, and the sudden evasions of the crew, all gave cause for suspicion; for although it does not appear from the examinations, that she had landed slaves, she might have done so on some point of the coast, of which there is no certainty; and consequently the said Judge considered the detention of the brig to be regular, and issued new orders for the capture of the Master and crew. I cannot, therefore, perceive how these Authorities have hitherto failed in their duty. In the meantime, his Excellency Mr. Hamilton observes, that the Sub-Delegate declares in the Despatch, that he had made a survey on board the "*Leopoldina*," expressly stating her arrival at Macahe to have been caused by a leak, &c., and that although he, the Sub-Delegate, decides that the brig should be detained because a greater number of casks was found on board her than was declared in the manifest, still he remains silent as to the quantity of water met with; by all which Mr. Hamilton would seem to understand, not only a contradiction, but also a determination to conceal the truth.

Your Excellency must, however, be persuaded, that this opinion has no foundation. In the first place, it is to be observed, that the Sub-Delegate, in his Despatch (document No. 3) makes no mention of casks. He says, it is true, that finding on board a greater number of pipes than is manifested, this fact induced him to suspect the brig; for although he did not declare the number of pipes, nor what they still contained, or did contain, in noway can this omission be considered criminal, or done purposely, because the Sub-Delegate, when he made his report, had the documents of the process before him, and amongst them is one that explains everything.

Nor was there any reason for concealment, which is clear enough from the context. At the most it can only be considered as a want of habit, very excusable in one not professionally a judge—certainly not a criminal act. As to the apparent contradiction, that also disappears, when it is recollected that the brig's papers were in order; and that the result of the survey, although showing proofs against her, notwithstanding confirmed entirely the motive assigned for her putting into Macahe. And although it does not appear any landing of slaves had been effected from her, or that in this respect there was any cause for suspicion, still it was very fair to conclude, that there was cause for suspecting the brig in the great number of pipes found on board her. The number of pipes, however, is explained in the Municipal Judge's sentence. (Document No. 5.) Therein the Judge declares, that the motive of the detention was because 77 pipes of water were found on board, &c. Where is the subterfuge shown? where the contradiction? Your Excellency knows very well, that a decision pronounced is not a condemnatory sentence. In the former, circumstantial proofs are enough, and the Judge makes use of general forms. In the latter, it is necessary that everything should be made mention of. His Excellency Mr. Hamilton appears to desire, that in the decisions in question all these explanations should be made, and believes that these simple decisions were final sentences of the case *sub-judice*. His Excellency Mr. Hamilton further observes, that both Judges neglected, as it were, the direct and conclusive proofs, and purposely made use of the indirect and hypothetical ones. From what I have observed, it will be seen with what justice these Judges have been thus accused. The fact of finding a greater number of pipes than what was manifested, and a great portion of provisions, and the evasions of the crew, all this is positive.

The suspicion of a landing is only conjectural; but it is allowable for judges to seek in such manner to corroborate any suspicious proofs, reserving for trial the verification of those suspicions.

In all the observations made by his Excellency Mr. Hamilton, he appears only desirous to show that there was bad faith in the proceedings of the Authorities; because he says, that they assisted at, and saw the landing of, the slaves, and conceal it. Upon such a decided and explicit accusation, it is impossible for me to obtain information to-day. These facts took place at the end of 1842 and beginning of 1843. I was then not Juiz de Direito of this district, of which I took possession only in August last. After so long a lapse of time, and entirely ignorant as I am of the circumstances, and, besides that, at that time another Municipal Judge was in office at Macahe, I can say nothing, except with documents before me. I have spoken, however, with

several confidential persons in that town, and they have assured me, that no landing took place.

These, and other similar enquiries, however, which I may have recourse to, are extra-judicial, and cannot convince any one; and only in case of having a process opened against those Judges, and making use of the ample powers of the law, can I be able to obtain proofs of the fact. The Government of His Imperial Majesty will then order what it thinks best.

In the meantime, I believe that, this accusation apart, the Judges did their duty. The brig was embargoed, and the Master and Mate will be brought to trial immediately they are captured, and then it will be discovered whether or not there was a landing. This is what I consider it proper to inform your Excellency of, adding, that having left this shortly after the 7th January, in my tour of duty in the district, it was only in the beginning of the current month that I returned to this city, and consequently, that I have delayed till now fulfilling the orders given to me, when only I have received the informations I had demanded of the actual Municipal Judge of Macahe.

(Signed) JOZE AUGUSTO GOMES DE MENEZES,  
*Viscount da Praia Grande,* *Juiz de Direito.*  
*President of the Province.*

No. 279.

*Mr. Hamilton to the Earl of Aberdeen.*

*Rio de Janeiro, May 24, 1845.*  
*(Received July 15.)*

MY LORD,

WITH further reference to the case of the American vessel "*Porpoise*," noticed in my Despatches, of the 15th of February and 29th of March last, I have to state, that after the "*Porpoise*" had been given up to the Brazilian Government, the two negro boys and the sailors who had informed, went on board the United States ship "*Raritan*," it having been stipulated in the arrangement made by Mr. Wise with the Authorities here, that they should be at liberty to go where they pleased.

At the same time the Captain and Mate of the "*Porpoise*," and the Captain and Mate of the "*Kentucky*," were removed to the fort of Villegagnon, as violators of the Brazilian law, and there detained for a fortnight; when, after having been subjected to a mock trial, they were released. They are now at large, and intending to return, it is said, to the United States, to take their chance at home, which probably will be a bad one.

The "*Porpoise*," having been abandoned by her Captain and consignees, was taken possession of by the United States Consul as a *derelict* American vessel, without any opposition from the Brazilian Government; and an officer and crew having been put on board of her by Commodore Turner, she will in a few days be sent home, where, if her owners are proved guilty of the crime with which they are charged, she will of course be forfeited.

I have, &c.

(Signed) HAMILTON HAMILTON.

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

&c.            &c.            &c.

No. 280.

*Mr. Hamilton to the Earl of Aberdeen.*

*Rio de Janeiro, May 26, 1845.*  
*(Received July 27.)*

MY LORD,

BEGGING reference to my Slave Trade Despatch, November 22, 1843, concerning the African girl Serafina, but more particularly to its enclosure No. 1, I have the honour to submit to your Lordship herewith, an answer to that note, which I have recently received from Senhor Franca.

This answer is altogether conformable to the preceding communications of

the Government, only asserting, as before, that the complaints of ill-treatment experienced by the girl in question were founded solely on her deposition, reason "sufficient for their not meriting consideration," but strengthened by the reports of competent Authorities, which show, that the girl was ill-behaved, and that, notwithstanding her disorderly conduct, she had never been maltreated.

There is transmitted in Senhor Franca's answer a Despatch from the Curator of Free Africans, confirmatory of these unfavourable statements about the girl's behaviour; and I apprehend, that looking to the respectable character of that public officer, his confirmation of those statements, however scrupulous we were justified in being with regard to them, must be accepted as satisfactory.

I have, &c.

(Signed) HAMILTON HAMILTON.

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

Enclosure 1 in No. 280.

(Translation.)

*Senhor Franca to Mr. Hamilton.*

*Palace of Rio de Janeiro, March 9, 1845.*

THE Undersigned, &c. &c. deems it his duty to contest the note No. 71, which Mr. Hamilton, &c. &c. addressed to the Undersigned's predecessor on the 2nd of November, 1843, again complaining of the pretended ill-treatment of the emancipated black girl Serafina, and calling the attention of the Imperial Government to the correspondence previously had with the British Legation upon this subject.

The Undersigned observed, on examining the documents relating to this business, that in fact he has nothing to add to the contents of the notes No. 29, and 65, of the 27th June and the 31st October 1843, addressed by the Councillor Soares de Souza, then Minister for this Department, to Mr. Hamilton, the perusal of which he has the honour to recommend to him, inasmuch as in them it is fully proved, that the accusations were only founded on the deposition of the black girl Serafina, which was sufficient for their not meriting consideration; but even from Despatches from the competent Authorities, copies of which were communicated to Mr. Hamilton, it was shown that the black girl in question was ill-behaved, and that, notwithstanding her disorderly conduct, she had never been maltreated.

However, as a Despatch exists in this Department of State from the Curator of Free Africans, who was also ordered to be heard upon the subject, to make the business clearer, and who proves it plainly, the Undersigned has the honour to transmit to Mr. Hamilton the accompanying copy of that document, with which, and with those already referred to, he trusts Mr. Hamilton will be convinced, that the representation is unfounded, and that the Imperial Government has always been solicitous for the fulfilment of its Convention.

The Undersigned, &c.

(Signed) ERNESTO FERREIRA FRANCA.

*His Excellency Hamilton Hamilton,*  
&c. &c.

Enclosure 2 in No. 280.

(Translation.)

*Senhor Lisboa to Senhor de Souza.*

*Rio de Janeiro, November 20, 1843.*

MOST ILLUSTRIOUS AND EXCELLENT SIR,

I HAVE to acknowledge the receipt of an order from your Excellency, under date of the 17th of the current month and year, requiring me to report whether the free African Serafina Muteca No. 243, of the brig "*Leal*," has the competent ticket of liberty, in whose possession the said ticket is, whether she be still in the service of Leandro Joze Pinedo Andrade and, finally, how she has been treated by him.

Complying with your Excellency's orders, I have to declare, that the African girl has her ticket of liberty, and that it is in the possession of Leandro Joze Pinedo de Andrade, in whose service she still remains; it must be noticed,—

CLASS B.



however, that the ticket referred to being in his power, is owing to the necessity of its being immediately presented in the case of any examination which may have to be proceeded to, either on account of flight or death, in order to verify the identity, which it would be difficult to effect in any other manner; because she might hide or lose it, and thus render these measures useless.

As to the treatment which she receives at his hands, it is good and kind; of which I can assure your Excellency, as I have seen her frequently; and when it is necessary to chastise her, I have ordered that it be done in my presence, to avoid excess.

I take this opportunity to state to your Excellency, that notwithstanding the good treatment, she is very untoward, and very ill-behaved, for she is constantly running away, besides having many other vices, such as stealing everything that comes to her hands.

God preserve your Excellency!

(Signed)

Senhor P. J. Soares de Souza,  
&c. &c.

JOZE BAPTISTA LISBOA,  
Curator of Free Africans.

A true copy.

(Signed)

S. D'ATHAIDE MONCORVO.

No. 281.

*M. Lisboa to the Earl of Aberdeen.*

10, York Place, 25 Juillet, 1845.

(Received July 26.)

DANS la situation grave on les actes récents du Gouvernement Britannique placent les rapports du Brésil avec la Grande Bretagne, le Soussigné, &c. &c. croirait manquer à ses devoirs immédiats en n'en déclinant pas toute responsabilité pour son pays devant son Excellence le Très-Honorable Comte d'Aberdeen, &c. &c.

Le Soussigné pourrait se dispenser d'ajouter qu'en s'exprimant ainsi il a plus particulièrement en vue le projet de loi présenté par Lord Aberdeen, et actuellement en discussion dans une des branches de la Législature de ce pays.

Mais avant de s'occuper de cette loi qui doit altérer d'une manière si fâcheuse les relations entre le Brésil et l'Angleterre, le Soussigné examinera la mesure même adoptée par son Gouvernement qu'on prétend avoir motivé une aussi sérieuse démarche de la part de son Excellence.

Par la Convention du 23 Novembre, 1826, le Brésil s'est engagé à remplir toutes les clauses convenues en 1815, 1817, et 1823, entre la Grande Bretagne et le Portugal, pour l'abolition de la traite des noirs, de ce nombre était la création de Commissions Mixtes, qui devaient exclusivement connaître des infractions de ces diverses Conventions, et juger les navires qui y auraient été criminellement employés.

La durée de la Convention de 1827, qui a créé ces Commissions Mixtes, n'était cependant pas illimitée; et le Gouvernement Impérial, après avoir prétendu, sans succès, y mettre fin en l'année 1831, s'est finalement rangé à l'avis du Gouvernement Britannique, lequel, par une note du 16 Août de la même année, a très distinctement signifié à la Légation Impériale en cette Cour que les susdites Commissions Mixtes ne pouvaient cesser leurs fonctions avant le 15 Mars, 1845.

Il est donc avéré que la cessation des Commissions Mixtes, dénoncée par le Gouvernement Impérial, n'est pas, comme on s'est plu à l'insinuer d'abord, un acte arbitraire de sa part; c'est, bien au contraire, l'accomplissement simple des propres vues du Gouvernement Britannique, formulées de la manière la plus explicite et la plus cathégorique par son organe légitime, le Secrétaire d'Etat qui dirigeait le Département des Affaires Etrangères en 1831.

Si la décision du Gouvernement de Sa Majesté Impériale est évidemment légale, il ne serait pas difficile au Soussigné de prouver qu'elle a aussi le mérite additionnel de l'opportunité.

En effet, en présence des documens officiels que le Gouvernement Britannique fait annuellement publier (Slave Trade Papers), il est aisé de reconnaître que

les Commissions Mixtes étaient loin d'atteindre le but avoué de leur institution ; au lieu de l'observance scrupuleuse des instructions convenues entre les deux Couronnes, et qu'elles seules, d'un commun accord, pouvaient légalement altérer, amplifier, ou restreindre, les fonctionnaires Anglais des Commissions Mixtes établies à Rio de Janeiro et à Sierra Leone, agissaient d'après des ordres particuliers expédiés par le Foreign Office, non-seulement en violation directe des stipulations que le Soussigné vient de rappeler, mais encore contre les représentations combinées du Gouvernement Impérial auprès de la Légation de Sa Majesté Britannique, et du Soussigné auprès de Lord Aberdeen.

Le Soussigné aura encore recours à la même source officielle (Slave Trade Papers) pour soutenir que les autres parties de la Convention de 1817, n'étaient pas plus fidèlement observées.

On y trouve effectivement à chaque page la preuve irréfragable des plus odieuses violations ; le droit de visite exercé violemment, à la portée des canons Brésiliens—dans les eaux territoriales de l'Empire—quelquefois dans l'intérieur même de ses ports ; des débarquemens armés sur différents points de la côte, en présence des autorités locales, et au mépris de leurs représentations ; de nombreuses détentions arbitraires gratuites, et tous ces griefs, et tous ces attentats à la nationalité Brésilienne jouissant d'une impunité révoltante, en grande partie à l'anarchie à laquelle se trouvaient réduites les Commissions Mixtes par les raisons que le Soussigné a alléguées plus haut.

Le Gouvernement Impérial était donc dans son droit quand il a dénoncé la cessation des clauses de la Convention de 1817, et cette mesure s'explique naturellement si l'on envisage la situation actuelle des choses avec calme et impartialité.

Mais il est important de remarquer ici que le Gouvernement de Sa Majesté Impériale s'est hâté de pourvoir à ce que de la cessation des Commissions Mixtes et des autres clauses de la Convention de 1817 qui expirent avec elle, il ne s'en suivit point d'impunité pour les sujets de l'Empereur qui, contrairement aux décrets en vigueur, se rendraient coupables de toute entreprise d'introduction de noirs dans le territoire de l'Empire. C'est dans ce but unique qu'ont été rédigées les circulaires des Ministres de la Justice et de la Marine, qu'on a officiellement publiés à Rio de Janeiro en même tems que l'Envoyé de Sa Majesté Britannique recevait du Ministre des Affaires Etrangères de Sa Majesté Impériale la dénonciation dont le Soussigné a l'honneur de s'occuper en ce moment.

L'intervention du Gouvernement de Sa Majesté Britannique pour suppléer à la cessation des Commissions Mixtes, serait donc superflue, quand même sa légalité fût susceptible d'une démonstration un peu plus satisfaisante, et un peu plus concluante que la rédaction de l'Article I. de la Convention de 1826 dont on prétend se prévaloir.

À la suite de la ratification de cette Convention par Sa Majesté Britannique le Gouvernement Anglais a fait passer un Bill pour qu'elle sortit son effet—les sujets Anglais qui violeraient la clause de l'Article I. étant déjà effectivement assimilés aux pirates, et passibles des mêmes peines que ceux-ci conformément aux dispositions antérieures de la Loi de 1824. (5 Geo. IV. cap. 113.)

Ce que le Parlement Anglais a pratiqué envers des sujets de Sa Majesté Britannique, la Législature Brésilienne a seule le droit de le faire à l'égard des sujets de Sa Majesté Impériale.

Le Soussigné ne fait qu'émettre une opinion de la justesse de laquelle il est profondément convaincu, en avançant que l'interprétation contraire donnée à l'Article cité, est en opposition flagrante avec tous les principes reçus, en matière de jurisprudence internationale, et n'importe rien moins, en dernière analyse, que le triomphe et l'abus de la force contre les maximes salutaires et conservatrices que le droit des gens consacre.

Le Soussigné résumera en peu de mots l'impression pénible sous laquelle il écrit ces lignes en déclarant que, si des vues pareilles pouvaient se réaliser, et si, en vertu de ce Bill des Brésiliens venaient à perdre la vie, le Soussigné n'hésiterait pas à qualifier ces exécutions d'assassinats juridiques, devant Dieu et devant les hommes.

Il répugne au Soussigné, de penser qu'il ait jamais à déplorer une telle calamité ; ce Bill viole incontestablement le droit public, et le Soussigné fait ample justice aux tribunaux Anglais pour ne pas douter que, dût cette Loi passer comme elle est conçue, la tâche originelle, la nullité radicale dont il vient

d'être question, seraient noblement invoquées en faveur des malheureux à que l'on prétendrait appliquer les dispositions monstrueuses d'une Loi, expressément, exclusivement, faite et promulguée par un Parlement Anglais pour la condamnation de sujets Brésiliens.

En attendant, l'initiative de cette loi appartient au Gouvernement de Sa Majesté Britannique, le Soussigné, pour maintenir et réserver les droits de l'Empereur son Auguste Maître, et les intérêts des sujets de Sa Majesté Impériale, remplit un devoir rigoureux en protestant de la manière la plus solennelle, comme il proteste par la présente, contre la clause de toute loi étrangère qu'infligerait à un Brésilien (quant à sa vie et à ses biens) des peines dont il ne serait passible que des lois de son pays, en attaquant par ce fait seul les prérogatives de la Couronne Impériale du Brésil, ainsi que son indépendance et souveraineté

Le Soussigné, &c.

(Signé)

MARQUES LISBOA.

*Son Excellence le Très-Hon. Comte d'Aberdeen,*  
&c. &c. &c.

No. 282.

*M. Lisboa to the Earl of Aberdeen,*

*York Place, 29 Juillet, 1845.*

*(Received July 31.)*

MY LORD,

DANS le cours de la défense des sujets Brésiliens qui, entr'autres individus, viennent d'être condamnés aux assises d'Exeter à la peine capitale, les trois considérations essentielles que peuvent invalider cette sentence ont été trop bien élucidées, pour que je ne m'empresse pas de leur donner suite, en appelant sur ce grave sujet la sérieuse et bienveillante attention de votre Excellence.

J'ose donc réclamer votre puissante intervention, my Lord, pour que cette procédure soit, sans le moindre délai, soumise à qui de droit, ainsi que le memorandum sous ce pli.

La vie de sept créatures humaines pouvant dépendre de cet examen que je sollicite, je suis d'avance convaincu, my Lord, qu'il ne sera pas refusé et que les points indiqués par la défense seront pris en la plus consciencieuse considération.

Je n'ai sans doute pas besoin de vous assurer, my Lord, que ces efforts que votre humanité saura d'ailleurs dûment apprécier, n'affaiblissent en aucune manière l'horreur que m'inspirent et le crime atroce imputé à ces hommes, et le trafic infâme auquel ils prenaient part.

Tous les coupables n'ont pourtant pas été atteints, my Lord. Outre ceux à qui l'indulgence de la loi profite, comme dénonciateurs, d'autres tout aussi criminels, peut être plus coupables que les condamnés, ont été relâchés; et Dieu sait quel usage ils feront de leur impunité au moment suprême où leurs complices, si non leurs victimes expieraient sur l'échafaud leur participation au forfait commun, participation sans doute inégale pour tous, à quelques uns probablement arrachée par coaction, à force de menaces, et pour sauver la propre existence.

Si les raisons légales produites par la défense étaient sans poids à vos yeux, my Lord, si, contre mon attente, les réflexions que je viens de vous soumettre n'étaient pas plus heureuses, il me resterait encore une ressource en laquelle je placerais toute ma confiance; l'inépuisable clémence de la Reine que ces malheureux imploreraient par ma voix, en priant Sa Majesté d'user envers eux du plus sublime attribut de Sa Royale Couronne.

Veuillez agréer, &c.

(Signé)

MARQUES LISBOA.

*Son Excellence le Très-Hon. Comte d'Aberdeen,*  
&c. &c. &c.

## Enclosure in No. 282.

*Memorandum.*

UPON the trial of 10 foreigners, of whom one was believed to be a Spaniard, and the others Brazilians or Portuguese, for the murder of Mr. Thomas Palmer, late Midshipman on board the "Wasp," a British cruizer, on the coast of Africa, the following facts appeared:—

The "*Felicidade*," a schooner fitted out for the Slave Trade, of which the witness Cerqueira was Commander, and the prisoner Majaval was the cook, sailed from Bahia for Lagos, in Africa, for a cargo of slaves. Before she had succeeded in taking in any slave, the "*Felicidade*" was, at the end of February, boarded and taken by Lieutenant Stupart, an officer of the "Wasp," accompanied by Mr. Palmer and 16 men from that vessel. On the 1st of March, the "*Echo*," a smaller vessel, from Rio de Janeiro, which had a cargo of 430 slaves, was chased by Lieutenant Stupart in the "*Felicidade*." Upon approaching the "*Echo*," in the evening, Lieutenant Stupart sent Mr. Palmer, with about eight men, in a boat to the "*Echo*," of which Mr. Palmer took possession, remaining on board all night. In the morning, Mr. Palmer, by the orders of Lieutenant Stupart, brought 14, out of the 22 men who constituted the crew of the "*Echo*," on board the "*Felicidade*," and Lieutenant Stupart returned by the same boat to the "*Echo*," taking with him part of the crew of the "*Felicidade*," leaving Mr. Palmer, with seven British sailors and two kroomen, on board the "*Felicidade*." The foreigners on board the "*Felicidade*," consisting of the crew of the "*Echo*," rose, and threw Mr. Palmer and the rest of the English overboard, Mr. Palmer and some others being first wounded; the parts which the different prisoners took in the transaction being proved only by Cerqueira, the Captain of the "*Felicidade*," who stated, that though on deck during the struggle, he took no part in it. It was submitted, on the part of the prisoners, that they were, at the time of the rising, detained in illegal custody on board the "*Felicidade*;" and that there being no other means by which they could regain their liberty, they were justified in resorting to this violent proceeding.

It was submitted to the Judge, that the capture of the "*Felicidade*" was illegal. That vessel, having no slaves on board, was protected from capture, by Treaty of November 1826, between Great Britain and Brazil, which adopts the provisions of the Convention between Great Britain and Portugal of July 1817. Besides Article VI. of that Treaty, Article I. of the Instructions, which form part of the Convention, contains the following clause:—"Ships on board which no slaves shall be found, intended for the purposes of traffic, shall not be detained, on any pretence or account whatever." It was contended for the prisoners, that this clause constitutes a condition precedent, and forms an essential part of the Convention. It was argued for the Crown, and ruled by the Judge, that this clause was directory only, and did not make the seizure void.

It was submitted also for the prisoners, that upon Article VII. of the Instructions, which runs thus, "Whenever a ship-of-war shall meet a merchant vessel liable to be searched, it shall be done in the most mild manner, and with all the attention which is due between allied and friendly nations; and that in no case shall the search (*a visita*) be made by an officer holding an inferior rank to that of Lieutenant in the navy;" that although the first part of the clause was only directory, the latter clause was essential, and formed a condition precedent, and that it had not been complied with in the case of the "*Echo*."

It was argued on the part of the Crown, and ruled by the Judge, that both clauses were merely directory. It was also contended for the Crown, that the sending of Mr. Palmer on board by Lieutenant Stupart, who was within hail, and gave directions, was a making of the search by a Lieutenant.

Upon the latter point, the Judge was at first against the Crown; but ultimately gave no opinion upon it, none indeed being necessary, if the clause was merely directory.

It was also submitted, that the capture of the "*Echo*" was illegal on the ground that, at the time of the capture, there were no instructions on board the "*Felicidade*," as required by Article VII.

It was contended on behalf of the prisoners, that the capture of the "*Felicidade*," and that of the "*Echo*," being illegal, for the above causes, the prisoners were illegally removed from the "*Echo*," and illegally placed on board

the "*Felicidade*;" and that they had a right to use all the means which were necessary for their liberation; and that it would have been absurd for them to attempt their liberation by any means short of those of destroying the persons by whom they were detained. The Judge ruled, and the jury were told, that whether the capture of the "*Felicidade*," or whether the capture of the "*Echo*" was legal or not, the fact of the "*Felicidade*" being in the actual possession of an officer of the British navy, as such, placed that vessel under the authority of the Queen of England, and that thereby Her Majesty acquired jurisdiction over all persons on board that vessel, and rendered all such persons subject to the laws of England, and bound to obey them, whether they were acquainted with those laws or no, as *ignorantia legis non excusat*; and he refused to reserve the point for the opinion of the 12 Judges, saying, that when the point was so clear, it was his duty not to reserve it.

The Judge also ruled, that the "*Felicidade*" being fitted for the Slave Trade, and having sailed on a slaving voyage, was a vessel carrying on the Slave Trade within the meaning of Article I. of the Treaty of November 1826; and that all persons found on board that vessel, as well as those found on board the "*Echo*," in which there were slaves, must be taken to be pirates to all intents and purposes, and the general enemies of mankind, whether subjects of Brazil or not; it being sufficient to bring them within the Article, that they sailed under the Brazilian flag.

No. 283.

*The Earl of Aberdeen to M. Lisboa.*

*Foreign Office, August 6, 1845.*

THE Undersigned, &c. &c. has had the honour to receive from M. Lisboa, &c. &c. a note dated the 25th ultimo.

In this note, after disclaiming, on behalf of his country, all responsibility for the position in which the relations of Great Britain and Brazil have been placed by recent acts of the British Government, and stating, that in doing so he has in view a Bill which the Undersigned has presented to Parliament, and which has now passed both Houses, M. Lisboa protests in the most solemn manner against any foreign law which shall impose upon a Brazilian subject, whether as to life or property, penalties to which he is liable only under the laws of his own country. And M. Lisboa does this in support of the rights of the Emperor of Brazil, and of the interests of His Imperial Majesty's subjects.

In compliance with the request with which M. Lisboa's note concludes, the Undersigned hereby places on record the receipt of this protest by Her Majesty's Government; but, in doing so, he must be allowed to make some remarks upon the statements and reasoning by which it is supported.

M. Lisboa commences his note by an examination of the measure, the adoption of which by the Brazilian Government has led to the proposal of the above-mentioned Bill to Parliament; and he shows that it was no arbitrary act on the part of the Government of Brazil to announce, as they have lately done, the cessation of the Mixed Commissions established under the Treaty between Great Britain and Portugal of 1817, and that, in taking this step, they were only carrying out the views of the Government of Great Britain.

Undoubtedly, as M. Lisboa states, the right of Brazil so to act was acknowledged by Great Britain in 1831. Nor is it disputed now; on the contrary, it has been admitted by Her Majesty's Government, in a note which, on the 4th of June last, Her Majesty's Minister at Rio de Janeiro was instructed to address to the Government of Brazil. But, whilst they recognise this right on the part of Brazil, Her Majesty's Government must claim for themselves the right which Great Britain possesses, and has possessed ever since the expiration of three years from the ratification of the Treaty of 1826, the right to ensure that Brazilian subjects convicted of carrying on the Slave Trade shall be deemed and treated as pirates. For, although Great Britain has not considered it inconsistent with her duty to allow that right to remain dormant, and to forbear from enforcing it, so long as the provisions of the Treaties of 1815 and 1817 should continue in active operation, it is not on that account to be argued that all

appeal to such right is forfeited, or that Great Britain, when an act of the Brazilian Government has made it necessary to recur to it, is debarred from doing so.

Having asserted the right of Brazil to declare the cessation of the Mixed Commissions, M. Lisboa next contends that the exercise of that right was well-timed; and in support of this, M. Lisboa makes a general reference to the Papers on the Slave Trade which are annually laid before Parliament, for proof that the Mixed Commissions have failed in their duties; that, under instructions from Her Majesty's Government, they have violated the engagements between the two Crowns; and that the irregularity of their acts has encouraged the British cruizers in unjustifiable aggressions, not only upon the vessels of Brazilian subjects, but upon the constituted Authorities and territorial jurisdiction of the Empire.

As the Undersigned has shown that the right of Brazil to take the step under consideration, is acknowledged by Her Majesty's Government, it does not belong to him to enquire whether Brazil, in using that right, has acted wisely or becomingly. But the Undersigned cannot refrain from observing, that it would have been a better evidence of the sincerity of the Brazilian Government in the cause in which they profess to co-operate with Great Britain, if they had shown a willingness to decide any difference of opinion which may have arisen as to the attributes and powers of the Mixed Commissions, by joining in the negotiations which Mr. Hamilton has, from time to time, offered to open with them. And when M. Lisboa speaks of violence committed, and rights outraged in Brazilian waters, and within the range of Brazilian cannon, the Undersigned must be allowed to say, that these are complaints which would come with more justice from the British Minister at Rio de Janeiro, who has too long been accustomed to see the engagements by which the Emperor is bound to Great Britain, openly violated in the face of those whose duty it was to respect and enforce them, the persons and the liberties of British subjects wantonly assailed, and the remonstrances which, upon his own responsibility, or by instructions from his Government, he has upon such occasions addressed to the Ministers of the Empire, treated with indifference, or met by evasion and delay. In proof that these charges are not loosely made, the Undersigned will refer M. Lisboa to the proceedings which, within the last few years, have taken place at Campos, Macahe, Santos, and even at Rio de Janeiro itself, and to the correspondence between Her Majesty's Representative and the Government of Brazil on each occasion.

M. Lisboa will understand, that the Undersigned does not allude to these unfortunate events on account of any right which they give to Her Majesty's Government to take such a step as that against which M. Lisboa protests. That right is conferred and recorded in the Convention of 1826; and the engagement by which Her Majesty's Government are bound to see that the Slave Trade of Brazil shall cease, compels them, much to their regret, to use it. But the general charge of misconduct against Her Majesty's officers, which M. Lisboa cites as a reason for putting an end to the Commissions, makes it necessary that the provocation which has been offered to them should not be forgotten; the more so, as whilst the Undersigned can confidently say, that no encroachment by British officers upon Brazilian territory, and no misapplication of the power conferred upon them by Treaty, has been allowed to pass without severe animadversion from Her Majesty's Government, accompanied by the issue of such orders as would prevent a repetition of it, it is unfortunately too evident, that every complaint which Her Majesty's Government have had occasion to prefer to the Government of Brazil, whether of the connivance of Brazilian Authorities in the Slave Trade, or of maltreatment of Her Majesty's officers and men in the ports of Brazil, has been met in a spirit which shows that it is hopeless to expect any co-operation from the Imperial Government in effecting the object for which the Treaty of 1826 was concluded.

The next point touched upon in M. Lisboa's note—and it is urged as one of importance—is the fact, that the Brazilian Government hastened to provide for the cessation of the Mixed Commissions, by issuing and publishing instructions to the Ministers of Justice and Marine, drawn up with the view of preventing the Slave Trade from being carried on with impunity by Brazilian subjects; and M. Lisboa observes, that this being the case, the intervention of the British Government was not needed in order to supply the place of the Mixed Commis-

sions, even if its legality admitted of better proof than any that can be drawn from the terms of Article I. of the Convention of 1826. M. Lisboa further observes, that when the Act of Parliament carrying that Convention into operation was passed, British subjects engaged in the Slave Trade, were already, by a previous law, liable to the punishment of pirates; and M. Lisboa appears to refer to this law, as serving to carry out Article I., so far as British subjects are concerned; and he observes, that what the Parliament of Great Britain has enacted against British subjects, the Brazilian Legislature alone has the right to enact against the subjects of the Emperor.

These observations make it necessary for the Undersigned to state, in a few words what Her Majesty's Government consider to be the true bearing and force of Article I. of the Convention of 1826. In the first place, no such conclusion as that suggested by M. Lisboa can be drawn from the fact, that the British Parliament had, before the signature of that Convention, provided for the due punishment of British subjects engaged in the Slave Trade. The law to which M. Lisboa refers, namely, the Act 5 Geo. IV., cap. 113, was of course passed irrespectively of any engagement with Brazil; but as the negotiators of the Convention of 1826 found this Act in full force, it may reasonably have been thought unnecessary to prescribe by Treaty what was already provided by British law, that is, that British subjects convicted of carrying on the Slave Trade should be punished as pirates. This being the case, Article I. of the Convention was directed against Brazilian Slave Trade alone; no mention was needed, and none was made, of British slave traders; and therefore M. Lisboa speaks incorrectly when he says, that provision was made by British law for the punishment of British subjects who should violate that Article; and the argument which he would deduce therefrom, that because the Article was enforced against British subjects by British law, it should be enforced against Brazilians only by Brazilian law, is founded upon a misapprehension.

In the opinion of Her Majesty's Government, the true force and effect of Article I. of the Convention may be stated as follows:—

The first clause of it is an engagement on the part of Brazil, that, at the expiration of three years from the exchange of the ratifications, it shall not be lawful for Brazilian subjects to be concerned in carrying on the Slave Trade, under any pretext, or in any manner whatever. This is a subsisting obligation, the fulfilment of which Great Britain has a right to require, and, if necessary, to enforce.

By the second clause it is agreed that from the same period, the carrying on of the Trade by any person, subject of His Imperial Majesty, shall be deemed and treated as piracy.

There is nothing here to show that the penalties of piracy are to be inflicted on the offenders by Brazil alone; or that a municipal regulation of Brazil, attaching the penalties of piracy to the offence, is to be considered as a fulfilment of the engagement.

Had this been intended, other and different words must have been used; and it was especially incumbent on Brazil to have taken care of this, as Brazil was the party making the concession. The very term of piracy would imply, unless it were otherwise stated, that those of their subjects whom the two Contracting Parties designated as guilty of that crime, are placed within the reach of other laws than those of their own country; and although it is admitted that no act of Great Britain and Brazil alone could make the Slave Trade of Brazil, or any other crime, piracy as to other nations, yet it was competent to them to declare, that *inter se* it should be so treated. This they have done; and the only true construction which the words of the Article will bear, is, that the Slave Trade of Brazilian subjects shall be deemed and treated as piracy by the two Contracting Parties; that is, that the penalties which, by the law of nations, attach to piracy, properly so called, and which every nation may inflict upon pirates, shall, by the Governments of the two Contracting Parties, one or both, be inflicted upon the slave traders of Brazil.

It is by this exposition of the sense of Article I. of the Convention—the only sense which in the opinion of Her Majesty's Government, it is capable of bearing—that the Undersigned will reply to the sentiments expressed in M. Lisboa's note as to the illegality, wrong, and violence of the measure against which it protests. The Undersigned must however add, with reference to the degree to which the

right held by Great Britain under that Article will be exercised, and to the strong terms in which M. Lisboa expresses himself on that head, that it is an error to assume that the lives of Brazilian subjects will be affected by it. A closer examination of the Bill will show M. Lisboa, that this is not the case. And, in correcting this misapprehension, the Undersigned must express the hope, that the Imperial Government will not lose sight of the fact, that Parliament has gone no further than to sanction a partial exercise of the right which the Convention confers upon Great Britain, and, therefore, that the Government of Brazil will be prepared to fulfil, of their own authority, the obligation which is imposed upon them by the Treaty, to inflict upon the persons of Brazilian subjects carrying on the Slave Trade, the penalties of piracy.

The Undersigned believes that he has left none of M. Lisboa's objections unanswered; and although he has not been able to see in them any sound argument against the course which Her Majesty's Government have pursued, he is not on this account less grieved at finding himself compelled to vindicate a line of policy which, notwithstanding the right, and indeed, under present circumstances, the obligation, of Her Majesty's Government to adopt it, cannot, as it appears, be followed out without offence to a Government with which Great Britain has hitherto maintained relations of uninterrupted amity and goodwill.

The Undersigned requests M. Lisboa to assure his Government, that a recurrence on the part of Brazil to a united system of operation against the Slave Trade, and to a cordial understanding on that subject with Great Britain, would be hailed by all classes in this country with the liveliest satisfaction; and that there is nothing which Her Majesty's Government so earnestly desire, as the occasion which any symptom of such a change would furnish to them, of suspending the exercise of a right to which they have appealed with pain, and only under the last necessity.

M. Lisboa,  
&c. &c.

(Signed)

ABERDEEN.

No. 284.

*M. Lisboa to the Earl of Aberdeen.*

*York Place, 5 Août, 1845.  
(Received August 6.)*

MY LORD,

Vous penserez, sans doute, avec moi, que dans une affaire aussi grave que celle sur laquelle nous nous sommes longuement entretenus hier, il est de la plus grande importance d'éviter toute confusion, tout mal entendu; c'est là mon excuse pour le parti que je prends de résumer ici tout ce qui s'y est passé, du mieux de mes souvenirs.

En parlant du Bill que vous avez récemment présenté, je vous ai demandé, my Lord, si vous n'auriez pas à me faire quelque communication qui pût amoindrir la sensation violente qu'il doit infailliblement produire au Brésil.

Votre réponse a été conforme à vos instructions à Mr. Hamilton, c'est à dire, que vous vous estimeriez heureux de faire abroger le Bill aussitôt qu'un arrangement satisfaisant sur la traite des noirs serait intervenu entre nos deux pays.

En faisant des vœux pour que ce résultat fût promptement atteint, je vous ai franchement avoué combien je craignais que le Bill même n'y portât le plus sérieux obstacle.

A ce sujet je ne vous ai pas dissimulé, my Lord, la modification qui s'est opérée dans mes idées sur les rapports du Brésil avec l'Angleterre. Je vous ai dit, qu'ayant travaillée sans relâche, dans mes deux Missions en cette Cour, pour calmer l'irritation que des deux côtés préside malheureusement à nos affaires, j'entrais en doute si le moment ne serait pas venu de conseiller à mon Gouvernement de s'en rapporter à Dieu, et à son bon droit, et, quelles qu'en fussent les conséquences, de considérer ce Bill, tant qu'il serait debout, comme une barrière infranchissable pour toute négociation entre les deux Etats.

J'ai ajouté que ce parti extrême pouvant bien n'être pas celui que le Gouvernement de Sa Majesté Impériale jugerait à propos de prendre, ma loyauté pour mon Souverain, et mon dévouement pour mon pays, m'imposerait le devoir de

CLASS B.



faciliter de toutes mes forces la voie des négociations ultérieures ; et que c'était surtout dans ce sens que je regrettais beaucoup que votre Excellence n'eût aucune communication à me faire.

Pour la justification du Bill, vous avez reproduit en partie les raisons alléguées lors de sa présentation à la Chambre des Lords, mais, en finissant cette défense, vous m'avez interpellé, my Lord, sur le moyen qui pouvait me paraître le plus propre à faciliter un arrangement amical qui rendît le Bill inutile.

C'est alors que, déclarant agir sans l'aveu ou l'autorisation de ma Cour, j'ai pris la liberté de proposer :—

1. Que M. Hamilton fût éventuellement autorisé à entamer une négociation avec le Gouvernement Impérial sur les moyens de rendre plus efficace l'abolition de la traite, mais sous la condition expresse que le Bill ne sortirait aucun effet.

2. Que rien n'étant plus éloigné de ma pensée que de plaider la cause de la traite, ou son impunité, (abandonnant dans le sens de votre Excellence,) pendant le cours de cette négociation, et jusqu'à ce que le résultat de celle-ci vous fût connu, je pensais qu'au moyen de notes réversales échangées à Rio de Janeiro, ou pourrait remettre en vigueur, pour le terme péremptoire ci-dessus, les clauses, dont mon Gouvernement a dénoncé l'expiration, déjà agréée par le Gouvernement de Sa Majesté Britannique.

En rapporteur fidèle, j'ajouterai avec plaisir que votre Excellence m'a paru faire justice à la pureté de mes intentions, et qu'elle a accepté ma proposition avec la plus grande cordialité.

A la suite de cet accord, votre Excellence m'a fait observer que la publication de ma note du 25 du mois dernier, et de la réponse qu'elle se propose d'y faire, ne pouvant influencer le vote du Parlement, ne manquerait pas, d'un autre côté, de contrarier en quelque sorte l'issue favorable des ouvertures actuelles ; qu'en conséquence il serait peut-être préférable de l'ajourner jusqu'à l'époque régulière où se publient les actes de cette nature, si, toutefois, Sir Robert Peel n'avait pas pris formellement un engagement contraire. Je dois ajouter que votre Excellence me donna une nouvelle preuve de sa délicatesse en subordonnant finalement cette publication—immédiate ou retardée—à l'option que j'en ferais : procédé auquel je crus ne pouvoir mieux correspondre qu'en me rangeant volontiers à l'opinion que votre Excellence venait d'émettre à ce sujet.

Nous nous sommes ensuite occupés de la manière pratique de réaliser ces vues que votre Excellence m'a promis de prendre en sérieuse considération avant son prochain départ pour le continent.

En résumé, j'entends distinctement n'avoir, en aucune manière, engagé la responsabilité de mon Gouvernement pour qu'il suive une ligne de conduite plutôt qu'une autre. En recevant communication du Bill, et en approuvant, aussi que j'en suis d'avance persuadé ma protestation, et l'opinion que j'ai émise, et que je conserve sur l'illégalité et sur le caractère hostile de cette loi, mon Gouvernement aura la liberté d'action la plus illimitée, et ne profitera de la voie que j'ai désiré spontanément lui ouvrir que dans le cas unique où, seul juge compétent, il croirait pouvoir l'embrasser sans manquer à ce qu'il doit à l'Empereur, à la nation, et à lui-même.

D'après les considérations que je fais valoir au commencement de cette lettre, je vous serai reconnaissant, my Lord, de me faire connaître si cette exposition vous paraît aussi scrupuleusement exacte que je la considère.

Veuillez agréer, &c.

(Signed) MARQUES LISBOA.

Son Excellence le Très-Hon. Comte d'Aberdeen,  
&c. &c. &c.

No. 285.

*M. Lisboa to the Earl of Aberdeen.*

*York Place, 7 Août, 1845.*

*(Received August 8.)*

LE Soussigné, &c. a l'honneur de transmettre à son Excellence le Comte d'Aberdeen, &c. les copies ci-jointes d'une Dépêche de Monsieur

Manoel de Oliveira Santos, Commissaire Arbitre Brésilien de la Commission Mixte Brésilienne et Anglaise séant à Sierra Leone, par lesquelles ce fonctionnaire rétracte de la manière la plus formelle l'acquiescement par lui donné aux condamnations y prononcées contre les navires Brésiliens "*Isabel*," "*Aventureiro*," "*Esperança*," et "*Virginia*."

Monsieur Santos, se trouvant dangereusement malade, a dû quitter son poste à la recommandation instante de son médecin, et c'est de Londres, où il se trouve en convalescence, qu'il expédie sa déclaration à ses collègues de Sierra Leone.

Le Soussigné, rendant volontiers témoignage en faveur du caractère honorable et de la droiture de Monsieur Santos, ne peut qu'attribuer à ses cruelles souffrances, physiques et morales, et à l'affaïssement qui en est généralement la suite, l'étrange confusion d'idées que cet employé déplore aujourd'hui, et qu'il veut réparer au plus vite, pour ne point se trouver diamétralement en opposition avec les vues et les décisions officielles du Gouvernement de Sa Majesté Impériale.

Les condamnations dont il s'agit sont en effet du nombre de celles dont le Gouvernement du Soussigné ne reconnaîtra jamais la légalité; ces navires n'avaient point de noirs à leurs bords, n'en avaient pas eus, et conséquemment n'ont été condamnés que par le simple fait de leurs équipemens. Car c'est là une clause qui ne se trouve dans aucune Convention entre le Brésil et la Grande Bretagne; bien plus, c'est une stipulation à laquelle le Gouvernement Impérial a constamment refusé d'acquiescer; ainsi que le Soussigné se flatte de l'avoir clairement démontré par sa note du 27 Juin, 1844.

Ce point sera toujours de la plus haute importance, et l'acte subalterne, spontané, dont il vient d'être question, (ne fût-il pas même répudié, comme il vient de l'être?) ne pourrait certainement pas vicier les protestations en sens contraire du Gouvernement de Sa Majesté Impériale.

Mais des circonstances récentes se rattachant de près aux principes que le Brésil soutient dans l'espèce, et la vie de quelques sujets de Sa Majesté l'Empereur pouvant même dépendre de leur juste appréciation, le Soussigné manquera à son devoir en ne priant pas Lord Aberdeen de vouloir bien ordonner que la présente note, ainsi que les pièces qui l'accompagnent, et celle à laquelle il vient de se référer, soient toutes dûment soumises aux Autorités judiciaires qui, directement ou indirectement, auraient à se prononcer sur cette grave question.

Il reste encore au Soussigné un devoir à remplir, et il le fera en protestant, comme il proteste, contre qui de droit, pour les pertes et les dommages résultans de la capture et de la condamnation, des navires ci-dessus mentionnés, "*Isabel*," "*Aventureiro*," "*Virginia*," et "*Esperança*."

Le Soussigné (quelque poignans que soient les souvenirs sanglans qui s'y rattachent) protestera encore par cette occasion contre la capture des bâtimens Brésiliens "*Felicidade*" et "*Echo*," quant au premier, parce qu'on ne l'accuse que d'être équipé pour la traite, et quant au second, parce que son capteur n'ayant pas qualité à ce suffisante et légale, la connaissance et la juste punition du crime commis par son armateur et par ses complices revenaient de plein droit aux Autorités de l'Empire dont ils ont enfreint les lois.

Sur ces deux navires "*Felicidade*" et "*Echo*," le Soussigné se rapporte en tout point au memorandum annexé à sa lettre du 29 Juillet dernier, en priant Lord Aberdeen de vouloir bien le considérer comme partie intégrante de la présente Note.

Le Soussigné, &c.

(Signé)

MARQUES LISBOA.

Son Excellence le Très-Hon. Comte d'Aberdeen,  
&c. &c. &c.

Enclosure I in No. 285.

(Translation.)

Senhor Santos to M. Lisboa.

MOST ILLUSTRIOUS AND MOST EXCELLENT SIR, London, August 5, 1845.

I HAVE the honour to transmit to your Excellency a copy of a solemn declaration which, under this date, I address to the British Commissioners at

Sierra Leone, in order that your Excellency may have the goodness to bring it, with all the forms of legality and competency, to the cognizance of the Government of Her Britannic Majesty.

God preserve your Excellency!

(Signed)

MANOEL DE OLIVEIRA SANTOS.

*His Excellency Senhor M. Lisboa,*  
&c. &c.

Enclosure 2 in No. 285.

*Declaration.*

MOST ILLUSTRIOUS SIRS,

*London, August 5, 1845.*

THE moment that my illness allowed me to have a conference with his Excellency the Minister of Brazil at this Court, respecting the sentence pronounced in your Commission on the Brazilian ships, I became perfectly aware of the wrong interpretation which I gave to the portaria signed by his Excellency Candido Baptista de Oliveira, under date of the 27th of July, 1839, when he was Minister for Foreign Affairs at Rio de Janeiro, and that I should not have been led by the condemnations published in the reports of the Commission of Sierra Leone of Brazilian vessels solely fitted out for the Slave Trade, which, for want of information, I supposed to have been so condemned with consent of the Imperial Government; but now, cognizant that the Imperial Government, instead of approving, protested against such a proceeding, and that his Excellency the Minister at London did so likewise; and not having received any instructions or order on which to ground the principle of equipment, in virtue whereof I agreed to the sentences on the Brazilian ships "*Isabel*," "*Aventureiro*," "*Virginia*," and "*Esperanca*," I retract the sentences pronounced respecting the just mentioned vessels, seeing that I should have solely been guided by the Articles of the existing Treaty and Conventions, which warrant the condemnation only in case of there being slaves on board, or in case of its being proved that such had previously been there. I make this declaration in discharge of my conscience, requesting you, Gentlemen, to cause it to be entered on the proper book of minutes; begging, also, to add, that a declaration of the same tenor, sealed up, has been handed to his Excellency the Envoy of Brazil, for him to deliver the same to the Government of Her Britannic Majesty.

I am, &c.

(Signed)

MANOEL DE OLIVEIRA SANTOS.

A true copy.

AUGUSTO DE PAIVA, *Secretary.*

*Her Britannic Majesty's Commissioners at Sierra Leone,*  
&c. &c.

No. 286.

*The Earl of Aberdeen to M. Lisboa.*

M. LE MINISTRE,

*Foreign Office, August 8, 1845.*

I HAVE to acknowledge the receipt of your letter, of the 5th instant, giving a summary of what passed at the interview which I had the honour of holding with you on the preceding day.

In compliance with your wish expressed at the close of that letter, I have no hesitation in saying, that it records faithfully the substance of the conversation which passed between us on the occasion in question, as well as the proposal then made by you for facilitating a friendly arrangement between the Government of Great Britain and Brazil upon matters of Slave Trade, and for superseding the operation of the Bill which has just passed into a law.

I have, further, to add, that in accordance with the engagement which I took to consider that proposal with a sincere desire to meet your suggestions, if it should be possible to do so, I have consulted the proper authority as to whether in the event of it receiving the sanction of your own Government, Her Majesty's Government would be free to act upon it.

The result has not been entirely such as to enable me, on the part of Her Majesty's Government, to accept the proposal unreservedly, as I was most anxious to have done, inasmuch as it appears, upon examination, that the Brazilian Government having declared that the Treaty of 1817, and the Courts of Mixed Commission thereby established have ceased, and the Legislature of this country having admitted that declaration, and having made other provisions for the adjudication of vessels taken under the Convention of 1826, it is no longer in the power of Her Majesty's Government, upon a mere interchange of notes between the Government of Brazil and Her Majesty's Minister at Rio de Janeiro, or in anticipation of such an interchange, to call the above-mentioned Courts again into operation, and to substitute them for the Courts of Admiralty, to which their jurisdiction has now by Act of Parliament been transferred.

But although there is this legal obstacle to an acceptance of the proposal in the precise terms in which you have made it, it is my duty to assure you, that Her Majesty's Government participate in your wish to further the establishment of a friendly understanding in this matter between the two countries, and that they are most anxious to render the exercise of their powers under the Act in question unnecessary. If, therefore, in place of an interchange of notes the Brazilian Government should agree by a formal but simple Article to call into operation the provisions of the Treaty of 1817, of which, on the 12th of March, they declared the cessation, and so to place matters on the footing on which they stood previously to that declaration; and if they should agree that those provisions shall continue in operation pending the negotiation of a new Treaty for the suppression of the Slave Trade,—Her Majesty's Government will immediately exercise the power which the ratification of such an Article would give them, and will, without waiting for the re-assembling of Parliament, recommend to the Crown to re-establish by Order in Council the jurisdiction of the Mixed Courts.

I must observe, however, that the Law which would empower Her Majesty's Government to take this last-mentioned step, requires that the stipulations which would thereby be carried into execution should have received the ratifications of the two Crowns; and therefore, in order that the operation of the present Bill may not, so far as Her Majesty's Government can provide against it, be lengthened unnecessarily by a single day, they will at once dispatch one of Her Majesty's steam-vessels to Rio de Janeiro, with instructions to Her Majesty's Minister to propose such an agreement to the Imperial Government, and, should it be accepted by them, to transmit the ratifications of the Emperor forthwith to England, to be here exchanged against that of Her Majesty. This done, Her Majesty's Government will have it in their power—a power which they will exercise most joyfully—to give immediate effect to the agreement, and thereby to supersede the authority which has lately been conferred upon the Courts of Admiralty.

Whatever may be the issue of this measure, and whatever view the Brazilian Government may take of the proposal which you have made, and upon which the measure is founded, it is the anxious desire of Her Majesty's Government that no act and no omission on their part should interfere with an amicable adjustment of the differences to which you anticipate that the step which has lately been forced upon them may give rise.

I earnestly hope that the desire which we mutually feel for a favourable result may not be disappointed; but whether this be so or not, I trust that I may be permitted, in the discharge of what I feel to be a duty, to bear testimony to the truth of that passage in your letter which speaks of the assiduity with which you have constantly endeavoured to soothe any irritation that may have arisen in the relations of our respective Governments.

I have, &c.  
(Signed) ABERDEEN.

*M. Lisboa,*  
&c. &c.

---

No. 287.

*The Earl of Aberdeen to M. Lisboa.**Foreign Office, August 8, 1845.*

THE Undersigned, &c. &c. lost no time in transmitting to Her Majesty's Secretary of State for the Home Department, the representation which was addressed to him on the 30th of July by M. Lisboa, &c. &c. setting forth certain points for the consideration of the proper Authorities, in respect to carrying out the sentence which was passed upon the persons convicted at the late assizes at Exeter of murder, committed on board the vessel the "*Felicidade*," on the coast of Africa, and expressing a hope that the clemency of the Queen might be extended to those persons.

The Undersigned has the honour now to acquaint M. Lisboa, that by a communication from the Secretary of State for the Home Department, he learns that certain points of law have been raised in the case of the prisoners, and that, with a view of affording an opportunity of taking the opinion of the 15 Judges upon the subject, the execution of the sentence of death, which was passed upon them, has been respited until the 25th of November next.

Sir James Graham adds, that in the meantime he will not fail to give this case his most attentive consideration

The Undersigned, &c.

*M. Lisboa,*  
&c. &c.

(Signed) ABERDEEN.

No. 288.

*The Earl of Aberdeen to Mr. Hamilton.**Foreign Office, August 9, 1845.*

SIR,

I HAVE referred to the proper law officer of the Crown your Despatch of the 15th of February, and its enclosures, and your Despatch of the 29th of March last, and its enclosures, containing your correspondence with the Brazilian Government with reference to their demand, that two negroes, named respectively Andre and Jacob, should, on the grounds stated in the communications from the Brazilian Minister, be given up by Her Majesty's Government to the Brazilian subjects claiming those negroes as their property, or that, in lieu thereof, an indemnity proportionate to the value of those negroes as property, should be paid by Her Majesty's Government to their former owners.

I have now to acquaint you, that Her Majesty's Government consider it to be proper, under the circumstances of the case, to accede to the request for payment of the value of the above-mentioned negroes as slaves.

You will communicate to the Brazilian Government the decision of Her Majesty's Government in respect to these negroes; and after having ascertained their value, and agreed thereupon with the Brazilian Government, you will pay the amount to them, for the benefit of the former owners of the negroes, drawing for the same upon the Lords of Her Majesty's Treasury, at 30 days' sight, in sterling money, at the exchange of the day, and accompanying your bill by a letter of notice, enclosing a certificate of the exchange.

*H. Hamilton, Esq.*  
&c. &c.

I am, &c.  
(Signed) ABERDEEN.

No. 289.

*The Earl of Aberdeen to Mr. Hamilton.**Foreign Office, August 9, 1845.*

SIR,

I HAVE received, and submitted to the proper law officer of the Crown your Despatch of the 25th of November last, of this year, together with Despatches from Her Majesty's Commissioners, on the subject of the declared intention of

the Brazilian Government to submit the documents in use in the Mixed Commission to the application of stamp duties.

I transmit to you for your information and guidance, the accompanying copy of an instruction which I have this day addressed to Her Majesty's Commissioners upon this subject.

From that paper you will perceive, that the law adviser of the Crown is of opinion, on the grounds there stated, that the imposition of stamp duties on the documents in use in the Mixed Commission is not warrantable. If, therefore, the Brazilian Government should persist in enforcing the law as to stamps upon the documents in question, in any case which may yet come under your cognizance, you will, by representations to the Brazilian Government, endeavour to convince them of the injustice of such a proceeding, and support accordingly Her Majesty's Commissioners in resisting, by reasoning and remonstrance, against it.

H. Hamilton, Esq.  
&c. &c.

I am, &c.  
(Signed) ABERDEEN.

Enclosure in No. 289.

*The Earl of Aberdeen to the Rio de Janeiro Commissioners, August 9, 1845.*

(See Class A., No. 208, page 526.)

No. 290.

*The Earl of Aberdeen to Mr. Hamilton.*

SIR,

*Foreign Office, August 9, 1845.*

WITH reference to my Despatches of the 4th of June last, and of the 2nd ultimo, upon the subject of the course which Her Majesty's Government found themselves compelled to pursue upon the notification given to you on the 12th of March last, by Senhor E. F. França, on the part of the Brazilian Government, that the Convention of the 18th July, 1817, between Great Britain and Portugal, as adopted by Brazil, with all its Annexes, must cease on the 13th of March last, I now transmit to you for your information and guidance in your communications with the Brazilian Government—

First—Four copies of the Act of Parliament now passed to amend the Act which was passed in the reign of His late Majesty George IV., for carrying into execution the Convention of the 23rd November, 1826, between Great Britain and Brazil, for the abolition of the African Slave Trade.

Secondly—Copies of letters which it has been my duty to address to the Lords Commissioners of the Admiralty and Her Majesty's Secretary of State for the Colonial Department, and to Her Majesty's Commissioners at Rio de Janeiro and Sierra Leone, in respect to the state of things between Great Britain and Brazil upon the subject in question.

Thirdly—A copy of correspondence laid before Parliament, with reference to this question.

Fourthly—A copy of correspondence which has subsequently passed between the Senhor Lisboa and myself upon this subject.

Fifthly—Four copies of the Act of Parliament which was passed in the reign of His late Majesty George IV., for the amendment of which the Act previously referred to is now passed.

H. Hamilton, Esq.  
&c. &c.

I am, &c.  
(Signed) ABERDEEN.

Enclosure 1 in No. 290.  
*Act 8 and 9 Vict., cap 122.*

Enclosure 2 in No. 290.

*The Earl of Aberdeen to the Sierra Leone Commissioners, June 4, 1845.*

Enclosure 3 in No. 290.

*The Earl of Aberdeen to the Rio de Janeiro Commissioners, June 4, 1845.*  
(See Class A., No. 33, page 224, and No. 202, page 524.)

Enclosure 4 in No. 290.

*The Earl of Aberdeen to the Lords Commissioners of the Admiralty.*

MY LORDS,

*Foreign Office, June 4, 1845.*

I HAVE the honour to transmit to your Lordships herewith, a translation of a note which was addressed, under date of the 12th of March last, by the Senhor Ernesto Ferreira França, Brazilian Minister for Foreign Affairs, to Mr. Hamilton, Her Majesty's Envoy at Rio de Janeiro, declaring that the Brazilian Government consider that the right of visit and search, as exercised under the Convention of July 1817, upon Brazilian vessels engaged in Slave Trade, as well as all the other stipulations contained in that Convention, the Additional Articles, Instructions, and Regulations annexed thereto, would cease on the 13th of March, 1845.

This note has been submitted, under my directions, to the law officers of the Crown, who have reported, that upon the whole they have come to the conclusion, that the view which the Brazilian Government appear to have taken of the case is correct, and that Her Majesty's Government are bound to admit to the Brazilian Government, that the Convention of 1817, with all its Annexes, is to be considered as at an end from the 13th of March, 1845.

A notification to that effect will accordingly be made to the Brazilian Government; and I have now to signify to your Lordships Her Majesty's pleasure, that you cause instructions to be forthwith issued to the senior officers of Her Majesty's ships and vessels employed in the suppression of the Slave Trade, announcing to them the termination of the Convention of July 1817, and the cessation of their right to capture under the same, and enjoining them to refrain until further orders, from exercising the right of visit, search, and detention over Brazilian vessels.

Your Lordships will perceive, that the Brazilian Government propose, that the Mixed Commissions at Rio de Janeiro and Sierra Leone, shall continue to sit for six months longer, for the sole purpose of adjudging the cases of capture which may have occurred before the 13th of March. To this proposition Her Majesty's Government agree.

It is right that I should acquaint your Lordships that Her Majesty's law officers have further reported, that under Article I. of the Convention of the 23rd November, 1826, between Great Britain and Brazil, which still continues in force, Her Majesty has acquired the right to order the seizure of all Brazilian subjects found on the high seas engaged in Slave Trade, of punishing them as pirates, and of disposing of their vessels in which they may be captured, together with the goods on board of them, as *bona piratorum*; but that further legislative enactments are necessary, in order to, and previously to, carrying the above-mentioned rights on the part of Her Majesty into full effect.

I have, &c.

(Signed) ABERDEEN.

*The Lords Commissioners of the Admiralty,*  
&c. &c.

Enclosure 5 in No. 290.

*The Earl of Aberdeen to the Lords Commissioners of the Admiralty.*

MY LORDS,

*Foreign Office, August 5, 1845.*

WITH reference to that part of my letter to your Lordships of the 4th June, 1845, which refers to the rights possessed by Her Majesty under Article I. of the Convention of the 23rd November, 1826, between Great Britain and Brazil, for the regulation and final abolition of the African Slave Trade, I have to acquaint your Lordships, that I have received the Queen's commands to

signify to your Lordships Her Majesty's pleasure, that orders should be immediately given to the commanders of Her Majesty's cruizers employed in the suppression of the Slave Trade, to seize and detain all vessels which may be met with engaged or concerned in carrying on the Slave Trade, and which, on examination, may appear to be Brazilian.

I have also to request, that your Lordships will direct the commanders of Her Majesty's cruizers to send such vessels as above described to the nearest British port or settlement, and to land such negroes as may be found on board those vessels immediately at that nearest British port or settlement, and to place them under the care of the Governor or other officer in command; and that the naval officers should be informed, that further instructions will be sent to them as to the manner in which the vessels and their cargoes should be disposed of.

I have, &c.

(Signed) ABERDEEN.

*The Lords Commissioners of the Admiralty,*  
&c. &c.

Enclosure 6 in No. 290.

*The Earl of Aberdeen to the Lords Commissioners of the Admiralty.*

MY LORDS,

*Foreign Office, August 9, 1845.*

WITH reference to my letter of the 5th instant to your Lordships, signifying Her Majesty's pleasure that orders should be given to the commanders of Her Majesty's cruizers to seize and detain all Brazilian slave ships, and to send such slave vessels to the nearest British port or settlement; I have further to signify to your Lordships Her Majesty's pleasure, that orders should be given to the commanders of Her Majesty's cruizers, that all vessels so detained shall be brought for adjudication before that Court of Vice-Admiralty, established in a British colony which may most easily be reached from the place of detention, or in that colony where the detained vessel might lie most safely during the trial.

I have, &c.

(Signed) ABERDEEN.

*The Lords Commissioners of the Admiralty,*  
&c. &c. &c.

Enclosure 7 in No. 290.

*The Earl of Aberdeen to the Lords Commissioners of the Admiralty.*

MY LORDS,

*Foreign Office, August 9, 1845.*

I TRANSMIT to your Lordships a copy of an Act (8 and 9 Vict., cap. 122) to amend an Act passed in the seventh and eighth session of the reign of His late Majesty George IV., cap. 74, for carrying into execution the Convention concluded on the 23rd November, 1826, between Great Britain and Brazil, for the suppression of the Slave Trade; and I have to signify to your Lordships Her Majesty's pleasure, that the necessary steps be taken without delay for establishing Courts of Vice-Admiralty at any places within Her Majesty's dominions and colonies abroad where such Courts may be requisite, for the adjudication of vessels which may be captured under the provisions of the Act, and where such Courts may not now exist.

I have also to move your Lordships to transmit to Her Majesty's High Court of Admiralty, and to the several Courts of Vice-Admiralty which are and may be established within the possessions of Her Majesty, copies of the Act, of which a copy is herewith enclosed, and copies of the several Acts therein referred to, for the information and guidance of those Courts in the several duties devolving upon them under those Acts.

And I have to suggest to your Lordships, to call the attention of those Courts to the expediency of providing for the eventual breaking up and sale of vessels condemned under authority of those Courts, and to the disposal of

CLASS B.



the proceeds of those vessels and of their cargoes, according to the provisions of the accompanying Act.

I have, &c.  
(Signed) ABERDEEN.

*The Lords Commissioners of the Admiralty,*  
&c. &c. &c.

Enclosure 8 in No. 290.

*The Earl of Aberdeen to the Secretary of State for the Colonies.*

MY LORD,

*Foreign Office, August 5, 1845.*

I HEREWITH transmit to your Lordship a copy of a letter which I have this day addressed to the Lords Commissioners of the Admiralty, signifying the Queen's commands, that orders shall be given to the commanders of Her Majesty's cruisers to detain Brazilian slave vessels; and directing that the negroes found on board such vessels shall be landed at the nearest British port or settlement, and there placed under the care of the Governor, or other officer in command.

And I have to suggest to your Lordship, that directions should be given to the Governors of Her Majesty's ports and settlements abroad, to make the necessary arrangements for the reception of the negroes who may be landed and set free under these orders.

I have, &c.  
(Signed) ABERDEEN.

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

Enclosure 9 in No. 290.

*The Earl of Aberdeen to the Secretary of State for the Colonies.*

MY LORD,

*Foreign Office, August 9, 1845.*

WITH reference to my letter of the 5th instant to your Lordship, respecting the orders given to detain Brazilian slave vessels, and to land the negroes found on board such vessels, at the nearest British port or settlement, I now transmit to your Lordship, for your information, and for such orders as it may belong to your Lordship to give thereupon, a copy of an Act which was passed on the 8th instant, containing provisions as to the adjudication of such detained vessels in the High Courts of Admiralty, and in courts of British Vice-Admiralty abroad. I transmit likewise, for your Lordship's information, copies of letters which I have this day addressed to the Lords Commissioners of the Admiralty thereupon.

I am, &c.  
(Signed) ABERDEEN.

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

Enclosure 10 in No. 290.

*The Earl of Aberdeen to the Sierra Leone Commissioners, August 9, 1845.*

Enclosure 11 in No. 290.

*The Earl of Aberdeen to the Rio de Janeiro Commissioners, August 9, 1845.*  
(See Class A., Nos. 46 page 258 and 209 page 527.)

Enclosure 12 in No. 290.

*M. Lisboa to the Earl of Aberdeen, July 25, 1845.*  
(See No. 281, page 314.)

Enclosure 13 in No. 290.

*The Earl of Aberdeen to M. Lisboa, August 6, 1845.*

(See No. 283, page 318.)

Enclosure 14 in No. 290.

*Act 7 and 8 Geo. IV., cap. 74.*

No. 291.

*The Earl of Aberdeen to Mr. Hamilton.*

SIR,

*Foreign Office, August 9, 1845.*

I TRANSMIT herewith to you a copy of a Despatch which I have received from Her Majesty's Commissioners at Sierra Leone, and in which, while giving a report of the case of the Brazilian brigantine "*Echo*," captured by Her Majesty's ship "*Wasp*," with a cargo of slaves on board for trade, and condemned in the Mixed Court of Sierra Leone thereupon, the Commissioners incidently mention the case of the Brazilian vessel "*Felicidade*," captured on a charge of Slave Trade also by Her Majesty's sloop "*Wasp*."

It appears, that persons, consisting partly of the crew belonging to the "*Felicidade*," and partly of the crew belonging to the "*Echo*," who had been left on board the "*Felicidade*," after the capture of both of those vessels, rose on the English prize crew in the "*Felicidade*," murdered them, and took possession of the vessel; but were subsequently met with, and captured by Her Majesty's ship "*Star*," and were brought to England for trial.

Ten of these persons were tried accordingly at Exeter, on a charge of murder. I send to you a copy of the report of that trial, as given in the daily newspapers. Seven of the persons charged were found guilty, and three of them acquitted.

Of these seven, two were Brazilians, one Spanish, four Portuguese; the three acquitted are said to be Brazilians. The Ministers of Brazil, of Spain, and of Portugal, addressed severally to me representations on behalf of the persons of their nation who were thus convicted, expressing a hope that the clemency of the Queen might be extended to them.

I send to you a copy of the note which I received from M. Lisboa on this subject, and a copy of my answer.

I send to you also a copy of a note which I have addressed to M. Lisboa on the subject of the three persons said to be three Brazilians, who were acquitted of the indictment upon which they were tried.

H. Hamilton, Esq.  
&c. &c.

I am, &c.  
(Signed) ABERDEEN.

Enclosures in No. 291.

1. *The Sierra Leone Commissioners to the Earl of Aberdeen, April 25, 1845.*  
(See Class A., No. 40, page 242.)
2. *Report of trial at Exeter.—Extract from Times newspaper.*
3. *M. Lisboa to the Earl of Aberdeen, July 29, 1845.*
4. *The Earl of Aberdeen to M. Lisboa, August 8, 1845.*
5.         "                                 "                                 *August 9, 1845.*  
(See Nos. 282, 287, and 293, pages 316, 326, and 332.)

No. 292.

*The Earl of Aberdeen to Mr. Hamilton.*

SIR,

*Foreign Office, August 9, 1845.*

I TRANSMIT to you, under flying seal, an instruction which I have this day addressed to Her Majesty's Commissioners at Rio de Janeiro, relative to

the negroes emancipated under sentence of the Mixed Commission. and I have to desire that you will give your best assistance to Her Majesty's Commissioners in carrying that instruction into effect.

H. Hamilton, Esq.  
&c. &c.

I am, &c.  
(Signed) ABERDEEN.

---

Enclosures in No. 292.

*The Earl of Aberdeen to the Rio de Janeiro Commissioners, August 9, 1845.*  
(See Class A., No. 208, page 526.)

---

No. 293.

*The Earl of Aberdeen to M. Lisboa.*

*Foreign Office, August 9, 1845.*

THE Undersigned, &c. &c. begs to inform M. Lisboa, &c. &c. that at the recent trial at Exeter of certain foreign subjects for murder, three of the prisoners, namely, Sebastian de Santos, Manoel Antonio, and Joze Antonio, all of whom are said to be Brazilians, were acquitted of the indictment upon which they were tried; and that it has been decided by the Crown not to proceed with the remaining indictments against them.

These persons will accordingly be liberated; but being foreigners ignorant of the English language, and in a place where there may be a strong public feeling against them, in consequence of facts disclosed at the trial, the Undersigned feels it to be his duty to give notice to M. Lisboa of the intention to set them at liberty, in order that, previously to that step being taken, M. Lisboa may adopt such measures as he may think proper for the support or disposal of them.

The Undersigned, &c.

M. Lisboa,  
&c. &c.

(Signed) ABERDEEN.

---

No. 294.

*M. Lisboa to the Earl of Aberdeen.*

*York Place, 11 Août, 1845.*  
(Received August 12.)

LE Soussigné, &c. &c. a eu l'honneur de recevoir la note du 9 de ce mois, que son Excellence le Très-Honorable Comte d'Aberdeen, &c. &c. a bien voulu lui adresser, à l'occasion de la prochaine libération de trois de accusés qui ont figuré au procès récent d'Exeter.

En remerciant son Excellence des considérations d'humanité qui l'ont engagée à faire cet obligeant avis au Soussigné, il est du devoir de celui-ci de faire remarquer à son Excellence, d'après les informations officielles qu'il a fait recueillir sur les lieux, que, de ces trois individus, il n'y en a qu'un, le nommé Sibastiao dos Santos, qui soit sujet de Sa Majesté l'Empereur du Brésil.

En faveur de ce dernier, qui a seul droit à l'intervention du Soussigné, il s'empresse de prendre aujourd'hui même les mesures convenables pour son entretien, et son départ pour le Brésil, immédiatement après qu'il sera mis en liberté.

Le Soussigné, &c.

(Signé) MARQUES LISBOA.

*Son Excellence le Très-Hon. Comte d'Aberdeen,*  
&c. &c. &c.

P.S.—Le Brésil n'ayant pas d'Agent Consulaire à Exeter, la Légation Impériale réclamera l'officieuse intervention du Vice-Consul Portugais en la dite ville.

---

No. 295.

*Mr. Hamilton to the Earl of Aberdeen.**Rio de Janeiro, June 18, 1845.**(Received August 21.)*

MY LORD,

REQUESTING reference to preceding correspondence on the authority of the Mixed British and Brazilian Commission Court at Rio de Janeiro, to examine the contents of documents which are closed under a seal bearing the arms of Brazil, and are found in that condition on board Brazilian vessels brought for adjudication before the Mixed Court, I have the honour to lay before your Lordship copies of another communication on that matter, addressed to me by the Minister for Foreign Affairs, and of my answer, in which answer is recorded the opinion of Her Majesty's Government, that the view entertained on the subject by Her Majesty's Diplomatic Agents in this country, is the correct view.

I have, &amp;c.

(Signed)

HAMILTON HAMILTON.

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

Enclosure 1 in No. 295.

(Translation.)

*Senhor d'Abreu to Mr. Hamilton.**Palace of Rio de Janeiro, June 5, 1845.*

THE Undersigned, &c. &c. acknowledging the receipt of the note No. 102 addressed to his predecessor by Mr. Hamilton Hamilton, &c. &c. on the 17th of December of last year, has the honour to offer some few observations thereon, the justice of which Mr. Hamilton Hamilton will perceive.

Two Despatches, shut up with the Imperial seal, having been found on board the "*Nova Granada*," addressed by the Inspector of the Custom House of Santos to the Inspector of the Custom House, and to the Administrator of the Export office, at Pernambuco, the Undersigned's predecessor was consulted by the Brazilian Commissary Judge of the Brazilian and English Commission, as to whether the same should be delivered to that Commission; and the Undersigned's predecessor, in conformity with the opinion of the Section for Foreign Affairs in the Council of State, replied to the said Commissary Judge that, by right, the Despatches from Imperial Authorities, sealed with the arms of the Empire, ought not to be delivered to the said Mixed Commission without express permission from the Imperial Government; but that those found on board the "*Nova Granada*" should be delivered to it, because they were, in all probability, relative to that vessel's voyage, and might furnish proofs for forming a more correct judgment.

Mr. Hamilton Hamilton, in the note in question, opposes that decision, basing his reasons on the fact, that Article III. of the Regulations which accompany the Convention of 1817, says, "The Commissary Judges of the two nations shall, in the first place, proceed to the examination of the papers of the vessel, in order to be able to judge and to pronounce if the said vessel has been justly detained or not." Now, the Undersigned believes, that by these same words of the Regulations here quoted, it is clearly shown that the papers treated of are solely those which form part of the clearances of the vessel, the log, &c. and others of a like character, but cannot comprehend sealed Despatches from recognised Authorities; inasmuch as only the former can, by right, contribute to the fulfilment of such a stipulation as that of being able to judge and to pronounce if the said vessel has been justly detained or not.

Mr. Hamilton must moreover admit, that a Government would be anything but discreet which would subject its communications, perchance of great importance, and from circumstances entrusted to the Captains of merchant vessels, which may be captured, at times without the least shadow of justice, to the cognizance of the members of the Mixed Commission.

The Undersigned grants that forwarding such papers in like vessels is neither

regular nor usual; but it is, without doubt, possible, and that possibility suffice for their not being placed at the disposal of any one without express authority which the Imperial Government will never deny, when it shall be necessary, as in the present case.

The Undersigned is therefore persuaded, that the Imperial Government acted as behoved it in this affair, by consenting to the opening of the Despatches found on board the "*Nova Granada*," because it considered that they probably related to the voyage of that vessel, and therefore, under the assumption that they might contribute to the fulfilment of the stipulation of Article III. of the Regulations quoted, it ordered them to be delivered up in the state in which they were found; but it does not recognise the absolute and unconditional right which is claimed of opening all and any Despatches from Brazilian Authorities sealed with the Arms of the Empire.

The Undersigned therefore apprehends, that he ought not to revoke the order issued to the Brazilian Commissary Judge on this subject, and to which Mr. Hamilton demurs in the note now replied to, inasmuch as all and every similar exigency which may occur is there fully provided for. And the Undersigned avails, &c.

(Signed) ANTONIO PAULINO LIMPO D'ABREU.

*His Excellency Hamilton Hamilton.*

&c.

&c.

Enclosure 2 in No. 295.

*Mr. Hamilton to Senhor d'Abreu.*

*Rio de Janeiro, June 9, 1845.*

THE Undersigned, &c. &c. has had the honour to receive, and by the first opportunity will communicate to his Government, the note under No. 44, and dated the 5th instant, which was addressed to him by Senhor Limpo d'Abreu, &c. &c. respecting certain closed documents, under the Imperial seal, found with other papers on board the captured Brazilian vessel "*Nova Granada*," which, as likely to afford evidence of her destination, were with her brought into the Court of Mixed Commission, and which closed documents the Court, in the opinion of the British Commissary Judge, was fully empowered to open, a proceeding, however, demurred to by his Brazilian colleague.

Into the validity of the arguments, taking them abstractedly, which his Excellency advances against the authority thus claimed by the British Commissary Judge, to open and examine, in the course of adjudication, documents of this description presented in Court, it does not appear necessary for the Undersigned to enter on the present occasion. It will be sufficient for him to state, for his Excellency's information, the substance of the communication transmitted to the Undersigned by his Government, when it was made acquainted with the points on which the Commissioners of the Mixed Courts in this capital were at issue concerning the sealed documents found in the "*Nova Granada*."

The Queen's Advocate-General is of opinion, that the view taken of the subject by Her Majesty's Diplomatic Agents here is the correct view. He remarks, that it cannot be permitted that documents forming an essential part of a ship's papers should, contrary to the tenor of the Treaty, be kept from the view of the Commissioners, merely because the officers of an inferior department (the Custom House) think proper to enclose them in an envelope, and to make use of a seal bearing the arms of the Brazilian Empire.

But, at the same time, the Advocate-General observes, that the case might have been subject to very different considerations if the sealed documents had consisted of Despatches addressed by the Imperial Government to its Representatives in foreign States, or to others on affairs of public information.

The arrangement requisite, however, on the part of the Imperial Government, in order to obviate any possible doubt as to what may be, or may not be, properly speaking, a ship's papers, and thereby to place beyond hazard the inviolability of official Despatches that may chance to be conveyed on board a merchant vessel, is obvious enough, namely, a peremptory instruction to the competent

Authorities, such as, under the directions of his Government, has already been suggested by the Undersigned, to preserve to all documents properly appertaining to a vessel the most entire publicity,—an instruction, however, which, hitherto, the Imperial Government has refused to issue.

The Undersigned, &c.

(Signed) HAMILTON HAMILTON.

*His Excellency Senhor A. P. Limpo d'Abreu,*  
&c. &c.

No. 296.

*Mr. Hamilton to the Earl of Aberdeen.*

*Rio de Janeiro, June 20, 1845.*

*(Received August 21.)*

MY LORD,

WITH reference to my Despatch of the 21st of April, covering divers notes and documents relating to the Brazilian slave vessel "*Nova Granada*," I have the honour herewith to lay before you an additional note from the Minister of Foreign Affairs, renewing the protest of his predecessor in that Department against the delays in Court impeding the termination of the process of that vessel, and against the losses likely to accrue therefrom; and communicating, as an integral part of that protest, a petition from a certain Manoel dos Santos, who presents himself as her proprietor.

My reply to his Excellency is also enclosed, but is not likely, I apprehend, to work any change in the opinions of a Government that appears constantly solicitous to act in conformity to the wishes and the interests of the slave merchants.

I have, &c.

(Signed) HAMILTON HAMILTON.

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

Enclosure 1 in No. 296.

(Translation.)

*Senhor d'Abreu to Mr. Hamilton.*

*Palace, Rio de Janeiro, June 2, 1845.*

THE predecessor of the Undersigned, &c. &c. in his note No. 22, of the 18th March last, has already solemnly protested against the inevitable loss which the Brazilian subject Manoel dos Santos must suffer, as proprietor of the "*Nova Granada*," the sentence upon which vessel in the Brazilian and English Mixed Commission Court, has been purposely delayed by the British Commissary Judge, John Samo, as was superabundantly proved in the note referred to.

But, as the said Commissary is absent, and Mr. Hamilton, &c. &c. has not yet communicated the measures he contemplates taking for the legal continuation of the process of that vessel, which is falling into such complete decay that in a short time she will probably be useless, the Undersigned considers it his duty, not only to protest anew against all losses and damages which must undoubtedly accrue to this Brazilian subject from being unjustly deprived of his property, but also to transmit to Mr. Hamilton, for his information, and as forming an integral part of the protest, a copy of a petition upon this subject, under date of 2nd April, which the said Santos delivered to His Majesty the Emperor.

The Undersigned trusts that Mr. Hamilton will give a prompt decision as the urgency of the business demands, and renews, &c.

(Signed) ANTONIO PAULINO LIMPO D'ABREU.

*His Excellency Hamilton Hamilton,*  
&c. &c.

Enclosure 2 in No. 296.

(Translation.)

*Petition of Senhor Santos.*

SIRE,

*Rio de Janeiro, April 2, 1845.*

BEFORE your Imperial Majesty, presents himself again your faithful subject Manoel dos Santos, proprietor of the "*Nova Granada*."

Your Imperial Majesty knows that the patacho was unjustly detained on the 9th October last, on leaving Santos, with a lawful cargo, and regularly dispatched, with all her papers in order, and destined to the port of Pernambuco.

She was a small vessel, employed on the coasting trade; but neither this circumstance, nor the disposition of Article VI. of the Additional Convention of the Treaty of 1815, nor Article I. of the Instructions for Cruizers, nor what is provided in the Instructions issued by the British Government on the 12th June, 1844, could save her from the fury of James Carter, Commander of Her Britannic Majesty's packet "*Viper*."

Being brought to Rio de Janeiro, your Imperial Majesty also knows, that she was carried for adjudication before the Brazilian and English Mixed Commission Court, and that the British Judge delayed to pass her sentence, after using every means to impede the petitioner's right of defence, as the petitioner has already represented to your Imperial Majesty.

It happened, however, that after the expiration of nearly four months, as is expressly permitted by Article I. of the Regulations of the Mixed Commission Court, of 28th July, 1817, and when the Brazilian Judge had already sometime before, within the period legally allowed, given his vote for the liberation of the patacho, considering her a bad prize, and ordering her to be delivered to the owner, with indemnities, the British Judge Commissary, who had till that moment delayed, illegally, to give his vote, condemned her as a good prize.

But there being an equality of votes, it became necessary, in order to a decision, to draw by lot for a third Judge, either the British Arbitrator or the Brazilian; in virtue of Article III. of the above-mentioned Regulations.

The Brazilian Commissary Judge was desirous to comply with this duty; the British Commissary, however, opposed it, and would not consent to draw lots on this occasion. When the session broke up without any resolution being taken upon the subject, the British Commissary left Rio de Janeiro, embarking on board the steamer "*Gorgon*," which sailed for the river Plate on the 5th of March last, and in consequence this trial has been left undecided. The British Commissary Judge's substitute, was her Britannic Majesty's Consul, the Proctor of James Carter, and consequently ineligible (*suspeito*), so that, without a decision on the part of the Government of your Imperial Majesty, the process cannot be continued.

In the meantime the vessel is daily deteriorating, and shortly will be worth nothing, and the loss will fall on the petitioner. Your Imperial Majesty knows perfectly, that the petitioner, fearful of these circumstances, had petitioned the Commission for a valuation of the vessel, and to raise the detention, and secure a satisfactory guarantee; but no decision was taken by the Commission.

Lastly, it is to be added, that the British detainers, in order, without doubt, to follow up their pernicious intentions of injuring still more the vessel, as they did with the "*Dous Amigos*," which they sunk, or of introducing on board objects which she did not carry, did, using violence and force, remove her crew, including the Master, Joao Joze da Cruz, and the steward, against their express will and protest, and land them on the shores of this city, thereby remaining masters of the patacho, without any one to witness their proceedings, or to protest in the name of the petitioner, or who could represent his interests on board, and act as a guarantee for him and for the tribunal which had to try the vessel.

Under these circumstances, the petitioner comes before your Imperial Majesty, and trusts, that through the wisdom of the Government of your Imperial Majesty and its patriotism, such steps will be taken upon the exposition of these several facts as shall cause the rights of Brazilians to be respected; and that, representing the case with strength and energy, they will make known what great disrespect and contempt of the country is manifested by the act thus perpetrated by the captors, of removing forcibly the crew from on board a vessel

carried for trial before the Mixed Commission, before sentence had been pronounced, and without orders from the tribunal, which, unless it be the Imperial Government, is alone competent to give them, seeing that the patacho is a Brazilian vessel, that she was lying at anchor in the port of Rio de Janeiro, and that so long as she was detained, the crew being also detained, they were at least there to watch the vessel, were eye-witnesses of what was done by the captors, and were representatives of the proprietor.

In addition to a complete satisfaction which the Imperial Government is entitled to, for this unheard of act of arbitrariness and impudence, by virtue of the cessation of the Treaties hitherto existing, in consequence of which the Brazilian and British Mixed Commissions were created, it appears to the petitioner, that there ought to be named another tribunal to try the patacho, as no trial has hitherto taken place, in consequence of the equality of votes, and that such tribunal cannot but be a Brazilian one; and the petitioner has recourse to your Imperial Majesty to decide by what one the process of the patacho ought to be continued, and the charge of her be taken, removing her from the power of the captors, who appear as the accusing party, in order that the trial may proceed and justice be done.

The petitioner considers it unnecessary to make any further observations, &c.

(Signed) MANOEL DOS SANTOS.

Enclosure 3 in No. 296.

*Mr. Hamilton to Senhor d'Abreu.*

*Rio de Janeiro, June 9, 1845.*

THE Undersigned, &c. &c. has had the honour to receive the note No. 42, from his Excellency Senhor A.P. Limpo d'Abreu, &c. &c. with an enclosure, purporting to be copy of a petition from a person of the name of Manoel dos Santos, who states that he is proprietor of the Brazilian vessel called "*Nova Granada*."

The Undersigned is informed by Her Majesty's Commissary Judge, Mr. Samo, who returned to his post on the 16th ultimo, as he duly notified to the Mixed Court on the 18th, that previous to his absence an individual, bearing the name above-mentioned, did appear in Court, who claimed to be owner of the vessel in question; that the two Commissary Judges requiring proof of the claimant's identity and ownership, called on the party to establish his pretension, either by the ordinary process before the local Authorities, or otherwise; but that, so far as the Court is cognizant, he has failed to do so up to the present date.

The details of the claimant's case, as set forth in the petition forwarded to the Undersigned by Senhor Limpo d'Abreu are at variance with the facts which appear upon the records of the Mixed Commission; but, furthermore, the allegations contained in it, and the language in which they are conveyed, are so highly unbecoming, that the Undersigned feels compelled to express his deep regret that his Excellency should have condescended to receive and notice such a document.

The late Minister for Foreign Affairs, in his note No. 22, of March 10, signified to the Undersigned that the Brazilian Government rejected the interpretation given by the British Government to Article I. of the Convention of November 1826, namely, that slave equipments found on board Brazilian vessels constituted ample grounds for the detention and confiscation of such vessels.

The view held by the Brazilian Government of the said Article I. of the Convention of November 1826, as opposed to that of the British Government, forms one of the very important topics discussed at length in the notes addressed by the Undersigned to Senhor França, which are marked in the margin;\* and to the contents of these notes, more particularly of No. 94, and of its enclosure No. 1, the Undersigned begs leave to refer his Excellency.

The Undersigned having received the commands of his Government to maintain their opinion as to the meaning of the said Article I. of the Convention

\* No. 94, dated December 4, 1844; No. 103, December 17, 1844; No. 7, January 27, 1845; No. 12, February 10, 1845; No. 17, February 27, 1845.



of November 1826, as explained in the notes just enumerated, and upon which opinion is based the vote given by the British Commissary Judge on the 3rd of March last, and referred to by Senhor França in his note No. 22, the final proceedings in the case of the "*Nova Granada*," one, incontestably, of slave equipment, must now depend entirely upon the acquiescence of the Imperial Government therein.

The principle to which her Majesty's Government adhere has been established since 1839, in numerous cases of Brazilian vessels captured when thus prepared to carry on the Slave Trade; and it is one which is clearly in accordance as well with the text as with the spirit of the Conventions between Great Britain and Brazil, which the High Contracting Parties have concluded for the complete suppression of that demoralizing and inhuman contraband.

The Undersigned, &c.

(Signed) HAMILTON HAMILTON.

*His Excellency Senhor A. P. Limpo d'Abreu,*  
&c.

&c.

No. 297.

*Viscount Canning to M. Lisboa.*

*Foreign Office, August 29, 1845.*

VISCOUNT Canning, in the absence of the Earl of Aberdeen, presents his compliments to the Commander Marques Lisboa, and has the honour to acknowledge the receipt of a note dated the 7th instant, from M. Lisboa, referring to the recent trial at Exeter, of persons charged with the murder of an officer and prize crew from Her Majesty's ship "*Wasp*;" and enclosing a copy of a Despatch from Mr. Santos, referring to the adjudication of the cases of the Brazilian vessels "*Isabel*," "*Aventureiro*," "*Esperanca*," and "*Virginia*," at Sierra Leone.

Lord Canning, by direction of the Secretary of State, has in conformity with the wish of M. Lisboa, transmitted copies of these papers, and of others referred to in M. Lisboa's note, to Her Majesty's Secretary of State for the Home Department, for his consideration, with reference to the subject first mentioned in this note.

*M. Lisboa,*  
&c. &c.

No. 298.

*Viscount Canning to Mr. Hamilton.*

SIR,

*Foreign Office, September 3, 1845.*

I HAVE referred to Her Majesty's Advocate-General your Despatches, of the 14th December, 1844, and of the 15th February, the 21st April, 1845, together with other papers, upon the case of the "*Nova Granada*," for his opinion what course should be followed by Her Majesty's Commissary Judge in this case.

And with reference to my instruction to you of the 11th September, 1843, transmitting to you, for your guidance in your communications with the Brazilian Government, and for the guidance of Her Majesty's Commissioners at Rio, also a copy of an instruction to Her Majesty's Commissioners at Sierra Leone, directing them to resist the call for an Arbitrator in cases of evident equipment for Slave Trade, I have now to transmit, for your further information and guidance, and for that of Her Majesty's Commissioners, in the case of the "*Nova Granada*," and in other cases of a similar nature, the copy of an instruction which I addressed on the 24th May, 1844, to Her Majesty's Commissioners at Sierra Leone, explaining to them, that it is by remonstrance and argument only, and not by absolute refusal, that they are to resist a reference to arbitration in cases of this description.

And I have to direct you to communicate that instruction to Her Majesty's Commissioners at Rio de Janeiro, and express to them my desire, that if, on the

receipt of it, the Brazilian Government shall not have yielded to their representation on the point in question, Her Majesty's Commissary Judge shall accede, without making further difficulty, to the wish of the Brazilian Commissioner; and Her Majesty's Commissioners shall proceed forthwith accordingly, by arbitration, to the adjudication of the "*Nova Granada*."

Upon the other point arising in this case, namely, the detention of the Commander of Her Majesty's ship "*Viper*," you will call the attention of Her Majesty's Commissioners to the instruction issued to them on the 26th March, 1836, and to Article I. of the Regulations attached to the Convention of 1817, by which they are enjoined to give the sentences in each case as summarily as possible. And you will further inform them, that officers and men engaged in Her Majesty's service ought not to be detained by them in a case of adjudication longer than is absolutely necessary.

I transmit to you for your further information, the copy of a letter which, by my directions, has this day been addressed to the Secretary of the Admiralty upon this subject.

I am, &c.  
(Signed) CANNING,  
*In absence of Earl of Aberdeen.*

*H. Hamilton, Esq.,*  
&c. &c.

---

Enclosure 1 in No. 298.

*The Earl of Aberdeen to the Sierra Leone Commissioners.*

GENTLEMEN,

*Foreign Office, May 24, 1844.*

WITH reference to the minutes bearing date the 9th November, 1843, enclosed in Despatch, separate, of the 18th February, 1844, from Her Majesty's Commissary Judge, of the proceedings of the Mixed British and Brazilian Court held on the occasion of the receipt of my Despatch of the 11th September preceding, in which you were desired to resist the call for an Arbitrator in cases where it should appear, both to the British and to the Brazilian Judge, that the case is incontestably one of equipment for Slave Trade, I think it right, in order to prevent the possibility of misconception, to observe to you, that it is by remonstrance and argument, and not by an absolute refusal, that you are to resist a reference to arbitration in cases of the description above given.

*Her Majesty's Commissioners,*  
&c. &c.

I am, &c.  
(Signed) ABERDEEN.

---

Enclosure 2 in No. 298.

*Viscount Canning to Captain Hamilton.*

SIR,

*Foreign Office, September 3, 1845.*

WITH reference to your letter of the 22nd of March last, respecting the detention of the Commander of Her Majesty's ship "*Viper*," at Rio de Janeiro, on the case of the "*Nova Granada*," I am directed by the Secretary of State to request that you will state to the Lords Commissioners of the Admiralty, that the case of this vessel, in respect to which some difficulties had arisen, having been referred to Her Majesty's Advocate-General, and the Secretary of State having now received his opinion thereupon, Her Majesty's Commissioners at Rio de Janeiro have been instructed to proceed forthwith on the adjudication of this case; their attention has been called to the instructions issued to them on the 26th of March, 1836, and again on the 2nd of June in the same year, directing them to conform to the Regulations, which prescribe to them to adjudge the cases before them as summarily as possible; and they have been informed, that the officers and men engaged in Her Majesty's service ought not to be detained longer than is absolutely necessary.

I am at the same time to request, that you will observe to their Lordships, that cases may arise in which the removal of witnesses, or parties concerned in

the capture of a slaver, before judgment is passed upon her, would be attended with great expense to the public,

Captain *W. A. B. Hamilton*,  
&c. &c.

I am, &c.  
(Signed) CANNING.

No. 299.

*Viscount Canning to Mr. Hamilton.*

SIR,

*Foreign Office, September 3, 1845.*

I HAVE referred to Her Majesty's Advocate-General your Despatch of the 24th of August of 1844, enclosing correspondence of Her Majesty's Commissioners at Rio de Janeiro, together with other papers, respecting the demand persisted in by the Brazilian Government, that the Brazilian Municipal Functionaries should be entrusted exclusively with the execution of the sentences of the Mixed British and Brazilian Commission at Rio de Janeiro.

The Queen's Advocate reports, that Her Majesty's Commissioners have acted with great propriety in exerting themselves to put an end to this objectionable practice, insisted on by the Brazilian Government; and that the view which the British Commissioners have taken of the provisions of the Convention in this respect is perfectly correct.

I have therefore to desire, that you will support their efforts in this view, by representations to the Brazilian Government, whenever necessary.

I am, &c.  
(Signed) CANNING,  
*In absence of Earl of Aberdeen.*

*H. Hamilton, Esq.*  
&c. &c.

No. 300.

*Mr. Hamilton to the Earl of Aberdeen.*

*Rio de Janeiro, July 4, 1845.*  
(Received September 18.)

MY LORD,

LATE on the evening of the 1st instant, I received by Her Majesty's ship "Melampus," your Despatch, of the 14th of May, acknowledging mine dated March, 22, respecting the cessation of the Slave Trade Treaty of 1827 with this Empire.

A conference of the Commissioners of the Mixed Court on that very important topic having been appointed for the next day, and the Minister for Foreign Affairs having that same day announced to me an immediate communication on the same subject, I considered that some advantage might possibly accrue from my reading your Lordship's Despatch confidentially to his Excellency; that the communication might provoke usefully, perhaps, a revision of the instructions by which the Brazilian Commissioner was to be guided in his conference with Mr. Samo, as well as of the promised communication to myself.

Early the next morning, therefore, I called on Senhor Limpo d'Abreu, and read to him the Despatch; his Excellency will be prepared thereby for the communications which your Lordship leads me to expect by the next packet, and may be strengthened in the more wholesome convictions I believe him to entertain on matters connected with Slave Trade.

But, as regards the instruction to the Brazilian Commissioner, and the note to myself, they had both been dispatched. The former, as I am told by Mr. Samo, is, towards the close, very objectionable; of the latter I transmit herewith a copy and translation, and request your Lordship's reference to it. I have time to mention only, that the Minister announces therein the preparation of another article, *ad referendum*, intended to stipulate for other Conventional adjustments respecting Slave Trade; and that the acceptance of such additional Article by Her Majesty's Government, as with respect to the two already communicated in my Despatch, of the 21st of June last, is to be considered a *sine qua non* condition of the Imperial ratification of the Treaty of Amity and Commerce now negotia-

ting. But of the intentions of Her Majesty's Government respecting a new Slave Trade Treaty, I am already in possession, unless recent events have modified them.

I have, &c.

(Signed) HAMILTON HAMILTON.

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

Enclosure 1 in No. 300.

(Translation.) *Senhor d'Abreu to Mr. Hamilton.*

*Rio de Janeiro, Foreign Office, July 2, 1845.*

THE Undersigned, &c. &c. has now the honour to address Mr. Hamilton Hamilton, &c. &c. upon a subject, the importance and results of which Mr. Hamilton will easily foresee, and therefore give a prompt and satisfactory answer, as the Imperial Government has every right to expect.

Mr. Hamilton Hamilton will remember, that the Undersigned's predecessor communicated to him, in a note of the 12th March last, that as, on the 13th day of March, 1845, the 15 years terminated, during which, according to the Conventions between Brazil and Great Britain regarding the traffic in slaves, the Convention of the 28th July, 1817, continued in vigour, and that, consequently, from that day the right of visit and of search terminated, as well as all the other stipulations in the above-mentioned Convention of the 28th July, 1817, Additional Articles, Instructions, and Regulations annexed thereto, he had received an order from His Majesty the Emperor to communicate to Mr. Hamilton that, taking into consideration what was agreed upon by the two High Contracting Parties, to give six months for the Brazilian vessels engaged in the traffic to return unmolested to the ports of the Empire, having left the coast of Africa before the 13th day of March, 1830, on which, according to the Convention of the 23rd November, 1826, that traffic ceased entirely, the Imperial Government would have no objection to agree, that, the Brazilian and English Mixed Commissions established in this capital and in Sierra Leone continue for six months longer, which period will expire on the 13th of September of this year, for the sole purpose of concluding the adjudication of the cases pending, and of those which may, perchance, have occurred before the above-mentioned 13th day of March of the current year. Mr. Hamilton replied, in a note of the 17th March last, that he would, without delay, submit that communication to his Government.

The just grounds upon which that resolution of the Imperial Government was based, are so evident, that, if there were not a positive fact to the contrary, it could scarcely be believed that any person would gainsay it.

By the Treaty of the 23rd January, 1815, the Government of the United Kingdom of Portugal, Brazil, and Algarves, bound itself to abolish the traffic in slaves to the north of the Equator, and to adopt, conjointly with England, those measures which would best contribute to the effectual execution of the preceding agreement, reserving, for a separate Treaty, the period when the commerce in Africans should cease universally, and be prohibited in all the dominions of Portugal.

The measures which the two Governments promised to adopt, in conformity to the Treaty of the 23rd January, 1815, were subsequently stipulated in the Additional Convention of the 28th July, 1817.

In this Convention, among other measures regarding passports and other subjects, the right of visit and search was established, and Mixed Commissions were created for adjudicating the captures made by the cruizers of the High Contracting Parties. On the same date, Instructions to the cruizers, and Regulations for the Mixed Commissions, were signed by the Plenipotentiaries of the two Governments.

On the 11th September of the same year (1817), a Separate Article was signed in London, and afterwards competently ratified by the Portuguese Government, in which the two Governments agreed, that, as soon as the total abolition of the traffic in slaves should be verified, the two High Contracting

Parties would agree to adapt, by common consent, the stipulations of the Additional Convention of the 28th July of that year (1817), to the new state of circumstances, adding, that when it shall not be possible to come to any other agreement, the said Additional Convention shall be valid until the expiration of 15 years from the day on which the traffic in Slave Trade shall be totally abolished.

The independence of Brazil being declared, and the Slave Trade not totally abolished, the Government of Great Britain celebrated the Treaty of the 23rd November, 1826, with the Government of the Empire. In Article I. of that Treaty, it is established, that, after three years from the exchange of the ratifications, the traffic in Africans shall be no longer lawful for the subjects of Brazil; and by Articles II. and III. were adopted and renewed all the Articles and provisions of the Treaties concluded between England and Portugal, of whatever nature, and the Instructions and Regulations thereto annexed.

From this exposition, it results, therefore, that there form part of the international law of Brazil and of Great Britain, 1st, the Convention of the 28th July, 1817, which established the right of visit and search, and the Mixed Commissions; 2nd, the Separate Article of the 11th September, 1817, which established, that those measures should only last 15 years after the total abolition of the traffic in slaves, if the stipulations of the said Convention should not be adapted, by common consent, to the new state of circumstances.

The ratifications of the Treaty of the 23rd November, 1826, which totally abolished the Slave Trade, were exchanged on the 13th March, 1827.

From what is above stated, it follows, that from that day forward, the period of 15 years commenced, according to the Separate Article of the 11th September, 1817, for the duration of the measures stipulated in the Additional Convention of the 28th July, 1817, amongst which measures figure those of the right of visit and search, and the Mixed Commissions for adjudicating the captures.

It follows further, that the above-mentioned period of 15 years terminated on the 13th March, 1845.

It follows, finally, from what is above stated, that, on the 13th March, 1845, the Convention of the 28th July, 1817, and the right of visit and search, can no longer subsist; as also, that the Mixed Commissions can only continue to exercise their functions for six months longer, reckoned from the 13th day of March, and for the special purpose indicated in the note from the Undersigned's predecessor, should the Government of Great Britain agree thereto, with reference to the reason alleged in that note.

It was, therefore, with the greatest surprise that the Undersigned received the copy of the minute of session of the Brazilian and English Mixed Commission held on the 18th June, a copy of which the Undersigned also transmits to Mr. Hamilton.

From the contents of that Minute it is seen,—

First. That the British Commissary Judge declared, that he did not admit the correctness of the interpretation regarding the duration of the Slave Trade suppression compacts with Brazil, which had been suddenly put forward by the late Minister for Foreign Affairs, and that he had every reason to adhere to that view, because Her Britannic Majesty's Government have not hitherto issued any instructions to their officers to discontinue or limit the functions entrusted to them by virtue of those compacts, and therefore it is imperative upon all British officers to continue to act upon, and carry out, the whole of the stipulations of the Convention of 1826.

Second. That it was easy to prove that these were the instructions (intentions) of Her Britannic Majesty's Government; and for that purpose the said Commissary Judge had procured a copy of one of the warrants recently issued to the British cruisers by the British Admiralty, bearing date the 9th day of April last, addressed to the Commander of Her Majesty's brig-of-war, "Grecian," whereby that cruiser is expressly authorized, empowered, and ordered to act according to the above-mentioned Convention in the suppression of the traffic in slaves carried on in Brazilian vessels.

(Here follow the instructions alluded to.)

Third. That there is every reason to expect that cases of the detention of Brazilian slave ships will be presented to this Commission, as well as to the other branch at Sierra Leone; and in such event it is difficult to foresee the consequence, should the Brazilian Commissary Judge refuse to act.

Fourth. That the British Commissary Judge invited the serious attention of his colleague to those facts, with the utmost confidence that he would renew this important subject with the present ministry of His Imperial Majesty, who may, probably, take a different view of the question to that laid down by Senhor Ernesto Ferreira Franca.

The Imperial Government cannot but express its surprise at the contents of the minute referred to.

The decision communicated to Mr. Hamilton by the Undersigned's predecessor, in the note of the 12th March last, is based on the express and clear letter of the Treaties and Conventions between Brazil and Great Britain, as has been demonstrated, unless those Treaties and Conventions imply only obligations upon, and not rights in favour of, Brazil.

As the Government of Brazil does not refuse to enter into any new Convention, which may be just and reasonable, and have for its object the adopting of measures suited to the new state of circumstances, to prevent the traffic in Africans, the Government of His Majesty the Emperor trusts that Her Britannic Majesty's Government will not consent, in the meantime, that acts be practised which would, considering the protection which the Imperial Government owes to its subjects, offend in a direct manner the independence and the sovereignty of the nation.

But, in order to this subject being at once decided, and to prevent the occurrence of conflicts prejudicial to the subjects of both nations, and contrary to the good understanding which ought to exist between the said Governments, the Undersigned has received orders from His Majesty the Emperor, immediately to declare to Mr. Hamilton Hamilton, that the Plenipotentiaries appointed to celebrate the Treaties between Brazil and England shall receive the necessary instructions to draw up, *ad referendum*, an Additional Article upon this subject, under the conditions to which the Undersigned referred, in his note to Mr. Hamilton Hamilton, of the 19th June last, the ratification of the Treaty depending upon the approval of the above-mentioned Article by Her Britannic Majesty's Government.

The Undersigned, &c.

(Signed)

ANTONIO PAULINO LIMPO D'ABREU.

*His Excellency Hamilton Hamilton,*

&c.

&c.

Enclosure 2 in No. 300.

(Translation.) *Minute of Session of the 18th June, 1845.*

THE minute of session of the 11th instant being read, was approved.

The British Commissary Judge presented to his colleague the following memorandum.

*Rio de Janeiro, June 18, 1845.*

At the session of the 11th instant, the Brazilian Commissary Judge mentioned a Despatch, with a separate instruction, which his Government had issued to its Commissioners on the 12th of March last, and which, it appears was subsequently intimated to this Board at a session of the 18th of the same month.

Since that period nothing took place upon the subject to call for the attention of the British Commissioners, until the recent session of the 11th instant, when the Brazilian Commissary Judge signified his intention to proceed upon the opinion of his own Government regarding the presumed expiry of the Slave Trade Convention between Great Britain and Brazil, and, that he therefore should act in such cases only as were already pending in this Commission, or which were initiated previous to the 13th of March of this year.

The Undersigned hastens to acquaint his Brazilian colleague, that he does not admit the correctness of the interpretation regarding the duration of the Slave Trade suppression compacts with Brazil which has been suddenly put forward by the late Minister for Foreign affairs; and the Undersigned has every reason to adhere to that view, because Her Majesty's Government have not hitherto issued any instructions to their officers to discontinue or limit the functions entrusted to them by virtue of those compacts; and therefore it is imperative, in the meantime, upon all British officers to continue to act

upon, and carry out, the whole of the stipulations of the Convention of November 1826.

That such are the instructions (intentions) of Her Majesty's Government is easily proved, and for that purpose the Undersigned has procured a copy of one of the warrants recently issued to British cruisers by the British Admiralty, bearing date the 9th day of April last, addressed to the Commander of Her Majesty's brig-of-war "Grecian," whereby that cruiser is expressly authorized, empowered, and ordered to act according to the above Convention in the suppression of the traffic in slaves carried on in Brazilian vessels, and is of the following tenor:—

Brazil.

By the Commissioners for executing the office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, &c.

Whereas, a Convention between Great Britain and Brazil for the abolition of the African Slave Trade, was signed at Rio de Janeiro on the 23rd of November, 1826, the ratifications of which were exchanged on the 13th of March, 1827; and whereas, the High Contracting Parties mutually agreed thereby that ships of their Royal navies, respectively furnished with the Instructions contained in Annex 2 to the Additional Convention of the 28th of July, 1817, between Great Britain and Portugal, might search and send in for trial, vessels suspected of the illegal traffic in slaves; and whereas we think fit that Her Majesty's ship under your command should be one of those authorized to act under the Convention with Brazil.

We furnish you with a copy of the said Convention with Brazil, and of the said Annex to the Additional Convention with Portugal; and you are hereby expressly authorized, empowered, and ordered, to act according to the said Convention in the suppression of the traffic in slaves carried on in Brazilian vessels.

Given under our hands, this 9th day of April, 1845.

(Signed) W. H. GAGE.  
W. GORDON.

*Alexander L. Montgomery, Esq.*  
    &c.                      &c.

By command of their Lordships. (Signed) W. A. B. HAMILTON.

A true translation. (Signed) JOZE AGOSTINHO BARBOSA, JUN.  
*Interpreter to the Commission.*

There is every reason to expect that cases of the detention of Brazilian slave ships will be presented to this Commission, as well as to the other branch at Sierra Leone; and in such event, it is difficult to foresee the consequences, should the Brazilian Commissioner refuse to act.

The Undersigned invites the serious attention of his honourable colleague to these facts, with the utmost confidence that he will renew this important subject with the present Ministry of His Imperial Majesty, who may probably take a different view of the question to that laid down by Senhor Ernesto Ferreira Franca.

(Signed) JOHN SAMO.

A true translation. (Signed) JOZE AGOSTINHO BARBOZA, JUN.  
*Interpreter to the Commission.*

To which the Brazilian Commissary Judge replied, that he would lay this business before his Government, as he could do nothing of his own accord upon this subject.

The session closed.  
A true copy. (Signed) BRAZ MARTINS COSTA PASSOS,  
*Secretary.*

A true copy. CANDIDO MANOEL DE MIRANDA,  
*In absence of Under-Secretary of State.*

No. 301.

*Mr. Hamilton to the Earl of Aberdeen.**Rio de Janeiro, July 29, 1845.**(Received September 25.)*

MY LORD,

IN Senhor Franca's note of the 6th of last December, concerning the American brig "*Sooy*," then recently detained by Her Majesty's ship "*Racer*," off Bahia, under suspicion of Slave Trade practices, and which note was laid before your Lordship in my Despatch of the 14th of December of last year, it is stated, that the Brazilian Government reserved to themselves the right of further representations regarding the said detention.

Acting on this proviso, Senhor Limpo d'Abreu addressed to me last month the note of which I have the honour to forward herewith copy and translation.

In this note, after having recapitulated the circumstances attending the detention, (which statement varies in only a few, and not very essential particulars, from the report of Commander Reed, and alluded succinctly to the correspondence it produced between British and Brazilian Authorities,) the Minister of Foreign Affairs states explicitly, that the detention in question involved an offence to the sovereignty of the Brazilian nation, and that in the name of the Brazilian Government he insists upon adequate reparation.

His Excellency next adverts to the right of salvage demanded by Commander Reed; and, considering it obvious that the Commander's object was to capture, and not to save, the brig, and that the attempt was made within the territorial waters of the Empire, denies his right to salvage. It is not fitting, he says, that the Imperial Government should recompense an offence committed against its own Authority, and for which it is demanding satisfaction.

And his Excellency concludes with notifying, that as strong presumptive evidence exists that the "*Sooy*" was employed in the contraband, a criminal process had been instituted against her, before the courts of justice in the district where the illegal act had been perpetrated.

It has not appeared to me necessary to follow up this correspondence at present; but I shall keep my eye on the proceedings in Court, and act, and report to your Lordship, accordingly.

I have, &amp;c.

(Signed) HAMILTON HAMILTON.

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

&amp;c.

&amp;c.

&amp;c.

Enclosure in No. 301.

*Senhor d'Abreu to Mr. Hamilton.*

(Translation.)

*Palace of Rio de Janeiro, June 5, 1845.*

It being the duty of the Undersigned, &c. &c. in conformity with the statement made by his predecessor to Mr. Hamilton, &c. &c. in the note dated 7th December last, No. 88, to reply to that addressed to him by the British Minister, No. 71, of the 14th of October last year, regarding the capture by Her Britannic Majesty's brig "*Racer*," of the American brigantine "*Sooy*," alias "*Ventura*," on the coast to the south of the false bar of Bahia; he has now the honour to communicate to Mr. Hamilton the decision taken by the Imperial Government on this subject, in accordance, after mature deliberation, with the opinion of the Council of State upon the same.

It is shown, that on the 21st August, of last year, the English brig-of-war "*Racer*" appeared off the bar of the port of Bahia, with a brig-schooner, American built, in company, apparently detained, and supposed to be the "*Sooy*," which sailed on the 26th April, from that port to the coast of Africa, with a cargo of tobacco and other goods, under the American flag.

On her return to Bahia, being chased by a launch from the brig "*Racer*," she ran on shore to the south of false bar, and in this state she was got off, and captured by the above-mentioned launch. The commanding officer of the Brazilian station sent an officer of the navy on board the "*Racer*," to enquire the reason of the detention of the "*Sooy*," and to explain, that being on shore

CLASS B.



on the Imperial territory, it belonged not to the English cruiser, but to the territorial Authorities, to take cognizance of the affair, even should there be cause to suspect that she was employed in the traffic of slaves.

The Commander of the "Racer," however, did not attend to this requisition, replying, that his launch had chased the brig-schooner for six miles, and that, as she was engaged in the contraband Slave Trade, she had ran on shore to escape from him; that he found her deserted, and intended taking her to the capital, where that question would be decided, without entering Bahia, in order to avoid disagreeable consequences.

This occurrence having been reported to the Government, by the President of the Province of Bahia, information was required from the British Minister, who replied by transmitting the answers given by Commodore Purvis, as well as those of the Commander of the brig "Racer" to that officer, and, lastly, a Despatch from the British Consul, defending the Commander of the said brig.

The fact which has just been related by the Undersigned is not contested, nor are any of the circumstances which rendered it offensive to Brazilian nationality denied.

Commodore Purvis said, that he would deliver the brig "Sooy" to the Brazilian Government, but insisted on the right of salvage which the Commander of the "Racer" demanded, although he had in his reply declared, that the "Sooy" floated off, without any effort on his part.

With reference to the above it is evident, that the English brig-of-war "Racer" gave chase to a vessel in the waters of the Empire, drove her on shore, and captured her on the coast of Brazil; that the prize thus made being claimed, her delivery to the Authorities of the Empire was refused; and that she was brought to this port.

The principles of the law of nations on this subject are so well known, and so incontestable, it is impossible not to admit, that an offence to the sovereignty of the Brazilian nation was committed in the capture of the brig "Sooy;" and it becomes the Undersigned's duty, in the name of the Imperial Government, to insist upon a reparation proportional to the act, which, having been preceded by many others of the same, or of a very slightly different nature, is the more offensive, and the Undersigned ought not to allow it to pass unnoticed.

As to the right of salvage, which the Commander of the brig "Racer" requires, the Undersigned deems it evident that it is not due to him, inasmuch as it is proved, that the said Commander did not go to save the brig "Sooy," but to capture her on the shores of Brazil; and the Imperial Government ought not to pay for an offence thus committed against itself, and for which it demands reparation.

The Undersigned, while making this communication to Mr. Hamilton Hamilton, has also the honour to declare to him, that as the case in question comes within the class of those which are subject to the ordinary courts of justice, the Undersigned's predecessor sent all the documents relating to the affair, on the 17th of May of the current year, to the Minister of Justice, to whom it belonged to expedite the necessary measures for proceeding criminally, according to the terms of the Law of the 7th November, 1831, inasmuch, as there are strong indications of the vessel having been employed in the illicit traffic in Africans; the process being to be instituted in the district where the crime was committed.

Having thus replied to Mr. Hamilton's above-mentioned note, No. 41, the Undersigned avails, &c.

(Signed)

ANTONIO PAULINO LIMPO D'ABREU.

*His Excellency Hamilton Hamilton,*

&c.

&c.

No. 302.

*Mr. Hamilton to the Earl of Aberdeen.*

*Rio de Janeiro, July 29, 1845.*

*(Received September 25.)*

MY LORD,

On the 7th instant, the Brazilian Government steamer "Correio Brasileiro," Captain Benjamin Carneiro de Campos, boarded, and took possession, of a Brazilian slave brigantine, by name "Subtil," of 160 tons.

This brigantine had, not long before, anchored in sight of the steamer, in the bay of Buseios, about 30 miles north of Cape Frio, and two cables length from the shore. The crew had deserted her, taking with them the ship's papers and her colours; and attempts had evidently been made to slip the cable, and run her on shore.

She had on board 418 African negroes; and from one of them, who could speak the Portuguese language, it was ascertained, that she had taken in her cargo at Loacho, a little to the southward of Benguela; that she was 27 days coming across; and that 24 of the negroes had died during the passage. Those on board appeared, on the whole, very healthy.

On the 26th instant, these Africans were landed in this city, and sent to the House of Correction, for the purpose, as it is stated, of being distributed.

Up to this date, no public notice has been given of any proceedings against the owners of the vessel and cargo, though all of them are said to be well known.

It is believed that she previously tried the markets to the northward, but could find no purchasers at the price put upon her cargo; and that she was in quest of another market when captured.

The slaver appears to have taken the steamer for one on the coasting trade, and having by chance anchored near to her, the officer commanding the steamer had no choice but to detain her. No merit whatever is due to the Supreme Authorities on the occasion.

I have, &c.

(Signed) HAMILTON HAMILTON.

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

&c.

&c.

&c.

No. 303.

*Mr. Hamilton to the Earl of Aberdeen.*

*Rio de Janeiro, July 29, 1845.*

*(Received September 25.)*

MY LORD,

I FORWARD herewith two additional communications made to me by the Minister of Foreign Affairs, respecting the patacho "*Nova Granada*," dated respectively July 18 and 19.

The first of these notes professes to be a reply to mine, dated the 9th ultimo, which was sent home in my Slave Trade Despatch of the 20th ultimo; and turns chiefly on the identity of the owner of the patacho, on the interpretation to be given to Article I. of the Convention of 1826, which relates to equipment, and on the delays which have occurred in the drawing of lots for an Arbitrator, to decide between the two Judges in the question upon which they differ, a dissidence growing out of the separate views taken as to the intent and meaning of the said Article I.

The second note has relation to the minute of session of the Mixed Court, on the 2nd instant, wherein is recorded the refusal of Her Majesty's Commissary Judge to proceed to the drawing of lots, as treated of in the other note from his Excellency referred to above.

I beg your Lordship's excuse for not giving an abstract of the two communications; extreme press of business prevents me; but the notes themselves, are not undeserving particular attention.

I have, &c.

(Signed) HAMILTON HAMILTON.

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

&c.

&c.

&c.

Enclosure 1 in No. 303.

(Translation.)

*Senhor d'Abreu to Mr. Hamilton.*

*Rio de Janeiro, Foreign Office, July 18, 1845.*

THE Undersigned, &c. &c. has the honour to acknowledge the receipt of the note No. 45, of the 9th of last month, from Mr. Hamilton Hamilton, &c. &c. in reply to that which the Undersigned addressed to him on the 2nd of July last,

accompanied by a copy of a petition made by Manoel dos Santos, owner of the Brazilian patacho "*Nova Granada*."

Mr. Hamilton Hamilton establishes, in the above-mentioned note No. 45, of the 9th of last month, that the exposition of the business, as represented by the said Manoel dos Santos, is contrary to the facts gathered from the minutes of the Mixed Commission, and further, that the allegations contained in that petition, and the language in which they are couched, are so highly improper, that Mr. Hamilton feels himself obliged to express his profound regret that the Undersigned should have condescended to receive and to transmit such a document.

Mr. Hamilton also establishes in the above-mentioned note No. 45, of the 9th of last month, that having received orders from his Government to maintain his opinion regarding the interpretation of Article I. of the Convention of November 1826, as stated in the various notes which he enumerates, that is, that the equipments necessary for the traffic in slaves found on board Brazilian vessels, establish ample motives for the detention and confiscation of such vessels; and as the vote given by the British Commissary Judge on the 3rd of March last, was based upon that opinion, the termination of the process of the "*Nova Granada*" depends entirely upon the acquiescence of the Imperial Government on this point, she being one of the vessels which have been incontestably prepared for the traffic in slaves.

Mr. Hamilton establishes, finally, in the above-mentioned note No. 45, of the 9th of last month, that the principle maintained by Her Britannic Majesty's Government, has been laid down since 1839, by numerous facts of vessels captured for being found prepared for the traffic in slaves; and that this principle is clearly in accordance, as well with the letter as with the spirit, of the Conventions existing between Great Britain and Brazil.

The Undersigned, in reply to the above-mentioned note, has to signify to Mr. Hamilton Hamilton, in the first place, that although the Undersigned was informed of the orders given in the process of the "*Nova Granada*," by the Commissary Judges, on the 21st, 23rd, and 27th of November, 1844, still it is certain, that on the 17th of December, of the same year, the Attorney-General, having been heard upon the petition of Manoel dos Santos, was of opinion, that notorious injustice and violence had been done towards the petitioner Manoel dos Santos, owner of the national patacho "*Nova Granada*," in not admitting the Proctor he had appointed to take charge of the defence of the said patacho, without previously proving that he was, in fact, her true owner; that is, that he should establish a character of which the Mixed Commission ought to have been cognizant by the papers found on board; and so much was this the case, that he had been so declared in its monition of the 18th of November. Although the Mixed Commission have decided that it ought not to recognise Manoel dos Santos as owner of the patacho "*Nova Granada*," without certain requisitions and conditions being first complied with, authorizing it to admit the Proctor appointed by him, still it is evident, that this decision ought not in any manner to influence the opinion of the Imperial Government, obliging it to reject a petition presented to it, even if the injustice of the decision were not so clear and manifest, as is demonstrated by the former acts of the said Commission.

As Mr. Hamilton did not point out the allegations in the exposition of Manoel dos Santos which, according to the language in which they are couched, he deems highly improper, the Undersigned will not enter into a discussion which would be without an object; but will merely remind Mr. Hamilton, that the Imperial Government being convinced that it owes justice and protection to its subjects, it would become highly responsible if it were to sacrifice the exercise of those duties to the selection and precision of words, which, although offending neither law nor decency, may, in truth, be more or less energetic, or possess more or less suavity of sound.

The other question which Mr. Hamilton again brings forward, regarding the interpretation of Article I. of the Treaty of the 23rd of November, 1826, is more important.

The Undersigned, referring on this subject to the note No. 22, of the 10th of March, of the current year, from his predecessor, cannot but insist that the interpretation which Her Britannic Majesty's Government desires to give to Article I. of the Convention of 1826, appears to him to be contrary to the letter and the

spirit of the Conventions existing between Brazil and Great Britain, and cannot consider it as established by facts which may have occurred since 1839.

It is contrary to the letter and the spirit of the Conventions—

First, Because by the Convention of the 28th of July, 1817, the stipulations of which, in all their parts, were included in the Convention of the 23rd of November, 1826, it is expressed, in Articles V. and VI., that the detention of vessels suspected of having been engaged in the traffic in slaves can only take place when slaves are found on board, the power conceded to the cruizers, being so restricted and limited, that, although they are permitted to visit upon reasonable suspicions, they have not the right to detain any vessel, on board of which no slaves are actually found; as is also expressed in Article I. of the Instructions.

Second, Because by the Additional Article of the 15th of March, 1823, England agreed with Portugal, (and this stipulation passed to Brazil, by the Convention of 1826,) that the right of detaining, and of subjecting to the penalty, should be extended to those vessels which it might be known had been engaged in the traffic in slaves, notwithstanding there might be none on board at the time of the visit; a stipulation, which if it extend the right to detain, establishes that of its not being lawful to do so on account of any future proceedings, even although there may be strong suspicions of the voyage commenced or attempted.

Third, Because, in order to extend the Convention of 1826, permitting the detention and the legal condemnation of those vessels which might be proved to be destined for the commerce in slaves, there was celebrated, between the Imperial and British Governments, the agreement of the 27th of July, 1835, by which it is proved, that the said British Government acknowledged, that without this agreement the amplification could not take place. Now, as the said agreement was not approved, it is evident that vessels in those circumstances are not liable to detention.

It cannot be considered as established by facts which may have occurred since 1839—

First, Because, if facts do not constitute right, much less can they sanction a principle which is contrary to express right.

Second, Because the Imperial Government has constantly represented against the interpretation with which Her Britannic Majesty's Government desires to amplify the provisions of Article I. of the Convention of 1826. If there have not been a special protest against each of the facts, it is, without doubt, because the general protest against the principle to which these facts are subordinate, is sufficient. The protest against the erroneous principle which it is desired to establish, necessarily embraces all the facts which may result therefrom.

The Undersigned will not affirm, as Mr. Hamilton does, neither will he deny, that the patacho "*Nova Granada*" is one of the vessels which have been incontestably prepared for the traffic in slaves. The Undersigned did not enter into the examination and appreciation of the proofs and indications upon which he might found his judgment; and even, in the state of the question, he should not consider it expedient to pronounce it.

Neither can the Undersigned agree, that in the actual state of the process of the "*Nova Granada*," the drawing of lots for an Arbitrator to decide between the two Judges, who differ in opinion, can be retarded.

The Brazilian Commissary Judge voted, on the 29th of November, 1844, that the detention of the patacho "*Nova Granada*" was illegal, and that it ought to be declared as such in the sentence, in which the Commission could not refuse also to recognise the right of the parties interested in that vessel to claim and require the due indemnities.

The British Commissary Judge, after the occurrence of many delays, gave at last, March 3, 1845, as follows:—

*Rio de Janeiro, March 3, 1845.*

That, for these reasons the Undersigned declares the patacho "*Nova Granada*," her cargo, and appurtenances, to be a good and lawful prize to the officers and crew of Her Britannic Majesty's cruizer "*Viper*," Lieutenant James Carter, Commander; and that the said property is subject to confiscation, ac-

ording to the true intent and meaning of Article I. of the Convention of 1826, between Brazil and Great Britain

(Signed)

A true translation.

JOHN SAMO.

JOZE AGOSTINHO BARBOZA,

*Interpreter to the Commission.*

It is well known, that Article III. of the Regulations for the Mixed Commissions determines, that in the event of the two Commissary Judges not agreeing as to the sentence which they ought to give, either as regards the legality of the detention, or respecting the indemnities which ought to be conceded, or upon any other doubt which may arise out of the stipulations of the Convention, in such case, they shall cause to be drawn by lot the name of one of the two Commissioners of Arbitration, who, after having duly examined the process, shall consult with the above-mentioned Commissary Judges regarding the case treated of, and the final sentence shall be pronounced according to the votes of the majority of the above-mentioned Commissary Judges and of the above-mentioned Commissioner of Arbitration.

Now, as in the case in question, of the patacho "*Nova Granada*," there is precisely foreseen the hypothesis of the two Commissary Judges not agreeing as to the final sentence, one of them pronouncing the illegality of the detention and for the indemnities; and the other, the condemnation of the patacho, it is evidently necessary, in conformity to the provisions of Article III. of the Regulations above cited, to draw by lot the name of one of the two Commissioners of Arbitration, who shall give his vote, and decide the question.

The Undersigned will, therefore, conclude this note, reiterating all the claims and protests which have been made during the process of the patacho "*Nova Granada*," in order that it may be terminated according to the letter of the Conventions between Brazil and Great Britain; and, without being discouraged by the unfruitfulness of the efforts hitherto made by the Imperial Government to obtain a satisfactory solution, the Undersigned trusts it will yet take place, and renews, &c.

(Signed)

ANTONIO PAULINO LIMPO D'ABREU.

*His Excellency Hamilton Hamilton,*

&c.

&c.

---

Enclosure 2 in No. 303.

(Translation.)

*Senhor Paulino d'Abreu to Mr Hamilton.*

*Rio de Janeiro, Foreign Office, July 19, 1845.*

THE Undersigned, &c. &c. transmits to Mr. Hamilton Hamilton, &c. &c. the copy, No. 1, of a Despatch of the 11th instant, addressed by the Brazilian Commissary Judge of the Brazilian and English Mixed Commission established in this city, to the Undersigned; and, under No. 2, that of a letter addressed to the said Commissioner, on the 2nd of the current month, by Mr. John Samo, British Commissary Judge.

From that Despatch and letter it appears, that the British Commissary, Mr. John Samo, absolutely and formally refuses the drawing of lots, which ought to take place, for pronouncing sentence in the process of the patacho "*Nova Granada*," upon which the two Commissary Judges disagree.

The Undersigned, referring to his note No. 53, of yesterday's date, will not repeat to Mr. Hamilton the arguments brought forward to prove that the question of the "*Nova Granada*" comes exactly within the provisions of Article III. of the Regulations for the Mixed Commissions, in which case the drawing of lots for a Commissioner of Arbitration is expressly determined; and he trusts that Mr. Hamilton will interfere with the British Commissary Judge, in order to the cessation of a state of things which militate against the literal provisions of the above-mentioned Article, and the necessity, felt by all, for a measure that shall bring to a conclusion the processes which have been initiated, whatever their nature and object may be.

The Undersigned, &c.

(Signed)

ANTONIO PAULINO LIMPO D'ABREU.

*His Excellency Hamilton Hamilton,*

&c.

&c.

---

Enclosure 3 in No. 303.

(Translation.) *Senhor Carneiro de Campos to Senhor d'Abreu.*MOST ILLUSTRIOUS AND EXCELLENT SIR, *Rio de Janeiro, July 11, 1845.*

I HAVE the honour to lay before your Excellency the enclosed copy of the minute of session of the 2nd instant, held by the Mixed Commission upon the traffic in Africans. From the same your Excellency will learn the efforts I made to induce the British Commissary Judge to consent to the drawing of lots for an Arbitrator to conclude the process of the patacho "*Nova Granada*," efforts which were entirely in vain, inasmuch, as that while I was present that Commissioner had endeavoured to delay that measure by his replies, assuring me that he would communicate his decision on the following day. I had scarcely arrived at my house when I received the letter a copy of which is herewith transmitted, declaring that he would not agree to the drawing of lots for an Arbitrator. With reference to this fact it is evident, that such a proceeding is only for the purpose of not deciding anything until the vessel, which is already in a very bad state, meets the same fate as the brig "*Dous Amigos*."

As regards the indemnities due to the owner and shippers of that brig, of which I also treated, it will be seen in the said minute, that the British Judge claimed to make another examination of the respective accounts; but as he afterwards fell ill, which was communicated to me, nothing has been done up to to-day; and it appears to me, that the result will be the same as in the process of the "*Nova Granada*."

God preserve your Excellency!

(Signed)

JOAO CARNEIRO DE CAMPOS.

*His Excellency Senhor A. P. L. d'Abreu,*  
&c. &c.

Enclosure 4 in No. 303.

*Mr. Samo to Senhor Carneiro de Campos.*

DEAR SIR,

*July 2, 1845.*

As it may save you the trouble of attending at the Commission to-morrow, I hasten to inform you, that it is not in my power to consent to refer to arbitration the case of the "*Nova Granada*," in its present stage. But I will meet you, notwithstanding, upon that subject, if you wish, at the hour already named.

I remain, &amp;c.

*Senhor de Campos,*  
&c. &c.

(Signed) JOHN SAMO.

No. 304.

*Mr. Hamilton to the Earl of Aberdeen.**Rio de Janeiro, July 29, 1845.**(Received September 25.)*

MY LORD,

I HAVE the honour to enclose for your Lordship's information, copy of my note acknowledging Senhor Limpo d'Abreu's, of the 2nd instant, laid before you in my Despatch of the 4th instant, in which his Excellency signifies the intention of the Imperial Government to propose a third Article *ad referendum*, stipulating for further Conventional arrangements respecting Slave Trade; the said Article to be considered, with the two already submitted textually to your Lordship, a *sine qua non* condition for the Imperial ratification of the Commercial Treaty.

At this important crisis of our Slave Trade adjustments, late in the evening of the 20th instant, your Lordship's Slave Trade Despatch of the 4th June, by "Sea Gull" packet, came to hand; and very early on the morning of the 23rd, when the note enclosed in that Despatch was all but signed and sent in, arrived Her Majesty's steam-frigate "Vulture," with the altered version of that Despatch and note. Captain M'Dougal had come very opportunely; and the note, according to the altered version, was sent in without delay.

The 23rd, however, chanced to be a *fête* and holiday; the day following, the weekly meeting of the Cabinet Council, so that his Excellency was not acces-



cation, it would be made known to the Undersigned by the earliest opportunity offering.

The Undersigned, &c.

(Signed)

HAMILTON HAMILTON.

*His Excellency Senhor A. P. d'Abreu,*  
&c. &c.

No. 305.

*Mr. Hamilton to the Earl of Aberdeen.*

*Rio de Janeiro, August 29, 1845.*

*(Received October 29.)*

MY LORD,

I HAVE the honour to acknowledge the receipt on the 12th instant, by Her Majesty's packet "Penguin," of your Lordship's Despatch of the 2nd ultimo.

I have, &c.

(Signed)

HAMILTON HAMILTON.

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

No. 306.

*Mr. Hamilton to the Earl of Aberdeen.*

*Rio de Janeiro, August 31, 1845.*

*(Received October 29.)*

MY LORD,

ON the 4th instant Her Majesty's Commissioner of Arbitration in the Mixed Court delivered in his award regarding the claim for indemnities presented by the owner of the Brazilian brig "*Dous Amigos*," on account of the detention of that vessel by Her Majesty's brig-of-war "*Curlew*," that award importing, for the reasons therein assigned, that the claimant had forfeited all right to such indemnities.

The award will be found inserted at length in the minute of session of the 4th instant, annexed to the letter of Her Majesty's Commissioners, dated the 7th instant, which I have the honour to enclose, together with the dissent therefrom of the Brazilian Commissary Judge and the Registrar of the Court, acts which are in contempt, as well of the Treaty stipulations intended to guide the officers of the Court in their respective functions, as of the authority therein delegated, conjointly and coequally, to the officers of both nations.

Of these proceedings the following is a summary.

Your Lordship is aware, that by the Regulations for the Mixed Court it is provided, that when the two Commissary Judges are not agreed upon the sentence that is to be pronounced, one of the two Commissioners of Arbitration, to be chosen by lot, has the casting voice.

On the occasion now under consideration, the British Commissary Judge voted for rejection of the claim for indemnities; the Brazilian Commissary Judge that the claim be received; and the British Commissioner of Arbitration, to whom had fallen the casting vote, concurred with the British Commissary Judge to reject the claim.

It has been the established practice in such cases, for the party in the minority to subscribe the sentence, with the reservation expressed in the word *vencido* (signing under protest.) The Brazilian Commissary Judge, impugning the whole procedure of the British Authorities in the Court, refuses to subscribe his signature; and carrying his opposition to an extreme point, prohibits the Registrar from entering the sentence on the records of the Court, and also from obeying the orders to that effect given by the British Commissioner, who, in the case *sub judice*, constitute the majority of the Court; and the Registrar, contemning the authority of that majority, submits to, and acts upon, the instructions given by the Brazilian Commissary Judge, or, in other terms, by the minority.

CLASS B.



The Brazilian Commissary Judge justifies his refusal to sign the sentence, on the ground of his having previously given sufficient notice that he would not admit the point respecting which arbitration was called for by the British Commissary Judge, although his first vote, which he now thinks proper to retract, had been favourable to the arbitration; and on the ground also that no conference had passed on the matter at issue between the British Commissioner of Arbitration and the two Commissary Judges; that the question of indemnities had already been decided in the affirmative, when restitution of the vessel was pronounced; and that the only question to be entertained was, as to the quantum of indemnities.

But, on the other hand, it appears, that the question of reference to arbitration as to whether the indemnity accounts ought or ought not to be received, originated with the Brazilian Commissary Judge himself; that the proposition was drawn up in the proper handwriting of the Brazilian Commissary Judge that as to the rescinding of a vote once given, it is inadmissible in the present instance, neither can any notification to that effect be properly taken cognizance of by the Court; that by his peremptory communications on this matter, addressed directly to the British Commissioner of Arbitration, the Brazilian Commissary Judge arrogates a right on his part in no way recognised by the Regulations annexed to the Treaty of July, 1817; and, finally, that seven months having elapsed after the vessel was liberated before her owner presented his account of the indemnities demanded, he being at the time resident in Rio de Janeiro, the majority of the Mixed Court had ample cause, and was fully justified, to pronounce an award whereby the right to indemnification is negatived and disallowed.

It did not appear expedient, that in my representations to the Minister of Foreign Affairs on this assumption by the Brazilian Commissary Judge of an extrajudicial authority, I should enter so much into detail as I have here permitted myself to do. It would have been the means, probably, of provoking that functionary into a series of discussions more likely to procrastinate an adjustment than to hasten the adoption of the decisive measures which are indispensable to carry out fairly and without further delay the objects had in view in the establishment of the Court of Mixed Commission, and at the same time to ensure proper respect being paid to the legitimate powers vested in the members of that Board, British as well as Brazilian. I restricted myself, therefore, to the fewer observations that will be found in the note annexed, under No. 2.

Of any reply from Senhor Limpo d'Abreu I am not yet in possession; nor must I look to receive one in time for transmission by the present packet.

I have, &c.

(Signed) HAMILTON HAMILTON.

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

---

Enclosure 1 in No. 306.

*The British Commissioners to Mr. Hamilton.*

SIR,

*Rio de Janeiro, August 7, 1845.*

WE herewith transmit copy of the minute of session of the 4th instant, at which Her Majesty's Commissioner of Arbitration delivered his award in the case of the claim for indemnities for the detention of the Brazilian brig "*Dous Amigos*."

Mr. Grigg concurs with Her Majesty's Commissary Judge in rejecting the claim in question; and Article III. of the Regulations of the Mixed Commission provides, that the majority of the members of the Board shall give the final sentence.

It will be seen, from the enclosed document, that the Brazilian Commissary Judge not only refuses to acknowledge this power, or to sign this sentence with the usual reservation of *vencido*, but that Judge has prohibited the Registrar from recording the same, or obeying the orders of the British Commissioners; and that Registrar has ventured to deny our authority.

This act of insubordination calls for prompt notice; and as the Secretary of

this Board is appointed by the Imperial Government, we are compelled to seek your Excellency's aid in obtaining from that Government such effective measures, or other steps, as will secure proper respect being paid to the lawful authority of Her Majesty's Commissioners.

We have, &c.  
(Signed) JOHN SAMO.  
FRED. GRIGG.

H. Hamilton, Esq.  
&c. &c.

Enclosure 2 in No. 306.

(Translation.) *Minute of Session of the 4th of August, 1845.*

THE minute of session of the 28th July last was signed.

The British Commissioner of Arbitration laid before the Board a paper regarding the object for which he had been drawn Arbitrator; and as the Brazilian Commissary Judge opposed its being read or received, the British Commissary Judge declared as follows:—

*August 4, 1845.*

The British Commissary Judge requires the Secretary to record the award this day presented by Her Majesty's Commissioner of Arbitration in the case of the claim for indemnities for the detention of the Brazilian brig "*Dous Amigos*."

(Signed) JOHN SAMO.

*August 4, 1845.*

The Brazilian Commissary Judge will not consent that the Secretary record in the minute the vote of the British Commissioner of Arbitration, as the British Commissary Judge requires, for the reasons which the former now presents to his colleague.

(Signed) JOAO DE CAMPOS.

The British Commissary Judge adheres to his orders to the Secretary, and denies the authority of the Brazilian Commissary Judge to issue contrary orders to the Secretary, unless with the assent of both Judges.

(Signed) JOHN SAMO.

The Brazilian Commissary Judge authorized the Interpreter to declare to the British Commissary Judge, that he has nothing further to reply upon this subject, to avoid questions that may become disagreeable, with reference to the proposition brought forward by the British Commissary Judge, and will limit himself to present to him, now, some reflections upon this same question.

(Signed) J. A. BARBOZA, JUN.

The British Commissary Judge authorized the Interpreter to say, that as the case is closed, he will receive the observations of his honourable colleague for future consideration.

(Signed) J. A. BARBOZA, JUN.

The British Commissary Judge invites the Brazilian Commissary Judge to sign the award of Mr. Grigg in the case of the "*Dous Amigos*," with the usual reservation expressed by the word *vencido*.

The Brazilian Commissary Judge replied as follows:—

The Brazilian Commissary Judge positively refuses (to sign), because, having declared, with sufficient previous notice, that he would not admit the point upon which recourse was had to arbitration, and that he intended to retract his first vote, he would contradict himself if he was now to agree to this proposal. And he thus concludes with this question.

The Brazilian Commissary Judge then read the following paper:—

*Rio de Janeiro, August 4, 1845.*

The Brazilian Commissary Judge having, in due time, communicated to the Commissioner of Arbitration, that he would not give him the reflections which

he had promised to do on the 28th instant, for the purpose that, with reference to the same, he might give his vote upon the indemnities of the brig "*Dous Amigos*," adding, moreover, that he would not even admit his own vote, for that he was resolved to retract it in regard to the point for which he agreed to go to arbitration, he now sees with surprise, that the Commissioner of Arbitration has this day presented his said vote, and even without having yet had any conference with the two Commissary Judges upon the subject in question, as is expressed in Article III. of the Regulation of this Commission.

With reference, therefore, to what is above stated, the Brazilian Commissary Judge most positively declares, that he will not admit that the vote of the Commissioner of Arbitration be read; nor is it proper that it be recorded in the minute, with reference to the reflections which he has offered to the consideration of his worthy colleague the British Commissary Judge; and he declares, moreover, that he cannot admit any further question upon this point, and requires his colleague will deliberate regarding the reflections which he has already presented to him.

(Signed) JOAO CARNEIRO DE CAMPOS.

Immediately after, he presented, already translated, the following memorandum:—

*Rio de Janeiro, July 30, 1845.*

The Brazilian Commissary Judge having considered upon the point regarding which it was decided, in the last session of this Court, to proceed to draw lots for an Arbitrator, that is, for deciding whether the Commissary Judges, should or should not proceed with the examination of the accounts for indemnities presented by the owner of the brig "*Dous Amigos*," recognises that this question cannot take place; on the contrary, he invites his colleague, the British Commissary Judge (who has already examined the accounts spoken of, and given his opinion upon some items of the same) to proceed with their final examination, for the execution of the above-mentioned sentence, for the purpose of determining the sum which ought to be duly awarded to the owner and persons interested in the brig in question.

(Signed) JOAO CARNEIRO DE CAMPOS.

To which the British Commissary Judge replied as follows:—

*August 4, 1845.*

The Undersigned has only to observe, that the reference to arbitration of the question to which his colleague now refers, originated, and in fact is drawn up in the proper handwriting of the Brazilian Commissary Judge, the lots having been drawn likewise at the request of the latter. The Undersigned has nothing further to remark upon the subject.

(Signed) JOHN SAMO.

*Rio, August 4, 1845.*

The Brazilian Commissary Judge does not deny the fact of having agreed, and even solicited, the drawing of lots for an Arbitrator for deciding the question whether the accounts of indemnities of the brig "*Dous Amigos*" should be received or not, to which his colleague objected; but having afterwards considered that this was already prejudiced by the sentence which had passed in judgment, he endeavoured, in due time, to retract his vote, because he recognised, that if such a point was to pass, the sentence, in which the indemnities are already included, would be null—a sentence which the British Commissary Judge having refused to sign, he afterwards did so by order of his Government, without any restriction, thus placing himself under the necessity of causing it to be executed in all its parts.

(Signed) J. CARNEIRO.

The paper of the British Arbitrator was kept in the archive, noted by the Secretary.

A true copy.

(Signed)

BRAZ. M. C. PASSOS, *Secretary.*

A true translation.

J. AGOSTINHO BARBOZA, JUN.

*Interpreter to the Commission.*

*Note annexed.*

We hereby certify, that the said paper of the British Arbitrator is marked, by order of the Court in the proper handwriting of B. M. C. Passos, the Secretary, with the words "Mandouse guardar no arquivo, em 4 de Agosto, de 1845"—Ordered to be kept in the archives, this 4th of August, 1845. And we further verify, that the said paper of the British Arbitrator contains the award and sentence in the case therein mentioned, and the following is a true and faithful copy thereof.

(Signed)

JOHN SAMO,

*Her Majesty's Commissary Judge.*

FRED. GRIGG,

*Her Majesty's Commissioner of Arbitration.*

In the case of the claim for indemnities for the unjust detention of the Brazilian brig "*Dous Amigos*," by the British cruiser "Curlew," Lieutenant John Foote, Commander, on the 14th June, 1843.

*August 4, 1845.*

Having given my best attention to the facts before me regarding the question referred to me for decision in the case of the claim for indemnities by the owner of the Brazilian brig "*Dous Amigos*," I am of opinion, that as the said owner received his vessel on the 12th of July, 1844, and presented his accounts for indemnities only on the 7th of February, 1845, he being a resident in this city, he has forfeited all right of claim in that respect; the more especially, as in the interval the captor, Lieutenant Foote, visited this port on his return to England, and ascertained that no claim whatever had been preferred up to the 31st of January of the present year,

Witness my hand, at the Chancery of the Brazilian and British Mixed Commission at Rio de Janeiro, this 4th day of August, in the year of our Lord 1845.

(Signed)

FRED. GRIGG.

JOHN SAMO,

*Her Majesty's Commissary Judge.*

Enclosure 3 in No. 306.

*Mr. Hamilton to Senhor d'Abreu.**Rio de Janeiro, August 18, 1844.*

ON the 9th instant the Undersigned, &c. &c. received from Her Majesty's Commissioners of the Mixed Court the letter and its enclosures of which the accompanying are copies, particularizing divers efforts used by the Brazilian Commissary Judge to abrogate or invalidate the process in that Court, which was commenced on the 7th February last, in the case of a claim for indemnities for the detention of a Brazilian vessel called the "*Dous Amigos*."

This conduct of the Brazilian Judge has not deterred the British members of that Court from exercising, steadily, and in due form the powers conferred upon them by the Treaties and Conventions entered into by the two Crowns; and Senhor Limpo d'Abreu, &c. &c. will perceive, that Mr. Grigg, Her Majesty's Commissioner of Arbitration, on whom, in that capacity, had devolved the decision of this claim, has pronounced an opinion in concurrence with that of Her Majesty's Commissary Judge, adverse to the demand, declaring that the claimant had forfeited all right to such indemnities.

It will be further seen, from the accompanying communication, that this sentence is impugned by the Brazilian Commissary Judge, and that that officer arrogates to himself in the Court an authority in no way recognisable, and which Her Majesty's Commissioners, consequently, have deemed it their duty to resist.

Senhor Limpo d'Abreu's correct judgment will not fail to detect, at the moment, the misapprehension into which the Imperial Commissary has fallen, of the question on which he and his British colleague are at issue; and on his Excellency's interference the Undersigned relies with confidence, for such prompt and effective measures as, while they correct that misapprehension, shall compel proper respect and obedience to be paid to the lawful authority of Her

Majesty's Commissioners, and thus terminate forthwith the present singular insubjection of a subordinate officer of the Mixed Court.

The Undersigned, &c.

(Signed)

HAMILTON HAMILTON.

*His Excellency Senhor A. L. P. d'Abreu,*  
&c.

&c.

No. 307.

*Mr. Hamilton to the Earl of Aberdeen.*

*Rio de Janeiro, September 1, 1845.*

*(Received October 29.)*

MY LORD,

ENCLOSED herewith you will receive copy of the note which, in deference to the instructions given to me in your Despatch of the 4th of June, I addressed to the Brazilian Government the 23d July last, respecting the expiration of the Slave Trade Convention of July 1817.

I regret that on the present occasion I should have nothing satisfactory to add on the subject to which it relates. My note is still before the Council of State, awaiting their report; and the movements of this body are so dilatory, we hardly dare hope for it before the close of the session. That official act, however, is fixed for the 14th instant.

Your Lordship's Despatch of the 2nd of July, on the course Her Majesty's Government are about to pursue with reference to Brazilian vessels engaged in Slave Trade, has been received. The Brazilian Government, spoilt by the forbearance of that of Her Majesty on so many occasions, is reluctant to believe in any threats of a more energetic and compulsory action on the part of Great Britain. It appeared to me advisable, therefore, with a view to dissipate this illusion without delay, to permit Senhor Limpo to peruse the Despatch in question. I am satisfied at having done so. It was read by his Excellency with attention, and, as I thought, with advantage; and he observed, that he would examine the Treaties with Portugal and Spain therein referred to. But till the Chamber rises, he will have little leisure to devote to anything else than his legislative duties.

I have, &c.

(Signed)

HAMILTON HAMILTON.

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

&c.

&c.

&c.

Enclosure in No. 307.

*Mr. Hamilton to Senhor d'Abreu.*

*Rio de Janeiro, July 23, 1845.*

THE Undersigned, &c. &c. has submitted to the Government of the Queen his Sovereign, the note which the Senhor Ernesto Ferreira Franca, lately Minister for the Foreign Department, &c. &c. addressed to him on the 12th March last, in which that Minister declares, on the part of the Imperial Government of Brazil, that they consider that from the 13th of that month the 15 years will have been completed during which, according to the Conventions between Great Britain and Brazil, in regard to the abolition of the traffic in slaves, the Convention of the 28th of July, 1817, was to continue in force; and, that consequently from that day all the stipulations contained in the above-mentioned Convention of the 28th July, 1817, the Additional Articles, Instructions, and Regulations annexed thereto, would cease. Senhor Franca adds, that by an understanding between the High Contracting Parties which was entered into at the time, it was agreed, that a period of six months should be allowed to Brazilian vessels employed in the Slave Trade to return unmolested to the ports of the Empire, provided they had left the coast of Africa before the 13th of March, 1830, on which day, according to the Convention of the 23rd of November, 1826, this traffic was to cease entirely,—the Imperial Government

will not hesitate now to agree, that the British and Brazilian Mixed Commissions established at Rio de Janeiro and at Sierra Leone shall continue to act for six months longer, namely, until the 13th September next, for the sole purpose of concluding the adjudication of the cases pending, and of those which may have occurred before the 13th day of March, in the current year.

The note of Senhor Ernesto Ferreira Franca has received the attentive consideration of Her Majesty's Government. The several provisions of the Conventions of the 28th July, 1817, and of the 23d of November, 1826, and the correspondence which has since taken place between the Governments of Brazil and of Great Britain respecting the execution of those engagements, have been carefully examined by them; and the Undersigned has been directed to call the recollection of the Brazilian Government to the following facts.

On the 26th August, 1828, the Viscount d'Itabayana, the Brazilian Envoy at the Court of London, proposed, in a note to the Earl of Aberdeen, then His Majesty's Secretary of State for Foreign Affairs, that the term which was fixed by the Convention of the 23rd of November, 1826, for the final cessation of the Trade, should be extended. The British Government declined at that time to accede to this suggestion; and in the subsequent year the Brazilian Government, by a note of the 13th February, 1829, from the Marquis d'Aracaty to Lord Ponsonby, (then His Majesty's Envoy at Rio de Janeiro,) declared, that in making the above-mentioned proposal, the Imperial Legation in London had mistaken the orders conveyed to them, and the Brazilian Government limited themselves to desire, that His Majesty's Government would give them a guarantee that the British cruizers should not capture Brazilian vessels engaged in Slave Trade adventures which had commenced within the term when that trade was still legal.

Lord Aberdeen, in a note which he addressed to the Chevalier de Mattos on the 16th September following, signified the assent of His Majesty's Government to that request; and the Brazilian Government, adopting the expression in which the assent was conveyed, issued, on the 4th of November following, a portaria, declaring that they had received from the British Minister "the assurance, that those Brazilian vessels employed in the traffic in slaves which could prove that they had finally left the coast of Africa on or before the 13th March, 1830, should prosecute and finish their *bonâ fide* voyages direct from Africa to any port in Brazil, without incurring the liability of being treated as pirates according to the Convention."

Such, therefore, was the understanding between the two High Contracting Parties as to the circumstances under which Brazilian subjects and vessels should be exempt from penalty, although found to be engaged in the Slave Trade subsequently to the 13th of March, 1830. And Senhor Limpo d'Abreu, will perceive, that there was not, as supposed by Senhor Franca, any mention of a specific term of six months, during which such liberty should be continued to Brazilian vessels.

It further appears, upon an examination of the correspondence between the two Governments, that on the 4th October, 1830, the Chevalier de Mattos declared to His Majesty's Secretary of State, that the Slave Trade being totally forbidden to Brazilian subjects from the 13th March, 1830, and those who should hereafter engage in it being liable to punishment, under the Convention of 1826, by the ordinary tribunals of the Contracting Parties, he was directed by the Imperial Government to concert with His Majesty's Government the dissolution of the Mixed Commissions established in Sierra Leone and Rio de Janeiro, as having become entirely superfluous; the functions of the latter to cease in December, 1830, and those of the former in June 1831.

The Chevalier de Mattos was answered on the 10th December, 1830, that the dissolution of the Mixed Commission Courts at the periods suggested would be productive of much inconvenience, because some time must elapse before tribunals could be finally constituted for exercising criminal jurisdiction in cases of piracy under the provisions of the Convention.

On the 30th March, 1831, the Chevalier Mattos replied, that the Mixed Commissions were instituted with the view of judging of the legality of the detention of vessels employed in the Slave Trade; but that at the present period it is impossible any longer to dispute the legality of such a detention, as all traffic in slaves is illicit.

On these grounds M. de Mattos suggested, that "the necessary remedies must be had recourse to;" but that the illegal protraction of the Mixed Tribunals ought not to be sanctioned.

In answer to this, Viscount Palmerston, at that time Secretary of State, stated to M. de Mattos, that His Majesty's Government could come to no other decision, than that under the Separate Article of the 11th September, 1817, the Mixed Commissions might continue to exercise their functions until 15 years after the 13th March, 1830, or until the two Governments should have agreed upon and completed the alterations contemplated by that Article for adapting the stipulations of the Convention of 1817 to the status of the total abolition of the Slave Trade. Lord Palmerston at the same time expressed the readiness of His Majesty's Government to enter into negotiations for such alterations.

Negotiations followed, and, on the part of His Majesty's Government, with an earnest desire to arrive at a satisfactory conclusion, and one that should accord with the honour and interests of both parties, and secure the accomplishment of their common object.

Repeated representations were made to the Brazilian Government on the continuance of the Slave Trade in this country, and the necessity of more active and powerful measures for suppressing it; and in the year 1835, Articles additional to the Convention were actually signed by Plenipotentiaries on the part of the Contracting Parties.

Unfortunately these Articles were never ratified by the Crown of Brazil.

Again, on the 23d of August, 1840, new propositions were made on the part of Great Britain, framed on a memorandum drawn up by the Brazilian Government; but when proposed by Great Britain, the Brazilian Government declined to accept them.

On the 26th August, 1841, the Brazilian Government, on their part, proposed certain terms. And in April 1842, the Undersigned submitted to the Imperial Government proposals for modifying those terms, so as to carry out effectually the intentions of the Parties to the Convention of 1826. But, on the 17th of October, in that year, the Brazilian Government thought proper not only entirely to reject those modifications, but to declare, by a note under that date, from Senhor Aureliano to the Undersigned that "the Imperial Government not only consider that other dispositions besides those which already exist are now unnecessary, in order to the total extinction of the traffic, but that they regard it as prudent not to adopt any others."

Accordingly, Senhor Aureliano returned to the Undersigned the draft of Convention, refusing peremptorily even to enter into negotiation on it.

This occurred at a time, in respect to which the British Commissioners had observed to Her Majesty's Government, that "at no period has the Brazilian Slave Trade been so extensively carried on as it is at the present moment in Rio de Janeiro itself."

The Government of Brazil having thus, notwithstanding the necessity shown for the adoption of new and more decisive measures of suppression, openly rejected all overtures for rendering the compact of 1817 thoroughly and permanently effectual, Her Majesty's Government commanded the Undersigned to make the declaration contained in his note of the 1st September, 1843,—that if the Brazilian Government still decline to enter with Great Britain into formal engagements calculated to give full effect to the declared intentions of the Parties to the Conventions of 1826, for the total and final abolition of the Slave Trade of Brazil, it will remain for Her Majesty to take, alone, and by Her own means, the steps which she may feel called upon to adopt for carrying into full and complete effect the humane object of the obligation imposed upon Her Majesty by Article I. of that Convention. It is true, that by a subsequent instruction from Her Majesty's Government, the Undersigned was empowered to take advantage of any disposition which the Brazilian Government might evince, even at that late hour, for entering into the formal arrangements referred to. But the Undersigned regrets to say, that he failed to perceive, till very lately, any indication of a disposition which would enable him to act upon that instruction with effect.

The next communication of importance that passed between the two Governments, upon the subject of their relations regarding the Slave Trade, is the note

of Senhor Franca, of the 12th March last, which Her Majesty's Government have recently had under their consideration, and in which the Government of Brazil require, that the Convention of 1817 shall be considered as ceasing from the 13th March last, proposing, at the same time, that the Mixed Commissions shall continue their functions to the 13th September, for disposing of the cases pending, and of those which may have occurred before the 13th March last.

Senhor Franca contends, that Brazil having abolished the Slave Trade from the 13th March, 1830, the 15 years referred to in the Separate Article to the Convention of 1817 have now expired, and that consequently all the stipulations of that Convention to which the additional Article refers, are at an end.

It does not appear, however, that there is any decree or law of Brazil abolishing the Slave Trade generally from the 13th March, 1830. The first law on the subject, so far as Her Majesty's Government are informed, is on the 7th November, 1831, and the next in April 1832; in neither of which is any reference made to the 13th March, 1830.

The Brazilian Government, therefore, must rest entirely on Article I. of the Convention of 1826, ratified on the 13th March, 1827; and contend, that inasmuch as between them and the British Government the Slave Trade by their subjects has been piracy since the 13th March, 1830, the stipulations of 1817 are no longer applicable thereto.

The Undersigned has been commanded to state to the Imperial Government of Brazil, that, upon a full consideration of the case, Her Majesty's Government are disposed to think that the view taken of it by Senhor Franca is correct as between the two countries; and they therefore feel themselves bound to admit to the Brazilian Government, that the Convention of 1817, with all its Annexes, are, and must be considered, as at an end from 13th March, 1845.

This being the case, the Undersigned is directed to observe, that Her Majesty's Government have no longer any course open to them, under the Convention of the 23rd November, 1826, than that of giving full effect to the stipulations of Article I. of that Convention.

They had hoped, indeed, up to the very latest moment, that the Brazilian Government would, by a renewal and extension of the engagements between the two countries, have offered to Great Britain some other means of carrying out, by joint operations the object of that compact.

But unfortunately this has not been the case; and the vigour and success with which the Slave Trade is now carried on under the Brazilian flag, leaves the British Government no choice but to appeal to the rights and obligations which attach to Her Majesty under Article I. of the above-mentioned Convention. With respect to the proposal of Senhor Franca for the continuance of the functions of the Mixed Commissions, although the example by which he supports his proposal has been shown, in the early part of this note, to be inaccurate, Her Majesty's Government are willing that the British and Brazilian Mixed Commissions established at Rio de Janeiro and at Sierra Leone shall sit until the 13th of September next, for the sole purpose of concluding the adjudication of the cases pending, and of those which may perchance have occurred before the 13th day of March last.

Her Majesty's Commissioners will accordingly receive an instruction to that effect; and the commanders of Her Majesty's cruisers will receive instructions as to the termination of the Convention of 1817, and the cessation of their right to capture under the same.

Having thus obeyed the instructions of His Government on this important matter, the Undersigned, &c.

(Signed)

HAMILTON HAMILTON.

*His Excellency Senhor A. P. L. d'Abreu,*  
&c.

&c.



No. 308.

*The Earl of Aberdeen to Mr. Hamilton.**Rio de Janeiro, September 1, 1845.**(Received October 29.)*

MY LORD,

THE French Chargé d'Affaires here, M. de St. George, has communicated to me a letter received by him from the French Vice-Consul at Santos, reporting circumstances attending the capture on the coast of Africa of two slavers, one an American schooner, the other a Brazilian vessel called the "*St. Xavier*."

I have the honour to lay the same before your Lordship, in the hope that it may throw some light on an act of piracy recently perpetrated on that coast, of which some contradictory accounts have recently arrived here. The present informant appears to have been a witness of, if not an actor in, the occurrences related in the letter.

I have, &amp;c.

(Signed) HAMILTON HAMILTON.

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

&amp;c.

&amp;c.

&amp;c.

Enclosure in No. 308.

*M. Milliet to M. de St. Georges,*

M. LE CHEVALIER,

*Vice-Consulat de France, Santos, 22 Juillet, 1845.*

MES dernières Dépêches vous entretenaient de la capture du navire négrier "*St. Xavier*" sur la côte d'Afrique. Le neveu du Capitaine Silva, qui vient d'arriver ici, ayant donné des détails circonstanciés sur cet événement dont il était un des acteurs, je m'empresse de vous les communiquer. Le "*St. Xavier*" armé a Rio par la maison Luis Vergueiro and Co., qui vient de manquer, est parti en Octobre pour Ony près de Calabar, où étant arrivé sans rencontrer de croiseurs, ce navire prit dans les vingt quatre heures une cargaison de 450 à 460 nègres et repartit de suite. Le même jour parut un brick de la croisière et apprenant d'un Américain à l'ancre que le "*St. Xavier*" avait fait voile à l'ouest quelques heures avant il se dirigea dans cette direction. Il rencontra bientôt une goëlette Américaine, armée à Bahia, très fine voilière et armée d'un canon à pivot et l'ayant prise il mit à bord une trentaine d'hommes dont un Lieutenant et un aspirant. Cette goëlette ainsi armée atteignit le lendemain le "*St. Xavier*" qu'elle amarina, et à bord du quel passèrent un aspirant et quelques hommes, tandis que tout l'équipage moins quelques hommes du "*St. Xavier*" furent pris à bord de la goëlette, qui resta montée de 22 Anglais commandés par le Lieutenant. Sur la nouvelle que les deux navires allaient naviguer de conserve pour Sierra Leone, le Capitaine Silva, du "*St. Xavier*," Brésilien, né à St. Catherine, envoya son neveu sur l'avant pour avertir ses hommes qu'il était prêt et résolu à tout pour ne pas aller à Sierra Leone, et qu'ils eussent à s'apprêter, ce à quoi ils répondirent par le même intermédiaire qu'ils étaient disposés à agir de suite attendant seulement le signal, néanmoins Silva, voulut attendre l'occasion de combiner son attaque avec les quelques matelots de son équipage qui étaient restés à bord du "*St. Xavier*." En conséquence sur sa demande son neveu et un on deux matelots y furent envoyés à fin de rapporter les effets qui y étaient encore. Arrivé à bord le neveu demanda à l'aspirant commandant la prise de lui laisser emporter un fusil de chasse, s'offrant à la décharger préalablement, ce qui lui fut accordé et qu'il exécuta en lachant le coup en l'air sur l'arrière. La goëlette était très près et le Capitaine Silva prenant ce coup de feu pour le signal de l'action qu'il attendait voir s'engager, attaqua de suite le Lieutenant Anglais, et ses gens en firent autant contre les Anglais montant la goëlette et qui étaient entièrement sans défense ne se méfiant de rien, en peu de minutes les révoltés étaient maîtres du navire et arboraient leur pavillon après avoir sacrifié vingt deux Anglais dont ils jettèrent les corps par dessus le bord. Mais le tumulte de ce qui se passait ainsi donna l'éveil à bord du "*St. Xavier*," où après

quelques voies de fait insignifiantes l'aspirant et les gens mirent les Brésiliens aux fers. La goëlette alors vint lâcher un coup de mitraille en enfilade, qui tua quelques hommes et se disposait après avoir rechargé avec le seul coup de poudre qui lui restait à aborder, lorsque une barque à vapeur fut signalée en vue et il ne dut plus penser qu'à fuir. Avant la nuit ils furent repris sans que Silva put disposer les gens à se défendre, à l'arme blanche. Lors de la reprise quelques Brésiliens furent mal-traités, on même tués par les Anglais.

Arrivés à Sierra Leone tous les prisonniers faits à bord de la goëlette furent dirigés sur l'Angleterre pour y être jugés, quant à ceux faits à bord du "*St. Xavier*," comme il n'y avait ni preuves ni commencement d'exécution dans leur projet de révolte, ils furent acquittés en première instance à Sierra Leone, et pendant l'instruction de l'appel, ils profitèrent d'un navire en partance pour Rio ou la côte du Brésil, pour fuir au nombre de trois, deux desquels sont déjà repartis pour la traite.

Tous les navires armés cette année à Santos et petits ports voisins ont été pris à l'exception d'un seul parti pour Mozambique dont on n'a pas de nouvelles. Beaucoup d'argent attend donc ici les premiers arrivages. Rien autre digne de vous être communiqué ne se présentant aujourd'hui il ne me reste qu'à vous offrir M. le Chevalier l'assurance, &c.

*M. le Chevalier de St. Georges,*  
&c.

J'ai, &c.  
(Signé) A. MILLIET.

No. 309.

*Mr. Hamilton to the Earl of Aberdeen.*

*Rio de Janeiro, September 1, 1845.*  
(Received October 29.)

MY LORD,

REQUESTING reference to my Slave Trade Despatch of the 29th of July, covering two communications from the Minister of Foreign Affairs, dated July 18 and 19, on the subject of the "*Nova Granada*," I have the honour to transmit herewith a further correspondence that has passed thereon between Her Majesty's Legation, Her Majesty's Commissioners of the Mixed Court, and the Brazilian Government.

Her Majesty's Commissioners in their communication (enclosure No. 1) in order not to complicate still more a question already involved, by a discussion of the new matter introduced by Senhor Limpo d'Abreu in the former of his two notes, proceed at once to that portion of them which concerns the equipment Article of the Treaty of 1826, and the drawing of lots for an Arbitrator to decide between the two Commissary Judges, whenever a difference of opinion exists between them; and they then renew their application for the sale of the property of the "*Nova Granada*." But for the arguments of the Commissioners on these several points, which are very detailed, I beg leave to refer your Lordship to their letter.

My note (enclosure No. 2) to Senhor Limpo d'Abreu is little more than a *précis* of the reasoning of the Commissioners just referred to.

Senhor Limpo d'Abreu in his answer (enclosure No. 3) mentions the persistence of the Imperial Government, in the opinions enunciated in his notes of July 18 and 19; states, that the interpretation there given of Article I. of the Treaty of 1826, is the only true and just one of which it is susceptible; rebuts the allegation of inconsistency between the adjudications pronounced by the Brazilian Commissioners in Rio de Janeiro, and those pronounced by the Brazilian Commissioners at Sierra Leone; and again invites the Authorities of the Mixed Court to proceed to arbitration, a measure without which the Brazilian Government cannot think itself justified in proceeding to the disposal of the property on board the "*Nova Granada*."

I have, &c.

(Signed) HAMILTON HAMILTON.

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

&c.

&c.

Enclosure 1 in No. 309.

*Her Majesty's Commissioners to Mr. Hamilton.*

SIR,

*Rio de Janeiro, August 4, 1845.*

WE have given our best consideration to the two enclosures, dated the 18th and 19th ultimo, in your Excellency's communication of the 1st instant.

Our letter to you, Sir, of the 4th of March last, pointed out the sole obstacle which arrested further proceedings in the case of the "*Nova Granada*."

The above enclosure of the 18th ultimo adverts to other impediments, the discussion of which would only complicate the subject of the present correspondence; and in order to simplify the matter, we intend to notice that portion alone of the notes which refers to the interpretation of that Article of the Treaty of November 1826 which Her Majesty's law officers maintain applies to the cases of Brazilian ships taken, and found incontestably equipped for Slave Trade.

The first and second arguments advanced by Senhor Limpo call for no particular observation, because the same have already been used by his predecessors, during the various and former discussions of the subject; and after the most elaborate examination, Her Majesty's Government declared and made known to that of Brazil, the determination to adhere to the principle, that Brazilian vessels must remain liable to capture and confiscation, both by the spirit and letter of the Treaty, whensoever found equipped, or otherwise prepared, for carrying on the African Slave Trade.

The third argument of the Imperial Minister appears to us to be founded on a most illogical proposition, namely, that as the offer of Mr. Fox, in 1835, to conclude certain Articles, relating to slave equipments on board Brazilian ships, was not approved, it is evident that vessels in those circumstances are not liable to detention.

It seems unnecessary to examine this erroneous hypothesis, and we therefore shall address ourselves to that portion of the note which relates to Article III. of the Regulations for the Mixed Commission regarding the drawing of lots for an Arbitrator to decide, whenever a difference of opinion takes place between the two Judges.

The Imperial Minister, in his note of the 19th ultimo, No. 54, maintained that the case of the "*Nova Granada*" comes exactly within the provisions of the above-mentioned Article III.

We shall endeavour to controvert this opinion, and likewise to show, that a recourse to arbitration would leave the point unsettled in other cases of the like nature, and consequently prove most injurious to all the parties concerned.

The reference demanded by the Brazilian Commissary Judge, is not to decide any matter of fact or question which admits of a doubt. That Judge avers, that the vessel was captured without slaves or proof of her having had such cargo on board during the voyage, and Her Majesty's Commissary Judge concurs in that assertion, but contends, that the evidence clearly establishes, that the preparations and articles existing on board the ship unquestionably evince the guilty pursuit of the vessel; and although the Brazilian Commissary Judge admits the presence of all these preparations, and does not controvert their character, yet he persists that this evidence is insufficient to bring the case within the meaning of Article I. of the Convention of 1826; and this view of the Treaty Senhor Limpo would maintain to be a proper question for the decision of a Commissioner of Arbitration.

Reference has been had to numerous instances, in all respects similar to that of the "*Nova Granada*," which have been acted upon by the Imperial Government, who did not dispute that slave equipments, or articles commonly so termed and identified, found on board of Brazilian ships, furnish proof of a guilty employment, and that view is still adopted by the Brazilian Commissioner at Sierra Leone.

Having received within these few days a copy of the official annual report of the cases adjudicated, during the past year, before that branch of the Mixed Commission, we are thus enabled to adduce additional and very recent instances in support of the above interpretation of the Convention of 1826.

In reporting these proceedings to Her Majesty's Government, the British Commissioners observe, that "The proceedings of these Mixed Courts during the past year have been chiefly remarkable for the concession, on the part of the

Brazilian Commissioner, that to subject vessels of the Empire to confiscation, when brought up here for adjudication, it is not necessary that it should be proved that they had had slaves on board previously to capture, but that an equipment for the trade may render such vessels liable to the consequences of a violation of the Convention of 1826."

"Although, however, equipment doubtless affords undeniable evidence of the intention, it is clear, that in the absence of what are commonly termed articles of equipment, or where only the often found substitutes for such articles have been discovered, there may be other proofs indicating the true nature of the vessel's equipment; the private instructions of the owner or charterer to the Master or consignee, for instance, may unequivocally establish the point. Yet, we regret to state, that we have no expectation that our colleague will admit such evidence, if uncorroborated by the testimony of the detained people, but on the contrary, we feel assured, that nothing less than a complete fitting with the articles commonly termed articles of equipment, because named as such in certain Treaties, will induce the Brazilian Commissioner to condemn, except indeed the trade be proved by the admissions of the witnesses themselves, or by the abandonment of the vessel by her crew."

It appears, that during the year ending on the 31st December last, there were 14 cases of Brazilian vessels brought before that British and Brazilian Board, of which number were condemned five with slaves, eight without any such cargo, but furnished with slave equipments, and the like evidence of their real occupation, and one vessel only was restored.

The same principle has doubtless governed the decisions of the above-named Court, and many other vessels have since been confiscated on account of their slave equipments; a solitary deviation by this Commission from these established precedents would be contrary to the plain dictates of common sense; and we venture to persuade ourselves that, upon mature consideration of the facts herein adduced, his Excellency Senhor Limpo will consent to determine the question with Her Majesty's Representative; for it is well known that the British Commissioners must be governed in their decisions by approved precedents; and the accidental selection of an Arbitrator in the present instance, can only produce great embarrassment and inconsistency, and, as we have before shown, would leave the controversy in the same unsatisfactory condition.

We have to call attention to the near approach of the period when our functions will terminate, and we entirely concur with the Imperial Minister in the necessity of some measure being taken to bring this process to a conclusion. We beg, in the meantime, to renew our application for the immediate sale of the property, which precaution was suggested in our letter to you, Sir, of December 3rd last, No. 18; but the Brazilian Minister has not complied, and our colleague in this Commission possesses no authority or discretionary power to give his assent to any measure, without his first consulting his own Government.

We have, &c.

(Signed)

JOHN SAMO.  
FRED. GRIGG.

H. Hamilton, Esq.  
&c. &c.

---

Enclosure 2 in No. 309.

*Mr. Hamilton to Senhor d'Abreu.*

*Rio de Janeiro, August 9, 1845.*

THE Undersigned, &c. &c. having communicated to Her Majesty's Commissioners in the Mixed Court the notes under Nos. 53 and 54, of the 18th and 19th of July, addressed to him by Senhor Limpo d'Abreu, &c. &c. on the case of the patacho "*Nova Granada*," has the honour to enclose herewith, for his Excellency's information, copy of the answer he has received from those officers.

The first of the two communications from Senhor Limpo d'Abreu enters into discussions which, the Commissioners are of opinion, and the Undersigned participates in that opinion, would, if followed up, only complicate the question it is so desirable to see terminated without further delay; and, in consequence, they have restricted themselves, in their reply, to that portion of the corre-

spondence where Article I. of the Treaty of November 1826 is brought under consideration.

The arguments of the British Commissioners on this subject the Undersigned considers it needless to reproduce here; he refers Senor Limpo d'Abreu for them to the enclosure. But he must more particularly invite his Excellency to give deliberate attention to that part of their communication which has reference to the report of cases adjudged during the passed year before the Court of Mixed Commission at Sierra Leone; a report exhibiting numerous and very recent instances of condemnation, grounded on what her Majesty's Government maintain to be the true and legitimate interpretation of the aforesaid Article I. of the Treaty of 1826, and which is contended for and acted upon, under the instructions of that Government, by Her Majesty's Authorities in the Mixed Court sitting in this capital in the case of the "*Nova Granada*."

To suppose that Article I. is susceptible of a solution, with reference to adjudications pronounced in Rio de Janeiro, which is directly opposed to the solution given to it in like cases adjudged at Sierra Leone, that the same proposition can be at once both affirmative and negative, would imply an inconsistency on the part of Brazilian Authorities, acting under instructions emanating from one and the same source, that Senhor Limpo d'Abreu's acute discernment will assuredly not tolerate.

But the Commissioners advert likewise to another point, whereon Senhor Limpo d'Abreu's decision is required, namely, the sale of the property on board the "*Nova Granada*," and respecting which the Undersigned has already made frequent representations to the Department of Foreign Affairs, particularly in his notes, Nos. 94 and 103 of 1844, and No. 7 of the current year.

In respect of the reliance Senhor Limpo d'Abreu is pleased to express, in the final paragraph of his note No. 54, that the Undersigned will interfere with the British Commissary Judge, so as to induce that officer to proceed to arbitration, for the reasons assigned by his Excellency, the Undersigned must decline to counsel a proceeding altogether opposed to his judgment on the point at issue, and which at the same time would involve, as has already been stated, a positive violation of the very precise instructions with which the Commissary Judge has been furnished by the Queen's Government.

The Undersigned, &c.

(Signed)

HAMILTON HAMILTON.

*His Excellency Senhor A. P. L. d'Abreu,*  
&c.

&c.

---

Enclosure 3 in No. 309.

(Translation.)

*Senhor d'Abreu to Mr. Hamilton.*

*Foreign Office, August 19, 1845.*

THE Undersigned, &c. &c. has the honour to acknowledge receipt of the note No. 57, which, on the 9th of August, Mr. Hamilton Hamilton &c. &c. addressed to him, in reply to his notes Nos. 53 and 54, of the 18th and 19th of July last, both relating to the case of the patacho "*Nova Granada*."

Mr. Hamilton Hamilton, in order to reply to the arguments advanced in the two above-mentioned notes from the Undersigned, refers to the answer given by the British commissioners of the Mixed Brazilian and British Commission in this capital, in the document, a copy of which Mr. Hamilton Hamilton transmits to the Undersigned; and he draws the conclusion, that the arbitration upon which the Undersigned insists is diametrically contrary to his opinion in the present question, and would at the same time involve a positive violation of the instructions given by the Queen's Government to the Commissary Judge.

The Undersigned having submitted to the cognizance of the Imperial Government the note above referred to, as well as the document which accompanied it, is authorized to reply to Mr. Hamilton Hamilton, that the Imperial Government persists in the opinions lately expressed by the Undersigned in his notes No. 53 and 54, dated the 18th and 19th of July of the present year.

The Imperial Government is convinced, that the interpretation it gives to Article I. of the Treaty of the 23rd November, 1826, is the only true and lawful one that can be given.

The Undersigned will not reproduce the reasons that have so often been alleged, and which, in his opinion, have not yet been refuted, for establishing the doctrine which the Imperial Government maintains, and will limit himself to observe to Mr. Hamilton Hamilton, that the argument based upon the cases adjudicated last year by the Mixed Commission of Sierra Leone, to which report Mr. Hamilton Hamilton calls the Undersigned's attention, cannot avail, inasmuch as it is not only contrary to the letter of the Treaty, and of the Conventions which form an integral part thereof, but in reference also to the protests which have been presented on behalf of the Imperial Government, both against those judgments and against the instructions given by that of Her Britannic Majesty, which seem so inopportune to authorize them.

Among those protests, without particularizing others, the Undersigned will refer to the one made by the Brazilian Commissary Judge, before the Mixed Commission at Sierra Leone, on the 8th November, 1843, contained in the note addressed to Lord Aberdeen, on the 27th June, 1844, by the Brazilian Envoy Extraordinary and Minister Plenipotentiary at the Court of St. James

The Undersigned, moreover, cannot perceive any logical argument in the reasons with which the British Commissary Judge opposes the drawing of lots for an Arbitrator in the case of the patacho "*Nova Granada*." The impartial examination of the case shows that the Commissary Judges did not agree in the sentence which they ought to give, because one did not consider the detention legal, and the other was of a contrary opinion. This hypothesis is literally provided for in Article III. of the Instructions which regulate the Mixed Commissions. According to the letter of this Article, recourse ought, without doubt, to be had in this hypothesis to the drawing of lots for one of the two Commissioners of Arbitration, who, after examining the process, shall consult with the Commissary Judges upon the case, sentence being then pronounced in conformity to the majority of votes of the Commissary Judges and the Commissioner of Arbitration.

Mr Hamilton Hamilton will see, from what is above stated, that no sentence has yet been pronounced regarding the patacho "*Nova Granada*," and without it the Imperial Government does not consider itself authorized to dispose of the property, the sale of which the British Commissioners again call for, in the document which accompanies Mr. Hamilton Hamilton's note.

The Undersigned, having replied to Mr. Hamilton Hamilton's note of the 9th of August, avails, &c.

(Signed) ANTONIO PAULINO LIMPO D'ABREU.

*His Excellency Hamilton Hamilton,*  
&c. &c.

No. 310.

*Mr. Hamilton to the Earl of Aberdeen.*

*Rio de Janeiro, September 2, 1845.*  
(Received October 9.)

MY LORD,

I HAVE received from Her Majesty's Commissioners in the Mixed Court, when preparing to close my Despatches, the accompanying communication, covering an instruction issued by this Government to the Brazilian Commissioner in the same Court, announcing the measures to be followed with respect to the records and archives of the Commission, and the monies in deposit with the Registrar thereof, on the closing of the Court.

There is not time, now, for me to give to the subject the consideration it demands; but from my first hasty glance at the communication, I must believe that a strong representation on my part against these measures, or, at least, against the manner in which they have been decided upon, and in which it is proposed to execute them, will be necessary.

I have, &c.

(Signed) HAMILTON HAMILTON.

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

Enclosure 1 in No. 310.

*Her Majesty's Commissioners to Mr. Hamilton.*

SIR,

*Rio de Janeiro, August 30, 1845.*

WE yesterday received the accompanying copy of an instruction given by the Brazilian Government to its Commissioner in the Mixed Court, announcing the measures which it intends to pursue with regard to the archives and records of this Commission, and the monies remaining in the Registry for division between the two Governments.

In addition to the sum mentioned in the enclosed instruction, there remains still to be restored to this Court the money and proceeds in the case of the "*Maria Carlota*," of which the Brazilian Authorities so unwarrantably possessed themselves about five years ago, and which are still retained.

We are humbly of opinion, that the transfer of the archives and property from the Brazilian and British Commission, ought only to be effected with the knowledge and consent of both Governments, and that such transfer and delivery be regulated by the mutual agreement of their respective Ministers.

We do not recognise the right of the Brazilian Minister for Foreign Affairs to issue the enclosed instructions without consulting the British members of this Board, and, as it seems, without having the slightest communication with Her Majesty's Minister as to the disposal and custody of the property in question, which belongs equally to the two Crowns, or to their respective subjects.

We therefore hasten to advise your Excellency of these instructions of the Imperial Government.

We have, &c.  
(Signed) JOHN SAMO.  
FRED. GRIGG.

*H. Hamilton, Esq.*  
&c. &c.

Enclosure 2 in No. 310.

(Translation.) *Senhor d'Abreu to Senhor de Campos.**Foreign Office, Rio de Janeiro, August 20, 1845.*

WITH reference to what you represented to me in your Despatch of the 18th instant, I have to inform you, in reply, that the necessary orders were issued yesterday to the National Treasury, demanding that the accounts of the salaries of the subaltern officers of this Commission, from the 1st July, 1844, to the day on which it finishes its labours, be forwarded to this Office, as soon as possible, which shall be communicated to you in due time, so that the moiety belonging to Her Britannic Majesty's Government be satisfied in proper time.

With regard to the 2,047,960 reas, balance of the proceeds of the prizes "*Paquete de Benguela*" and "*Asseiceira*," existing in deposit with the Secretary of the Commission, it is necessary that such deposit be transferred to the National Treasury, with the cognizance of the Court, whilst the question upon this subject is pending with Her Britannic Majesty's Government.

As regards the furniture belonging to the Imperial Government, you will order it to be sent to this Department, the same destination being given, for the purpose of being duly put in the archive, to the books and papers existing in the archive of the Commission.

The remaining articles purchased on account of the two Governments, to which you refer in your Despatch, shall be disposed of as may be mutually agreed upon by the parties interested.

Which I communicate to you for your information.

God preserve, &c.

(Signed) ANTONIO PAULINO LIMPO D'ABREU.

*Senhor J. Carneiro de Campos,*  
&c. &c.

No. 311.

(Extract.)

*Mr. Hamilton to the Earl of Aberdeen.**Rio de Janeiro, September 22, 1845.  
(Received November 15.)*

MY LORD,

MY Despatch of the 2nd instant, made you acquainted with a communication from this Government to the Court of Mixed Commission, indicating the measures it seemed expedient to follow at the closing of that tribunal. With reference to this communication, I addressed to the Minister of Foreign Affairs a representation on the propriety of some previous concert between us as to these measures, and requesting an early conference. In his answer, Senhor Limpo d'Abreu stated, that no independent action in this matter had been contemplated on his part; and he fixed the conference for the afternoon of the 12th instant, the day before the powers of the Mixed Commission were to cease.

In the interval however, that is on Thursday the 11th, arrived Her Majesty's steam-frigate "Cyclops," bringing me your Lordship's Despatches up to that of the 9th ultimo. The same evening I had some conversation with the Minister; he had not yet received Senhor Marques Lisboa's Despatches, but I advised him of the nature of those I had received; and looking to their importance, and their relation to a prolonged existence of the Court of Commission, I recommended that the definitive closing of the tribunal should, if possible, be suspended for the present. His Excellency admitted the desirableness of this measure, but deferred further conversation on the subject till the conference marked for the next day.

This meeting, however, did not take place till the morning after, the 13th. On this occasion, the recommendation made by me on the 11th not to close the Court for the present, was adhered to.

Adverting then, to Senhor Lisboa's communications, Senhor Limpo d'Abreu made two principal observations:—

First, That the new Act of the British Parliament was virtually a menace. I denied the fairness of this interpretation, asserting, that as Her Majesty's Government do not intend to desist from a zealous opposition to the traffic, the passing of the Act was no more than the natural and inevitable result of the declaration made to me by the Brazilian Government on the 12th March, that is, a revival of the rights and obligations which attached to Her Majesty in virtue of Article I. of the Treaty of 1826, before the Act of Parliament, passed in the eighth year of the reign of his late Majesty George IV. had substituted Courts of Mixed Commission for the British Vice-Admiralty Courts for the adjudicating of vessels carrying on the African Slave Trade.

His Excellency's second observation implied, that a recurrence by mutual agreement, in a ratified form, to the relations between the two countries in matters of Slave Trade, which existed at the time of Senhor Franca's notification of March last, would be inadequate and unprofitable to Brazil, unless combined with some stipulation offering more positive security to her coasting trade; and he hoped the instructions I had received gave me a latitude to that effect. To satisfy the Minister as to their extent, I read to him a portion of your Lordship's Despatch on the subject. Still he held to the same idea; when I rejoined, that any stipulation on matters of that nature would be more suitably introduced in a new Slave Trade Suppression Treaty, than on the ephemeral instrument at present alluded to. Seizing this idea somewhat eagerly, as it seemed to me, His Excellency said, that both the temporary arrangement which had been suggested in London, and the negotiation of a new Slave Trade Convention, should be submitted to the Council on the following Tuesday, and the result be notified to me without delay. Here this conference terminated.

On Friday the 19th, not having heard any thing from Senhor Limpo d'Abreu, I called on him. He said no decision had yet been taken, but that he might be able to communicate something before the departure of Her Majesty's ship "Thalia," which will convey this Despatch.

The public here has been long prepared for the passing of the new Act of Parliament, and irritation was great, in consequence. But when, two days after the "Cyclops" arrival, the Act appeared *in extenso* in the journals, it was found

CLASS B.



to be far less offensive than was described in the letters and papers received from France. But the documents laid before Parliament on the 23rd July, have also been published, and their appearance has manifestly done good. your Lordship's Despatches of June 4th and July 2nd have gone a great way to calm down the exacerbation of the public mind.

I have, &c.

(Signed) HAMILTON HAMILTON.

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

Enclosure 1 in No. 311.

*Mr. Hamilton to Senhor d'Abreu.*

*Rio de Janeiro, September 6, 1845.*

THE Undersigned, &c. &c. has received from Her Majesty's Commissioners in the Mixed British and Brazilian Court of Commission a letter, of which the enclosed is a copy, covering copy of an instruction issued by the Brazilian Government to their Commissioner, Senhor Joao Carneiro de Campos, indicating certain measures to be pursued relatively to the said Court, when the period of its dissolution arrives.

Calling the attention of Senhor Limpo d'Abreu to this communication from the British Commissioners, the Undersigned has the honour to submit to his Excellency the following observations on the matter it refers to.

The Court of Mixed Commission not being a tribunal exclusively Brazilian, but one in an equal degree British, established in virtue of a Treaty contracted between Great Britain and Brazil, the Brazilian Government have exceeded their legitimate powers derived from that Treaty, by issuing, without a previous understanding with the Undersigned, as Representative of Great Britain, the other party to the Treaty, the instruction addressed to the Mixed Commission which is the subject of the present communication.

Moreover, the said instruction makes no mention whatever of the money and proceeds of the "*Maria Carlota*," so long unjustifiably detained by the Brazilian Authorities; while the general measures which it prescribes are not calculated to secure in a sufficient and satisfactory manner the objects that it is essential to have in view at the breaking-up of the Court.

The Undersigned had been looking with confidence to a proposal on the part of his Excellency for some such previous concert and co-operation between them, to some joint arrangement, not only providing for the removal of all property awaiting a final decision of the Mixed Commission into the conjoint custody of trustworthy functionaries of both Governments, under certain express regulations, but securing also that entire and unrestricted access to the archives, records, &c., at present existing in the Court, to which all captors, claimants, or other persons interested therein, are properly and justly entitled.

The Undersigned cannot doubt, that on giving to the subject the reconsideration which its importance demands, Senhor Limpo d'Abreu will readily admit, that the execution of his instruction of August 20, cannot properly take effect without the concurrence of the Undersigned; and in order therefore to an immediate and satisfactory understanding on the points above-mentioned, the Undersigned suggests to his Excellency the propriety of his naming an early day for a conference between them, where the Commissioners of both Governments may be present.

The Mixed Commission has still to carry out most important measures in respect of several cases brought before it for adjudication. Regarding some of these, the Undersigned has recently addressed his Excellency, more especially in his note No. 59, but he is yet without an answer, and after the 13th instant the measures in question can be accomplished only by consent and mutual agreement between the two Governments.

The Undersigned, &c.

(Signed)

HAMILTON HAMILTON.

*His Excellency Senhor A. P. L. d'Abreu,*  
&c. &c.

Enclosure 2 in No. 311.

(Translation.)

*Senhor d'Abreu to Mr. Hamilton.**Rio de Janeiro, September 10, 1845.*

THE Undersigned, &c. &c. acknowledges receipt of the note No. 60, with the document annexed, which, under date of 6th instant, Mr. Hamilton, &c. &c. addressed to him, relative to the order which the Undersigned gave to the Brazilian Commissary Judge of the Mixed Brazilian and English Commission in this capital, regarding the destination to be given to the papers, moneys, and other objects existing in that Court, as its sittings are about to close; the object of that communication, made by Mr. Hamilton, being, that the measures relating to that Mixed Court ought to be taken by mutual accord of the two Governments, and for this reason has suggested the convenience of a conference with the Undersigned, in order to deliberate upon what may be most convenient upon the subject.

The Undersigned, in answer to the preceding considerations, has to observe to Mr. Hamilton, that it never was his intention to dispose of any of the objects which had been referred to in the order given to the Brazilian Commissary, without the knowledge of the Mixed Commission.

And in this manner must the order be understood, which required that the 2047 dollars 960 reas should be deposited in the Public Treasury, as proceeds of the prizes "*Paquete de Benguela*" and "*Asseceira*," and the Undersigned believes, that such a deposit cannot but deserve the confidence of the Government of Her Britannic Majesty, and certainly no other offers better guarantees to both the Governments.

In the same manner it was resolved respecting the other articles; and the destination given to the furniture belonging to the Imperial Government cannot suffer any reasonable objection on the part of the British Commissaries, and such furniture as was bought on account of the two Governments remains expressly dependent on measures to be taken by both Governments.

It will therefore be seen, that the Undersigned concurs that there should be a conference, as proposed by Mr. Hamilton, and for this purpose he will have the honour to receive Mr. Hamilton, in this Department of State, on Friday next, the 12th instant, at 6 o'clock, P.M., where, between the two, as Representatives of their respective Governments, the different objects treated upon in the present note will be definitely determined upon.

The Undersigned, before closing the present note, has to inform Mr. Hamilton, that no mention was made in his order to the Brazilian Commissary Judge as to the proceeds of the "*Maria Carlota*," as this matter is exclusively dependent upon the resolutions of the Imperial Government, and only awaits the answer to the annexed aviso, as per copy, to solicit of Mr. Hamilton the appointment of a duly authorized agent to receive the amount exactly belonging to the Government of Her Britannic Majesty.

The Undersigned, &amp;c.

(Signed)

ANTONIO PAULINO LIMPO D'ABREU.

*H. Hamilton, Esq.*

&amp;c. &amp;c.

Enclosure 3 in No. 311.

(Translation.)

*Senhor d'Abreu to Senhor Branco.**Rio de Janeiro, Department of Foreign Affairs.*

ILLUSTRIOUS AND MOST EXCELLENT SIR,

I HAND your Excellency the enclosed papers, relative to the account of the sale of the Portuguese barque "*Maria Carlota*," and her cargo, condemned in 1839 by the Brazilian and English Mixed Commission in this capital, in order that your Excellency will be pleased to order, without delay, the necessary examinations regarding the exactness of the same, and to pay the moiety of the nett proceeds of that execution to the Government of Her Britannic Majesty, in conformity to what is prescribed by Article VII. of the Regulations

annexed to the Additional Convention to the Treaty of January 1815, and in accordance to what has been deliberated upon by the Imperial Government.

Your Excellency will be pleased to communicate to me what the share belonging to that Government shall amount to, after deducting all the judicial expenses, so that I may conveniently address the British Legation, and solicit the appointment of a duly authorized agent to go and receive, in your Department, the amount thus liquidated.

(Signed) ANTONIO PAULINO LIMPO D'ABREU.

*Senhor Manoel Alvez Branco,*  
&c. &c.

No. 312.

*Mr. Hamilton to the Earl of Aberdeen.*

*Rio de Janeiro, September 22, 1845.*

*(Received November 15.)*

MY LORD,

I HAVE the honour to acknowledge the receipt, on the 11th instant, by Her Majesty's steam-frigate "Cyclops," of your Lordship's Despatches, marked Slave Trade, up to those of the 9th of August.

I have, &c.

(Signed) HAMILTON HAMILTON.

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

No. 313.

*The Earl of Aberdeen to M. Lisboa.*

*Foreign Office, November 21, 1845.*

THE Undersigned, &c. with reference to previous communications from the Commander Marques Lisboa, &c. respecting the prisoners now under sentence of death, in the case of the "*Felicidade*," has the honour to transmit to M. Lisboa, for his information, and for such proceedings as he may judge proper to take thereupon, the accompanying copy of a letter which has just been received at this Office, from the Home Department, upon the subject in question.

The Undersigned, &c.

(Signed) ABERDEEN.

Enclosure in No. 313.

*Mr. Phillipps to Viscount Canning, November 20, 1845.*

*(See Enclosure in No. 78, page 110.)*

No. 314.

*M. Lisboa to the Earl of Aberdeen.*

*York Place, 22 Novembre, 1845.*

*(Received November 24.)*

LE Soussigné, &c. &c. a eu l'honneur de recevoir la note du 21 de ce mois qu'a bien voulu lui adresser son Excellence le Très-Honorable Comte d'Aberdeen, &c. &c. pour lui communiquer une lettre du Ministère de l'Intérieur relativement aux prisonniers qui se trouvent à Exeter sous sentence de mort.

Le Soussigné a appris avec reconnaissance le nouveau sursis qui vient de leur être accordé. Ce fait seul suffirait pour prouver la gravité des points en litige, et le fondement avec lequel le Soussigné s'est adressé à Lord Aberdeen par sa note du 7 Août dernier.

Le Soussigné demandera la permission de rectifier une inexactitude qui se trouve dans la lettre annexée à la note de son Excellence au sujet des frais occasionnés par la défense de ces prisonniers. Le Soussigné peut certifier à Lord Aberdeen, en ce qui regarde les sujets de l'Empereur, que les dépenses de cette nature ont été jusqu'ici intégralement défrayées par le Soussigné, ainsi que le seront celles que surviendront.

Le Soussigné ne peut pas terminer cette réponse sans exprimer à Lord Aberdeen combien il est touché de l'indulgence et de l'humanité avec lesquelles les Autorités d'Exeter tâchent incessamment d'alléger, par tous les moyens en leur pouvoir l'inévitable torture mentale que ces malheureux endurent depuis si long temps.

Le Soussigné, &c.

(Signé)

MARQUES LISBOA.

*Son Excellence le Très-Hon. Comte d'Aberdeen,*  
 &c. &c. &c.

No. 315.

*Mr. Hamilton to the Earl of Aberdeen.*

*Rio de Janeiro, October 8, 1845.*

*(Received November 29.)*

MY LORD,

WITH reference to my Despatch of the 22nd ultimo, forwarded by her Majesty's ship "Thalia," I have the honour to enclose herewith, copy and translation of a note from the Brazilian Minister of Foreign Affairs, announcing that the Emperor has been pleased to issue full powers to the Senator Senhor Manoel Antonio Galvao, to enter with me into negotiations for the adjustment of a new Convention for the suppression of slave traffic.

I enclose likewise copy of my reply.

Arrangements preliminary to the departure of their Imperial Majesties for the southern provinces, having occupied the different Departments, nearly to the exclusion of all other business, during the preceding 10 days, the draft of the Convention has not been fully prepared; but last evening Senhor Limpo d'Abreu assured me it should be sent on Friday, I have further delayed, therefore, the departure of the packet "Penguin" until Saturday the 11th instant.

I am also promised for the same day a communication respecting the Act of Parliament.

The faithful performance of his Excellency's engagements hitherto, is a guarantee sufficient for his punctuality in these instances.

From what little the Minister has been willing to say on the matter, I must infer that the draft will not be modelled either on the Treaty with Spain or on the one with Portugal; but it has by me been distinctly stated to him, that the equipment Article cannot be dispensed with.

I have, &c.

(Signed)

HAMILTON HAMILTON.

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

Enclosure 1 in No. 315.

(Translation.)

*Senhor d'Abreu to Mr. Hamilton.*

*Rio de Janeiro, Foreign Office, October 2, 1845.*

ALTHOUGH by cessation of the stipulations which existed between the Government of Brazil and that of Great Britain relative to the right of visit and search, the suppression of the traffic of Africans is reserved to each of the two Governments separately, for their own proper means; nevertheless, the Imperial Government being desirous of being a party to any arrangement which may attain the ends had in view in the Convention of November 23rd, 1826, thereby clearly to define the rights and duties of each, and to adopt the measures most proper to obtain the suppression of that traffic, without injury to the interests

of lawful commerce, His Majesty the Emperor has been pleased to grant full powers to the Senator Manoel Antonio Galvao, a member of His Council, in order, that, in conjunction with the Plenipotentiary of Her Britannic Majesty, he may enter into new negotiations to that effect.

The Undersigned, &c. &c. in making this communication to Mr. Hamilton, &c. &c. hopes that the conferences may shortly commence, and that a compact will finally be entered into satisfactory to both countries.

The Undersigned, &c.

(Signed)

ANTONIO PAULINO LIMPO D'ABREU.

*His Excellency Hamilton Hamilton,*  
&c.

&c.

Enclosure 2 in No. 315.

*Mr. Hamilton to Senhor d'Abreu.*

*Rio de Janeiro, October 3, 1845.*

THE Undersigned, &c. &c. has the honour to acknowledge receipt of the communication made to him on the 2nd instant, by Senor Limpo d'Abreu, &c. &c. announcing that his Imperial Majesty has been pleased to grant full powers to the Senator Councillor of State Manoel Antonio Galvao, to enter into negotiations with the Undersigned for the adjustment of a new Convention between the two Crowns, directed to the suppression of slave traffic, and expressing a hope on the part of the Minister of Foreign Affairs, that the conferences between the Plenipotentiaries will shortly commence.

The Undersigned has been gratified by the testimony therein afforded of the wise and humane views by which the Emperor and his Government are guided. It is an announcement which the Undersigned will transmit to the Government of the Queen his Sovereign, and which he is persuaded that Government will welcome with sincere satisfaction.

The Undersigned, &c.

(Signed)

HAMILTON HAMILTON.

*His Excellency Senhor A. P. L. d'Abreu,*  
&c.

&c.

No. 316.

*Mr. Hamilton to the Earl of Aberdeen.*

*Rio de Janeiro, October 5, 1845.*

*(Received November 29.)*

MY LORD,

WITH reference to your Lordship's Despatch of the 9th of August, regarding the two Africans Andre and Jacob, I have the honour to apprise you, that having communicated with the Brazilian Government in the sense pointed out in that Despatch, and having ascertained the value of the said Africans as slaves, I have drawn for the amount thereof, in sterling money, upon the Lords of Her Majesty's Treasury, by a bill, at 30 days' sight, payable to the order of Messrs. J. Moore and Co., of this capital, and have accompanied the bill by a letter of notice, enclosing a certificate of the exchange.

The value put on the two negroes, is 800 milreas each, and 200 milreas each additional, for services lost to the proprietors since the year 1839; and, looking to the difficulty of obtaining slaves at the present moment, this estimate is by no means unreasonable.

The money shall be paid over to the Government immediately after the sailing of the packet "Penguin;" and the necessary receipts be forwarded to your Lordship by the packet succeeding.

I have, &c.

(Signed)

HAMILTON HAMILTON.

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

&c.

&c.

No. 317.

*The Earl of Aberdeen to Mr. Hamilton.*

SIR,

Foreign Office, December 4, 1845.

EARLY in the present year I received from you a Despatch, in which you enclosed, for the information of Her Majesty's Government, a copy of a letter addressed to you by Mr. Wise, the United States Minister in Brazil, containing observations as to the manner in which the Slave Trade is said to be carried on between that country and the coast of Africa.

The great importance which, in the estimation of Her Majesty's Government, attaches to the subject of that communication, the charges which, although in a tone of friendship, it brings against the British nation at large, not excepting Her Majesty's naval officers and other servants, and, above, all, the public attention drawn to it by a Message, addressed by the President of the United States to Congress on the 20th of February last, make it impossible for Her Majesty's Government to pass over such a document in silence. At the same time, they have deemed it necessary, before instructing you to make any communication to Mr. Wise, to take the most efficacious measures which the case admitted, for investigating the circumstances adduced by him, and for ascertaining, so far as might be possible from the slender data which he has furnished, what share of culpability in the transactions described by him, may attach to British subjects, or to persons within the reach of British law.

This Her Majesty's Government have done; and I will now proceed to make such observations as Mr. Wise's letter appears to me to call for,—premissing, however, that as some passages of it treat of international matters, which could not, without inconvenience, be made the subject of discussion with any one who is not avowedly the organ for expressing the opinions of his Government upon such topics, I shall confine myself to noticing those points which affect the characters of any individuals or classes of Her Majesty's subjects, and upon some of which Mr. Wise's personal observation, or the information which has been furnished to him, appear to have led him into error.

Mr. Wise observes, that the evidence which it had been his duty to collect, on a charge that American citizens were concerned in Slave Trade, had shown to him, that whilst the vessels and the flag of the United States are employed in this prohibited traffic, British brokers in Brazil are the agents of the slave dealers in that country, British goods are sent consigned to make funds for the Slave Trade in Africa, and British capital and credit employed in Brazil to guarantee the payments.

Mr. Wise then proceeds to give the general history of the cases in investigating which he has found the proof of these facts, verified, as he states them to be, upon oath.

It is not necessary to follow Mr. Wise through his account of all the details of these transactions. So far as relates to the proceedings of the vessels and their crews, nothing can be clearer, or, apparently, better established, than the charges which he makes out against them. It is beyond a doubt, that of the three vessels which he specifies,—the "*Agnes*," the "*Monte Video*," and the "*Sea Eagle*"—the two first were employed in carrying goods prepared for the coast from Brazil to Africa, being at the time under American colours, although previously, whilst in Brazil, sold to a notorious slave dealer, on the understanding that they were to be delivered to him whilst on the coast of Africa. As little can it be doubted, that the object of this arrangement was, that by the retention of the American flag and American papers, and all the recognised signs of American character, they might, during their passage to the African coast, be safe from capture by any other cruizers than those of the United States. The third vessel, the "*Sea Eagle*," was occupied in conveying from Brazil to Africa the Brazilian Masters and crews for the two former vessels, who were put on board of their respective ships as soon as these had been delivered over to the slave dealers, the "*Sea Eagle*" then receiving on board the former American crews, for the purpose of carrying them back to Brazil; whilst the "*Agnes*" and the "*Monte Video*," having thus far prosecuted their iniquitous traffic in safety under the flag of the United States, proceeded, each with her cargo of slaves, to run the only hazard of their voyage in re-crossing the Atlantic without that protection. In

short, it is manifest from the facts which Mr. Wise has collected, and from the details which he is enabled to furnish, that American merchants, American ship-owners, and American vessels, with their Masters and crews, are regularly employed to carry on the Slave Trade, and in furthering the conveyance of slaves from the coast of Africa to Brazil.

The only two points in the above transactions at which it is stated that any British agents are implicated, are, the proceedings of Mr. Weetman, the charterer of the "*Agnes*" at Rio de Janeiro, and the shipment of the "*Agnes's*" cargo at Liverpool. And upon these, the information supplied by Mr. Wise is, perhaps not unnaturally, less precise than that which relates to the proceedings of the vessels and their crews. With respect, however, to the cargo of the "*Agnes*," Her Majesty's Government have ascertained who the parties are by whom it was shipped, and the circumstances under which it was done, and I cannot state them more clearly than by quoting their own words, which are as follows:—

"On the 22nd of June, 1843, our Rio partners wrote to tell us, that they had undertaken to execute a large order, consisting more or less of the articles enumerated in the preceding page of this letter," (that is, of cottons, baizes, cloths, muskets, gunpowder, hardware, &c.) "for one of the wealthiest of their customers. This order was to be executed for a commission of six per cent., as the amount of invoice would be paid, if not immediately, shortly after the receipt of the said invoice and the arrival of the vessel at Rio. Four per cent. was to be added to the cost of the goods, in order to cover the delay which must necessarily take place before the vessel could reach Rio, bills be remitted, and become due. The various articles were shipped by the schooner '*Agnes*,' which vessel had been chartered in Rio by the person who gave us the order.

"It was stipulated in the charter-party, that after taking in a cargo of merchandize, the '*Agnes*' should proceed from Liverpool to the coast of Africa, by way of Monte Video, calling at Rio for orders; and after she had landed her cargo in Africa, she was to return thence to Rio with a lawful cargo, and then the charter-party was to terminate. How far this agreement was adhered to, Mr. Wise's letter assumes to state, and we have no means of contradicting his assertions. But supposing all he says to be true, (and we doubt not, that, in this respect, he is correct,) how, we fearlessly ask, were we to foresee that any such nefarious project was contemplated? Indeed, it appears from Mr. Wise's own statement, that the vessel was on the coast of Africa six months before she was equipped as a slaver.

"So far as we were concerned, all our interest in the matter ceased so soon as the ship reached Rio, or, to speak more correctly, so soon as she left Liverpool: neither directly nor indirectly had we the slightest interest in the result of the adventure, and we executed the order under the full conviction that the vessel would return to Rio with a lawful cargo, in short, that it was a regular trading voyage.

"It may be urged, that the fact of her going to Africa by way of Monte Video ought to have excited suspicion; but this route was adopted for the purpose of evading the Brazilian duties of 20 per cent., which were then levied on goods sent from Brazil to Africa.

"With all the other vessels named by Mr. Wise, we have had nothing to do. We think it, however, right to mention, that in December last we executed an order similar in every respect to that per '*Agnes*,' and, for what we know, the same infamous use may be made of the vessel as in the former case. If Mr. Wise had published his information, such a possibility would have been avoided. The name of the vessel we allude to, is the '*Janet*.'"

Mr. Wise will probably admit that this simple statement, voluntarily made by the parties who shipped the goods on board the "*Agnes*," goes far to prove that they had neither any interest in, nor even any knowledge of, the slave trading part of the transaction which was to follow.

The other part of Mr. Wise's statement which would appear to implicate a British agent, is that which relates to the proceedings of Mr. Weetman at Rio de Janeiro.

If proof can be adduced that this person, being a British subject, was privy to the vessel being sold to Fonseca, at Rio de Janeiro, and to the fact that, to avoid capture, the delivery was not to take place until they had arrived on the coast of Africa, and that the American flag was to protect them until the Brazilian Masters and crews could take possession and ship the slaves, there

can be no question that he has violated the laws of his country, notwithstanding that the act has been committed in Brazil; but Mr. Wise not having stated the nature of the evidence in his possession against Weetman, it is impossible, with a due regard to justice, to say that there is sufficient ground for asserting that the latter has committed a violation of the British laws.

Mr. Wise, indeed, appears to be uncertain whether it was Weetman or the consignees of the "*Agnes*" who received a commission for guaranteeing the bills drawn by Fonseca in payment for that vessel; but this is not important. If Weetman did actually receive a commission on the sale, it is abundantly clear that he was knowingly and wilfully engaged in assisting to carry on the Slave Trade, and it matters not whether he or the consignees guaranteed the bills.

There is therefore ample ground for further investigation, and it will be your duty to push your enquiries as to the share which Weetman, if he is a British subject, may have had in these transactions, to the utmost. For this purpose you will consult and secure the services, of Her Majesty's Consul; and I feel confident that you will receive every facility which Mr. Wise can give you, whether by means of the depositions made before him and the Consul of the United States, or of any other evidence, verifying the facts upon oath.

You will accordingly ask him to have the goodness to furnish you with certified copies of that evidence; and you will assure him, that should it support the charges made, no exertion will be spared by Her Majesty's Government to reach the offending party, and to enforce the penalties of the law.

Mr. Wise, after having described in detail the course pursued by the owners, charterers, and crews of the three vessels, proceeds to furnish other information which he has obtained respecting the Slave Trade, and which he says it is proper that you should hear.

He states, that as the goods fit for the coast are purchased from British merchants, and as the chief security which the merchants have for payment is the successful sale of the goods in Africa, the consequence is said to be, that British cruizers will not capture or destroy the vessels which carry these goods, as the blow is found to fall upon the commerce of their own country; and, again, that it is pointedly asserted, that British cruizers do not take the proper steps to prevent the shipping of slaves in Africa, because they desire the slaves to be shipped, in order to obtain the bounty of so many pounds a-head for the capture, and to send them as apprentices to Demerara, and other British colonies.

I cannot but think it a matter of regret, that a person occupying the distinguished position held by Mr. Wise, and writing that which was destined, not only to be, within a few weeks, itself published to the world, but to be made the foundation of a formal message from the Head of his Government to the United States Legislature, should have placed upon record what I feel confident he would, upon a more mature examination, and after enquiry at authentic sources, have seen to be a calumny as groundless as it is offensive.

It will be sufficient, in answer to these charges, to state two simple facts:—

1st. That by a return made during last session to an order of the House of Commons, it appears, that from December 1838 to December 1844, that is, during the six years immediately preceding the date of Mr. Wise's letter, there were 346 vessels seized and proceeded against in the British and Foreign Courts of Mixed Commission, and in the British Courts of Vice-Admiralty, and that of these, only 66 had slaves on board, the remaining 280, or more than four times 66, having been seized without slaves.

2nd. That in the case of vessels captured without slaves, Parliament authorizes, by a law which has now been in force for several years, a bounty to be granted to the captors, calculated upon the tonnage of the vessel, and this for the very purpose that there may be no difference as regards the value of the prize, whether the slaver has shipped her cargo or not.

As to the sending of the slaves to Demerara, or to any other British possession, being an object to the cruizers, it can only be said that, as Her Majesty's naval officers have no voice in the disposal of the slaves after capture, so have they no conceivable interest therein.

Now these facts prove, not only that the charges to which Mr. Wise has lent his ear are contrary to the truth, but that the motives which they impute to Her



Majesty's officers can have no existence; and I am inclined to think, that if instead of forming his opinion after a residence of scarcely more than four weeks at Rio de Janeiro, he had prosecuted his enquiries respecting the Slave Trade with a little more patience, and had extended them not only to the devices and contrivances by which it is carried on, but to the measures by which it is attempted to be met by British cruizers, and to the effect of those measures, he would have expressed himself in very different terms; at least, he might have learnt, more or less precisely, from any one not interested in deceiving him, the facts which I have just stated; facts, as I have said, totally inconsistent with the charges which he has so hastily published against Her Majesty's officers.

Mr. Wise next brings forward the more sweeping allegation, that the obvious effect, if not design, of the British efforts on the African coast, is not so much to suppress the African Slave Trade, as to monopolize the African commerce, and particularly the trade there carried on by the United States. As this charge is unsupported by any attempt at proof or illustration, and as it would be unjust to Mr. Wise to suppose that he would blindly and groundlessly give his sanction to the imputation of dishonourable motives on the part of the British Government, I can only instruct you to beg Mr. Wise to state to you the reasons which have induced him to record such a charge in his letter, and the public measures, if any, of Her Majesty's Government, to which the charge has reference.

Further on Mr. Wise adds, "It is worse than idle for Great Britain to reproach the United States for permitting their flag and their vessels to be common carriers, as long as British manufacturers, merchants, brokers, and capitalists, are allowed to furnish the very pabulum of the Slave Trade;" and he observes, that "Neither Great Britain nor the United States are exactly in that blameless position to assume the high tone of casting reproach, or of reading moral lectures, in respect of the sin of the Slave Trade, and that neither can cast the first stone, so long as they are both so equally and so deeply implicated."

Now the fair answer to this charge, that the Slave Trade is supported by British merchants and capitalists, cannot surely have escaped Mr. Wise. His researches into the trade of the African coast must have shown him, that the articles required for the licit and for the illicit traffic are in great part the same, and therefore, that as these articles are manufactured to a large extent in Great Britain, it must sometimes happen that British goods will be employed in the Slave Trade. This is a matter, unfortunately, beyond the complete controul of the British, or of any free Government; but Mr. Wise might, with a little pains, have learnt, that the British laws have been framed in the strongest and most comprehensive terms, to prevent British subjects from being engaged directly or indirectly in the Slave Trade; and he may rest assured, that if, as is unfortunately possible, a British merchant ever has engaged in it with impunity, it is only because the Government of this country have not had it in their power to obtain evidence which would warrant a prosecution.

Mr. Wise then proceeds, before closing his letter, to point out the course which, he says, Great Britain ought to pursue, in order to secure to herself a more cordial co-operation against the Slave Trade on the part of the United States.

First, he says, Great Britain must desist from all attempts or pretensions to visit or search the vessels of the United States.

Upon this I have to observe, that it is one of the passages in Mr. Wise's letter to which I have referred as raising questions which can be properly discussed, if indeed discussion were necessary, only with the Government itself of the United States, or with their recognised organ. I will, therefore, say no more than that of Mr. Wise's suggestion appears to be founded on a misapprehension both of the rights claimed by Her Majesty's Government and of the practice of British cruizers.

I cannot, however, forbear to remark, that if, as Mr. Wise goes on to say, (and Her Majesty's Government are far from disputing it,) the United States are in all respects competent to controul their own citizens within their own jurisdiction, it is to be hoped that the American flag and American seamen will not long continue to cross and recross the ocean with impunity, sharing actively in the prosecution of the Slave Trade, and giving it their open support until the moment when its miserable victims are safely stowed in the vessel's hold, and the success of the infamous adventure is more than half secured. Her Majesty's

Government earnestly trusts that such a state of things will not be suffered. The facts which Mr. Wise has adduced in the case of the three vessels mentioned by him, are so clear, and the criminality of the owners and Masters of the vessels is so evident, that it is scarcely possible to conceive that they can escape unpunished; and it is the more desirable that justice should not fail to reach them, as the practice which Mr. Wise has traced and described in the case of the "*Agnes*," and the vessels associated with her, is one which, as Her Majesty's Government are well assured, is becoming of more and more frequent occurrence on the coast of Africa.

Mr. Wise's next recommendation is, that Great Britain and America should cease to rely so much upon African squadrons, and that their Ministers and Consuls in Brazil should be clothed with full powers to arrest culprits, summon witnesses, hold examinations, and require bonds, and to send culprits and witnesses home; and he then suggests, that the laws of both countries should, above all, aim their penalties against the owners, shippers, and manufacturers, and others at home, and, next to them, against the factors, agents, and consignees abroad.

The practicability of the first part of this suggestion, it is scarcely necessary to say, depends not so much upon the good will of England or America, as upon that of Brazil. At present, undoubtedly, no such authority as that proposed by Mr. Wise is given by the Legislature to British functionaries, excepting so far as relates to the taking and transmitting of evidence;\* and whether the exercise of it, if given, would be sanctioned by the foreign Government upon whose territory it is to take effect, this is not the place to consider.

But as to the actual scope and tendency of the British laws against slave trading, it will be well that Mr. Wise, who naturally enough is, as he says, unable to speak to this point, should know, that in framing the different Acts of the Legislature on this subject, the greatest care and attention has been bestowed to prevent the possibility of any delinquent escaping. In support of this, I cannot do better than quote the words of Lord Stowell with respect to those Acts of Parliament:—"They are devised," says that great authority, "by the Legislature, engaged in the ardent pursuit of an effective cure for an evil considered as of great magnitude, and conquerable only by a most vigilant and searching police, looking on all sides, and into every artifice by which the mischief complained of might seek to elude the prohibitions of the law; all the avenues to fraud were to be shut up, even though immediate fraud might not be intended in the particular case. In short, a jealous and inquisitive guard was to be maintained against the possibilities of evil."

To Mr. Wise, however, the provisions of the Acts themselves will doubtless be more satisfactory evidence. I accordingly enclose to you copies of the 5 Geo. IV., cap. 113, and of the 6 and 7 Vict. cap. 98, which you will communicate to him; as also a short abstract of the 11 first clauses of the first-mentioned Act.

Mr. Wise's last advice is, that Great Britain should by all means change her policy of making apprentices of the Africans taken from the slavers; and he asks, as an argument against such a system, If servitude for five or for seven years, why not for life?

Mr. Wise will, I am sure, be glad to know that the answer is simple, inasmuch as I find, upon reference to the proper Department of Her Majesty's Government, that since the time appointed by Parliament for the commencement of the unqualified freedom of the population of the British West Indies, the Secretary of State for the Colonies has no reason to believe, that so much as a solitary instance has occurred of the apprenticeship, or of the compulsory labour, under any other form, of any liberated African, for any term or number of years; excepting only in the case of very young children, destitute of parents and kindred, for whose education and maintenance it has occasionally been necessary to provide, by binding them out as apprentices to trades, or other labour of skill. Indeed, such a case could not have occurred without a violation of the invariable tenor of the instructions issued by Her Majesty's Government, and of the tenor and spirit of the various enactments made for the government and protection of the labouring and handicraft population of the West India

\* 6 & 7 Vict., cap. 98, sect. 4.

colonies ; although, at the same time, it is not contrary to law that a liberated African, or any other person arriving in the colony, should bind himself by contract for a service of 12 months ; and in some of the cases, in which the Africans have been ignorant of the language of the colony, and of the arts of civilized life, such contracts have been necessarily executed in their behalf by officers, who were instructed to make for them the best contracts in their power. But at the end, of the 12 months, the Africans have invariably been found capable of making their own terms for their daily labour, and have been left to provide for themselves.

I believe that I have now noticed all the points in Mr. Wise's letter which call for observation. It therefore only remains for me, to desire that you will place a copy of this Despatch in that Minister's hands ; and in doing so you will assure him, that although I have felt it to be my duty to point out certain inaccuracies and misapprehensions, which it was impossible to leave uncorrected in a letter addressed to a British functionary, Her Majesty's Government do not the less appreciate the zeal and success with which he has traced and exposed the devices of the criminal traffic by which his flag has been polluted, and the motives which have actuated him in making public the result of his researches.

I am, &c.

H. Hamilton, Esq.  
&c. &c.

(Signed) ABERDEEN.

---

Enclosure in No. 317.

*Extract from Report to the Lords Commissioners of Her Majesty's Treasury  
by Mr. Rothery.*

June 24, 1845.

THE following is a short abstract of the 11 first clauses of the Act of Parliament 5 Geo. IV., cap. 113.

That it is illegal for any persons to deal or trade in, purchase, sell, barter, or transfer, or to contract for the dealing or trading in, purchase, sale, barter, or transfer of slaves, or persons intended to be dealt with as slaves ; or to carry away or remove, or to contract for the carrying away or removing of slaves or other persons, as, or in order to their being dealt with as slaves ; or to import or bring, or to contract for the importing or bringing into any place whatsoever, slaves or other persons, as, or in order to their being dealt with as slaves ; or to ship, tranship, embark, receive, detain, or confine on board, or to contract for the shipping, transshipping, embarking, receiving, detaining, or confining on board of any ship, vessel, or boat, slaves or other persons, for the purpose of their being carried away or removed, as, or in order to their being dealt with as slaves ; or to ship, tranship, embark, receive, detain, or confine on board, or to contract for the shipping, transshipping, embarking, receiving, detaining, or confining on board of any ship, vessel, or boat, slaves or other persons, for the purpose of their being imported or brought into any place whatsoever, as, or in order to their being dealt with as slaves ; or to fit out, man, navigate, equip, dispatch, use, employ, let, or take to freight or on hire, or to contract for the fitting out, manning, navigating, equipping, dispatching, using, employing, letting or taking to freight or on hire, any ship, vessel, or boat, to accomplish any of the before-mentioned objects so declared to be unlawful ; or to lend or advance, or become security for the loan or advance, or to contract for the lending or advancing, or becoming security for the loan or advance of money, or to contract for the lending or advancing, or becoming security for the loan or advance of money, goods, or effects, employed or to be employed in accomplishing any of the before-mentioned objects so declared to be unlawful ; or to become guarantee or security, or to contract for the becoming guarantee or security for agents employed or to be employed in accomplishing any of the objects, or the contracts in relation to the objects so declared to be unlawful ; or in any other manner to engage, or to contract to engage, directly or indirectly therein, as a partner, agent, or otherwise ; or to ship, tranship, lade, receive, or put on board, or to contract for the shipping, transshipping, lading, receiving, or putting on board of any ship, vessel or boat, money, goods, or effects, to be employed in accomplishing any of the objects so declared to be unlawful ; or to take the charge or command, or to navigate or enter, and embark on board, or to contract

for the taking the charge or command, or for the navigating, or entering, and embarking on board of any ship, vessel, or boat, as Captain, Master, Mate, Petty Officer, Surgeon, Supercargo, Seaman, Marine, or Servant, or in any other Capacity, knowing that such ship, vessel, or boat was actually employed, or intended to be employed in accomplishing any of the objects so declared to be unlawful; or to insure, or contract for the insuring of any slaves, or any property, or other subject matter, engaged or employed, or intended to be engaged or employed, in accomplishing any of the objects so declared to be unlawful.

The Act of the 6 and 7 Vict., cap. 98, with reference to the said Act of the 5 Geo. IV., cap. 113, renders all British subjects, wherever residing, amenable to that Act of Parliament.

The 4th section of this Act also authorizes, in these cases, evidence to be taken abroad, and transmitted to the Court of Queen's Bench.

No. 318.

*The Earl of Aberdeen to M. Lisboa*

*Foreign Office, December 5, 1845.*

THE Undersigned, &c. &c. with reference to the communication made by him to the Commander Lisboa, on the 21st ultimo, respecting the case of the Brazilian and other prisoners now under sentence of death in the gaol at Exeter for piracy, has the honour to inform the Commander Lisboa, that the Judges have determined that the conviction of those persons was not good.

This being the case, a pardon will be issued to the prisoners, and orders will forthwith be sent to set them at liberty: but, as there is reason to apprehend that, unless proper precautions be taken, they may upon their release be exposed to some violence from the strong popular feeling which exists against them, the Undersigned has to suggest to the Commander Lisboa, that no time should be lost in securing for them the means of a speedy removal from Exeter.

The Undersigned, &c.

(Signed)

ABERDEEN.

*M. Lisboa,*  
*&c. &c.*

No. 319.

*M. Lisboa to the Earl of Aberdeen.*

*York Place, 6 Décembre, 1845.*  
*(Received December 8.)*

LE Soussigné, &c. &c. s'empresse d'accuser la réception de la note sous la date d'hier que lui a fait l'honneur de lui adresser son Excellence le Très-Honorable Comte d'Aberdeen, &c. &c. pour lui notifier l'acquiescement final des sujets Brésiliens, et autres, qui se trouvent à la prison d'Exeter sous sentence capitale, ainsi que leur conséquence prochaine mise en liberté.

Le Soussigné apprécie dûment les sentimens d'humanité qui ont dicté à son Excellence les mesures de précaution qu'elle conseille à cet égard en faveur de ces malheureux, et, en la priant de vouloir bien en agréer ses sincères remerciemens, le Soussigné a l'honneur d'informer son Excellence qu' il s'est hâté de s'y conformer scrupuleusement en ce qui concerne les sujets de l'Empereur: ils quitteront Exeter immédiatement, et l'Angleterre deux jours, au plus tard, après leur élargissement.

Dans une de ses récentes communications à Lord Aberdeen le Soussigné a manifesté hautement la confiance sans bornes et le profond respect que lui inspire la magistrature de ce pays: il s'estime heureux d'en consigner ici de nouveau l'expression la plus cordiale et la plus reconnaissante.

Quant aux conséquences immédiates et légales que l'important arrêt que les Juges viennent de rendre doit nécessairement exercer sur les relations des deux pays, le Soussigné s'en rapporte avec pleine confiance au jugement éclairé et à

la rectitude de Lord Aberdeen, ainsi qu' à l'esprit de justice et à l'impartialité absolue qui ont présidé à tous les actes du Gouvernement de Sa Majesté Britannique pendant le cours du grave procès qui vient de se terminer.

Le Soussigné, &c.

(Signé)

MARQUES LISBOA.

Son Excellence le Très-Hon. Comte d'Aberdeen,  
&c. &c. &c.

No. 320.

*The Earl of Aberdeen to M. Lisboa.*

*Foreign Office, December 15, 1844.*

THE Earl of Aberdeen presents his compliments to the Commander Marques Lisboa, and with reference to previous correspondence respecting the prisoners confined in Exeter gaol on a charge of piracy, has the honour to transmit to the Commander Marques Lisboa the accompanying copy of a communication which has just been received from the Home Department, reporting that these prisoners were to proceed to London on Saturday last.

*M. Lisboa,*  
&c. &c.

Enclosures in No. 320.

1. *Mr. Phillipps to Mr. Addington, December 13, 1845.*
2. *Mr. Cole to Sir James Graham, " 12, "*

(See Enclosures in No. 86, page 117.)

No. 321.

*M. Lisboa to the Earl of Aberdeen.*

*10, York Place, 16 Décembre, 1845.*  
(Received December 16.)

LE Commandeur Marques Lisboa fait bien ses complimens à Lord Aberdeen, et s'empresse de remercier son Excellence de son obligeante communication sous la date d'hier au sujet des Brésiliens qui viennent d'être relâchés de la prison d'Exeter. Ils sont effectivement arrivés à Londres Samedi dernier, et doivent en repartir demain allant en Portugal.

No. 322.

*Mr. Hamilton to the Earl of Aberdeen.*

*Rio de Janeiro, November 11, 1845.*  
(Received December 27.)

MY LORD,

I HAVE the honour to forward receipts by the late owners of the two African blacks André and Jacob, for the moneys, say one conto of réas each, which they had respectively consented to receive from Her Majesty's Government as the value of these negroes as slaves, and as compensation for a certain period of service by these negroes which had been lost to their said owners, by the detention of the negroes on board Her Majesty's ship "Crescent," since their capture in the Portuguese slaver "*Maria Carlota*."

I have recommended these two liberated Africans to remain in the "Crescent" till a convenient opportunity may offer for removing them to some one of Her Majesty's colonies in the West Indies.

I have, &c.

(Signed)

HAMILTON HAMILTON.

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

Enclosure 1 in No. 322.

*Attorney's Receipt of Indemnification for the Slave André.*

Rio de Janeiro, October 17, 1845.

RECEIVED, as attorney for Mr. Antonio Joze Gomes Moreira, from M. Candido Manoel de Miranda, Chief Clerk, *ad interim*, of the Foreign Office, a bill or order for the amount of one conto of reas, drawn by Mr. Hamilton Hamilton, Envoy Extraordinary and Minister Plenipotentiary of Her Britannic Majesty, in favour of the said M. Antonio Joze Gomes Moreira, upon the English commercial house of Messrs. J. Moore and Co., of this place, for indemnification for the value and services of the slave André, the property of my said client, who made part of the crew of the Portuguese barque "*Maria Carlota*," condemned as good prize in 1839, leaving thus satisfied the claim made on the Government of Her Britannic Majesty. In testimony whereof, I pass three of the same tenor, under my hand.

(Signed) JOAO V. ROIZ.

1,000g000 Reas.

Enclosure 2 in No. 322.

*Attorney's Receipt of Indemnification for the Slave Jacob.*

Rio de Janeiro, October 17, 1845.

As Attorney for Mr. Vicente Thomas dos Santos, received from M. Candido de Miranda, Chief Clerk, *ad interim*, of the Foreign Office, a bill or order for the amount of one conto of reas, drawn by Mr. Hamilton Hamilton, Envoy Extraordinary and Minister Plenipotentiary of Her Britannic Majesty, in favour of the said M. Vicente Thomas dos Santos, upon the English commercial house of Messrs. J. Moore and Co., of this place, for indemnification of the value and services of the slave Jacob, the property of my said constituent, who made part of the crew of the Portuguese barque "*Maria Carlota*," condemned as good prize in the year 1839, leaving thus satisfied the claim made on the Government of Her Britannic Majesty. In testimony whereof I pass three of the same tenor, under my hand.

(Signed) JOAO V. ROIZ.

1,000g000 Reas.

No. 323.

*Mr. Hamilton to the Earl of Aberdeen.*

Rio de Janeiro, November 11, 1845.

(Received December 27.)

MY LORD,

My Despatch of the 29th July, notified to your Lordship the capture, on the 7th of July, by the Brazilian Government steamer "*Correio Brasileiro*," of a Brazilian brigantine called the "*Subtil*," with slaves on board.

This vessel was carried for adjudication before one of the lower Brazilian courts of law, and condemned as a good prize, being, when captured, employed in the illicit traffic of Africans. The case being afterwards removed by appeal into another criminal court, the sentence of the lower tribunal was reversed, on the plea, that as the Treaty of 1817 had expired, and with it the right of visit and search, &c. the said brigantine, so far as that Treaty was concerned, was no longer justiceable.

The "*Subtil*," in consequence, was given up, by decree of the Court, to the proprietor, but subject to future process under the especial (*peculiar*) law of Brazil, supposing always that a true bill be found against her. It is probable that, through some chicanery, no such true bill will be found; but, at all events, I shall be careful to report what may be the issue.

No mention is made of the negroes who were on board, whether they also are to be restored to the proprietor, or to remain with the individuals among whom they were distributed shortly after the capture. This last is the more probable alternative.

I have, &amp;c.

(Signed) HAMILTON HAMILTON

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

&amp;c.

&amp;c.

&amp;c.

No. 324.

*Mr. Hamilton to the Earl of Aberdeen.**Rio de Janeiro, November 11, 1845.**(Received December 27.)*

MY LORD,

YOUR Lordship's Despatch of the 3rd September, conveyed to me an instruction, that if, on receipt of it, the Brazilian Government should not have yielded to the representations urged by Her Majesty's Commissioners, in the case of the "*Nova Granada*," with reference to the equipment Article, those Authorities should, without further difficulty on their part, accede to the wish of the Brazilian Commissioners, and proceed forthwith to the adjudication of that vessel by arbitration.

The functions of the Court of Mixed Commission had ceased when this instruction reached me; and adjudication had not taken place. Still, it was necessary to act; and, as I anticipated an insuperable objection on the part of the Government, I preferred to speak, rather than to write, to Senhor Limpo d'Abreu on the subject. I did so accordingly, at an early opportunity, afterwards reading to his Excellency that paragraph of your Despatch more particularly relating thereto. In answer, the Minister told me distinctly, that he considered it to be wholly impracticable now to proceed to the arbitration in question, that we must perforce await the re-organization of the extinct tribunal, which could only be accomplished by negotiation, or some other definitive arrangement.

This is one of the many complications which it may be my duty, I fear, to report to your Lordship, as consequent on the closing of the Mixed Court of Commission.

Due communication of your Lordship's Despatch and its enclosures was made to the Commissioners.

I have, &amp;c.

(Signed)

HAMILTON HAMILTON.

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

&amp;c.

&amp;c.

&amp;c.

No. 325.

*Mr. Hamilton to the Earl of Aberdeen.**Rio de Janeiro, November 11, 1845.**(Received December 27.)*

MY LORD,

MY Despatch of the 8th of October, will have put you in possession of what had passed up to that date between this Legation and the Brazilian Government, on the subject of the Act of the British Parliament, passed on the 8th of August, restoring the suspended jurisdiction and powers of the Courts of Admiralty and Vice-Admiralty with reference to Brazilian vessels detained by Her Majesty's cruisers on suspicion of Slave Trade practices; and, likewise, on the subject of a new Convention between the two Crowns for the suppression of the said contraband traffic.

That Despatch held out hopes that the "*Penguin*" packet conveying it would also convey some official communication from the Brazilian Government respecting the Act of Parliament above mentioned, and a draft of the contemplated Convention. This expectation was not realized. The draft, even at this date, a month later, has not been sent to me. In the interval, I have received only the note forwarded herewith in copy and translation, communicating a protest by the Brazilian Government against the Act of Parliament.

This document is perhaps unnecessarily prolix, reproducing, as it does, statements and arguments that have been reiterated again and again, and as often refuted, together with inferences and deductions from the law of nations, the applicability of which, in the present instance, seems open to objection. That the Minister for Foreign Affairs should place something on record, in the form of protest, was to be looked for; but the ground on which Senhor Limpo d'Abreu had to work, was not advantageous. Altogether, the document may be considered moderate, and characteristic of the conciliatory sentiments of the author; at the same time, there have not been wanting many voices which,

while readily admitting the patriotism and perspicacity of his views, are yet clamorous against the pacific declarations, the measured language, of the concluding paragraph of his communication.

The purport of this paragraph, so offensive to many, is, to express the intention of the Imperial Government to continue its efforts, in accordance with its sentiments of justice and philanthropy, and the laws of the Empire, for the suppression of Slave Trade; and its desire to concert with the Government of Great Britain arrangements which, while they shall respect the interests of the lawful trade of Brazilian subjects, shall be effectual for the purpose of terminating an illicit commerce, deplored and condemned by all enlightened and christian Governments. It is to this paragraph alone, of Senhor Limpo d'Abreu's protest, to which, when acknowledging receipt of it, (in the note of which copy is enclosed under No. 2,) I considered it expedient to make any direct and particular allusion, and which, in fact, amounted to nothing beyond an assurance of the sincere satisfaction I derived from the pledge which it presented.

As I have observed above, there has not yet been taken any step in advance relative to the negotiations for another Slave Trade Convention. Accounting for the procrastination I was lately complaining of, Senhor Limpo d'Abreu said, it had been deemed advisable to enter the protest of the Imperial Government before anything else should be done; that it was a work, moreover, not to be dismissed lightly; that all other questions in which England was concerned must be subordinate thereto; and that the project of Convention was one of these. But the preparing of this document may have been more tedious and protracted, from being entrusted to Senhor Galvao, the Plenipotentiary for the negotiations named on the part of Brazil, an individual proverbially indolent and dilatory on all occasions. Now, the Minister hopes it may be completed by Thursday or Friday; but I am far from feeling so confident in Senhor Galvao's punctuality as, on the strength of it, to delay further the packet's departure.

After the accompanying translation of the protest-note, under No. 1, had been completed, the said note was published by authority, with translations annexed in French and English. I transmit a copy of the journal in which it appeared, as these additional versions may serve to rectify or explain any errors or obscurities in the former.

I have, &c.

(Signed)

HAMILTON HAMILTON.

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

&c.

&c.

&c.

---

Enclosure 1 in No. 325.

(Translation.)

*Senhor d'Abreu to Mr. Hamilton.*

*Rio de Janeiro, Foreign Office, October 22, 1845.*

His Majesty the Emperor of Brazil, my August Sovereign, learnt with the most profound regret, that Her Majesty the Queen of Great Britain had, on the 8th of August last, approved and sanctioned as law, an Act of Parliament, by virtue of which authority is conferred on the High Court of Admiralty, and any Vice-Admiralty Court in Her Britannic Majesty's dominions, to take cognizance of, and to adjudicate, any vessel under the Brazilian flag which, in violation of the Convention of November 23, 1826, may be engaged in the traffic of slaves, and to be detained and captured by any person in the service of Her said Majesty.

As soon as the Act was presented to Parliament by the British Government, the Envoy Extraordinary and Minister Plenipotentiary of Brazil at the Court of London, protested against it, as in duty bound, in a note of which the enclosed is a copy, and which, under date of July 25, of the present year, he addressed to the Earl of Aberdeen, Her Britannic Majesty's Principal Secretary of State for Foreign Affairs.

His Majesty the Emperor, to whom was submitted the protest of His Envoy Extraordinary and Minister Plenipotentiary at the Court of St. James', has commanded the Undersigned, Minister and Secretary of State for Foreign Affairs, to approve and ratify the said protest, and, moreover, to enter into a

CLASS B.



more detailed exposition and analysis of the facts, and of the right possessed by the Imperial Government to declare itself, with all the energy inspired by a consciousness of justice, against an Act invading so directly the sovereign rights and independence of Brazil, as well as those of every other nation.

Such is the command which the Undersigned now proceeds to fulfil.

By the Treaty of January 22, 1815, the Government of the United Kingdom of Portugal, Brazil, and Algarves, became pledged to abolish the Slave Trade to the north of the Equator, and to adopt, in concert with Great Britain, such measures as may best contribute to the effectual execution of the preceding engagement, reserving for decision in a separate Treaty the period at which the commerce in slaves should wholly cease, and be prohibited throughout all the dominions of Portugal.

In order that all the obligations contracted by the Treaty of January 22nd, 1815, should be faithfully and exactly fulfilled, the Additional Convention of the 28th July, 1817, was concluded.

By this Convention was established, among other provisions, the right of visit and of search, and the creation of Mixed Commissions to adjudicate captures made by the cruizers of the High Contracting Parties, and, on the same day, were signed by the Plenipotentiaries of the two Governments, the Instructions under which the cruizers were to act, and the Regulations for the guidance of the Mixed Commissions.

In the same year, 1817, was signed in London, on the 11th of September, and subsequently duly ratified by the Portuguese Government, a Separate Article, by which it was determined, that immediately after the total abolition of the Slave Trade, the two High Contracting Parties should, by mutual agreement, adapt to the new state of things the stipulations of the Additional Convention of the 28th July of the same year; and it was further determined, that, in case it should not be possible to agree upon any other adjustment, the said Additional Convention should remain in force for and until the expiration of 15 years, computed from the day on which the Slave Trade should be totally abolished.

By Article I. of the Convention concluded between Brazil and Great Britain on the 23rd day of November, 1826, and ratified on the 13th day of March, 1827, it was fixed, that at the expiration of three years, to be reckoned from the exchange of the ratifications, it should no longer be lawful for the subjects of the Empire of Brazil to trade in slaves on the coast of Africa, under any pretext, or in any manner whatever, and that the carrying on of such trade, after the said period, by any person, subject of His Imperial Majesty, should be deemed and treated as piracy.

By Article II. of the Convention referred to, the High Contracting Parties agreed to adopt and renew, as if inserted word for word in the same Convention, all the Articles and provisions of the Treaties concluded between His Britannic Majesty and the King of Portugal upon this subject on the 22nd January, 1815, 28th of July 1817, and the several Explanatory Articles which had been added thereunto.

One of the Conventions thus adopted and renewed by Article II. of the Convention of 1826, being that of the 28th July, 1817, which established the right of visit and search, and created the Mixed Commissions; and one of the Explanatory Articles likewise adopted and renewed by the said Convention, being the Separate Article of the 11th September, of the same year, according to which those measures were to cease after the expiration of 15 years, reckoning from the day on which Slave Trade should be totally abolished,—it is evident that the right of visit and search exercised in time of peace by British cruizers against Brazilian vessels, and the Mixed Commissions appointed to adjudicate captures made by the said British and Brazilian cruizers, were to expire on the 13th of March, 1845, the period at which were completed the 15 years subsequent to the total abolition of the Slave Trade, as provided by Article I. of the Convention concluded on the 23rd November, 1826, and ratified on the 13th March, 1827.

The expiration of this period, and with it that of the measures stipulated in the Additional Convention of July 28th 1817, was what the Government of His Majesty the Emperor notified to that of Her Britannic Majesty, through the medium of Her Majesty's Envoy Extraordinary and Minister Plenipotentiary at this Court, in the note of the 12th of March of the present year; it being

further intimated therein, that inasmuch as it had been agreed to allow a period of six months for Brazilian vessels employed in the Slave Trade to return freely to the ports of the Empire, provided they had left the African coast by the 13th March, 1830, the Imperial Government would not hesitate to agree that the Brazilian and British Mixed Commissions should be further continued for six months, to expire on the 13th September, for the especial purpose of concluding the adjudication of cases still pending, and of such others as might have occurred before the said 13th day of March of the present year.

It was no fault of the Imperial Government if, before the expiration of the above-mentioned period of 15 years, it was not possible for the said Government and that of Great Britain to come to some just and reasonable agreement, with a view to adapt to the altered circumstances arising out of the total abolition of the traffic the measures established by the Additional Convention of July 28, 1817.

It is an incontestable truth, that in the year 1835, as likewise from 1840 up to 1842, the Imperial Government invariably consented, with the most unequivocal zeal, to various negotiations proposed by the Government of Her Britannic Majesty.

If none of these negotiations could be concluded or ratified, it was because the Imperial Government had only the alternative of rejecting, in spite of itself, the propositions made, or of subscribing to the complete ruin of the lawful commerce of its subjects, which it was bound rather to foster and protect.

The choice could not be doubtful to a Government conscious of its duties.

In fact, all the proposals made by the British Government within that period contained, besides other prominent defects, that of establishing different circumstances, each of which by itself was to be deemed *prima facie* evidence sufficient to condemn any vessel suspected of being really engaged in the Slave Trade.

Some of these circumstances, as, for instance, the mere fact of two boilers, although of the usual size, being on board a vessel, could not, without violating the commonest rules of right, be assumed to afford the most remote indication that the vessel was destined for the Slave Trade; nevertheless, according to the terms of the proposals, any one of these circumstances, of itself alone, would authorize the condemnation of the vessel and her entire cargo to the prejudice and total destruction of the lawful commerce of Brazilian subjects.

And this the Imperial Government declared and made evident to that of Her Britannic Majesty, in the notes of 8th February and 20th August, 1841, and of the 17th October, 1842.

In the midst, however, of such exaggerated pretensions, the Imperial Government did not, on its side, omit to propose to that of Great Britain, such measures as, in its opinion, were likely to reconcile the repression of the traffic with the interests of the lawful commerce of Brazilian subjects, having, in the year 1841, offered a counter-project, embracing all the clauses adequate to the two-fold object which the Imperial Government zealously and sincerely endeavoured to attain.

Unfortunately, the discussion of this counter-project could not proceed, because the Minister of Her Britannic Majesty was not furnished with the requisite full powers, as was stated by the Imperial Minister for Foreign Affairs, in his notes of 26th August, 1841, and 17th October, 1842.

But although the Imperial Government could not, for the just motives already explained, acquiesce in the proposals offered by the Government of Great Britain, still in opposition to the Instructions and Regulations annexed to the Convention of July 28, 1817, and in conformity with the basis upon which those proposals were founded, many Brazilian vessels were captured by the British cruisers, and adjudged as good prizes by the Commissary Judges of the same nation, under suspicion of being employed in the illicit slave traffic; and although repeated representations have been made by the Imperial Government against the violation done through such acts to the Treaties and Conventions between the two Governments, still to none of these representations has due and entire justice yet been awarded.

It is, therefore, beyond doubt, that the act communicated to the Government of Her Britannic Majesty by the note of the 12th March of the present year, (an act nowise at variance with the lively desire felt by the Imperial Government

for the repression of the African Slave Trade,) was nothing more than the faithful expression of the Treaties and Conventions between the Government of Brazil, and that of Her Britannic Majesty.

It being evident, then, that the especial stipulations between the Imperial Government and that of Great Britain had ceased which authorized in time of peace the right of visit and search, as well as the Mixed Courts for the adjudication of captures, there became indispensable, for the re-establishment of such measures, or the substitution of others, the adjustment of new compacts between the two Governments.

It is a principle of the law of nations, that no State can exercise any act of jurisdiction over the property or the individuals in the territory of another.

Visit and search on the high seas in time of peace, as also adjudications, are, more or less, acts of jurisdiction; the first, moreover, is exclusively a belligerent right.

Meanwhile, notwithstanding the evidence of these principles, the Government of Her Britannic Majesty, in virtue of the Law sanctioned by Her Majesty the Queen on the 8th day of August, did not hesitate to carry into effect the threat which had previously been made in the note of Her Majesty's Envoy Extraordinary and Minister Plenipotentiary at this Court, dated the 23rd of July last, by which Act Brazilian ships engaged in Slave Trade are made amenable to British Admiralty and Vice-Admiralty Courts.

In this Act, so recently become law, it is impossible not to recognise that unjustifiable abuse of power which threatens the rights and prerogatives of every free and independent nation.

Such an Act is the repetition of a similar one, in which Portugal was the victim, in the year 1839, and which in like manner became law, in spite of the opposition of one of the most eminent statesmen of England, the Duke of Wellington, who, in the House of Lords, in the session of 11th August, 1839, remonstrated against it, when referring particularly to the right of visit and search in time of peace.

If this violence is now to be palliated by the great interest that attaches to the suppression of the Slave Trade, it is unquestionable that the end cannot justify the iniquity of the means employed; nor can it be surprising, if, under the pretext of other eventual interests, might and violence should be substituted at the tribunals of the more powerful nations for the councils of reason and the principles of public and universal law, upon which ought to repose the peace and the security of States.

In order to justify the Legislative Act conferring jurisdiction on British Courts to try such Brazilian ships as may be found engaged in Slave Trade, the British Government cites Article I. of the Convention concluded on the 23rd November, 1826, between Brazil and Great Britain, which abolishes the Slave Trade on the coast of Africa.

But this Article is very far from authorizing the right which the British Government usurps and arrogates.

By this Article the Imperial Government imposes on itself two conditions: first to prohibit to Brazilian subjects, and to abolish entirely the trade in African slaves three years after the exchange of the ratifications, that is, from and after the 13th March, 1830; second, to deem and to treat this trade carried on by Brazilian subjects as piracy.

As regards the first obligation to which the Imperial Government bound itself, no question is or can be entertained.

With respect to the second obligation, it is clear, that the intervention of the British Government with reference to trade carried on by subjects of the Empire, ought to be restricted to the demanding from the Imperial Government the exact and punctual observance of the Treaty; its competence extends no further.

The letter of the above-mentioned Article I. of the Convention, refers onl to Brazilian subjects, and to the illicit trade which they may carry on.

It will not be disputed, that crimes committed within the territory of a State, can be punished only by the Authorities of that State: nor that the ships of a State are deemed to be a part of its territory, to the effect, amongst others, that crimes perpetrated on board those ships should be punishable according to the laws of the State to which they belong.

It would be an absurdity to recognise on the part of the British Government

a right to punish Brazilian subjects, either in their persons or in their property, for crimes committed in the Imperial territory, without a very express, clear, and positive delegation of such right by the Sovereign of Brazil to that of Great Britain.

And where, in the Treaty, is this clear and positive delegation to be found?

To assume, under pretence of interpretation, the delegation of a sovereign power which is not expressly declared, would be an infringement of the first principle in the art of interpretation.

When a public act is drawn up in clear and precise terms, when its meaning is manifest, and does not lead to any absurdity, there is no reason to reject the meaning such an act naturally presents. To have recourse to irrelevant conjectures for the purpose of restricting or of amplifying it, is equivalent to a desire to elude.

Moreover, to assume, in the case under consideration, that the delegation of a sovereign power had been made by the Imperial Government to that of Great Britain, without an equal delegation being made by the Government of Great Britain to the Imperial Government, would, indeed, if any obscurity had existed in the Article, contravene another precept that obtains as a rule in interpretation, namely, that everything that tends to destroy equality in a contract is odious, and in such case it is necessary to understand the words in the most restricted sense, in order to avert the onerous consequences of their proper and literal meaning, or the odium which might be contained therein.

The spirit of the second part of the Convention of the 23rd November, 1826, is not more favourable to the pretensions of the British Government to adjudicate in its own Admiralty and Vice-Admiralty Courts, Brazilian vessels suspected of being engaged in the Slave Trade.

In the Article referred to, that trade is ranked with piracy only by a fiction of law; and it is known, that fictions of law are effectual only for the express purpose for which they were created.

In truth, the traffic is not so easily carried on as robbery on the high seas. The same difficulty does not exist in detecting and convicting its agents, as with reference to pirates. In a word, the traffic does not menace the maritime commerce of all people, as piracy does.

It follows then, that the penalties imposed on slave traders cannot, without being deemed tyrannical, be rendered so severe as those which all nations award to piracy.

England herself has recognised this truth in Treaties she has succeeded in concluding with other States for the suppression of the traffic; in almost all of them it has been stipulated, that the penalties on the traffic should not be the same as those on piracy, properly so called.

The piracy referred to in Article I. of the Convention of 1826, is so truly not that treated of in the law of nations, that the two High Contracting Parties deemed indispensable the stipulations contained in Articles II. III. and IV.

Had England considered herself authorized by Article I. to capture and adjudicate in her courts, Brazilians and their vessels engaged in the traffic, she would not have sought to obtain by the said Articles a special authority to visit, search, and capture those vessels, to carry them for adjudication before Mixed Commissions, and other measures adopted in the same sense.

Nor is it conceivable how the traffic can at this time be deemed piracy according to the law of nations, when only in the year 1807 Lord Eldon affirmed, in the British Parliament, that the traffic had been sanctioned in Parliaments in which sat the most learned jurists, the most enlightened divines, and the most eminent statesmen; when Lord Hawksbury, afterwards Earl of Liverpool, moved that the words "inconsistent with the principles of justice and humanity," should be struck out of the preamble of the law that abolished Slave Trade; when, in fine, the Earl of Westmorland declared, that even if he saw Presbyterians and Prelates, Methodists, and Field Preachers, Jacobins, and Assassins, all united in favour of the measure abolishing Slave Trade, he would raise aloud his voice against it in Parliament. Nor is it conceivable how the traffic could at this time be considered piracy according to the law of nations, when it is not many years since England herself did not conceive herself disgraced by trading in African slaves; and when other civilized nations only very recently proscribed that traffic.

At this very time, too, Great Britain possesses Indian slaves.

Russia, France, Spain, Portugal, the United States of North America, Brazil, and other Powers, have not yet abolished slavery.

It is therefore obvious, that acts actually practised by so many nations, and which, not many years since, were practised by all the world, cannot justly be deemed piracy, except by such countries as have expressly so classified them in their Treaties.

If the trade in Africans be not piracy according to the law of nations; if, by the Convention of November 23, 1826, Brazil did not grant to England the right to punish and try as pirates, Brazilian subjects and their property, when suspected of being employed in the traffic, it is evident that England cannot exercise such a power in its own courts without offending the sovereignty and independence of the Brazilian nation.

Nor, up to the present time, has the British Government considered itself invested with such a power over Brazilian subjects for the crime of trading in Africans. On the contrary, it has very expressly recognised the incompetency of British tribunals for such adjudications.

In the correspondence between the Imperial Cabinet and the British Legation, under date of October 31, 1843, and also under other dates, occasioned by the detention on board the schooner "*Tartaruga*" of the Brazilian subject Manoel Joze Madeira, who was sent to the Cape of Good Hope because found on board that schooner, said to have been employed in the contraband trade, the Minister of Her Britannic Majesty at this Court declared, in his note dated November 12 of that year, that this individual, with others on board the "*Tartaruga*," had been sent to the Cape of Good Hope because their presence might be required perhaps as witnesses, as a means of verifying piratical acts, when the vessel should be brought before the Vice-Admiralty Court.

And, in fact, the vessel was no sooner adjudicated, than this Madeira and the others did return; all of which appears in the above-cited official correspondence.

And that this is the interpretation which ought to be given to the Treaty of November 23, 1826, is further proved, by comparing the cited Article I. with the Treaties which England has concluded with other nations for this object.

It is easy to consult the Treaties made with the Argentine Republic in May 24, 1839; with Bolivia the 25th September, 1840, and the Additional Articles and Annexes of the same date; with Chili the 19th January, 1839, and the Additional Articles and Annexes of the same date; with Haiti the 23rd December, 1839; with Mexico the 24th February, 1841, and the additional Articles of the same date; with Texas the 16th November, 1841; and the Annexes and Declarations signed at Washington the 16th February, 1844; with Uruguay the 13th June, 1839, and the Additional Articles and Annexes of the same date; and with Venezuela the 15th March 1839.

It will at once be perceived in every one of these Treaties, that both the Contracting Parties oblige themselves to concert and establish, by means of Conventions, the details of the measures necessary for enforcing immediately and reciprocally the law of piracy, which shall then be made applicable to the said traffic, in accordance with the legislative enactments of the respective countries, in respect to the vessels and subjects of each.

If the fact of the traffic being considered piracy were sufficient in order that individuals and their property should be adjudicated by the tribunals of the nation who had apprehended them, it would have been needless in all the above-mentioned Acts not only to declare it piracy, but also for the Contracting Parties to engage themselves to enact especial laws, and to punish their subjects or citizens guilty of the traffic according to those laws.

If by the simple declaration that Slave Trade is piracy, Brazilian subjects and their property are not dispossessed of the right of being tried by the Authorities of their own country, so also their vessels are not liable to visit, search, and capture by British cruisers.

It has already been shown, that the law of nations does not recognise the right of visit and search on the high seas in time of peace.

The British tribunals have in different instances so recognised it, as happened in the case of the French vessel "*Louis*," captured in the year 1820, on the coast of Africa, for being engaged in Slave Trade, when the capture was declared

null, because the right of visit and search on the high seas does not exist in time of peace.

Lord Stowell, in the decision of this case, alleged as a special argument, that even admitting the traffic to be in fact prohibited by the municipal laws of France, which was doubtful, the right of visit and search being exclusively a belligerent right, could not, conformably with the law of nations, be exercised in time of peace, to enforce that prohibition by means of British tribunals, in respect of the property of French subjects.

In pronouncing the judgment of the High Court of Admiralty in this case, Lord Stowell further declared, that although Slave Trade was unjust, and condemned by the municipal law of England, still that it was not piracy, nor a crime against the positive law of nations.

In fact, if such a right could be vested in any one State, it ought equally to belong to all; and would lead to incalculable evils, perhaps to universal war.

That such a right over the ships of other nations does not belong to England, is furthermore recognised and proclaimed by the very Treaties which England has concluded; for in all these it is expressly stipulated, as also in the Treaties of 1815 and 1817 between Portugal and England; which Treaties having been continued by the Convention of November 23, 1826 between England and Brazil, expired on the 13th of March of the current year.

From what is here shown and demonstrated, it is evident, that the Act which passed as law in the British Parliament, and which was sanctioned by the Queen of Great Britain on the 8th day of August of the current year, under the pretext of carrying into effect the dispositions of Article I, of the Convention concluded between the Crowns of Brazil and Great Britain on the 23rd November, 1826, is not based either on the text or on the spirit of the said Article; that it is opposed to the most clear and positive principle of international law; and, finally, that it is in contempt of the sovereignty and independence of Brazil, as of every other nation.

The Undersigned, &c. &c. therefore, in the name of, and by order of His Majesty the Emperor, his August Sovereign protests against the above recited Act, as evidently offensive, unjust, and in contempt of the sovereign rights and the independence of the Brazilian nation, not recognising any of its consequences except as the effect and result of power and violence; and claiming at once, for all and every detriment, loss, and damage which may result to the lawful commerce of Brazilian subjects, to whom the laws have promised, and His Majesty the Emperor owes, constant and efficient protection.

Nevertheless, the Imperial Government, preferring to every other consideration the generous sentiments of justice and philanthropy by which it is animated and guided in all its acts, will continue to direct its exertions, in conformity with the laws of the country, to the repression of the Slave Trade; and greatly does it desire, that the Government of Her Britannic Majesty may accede to an arrangement which, while it respects the interests of the lawful commerce of Brazilian subjects, may attain the wished for object of terminating that traffic which all enlightened and christian Governments deplore and condemn.

The Undersigned, by order of His Majesty the Emperor, his August Sovereign, transmits this protest to Mr. Hamilton Hamilton, &c., &c., to the end that it may be communicated to his Government; and he profits, &c.

(Signed) ANTONIO PAULINO LIMPO D'ABREU.

*His Excellency Hamilton Hamilton,*  
&c. &c.

## Enclosure 2 in No. 325.

*Translation published by the Brazilian Government of the Protest against an Act of the British Parliament, which passed into Law on the 8th August, 1845, whereby Brazilian vessels, engaged in the Slave Trade, become amenable to the High Court of Admiralty of Great Britain, and to any and every Court of Vice-Admiralty within the British Dominions.*

FOREIGN OFFICE.—RIO DE JANEIRO.

October 22, 1845.

His Majesty the Emperor of Brazil, my August Sovereign, heard, with the most profound regret, that Her Majesty the Queen of Great Britain had, on the the 8th day of August last, approved and sanctioned an Act of Parliament, which conferred upon the High Court of Admiralty and upon any and every Court of Vice-Admiralty within the dominions of Her Britannic Majesty, the right to take cognizance of and adjudicate any vessel under the Brazilian flag, which, in violation of the Convention of the 23rd November, 1826, may be engaged in the Slave Trade, and be detained and captured by any person in the service of Her said Majesty.

As soon as this Act was presented to Parliament by the British Government, the Envoy Extraordinary and Minister Plenipotentiary of His Majesty the Emperor of Brazil at the Court of St. James, protested against it, conformably to his duty, by a note of which the enclosed is a copy, and which, under date of the 25th day of July last, he addressed to Lord Aberdeen, Her Britannic Majesty's Principal Secretary of State for Foreign Affairs.

His Majesty the Emperor, to whom the protest made by his Envoy Extraordinary and Minister Plenipotentiary at the Court of St. James's was submitted, has commanded the Undersigned, Minister and Secretary of State for Foreign Affairs, to approve and confirm the said Protest, and to enter into a detailed exposition of the facts and of the right of the Imperial Government to declare itself, with all the energy arising from a consciousness of justice, against an Act which so directly invades the sovereign rights and independence of Brazil, as well as of those of every other nation. Such is the command with which the Undersigned, immediately proceeds to comply.

By the Treaty of the 22nd January, 1815, the Government of the United Kingdom of Portugal, Brazil, and Algarves, became engaged to abolish the Slave Trade to the northward of the equator, and to adopt, in concert with Great Britain, such measures as might most effectually tend to the due performance of the preceding engagement, reserving to be determined, by a separate Treaty, the period when the Slave Trade should wholly cease and be prohibited throughout the Portuguese dominions.

For the faithful and effectual fulfilment of the obligations contracted by the Treaty of the 22nd January, 1815, the Additional Convention of the 28th July, 1817, was concluded.

By this Convention, amongst other stipulations, the right of visit and the establishment of Mixed Commissions to adjudicate the prizes made by the cruisers of the High Contracting Powers, was mutually agreed to, and, on the same day, the Plenipotentiaries of the two Governments signed the Instructions for the vessels of war destined to prevent the Slave Trade, and the Regulations for Mixed Commissions.

On the 11th September of the same year of 1817, a separate Article was signed in London and afterwards duly ratified by the Portuguese Government, by which it was mutually agreed, that as soon as the total abolition of the Slave Trade should take place, the two High Contracting Powers would adapt, to the new state of things, the stipulations of the Additional Convention of the 28th July of the said year; and it was further mutually agreed, that, in default of such alterations, the aforesaid Additional Convention should be in force for and until the expiration of 15 years from the date at which the total abolition of the Slave Trade should take place on the part of Portugal.

By Article I. of the Convention concluded between Brazil and Great Britain on the 23rd November, 1826, and ratified on the 13th March, 1827, it was agreed, that, from and after the expiration of three years from the date of the exchange of the ratifications, it should no longer be lawful, under any pretext or in any

manner whatsoever, for Brazilian subjects to be concerned in the carrying on of the Slave Trade, and that the carrying on of such trade after that period by any subject of His Imperial Majesty, should be considered and treated as piracy.

By Article II. of said Convention, the High Contracting Powers agreed to adopt and renew, as effectually as if the same were inserted, word for word, in said Convention, the several articles and provisions of the treaties concluded between His Britannic Majesty and the King of Portugal on this subject, on the 22nd of January, 1815, and on the 28th of July, 1817, and the several explanatory articles which had been added thereunto.

One of the Conventions thus adopted and renewed, by Article II. of the Convention of 1826, having been that of the 28th July. 1817, which established the right of visit and the Mixed Commissions, and one of the explanatory articles, likewise adopted and renewed by the aforesaid Convention of 1826, having been the separate article of the 11th September, 1817, by which the right of search and the Mixed Commissions were to cease after the expiration of 15 years from the date of the abolition of the Slave Trade, it is evident that the right of visit and search exercised in time of peace by the British cruizers against Brazilian vessels, and the Mixed Commissions established for the adjudication of prizes made by British cruizers or by Brazilian cruizers, expired on the 13th March, 1845, the period at which were completed the 15 years subsequent to the total abolition of the Slave Trade, conformable to Article I. of the Convention of the 23rd November, 1826, which was ratified on the 13th March, 1827.

The expiration of this period and of the measures stipulated in the Additional Convention of the 28th July, 1827, were what the Government of His Majesty the Emperor of Brazil notified to Her Britannic Majesty's Government, through the medium of the British Envoy Extraordinary and Minister Plenipotentiary at this Court, in a note under date of the 12th of March last, in which note was further signified, that, inasmuch as six months had been agreed to be given to such Brazilian vessels as had left the coast of Africa before the 13th March to return to the ports of the Empire, the Imperial Government would consent that the Mixed Commissions should continue in force six months longer, for the especial purpose of adjudicating such cases as were pending, and such other seizures or detentions as may have occurred prior to the 13th of March.

The Imperial Government was not to blame, if, prior to the expiration of the 15 years before-named, it was not possible for the Imperial Government and the Government of Great Britain to come to a just and reasonable agreement with the view to adapt, to the new state of circumstances arising from the total abolition of the Slave Trade, the measures contained in the Additional Convention of the 28th July, 1817.

It is an incontrovertible truth, that, in the year 1835, and from 1840 to 1842, the Imperial Government invariably evinced the most ardent desire to give every due attention to the various negotiations proposed by the Government of Great Britain. If none of those negotiations could be effectually concluded or ratified, the reason was that the Imperial Government had only the alternative of rejecting the propositions made, or of subscribing to the complete ruin of the legal trade of the subjects of Brazil, which, on the contrary, it was the express duty of the Imperial Government to foster and protect. The choice could not be doubtful to a Government conscious of its duties.

In fact, all the proposals made, within the period referred to, by the British Government, contained, independently of other glaring defects, that of establishing various cases, each of which, would of itself be deemed *prima facie* evidence to condemn any vessel suspected of being engaged in the Slave Trade.

Some of these cases—for instance, the fact of two boilers, though of the usual size, being on board of any vessel—could not, without violating the most ordinary rules of right, be tortured into the remotest evidence that the vessel was intended for the Slave Trade; still, according to the terms of these proposals, each of these cases would be sufficient to authorize the condemnation of such vessel and her cargo, to the prejudice and total destruction of the legal trade of Brazilian subjects.

This was declared and made evident to the Government of Her Britannic



Majesty, in the notes of the Imperial Government of the 8th February and 20th August, 1841, and 7th October, 1842.

Amidst these exaggerated pretensions, the Imperial Government did not omit to propose to that of Great Britain, such measures as, in its judgment, were deemed likely to conciliate the suppression of the Slave Trade with the interests of the lawful commerce of Brazilian subjects; having, in the year 1841, offered a counter-project, which contained all the clauses adequate to the two-fold purpose which the Imperial Government anxiously and sincerely sought to obtain.

Unfortunately, the discussion of this counter-project could not proceed, because Her Britannic Majesty's Minister was not furnished with full powers, as was stated by the Minister of Foreign Affairs in the notes of the 26th August, 1841, and 17th October, 1842.

Notwithstanding, however, that the Imperial Government could not, from the motives of justice already assigned, acquiesce in the proposals of Her Britannic Majesty's Government, several Brazilian vessels were captured by British cruizers, and judged and condemned by British Commissioners, as suspected of being engaged in the Slave Trade, in violation of the instructions and regulations annexed to the Convention of the 28th July, 1817, though in accordance with the basis of the rejected proposals; and, notwithstanding the repeated remonstrances made by the Imperial Government against these violations of the existent Treaties and Conventions, by means of these proceedings, to none of those remonstrances has full and complete justice yet been done.

It is quite evident that the Act notified to Her Britannic Majesty's Government, under date of 12th March last, was, without diminishing the earnest desire of the Imperial Government for the suppression of the Slave Trade, nothing more than a faithful compliance with the Treaties and Conventions existent between the Imperial Government and that of Her Britannic Majesty.

The especial stipulations between the Imperial Government and that of Great Britain, which authorized, in time of peace, the right of visit and the Mixed Commissions, having evidently ceased, the re-establishment of those measures, or the substitution of others, could only be effected by a new agreement and understanding between the two Governments.

It is a principle of the Law of Nations that the Government of one country cannot exercise any act of jurisdiction over the property and individuals in the territory of another.

The visit and search, on the high seas, in time of peace, as well as the adjudications, are, more or less, acts of jurisdiction. The right is moreover belligerent.

Notwithstanding the evidence of these principles, the Government of Her Britannic Majesty, by virtue of an Act sanctioned by Her Majesty, on the 8th of August last, did not hesitate to put into execution the threat previously made through the Envoy Extraordinary and Minister Plenipotentiary of Her Britannic Majesty at this Court, in a note dated the 23rd July last, by which Act Brazilian vessels engaged in the Slave Trade are rendered amenable to the British Courts of Admiralty and Vice-Admiralty.

In this Act, it is impossible not to recognize that unjustifiable abuse of force which threatens the rights and prerogatives of all free and independent nations. It is similar to that of which Portugal became the victim in 1839, and which likewise passed into law, despite the opposition of the Duke of Wellington, one of the most eminent statesmen of England, who, in the House of Lords, on the 11th of August, 1839, strenuously remonstrated against the right of visit and search, in time of peace.

If this violence is now sought to be palliated by the great interest which exists for the suppression of the Slave Trade, it is unquestionable that the end sought to be obtained cannot justify the iniquity of the means employed; and no surprise ought to be created, if, under the pretext of protecting other interests, the counsels of reason and universal public rights, upon which the security and peace of nations depend, be substituted, in the tribunals of the most powerful nations, by force and violence.

To justify the legislative enactment by which the English Courts are empowered to take cognizance of Brazilian vessels engaged in the Slave Trade and captured, the British Government cites Article I. of the convention which

was concluded on 23rd November, 1826, between Brazil and Great Britain, by which convention the Slave Trade on the coast of Africa was abolished.

But this Article is very far from authorizing the right which the British Government claims and usurps.

By this Article the Imperial Government is bound, first, to forbid Brazilian subjects to be engaged in, and entirely to abolish the Slave Trade within three years of the exchange of the ratifications, that is, from and after the 13th March, 1830; secondly, to consider and treat the trade, on the part of Brazilian subjects, as piracy.

With respect to the first obligation, there neither is nor can be any doubt; and as regard the second, it is clear that the intervention of the British Government, with reference to the trade carried on by Brazilian subjects, is limited to the right of demanding from the Imperial Government an exact and a punctual observance of the Treaty, and nothing more.

The letter of Article I. of the Convention comprehends only Brazilian subjects, and the illicit trade which may be carried on by them.

It will not be denied that the crimes committed within the territories of any nation, can only be punished by the authorities of that nation, nor will it be contested that the vessels of every nation form part of her territory; for this reason amongst others, that the crimes committed on board of them are only punishable by the laws of the country to which the vessel may belong.

It would be absurd to recognize the right of the British Government to punish Brazilian subjects, either in person or property, for crimes committed within the territory of the empire, without very express, clear, and positive delegation of this power from the Sovereign of Brazil to the Sovereign of Great Britain; and where, in the Treaty, is this clear and positive delegation of power to be found?

To assume, under the pretence of interpretation, the delegation of a sovereign power which is not expressly granted, would be an infringement of the first principle of the article of interpretation, which is, that it is not allowable to interpret that which needs no interpretation.

When an Act is worded in clear and precise terms, when its meaning is manifest and does not lead to any absurdity, there can be no reason for objecting to that meaning which the Act naturally presents. To have recourse to conjecture for the purpose of extending or contracting the meaning of an Act, is tantamount to an evasion of it.

And, moreover, to assume in this case the delegation of sovereign power on the part of the Imperial Government to that of Great Britain, without a like delegation from the latter to Brazil, would, if indeed any obscurity existed in the Article, be opposed to another rule of interpretation, which is, that everything which tends to destroy the equality of a contract, is odious; and in such case it would be necessary to interpret the words in their most restrictive sense, in order to avert the onerous consequences which might arise from the strict and literal meaning, or the odium which might be contained in the contract.

The spirit of the second part of the Convention of the 2nd November, 1826, is not more favourable to the pretensions of the British Government, to adjudicate, in the Admiralty and Vice-Admiralty Courts of Great Britain, Brazilian vessels suspected of being engaged in the Slave Trade.

The traffic is, by the said Article, considered as piracy, only by a fiction of law; and it is well known, and universally admitted, that fictions of law are only effectual for the purpose for which they are created.

In truth, the traffic is more hazardous than is robbery on the high seas; less difficulty exists in discovering and convicting those who are engaged in it, than in cases of piracy; and moreover, the traffic does not threaten the maritime trade of the world as piracy does; hence, the penalty of being engaged it cannot be as severe as that which all nations award to piracy, without being deemed tyrannical.

This truth even England has, herself, acknowledged in the various Treaties which she has been enabled to conclude with other nations for the suppression of the traffic; for, in almost all of these, it has been stipulated, that the penalty of detection in the traffic should not be the same as in cases of piracy, according to the Law of Nations.

So certain is it that the piracy mentioned in Article I. of the Convention

of 1826, is not the piracy acknowledged by the Law of Nations, that the two High Contracting Powers judged the stipulations contained in Articles II., III., and IV., indispensable.

If England had considered herself authorized, by Article I., to capture and adjudicate in her courts, Brazilian subjects and vessels engaged in the traffic, she would not have sought to obtain, by Articles II., III., and IV., special authority to visit, search, and capture the said vessels, to have them adjudicated by the Mixed Commissions, and various other measures in the like sense.

How the traffic can now be deemed piracy, according to the Law of Nations, cannot be conceived, when, so late as the year 1807, Lord Eldon, one of the first judicial authorities of England, in opposing in Parliament the abolition of slavery, contended, that the slave trade "had been sanctioned by Parliaments in which sat the wisest lawyers, the most learned divines, and the most excellent statesmen:"—when Lord Hawksbury, afterwards Earl of Liverpool, moved that the words "inconsistent with the principles of justice and humanity" should be "struck out of the preamble to the Bill" (Slave Trade Abolition Bill):—when the Earl of Westmorland declared that, though he should "see the Presbyterian and the Prelate, the Methodist and the field preacher, the Jacobin and the murderer, unite in favour of the measure of abolition," he would raise his voice against it in Parliament.

Nor can it be conceived how the traffic can now be considered piracy, according to the Law of Nations, when, not many years since, even England did not consider herself degraded by trading in African slaves, and when, a short time only has elapsed since other civilized nations proscribed the trade.

At this very period, Indian slaves are possessed by Great Britain.

Russia, France, Spain, Portugal, the United States, Brazil, and other powers have not yet abolished slavery.

It is thus obvious, that acts which are still practised by so many nations, and which, some few years since, were practised by all the world, cannot with justice be deemed piracy, except between nations who have expressly agreed so to consider them in their Treaties.

If the African Slave Trade is not piracy, according to the Law of Nations; if, by the Convention of 1826, Brazil did not arm England with the right to adjudicate as piracy, and punish the persons and confiscate the property of Brazilian subjects suspected of being engaged in the Slave Trade, it is evident that England cannot exercise that right, by means of her tribunals, without offending the sovereignty and independence of Brazil.

Nor has Great Britain hitherto considered herself armed with this right against the subjects of Brazil who may have been engaged in the Slave Trade; but, on the contrary, she has expressly acknowledged the incompetency of her courts to try such cases.

In the correspondence which took place between the Imperial Government and the British Legation on the 31st October, 1843, and other dates, in consequence of Manoel Joze Madeira, a Brazilian subject, who, having been taken on board the schooner "*Tartargua*," said to have been engaged in illicit trade, was detained on board of the said schooner and sent to the Cape of Good Hope, the Minister of Her Britannic Majesty at this Court, declared, in a note dated the 12th November of the same year, that this individual, as well as others found on board the "*Tartargua*," had been sent to the Cape of Good Hope, because their evidence might be necessary, upon the trial of the vessel in the Vice-Admiralty Court, to prove acts of piracy. And, in fact, as soon as the vessel was adjudicated, Madeira and the other prisoners returned to this country, as is proved by the official correspondence above-named.

That this is the only interpretation which can be given to the Treaty of the 23rd November 1826, is further proved, by comparing the aforesaid Article I. with the Treaties which England has concluded with other nations.

It is easy to consult the Treaties concluded with the Argentine Republic on the 24th May, 1839; with Bolivia on the 25th September, 1840, Additional Articles under the same date and Acts or Instruments annexed; with Chili on the 19th January, 1839, Additional Articles, under the same date and Acts or Instruments annexed; with Haiti on the 23rd December, 1839; with Mexico on the 24th February, 1844, Additional articles, under the same date; with Texas on the 16th November, 1841, Acts or Instruments Annexed, and

Declaration signed at Washington on the 16th February, 1844; with Uruguay on the 13th June, 1839, Additional Articles, under the same date, and Acts or Instruments annexed; and with Venezuela on the 15th March, 1839.

It is manifestly evident, in every one of these Treaties, that both the High Contracting Powers engage to concert and establish, by means of Conventions, the details of the measures necessary for enforcing, immediately and reciprocally, in accordance with the legislative enactments of the respective Contracting Powers, the law of piracy, which will then be made applicable to the traffic, in as far as regards the vessels and subjects of each country.

If the fact of the traffic being considered piracy were sufficient to enable the nations by whose vessels the captures were made, to try the vessels and persons by their own tribunals, it would be needless, either that the traffic be declared piracy in the afore-named Treaties, or that the two Contracting Powers be bound to enact especial laws for the punishment of such of their subjects or citizens as may be engaged in the traffic.

If the mere declaration that the Slave Trade is piracy did not deprive Brazilian subjects and their property of the right of being tried by the authorities of their own country, so likewise their vessels were not liable to be visited, searched, and captured by British vessels.

It has already been shown that the Law of Nations does not recognize, in time of peace, the right of visit and search on the high seas. The British tribunals have, at various times, recognized this principle, as occurred in the case of the French vessel "*Louis*," captured in the year 1820, on the coast of Africa, for being engaged in the Slave Trade: upon this occasion, the capture was declared null and void, because the right of visit and search on the high seas does not exist in time of peace. Lord Stowell alleged that, "even admitting that the trade had been actually prohibited by the municipal laws of France, (which was doubtful,) the right of visitation and search (being an exclusively belligerent right,) could not, consistently with the Law of Nations, be exercised in time of peace, to enforce the prohibition by the British Courts, upon the property of French subjects." In pronouncing the judgment of the High Court of Admiralty in the same case, his Lordship held, moreover, "that the Slave Trade, though unjust and condemned by the statute law of England, was not piracy, nor was it a crime by the universal Law of Nations."

In fact, if such a right be vested in any one nation, it ought equally to belong to every nation, and would lead to incalculable evil, perhaps to universal war.

That this right over the vessels of other nations does not belong to England, is not only recognized, but is admitted in the Treaties concluded by that country; for, in all these such is expressly stipulated, as it likewise was in the Treaties concluded between Portugal and Great Britain in 1815 and 1817; which Treaties, having been continued by the Convention of the 23rd November, 1826, between England and Brazil, expired on the 13th March of the present year.

From what has been stated and demonstrated, it is evident that the Act which passed the British Parliament, and was sanctioned by Her Majesty the Queen of Great Britain on the 8th August last, under the pretext of carrying into effect the dispositions of Article I. of the Convention concluded between the Crowns of Brazil and Great Britain on the 23rd November, 1826, cannot be based either upon the letter or the spirit of the said article, is opposed to the most clear and positive principles of the Law of Nations, and finally, is an infringement of the sovereignty and independence of Brazil, as well as of those of other nations.

Therefore, the Undersigned, Minister and Secretary of State for Foreign Affairs, in the name, and by the command of His Majesty the Emperor, his August Sovereign, protest against the aforerecited Act, as offensive and unjust, and as infringing upon the sovereign rights and independence of the Brazilian nation; not recognizing any of its consequences, except as the result of force and violence; claiming at once, for all and every detriment, loss and damage which may result therefrom to the legal trade of the subjects of Brazil, to whom the laws promise, and His Majesty the Emperor owes, constant and efficient protection.

Nevertheless, the Imperial Government, preferring to all other considerations, the noble sentiments of justice and philanthropy, by which, in all its acts, it is

animated and guided, will continue to employ all its efforts, in accordance with the laws of the country, for the suppression of the Slave Trade, and the Imperial Government earnestly desires that the Government of Her Britannic Majesty may accede to an agreement, which, whilst it respects the interests of the legal trade of Brazilian subjects, may obtain the desired end of causing that commerce to cease, the existence of which is deplored and condemned by all enlightened and christian Governments.

The Undersigned, by the command of His Majesty the Emperor, his August Sovereign, transmits this protest to Hamilton Hamilton, Esquire, Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, that the same may be conhecido do seu governo, e prevalece-se desta mesma occasio para reitear-lhe as expressoes de sua perfeita estima e distincta consideracao.

ANTONIO PAULINO LIMPO DE ABREU.

Enclosure 3 in No. 325.

*Mr. Hamilton to Senhor d'Abreu.*

*Rio de Janeiro, November 3, 1845.*

SENHOR Limpo d'Abreu, &c. &c. in his note bearing date the 22nd ultimo, communicated to the Undersigned &c. &c. copy of a protest presented to the Earl of Aberdeen on the 25th of last July, by the Representative of his Imperial Majesty at the Court of St. James, against the project of law at that time under discussion in the British Parliament for rendering Brazilian vessels engaged in the Slave Trade, amenable to the High Court of Admiralty of Great Britain, and to any and every Court of Vice-Admiralty in the British dominions.

In the same note, Senhor Limpo d'Abreu, under a command from His Imperial Majesty, after approving and confirming the protest of Senhor Marques Lisboa, enters into a detailed exposition of facts and principles, justifying, as his Excellency assumes, the opposition of the Imperial Government to the afore-recited Bill—a Bill which, having passed both Houses, became law on the 8th August last, by receiving the Royal assent. And finally, after declaring, in contradiction to the inferences drawn by the Government of Her Majesty the Queen, that the Act is founded neither in the text nor in the spirit of Article I. of the Convention of November 23, 1826, that it is opposed to the most clear and positive principles of the law of nations, his Excellency places on record his protest against it, in the name, and by command of the Emperor, as offensive and unjust, and as an infringement on the sovereign rights and the independence of the Brazilian nation.

Into any remarks on the statements which this note presents, the Undersigned is of opinion it would be inexpedient for him to enter here, or into a consideration of the principles of public law mooted by his Excellency, or their appositeness to the case under discussion; it appears better to reserve all this for the deliberation and decision of his Government, to whom it will be the duty of the Undersigned to transmit his Excellency's protest by the earliest opportunity.

The Undersigned will permit himself only to express the satisfaction he feels from the tenor of the concluding paragraph of Senhor Limpo d'Abreu's note, pledging the Imperial Government, as it does, to employ all its efforts for the suppression of the traffic, and expressing the earnest desire of the Imperial Government to concert measures with that of Great Britain calculated to accomplish that important object in the most satisfactory manner.

On various occasions, more particularly of late, the Undersigned has been the organ of the sentiments of Her Majesty's Government to the same effect. Senhor Limpo has received and met the assurances thus given with frankness and cordiality, and with proposals for negotiations, to the early opening of which the Undersigned is now looking, with sincere aspirations for their success.

The Undersigned, &c.

(Signed)

HAMILTON HAMILTON.

*His Excellency Senhor A. P. L. d'Abreu,*

*&c.*

*&c.*

No. 326.

*Mr. Hamilton to the Earl of Aberdeen.*

Rio de Janeiro, November 11, 1845.

(Received December 27.)

MY LORD,

I REGRET it should be my duty to inform your Lordship, that through the very dangerous state of his health, which has been sensibly deteriorating during very many months past, Mr. Samo, Her Majesty's Chief Commissioner in the Mixed Court here, has been compelled to act upon the authorization which your Lordship was pleased to grant to him some time ago, and return for a period to England.

It is with extreme reluctance he has taken this step. His devotion and zeal in carrying out the difficult service with which he has been entrusted during so many years, always memorable, has not abandoned him throughout his tedious indisposition; to the last he has felt most anxious to co-operate in bringing to a conclusion, if that event be possible, the several questions which, undecided when the Commission Court was abolished, yet continue so; and he would have still struggled on, but his medical advisers would permit no further delay in removing from this climate. He leaves by the present packet.

The duties of Mr. Samo's office pass now, *ad interim*, to Mr. Hesketh, Her Majesty's Consul, and we are in communication with the Brazilian Government on the subject; but so anomalous is the position of our affairs here just now, it is difficult to foresee what, or whether any, arrangement can take place.

I have, &amp;c.

(Signed) HAMILTON HAMILTON.

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

&amp;c.

&amp;c.

&amp;c.

No. 327.

*M. Lisboa to the Earl of Aberdeen.*

York Place, 27 Décembre, 1845.

(Received December 29.)

PAR sa note du 25 Juillet de cette année le Soussigné, &c. &c. a jugé de son devoir de protester formellement contre les dispositions d'un Bill que le Parlement discutait alors, moyennant lesquelles le Tribunal de l'Amirauté et tout Tribunal de Vice-Admirauté de la Grande Bretagne seraient dorénavant investis du droit de juger tout bâtiment que sous pavillon Brésilien ferait la traite des noirs en contravention aux clauses de la Convention de 1826.

Ce Bill ayant reçu la sanction Royale est devenu loi de ce pays depuis le 8 du mois d'août de cette même année.

Le Gouvernement de Sa Majesté l'Empereur en ayant été informé, et après avoir approuvé et ratifié la protestation du Soussigné, a jugé à propos de protester de nouveau de la manière la plus solennelle contre cette loi: et à ces fins le Ministre des Affaires Etrangères de Sa Majesté Impériale a adressé à l'Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté Britannique, sous la date du 22 octobre dernier, la note dont le Soussigné a l'honneur de transmettre sous ce pli un exemplaire à son Excellence le Très-Honorable Comte d'Aberdeen, &c. &c.

Le Soussigné ayant ainsi rempli les ordres qu'il vient de recevoir de sa Cour saisit, &c.

(Signé)

MARQUES LISBOA.

*Son Excellence le Très-Hon. Comte d'Aberdeen,*

&amp;c.

&amp;c.

&amp;c.

Enclosure in No. 327.

*Pamphlet containing the Protest of the Brazilian Government against the Act 8 and 9 Vict., cap. 122, in the Portuguese, French, and English Languages.*

(See Enclosure 2 in No. 325.)

No. 328.

*The Earl of Aberdeen to Mr. Hamilton.*

SIR,

*Foreign Office, December 31, 1845.*

I HAVE to inform you, that I referred to Her Majesty's Advocate-General your Despatch, of the 18th of May, 1844, in which you transmitted copies of a correspondence between Rear-Admiral the Honourable Josceline Percy, at that time Commander-in-Chief at the Cape of Good Hope, and Commodore Purvis, relative to the alleged inconvenience of sending to the Cape of Good Hope the crew and passengers found on board the slave vessel "*Vencedora*," captured off the coast of Brazil by Her Majesty's ship "*Frolic*," with 338 slaves on board.

Having received the Queen's Advocate's report upon the subject, I am of opinion that Sir Thomas Pasley acted properly, and that in cases of slave vessels captured under circumstances similar to those of the "*Vencedora*," Her Majesty's officers should act as he did upon that occasion; and I have communicated this opinion to the Lord's Commissioners of the Admiralty, in order that instructions may be issued to Her Majesty's naval commanders to govern themselves accordingly.

I am, &c.  
(Signed) ABERDEEN.

*H. Hamilton, Esq.*  
&c. &c.

No. 329.

*The Earl of Aberdeen to Mr. Hamilton.*

SIR,

*Foreign Office, December 31, 1845.*

I HAVE had under my consideration your Despatch dated the 29th July last, together with your two previous Despatches, relative to the detention, off the port of Bahia, of the brigantine "*Sooy*," by her Majesty's ship "*Racer*," Commander Reed, in the month of August 1844.

It appears from this correspondence, that the "*Sooy*," having been chased by the boats of the "*Racer*," on suspicion of being engaged in Slave Trade, ran ashore on the coast of Brazil, within the territorial waters of the Brazilian Empire; that her crew then deserted her, and that she was thereupon taken possession of by the boats of the "*Racer*," and was carried to Rio de Janeiro, and there delivered up to the Brazilian Authorities; a claim being put in by the captor for salvage.

By the note which Senhor Limpo d'Abreu addressed to you upon this subject, dated the 6th of June last, it appears that the Brazilian Government consider this capture an offence to the sovereignty of the Brazilian nation, for which they demand reparation.

The Brazilian Government at the same time declare the claim for salvage inadmissible, on the ground that the Commander's object was, to capture, and not to save the vessel. They admit that there were strong indications of the

vessel having been employed in Slave Trade; and a criminal process had, in consequence, been instituted by the Brazilian Government before the Court of Justice where the illegal act had been perpetrated.

After an attentive consideration of the circumstances of this case, Her Majesty's Government are of opinion, that the complaint of the Government of Brazil is well founded, and that an apology is due to that Government for the seizure of the "*Sooy*" within the Brazilian territory, and for not delivering up the vessel when required by the Brazilian officers in command on that station.

You will therefore address a suitable note to this effect to the Brazilian Minister, in the name of your Government, in answer to the representation brought forward in Senhor Limpo d'Abreu's note of the 5th of June.

I have, at the same time, to direct your attention to the circumstance mentioned in the report of Commander Reed to Commodore Purvis, of which a copy was enclosed in your Despatch of the 12th October 1844, by which it would appear, that an Englishman at Bahia, named Youds, is implicated in Slave Trade transactions; and I have to instruct you to cause enquiry to be instituted into this matter, and to report to me the result.

I shall not fail to draw the attention of the French Government to the fact which is mentioned in the same report, that a French house at Bahia is also implicated in these slave trading transactions.

I am, &c.

(Signed) ABERDEEN.

H. Hamilton, Esq.  
&c. &c.

No. 330.

*The Earl of Aberdeen to Mr. Hamilton.*

SIR,

*Foreign Office, December 31, 1845.*

I HAVE received your Despatch of the 11th November last, reporting that the sentence of condemnation pronounced by one of the courts of law of Brazil against the brigantine "*Subtil*," captured with a cargo of slaves on board by the Brazilian steamer "*Correio Brasileiro*," had been reversed on appeal by a superior tribunal, "on the plea, that as the Treaty of 1817 had expired, and with it the right of visit and search, the brigantine, so far as that Treaty was concerned, was no longer justiceable."

You add, that the vessel had been consequently restored to her owner, "subject, however, to future process under the especial law of Brazil, supposing always that a true bill be found against her."

This statement does not appear to me to be very intelligible. It is not easy to see what the expiration of the Treaty of 1817, or of the right of search, has to do with the case of a Brazilian vessel captured by a Brazilian ship-of-war for breach of Brazilian municipal law.

Under the actual state of the relations between this country and Brazil on the question of Slave Trade, it may be important for Her Majesty's Government to know precisely how this case has been dealt with. I have accordingly to instruct you to procure, and to transmit to me, for the information of Her Majesty's Government, copies of the sentences, both of the inferior and of the superior court, in this case; or some other evidence that the plea upon which you state that the vessel was acquitted, is the true one.

It is desirable, also, that you should more clearly explain what is meant by "future process under the especial law of Brazil;" and how and in what court a true bill against the vessel can now be found.

I am, &c.

(Signed) ABERDEEN.

H. Hamilton, Esq.  
&c. &c.



*The Earl of Aberdeen to Mr. Hamilton.*

SIR,

*Foreign Office, December 31, 1845.*

I RECEIVED by the last packet your Despatch dated the 11th of November, 1845, enclosing a copy and translation of a note addressed to you by the Brazilian Minister for Foreign Affairs, dated the 22nd of October, on the subject of the Act of Parliament passed on the 8th of August last, relating to the Slave Trade; and I have to state to you, that Her Majesty's Government entirely approve of the note which you addressed to Senhor Limpo d'Abreu in answer to that Minister's communication; and of which a copy is also transmitted in your Despatch.

Any observations which I may have to make on the subject of the note of the 22nd of October, I reserve for a future opportunity.

*H. Hamilton, Esq.*  
*&c. &c.*

I am, &c  
(Signed) ABERDEEN.

---

## BRAZIL. (*Consular*)—*Rio de Janeiro.*

---

No. 332.

*Mr. Hesketh to the Earl of Aberdeen.*

*Rio de Janeiro, December 14, 1844.*

*(Received January 27, 1845.)*

MY LORD,

I HAVE the honour to enclose for your Lordship's information, a translation of the Custom House report of the cargo on board of the French schooner "*Fourmi*," G. Meynier, Master, which cleared outwards for Angola and Benguela on the 30th ultimo, and sailed the following day. Her consignee at this place was Francisco Joze Pacheco, the person who was so deeply concerned in the cargo of the "*Bella Angela*," lately condemned at the Cape of Good Hope.

The "*Fourmi's*" cargo may be valued at about 30,000*l.* of which more than half consists of Portuguese gold coin, a species of shipment which, when made to Africa, has no other application than the Slave Trade, and consequently becomes an article as much demonstrative of a connection with that illegal trade as slave equipments.

The particulars of the remainder of the cargo are not made known; but it is reasonable to infer, judging from the course of trade of the consignee of the schooner, that it is as completely adapted for slave trading as that found on board the "*Bella Angela*," and that consequently the "*Fourmi*," notwithstanding the high character of her owners, Regis Freres, of Marseilles, has been made subservient to the criminal act of placing on the African shores the means of purchasing several cargoes of human beings.

Few vessels under the flag of France, have, comparatively, been hither to freighted with this description of cargoes to Africa; the profitable rates of which freights appear to deaden the consciences of those interested, as to their participation with the undertakings of slave dealers.

These tempting profits will naturally increase the number of French vessels employed in a carrying trade of this description, in the same manner as has been lately seen with those under the flag of the United States; and especially so as, judging from recent steps taken by the American Authorities at this station, a determination is now very manifest on their side to vindicate the honour of the United States flag, by preventing its further prostitution to slave trading purposes.

These remarks on the method the Brazilian slave dealers now adopt to place with safety on the African coast the requisite means of pursuing their nefarious transactions, demonstrate the great good to be derived from a general determination to put an end to the employment of vessels in an indirect or foreign carrying trade, the objects of which must of necessity be illegal; so desirable and efficacious a measure can alone be accomplished by the concurrence of all civilized states to prohibit any other trade with Africa except that direct between each State and the African coast as I had the honour to remark in a Despatch dated May 19, 1842.

I have, &c.

(Signed) ROBERT HESKETH,  
*Her Britannic Majesty's Consul.*

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

&c.

&c.

&c.

---

Enclosure in No. 332.

*Extract from Custom House Report in Jornal do Commercio, dated  
December 1, 1844.*

Vessels cleared outwards 30th November, 1844.

Angola and Benguela —French schooner "*Fourmi*," 96 tons, consigned to Francisco Joze Pacheco, manifests four bags, four barrels and eight cannisters of farina, 11 barrels and 142 cannisters sugar, seven bags coffee, 38 rolls tobacco, 100 boxes soap, 10 pipes aguadiente, 4,084 half doubloons, one silver knife box, 34 cases, five boxes, 46 balls and five bundles merchandize, 28 barrels butter, 14 boxes tea, 29 barrels beer, five boxes muskets, and sundry other articles.

No. 333.

*Mr. Hesketh to the Earl of Aberdeen.*

Rio de Janeiro, January 2, 1845.

(Received March 22.)

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, dated October 7, 1844, calling my attention to omissions in the returns from this Consulate of the departures and arrivals to and from Africa, during the two quarters ending 30th of June last.

It is with deep regret that I find six vessels were omitted in the list of departures, and three in that of arrivals, but I have taken care to guard for the future against such errors, which were in this instance occasioned by some of the Custom House returns being mislaid in the unavoidable press of business upon myself and assistant at this Consulate; and I implore your Lordship's pardon for these omissions, which have been most vexatious to me.

I now transmit enclosed, corrected returns for the first half of the year, 1844.

In these returns of departures, I have not included the three Brazilian vessels, namely, "*Flor do Rio*," and the "*Nympha*," as they were coasters, bound to the Brazilian port of St. Thome, and the "*Subtil*," as she sailed for Goa in India; nor the Hamburgese vessel "*Emma*," as she went to Pernambuco, and from thence to Trieste, with a cargo of sugar.

I have, &amp;c.

(Signed)

ROBERT HESKETH,

*Her Britannic Majesty's Consul**The Right Hon. the Earl of Aberdeen, K. T.*

&amp;c.

&amp;c.

&amp;c.

Enclosure 1 in No. 333.  
ARRIVALS at Rio de Janeiro from the Coast of Africa during the Six Months ending June 30, 1844.

Date.	Description.	Name.	Master.	Nation.	Tonnage.	Number of Crew.	Where from.	Passage.	Reported Nature of Cargo.	Remarks.
1844.								Days.		
January 4	Barque	Helena	William Henburg	American	301	11	Africa	43	Ballast	In quarantine
" 5	Smack	Conceicao Flora	J. S. Delgado	Brazilian	80	5	Sierra Leone	29	Wood and Oil	
" 5	Brigantine	Porpoise	S. Leiby	American	160	9	Cabinda	27	Ballast	Ditto
March 4	Schooner	Conselheiro Montezuma	J. M. Pereira	Brazilian	68	6	Sierra Leone	30	Ditto	
" 8	Barque	Guatimozin	M. Decous	French	142	12	Cabinda	38	Ditto	Detained by police
April 9	Schooner	Bella Maria	J. J. Pereira	Portuguese	120	12	Angola	66	Ditto	Ditto
" 9	Brig	S. Manoel Augusto	M. Simoes	Brazilian	234	17	Ditto	30	Oil and Wax	In quarantine
May 16	Brigantine	Paquete de Campos	J. de O. Silva	Ditto	203	12	Benguela	39	Ballast	Ditto

ROBERT HESKETH, Her Britannic Majesty's Consul.

Enclosure 2 in No. 333.  
DEPARTURES from Rio de Janeiro for the Coast of Africa during the Six Months ending June 30, 1844.

Date.	Description.	Name.	Master.	Nation.	Tonnage.	Number of Crew.	Where bound.	Reported Nature of Cargo.	Remarks.
1844.									
January 4	Brig	Trinidad	Luiz Joze Maria	Portuguese	252	21	Angola and Benguela	Sundries	
" 31	Brigantine	Bella Maria	J. M. Maunty	Brazilian	107	12	Loanda	Ditto	
February 12	Ditto	Porpoise	Cyrus Libby	American	174	..	Africa	Ditto	
" 12	Ditto	Monte Video	J. L. Fendleton	Ditto	275	..	Ditto	Ditto	
March 3	Brig	Curieux	M. Soctenacy	French	253	10	Ditto	Ditto	
" 5	Ditto	Agnes	E. Godet	American	147	8	Benguela	Ditto	
" 12	Brigantine	Constante Amizade	J. Pestana, jun.	Brazilian	167	15	Lisbon and Africa	Ditto	
April 31	Brig	Kentucky	G. H. Douglas	American	272	8	Africa, <i>via</i> Bahia	Ditto	
" 6	Ditto	Belmira	J. J. Pimenta	Brazilian	195	..	Angola	Ditto	
" 13	Barque	Guatimozin	A. Decous	French	223	..	Africa	Ditto	
" 30	Schooner	Gago	M. A. Dias	Portuguese	48	10	Angola	Ditto	
May 7	Barque	Bella Angela	A. D. Pinhero	Ditto	284	20	Ditto	Ditto	Detained outside this harbour by H.M.S. "Dolphin."
" 8	Brig	Luiza	F. J. Pimenta	Brazilian	172	15	Benguela and Angola	Ditto	
" 15	Ditto	Relampago	T. H. de Silveira	Ditto	159	10	Cape Verdes	Ditto	
" 18	Brigantine	Feliz Constante	J. F. Moreira	Ditto	123	13	Angola	Ditto	
" 24	Brig	Consolacao	F. P. Monteiro	Ditto	260	16	Ditto	Ditto	

ROBERT HESKETH, Her Britannic Majesty's Consul.

No. 334.

*Mr. Hesketh to the Earl of Aberdeen.**Rio de Janeiro, January 15, 1845.**(Received March 22.)*

MY LORD,

IN a Despatch of the 14th of December last, I had the honour to state to your Lordship the manner in which a French vessel had been made subservient to slave trading purposes.

Since then the Hamburgese schooner "*Romeo*," F. J. Reich, Master, cleared at this Custom House for the coast of Africa, with a cargo assorted in the customary manner, having on board a large amount of specie, and, as usual, several passengers.

Every circumstance connected with the "*Romeo's*" voyage showed that its object was illicit, and this was confirmed at its commencement; for on the parties on board suspecting; that when outside of the harbour and clear of the land, she would be boarded by Her Majesty's ship "*Frolic*," they immediately put back into this port, the passengers landing at once, with the specie they had on board. Much disputing then took place between the shippers and the Master of "*Romeo*," resulting in the landing of a part of the cargo, doubtless that portion which palpably implicated the concerned, and the vessel ultimately proceeded to her destination with the residue of her cargo.

The "*Romeo*" is stated to be owned entirely by the Master; and she has made several voyages between Brazil and the coast of Africa, without ever returning to Europe.

All these facts show the increasing employment given by slave dealers, to vessels not only under the American flag, but also to those belonging to several European States, for the sole purpose of facilitating their nefarious transactions.

At first, this species of carrying trade was artfully represented as a lawful employment of shipping; but the long and profitable impunity with which it has been followed, having diminished the caution of the parties engaged, they and their objects are now known, and even avowed, so that none of the subordinate agents in such transactions can plead a belief that the employment of shipping in such voyages is lawful.

Viewing in this light the nature of the voyages in which vessels not Brazilian are now employed between Brazil and Africa, and finding that a British house, Messrs. Hobkirk, Weetman, and Co., carrying on at this place an extensive business as ship brokers, have untruly stated, as a justification for chartering American vessels on African voyages, that I did not deem such transactions improper, I shall correct such a mis-statement, at the same time, calling the attention of Her Majesty's subjects to sects. 4, 5, 6, and 7 of the Act 5, Geo. IV. cap. 113.

I have, &amp;c.

(Signed) ROBERT HESKETH,  
*Her Britannic Majesty's Consul.**The Right Hon. the Earl of Aberdeen, K.T.*

&amp;c.

&amp;c.

&amp;c.

No. 335.

*Mr. Hesketh to the Earl of Aberdeen.**Rio de Janeiro, January 31, 1845.**(Received March 26.)*

MY LORD,

IN my Despatch to your Lordship dated 15th instant, I intimated that I purposed to call the serious attention of Her Majesty's subjects to the Slave Trade Abolition Acts of Parliament, and the recent laws applicable to British subjects, wheresoever residing, and I have now the honour to enclose a copy of the caution which has been distributed in regard thereto.

I have been led to adopt this admonitory measure, in consequence of the evident misapprehension and ignorance of a number of persons who have applied at this Consulate for information.

I trust that your Lordship will approve of this notice, which has been framed

so as to avoid giving offence, and at the same time, to correct the erroneous opinions entertained by many upon this important subject.

I have, &c.

(Signed)

ROBERT HESKETH,

*Her Britannic Majesty's Consul.*

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

Enclosure 1 in No. 335.

*Caution addressed to British Subjects residing in Brazil.*

*British Consulate,*

*Rio de Janeiro, January 23, 1845.*

WHEREAS it is notorious that ships and vessels in this port of Rio de Janeiro, and in other places of the Empire of Brazil, are openly and undisguisedly prepared, loaded, equipped, and otherwise supplied for voyages undertaken and destined for carrying on the African Slave Trade; and it being desirable to prevent and enjoin all British subjects residing within the limits of this Consulate from participating or being concerned, either directly or indirectly, in any such disgraceful purposes or engagements, and to warn all such subjects that they do abstain from all such illegal practices, or from aiding, abetting, or assisting any person or persons engaged therein, and to make known the penalties which are denounced by law against all British subjects, wheresoever residing, who shall infringe the provisions of the Slave Abolition Acts of Great Britain:

Her Majesty's Consul deems it his duty to publish the following

#### CAUTION

Whereas there has been exhibited at this Consulate, by orders of Her Majesty's Government, a recent Act of Parliament, intituled "An Act for the more effectual suppression of the Slave Trade," wherein it is declared that all the several matters and things prohibited by the consolidated Slave Trade Acts, and by the said last mentioned Act, shall be dealt with and punished according to the several provisions of the said Act, and of the British statute intituled "An Act to amend and consolidate the laws relating to the Abolition of the Slave Trade," passed in the fifth year of the reign of King George the Fourth; and that all British subjects, wheresoever residing, should be made cognizant that such interdicted proceedings are highly penal by the above-mentioned enactments, the annexed seven sections of the said statute (5 Geo. IV., cap. 113) are hereby republished, for general information; and the careful attention thereto of all whom it may concern is earnestly solicited, and likewise to the perusal of the statutes mentioned, copies of which may be seen at this consulate during the usual hours of public business.

(Signed)

ROBERT HESKETH,

*Her Britannic Majesty's Consul.*

Enclosure 2 in No. 335.

*Seven Sections of the Act Geo. IV., cap. 113.*

2. And be it further enacted, That it shall not be lawful (except in such special cases as are hereinafter mentioned) for any persons to deal or trade in, purchase, sell, barter, or transfer, or to contract for the dealing or trading in, purchase, sale, barter, or transfer of slaves, or persons intended to be dealt with as slaves; or to carry away or remove, or to contract for the carrying away or removing of slaves or other persons, as or in order to their being dealt with as slaves; or to import or bring, or to contract for the importing or bringing into any place whatsoever, slaves or other persons, as or in order to their being dealt with as slaves; or to ship, tranship, embark, receive, detain, or confine on board, or to contract for the shipping, transshipping, embarking, receiving, detaining, or confining on board of any ship, vessel, or boat, slaves or other persons, for the purpose of their being carried away, or removed, as or in order to their being dealt with as slaves; or to ship, tranship, embark, receive, detain, or confine on board, or to contract for shipping, transshipping, embarking, receiving, detaining, or confining on board of any ship, vessel, or boat, slaves or other persons, for the purpose of their being imported or brought into any place whatsoever as, or in order to their being dealt

with as slaves; or to fit out, man, navigate, equip, dispatch, use, employ, let, or take to freight or on hire, or to contract for the fitting out, manning, navigating, equipping, dispatching, using, employing, letting, or taking to freight or on hire, any ship, vessel, or boat, in order to accomplish any of the objects, or the contracts in relation to the objects, which objects and contracts have hereinbefore been declared unlawful; or to lend or advance, or become security for the loan or advance, or to contract for the lending or advancing, or becoming security for the loan or advance of money, goods, or effects, employed or to be employed in accomplishing any of the objects, or the contracts in relation to the objects, which objects and contracts have hereinbefore been declared unlawful; or to become guarantee or security, or to contract for the becoming guarantee or security for agents employed or to be employed in accomplishing any of the objects, or the contracts in relation to the objects, which objects and contracts have hereinbefore been declared unlawful; or in any other manner to engage or to contract to engage, directly or indirectly therein, as a partner, agent, or otherwise; or to ship, tranship, lade, receive, or put on board, or to contract for the shipping, transshipping, lading, receiving, or putting on board of any ship, vessel, or boat, money, goods, or effects, to be employed in accomplishing any of the objects, or the contracts in relation to the objects, which objects and contracts have hereinbefore been declared unlawful; or to take the charge or command, or to navigate or enter and embark on board, or to contract for the taking the charge or command, or for the navigating or entering and embarking on board of any ship, vessel, or boat, as Captain, Master, Mate, petty officer, Surgeon, Supercargo, seaman, marine, or servant, or in any other capacity, knowing that such ship, vessel, or boat is actually employed, or is in the same voyage, or upon the same occasion in respect of which they shall so take the charge or command, or navigate, or enter and embark, or contract so to do as aforesaid, intended to be employed in accomplishing any of the objects, or the contracts in relation to the objects, which objects and contracts have hereinbefore been declared unlawful; or to insure, or to contract for the insuring, of any slaves, or any property, or other subject matter, engaged or employed, or intended to be engaged or employed in accomplishing any of the objects, or the contracts in relation to the objects, which objects and contracts have hereinbefore been declared unlawful.

4. And be it further enacted, That (except in such special cases, or for such special purposes as are in and by this Act permitted) if any persons shall fit out, man, navigate, equip, dispatch, use, employ, let or take to freight or on hire, or contract for the fitting out, manning, navigating, equipping, dispatching, using employing, letting or taking to freight or on hire, any ship, vessel, or boat, in order to accomplish any of the objects, or the contracts in relation to the objects, which objects and contracts have hereinbefore been declared unlawful, such ship, vessel, or boat, together with all her boats, guns, tackle, apparel, and furniture, and together likewise with all property goods or effects found on board, belonging to the owner or owners, part owner or part owners of any such ship, vessel, or boat, shall become forfeited, and may and shall be seized and prosecuted as hereinafter is mentioned and provided.

5. And be it further enacted, That (except in such special cases, or for such special purposes as are in and by this Act permitted) if any persons shall knowingly and wilfully lend or advance, or become security for the loan or advance, or shall contract for the lending or advancing, or becoming security for the loan or advance of money, goods, or effects, employed or to be employed in accomplishing any of the objects, or the contracts in relation to the objects, which objects and contracts have hereinbefore been declared unlawful, then, and in every such case, the persons so offending, and their procurers, counsellors, aiders, and abettors, shall forfeit and pay for every such offence double the value of all the money, goods, and effects so lent, advanced, or secured, or so contracted for as aforesaid, to be recovered and applied as in hereinafter mentioned and provided.

6. And be it further enacted, That (except in such special cases or for such special purposes as are in and by this Act permitted) if any persons shall knowingly and wilfully become guarantee or security, or contract for the becoming guarantee or security for agents employed, or to be employed in accomplishing any of the objects or the contracts in relation to the objects, which objects and contracts have hereinbefore been declared unlawful, or shall in any other manner engage or contract to engage directly or indirectly therein, as a partner, agent, or otherwise, then and in every such case the persons so offending, and their procurers, coun-

sellors, aiders, and abettors, shall forfeit and pay for every such offence double the value of all the money, goods, and effects so by them secured or contracted so to be as aforesaid, to be recovered and applied as hereinafter mentioned and provided.

7. And be it further enacted, That (except in such special cases or for such special purposes as are in and by this Act permitted) if any person shall, knowingly and wilfully ship, tranship, lade, receive, or put on board, or contract for the shipping, transshipping, lading, receiving, or putting on board of any ship, vessel, or boat, any money, goods, or effects to be employed in accomplishing any of the objects, or the contracts in relation to the objects, which objects and contracts have hereinbefore been declared unlawful, then, and in every such case, the persons so offending, and their procurers, counsellors, aiders, and abettors, shall forfeit and pay for every such offence double the value of all the money, goods, and effects so shipped, transhipped, laden, received, or put on board, or contracted so to be as aforesaid, to be recovered and applied as in hereinafter mentioned and provided.

8. And be it further enacted, That (except in such special cases, or for such special purposes as are in and by this Act permitted) if any persons shall knowingly and wilfully insure or contract for the insuring of any slaves, or any property or other subject matter engaged, or employed or intended to be engaged or employed in accomplishing any of the objects, or the contracts in relation to the objects, which objects and contracts have hereinbefore been declared unlawful, then, and in every such case, the persons so offending, and their procurers, counsellors, aiders, and abettors, shall forfeit and pay for every such offence the sum of One Hundred Pounds of lawful money of Great Britain for every such insurance or contract for the same, and also treble the amount of the premium of any such insurance or contract for the same, the one moiety thereof to the use of His Majesty, his heirs, and successors, and the other moiety to the use of any person who shall inform, sue, and prosecute for the same, and every such insurance shall be absolutely null and void.

10. And be it further enacted, That (except in such special cases as are in and by this Act permitted or otherwise provided for) if any persons shall deal or trade in, purchase, sell, barter, or transfer, or contract for the dealing or trading in, purchase, sale, barter, or transfer of slaves, or persons intended to be dealt with as slaves, or shall, otherwise than as aforesaid, carry away or remove, or contract for the carrying away or removing of slaves or other persons, as or in order to their being dealt with as slaves; or shall import or bring, or contract for the importing or bringing, into any place whatsoever, slaves or other persons, as or in order to their being dealt with as slaves; or shall, otherwise than as aforesaid, ship, tranship, embark, receive, detain, or confine on board, or contract for the shipping, transshipping, embarking, receiving, detaining, or confining on board of any ship, vessel, or boat, slaves or other persons, for the purpose of their being carried away or removed, as or in order to their being dealt with as slaves; or shall ship, tranship, embark, receive, detain, or confine on board, or contract for the shipping, transshipping, embarking, receiving, detaining, or confining on board of any ship, vessel, or boat, slaves or other persons, for the purpose of their being imported or brought into any place whatsoever, as or in order to their being dealt with as slaves; or shall fit out, man, navigate, equip, dispatch, use, employ, let, or take to freight or on hire, or contract for the fitting out, manning, navigating, equipping, dispatching, using, employing, letting, or taking to freight or on hire, any ship, vessel, or boat, in order to accomplish any of the objects, or the contracts in relation to the objects, which objects and contracts have hereinbefore been declared unlawful; or shall knowingly and wilfully lend or advance, or become security for the loan or advance, or contract for the lending or advancing, or become security for the loan or advance of money, goods, or effects, employed or to be employed in accomplishing any of the objects, or the contracts in relation to the objects, which objects and contracts have hereinbefore been declared unlawful; or shall knowingly and wilfully become guarantee or security, or contract for the becoming guarantee or security, for agents employed or to be employed in accomplishing any of the objects, or the contracts in relation to the objects, which objects and contracts have hereinbefore been declared unlawful; or in any other manner to engage, or to contract to engage, directly or indirectly therein, as a partner, agent, or otherwise; or



shall knowingly and wilfully ship, tranship, lade, receive, or put on board, or contract for the shipping, transshipping, lading, receiving, or putting on board of any ship, vessel, or boat, money, goods, or effects to be employed in accomplishing any of the objects, or the contracts in relation to the objects, which objects and contracts have hereinbefore been declared unlawful; or shall take the charge or command, or navigate, or enter and embark on board, or contract for the taking the charge or command, or for the navigating or entering and embarking on board of any ship, vessel, or boat, as Captain, Master, Mate, Surgeon, or Super-cargo, knowing that such ship, vessel, or boat is actually employed, or is in the same voyage, or upon the same occasion, in respect of which they shall so take the charge or command, or navigate, or enter and embark, or contract so to do as aforesaid, intended to be employed in accomplishing any of the objects, or the contracts in relation to the objects, which objects and contracts have hereinbefore been declared unlawful; or shall knowingly and wilfully insure, or contract for the insuring of any slaves, or any property or other subject matter engaged or employed in accomplishing any of the objects, or the contracts in relation to the objects, which objects and contracts have hereinbefore been declared unlawful; or shall wilfully and fraudulently forge or counterfeit any certificate, certificate of valuation, sentence, or decree of condemnation or restitution, copy of sentence or decree of condemnation or restitution, or any receipt (such receipts being required by this Act), or any part of such certificate, certificate of valuation, sentence or decree of condemnation or restitution, copy of sentence or decree of condemnation or restitution, or receipt as aforesaid; or shall knowingly and wilfully utter or publish the same, knowing it to be forged or counterfeited, with intent to defraud His Majesty, his heirs, or successors, or any other person or persons whatsoever, or any body politic or corporate: then, and in every such case, the person or persons so offending, and their procurers, counsellors, aiders, and abettors, shall be and are hereby declared to be felons, and shall be transported beyond seas for a term not exceeding fourteen years, or shall be confined and kept to hard labour for a term not exceeding five years, nor less than three years, at the discretion of the Court before whom such offender or offenders shall be tried and convicted.

No. 336.

*The Earl of Aberdeen to Mr. Hesketh.*

SIR,

*Foreign Office, April 2, 1845.*

I HAVE received your Despatch of the 31st January last, reporting the steps which you had taken for calling the attention of Her Majesty's subjects within your Consulate to the laws of this country against Slave Trade, and especially to the statute of 6 and 7 Vict., cap. 98.

I have the satisfaction of acquainting you, that I approve of your conduct in this case.

I am, &amp;c.

*R. Hesketh, Esq.*  
&c. &c.

(Signed) ABERDEEN.

No. 337.

*Mr. Hesketh to the Earl of Aberdeen.**Rio de Janeiro, February 3, 1845.**(Received April 7.)*

MY LORD,

I HAVE the honour to transmit herewith a return of the vessels that have arrived at Rio de Janeiro from the coast of Africa, during the quarter ending 31st December, 1844.

I also enclose a list of the vessels that have sailed from this port for the African coast during the same period.

I have, &amp;c.

(Signed)

ROBERT HESKETH,  
*Her Britannic Majesty's Consul.*

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

&amp;c.

&amp;c.

&amp;c.

Enclosure 1 in No. 337.

ARRIVALS at Rio de Janeiro from the Coast of Africa during the Quarter ending December 31, 1844.

Date.	Description.	Name.	Master.	Nation.	Tonnage.	Number of Crew.	Where from.	Passage.	Reported Nature of Cargo.	Remarks.
1844.								Days.		
November 7	Schooner	Fourni	G. Meynier	French	65	8	Angola	36	Wax and oil	Detained by police
" 17	Brigantine	Romeo	T. J. Reichart	Hamburg	150	13	Ditto	27	Ditto	Ditto
December 28	Brig	Joven Adelaide	T. de S. Machado	Portuguese	160	19	Quillimane	44	Ballast	

(Signed) ROBERT HESKETH, Her Britannic Majesty's Consul.

Enclosure 2 in No. 337.

DEPARTURES from Rio de Janeiro for the Coast of Africa during the Quarter ending December 31, 1844.

Date.	Description.	Name.	Master.	Nation.	Tonnage.	Number of Crew.	Where bound.	Reported Nature of Cargo.	Remarks.
1844.									
October 27	Brigantine	Canario	J. J. de Carvalho	Brazilian	70	9	Benguela	Sundries	
November 12	Ditto	Echo	J. F. Alves	Ditto	109	10	Prince's Island	Ditto	
" 17	Brig	Sterling	C. J. Luyet	American	240	Not stated	Onim	Ditto	
" 22	Ditto	Susan Mary	W. A. Welch	Ditto	148	11	Angola	Ditto	
" 27	Ditto	Rosa	F. J. Pinto	Brazilian	180	15	Angola and Benguela	Ditto	
December 1	Schooner	Fourni	G. H. Meynier	French	76	9	Angola	Ditto	
" 5	Brig	Sea Eagle	Gilbert Smith	American	279	9	Africa	Ditto	
" 15	Ditto	Reboncas	J. P. d'Alcantara	Brazilian	258	12	Ditto	Ditto	
" 19	Brigantine	Nova Sociedade	J. F. M. de Lima	Ditto	83	13	Ditto	Ballast	
" 21	Ditto	Romeo	F. J. Reichart	Hamburg	..	12	Angola	Sundries	The "Romeo" returned to port on the following day, the Master declaring that he observed that Her Majesty's brig, "Froile" intended boarding him, and therefore returned to solicit the protection of the competent Authorities, and to have an examination of his vessel and cargo.

(Signed) ROBERT HESKETH, Her Britannic Majesty's Consul.

No. 338.

*Mr. Hesketh to the Earl of Aberdeen.**Rio de Janeiro, April 22, 1845.*  
(*Received June 20.*)

MY LORD,

I HAVE the honour to transmit returns of the arrivals from, and departures for, Africa, during the quarter ending 31st ultimo.

Besides the five vessels mentioned in return No. 2, the American brig "*Janet*," which arrived here from Liverpool with a cargo assorted for Africa, departed from this port on the 9th ultimo, with the same cargo with which she entered, clearing out at the Custom House for Monte Video, but, in reality, bound direct to the coast of Africa; and I feel convinced that many vessels, like the "*Janet*," sail for Africa under false clearances.

I have, &amp;c.

(Signed)

ROBERT HESKETH,

*Her Britannic Majesty's Consul.**The Right Hon. the Earl of Aberdeen, K.T.*

&amp;c.

&amp;c.

&amp;c.

Enclosure 1 in No. 338.

ARRIVALS at Rio de Janeiro from the Coast of Africa during the Quarter ending March 31, 1845.

Date.	Description.	Name.	Master.	Nation.	Tonnage.	Number of Crew.	Where from.	Passage.	Reported Nature of Cargo.	Remarks.
1845. Jan. 23	Brigantine	Porpoise	M. Libby	American	160	8	Quillimane	Days. 45	Ballast	Passenger, Captain, and four seamen of American brig "Kentucky," and two free blacks. Forty-two passengers Detained by Police
Feb. 8	Brigantine	Esperanca	J. A. de Alverengo	Brazilian	77	11	Sierra Leone	30	Ditto	
" 23	Brig	Susan Mary	M. Welch	American	170	12	Loanda	25	Wax and Oil	

ROBERT HESKETH, Her Britannic Majesty's Consul.

Enclosure 2 in No. 338.

DEPARTURES from Rio de Janeiro for the Coast of Africa during the Quarter ending March 31, 1845.

Date.	Description.	Name.	Master.	Nation.	Tonnage.	Number of Crew.	Where bound.	Reported Nature of Cargo.	Remarks.
1845. Jan. 8	Brigantine	Romeo	Theodore Julius	Hamburg	205	10	Angola	Sundries	Put back on 22nd ultimo, landed part of her cargo, and another Master took charge of the vessel.
" 26	Brig.	Arctic	M. J. Pascal	American	354	10	Cabinda	Ditto	
Feb. 24	Brig.	Bella Manoella	M. J. da Costa	Brazilian	262	15	Cape Verde, via Benguela and Angola	Ditto	
March 19	Brigantine	Paqueta de Buenos Ayres	J. G. Pereira	Brazilian	108	16	Onim	Ditto	
" 25	Barque	Pons	John Graham	American	264	12	Africa	Ditto	

ROBERT HESKETH, Her Britannic Majesty's Consul.

No. 339.

*Mr. Hesketh to the Earl of Aberdeen.**Rio de Janeiro, May 23, 1845.*  
(Received July 15.)

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, dated April 2nd, 1845, in reference to the steps taken for calling the attention of Her Majesty's subjects within this Consulate to the laws of Great Britain against Slave Trade.

I beg, my Lord, most respectfully to express my heartfelt thanks for the terms in which your Lordship has been pleased to approve of my conduct in this case.

I have, &amp;c.

(Signed) ROBERT HESKETH,  
*Her Britannic Majesty's Consul.**The Right Hon. the Earl of Aberdeen, K. T.*  
&c. &c. &c.

No. 340.

*The Earl of Aberdeen to Mr. Hesketh.*

SIR,

*Foreign Office, September 30, 1845.*

WITH reference to your Despatch of December 14, 1844, respecting the French schooner "*Fourmi*," Meynier, Master, which cleared out on the 30th November, 1844, from Rio de Janeiro, for Angola and Benguela, and was reported by you to be apparently destined for Slave Trade, I transmit to you herewith, for your information, a copy of a Despatch from Her Majesty's Ambassador at Paris, enclosing a copy of a note from the French Minister for Foreign Affairs in reply to a communication which, in accordance with my instructions, Her Majesty's Ambassador had made to him on the subject of the vessel in question.

I am, &amp;c.

*R. Hesketh, Esq.*  
&c. &c.

(Signed) ABERDEEN.

Enclosure in No. 340.

*Lord Cowley to the Earl of Aberdeen, September 22, 1845.*  
(See Class C., No. 163, page 80.)

No. 341.

*Mr. Hesketh to the Earl of Aberdeen.**Rio de Janeiro, July 30, 1845.*  
(Received October 29.)

MY LORD,

I HAVE the honour to enclose herewith a return of the reported arrivals from the coast of Africa during the last quarter; and also, a return of the reported departures for Africa during that period.

I have, &amp;c.

(Signed) ROBERT HESKETH,  
*Her Britannic Majesty's Consul.**The Right Hon. the Earl of Aberdeen, K. T.*  
&c. &c. &c.

Enclosure 1 in No. 341.

ARRIVALS at Rio de Janeiro from the Coast of Africa during the Quarter ending June 30, 1845.

Date.	Description.	Name.	Master.	Nation.	Tonnage.	Number of Crew.	Where from.	Passage.	Reported Nature of Cargo.	Remarks.
1844.								Days.		
April 6	Brigantine	Feliz Constante	J. F. Moreira	Brazilian	123	16	Angola	27	Wax and oil	Detained by police
" 18	Ditto	Nova Sociedade	J. F. M. de Lima	Ditto	83	13	Ditto	32	Ballast	In quarantine
" 21	Brig	Sea Eagle	Gilbert Smith	American	199	10	Onim	35	Ditto	Detained by police
May 7	Ditto	Esperanca	J. R. Soares	Portuguese	325	15	Goa	94	Sundries	Ditto
" 16	Ditto	Aretic	M. Pascal	American	231	9	Cabinda	28	Ballast	Ditto
" 28	Ditto	Sterling	C. J. Lorreit	Ditto	201	9	Ditto	24	Ditto	Ditto
June 24	Barque	Pilot	J. Serit	Ditto	200	9	Ditto	23	Ditto	Ditto
" 24	Ditto	Pons	John Graham	Ditto	297	12	Ditto	24	Ditto	Ditto

(Signed) ROBERT HESKETH, Her Britannic Majesty's Consul.

Enclosure 2 in No. 341.

DEPARTURES from Rio de Janeiro for the Coast of Africa during the Quarter ending June 30, 1845.

Date.	Description.	Name.	Master.	Nation.	Tonnage.	Number of Crew.	Where bound.	Reported Nature of Cargo.	Remarks.
1844.									
April 9	Brig	Nonna	A. S. Baudim	Sardinian	284	14	Africa, <i>via</i> Bahia	General Sundries	
" 23	Barque	Pilot	J. Serit	American	245	9	Coast of Africa	Ditto	
May 1	Smack	Boa Uniao	R. J. de Menezes	Brazilian	67	17	Ditto	Ditto	
" 18	Barque	Madeline	C. H. Shankland	American	412	11	Cabinda	Ditto	
" 18	Brig	Imperial Pedro	L. J. Coelho	Brazilian	219	14	Loanda	Ditto	
" 18	Smack	Lealdade	J. A. de Carvalho	Ditto	76	9	Angola	Ballast	
une 12	Barque	Constance	J. F. du Silveira	Ditto	414	23	Ditto	Sundries	
" 14	Brig	Relampago	L. C. Amaral	Ditto	187	13	Ditto	Ditto	
" 26	Brigantine	Nova Sociedade	F. J. de Mendonca	Ditto	85	13	St. Thomé	Ditto	

(Signed) ROBERT HESKETH, Her Britannic Majesty's Consul.

No. 342.

*Mr. Hesketh to the Earl of Aberdeen.**Rio de Janeiro, October 3, 1845.*  
(*Received November 29.*)

MY LORD,

I HAVE the honour to transmit enclosed, a return of the reported arrivals at this port from the coast of Africa during the quarter ending 30th ultimo; and also, a similar return of the vessels reported to have sailed for Africa during the same period.

I have, &amp;c.

(Signed)

ROBERT HESKETH,  
*Her Britannic Majesty's Consul.**The Right Hon. the Earl of Aberdeen, K.T.*

&amp;c.

&amp;c.

&amp;c.

**Enclosure 1 in No. 342.**

ARRIVALS at Rio de Janeiro from the Coast of Africa during the Quarter ending September 30, 1845.

Date.	Description.	Name.	Master.	Nation.	Tonnage.	Number of Crew.	Where from.	Passage.	Reported Nature of Cargo.	Remarks.
1845.								Days.		
July 11	Brigantine	Andorinha	A. J. de Lemos	Portuguese	148	11	Angola	22	Wax and oil	
August 12	Brig	Rebonacas	J. P. de Alcantara	Brazilian	254	14	Ditto	30	Ballast	
" 31	Ditto	Imperial Pedro	J. Coelho	Ditto	219	19	Ditto	30	Wax and oil	
September 5	Ditto	Virginia	J. M. P. Monteiro	Ditto	326	12	Cape Verds	23	Salt	
" 6	Barque	Constancia	J. F. da Silva	Ditto	414	21	Angola		General	

(Signed) **ROBERT HESKETH, Her Britannic Majesty's Consul.**

**Enclosure 2 in No. 342.**

DEPARTURES from Rio de Janeiro for the Coast of Africa during the Quarter ending September 30, 1845.

Date.	Description.	Name.	Master.	Nation.	Tonnage.	Number of Crew.	Where bound.	Reported Nature of Cargo.	Remarks.
1845.									
July 4	Polacca	Senhora de Graca	M. Pirasso	Sardinian	139	7	Sierra Leone	Sundries	
" 4	Brig	Teixeira	F. J. Pimenta	Brazilian	163	15	Angola and Benguela	Ditto	
" 14	Launch	Buvidade	J. F. Alvez	Ditto	22	6	Sierra Leone	Ballast	
" 21	Brig	Commarava	Bansella Tiago	Sardinian	190	11	Cahinda	Sundries	
" 21	Barque	Pons	John Graham	American	264	11	Africa	Ditto	
" 24	Brig	Lidador	A. P. Vianna	Portuguese	475	28	Mozambique	Ditto	
August 2	Schooner	Aguila	F. B. A. Vianna	Brazilian	80	14	Angola	Ditto	
" 7	Ship	Fanther	J. M. Clepp	American	597	16	Africa, vza Cape Verds	Ditto	
" 13	Barque	Pilot	J. Swift	Ditto	245	10	Africa, vza Bahia	Ditto	
" 16	Brigantine	Ligeiro	J. M. de C. Homer	Brazilian	123	12	Africa, vza Azores	Ballast	
" 19	Brig	Penguin	Elicappa	Sardinian	209	13	Africa	Sundries	
" 21	Ship	Napoleon	Bendixen	Danish	497	16	Cape Verds	Ballast	
" 21	Ditto	Hartye	Schmidt	Ditto	411	14	Ditto	Ditto	
" 24	Barque	Leopold	J. C. Holte	Prussian	430	11	Ditto	Ditto	
September 1	Brig	Carl	Fisher	Hamburg	357	10	Ditto	Ditto	
" 2	Barque	Luiza	A. J. de Carralho	Brazilian	288	19	Benguela and Angola	Sundries	
" 2	Brig	Maria	Costel	French	245	9	Mozambique	Ditto	
" 7	Ditto	Dario	G. Bonsignore	Sardinian	183	11	Angola	Ditto	
" 15	Ditto	Triumphante	J. M. Pereira	Brazilian	195	17	Goa and Africa	Ditto	
" 29	Barque	Amelia	A. de B. Valente	Ditto	377	21	Azores	Ditto	

(Signed) **ROBERT HESKETH, Her Britannic Majesty's Consul.**



No. 343.

*The Earl of Aberdeen to Mr. Hesketh.*

SIR,

*Foreign Office, December 4, 1845.*

I HEREWITH transmit to you copies of a letter and of its enclosures, which I have received from Messrs. Carruthers and de Castro, of Manchester.

Although, when the partners of Messrs. Carruthers at Rio de Janeiro, addressed to you their letters of the 8th and 9th of October last, you were not in possession of any instructions from me relative to the transactions of the vessel "*Agnes*," and of those interested in her, I cannot approve of your having refused to transmit, whether to Her Majesty's Minister in Rio de Janeiro, or to this Office, those letters and their enclosures.

You will now, without delay, put yourself in communication with Mr. Hamilton, to whom I have given instructions upon this subject, and you will receive his directions thereupon.

*R. Hesketh, Esq.*  
&c. &c.

I am, &c.  
(Signed) ABERDEEN.

---

Enclosure 1 in No. 343.

*Messrs. Carruthers and Co. to the Earl of Aberdeen.*

MY LORD,

*Manchester, December 2, 1845.*

IN compliance with your Lordship's commands, we had the honour, on the 17th ultimo, of transmitting to your Lordship some information regarding the cargo shipped in Liverpool on board the American vessel "*Agnes*."

By the "*Penguin*" packet, we have received from our friends at Rio de Janeiro copies of a correspondence on the same subject, which had taken place between them and Her Majesty's Consul in that city; and we now take the liberty of laying before your Lordship copies of said correspondence.

Your Lordship will observe that our Rio partners are as desirous as we ourselves to afford to Her Majesty's Government every information on this (to us) most painful subject.

We have, &c.

(Signed) CARRUTHERS, DE CASTRO, AND CO.

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

&c. &c. &c.

---

Enclosure 2 in No. 343.

*Messrs. Carruthers and Co. to Mr. Hesketh.*

SIR,

*Rio de Janeiro, October 8, 1845.*

BEING informed by our partners in England, per "*Swift*" packet, that they had an interview with Lord Aberdeen on the 5th August last, and that his Lordship, although expressing himself perfectly satisfied with the explanations given by them respecting our transactions relative to the American vessel "*Agnes*," had nevertheless said, that he had addressed the British Representatives here, in respect to institute enquiries which would settle the matter, and as up to this date we have not received any communication on this subject, either from Her Majesty's Minister or from you, we beg to express our readiness and anxiety to give every explanation that may be required of us, and we have to hope that we will be heard as openly and frankly as we are ready to answer.

The enclosed document proves that the party who gave us the order for the cargo of the "*Agnes*" brought from Liverpool, is one of the most extensive general merchants of this market; indeed, his position is such, that we cannot conceive that any British establishment here would refuse to take an order from him for British manufactures to any extent.

Any one who has the least idea of business will at once perceive the utter impropriety of any merchant enquiring of another who purposes to risk a mercantile transaction, what he intends to do with the goods he buys, or wishes to order.

We repeat, we are ready to give whatever explanations may be required, and that the entries in our books can at any moment be examined, and they will prove, that our interest in the above-mentioned transaction, or any other of the kind that we may have effected, ended here on the receipt of the invoice of the goods shipped in England; and therefore, to pretend to make us responsible for the ulterior application of the goods, is as repugnant to reason and justice as it is destructive to the general mercantile transactions in this market.

In conclusion, we beg that this letter of ours and the enclosed document may be transmitted by you to the British Legation, that they may reach the Foreign Office, in London, along with any information that Her Majesty's Minister here may have to forward.

We remain, &c.

R. Hesketh, Esq.  
&c. &c.

(Signed) CARRUTHERS AND CO.

Enclosure 3 in No. 343.

Mr. Hesketh to Messrs. Carruthers and Co.

GENTLEMEN,

Rio de Janeiro, October 8, 1845.

YOUR letter of to-day's date has just reached me, and I hasten to repeat what I have before verbally declared, namely, that I have not received any authority or instructions, either from Her Majesty's Secretary of State for Foreign Affairs or from Her Majesty's Minister at this Court, to take any steps whatever, or make any enquiries respecting the transactions you allude to with the American vessel "*Agnes*."

Under such circumstances, I must decline intruding communications relating to such transactions on Her Majesty's Legation, and I therefore return enclosed the document you transmitted.

I am, &c.

(Signed)

ROBERT HESKETH,  
Her Britannic Majesty's Consul.

Messrs. Carruthers and Co.  
&c. &c.

Enclosure 4 in No. 343.

Messrs. Carruthers and Co. to Mr. Hesketh.

SIR,

Rio de Janeiro, October 9, 1845.

IN answer to your letter of yesterday's date, which we received at our office this morning, we have to reply, that we know it to be a fact, that Her Majesty's Secretary of State for Foreign Affairs, has written to the British Representatives here respecting the affair named in our letter to you of yesterday, Lord Aberdeen having kindly and courteously stated, on the 5th of August last, in the presence of several highly respectable merchants, that he had done so: therefore, as such communications have not reached you, they must be in the possession of Her Majesty's Minister at this Court; and, knowing as we do, that all communications to Her Majesty's Representative from the commercial body here, must be made to him through the Consulate, we felt ourselves bound to address you the letter which you acknowledge having received, the contents of which were to be laid before Her Majesty's Minister, along with the document therein sent. It is with much surprise that we receive back the document, with an answer that you decline intruding on Her Majesty's Legation any communication relating to such transactions.

Surely there is no intrusion on our part. An attempt is made to destroy our reputation; not here, for such an attempt would be above the daring of calumny itself, but at home, by pretending to insinuate that we are interested in the nefarious traffic in slaves. Information is required of Her Majesty's Legation here in respect thereof, and although we are on the eve of the sailing of the "*Penguin*" packet, no application has been made to us. Under such circumstances, we think it our duty to come forward and express our readiness to answer any questions, and meet the enquiries, that Her Majesty's Representatives may think

proper to institute about the matter ; we have, therefore, to confirm our letter of 8th instant, and to reiterate most respectfully our hope, that its contents, and also the document which we now enclose, may be placed before Her Majesty's Ministers. When the honour and credit of our commercial establishments are attempted to be destroyed by unjust accusations, you will admit that we have every cause to be anxious to remove the evil, wherever it exists ; please, therefore, not to consider us troublesome in thus again addressing you.

We remain, &c.

*R. Hesketh, Esq.*  
&c. &c.

(Signed) CARRUTHERS AND CO.

Enclosure 5 in No. 343.

*Mr. Hesketh to Messrs. Carruthers and Co.*

GENTLEMEN,

*Rio de Janeiro, October 9, 1845.*

AFTER perusing your letter of to-day, I see no reason to alter my previous answer to your request ; and I repeat, that transmitting your document to Her Majesty's Minister at your bidding alone, would be an intrusive proceeding on my part, and I therefore return the document.

I am, &c.

(Signed)

ROBERT HESKETH,  
*Her Britannic Majesty's Consul.*

*Messrs. Carruthers and Co.*  
&c. &c.

**BRAZIL. (Consular)—Bahia.**

---

No. 344.

*Mr. Whately to the Earl of Aberdeen.*

*Bahia, November 20, 1844.  
(Received January 20, 1845.)*

MY LORD,

WITH reference to the Despatch from the Consulate of October 8, 1842, wherein it is stated, that information has been received that the notorious Brazilian schooner "*Picon*," which has hitherto made so many successful voyages with slaves to this place, has been taken on the coast of Africa by one of Her Majesty's cruisers, I have now the honour to inform your Lordship, that the said schooner having been condemned at Sierra Leone, under the name of "*St. Antonio*," for infringement of the Treaties for the abolition of slave traffic, and sold there, she proceeded to England, and arrived here under British flag and register from London, having called at Sierra Leone, on the 15th June last, as the "*Izabella Anne*," of London. The Master and owner, Abraham Faircloth, re-sold her here at immense profit, and having delivered up the register to this Consulate, it was forwarded by me to the Collector of Her Majesty's Customs at London on the 13th of July last, to be cancelled.

The said schooner, now called the "*Esperanca*," left this port under Brazilian colours on the 8th August last, having cleared for a port on this coast, and returned on the 4th instant, reporting to have put back in distress; but it is well known, that she landed about 380 slaves in this neighbourhood, having thus again commenced her former nefarious career.

I have, &c.

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

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

&c.

&c.

&c.

---

No. 345.

*Mr. Whately to the Earl of Aberdeen.*

*Bahia, December 31, 1844.  
(Received April 14, 1845.)*

MY LORD,

I HAVE the honour to lay before your Lordship the enclosed lists, No. 1 and 2, of the trade between this port and the coast of Africa during the quarter ending this day, from which it appears that within the last three months more vessels have entered and cleared than has ever been the case before during a like period.

The long-continued absence of British cruisers on this part of the coast, and the fact that comparatively but few vessels belonging to this place engaged in slave traffic have been captured, tend no doubt to animate the dealers in this nefarious and abominable trade, and to increase their number.

I have, &c.

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

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

&c.

&c.

&c.

---

BRAZIL. (Consular)—Bahia.

Enclosure I in No. 345.

List of Vessels which have entered the Port of Bahia from the Coast of Africa during the Quarter ending December 31, 1844.

Bahia, December 31, 1844.

No.	Date of Entry,	Nation.	Class of Vessel.	Name of Vessel.	Tons.	Crew.	Name of Master.	Name of Owner.	Reported Cargo.	Whence.	Days out.	Remarks.
	1844.											
1	October	Brazilian	Yacht	Carolina	86	11	M. da S. Pestaua	J. da Costa, jun.	Laastro	Coast	36	230 slaves
2	"	French	Brig	Lisbonnais	168	12	Doncet	Burgain	Ditto	Onim	37	
3	"	Brazilian	Yacht	Graciosa Vingativa	16	8	M. G. Castilho	M. D. L. Vianna	Ditto	Ditto	36	120 ditto
4	"	Sardinian	Barque	Rosa	279	22	M. Dodero	S. Noli	Ditto	Ditto	45	
5	"	American	Brig	Albert	132	10	Woodbury	A. W. Stanley	General	Ajudah	35	
6	"	Brazilian	Yacht	Maria	51	11	O. S. Lopes	C. J. de Souza	Ballast	Onim	52	240 ditto
7	November	Ditto	Ditto	Viro	26	11	J. F. dos Santos	F. Cosme	Ditto	Ditto	41	
8	"	French	Barque	Ceres	292	17	Leloup	Bogenool	Ditto	Ditto	29	
9	"	Sardinian	Schooner	Esperanga	88	8	D. Parode	D. Parode	Ditto	Ditto	28	
10	"	Brazilian	Ditto	Esperanca	..	..	..	..	Ditto	Ditto	..	380 ditto
11	"	Ditto	Ditto	Felicidade	173	13	J. J. da Silva	F. C. Guimraes	Ditto	Put back	66	560 ditto; 80 slaves drowned on embarking in Africa
12	December	Ditto	Smack	Minerva	70	16	J. F. Soares	A. da C. Machado	Ditto	Onim	27	
13	"	Ditto	Yacht	Flor do Recife	32	11	M. B. de Freitas	A. da C. Machado	General	Ditto	36	
14	"	Sardinian	Schooner	Iride	100	16	A. Denegré	A. da C. Machado	Ballast	Ditto	19	
15	"	Brazilian	Yacht	Rafael	90	14	A. J. de Valle	A. da C. Machado	Ditto	Ditto	20	

JOHN WHATELY, Vice-Consul.

Enclosure 2 in No. 345.

List of Vessels which have sailed from the Port of Bahia for the Coast of Africa during the Quarter ending December 31, 1844. Bahia, December 31, 1844.

No.	Date of Clearance.	Nation.	Class of Vessel.	Name of Vessel.	Tons.	Crew.	Name of Master.	Name of Owner.	Cargo.	Whither.	Remarks.
1	October 1	Sardinian	Brig	Principe Eugenio	167	13	A. Lograra	..	Ballast	Coast	
2	"	Spanish	Felucca	Pepita	70	28	D. Juan	..	Ditto	Ditto	
3	"	Sardinian	Polacca	Joanita	203	11	N. Pessa	..	Ditto	Ditto	
4	"	Brazilian	Yacht	Graciosa Vingativa	16	8	M. G. Catendo	..	Ditto	S. Thomé	
5	November 3	Ditto	Ditto	Carolina	37	11	M. da S. Pestana	..	Ditto	Coast	
6	"	Ditto	Ditto	Tres Amigos	112	14	J. P. Aronca	..	Ditto	S. Thomé	
7	"	Ditto	Ditto	Mariquinhas	..	..	T. Neville	..	General	Ditto	
8	"	Ditto	Ditto	Cazuza	..	19	J. F. da Costa.	..	Ditto	Coast	
9	"	Sardinian	Polacco	Maria	242	8	J. B. Grondona	..	Ditto	Ceara	
10	"	Brazilian	Schooner	Esperanga	118	8	A. J. D'Oliveira	..	Ditto	Coast	
11	"	American	Ditto	Washington's Barge	146	8	J. B. Grondona	..	Ballast	Ditto	
12	"	Sardinian	Brig	Carebo	217	11	T. Duling	..	Ditto	Coast	
13	December 2	Brazilian	Yacht	Maria	51	12	S. Zino	..	Ditto	S. Catherina	
14	"	American	Brig	Albert	130	10	O. dos S. Lopes	..	General	Coast	
15	"	Brazilian	Yacht	Vivo	26	13	J. F. Woodbury	..	Ballast	S. Thomé	
16	"	Sardinian	Schooner	Esperanga	104	9	J. F. dos Santos	..	Ditto	Coast	
17	"	French	Brig	Jumeaux	135	8	D. Parodi	..	General	Ditto	
18	"	Brazilian	Launch	Diligencia	53	13	Chambert	..	Ditto	S. Thomé	
19	"	Sardinian	Schooner	Emilia	294	14	A. J. Tiburecio	..	Ditto	Coast	
20	"	Brazilian	Ditto	Esperanga	118	13	G. Giliano	..	Ditto	S. Thomé	
21	"	Portuguese	Ditto	Audaz	152	13	J. E. da Silva.	..	Ditto	Coast	
22	"	French	Brig	Mathilde	183	11	B. F. da Silva.	..	Ditto	Ditto	

JOHN WHATELY, Vice-Consul.

No. 346.

*Mr. Whately to the Earl of Aberdeen.**Bahia, March 31, 1845.**(Received June 18.)*

MY LORD,

I HAVE the honour to lay before your Lordship the enclosed lists, Nos 1 and 2, of the trade between this port and the coast of Africa during the quarter ending this day.

I beg to remark to your Lordship, that it has been lately the custom of vessels sailing from this port to the coast of Africa, which were intended to bring back slaves, to clear out for some port on the Brazil coast, and when they return, give entry as having put back, so that they do not appear in the lists of departures or arrivals.

I have, &amp;c.

(Signed) JOHN WHATELY, *Vice-Consul*.*The Right Hon. the Earl of Aberdeen, K. T.*

&amp;c.

&amp;c.

&amp;c.

Enclosure 1 in No. 346.

List of VESSELS which have entered the Port of Bahia from the Coast of Africa, during the Quarter ending March 31, 1845.

Bahia, March 31, 1845.

No.	Date of Entry.	Nation.	Class.	Name of Vessel.	Tons.	Crew.	Name of Master.	Name of Owner.	Cargo.	Whence.	Days out.	Remarks.
1	1844. January 8	Sardinian	Schooner	Carlotta	193	10	F. S. Rossi	Fratelli Sechino	Ballast	Onim	24	
2	" 21	Portuguese	Yacht	Graciosa Vingativa	16	8	Manoel G. Carpendo	Lopes Vianna	Ditto	Ditto	28	
3	" 23	Sardinian	Polacca	Joanita	203	10	Nicolao Bisio	"	General	Ajuda	23	
4	" 24	Ditto	Brig	Principe Eugenio	195	12	A. Lagarara	"	Ditto	Onim	26	
5	February 1	Brazilian	Yacht	Nimpha	26	12	L. R. Fraga	Joao Nicolao Gomes	Ballast	Ditto	30	
6	" 21	Sardinian	Brig	Corebo	161	11	S. Hino	"	Ditto	Ditto	24	
7	March 7	Ditto	Polacca	Maria	242	17	J. B. Grondon	Guiseppe Carrena	Ditto	Ditto	21	
8	" 24	Ditto	Schooner	Esperanca	104	9	D. Parodi	"	Ditto	Ditto	32	
9	" 30	Ditto	Brig	Emilia	214	14	G. Galliano	"	Ditto	Ajuda	27	

JOHN WHATELY, Vice-Consul.

Enclosure 2 in No. 346.

List of VESSELS which have sailed from the Port of Bahia for the Coast of Africa, during the Quarter ending March 31, 1845.

Bahia, March 31, 1845.

No.	Date of Sailing.	Nation.	Class.	Name of Vessel.	Tons.	Crew.	Name of Master.	Name of Owner.	Cargo.	Whither.	Remarks.
1	1844. January 1	Brazilian	Yacht.	Vivo	26	13	Francisco dos Santos	"	General	Coast	
2	" 9	Belgian	Barque	Mangellan	366	12	L. Meyer	"	Ditto	Ditto	
3	" 18	Brazilian	Smack	Boa Sorte	76	13	Alexander J. Vieira	"	Ditto	Ditto	
4	" 29	American	Brig	Escalus	219	11	W. C. Rogers	"	Ditto	Ditto	
5	" 30	French	Barque	Industrie	309	14	Cezar Facetres	"	Ditto	Ditto	
6	February 12	Sardinian	Schooner	Iride	106	10	A. Donogri	"	Ditto	Ditto	
7	" 20	Brazilian	Yacht	Rafael	90	14	L. L. Monteiro	"	Ditto	Ditto	
8	" 27	French	Barque	Lings	191	11	Charles Fabre	"	Ditto	S. Thomé	
9	March 1	Portuguese	Yacht.	Graciosa Vingativa	16	9	Manoel Goncalvez	"	Ditto	Coast	
10	" 3	Sardinian	Barque	Corebo	277	15	Gio Batta	"	Ditto	Ditto	
11	" 5	Ditto	Barque	Sansone	225	15	G. Berthequarne	"	Ditto	Ditto	
12	" 6	Brazilian	Smack	Minerva	70	16	F. Joze da Roza	"	Ditto	Ditto	
13	" 14	Sardinian	Brig	Frederico	161	13	G. Barollete	"	Ditto	Ditto	
14	" 30	Ditto	Ditto	Carlota	193	10	F. S. Roza	"	Ditto	Ditto	

JOHN WHATELY, Vice-Consul.



No. 347.

*Mr. Whately to the Earl of Aberdeen.**Bahia, April 25, 1845.**(Received June 18.)*

MY LORD,

I HAVE the honour to make known to your Lordship, that the American schooner-brig "*Washington Barge*," Captain Thomas Duling, sailed with a general cargo for the coast of Africa on the 1st December last, and returned to this port on the 20th instant, under the name of "*Fantasma*," Goncalves, Master, with the Brazilian flag, and is reported to have landed in this neighbourhood upwards of 600 slaves.

I have, &amp;c.

(Signed) JOHN WHATELY, *Vice-Consul*.*The Right Hon. the Earl of Aberdeen, K.T.*

&amp;c.

&amp;c.

&amp;c.

No. 348.

*Mr. Whately to the Earl of Aberdeen.**Bahia, June 5, 1845.**(Received July 15.)*

MY LORD,

I HAVE the honour to transmit to your Lordship the copy of a communication which I have received from the President of this province, with the enclosure alluded to therein, respecting the cessation of the right of search.

I have, &amp;c.

(Signed) JOHN WHATELY, *Vice-Consul*.*The Right Hon. the Earl of Aberdeen, K.T.*

&amp;c.

&amp;c.

&amp;c.

Enclosure 1 in No. 348.

(Translation.)

*Senhor d'Andrea to Mr. Whately.*

SIR,

*Palácio do Governo da Bahia, March 31, 1845.*

IN order that you may be aware, I transmit enclosed copy of an Avizo from the Minister of Justice, under date of the 15th instant, relating to the cessation of the right of visit and search, the term of which expired on the 13th of the said month, as well as all other stipulations contained in the Convention between Brazil and Great Britain, on the abolition of the Slave Trade, Additional Articles, Instructions, and Regulations thereto annexed; and whatever else the said Avizo contains on the subject.

(Signed) F. J. DE SOUZA SOARES D'ANDREA.

*J. Whately, Esq.*

&amp;c. &amp;c.

Enclosure 2 in No. 348.

(Translation.)

*Senhor Galvao to Senhor d'Andrea.*

EXCELLENT SIR,

*Palace of Rio de Janeiro, March 15, 1845.*

HIS Excellency the Minister of Foreign Affairs has communicated to me, that on the 13th instant the term of the 15 years expired during which, by the Conventions between Brazil and Great Britain on the abolition of the Slave Trade, continued in force that of the 28th July, 1817, and consequently terminating on that day the right of visit and search, and all other stipulations contained in the said Convention, Additional Articles, Instructions, and Regulations connected therewith, which I communicate to your Excellency in order that you may be acquainted thereof; as also, that until a proper court be organized for judging the seizures made owing to the illicit traffic in slaves, the decision of

such causes appertains to the common courts of law of the country; and that your Excellency will give immediate notice to the Secretary of State of whatever may hereafter occur on the subject.

(Signed) MANOEL ANTONIO GALVAO.  
JOZE MARIA SERVULO SAMPAIO,  
*Acting-Secretary.*

*His Excellency the President of the Province of Bahia,*  
&c. &c.

---

No. 349.

*Mr. Whately to the Earl of Aberdeen.*

*Bahia, June 30, 1845.*  
(Received August 21.)

MY LORD,

I HAVE the honour to lay before your Lordship the enclosed lists, Nos. 1 and 2, of the trade between this port and the coast of Africa, during the quarter ending this day.

I have, &c.  
(Signed) JOHN WHATELY, *Vice-Consul.*

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

---

## Enclosure 1 in No. 349.

List of Vessels which have entered the Port of Bahia from the Coast of Africa during the Quarter ending 30th June, 1845.

Bahia, June 30, 1845.

No.	Date of Entry.	Nation.	Class.	Name of Vessel.	Tons.	Crew.	Master.	Cargo.	Owner.	Whence.	Days out.	Remarks.
1	1845. April 20	Brazilian	Brig-schooner	Fantasma	136	12	M. G. Goncalvez	Ballast	..	Onim	39	
2	" 23	American	Brig schooner	Albert	252	10	Woodberry	Ditto	..	Ditto	27	
3	" 19	Belgian	Barque	Magellan	219	13	Louis Meyer	Ditto	..	Ditto	30	
4	" 20	American	Brig	Escalus	198	11	W. C. Rogers	Ditto	..	Ditto	30	
5	" 25	French	Brig	Juneaux	100	8	J. L. Digard	Ditto	..	Ditto	43	
6	" 25	Sardinian	Schooner	Iride	100	10	A. Venegre	Ditto	..	Agness	18	
7	" 26	French	Brig	Mathilde	180	19	N. C. Legonder	Ditto	..	Onim	41	

JOHN WHATELY, Vice-Consul.

## Enclosure 2 in No. 349.

List of Vessels which have sailed from the Port of Bahia for the Coast of Africa, during the Quarter ending 30th June, 1845.

Bahia, June 30, 1845.

No.	Date of Sailing.	Nation.	Class.	Name of Vessel.	Tons.	Crew.	Master.	Owner.	Cargo.	Whither.	Remarks.
1	1845. April 17	French	Barque	Mithridite	..	..	M. Cauven	..	General	Coast of Africa	
2	" 19	Sardinian	Brig	Corebo	..	..	Felice Dodaro	..	Ditto	Ditto	
3	" 21	Brazilian	Yacht	Marquinhas	..	..	F. Venelli	..	Ditto	Ditto	
4	May 11	Sardinian	Brig	Norma	..	..	A. Bondini	..	Ditto	Ditto	
5	" 28	American	Yacht	Seaford	..	..	J. Sonder	..	Ditto	Ditto	
6	" 30	French	Schooner	Tagioni	..	..	J. M. Savary	..	Ditto	Ditto	
7	June 15	Brazilian	Yacht	Annozo	..	..	F. J. d'Arago	..	Ditto	Ditto	

JOHN WHATELY, Vice-Consul.

No. 350.

*Mr. Whately to the Earl of Aberdeen.*

*Bahia, September 30, 1845.*  
*(Received November 29.)*

MY LORD,

I HAVE the honour to lay before your Lordship, the enclosed lists, Nos. 1 and 2, of trade between this port and the coast of Africa during the quarter ending this day.

I have, &c.

(Signed)

JOHN WHATELY, *Vice-Consul.*

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

&c.

&c.

&c.

---

## Enclosure 1 in No. 350.

List of Vessels which have entered the Port of Bahia from the Coast of Africa, during the Quarter ending September 30, 1845.

Bahia, September 30, 1845.

No.	Date of Entry.	Nation.	Class.	Name.	Tons.	Crew.	Master.	Owner.	Cargo.	Whence.	Days out.	Remarks.
1	July 4	Brazilian	Brig	Logo te Direi	..	17	A. Lopes Guimaraes	..	Ballast.	Ajuda	38	Reported to have landed slaves
2	" 5	French	Barque	Industrie	309	16	A. Fautrel	..	General	Onim	21	
3	August 2	Brazilian	Brig	Espiga	..	16	Joao Francisco de Souza	..	Ballast	River Lagos	22	Ditto
4	" 18	Ditto	Yacht	Magico	..	7	J. Francisco dos Santos	..	Ditto	Onim	24	Ditto
5	September 10	Ditto	Brig schooner	Fantasma	156	10	A. P. de Brito	..	Ditto	Sierra Leone	16	
6	" 14	French	Schooner	Taglioli	122	10	Joseph Savary	..	Ditto	Onim	27	
7	" 27	Brazilian	Yacht	Mariquinhas	45	9	Thomas Neville	..	Ditto	Sierra Leone	32	

JOHN WHATELY, Vice-Consul.

## Enclosure 2 in No. 350.

List of Vessels which have sailed from the Port of Bahia for the Coast of Africa, during the Quarter ending September 30, 1845.

Bahia, September 30, 1845.

No.	Date of Sailing.	Nation.	Class.	Name.	Tons.	Crew.	Master.	Owner.	Cargo.	Whither.	Remarks.
1	July 1	Sardinian	Polacca	S. Antonio	..	..	G. Sartorio	..	General	Coast of Africa.	
2	" 10	Ditto	Schooner	Iride	..	..	Andre Denevri	..	Ditto	Ditto	
3	" 27	Ditto	Brig	Emperto	..	..	G. Pifaluga	..	Ditto	Ditto	
4	August 30	French	Barque	Industrie	..	..	A. Fautrel	..	Ditto	Ditto	
5	" 31	Ditto	Brig	Les Amis	..	..	Lefebvre	..	Ditto	Ditto	
6	September 1	American	Ditto	Escalus	..	..	H. C. Rogers	..	Ditto	Ditto	
7	" 21	Sardinian	Polacca	Galileo	..	..	E. Solari	..	Ditto	Ditto	

JOHN WHATELY, Vice-Consul

**BRAZIL. (Consular) — Maranham.**

---

No. 351.

*Mr. Corbett to the Earl of Aberdeen.*

*Maranham, December 14, 1844.*

*(Received April 3, 1845.)*

MY LORD,

I HAVE the honour to make known to your Lordship, that the Brazilian patacho "*Aguia Maranhense*," cleared out from this port for the coast of Africa on the 25th of last month, and enclosed I transmit a statement of her outward cargo.

The notorious Brazilian schooner "*Amalia*," now called the "*Quatro de Março*," Joao Carlos Gomes, Master, has lately sailed for Lisbon, and it is suspected that on her return voyage she will call at Gibraltar, for a false clearance, with wines, from whence, she will touch at the Cape de Verd islands for slaves, for the purpose of endeavouring to land them to the southward of this port; it is rumoured, that on her former voyage, with manifests from Lisbon and Gibraltar, she landed, in September, near to Saint Ann's Lighthouse, in latitude 2° 18' south, about 50 slaves.

I have, &c.

(Signed) R. FALCONER CORBETT, *Consul.*

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

&c.

&c.

&c.

Enclosure in No. 351.

*Maranham, December 14, 1844.*

MANIFEST of the outward cargo laden at Maranham, on board of the Brazilian patacho "*Aguia Maranhense*," Joze Antonio Cidade, Master, burthen per register 95 $\frac{58}{100}$  tons, and bound for St. Thome, Principe, and the coast of Africa:—

Owners' Names.	Description of Cargo.
Widow of Antonio da Cunha, Goncalves, Affonso and Co., and Antonio Pinto Ferreira Vianna . . . . .	30 Pipes of Brazil rum 9 Ditto, re-distilled 14 Bales of dry goods 26 Cases of ditto 280 Bars of iron. 2 Barricas or casks 2 Rolls of tobacco 200 Barrels of gunpowder

R. FALCONER CORBETT, *Consul.*

No. 352.

*Mr. Corbett to the Earl of Aberdeen.**Maranham, January 21, 1845.  
(Received April 3.)*

MY LORD,

I HAVE the honour to transmit to your Lordship a return of the departures from this port to the coast of Africa during the quarter ending 31st December, 1844.

I have, &amp;c.

(Signed)

R. FALCONER CORBETT, *Consul.**The Right Hon. the Earl of Aberdeen, K.T.*

&amp;c.

&amp;c.

&amp;c.

## Enclosure in No. 352.

LIST of Vessels which have sailed from the Port of Maranham to the coast of Africa, during the Quarter ending December 31, 1844.

*Maranham, December 31, 1844.*

Date.	Nation.	Description.	Name of Vessel.	Name of Master.
1844. November 25	Brazilian	Patacho	Aguia Maranhense	Joze Antonio Cidade
Tonnage.	Crew.	Where bound.	Cargo.	Owners' Names.
95	14	St. Thome, Principe, and coast	Rum, dry goods, &c.	Widow Affonco and A. P. F. Vianna

(Signed)

R. FALCONER CORBETT, *Consul.*

No. 353.

*Mr. Corbett to the Earl of Aberdeen.**Maranham, March 31, 1845.  
(Received May 20.)*

MY LORD,

I HAVE the honour to transmit to your Lordship the quarterly returns ending this day of the only vessel that is suspected of being employed in the Slave Trade between the Cape de Verd islands and this port; the owner of this vessel, Joze Severino de Aveller, came lately to this place in a steamer from the southward, and he is well known at the Azores as being extensively interested in the illicit Slave Trade. It is rumoured that a limited number of slaves were landed at his estate on the borders of this province.

I am extremely happy in being enabled to state, for the information of your Lordship, that the vessel "*Aguia Maranhense*," named in my Despatch of this series of 14th December, 1844, put into Cayenne very leaky, was there condemned as being unseaworthy, and the crew arrived in this port in His Majesty the King of the French's canonière-brick "*Boulonnaise*," Lieutenant Tardy de Montravel

I have, &amp;c.

(Signed)

R. FALCONER CORBETT, *Consul.**The Right Hon. the Earl of Aberdeen, K.T.*

&amp;c.

&amp;c.

&amp;c.

Enclosure in No. 353.

LIST of Arrivals of Vessels suspected of being employed in Slave Trade at Maranham, from the Azores during the Quarter ending March 31, 1845.

Maranham, March 31, 1845.

Date.	Nation.	Description.	Name of Vessel.	Name of Master.	Tonnage.	Crew.
1845. February 23 .	Portuguese .	Brig .	Nitheroy .	J. M. de Souza .	145	14

Whence.	Days passage.	Reported nature of Cargo.	Owner's Name.
Island of Fayal .	Sailed from Fayal, 1st February	Ballast . . . .	Joze Severino de Avellar, of Azores.

N.B. This Vessel is now loading for the island of Fayal.

(Signed) R. FALCONER CORBETT, *Consul.*

No. 354.

*The Earl of Aberdeen to Mr. Corbett.*

*Foreign Office, August 8, 1845.*

SIR,

I TRANSMITTED to Her Majesty's Envoy at Lisbon an extract from your Despatch of the 14th December, 1844, regarding the sailing of the Brazilian schooner "*Amalia*," now called "*Quatro de Marco*," for Lisbon," suspected of Slave Trade; and I directed Her Majesty's Envoy to request the Portuguese Government to make enquiry into the facts, as they should appear at that place.

I now transmit to you a copy of a Despatch which I have received from Her Majesty's Envoy, giving the result of the enquiries made at Lisbon.

I also transmitted to the Colonial Department in this country an extract from your Despatch, in order that the Authorities at Gibraltar, at which port you mentioned that it was said that this vessel would touch on her return voyage for a false clearance, might be made aware of the supposed intentions of the owners and Master.

I have not heard yet the result of the last-mentioned communication.

R. F. Corbett, *Esq.*  
&c. &c.

I am, &c.  
(Signed) ABERDEEN.

Enclosure in No. 354.

*Lord Howard de Walden to the Earl of Aberdeen, July 10, 1845.*

(See No. 182, page 187..)





## BRAZIL. (Consular)—Para.

No. 355.

*Mr. Ryan to the Earl of Aberdeen.*

*Para, December 31, 1844.  
(Received April 2, 1845.)*

MY LORD,

SINCE my last quarterly Despatch of the 1st October, there have been no arrivals in this province of slaves from Africa, nor have any been landed for the purpose of sale from any of the southern provinces of the Empire; no ships armed.

I have, &c.

(Signed) RICHARD RYAN, *Consul.*

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

No. 356.

*Mr. Ryan to the Earl of Aberdeen.*

*Para, December 31, 1844.  
(Received April 2, 1845.)*

MY LORD,

I HAVE the honour to transmit your Lordship herewith, a return marked No. 1, of the population of this province at present; it is my Lord, however, founded on private information, as no official documents exist up to the day in the hands of the Government as regards the census of any part of the province.

I have, &c.

(Signed) RICHARD RYAN, *Consul.*

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

Enclosure in No. 356.

*Para, December 31, 1845.*

STATEMENT of the Population of the Province of Para (Brazil) distinguishing Males from Females, and Free People from Slaves, and separating Whites from Mixed Free Coloured and Blacks, or Slaves.

Classes.	Males.	Females.	Adults.	Children.	Total.
Whites, natives . . . . .	3,932	4,620	5,981	2,571	8,552
Whites, foreigners . . . . .	8,340	2,940	9,372	1,908	11,280
Free Coloured, natives . . . . .	55,090	82,096	103,554	33,632	137,186
Slaves . . . . .	13,319	14,932	21,358	6,893	28,251
Total . . . . .	80,681	104,588	140,265	45,904	185,269

The Slaves continue to be well fed and not overworked; but a large proportion of them are old, and dying away fast. This class will henceforward rapidly diminish, if not replaced by importations from Africa; but I see no likelihood of such event occurring.

(Signed)

RICHARD RYAN, *Consul.*

No. 357.

*Mr. Ryan to the Earl of Aberdeen.**Para, March 31, 1845.*  
(*Received May 14.*)

MY LORD,

I HAVE the honour to inform your Lordship, that during the quarter ending to-day there has not been any importation of slaves in this province from the coast of Africa, nor have any arrived from the southern provinces of the Empire; and I am happy to say, there has not been any attempt by our merchants to fit out or freight ships for slaving purposes; in reality, there are no capitalists in the province to undertake such traffic, notwithstanding the tendency of all Brazilians and resident Portuguese to perpetuate this nefarious commerce.

I have, &amp;c.

(Signed)

RICHARD RYAN, *Consul*.

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

No. 358.

*Mr. Ryan to the Earl of Aberdeen.**Para, July 1, 1845.*  
(*Received September 18.*)

MY LORD,

I HAVE the honour to report to your Lordship, that during the quarter ended yesterday no slave ships from Africa or other places have appeared on the coast of this province, nor during this period have any armaments been fitted out for slaving purposes.

I have, &amp;c.

(Signed)

RICHARD RYAN, *Consul*.

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

No. 359.

*Mr. Ryan to the Earl of Aberdeen.**Para, October 1, 1845.*  
(*Received November 20.*)

MY LORD,

I HAVE the honour to report to your Lordship, that during the quarter ended yesterday no slave ships have appeared on any part of the coast of this province, nor have any ships been fitted out here for slaving purposes during the said period.

I have, &amp;c.

(Signed)

RICHARD RYAN, *Consul*.

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

**BRAZIL. (Consular)—Paraiba.**

---

No. 360.

(Extract.) *Mr. Newcomen to the Earl of Aberdeen.*

*Paraiba, February 3, 1845.  
(Received May 6.)*

MY LORD,

I HAVE to report, that from no port within the district coming under my official cognizance have any vessels sailed for the coast Africa during the year 1844; nor have any arrived from thence within a similar period.

In consequence of the absence of British cruisers from this coast, it was hoped, at the commencement of last year, that numerous importations of African blacks would take place to the southward of this province; and numbers of Paraibanos had openly stated their intentions of adding considerably to their stocks of slaves.

It would, however, appear, that such expectations were happily not destined to be realized, as many of those who went to Pernambuco with the avowed purpose of purchasing contraband slaves, returned without any, and others with only a few, stating, that the supply of, was by no means equal to the demand for, slave labour in that and the more southern provinces.

Slave holders here are not generally aware of, what I am convinced is the case, that by blockading the creeks, rivers, inlets and other places known as the resort of slavers on the coast of Africa, Her Majesty's cruisers can and do act with much more effect in the suppression of the traffic than they could possibly do while cruising off a line of coast so extended, and offering so many friendly harbours to the slaver, as that of Brazil.

In the report transmitted with my Slave Trade Despatch, of May 29, 1844, I stated, that I had taken measures which I trusted would enable me to furnish, in my annual Slave Trade report, a list of the contraband slaves imported into this province, both inland and coastways, as also of the mortality among them within the year.

With the exception of the sugar cane planters, few persons in this province purchase or hold contraband slaves.

The cane estates are all situated close to the coast or to the river of Parahyba, a not very extended district, and are, moreover, few in number; so that the being possessed of a thorough knowledge of the slave trading transactions engaged in by their proprietors, where no secret is sought to be made thereof, affords but small matter for self-congratulation.

I have been enabled to make myself acquainted, personally, or by good authority, with the nature and extent of the property in slaves, held by the several Senhors d'Engenhos, and thus possess the means of testing the correctness of the information furnished to me with reference to the importation of contraband slaves within the year. All the means within my power have been made available to render this information as correct and minute as possible. The result, which I now lay before your Lordship, is to me both surprising and gratifying.

It would appear, that during the year 1844, the total number of slaves introduced into this province was 178, of whom 129 were either creoles or

Africans said to have been imported prior to 1831, and who, judging from the fluency with which they speak the Portuguese language, must have been at least four or five years in Brazil.

Of the said 129 slaves, whom I shall assume to be legally held, the greater portion belong to a widow lady, who, driven out of Pernambuco by the murderers of her husband, a Senhor d'Engenho in that province, removed with all her slaves to the Province of Paraíba, where she has taken a lease of a sugar cane estate, and set up an engenho. The remainder came here in company with their masters, who had been sent from the southward to take charge of Government offices in this province. And I do not find that a single slave, supposed to be legally held, has either been sent hither for sale or been purchased elsewhere by any one within my district.

It would further appear, that of the 178 slaves introduced into this province during the year 1844, 49 were indubitably and admittedly bozal negroes, or, as they are termed here, negros novos. They were brought from Pernambuco in jangadas or canoes, and landed at the several fishing villages of Ponta das Pedras, Pitimbú, Tambau, and Bahia de Traição. Forty-four were purchased by Senhores d'Engenhos, the largest lot being 11 and among this number only three deaths have taken place. The remaining five, none of whom have died, were purchased by residents in town, for domestic purposes.

Therefore, making what I deem a large allowance for such introductions of contraband slaves into the district coming under my official cognizance, as might by any possibility have taken place without coming to my knowledge, I should confidently state the amount total to be under 60, showing an almost incredible decrease as compared with the number of 1500 given in my Slave Trade report of July 24, 1843, as the supposed average of the annual importation of contraband slaves for the five years terminated December 31, 1842. It should, moreover, be borne in mind, that these 60 slaves are not to be added to, but are to be considered as forming a part of the number of contraband slaves reported by Her Majesty's Consulate at Pernambuco as having been imported into that province.

It is asserted, that the numerous infractions of Treaty, and violations of law with regard to the Slave Trade, are to be attributed solely to the inability of the Brazilian Government to take such strong and vigorous measures as it could desire for the fulfilment of the one and the maintenance of the other; since, so strong is public opinion in favour of the Slave Trade, the adoption of such would cause an insurrection so general throughout the country, that the Imperial Government would be unable to cope therewith.

Such assertions are supposititious and unfounded. The means by which the state of public opinion may be ascertained in other countries, are not attainable in Brazil, whose corrupt and scurrilous press is notoriously in the interest of the slave trading companies, and cannot be looked upon as the organ of the people. The fact is, that the persons interested in slave property, although rendered influential by their wealth and standing, are comparatively few in number; and it is most certain, that the mass of the Brazilian people, being wholly uninterested in the Slave Trade or slavery, would look on with indifference at any efforts the Government might deem it expedient to make for the suppression of the one or the abolition of the other.

Were the Brazilian Government really influenced by a sincere desire for a total suppression of the Slave Trade, and the gradual abolition of slavery throughout its dominions; and were it only deterred from acting upon such desire by a fear of the results, we should at least expect to find it indirectly working out the desired end, by taking such steps as, to the most superficial observer, must appear calculated not only to lessen the inducements for engaging in the Slave Trade, and the difficulties attendant upon its suppression, but also to prepare the country for a general emancipation of its slaves.

I would ask, Why is not a greater zeal displayed in bringing the Indians within the pale of what is termed the civilized community? And why are not those already within that pale, protected and secured in the full enjoyment of their rights as freemen?

The Brazilian Government makes a pompous statement of its exertions to civilize and afford religious instruction to the Indians. It is true that they have a few missions engaged in that object, but they are most unsuccessful; nor can it

be otherwise while it is known among the barbarous tribes, that those of their brethren who acted upon the advice of such missions have, for the most part, only exchanged freedom and a life in the woods for civilization and a species of serfdom—since many *Senhors d'Engenhos* compel them to work upon the same terms as their slaves, namely, a scanty supply of food and clothing; should they refuse to work, or threaten to leave the estate, they are threatened with being recruited and sent to Rio Grande do Sul; and so great is their aversion to being made soldiers of, that, choosing what they deem the lesser evil, they continue in their state of serfdom, and this, forsooth, of their own accord.

I would further ask, Why is not more encouragement given to colonization? The Minister for the Home Department does indeed, in his annual report to the General Assembly, give an article headed Colonization, but there the matter generally ends. This year there is a very flourishing account of the arrival of the vast number of 107 colonists for the Belgian Brazilian colony in St. Catharina; and *Senhor Torres*, the Secretary of State, thus concludes: "I shall terminate the present article by impressing upon you the importance of promoting colonization in order to supply the want of labourers, which is every day becoming more sensibly felt. For want of legislation upon this subject, and upon the sale of lands, the Government cannot come to a resolution with respect to an undertaking which, meanwhile, it considers advantageous to the country. The exposition of it is given in the last report presented by me to the legislative body, and I here offer it to your consideration. A British subject, pleased with the climate and other circumstances of the province of Bahia, manifested desires of forming there, in company with some of his friends, agricultural establishments with free labourers, thus giving employment to their capital, which they could not find for it in Europe, for want of unoccupied land, and superabundance of population. In order to commence his undertaking, he directed himself to the President of the province, through his proctor, soliciting him to declare what would be the best title with which 50 or 100 English capitalists, disposed to establish themselves as farmers in the said province, could acquire from 100,000 to 300,000 *tarefas*\* of land, in one or more lots, in the circuit of the capital, or in its (the provinces) interior; and what would be the cost of this land. The subject remained entirely to be decided; and perhaps the want of decision has been the cause of more enterprises of a similar nature not appearing." Of this there can be little doubt; and I consider it a sufficient comment upon the indifference manifested by the Brazilian Government toward the great and desirable object of European colonization, by their never having caused the alleged want of legislation on the subject to be supplied, nor even taken the trouble to give a satisfactory reply to the person by whom the information was required, although, I believe, more than four years have now elapsed since it was first sought, and the subject has been, for two years successively, ostentatiously alluded to in the annual report of the Secretary of State for the Affairs of the Empire.

Brazilians say, that were they deprived of slaves, ruin would be the consequence, as, from the indolence of the free people, they could not be induced to labour to a greater extent than would be necessary to obtain for them the bare means of subsistence, with which nature almost spontaneously supplies them. To the drawing of so sweeping a conclusion from the present state of things, I must demur; and in support of such demurrer I would advance, That in the *sertoes* and cotton districts, where there are scarcely any slaves, no difficulty is experienced in the obtainment of free labour; but, on the contrary, able-bodied men can always be hired at the rate of 240 reas per diem, which is equivalent to 6*d.* at the average exchange of the last year, being 9,600 reas per pound sterling; that seven new *engenhos* having been last year established in the *Brejo d'Area*, a district hitherto producing cotton exclusively, the proprietors possessing each only a few slaves, and finding it impossible to make up a manual power sufficient for the working of their estates, either by adding to the number of their slaves, or by hiring free people to make up the deficiency, at length marked off certain portions of the estates upon which free labour only should be employed, to be paid for by the task; immediately this was known, numbers of the free people came forward, and contracted on very moderate terms for the

\* Figurative; signifies the portion of cane ground sown in a day, probably about a rood.—B. N.

cultivation of the several lots: those contracts being honestly and satisfactorily fulfilled, such portions of the estates yielded to the proprietors thereof a larger nett profit than those cultivated by slave labour.

From all which it may fairly be deduced, firstly, that the difficulty of procuring free labour in towns or on sugar estates, arises not so much from the indolence of the free people, as from their objection to work conjointly, or be placed on a seeming equality, with slaves; therefore, this prejudice being one of condition, and not of caste or colour, the emancipation of slaves will necessarily decrease the difficulty of procuring free labour; and secondly, that where the labour of free people can be obtained, it is found more economical than that of slaves.

However, even though the alleged impossibility of inducing the free people here to perform field labour, arose solely, as is asserted, from their indolence, a remedy might easily be found therefor. A law, or regulations having the force of law, might be passed, by which people would be compelled to maintain a certain appearance, and to possess ostensible means of supporting the same, on pain of being recruited for the military service.

For some such measure I find a precedent furnished by the records of Maranhão; the Provincial Council having there passed a law, (into the details of which I shall not enter,) with the object of obliging the people to better their condition and habits of living, and, consequently, to become proportionably more industrious, this law was found to work very well, but, unfortunately, fell into disuse on the Provincial Council's being abolished.

I find that the adoption of a similar measure was proposed in this province, and rejected by a small majority.

These remarks, which I trust may not be deemed irrelevant, emanate from the conviction, long formed, and which daily events and observations strengthen and confirm, that could we force a competition between free and slave labour much would be done toward weakening the opposition which the Government of Brazil will have to encounter in any measures they may take for the abolition of slavery, or even for the due enforcement of laws made, and the preservation of Treaties entered into with regard to traffic in slaves; and it strikes me, that an encouragement of European colonization, the civilization and settlement of the wandering tribes of Indians, and the passing of salutary laws for the regulation of free labour, are measures eminently calculated to effect such an object.

The annexed note of the amount and value of the exports from this province during the year 1844 of such staple productions of the country as are produced wholly or in part by slave labour, shows a considerable increase over the average of the five years ended December 31, 1842, as given in my Despatch of July 24, 1843. However, this increase is not attributable to an extension of cultivation or an increased supply of labour, but solely to a very favourable season.

In the production of sugar I am of opinion that seven-eighths of slave, and one-eighth of free labour is employed. In the cultivation of cotton four-fifths, of the labour is that of free people, and only one-fifth that of slaves.

EXPORTS from Paraíba during the year 1844.

	Packages.			Weight.				Value.	
	Cases.	Barrels.	Bags.	Tons.	Cwt.	Qrs.	lbs.	£	s. d.
Sugar	838	274	20,096	2,134	15	0	16	33,493	0 2
Cotton	0	0	23,172	1,969	2	1	6	80,765	2 1

The subjecting free-labour sugar to an unequal competition with that produced by slaves, is to be deprecated on many grounds; and I have already stated, that the admission of Brazilian sugar to the English market at a low rate of duty, in the actual state of things, would indubitably give an impetus to the African Slave Trade. It requires not, however, the spirit of prophecy to foretel that Brazil cannot go on in her present course; and I know, many of the best informed Brazilians entertain the opinion expressed on a late occasion, in no very private manner, that the Imperial Government must, sooner or later, not only concede to England all she requires toward the full and effectual suppression

of the Slave Trade, but must also bind herself down to the final abolition of slavery throughout the Empire at a future period; and that it would be much more politic to do so now, when she may hope for corresponding concessions from Great Britain, than to wait till driven by necessity into granting what she had refused to the dictates of humanity.

My opinion as to the manner in which such concessions, when proffered, as they ultimately must be, by the Government of Brazil, should be met and acted on by that of Great Britain, will already have been gleaned from this and other Despatches of mine; and I now beg leave to sum it up in a few words.

On Brazil binding herself down by Treaty upon terms such as would render impossible any further introduction of African slaves, and constitute all persons engaging therein, directly or indirectly, guilty of highly penal offences; and upon her further binding herself, at a future specific period, to take measures for a general emancipation of her slaves, I am of opinion, that independent of all commercial considerations, great advantages would accrue to the cause of humanity in which we labour from an extensive reduction of the duty now imposed by us upon her sugar.

It is true, that a great objection is felt by free people to working on sugar cane estates, but it is because such estates belong almost exclusively to slave holders, who have not generally the tact to yield to the prejudices of free people, by offering to employ them apart from their slaves. However, so low and unremunerating have been the prices of cotton for sometime, that, despite of old prejudices, numbers are inclined to forego its cultivation for that of the sugar cane, an increase in the value of which would, of course, cause a corresponding increase in the amount of remuneration which the cultivation of the cane would afford to the labourer, and would consequently furnish him with an additional inducement to engage therein. Persons possessing but a few slaves would then find it for their interest to dispose of them, and employ free labour exclusively. Poor people would plant cane on their own account, as they now do cotton, and sell it to the Senhors d'Engenhos, who would grind it, and send the produce to market. Those of the better classes would form companies to rent engenhos, and work them on joint-stock account.

A struggle between free and slave labour would thus have been commenced, for the first time, on Brazilian soil; and throughout the northern provinces a powerful party would have been created, which, influenced by motives of self-interest, might be counted upon as slavery's most staunch opponent.

The only change in the local regulations with regard to slaves which took place within the year, is one which applies equally to free blacks. If found in the streets after dark, without an order or pass from their masters, they are taken to the next police station and flogged. Of this order, which was rendered necessary by the misconduct and crimes of some blacks, who killed several of the police, no one can complain, further than that it is most shamefully abused by the police.

I have, &c.

(Signed) BEVERLEY NEWCOMEN.

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

&c.

&c.

&c.



[The page contains extremely faint and illegible text, likely due to low contrast or poor scan quality. The text is organized into several paragraphs, but no specific words or phrases can be discerned.]

**BRAZIL. (Consular)—Pernambuco.**

---

No. 361.

*Mr. Goring to the Earl of Aberdeen.*

*Pernambuco, May 16, 1845.*

*(Received June 15.)*

MY LORD,

THE mode in which the African Slave Trade was formerly conducted in this port, has now, my Lord, assumed a new feature. Instead of the larger classes of vessels, varying from 150 to 300 tons burthen each, a smaller kind is now employed, of from 45 to 60 tons, namely, "*Maria*," 52 tons admeasurement, "*Maraquinhas*," 52, "*Déliberacao*," 54, two "*Diligencias*," of 54 and 55, and the "*San Domingos*," of 56 tons burthen; these insignificant-looking craft, rigged with boom, main, and fore-sails only, sail fast, are of light draught of water, and built low, that they may more easily escape detection; their complement of crew varies from eight to 14 men, who are engaged by the run, and whose interests are solely contingent on the voyage being prosperous, are always on the alert. These vessels, as their predecessors did, take on board their cargoes of small packages of cotton goods (packed expressly for this traffic) dispatched for Aracaty, Ceara, or some other of the northern intermediate ports of this Empire, as a blind; some diminutive packages (*latas*) of sugar, a few barrels, and many demijohns of rum, rice, farina de mandioca, molasses, cigars, &c. When free from observation, they stretch across the Atlantic, for the effectuation of their nefarious voyage. When approaching the African coast, the crews keep a vigilant watch, seizing the first favourable moment, dash into some of the small creeks, where, concealed by the mangrove bushes, they instantly land their cargoes; the packages being all perfectly small, capable of being conveyed to the shore on a man's head, facilitates the discharge; and should the unfortunate victims of the owner's cupidity be collected in sufficient numbers to fill the vessel, they are as speedily transferred from the shore to the miserable den, sufficiently noxious when only a moderate number, (as the slave merchants call 100), but when from 150 to 300 beings are stowed in the hold of one of these small craft, without space to lay down, nay, scarcely to stir, the stench and filth must be execrable; humanity shudders at such a picture of misery. It is certain that if the vessel is secure from pursuit or danger, the Captain will (from motives of interest, not of benevolence) allow his wretched captives to breathe a pure air, in admitting alternate portions to enjoy a temporary refreshment on deck. On nearing the Brazil coast, more attention is requisite, and a good watch is kept for any cruisers. If all is clear, the vessel proceeds to the preconcerted place of disembarkation; Una, a small harbour a few leagues to the southward, is the favourite spot; Catuama, distant four leagues to the northward, is another refuge for this illicit traffic. At the former port, Una, all is safe. The Vicar of that small town superintends the landing of the slaves, receiving for such service a *douceur* of 10,000 reas, or about 21s. 3d. sterling, for every slave landed alive. From Una, the slaves are either distributed amongst the neighbouring sugar plantations, or, if young, or fit for domestic service, introduced into the vicinity of this city. A Brazilian officer of high rank and authority aids these nefarious proceedings, receiving, doubtless, an adequate remuneration for his services. A Brazilian

mercantile establishment is the ostensible agent. It really appears that these parties set the public Authorities at derision, by their boldness in bringing these newly-imported blacks into the heart of the city itself, scarcely one of these wretched slaves being able to speak the Portuguese language. The principal actors in these illicit transactions reside in Bahia. One individual, now here, boasts of his gains at 200 contos of reas, or 21,250*l.* sterling. The Master of the "*San Domingos*" declared, previous to sailing, that if successful this trip, he would not risk another. Questions may naturally be asked, Do the Brazilian Authorities, with the extensive power vested in them by the laws of the Empire, adopt sufficient stringent remedies to prevent this traffic? Or do they not rather connive, and covertly aid it? These are very problematical, by the laxity and supineness in not enforcing those remedial measures. And this we are compelled to condemn, that is, notorious slave vessels have frequently arrived in this port from one of the neighbouring small harbours, giving fictitious entry at the Custom House, the Master declaring his cargo to be firewood, empty pipes, or in ballast. The previous voyage of these vessels is public, and its profits the open boast of the owners, yet no investigation takes place. The contemplated landing of a cargo of slaves has sometimes been denounced; a detachment of the police is ordered to proceed to the place. Delays in preparation for service, and impediments on the road, invariably occur; ere the administrators of the law reach the spot; the objects of their visit are dispersed. Very recently some of these new-imported slaves were temporarily deposited, for greater security, in the premises of a Brazilian gentleman situated on the banks of the river, within a mile from this city. Information was given to the police; and before the owner of the blacks could remove the entire, the officers of that corps arrived, made a seizure of some of the slaves, when, instead of being apprenticed or manumitted, these unfortunate beings were only transferred from the service of one master to the, perhaps severer, bondage of another. These incidents are of frequent occurrence, but not in any case has the condition of the miserable slave been ameliorated.

Respecting the treatment of the prædial slave population of this province, Mr. Consul Cowper's Despatch of the 1st January last year is so explicit, that I have little to say. Not any improvement has taken place, either in the quantity or quality of their food; nor any additional hours of relaxation granted; I feel inclined to say, that these have been curtailed, the increased demand for sugar in the European markets inducing the planters to work their mills night and day, that they may take advantage of the favoured opportunity. The slave is never thought of; unremitting labour is demanded—a source to augment the profits of his harsh master. The urban slave is happy, in comparison with his unfortunate brethren in the plantations; his employment comparatively light, he is in general well fed, clothed, and in sickness properly treated. But for why? Not, I fear, from pure motives of benevolence, as if otherwise, he would discredit his master; for the gentry are proud of having their household slaves neat and clean in their appearance. It is often the case, that an intelligent slave has advantages through which he may create a fund towards his manumission. Making straw hats, mats, &c. during his leisure hours, are constant employments for the industrious negro; and many instances are within my knowledge of his procuring his emancipation through these simple means.

The author of a work now publishing upon the statistics of this province, in his remarks upon the increased cultivation of sugar and domestic slavery, says, upon the former: "On the contrary, this article, if we take into consideration the great diminution of hands, which we owe to English avarice (ironically called philanthropy) has had a notable increase." Upon domestic slavery: "The necessity of having slaves for domestic purposes is, the want of free servants, seeing that a great part of the population, who could gain for themselves and families a livelihood in being so employed, refuse this service, through the repugnance to perform those duties which, a few years back, were exclusively done by slaves. Much of this prejudice is diminishing, by the measures the provincial Government, and some of the public companies, adopt in employing free labourers, as well as slaves, in the various improvements now in progress on the roads, bridges, public edifices, &c.; each are placed on an equality, according to capacity, the pay being regularly organized, and a strict account taken of each man's labour. By degrees a bias will be given, which may instil habits of industry and application into many free individuals heretofore leading an idle dissolute life." Whether the prognostics of Senhor Gama will ever literally be verified, time alone will prove; he is, I much fear, too sanguine. Pride, indolence, and prejudices, are difficult to overcome, where

ignorance, obstinacy, and self-importance remain the strong prevailing features in the character of the free labourer.

I have, &c.  
(Signed) JOSHUA GORING,  
Vice-Consul.

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

---

No. 362.

(Extract.) *Mr. Cowper to the Earl of Aberdeen.*

*Pernambuco, June 11, 1845.*  
(Received July 15.)

MY LORD,

THE foreign Slave Trade appears to be dormant, as respects this province. No one can reasonably doubt that this is on account of the preventive measures of Her Majesty's Government on the coast of Africa.

I have, &c.  
(Signed) H. AUGUSTUS COWPER, Consul.

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

---

No. 363.

*Mr Cowper to Mr. Bidwell.*

(Extract.)

*Pernambuco, June 12, 1845.*  
(Received July 15.)

THE province is in a state of disorder, and the Slave Trade at rest; but the arrival of a three-masted schooner, with a screw propeller, from the United States, and which immediately changed her American for a Brazilian flag, prognosticates its revival.

---



## NETHERLANDS.

---

No. 364.

*The Earl of Aberdeen to Mr. Hudson.*

SIR,

*Foreign Office, February 21, 1845.*

I HEREWITH transmit to you, for your information, a copy of a note which I have received from M. Dedel, the Netherland Minister at this Court, respecting the condition of certain negroes at Surinam, and a copy of the answer which I have returned to that representation.

*J. Hudson, Esq.*  
&c. &c.

I am, &c.  
(Signed) ABERDEEN.

---

Enclosure 1 in No. 364.

*M. Dedel to the Earl of Aberdeen.*

*Londres, 3 Décembre, 1844.*  
(Received December 4.)

LE Soussigné, &c. &c. a par ordre de sa Cour l'honneur d'adresser à son Excellence M. le Comte d'Aberdeen, &c. &c les considérations suivantes sur les communications que le Cabinet de Londres a fait faire dans les derniers tems à celui de la Haye, relativement à la condition actuelle de l'esclavage dans la colonie de Suriname.

Ces communications sont restées jusqu'ici sans réponse, d'une part, parce que les objets sur lesquels elles portaient, exigeaient pour la plupart qu'on en referât au préalable à l'administration de cette colonie, et que de l'autre, il s'était élevé, de plus en plus dans l'état intérieur de Suriname des embarras d'une nature grave, qui non seulement déconseillaient l'adoption des mesures recommandées par le Gouvernement Britannique, mais qui encore rendaient difficile toute réponse aux notes présentées de sa part.

Comme le Gouvernement des Pays-Bas a pu s'arrêter maintenant a une décision définitive, le Soussigné se trouve autorisé à exposer avec franchise les vues du Cabinet Neerlandais, relativement aux communications précitées.

Cet exposé sera précédé—

1°. D'une recapitulation du contenu général des notes reçues de la Legation de Sa Majesté Britannique à la Haye.

2°. D'un aperçu de l'état des choses à Surinam, en rapport avec l'objet, dont il s'agit.

Ad 1°. Les communications reçues du Cabinet de Londres, fondées sur les Dépêches du Juge Commissaire Britannique M. Schenley à Surinam roulent sur trois objets distincts, savoir :

(a.) Le sort de certains nègres capturés en 1822, 1823, et 1825, qui sont encore traités en esclaves, malgré les assurances données par les Autorités Neerlandaises lors de leur capture.

(b.) Les cruautés exercées à Surinam envers les esclaves, en conséquence de la sévérité excessive des lois.

(c.) L'existence à Surinam d'esclaves furtivement introduits depuis l'abolition de la traite.

(a.) Pour ce qui regarde les nègres capturés entre les mains de Charles Beverley, et autres à bord des navires Américains et Français, "*the Olive Branch*" "*et la Légère*," le Cabinet de Londres rappelle la correspondance, qui eut lieu et les déclarations faites à leur égard, par le Gouvernement des Pays-Bas.

Si la position de ces individus se trouvait conforme aux informations obtenues, le Cabinet de Londres s'en rapporte aux sentimens de justice, qui animent celui de la Haye pour la mise en liberté immédiate de ces nègres en ajoutant que si après cette mesure, la continuation de leur séjour à Surinam offrait des inconvéniens, le Gouvernement Britannique se chargerait volontiers des frais de leur translation à Demerary.

(b.) En citant sur l'autorité de M. Schenley, plusieurs exemples de la cruauté excessive des punitions infligées à Surinam, le Gouvernement de la Reine exprime le désir que Sa Majesté le Roi des Pays-Bas prenne les mesures convenables, afin de mettre un terme à ces cruautés perpétrées en partie au nom de la loi, ou en exécution de condamnations judiciaires.

(c.) Relativement aux nègres furtivement introduits après l'abolition de la traite, et dont plusieurs paraissent être venus de la Barbade, et autres colonies Anglaises, le Gouvernement Britannique semble désirer qu'une enquête soit ordonnée dans le but de s'assurer de l'exactitude des faits dénoncés par M. Schenley, qui prétend entre autres, que la terre d'un nommé Isaac Leach (décédé dernièrement) contient deux cents esclaves en grande partie appartenant à la catégorie susdite.

Ad 2<sup>o</sup>. Le Gouvernement des Pays-Bas constamment disposé à fixer toute son attention sur les communications du Cabinet de Londres, lors même qu'elles sembleraient n'être pas tout-à-fait conformes à la lettre des Traités existans, s'est fait donner des informations détaillées sur les points précités.

Par cet examen il a été mis en évidence, que l'Administration de Surinam a, dès le commencement suivi une voie fautive à l'égard des nègres capturés pendant qu'on s'efforçait de les introduire dans la colonie, en contravention aux lois en vigueur.

Quoique destinés à être libérés de l'esclavage, on les a confondus avec les esclaves du Gouvernement, chargés de l'entretien des chemins, des fortifications, batimens et autres travaux publics. Cette incorporation devait selon le but primitif être préparatoire et temporaire des circonstances fortuites l'ont rendue permanente.

Le Gouvernement de la mère-patrie ignora longtems la véritable position de ces nègres, qui dans les piécés officielles étaient constamment nommés travailleurs libres du Gouvernement. Il n'y avait pas lieu de soupçonner que leur état ne fut en harmonie avec cette dénomination. L'on se les représentait, comme étant demeurés par habitude, mais de leur pleine volonté au service de l'administration coloniale moyennant un salaire proportionné à leur travail.

En 1841 le Cabinet de Londres provoqua une enquête, relativement à une partie de ces nègres, provenant du navire Anglais "*le Snow*" ou "*Los Nievos*," condamné en 1823, par le Tribunal Mixte de Surinam. Le Gouvernement des Pays-Bas n'hésita pas à donner les ordres les plus positifs pour faire mettre sur le champ ces nègres en liberté s'ils n'étaient pas déjà bonâ fide libres.

C'est à cette occasion que leur position réelle parvint à la connaissance du Cabinet de la Haye, mais c'est alors aussi que l'on apprit les difficultés qui s'opposaient à leur affranchissement.

Les soidisant travailleurs libres, avaient, comme on vient de le dire, été placés par l'Administration Coloniale, parmi les esclaves du Gouvernement dans le but de leur faire prendre, préalablement à leur affranchissement l'habitude de l'ordre et du travail. Cette discipline sous beaucoup de rapports peu judicieux et blâmable n'aurait cependant pas empêché leur mise en liberté après une préparation raisonnable, si dans l'intervalle l'opinion publique dans la colonie n'eût pris une direction hostile à cette mesure.

Il paraît qu'on avait su repandre le bruit que la mise en liberté de ces nègres était l'avant-coureur d'une émancipation générale; les esclaves appelaient cette mise en liberté de tous leurs vœux, les colons la redoutaient comme un coup mortel porté à la tranquillité de Surinam.

Cette appréhension dût peut être sa naissance, mais fut en tout cas, nourrie et

justifiée par les actes du Juge Commissaire Britannique M. Lefroy, qui proclamait ouvertement des doctrines exagérées, se servait même du langage des romanciers pour mieux les propager et qui oubliant les règles de la prudence, et ceux même de la plus simple convenance semblait n'avoir devant les yeux que l'aphorisme de furebonde memoire ; "perissent les colonies plutôt qu'un principe."

La note remise le 1<sup>o</sup> Septembre, 1827, à Lord Dudley par feu M. l'Ambassadeur Falck eut bien pour résultat le rappel de l'imprudent Zelateur, mais les germes de méfiance qu'il avait répandus ne disparurent pas avec lui. Depuis cette époque les colons regardèrent de mauvais œil les Juges Commissaires de Sa Majesté Britannique, et quoique les successeurs du Sieur Lefroy se soient abtenus de prêcher ouvertement comme lui la révolte et la violence, ils sortirent néanmoins constamment du cercle de leurs attributions, tel qu'il se trouve tracé dans le Traité du 4 Mai, 1818. Bien loin de se considérer comme uniquement destinés à amener en jugement avec le moins de "délais et d'inconvénients possible les navires détenus pour être engagés dans le commerce des esclaves," ils se sont créés une nouvelle ligne de devoirs, ainsi décrits dans les propres paroles de M. Schenley "that their duty extends to the interests of humanity," &c.

Les actes qui ont été les corollaires de ces principes, ont fait naître un profonde sentiment de méfiance, de mecontentement et inimitié parmi les colons.

C'est sous l'influence de ce sentiment, que les soi-disant travailleurs libres virent leur position, si voisine de l'esclavage, se prolonger après l'expiration de quelques années de préparation. Les colons surent constamment dissuader l'Administration Coloniale de tout tentative, tendante à les mettre en jouissance de la liberté qui leur était destinée.

C'est cette influence qui fit différer deux fois l'exécution des ordres donnés pour l'affranchissement des nègres du "*Snow*." L'injonction faite à cet effet en Avril, 1841, fut réitérée en Mars, 1842, mais chaque fois le Gouvernement de la colonie répondit par de nouvelles remontrances puisées dans les craintes des colons.

Le Gouvernement des Pays-Bas, tout en reconnaissant l'existence du danger, dont la colonie se voyait, menacée, ne se crut pas despensé à cause de cela de remplir ses obligations envers la Grande Bretagne. Il ordonna en Avril, 1843, pour la troisième fois, l'exécution immédiate et entière de la sentence du Tribunal Mixte à l'égard des nègres du "*Snow*," et c'est seulement alors qu'ils furent mis en liberté.

Les suites de cette mesure parurent justifier pleinement l'enquiétude des colons. Les nègres du "*Snow*" furent publiquement logés et secourus par M. Schenley, et encouragés par lui à se rendre à Demerary. Chacun de ces affranchis se constitua en apôtre de l'émancipation, et la fermentation devint si grande parmi les esclaves que le Gouverneur-General jugea nécessaire de hâter l'éloignement de ces nègres libérés ; il quittèrent donc la colonie, mais ce concours de circonstances donna à leur départ de Surinam ainsi qu' à leur débarquement à Demerary, tout l'air d'un triomphe public de la cause de la liberté.

C'est alors que la mémoire du passé vint renforcer l'impression du moment. Au souvenir des actes du Sieur Lefroy et de ses successeurs se joignit celui des attaques violentes et continuelles de la presse de Demerary, contre les colons de Surinam, et surtout de la doctrine défendue par cette presse, que le meurtre des maitres est un acte excusable, lorsqu'il est nécessaire pour rendre à l'esclave sa liberté.

L'on savait d'ailleurs que le Cabinet Britannique par la note de Lord Aberdeen, du 31 Décembre, 1841, s'était avoué hors d'état de reprimer cette licence. Il n'est donc pas étonnant que les sentimens des colons de Surinam s'aigrissent de plus en plus, et qu'ils crurent avoir tout à craindre pour eux mêmes et pour leurs propriétés, chaque fois qu'il fut question d'affranchir de même les autres travailleurs de Gouvernement.

Il est essentiel d'ajouter que selon toute apparence M. Schenley entretient des intelligences secrètes avec un grand nombre d'esclaves, vu que plusieurs enquêtes eurent lieu à sa demande, et que les particularités nombreuses qu'il ne cesse de communiquer à son Gouvernement relativement au régime domestique des plantations sont jugées ne pouvoir être parvenues à sa connaissance qu'à la suite des informations données par des émissaires envoyés à cette fin et par l'effet de la confiance, dont il avait su entourer le protectorat qu'il s'était mis en droit d'établir en faveur de la race noire.



Par ces moyens M. Schenley est exactement instruit du tems et des causes pour lesquelles on inflige des punitions aux esclaves, jusqu' à meme pouvoir indiquer les noms des individus noirs ainsi punis.

Tout cela est parfaitement connu des colons. Ils regardent M. Schenley comme un pouvoir menaçant qui s'est illégalement élevé entre eux et leurs esclaves, et qui leur semble d'autant plus dangereux, qu'il se permet de prédire ouvertement "that the white population will, at no very distant period, receive a lesson that they are totally unprepared for."

Aussi attend on avec une extrême inquiétude les mesures que le Gouvernement des Pays-Bas prendra à l'égard des travailleurs libres en conséquence des représentations faites par M. Schenley à leur égard, et cette inquiétude est d'autant plus vive, qu'il est connu que M. Schenley se prépare à répéter lors de l'affranchissement de ces nègres, ce qu'il a fait à l'égard du "Snow."

Mais ce n'est pas là que se bornent les effets immédiats de la disposition des esprits à Surinam. L'hostilité des colons menace d'entraver la marche de l'Administration Coloniale.

La connaissance qu'ont les colons des vues philanthropiques du Roi (vues qui leur sont démontrées par les mesures préparatoires prises à l'effet d'introduire un nouveau règlement pour les esclaves) a provoqué une attitude hostile contre ceux des employés de la colonie, qu'on suppose partager la manière de voir de l'Administration Supérieure en Europe. La méfiance se met ainsi de plus en plus entre le Gouverneur et ses Administrés. Déjà le Gouvernement s'est vu dans la nécessité de recourir à des destitutions afin de maintenir l'ordre. Tandis que ceci se passe dans la colonie, des adresses multipliées font foi, que les habitants de la mère patrie croient aussi leurs intérêts menacés à Surinam.

Voilà en résumé les difficultés qui ont retenue jusqu' ici le Cabinet de la Haye de prendre des mesures au sujet des soi disant travailleurs libres et de répondre aux notes du Cabinet de Londres qui les concernent.

Si le Cabinet de la Haye n'a pas ordonné, comme il l'a fait pour les nègres du "Snow," leur mise en liberté immédiate, sans égard aux conséquences, cette marche différente s'explique par l'origine de ces travailleurs, qui appartiennent à une toute autre catégorie que ceux du "Snow."

La position de ceux-ci était déterminée par une sentence du Tribunal Mixte, et se rattachait donc à un acte des deux Gouvernemens. Les autres travailleurs libres doivent leur position à un acte du Gouvernement Neerlandais seul.

Les dispositions qui ordonnent leur émancipation après les épreuves nécessaires sont émanées du pouvoir administratif Neerlandais, sans la co-opération des Juges Anglais, ces nègres étant provenus de navires non soumis à la juridiction du Tribunal Mixte, laquelle se borne exclusivement aux infractions commises sous pavillon Britannique ou Neerlandais.

Le Gouvernement des Pays-Bas se croit ainsi à l'égard de ces nègres en droit de soulever la question d'opportunité. Sans doute il leur doit la liberté, mais il ne pense pas violer la Traité de 1818, en consultant avant tout dans la manière d'acquiescer ses obligations à cet égard des intérêts majeurs qu'il est chargé de protéger et qui seraient gravement compromis par une émancipation immédiate, simultanée et depourvue de toutes garanties. Il regrette sincèrement que ses intentions primitives aient été si mal interprétées, et voit avec peine que l'exécution des ordres donnés à cette époque rencontre aujourd'hui de si graves difficultés. Il lui est pénible surtout de penser que les promesses faites dans le tems au Gouvernement Britannique, relativement à ces nègres, n'aient pas été remplies. Le Cabinet de la Haye s'est dès lors appliqué à chercher un moyen propre à régler équitablement le sort de ces individus sans compromettre la tranquillité de Surinam.

Il croit maintenant pouvoir résoudre cette question d'une manière satisfaisante.

Regardant l'esclavage, tel qu'il existe dans la plupart des colonies agricoles, comme incompatible avec les préceptes du Christianisme et de l'humanité, le Cabinet de la Haye a applaudi sous le point de vue philanthropique et religieux, à la mesure par laquelle la législation Britannique a su mettre un terme à cette servitude dans les colonies Anglaises. Mais il a cru devoir suspendre son opinion sur les suites matérielles de cette mesure, jusqu'à ce que l'expérience ait décidé de ce qui est ou n'est pas à cet égard.

En suivant avec attention le cours des événemens, il lui a paru (et différentes

productions de la presse Anglaise semblent mettre le fait hors de doute) que partout où l'étendue des terrains disponibles est hors de proportion avec le nombre de travailleurs, on a eu raison de déplorer, mais trop tard, que l'émancipation n'ait pas été précédée de dispositions législatives ayant pour but de régler dans l'intérêt industriel les rapports des anciens maîtres avec leurs esclaves affranchis. Sous ce point de vue la situation de la colonie de Surinam est telle, qu'une émancipation non préparée lui ferait éprouver tous les désastres si vivement dépeints dans les ouvrages Anglais, qui ont traité ce sujet, et notamment dans le rapport de la Commission d'Enquête de la Chambre des Communes du 25 Juillet, 1842. Le Gouvernement des Pays-Bas acquit donc la conviction que lorsque les circonstances lui permettraient de s'occuper d'une émancipation à Surinam, il serait indispensable de la faire précéder de dispositions tendant à placer d'abord l'affranchi dans un état intermédiaire et à l'attacher pour un tems déterminé à la terre qu'il habitait, ainsi qu'à la profession qu'il exerçait étant esclave. Le Gouvernement se trouve confirmé dans ces vues, par le rapport de la Commission qui examina en France cet objet important sous la présidence du Duc de Broglie.

Ce désir de changer aussitôt que possible le sort des travailleurs libres, dont il est question dans cette Dépêche, a déterminé le Gouvernement des Pays-Bas à introduire sur le champ les dispositions, qu'il avait d'abord destinées à n'être mises en vigueur qu'à une époque plus éloignée. Des ordres ont été transmis à Surinam, afin d'augmenter le Code Colonial d'un règlement de l'espèce susdite.

Dès qu'il sera mis en exécution, on l'appliquera aux travailleurs libres avec les précautions qu'exigera la tranquillité de la colonie. Mais le Cabinet de la Haye a la conviction que pour pouvoir s'occuper efficacement et en pleine sécurité à donner suite aux projets qu'il a formés, il est indispensable que le calme se rétablisse dans les esprits. Ce résultat lui paraît impossible tant que la présence de M. Schenley alimentera l'irritation existante. Les travailleurs libres ne pourront être tirés de l'état de dégradation dans lequel ils ont vécu trop longtemps, tant qu'ils seront dans le cas d'être excités au départ pour Demerary ; ou au mécontentement, dans le cas que ce départ fut empêché. Le Gouvernement ne peut intervenir avec succès pour faire adoucir le code noir de la colonie, tant qu'une influence tierce, hostile aux maîtres portera ceux-ci à se soustraire à toute co-opération propre à assurer le succès de l'entreprise et à ne laisser au Gouvernement que l'alternative d'une inactivité reprochable, ou d'une ingérence dangereuse. Le Gouvernement enfin, ne peut marcher avec confiance dans la voie beineveillante et reformatrice, qu'il s'est tracée, tant que les colons ne seront pas rentrés dans l'ordre et la soumission, et que les passions haineuses, réveillées par le système, dont M. Schenley et ses prédécesseurs se sont montrés les plus zélés apôtres n'auront pas disparu.

Le Gouvernement des Pays-Bas ne connaît qu'un seul moyen efficace pour lever ces difficultés, c'est le transfert du Tribunal Mixte dans une autre colonie Néerlandaise. L'Article VII. du Traité du 4 Mai, 1818, donne à chacune des parties contractantes la faculté d'opérer selon que bon lui semblera, ce déplacement le Gouvernement des Pays-Bas désire faire usage de ce droit pour transférer le siège du tribunal dans l'île de Curaçao.

Le Cabinet de la Haye aurait pu d'après la lettre du dit Traité, s'abstenir de développer les raisons qui le déterminent à ce transfert, mais, voulant sincèrement agir dans l'esprit qui dicta le Traité du 4 Mai, 1818, il attache un haut prix à faire apprécier ses motifs par la puissance cosignataire de cet acte. Il espère par là faire naître la conviction que ce déplacement est non seulement inévitable pour le maintien de la tranquillité de Surinam, mais que vu l'état des choses actuel dans cette colonie, il est également indispensable dans l'intérêt réel des esclaves, puis-qu'il levera les obstacles qui empêchent malheureusement toute amélioration du sort des nègres et à plus forte raison toute préparation de réformes plus efficaces.

Le Cabinet de la Haye reconnaît que les embarras existants doivent être attribués en partie aussi aux fautes de les employés coloniaux, surtout à la direction peu judicieuse donnée dès le commencement au traitement préparatoire des nègres capturés. Mais si l'on se reporte aux actes de M. Lefroy et à la règle de conduite de ses successeurs, conduite que l'on ne juge pas trop sévèrement en la qualifiant de zèle inconsidéré, on arrive au résultat que la détermination

actuelle du Gouvernement des Pays-Bas est la suite des erreurs des agens des deux Gouvernemens.

En terminant cet exposé le Soussigné se permet d'ajouter quelques observations sur le dernier point traité dans les notes du Gouvernement de Sa Majesté Britannique, c'est-à-dire, sur celui qui est relatif à l'existence à Surinam, d'esclaves furtivement introduits depuis l'abolition de la traite.

Au nombre des mesures adoptées par le Gouvernement des Pays-Bas pour mieux empêcher la traite, se trouvent les dispositions prescrits en 1825 au sujet des registres institués peu auparavant pour l'inscription des esclaves. Il est de la nature d'un enrégistrement d'établir une ligne de démarcation entre le passé et le futur. L'inscription au registre fut donc précédée d'une enquête, relativement à l'état de l'individu. Cette inscription une fois accomplie seroit dès ce moment de preuve légale pour constater que le résultat de l'enquête préalable avoit été de décider affirmativement la question d'esclavage. Aucun autre principe ne pouvant être adopté, sans tomber dans des difficultés interminables, et sans porter une atteinte sensible à la validité des droits reconnus. D'ailleurs un tel état d'incertitude eut été incompatible avec le bien être matériel de la colonie.

Les esclaves, dont il est question dans différentes Dépêches de M. Schenley appartiennent tous à la catégorie enrégistrés.

Tout en ne contestant pas la possibilité d'abus antérieurs, et en avouant même que de pareils abus ne sont pas invraisemblables, le Gouvernement des Pays-Bas croit néanmoins devoir s'abstenir d'ordonner à ce sujet une enquête publique.

Il se pourrait que des cas spéciaux justifiasent des exceptions à cette règle générale, mais tant que durera l'irritation occasionée par les procédés de M. Schenley, le Gouvernement des Pays-Bas éprouverait une grande répugnance à ordonner des perquisitions qui, dans les circonstances actuelles ne seraient pas dépourvues de danger.

Le départ de M. Schenley se faisant de plus en plus desirer, le Cabinet de la Haye demande avec les plus vives instances à celui de Londres de recevoir sous peu de sa part l'avis officiel que M. Schenley a eu l'ordre de se rendre sans plus de délai à sa nouvelle résidence.

Penetré du devoir d'apporter le plus tôt possible un changement dans la situation, où ont été retenues si long tems, malgré lui, les soidisant travailleurs libres, le Gouvernement des Pays-Bas se plaint à donner au Gouvernement de Sa Majesté Britannique l'assurance positive, qu'il sera adopté incessamment des mesures à cet effet, et que le sort de ces individus sera pris soigneusement en considération. Mais pour agir sur ce point avec une entière confiance, il est indispensable que ces mesures soient dégagées de toutes les chances facheuses qui y seront attachées tant que la présence de M. Schenley à Surinam continuera à exercer sur cette colonie sa dangereuse et funeste influence.

Le Soussigné, &c.

(Signé)

DEDEL.

*Son Excellence le Comte d'Aberdeen, K.T.*  
&c.                      &c.                      &c.

Enclosure 2 in No. 364.

*The Earl of Aberdeen to M. Dedel.*

*Foreign Office, February 21, 1845.*

THE Undersigned, &c. &c. has the honour to inform M. Dedel, &c. &c. that the note which M. Dedel addressed to him on the 3rd of December last, replying to various communications which had been made through Her Majesty's Legation to the Cabinet of the Hague, respecting the condition of certain negroes in Surinam, has received the attentive consideration of Her Majesty's Government.

The assurances conveyed in a portion of that note, and the sincerity and frankness with which explanation is given upon points which Her Majesty's Government have felt it their duty to press upon the serious attention of the Government of the Netherlands, call for an acknowledgment, which the Under-

signed has great satisfaction in offering to M. Dedel; at the same time he is compelled to add, that the proposal with which M. Dedel's note concludes, is one that has caused Her Majesty's Government much pain and disappointment.

The Government of the Hague, being now fully conscious of the success with which its colonial servants in Surinam have for many years been able to neglect and evade the execution of the orders issued to them by the Government of the mother country—orders which justice, and the obligations of that Government render imperative—it would appear unnecessary, as well as beyond the province of the Undersigned, to offer any suggestions as to the best means of overcoming the impediments which the fears, prejudices, and temporary interests of the colonists, and the indifference, to say the least of it, of the colonial Authorities will interpose to the carrying out of the just and wise designs announced in M. Dedel's note. Her Majesty's Government, however, cannot forbear from observing, that if any measure could be adopted better calculated than another to confirm the local Authorities in their disregard of the instructions which they have received from the Government of the Hague, and to encourage the slave owners of Surinam in their opposition to that course of policy which justice, humanity, and expediency, if not the precise letter of Treaties, prescribed to the Dutch Government, it would be the removal at the present moment of the Mixed Commission.

That the Government of the Hague have a perfect right to require its removal at their own pleasure, and that the British Government must accede to the requisition, if deliberately and seriously made, the Undersigned does not for a moment dispute. The words of the Treaty on this point are clear and positive. Neither must the Undersigned, in pressing upon the consideration of M. Dedel the inexpediency of such a step, be understood as wishing to arrogate to the Mixed Commission any functions beyond those which are assigned to it by the Treaty under which it exists. Those functions are distinctly defined by that Treaty, and it is as much the wish as the duty of Her Majesty's Government to guard against any transgression of their limits.

But the Undersigned must be permitted to observe, that M. Dedel is hardly justified in attributing the bad feeling with which the Commission is regarded in the colony, and which is the principal reason alleged for the proposed change, so exclusively to the acts of the British Commissioners. The cause of that feeling, to whatever extent it may exist (and the Undersigned cannot but think that it has been somewhat exaggerated by M. Dedel) should in fairness be traced a step higher; and it should be remembered, that had the Government of the Hague faithfully discharged its obligations to Great Britain, and had it done its duty by those unfortunate beings whom the provisions of a Treaty too little regarded by Holland confided to its care, there would have been no occasion for the representation so frequently made by the British Commissioner, both to the Authorities of the colony and to his own Government, which, when they became known to the colonists, and still more, when the object with which they had been made had been accomplished, gave rise to those feelings of suspicion and alarm which M. Dedel considers as a sufficient reason, not only for the removal of the commission, but for further delay in completing that measure of justice which his Government still withhold from a small number of the negro population of the colony. And the Undersigned will add, that it is with some surprise that he has seen that M. Dedel, whilst admitting that the liberation even of the negroes of the "*Snow*,"—a measure which when once pressed upon the Government of Holland, could not be neglected without a violation of the Treaty between the two Crowns, was delayed for two years, in consideration of the alarm felt by the planters,—makes it a matter of complaint, that the departure of those unfortunate beings from Surinam, when at last it took place, and their arrival in Demerara had also the appearance of a triumph of liberty. Surely, if any thing contributed pre-eminently to give it that character, it was the cruel injustice with which their right to freedom had been treated by the Dutch Authorities, and not the sympathy shown by the British Commissioner upon the accomplishment of their liberation, and which, considering their claims upon his own Government, he could hardly refuse to them.

M. Dedel states, as a cause for continued alarm on the part of the planters and the Government, that it is known that Mr. Schenley is prepared to show the same attention and kindness to the so-called free labourers, who still remain to be emancipated. If this is really a source of disquietude to the colony,

and if it originates in the expression by Mr. Schenley himself of any such intentions as are ascribed to him, the inconvenience shall be remedied at once, by directing Mr. Schenley to use more discretion than to talk publicly of interfering in matters over which he has no controul. Her Majesty's Government entirely admit the distinction drawn by M. Dedel between the negroes of the "*Snow*," whose freedom is a matter of obligations to Holland under the provision of a Treaty, and the other negroes, who have no title to show, except a voluntary assurance from the Dutch Government, and the broad justice of their claim. In the cases of the latter, Her Majesty's Government must allow, that Mr. Schenley holds no authority under Treaty to interfere.

There is another charge brought by M. Dedel against Mr. Schenley, which calls for the particular notice of the Undersigned. M. Dedel says, that Mr. Schenley has secret relations with the slave population, and that he holds intercourse with them through secret emissaries, and so becomes possessed of the various facts which he communicates to the local Government respecting the treatment of the slaves upon private estates. Her Majesty's Government cannot readily believe this to be as M. Dedel supposes. It is natural, indeed, that the British Commissioner, after the prominent part which the conduct of the Dutch Government forced him to take in behalf of men to whose freedom the faith of his own Government, as well as that of Holland, had for 20 years been faithfully pledged, should be considered, by persons not accurately informed as to the real nature of his office, as empowered to extend his services to others of the same race; and no doubt appeals have been made to Mr. Schenley, and information has been given to him, by those who hoped for justice and mercy from his good offices. Mr. Schenley, however, has been instructed to meet all such applications by an explanation of the limits within which his authority is confined, a course which cannot fail to undeceive those who, by a pardonable ignorance, may have been led to look to him as their constituted and acknowledged protector. But as to the charge to which the Undersigned has just referred, he must repeat, that it is one to which, without clear and convincing proof, Her Majesty's Government cannot give credit. At the same time, he does not hesitate to say, that, as Her Majesty's Government fully admit the right of the Dutch Government to attach to the residence of the Mixed Commission in Surinam the obligation, that the Commissioners should confine themselves strictly to the discharge of the duties assigned to them by the Treaty, any British functionary who should be found to have so far exceeded those duties as to have adopted a system of secret investigation into the proceedings of private individuals, in nowise amenable to the Court of which he is a member, would be at once removed from his office.

The Undersigned believes, that in the foregoing observations, he has noticed the principal points in the conduct of the British Commissioner which M. Dedel has adduced as furnishing grounds for the removal of the Commission; and the Undersigned must express his decided opinion, that nothing can there be found which can make such an extreme measure necessary.

As regards the prospective inconvenience of retaining the Commission at Surinam, and the danger which would arise from it in carrying out the designs of the Dutch Government for the immediate emancipation, under certain precautionary restrictions, of the free labourers, and for the ultimate abolition of slavery throughout the colony, Her Majesty's Government cannot but think that the Government of the Hague have been led into error. M. Dedel will see, from what the Undersigned has already stated, that it is the wish and the determination of Her Majesty's Government that their Commissioner should scrupulously abstain from all interference, either by word or deed, in matters which are beyond his province. But Her Majesty's Government cannot believe that, even admitting Mr. Schenley to have been as indiscreet in his conduct and language as M. Dedel supposes, there can be any danger or inconvenience in the presence of the Commission which can make delay in executing the intentions of the Dutch Government necessary. In the opinion of Her Majesty's Government, danger and delay are far more likely to arise from a removal of the Commission, than from its continuance. For, is it not natural to suppose, that the first effect of its removal upon the planters, and other classes who view the policy of the Government with jealousy and mistrust, will be to encourage them to use every exertion, and all means, to impede the local Authorities in carrying

out that policy, and to delay the Government in, and if possible turn them from, the execution of their purpose?

And if so, is it wise to give to such opponents, at the outset, all the appearance of a triumph, and thereby to arm them with new energy and confidence? Or, after the experience which has been had of the weakness and indifference of the Colonial Government in matters affecting the honour of Holland, far more closely than the adoption of measures which, however just and humane, depend solely upon her own free will, is it prudent to withdraw an establishment by the exertions of whose officers the victims of an unjust oppression on the part of that Government have at last received redress, and the present benevolent designs of the Cabinet of the Hague towards others of the same race have been called forth? The Undersigned apprehends that there can be but one answer to these questions.

M. Dedel must be aware, that in inviting the Government of Holland to reconsider their proposal for the removal of the Commission, Her Majesty's Government are not pleading a cause by which they have any interests of their own to serve, or any object to gain at variance with those which M. Dedel declares his Government to have in view. And not only have Her Majesty's Government no interest, but, strictly speaking, they have no right to press for the retention of the Commission at Surinam. Its establishment at Curacoa would be an equally exact fulfilment of the Treaty; and as, by the exertions of Mr. Schenley, the liberation of the negroes of the "*Snow*" has at length been effected, there remain, so far as Her Majesty's Government are aware, no others over whom the Treaty of 1818 calls upon them to watch, or in whose condition they would, by the Treaty, be justified in interfering. Nevertheless, they are decidedly of opinion, that the removal of the Commission, after what has lately passed in Surinam, would be a serious and dangerous discouragement to the great cause of African liberty; that it would give new vigour and confidence to the enemies of that cause; and that, independently of the ill effects which Her Majesty's Government would anticipate from it in Surinam itself, the example once given by Holland might be followed by other Powers with whom Great Britain has concluded Treaties similar to that of 1818, and in whose possessions the removal of a Commission might be attended with more direct and immediate evil consequences than, as Her Majesty's Government would hope, is likely to be the case in the colonies of Holland. Under these circumstances, therefore, and convinced that the inconveniences apprehended from a continuance of the Commission at Surinam are illusory, Her Majesty's Government do not hesitate earnestly to press upon the Government of the Hague a reconsideration of the proposal contained in M. Dedel's note; and Her Majesty's Government cannot doubt, that if the Netherland Ministers are unwilling altogether to abandon their present intention, they will, at least, consent to defer its execution to a more fitting moment, and until the necessity of it shall have been more clearly shown.

The Undersigned cannot conclude without calling the attention of M. Dedel to a point which, although it has already been brought to the notice of the Dutch Government by Her Majesty's Chargé d'Affaires at the Hague, is not alluded to in M. Dedel's note; that is, that the negroes of the "*Snow*," whose removal from Surinam has separated them from their families, should have their wives and children restored to them without hindrance or delay, and that they should receive from the Dutch Government some compensation for the labours of their long and unjust servitude. The justice of these claims is so manifest, that it cannot be necessary for the Undersigned to do more than to beg M. Dedel to remind his Government that they remain unsatisfied.

The Undersigned, &c.

(Signed)

ABERDEEN.

M. Dedel,  
&c. &c.

No. 365.

*Mr. Hudson to the Earl of Aberdeen.**The Hague, March 4, 1845.**(Received March 6.)*

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, of the 21st ultimo, containing the copy of a note which your Lordship had received from M. Dedel, the Netherland Minister at the Court of Her Majesty, respecting the condition of certain negroes at Surinam, and a copy of the answer which your Lordship had returned to that representation.

I have, &amp;c.

(Signed)

JAMES HUDSON.

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

&amp;c.

&amp;c.

&amp;c.

No. 366.

*Mr. Howard to the Earl of Aberdeen.**The Hague, April 25, 1845.**(Received April 28.)*

MY LORD,

BOTH the Minister for Foreign Affairs, General de la Sarraz, and the Minister for the Colonies, M. Band, have sought opportunities of speaking to me of the renewed representations the Netherland Government have made, in order to obtain your Lordship's concurrence, either in the removal of the Mixed Tribunal from Surinam, or of Mr. Schenley from his office as British Commissioner, stating that his presence there, particularly after the publication of his correspondence in the Parliamentary Papers, only tends to keep up the excitement and spirit of opposition existing in the colony, and thus to impede the execution of the measures of amelioration which the Government are anxious of introducing in favour of the slaves, and arguing, that his recall, or the transfer of the seat of the Commission to Curaçao, is therefore, called for by the interests of the slaves themselves.

I have replied, that Her Majesty's Mission here had not received any late communications from your Lordship upon the subject, and generally, in my answers to the Netherlands Ministers, I have confined myself strictly to the language employed by your Lordship in your note of the 21st of January last to M. Dedel.

I have, however, thought it my duty to report succinctly the observations addressed to me by the Ministers for Foreign Affairs and Colonies, in order to show the importance they attach to carrying into effect the measure which they are now pressing upon your Lordship's attention.

I have, &amp;c.

(Signed)

HENRY HOWARD.

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

&amp;c.

&amp;c.

&amp;c.

No. 367.

*M. Dedel to the Earl of Aberdeen.**Londres, 25 Avril, 1845.**(Received April 26.)*

LE Soussigné, en rappelant au Comte d'Aberdeen, &c. &c. les conférences qu'en plus d'une occasion ils ont eues ensemble au sujet du délai que son Excellence a témoigné souhaiter de la part du Gouvernement des Pays-Bas dans l'exécution du projet de translation du Tribunal Mixte établi à Surinam, a maintenant l'honneur d'informer sa Seigneurie de la manière dont sa Cour a accueilli le vœu émis par le Gouvernement de la Reine à cet égard.

Bien que pénétré de l'urgence des motifs qui rendent si désirable le déplacement du Tribunal en question, le Roi, faisant céder ses propres convictions à cet

égard, et n'ayant rien de plus à cœur que de donner en toute occasion à Sa Majesté Britannique une preuve de Sa déférence et de Son amitié, s'est empressé d'acquiescer à ce qu'on souhaitait de son Gouvernement sur ce point. Le Soussigné a reçu l'ordre en conséquence de porter à la connaissance du Principal Secrétaire d'Etat le consentement de la Cour de la Haye au maintien provisoire du siège du Tribunal Mixte à Surinam.

En faisant cette communication le Soussigné aurait beaucoup désiré pouvoir éviter d'y rattacher un sujet qu'il lui est fort pénible de traiter, mais sur lequel les instructions de Sa Cour ne lui permettent pas de garder le silence. Lord Aberdeen comprendra d'abord qu'il s'agit de M. Schenley, dont le nom se trouve mêlé de manière ou d'autre dans toutes les relations que le Gouverneur-Général se trouve dans le cas de transmettre de Surinam au Ministère des Colonies à la Haye. Le Gouvernement du Roi ne peut s'empêcher de penser que le Principal Secrétaire d'Etat envisage les faits sous un point de vue un peu trop partial, en supposant que les fréquentes représentations que le Soussigné a été chargé de lui faire au sujet de la constante disposition, que témoigne M. Schenley de s'entremettre de choses qui ne le regardent pas, et des moyens qu'il met en usage pour se procurer les informations qu'il cherche à obtenir, sont ou inexactes ou du moins extrêmement exagérées. La correspondance imprimée sur la traite pour l'année 1843, fournit des preuves si multipliées de la vérité des assertions du Gouvernement des Pays Bas sur ce point, que le Soussigné croit pouvoir se dispenser d'avoir recours à une nouvelle démonstration pour appuyer ce qu'il a précédemment avancé à cet égard. L'opinion que les personnes les plus directement intéressées à la colonie de Surinam, ont conçue de la conduite de M. Schenley se révèle de la manière la moins équivoque dans une pétition, récemment présentée à la Seconde Chambre des Etats généraux par un grand nombre de négociants d'Amsterdam, et où le Gouvernement du Roi est formellement accusé de tolérer que l'agent d'une Puissance étrangère à Surinam se permette d'outrepasser la limite des attributions judiciaires de sa charge, bornée dans son action au seul commerce des esclaves, et de se mêler dans le mouvement du régime intérieur de la colonie, ainsi qu'aux affaires privées et domestiques des colons. Sans vouloir reproduire ici toutes les imputations faites à M. Schenley dans cette pièce et parmi lesquelles celle d'avoir organisé un système réglé d'espionnage parmi les esclaves pour les encourager à porter plaintes contre leurs maîtres n'est pas le moins grave. On peut résumer cette pétition en disant que le Juge Commissaire Britannique y est accusé de mettre en œuvre, dans un moment où la situation de la colonie n'est rien moins que rassurante et cause tant d'embarras et d'inquiétude à l'Administration, tout ce que la passion l'intervention officieuse et l'excitation peuvent effectuer pour créer de nouvelles difficultés et pour augmenter celles qui existent.

On convient sans peine que ces accusations peuvent être regardées comme empreintes d'exagération, et qu'elles sont aussi peu mesurées dans leur expression que la pétition même, d'où elles sont tirées. Mais il n'en est pas moins vrai qu'il y a un fond de vérité dans toutes ces dénonciations, sur lequel sans vouloir se refuser à toute évidence, il est impossible de fermer les yeux. Le Soussigné ne cherchera pas à multiplier les faits à cet égard, et il lui suffira d'en citer un seul en se référant aux lettres mêmes adressées à Lord Aberdeen par M. Schenley, sous la date du 10 et du 23 Août, 1844. Dans ces lettres le Commissaire Anglais expose à sa Seigneurie les mauvais traitemens, dont il prétend qu'un certain Sieur Ferrier, le régisseur d'une plantation à Surinam, se rend journellement coupable envers ses esclaves. M. Ferrier sommé par le propriétaire de la plantation, Sir William Young, qui avait eu connaissance de ces Dépêches en Angleterre, de rendre compte de ses déportemens, repousse avec indignation les allégations de M. Schenley, et dans deux lettres écrites par lui à Paramaribo au mois de Décembre dernier, accuse à son tour le Juge Commissaire d'exercer à Surinam un "système d'espionnage méprisable, par lequel il s'est rendu, à juste titre, odieux à toute la colonie, sauf un très petite nombre d'exceptions."

Après une accusation aussi publique, et dont l'insertion parmi les Anti-Slavery Papers est vivement réclamée par l'auteur, les griefs fondés contre M. Schenley au sujet des intelligences secrètes qu'il entretient parmi les esclaves peuvent difficilement être revoquées en doute. Comment sans l'emploi de



pareils moyens M. Schenley parviendrait-il à être si bien et si exactement instruit de tout le détail de ce qui se passe sur les domaines et dans les habitations pîvées des colons ?

Les noirs, s'accoutumant de plus en plus à voir dans les Juges Britanniques une puissance protectrice contre leurs maîtres, se laissent entraîner chaque jour davantage dans des pratiques offensantes contre ceux-ci. De leur côté les maîtres revoltés de ce manège, redoublent de sévérité envers les esclaves, sans qu'il soit au pouvoir de l'Administration Coloniale de remédier à ces excès. Le Sieur Schenley est là, et domine toute la situation. Suivant ce qu'on a appris à la Haye, il a trouvé depuis quelque tems d'arborer le pavillon Britannique au haut de sa maison à Paramaribo. Cet acte, en soi, n'est pas de grande importance, mais dans la fermentation actuelle des esprits à Surinam, il pourrait avoir des inconvéniens et le Soussigné a été chargé en conséquence, de prier Lord Aberdeen de vouloir bien interdire au Juge Commissaire, si le fait est exacte, cet étalage d'enseignes déployées sur sa demeure; une pareille démonstration étant tout au moins parfaitement inutile.

Il résulte de tout ce que précède, que la note que le Soussigné a eu l'honneur d'adresser à son Excellence le Comte d'Aberdeen, le 3 Décembre dernier, n'a rien dit de trop fort sur la conduite de M. Schenley, ni sur le jugement défavorable qu'on fait de cet agent, dans toute l'étendue de la colonie.

Ce serait se faire étrangement illusion, et s'abuser sciemment et volontairement, en pensant qu'un homme, qui dans son zèle inconsidérée, a poussé les choses aussi loin, que M. Schenley, puisse être ramené, en vertu d'aucuns conseils ou avertissemens, qu'on lui donnerait, à une ligne de conduite plus sage et plus mesurée. On se tromperait encore davantage en supposant que le souvenir du passé et l'irritation qu'il a causé s'effaceraient, tout d'un coup, de l'esprit de ceux qui, pendant si long tems en ont subi les fâcheuses impressions. C'est par ce que le Gouvernement du Roi est intimement convaincu qu'un pareil retour est impossible, qu'il appuie, avec tant d'instance, sur l'éloignement de M. Schenley, et qu'il a de nouveau ordonné au Soussigné de presser le Comte d'Aberdeen de ne plus reculer l'époque, où il pourra s'effectuer. Qu'on se persuade bien en Angleterre qu'aussi longtems que M. Schenley restera à Surinam, l'agitation qui règne dans la colonie, ne fera que s'accroître et prendre de nouvelles forces, que les esclaves continueront à régarder le Juge Commissaire Britannique comme leur sauveur, tandis que les propriétaires ne verront en lui qu'un ennemi couvert et dangéreux.

Lord Aberdeen apprendra avec peine, que toutes les admonitions qu'ila a dressées à M. Schenley, pour l'engager à tempérer son zèle et à donner une direction plus salulaire et plus convenable à son incommode activité, sont restées absolument sans effet. De nouvelles plaintes, et des plaintes fort sérieuses sur le compte de cet agent, sont arrivées depuis peu au Ministère des Colonies à la Haye. Au lieu de profiter des avis qu'il avait reçus, et de borner désormais son action au paisible exercice de ses fonctions judiciaires, M. Schenley a de nouveau franchi cette limite, et s'est oublié au point que le Gouverneur-Général a eu le régrèt de devoir lui signifier que, s'il continuait ainsi, on serait forcé "de le régarder comme ayant violé les conditions de son admission dans la colonie." On conçoit sans peine que des relations aussi orageuses entre un fonctionnaire étranger et les principales Autorités de la colonie sont au plus haut degré fâcheuses, et inconvenantes, et qu'elles finiraient, à la longue, par porter atteinte à la dignité du Gouvernement qui se soumettrait à en subir le joug. Lord Aberdeen ne doit pas manquer d'observer combien la situation délicate où les circonstances ont placé le Gouvernement du Roi vis-à-vis des propriétaires et des habitans de Surinam, réclame l'attention du Cabinet Britannique, et combien elle mérite d'être positivement admise dans ses calculs. Il sentira que la prolongation d'un état de choses pareil à celui, dont il vient d'être parlé, ouvrirait sous peu la porte à une anarchie complète dans la colonie. Le Gouvernement des Pays-Bas se respecte trop pour vouloir se résigner à être continuellement aux prises avec un agent étranger, dont les vues sont si hautement déclarées que celles de M. Schenley, et si diametralement en opposition avec les siennes. Il ne se résignera pas à avoir sans cesse à lutter pour annuler une influence hostile qu'il rencontre partout sur son chemin, et qui se présente partout entre les mains du Juge Commissaire Britannique comme le plus grand obstacle à l'introduction des mesures qu'il a préparées pour l'amélioration de la condition sociale dans

l'intérieur de la colonie. Le Soussigné se flatte que le Principal Secrétaire d'Etat voudra bien pèsér toutes ces considérations et qu'elles décideront son Excellence à ne pas laisser plus longtems cette affaire en suspens, et à faire connaître au plutôt au Soussigné la détermination du Gouvernement de la Reine à ce sujet. Que sa Seigneurie veuille réfléchir qu'un plus long délai à cet égard mettrait peut-être la Cours des Pays-Bas dans l'impossibilité de donner effet à sa bonne volonté, et qu'elle pourrait être forcée, bien contre son grè, à passer outre, et à faire usage de la faculté que le Traité de 1818 laisse aux Parties Contractantes de placer ailleurs, suivant leurs convenances, le siège du Tribunal Mixte établi jusqu' à ce jour à Surinam.

En terminant cette note, le Soussigné est autorisé à ajouter que la question relative au "*Snow*," dont Lord Aberdeen a dit un mot à la fin de sa lettre du 21 Février dernier, sera l'objet d'une communication séparée que le Soussigné se réserve d'avoir l'honneur de porter plus tard à la connaissance de sa Seigneurie.

Le Soussigné, &c.

(Signé)

M. DEDEL.

*Son Excellence le Comte d'Aberdeen, K.T.*  
&c. &c. &c.

No. 368.

*The Earl of Aberdeen to Mr. Howard.*

SIR,

*Foreign Office, April 28, 1845.*

IN my Despatch to Sir Edward Disbrowe, of the 31st December, 1843, you will find a statement in some detail of the circumstances attending the case of the negroes who formed the cargo of a vessel named "*la Légère*," detained by Sir Thomas Cochrane in the year 1823, and who were delivered up by that officer to the Dutch Authorities at Surinam.

You will there see, that in the year 1825, the Dutch Government answered a representation which had been made to them by Her Majesty's Government, by a statement that these negroes had been placed, as free men, under the direction of the Colonial Administration at Surinam; and you will perceive, from my Despatch here referred to, that Her Majesty's Government takes an interest in the fate of these negroes, not contending, that upon the ground of Treaty the Government of this country has any right to interfere in their treatment, but being of opinion that the delivery of the negroes to Dutch Authorities by an officer of the British navy, the declaration of those Authorities, upon an investigation of the case, that the negroes should be free, and the assurance subsequently given by the Dutch Government to Her Majesty's Ambassador, that that sentence had been carried into effect, combine to give to Her Majesty's Government a claim to enquire from the Government of the King of the Netherlands whether their just and benevolent intentions had in reality been carried into effect; and, if not, to urge that they might be so.

From the accompanying extracts from Despatches which I have recently received from Mr. Schenley, as well as from previous communications from me to Her Majesty's Mission at the Hague, you will perceive it to be stated by Mr. Schenley that these negroes are treated with a harshness which suits ill with the humane declarations of the Netherland Government; and that, though termed free labourers, they are in reality not dealt with as free agents, but as persons in a state of servitude.

I have to desire you to bring their case before the Government of the Netherlands, and to express the great gratification which it would afford to Her Majesty's Government if these negroes, in whose fate Her Majesty's Government cannot but feel a strong interest, were restored to entire liberty at Surinam, or were permitted to go to Demerara, there to enjoy that freedom which of right belongs to them, and into the full possession of which they would have entered more than 20 years ago, if Sir Thomas Cochrane had given them up to British instead of to Dutch authority.

I am, &c.

(Signed)

ABERDEEN.

*H. Howard, Esq.*  
&c. &c.

Enclosures in No. 368.

1. *Mr. Schenley to the Earl of Aberdeen, January 22, 1845.—Extract.*
  2.       "                       "                       "                       *February 15, 1845.—Extract.*
- (See Class A., Nos. 238, page 560, and 239, page 562.)
- 

No. 369.

*Mr. Howard to the Earl of Aberdeen.*

*The Hague, May 2, 1845.*  
(Received May 4.)

MY LORD,

I HAVE had the honour of receiving your Lordship's Despatch of the 28th ultimo, and, in obedience to the instructions therein contained, I have this day submitted to the Netherland Minister for Foreign Affairs, in a note, of which I herewith enclose a copy, the case of the negroes of the vessel "*la Légère*," who were delivered up by Sir Thomas Cochrane, in 1823, to the Dutch Authorities at Surinam; and I have expressed the great gratification it would cause Her Majesty's Government if these negroes were restored to complete liberty by the Government of His Netherland Majesty.

I have, &amp;c.

(Signed) HENRY HOWARD.

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

---

Enclosure in No. 369.

*Mr. Howard to Baron de la Sarraz.*

*The Hague, May 2, 1845.*

THE Undersigned, &c. &c. has been instructed by his Government, with reference to the notes addressed to his Excellency General Baron de la Sarraz, &c. &c. by Sir Edward C. Disbrowe, on the 6th of February, 1844, and by Mr. Hudson, on the 29th of April and 6th of July of the same year, to bring again under the notice of the Netherland Government the case of the negroes who formed the cargo of a vessel named "*la Légère*," detained by Sir Thomas Cochrane in the year 1823, and who were delivered up by that officer to the Dutch Authorities at Surinam.

It will be in the recollection of his Excellency General de la Sarraz, that in the year 1825 the Netherland Government answered a representation which had been made to them by the British Government, by a statement, that these negroes had been placed, as free men, under the direction of the Colonial Administration at Surinam; and his Excellency will have perceived, from the above-mentioned communications of Her Majesty's Minister, and Her Majesty's late Chargé d'Affaires, that Her Majesty's Government take an interest in the fate of these negroes, not contending that, upon the ground of Treaty the British Government have any right to interfere in their treatment, but being of opinion that the delivery of the negroes to Dutch Authorities by an officer of the British navy, the declaration of those Authorities, upon an investigation of the case, that the negroes should be free, and the assurance subsequently given by the Netherland Government to the British Ambassador, that that sentence had been carried into effect, combine to give to Her Majesty's Government a claim to enquire from the Government of the King of the Netherlands, whether their just and benevolent intentions had in reality been carried into effect; and, if not, to urge that they might be so.

From the Despatches, however, which have lately been received from Her Majesty's Commissioner at Surinam, it appears, that these negroes are treated with a harshness which suits ill with the humane declarations of the Netherland Government, and that, though termed free labourers, they are in reality not dealt with as free agents, but as persons in a state of servitude.

Under these circumstances, the Undersigned has been directed by the Earl of

Aberdeen, in laying their case before the Government of the Netherlands, to express the great gratification it would afford to Her Majesty's Government, if these negroes, in whose fate Her Majesty's Government cannot but feel a strong interest, were restored to active liberty at Surinam, or were permitted to be conveyed to Demerara, there to enjoy that freedom which of right belongs to them, and into the full possession of which they would have entered more than 20 years ago, if Sir Thomas Cochrane had given them up to British instead of to Dutch authority.

In conclusion, the Undersigned trusts that his Excellency General de la Sarraz will enable him, by an early and favourable reply, to communicate to his Government the compliance of the Government of His Netherland Majesty with their wishes.

The Undersigned, &c.

(Signed)

HENRY HOWARD.

*His Excellency General Baron de la Sarraz,*  
&c. &c.

No. 370.

*Mr. Howard to the Earl of Aberdeen.*

*The Hague, June 2, 1845.*  
(Received June 5.)

MY LORD,

SINCE the date of my Despatch of the 2nd of May, I have taken several opportunities of reverting, in conversation with the Netherland Ministers for Foreign Affairs and the Colonies, to the deep interest which Her Majesty's Government feel in the fate of the negroes of the vessel named "*la Légère*," detained as Government slaves at Surinam, and of pressing upon those Ministers the powerful arguments in favour of their liberation which, according to the instructions contained in your Lordship's Despatch of the 28th of April, I had already urged in my note of the 2nd of May to the Minister for Foreign Affairs, and which are likewise to be found in the repeated communications addressed by your Lordship to the Netherland Government upon the subject.

I have not yet received any reply to my note above-mentioned, nor to my verbal representations; but I have reason to believe, that the Netherland Ministers, whose attention has been of late absorbed by many important affairs of internal Government, will at least take the question of the liberation of the negroes of "*la Légère*" into their early consideration.

I have, &c.

(Signed)

HENRY HOWARD.

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

No. 371.

*The Earl of Aberdeen to M. Dedel.*

*Foreign Office, June 14, 1845.*

THE Undersigned, &c. &c. has had the honour to receive from M. Dedel, &c. &c. a note, dated the 25th of April, referring to a communication from the Undersigned, of the 21st of February, and to verbal communications which have since passed between M. Dedel and the Undersigned, respecting the wish expressed on the part of Her Majesty's Government, that the Government of the Hague should reconsider their proposal for the removal of the Mixed Commission from Surinam, or that they should at least consent to defer the execution of that measure until its necessity shall have been more clearly shown.

M. Dedel states, that His Majesty the King of the Netherlands, being anxious to give a proof of his friendship and regard for Her Majesty, had, notwithstanding his conviction that the removal of the tribunal in question is most desirable, readily acquiesced in the wish of Her Majesty's Government, and that in con-

sequence the Government of the Hague had directed M. Dedel to express their consent to the provisional retention of the Mixed Court in Surinam.

M. Dedel adds, that in making this communication, he would gladly have avoided connecting with it any remarks upon Mr. Schenley, but that his instructions do not permit him to be silent upon that point. He then goes on to say, that the name of that gentleman is, in one way or another, mixed up with every report that the Governor of Surinam addresses to the Colonial Minister at the Hague; and that the Netherland Government cannot but consider that the Undersigned views the facts with partiality, in supposing that the representations which M. Dedel has been instructed to make as to undue interference on the part of Mr. Schenley, and the means which he takes of acquiring information, are inaccurate or exaggerated; and in support of this opinion, M. Dedel refers to the correspondence upon the Slave Trade in 1843, which has been laid before Parliament, and to a petition recently presented to the Second Chamber of the States-General, by some merchants of Amsterdam, in which, amongst other accusations, Mr. Schenley is charged with having organized a regular system of spies, with a view to encourage the slaves to bring complaints against their masters, and of increasing, by officious interference and agitation, the difficulties under which the colony is already labouring. M. Dedel admits that these charges may be considered exaggerated; but in proof that they are fundamentally true, he appeals to the testimony of a Mr. Ferrier, the manager of an estate in Surinam, belonging to a British subject, who upon being charged by Mr. Schenley with ill-treating the slaves upon it, denies the truth of the charge, and reproaches Mr. Schenley with having adopted a system of inquisition which had rendered him odious throughout the colony.

M. Dedel dwells upon the grave consequences of this supposed interference, and complains that Mr. Schenley has lately thought proper to hoist a British flag on the top of his house.

He then observes, that to suppose that Mr. Schenley can, by advice or instructions, be reclaimed to an observance of his duty, or that the irritation which he has caused can be readily allayed, is wilfully to deceive one's self; and he announces, that he is directed by the Government to press the early removal of Mr. Schenley from Surinam.

M. Dedel, at the same time, gives his grounds for supposing that the admonitions which Mr. Schenley has received from her Majesty's Government have been without effect; he enlarges upon the reasons which make it unbecoming that a foreign functionary should remain upon such a footing with the colonial Authorities, and observes, that the influence exercised by Mr. Schenley is the most serious obstacle to the adoption of those measures of amelioration which the Netherland Government proposes to introduce into the colony; and, finally, M. Dedel presses the Undersigned not to delay longer the removal of Mr. Schenley, lest the Cabinet of the Hague should find it impossible to give effect to their wish for the retention of the Mixed Commission, and be obliged to use the right conferred by the Treaty of 1818, and to remove the Court elsewhere.

It would be difficult for the Undersigned to express to M. Dedel the regret which this conclusion of his note has caused to Her Majesty's Government. Fully admitting the ready and friendly attention by which the wishes of Her Majesty's Government as regards the continuance of the Commission at Surinam have been met, the Undersigned cannot sufficiently lament that the Government of the Hague should have thought it necessary to attach to their compliance with those wishes this demand for the removal of Her Majesty's Commissioner. For although sensible of the importance of cordial relations being preserved between the person filling that post and the colonial Authorities, and sincerely disposed to remove all just grounds of complaint on the part of the Netherland Government, the Undersigned is compelled to state, that Her Majesty's Government must decline to accede to the demand in question, and that, greatly as they would regret the removal at the present moment of the Mixed Commission, they cannot consent to Mr. Schenley's recall being made the condition of its continuance at Surinam.

With respect to the grounds upon which M. Dedel has now pressed that recall, the Undersigned cannot admit either their force or justness. M. Dedel himself allows, that both the substance and the language of the petition from the merchants at Amsterdam, to which he has appealed, are exaggerated. But, if Her

Majesty's Government have been rightly informed, not only is any representation emanating from that quarter likely to be conceived in a spirit unduly hostile to a British subject holding Mr. Schenley's office, but the same hostility will be directed against the proposed measures of social improvement to which M. Dedel alludes in the latter part of his note, and the adoption of which he makes, to a certain degree, dependent upon Mr. Schenley's removal. If this information is correct, the Undersigned can only hope that the representations of the Amsterdam merchants, probably not less exaggerated on that point than with regard to Mr. Schenley, will be met by the Netherland Government with greater firmness than they have been in the present instance.

As to the accusation brought against Mr. Schenley by Mr. Ferrier, and which M. Dedel adduces as corroborating those of the petition just referred to, the Undersigned must observe, without expressing any opinion as to the justice of the charges against which Mr. Ferrier has had occasion to defend himself, that that gentleman does not speak with any greater authority as to Mr. Schenley's proceedings than the planters of Surinam, or their representatives in Holland; and the Undersigned does not see any reason for allowing greater weight to his accusation.

The reference which, in addition to his appeal to the testimony of Mr. Ferrier, M. Dedel makes to a letter addressed by the Governor of Surinam to Mr. Schenley, warning him to refrain from all interference with the slave population, and with the domestic concerns of the colony, as by a contrary course he would forfeit the conditions of his admission into the community, requires a separate notice.

M. Dedel cites this letter as a proof that Mr. Schenley, in disregard of the caution which he has received from Her Majesty's Government, continues to exceed the limits of his duty, that is, according to the statement made in an earlier part of M. Dedel's note, to play the part of a spy and a fomentor of discontent amongst the slave population.

The Undersigned will not now stop to enquire whether the warning of the Governor was called for or not; but if M. Dedel has been made fully acquainted with the correspondence which has passed between General Elias and Mr. Schenley, he will be aware, that the facts which are brought to Mr. Schenley's knowledge respecting the slaves of proprietors in the colony, are not always used by him for purposes of agitation, but that even when fugitive slaves have presented themselves at his residence, probably in the expectation of receiving protection and assistance against their masters, Mr. Schenley has refused to give them any encouragement, and has informed the administrator of the estate to which they belonged of the circumstance, reporting it at the same time to the Governor of the colony. The very letter of General Elias which M. Dedel has quoted, acknowledges that report; and although the Undersigned does not deny that the occurrence to which he has referred supports the assertion of M. Dedel, that the negroes are in the habit of looking up to the British Commissioner as a protector against the cruelty and oppression of their masters, it also shows, contrary to the assumption of M. Dedel, that Mr. Schenley does not encourage them in that error, or take advantage of it to disturb the peace and good order of the colony.

And here the Undersigned cannot but repeat an opinion already expressed in his note to M. Dedel of the 21st February, that much which by the Netherland Government is laid to the charge of Mr. Schenley, ought, in fairness, to be attributed to others. For instance, this very fact, which forms a matter of complaint in M. Dedel's last note, that the negro population look to Mr. Schenley as their guardian, is mainly attributable to the notoriety which, by the indifference of the colonial Authorities, was forced upon Mr. Schenley's efforts to obtain redress for a class of men whose freedom it was his duty to claim and to preserve inviolate, and for whom his exertions, and the repeated representations of Her Majesty's Government, did not succeed in obtaining bare justice until after a lapse of two years; and when M. Dedel characterizes Mr. Schenley's activity as inconvenient, the Undersigned must be permitted to observe, that but for that activity the Government of the Hague would, through the culpable conduct of its colonial agents, have continued to this hour in the violation of a solemn engagement under Treaty—ignorantly, no doubt, but not the less grievously for the unfortunate beings who have but lately escaped from a cruel and unjust servitude of nearly 20 years

It is unnecessary, however, again to discuss points upon which the opinion of Her

Majesty's Government has already been fully expressed to the Government of the Hague. M. Dedel is well aware, both of the light in which Her Majesty's Government regard the charges against Mr. Schenley, and of the reasons which induce them to deprecate a change in the seat of the Commission. Those reasons are recorded in the note above alluded to; and there is nothing in that by which M. Dedel has since replied to the Undersigned that can tend to alter the views of Her Majesty's Government upon these points.

As regards the offence of hoisting a flag upon his house, the Undersigned readily undertakes to direct Mr. Schenley to discontinue the practice, which he entirely agrees with M. Dedel in considering a useless one. But as to the removal of Mr. Schenley from his office, the Undersigned must repeat to M. Dedel, that Her Majesty's Government would not consider themselves justified in taking such a step, without stronger reasons than any which M. Dedel has been instructed to address to the Undersigned.

Before concluding, the Undersigned must express his acknowledgments to M. Dedel for the promise conveyed in the last paragraph of his note of a further communication on the subject of the negroes of the "Snow."

The Undersigned felt confident that the Government of the Hague would not be slow to admit the justice of the claim which has been made in behalf of those negroes, both for the restoration to them of their families, and for remuneration on account of their forced and long-continued labour.

It would be an injury to that Government, to suppose that they could consent to reap benefit from wrongs of their own infliction, without offering some sort of acknowledgment or recompense to the sufferers.

The Undersigned, &c.

*M. Dedel,*  
&c. &c.

(Signed)

ABERDEEN.

No. 372.

*Mr. Howard to the Earl of Aberdeen.*

*The Hague, June 17, 1845.*  
(Received June 19.)

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Circular Despatch of the 10th instant, enclosing to me copies of a Convention between Her Majesty and the King of the French for the suppression of the Slave Trade, signed at London on the 29th ultimo.

In answer to my enquiry of the Netherland Minister for Foreign Affairs, whether he was in possession of that Convention, his Excellency replied, that M. Dedel had been enabled, through your Lordship's kindness, to transmit to him a printed copy of it.

I take the liberty of observing, that the Treaty itself, as well as the spirit in which it has been negotiated and concluded, appear to be highly approved of by the persons in this residence most conversant with the subject.

I have, &c.

(Signed)

HENRY HOWARD.

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

No. 373.

*Mr. Howard to the Earl of Aberdeen.*

*The Hague, July 6, 1845.*  
(Received July 10.)

MY LORD,

THE Netherland Minister for the Colonies, M. Band, has repeated to me the assurance, that orders were transmitted several months ago to the Governor of Surinam for the emancipation, under certain precautionary restrictions, of all

the negroes belonging to the class termed free labourers, in which are included those who originally formed the cargo of the vessel named "*la Légère*."

He states, that he is able to trace, in the account of the monthly proceedings of the Governor, the measures taken by him to pave the way for the execution of those orders; but that previous to an official answer being returned on the part of the Netherland Government to the note which I addressed to the Minister for Foreign Affairs on the 2nd of May, by your Lordship's instructions, urging the liberation of the negroes of "*la Légère*," he is anxious to await the direct report he expects to receive from the Governor upon the subject of the free labourers.

I have, &c.

(Signed) HENRY HOWARD.

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

No. 374.

*Mr. Howard to the Earl of Aberdeen.*

*The Hague, July 11, 1845.*  
(Received July 13.)

MY LORD,

SINCE the date of my Despatch of the 6th instant I have had an opportunity of conversing with the Colonial Minister, M. Band, and have again pressed him to repeat the orders already sent to the Governor of Surinam for the emancipation of the negroes termed free labourers; but he is unwilling to do so at present, as he expects the late Governor-General Elias in this country, at the end of next month; and he supposes, that before his departure he will have advanced the matter. Besides this, he says that the emancipation of the Government negroes in other foreign colonies having preceded that of the slaves belonging to private individuals, the slaves at Surinam have been led to believe, that the liberation of the Government slaves will be the prelude to their own; therefore it was necessary, in order to avoid a confirmation of this impression, and the recurrence of the excitement that prevailed when the negroes of the vessel named "*Snow*" were set free, to proceed with great caution, and commence by the separation of the free labourers from the Government Slaves. This had already been done, and other preparatory measures taken by the Governor, which had no doubt been followed up by him; but his instructions, from which M. Band thought it would be dangerous to depart, were, to go slowly to work, and render the emancipation gradual.

From this system, I think it will be difficult to induce the Netherland Government to deviate, as they are apprehensive of increasing the fermentation alleged to exist amongst the slaves of Surinam.

I have, &c.

(Signed) HENRY HOWARD.

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

No. 375.

*The Earl of Aberdeen to Sir E. C. Disbrowe.*

SIR,

*Foreign Office, July 21, 1845.*

IT is stated in Mr. Howard's Despatch of the 11th instant, that General Elias, the late Governor of Surinam, is expected to return to the Hague in the course of the present month; and that until his Excellency shall have done so, M. Band is unwilling to repeat the orders already sent to that colony for the emancipation of the negroes termed free labourers.

I have to desire, that as soon as General Elias shall have arrived, you will endeavour to ascertain what measures that officer set on foot previously to his quitting Surinam for executing the intentions of his Government with regard

CLASS B.



to those negroes ; and that you will report the result to me, without loss of time.

I am, &c.  
(Signed) ABERDEEN.

Sir E. C. Disbrowe, G.C.H.  
&c. &c.

No. 376.

*Sir E. C. Disbrowe to the Earl of Aberdeen.*

*The Hague, August 8, 1845.*  
(Received August 11.)

MY LORD,

IN compliance with the instructions contained in your Lordship's Despatch, marked Slave Trade, of the 21st ultimo, I will not fail, upon the arrival in this country of the late Governor-General of the Netherlands West Indies, M. Elias, to endeavour to ascertain what measures he may have taken previously to quitting Surinam for the emancipation of the negroes in that colony termed free labourers.

I have, &c.  
(Signed) E. C. DISBROWE.

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

No. 377.

*The Earl of Aberdeen to Sir E. C. Disbrowe.*

SIR,

*Foreign Office, August 27, 1845.*

I TRANSMIT herewith to you, for your information, copies of further correspondence between M. Dedel, the Netherland Minister at this Court, and myself, respecting the proposed removal of the Mixed Commission from Surinam.

I am, &c.  
(Signed) ABERDEEN.

*Sir E. C. Disbrowe, G.C.H.*  
&c. &c.

Enclosures in No. 377.

1. *M. Dedel to the Earl of Aberdeen, April 25, 1845.*
  2. *The Earl of Aberdeen to M. Dedel, June 14, 1845.*
- (See Nos. 367 and 371, pages 456 and 461.)

No. 378.

*Sir E. C. Disbrowe to the Earl of Aberdeen.*

*The Hague, September 2, 1845.*  
(Received September 14)

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, marked Slave Trade, of the 27th ultimo, together with its enclosures.

The Ex-Governor-General of the Netherlands West Indies, M. Elias, has returned to this country from Surinam. The arrival of that gentleman will,

I trust, enable me shortly to fulfil the instructions contained in your Lordship's Despatch, Slave Trade, of the 21st July.

I have, &c.  
(Signed) E. C. DISBROWE.

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

No. 379.

*Sir E. C. Disbrowe to the Earl of Aberdeen.*

*The Hague, September 19, 1845.*  
(Received September 22.)

MY LORD,

I HAVE the honour of enclosing a copy of the note which, in fulfilment of the instructions contained in your Lordship's Despatch, marked Slave Trade, of the 21st of July, I have addressed to the Netherland Minister for Foreign Affairs, General de la Sarraz, requesting information concerning any steps taken by M. Elias, late Governor-General of Surinam, or by his successor, for the liberation of certain negroes in that colony.

I will not fail to press the Netherland Government for an early and satisfactory reply.

I have, &c.  
(Signed) E. C. DISBROWE.

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

Enclosure in No. 379.

*Sir E. C. Disbrowe to Baron de'la Sarraz.*

*The Hague, September 16, 1845.*

THE return of M. Elias, late Governor-General of the colony of Surinam and its dependencies, will have enabled the Netherland Government to inform itself fully as to the measures which have been adopted by the Governor of that colony in conformity with the humane instructions which have been sent out from time to time by the Government. The Earl of Aberdeen has consequently instructed the Undersigned, Her Britannic Majesty's Envoy Extraordinary, and Minister Pleinpotentiary, to request that a communication of any steps which have been taken to grant liberty to those negroes whose position still forms the subject of discussion between the two Cabinets, may be made to him.

The Undersigned begs leave to refer to the different notes which have been addressed by this Legation to the Minister for Foreign Affairs, as marked in the margin, and he will feel obliged to General de la Sarraz if his Excellency will enable him to fulfil his instructions, by adding to his reply an account of any steps lately taken, either by Governor-General Elias or his successor, for the settlement of those questions.

The Undersigned, &c.

(Signed) E. C. DISBROWE.

*His Excellency Lieut.-Gen. Baron de la Sarraz,*  
&c. &c.

No. 380.

*Sir E. C. Disbrowe to the Earl of Aberdeen.*

*The Hague, September 30, 1845.*  
(Received October 2.)

MY LORD,

ALTHOUGH General de la Sarraz informs me that M. Dedel has been instructed to communicate with your Lordship on the subject to which the

enclosed note refers, I nevertheless think it my duty to transmit a copy to the Office.

I have, &c.  
(Signed) E. C. DISBROWE.

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

---

Enclosure in No. 380.

*Baron de la Sarraz to Sir E. C. Disbrowe.*

*La Haye, 29 Septembre, 1845.*

LE Soussigné, &c. &c. a l'honneur de porter à la connaissance de Sir Edward Cromwell Disbrowe, &c. &c. en réponse à sa note du 16 du courant, que le Gouvernement des Pays-Bas a chargé la Légation du Roi à Londres, de transmettre au Cabinet de St. James une communication ultérieure sur l'affaire de la Cour Mixte à Surinam et de M. Schenley, anisi que sur la position actuelle des nègres provenant des navires "*the Snow*" et "*la Légère*," son Excellence Lord Aberdeen ayant fait également mention dans une lettre du 14 Juin dernier des dits nègres qui font aussi l'objet des notes que la Légation Britannique a bien voulu adresser successivement au Soussigné le 31 Août et le 9 Septembre, 1844, ainsi que le 2 Mai dernier

Cette communication porte entre autres qu'il résulte d'un examen fait sur les lieux que les nègres du "*Snow*" n'ont aucun droit à une indemnité pecuniaire parceque le travail facile qui leur a été imposé, s'est trouvé largement récompensé par une nourriture abondante, par l'habillement et par les soins qu'ils ont reçus lorsqu'ils étaient malades, le tout sans distinction s'ils étaient en état ou non de travailler.

Pour ce qui regarde la mise en liberté des proches parens que ces nègres pourraient compter parmi les ouvriers libres, il est à remarquer qu'il dépendait entièrement des nègres eux-mêmes de rester auprès de ces parents, et que leur émigration volontaire à Demerary semble prouver que leur affection pour eux n'est pas très-grande : d'ailleurs le Gouvernement des Pays-Bas doit désapprouver nécessairement par principe toute mesure tendant à multiplier les émigrations dans une colonie où les mains propres au travail manquent de plus en plus. Toutefois en égard à ce que les nègres du "*Snow*" ont été privé de la liberté pendant tant d'années, l'administration de Surinam a reçu l'ordre de permettre aux proches parens des nègres sus mentionnés d'aller les rejoindre.

Quant aux nègres provenant du navire "*la Légère*," ceux ci non seulement, mais encore tous les autres qui se trouvent dans la même catégorie, sont séparés actuellement des nègres du Gouvernement : ils jouissent d'un salaire mensuel, qui leur est payé en numéraire. Dès lors ils ne sont plus compris dans la distribution d'objets d'habillement et de comestibles. Toute correction arbitraire a cessé à leur égard. Lorsqu'ils seront restés pendant quelques mois dans cette position transitoire, ils recevront des lettres de manumission et l'on a toute confiance que de cette manière il sera possible, sans danger pour la tranquillité de la colonie, et sans émouvoir la population esclave, de placer les nègres dont il s'agit dans la position sociale qui leur est due.

Le Soussigné, &c.

*Sir E. C. Disbrowe, G.C.H.*  
&c. &c.

(Signé)

DE LA SARRAZ.

---

## ARGENTINE CONFEDERATION.

---

No. 381.

*The Earl of Aberdeen to Mr. Mandeville.*

SIR,

*Foreign Office, January 9, 1845.*

I HAVE to desire that you will inform the Government of Buenos Ayres, that a warrant under the Treaty of May 24, 1839, between Great Britain and the Argentine Confederation, for the abolition of Slave Trade, has been issued to Her Majesty's sloop "Mutine," of 12 guns, commanded by Commander R. B. Crawford, and to be employed on the Cape of Good Hope station.

I am, &c.

*J. H. Mandeville, Esq.*  
&c. &c.

(Signed) ABERDEEN.

---

No. 382.

*Mr. Mandeville to the Earl of Aberdeen.*

MY LORD,

*Buenos Ayres, October 21, 1844.*  
(Received January 19, 1845.)

I HAVE the honour to acknowledge the receipt of your Lordship's Slave Trade Despatches of 4th July and 7th August, respectively, and to inform your Lordship, that in obedience to the directions therein contained, I have acquainted the Government of Buenos Ayres, that the warrants supplied to Her Majesty's ships "Daphne" and "Madagascar," authorizing them to act under the Treaty of May 24, 1839, between Great Britain and the Argentine Confederation, for the suppression of the Slave Trade, have been returned to the Lords Commissioners of the Admiralty, and cancelled by them.

I have, &c.

(Signed)

J. H. MANDEVILLE.

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

---

No. 383.

*The Earl of Aberdeen to Mr. Mandeville.*

SIR,

*Foreign Office, January 11, 1845.*

I HAVE to desire that you will inform the Government of Buenos Ayres, that a warrant under the Treaty of May 24, 1839, between Great Britain and the Argentine Confederation, for the abolition of Slave Trade, has been issued to Her Majesty's sloop "Waterwitch," of eight guns, commanded by Commander Thomas Francis Birch, and to be employed on the West Coast of Africa station.

I am, &c.

*J. H. Mandeville, Esq.*  
&c. &c.

(Signed) ABERDEEN.

---

No. 384.

*The Earl of Aberdeen to Mr. Mandeville.*

SIR,

*Foreign Office, January 14, 1845.*

I HAVE to desire that you will inform the Government of Buenos Ayres, that a warrant under the Treaty of May 24, 1839, between Great Britain and the Argentine Confederation, for the abolition of Slave Trade, has been issued to Her Majesty's sloop "Pantaloön," of eight guns, commanded by Commander Edmund Wilson, and to be employed on the West Coast of Africa station.

*J. H. Mandeville, Esq.*  
 &c. &c.

I am, &c.  
 (Signed) ABERDEEN.

No. 385.

*The Earl of Aberdeen to Mr. Mandeville.*

SIR,

*Foreign Office, January 25, 1845.*

I HAVE to desire that you will inform the Government of Buenos Ayres, that a warrant under the Treaty of May 24, 1839, between Great Britain and the Argentine Confederation, for the abolition of Slave Trade, has been issued to Her Majesty's sloop "Ranger," of six guns, commanded by Commander James Anderson, and to be employed on the Coast of Africa station.

*J. H. Mandeville, Esq.*  
 &c. &c.

I am, &c.  
 (Signed) ABERDEEN.

No. 386.

*The Earl of Aberdeen to Mr. Mandeville.*

SIR,

*Foreign Office, January 25, 1845.*

I HAVE to desire that you will inform the Government of Buenos Ayres, that a warrant under the Treaty of May 24, 1839, between Great Britain and the Argentine Confederation, for the abolition of Slave Trade, has been issued to Her Majesty's sloop "Acorn," of 16 guns, commanded by Commander John E. Bingham, and to be employed on the Brazil station.

*J. H. Mandeville, Esq.*  
 &c. &c.

I am, &c.  
 (Signed) ABERDEEN.

No. 387.

*The Earl of Aberdeen to Mr. Mandeville.*

SIR,

*Foreign Office, January 25, 1845.*

I HAVE to desire that you will acquaint the Government of Buenos Ayres, that the warrant supplied to Her Majesty's ship "Isis," on the Cape of Good Hope station, authorizing her to act under the Treaty of May 24, 1839, between Great Britain and the Argentine Confederation, for the suppression of the Slave Trade, has been returned to the Lords Commissioners of the Admiralty, and cancelled by them.

*J. H. Mandeville, Esq.*  
 &c. &c.

I am, &c.  
 (Signed) ABERDEEN.