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Class D.

CORRESPONDENCE

WITH

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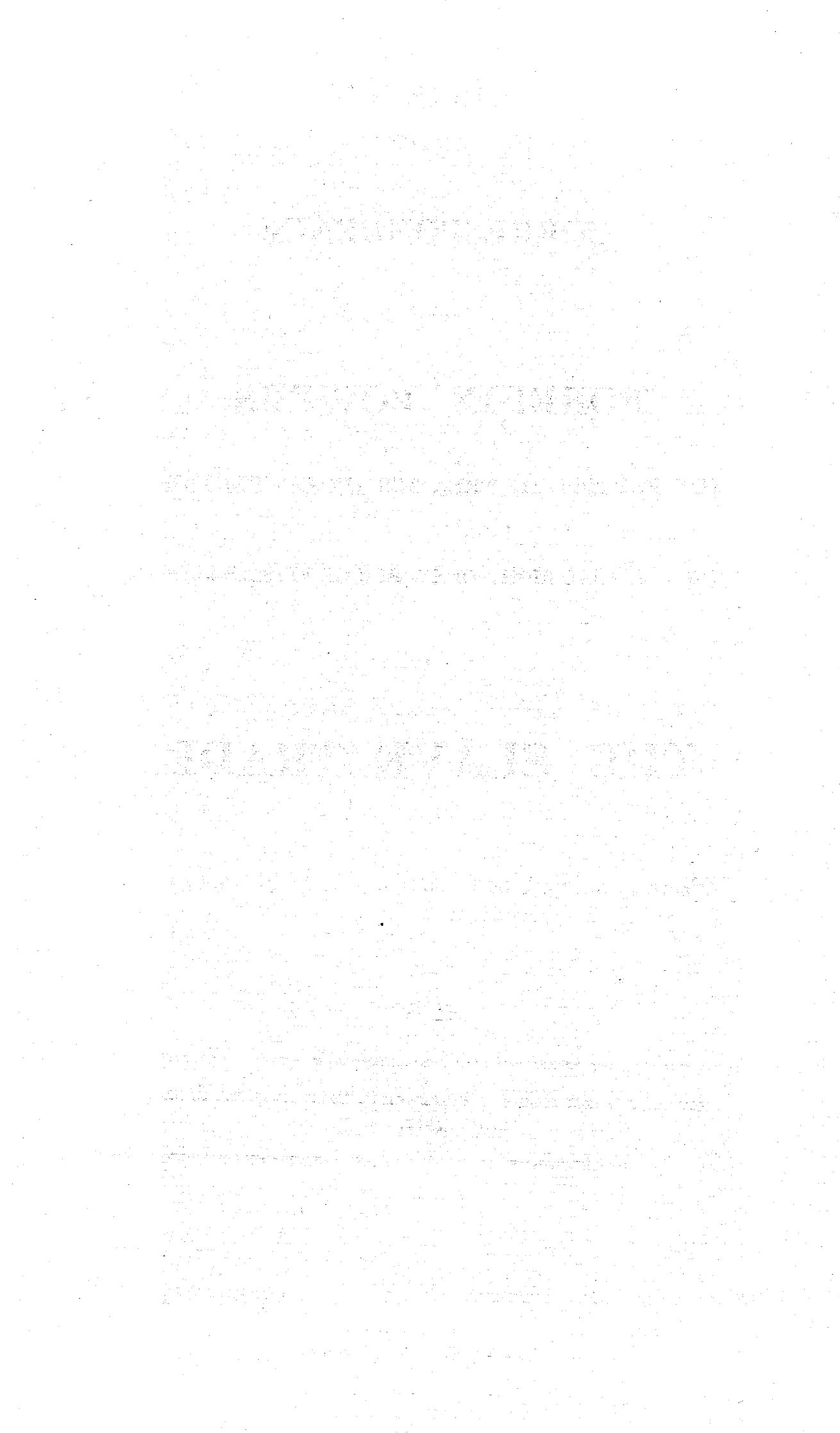
OF

THE SLAVE TRADE.

From January 1 to December 31, 1846, inclusive.

Presented to both Houses of Parliament by Command of Her Majesty.
1847.

LONDON:
PRINTED BY T. R. HARRISON.



Class D.—1846.

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Class D.—1846.

CORRESPONDENCE

WITH

FOREIGN POWERS.

BELGIUM.

No. 1.

Sir G. Hamilton Seymour to the Earl of Aberdeen.

Brussels, January 10, 1846.

(Received January 12.)

My Lord,

I HAD the honour of receiving, by the last messenger, your Lordship's despatch of the 30th ultimo, marked Slave Trade, together with its several enclosures.

Yesterday, in pursuance of your Lordship's directions, I delivered into the hands of the Minister of Foreign Affairs, the note which I was instructed to deliver to him, accompanied by such observations as appeared likely to promote the object which your Lordship has in view, the accession, namely, of Belgium to the Treaty signed by the five Powers, on the 20th December, 1841, for the suppression of the Slave Trade.

M. Deschamps, who appeared to be little prepared for this application, begged that I would excuse him if he declined returning any answer to my note until it should have been maturely examined.

I assured his Excellency, in return, that I did not press for an immediate reply to a demand which would be addressed to him also on the part of other Governments, but that I would earnestly request that, in taking the overture into consideration, he would bear in mind that the answer to be returned was one to which the English Government and the English nation would look with the greatest interest.

Before waiting on the Belgian Minister, I took occasion to apprise my Austrian and Prussian colleagues of the step which I had been directed to take, and ascertained that no instructions upon the subject had been received at either mission.

I have, &c.

(Signed) G. H. SEYMOUR.

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

&c.

&c.

&c.

No. 2.

Sir G. Hamilton Seymour to the Earl of Aberdeen.

Brussels, January 17, 1846.

(Received January 19.)

My Lord,

ON the 14th instant I had the honour of receiving, together with its enclosures, your Lordship's despatch of the 30th ultimo, marked Slave Trade.

The Minister of Foreign Affairs has not as yet taken any notice of the note which, by your Lordship's orders, I addressed to him on the 9th instant; and on my side, I have refrained from conversing further with him upon the subject which I brought under his consideration.

My motive has been, that it appeared to me that any fresh representations, which I might have to make to the Belgian Government, would come with more weight when the original application shall have been supported by those which may be expected from the Austrian and Prussian Missions.

I have, &c.

(Signed)

G. H. SEYMOUR.

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

&c.

&c.

&c.

No. 3.

Sir G. Hamilton Seymour to the Earl of Aberdeen.

Brussels, January 31, 1846.

(Received February 2.)

My Lord,

WITH reference to the despatch, marked Slave Trade, which I had the honour of addressing to your Lordship on the 10th instant, I beg to transmit to you the copy of an instruction from M. de Canitz, which my Prussian colleague received a few days since, and which he has had the kindness to communicate to me.

M. de Sydow acquaints me, that he has addressed to the Belgian Government a note, which is nearly a transcript of the enclosed despatch.

No instruction of a similar nature has been received as yet by the Austrian Minister.

I have, &c.

(Signed)

G. H. SEYMOUR.

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

&c.

&c.

&c.

Enclosure in No. 3.

M. de Canitz to M. de Sydow.

Monsieur,

Berlin, ce 17 Janvier, 1846.

VOUS n'ignorez pas que, en vue de donner suite aux déclarations faites aux Congrès de Vienne et de Vérone, relativement à la suppression de la Traite des Nègres, la Prusse, l'Autriche, la Grande Bretagne et la Russie, sanctionnèrent par leurs ratifications une Convention, signée le 20 Décembre, 1841, pour l'abolition totale de ce criminel trafic.

Afin de rendre plus efficace les mesures arrêtées d'un commun accord, par cet acte, et ne pouvant se dissimuler que le succès de leurs efforts réunis pour réprimer la Traite resterait nécessairement incertain et incomplet, aussi longtemps qu'il existerait encore des Gouvernemens Chrétiens qui n'auraient pas hautement et formellement condamné un commerce aussi odieux, et dont le pavillon pourrait servir, par conséquent, ne fût-ce que par abus, à couvrir les entreprises coupables de ce commerce, les Hautes Parties Contractantes convinrent par l'Article XVII du dit Traité, d'inviter à y accéder toutes les

Puissances maritimes de l'Europe qui n'auraient pas encore de traités pour l'abolition de la Traite des Nègres.

Le Gouvernement du Roi ne voulant plus différer, de son côté, de se conformer à cette stipulation, j'ai l'honneur de vous prier, Monsieur, de vouloir bien faire auprès du Cabinet de Bruxelles les démarches nécessaires afin de l'engager à déclarer formellement son accession au Traité ratifié le 19 Février, 1842, dont je m'empresse, à cet effet, de vous transmettre ci-joint un exemplaire, accompagné d'un protocole qui en forme, pour ainsi dire le complément, et que les Plénipotentiaires respectifs ont signé sous la date du 3 Octobre de l'année dernière.

Nous aimons à espérer que ces démarches seront accueillies favorablement par la Cour de Bruxelles. Car nous sommes persuadés que les sentimens élevés du Gouvernement de Sa Majesté Belge, lui feront attacher du prix à associer son nom à une œuvre qui honore notre époque, et à concourir autant que sa position particulière le comporte, à la répression d'un trafic honteux que reprouvent la morale et la religion, et qui, grâce aux progrès d'une philanthropie éclairée, est mis aujourd'hui au ban du monde civilisé.

Monsieur de Sydow,
&c. &c.

Recevez, &c.
(Signé) CANITZ

No. 4.

Sir G. Hamilton Seymour to the Earl of Aberdeen.

Brussels, February 21, 1846.
(Received February 23.)

My Lord,

THE Austrian Minister did me the favour of calling upon me two days since, for the purpose of communicating to me a despatch from Prince Metternich, dated the 7th instant, by which he is authorised to support the wish expressed on the part of Her Majesty's Government and of that of Prussia, for the accession of Belgium to the Treaty signed on the 20th December, 1841, having for object the suppression of the Slave Trade.

Count Woyna had, it appeared, lost no time in acting upon the permission thus given him.

Judging from a conversation which I held a few days ago with the Minister of Foreign Affairs, I am willing to hope that the Belgian Government are well disposed to adopt the course urged upon them by Her Majesty's Mission and by those of Prussia and Austria.

I have, &c.
(Signed) G. H. SEYMOUR.

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

No. 5.

Viscount Palmerston to Mr. Waller.

Sir,

Foreign Office, August 13, 1846.

IN Sir Hamilton Seymour's despatch to the Earl of Aberdeen, marked Slave Trade, dated the 21st of February, relative to the desire which has been expressed by Her Majesty's Government in conjunction with the Governments of Austria and Prussia, that the King of Belgium should become an acceding party to the Treaty of the 20th of December, 1841, I observe that although no formal answer has yet been returned to this invitation, Sir Hamilton Seymour was of opinion, judging from a conversation which he had recently held with the Minister for Foreign Affairs, that the Belgian Government was well disposed to adopt the course urged upon them by the three Powers.

I trust therefore, that we may expect shortly to receive a favourable answer from the Belgian Government, but I should wish you nevertheless earnestly to press the subject upon the attention of M. Deschamps.

T. Wathen Waller, Esq.
 &c. &c.

I am, &c.
 (Signed) PALMERSTON.

No. 6.

Mr. Waller to Viscount Palmerston.

My Lord,

Brussels, August 22, 1846.
(Received August 24.)

IN obedience to the instructions contained in your Lordship's despatch, Slave Trade, of the 16th instant, I have called on the Secretary-General for the Foreign Department, in the absence of M. Deschamps, again to press on his attention the desire of Her Majesty's Government that the King of the Belgians should become an acceding party to the Treaty of the 20th December, 1841.

Baron de T'Serclaes assured me that this question had not been lost sight of, but had been long under the serious consideration of his Government; in proof of which he shewed me a considerable number of documents on the subject, that the examination to which it had been submitted was now drawing to a close, and that he had no doubt that an answer, in accordance with the wish expressed by Her Majesty's Government, in conjunction with the Governments of Austria and Prussia, would be shortly returned, though he declined to mention any period at which it might be expected.

To give effect to your Lordship's instructions, I have thought it best, in the absence of the Minister of Foreign Affairs, to address a letter to his Excellency, embodying the substance of your despatch.

I have, &c.
 (Signed) T. W. WALLER.

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

No. 7.

Mr. Waller to Viscount Palmerston.

(Extract.)

Brussels, August 29, 1846.
(Received August 31.)

I HAVE the honour to enclose to your Lordship a copy of the letter which, in furtherance of the instructions conveyed to me in your despatch, Slave Trade, of the 13th instant, I addressed to M. Deschamps, together with a copy of His Excellency's answer.

(Signed) T. W. WALLER.

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

Enclosure 1 in No. 7.

Mr. Waller to M. Deschamps.

Monsieur le Ministre,

Brussels, August 21, 1846.

I HAVE been instructed by Viscount Palmerston to bring again to your notice the desire of Her Majesty's Government, in conjunction with the Governments of Austria and Prussia, that the King of the Belgians should become an acceding party to the Treaty for the abolition of the Slave Trade of the 20th December, 1841, which was expressed to your Excellency in Sir Hamilton Seymour's letter of the 9th of January last.

The disposition then evinced by the Belgian Government to entertain this proposition favourably, leads Her Majesty's Government to hope that a satisfactory answer on this subject may shortly be expected.

His Excellency Monsieur Deschamps, &c. I avail, &c.
(Signed) T. W. WALLER.
&c. &c.

Enclosure 2 in No. 7.

M. Deschamps to Mr. Waller.

Monsieur le Chargé d'Affaires,

Bruxelles, le 26 Août, 1846.

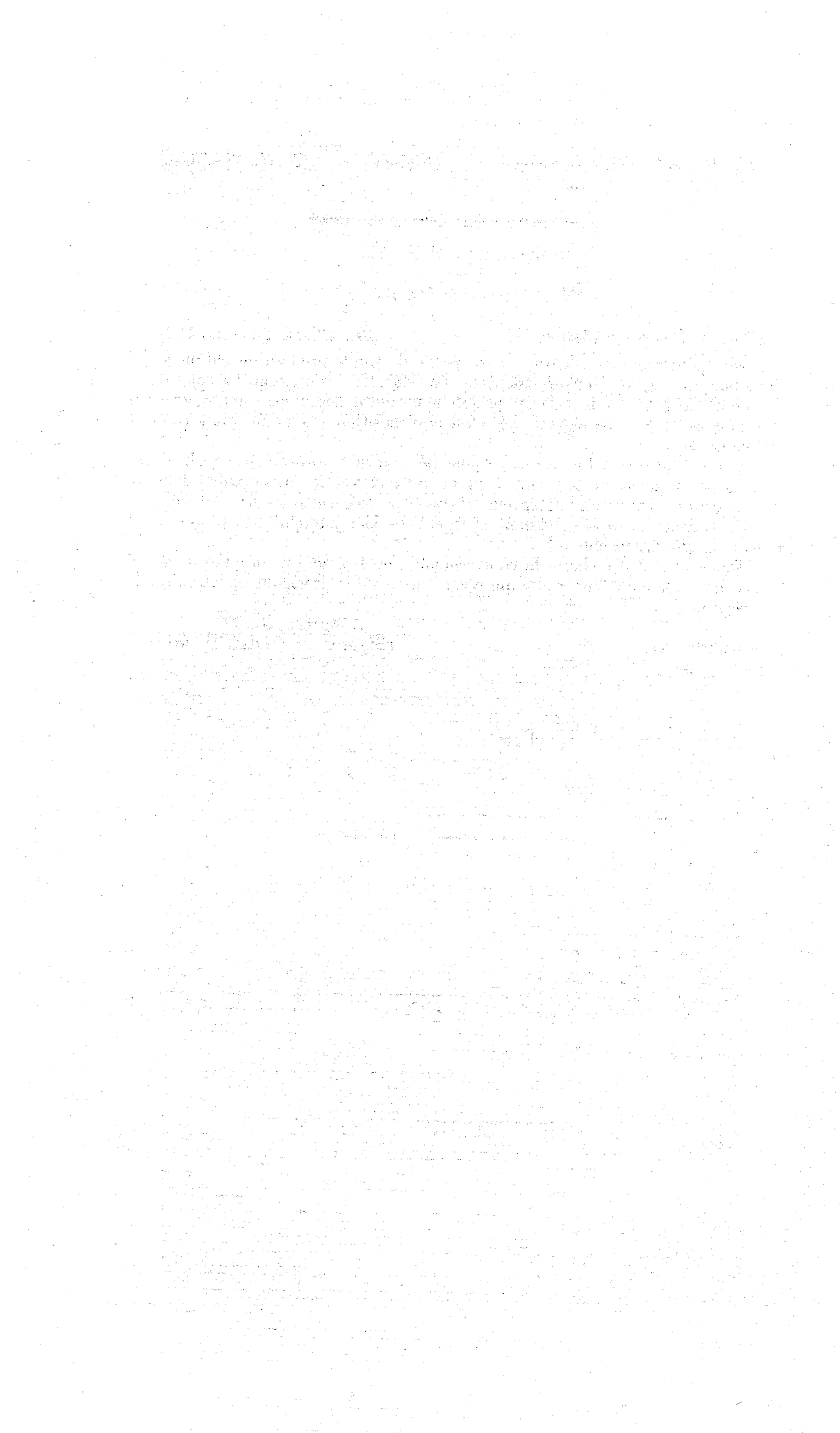
LE Gouvernement du Roi n'a pas perdu de vue la proposition qui lui a été communiquée par le Gouvernement de Sa Majesté Britannique au sujet de la Traite des Nègres. Mais le Traité projeté apporterait notamment une innovation très importante à notre législation; c'est la disposition qui autoriserait le droit mutuel de visite.

L'intervention des Chambres est donc nécessaire et forcée. Or, les Chambres ne sont pas réunies en ce moment, et on ne pourrait les saisir aujourd'hui de cette question. D'un autre côté, vous n'ignorez pas, Monsieur le Chargé d'Affaires, que les travaux dont elles étaient chargées ne leur auraient pas permis d'en aborder la discussion plus tôt.

Dans cet état des choses le Gouvernement du Roi se livrera à l'examen qui lui est demandé dans l'intervalle qui nous sépare de la prochaine convocation de la législature.

Monsieur Waller,
&c. &c.

Agréez, &c.
(Signé) DESCHAMPS.



GREECE.

No. 8.

Sir Edmund Lyons to the Earl of Aberdeen.

Athens, February 17, 1846.
(Received March 11.)

My Lord,

I HAVE the honour to transmit to your Lordship herewith a copy of a note, which, in obedience to the instruction contained in your Lordship's despatch of the 30th of December last, marked "Slave Trade," I addressed to M. Coletti on the 12th instant, expressing the earnest hope of Her Majesty's Government, that the Crown of Greece may become an acceding party to the Treaty for the final abolition of the Slave Trade, which was ratified in London on the 19th of February, 1842, between Great Britain, Austria, Prussia, and Russia.

Before I presented my note to M. Coletti, I gave copies of it to my Austrian, Prussian, and Russian colleagues, and received assurances from them of their disposition to co-operate for the attainment of the benevolent object in view. Baron Werther had already received instructions from his Government, and on the 15th instant he addressed a note to M. Coletti, of which I have the honour to enclose a copy.

I have, &c.

(Signed) EDMUND LYONS.

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

&c.

&c.

&c.

Enclosure 1 in No. 8.

Sir Edmund Lyons to M. Coletti.

Athens, February 12, 1846.

THE Undersigned, Her Britannic Majesty's Minister Plenipotentiary to His Majesty the King of Greece, has received the directions of his Government to bring under the consideration of the Government of Greece the present condition of the African Slave Trade, and the state of public opinion with regard to it, which now prevails throughout the Christian world.

The Government of Greece is aware that the Traffic in Slaves, which was at one time admitted by all nations to be a legitimate branch of commerce, and was actively carried on by every Power having possessions which could be supposed to benefit by it, is now generally recognised as a practice degrading to all concerned in it, and revolting to humanity, is no longer openly countenanced by any maritime Power, and is forbidden under law or Treaty throughout every state or colony of the Western Hemisphere.

The same Government is perhaps also aware, that on the 19th of February, 1842, a Treaty was ratified in London between the Crowns of Great Britain, Austria, Prussia, and Russia, which has, for its sole object, the final abolition of the Slave Trade.

A copy of that Treaty, and of a protocol having reference to it, and signed on the 3rd of October, 1845, the Undersigned has the honour to enclose, for the information of the Government of Greece, who will perceive, that by

Article XVII the High Contracting Parties agree to invite the maritime Powers of Europe, which have not yet concluded Treaties for the same purpose, to accede to it.

This engagement was dictated by the conviction, that so long as there could be seen upon the seas the flag of any Christian Power, which had not joined in denouncing the Slave Trade, the condemnation of that baneful evil was not complete; even though the flag in question should be one which the guilty adventurers in the trade had not hitherto been accustomed to assume as a protection of their crime.

With the same view, the Undersigned is now instructed to bring this subject to the consideration of the Government of Greece, and to express the earnest hope of Her Majesty's Government, that the Crown of Greece may become an acceding party to the Treaty of the 19th of February, 1842.

The Undersigned &c.

(Signed)

EDMUND LYONS.

Monsieur Coletti,
&c. &c.

Enclosure 2 in No 8.

Baron Werther to M. Coletti.

Athènes, le 15 Février, 1846.

LE Soussigné, Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté le Roi de Prusse près Sa Majesté le Roi de la Grèce, a reçu l'ordre de sa Cour d'appeler l'attention du Gouvernement Grec sur les stipulations et mesures qui ont été arrêtées en dernier lieu pour obtenir l'abolition de la Traite des Nègres.

Le Gouvernement de Sa Majesté Hellénique n'ignore pas, qu'en vue de donner suite aux déclarations faites aux Congrès de Vienne et de Vérone, relativement à la suppression de la Traite des Nègres, la Prusse, l'Autriche, la Grande Bretagne, et la Russie, sanctionnèrent par leurs ratifications, une Convention signée le 20 Décembre, 1841, pour l'abolition totale de ce criminel trafic. Afin de rendre plus efficaces les mesures arrêtées d'un commun accord, par cet acte, et ne pouvant se dissimuler que le succès de leurs efforts réunis pour réprimer la Traite, resterait nécessairement incertain et incomplet aussi long tems qu'il existerait encore des Gouvernemens Chrétiens qui n'auraient pas hautement et formellement condamné un commerce aussi odieux, et dont le pavillon pourrait servir, par conséquent, ne fut-ce que par abus, à couvrir les entreprises coupables de ce commerce; les Hautes Parties Contractantes convinrent par l'Article XVII de la dite Convention, d'inviter à y accéder toutes les Puissances maritimes de l'Europe qui n'auraient pas conclu de Traités pour l'abolition de la Traite des Nègres.

Le Gouvernement du Roi ne voulant plus différer, de son côté, de se conformer à cette stipulation, vient d'ordonner au Soussigné d'inviter le Cabinet d'Athènes à déclarer formellement son accession au Traité ratifié le 19 Février, 1842, dont le Soussigné s'empresse, à cet effet, à transmettre ci-joint à Monsieur le Président du Conseil, un exemplaire, accompagné d'un protocole qui en forme, pour ainsi dire, le complément, et que les Plénipotentiaires respectifs ont signé sous la date du 3 Octobre de l'année dernière.

Le Soussigné aime à espérer que ces démarches seront accueillies favorablement de la Cour d'Athènes; car le Gouvernement du Roi est persuadé que les sentimens élevés du Cabinet de Sa Majesté Hellénique lui feront attacher du prix à associer son nom à une œuvre qui honore notre époque, et à concourir autant que sa position particulière le comporte, à la répression d'un trafic honteux que réprouvent la morale et la religion, et qui, grâce aux progrès d'une philanthropie éclairée, est mis aujourd'hui au ban du monde civilisé.

Le Soussigné, &c.

(Signé)

WERTHER.

Monsieur Coletti,
&c. &c.

No. 9.

Sir Edmund Lyons to the Earl of Aberdeen.

Athens, March 6, 1846.

(Received March 31.)

My Lord,

WITH reference to your Lordship's despatch of the 30th of December, 1845, marked Slave Trade, and to my despatch to your Lordship of the 17th ultimo, marked Slave Trade, I have the honour to transmit to your Lordship copies of the notes which have been addressed to Monsieur Coletti by my Austrian and Russian colleagues.

Thus the Crown of Greece has been invited by Great Britain, Austria, Prussia, and Russia to become an acceding party to the Treaty for the final abolition of the Slave Trade which was ratified in London between those four Powers on the 19th of February, 1842.

I have, &c.

(Signed)

EDMUND LYONS.

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

&c.

&c.

&c.

Enclosure 1 in No. 9.

The Austrian Minister Plenipotentiary to M. Coletti.

Athènes, 28 Février, 1846.

POUR donner suite aux déclarations faites aux Congrès de Vienne et de Vérone relativement à la suppression de la Traite des Nègres, l'Autriche, la Grande Bretagne, la Prusse et la Russie, sanctionnèrent par leurs ratifications en date du 19 Février, 1842, une Convention signée à Londres le 20 Décembre, 1841, pour l'abolition totale de ce criminel trafic.

Afin de rendre plus efficaces les mesures arrêtées par cet acte, et ne pouvant se dissimuler que le succès de leurs efforts réunis pour réprimer la Traite, resterait incertain et incomplet, aussi longtems qu'il existerait encore des Gouvernemens Chrétiens qui n'auraient pas hautement et formellement condamné un commerce aussi odieux, et dont le pavillon pourrait servir par conséquent, ne fût-ce que pas abus, à couvrir les entreprises coupables de ce commerce, les Hautes Parties Contractantes convinrent par l'Article XVII du dit Traité, d'inviter à y accéder toutes les Puissances maritimes de l'Europe qui n'auraient pas encore conclu des traités pour l'abolition de la Traite des Nègres.

Le Ministère de Sa Majesté Britannique venant d'annoncer au Gouvernement Impérial et Royal qu'il avait instruit son Ministre à Athènes de faire à cet effet les démarches nécessaires, et Sir Edmund Lyons m'ayant de son côté informé de la suite donnée à l'instruction susmentionnée, je m'empresse, par ordre exprès de ma Cour, de me joindre à lui pour engager le Gouvernement de Sa Majesté le Roi, votre Auguste Maître, à déclarer formellement son accession au dit Traité ratifié le 19 Février, 1842, et à concourir ainsi, autant que sa position le comporte, à la répression d'un trafic que réprouvent la morale et la religion, et qui, grâce au progrès d'une philanthropie éclairée, est mis aujourd'hui au ban du monde civilisé.

Agréé, &c.

Monsieur Coletti,

&c.

&c.

Enclosure 2 in No. 9.

*The Russian Minister Plenipotentiary to M. Coletti.*Athènes, ^{18 Février.}_{2 Mars,} 1846.

LE Soussigné a reçu l'ordre de sa Cour d'adresser la communication suivante à son Excellence M. Coletti, &c.

CLASS D.

Son Excellence n'ignore point que le commerce connu sous le nom de la Traite des Nègres d'Afrique, condamné depuis longtems par l'opinion publique de tous les pays civilisés, a été hautement réprouvé et proscrit de la manière la plus solennelle, au nom des Grandes Puissances réunies au Congrès de Vienne, par la déclaration que leurs Plénipotentiaires ont émise le 8 Février, 1815. Avant cette déclaration mémorable, plusieurs Souverains de l'Europe avaient déjà prononcé, soit par des actes législatifs, soit par Traité, l'abolition du Trafic des Noirs dans leurs états et possessions respectives. Leur exemple a été suivi depuis par la presque totalité des Gouvernemens de la Chrétienté. Cependant cet odieux trafic a continué jusqu'à présent à la faveur des plus criminels abus; et même, il faut le dire, les honteuses pratiques dont il se couvre, les actes de cruauté qui l'accompagnent, semblent augmenter d'atrocité à mesure que la civilisation et la voix de l'humanité en réclament avec plus d'instance la prompte et entière suppression.

C'est dans la vue d'assurer et d'accélérer la cessation de ce commerce, qu'il a été conclu à Londres, le $\frac{8}{20}$ Décembre, 1841, un Traité, dont les ratifications ont été échangées dans la même capitale le $\frac{7}{19}$ Février, 1842, entre les Cours de Russie, d'Autriche, de la Grande Bretagne et de Prusse. Par cette transaction, les Hautes Puissances Contractantes se sont engagées, non seulement à interdire à leurs sujets respectifs la Traite des Nègres et toute participation directe ou indirecte à cette traite, mais encore à déclarer un tel trafic, crime de piraterie. En même tems, elles ont établi un système de surveillance mutuelle et consacré un droit de visite réciproque dans les parages où le commerce et le transport des nègres d'Afrique se poursuivent avec le plus d'activité. Toutefois les Hautes Puissances Contractantes ne se sont pas dissimulé que l'objet de leurs vœux et de leurs communs efforts ne serait rempli que très imparfaitement, aussi longtems qu'il y aurait une seule nation encore, dont le pavillon marchand n'étant pas soumis au droit de visite, pourrait par un coupable abus et malgré les plus loyales intentions du Gouvernement lui-même, être employé à couvrir les opérations de ce trafic. C'est donc pour obvier à un tel abus, qu'elles sont convenues par l'Article XVII du Traité du $\frac{8}{20}$ Décembre, 1841, d'inviter les Puissances maritimes de l'Europe qui n'ont pas encore conclu de Traité pour l'abolition de la Traite des Nègres, à accéder à la dite transaction.

En exécution de cette clause, le Soussigné, &c. a reçu l'ordre de son Gouvernement de communiquer au Cabinet d'Athènes l'exemplaire ci-joint du Traité du $\frac{8}{20}$ Décembre, 1841, ainsi que la copie également ci-jointe, d'un protocole explicatif, signé à Londres le 3 Octobre, 1845, et d'inviter ce Cabinet au nom de Sa Majesté l'Empereur de toutes les Russies, à devenir par son accession formelle, partie contractante de ces transactions.

En adressant cette invitation de concert avec ses augustes Alliés, à Sa Majesté le Roi de la Grèce, Sa Majesté l'Empereur de toutes les Russies aime à croire que Sa dite Majesté, partageant la noble pensée qui a si généralement flétri la Traite comme répugnant à tout sentiment d'humanité et aux principes de morale chrétienne, n'hésitera point à s'associer à une combinaison arrêtée dans le seul but d'assurer et d'accélérer de la manière la plus efficace, la suppression définitive de ce commerce.

Le Soussigné, &c.

(Signé) PERSIANY.

Monsieur Coletti.
&c. &c.

No. 10.

Sir Edmund Lyons to the Earl of Aberdeen.

My Lord,

Athens, May 12, 1846.

(Received June 4.)

I HAVE the honour to enclose to your Lordship a copy of the reply of the Greek Minister for Foreign Affairs, to the note of the 12th of February of this year, in which, in obedience to the instruction contained in your Lordship's despatch marked Slave Trade, of the 30th December, 1845, I invited the

Greek Government to accede to the Treaty for the final abolition of the Slave Trade, which was ratified in London on the 19th of February, 1842.

I have, &c.

(Signed) EDMUND LYONS.

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

&c.

&c.

&c.

Enclosure in No. 10.

M. Coletti to Sir Edmund Lyons.

Athènes, le ²⁷Avril, 1846.
9 Mai,

LE Soussigné, Président du Conseil et Ministre des Relations Extérieures de Sa Majesté Hellénique, a l'honneur d'accuser réception à M. le Chevalier Edmund Lyons, Ministre Plénipotentiaire de Sa Majesté Britannique, de la note qu'il lui a adressée en date du 12 Février dernier, et par laquelle le Gouvernement du Roi est invité à adhérer au Traité conclu à Londres le 20 Décembre, 1841, entre l'Autriche, la Grande Bretagne, la Prusse et la Russie, et au Protocole qui y a été également signé le 3 Octobre, 1845, par les Plénipotentiaires des mêmes Puissances pour la répression de la Traite des Nègres.

La Grèce et son Gouvernement partagent d'autant plus vivement tous les sentimens qui ont engagé les Puissances à s'entendre sur les moyens les plus propres à mettre un terme à la Traite des Nègres, que cet odieux Trafic est depuis longtems défendu en Grèce non seulement en vertu des anciennes Chartes de l'Etat, dont les dispositions à cet égard sont reproduites par les Articles 4 et 9 de la Constitution actuelle, mais aussi par une loi spéciale promulguée le $\frac{1}{15}$ Mars, 1841, et dont l'Article 1er confirme la sévère prohibition aux sujets Grecs de tout commerce ou transport d'esclaves et les articles suivant prescrivent d'une manière précise les peines auxquelles s'exposeraient les contrevenans.

L'état actuel de sa marine ne permet pas au Gouvernement du Roi de concourir d'une manière efficace à l'œuvre entreprise par les Puissances Chrétiennes. Mais en adhérant au Traité de 1841, la Grèce sera heureuse de témoigner des vœux qu'elle fait pour son plein et entier succès.

Toutefois, le Soussigné doit faire observer à M. le Chevalier Lyons, que le Traité dont il s'agit renfermant quelques clauses qui imposent aux Grecs certaines obligations, le Gouvernement du Roi doit, conformément à la Constitution, soumettre son adhésion à l'approbation des Chambres.

Le Soussigné, &c.

(Signé) J. COLETTI.

Monsieur le Chevalier Edmund Lyons,

&c.

&c.

No. 11.

Viscount Palmerston to Sir Edmund Lyons.

Sir,

Foreign Office, August 27, 1846.

HER Majesty's Government has learnt, with much satisfaction, from your despatch, marked Slave Trade, dated the 12th of May last, that the Greek Government had declared its readiness to accede to the Treaty for the suppression of the Slave Trade, which was signed at London on the 20th of December, 1841.

I transmit to you a full power which the Queen has in consequence been graciously pleased to grant to you, under the Great Seal, in order to enable you to sign the proposed Treaty of Accession, in conjunction with your Austrian, Prussian, and Russian colleagues.

I also enclose a draft of such Treaty, to be proposed to the Greek Government.

With reference to the intimation conveyed in the note from M. Coletti, enclosed in your despatch, that the present state of the Greek navy will not permit the Greek Government to send out cruizers in furtherance of the objects

of the Treaty, I have to remark, that it will not be necessary to introduce into the Treaty of Accession any stipulation on this subject; because the Treaty itself does not impose upon any of the Contracting Parties the obligation of sending out cruizers, if they do not think proper to do so.

Sir Edmund Lyons, Bart. G.C.B.
&c.

I am, &c.
(Signed) PALMERSTON.

Enclosure in No. 11.

Draft of Treaty, containing the Accession of the King of Greece to the Treaty signed at London December 20, 1841, for the Suppression of the Slave Trade.

PREAMBLE.

WHEREAS there was concluded at London, on the 20th day of December, 1841, a Treaty between the Courts of Great Britain, Austria, France, Prussia, and Russia, for the suppression of the African Slave Trade;

And whereas the said Treaty was duly ratified by Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, by His Majesty the Emperor of Austria, King of Hungary and Bohemia, by His Majesty the King of Prussia, and by His Majesty the Emperor of all the Russias;

And whereas, on the 3rd of October, 1845, the Plenipotentiaries of the Courts of Great Britain, Austria, Prussia, and Russia, did in conference agree upon a certain modification of Article IX of the said Treaty, which modification is recorded in the protocol of that conference;

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, His Majesty the Emperor of Austria, King of Hungary and Bohemia, His Majesty the King of Prussia, and His Majesty the Emperor of all the Russias, in conformity with Article XVII of the said Treaty, which stipulates that those maritime Powers of Europe which have not yet concluded Treaties for the abolition of the Slave Trade, shall be invited to accede to the said Treaty, have addressed an invitation to that effect to His Majesty the King of Greece;

And His Majesty the King of Greece, being animated by the same sentiments as the contracting parties to the Treaty aforesaid, and being desirous of contributing to the accomplishment of the humane object of the Treaty by a public and formal sanction of its principles and provisions, has assented to the proposal addressed to him;

Their said Majesties have resolved to conclude a convention, for the purpose of recording in due form the accession of His Majesty the King of Greece to the said Treaty, and the acceptance thereof by the four Powers, and they have in consequence named as their Plenipotentiaries, that is to say:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Sir Edmund Lyons, a Baronet of the United Kingdom, Knight Grand Cross of the Most Honourable Order of the Bath, Knight Commander of the Royal Hanoverian Guelphic Order, Her Majesty's Minister Plenipotentiary to His Majesty the King of Greece;

His Majesty the Emperor of Austria, King of Hungary and Bohemia,

His Majesty the King of Prussia,

His Majesty the Emperor of all the Russias,

And His Majesty the King of Greece,

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and have concluded the following Articles:—

ARTICLE I.

His Majesty the King of Greece accedes to the Treaty for the suppression of the African Slave Trade, which was signed at London on the 20th of December, 1841, by the Plenipotentiaries of Great Britain, Austria, France, Prussia, and Russia, and which was afterwards duly ratified by their Majesties the Queen of the United Kingdom of Great Britain and Ireland, the Emperor of

Austria, the King of Prussia, and the Emperor of all the Russias, subject to the modification of Article IX thereof, which was recorded in the protocol of a conference held at London on the 3rd of October, 1845, between the Plenipotentiaries of Great Britain, Austria, Prussia, and Russia; and His Majesty the King of Greece engages faithfully to fulfil all the obligations resulting from the said Treaty and protocol, printed copies of which are annexed to the present Treaty, in the same manner as if he had been a contracting party thereto.

And their Majesties the Queen of the United Kingdom of Great Britain and Ireland, the Emperor of Austria, the King of Prussia, and the Emperor of all the Russias, formally accept the accession of his Majesty the King of Greece.

ARTICLE II.

The present Treaty shall be ratified, and the ratification thereof shall be exchanged at Athens, not later than the expiration of _____ months from the date hereof, and sooner if it can be done.

In witness whereof, the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at Athens, the _____ day of _____ in the year of our Lord 1846.

No. 12.

Sir Edmund Lyons to Viscount Palmerston.

Athens, October 1, 1846.

(Received November 2.)

My Lord,

I HAVE had the honour to receive your Lordship's despatch, marked Slave Trade, of the 27th of August last, enclosing a draft of a Treaty to be proposed to the Greek Government, for its accession to the Treaty for the suppression of the Slave Trade, signed at London on the 20th of December, 1841; and likewise transmitting to me a full power, which the Queen has been graciously pleased to grant me under the Great Seal, in order to enable me to sign the proposed Treaty of Accession, in conjunction with my Austrian, Prussian, and Russian colleagues.

As soon as my colleagues shall have received their instructions from their respective Governments on this subject, I shall lose no time in concerting with them the measures that may appear best adapted for submitting the Treaty to the Greek Government.

I have, &c.

(Signed)

EDMUND LYONS.

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

&c.

&c.

&c.

HANOVER.

No. 13.

The Hon. J. D. Bligh to the Earl of Aberdeen.

Hanover, January 29, 1846.

(Received February 4.)

My Lord,

I HAVE the honour to acknowledge the receipt of your Lordship's despatch, marked Slave Trade, of the 30th ultimo, and to enclose herewith a copy of the note which, in obedience to instructions conveyed by the former, I addressed to Baron Falcke, for the purpose of inviting the Hanoverian Government to accede to the Treaty for the final abolition of the Slave Trade, concluded on the 19th of February, 1842, between Great Britain, Austria, Prussia, and Russia.

Your Lordship will see by the copy of Baron Falcke's answer, which I have also the honour to enclose, that a similar communication has already been made to this Government by the Prussian Minister, and as my Austrian and Russian colleagues will, at my instigation, have informed their respective Governments of the measures which we have taken, I have no doubt that they will soon receive instructions to follow our example.

The Hanoverian Government appear to be fully aware that, as your Lordship states in your despatch, although France failed to take part in the Ratifications of the Treaty in question, she is not the less bound by her previous engagements with Great Britain and other countries to co-operate for the suppression of the Slave Trade, and that the modifications which were introduced into her previous engagements to that effect with Great Britain, by the Convention of May 29, 1845, are calculated to render that co-operation more effectual.

I have, &c.

(Signed) J. D. BLIGH.

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

&c.

&c.

&c.

Enclosure 1 in No. 13.

The Hon. J. D. Bligh to Baron Falcke.

Hanover, January 10, 1846.

THE Undersigned has received the directions of his Government to bring under the consideration of the Government of Hanover the present condition of the African Slave Trade, and the state of public opinion with regard to it which prevails throughout the Christian world.

The Hanoverian Government is aware that the Traffic in Slaves, which was at one time admitted by all nations to be a legitimate branch of commerce, and was actively carried on by every Power having possessions which could be supposed to benefit by it, and is now generally recognised as a practice

degrading to all concerned in it and revolting to humanity, is no longer openly countenanced by any maritime power, and is forbidden under Law or Treaty throughout every State or Colony of the Western Hemisphere.

The same Government is perhaps also aware that on the 19th February, 1842, a Treaty was ratified in London between the Crowns of Great Britain, Austria, Russia, and Prussia, which has for its sole object the final abolition of the Slave Trade.

A copy of that Treaty, and of a protocol having reference to it, and signed on the 3rd of October, the Undersigned has the honour to enclose, for the information of the Hanoverian Government, who will perceive that, by Article XVII, the High Contracting Parties agree to invite the maritime Powers of Europe, which have not yet concluded Treaties for the same purpose, to accede to it.

This engagement was dictated by the conviction that so long as there could be seen upon the seas the flag of any Christian Power which had not joined in denouncing the Slave Trade, the condemnation of that baneful evil was not complete, even though the flag in question should be one which the guilty adventurers in the trade had not hitherto been accustomed to assume as a protection of their crime.

With the same view the Undersigned is now instructed to bring this subject to the consideration of the Government of Hanover, and to express the earnest hope of Her Majesty's Government that the Crown of Hanover may become an acceding party to the Treaty of the 19th February, 1842.

The Undersigned, &c.

Baron Falcke,
&c. &c.

(Signed)

J. D. BLIGH.

Enclosure 2 in No. 13.

Baron Falcke to the Hon. J. D. Bligh.

Hanovre, ce 24 Janvier, 1846.

LE Soussigné a l'honneur d'accuser réception de la note que Mr. Bligh, &c., a bien voulu lui adresser le 10 courant, afin de transmettre au Gouvernement du Roi l'invitation des Grandes Puissances signataires du Traité conclu pour l'abolition de la Traite des Nègres, le 20 Décembre, 1841, de déclarer son accession formelle à ce même Traité. Une pareille communication lui étant parvenue du côté de la Légation Prussienne accréditée près la Cour d'ici, le Soussigné, afin d'assurer dès d'abord à cette proposition toute l'attention sérieuse que le Gouvernement du Roi aime à vouer aux désirs témoignés par le Cabinet de Londres et que réclame d'ailleurs la gravité du sujet, n'a pas tardé à en informer les différens Ministères intéressés à l'affaire en question, et à donner lieu aux délibérations préalables dont il faudra pour pouvoir prendre à cet égard les ordres du Roi.

Espérant d'être sous peu en état de prévenir Mr. Bligh de la résolution que Sa Majesté daignera prendre à ce sujet, le Soussigné, &c.

Monsieur Bligh,
&c. &c.

(Signé)

FALCKE.

No. 14.

The Hon. J. D. Bligh to the Earl of Aberdeen.

Hanover, March 26, 1846.

(Received March 30.)

My Lord,

I HAD the honour of informing your Lordship in my despatch, Slave Trade, of the 29th of January last, that my Prussian colleague, Count Seckendorff, had addressed to Baron Falcke a note of similar tenor to that by which, according to your Lordship's instructions, I had invited the Hanoverian

Government to accede to the Treaty of 1841, ratified in London on the 19th February, 1842, between Great Britain, Austria, Prussia, and Russia.

The Russian Minister at this Court, Baron Schröder, who is also accredited at that of Weimar, subsequently forwarded to me a copy of a communication of the same purport which he had addressed from that place to Baron Falcke on the 23rd February.

The Austrian Minister, Baron Kress, having, at my instigation, written twice to his Government, to inform them of the steps which had been taken by his colleagues, and having requested instructions on the subject, received a few days since a despatch from Prince Metternich, which he showed to me. In this an objection is made to inviting Hanover, in the same manner as Belgium and Greece, to adhere to the Treaty in question, inasmuch as it would, in Prince Metternich's opinion, be contrary to the dignity of the Diet of the Germanic Confederation, to propose to Hanover to do separately that she had already done as a member of that body, which, last year, had formally pronounced its assent to the spirit of the Treaty. Baron Kress is, therefore, instructed to confine his application to the Hanoverian Government to a suggestion, that instructions may be given to all whom it may concern, under their jurisdiction, to give effect to the Treaty.

I believe the Austrian Government has been trying to induce that of Prussia to view this matter in the same light; but a despatch from Baron Canitz, which Count Seckendorff has shown me, puts forward the Resolutions of the Diet of 19th of last June as an additional reason for Hanover not objecting to adhere to the Treaty.

I confess that I am unable to understand, as I told Baron Kress, why Austria should object to ask Hanover to enter into engagements, in her independent capacity, similar to those which she has adhered to as a Member of the Confederation; especially since the former had herself been a party both to the Treaty with us, as well as to the measures of the Diet above referred to. I have spoken in this sense to Baron Falcke, who says that he has under consideration a plan for effectually securing the object in view, without formally adhering to the Treaty of 1841. Whether this has been suggested by the view taken of the matter by the Austrian Cabinet I cannot tell, as he did not enter into particulars; but I have thought it right to inform your Lordship of the state of the business, in case it should be thought advisable to instruct me to press for a more positive adhesion to the Treaty.

I have, &c.

(Signed) J. D. BLIGH.

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

No. 15.

The Hon. J. D. Bligh to the Earl of Aberdeen.

Hanover, May 21, 1846.

(Received May 25.)

My Lord,

YOUR Lordship will learn, by the copy of the note from Baron Falcke which I have the honour to enclose (unless Count Kielmansegge should already have made a communication of a similar import to your Lordship), that, in consequence of the invitation to accede to the Treaty of the 20th December, 1841, for the better suppression of the Slave Trade, which I addressed to the Hanoverian Government on the 10th January, they have at length proposed to enter into a negotiation upon the subject in London.

I have, &c.

(Signed) J. D. BLIGH.

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

Enclosure in No. 15.

*M. Falcke to the Hon. J. D. Bligh.**Hanovre, ce 18 Mai, 1846.*

LE Soussigné, après s'être mis en rapport avec M. le Ministre des Finances et du Commerce, ainsi qu'avec celui de la Justice, au sujet de la Convention conclue le 20 Décembre, 1841, entre les Grandes Puissances Européennes, et ayant pour but la répression de la Traite des Nègres, s'est empressé de prendre les ordres du Roi son Auguste Maître, relativement à son accession au dit traité.

Il se trouve donc aujourd'hui à même de soumettre à Mr. Bligh, Envoyé, &c., de Sa Majesté Britannique, à cet égard, les explications suivantes.

Sa Majesté Hanovrienne partage du fond de son âme les sentimens dont ses hauts alliés sont pénétrés contre l'odieux trafic, qui doit nécessairement compromettre l'honneur du pavillon abusé par des misérables dans la poursuite d'un gain infâme. Elle apprécie toute l'étendue du noble dévouement et de la persévérance admirable consacrés de la part des Cours signataires, à la cause de l'humanité, de la civilisation, et de la morale publique, et elle désire de pouvoir efficacement concourir à la réalisation d'un œuvre aussi méritoire.

Mais si d'un côté aucune des dispositions du Traité du 20 Décembre, 1841, indispensable pour coopérer à l'abolition de la traite ne doit être éliminée par un acte d'accession, il rentre d'autre part dans les devoirs du Gouvernement du Roi d'aviser soigneusement à ce que l'exercice de la police internationale des mers ne puisse aboutir à des entraves inutiles du commerce et de la navigation régulière et licite du propre pays. Cette considération a exigé un examen approfondi des différents articles, et il en est résulté la conviction que c'est principalement dans le sens précité que le Gouvernement Hanovrien ne pourra se dispenser d'attacher à son accession la condition de quelques modifications plus ou moins importantes, et dont l'énumération anticipée sortirait des limites de la présente communication préparatoire.

Le Roi a donc daigné ordonner au Soussigné de manifester le désir d'ouvrir à cette fin une négociation avec les Hautes Parties Contractantes.

Les points à discuter nécessiteront une délibération détaillée; et comme parmi les Cours signataires c'est celle de Londres qui a pris la part la plus active à l'accomplissement du but commun, le Roi a cru aller au-devant des vues de ses hauts alliés en faisant expédier les instructions nécessaires à son Ministre accrédité près la Cour de St. James, afin qu'il cherche à s'entendre avec le Cabinet Anglais, et par l'intermédiaire de ce dernier avec ceux des autres Puissances intéressées, sur les conditions que le Hanovre sera dans le cas de proposer.

Le Soussigné, chargé d'en prévenir Mr. Bligh, y ajoute la demande de vouloir bien porter les observations ci-dessus à la connaissance de son Gouvernement, et il profite, &c.

(Signé) FALCKE.

Monsieur Bligh,
&c. &c.

No. 16.

*Count Kielmansegge to the Earl of Aberdeen.**44, Grosvenor Place, May 28, 1846.
(Received May 29.)*

THE Undersigned, Envoy Extraordinary and Minister Plenipotentiary from His Majesty the King of Hanover, has the honour to inform the Earl of Aberdeen, Her Britannic Majesty's Principal Secretary of State for Foreign Affairs, that his Government, having received a communication from the four Powers who have signed the Treaty of the 19th February, 1842, for the abolition of the Slave Trade, inviting His Majesty the King, his Most Gracious Master, to become a party to that Treaty, fully coincides with the feelings of

abhorrence with which this infamous traffic must be contemplated by all governments, and is ready to co-operate, as far as it is in its power, with the endeavours of the Cabinet of St. James's, and its allies, to suppress this traffic. But the Government of His Majesty the King of Hanover, willing, under certain modifications, to accede to the Treaty of 1842, has at the same time deemed it most convenient to enter into negotiations for that purpose with the Cabinet of St. James's, and has therefore transmitted to the Undersigned its full power and instructions to that end.

The Undersigned does not doubt that the Earl of Aberdeen will see in this act of his Government its willingness to obtain the aim proposed, and accordingly loses no time in inquiring of his Lordship, whether the British Cabinet will consent to negotiate in London the accession of Hanover to the above Treaty of 1842.

The Undersigned, &c.

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

(Signed)

A. KIELMANSEGGE.

No. 17.

The Earl of Aberdeen to Count Kielmansegge.

Foreign Office, June 11, 1846.

THE Undersigned, &c., has the honour to acknowledge the receipt of the note of Count Kielmansegge, &c., dated the 28th ultimo, in which he announces that his Government, having received a communication from the four Powers who signed the Treaty of the 19th of February, 1842, for the abolition of the Slave Trade, inviting His Majesty the King of Hanover to become a party to that Treaty, His Majesty coincides with the feelings of abhorrence with which this infamous traffic must be contemplated by all governments, and is ready to co-operate, as far as it is in his power, with the Cabinet of St. James's, and its allies, to suppress this traffic.

But Count Kielmansegge at the same time states, that the Government of His Majesty the King of Hanover, willing, under certain modifications, to accede to the Treaty of 1842, has deemed it most convenient to enter into negotiations for that purpose with the Cabinet of St. James's, and has therefore transmitted to Count Kielmansegge full powers and instructions to that end; and Count Kielmansegge accordingly inquires whether the British Cabinet will consent to negotiate in London the accession of Hanover to the above-mentioned Treaty.

Her Majesty's Government have received, with great satisfaction, this notification of the willingness of the Government of Hanover to become a party to this engagement of the four Powers; and, in accordance with the desire of the Government of the King of Hanover, that the negotiation should be conducted in London, the Undersigned has the honour to apprise Count Kielmansegge of his readiness to enter upon such negotiation on the part of Her Majesty.

The Undersigned begs leave to enclose a copy of the Treaty in question, and of a protocol bearing upon it, which was signed by the Plenipotentiaries of the four Powers, on the 3rd of October, 1845; and he trusts that the modification of the instructions annexed to the Treaty, as provided for by that protocol, will meet the views of the Government of Hanover.

The Undersigned, &c.

(Signed)

ABERDEEN.

Count Kielmansegge,
&c.

&c.

No. 18.

Count Kielmansegge to the Earl of Aberdeen.

44, Grosvenor Place, June 16, 1846.

IN consequence of the communication of the Earl of Aberdeen, Her Britannic Majesty's Principal Secretary of State for Foreign Affairs, of the 11th instant, the Undersigned, Envoy Extraordinary and Minister Plenipotentiary from His Majesty the King of Hanover, has the honour to submit to his Lordship the following observations concerning the accession of the Kingdom of Hanover to the Treaty of the 19th February, 1842, for the suppression of the Slave Trade, as well as the outline of the modifications to the said Treaty, on the basis of which the Undersigned is authorised to negotiate the accession of his Government.

The Undersigned's Government acknowledges, to the fullest extent, that England serves a noble cause with a zeal which Europe cannot but admire, and with a willingness to rectify and compensate for casual errors of her officers, and injuries caused thereby, which prove the consciousness of a great aim, and the righteousness of a great cause. The Undersigned further admits that, pure and unsullied from contact with the Slave Trade as the Hanoverian flag has remained up to this period, yet this flag may be illegally used, and the more so if Hanover should not accede to the Treaty in question, and if this fact should come to the knowledge of the slave-traders of Cuba and Brazils. It is this very possibility of seeing the flag of Hanover used for such unholy purposes which, in the interest of public morality, disposes the Hanoverian Government to accede to the Treaty concluded between the Crowns of Great Britain, Austria, Prussia, and Russia, under the 19th February, 1842. But, at the same time, the Undersigned must beg permission to state the considerations which prevent his Government from giving an unqualified adherence to the Treaty of 19th February, 1842, in its present form, and without several modifications.

The simple and unqualified accession of Hanover would oblige the Hanoverian Government to alter its criminal legislation, so as to render it conformable with the dispositions of the Treaty. If the latter simply declared the Slave Trade piracy, and imposed upon the several Contracting Parties the duty of punishing that crime according to their own different legislations, and to the decree of the German Confederation of June 11, 1845, no further legislative act of the Government of Hanover would be required. But it goes further; it not only prescribes the mode of procedure for prosecuting, trying, and punishing Slave Trade and participation therein, declared to be a crime, but it defines the crime and the acts which are deemed to constitute slave-trading, in a manner which renders the execution of the Treaty impossible, unless the Contracting Parties make the legislation of their countries consonant with the provisions of the Treaty.

Practically, the crime of slave-trading is unknown to the authorities, as well as to the subjects of Hanover, and in acceding to the Treaty without modifications, the Hanoverian Legislature will incur the risk of subjecting the lives and property of Hanoverian subjects to the laws of foreign countries, however just these laws may be.

To this must be added the many grievances which hitherto have been caused by the mode of exercising the Right of Search, grievances of which (however of late they may have diminished) it is the imperative duty of the Hanoverian Government to guard against the recurrence.

The Undersigned begs to state the substance of these grievances as follows:—

1st. Abuse of the authority committed to the naval officers. (Correspondence with Foreign Powers, 1842, Class C, pp. 38-40.)

2nd. Non-compliance with the provisions of the Treaties by the British naval officers. (Correspondence with Foreign Powers, 1842, Class C, pp. 102, 118, 127, 138.)

3rd. Too wide an interpretation of the clauses of the Treaties concerning the suspicious character of the equipment of vessels. (Correspondence with Foreign Powers, 1842, Class C, p. 17.)

4th. Improper manner of conducting the search. (Correspondence with Foreign Powers, Class C, p. 65, No. 128; p. 71, No. 138; p. 73, No. 141.)

In comparing these grievances with the stipulations of Articles IX, X, XI, XII, and XIII, of the Treaty of 19th February, 1842, as well as with the corresponding Articles of the Treaties concerning the Right of Search, concluded between England and France in the years 1831 and 1833, the following observations offer themselves :

1st. The equipment clause of Article IX, in the Treaty of 1842, invests the facts which it enumerates with the character of *prima facie* evidence, proving the illegal object of a voyage, so that a trading-vessel becomes suspected in the eye of the visiting naval officer, and the latter feels induced to arrest and seize such a vessel, if but one of the facts just alluded to is found to exist. This circumstance is of great importance as regards Hanoverian ships, which, in common with Hanseatic vessels, convey large numbers of German emigrants, and the vessels fitted out for the transport of emigrants bear in their equipment a great similarity with slave-ships, and accordingly when they return home in ballast, or laden with some other cargo, they may easily be taken for slave-vessels, the more so as Article IX invests with the character of *prima facie* evidence not only the objects of the equipment but also the cargo.

2nd. The commander of a cruising vessel can, without much apprehension of consequences, order the arrest or the seizure of a searched ship, inasmuch as the mere existence of the facts enumerated in Article IX, according to Article XI, affords protection for himself, as well as for his Government, against any compensation claim of the master, although the master may prove to be innocent and be acquitted. (Compare judgment of the Commercial Chamber at Hamburgh, concerning the seized ship "Louise," of September 6, 1841, in Class C of Correspondence with Foreign Powers, 1842, pp. 96, 97.)

The conclusion of Article XIII does not render it obligatory on the competent Courts of Justice, to settle by judgment the point of compensation.

3rd. The proceeds from the sale of a confiscated vessel, condemned and sold as guilty of Slave Trade, are by Article X placed at the disposal of that country, and are to be disposed of in accordance with the laws of that country, to whom the cruiser belongs which has made the seizure.

After having stated these observations, the Undersigned has to submit to Lord Aberdeen the following propositions, containing the modifications under which his Government is willing to accede to the Treaty of 1842.

1st. That the crime of Slave Trade be defined in accordance with the Decree of the German Confederation of 19 June, 1845, and that the existing criminal code of the country, as modified by the above Decree, be deemed sufficient for prosecuting and punishing the crime of slave-trading.

2nd. That the commanders of cruisers be authorised to arrest and to seize, according to their own discretion, and under their own responsibility, all vessels of which it can be shown that they are equipped for Slave Trade, have slaves on board, or have had such on board.

3rd. That the Government to whom the cruiser belongs be under distinct obligation to give full compensation to the suffering party, in case the arrested vessel be declared innocent; no claim for compensation being admitted, except where the judgment declares the *innocence* of the seized vessel.

4th. That in cases where a vessel is condemned, it be confiscated for the use of its own Government, consequently that the Article XI and XII be omitted.

5th. That proof be admitted to show the lawfulness of the voyage, such proof to consist in authentic certificates of certain competent authorities, to be designated by mutual declaration of the concerned Governments.

Besides these propositions, the Undersigned's Government thinks itself entitled to claim the following additional modifications:—

The Contracting Parties reserve to themselves the right to withdraw from the Treaty, upon giving a year's notice to that effect; the cruisers whom it concerns to be immediately informed of such notice, and apprised of the day on which the Treaty will expire.

The Treaty shall become extinct, if any one of the several Contracting Parties withdraw from it, or as soon as, for any other reason, it ceases to be obligatory upon any one of the said Contracting Parties.

The instructions to be given to the commanders of cruisers shall be con-

certed between the Contracting Parties, and made conformable to the stipulations of the Treaty of accession.

The Undersigned, in submitting the observations and propositions stated in the present note, to the consideration of the Earl of Aberdeen, awaits his Lordship's further communications on this subject, and avails himself of this opportunity to renew to his Lordship the assurances of his high consideration.

(Signed)

A. KIELMANSEGGE.

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

&c.

&c.

&c.

No. 19.

The Earl of Aberdeen to Count Kielmansegge.

Foreign Office, June 27, 1846

THE Undersigned, &c., has the honour to inform Count Kielmansegge, &c., that Her Majesty's Government have had under their consideration the note dated the 16th instant, which Count Kielmansegge has addressed to the Undersigned in reply to the invitation made by the Governments of Great Britain, Austria, Prussia, and Russia, to that of Hanover, to accede to the Treaty for the suppression of the Slave Trade, which was signed on the 20th of December 1841, and was ratified between the Crowns of Great Britain, Austria, Prussia, and Russia, on the 20th of February 1842. Count Kielmansegge in this note has stated the willingness of His Majesty the King of Hanover to concur generally in the stipulations of that Treaty, but has enumerated certain objections felt by his Government to an unqualified accession thereto; and has set forth certain modifications and conditions under which His Majesty will record his adherence to that Treaty.

Count Kielmansegge commences by stating the objections to the Treaty of 1841, which have occurred to the Hanoverian Government, and which, for more conveniently replying thereto, the Undersigned has classed as follows:—

1st. That the execution of the stipulations of the Treaty of 1841 would entail the necessity of an alteration in the law of Hanover both as respects the punishment of Hanoverian subjects convicted of Slave Trade, and the form of proceeding against a detained vessel.

2nd. That by acceding to the Treaty, without modification, the Government of Hanover would incur the risk of subjecting the lives and property of Hanoverian subjects to the laws of foreign countries.

3rd. That complaints have heretofore been made by Foreign Governments against the mode in which the Right of Search has been exercised by Her Majesty's officers.

4th. That inconvenience might result to Hanoverian vessels carrying emigrants from a strict execution of Article IX, or Equipment Article, of the Treaty of 1841.

5th. That too great protection is given to captors of suspected vessels by the stipulations of Article XI of the Treaty.

6th. That Article XIII does not render it obligatory on the competent Court of Justice to settle by judgment the question of compensation to a liberated vessel; and

7th. That the proceeds of a condemned vessel are placed at the disposal of the country whose cruizer made the capture.

Her Majesty's Government have carefully considered these several objections, and the Undersigned will, in the first place, state the views of Her Majesty's Government thereupon.

With respect to the first objection, the Undersigned observes that Count Kielmansegge states, that if the Treaty simply declared Slave Trade piracy, and imposed the duty of punishing it as such according to the Legislature of each contracting party, and to the Decree of the Germanic Confederation of the 19th of June, 1845, no further legislative Act would be required to be promulgated by the Legislature of Hanover.

The Decree of the Germanic Confederation here referred to, provides that Slave Trading shall be punished in the Germanic States as piracy; and in those

States where no specified punishment is affixed to the crime of piracy, shall be punished like "kidnapping."

The Undersigned, assuming that the law of Hanover is in accordance with this Decree of the Confederation, is of opinion that such law will sufficiently carry out the stipulations of the Treaty on this point.

These stipulations are, that a captured vessel, her cargo and crew, shall be delivered over at the specified place to the authorities of the country to which she belongs, in order that proceedings may be had with respect to them before the competent tribunals.

The stipulations of Article VIII of the Treaty do not appear to the Undersigned to be of a nature to require any alteration of the laws of any country: this Article prescribes the steps to be taken by a captor on arriving with a captured vessel at the port of adjudication, and lays down certain preliminary proceedings to be had, and investigations to be made before trial; but in no way establishes any rules whatever as to the form of conducting the trial; or interferes with the mode of administering the laws of any of the contracting parties.

With respect to the second objection, the Undersigned must confess his inability to perceive how the accession of Hanover to the Treaty would subject the lives and property of Hanoverian subjects to the laws of foreign countries. By the Treaty no power whatever is given to the Courts of one country over the subjects or property of another.

With respect to the third objection, namely, the complaints made against the mode of exercising the Right of Search; and for instances of which Count Kielmansegge has referred to the papers on Slave Trade, laid before Parliament in 1842, the Undersigned has to observe to Count Kielmansegge that the complaints to which he has referred occurred under the execution of the Conventions of 1831 and 1833, between Great Britain and France, and not under the Treaty to which the accession of Hanover is invited.

Moreover, the Undersigned begs to remind Count Kielmansegge that every precaution has been taken by Her Majesty's Government that the rights vested in Her Majesty's officers by the Contracting Parties to the Treaty of 1841 shall be exercised in strict accordance with its stipulations, and in the most friendly and conciliatory spirit.

In proof of which the Undersigned begs to forward to Count Kielmansegge, for the information of his Government, a copy of the general instructions with which Her Majesty's ships employed in the suppression of the Slave Trade are furnished, and of the particular instructions under the Treaty in question. These instructions form part of the general code of instructions for Her Majesty's officers employed in the suppression of the Slave Trade. No objection has been made by any foreign Government against any of the rules laid down or orders given therein; and since the issue of these instructions no complaint has been made to Her Majesty's Government by any Power, party to a Treaty by which the mutual right of search is granted for suppressing the Slave Trade, of any abuse of authority or misconduct on the part of any British officers or men in the execution of this delicate and responsible duty. And the Undersigned may be permitted to add, that the resolution of Her Majesty's Government vigorously to check and to punish any such abuse is so well known, that he confidently trusts that no well-founded complaints of the nature referred to will in future be made against any of Her Majesty's officers.

The Undersigned considers, that what he has above stated might be sufficient to calm the fears of the Hanoverian Government as to any undue exercise, by Her Majesty's naval officers, of the powers granted to them under the Treaty of 1841. But he begs further to call the attention of the Hanoverian Government to the fact, that the main objects of the Governments of Great Britain, Austria, Prussia, and Russia, in inviting their accession to the Treaty, were, first, the acquisition of the moral influence which would accrue to the cause of the suppression of Slave Trade by the formal accession of the King of Hanover to the measures adopted by the great Powers of Europe for that end: and, secondly, the desire to prevent a fraudulent abuse of the Hanoverian flag by piratical adventurers of foreign countries.

The Governments of Great Britain, Austria, Prussia, and Russia, are fully aware, and readily admit, that no Hanoverian vessels or subjects are engaged

in Slave Trade; and, as far indeed as is at present known, there is no instance on record of the prostitution of the Hanoverian flag for this vile purpose. It is, therefore, highly probable that very few, if any, *bond fide* Hanoverian vessels would ever be subjected to visit or search under the proposed accession. And the more so when it is considered that the operations of Her Majesty's cruizers, employed in the suppression of the Slave Trade, are now almost exclusively confined to the coasts of Africa—where it is believed that little or no trade is carried on under the Hanoverian flag.

The Undersigned cannot, in view of these considerations, conceive that there is any well-founded ground of apprehension on the part of the Hanoverian Government on this head; and he confidently trusts that the Hanoverian Government will waive any objection which might in the first instance have occurred to them on this ground.

With respect to the fourth objection, namely, the inconvenience which might be caused to Hanoverian vessels carrying emigrants, from the similarity of their equipments to those of vessels intended for Slave Trade, the Undersigned begs to call the attention of Count Kielmansegge to the protocol signed on the 3rd of October last, which has been already communicated to the Hanoverian Government, and a copy of which was enclosed to Count Kielmansegge in the note which the Undersigned addressed to him on the 11th instant: this protocol provides for a modification of the Equipment Article of the Treaty of 1841, with respect to vessels carrying or intending to carry emigrants or cattle.

By the 5th section of the Equipment Article of the Treaty of 1841, a merchant vessel was declared liable to capture and condemnation if there should be found on board of her "a larger quantity of water in casks or in tanks than is requisite for the consumption of the crew of such a vessel;" and it having appeared to the Contracting Parties to the Treaty that too rigorous an application of that stipulation might subject to seizure vessels engaged in carrying emigrants or cattle, it was agreed and declared by the protocol in question as follows:—

"S'il se trouvait à bord d'un bâtiment marchand de l'un ou de l'autre des Hautes Parties Contractantes une plus grande provision d'eau en barriques ou en réservoirs que ne l'exigent les besoins de l'équipage, cette circonstance seule ne sera point considérée comme un motif valable pour autoriser l'arrestation du susdit navire, pourvu que les papiers de bord dont il est muni soient en règle, de manière à constater qu'il est engagé à faire un trafic licite."

Thus as respects vessels employed in "carrying emigrants or cattle," the 5th section of the Equipment Article no longer applies. It is to be observed, that none of the other restrictive clauses of that Article were supposed to be calculated to impede the legal voyages of such vessels. But if any of them should at any future time be found to be injurious to any branch of lawful commerce, the Contracting Parties would no doubt willingly join in adopting some modification which, without impairing the efficiency of the Treaty, for its sole object the suppression of the Slave Trade, would effectually remedy the evil complained of; and under these circumstances the Undersigned is of opinion that the objection of the Hanoverian Government on this head may fairly be withdrawn.

With respect to the fifth objection, namely, that Article XI of the Treaty affords undue protection to captors of suspected vessels, the Undersigned begs to submit to the Hanoverian Government the following considerations:

All the civilized nations of the world admit the African Slave Trade to be a great evil. They have all expressed their earnest desire to see it put an end to. They have, with very few exceptions, either themselves taken measures or delegated to other Powers the right of taking measures to prevent their flags and subjects from being employed in the reprobated traffic. These measures necessarily impose some inconvenience to the merchant navies of all such countries. But this inconvenience has willingly been submitted to in the hope of attaining the great end in view.

Among the restrictions imposed upon the merchant navies of a great majority of the Powers referred to, is a prohibition to carry certain articles on board, which, from being habitually carried by vessels engaged in Slave Trade, lead to the inference that vessels carrying them are employed in that traffic.

It is not denied that some of the prohibited articles might be carried by vessels legally employed. But the Powers above referred to have subjected their merchant-vessels to the inconvenience of these prohibitions, for the end in view; and in order to keep up as wide a distinction as may be practicable

between the equipment of a legal trader and a slave-vessel, they have admitted the stipulation objected to by the Government of Hanover as too stringent.

The Undersigned, on this head, begs to refer Count Kielmansegge to his reply to the fourth objection, in which he has shown that the principle has been admitted that such of the prohibited articles as may be found to be indispensable to the equipment of vessels engaged in peculiar branches of lawful commerce may be exempted from the prohibition.

The stipulation here objected to was fully weighed and considered by the Contracting Parties to the Treaty of 1841; and the Undersigned is not aware of any peculiarity in the construction of employment of Hanoverian vessels which would render this stipulation peculiarly objectionable to the Government of Hanover.

With respect to the sixth objection, namely, that Article XIII of the Treaty does not render it obligatory on the competent Courts of Justice to settle by judgment the question of compensation to a liberated vessel, the Undersigned begs to refer Count Kielmansegge to the second paragraph of the Article in question, wherein it is stated that "these costs and damages may be awarded by the tribunal before which the proceedings against the detained vessel, &c., shall have been instituted."

The expression "may be" was made use of in order to prevent the possible necessity of the alteration of the rules or practice of the courts of law of any of the Parties to the Treaty. By that expression, the decision of any court of law which according to the laws of the country to which a captured vessel belongs would be valid, would be valid also under the Treaty.

But if in lieu of the indefinite expression "may be," the definite expression "shall be" had been used, it would have rendered it obligatory on the Court which decided the criminal charges against the vessel and crew to decide likewise on the civil question of the amount of compensation to be granted.

For these reasons, the Undersigned is of opinion that the objection of the Hanoverian Government on this point is not of weight.

With respect to the seventh objection, namely, that the proceeds of a condemned vessel are placed at the disposal of the country whose cruiser made the capture, the Undersigned begs to inform Count Kielmansegge that this stipulation was agreed to, with the view of ensuring to the captors of vessels actually engaged in Slave Trade a reward for their successful exertions.

The ground of the objection to this clause is presumed by the Undersigned to be a fear lest it should afford too great a stimulus to officers to make captures. But in the face of the very stringent instructions with which Her Majesty's officers employed in carrying into execution the Treaty of 1841 are furnished, and copies of which are enclosed in this note, the Undersigned has no fear that the prospect of pecuniary gain held out by the Article in question will have the effect of leading to any unjustifiable seizures.

The Undersigned, having thus stated at length to Count Kielmansegge the opinion of Her Majesty's Government on the preliminary objections raised by his Government, will now reply to the propositions founded on those objections which have been actually made by Count Kielmansegge as the condition of the accession of Hanover to the Treaty of 1841.

With respect to the first of these propositions, namely, "that the crime of Slave Trade be defined in accordance with the Decree of the Germanic Confederation of the 19th of June, 1845, and that the existing Criminal Code of the country, as modified by the above Decree, be deemed sufficient for prohibiting and punishing the crime of slave-trading;" Count Kielmansegge will have perceived, by the reply hereinbefore given to the first objection, that Her Majesty's Government will be contented with the application of the present laws of Hanover against slave-traders, provided, as is assumed, that those laws are in accordance with the above-mentioned Decree of the Germanic Diet.

With respect to the second proposition, namely, "that the commanders of cruisers be authorised to arrest and to seize, according to their own discretion and under their own responsibility, all vessels of which it can be shown that they are equipped for Slave Trade, have slaves on board, or have had such on board," the Undersigned begs to refer Count Kielmansegge to the first paragraph of Article XIII of the Treaty of 1841, according to which commanders of cruisers are made personally responsible for the payment of all costs and damages consequent on an improper search or seizure, or of vexatious conduct.

With respect to the third proposition, namely, "that the Government to whom the cruizer belongs be under distinct obligation to give full compensation to the suffering party, in case the arrested vessel be declared innocent, no claim for compensation being admitted, except where the judgment declares the innocence of the seized vessel,"

The Undersigned begs to refer Count Kielmansegge to the second paragraph of the same Article, according to which the Government of the country to which a capturing cruizer belongs, is under distinct obligation to pay to an aggrieved party the compensation awarded to him by the competent tribunal of his own country.

The payment of such compensation by the Government of the capturing cruizer, would, however, not absolve the captor from responsibility to his own Government to make good the amount disbursed; and as far as Her Majesty's Government are concerned, they would have no hesitation in a case of reckless and improper detention in enforcing the payment of such amount on the delinquent officer.

With respect to the fourth proposition, namely, "that in cases where a vessel is condemned it be confiscated for the use of its own Government, consequently that the Articles XI and XII be omitted," Count Kielmansegge will perceive, from the earlier part of this note, the reasons why the stipulation objected to was concluded, and why Her Majesty's Government anticipate no evil from its operation.

With respect to the fifth proposition, namely, "that proof be admitted to show the lawfulness of the voyage, such proof to consist of authentic certificates of certain competent authorities, to be designated by mutual declaration of the concerned Governments," the Undersigned may at once state, that it is inadmissible. Documentary evidence of the nature referred to, though undoubtedly satisfactory at the commencement of the voyage from an European port, would become of no value whatever when a vessel had arrived in the parts of the world where Slave Trade is carried on, and might have passed into the hands of slave-dealers. In such cases the exculpatory documents would undoubtedly be retained on board the vessel to which they were originally granted, and would thus enable her, under their safeguard, to pursue with impunity the prohibited trade.

In addition to these five propositions, Count Kielmansegge states, that his Government considers itself entitled to claim the right of withdrawing from the Treaty of Accession, on giving one year's notice to that effect.

And that the Treaty shall become extinct if any one of the several Contracting Parties withdraws from it, or as soon as for any other reason it ceases to be obligatory upon any one of the said Contracting Parties.

To these propositions Her Majesty's Government are compelled, from the following reasons, to withhold their assent;

They consider that so long as a powerful inducement, in the shape of pecuniary gain, exists to transport natives of Africa to slavery in foreign countries, there will be found adventurers ready to carry on the traffic, unless a rigid system of maritime police is followed up with respect to the ships of all nations frequenting the haunts of Slave Trade. They consider that the most practical means of preventing the flags of nations not possessed of an extensive war navy from being used in Slave Trade, is that a mutual right of search of vessels suspected of being engaged in Slave Trade, and of detention of vessels found engaged therein, should be conceded to the ships-of-war of countries whose naval resources afford greater facility for acting against the traffic; and experience has proved the necessity of not exempting from this surveillance the flag of any Power which is not prepared to employ a large naval force of its own to prevent the abuse of its flag.

The Hanoverian Government are aware that no limit is fixed to the duration of the Treaty of 1841. That question was fully discussed during the negotiation of that Treaty, and the principle of unlimited duration, so long at least as slavery exists, was fully acquiesced in by the Contracting Parties. It is not in the power of any one of those parties to withdraw from that Treaty without the consent of each of the other parties thereto; and Her Majesty's Government consider that it would be highly inexpedient to give to an acceding party to the Treaty a power not possessed by the original Contractors thereto.

The Undersigned has felt it due to the intimate relations existing between the Governments of Great Britain and Hanover to explain thus at length their objections to the propositions of the Hanoverian Government.

But the Undersigned is bound to declare that, in addition to the grave objections hereinbefore set forth to each of those propositions, Her Majesty's Government would consider it highly objectionable, indeed impracticable, to admit in any Treaty of Accession to that of 1841 any alteration of the stipulations thereof. They are of opinion that engagements mutually contracted by Great Britain, Austria, Prussia, and Russia, for such an object as the suppression of the Slave Trade may safely be joined in by any civilized power.

The Undersigned has shown that inconveniences found to result to legal commerce from the operation of the Treaty, will be considered with a view to their removal. And much as Her Majesty's Government, in conjunction with those of Austria, Prussia, and Russia, desire, in the interests of humanity, the co-operation of the King of Hanover, by his formal accession to the Treaty of 1841, they would be under the necessity of declining anything short of unqualified accession on the part of His Majesty thereto.

The Undersigned, &c.

(Signed)

ABERDEEN.

Count Kielmansegge,
&c. &c.



GERMANIC CONFEDERATION.

No. 20.

Mr. Molyneux to the Earl of Aberdeen.

Frankfort, January 28, 1845.

(Received February 2.)

My Lord,

ON the 30th of November last, Mr. Strangways addressed a note to the President of the Diet, Count Donhoff, requesting to be furnished with a copy of any transactions which might have taken place in that assembly respecting the suppression of slavery. I have now the honour to transmit to your Lordship a copy of Count Donhoff's reply to that application, together with a translation of the enclosure in his Excellency's note. From the latter document it would appear, that in the third sitting of the Diet of the year 1843, the Plenipotentiaries of Austria and Prussia communicated to the Diet the Treaty signed at London, December 20, 1841, by Austria, Great Britain, France, Prussia, and Russia, for the suppression of slavery; and that, on the motion of the Bavarian Minister, a vote was unanimously passed, expressing the entire concurrence of all the Governments of the Confederation in the benevolent views which had dictated the Treaty in question.

I have, &c.

(Signed) FRANCIS GEORGE MOLYNEUX

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

&c.

&c.

&c.

Enclosure 1 in No. 20.

Count Donhoff to Mr. Molyneux.

(Traduction.)

Francfort, ce 23 Janvier, 1845.

LE Soussigné, Conseiller Intime Actuel de Sa Majesté le Roi de Prusse, et son Envoyé à la Diète Germanique, président par substitution cette Haute Assemblée, n'a pas manqué de porter à la connaissance de celle-ci lors de la reprise de ses séances, les deux notes que son Excellence M. Fox Strangways, Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté Britannique, à bien voulu lui adresser en date du 30 Novembre et 10 Décembre de l'année dernière, relativement à la suppression de la Traite des Nègres.

Le Soussigné a été chargé de donner à M. Molyneux, Chargé d'Affaires de Sa Majesté Britannique, en réponse à la note du 30 Novembre dernier, connaissance des transactions qui ont eu lieu dans la troisième séance de la Diète du 3 Février, 1843, par suite de la communication qui lui avait été faite par les Hautes Cours d'Autriche et de Prusse, du Traité conclu le 20 Décembre, 1841.

Le Cabinet Britannique y verra sans doute avec satisfaction, combien la Diète Germanique approuve de son côté les mesures tendantes à la suppression de la Traite des Nègres.

Le Soussigné ayant en outre à exprimer à M. Molyneux les remerciemens de la Haute Diète pour les communications faites par la note du 10 Décembre dernier, saisit, &c.

(Signé) COMTE DE DONHOFF.

Monsieur Molyneux,
&c. &c.

Enclosure 2 in No. 20.

*Extract from the Protocol of the 3rd Sitting of the German Diet of
February 3, 1843.*

Communication of the Treaty entered into in London on the 20th December, 1841, and one of the Protocols relating thereto of the 9th November, 1842, on the subject of the Slave Trade.

(Translation.)

AUSTRIA and Prussia.—The Envoy has the honour (in consequence of instructions to that effect) to present to the High Diet a copy of a Treaty entered into in London on the 20th December, 1841, between Austria, France, Great Britain, Prussia, and Russia, but nevertheless (as the protocol of the 9th November, 1842, likewise communicated, shows) only ratified by Austria, Great Britain, Prussia, and Russia, relative to the suppression of the Slave Trade, with the papers connected therewith.

The Courts of Vienna and Berlin feel persuaded that their high Confederates will find in the present communication a joyful occasion of according their approbation to the principles of Christian philanthropy on which the London Treaty is based, and particularly in the resolution arising therefrom, expressed in the first Article thereof, whereby the Slave Trade is put on the same level with, and stigmatized as, piracy, and in furtherance of the noble object of this Treaty, are ready to declare themselves of the same opinion and spirit whenever opportunities offer.

Question put.

Bavaria.—The Envoy is persuaded that his Government will thankfully participate in the communication of this Treaty, and gives its concurrence to the principles of philanthropy and Christian feeling contained in it, and in particular to the resolution, that the Slave Trade is put on the same level with piracy, and expresses the most sanguine hope that the measures which the Contracting Powers have agreed upon may soon accomplish the object of rooting out this shameful trade.

In accordance with this declaration on the part of the Royal Bavarian Embassy, it was, on putting the question, unanimously agreed:—

“The German Diet has, with many thanks, concurred in the communication made to them, on the part of the two High Governments of Austria and Prussia, relative to the Treaty entered into in London on the 20th December, 1841. It gives its entire approbation to the sentiments and principles of Christian philanthropy out of which this Treaty, and especially the Resolutions contained therein, have arisen, whereby the Slave Trade is put on the same level, as to crime, with piracy; and it expresses its sincere hope, that the measures which the Contracting Powers have agreed upon may speedily accomplish the object of entirely rooting out this shameful traffic.”

No. 21.

Mr. Molyneux to the Earl of Aberdeen.

My Lord,

Frankfort, February 14, 1845.
(Received February 20.)

THE Diet having had under their further consideration the subject of the suppression of the Slave Trade, it has been proposed to pass a vote expressive of the abhorrence felt by all the Governments of the Confederation for that

traffic, and their determination to regard it in the same light as piracy. Previous to passing this vote, the Ministers of the Diet have applied to their respective Governments for instructions on the subject.

(Signed) FRANCIS GEORGE MOLYNEUX.

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

&c.

&c.

&c.

No. 22.

The Hon. W. Fox Strangways to the Earl of Aberdeen.

Frankfort July 4, 1845.

(Received July 9.)

(Extract.)

WITH reference to my despatch, Slave Trade, of December 5th, 1844, I beg to enclose a translation of the Resolution of the Diet in condemnation of the Slave Trade, which was adopted by that Assembly on the 19th ultimo.

(Signed) W. FOX STRANGWAYS.

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

&c.

&c.

&c.

Enclosure in No 22.

Resolution of the High German Diet of the 19th June, 1845.

(Translation.)

RESOLVED,—In full and just acknowledgment of the sentiments and principles of Christian humanity, which have induced the Courts of Great Britain, Austria, Prussia, and Russia, to conclude the Treaty of the 20th December, for the suppression of the Slave Trade, the German Governments conjointly, animated by the desire on their side, so far as in their power lies, of assisting to root out effectually this iniquitous traffic, agree that the Slave Trade shall be generally prohibited by them.

Accordingly, where provision to this end is not made in the existing criminal laws, the Traffic in Slaves is punished as piracy; in those states, however, whose code of laws make no particular mention of piracy, the punishment for kidnapping [*menschenraub*], or a similar heavy punishment, will be inflicted.

No. 23.

Viscount Palmerston to the Hon. W. Fox Strangways.

Sir,

Foreign Office, August 14, 1846.

UPON referring to the correspondence of your mission of last year, I observe that in your despatch, marked Slave Trade, dated the 4th of July, you transmitted a copy of a Resolution adopted by the German Diet on the 19th of June, in condemnation of the Slave Trade, based upon the same principles of Christian humanity which induced the Courts of Great Britain, Austria, Prussia, and Russia to conclude the Treaty of the 20th of December, 1841.

As I do not find that this despatch has been specifically acknowledged, I have to instruct you to take an early opportunity of expressing to the President of the Diet, in the name of Her Majesty's Government, the great and lively satisfaction which they derive from this important act.

The adoption by the German Confederation as a body of the great principle of policy which is involved in this Resolution is a subject of the highest interest to Her Majesty's Government and the British nation, and you cannot too strongly express the gratification which has been afforded them by this salutary measure.

You will at the same time state how highly Her Majesty's Government appreciate and admire the honourable zeal which has actuated the President and the individual Members of the Diet in bringing about so desirable a result.

The Hon. W. Fox Strangways,
&c. &c.

I am, &c.
 (Signed) PALMERSTON.

No. 24.

The Hon. W. Fox Strangways to Viscount Palmerston.

Frankfort, September 15, 1846.

(Received September 24.)

(Extract.)

IN conformity with the instruction contained in your Lordship's despatch, Slave Trade, of the 14th ultimo of the present year, in which I am directed to convey to the President of the Diet the acknowledgment of the service which Her Majesty's Government considers the Diet to have rendered to the cause of abolition, by the expression of opinion publicly proclaimed by that body in its condemnatory Resolution of the 19th June, 1845, I waited upon the President and acquainted him with the favourable sentiments of Her Majesty's Government with reference to the document in question.

His Excellency seemed highly gratified that Her Majesty's Government have taken notice of the resolution of the Diet, and intimated that it would be agreeable to himself and to the Diet, were the feelings which your Lordship had ordered me to express embodied in a note, so as to be laid before that august body.

For this reason I addressed to his Excellency the President a note, of which I have the honour to enclose a copy.

(Signed)

W. FOX STRANGWAYS.

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

Enclosure in No. 24.

The Hon. W. Fox Strangways to the President of the Diet.

Frankfort, August 31, 1846.

THE Undersigned, Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary to the High Diet of the Germanic Confederation, has the honour to inform his Excellency the Count Münch Bellinghausen, President of the Diet, that he has been charged by his Government with the duty of expressing to his Excellency the lively satisfaction which the British Government has experienced by the communication of the praiseworthy Resolution of the 19th June, 1845, in which the Diet has so nobly pronounced its adhesion to the principles finally adopted by all the European Powers in relation to the African Slave Trade.

This important Resolution, which completes the concert happily established among the Courts of Europe for the purpose of repressing, as far as the means are within their power, a traffic which dishonours humanity, has been received with so much the greater pleasure by Her Majesty's Government, that it furnishes the occasion for proclaiming once more its fixed determination never to abandon a cause dictated as well by the political obligations of Great Britain as by the spirit of the Christian religion.

The present moment, when malignity has thought itself able to insinuate doubts of the constancy of the British Government in the cause of total abolition, which it has so long traced out for itself; when the cupidity of those who give themselves up to this infamous commerce daily invents new subterfuges, and leads to the commission of crimes more and more atrocious;—this moment gives a double value to a document such as the Resolution of the 19th June,

1845, of which the object and the sentiments do so much honour to the Sovereigns of the Germanic Confederation.

The Undersigned, in hastening to acquit himself of the orders of his Court, has the honour to renew, &c.

(Signed)
His Excellency Count Münch Bellinghausen,
 &c.

W. FOX STRANGWAYS.

No. 25.

Viscount Palmerston to Hon. W. Fox Strangways.

Sir,

Foreign Office, October 3, 1846.

I HAVE received your despatch, marked Slave Trade, of the 15th ultimo, enclosing a copy of a note, which in pursuance of the instruction contained in my despatch, marked Slave Trade, of the 14th August, you addressed on the 31st August, to the President of the Germanic Diet, expressing the high gratification of Her Majesty's Government at the Resolution adopted by the Diet, on the 19th June, 1845, against Slave Trade.

It was my intention that the communication to be made by you to the Diet on this subject should be in writing; and I have the satisfaction of informing you that Her Majesty's Government entirely approve of the note which you accordingly addressed to Count Münch Bellinghausen.

The Hon. W. Fox Strangways,
 &c.

I am, &c.
 (Signed) PALMERSTON.

TURKEY.

No. 26.

Viscount Palmerston to the Hon. H. Wellesley.

Sir,

Foreign Office, August 31, 1846.

HER Majesty's Government have learnt with regret, by a despatch from the Governor of Bombay to the Court of Directors of the East India Company, and from the report from the East India Company's Resident in the Persian Gulf therein enclosed, copies of which papers I herewith transmit to you, that the importation of slaves from Africa, and principally from the dominions of the Imaum of Muscat, continues to take place to a great extent into the Persian Gulf.

The dominions of his Highness the Imaum of Muscat on the east coast of Africa extend from the 5th degree of north latitude to the 10th degree of south latitude. His dominions in Asia consist principally of the Province of Oman, in Arabia, at the entrance of the Persian Gulf.

The Imaum has heretofore entered into Treaties with Great Britain for restricting the Slave Trade from his dominions in Africa, reserving, however, to himself and his subjects the right of carrying on that trade from or to any part of the coasts of Africa, Arabia, or Persia, within a line drawn from the point where the 10th parallel of south latitude strikes the east coast of Africa to Pas-sence on the coast of Makran.

But by a further Treaty concluded with his Highness, on the 2nd of October, 1845, and of which I enclose to you a copy, his Highness has agreed to abolish and prohibit the export of slaves from any part of his dominions in Africa, and the import of slaves from any part of Africa into his dominions in Asia; and his Highness has given power to the ships both of the Royal navy and of the East India Company to act in the suppression of such traffic.

This Treaty is to come into operation on the 1st of January, 1847, and Her Majesty's Government, as well as the Honourable East India Company, anticipate that by the vigilant exercise of the additional powers thereby conferred upon them, they will be enabled materially to check the Slave Trade carried on from Africa to Arabia and Persia.

You will perceive, from the papers enclosed in this despatch, that Major Hennell, the East India Company's Resident in the Persian Gulf, and the Government of Bombay, are of opinion that the promulgation by the Turkish and Persian Governments of firmans prohibiting Slave Trade in their respective ports in the Persian Gulf, and authorising Her Majesty's Government to enforce such firmans, would have the most beneficial effect in suppressing the traffic.

In this opinion Her Majesty's Government agree; and if the Governments of Constantinople and Teheran could be induced to issue such firmans, to come into operation simultaneously with the Convention with the Imaum of Muscat above mentioned, Her Majesty's Government are not without hopes that so united and strong a demonstration against the trade might be the means of effectually putting an end to it in the Persian Gulf.

I have accordingly to instruct you to make a proposition to this effect to the Sublime Porte, reminding them of the deep interest which the British

Government and nation feel in the abolition of the Slave Trade, and stating, that nothing on the part of the Sultan would more effectually tend to conciliate and perpetuate the friendship and confidence of the British nation than an act of co-operation with Her Majesty's Government for the attainment of an object which they have so much at heart as the abolition of the African Slave Trade.

I have this day addressed to Her Majesty's Envoy at the Court of Teheran an instruction to the above effect.

The Hon. H. Wellesley,
&c. &c.

I am, &c.
(Signed) PALMERSTON.

Enclosure 1 in No. 26.

The Governor of Bombay in Council to the Court of Directors.

(Extract.)

Bombay, June 18, 1846.

WITH our despatch, dated the 27th November, of 1845, we forwarded to your Honourable Court copy of a letter from Major Hennell, the Resident in the Persian Gulf, forwarding a representation which had been made to him by the native agent at Shargah, in a letter dated the 30th July last, to the effect that, notwithstanding the measures which, during several years past, have been adopted by Her Majesty's and the Honourable East India Company's Governments, with the view of suppressing the Slave Trade in the Persian Gulf, this traffic continues to be carried on to a deplorable extent in that quarter. In confirmation of this statement, the native agent informed Major Hennell, that thirteen vessels belonging to the ports in the Persian Gulf had lately returned from Zanzibar, bringing from that place no less a number than 1780 slaves. We at the same time stated that we had, on receipt of this information, called upon Major Hennell to report whether he could suggest the adoption of any further practicable measures likely to be more effectual than those already adopted for the suppression of this nefarious traffic.

2. We now beg to forward copy of Major Hennell's reply to the above reference, dated the 15th ultimo. In this communication Major Hennell observes, that although the maritime Chiefs named in the margin* have entered into engagements with the British Government, confining the Traffic in Slaves within certain limits, they are guilty of no breach of Treaty in bringing up slaves from the African coast to the Persian Gulf, unless such slaves have been forcibly carried away; and that their vessels are liable to seizure and confiscation only, if found to the eastward of a line passing from Cape Delgado to Pussein on the Mekran coast, or if found with slaves on board which have been stolen or forcibly carried away.

3. Major Hennell therefore considers that the most effectual, and in fact the only, means of suppressing the Slave Trade in the Persian Gulf, would be the promulgation of firmans by the Courts of Persia and Constantinople, prohibiting the prosecution of the traffic in their respective ports in the Gulf, and empowering the British Government to enforce this order. Unless some measure of this kind be adopted to prevent the prosecution of the Slave Trade by the traders of the Persian and Turkish ports in the Gulf, Major Hennell is of opinion that it would be useless to seek further concessions from the maritime Chiefs of the Arabian coast, as they are not likely to resign a lucrative pursuit merely to throw it altogether into the hands of the Persians and Turks.

4. Major Hennell considers it probable that the Persian and Turkish Governments might be induced to accede to the arrangement he has suggested.

5. If the Courts of Persia and Constantinople could be induced to issue a prohibition against slave-dealing in the Persian Gulf, Major Hennell considers

* The Sheik of Ras el Khyma, the Sheik of Amulgavine, the Sheik of Ejinan, the Sheik of Debaye, the Sheik of Aboothabee.

that there would not be any great difficulty in afterwards inducing the whole of the maritime Chiefs on the Arabian coast to consent to a similar arrangement, in which case the effectual suppression of this traffic would rest entirely with the British Government.

6. We accordingly beg to submit Major Hennell's suggestion to your Honourable Court, for such notice as may be deemed proper.

7. We beg to state that we have forwarded a copy of this correspondence to the Right Honourable the Governor-General of India.

(Signed)

G. ARTHUR.

L. R. REID.

J. P. WILLOUGHBY.

The Court of Directors,
&c. &c.

Enclosure 2 in No. 26.

The Resident in the Persian Gulf to the Secretary to the Bombay Government.

(Extract.)

Bushire, May 15, 1846.

THE 3rd, 4th, and 5th paragraphs of your despatch, in this Department, under date the 24th of November last, remark upon the little desire manifested by the maritime Chiefs on the Arabian coast, with whom we have Treaties regarding the Slave Trade, to carry out their engagements; and at the same time request the suggestion of any further practicable measures towards the suppression of this nefarious traffic.

2. In reply, I beg to state for the information of the Governor in Council, that although the maritime Chiefs named in the margin* have entered into engagements with the British Government, confining the traffic within certain limits, they are guilty of no breach of Treaty in bringing up slaves from the African coast to the Persian Gulf, unless such slaves have been forcibly carried away. So far as relates to their engagements with us, there is nothing, therefore, to prevent them from purchasing slaves in the Sowahil, and transporting them openly to this quarter for sale. Their vessels are liable to seizure and confiscation only, if found to the eastward of a line passing from Cape Delgado to Pussein, on the Mekran coast; or if found with slaves on board, which have been stolen or carried away. In addition to these restrictions, any of their subjects convicted of selling Soomaleest† are liable to be treated as pirates. Within these limits, there is nothing to restrain them from prosecuting this traffic.

3. The subject of the Slave Trade in this Gulf has been so fully entered into by my assistant, Lieutenant Kemball, in his able report forwarded to Government with my letter, in this Department, dated the 18th of October, 1844, that I can add nothing thereto.

4. The most effectual means in my opinion of suppressing the Slave Trade in the Persian Gulf, would be the promulgation of firmans by the Courts of Persia and Turkey, prohibiting the prosecution of the traffic in their respective ports in this sea, and authorising the British Government to enforce this order. Were this effected, I do not consider there would be any great difficulty in inducing the maritime Chiefs on the Arabian coast to consent to a similar prohibition. In such a case, the effectual suppression of this wretched traffic will rest entirely with ourselves, and on the naval force employed for that purpose. Unless, however, some measures can be taken to prevent the traders of the Persian and Turkish ports in this Gulf from prosecuting the Slave Trade, it appears to me to be useless to seek further concessions from the maritime Chiefs of the Arabian coast, who are not likely to resign a lucrative pursuit merely to throw it altogether into the hands of the Turks and Persians, which would be the inevitable result of their consenting to give it up at present.

(Signed)

S. HENNELL.

The Secretary to the Bombay Government.

* The Sheik of Ras el Khyra, the Sheik of Amulgavine, the Sheik of Ejinan, the Sheik of Debaye, the Sheik of Aboothabee.

† A free tribe on the Barbara Coast.

No. 27.

Viscount Palmerston to the Hon. H. Wellesley.

Sir,

Foreign Office, September 11, 1846.

WITH reference to my despatch, marked Slave Trade, of the 31st ultimo, directing you to propose to the Turkish Government the issue of a firman prohibiting Slave Trade in their ports in the Persian Gulf, I herewith transmit to you a copy of a letter addressed, by my direction, to the India Board, suggesting that propositions should be made to the maritime Chiefs of the Gulf to enter into agreements with this country for the total abolition of the import of slaves into their territories.

You will perceive that I have moved the Commissioners for the Affairs of India, to cause to be pointed out to the Chiefs in question the altered state of circumstances under which, when the agreement of October 2, 1845, with the Imaum of Muscat shall have come into operation, the Trade in Slaves from Africa, if persisted in by them, will have to be carried on.

But the Trade in Slaves into the Turkish ports in the Persian Gulf, carried on from the African dominions of the Imaum of Muscat, will be affected in the same manner as the trade carried on from thence by the maritime Chiefs of the Gulf, and will be liable to the same risks, and to the same consequences which may result from the illegality of the traffic.

You are at liberty, therefore, in urging on the Turkish Government the promulgation of the firman, to point out to them that their subjects in the Gulf will not be able after the 1st of January next, to carry on this trade with the impunity which has hitherto attended it, and that an injunction addressed to them by their Government to discontinue the traffic, far from subjecting them to loss by putting a stop to the trade, will probably save them from the loss which would inevitably attend any attempt made by them to prosecute the trade in defiance of the solemn compact entered into between this country and the Imaum for its abolition.

The Hon. H. Wellesley,
 &c. &c.

I am, &c.
 (Signed) PALMERSTON.

Enclosure in No. 27.

Mr. Addington to the Secretary to the India Board.

Sir,

Foreign Office, September 3, 1846.

I AM directed by Viscount Palmerston to acknowledge the receipt of your letter of the 27th ultimo, and its enclosures, on the subject of Slave Trade in the Persian Gulf, and recommending the expediency of obtaining from the Turkish and Persian Governments firmans prohibiting the trade in their respective ports in the Gulf; and I am to transmit to you, for the information of the Commissioners for the Affairs of India, the accompanying copy of an instruction which his Lordship addressed, on the 31st ultimo, to Her Majesty's Representatives at the Courts of Constantinople and Teheran, directing them to make propositions accordingly to the Turkish and Persian Governments.

I am at the same time to call your attention to the observations made by Major Hennell, the East India Company's Resident in the Persian Gulf, in his despatch of the 15th of May last, a copy of which was enclosed in your above-mentioned letter, relative to the engagements subsisting with the maritime Chiefs of the Gulf on Slave Trade.

The Chiefs in question are the Sheiks of Ras el Khyma, Amulgavine, Ejinan, Debaye, and Aboothabee, and they are bound towards this country not to engage in Slave Trade transactions outside of a line drawn from the point where the 10th degree of south latitude strikes the east coast of Africa, to Passenee, on the coast of Makran, and which are the same limits as those within which the Imaum of Muscat was, and is, up to the 1st of January, 1847,

the date when the agreement concluded with him on the 2nd October, 1845, comes into operation, bound to restrict the Slave Trade from his dominions.

Major Hennell, after recommending the obtaining of firmans from Turkey and Persia, states his opinion that without some such measure it would be useless to seek further concessions from the maritime Chiefs of the Arabian coast, who are not likely to resign a lucrative pursuit merely to throw it into the hands of the Turks or Persians.

Viscount Palmerston presumes that, when giving this opinion, Major Hennell was not aware of the further concessions made by the Imaum of Muscat by the agreement of October 2, 1845, which materially alters the position of the Chiefs of the Persian Gulf who are importers of slaves from Africa.

The Commissioners for the Affairs of India are doubtless aware that the supply of African slaves for the Persian Gulf has been principally derived from the dominions of the Imaum of Muscat on the east coast of Africa. But the Imaum having agreed to abolish all export of slaves from his African dominions, and having given power to Her Majesty's ships, and to those of the East India Company, to suppress such trade, the source from whence the Chiefs of the Persian Gulf can, up to the 1st of January next, consistently with their engagements with Great Britain, procure slaves, will after that date be closed to them; and if they persist in attempting to import slaves from the Imaum's African dominions after that date, they will, in lieu of a recognised trade, be carrying on a traffic illegal by the engagements between this country and the Imaum, and will be liable to all the consequences of such illegality.

Her Majesty's Government are therefore of opinion that reasonable hopes may be entertained that the maritime Chiefs of Persia and Arabia, on being made acquainted with the altered circumstances under which the Trade in Slaves must in future be carried on by them, would not decline to enter into agreements with Her Majesty's Government to give up entirely, and to prohibit all import of slaves into their dominions, and to give power, in the same manner as granted by the Imaum, to Her Majesty's ships, and to those of the East India Company, to prevent such traffic; and I am accordingly to request that you will move the Commissioners for the Affairs of India, if they shall agree in the expediency of the measure, to take the proper steps for causing formal propositions to the above effect to be made to these Chiefs, and agreements to be concluded with them on behalf of Her Majesty.

I am, &c.

(Signed) H. U. ADDINGTON.

The Secretary to the India Board.

No. 28.

The Hon. H. Wellesley to Viscount Palmerston.

Buyukdery, October 2, 1846.

(Received October 23.)

My Lord,

I HAVE the honour to acknowledge the receipt of your Lordship's despatch, marked "Slave Trade," of the 31st of August last.

The occurrence of the feast of Beiram, and the changes which have subsequently taken place in the Sultan's councils, have prevented me as yet from putting the instructions contained in it into execution, but I shall now take the earliest opportunity of bringing the wishes of Her Majesty's Government to the notice of the new Minister for Foreign Affairs.

I have, &c.

(Signed) H. WELLESLEY.

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

&c.

&c.

&c.

No. 29.

*The Hon. H. Wellesley to Viscount Palmerston.**Buyukdery, October 17, 1846.**(Received November 4.)*

(Extract.)

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 11th ultimo.

Since I last addressed your Lordship on the subject, I have brought under the consideration of Aali Effendi, and other Members of the Government, through Mr. Alison, the desire expressed by Her Majesty's Government for the abolition of the Slave Trade in the Turkish ports of the Persian Gulf, as conveyed to me in your Lordship's despatch of the 31st of August last. I have since seen the Grand Vizier on the subject.

The answers, or rather observations, of the Turkish Ministers, have been, upon the whole, more satisfactory than I had anticipated.

Under present circumstances, I have refrained from employing the argument furnished me in your Lordship's of the 11th ultimo, but should I observe a decided inclination on the part of the Porte not to comply, I shall not fail to make use of it.

(Signed)

H. WELLESLEY.

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

SYRIA. (*Consular*)—*Cyprus*.

No. 30.

Consul Niven Kerr's Report on Cyprus.

Cyprus, December 31, 1845.

(Received April 1, 1846.)

(Extract.)

SLAVERY.—Cyprus unhappily greatly encourages the Slave Trade, there being hardly a family of the higher rank in which one, or often two, slaves are not employed as servants: and I should consider that the number may amount to 2,000. Those employed in Christian families, nevertheless, usually retain the Mahometan religion.

The price of a male slave is from 12*l.* to 15*l.*, and for a female 15*l.* to 20*l.* They are brought here for sale from Egypt, and at the time of their importation are generally between twelve and sixteen years of age.

PERSIA.

No. 31.

Viscount Palmerston to Lieutenant-Colonel Sheil.

Sir,

Foreign Office, August 31, 1846.

HER Majesty's Government have learnt with regret by a despatch from the Governor of Bombay to the Court of Directors of the East India Company, and from the report from the East India Company's Resident in the Persian Gulf, therein enclosed, copies of which papers I herewith transmit to you, that the importation of slaves from Africa, and principally from the dominions of the Imaum of Muscat, continues to take place to a great extent into the Persian Gulf.

The dominions of His Highness the Imaum of Muscat, on the east coast of Africa, extend from the 5th degree of north latitude to the 10th degree of south latitude. His dominions in Asia consist principally of the Province of Oman in Arabia, at the entrance of the Persian Gulf.

The Imaum has heretofore entered into Treaties with Great Britain for restricting the Slave Trade from his dominions in Africa; reserving, however, to himself and his subjects the right of carrying on that trade from or to any part of the coasts of Africa, Arabia, or Persia, within a line drawn from the point where the 10th parallel of south latitude strikes the east coast of Africa, to Passenee, on the coast of Makran.

But by a further Treaty, concluded with His Highness on the 2nd of October 1845, and of which I enclose to you a copy, His Highness has agreed to abolish and prohibit the export of slaves from any part of his dominions in Africa, and the import of slaves from any part of Africa into his dominions in Asia; and His Highness has given power to the ships both of the royal navy and of the East India Company, to act in the suppression of such traffic.

This Treaty is to come into operation on the 1st of January, 1847, and Her Majesty's Government, as well as the Honourable East India Company, anticipate that by the vigilant exercise of the additional powers thereby conferred upon them, they will be enabled materially to check the Slave Trade carried on from Africa to Arabia and Persia.

You will perceive from the papers enclosed in this despatch, that Major Hennell, the East India Company's Resident in the Persian Gulf, and the Government of Bombay, are of opinion that the promulgation by the Persian and Turkish Governments of firmans prohibiting Slave Trade in their respective ports in the Persian Gulf, and authorising Her Majesty's Government to enforce such firmans, would have the most beneficial effect in suppressing the traffic.

In this opinion Her Majesty's Government agree; and if the Governments of Teheran and Constantinople could be induced to issue such firmans, to come into operation simultaneously with the Convention with the Imaum of Muscat above mentioned, Her Majesty's Government are not without hopes that so united and strong a demonstration against the trade might be the means of effectually putting an end to it in the Persian Gulf. I have, accordingly, to instruct you to make a proposition to this effect to the Persian Government,

reminding them of the deep interest which the British Government and nation feel in the abolition of the Slave Trade, and stating that nothing on the part of the Shah would more effectually tend to conciliate and perpetuate the friendship and confidence of the British nation, than an act of co-operation with Her Majesty's Government for the attainment of an object which they have so much at heart as the abolition of the African Slave Trade.

I have this day addressed to Her Majesty's Minister at Constantinople an instruction to the above effect.

Lieutenant-Colonel Sheil,
&c. &c.

I am, &c.
(Signed) PALMERSTON.

Enclosures in No. 31.

1. *The Bombay Government to the Court of Directors, June 18, 1846.*
2. *The Resident in the Persian Gulf to the Bombay Government, May 15, 1846.*
[See Enclosures in No. 26, p. 36.]

No. 32.

Viscount Palmerston to Lieutenant-Colonel Sheil.

Sir

Foreign Office, September 11, 1846.

WITH reference to my despatch marked Slave Trade, of the 31st ultimo, directing you to propose to the Persian Government the issue of a firman, prohibiting Slave Trade in their ports in the Persian Gulf, I herewith transmit to you a copy of a letter addressed by my direction to the India Board, suggesting that propositions should be made to the maritime Chiefs of the Gulf, to enter into agreements with this country, for the total abolition of the import of slaves into their territories.

You will perceive that I have moved the Commissioners for the Affairs of India, to cause to be pointed out to the Chiefs in question the altered state of circumstances under which, when the Agreement of October 2, 1845, with the Imaum of Muscat shall have come into operation, the Trade in Slaves from Africa, if persisted in by them, will have to be carried on.

But the Trade in Slaves into the Persian ports in the Gulf carried on from the African dominions of the Imaum of Muscat will be affected in the same manner as the trade carried on from thence by the maritime Chiefs of the Gulf; and will be liable to the same risks and to the same consequences which may result from the illegality of the traffic.

You are at liberty, therefore, in urging on the Persian Government the promulgation of the firman, to point out to them that their subjects in the Gulf will not be able, after the 1st of January next, to carry on this trade with the impunity which has hitherto attended it, and that an injunction, addressed to them by their Government, to discontinue the traffic, far from subjecting them to loss by putting a stop to the trade, will probably save them from the loss which would inevitably attend any attempt made by them to prosecute the trade in defiance of the solemn compact entered into between this country and the Imaum for its abolition.

Lieutenant-Colonel Sheil,
&c. &c.

I am, &c.
(Signed) PALMERSTON.

Enclosure in No. 32.

Mr. Addington to the Secretary to the India Board, September 3, 1846.

[See Enclosure in No. 27, p. 38.]

MUSCAT.

No. 33.

The Imaam of Muscat to the Earl of Aberdeen.

(Translation.)

24 Ramzan, 1261.
27 September, 1845.

In the name of the Almighty!

(Received February 13, 1846.)

TO the highest in dignity, the most renowned, the chief of the nobles, the most glorious, the kindest of the kind, the Right Honourable the Earl of Aberdeen, the principal in power, may his dignity and prosperity be permanent, and may the Almighty continue to regard him with the eye of favour and mercy, and keep the sun of his splendour from being eclipsed, or even on the decline, and cause all his wishes and expectations to be fulfilled always to the utmost extent.

And afterwards, the cause of writing these friendly words, is to inquire after your circumstances; and should the sweet odour of friendship move your imagination to know how I am, then, by the grace of God, and the continued prosperity of the Government of England, I am in the enjoyment of health and prosperity. Now your kind letter, dated 20th Zilhaj, 1260 (31st December, 1844), reached on the 25th Ramzan, 1261 (18th September, 1845), sent through the representative of the Government, the Consul Captain Hamerton, together with the copy of the Treaty (agreement) relative to the slaves, and when we read it we said to him, Captain Hamerton, that whatever was wished for or written by Her Majesty, we would agree to, in consideration of our feeling towards Her Majesty and your Lordship; and we have signed and agreed to what you wrote, and of a truth all will be explained to you by Captain Hamerton; and, please God, whatever Her Majesty may require we will comply with to the utmost of our power, for we are always overwhelmed by the kindness of Her Majesty, and with gratitude to your Lordship.

With reference to the affair of Bahrein, you state that the Government cannot interfere in the business; and in like manner, whatever causes any inconveniences to Her Majesty we do not wish for. As to the loss of revenue we may experience, Dear Friend, know that our income (the whole of our revenue at present) is insufficient to defray our expenditure; therefore what shall we do when we lose the half of what we now receive in fact? Her Majesty and your Lordship are our masters (superiors), and can do as you think best; the matter rests with you, your benignity is spread over the whole world, and from you I shall not experience loss, and whatever business Her Majesty or you require of me, I am ready; the sign is with you, be it much or little.

Nevertheless, it is necessary that some additional articles to the Treaty be made on a separate paper, to be considered as additional articles, to prevent difficulties for those who may be coming and going to and from these parts, and which difficulties are likely to arise from (the ships) which may be appointed to enforce (look after the slave business) the suppression of slavery, and without doubt you will order them the ships accordingly; this is to prevent unpleasant consequences hereafter. Peace be on you.

From the confiding slave of God,

(Signed)

SAEED BIN SULTAN.

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

&c.

&c.

&c.

Enclosure in No. 33.

Additional Articles.

Additional Articles to the Agreement concluded on the 2nd [second] of October, 1845 [one thousand eight hundred and forty-five], required by his Highness Saeed Saeed bin Sultan, the Sultan of Muscat.

ARTICLE I.

VESSELS the property of his Highness Saeed Saeed bin Sultan, the Sultan of Muscat, or of his subjects, are not to be searched by British ships-of-war between the northern and southern limits of the Ports of Lamoo and Keelwa, specified in the agreement concluded on the 2nd of October, 1845, and 29th of Ramzan, 1261.

ARTICLE II.

In the event of reports being made of slaves having been stolen from the African possessions of his Highness the Sultan of Muscat, without sufficient proof of the truth of such reports, his Highness the Sultan of Muscat is not to be held responsible.

ARTICLE III.

Vessels the property of his Highness the Sultan of Muscat, or of his subjects, coming from the Red Sea or Arabian Sea to the African dominions of his Highness the Sultan of Muscat, and on board of which vessels it is known that slaves are not brought from those parts, are not to be searched or interfered with by British ships-of-war.

No. 34.

Captain Hamerton to the Earl of Aberdeen.

My Lord,

Zanzibar, October 4, 1845.
(Received February 13, 1846.)

I HAD the honour, on the 8th ultimo, to receive your Lordship's letter, dated 21st of December, 1844, with a translation of a letter to your Lordship's address, from his Highness the Imaum, expressing his willingness to abolish the export of slaves from his African dominions to the Red Sea and Persian Gulf, reserving to himself the right of transporting slaves to and from certain parts of his dominions in Africa; and also a copy of your Lordship's reply to his Highness, together with a draft of an agreement on this subject; and directing me to have the draft translated into Arabic, and propose the same for his Highness' acceptance, which I accordingly did. His Highness the Imaum wished the limits of Lamoo and Keelwa to be clearly specified in the agreement; and also the time of the commencement of the agreement; which I have done, and hope the same may meet with your Lordship's approbation. His Highness, when he writes or speaks of Lamoo or Keelwa, means the places under the government of those towns respectively. The northern point of the Island of Kuyhon is eighteen miles north of the Island of Lamoo, and Songa Manara, or Point Pagoda, is four miles south of the Island of Keelwa.

In conformity to your Lordship's instructions, I prepared the two original copies drawn up in Arabic and English; and on the 2nd instant they were signed and sealed, his Highness signing the Arabic version only, which is his custom in all like cases. One copy I gave to the Imaum, and the other I have the honour to enclose herewith for your Lordship.

His Highness the Imaum has requested me to represent to your Lordship, that he feels quite certain that Her Majesty's Government will take into consideration the losses he will most likely sustain in consequence of this agreement, concluded for the prohibition of the export of slaves. His High-

ness conceives that, as so many thousands of slaves will not now be required from his African possessions, the demand for articles required to purchase them will of course become greatly diminished, and consequently the duties on imports will be greatly lessened, which will oblige his Highness to reduce the sum which he yearly receives from the farmer* of the customs; and at present it is difficult to say what the actual loss of revenue may be—the Imaum conceives it may be between 35,000 and 40,000 dollars, because many articles brought by the boats from the Red Sea and Persian Gulf, for the purchase of slaves, will not, in all probability, be brought when the stipulations of the Agreement are in force; and the import duties on the articles brought by the northern boats were considerable, and also the import duty on the slaves† from Africa, which were bought by the people from the Red Sea and the Persian Gulf, will of course now cause a loss of revenue.

His Highness also required me to state, that it would take some time, at least a year, to make arrangements with the different countries under his control, relative to the prohibition of the export of slaves, and which I have specified in Article IV of the Agreement.

His Highness wishes to bring to your Lordship's notice, that he trusts explicit orders will be issued to the ships-of-war employed for the suppression of the Slave Trade not to search or interfere with any of his vessels which may from time to time have any of his family on board, in going from his dominions in Africa to Arabia, and also coming from thence to his African possessions; and his Highness hopes that Her Majesty's Government will take measures to prevent the vessels coming from the Red Sea bringing to his African possessions slaves, particularly Abyssinians, "girls and eunuchs." [*From being stopped or interfered with. Qy.*]

I have represented to his Highness, that the articles of the engagement, and also the latter part of your Lordship's letter to his Highness, under date the 31st December, 1844, contain the meaning of the additional articles which he requires.

I am well aware that the great stress his Highness lays upon his ships not being searched, on coming from the north to his African possessions, is the difficulty he sees which is likely to arise in procuring the girls and eunuchs from Abyssinia, which are brought in considerable numbers to the dominions of the Imaum in Arabia and Africa, chiefly from Mocha and other parts in the Red Sea.

His Highness' first intention was, to require of your Lordship, that ships of every nation coming from the Red Sea to his dominions, were not to be searched by British ships-of-war; and on his Highness asking me what I thought of such an arrangement, I told him I thought your Lordship could not make any agreement with him relative to the vessels of any other state than his own.

His Highness wishes me particularly to explain that he possesses no influence whatever with the Chiefs of the Persian Gulf.

I have, &c.

(Signed)

ATKINS HAMERTON.

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

&c.

&c.

&c.

Enclosure in No. 34.

Agreement with the Sultan of Muscat.

AGREEMENT between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and his Highness Saeed Saeed bin Sultan, the Sultan of Muscat, for the termination of the export of slaves from the African dominions of his Highness the Sultan Muscat.

* The customs in all the Imaum's dominions are farmed to a Banian, who pays all the expenses for collection.

† One dollar per head is paid on slaves imported into Zanzibar.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland being earnestly desirous that the export of slaves from the African dominions of his Highness the Sultan of Muscat should cease, and his Highness the Sultan of Muscat, in deference to the wishes of Her Majesty and of the British nation, and in furtherance of the dictates of humanity, which have heretofore induced him to enter into engagements with Great Britain to restrict the export of slaves from his dominions, being willing to put an end to that trade; and Her Majesty the Queen of Great Britain and Ireland and his Highness the Sultan of Muscat having resolved to record with due form and solemnity this further restriction of the export of slaves, and Her Majesty having given due authority to Captain Hamerton, her representative at the Court of the Sultan of Muscat, to conclude an agreement with his Highness accordingly, his Highness Saeed Saeed bin Sultan, for himself, his heirs and successors, and Captain Hamerton on behalf of the Queen of the United Kingdom of Great Britain and Ireland, her heirs and successors, have agreed upon and concluded the following Articles:—

ARTICLE I.

His Highness the Sultan of Muscat hereby engages to prohibit, under the severest penalties, the export of slaves from his African dominions, and to issue orders to his officers to prevent and suppress such trade.

ARTICLE II.

His Highness the Sultan of Muscat further engages to prohibit, under the severest penalties, the importation of slaves from any part of Africa into his possessions in Asia, and to use his utmost influence with all the Chiefs of Arabia, the Red Sea, and the Persian Gulf, in like manner to prevent the introduction of slaves from Africa into their respective territories.

ARTICLE III.

His Highness the Sultan of Muscat grants to the ships of Her Majesty's navy, as well as those of the East India Company, permission to seize and confiscate any vessels the property of his Highness or of his subjects carrying on Slave Trade, excepting such only as are engaged in the transport of slaves from one part to another of his own dominions in Africa, between the Port of Lamoo to the north, and its dependencies, the northern limit of which is the north point of Kuyhoo Island, in $1^{\circ} 57'$ south latitude, and the port of Keelwa to the south, and its dependencies, the southern limit of which is the Songa Manara, or Pagoda Point, in $9^{\circ} 2'$ south latitude, including the Islands of Zanzibar, Pemba, and Monfea.

ARTICLE IV.

This agreement to commence and have effect from the 1st day of January, 1847, of the year of Christ, and the 15th day of the month of Mohunum, 1263, of the Hejira.

Done at Zanzibar, this 2nd day of October, 1845, of the year of Christ, and 29th day of Ramzan, 1261 of the Hejira.

(Signed) SAEED SAEED BIN SULTAN,
Imaum of Muscat.

(Signed) ATKINS HAMERTON, *Captain,*
On behalf of Her Majesty the Queen of Great
Britain and Ireland, her heirs and successors.

No. 35.

Captain Hamerton to the Earl of Aberdeen.

Zanzibar, March 10, 1846.

(Received May 28.)

My Lord,

I HAVE the honour to forward the accompanying copy of a letter to my address, from the firm of Cogan and Co., merchants trading at Zanzibar, and also a copy of my reply.

I have at the same time to submit for your Lordship's consideration, that it is probable that when Messrs. Cogan and Co. commence to dispose of the guano on Latham's Island, many vessels will then endeavour to procure labourers from Zanzibar; but free men are not to be procured; thirty free negroes, subjects of his Highness the Imaum, could not be found in Zanzibar who would go to labour at Latham's Island or anywhere else; there are no sailors free men in this island, there is no such class of men here as the lascars of India. His Highness the Imaum is so certain that, if the practice was introduced of taking on board European vessels natives from his dominions, to act as grooms, labourers, or sailors, slaves would most certainly be embarked under the name of free men, which would lead to unpleasant consequences, that he declared to me on the 4th instant, that if his subjects were shipped by European merchants, they would be so without his permission; and that he would order his Cazee not to grant certificates as to the men to be shipped being free, or in any way whatever to interfere; and his Highness further said, that if he were to allow the merchants of one nation to ship his subjects on board their vessels, he would be called on to make the same concession to the merchants of other nations; and his Highness requested me to bring this to the notice of your Lordship.

I beg leave to state, that in almost every instance when masters of vessels and merchants at this place wanted to ship natives, and brought them before me, saying they were free men, I invariably found on investigation that they positively were not, but that they were *bond fide* slaves, whose services their owners were willing to let on hire.

Messrs. Cogan and Co. have chartered an English vessel, the "Guard," of Liverpool, to carry guano to England, and wished to ship on board of her twenty labourers to assist in loading her; but as I cannot now procure the Cazee's certificate, I had no means of ascertaining whether the labourers were free or not, and I could not of course give a certificate to that effect; an examination before the Cazee is the only way to learn if a man is or is not a slave.

I have, &c.

(Signed)

ATKINS HAMERTON.

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

&c.

&c.

&c.

Enclosure 1 in No. 35.

Messrs. Cogan and Co. to Captain Hamerton.

Dear Sir,

Zanzibar, March 5, 1846.

YOUR decision of this morning, which prevents our sending, as we intended, native labourers, to assist in loading the "Guard" with guano at Latham's Island, seems applicable in other cases wherein our trade here as English merchants may be seriously affected by it, and wishing to know in what position we shall stand under circumstances which may easily happen, as they have already happened to us here, we respectfully beg your replies to the following inquiries.

1st. In the event of any of our vessels being short of hands here, from sickness or death, or any other unavoidable contingency, will you sanction our shipping such native sailors, as may be necessary to enable the master to navigate the vessel?

2nd. In the event of our wishing to send on board of any of our vessels a

CLASS D.

reasonable number of natives to act as grooms at sea to animals taken as cargo, will you sanction our doing so?

3rd. In the event of our wishing the master to proceed to sea with a native interpreter, will you sanction his doing so?

Captain Hamerton,
&c. &c.

We are, &c.
(Signed) ROBERT COGAN AND CO.

Enclosure 2 in No. 35.

Captain Hamerton to Messrs. Cogan and Co.

Gentlemen,

Zanzibar, March 7, 1846.

WITH reference to your letter of the 5th instant, stating that my decision of the morning of the same day (5th instant) prevented your sending native labourers, as you had intended to do, to assist in loading the "Guard" with guano at Lathram's Island, appeared applicable in other cases where you trade here as English merchants might be seriously affected by my decision; and wishing to know in what position you would stand under circumstances which might happen to you here, and requesting answers from me to three questions, I beg to answer them as follows:—

1st. In the event of any of your vessels here becoming short of hands, from sickness, death, or any other unforeseen contingency, I should not sanction your shipping such native sailors as might be necessary to enable the master to navigate the vessel, because there are no sailors, natives of this place, free men; but I should apply to his Highness the Imaum for assistance, and there is no doubt his Highness would, as he has invariably done, render all possible assistance. I could in no case sanction your shipping slaves.

2nd. In the event of your wishing to send on board any of your vessels a reasonable number of natives to act as grooms at sea to animals taken as cargo, I cannot sanction your doing so; because his Highness the Imaum, on the 4th instant, told me that he would not allow natives to be sent on board European vessels from this, as he well knew that to procure free men here was impossible, but that there were many people who would for gain (the wages their slaves might earn), say for the time being that their slaves were free men; and his Highness further said, that where there was a prospect of gain he could not depend upon his people, and that he would order the Cazee (his Highness' law officer) not to grant certificates as to the labourers being free, or in any way to interfere in such matters; and his Highness has good reasons for not allowing labourers to be shipped on board European vessels from his dominions.

3rd. In the event of your wishing the master to proceed to sea with a native interpreter, I would sanction an interpreter being shipped, but only with the consent of his Highness the Imaum, and having myself truly ascertained that the interpreter was a free man; and I think his Highness would not object.

Messrs. Cogan and Co.
&c. &c.

I remain, &c.
(Signed) A. HAMERTON.

No. 36.

Viscount Palmerston to Captain Hamerton.

Sir,

Foreign Office, November 19, 1846.

WITH reference to your despatch, marked Slave Trade, of the 10th of March last, enclosing a copy of a correspondence which had passed between yourself and Messrs. Cogan and Co., of Zanzibar, on the subject of the hiring of seamen and labourers at that place to serve temporarily on board British mer-

chant vessels, I herewith transmit to you, for your information and guidance, a copy of a correspondence which has passed between Messrs. Henderson, of this city, and this Department upon the subject in question.

Captain Hamerton,
&c. &c.

I am, &c.
(Signed) PALMERSTON.

Enclosure 1 in No. 36.

Messrs. Henderson and Co. to the Earl of Aberdeen.

16, Bishopgate Street Within, London, May 27, 1846.

(Received June 1.)

My Lord,

WE regret being obliged to solicit your Lordship's attention to the annexed correspondence between Her Majesty's Consul at Zanzibar and Messrs. R. Cogan and Co. of that place, whose interests we represent.

Upwards of six years have transpired since we formed a commercial establishment in East Africa in the dominions of His Highness the Imaum of Muscat: our operations have been gradually extending in magnitude and advantage to both States; and, till of late, we have benefited by every reasonable assistance from the British Authority at the Imaum's Court.

The annexed copy of a letter from Messrs. R. Cogan and Co. to us, will satisfy your Lordship of the impracticability of conducting a trade with East Africa, when, if from the contingencies of death, sickness, or otherwise, we cannot replenish our vessels with the labour requisite to navigate them at the port of a friendly ally.

The verbal communication of the Imaum, as ascribed to him by Captain Hamerton, is at variance with all his Highness' former proceedings towards the vessels of every nation, and directly militates against Captain Hamerton's own report to the Governor of the Mauritius, in a letter dated the 16th October, 1841 (Slave Papers 1843, Class A, page 410), where his Highness is represented as having determined to establish a trade for supplying the Mauritius with labour from East Africa.

Our own vessels, as well as those of America, have repeatedly, under the surveillance of Captain Hamerton, taken on board natives of Africa as seamen when their crews have fallen short, and it has only been of late (when additional labour was requisite to load the guano from Latham's Island, 27 miles from Zanzibar,) that such assistance has been prohibited.

We beg to testify the statement of Messrs. R. Cogan and Co. in respect to free labourers at Zanzibar, where they congregate from India, Madagascar, and the Comoro Islands, and are to a degree dependent for their subsistence on the employment now prohibited.

The Consul's inference, when he speaks of our shipping slaves, is alike specious and uncalled for; danger, if not humanity, would prevent such a step, whilst the identity of the parties to be employed is a matter entirely within the province of his own jurisdiction.

Under the above circumstances, we cannot but express to your Lordship our alarm at the injury we have and are likely to sustain, from a proceeding which appears to us as militating not only against our commercial Treaty with the Muscat Government, but against international law, the effect being to deprive us of privileges which we should claim at the ports of any friendly Government, for if (as stated by the Consul) there be no free people at Zanzibar, how could the labour to be obtained through the Imaum's assistance shield British vessels from the penalties of the slave laws when navigated by slaves?

We therefore trust to your Lordship's protection on behalf of an establishment that has progressed under many difficulties, and the effect (through extending our intercourse) has been to improve the condition of the people of East Africa.

We have, &c.

(Signed) W. HENDERSON AND CO.

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

&c.

&c.

&c.

Copy of Letter above referred to.

Messrs. William Henderson and Co., London.

Dear Sirs,

Zanzibar, March 10, 1846.

WE beg to call your attention to the following letters which have passed between Her Britannic Majesty's Consul here and ourselves, relative to the employment of natives on board of our vessels. We have added a few remarks, to which we likewise beg your kind attention; and we faintly hope you will duly report the state of the case to Her Majesty's Government, and seek a remedy for the evils complained of, provided you take the same view as we do of the restrictions just placed upon us.

Robert Cogan and Co., to Her Majesty's Consul at Zanzibar.

Dear Sir,

Zanzibar, March 5, 1846.

YOUR decision of this morning, which prevents our sending as we intended, native labourers to assist in loading the "Guard" with guano at Latham's Island, seems applicable in other cases wherein our trade here as English merchants may be seriously affected by it: and wishing to know in what position we shall stand under circumstances which may easily happen, as they have already happened to us there, we respectfully beg your replies to the following inquiries.

1st. In the event of any of our vessels being short of hands here from sickness or death, or any other unavoidable contingency, will you sanction our shipping such native sailors as may be necessary to enable the master to navigate the vessel?

2nd. In the event of our wishing to send on board of any of our vessels a reasonable number of natives to act as grooms at sea to animals taken as cargo, will you sanction our doing so?

3rd. In the event of our wishing the master to proceed to sea with a native interpreter, will you sanction his doing so?

We are, &c.

(Signed) ROBERT COGAN AND CO.

Her Majesty's Consul to R. Cogan and Co.

Gentlemen,

Zanzibar, March 7, 1846.

WITH reference to your letter of the 5th instant, stating that my decision of the morning of the same day prevented your sending native labourers, as you had intended to do, to assist in loading the "Guard" with guano at Latham's Island, appeared applicable in other cases when your trade here as English merchants might be seriously affected by my decision; and also wishing to know in what position you would stand under circumstances which might happen to you here, and requesting answers from me to three questions; I beg to answer as follows:—

1st. In the event of any of your vessels here becoming short of hands from sickness, death, or any other unforeseen contingency, I should not sanction your shipping such native sailors as might be necessary to enable the master to navigate the vessel, because there are no native sailors of this place free men; but I should apply to his Highness the Imaum for assistance, and there is no doubt his Highness would, as he has always and invariably done, render all possible assistance. I could in no case sanction your shipping slaves.

2nd. In the event of your wishing to send on board any of your vessels a reasonable number of natives, to act as grooms at sea to animals taken as cargo, I cannot sanction your doing so, because his Highness the Imaum, on the 4th instant, told me he would not allow natives of his dominions to be sent on board European vessels, as he well knew that to procure free men here was impossible, and that there were many of his people who would for gain (the wages their slaves might earn) say for the time being that their slaves were

free men ; and his Highness further said, that where there was a prospect of gain he could not depend upon his people, and that he would order the Cazeer (his Highness' law officer) not to grant certificates as to the labourers being free, or in any way to interfere in such matters ; and his Highness has sound reasons for not allowing labourers to be shipped on board European vessels from his dominions.

3rd. In the event of your wishing the master to proceed to sea with a native interpreter, I would sanction an interpreter being shipped, but only with the sanction of his Highness the Imaun ; and having ascertained that the man was free, I do not think the Imaun would object to this.

I remain, &c.

(Signed) ATKINS HAMERTON.

These are the letters to which we would call your attention. In answer to inquiry No. 1, Her Majesty's Consul says, there are no sailors, natives of this place, who are free ; but he makes no mention whatever of a numerous and deserving class of free natives of the Comoro Islands and Madagascar, seeking a livelihood here, and who are always ready to embark on board of English or American vessels in almost any capacity, by reason of the good pay and food which they get there. Now, it seems to us a very hard case, that we should be dependent on the friendship of the Imaun for sailors to conduct our vessels, when short of their European crews, and while men who are well known to be free, and who are not the Imaun's subjects, are anxiously applying to us for employment. We think this a matter of such importance as to allow of a regulation by Her Majesty's Government, which may protect us and others in time of need, without putting us at the mercy of the Imaun for the means of navigating our vessels. Her Majesty's Consul remarks, that he cannot sanction our shipping slaves. As English merchants we should never have thought of asking him to do so under any circumstances hardly, and happily there exists no necessity for anything of the kind, for there are many free men here, as we have already stated.

The case involved in the query No. 2, is likewise one of great hardship, and the restriction may bring upon us much loss and inconvenience. In Madagascar there are slaves, yet in the cattle trade between that island and the Mauritius grooms are allowed with animals. Our trade in cattle, we have every reason to believe, may become great between the coast of Africa and Mauritius, and it will be exactly of the same nature as is the trade between Mauritius and Madagascar. It is, therefore, much to be wished that Her Majesty's Consul be duly authorised to sanction the shipment of a reasonable number of Comoro or Madagascar free men to act as grooms, bond being taken for their safe return if necessary. Here we may remark, that we do not seek to be allowed to employ the Imaun's subjects on board ship, and to leave the harbour in any capacity, for there is always here a superior class of free people, natives of the Comoro Islands and Madagascar, who are ever anxious for employment in European vessels, as we have already stated, and who may at a glance be distinguished from a native of Africa, and who are well known to be free.

Her Majesty's Consul's reply to our third inquiry, seems to be a contradiction to what is said in reply to our inquiry No. 2, where the Imaun is stated to have declared, on the 4th instant, that no natives of his dominions are free ; and thus the point remains in doubt.

We concur most warmly in what Her Majesty's Consul has stated regarding the kindness of the Imaun towards people in difficulty. During a long experience here we have ever found his Highness most willing to assist all who apply for his aid ; but the humanity and generosity of the Imaun are known to all, at least in this quarter of the world. We do not doubt for a moment that his Highness has perfectly sound reasons for not allowing natives of his dominions to be sent on board European vessels, and we do not ask to be allowed to ship such people, whether slaves or free. What we complain of is, that here there are notoriously numbers of free people, natives of Madagascar and the Comoro Islands (we say nothing about natives of the Imaun's dominions), who wish for employment, and whom we often wish to employ, and no arrangement can be made between us with Her Majesty's Consul's sanction, because

his Highness the Imaum has told Her Majesty's Consul he cannot allow natives of his dominions to be sent on board European vessels. We do hope that Her Majesty's Government will feel the propriety of authorising Her Majesty's Consul here to sanction the employment of these free natives of Madagascar and the Comoro Islands, as grooms, or sailors, or in any other lawful capacity for which they may offer themselves, on board of English vessels, reasonable proof being given that the men are free. Merchants in this country need all the assistance which it is in the power of their Government to afford; and sure we are, that it is far from being the wish of the English Government to impose restrictions on English merchants which are alike onerous and unnecessary.

We are, &c.

(Signed) ROBERT COGAN AND CO.

Enclosure 2 in No. 36.

The Hon. G. S. Smythe to Messrs. Henderson and Co.

Gentlemen,

Foreign Office, June 27, 1846.

I AM directed by the Earl of Aberdeen to acknowledge the receipt of your letter of the 27th ultimo, annexing copies of a correspondence which had passed between Messrs Cogan and Co., of Zanzibar, and Her Majesty's Consul at that place on the subject of the injury considered by Messrs. Cogan and Co. as likely to result to their commercial operations on the east coast of Africa, from a decision taken by Her Majesty's Consul at Zanzibar not to sanction the shipping of native seamen or labourers on board their vessel the "Guard" to assist in loading her with guano at Latham's Island near Zanzibar.

It appears that in consequence of this decision of Her Majesty's Consul, Messrs. Cogan and Co. had inquired of him whether he would sanction under certain circumstances the shipping of native sailors and native grooms on board their vessels, and that Her Majesty's Consul, for the reasons stated by him, had expressed his inability to grant such sanction.

I am now directed by Lord Aberdeen to transmit to you the accompanying paper, containing the substance of a despatch from Her Majesty's Consul on this subject, as showing more fully the ground on which he felt it his duty to take the decision complained of.

These grounds are, 1st., the fact asserted by Her Majesty's Consul and by the Imaum, that there exist at Zanzibar no natives except slaves who could be hired by Messrs. Cogan; and 2ndly, the unwillingness of the Imaum to give his sanction to such a practice for fear of abuse.

Assuming the fact so stated by Her Majesty's Consul to be correct, Lord Aberdeen cannot but approve his refusal to sanction the hire of slave labour, and thereby indirectly the encouragement of Slave Trade and slavery by any subjects of Her Majesty.

Lord Aberdeen, however, perceives that while the questions put by Messrs. Cogan and Co. to Her Majesty's Consul were confined solely to native seamen (that is, as his Lordship understands it, natives of Zanzibar or the neighbouring parts of Africa), you state in your letter to his Lordship that free labourers are in the habit of congregating at Zanzibar from India, Madagascar, and the Comoro Islands; and you appear to consider Captain Hamerton's refusal to sanction the shipping of "natives" as applying also to those free seamen and labourers; and which refusal you complain of as a great hardship and as militating against our commercial treaty with Muscat as well as against international law.

Lord Aberdeen cannot perceive from anything stated in your communication to his Lordship, or in the despatch from Captain Hamerton, that this assumption is correct, the question of hiring such free foreign labourers appears not to have been put to, and consequently not to have been considered by Captain Hamerton.

Lord Aberdeen is certainly of opinion, supposing your statement as to the possibility of hiring *bona fide* free persons at Zanzibar to be correct, that there would exist no insuperable objection to the hiring of such persons by British subjects, and to their temporary employment on board of British ships; and his

Lordship will instruct Her Majesty's Consul accordingly, cautioning him at the same time not to lend his sanction to the hire of any person with respect to whom he has not clear and incontestible proof that he is *bond fide* a free person, working solely for his own profit and advantage, bond to a reasonable amount for each seaman or labourer hired being given that such free seaman or labourer shall be brought back, if he should desire it, to the place where he was shipped, or shall not be landed elsewhere than agreed upon by such seaman or labourer at the time he was engaged.

Messrs. Henderson and Co.

I am, &c.
(Signed) G. S. SMYTHE.

No. 37.

The Imaum of Muscat to the Earl of Aberdeen.

September 28, 1846.

(Received December 3.)

(Extract.)

AND furthermore, several vessels belonging to my subjects have been burned in the Mozambique Channel, and in the neighbourhood of Madagascar, by the ships of Her August Majesty, and without cause. I hope and trust from your kindness, that you will direct his Excellency the Admiral to forbid the officers of Her Majesty's ships to commit such acts, unless they find vessels with slaves on board for sale, when they have a right to do these things, but vessels who have not slaves should not be molested. My good friend the Consul, Captain Hamerton, will write to you on this subject, because he knows, no doubt, all about this business; and whatever you may require of me, much or little, I shall be honoured by complying. You have heretofore been kind, and you will even now be so also. Peace be on you.

Written 6th Shuwal, 1262, A.H., 28th September, 1846, A.D.

From the expectant slave of God's mercy,

(Signed)

SAEED BIN SULTAN.

No. 38.

Captain Hamerton to the Earl of Aberdeen.

Zanzibar, September 28, 1846.

(Received December 3.)

My Lord,

HIS Highness the Imaum has requested me to explain to your Lordship, that with reference to the latter part of his Highness' letter of this day's date to your Lordship, that the strictest possible orders have from time to time been given by his Highness to all his subjects, to abstain from carrying on the Slave Trade without the limits specified in the several Treaties on this head, and which his Highness the Imaum most certainly has done.

His Highness has lately been much distressed at statements made to him of boats (dhows), the property of his subjects, having been destroyed by Her Majesty's vessels-of-war in the Mozambique Channel, and at different places on the coast of Madagascar, and which boats, his Highness has been informed, were not, when so destroyed, carrying on the Slave Trade.

For a length of time the Imaum has, on every occasion when news has been received here of Arab boats having been destroyed in the Mozambique and off Madagascar, for carrying on the Slave Trade, always said that they did not belong to his subjects. I told him I hoped his people would obey his orders; but that from certain exports I much feared his Highness' orders were disregarded.

The trade carried on by the Imaum's subjects, in carrying slaves to ports in Madagascar, where they are kept until taken away by the Portuguese or Spanish American vessels, was such a source of wealth to the Imaum's subjects, that the orders of his Highness the Imaum, it is much to be feared, will have but little effect in even lessening the evil; it is so consonant with the feelings of the Arab, in a religious point of view, to enrich himself in this way, that he

considers his being in any way prevented from so doing, the greatest possible oppression that could be used against him.

His Highness the Imaum is under an impression, that a vessel under his flag, with slaves on board, unless actually found in the act of selling such slaves, should not be even overhauled by Her Majesty's vessels-of-war; and from conversations I have had with many Arabs, subjects of the Imaum, I find them all of an opinion, that their saying the slaves on board were passengers, and not for sale, should be considered satisfactory; but they will not understand that, south of Cape Delgado, vessels under his Highness' flag ought not to be in any way engaged in transporting slaves from one place to another.

The cause of the numerous complaints lately made to the Imaum is, in consequence of a notification issued by his Highness, that, in conformity to an agreement entered into by his Highness with Her Majesty the Queen of England, on the 2nd of October last year, that the export of slaves from the African possessions of his Highness should cease from the commencement of the next year, which has caused great excitement, and created a very bad feeling in the minds of the Arabs against the Imaum. They say that his Highness has, without even consulting them, done the greatest possible injury to their interests.

The Imaum's subjects have been in the habit of taking slaves from his Highness's African dominions, to Boyanna Bay, and other places in Madagascar, where they are collected by agents residing there, until resold to the Portuguese and Spanish slavers: the Imaum's people pay for such slaves from two to five dollars a-head, and they are resold for from twenty-five to thirty dollars to the Portuguese and Spanish slave-dealers.

A person, the uncle of Sultan Selim, King of Johanna, by name Saeed Abbas, commonly called Duke Abbas, and well known to the officers of Her Majesty's ships-of-war in this part of the world, has lately arrived here on a mission to his Highness the Imaum, relative to the burning of the dhows engaged in the Slave Trade. His Grace the Duke, did me the honour of several calls, and appeared much displeas'd at the measure now taken with the slave-dhows. The people of the Comoro Islands have been engaged in carrying slaves to the ports in Madagascar to a great extent.

His Highness the Imaum is in great distress of mind on this slave question; he has been looked up to, not only by his own subjects, but by all the Arabs generally, as the person who should protect and guarantee to them what they all consider as their dearest interests,—the right to carry on the Slave Trade. I beg leave to bring to the notice of your Lordship, that his Highness the Imaum does not possess the means of enforcing the suppression of the export of slaves from his dominions, further than giving orders to that effect; he has not a single ship in what is called commission, he has neither officers nor seamen, only five empty ships; but even if the Imaum had ships in commission, with proper equipments, they would not enforce the Imaum's orders; indeed the probability is, that notwithstanding what orders they might receive from the Imaum, his officers would certainly be bribed, and most likely do a little business in Slave Trade on their own account.

His Highness the Imaum is the only man in his dominions who wishes to meet the views of the British Government on the slave question; the Imaum will do all in his power, and make every sacrifice; nevertheless his Highness will have great difficulties to encounter, and he is entitled to and well deserves every possible consideration from the people and Government of England.

I have, &c.

(Signed) ATKINS HAMERTON.

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

&c.

&c.

&c.

No. 39.

Viscount Palmerston to the Imaum of Muscat.

(Extract.)

Foreign Office, December 17, 1846.

AGAIN, if any dhows belonging to your Highness' subjects are found to be engaged in Slave Trade, it will be impossible for the commanders of any

British ship-of-war, by which such dhows may be met with, to avoid dealing with them as their proceedings may deserve. Your Highness' subjects may not as yet have all of them understood, that slave trading is a criminal act, deserving severe punishment; but it is so considered in England; and the British Government is only following out its unavoidable destiny, by employing all the means in its power to put an end to the Slave Trade.

No. 40.

Viscount Palmerston to Captain Hamerton.

Sir,

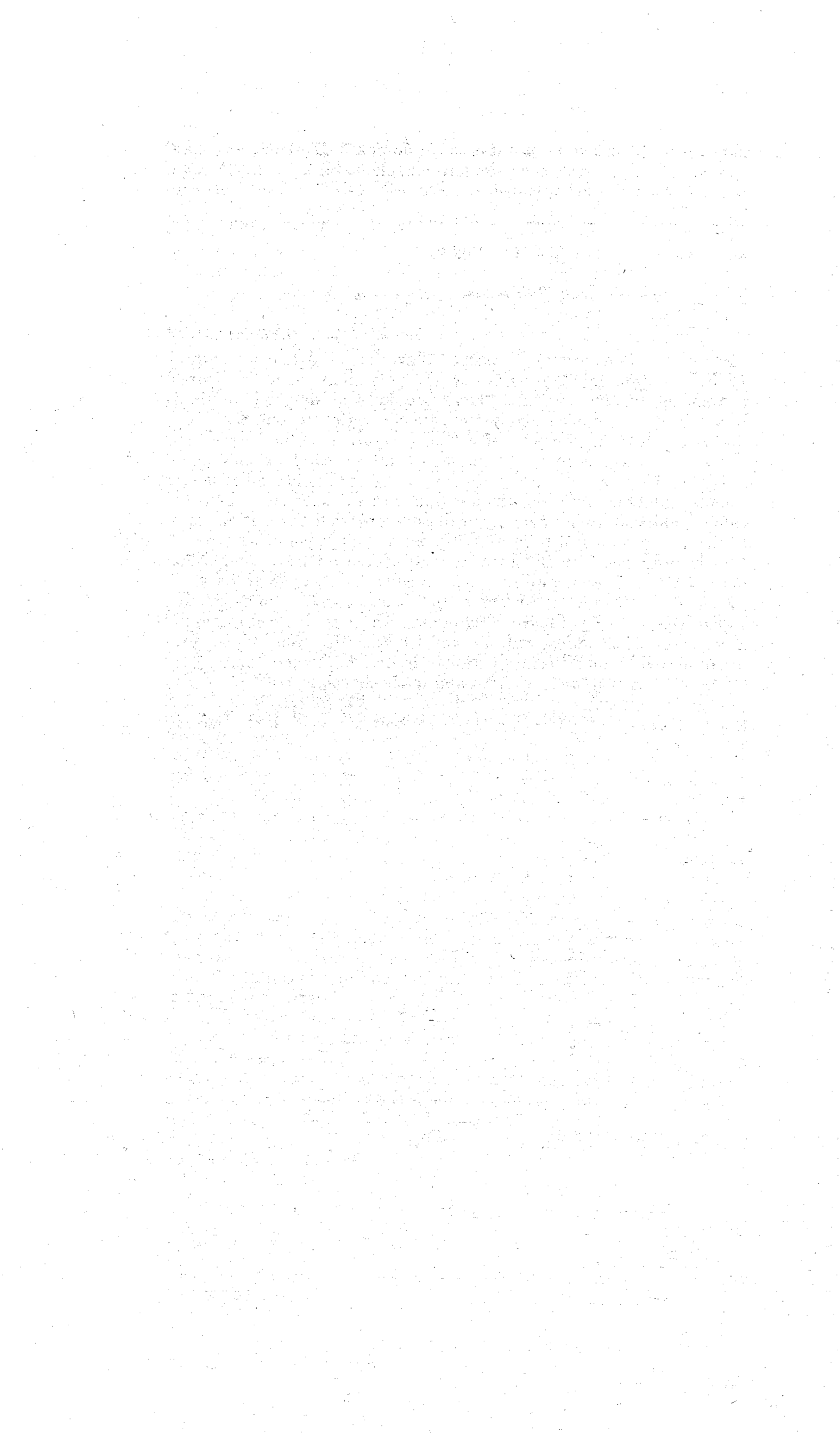
Foreign Office, December 18, 1846.

IN reply to your despatch, marked Slave Trade, dated the 28th of September last, containing observations and explanations upon that part of the letter from the Imaum of Muscat (enclosed in your despatch of the 28th of September last, of the Consular series) which relates to the Slave Trade; I have to refer you to the answer which I have returned to the Imaum upon this subject, and of which a copy is enclosed in my despatch of this day's date, of the Consular series; and I have to instruct you to hold similar language in your communications with the Imaum, and with his subjects. You will take every opportunity of impressing upon these Arabs, that the nations of Europe are destined to put an end to the African Slave Trade; and that Great Britain is the main instrument in the hands of Providence for the accomplishment of this purpose; that it is in vain for these Arabs to endeavour to resist the consummation of that, which is written in the book of fate; that they ought to bow to superior power; to leave off a pursuit which is doomed to annihilation, and a perseverance in which, will only involve them in pecuniary losses, and in various other evils; and that they should hasten to betake themselves to the cultivation of their soil, and to lawful and innocent commerce.

I have, &c.

Captain Hamerton,
 &c. &c.

(Signed) PALMERSTON.



TRIPOLI.

No. 41.

Consul-General Warrington to the Earl of Aberdeen.

Tripoli, January 20, 1846.

(Received February 16.)

My Lord,

I HAVE the honour to refer your Lordship to No. 1, being a translation of a letter from Vice-Consul Gagliuffi, containing his annual report as to the number and condition of slaves from the interior, which confirms my own observation as to the decrease of that traffic for some time past; and I am still of opinion, that by extending commercial relations with the natives of the interior, the total abolition will be ultimately accomplished.

I have, &c.

(Signed)

HANMER WARRINGTON.

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

&c.

&c.

&c.

Enclosure in No. 41.

Vice-Consul Gagliuffi to Consul-General Warrington.

(Extract.)

(Translation.)

Mourzouk, January 3, 1846.

HERE is the statement of the number of slaves arrived at this place in the course of the year 1845.

	Number
From Bornou - - - - -	576
From Soudan - - - - -	377
From Soudan and Bornou, <i>vid</i> Ghat -	152

Total 1105

The number of the males was almost the half—the deaths very few, do not exceed 10 per cent. according to informations.

From the above statement it is easy to see the sensible diminution of this traffic, so that the years 1844 and 1845 together do not surpass the number of those arrived in 1843.

Vice versa, it is to your knowledge the large increase of products of the interior, as ivory, senna, wax, feathers, gum, and gold, which were imported here during the two above-mentioned years: an equal increase took place in the disposal of our manufactures.

H. Warrington, Esq.

&c. &c.

(Signed)

G. B. GAGLIUFFI.

No. 42.

Consul-General Warrington to the Earl of Aberdeen.

My Lord,

*Tripoli, March 20, 1846.
(Received April 25.)*

I HAVE the honour to inform your Lordship that a Turkish vessel left this on the 17th instant with a cargo of slaves, chiefly women, for Constantinople.

In consequence of the Bey of Tunis having so humanely abolished slavery in his territory, we may naturally expect that traffic to increase to a considerable extent here, as all the slaves from Ghadames and the interior will be sent to Tripoli instead of Tunis.

We may also expect numbers of blacks, lately emancipated, will be smuggled into Tripoli from Gerbi, Sfax, and other ports of Tunis, and sold in the usual way. Should I discover anything of the sort I shall make a strong remonstrance, as the slave once made free cannot under any circumstances, I suppose, become again an article of traffic for the slave-dealer.

I have, &c.

(Signed)

HANMER WARRINGTON.

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

No. 43.

Consul-General Warrington to the Earl of Aberdeen.

My Lord,

*Tripoli, March 24, 1846.
(Received April 25.)*

I HAVE the honour to refer your Lordship to a copy of a despatch I have written to Her Majesty's Ambassador at Constantinople, enclosure No. 1.

We may expect numerous instances of slaves being thus smuggled out of the territory of Tunis for sale in Tripoli, and the case is of that delicate nature that no decided measures can be taken by the Pacha or myself without specific instructions; however, the Bey of Tunis will be able to take those steps against a subject guilty of such a flagrant act, in having violated his humane and peremptory decree for the abolition of slavery.

I have, &c.

(Signed)

H. WARRINGTON.

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

Enclosure 1 in No. 43.

Consul-General Warrington to Sir Stratford Canning.

Sir,

Tripoli, March 23, 1846.

YOUR Excellency, without doubt, has heard of the abolition of slavery by the Bey of Tunis. I naturally supposed that numerous evil-disposed persons would, in a clandestine way, pass those slaves recently made free through Tripoli. This morning I found a poor black had sought asylum under the English flag. I examined him, and No. 1 is a copy of his statement. I immediately waited on the Pacha and acquainted him with what had passed and of the act of the Bey of Tunis, and I informed his Highness that every black coming from Tunis ought to be considered as free. The Pacha asked if I had received instructions relating thereto, as he had not any from the Ottoman Government. After some discussion it was agreed that the case should be referred to Constantinople, and till an answer arrived the black should remain with me.

At the Pasha's request I have given him a copy of the proclamation of the Bey of Tunis, and I shall send the particulars of this transaction to my colleague Sir Thomas Reade, so that he may use his judgment whether or not to bring it before the Bey, a subject of his having violated his decree in a most flagrant manner.

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

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

Enclosure 2 in No. 43.

Statement of Black Slave.

March 23, 1846.

Question. WHAT is your name?

Answer. Mady.

Q. When did you arrive here?

A. The day before yesterday.

Q. From where?

A. From Gerba, by land.

Q. How many days were you coming?

A. Five days.

Q. How many came with you?

A. One black man, self, and two women.

Q. In charge of whom?

A. Son of my old master.

Q. What is son's name?

A. Mohamed Sulleman Ben Jyad.

Q. What name master?

A. Sulleman Jyad.

Q. When were you restored to freedom?

A. About two months since, when the public crier went about proclaiming there was no slavery, and that the blacks were free men as well as the whites.

Q. Did your master send you from Gerba by force?

A. By treachery. The master said, you must all go out to guard the sheep, having arranged with a boatman to take them to Gargiz, having tied the hands of myself and other black man behind our backs. On our arrival at Gargiz we were put in irons for three days, when we were brought to Tripoli as prisoners. Yesterday the two black women were sold privately, one for 600 sbilias, and the other for 250 sbilias of Tunis; the other black man sold 230 sbilias of Tunis, and believes he was bought for the Consul of Tunis.

Q. Were you offered for sale?

A. Yes, in a public bazaar, for 800 piastres of Constantinople (40 mabobes); and to-day I was again taken to the bazaar. I escaped, and took protection with the English Consul.

(Signed) H. WARRINGTON.

(Signed) FREDERICK WARRINGTON, *Interpreter.*

TUNIS.

No. 44.

*Sir Thomas Reade to the Earl of Aberdeen.**Tunis, January 24, 1846.
(Received February 13.)*

(Extract.)

FEW are the events that could inspire me with a purer satisfaction, and none would give sufficient confidence implicitly to presume on your Lordship's approbation, than that which Providence has destined me to be the humble instrument of in this country.

Since April 1841, when I made my first attempt to induce the Bey to take some preliminary dispositions for the repression of slavery, Her Majesty's Government were duly informed by me of the several steps taken by his Highness, with the final end always in view to adopt at a proper time such further energetic measures as would appear prudent for the total abolition of that nefarious traffic. Your Lordship may remember, that in order not to hurt the feelings of the Tunisians, as well as not to cause any heavy loss of property to slave-holders, his Highness began by prohibiting the exportation of slaves, and their importation from the interior; which necessarily reduced their number merely to that which already existed in the Regency.

By subsequently declaring free all children born since the 8th December, 1842, slavery was limited to those individuals whom fortune had placed here as slaves; and by causing the market where they were sold to be solemnly pulled down, his Highness gradually prepared the public mind for the decisive step which it is now my fortunate lot to bring to your Lordship's knowledge, being the completion of a work for which I return my humble thanks to Providence, as well as to the encouraging approbation which Her Majesty's Government were pleased to afford to measures I had originally taken upon myself to recommend to the Bey, as those which would do him more credit in England than any other possible thing.

Inspired by this hope, and by the addresses he received from the Anti-Slavery Societies, his Highness saw that I had not deceived his confidence, and that, in fact, whilst a field was open on which he could put in action the noble and generous feelings nature has adorned him with, he was certain to reap a European name, which no envious comparison could possibly darken.

Slow though his march might have appeared, caution was a necessity imposed on his Highness by the conflicting interests of the slave-holders, which were eventually, as well as by the prejudices implanted by religious precept in the mind of every Mussulman against any innovation in point of slavery; and considering all the difficulties he had to meet, I can only say, that the least of his measures on this question was a courageous attempt in the cause of humanity.

I anticipate, therefore, the surprise as well as the satisfaction which your Lordship is sure to feel on perusing the letter, translation of which is enclosed, solemnly liberating all and every slave existing in the Regency, and for ever destroying this kind of property.

I trust I may be allowed to say, that I cannot describe the pleasure I myself felt on thus seeing my recommendations put into execution in such a cause: the emancipation of from 30,000 to 50,000 slaves, effected by a single stroke of the pen, was, in fact, more than I flattered myself his Highness had power or reliance enough on his subjects to do in his dominions. He did it, however, and ascribes his work to Her Majesty's Government, never forgetting the sentiments which I was directed to make known to his Highness, in the despatch addressed to me, marked Slave Trade, and dated June 22, 1841.

I beg leave to enclose copy of the circular addressed by the Bey to all the Consuls, as well as copy of my answer to his Highness, adverting to his noble conduct on this occasion.

(Signed)

T. READE.

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

Enclosure 1 in No. 44.

The Bey of Tunis to Sir Thomas Reade.

(Translation.)

25 Moharrem Elkram, 1262.
22 January, 1845.

From the servant of God, the Mushir Ahmed Basha Bey, Prince of the Tunisian Dominions,

To our ally Sir Thomas Reade, Consul-General for the British Government at Tunis.

WHEREAS our aversion to the thralldom imposed on the human kind, which debases it to the condition of the brute creation, is well known to you, having conversed together on this matter,

Our attention has been directed to the repression of this traffic, as well as to its total abolition, with a due regard, however, to the interests of our subjects, so as not to cause them a loss of property.

We commenced first by prohibiting their embarkation for foreign countries as objects of commerce, as we wrote to you on the 9th Rabih 1st, 1257.

Subsequent to which we sent orders to the places situated on the road of the caravans coming from Gadames, not to permit any person to enter our territory with any slave as an article of sale; and should any refuse to do so, and not return, the slave should be liberated to his loss, conformably to what we informed you on the 17th Rabih, 1258.

We afterwards abolished the market established for their sale in our capital (thus giving up the revenue which our Government reaped from it), declared all slaves that should enter our kingdom by land or by sea, should be free; and further ordered that every one born a slave on our dominions should be considered free from the very instant of its birth, and that he could neither be sold or bought, as we informed you thereof on the 6th Dyelkaada, 1258.

Our resolutions were likewise strengthened, and we felt a real satisfaction at the accord which existed between our sentiments and those expressed by the Anti-Slave Society, which ennobles itself by upholding the dignity of mankind, in the letter we received on its part, and which we answered on Rabih 1st, 1258.

This affair never ceased to be the object of our attention, as well as the central point of our consideration; and we have thought proper to publish, that we have abolished slavery in all our dominions; for we consider all slaves existing in our territory as being free, and do not recognise the legality of their being kept as a property.

We have sent some notaries to the sanctuary of Sidy Mahrez in town, and to the sanctuary of Ezzawya Elboucria, in the suburb of Bab Essuika, as well as in that of Sidy Mousour, in the suburb of Bab Elgezirah, with the object of writing in favour of such slaves as should present themselves to them a document constituting them free on our part, and which (document) shall be presented to us for the apposition of our seal; and no right of property on their persons shall be alleged by their masters.

We have likewise sent the necessary orders to all the Governors in our Tunisian Kingdom; and having determined on writing a circular to all the Consuls of friendly Governments in our capital, you shall equally with them receive a copy of such a circular. We hastened to forward to you this letter, for you know our sentiments and what we spoke together on the subject.

We thank Providence for the aid it has afforded us in putting an end to this business, which we know is also an object of attention to the great and illustrious British Government; and we pray the Most High that our opinions be always in unison with their own in every point.

May the Lord keep you in his safeguard!

Enclosure 2 in No. 44.

Circular addressed by the Bey of Tunis to all the Consuls.

(Translation.)

From the servant of God, the Mushir Ahmed Basha Bey, Prince of the Tunisian Dominions,

To our ally Sir Thomas Reade, Consul-General of the British Government at Tunis.

THE servitude imposed on a part of the human kind whom God has created is a very cruel thing, and our heart shrinks from it.

It never ceased to be the object of our attention for years past, which we employed in adopting such proper means as could bring us to its extirpation, as is well known to you.

Now, therefore, we have thought proper to publish that we have abolished men's slavery in all our dominions, inasmuch as we regard all slaves who are on our territory as free, and do not recognise the legality of their being kept as a property.

We have sent the necessary orders to all the Governors of our Tunisian kingdom, and inform you thereof in order that you may know that all slaves that shall touch our territory, by sea or by land, shall become free.

May you live under the protection of God!

Written in Moharrem, 1262, 23rd January, 1846.

Enclosure 3 in No. 44.

Sir Thomas Reade to the Bey of Tunis.

Your Highness,

Tunis, January 24, 1846.

IF, listening to the admiration created in me by your Highness' actions, I tried to reproduce it here, my efforts would prove but vain; for indeed your Highness' actions are beyond description.

Great, noble is the work which Providence has finally afforded you the means to accomplish in your dominions.

The generosity of your Highness' character could not permit that men should suffer where you reign, and guided by a strong will your Highness has broken down the chains that bound a whole generation of human beings.

Your Highness, a lasting glory is truly the fruit which together with a recompense from Heaven, you will reap from the career you have lately pursued.

On my own part, when I come to reflect on the policy which your Highness has followed to gain your point, when I consider the difficulties which must now have hindered your march, and now totally arrested it, I say, your policy was the wisest of all policies; for it brought your Highness to where you wished to reach, and induced your subjects to make concessions, which while they show the degree of civilization they have attained during your Highness' reign, prove how much they cherish their ruler.

Knowing the interest which Her Majesty's Government take in similar matters, your Highness has charged me specially to communicate it to them;

CLASS D.

and permit me to say, that your letter dated Moharrem the 25th, which I shall duly transmit, is the most durable monument that could be raised to your name, not only in England, but in the whole world.

May your Highness dictate such letters for many many years!

May your actions be a constant object of praise with those who do not flatter; and, your Highness, the applause your name already received from Her Majesty's Government is the pledge of the expressions which will be directed to you in the name of my most August Sovereign on this occasion.

His Highness the Bey of Tunis.

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

No. 45.

Sir Thomas Reade to the Earl of Aberdeen.

Tunis, March 31, 1846.

(Received April 25.)

My Lord,

WITH reference to my despatch, marked Slave Trade, dated the 24th of January last, I beg leave to inform your Lordship, that his Highness the Bey has been most active in carrying into effect the orders which he had issued for the abolition of slavery in his dominions.

Of course, it was to be expected that many persons would secrete their slaves, and use measures to prevent them obtaining their teskerehts of freedom; but the measures which his Highness adopted have been so effectual in searching out such cases, that I may now fairly state that slavery in this Regency no longer exists; and I beg leave to enclose an extract from a letter which I have this day received from a missionary who is making a tour through the Regency, which your Lordship will perceive fully bears out my statement.

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

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

Enclosure in No. 45.

Mr. Davis to Sir Thomas Reade.

(Extract.)

Rufsa, March 26, 1846.

YOU will, I am sure, be very glad to hear to what extent the measures his Highness has adopted for the abolition of slavery are carried into effect, even in the most distant parts of the Regency. The Bey of the Camp having been informed by a black woman at Kairepan, that at a Marabout near Firiana about thirty blacks were in chains because they desired their liberty, he instantly despatched a number of Bowabs to have them brought to the Camp. They arrived this morning, and the Bey instantly gave orders to have their atkaas (teskerehs) written and gave them their liberty.

I have made inquiries in other parts, and I am convinced it may now be safely declared, that slavery is abolished in the Regency of Tunis.

I inform you of this because I know it will give you pleasure.

No. 46.

The Earl of Aberdeen to Sir Thomas Reade.

Sir,

Foreign Office, June 24, 1846.

I DULY received and laid before the Queen your despatch, marked Slave Trade, dated the 24th of January last, the acknowledgment of which has been accidentally delayed.

The communications which his Highness the Bey has addressed to you, and of which copies are enclosed in your despatch, announcing the total aboli-

tion of slavery in the Tunisian dominions, have been received by Her Majesty's Government with the greatest satisfaction.

On the occasion of the preliminary steps which the Bey had taken in the year 1841, with respect to the abolition of the Slave Trade and of slavery, you were instructed to assure his Highness that nothing could tend to interest the English nation in his favour so strongly as a continuance in that course; and you may now confidently affirm that the measures subsequently taken and just brought to a final issue, in fulfilment of his Highness' generous professions in this great cause of humanity, are well calculated to cement those feelings of friendship and respect towards the person of his Highness, which it is so much the desire of Her Majesty's Government to foster and uphold.

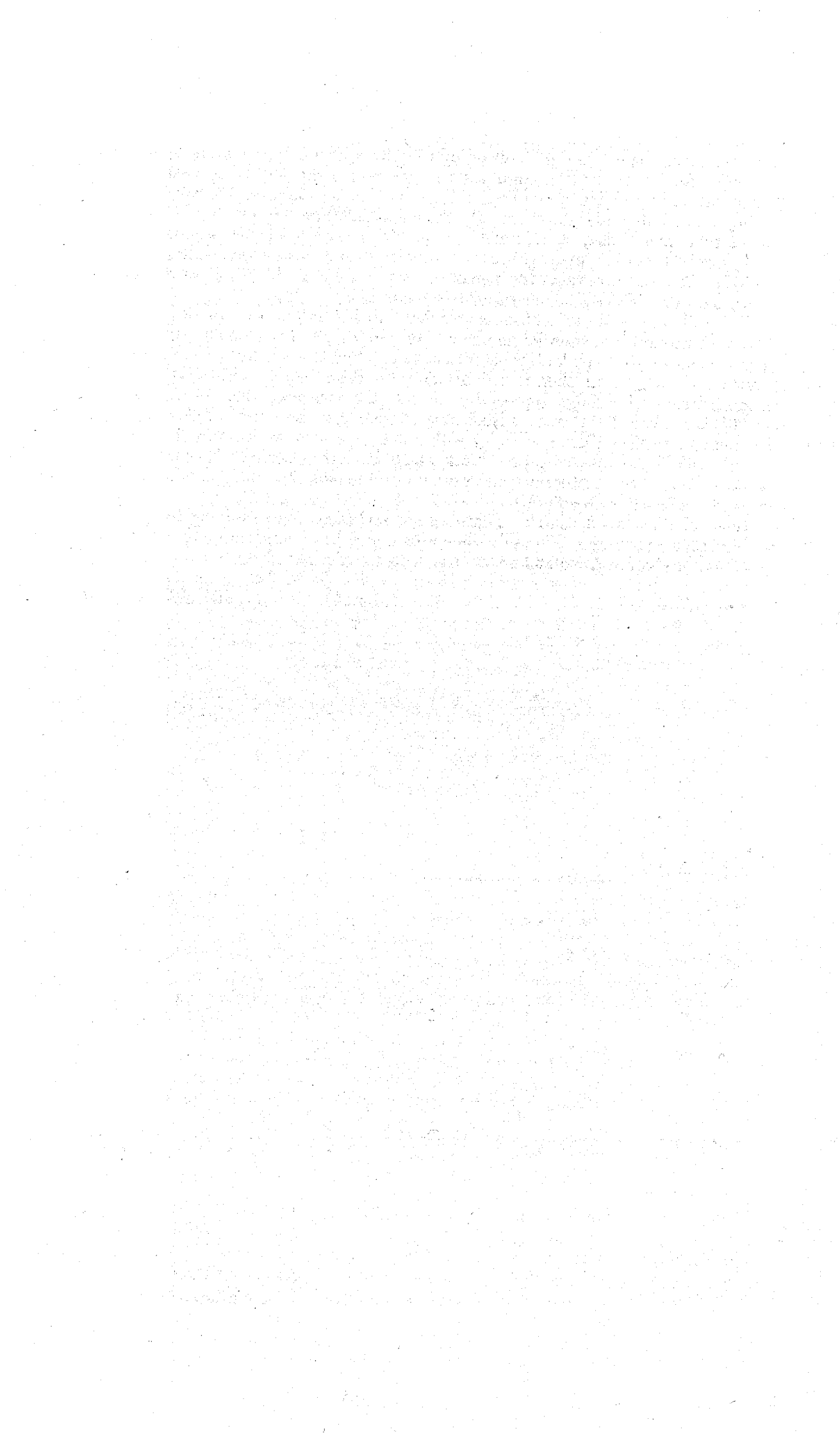
You will convey these sentiments officially to his Highness the Bey, together with the warm acknowledgments of Her Majesty's Government for the announcement of these philanthropic measures in which they take so deep an interest; and you will at the same time assure his Highness, that Her Majesty and the British nation fully appreciate, not only the measures themselves, but the difficulties which his Highness has had to overcome in the course of carrying out his enlightened and humane policy with a due regard to the interests of his subjects; and that the perseverance with which he has progressively pursued that noble object to its present consummation commands the unmixed admiration of Her Majesty's Government.

In concluding this despatch, I have great satisfaction in signifying to you Her Majesty's approval of the exertions which you have used in assisting to bring about, by your advice and encouragement, this desired object.

I am, &c.

Sir Thomas Reade,
&c. &c.

(Signed) ABERDEEN.



MOROCCO.

No. 47.

Mr. Drummond Hay to the Earl of Aberdeen.

Tangier, June 12, 1846.

(Received July 6.)

(Extract.)

THE French steamer-of-war "*Etna*," Captain d'Auge d'Orsay, arrived here yesterday morning from Marseilles and Oran, having on board seven slaves, eunuchs, and one female slave, in charge of the son of the principal Moorish merchant of this place, Hadj Abdecrine Ghassal, which person had been sent to Alexandria, some months ago, by the Provincial Governor, Cid Booselham Ben Aby, for the express purpose of purchasing these slaves, destined, it appears, for the Sultan's harem.

The principal object of the "*Etna's*" visit to Tangier, it is supposed, has been for the conveyance of these slaves, though I presume they have come under the denomination of servants or officers of the Sultan. This does not, however, blind the Moors to the fact, that the French Government has lent itself to the conveyance of these slaves, notwithstanding the Treaty engagements and the existence of a heavy French armament off the western coast of Africa acting in concert with the British squadron to put an end to the Slave Trade.

I have already had the honour of communicating to your Lordship the Cozeer Ben Drus' language respecting our hindrance of the passage of slaves through British possessions, or in the seas where the British flag may be justified in interfering. Cid Booselham, by order of his Government, had also frequently held a similar language to my late predecessor, and subsequently to myself, on this subject, and had even endeavoured, by fair promises of the Sultan's high favour and pleasure towards the British, to urge us to obtain from Her Majesty's Government a tacit acquiescence to the free passage through Malta of such eunuchs (slaves) as he said might alone be required for the use of the Sultan's harem, for his Excellency dwelt upon the impossibility of procuring eunuchs in any other manner, as the Moors do not possess the art of mutilating for this vile purpose the negro children brought from the interior.

The replies of both my father and myself on this subject have ever been in accordance with the unfeigned views of humanity entertained by Her Majesty's Government; and, when all arguments failed in engaging them to abandon this traffic in human blood, the discussion with his Excellency ended in a decided refusal on our part to listen to any further representations on such a subject.

Cid Booselham on one occasion told me that the French would have less difficulty in meeting the Sultan's wishes on this point than ourselves, to which assertion I had replied at that time by a positive contradiction of the probability of the French Government lending itself to any such proposition. Under whatever denomination these slaves may have been brought, and for whatever purpose they may be destined.

This proceeding will afford, in some measure, an insight into the insistence of the Moorish Minister on this subject.

(Signed)

J. H. DRUMMOND HAY.

P.S.—Since writing this despatch, the Acting Vice-Consul informs me that he witnessed the landing of these slaves, who on their disembarkation were conducted by three soldiers of Cid Booselham to his residence in the castle.

J. H. D. H.

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

&c,

&c.

&c.

No. 48.

Mr. Drummond Hay to the Earl of Aberdeen.

Tangier, June 17, 1846.

(Received July 6.)

My Lord,

WITH reference to my despatch, marked Slave Trade, of the 12th instant, I have the honour to acquaint your Lordship that the eunuch slaves brought in the French steamer-of-war "*Etna*" were, at the request of the Provincial Governor, Cid Booselham Ben Abi, granted a passage to Mogador on board the French steamer-of-war "*Le Caiman*," which conveys the new French Consul, M. Soulaugue Bodice, to his post at that port, and thence, I understand, the "*Caiman*" proceeds to Senegal.

These slaves, on their arrival at Mogador, will proceed thence to the Sultan's Court, being destined, as I am informed, for the household of his Shereefian Majesty.

I have &c.

(Signed)

J. H. DRUMMOND HAY.

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

&c.

&c.

&c.

EQUATOR.

No. 49.

*Mr. Cope to the Earl of Aberdeen.**Guayaquil, July 25, 1846.**(Received October 7.)*

My Lord,

I HAVE the honour to acknowledge the receipt of your Lordship's despatches, marked Slave Trade, of the 18th of August and 21st of November, of last year, and in reply to state, that in consequence of there having been introduced in the new Constitution of this Republic an Article prohibiting the introduction of slaves under any circumstances, I proposed to the present Government to suppress the additional explanatory Article to the Treaty for the abolition of Slave Trade, of May 24th, 1846, which I signed with the Minister for Foreign Affairs of the former Government, on the 24th of April 1845 (a copy of which was enclosed in my despatch of the 15th of July of that year), and to substitute in lieu thereof an Article for the mere purpose of prolonging the term stipulated for the exchange of the ratifications.

The proposition was accepted, and an Article of Agreement to that effect, a copy of which I have the honour to lay before your Lordship herewith, was signed by me and the Equatorian Minister authorised for the purpose, on the 15th of January last.

With this additional Article only (the objected third additional one having been detached), the Treaty of May 24th, 1841, with its annexes A, B, and C, and additional Articles I and II was laid before the Congress, and I have the satisfaction to state it received the Constitutional sanction and approbation. The Treaty now therefore corresponds to the original draft furnished by Her Majesty's Government, with the only addition of the enclosed Article relating to the exchange of the ratifications, which the Equatorian Government have communicated to me their readiness to perform, so soon as your Lordship deems proper to transmit to me the ratification of Her Majesty.

I have, &c.

(Signed) WALTER COPE.

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

&c.

&c.

&c.

Enclosure in No. 49.

Artículo Adicional al Tratado concluido el 24 de Mayo de 1841, entre la Gran Bretana y la Republica del Ecuador, para la abolicion del Trafico de Esclavos.

Su Majestad la Reina del Reino Unido de la Gran Bretana é Yrlanda, y su Excelencia el Presidente de la

Additional Article to the Treaty concluded on the 24th of May, 1841, between Great Britain and the Republic of the Equator, for the abolition of the Traffic in Slaves.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and his Excellency the Presi-

Republica del Ecuador, habiendo considerado que es conveniente y necesario prorogar el termino estipulado en el Artículo XIV del Tratado concluido el 24 de Mayo de 1841, entre la Gran Bretaña y la Republica del Ecuador, para la abolicion del Trafico de Esclavos, han nombrado y autorizado como sus Plenipotenciarios *ad hoc*, á saber,—

Su Majestad la Reina del Reino Unido de la Gran Bretaña é Irlanda, á Walter Cope, Escudero, y Consul de Su Majestad en el Ecuador; y

Su Excelencia el Presidente de la Republica del Ecuador, al Señor General Jozé Maria Urbina, Ministro de Estado en el Despacho General:

Los cuales, despues de canjeados sus plenos poderos, y encontrados en buena y debida forma, han convenido en lo siguiente:

Queda prorrogado el termino estipulado para el canje de las ratificaciones del Tratado para la abolicion del Trafico de Esclavos, firmado por los Plenipotenciarios del Ecuador y de la Gran Bretaña en 24 de Mayo de 1841, y en virtud de esta prorroga convienen ambas Partes Contratantes en que el mencionado Tratado sera ratificado, y las ratificaciones canjeadas en Quito, dentro del termino de dos años contados desde el dia de esta fecha, ó antes si fuere posible.

En fé de lo cual los respectivos Plenipotenciarios han firmado dos ejemplares de este Acuerdo, y los han sellado con sus sellos respectivos.

Fecho en Cuença, a quince de Enero del ano del Señor de mil ochocientos cuarenta y seis.

(Firmado) JOZE MARIA URBINA.

dent of the Republic of the Equator, having deemed it convenient and necessary to prorogue the term stipulated in Article XIV of the Treaty concluded on the 24th of May, 1841, between Great Britain and the Republic of the Equator, for the abolition of the Traffic in Slaves, have named and authorised as their Plenipotentiaries *ad hoc*, that is to say,—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Walter Cope, Esquire, Her Majesty's Consul in the Equator; and

His Excellency the President of the Republic of the Equator, General Jozé Maria Urbina, Minister of State in general:

Who, after having exchanged their full powers, found to be in good and due form, have agreed upon the following:

The term stipulated for the exchange of the ratifications of the Treaty for the abolition of the Traffic in Slaves, signed by the Plenipotentiaries of the Equator and Great Britain on the 24th of May, 1841, is prorogued, and in virtue of that prorogation it is agreed by the two Contracting Parties, that the said Treaty shall be ratified, and the ratifications exchanged in Quito, within the space of two years from the date hereof, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed this Agreement in duplicate, and have sealed it with their respective seals.

Done in the city of Cuença, on the 15th day of January, in the year of our Lord 1846.

(Signed) WALTER COPE.

No. 50.

Mr. Cope to the Earl of Aberdeen.

My Lord,

WITH my despatch of the 25th of July, marked Slave Trade, I had the honour of forwarding a copy of an Additional Article to the Treaty for the abolition of the Slave Trade of the Equator, which I therein informed your Lordship I had signed with the Minister General of the Equator, containing a prolongation of the term stipulated for the exchange of the ratifications of that Treaty.

I now enclose the original of that Agreement, and a copy and translation of the note in which the Equatorian Minister communicates that "the General Congress had passed a Decree approving the said Treaty of May 24, 1841," and intimates the readiness of his Government to exchange the ratifications thereof.

It being declared in an Article of the new Constitution of this country, that "nobody is born a slave in the Republic, or can be introduced into it in

Guayaquil, August 12, 1846.

(Received November 7.)

that condition without remaining free," the law which gave rise to the Additional Article, No. 3, objected by Her Majesty's Government, became annulled, and the explanatory Article proposed to be substituted in lieu of it, bearing date of April 24, 1845, unnecessary, and nothing more was required for the completion of the Treaty, so that it might be laid before the Congress for its constitutional approbation, than that a further term should be agreed upon for the exchange of the ratifications, in consequence of that stipulated in the original Treaty having expired.

The enclosed Agreement fulfils that object, and it is the only addition to annexes A, B, and C, and additional Articles 1 and 2 of the Draft which accompanied the first instructions given me.

I have, &c.

(Signed)

WALTER COPE.

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

&c.

&c.

&c.

Enclosure 1 in No. 50.

Additional Article, signed January 15, 1846.

[See Enclosure in preceding.]

Enclosure 2 in No. 50.

The Equatorian Minister to Mr. Cope.

(Translation.)
Sir,

*Office of General Despatch of the Equator,
Cuenca, January 29, 1846.*

I HAVE the honourable satisfaction to communicate to you that the General Congress has passed, on the 27th instant, a Decree approving the Treaty concluded and signed at Quito on the 24th of May, 1841, between the Plenipotentiaries of the Republic of the Equator and of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, for the abolition of the Traffic in Slaves.

Nothing more is wanting to the effect that this business should remain finally concluded, in which both justice and humanity are interested, than that you would be pleased to obtain from Her Britannic Majesty the ratification of the Treaty, that the same being extended on the part of the Government of the Equator, the corresponding exchange thereof may take place in the term stipulated in the additional Agreement of the 15th of the present month.

(Signed)

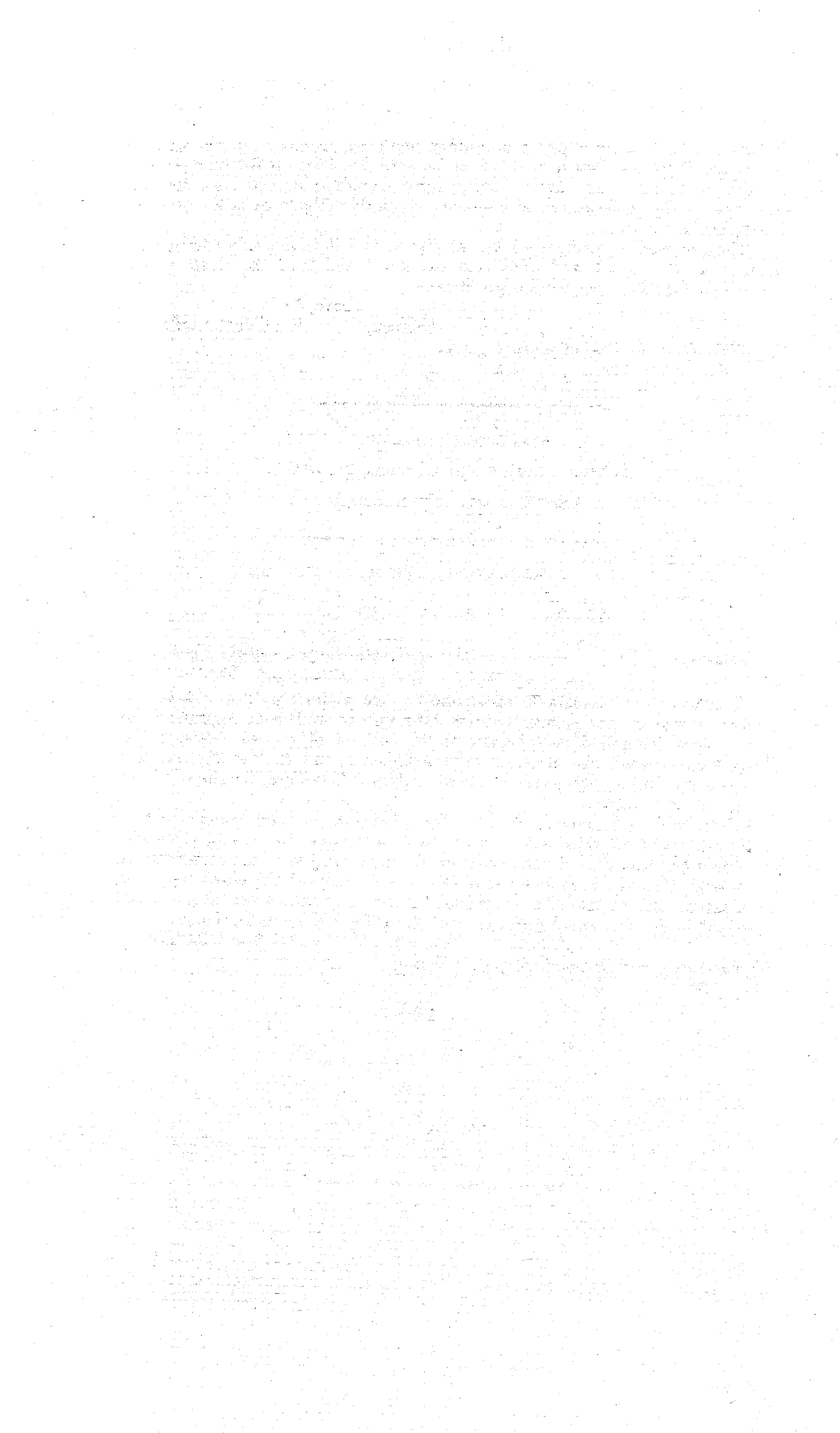
JOZE MA. URBINA.

His Excellency Her Britannic Majesty's Consul,

&c.

&c.

&c.



NEW GRANADA.

No. 51.

*Mr. O'Leary to the Earl of Aberdeen.**Bogotá, December 9, 1845.**(Received February 9, 1846.)*

(Extract.)

I HAVE the honour to acknowledge the receipt of your Lordship's despatch, marked "Slave Trade," of the 15th of September last, in which your Lordship has been pleased to signify to me your approval of my conduct in apprising Rear-Admiral Thomas of the alleged transportation of the free children of slaves from Choco to the coast of Peru, to be sold there as slaves; and instructing me again to press the New Granadian Government to hasten the signature of the Treaty which they have been invited to conclude with Great Britain for the abolition of the Slave Trade.

Upon the receipt of your Lordship's circular despatch, Slave Trade, of the 30th of June last, transmitting 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 of May, I addressed a note, copy of which is herewith enclosed, to the Granadian Foreign Secretary, calling to his Excellency's recollection the suggestion he had made to me in a late conference, transmitting to him at the same time one of the above-mentioned copies, and requesting him to inform me if his Government was prepared to proceed with the pending negotiations for a Slave Treaty.

I have the honour to enclose herewith to your Lordship copy and translation of the answer which General Gomez returned to me, promising to submit my note to the consideration of the President, and to acquaint me with the result; and stating that the suspension of the negotiations for a Treaty at Bogotá was owing to the refusal of the Queen's Government to recommend to Her Majesty to ratify the Treaty of 1842.

Subsequently I received from General Borrero, who in the meantime had replaced General Gomez in the Foreign Department of the Republic, a note, copy and translation of which I have likewise the honour to transmit herewith to your Lordship, in which his Excellency, with reference to my note of the 25th of September afore mentioned, states that the policy of his Government and the Legislation of the Republic entirely agree with the philanthropic views of Her Majesty's Government; that it is unnecessary to add that the Granadian Government desires to co-operate in the most efficient manner possible for the extinction of the Slave Trade; that the Republic, poor and without naval forces, cannot make efforts to check the evil in its source, but will co-operate in any other manner that may be pointed out, provided that it can be done without prejudice to the honour or interests of the State.

To these notes I have replied, as your Lordship will see in the note, copy of which is also herewith enclosed, correcting the mistake committed by General Gomez, respecting the suspension of the negotiations, applauding the humane sentiments expressed by General Borrero, and assuring the latter that Great Britain requires no sacrifice on the part of New Granada, but merely asks her to extend the period for the duration of the Treaty she had already assented to;

and finally stating the reasons which ought to induce New Granada to hasten the conclusion of the Treaty in which her Government had been invited to join.

I have as yet received no reply to this note, but notwithstanding the abhorrence of the Slave Trade expressed so frequently by the organs of the Granadian Government, I have little hope that the members of the present Administration, though, with the exception of the President, none of them are slave-holders, will consent to sign any Treaty for its abolition, not because New Granada derives any benefit from the traffic, nor that slavery has any advocates in the Republic except among a few interested persons, but from a general dislike to form any new connections with Foreign States.

(Signed)

DANIEL F. O'LEARY.

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

&c.

&c.

&c.

Enclosure 1 in No. 51.

Mr. O'Leary to General Gomez.

Bogotá, September 25, 1845.

THE Undersigned, Her Britannic Majesty's Chargé d'Affaires, begs leave to call to the recollection of General Gomez, Granadian Minister for Foreign Affairs, that, when in the month of May last they conferred on the subject of the pending negotiations for effecting a Treaty between Great Britain and New Granada for the suppression of the Traffic in Slaves, his Excellency suggested to the Undersigned the convenience of awaiting the conclusion of the Convention then under discussion between the Governments of France and England, in order to see if the same, or any portions thereof, could be adopted in the proposed Treaty between Great Britain and New Granada.

In consequence of that suggestion, the Undersigned has hitherto abstained from speaking to General Gomez on this important subject, but now that the Convention between Her Majesty and the King of the French, hereinbefore referred to, has been concluded, the Undersigned has the honour to transmit to General Gomez a copy thereof, and at the same time to request to be informed by his Excellency if the Government of New Granada is prepared to proceed with the pending negotiations.

The Undersigned, &c.

(Signed)

DANIEL F. O'LEARY.

His Excellency General J. M. Gomez,

&c.

&c.

Enclosure 2 in No. 51.

General Gomez to Mr. O'Leary.

(Translation.)

Foreign Office, Bogotá, September 30, 1845.

THE Undersigned, Secretary of State for Foreign Affairs, has the honour to acquaint Mr. O'Leary, Her Britannic Majesty's Chargé d'Affaires, that he duly received his note of the 25th instant, relative to the pending negotiation for the celebration of a Treaty upon the suppression of the Traffic in Slaves, and the copy of the Treaty which with that object has just been celebrated between Her Britannic Majesty and the King of the French.

The Undersigned will submit with pleasure to the consideration of the President of the Republic the said note, with all the preceding details, and will take care that Mr. O'Leary shall be informed of what his Excellency may determine, but in the meantime he conceives it to be his duty to state, that the suspension in this negotiation has not consisted in the Undersigned believing it necessary to await the result of the arrangements that have been agreed upon between Her Britannic Majesty and the King of the French, although in the conference to which Mr. O'Leary alludes, the Undersigned made a general observation upon the repugnance with which the Right of Search was regarded by

many of the nations of Europe and America, but it has depended upon the British Government not having thought fit to recommend to Her Majesty the ratification of the Treaty of 1842.

The Undersigned, &c.

(Signed)

J. M. GOMEZ.

Al Señor Daniel F. O'Leary.

&c.

&c.

Enclosure 3 in No. 51.

General Borrero to Mr. O'Leary.

(Translation.)

Foreign Office, Bogotá, October 28, 1845.

THE Undersigned, Secretary of State for Foreign Affairs, has submitted to the consideration of his Government, and now has the honour to answer, in accordance with the instructions which he has received to that effect, the note which Mr. O'Leary, Her Britannic Majesty's Chargé d'Affaires, was pleased to address to General Gomez on the 25th of September last, enclosing him a printed copy of the Convention recently concluded between Her Britannic Majesty and His Majesty the King of the French for the suppression of the Traffic in Slaves, and wishing to be informed if the Granadian Government is disposed to continue the negotiation which with the same object it has pending with Her Britannic Majesty's Government.

To the Undersigned it is very satisfactory to manifest, that the policy of the Granadian Government and the legislation of the Republic are on this point perfectly in conformity with the philanthropic desires of Her Britannic Majesty's Government. The Traffic and the Importation of Slaves are not only absolutely prohibited in New Granada, where they are punished as acts of piracy, but also the humane views of the legislator have been extended to the extreme of providing a special fund for the total abolition of slavery in the national territory, and has set up as natural protectors of those who still groan under the weight of that odious institution all the agents of the Executive in the judicial department.

It is therefore unnecessary to add, that the Granadian Government wishes to contribute on its part, in the most effective manner that is possible, to the extinction of a trade which outrages every sentiment of humanity, which corrupts and degrades those who carry it on, and which is the ugliest blot of modern times.

New Granada, nevertheless, poor in its present resources, and with a marine hardly commencing, cannot for a considerable time imitate the noble example which some of the powerful nations of America and Europe are giving. It cannot itself watch the coasts of Africa, to choke in its sources the evil which it is sought to abolish, but it will co-operate towards so holy a work whenever the manner in which it can do it without injury to its dignity or interests is pointed out to it.

With this object it is that the Undersigned has the honour to address himself to Mr. O'Leary, begging him to be pleased to favour him with his instructions, and with the propositions which Her Majesty's Government wishes to make to that of New Granada.

The Undersigned, &c.

(Signed)

EUSEBIO BORRERO.

Al Señor Daniel F. O'Leary,

&c.

&c.

Enclosure 4 in No. 51.

*Mr. O'Leary to General Borrero.**Bogotá, December 3, 1845.*

THE Undersigned, Her Britannic Majesty's Chargé d'Affaires, has had the honour to receive the notes of the 30th September and 28th October last, the former written by General Gomez, then acting Secretary for Foreign Affairs, and the latter by his Excellency General Borrero who has succeeded him in that Department.

When General Gomez asserts that the late suspension of the negotiations for a Treaty for the suppression of the Traffic in Slaves, was owing to the refusal of the British Government to recommend to the Queen the ratification of the Treaty of 1842, he appears to be unaware that during last year the negotiations were renewed, as General Borrero will perceive by a reference to the note addressed to the Undersigned by Colonel Acosta, the predecessor of General Gomez, dated the 8th of June, 1844, whereby the Colonel intimates to the Undersigned that the Granadian Government was willing to extend the term stipulated for the duration of the Treaty signed in 1842 to 25 years in certain expressed latitudes. The Undersigned not considering himself authorised to accept this modification, referred Colonel Acosta's proposal to Her Majesty's Government, but in consequence of the subsequent constitutional change in the Granadian Administration the course of the negotiations was again interrupted.

With regard to the humane sentiments which belong to General Borrero, and which he has expressed with so much eloquence in his note of the 28th October last, the Undersigned begs leave to state, that though already aware of the generous abhorrence with which General Borrero contemplates the Traffic in Slaves, he read his note with unfeigned gratification, particularly that portion of it in which his Excellency assures the Undersigned that "it is unnecessary to add, that the Granadian Government desires to contribute in the most efficient manner in its power to the extinction of a traffic which outrages every sentiment of humanity, which corrupts and degrades those who carry it on, and which is the most odious trait of modern times." General Borrero adds, that New Granada, though actually poor in resources and with a marine which scarcely commences to exist, will not be able for a long time to come to imitate the noble example which other powerful nations of America and Europe are giving. She will not be able on her own account to watch the coasts of Africa to check in its source the evil which it is tried to destroy, but she will cooperate in so holy a work provided the means of effecting it without loss to her dignity or interests are pointed out to her.

Happily it is in the power of the Undersigned to do so, and to afford the Republic an opportunity of evincing the sincerity of its zeal in the cause of humanity, without incurring the least risk, and without the shadow of a sacrifice.

All that Great Britain requires of New Granada, is to hasten the conclusion of a Treaty, such as that in which her Government has been invited to join for a term of 25 years, instead of limiting its operation in certain parts to a shorter period, which would render it altogether abortive. Many of the sister Republics have already signed similar Treaties, thereby co-operating without injury to themselves to the destruction of that vile traffic which the laws of New Granada qualify as piracy.

But, that these laws should not remain a dead letter, it is necessary to adopt some efficient mode of carrying them out, as the power of New Granada unfortunately does not extend at present to those parts where her flag is infamously abused by lawless men who seek a livelihood midst the groans of humanity. Even at her own threshold, on her own coast of the Pacific, a trade more abominable than the African Slave Trade, for the victims of it are not altogether strangers to civilization, is carried on at times, as the Undersigned was last year informed by Colonel Acosta; the Undersigned alludes to the practice of embarking the offsprings of slaves born to freedom in virtue of the Colombian Law of 1821, to be sold as slaves in Peru.

The apprehensions which other States may have entertained of their commerce being now and again subjected to some interruption in remote stations cannot affect New Granada, for she has not hitherto turned her attention to the formation of a mercantile marine.

For these considerations, and on account of the spirit of her laws, Her Majesty's Government hope that the Government of the Republic will hasten the signature of that Treaty, and thereby add the name of New Granada to those of the great majority of christian nations who have already condemned by similar public acts the iniquitous traffic against which it is directed.

The Undersigned, &c.

(Signed)

DANIEL F. O'LEARY.

His Excellency General Eusebio Borrero,
&c.

&c.

No. 52.

Mr. O'Leary to the Earl of Aberdeen.

Bogotá, December 30, 1845.

(Received March 8.)

My Lord,

WITH reference to my despatch, marked "Slave Trade," of the 9th instant, I have the honour to enclose herewith to your Lordship, copy and translation of the answer returned by the Granadian Foreign Secretary to the note which I addressed to him on the 3rd instant, copy of which formed an enclosure in my above-mentioned despatch.

General Borrero communicates to me that his Government does not consider it convenient to conclude a Treaty for the abolition of the Slave Trade, for the reasons alleged in his note.

I have again written to General Borrero, pointing out the weakness of the grounds on which this negative resolution is founded, and desiring to be informed what other means the Granadian Government propose to adopt in order to carry out the stipulation contained in Article XIII of the Treaty between Great Britain and Colombia, if they entertain an insuperable objection to conclude the proposed Treaty for the suppression of the Slave Trade. I have the honour to enclose herewith copy of this note.

I have, &c.

(Signed)

DANIEL F. O'LEARY.

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

&c.

&c.

&c.

Enclosure 1 in No. 52.

General Borrero to Mr. O'Leary.

(Translation.)

Foreign Office, Bogotá, December 12, 1845.

THE Undersigned, Secretary of State for Foreign Affairs, has had the honour of submitting to the consideration of his Excellency the President of the Republic, the valued note of Her Britannic Majesty's Chargé d'Affaires of the 3rd instant, limited to the proposing afresh the speedy conclusion of a Treaty for the abolition of the Slave Trade similar to that of 1842, unsettled for want of the approbation of Her Majesty's Government, but of which the obligatory duration should not be less than twenty-five years.

In consequence, and instructed to that effect by his Excellency the President, the Undersigned has the honour of stating to Mr. O'Leary, that however greivous it may be to the Granadian Government that this negotiation should continue paralysed, it does not find it convenient to conclude a Treaty similar to the one proposed, in which it believes itself perfectly in accordance with the votes of the preceding Administrations, and with the public opinion, without whose effective support the Executive cannot, according to the national institutions, celebrate Treaties which are to have the force of law.

It is well known, as Mr. O'Leary acknowledges, that the Republic has not

sufficient navy to watch over the Slave Trade on the coast of Africa or in other regions, and that consequently it cannot dispose of its own squadrons, as France has just done, to visit the vessels which under Granadian colours might attempt to carry on the said African Slave Trade, although no example of this sort has yet reached the knowledge of the Undersigned.

On the other hand, as Mr. O'Leary has also had the goodness to acknowledge, the introduction of slaves into New Granada being prohibited, the trade in them being declared an act of piracy, and in constant and faithful execution the laws which have provided for the gradual and total extinction of this odious social state, the Government hopes that the remains of slavery which still exist in the interior of New Granada will very soon disappear, and that in this manner it will have contributed, as it is contributing as far as it possibly can, to the total abolition of slavery, by its example and by its disinterested sacrifices; and if it does not think proper or convenient to lend itself to measures which for many years might offer frequent interruptions and sufferings of other kinds to its mercantile marine, which for the same reason that it is weak requires more particular protection, this just repugnance, in which nations more advanced in civilization and resources than her participate, it cannot, no, be attributed to a want of zeal in the cause of humanity.

The Undersigned, &c.

(Signed) EUSEBIO BORRERO.

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

Enclosure 2 in No. 52.

Mr. O'Leary to General Borrero.

Bogotá, December 22, 1845.

THE Undersigned, Her Britannic Majesty's Chargé d'Affaires, has had the honour to receive the note of the 12th instant, in which his Excellency General Borrero, Granadian Minister for Foreign Affairs, replies to that which the Undersigned addressed to His Excellency on the 3rd, pressing the Granadian Government to hasten the signature of a Treaty for the suppression of the African Slave Trade.

In this note, General Borrero, under instructions from the President of the Republic, states, that however painful to the Granadian Government the delay of this negotiation, it does not find it convenient to conclude a Treaty similar to that which has been proposed to it, its vote on this head being in conformity with that of the preceding Administrations and public opinion, without the support of which the Executive cannot, consistently with the national institutions, celebrate Treaties which are to have the force of law; that it is well known that the Republic is in want of naval forces sufficient to watch the Slave Trade on the coast of Africa or elsewhere, and therefore cannot dispose of squadrons of her own, as France has recently done, to search vessels which, under the Granadian flag, may attempt to carry on the trade in question, though General Borrero is not aware that there has been an instance of the kind; that the importation of slaves into New Granada is prohibited, and the Trade declared piracy; that the Government hopes that the remains of slavery which still exist in New Granada, may soon disappear, and that she will in this manner have co-operated to the complete abolition of slavery by her example and her disinterested sacrifices, and that if she does not consider it decorous nor useful to agree to measures that for many years may oppose frequent interruptions and losses to her mercantile marine, which on account of its weakness requires greater protection, this just repugnance, which other nations more advanced in civilization partake of, cannot be attributed to a lack of zeal in the cause of humanity.

In reply, the Undersigned begs leave to observe, that the Administrations which have preceded the one to which General Borrero belongs, acknowledged explicitly the principle of the Treaty proposed, and only differed from the Undersigned and his predecessors respecting its duration, the late Government being willing to grant the full term proposed by Her Majesty's Government, except in the latitude of the Island of Cuba.

Her Majesty's Government, well aware that it may not be convenient to the Republic of New Granada, under present circumstances, to send forces to the coast of Africa, had no intention of pointing out that as a mode by which the Granadian Government might fulfil the engagements contracted by Colombia in the Article XIII of the Treaty with Great Britain, to co-operate with Her Majesty's Government for the abolition of the Slave Trade.

The Undersigned is willing and ready to acknowledge the constancy and faithfulness with which the laws of New Granada, for the gradual extinction of slavery within the Republic, have been administered by the Granadian Government, and if those laws have been partially but wickedly evaded at any time, in the manner alluded to by the Undersigned in his note of the 3rd instant, on the Granadian coasts of the Pacific Ocean, this was not ascribable to a want of zeal on the part of the Government, but unfortunately to a want of power. But, nevertheless, the faithful execution of her municipal institutions, of laws spontaneously enacted in a spirit of wisdom and humanity, long before the signature of the Treaty between Great Britain and Colombia, cannot be considered as freeing New Granada from the obligation imposed on her by Article XIII of the Treaty just mentioned.

Her Majesty's Government considered that the easiest and most convenient manner of carrying out this obligation, was by means of a Treaty such as that in which they have invited the Granadian Government to join. They never suspected that it could be derogatory to the honour, or prejudicial to the interests of New Granada, to adopt measures which had already been sanctioned by Bolivia, Buenos Ayres, Chili, Mexico, Monte Video, Venezuela, and the great majority of christian States in other parts of the world.

The Undersigned stated, in his note of the 3rd instant, that the Granadian Government has not as yet turned its attention towards the creation of a mercantile navy, and he is borne out in the correctness of this statement by the reports he has received from well-informed persons. From these it appears, that no vessel under the flag of New Granada is employed in the trade with Europe or the United States, and not more than half a dozen small vessels extend their voyages so far as Jamaica and Curaçoa, the rest being engaged in the coasting trade. It is, then, not possible that the interruptions and losses apprehended by General Borrero as the consequence of a Slave Trade Treaty with Great Britain can occur.

The Undersigned had the honour last year of pointing out to Colonel Acosta, then Granadian Minister for Foreign Affairs, an instance of the Granadian flag having been employed on the coast of Africa in the Slave Trade.

In conclusion, the Undersigned requests to be informed by General Borrero, if the Granadian Government should entertain an insuperable objection to conclude the proposed Treaty, what other means does it intend to adopt, in order to carry out the stipulation contained in Article XIII of the Treaty between Great Britain and Colombia.

The Undersigned, &c.

(Signed)

DANIEL F. O'LEARY.

His Excellency General Eusebio Borrero,

&c.

&c.

No. 53.

Mr. O'Leary to the Earl of Aberdeen.

Bogotá, February 6, 1846.

(Received April 10.)

My Lord,

WITH reference to my despatch, "Slave Trade," of the 30th December last, I have the honour to transmit to your Lordship herewith copy and translation of a note dated the 10th ultimo, which I have received from the Granadian Foreign Minister in answer to that which I addressed to his Excellency on the 22nd of December last, requesting him to inform me what means his Government proposed to adopt in order to carry out the obligation it had contracted by Article XIII of the Treaty between Great Britain and Colombia, if it entertains an insuperable objection to conclude the Treaty for the

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suppression of the Slave Trade, in which Her Majesty's Government invited it to join.

General Borrero, after endeavouring to refute the arguments I had employed in the note to which he replies, states, that "his Government finds insuperable difficulties in assenting to the Treaty in question, with the stipulations and for the time proposed, unless the British Government grant it some indemnification, as they have done to other nations." But, notwithstanding this pretention, General Borrero, after directly noticing the question I had put, concludes his note by stating, that "it is now pleasing to him to add, that in so laudable an undertaking New Granada will not omit further sacrifices, provided they are not excessive in duration and spirit."

I have considered it my duty to submit this further correspondence to your Lordship without making any answer to General Borrero's note, for it is no easy matter to convince a Government which asserts that it has no commercial marine on account of the perpetuity of its Treaty of amity and commerce with England; and that the municipal institutions adopted by the free will of the nation in 1821, are the fulfilment of international stipulations agreed upon in 1825.

I have &c.

(Signed)

DANIEL F. O'LEARY.

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

&c.

&c.

&c.

Enclosure in No. 53.

General Borrero to Mr. O'Leary.

(Translation.)

Foreign Office, Bogotá, January 10, 1846.

THE Undersigned, Secretary of State for Foreign Affairs, has the honour to acknowledge, by order of his Government, the note which, under the date of the 22nd of December last, Mr. O'Leary, Her Britannic Majesty's Chargé d'Affaires, was pleased to address to him.

Mr. O'Leary, in the said note, in answer to the arguments which the Undersigned had adduced in his of the 12th of the same month, to show that the Granadian Government cannot accede, without serious inconvenience, to the Treaty which, for the abolition of the Slave Trade, the British Legation has proposed, says, that it does not seem possible that such inconvenience can happen, since the mercantile marine of New Granada scarcely extends its operations beyond the coasting trade and that which it carries on with the neighbouring islands of Curaçoa and Jamaica.

The Undersigned is sorry that he cannot agree in the force of this argument, as it leads to the paradoxical conclusion, that because the Granadian marine has not yet taken the flight to which it is destined further fetters are to be imposed upon it than what actually oppress it.

If the increase of the national marine is so gradual, and if its progress does not correspond with the protection conceded to it by the laws of the country, it is because this protection has been made illusive and has become merely nominal, since by public Treaties the same favours were conceded, with the character of perpetuity, to British vessels. All things in their infancy are weak and require special assistance, and for this reason the Granadian marine, which does not reckon upon such assistance excepting in the coasting trade, finds itself of necessity almost exclusively reduced to carry on this slightly important traffic.

But can it be deduced from this, that it would be a matter of indifference to impose upon it greater burthens than what result from the competition of powerful nations? To affirm it would not be prudent, and therefore the Undersigned finds himself in the grievous but inevitable necessity of repeating, in terms more distinct than he has hitherto done, that his Government find insuperable difficulties in assenting to the Treaty in question, with the stipulations and for the time proposed, unless there be granted on the part of the British Government some indemnification, as has been done with other nations.

Mr. O'Leary further inquires, what is then the method which the Granadian Government thinks of adopting to carry into effect the engagement which it has contracted to co-operate towards the abolition of the Slave Trade?

The Undersigned has sufficiently expressed in his preceding notes the fidelity and constancy with which his Government has fulfilled the said engagement, by every means within its power, and without any necessity for foreign instigation; and it now is pleasing to him to add, that in so laudable an undertaking New Granada will not omit further sacrifices, provided they are not excessive in duration and spirit.

The Undersigned, &c.

(Signed)

EUSEBIO BORRERO.

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

No. 54.

The Earl of Aberdeen to Mr. O'Leary.

Sir,

Foreign Office, June 27, 1846.

I HAVE had under my consideration your despatch, marked Slave Trade, dated the 6th of February last, transmitting a copy and translation of a note, dated the 20th of January, which you had received from the Granadian Foreign Minister in answer to that which you addressed to him on the 22nd of December last, requesting him to inform you what means his Government proposed to adopt in order to carry out the obligation it had contracted by Article XIII of the Treaty between Great Britain and Colombia, if it entertained an insuperable objection to conclude the Treaty for the suppression of the Slave Trade in which Her Majesty's Government invited it to join.

It appears from this note of General Borrero, that the Government of New Granada now distinctly assert that they find insuperable difficulties in assenting to the Treaty in question, with the stipulations and for the time proposed, unless the British Government grant some indemnification to New Granada, as they have done to other nations; but General Borrero makes no satisfactory answer to your inquiry, by what means, in default of such new engagement, his Government propose to carry out the obligations they have already contracted towards Her Majesty's Government for the suppression of the Slave Trade.

It cannot be supposed that Her Majesty's Government will rest satisfied with the vague and general assurances with which General Borrero concludes his note; and I have therefore to instruct you to persevere in your endeavours to obtain from the Granadian Minister some more specific and satisfactory assurance of the intentions of his Government on this subject.

I am, &c.

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

(Signed) ABERDEEN.

No. 55.

The Earl of Aberdeen to Mr. O'Leary.

Sir,

Foreign Office, August 14, 1846.

WITH reference to the Earl of Aberdeen's despatch to you, marked Slave Trade, dated the 27th of June last, instructing you to persevere in your endeavours to obtain from the Granadian Minister for Foreign Affairs some more specific and satisfactory assurance than he had yet given of the intentions of his Government for carrying out the engagements which that Government has contracted with Great Britain for the suppression of the Slave Trade, I have to instruct you to repeat in an official note the question which you have already put to the Granadian Minister upon this subject, and to ask for a distinct answer in writing.

I am, &c.

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

(Signed) PALMERSTON.

No. 56.

Viscount Palmerston to Mr. O'Leary.

Sir,

Foreign Office, October 22, 1846.

I TRANSMIT to you herewith a copy of a despatch and of its enclosures, from Her Majesty's Consul at Panamá, on the subject of an exportation of 180 slaves, which was about to be effected from the Province of Panamá to Peru.

You will perceive that Her Majesty's Consul pointed out to the Governor of Panamá the impropriety of this proceeding as respects the international engagements existing between this country and New Granada on Slave Trade, as well as its extreme injustice towards the greater part of the unfortunate persons themselves, by depriving them for many years to come of that freedom to which the law of their own country would shortly have entitled them. The Governor of Panamá, however, replied, that the export of these slaves was no breach of any engagement with Great Britain, and that it was allowed by the law of New Granada; and that he could not interfere in the matter.

I have, under these circumstances, to instruct you to present a note to the Government of New Granada, expressing the earnest request of Her Majesty's Government that a law may be passed in the Republic prohibiting altogether the exportation of slaves.

You will point out to the Granadian Government, that the only ground upon which any attempt has ever been made to justify the existence of the state of slavery, has been the plea of its being necessary to have the labour of slaves in order to cultivate the soil of the countries in which slavery exists; but even that excuse, insufficient as it is, does not apply to the selling of slaves for exportation, because when such slaves are thus sent out of a country the soil of that country is deprived of their labour for its cultivation; and it is manifest that such a compulsory transfer of slaves from one country to another must be attended with additional aggravation of the inherent hardship of their condition. But in regard to the libertos who, in the present case, have been sent to Peru, the injustice inflicted upon them is most serious; for whereas the person who sold them had a right to their services till they attained the age of eighteen, and no longer, he transferred them for money to a country where they will be liable to serve as slaves, at all events till they are fifty, and probably for the rest of their lives; and thus, in regard to the services of such persons after the age of eighteen, he sold into slavery persons who by the law of New Granada were free; an injustice of the most flagrant kind, and which Her Majesty's Government would suppose can scarcely be allowable even under the present law. At all events, it would seem that the libertos so sold are liable to be claimed back by the Granadian Government as free citizens of the Republic as soon as they have attained the age of eighteen; and if the Government of New Granada should determine to make this claim, Her Majesty's Government would willingly instruct Her Majesty's representative in Peru to point out the justice of it to the Government of Peru.

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

I am, &c.
 (Signed) PALMERSTON.

Enclosure in No. 56.

Her Majesty's Consul at Panamá to the Earl of Aberdeen, August 20, 1846.

[See No. 62, p. 89.]

No. 57.

Mr. O'Leary to Viscount Palmerston.

My Lord,

Bogotá, September 10, 1846.

(Received November 5.)

I HAVE the honour to acknowledge the receipt of the Earl of Aberdeen's despatch, marked "Slave Trade," and dated the 27th of June last, instructing me to persevere in my endeavours to obtain from the Granadian Minister some specific and satisfactory assurance of the intentions of his Government relative to the existing obligations between the two countries for the suppression of the Slave Trade; and I beg leave to acquaint your Lordship, that I will lose no time in complying with this instruction.

I have, &c.

(Signed)

DANIEL F. O'LEARY.

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

&c.

&c.

&c.

No. 58.

Viscount Palmerston to Mr. O'Leary.

Sir,

Foreign Office, December 7, 1846.

WITH reference to my despatch, marked Slave Trade, dated the 22nd of October last, relative to an exportation then about to be effected of 180 slaves from the Province of Panamá to Peru, I transmit to you herewith, for your information, a copy of a further despatch upon the same subject received from Mr. Consul Perry.

You will see from this despatch that the Peruvian brig "*Tres Amigos*" left the Port of Panamá for Peru, on the 4th of September last, with about 130 slaves and libertos. It appears that 180 persons were originally sold, but that 25 were liberated by Colonel Herrera, the Governor of the Province, as entitled by law to their freedom, and that 25 made their escape and are now at large in the bush.

Mr. Perry does full justice to the pains which General Herrera took with a view to the protection of the slaves and freed men on their arrival in Peru; but the whole of this proceeding on the part of the Republics of New Granada and Peru is, in the eyes of Her Majesty's Government, contrary to the letter of the Treaties existing between those Republics and Great Britain, by which Treaties the Government of those two Republics respectively are bound to co-operate with the British Government for the total abolition of the Slave Trade, and to prohibit all persons inhabiting within the territories of each Republic, in the most effectual manner, from taking any share in such trade.

In addition therefore, to the observations and instructions contained in my despatch of the 22d of October, I have now to direct you again to press upon the Government of New Granada the just expectation of Her Majesty Government that the law of 1842, permitting the sale of slaves out of the Republic, will be repealed, as being contrary to the engagement contracted by New Granada towards Great Britain, under Article XIII of the Treaty of 1825.

I am, &c.

(Signed)

PALMERSTON.

Daniel F. O'Leary, Esq.

&c.

&c.

Enclosure in No. 58.

Her Majesty's Consul at Panamá to Viscount Palmerston, September 20, 1846.

[See No. 64, p. 91.]

No. 59.

*Mr. O'Leary to Viscount Palmerston.**Bogotá, October 6, 1846.**(Received December 9.)*

My Lord,

WITH reference to my despatch, marked "Slave Trade," of the 10th ultimo, I have now the honour to transmit herewith to your Lordship a copy of a note I addressed to the Granadian Foreign Secretary in conformity with the instruction contained in the Earl of Aberdeen's despatch, "Slave Trade," of the 27th of June last, stating that her Majesty's Government hope and expect that the Granadian Government will give some more specific and satisfactory reply to the question I had put to General Borrero in the note I addressed to his Excellency on the 22d of December last, respecting the intentions of his Government in relation to the obligations imposed on Great Britain and Colombia by Article XIII of the Treaty of 1825.

On the day after addressing the above-mentioned note of the 16th ultimo, to M. Pardo, I received a despatch from Mr. Perry, Her Majesty's Consul at Panamá, informing me that a M. Rodulfo was about to embark on board the Peruvian brig "*Tres Amigos*" a considerable number of slaves purchased by this individual at Panamá for transportation to Peru, and that Mr. Perry had in consequence written to the Governor of the Province pointing out to him the evils likely to arise from the nefarious traffic in which M. Rodulfo had engaged.

Mr. Perry's remonstrance was inefficacious, and I therefore addressed a note, copy of which I have the honour to enclose herewith to your Lordship, to M. Pardo, expostulating against the establishment of a traffic more iniquitous than that which the laws of Colombia had proscribed, and consequently at variance with the stipulations of the Treaty between Great Britain and New Granada.

Up to this date I have not received a reply to the notes, copies of which are enclosed, which shows that the Government though vacillating, are still reluctant to accede to the proposals of her Majesty's Government.

Should these proposals, however, meet with a favourable reception by the Granadian Government, it will remain for your Lordship to judge whether it will be indispensable for me to be furnished with full powers by her Majesty's Government, in order to enter upon a negotiation with this Government.

I have, &c.

(Signed)

DANIEL F. O'LEARY.

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

&c.

&c.

&c.

Enclosure 1 in No. 59.

*Mr. O'Leary to M. Pardo.**Bogotá, September 16, 1846.*

THE Undersigned, Her Britannic Majesty's Chargé d'Affaires, has the honour to acquaint his Excellency M. Pardo, Granadian Secretary of State for Foreign Affairs, that having submitted for the consideration of Her Majesty's Government copy of the note of General Borrero, then Granadian Secretary of State for Foreign Affairs, of the 10th of January, in answer to that which the Undersigned addressed to him on the 22nd of December last, requesting General Borrero to inform the Undersigned what means his Government proposed to adopt in order to carry out the obligation it had contracted by Article XIII of the Treaty between Great Britain and Colombia, if the Granadian Government entertained an insuperable objection to conclude the Treaty for the suppression of the Slave Trade, in which Her Majesty's Government invited it to join.

Her Majesty's Government, inferring from the note of General Borrero that his Government finds insuperable difficulties in assenting to the Treaty in question, with the stipulations and for the time proposed, but observing that no satisfactory answer is made by the General to the inquiry by what means, in

default of such new engagement, his Government proposed to carry out the obligations it had already contracted towards Great Britain for the suppression of the Slave Trade, has instructed the Undersigned to state to M. Pardo, that it cannot be supposed that Her Majesty's Government will rest satisfied with the vague and general assurances with which General Borrero concluded his note of the 10th of January last, and that it hopes and expects that some more specific and satisfactory reply to the question which has been put to General Borrero, in the note addressed to him by the Undersigned on the 22nd of December last, will be given by the Granadian Government.

The Undersigned, &c.
 His Excellency M. Pardo, (Signed) DANIEL F. O'LEARY.
 &c. &c.

Enclosure 2 in No. 59.

Mr. O'Leary to M Pardo.

Bogotá, September 17, 1846.

THE Undersigned, Her Britannic Majesty's Chargé d'Affaires, has the honour to acquaint his Excellency M. Pardo, Granadian Secretary of State for Foreign Affairs, that he has this morning received despatches, dated the 22nd ultimo, from Her Majesty's Consul at Panamá, stating that the Peruvian brig "*Tres Amigos*" had arrived at that port, for the purpose of embarking there and conveying to Peru a considerable number of slaves, natives of New Granada, which slaves had been sold by M. Juan B. Feraud to M. Rodulfo. Mr. Perry further states, that having been apprised that among the slaves about to be embarked there were many young persons legally entitled to their freedom on attaining the age of eighteen, he communicated the fact to the Governor of the Province, who replied to Mr. Perry that the Granadian laws sanctioned the exportation of slaves for sale beyond the limits of New Granada,

The Undersigned, having consulted the laws alluded to by General Herrera, finds that his Excellency's reply is perfectly consistent with the enactment of 1843, and it is upon this account that the Undersigned now addresses M. Pardo, in order to submit for the consideration of his Government the expediency of modifying the evident injustice of enactments so much in opposition with the spirit of the wise and salutary legislation which maintained in Colombia when the Treaty between Great Britain and that Republic was signed, and the deviation from which might by no forced construction be deemed a violation of Article XIII of that Treaty.

Article VI of the Law of Colombia, published on the 21st of July, 1821, expressly prohibits the sale of slaves for the purpose of being conveyed out of the territory of the Republic. This law was in force when that Treaty was signed; by Article XIII of which New Granada is bound to "co-operate with Great Britain for the total abolition of the Slave Trade, and to prohibit all persons inhabiting within the territories of Colombia in the most effectual manner from taking any share in such trade." Instead of carrying out this engagement, a law was enacted in 1843 repealing Article VI of the Law of the 21st of July, and sanctioning the extraction of slaves from New Granada; or in other words, re-establishing a Traffic in Slaves more unrighteous than that which the great majority of the Powers of Christendom have combined to suppress, inasmuch as the victims of the new system are not poor benighted savages of Africa, but natives of New Granada and christians, the birthright of whose offspring is freedom, of which they too are likely to be deprived, because the servile code of the State to which they are being transferred is too rigorous to hold out even a distant hope of emancipation.

Therefore the Undersigned hopes that the Granadian Government will take such steps as it may deem proper to remedy the abuse that is complained of as inconsistent with the free institutions of the Republic, and manifestly at variance with its international engagements.

The Undersigned, &c.
 (Signed) DANIEL F. O'LEARY.
 His Excellency M. Pardo,
 &c. &c.

No. 60.

*Mr. O'Leary to Viscount Palmerston.**Bogotá, October 13, 1846.**(Received December 9.)*

My Lord,

I HAVE the honour to acknowledge the receipt of your Lordship's despatch, Slave Trade, of the 14th August last, in which, with reference to the Earl of Aberdeen's despatch, Slave Trade, of the 27th June last, your Lordship has been pleased to instruct me to repeat in an official note the question which I had already put to the Granadian Minister of the intentions of his Government for carrying out the engagements which it has contracted with Great Britain for the suppression of the Slave Trade.

With reference to my despatch, Slave Trade, of the 6th instant, I have the honour to acquaint your Lordship, that in conformity with the instructions contained in the Earl of Aberdeen's despatch just referred to, I lost no time in addressing a note to the Granadian Foreign Secretary, thereby anticipating your Lordship's desires; but nevertheless should an answer to that note be delayed, I shall deem it my duty to bring the subject again under notice of the Granadian Government.

I have, &c.

(Signed)

DANIEL F. O'LEARY.

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

&c.

&c.

&c.

No. 61.

Viscount Palmerston to Mr. O'Leary.

Sir,

Foreign Office, December 15, 1846.

WITH reference to my several instructions, marked Slave Trade, dated the 14th of August and 22nd of October last, and 7th instant, and to your despatch, marked Slave Trade, dated the 6th of October, recently received, I have now to instruct you, again to press the Government of New Granada, to enter into a Treaty with Great Britain for the suppression of the Slave Trade, as the best way to fulfil the engagement contained in Article XIII of the Treaty between the two countries.

I am, &c.

(Signed)

PALMERSTON.

Daniel F. O'Leary, Esq.

&c.

&c.

NEW GRANADA. (*Consular*)—*Panamá*.

No. 62.

*Consul Perry to the Earl of Aberdeen.**Panamá, August 20, 1846.**(Received October 7.)*

My Lord,

I HAVE the honour to inform your Lordship that the Peruvian brig "*Tres Amigos*" is now in this port for the purpose of embarking about 180 slaves, the property of Señor Rodulfo, a native of this place, who has lately purchased them from Mr. Feraud, a Granadian citizen.

As amongst the number of these persons about to leave the country, there are said to be nearly 140 libertos, or the sons of slaves, and born after the Law of Congress of 21st July, 1821, I thought it my duty to call the attention of the Governor of Panamá to Article XIII of the Treaty between Great Britain and Colombia, in a letter, a copy of which I have the honour herewith to enclose, as well as his Excellency's answer, with its translation.

The Governor, in his answer to my note, makes little reference to the libertos or freed men about to be sold in Peru, but this, even if permitted by any late Law of this Republic, is in my opinion contrary to the spirit of the Treaty made between England and Colombia, as well as Article XIV of the Treaty of 1837 between England and the Peru-Bolivian Confederation.

Article I of Law VII of 1821 respecting the abolition of the Traffic of Slaves declares that the children of slaves born after the publication of that Law are free.

Article II states that these libertos or sons of slaves must be taken care of by the owners of their parents until they attain the age of eighteen years;—as an indemnity, they are obliged to give their personal service until they attain that age.

As these persons are born free, I presume to think they cannot be sold into a foreign country, where they immediately lose the privileges acquired at their birth, notwithstanding an Article in a recent Law, which gives permission to sell libertos under certain stipulations.

I have thought it my duty to refer this matter to your Lordship's consideration, as, if permitted and encouraged by the Government of the Republic, it may lead to a regular Traffic in Slaves between New Granada and Peru, the value of slaves in the latter country being much higher than in this.

I shall have the honour to keep your Lordship informed of the proceedings of the "*Tres Amigos*," and I trust that you will not think that I have exceeded my duty by interfering in this question.

I have, &c.

(Signed)

WILLIAM PERRY.

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

&c.

&c.

&c.

Enclosure 1 in No. 62.

Consul Perry to the Governor of Panamá.

Sir,

Panamá, August 11, 1846.

I HAVE been informed that a considerable number of slaves are about to be shipped off from this place for Peru, and that amongst them there are many young persons who, according to a recent law, would be free upon attaining the age of eighteen years, whereas in Peru they would not obtain their freedom until they arrive at the age of fifty.

I beg to call your Excellency's attention to that clause of the Treaty between Great Britain and New Granada which declares "that the Government of this Republic obliges itself to co-operate with the British Government for the total abolition of the Slave Trade, and to prevent any inhabitant of this country, in the most efficacious manner, from taking any part whatsoever in such traffic."

In consequence of this mutual agreement I venture to offer to your Excellency some suggestions which present themselves to me upon the operation of the Law of the 29th of May, 1842, additional to the Law of the 21st of July, 1821, as abrogating Article XIII of the said Treaty.

I have little doubt but that your Excellency will duly carry out the requirements of the Law of Manumission of 1842 before you permit a single slave to leave the country, and that those amongst them who may be entitled to their freedom will be furnished with a certificate to that effect. It appears to me, however, that after they leave this country the slaves and freed men will lose their natural protectors, and be at the mercy of their new masters. There is nothing to prevent the vessel from putting into a minor port, where there will be probably no Granadian authority to control the actions of the persons who have undertaken this speculation.

There is nothing to prevent the youth of sixteen from lingering thirty-four years in captivity, whereas had he resided in this country he would have been free in two years.

Such a state of things will, I am convinced, be considered by Her Majesty's Government as a Traffic in Slaves, in contravention of the Treaty of Commerce and Navigation made between England and Colombia in 1825.

Before your Excellency gives your consent to the expatriation of these slaves to a country where they will not be so favourably treated as they are here, I beg you will be pleased to give your attention to the observations I have thought it my duty to lay before you.

I am, &c.

(Signed)

WILLIAM PERRY.

His Excellency Señor Jomas Herrera,
 &c.

&c.

Enclosure 2 in No. 62.

The Governor of Panamá to Consul Perry.

(Translation.)

Sir,

Panamá, August 18, 1846.

I HAVE given due attention to the contents of your official note of the 11th of this month, in which you inform me that a considerable number of slaves are about to be extracted from this city to Peru, and calling my attention to Article XIII of the Treaty made between Great Britain and Colombia, by which the Government of New Granada took upon itself the obligation to prevent its subjects from taking part in the Traffic of Slaves.

There is no doubt whatsoever that if a question of such a nature should arise, the Government would perform its obligation, but the operation which it is intended to carry out is to export slaves for sale out of New Granada, which is permitted by Article IV of Law XIV, Part VI, Treatise I, of the Granadian Abridgment of Laws, and in execution of which the Executive Power issued a Decree, dated 13th November, 1843, giving rules for acting, so that far from there being any prohibition the export of slaves is lawful.

The traffic prohibited and subject to punishment by Law XI of the said Part and Treatise, is that which will be executed with the persons extracted from Africa as slaves, and the present case differs absolutely from that.

In virtue of this, and from whatever prejudices may happen to the slaves exported, to which you allude in your letter, it is not in my faculties as Constitutional Agent of the Government in this Province, to do more than comply with the existing regulations on this subject. Notwithstanding, I transmit to the Executive an account of the important observations you have made me in favour of the individuals subject to emancipation.

William Perry, Esq.
&c. &c.

I am, &c.
(Signed) TOMAS HERRERA.

No. 63.

Viscount Palmerston to Consul Perry.

Sir,

Foreign Office, October 22, 1846.

I HAVE received your despatch, marked Slave Trade, of the 20th of August last, enclosing copies of a correspondence which you had had with the Governor of Panamá on the subject of 180 slaves who were about to be exported from the Province of Panamá to Peru.

I approve of your having remonstrated against the injustice about to done to these unfortunate persons, and which, from the tenor of the reply returned to your representation by the Governor of Panamá, I fear will have been accomplished without interference from the authorities of New Granada.

I transmit to you, for your information, a copy of an instruction which I have this day addressed to Her Majesty's Chargé d'Affaires at Bogotá upon this subject.

William Perry, Esq.
&c. &c.

I am, &c.
(Signed) PALMERSTON.

Enclosure in No. 63.

Viscount Palmerston to Mr. O'Leary, October 22, 1846.

[See No. 56, p. 84.]

No. 64.

Consul Perry to Viscount Palmerston.

My Lord,

Panamá, September 20, 1846.
(Received November 5.)

IN reference to my despatch to the Earl of Aberdeen, of the 20th ultimo, I have the honour to inform your Lordship that the Peruvian brig "*Tres Amigos*" left this port for Peru on the 4th of this month, with about 130 slaves and libertos.

Of the 180 originally sold about 25 were liberated by the Governor of the province, as entitled by law to their freedom, and 25 made their escape and are now at large in the bush.

Colonel Herrera, the Governor of the Province, certainly took all the means in his power for the protection of the slaves and freed men on their arrival in Peru.

He has sent an account of the transaction to Senhor Triunfo, the Granadian Consul-General in Peru, enclosing a list of the libertos, or slaves, entitled to their freedom upon their attaining the age of eighteen, according to the laws of this country.

In my opinion, the whole transaction is, on the part of the two Republics

of Peru and New Granada, contrary to the spirit of existing Treaties, and I therefore thought it my duty to bring the matter under the notice of the Earl of Aberdeen and of your Lordship.

I am informed that the Law of 1842, permitting the sale of slaves out of the Republic, was passed as a precautionary measure in consequence of the state of the country caused by the Revolution of 1840 and 1841; but now, after five years of profound peace, it would appear incumbent on this Government to repeal that Law, or otherwise Article XIII of the Treaty made between Great Britain and this country in 1825 would be of little or no avail.

I have, &c.

(Signed)

WILLIAM PERRY.

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

&c.

&c.

&c.

PERU.

No. 65.

M^r. Adams to the Earl of Aberdeen.

My Lord,

*Lima, December 30, 1845.
(Received March 8, 1846.)*

I HAVE the honour to acknowledge the receipt of your Lordship's despatch, marked Slave Trade, of the 8th of September last, and proceed to report upon the causes which have hitherto delayed, and still continue to impede my efforts for inducing this Government to enter upon a renewal of the negotiations commenced in 1839, for the conclusion of a Treaty for the abolition of the Slave Trade.

The insecurity and confusion of the Peruvian Government, assigned as the reason for delay in my despatch of the 22nd of April, 1844, continued to subsist until the installation of the present Government on the 20th of May, 1845, and this event was immediately followed by a serious question of redress, which your Lordship commanded me to obtain, for insults and injuries inflicted upon Her Majesty's officers and subjects. The irritation arising from the settlement of that question, accompanied as it was, by threats and demonstrations of force, rendered it, I thought, very inexpedient to enter upon a negotiation to which the party now in power are not supposed to be friendly, and which would require the best feeling and understanding to bring to a successful termination.

When the feelings of the Government were somewhat mollified, I did touch upon the subject in conversation with the Peruvian Minister, who did not manifest any disposition to renew the negotiation; said his Government wanted no treaties with European Powers, and that, if the Government were disposed to accede, it was too late in the session to procure the ratification of Congress, without which no treaty could be valid.

Finding this disposition in the Minister, I have not renewed the conversation, and would submit to your Lordship that some months might advantageously be allowed to elapse before a more formal attempt is made, because the delay may produce an improved feeling in the Government towards the question, and because no time would thereby be lost in obtaining the ratification of a treaty on account of the legal period for the re-assembling of Congress, which does not arrive till July, 1847.

I have, &c.

(Signed)

WM. PITT ADAMS.

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

&c.

&c.

&c.

No. 66.

*Mr. Adams to the Earl of Aberdeen.**Lima, December 30, 1845.**(Received March 8, 1846.)*

My Lord,

I HAVE the honour to acknowledge the receipt of your Lordship's despatch, marked Slave Trade, of the 16th of October last, and to express my humble gratitude for the approval of my conduct therein conveyed, and an assurance that my most zealous efforts shall be directed towards carrying out your Lordship's instructions.

I have, &c.

(Signed)

WM. PITT ADAMS.

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

&c.

&c.

&c.

No. 67.

*Mr. Adams to the Earl of Aberdeen.**Lima, December 30, 1845.**(Received March 8, 1846.)*

My Lord,

IN my despatch of the 4th of August last, I had the honour to inform your Lordship that I was engaged in watching and endeavouring to check the progress of a Bill which had been introduced into the Congress for permitting the importation of slaves into Peru from the neighbouring Republics. This measure passed the Senate, but was successfully resisted in the House of Representatives, having excited a considerable sensation, and very unanimous reprobation from the public press.

After the close of the Session I renewed my request to the Peruvian Minister, in the enclosed note, for an official declaration of what is the actual state of the law as to the importation of slaves from foreign countries into the Peruvian territory, but I have not yet been able to obtain an answer, though Señor Paz Soldan has informed me verbally that a long exposition on the subject was being drawn up for the purpose replying to my question.

The failure of the Bill above alluded to in Congress has not silenced the advocates of the introduction of slaves; and I have the honour to transmit the copy and translation of some Resolutions agreed to by the Council of State, authorising the Government to permit the introduction of slaves from other States of this continent, but recommending efforts to be made for encouraging immigration, which would do away with the necessity of a measure which under other circumstances, would be universally condemned. Some editorial remarks are affixed to the Resolutions, written in a good spirit, and demonstrating the impolicy and illegality of the proceeding.

The Government have not adoped any measure for carrying out the Resolutions of the Council of State.

I have, &c.

(Signed)

WM. PITT ADAMS.

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

&c.

&c.

&c.

Enclosure 1 in No. 67.

*Mr. Adams to the Peruvian Minister.**Lima, November 15, 1845.*

AS the Session of Congress has now terminated, the Undersigned, Her Britannic Majesty's Chargé d'Affaires, is anxious to refer his Excellency Señor Don. J. G. Paz Soldan, Peruvian Minister for Foreign Affairs, to his note of the 18th of July last, with the previous correspondence; and again to request that

his Excellency will afford him some definite information respecting the state of the law as to the importation of slaves from foreign countries into the Peruvian territory.

The Undersigned, &c.

(Signed)
His Excellency Señor Don José G. Paz Soldan,
&c.

WM. PITT ADAMS.

Enclosure 2 in No. 67.

Report of Council of State on Importation of Slaves into Peru.

(Translation.)

AT a Session of the Council of State, on the 10th instant—present, the President San Roman, and Councillors Echenique, Ferreyros, Villarán, Fuente, Nuñez Gago, Quiros, Centenos, Pinillos, Menacho, Florez (Secretary).

The report of Señor Ferreyros upon the matter presented by the Government for consultation, respecting a memorial of Don Manuel Suarez Fernandez, in the name of various landed proprietors, requesting permission to remove into the territory of Peru slaves residing in other parts of the American Continent, was brought forward for discussion. The first practical part of this report is as follows:—"That, provided every precaution is taken by the Supreme Authority, as designated in the project of law approved by the Senate, and every other which can tend to prevent fraud, and to protect the slaves and their offspring, the introduction of slaves from the other States of the continent, now requested, may be permitted by way of trial and as a present measure in favour of the ruined property of the coast." Señor Echenique supported it, and, being declared discussed, it was approved, Señor Flores saving his vote.

Subsequently, Señor Villarán made the following addition to the part already approved, "that the Government shall watch carefully over their moral and religious education; that the enjoyment of private property be allowed them; that a moderate number of working hours shall be fixed; and that a not very distant period shall be assigned for acquiring their liberty." Submitted to discussion, the first part, the word "religion," was approved; the second was also approved to the word "property;" the third being discussed to the word "labour," the author withdrew it in the middle of the debate, and substituted the following:—"that care should be taken to carry out the Decree of the 14th of October, 1843, regarding the hours of field work, and other arrangements of the slaves;" and being discussed, was approved of. The fourth part, being the remainder of the addition, being opposed by Señor Echenique, its author withdrew it, and the second part of the report was discussed, viz., "that this permission shall not exceed the period fixed by the project," it was declared discussed and approved. Señor Menacho made this addition to the former part already approved, "without preventing its presentation to the next Congress." This being considered, it was supported by its author and Señor Ferreyros, and after voting was approved.

The third part of the report was also approved, which says, "that the Supreme Government, by using every means in its attributions and within the sphere of its power, and the circumstances of the country allow, shall endeavour at once to foment and stimulate the immigration of foreign, respectable, industrious, and peaceful families; in order that, with every possible speed, the necessities of cultivation may be fully satisfied, and that the clamour of the agricultural interest may cease simultaneously with the reasons which now draw forth a permission, which under other circumstances, far from finding approval either in the Committee or the Council, would be unanimously refused; thus shutting for ever the door to a matter which cannot fail to present odious points.

Editorial Remarks.

We will not combat anew the traffic in human flesh and blood which some persons, who in our opinion do not look forward to the future state of our society, endeavour to perpetuate: we have already fulfilled that task; our

reasonings have not been answered, and even the report approved by the Council of State confesses the odious nature of a measure, the adoption of which is recommended by a body which, when the Congress was sitting, declared that it should be submitted to their deliberation. The Deputies of Peru have not even consented to consider, in spite of repeated requests, the project passed in the Senate; in order to make good laws, it is necessary to combine the interests and rights of property, more especially represented by the Senates, with the interests and rights of man, more properly represented by the Deputies; and as regards the disinterestedness of these latter, on the subject of the importation of Slaves, that is proved by the fact of their having rejected the project. Whether or no, however, it would be establishing an objectionable precedent, were a project discussed by one Chamber to be converted into a law, whilst the Congress was under prorogation.

Article CLV of the Constitution says, "No one is born a slave in the Republic." Article CLXXXII, "Every law not in opposition to this constitution is in force." There is a law in force which forbids the introduction of slaves from any part of the world. Article LXIV of the Constitution says, "For the interpretation, modification, or renovation of any existing law, the same requisites must be observed as at its formation."

No. 68.

The Earl of Aberdeen to Mr. Adams.

Sir,

Foreign Office, April 13, 1846.

I HAVE received your despatch, marked Slave Trade, dated the 30th of December, 1845, reporting upon the causes which have hitherto delayed and which continue to impede your efforts to induce the Government of Peru to enter upon a renewal of the negotiation commenced in 1839, for the conclusion of a Treaty for the abolition of the Slave Trade.

In the present disposition of the Peruvian Government, as described in your despatch, I concur with you in thinking that it may be advantageous to allow a few months to elapse before any farther formal attempt is made to renew these negotiations.

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

I am, &c.
 (Signed) ABERDEEN.

No. 69.

Mr. Adams to the Earl of Aberdeen.

My Lord,

Lima, January 31, 1846.

(Received April 13.)

I HAVE availed myself of the nomination lately made by your Lordship of a Vice-Consul at the Port of Payta, to address to Mr. Higginson the enclosed instruction, urging his constant vigilance of a Slave Trade, on a small scale, carried on within his Consular district.

I have, &c.
 (Signed) WM. PITT ADAMS.

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

Enclosure in No. 69.

Mr. Adams to Vice-Consul Higginson.

Sir,

Lima, January 20, 1846.

YOU are doubtless aware of the great anxiety manifested by the Government and people of Great Britain for the effectual abolition of the Traffic in Slaves. As you have already reported to me the existence of slave-trading on

a small scale within your Consular district, I need do no more than recommend your most earnest vigilance of every step connected with this infamous practice, and desire that you will keep me fully informed on the subject.

Charles Higginson, Esq.
&c. &c.

I have &c.
(Signed) W. P. ADAMS.

No. 70.

Mr. Adams to the Earl of Aberdeen.

My Lord,

Lima, February 4, 1846.
(Received June 8.)

THE Peruvian Government have at length replied to my reiterated question as to the state of the law in this country respecting the importation of slaves by a long semi-official memoir, of which, as well as of the note which enclosed it, I have the honour to submit copy and translation to your Lordship.

Without attempting to enter into a minute analysis of this document, I am prepared to bear my personal testimony to the general good treatment of the slave population in Peru, and will point attention to the concluding passages of the memoir which argue in favour of permitting the importation of slaves from the neighbouring states of America, which Señor Paz Soldan's note informs me it is the intention of this Government to grant.

In my reply, of which copy is enclosed, I have expressed my acquiescence in the practical conclusion, that slavery bears a different aspect in Peru from that which I have witnessed in Brazil and in the United States, but have also reproduced the arguments contained in my notes of the 12th of June and 15th of July last, which have already received your Lordship's approval.

I am convinced that the condition of slaves imported from Brazil would be improved by their transference to Peru, but whether they would be benefited by being brought from the gold districts of New Granada is a more doubtful question. The introduction of slaves from Africa is not contemplated by any party in this country. Your Lordship's instruction of the 25th of May, 1844, seems to point to an apprehension of the renewal of African Slave Trade, under the pretext of importations from the neighbouring states; but Article XIV of the Treaty makes no such limitation, and I have therefore resolved to reproduce my former communications to the Peruvian Government, leaving to your Lordship's decision any further measures, should it be deemed necessary to interfere more authoritatively for the prevention of the intended importation from the neighbouring countries.

I have, &c.
(Signed) WM. PITT ADAMS.

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

Enclosure 1 in No. 70.

The Peruvian Minister to Mr. Adams.

(Translation.)
Sir,

Lima, January 19, 1846.

THE Undersigned, Peruvian Minister for Foreign Affairs, has the honour to reply to the esteemed note of Her Britannic Majesty's Chargé d'Affaires, with the view of fulfilling the offer made by him in various former communications, of setting forth the state of the question of the importation of slaves from foreign countries into the Peruvian territory.

As the question is of a very serious nature, on account of the great and preponderating influence it must exercise upon the future prosperity or decay of Peruvian agriculture, the Undersigned has been of opinion that his duty was,

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not to confine himself to an imperfect, superficial statement, presented without the recent regulations on the subject, but to show it under all the different and varied points of view in which it deserves to be examined, in order that the British Cabinet may, through the medium of the Chargé d'Affaires, understand it at a glance, and form on this important matter as regards Peru a proper and complete idea instead of one incorrect and vague.

With this object it is very grateful to the Undersigned to transmit to Mr. Adams a long memoir, embracing these different and interesting points in all their extent. It points out in true colours the condition assigned to slavery in this country at the time of its commencement by the Spanish legislation; the inestimable improvements of the Peruvian laws respecting it, the advantages it derives from the manners of the people, and finally the consecutive changes which the right of importation has suffered, owing to the national legislation.

The Chargé d'Affaires will have the kindness not to consider the memoir as a strictly official document, but rather as a literary work, in which the freedom and independence which this style of writing authorises assist in obtaining the perfect knowledge of the question which it is thought proper to furnish.

As the memoir closes with the announcement of the opinion of the Council of State, the Undersigned informs Mr. Adams that the Government has considered it its duty to issue, since then, the necessary orders to prevent the benefits demanded for so long a time by the visible decay of our exhausted agriculture from becoming illusory.

It only remains to the Undersigned to call the attention of Her Majesty's Chargé d'Affaires to the firmness with which both the Executive and the Council of State have refused their consent to the revival of the odious trade, in spite of the seductive request made in the name of no small number of landed proprietors by Don Francisco Javier Calvo.

The Undersigned, &c.

(Signed)

JOZE G. PAZ SOLDAN.

Her Britannic Majesty's Chargé d'Affaires,
&c.

&c.

Enclosure 2 in No. 70.

Memoir on the Slave Trade.

(Translation.)

Lima, January 19, 1846.

A FATAL gift was that bestowed upon Peru by those who landed on her shores the first African slaves to replace a population decimated by the abuses of the conquest. The reasons which prove so sorrowful a fact are unfortunately too numerous and palpable.

The arrival of this new race frightened the natural inhabitant from the sea coast, and by losing the habit of dwelling there he created dangers to his health which, magnified by prejudice, have led him to consider the climate as noxious to him: the culture of the land, by being reserved for a race of different colour and degraded by the ignominy of slavery, became a reproach, and was repugnant to all other men. Thus was fomented, if not created, a traffic odious in itself, and rendered still more so by the excesses which have always accompanied it; it brought upon these countries the plague of slavery, from which its soil was as yet free; and, worse than all, an imperious necessity was created, against which the revelations of philosophy and the brotherly truths of the Gospel have striven and will continue to strive.

We confess with deep sorrow such fatal consequences, and lament the bitter fountain from which they rose. Nevertheless we are not disposed to raise our voice in the cry of exaggerated enthusiasts who view this matter as an unpardonable sacrilege, inspired, as they say, by the most refined cruelty, and who visit its authors with implacable severity. It appears to us more just to style it a misfortune, or an indiscreet error of the times.

Without denying to commercial avarice the great part it undoubtedly had in the fatal idea of converting human beings into objects of traffic, it is impossible to forget other causes which led also to the adoption and propagation of this idea.

It will, with justice, appear surprising that one of the most efficacious

auxiliaries of this error was the compassionate labour of the apostle of Christian charity in that age, the most humane "Las Casas," in favour of the oppressed Indians. But the invariable result of an exaggeration even of the most praiseworthy sentiments is to lead to error. Probably his pious heart, as in the case of many other well-intentioned persons, considered it a great good to separate the Africans from their cannibal feasts, and afford them the inexhaustible treasures and grace of the true religion. Perhaps, also, it was thought that the burning rays of the equatorial sun, reflected by immense plains of sand, could only be borne during severe labour by African constitutions. But this is certain, that if Spain in those days assisted to enslave the blacks, and if England solicited and obtained for herself for a long time a monopoly of this traffic under the title of Treaty, it was because they found slavery registered in the history of every ancient nation, sanctioned by the legislation of Rome, almost consecrated by that of the Hebrews, and renewed by the feudal laws; every mind, therefore, was familiarized with it, it excited no feelings of repugnance, and, far from considering it as a forbidden practice, they at most looked upon it as a condition unfortunately identified with the structure of society. In a word, the 15th century was not the 19th.

And what right has any one to inculcate the human race because it has not advanced more rapidly in the development of its understanding? Social knowledge, now within the reach of every one, was then a mystery which the most powerful minds could not decipher: what are now well-seasoned fruits were then only seeds, and the very errors we so condemn have served as the manure to which we are indebted for the perfect maturity in which we gather them. With as great right should we require of the child to reason like the old man, or of the tree to be covered with fruit in spring. Everything in creation is subject to seasons; everything runs through a scale of ages: this is one of the mysteries from which Providence has not been pleased to remove the veil which hides it from the eye of man.

These opinions will be rejected as blasphemies by that sect of fanatics, slaves to fashion, who, more to wear the livery of their idol than from their own conviction, hold that no curse is sufficiently deep for those who had the misfortune to take part in the initiation of the fatal African trade. But we, who boast of having sufficient courage to obey our own reason rather than any fashionable mania, condemn this trade with all the fervour of upright consciences, joined to the light of the knowledge of the age; but, considering the unavoidable absence of such knowledge at former periods, we do not call it a crime nor make any nation in particular responsible for it, since all were obliged to pay the necessary tribute to the common ignorance of the constitution of societies.

We even go farther: we invite admiration and praise such as we consider due to the nation and the Government which, rising above the times in the midst of the general darkness, guided solely by a feeling of perfect benevolence, although they erred, like every one else, in enslaving their equals, were the only ones to redeem their error, not only by shedding the comforts of pity and kindness upon the chains they imposed, but by declaring to the unfortunate creatures, treated by all else as beasts of burden, rights sanctioned by the legislature, which ennobled them and restored them to the rights of men. And the most remarkable fact is, that the nation on whose behalf we demand this satisfaction of justice, due to it for its extraordinary merit in the eye of humanity, for having distinguished itself in adopting the holy principles of compassion as the basis of its laws respecting slavery, is the Spanish, the most ferociously calumniated for its ignorance, and the cruelty it naturally begets. But how is a truth promulgated by the laws of so many centuries to be denied?

Spanish Legislation on Slavery.

One of the subjects to which the attention of the French Chambers of 1845 has been chiefly directed, has been the discussion of a law to serve as a preliminary or preparatory step to the emancipation of the black slaves of the colonies. During warm debates the ground has been defended inch by inch, on one side and the other, the garner-houses of wisdom and eloquence amassed in the reflecting minds of the members of that respectable body have been opened. The result of this amalgamation of ideas, brought forward in the strife of debate, has been a law, the principal points of which are as follows: 1st.

Fixed hours of work; 2nd. A grant to the slave of a certain period during the week to labour on his own account; 3rd. The right of the slave to the money earned during that period; 4th. The right to purchase his freedom with that money, under the condition of serving his master for five years after obtaining his liberty for a moderate stipend, to be fixed by law.

Among the most brilliant claims to immortality, and which has most efficaciously contributed to acquire for one of those illustrious and benevolent statesmen of which Great Britain is justly proud, the unfortunate Canning, the well-deserved title of the first champion of liberty in his time, was his collection of resolutions for preparing gradually the emancipation of the slaves, which were all rejected by the colonial legislatures. These comprised the abolition of Sunday markets, the admission of the evidence of a slave, the sanction of marriage between them, the abolition of taxes on manumission, the regulation of punishments, the establishment of savings' banks, the appointment of a protector of slaves, the prohibition of Sunday labour, the concession of property to slaves, compulsory manumission in a certain number of years.

In the meanwhile, the Spanish Legislation, in its *Recopil. de Indias*, tit. V, lib. 7, established the equality of free negroes and mulattoes with the Indians as regarded tribute; ordained that the free negro should always recognize some master to superintend his registry and to serve as a protector; declared that the preference was to be given to the fathers at the sale of the children of slaves; established the right of retaining property; ordered the tribunals to extend justice to those who requested their freedom, or a change of masters on proof of ill-treatment; prevented masters punishing them on this account, and appointed for these purposes their natural protector, the "Defender of Minors." Thus also in cap. 2 & 4 of the Synods of Lima, 1 & 8, the clergy were forbidden all lucrative traffic in negroes and negresses; they were also ordered to attend with evangelic anxiety to their religious instruction, and to threaten with penance all who might impede the exercise of sacerdotal ministration.

This comparison provokes a series of reflections which it is impossible to avoid. Is it not a wonderful phenomenon that the improvements in the condition of slaves just made by France, and which England attempted in vain but yesterday to establish, should be found decreed in a better form as a natural and daily practice by the Spanish laws of the 16th century? That by the reprobated light of the flames of the Inquisition, Spain should have given lessons of philanthropy to the France of Thiers and Guizot, to the England of Canning and Brougham! That the choicest system of liberal doctrines presented by France as the product of the seed sown by Rousseau and Voltaire, fertilized by half a century of blood, should have been published as laws, without show or noise, under the sombre despotism of Philip II, so often the object of the bitter sarcasms of those very Voltaire and Rousseau!

It is true that notwithstanding this, slaves were often the victims of culpable abuses, because of what would not the man be capable who would, by abusing liberty, convert it into licentiousness? But these excesses were not in the Spanish colonies, as in others, authorized by the laws, but were restrained and punished by them as soon as the sound of complaint was heard in their sanctuary, the door of which was ever open to receive it with compassion. And if there were masters who insulted humanity, those were more numerous who raised their slaves to their own level, with a familiarity perhaps deserving of punishment, or caressed them until they were spoiled with parental fondness.

Neither let it be supposed that, in presenting the laws of Spain as contrasted with those of other nations, it has been with a malicious pleasure of instituting odious comparisons; the only object has been to prove the different meaning of the word slavery in each country, since in some it supposes an absolute privation of every right, in others it does not exclude the possession of some and very important privileges, which, if they were not sufficient to put slaves on the same footing with those who already possessed them, at least did not leave them far behind free men of the lowest class in other countries.

Peruvian Legislation.

The revolution of Peru was an echo of the cry uttered by philosophic liberty on the banks of the Mississippi, thence repeated on the banks of the Seine, where it overthrew a throne of fourteen centuries. Thus the spirit of

liberty, received with that fanatical joy with which a young nation gives itself up to noble and generous feelings, presided over the progress of this revolution, and modelled it in every sense.

As was natural, one of the first objects upon which this philanthropic excitement fell was slavery, and upon examining it with its magnifying glass it recoiled at the sight of an exaggerated deformity which did not exist, and considered its first duty to be its amendment. Then was done for slavery more than ever was done before, even by those nations which boasted of being the most free.

It is altogether unnecessary to stop to prove that General San Martin, as the head of a foreign auxiliary army, sent to support the efforts which it was supposed would have been made, and undoubtedly were made, by the Peruvian patriots to obtain their independence, possessed no legislative power. The only manner of imparting an appearance of legitimacy, however slight, to his celebrated declarations of the 12th of August, 1821, and Decree of the 24th of November of the same year, proclaiming the freedom of children born of slaves, and of slaves brought from foreign countries, is to consider them as engines of war invented to combat the colossal power of Spain, fixed in our soil with the deep roots of three centuries.

These measures of circumstance, undoubtedly temporary, owing to the incurable viciousness of their origin, lost their existence, only to regain it with increased rank and stability by being incorporated in Article CLII of the Constitution of 1823.

The American Confederation, which can never be accused of backwardness or low ideas of liberty, since it is her first-born child among the nations of the present day, has never proclaimed the freedom of the children of slaves, but maintains them in a much more abject condition than that of the Spanish colonies. All these colonies, it is true, upon proclaiming their independence, made the same declaration as Peru. But none of them enclosed in their bosom so great a number of slaves, nor like her had the cultivation of the coast entrusted to their hands. To them the abolition of slavery was a trifling, an imperceptible loss, of no influence in the public wealth: to us it meant a perpetual neglect of our valuable estates on the coast, which would reduce very materially the national capital, and convert in a great measure into a dream the proverbial wealth of Peru. In our sister Republics, Buenos Ayres and Chile, for instance, it was only an act of ostentation and ebullition of liberality; in us it was a real and immense sacrifice of our fortunes, a colossal effort of heroic and perhaps mad generosity.

The legislators of 1823 well foresaw the successive languor of inactivity which their words would inflict upon our formerly flourishing agriculture; but whether they considered it imprudent to revoke the measure already adopted, or, which is more probable, nothing appeared costly to the virgin fervour of their republican faith, they did not hesitate an instant in offering the huge hecatomb on the altars of liberty; they saw the Gulf of Curtius open, and they filled it with our treasures. Seldom has a nation given so brilliant an example of generous self-denial: we commence our career by giving to our masters of the North themselves lessons of exaggerated philanthropy, which they have had, and will have the prudence not to follow.

The Decree alluded to, of the 24th of November, also provides most minutely for the maintenance, clothing, religious education, and bringing up to some trade of the freed men, imposing these duties in the several points upon the masters of the fathers, and giving them in return nothing beyond their services up to the early age of twenty for girls and twenty-four for men, at which period they are to obtain their liberty. Nothing, therefore, was left to be desired as a measure preparatory to emancipation; and if any one has reason to complain, it is, assuredly, the owner who saw that at the appointed age his property escaped from his hands without the word "indemnification" being pronounced.

But even these great benefits did not suffice to satisfy the ardent thirst of benevolence in favour of the slaves awakened by the independence of Peru. The Decrees of the 13th of May, 1822, the 19th of November, 1825, and of December, 1826, allow the freedom of such as have distinguished themselves by their courage on the field of battle against the enemies of the independence; of those belonging to Spaniards or to Americans who have emigrated

to the Peninsula; of those who should be invalided from the army or obtain their final discharge; of those who had been prevented by their masters from entering the militia; and the authorities were charged not to assist those masters who attempted to recover their control over those who had legally obtained their liberty.

The only want in this respect which could be observed was fully and satisfactorily supplied by the "Regulations of Country Estates," published on the 14th of October, 1825. The labour is during the day divided into equal parts, with some hours for rest and food, and must end on the estates at six in the evening, and at latest at eight at night, in the boiling-houses on the cane estates.

Feast-days are exempted from all labour, except such as is required for cleaning the houses and offices, and in case of any other being indispensable, leave must be obtained from the curate, and the master will pay the slave a daily allowance, the same as to a free man.

Punishment is confined to twelve lashes, a much smaller number than is allowed to be applied to the soldiers and sailors of the freest nation of the world—Great Britain; and even from this small number are exempted maids of fourteen, married women, old men, and those who have grown up children. Crimes committed by slaves are to be tried by the ordinary laws by the Judge of the place. The food is to consist of two rations of beans and maize flour; rice and meat in certain cases. It is a duty to clothe them once a year, and to furnish them with shelter for sleeping, and assistance in hospitals or sick-wards at the expense of the owner. They are forbidden the use of arms, or to go from one estate to another; and to enable them to enter the towns they must carry a ticket from their master. The hours of evening are to be dedicated to the study of the sacred laws of our religion. A Commissary is appointed in each valley, who goes from one estate to another to watch over the exact fulfilment of these benevolent regulations.

While the anxiety for protecting the slave showed itself thus indefatigable and unwearied, the injured rights of property lay abandoned in utter neglect, and only obtained three passing mementoes, due, without doubt, to the pangs of remorse awakened by the reiterated attacks of which it was the daily prey, and by the increasing disorders they brought with them. These mementoes were the Decrees of the 10th of October, 1822, 19th of April, 1825, and 6th of April, 1826. The first prohibits the slaves of private properties being dedicated to public works; the second, that a short service in the army should not be considered as sufficient to entitle a slave to leave his master; the third imposes the penalty of double day's work upon those who retain, conceal, or make use of another person's slave.

But these drops of balsam, although useful, were not sufficient to heal such deep wounds as agricultural industry had received. The slave population had very greatly diminished, and its waste had left many estates deserted and idle, or in some places had reduced the products so as not to cover the expenses; that is to say, it was a slow and gradual decay, which must infallibly in the end devour the capital. The means of replacing this want, which had at first been considered real and sufficient, had been shown by time to be the dreams of heated imaginations—illusory projects of very difficult or tardy realisation. The storms of Cape Horn, and those which continually gather upon our horizon—political revolutions—had frightened the immigration of Europe, and had prevented it even from making its appearance on our soil; the descents of the Indians from the mountains into the valleys paralysed it, as did also to a certain point a reasonable fear of the diseases which generally attack foreigners on their arrival, although they are frequently produced more by irregularity or imprudent conduct than by the insalubrity of the climate; a day's labour was not to be obtained from the free inhabitants of the coast except at an enormous price, and in a very small proportion to the necessities. Everything conspired to prove that the hope of replacing the arms that had been lost was entirely chimerical; and, nevertheless, this wretched and desperate state was considered as happy compared with that which would ensue from the emancipation of the young slaves at the early period fixed by the inconsiderate Decree in question. This dreaded blow was looked upon as mortal to the agricultural interest; there was then to be no remedy; it would then be necessary to bid adieu for ever to the cultivation of the valleys; to

declare useless the fertility with which nature had blessed them; to destroy the prodigality with which Providence had enclosed in their bosom the nutritious substances of the sugar-cane, the vine, the olive, and those other plants with which we are under the obligation of overflowing the markets of the Pacific.

However great might have been the patience which the landed proprietors of the coast had collected to bear in silence the costly and unnecessary sacrifices which their enthusiastic devotion to the cause of liberty had received as a recompense, it became exhausted at the approach of their ruin, and at the destruction of the brilliant prospects to which they felt themselves entitled. The close approach and serious character of the evil restored to their mute lips the power of speech, as the impending death of the author of his days did to the son of Croesus. They chose as their interpreter in their distress the most eloquent pen which Peru has produced, and it justified the honourable confidence placed in its vigorous energy. With the courageous strokes of a master-hand it traced the picture of the failing agriculture; the injustice and ingratitude with which it had been dragged to the brink of the grave; the perils with which premature emancipation, besides overwhelming it, threatened society, already shaken to its foundations by the feverish excitement naturally produced by the revolution. The treasures of experience amassed by the discussion of similar questions—the measured prudence of the parliamentary oratory of the nations, the champions of the abolition of slavery, corroborated these mournful prophecies of Cassandra. He concluded his task—not like an empiric, who enjoys the barbarous pleasure of exaggerating disease without allowing the remedy to be known, but like a skilful physician he pointed out the cure to consist in a temporary prorogation of emancipation, and in the free opening of our ports to the sole effective and immediate immigration, that of the slaves of the neighbouring countries, whose position, instead of being made worse, would derive positive and important advantages in the change of climate, and in the humane and kind treatment they would receive from Peruvian masters.

This cry of justice, although so worthy of being heard from its matter, its form, and the rank of those who raised it, resounded in the sanctuary of the National Convention of 1834, and, notwithstanding that there were enlisted in its favour the sympathies of many of the members, who well understood that this was no question of mean interest of a few private persons, but one so vital that the public wealth was in a great measure identified with it, it was nevertheless neglected, because, unfortunately, the rule of the darkening Utopia of extemporaneous and superlative liberalism adopted as a sacred law by republican frenzy was still irresistible. The Convention adopted the constitutional article which declared free all slaves brought from foreign countries, and remained inflexible as regarded the period of emancipation.

But lessons of warning are never lost. If at the first attack the wall is not overthrown, they imperceptibly mine and loosen the foundation; and even when it is thought strongest, it falls to the ground without requiring a fresh exercise of force. Thus it befell the present case.

The landed proprietors did not dare to breathe again, dismayed by the futility of their attempt at satisfaction from the National Convention. But the truths they had uttered were gathered by some of our reflecting heads, who revolved them in silence and meditation, combining the study of things with that of ideas, until they not only understood, but became familiar with both. Some of these Chiefs were in the Congress of Huancayo, the target of biting and undeserved calumnies, and, fortunately, they proved by their conduct that Peru was not wanting in practical statesmen who were not unacquainted with what is plain truth in more civilized nations, that legislators are not declaiming philosophers, who write copious theories to intoxicate their readers, but fully aware of what are the interests of nations, and considering those, if not as the pole-star of their march, at least as the first element in the compilation of the laws they were to make; thus moulding and modifying the principles they learnt in their colleges, not as objects of ostentation, but of practical application, to become the instruments of felicity to those they govern, not of despair. Under this judicious view, they bore in mind the fruitless lamentations of the agriculturists to the Convention, and amended the errors of their want of reflection, by suppressing the article which closed the gates of the Peruvian territory to slaves from other parts of the Continent; and by issuing a law, on

the 24th of December, 1839, deferring emancipation to the age of fifty, a period the reflecting qualities of which would save the public morals from the dangers to which they would be exposed by the precocious irruption of a considerable number of youths, of passions unbridled and unrestrained by the stimulus of honour and moderation, the fruits of education in the higher classes. The forgotten interests of agriculture were thus consulted by the longer servitude of the few hands it yet retained, and the hope of replacing in some measure those which were lost—and this advantage was obtained without offending humanity by the revival of the odious African trade, or defrauding the freed men of their rights, since, besides renewing the care of their education, an allowance of a dollar a-week was made to them after the age of twenty-five. Agriculture rose from its couch of pain, on which it was expiring, breathed again, and blessed the enlightened justice of the Congress of Huancayo, the first to which it was indebted for a look of compassion.

Influence of Manners in favour of Slaves.

But of what use are laws if they are not carried into execution? Yes; it is true that the part which favours the masters is but seldom carried out, but that which benefits the slave is not only fulfilled, but with prodigality. Is a demand for freedom made? It does not matter that not even a shadow of legal right supports it. The most frivolous pretext, the most ridiculous complaint suffices for it to be heard. Liberty! This is a magic word which hardly strikes upon the ear of our forensic army than it moves their compassionate hearts, disturbs their brain, and unites them in a compact and well-disciplined phalanx against the wicked master who commits the crime of possessing slaves. Does he dream of alleging rights? he is a kind of Paria, to whom none belong! At length, satiated with insults, overwhelmed with abuse, wearied with useless measures and expense, he surrenders at discretion and contents himself with whatever they choose to give him, because it would be worse to lose all. Generally speaking, the value of the day's work stolen from the master is sufficient to pay the fine; and if occasionally some few are so happy as to recover their slave, they owe it to the treachery of the hungry protector, who has devoured the labour of which the master has been robbed, and which the foolish slave had deposited in his faithless hands.

This is no exaggerated picture, but the true history of the attacks upon property which the tribunals, carried away by their feelings, authorise daily. It is true that the slaves do not always gain by them, but the masters invariably lose. Thus it happens, that the most obstinate masters, panicstruck by the pecuniary loss caused by such examples, and by the fatal demoralization they produce, not only protect, but even flatter their slaves; and the ephemeral authority they exercise, far from degenerating into oppression, is well rewarded if it conciliates the attainment of a measured obedience.

And, assuredly, it is not the Peruvian master who deserves to suffer this judicial opposition. In the towns the little negro or negress grows up sporting with the children of the owner, partakes of their food and their feasts, claims their rights, goes to school and studies in their company; when grown up, they live in a certain familiarity with the companions of their childhood, and generally are favourites of the parents, who have naturally acquired for them an affection but little less than that they entertain for their own children, particularly in the case of ladies, who have commonly more compassionate and sensitive hearts. As a natural consequence, the remainder of their life is passed in comfort; they enjoy appliances much above their class, and in many instances very improper luxuries. What is more common than to meet in the streets of Lima slaves with rich silk stockings, satin shoes, embroidered shawls, and even valuable jewels?

The slaves employed in the country are no less happy, in proportion to their manner of life. The regulations prescribe ten hours of work, but in most of the estates and plantations they would be very glad to get eight. Generally the work is done by tasks, that is to say, by assigning to each slave the piece of land he is to cultivate. It frequently happens that the industrious and active slave gets through his task very early, and requests a second, sometimes even a third, for each of which he receives the pay of a free man. Generally the underwood is given to them in order for them to cut wood in their hours

of leisure, which they carry for sale to the neighbouring villages; some take grass, baskets, and other trifles, which always find purchasers. Some plant ground which is given to them—all rear fowls, pigs, and other domesticated animals, which they maintain with the grain of the master, whose generosity allows them to take it freely. The product of these small branches of industry, joined to the Sunday present, puts them always in the way of possessing some money, which the economical among them go on accumulating to purchase their liberty with, but which the greater part dedicate from choice to acquire the enjoyment of better clothing and food, to buy horses which they keep on the estate at the expense of the owner, and, above all, to satisfy the insatiable thirst of strong liquors, which in every part of the world is the chief happiness of the lowest class of the human race. Let the declaimers against slavery approach on a feast-day the shops in the vicinity of the gates where the favourite drink is sold, and they will see crowds of negroes and negresses, dressed the former in cloth or drill, the latter in calicoes or muslins, their heads covered with hats of the value of three or four dollars, all mounted on donkeys or horses, and let him say whether those dresses, and the deafening shouts of laughter (inspired by their darling liquor), which resound everywhere, are symptoms of misery or misfortune. On a birth-day, a baptism, or a marriage, there will be found in the negro huts a rude banquet, at which are devoured eggs, fowls, pork or mutton, fish of different kinds, accompanied by good wheaten bread, and washed with copious draughts of excellent "Aguardiente de Pisco." Let there be brought to witness this one of those Irishmen who go through life without their palates having been regaled with other flavours than those of the sickly buttermilk, or the scarcer potato, gained by the sweat of twelve or fourteen hours of unceasing toil, and let him say whether our negroes are unhappy! Which would they prefer—their hungry nominal liberty, or our much calumniated slavery? Nor is it by any means a rare occurrence that the slaves disdain to break the chains considered to be so heavy, even when they possess the means of doing so. Negro huts have been entered by freebooters in our civil wars, which have yielded a booty of not less than 15,000 dollars, the proprietors of which had never dreamed of applying them to the purchase of a liberty they wanted not. Many times have the freebooters themselves offered them their freedom, with no other labour than that of joining their expeditions; and, far from accepting it, they have fled in haste from the society of their dangerous protectors. Here many pettish doctors will exclaim, "Where could we go for a more melancholy proof of the shameless degradation of the human race which slavery produces?" But reflecting minds, accustomed to investigate the secrets of the human heart, will consider such a denial as an unequivocal proof of a real welfare, which speaks more eloquently than the metaphysical chattering of its opponents.

There is yet another class of slaves who exceed in well-doing those employed in household service, or in the country, viz., those who do daily work. These pay to the owners a moderate daily sum, on the strength of which they live at their expense, but dedicated to the craft they themselves prefer. The men are generally water-carriers or street-porters; the women, washerwomen or cooks. They all earn sufficient to pay their daily rate, and to live surrounded by every comfort they desire—many earn more than two dollars a day. Three or four thousand francs a year! Anxious object of the ambition of many a French shopkeeper, only obtained by one or other fortunate man as the consolation of his old age, the reward of assiduous labour and cultivated intelligence! And this is gained easily by the degraded slaves of Peru, with only a rude labour of six or eight hours a day, and that when they choose, sleeping at night soundly on a soft mattress, after filling their stomach with succulent and savoury food; while to the labourer in the manufactories of the rich and free England, fourteen to sixteen hours of deadly labour, for which his unsavoury and weak soup does not give him strength, and the sleep he is scarcely permitted to take is quite insufficient, is worth one shilling! And are these happy because they are told they are free, and the others for ever cursed because they bear the name of "slaves," of which, perhaps, they are never reminded?

Right of property and of compulsory freedom, limitation of labour and punishment, religious and industrial education, liberty of the children, protection of the tribunals (this by law by custom) a decent and even luxurious

dress, abundant and agreeable food, permission to work on their own account, caresses and even preference of their masters, this is the meaning of the word slavery in Peru. While in the English Antilles and in the French, in the North American States and in Brazil, it means the entire absence of those rights—non-existence of all those enjoyments.

It can well be understood that such a state, in truth forlorn, could be and ought to have been the fuel to light the flame in the noble and generous hearts of those countries against so unjust and degrading an oppression, and should loose their tongues that they might protest in thunder against such reprobated abuses, and in favour of the dignity of man, trampled upon with impunity. But that those noble sentiments, although exaggerated in proportion to the misfortune they combated, should by a false imitation be applied to the harmless Peruvian slavery, so different from the one in question, solely because it also is called slavery, is besides injustice a ridiculous parody.

Present State of Peruvian Legislation respecting the Introduction of Slaves.

The Decree of the 24th of November, 1821, issued by General San Martin, has been already stated to have been, from the illegality of its origin, and from the circumstances which inspired it, merely one of the time, and like all laws of this character, was buried in the permanent law upon the same subject, sprung from the first representation which considered it; this law was the Article CLII of the Constitution of 1823. From the day of the publication of this first Peruvian fundamental agreement, if all slaves brought from abroad became free, it was solely in virtue, not of the Decree, which did not exist, but of the Article in question substituted for it, which was handed down in inheritance to the Constitutions of 1827 and 1834. But as the suppression of this Article was ordained by the Constitution of Huancayo, the only law which forbade the introduction of slaves into the Republic was erased; and as the same Charter authorises every citizen to perform any act not forbidden by the laws, no one will deny the unquestionable right which the promulgation of the Constitution of Huancayo gives to every Peruvian to import slaves into our territory.

Neither does any international difficulty interfere with this right. Peru has not as yet concluded the Treaty of the abolition of the African traffic, which Great Britain endeavours to impose upon all nations. It is true that in a treaty of commerce with the Peru-Bolivian Confederation is found an Article in which both nations offer mutually to contribute to the extinction of the trade. But between this offer and an express pledge to effect the abolition of the trade, there is a notable difference—because the pledge would impose a perfect obligation, while the offer merely supposes a voluntary co-operation, more or less extended. The best proof of the correctness of this understanding, is, that the Cabinet of Saint James has shown that it coincides in it, by soliciting repeatedly, and without effect, through its representative in Peru, the conclusion of a Treaty of abolition, which it would have considered superfluous, if Peru had been already pledged to the extinction of the traffic, which is the sole object of the Treaty.

The same Cabinet has also shown, with unquestionable proofs of fact, that it does not consider the Treaty of Commerce with the Confederation in which the Article containing the offer is found, to be in force. This proof is, that it stipulated, on the 20th of September, 1840, for a fresh Treaty of Commerce with Bolivia, which formed a portion of the Confederation. When it judged necessary a new Treaty with one of the parts of the Confederation, it was because it considered the Treaty concluded with the whole as null and void for Bolivia, and therefore has itself declared that it cannot be in force as regards Peru, which is the other integral part of the whole, which does not exist. Reasons abound in support of these truths, but they are omitted because those already cited leave it beyond a doubt that in the opinion of Great Britain herself the Article in question does not impose upon Peru a perfect obligation of abolishing the Slave Trade, and that the Treaty with the Confederation is null *de jure* and *de facto*.

On the 18th of October, 1825, was concluded the Treaty of Abolition between England and Brazil, and by Article I the latter reserved to itself the right of importing all the slaves it could from Africa during four years.

In the years 1839 and 1840 was concluded the same Treaty with the Ecuador, the Slave Trade being declared absolutely extinct; but upon its approval by the Ecuatorian Chambers, they decreed the modification, to the effect that the Ecuador should remain authorized to import slaves from the American Continent. The English Government at first refused to ratify this modification, giving as its reason, not that it thought the measure in itself to be reprobated, but that it might serve as a veil to cover the continuation of the African Trade, by slaving-vessels carrying their cargoes to different ports of the American Continent, and thence importing them into the Ecuador. The question thus remained in *statu quo* for some time, but latterly Mr. W. Cope, the British Chargé d'Affaires, informed the Government of the Ecuador officially, that he had received express instructions from the Earl of Aberdeen to conclude the additional Treaty. It was, therefore, concluded and granted to the Ecuador the right of introducing the slaves who were there as such at the date of the conclusion of the additional Treaty.

The condescension of Great Britain in the two Treaties with Brazil and the Ecuador reveals two very important facts:—1st. That the zeal of England is limited to obtaining the triumph of the great question of humanity, that free men should not be converted into slaves, but that she regards nothing that does not affect that question, nor does she care whether those who are already slaves are to live in such or such a place; and consequently, that they may be removed from one point to another, particularly when the convenience of any nation may require it. 2nd. That such is the respect she affords to public convenience, that to benefit it she does not hesitate in turning aside from her purpose, as she has done in favour of Brazil, infringing for a time her primary principle of the abolition of the African trade, and tolerating its prorogation for a fixed period.

We have already said, that the large number of slaves which were consumed by the war of Independence, those who became free in consequence of it, those who have been and are daily set at liberty by the liberal protection of the tribunals, has considerably diminished slavery in our country, and the want of it causes many of our estates and plantations to be entirely abandoned; others to be badly worked from an insufficiency of hands, and threatened with seeing themselves condemned within a short time to the same fate as their predecessors.

At the commencement of our Independence we flattered ourselves with the cheering hope that the superabundant population of Europe would land on our shores, and cover them with crowds of labourers more industrious and intelligent than slaves, and who would supply with interest the vacancies they had left. But for twenty-three years we have uselessly waited, and the first is yet to arrive. How fatally we have been deceived has been shown to us by the more exact information regarding these matters, for which we are indebted to our intercourse with foreign nations. They have made us understand that we cannot reckon upon a voluntary immigration such as rushes to the United States, on account of our distance from Europe, of the expense of the voyage, and to their being on our coast no uncultivated land wherewith to reward, as in North America, the sacrifices made by the colonists in their costly and lengthened passage. There was, therefore, no other probable means of obtaining it, than by contracts between the landed proprietors and merchants, who would pledge themselves to bring a certain number, necessarily not a small one, that the speculation might ensure profits. All this requires considerable advances, which supposes in the agriculturists a quantity of idle capital, which is not the case on account of this very debasement of agriculture. But even supposing this first insuperable obstacle to be conquered, who would guarantee that peaceful men would desert their country in search of the conditions of a not very profitable contract, the very fulfilment of which would appear to them precarious on account of the perpetual agitations which have become an endemic disease of our climate?

But let us consider them already among us. Would free white men choose to labour side by side with black slaves? Would they divest themselves of the prejudices of colour in a country in which those prejudices are in full force? Would not the very consideration and respect which the negroes, their companions (accustomed to call "Master" every white man), would show them, render their lot unbearable? Would not the prospect of the greater advantages

which the neighbouring towns would offer to their race and their skill, increase their natural repugnance? Would it not make them untractable and difficult to govern? And would not this insubordination weary the masters of violent and dissatisfied colonists, and cause them to consider the granting them permission to annul their contracts, although at the price of suffering the loss of great outlay (a loss which would be the death-blow to their attenuated fortunes) as preferable to a continual quarrel? The dread of these contingencies is what has deterred the landed proprietors from attempting such undertakings.

Even more difficult is the descent of the Indians from the mountains to the coast. Were they less imprudent in the use of fruits and strong liquors, we believe that the attacks of fever and ague, dysentery and sun-stroke, which assail them on their arrival from the interior, would be less frequent. But the fact is that they do suffer from them; that the little care of the hospitals renders these diseases deadly to the greater part of them; and that their ignorance attributes them, not to their excesses but to a climate uncongenial to their constitutions. From hence arises the pardonable horror with which they view the coast, a dread which prevents them from settling there, notwithstanding the seductive temptation of the increased wages they earn. Thus it is that neither the active excitement of avarice nor the anxious care of the landed proprietors has been sufficient to overcome their repugnance, except in a few places in the south, to which they are occasionally brought in small numbers, and during the stated period of twenty days, which they call "mita," at the termination of which they return in haste to their rugged mountains. And what has been the fruit of this erratic labour? a small amount of produce, the cost of which is double and treble that cultivated by slaves in the north.

We do not deny that these prejudices of the Indians against the coast, firmly rooted as they may be, may go on gradually yielding to such incentives as exemption from military service, from payment of tribute, and others of the same nature, which a careful Government, seriously concerned in the fomentation of the national riches, would hold out to attract them. But even this result will not be immediate, but tardy and partial.

And is the succour of our expiring agriculture to be confided to a measure so gradual, that immigration from Europe would almost be more prompt in its effects? Shall the mortal disease of the present hour entertain no greater expectations of cure than medicines which cannot be counted upon until to-morrow, and that to-morrow so vague and uncertain? When that morrow shall arrive, if it ever does, is it not probable that the wretched remains of capital which now exist will have been entirely dissipated? That then it will not be a sick man to be healed, but a corpse to bring to life? And who will then venture to boast of possessing the divine word, to say to this new Lazarus, "Arise and walk?"

When Brazil concluded her Treaty of Abolition, she already possessed an immense supply of slaves, which she continued to increase through the same Trade; and Peru during a quarter of a century has not given a single reinforcement to the great decrease, which has diminished the number to less than she possessed at the time of the Independence. The Ecuador, before her Treaty, was not in the habit of cultivating her fields with slaves; those fields, more fertile from their excessive moisture, and assisted by the powerful action of the equinoctial sun, found sufficient assistance from free hands, already accustomed to limited labours of this nature. Nevertheless, the latter has obtained from the reflecting benevolence of Great Britain her consent to the introduction of slaves from New Granada; and the former much more, even the contradiction of her own favourite principle, the abolition of the horrible traffic. And shall everything be denied to the necessities of the agriculture of Peru, because they are much more urgent and peremptory? Shall the wisdom and prudent discretion of that reflecting nation show a deaf ear to her clamours alone, just as they are?

He who asserts this but little knows the spirit of severe and impartial justice which rules the councils of Saint James. England has solicited the Treaty of Abolition from other Powers, because it is only in the perfect right which springs from such agreements that she finds foundation for interfering in the exercise of the traffic which they have mutually pledged themselves to extinguish. And as Peru has pledged itself to nothing, she would see with

pain, but without violating any engagements, that her flag carried on so detestable a commerce. If Peru were capable of doing this, England would not hesitate in buying the extinction of the trade from her, as from Brazil, at the price of a limited term of prorogation, were such required.

But Peru, without requiring lessons of philanthropy from abroad, has never dreamed of committing such an offence: thus it is that a proposal for the revival of the trade, which was made a few years ago to the Council of State, under the expectation of the respect which the English Government would pay to the Peruvian flag unbound by any Treaty of Abolition, was unanimously rejected. But that body did not think it necessary to visit with equal severity another petition confined to obtaining the importation of slaves from other parts of the continent; and, as the installation of the Congress was near at hand, it did not choose to determine itself, but left it to the wisdom of the national Representation, only reminding it of the wants of our failing agriculture.

Stimulated by this suggestion, the Chambers of Senators approved a project of a law presented by one of its body, the object of which was to authorise that importation, modified by the necessity of presenting authenticated proofs of the persons to be imported being really slaves, and softened besides by the provision that their children should enjoy all the beneficial care which our present philosophic laws award them. The numerous duties which absorbed the time of the Chamber of Deputies left no space for the reconsideration of this project, and this fatal obstacle prevented its being raised to the rank of a law.

The imperious dictates of necessity compelled fifty-three of the most respectable landed proprietors to implore the Executive to fulfil the show of compassion which the national Representation was on the point of giving them. This was submitted to the Council of State; and after a mature examination, induced by the enlightened and deliberate report of the Commission, this body has declared its opinion that this consolation ought not to be denied to the state of despair in which the meritorious agricultural class is plunged.

The slaves whose importation would be possible, are those of Brazil and of New Granada. In Brazil there is no liberty of the children of slaves, there is no right of property, there is no compulsory emancipation; in a word, there are no rights—nothing but unrelenting lashes, which force them even to drag carts through the streets like beasts of burthen. In New Granada they labour eight or ten hours a day in the gold washings, with water to the knees under a raging sun, and on many estates with a muzzle to prevent them from swallowing the gold. Their only food is ten or twelve plantains a day. Thus the slave of Chocó, to eat something more than plantain, eats lizards, rats, and even part of the snakes. And in exchanging this odious existence for the comfortable, easy, and even comparatively opulent life of the slaves of Peru, would any offence be committed against humanity? And would it not be a boon to substitute the acquisition of such numerous and precious gifts as our Legislature affords for the humiliating, vexatious, and barbarous oppression of those countries?

We have thus shown that our domestic laws do not forbid such a measure, nor are our foreign relations pledged to oppose it. On the contrary, the friendly concessions of the English Cabinet on this subject to the Ecuador and the empire of Brazil, are motives for inspiring the most favourable expectations of its acquiescence. There is, therefore, no objection to be made, there is no impediment to its adoption; and, in the meantime, the reasons we have emitted show with the irresistible logic of facts that upon it, and it alone, depends whether there shall be agriculture in Peru:—a question of greater moment than it may be thought by foolish dreamers in a country possessing no national commerce, and whose mining industry, its original pursuit, unfortunately suffers a visible decay, owing to the extraordinary rise in the price of quicksilver.

And let it not be believed that the benefits to be derived from the concession now solicited are of small amount. 1000 slaves would suffice for the cultivation of five sugar estates, each of which would leave a clear annual return of 30,000 dollars, more or less. If the importation of slaves were to reach 4000, which is very possible, they would give 600,000 dollars a year, which in ten years would be 6,000,000, and in twenty 12,000,000. And which of the present branches of industry is capable of increasing the national capital by so considerable a sum? Which of the enemies of the landed proprietors encloses

in his brain a project equally lucrative as a substitute? And how then have they the courage to oppose themselves to so great a good which they cannot do? Do they well comprehend all the great enterprises which the manure of the numerous capitals would bring forth, into which would be divided so great a sum in a country whose abundant elements of wealth are now in a state of mortal lethargy only from the want of capital? And is so enchanting a prospect to be resigned merely for the sake of flattering an exotic and distorted ultra-liberalism?

Enclosure 3 in No. 70.

Mr. Adams to the Peruvian Minister.

Lima, February 3, 1846.

THE Undersigned, Her Britannic Majesty's Chargé d'Affaires, has had the honour to receive the note which his Excellency Señor Don Jozé G. Paz Soldan, Peruvian Minister for Foreign Affairs, addressed to him on the 19th ultimo, and has read with the greatest attention the very able memoir on slavery transmitted therewith.

The Undersigned admires the clear arrangement and lucid statements of that document, and adds his willing testimony to the general good treatment of the slave population in Peru, and acquiescence in the eloquent argument of the memoir, that slavery presents a very different aspect in Peru from that which he has witnessed in the Empire of Brazil and in the United States: yet did this document bear the stamp of the official authority of the Peruvian Government, it might have been his duty to question some of its assertions on diplomatic points, and to express his dissent from some of its conclusions.

The Undersigned will have great satisfaction in submitting the memoir to the consideration of her Majesty's Government; and it is only with reference to the latter clauses of his Excellency's note that he finds it his duty to reproduce the arguments contained in his notes of the 12th of June and of the 15th of July, which notes have since received the entire approval of his Government.

The Undersigned, &c.

His Excellency Señor Don Jozé G. Paz Soldan,
&c.

(Signed)

WM. PITT ADAMS.

No. 71.

Acting Consul-General Barton to the Earl of Aberdeen.

My Lord,

Lima, June 11, 1846.

(Received August 6.)

I HAVE the honour to inform your Lordship that some reports have come to my knowledge, that a resident in this city and a lieutenant-colonel in the Peruvian army have made, or are endeavouring to make, a Treaty with parties in "Chocó," for the purchase of about 200 slaves to be imported into Peru. I understand the purchase has not yet been concluded, as the slaves could not be embarked without the consent of the New Granadian Government (which has not yet been obtained).

I shall use my utmost endeavours to procure every information on this subject, as it appears to me that, should slaves be introduced into Peru, it would be in direct violation of Article XIV of the Treaty with the Peru-Bolivian Confederation.

I have, &c.

(Signed)

JOHN BARTON.

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

No. 72.

*Acting Consul-General Barton to Viscount Palmerston.**Lima, September 11, 1846.**(Received November 5.)*

My Lord,

HAVING received from Mr. Consul Perry at Panamá, positive information that a Peruvian brig called the "*Tres Amigos*" was on the 23rd of last month lying at that port with a cargo of slaves, about 180, on board ready for sea, with the intention of introducing said slaves into Peru, in open violation of Article XIV of the Treaty between Her Majesty and this country, I have considered it my imperative duty to address the Peruvian Minister of Foreign Affairs on this subject, in accordance with the latest instructions from the Foreign Office, contained in the Earl of Aberdeen's despatch* of last year, addressed to Mr. Adams, wherein is expressed the determination of Her Majesty's Government to maintain that Treaty's validity; and I have now the honour to transmit to your Lordship copy of a note which I addressed to Señor Paz Soldan on the 9th instant, to which no reply has yet been given.

I have, &c.

(Signed) JOHN BARTON.

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

&c.

&c.

&c.

Enclosure in No. 72.

*Acting Consul-General Barton to the Peruvian Minister.**Lima, September 9, 1846.*

THE Undersigned, Her Britannic Majesty's Acting Consul-General, has the honour to inform his Excellency the Peruvian Minister for Foreign Affairs, that he has received positive information that a Peruvian brig, called the "*Tres Amigos*," was on the 23rd of August last ready to sail from the Port of Panamá with a cargo of slaves, about 180, bound to some port of Peru.

According to Article XIV of the Treaty of Amity, Commerce, and Navigation, between Her Britannic Majesty and Peru, all citizens of Peru are prohibited from taking share in such trade; and the Undersigned feels perfectly assured, that on receipt of this information his Excellency the Peruvian Minister for Foreign Affairs will take every necessary precaution to prevent the introduction of the aforesaid slaves into the Peruvian territory.

A person connected with the expedition having landed at Casma from the steamer "*Ecuador*" on her way up from Panamá, that may naturally be inferred the port of the brig's ultimate destination.

The Undersigned, &c.

(Signed) JOHN BARTON.

His Excellency the Peruvian Minister,

&c.

&c.

No. 73.

Viscount Palmerston to Acting Consul-General Barton.

Sir,

Foreign Office, December 10, 1846.

I HAVE received your despatch, marked Slave Trade, of the 11th of September last, enclosing a copy of a note, dated the 9th of that month, which you had addressed to the Peruvian Minister for Foreign Affairs, calling his attention to an importation of slaves which you had received intelligence was about to take place from New Granada into Peru, and urging him to prevent their introduction into the Peruvian territory.

I have the satisfaction of acquainting you that I approve of the note in question; and I transmit to you herewith, for your information, a copy of a

* Not a Slave Trade despatch.

correspondence which has passed with Her Majesty's Consul at Panamá together with copies of instructions which I have issued to Her Majesty's Chargé d'Affaires at Bogotá upon this subject.

John Barton, Esq.
&c. &c.

I am, &c.
(Signed) PALMERSTON.

Enclosures in No. 73.

1. *Consul Perry to the Earl of Aberdeen, August 20, 1846.*
2. *Viscount Palmerston to Mr. O'Leary, October 22, 1846.*
3. *Viscount Palmerston to Mr. Perry, October 22, 1846.*
4. *Consul Perry to Viscount Palmerston, September 20, 1846.*
5. *Viscount Palmerston to Mr. O'Leary, December 7, 1846.*

[See Nos. 62, 56, 63, 64, and 58, pp. 89, 84, 91, and 85.]

UNITED STATES.

No. 74.

*The Earl of Aberdeen to Mr. M' Lane.**Foreign Office, January 14, 1846.*

THE Undersigned, &c., has the honour to refer Mr. M' Lane, &c., to a correspondence which took place some time ago between Mr. M' Lane's predecessor and the Undersigned, on the subject of a complaint on the part of the Government of the United States against the conduct of Lieutenant Matson, of Her Majesty's ship "Waterwitch," with respect to the American vessel "*John A. Robb*," the complaint being that Lieutenant Matson had forcibly removed from that vessel one of the ship's company, named Peter Hutchinson. The last communications upon this subject were a note from the Undersigned to Mr. Everett, dated the 3rd of July, 1843, and Mr. Everett's reply dated the 31st of August following.

The Undersigned, in his note above referred to, described succinctly the facts and circumstances of this case as they had been reported to Her Majesty's Government, and he transmitted therewith, for Mr. Everett's fuller information, an extract of the report which had been received from Lieutenant Matson, contained in a letter to Rear-Admiral the Hon. Josceline Percy, so far as that report related to the act which formed the subject of Mr. Everett's complaint; at the same time expressing his opinion that under the circumstances therein stated, and stated, as Her Majesty's Government had reason to believe, with perfect accuracy, Her Majesty's Government could not admit that there was any just ground for the charge against Lieutenant Matson of having forcibly taken Hutchinson from on board the "*John A. Robb*;" and adding that they therefore felt that they could not disavow the act of that officer, as had been requested by Mr. Everett, to whose Government that act, and indeed the whole conduct of Lieutenant Matson in his intercourse with the "*John A. Robb*;" had been, in the opinion of Her Majesty's Government, inaccurately and very unfairly represented.

Mr. Everett, in his reply, observed that when first he addressed the Undersigned on this subject, in his note of the 19th of September, 1842, he was under the impression that the first boarding of the "*John A. Robb*" on the 27th of March, 1842, by an armed party from the "Waterwitch," had reference, in common with all the subsequent proceedings complained of, to the removal of the seaman Peter Hutchinson; but that he had since learned that the act of boarding and taking possession of the American vessel on the 27th had no connection with the removal of Hutchinson; that in the extract from Lieutenant Matson's report, which had been communicated to him, no explanation was given of the previous transactions, and that he was left at a loss for the motives of such proceedings; and he doubted not, therefore, that the Undersigned would agree with him that an explanation of this part of the conduct of Lieutenant Matson was justly due to the Government of the United States; and that if it should appear that forcible possession was taken of an American vessel by that officer, it would be deemed by Her Majesty's Government an offence of more than ordinary aggravation.

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Mr. Everett then entered at considerable length into a restatement of the case of the seaman Hutchinson according to his view of the matter, summing up by observing, that the complaint of the American Government was, that Lieutenant Matson boarded an American vessel, knowing her to be such, without authority, for the sake of redressing the alleged wrongs done to a British seaman, whom at his request and against the will of the master he removed from the American vessel; and that Mr. Everett persuaded himself that on a revision of the case the Undersigned would perceive that the expression in Lieutenant Matson's note in which that officer was supposed to state, that he informed Hutchinson that "he could give him no assistance in the matter, it must depend entirely on the master," did not refer to the main occurrence, which was really, as far as the captain of the American vessel was concerned, compulsory.

The Undersigned thinks it unnecessary to make any remarks here upon the concluding observations of Mr. Everett's note, with reference to the opinion expressed by the Undersigned, that the whole conduct of Lieutenant Matson in his intercourse with the "*John A. Robb*" had been inaccurately and very unfairly represented to the Government of the United States. Those observations have been satisfactorily answered, the Undersigned conceives, by Lieutenant Matson, in a letter which the Undersigned will have the honour of communicating to Mr. M'Lane in this note.

Agreeably to the request of Mr. Everett, the whole case has been attentively reconsidered by Her Majesty's Government; and the Undersigned has now the honour to transmit to Mr. M'Lane, for the information of his Government, a copy of the entire letter of Lieutenant Matson to Rear-Admiral Percy, dated 2nd of February, 1843, containing his explanation of his proceedings in boarding the barque "*John A. Robb*," of which an extract only, being that part which bore upon Mr. Everett's original complaint, was furnished to Mr. Everett by the Undersigned on the 3rd of July of that year; and he also encloses a copy of a further letter from that officer to the Lords Commissioners of the Admiralty upon the same subject, dated the 28th of September following; being the letter alluded to in the preceding paragraph.

It will be seen from these papers that the original boarding of the "*John A. Robb*" was not, as has been represented, with the view of mustering the crew, and inquiring into the treatment of British subjects acting as seamen on board, but to inquire into her nationality; and although there were many circumstances inducing a suspicion that the "*John A. Robb*" was not an American vessel, yet deeming that she might be entitled to that flag, Lieutenant Matson declined to detain her, notwithstanding there was strong reason to believe that she was engaged in a slave adventure. In the course of the subsequent communications with the "*John A. Robb*," Lieutenant Matson inquired into the case of Peter Hutchinson; and in consequence of such inquiry received him on board Her Majesty's ship "*Waterwitch*."

The Undersigned feels himself bound to admit that, under all the circumstances of this case, the conduct of Lieutenant Matson in this business was erroneous; and he therefore desires, on the part of Her Majesty's Government, to express regret that it should have occurred; but he thinks at the same time that it will be abundantly clear to Mr. M'Lane that there was no intentional disrespect on Lieutenant Matson's part towards the flag of the United States.

The Undersigned begs leave, in conclusion, to call Mr. M'Lane's attention to the fact which has been brought to the notice of the Undersigned by the Lords Commissioners of the Admiralty, that at the period during which the transactions referred to took place Lieutenant Matson was not acting under instructions so distinct respecting the conduct and mode of communication to be observed to vessels of the United States, as those which have been since issued to the commanders of Her Majesty's cruisers.

Trusting that the communication which the Undersigned has now had the honour to make to Mr. M'Lane, in further answer to the complaints of his Government in this case, will be considered as satisfactory,

The Undersigned avails, &c.

(Signed)

ABERDEEN.

The Hon. Louis M'Lane,
&c. &c.

Enclosure 1 in No. 74.

Commander Matson to Rear-Admiral Percy.

Sir,

"Waterwitch," Simon's Bay, February 2, 1843.

I HAVE the honour to acknowledge the receipt of your letter of the 2d January, with its enclosures, calling for an explanation of my proceedings in boarding the American barque "*John A. Robb*," and beg leave to submit the following:—

At daylight on the 28th March, 1842, while lying at anchor in the "*Waterwitch*," off Cabenda, a prize schooner that had parted company the night before made the signal for "a sail to windward;" I immediately got under weigh, and in a short time observed her to be a barque at anchor, about twelve miles to the southward; the wind falling light, and the current running very strong, the "*Waterwitch*" was obliged to anchor, when I proceeded in a boat to examine the stranger, then distant about seven miles; when pulling towards the vessel I observed a number of spy-glasses continually directed towards the boat, and not wishing to be known before it was necessary, I did not show any colours until within fifty yards of the barque, who then hoisted an American ensign; on boarding her the master informed me that she was an American vessel, bound from Rio de Janeiro to Cabenda, but as I perceived a number of Spaniards or Portuguese on board, and the master himself speaking English imperfectly (being a native of Germany), I disbelieved his statement, and asked for his papers; on receiving them I remarked to the master, that although he produced what appeared to be an American register, it was certainly a very suspicious one; that although dated in 1835, since which the vessel had visited various parts of Europe and America, it bore no endorsement whatever, and that I believed it was customary for the authorities at those places to endorse the registers of foreign vessels. In Portuguese ports I knew the rule was invariable. He replied that he knew very little about ships' papers, had never commanded a vessel before, and had only taken charge of this a few days before he left Rio de Janeiro, previous to which he was the chief mate; that her former master, R. Walker, had left when he hired her to the Portuguese, merely telling him (Ordeman) to take her to any part of Africa pointed out by the Portuguese supercargo, and when he (the Portuguese) had done with her, she was to return to Rio de Janeiro. Another paper caused me to suspect her nationality; her manifest was wholly written in the Portuguese language, and was not signed by any Consul or other functionary of the United States; there was also a copy of this document written in the office of the Portuguese Consulate, which bore the signature and seal of the Portuguese Consul-General. I could not conceive for what reason an American vessel, bound from Rio de Janeiro to Cabenda, on the coast of Africa, should require this document; and on asking the master for an explanation, he replied as before, that he knew very little about ship's papers, and that they were just as he received them.

Notwithstanding these suspicious circumstances, I did not feel justified in treating her as any other than an American vessel; I therefore gave the master back his papers, without offering to make any search or any further inquiries; I merely asked him to allow my boat to lie astern, and to give her a tow to Cabenda when he got under weigh, which would save my boat's crew a long pull under a mid-day sun. He very readily assented, offering the men any refreshments they might require; and he was marked in his civility to myself.

The barque was at this time lying at anchor waiting for the sea-breeze, and we remained so about two hours, during which time my boat's crew, with the sanction of the master, were smoking their pipes in company with his own crew; as soon as the sea-breeze set in the barque got under weigh, and stood for Cabenda, off which place the "*Waterwitch*" was still at anchor; shortly after one of my boat's crew came aft, and reported that he had received information from one of the crew of the barque to the following effect, viz., that her late master (R. Walker) had sold the vessel to the Portuguese; that although she still retained her American colours, she had also Portuguese colours and papers on board; that when the two vessels were seen (the

“Waterwitch” and her prize) the schooner was taken for an American man-of-war, and the “Waterwitch” for a slaver; and that when my boat was seen pulling towards the barque, they were doubtful whether I was a British or an American officer; that immediately before I came up the side, the Portuguese captain (the same who was called by the master “supercargo”) took a large roll of papers to the caboose and put them in the fire; that the vessel had a large quantity of slave equipment on board; and that if I wished it, they (the crew) would point out where it was stowed. I had every reason to believe this information was correct; it strengthened my opinion of her register being a false one; it accounted for the appearance of the Portuguese manifest put by mistake among her American papers; and it accounted for the master being under the control of the Portuguese supercargo. That she had on board articles of slave equipment I had not the slightest doubt; I knew that a vessel had been for a long time expected with a cargo for the purchase of 2000 slaves, and that she was also to bring the equipment of a vessel then building at Cabenda; but I was perfectly aware that even had she been full of slaves I could not interfere, unless I could prove that she was not entitled to the protection of the flag of the United States; and, knowing the many unjust complaints made against British officers by masters of American merchant-vessels, I was studiously cautious in all I did, that no complaint might hereafter be made against me.

Before leaving the vessel, to gain as much insight into her character as possible, and suspecting she would eventually prove to be a Brazilian, I addressed the master nearly in these words, “You tell me that you are an American vessel, not engaged in the Slave Trade; in that case, when you arrive at Cabenda and open your hatches, you can have no objection to my sending on board to see that you are not fitted for a cargo of slaves.” He replied, “None in the least; but I will not be answerable for what is on board; all that I know is that they are bales and cases.” I then left the vessel with all my crew; and so careful was I not to detain her, that I requested the master not to heave to for me to get into my boat, but took advantage of the vessel’s being in stays to do so.

On the same evening, as the barque was standing into Cabenda Bay, I sent Mr. Sturdee, second master, with the gig, to remain on board or alongside until the next morning, when I should be on board myself, and giving him strict orders not to search or open any case or package, in fact, not to exercise any authority over either the master or his crew. The barque anchored at 10 P.M., and on the following morning (March 29th) I went on board, and again received a message from one of the crew, offering to point out where the cases of slave-irons, &c., were stowed, but of which I took no notice. I had a long conversation with the master, who spoke very frankly and unreservedly respecting the Slave Trade, when the Portuguese cabin passengers landed; he said that as the cargo belonged to Manoel Pinto, every person must know that it was intended to purchase slaves; he believed that American vessels were allowed to carry what they chose excepting slaves; that it was possible the “*John A. Robb*” might eventually take off slaves, but it would not be when under his command; that he was directed by Mr. Walker, the former master, to deliver her up to the supercargo, provided he paid a proper price; that in the meantime he was to proceed to any part of Africa pointed out by the supercargo, who was engaged to pay demurrage every day after a certain period; that if the price of the vessel was not paid by the supercargo, she was to return to Rio de Janeiro for further orders. I could now clearly see the state of the case, the master’s statement agreeing nearly with information received from another quarter on shore; the vessel had actually been sold to the Portuguese slave-traders, the bargain was closed, but the price had not been paid, and the vessel remained in pawn, the flag of the United States still protecting her from seizure or search. At 1 P.M. the vessel commenced to discharge her cargo, and in less than an hour I left her, with every person belonging to the “Waterwitch,” she not having been detained by me for a single second, or subjected to any search whatever. At 4 A.M. on the following morning I got under weigh, and did not return to Cabenda until the evening of the 4th April, during which time (six days) the “*John A. Robb*” had discharged the whole of her cargo, excepting, as I was given to understand, a few pipes of rum.

The statement sworn to by Mr. Ordeman, that I at any time took possession of his vessel, or that I or either of my officers or "seamen" attempted to break open any package, is absolutely false and without foundation.

I cannot here omit to mention that during the time Mr. Sturdee was on board the "*John A. Robb*" Mr. Ordeman agreed with him to give us any information he could respecting slave-vessels, even against vessels belonging to the owners of his cargo, provided he received a stipulated reward in case of their being captured; he accurately described one of Manoel Pinto's vessels that was to leave Rio de Janeiro shortly after him to take away the first slaves that were ready.

I approached Cabenda on the evening of the 3rd of April, and anchored in the offing at 10 P.M., where I was not seen from the shore; Mr. Sturdee then pulled on board the "*John A. Robb*" to receive the promised information; he saw Mr. Ordeman in his bed, who informed him that before sunset two large Spanish slavers, "*Volador*" and "*Trueno*," were seen standing towards Cabenda, who were appointed to embark their slaves during that night; but on account of the "*Waterwitch*" having been seen from the hill before sunset, boats were sent to warn them off. Immediately on receiving this information, I weighed and stood to sea in hopes that either the "*Waterwitch*" or "*Lily*," who were cruizing in concert, would see them in the morning; the "*Lily*" saw and chased them unsuccessfully the whole of the day, and they were eventually driven off the coast without slaves.

I now, Sir, come to the distinct charge of having forcibly taken a man out of this American vessel. After I had returned to Cabenda from the pursuit of the two slavers above mentioned, I received a letter (April 5) signed "Peter Hutchinson," who stated that he and two other Englishmen, whom he named, had been cruelly ill-treated since I left the port, and they earnestly implored my assistance; I immediately went on board the "*John A. Robb*" and informed the master that I had received a complaint from three British subjects who had been ill-treated by him; he asked who they were, and on my saying the name of one was Peter Hutchinson he declared there was no such person on board; I showed him the signature to the letter; he then sent for the mate, who declared he had never heard of such a person; I requested the master to inquire whether any of his crew answered to that name; the mate then went to the main hatchway and called to the men who were working in the hold, "Any of you there answers to the name of Peter Hutchinson?" Three men then came up, one of whom declared that to be his name, and that he was the author of the letter; they all begged me to take them out of the vessel, stated that they had been cruelly ill-used, treated like dogs, because they were Englishmen and suspected of giving information about the cargo. One of them had been knocked down by the mate with an iron pump-handle, one of them had been knocked down by the master, who afterwards jumped upon him until he was insensible, another, because he asked the contents of one of the cases, had been struck by the mate with a handspike, who said, "Damn you, you want to condemn the vessel, do you?" Neither the master nor the mate attempted to deny these statements, but the mate said he knocked the man down with the pump-handle for attempting to collar him, and the master that he had knocked down and jumped upon the other for sleeping on his watch. Although it was evident that these Englishmen had been shamefully ill-treated, I endeavoured to make them contented with their situation, and told them that as they were serving under a foreign flag I could give them no assistance, and that they must abide by the agreement made with the master; they all declared that they had not agreed to come to Africa, and the master persisted that they had done so; I asked to see the agreement, on which he went into his cabin and remained there five or ten minutes.

On his return to the quarter-deck he produced a copy of "shipping articles," which stated that the crew were to proceed in the vessel from Baltimore to Cadiz and any port in the Mediterranean, but it said nothing of Rio de Janeiro or Africa, it contained the names of his crew, their birth-places, their pay, &c. &c., also their signatures. But the name of Peter Hutchinson was written at the bottom, either in pencil or very pale ink; there was neither rate of pay nor signature, and I feel convinced that the master had that minute written it; I told the two men who had signed the agreement that, although it did not appear they had agreed to come to Africa, they had bound themselves as the

crew of the vessel, and if ill-treated by the master they must apply to the British Consul for redress on their return to Rio de Janeiro. I then asked Peter Hutchinson what verbal agreement he had made with the master, he replied that meeting him (Ordeman) in the streets at Rio, a few days before the vessel sailed, he had agreed to work on board his vessel, without stating any period, that so long as he did remain he was to receive the same pay as the rest; that he was given to understand the vessel was going to Europe, and did not know she was coming to Africa until he had been several days at sea; the master only remarked "Oh, you knew it very well."

I then stated to Mr. Ordeman that I did not consider he could legally detain this man, who was as free to go out of the vessel as he was to come into her, and that if he chose to come into my boat he was perfectly at liberty to do so; the master refused to give up his clothes or wages, on which I told Hutchinson that I could give him no assistance in the matter, it must depend entirely on the master. I left them to settle it between themselves, saying that I was going on shore, and that my boat could call alongside again on her passage off to the "Waterwitch;" she did so, and Hutchinson went in her, the master having given him his clothes, but not his wages; and on the following day was placed on the books of the "Waterwitch."

If any Consul's certificate was attached to the shipping articles I certainly did not see it, nor was my attention called to it by the master; when I perceived the name of Peter Hutchinson, added in the manner above stated, I immediately returned it, considering it as a bungling attempt at an imposition.

I beg, Sir, that you will call their Lordship's attention to the list of crew, a copy of which forms one of the enclosures in Mr. Everett's letter, but which was not produced to me on either occasion of my boarding the "*John A. Robb*;" I saw only a copy of the shipping articles.

This document is called a "list of persons composing the crew of the barque '*John A. Robb*,' whereof is master Robert Walker, bound for Cadiz and a market, and it is signed Robert Walker." It contains, among others, the name of Peter Hutchinson, but the fact is, that Hutchinson did not join the "*John A. Robb*" until February, 1842, and after Mr. Walker had left her; but it appears that on the 29th September, 1841, Mr. Walker "solemnly, sincerely, and truly swears" that this list, signed by himself, and in which is the name and description of Peter Hutchinson, contains the names of the crew of the "*John A. Robb*." The Consul's certificate, dated at Rio on the 12th of February, 1842, could not have been attached to this document when Mr. Walker swears to the truth of it, on the 29th of September, 1841, at Baltimore, on which day it is also certified by the Deputy Collector of Customs; it would certainly appear that either this document or its annexes are incorrect, at any rate they do not apply to each other; be that as it may, I declare that neither the original nor a copy of this list was produced to me on board the "*John A. Robb*."

These are the most minute particulars relating to those several transactions, the truth of which can be substantiated by the officers and crew of this brig; for I have on all occasions when boarding a vessel under these circumstances taken care to have a witness to all I have said or done, and they are now ready to make oath to the correctness of this statement.

I beg leave, Sir, to state that the circular general order to which you call my attention was unknown to me until six months after I boarded the "*John A. Robb*."

(Signed)

H. J. MATSON,
Lieutenant and Commander.

Rear-Admiral the Hon. J. Percy,
&c.

&c.

EXTRACT from the Log of Her Majesty's brig "Waterwitch."

H.	K.	F.	Courses.	Winds.	Force of Wind.	Wr.	Signature.	
1	.	...	At Anchor	Easterly	2	c		
2								
3								
4	.	...	...	..	3	c	C. W.	A. M., 5th—Observed schooner weigh.
5			Standing to the Westward	Easterly	4			6th—Observed schooner with a signal,—sail in sight weighed and made all plain sail to the westward.
6								
7					3	c		
8								
9	2	..	...	..	2	..	F. R. S.	7th—Observed a barque at anchor off Red Point, chased her in company with schooner.
10	1	6	S.S.W.	..				
11	1		..	..	1			11th—Calm, came to in 5 fathoms,—out boat, sent her to board barque.
12	..	..	..	Calm.	1	c		
Course.			Dist.	Lat. S.	Long. E.		Bearings and Distance.	
.....			.....	.....	.....		Cabenda Point, N.E. by E. Red Point, S.S.E.	
.....					
1			At Anchor	Calm.				P. M., 2nd—Observed barque weigh and stand for Cabenda.
2	..	..				
3								
4	..	..	Standing for Cabenda	N.N.W.	1	c	C. W.	4th—Weighed and made plain sail.
5	..	..				
6								
7					2	c		5th—Boat returned, having boarded the American barque "John A. Robb," of Baltimore, from Rio de Janeiro to Cabenda, with a general cargo, consigned to the slave-trading house of Manoel Pinto de Fonseca,—eight Portuguese passengers.
8								
9	..	..	At Anchor	N. Wtly.	2	c	F. R. S.	
10								
11								
12								

We do certify that the above is a true extract from the log of Her Majesty's brig "Waterwitch."

Given under our hands, on board Her Majesty's brig "Waterwitch," in Simon's Bay, this 1st February, 1843.

(Signed) H. J. MATSON, *Lieutenant and Commander.*
F. R. STURDEE, *Second Master.*

Enclosure 2 in No. 74.

Commander Matson to the Secretary to the Admiralty.

Sir, Westbourne Place, Eaton Square, September 28, 1843.

In obedience to your letter of the 19th instant I have the honour to submit the following observations on the note addressed by Mr. Everett to the Earl of Aberdeen on the 31st ultimo, they are numbered according to the paragraphs in Mr. Everett's note to which they respectively apply.

2. In the first part of my letter to Rear-Admiral Percy, dated 2nd February, 1843, I most fully explained every circumstance relating to my visit to the "John A. Robb" on the 28th March, 1842, by which their Lordships will perceive that I did not detain that vessel for a single moment, and that when I found her to have American papers, apparently suspicious and imperfect though they were, I left her to discharge her cargo of slave equipment unmolested.

3. Mr. Everett questions, in general terms, the correctness of my statement; and he often quotes and criticises some parts of it; but he does not point out any one specific fact that I have misstated.

4. I positively deny having mustered, or having attempted to muster, the crew of the "John A. Robb."

5. I considered it my duty to attend to the representations of any distressed or ill-used British subjects, and where I could legally do so to afford them my protection.

This duty I considered the more imperative when far removed from any civilized place, and where atrocities of all kinds are committed by people of all

nations, almost unchecked by any law whatever. But in the performance of this duty I did not forget the respect due to a foreign flag.

6. My refusal to assist these two ill-treated British seamen further shows that it is unnecessary in this case to argue against the doctrine here alluded to.

7. I repeat that neither the master nor mate attempted to deny these statements, for I cannot admit that their telling me the reasons why, can be construed into a denial.

8. If these two seamen were better treated on their passage to Rio de Janeiro, it was owing, I consider, to a warning given by me to the master of the "*John A. Robb*," and to my having told the seamen, in the presence of the master, to apply to the British Consul for redress on their arrival.

9. My remark to Hutchinson, that "I could give him no assistance, it must depend entirely on the master," related solely to the giving up his clothes, and the payment of his wages; it was on that point only that the master gave any positive refusal.

10. I did not cause the removal of Hutchinson by force, nor did I state any intention of so doing. After plainly expressing my opinion to the master, and telling Hutchinson that I would receive him as a volunteer on board the "*Waterwitch*," I left the vessel. On landing, I ordered my boat to call alongside the "*John A. Robb*," and in case that Hutchinson came into the boat, to take him on board the "*Waterwitch*," but with express orders not to interfere in any dispute between him and the master.

11. Four days after Hutchinson had left the "*John A. Robb*," Mr. Ordeman came on board the "*Waterwitch*" and applied for this certificate. It certainly does not admit of more than one interpretation.

12. I do not know whether Mr. Ordeman voluntarily discharged Hutchinson or not; but my impression at the time was, that he allowed him to leave the vessel because he could not legally detain him.

13. Mr. Ordeman did not certainly of his own free will volunteer to give up the man, because he endeavoured, in my opinion, by a false entry in the ship's papers, to persuade me, and by that means to convince the man, that he was still bound to serve on board the "*John A. Robb*."

14. My letter to Rear-Admiral Percy, dated the 2nd February, 1843, is offered as a refutation of Mr. Ordeman's protest.

15. I have already stated that Mr. Ordeman did not volunteer to give up the man; but he did not, so far as I know, attempt to detain him on board.

16. This is not immaterial to the merits of my case, because, had I considered that Hutchinson was bound to serve on board the "*John A. Robb*," I should not have expressed the opinion that he was as free to leave as he was to enter that vessel.

17. I have not denied that the name of Hutchinson was inserted by the United States Consul in the original "list of crew and shipping articles." I have never seen either of these documents. I saw only a copy of "shipping articles," at the bottom of which the name of Peter Hutchinson was written either in pencil or very pale ink. I have not attempted to question the intelligence or the probity of Mr. Slacum.

18. Neither the original nor a copy of the "list of crew" was shown to me on board the "*John A. Robb*."

19. In this quotation from my letter to Rear-Admiral Percy there are two clerical errors, "I feel convinced," is written for "I felt convinced;" and, "I really did not see it," for "I certainly did not see it."

20. The original shipping articles were not on board the "*John A. Robb*;" the master expressly told me that they were left at Rio de Janeiro.

21. The only conceivable reason why these documents were not exhibited to me is, that they were not on board. And it is here necessary for me to explain my reasons for forming this opinion. The "*John A. Robb*" was a vessel confessedly engaged in the Slave Trade. When Mr. Walker, her former master, sold her, or hired her to the Portuguese slave-traders, he left her, and returned, if we may judge from many analogous cases, all her original papers in his possession. But to protect the vessel from seizure up to the time of her embarking a cargo of slaves, which according to the master's admission the Portuguese supercargo was at any time at liberty to do, she was supplied with an old American register; and this register, which apparently had not been used for

more than five years previously, was the only original document presented to me on board the "*John A. Robb*."

22. I denied having seen any "list of crew" on board the "*John A. Robb*," but I questioned the accuracy of the copy of that document as forwarded in Mr. Everett's note.

It is not for me, Sir, to remark on the six last paragraphs of Mr. Everett's note, except a part of the concluding one. I have already stated, that the word "feel" has been erroneously copied for "felt;" but even if I had been speaking in the present instead of the perfect tense, the impression would have conveyed no imputation on the character of the United States Consul, for I was speaking of the copy produced to me on board the "*John A. Robb*," and not of the original document as certified by Mr. Slacum. And I trust that I may be here permitted to express my surprise and regret that the United States Minister should, after reading my letter of 2nd February last to Admiral Percy, express the opinion that the case, with reference to Mr. Ordeman's protest, had been correctly and truly stated to the American Government.

I have, &c.

(Signed) H. J. MATSON, *Commander*.

The Secretary of the Admiralty.

No. 75.

Mr. Pakenham to the Earl of Aberdeen.

Washington, January 29, 1846.

(Received February 15.)

My Lord,

I HAD the honour on the 25th of this month to receive your Lordship's despatches, marked Slave Trade, of the 4th and 29th of December last.

I will lose no time in carrying into effect the instructions contained in these despatches.

I have, &c.

(Signed) R. PAKENHAM.

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

&c.

&c.

&c.

No. 76.

The Earl of Aberdeen to Mr. Pakenham.

Sir,

Foreign Office, February 21, 1846.

I TRANSMIT to you herewith copies of three letters and their enclosures from the Admiralty, dated the 25th of November, 1845, and 10th instant, on the subject of a steam slave-ship, named the "*Cacique*," captured on the 26th of December of that year, on the west coast of Africa, by Commodore Jones of Her Majesty's sloop "*Penelope*," and subsequently condemned in the Vice-Admiralty Court of St. Helena.

I also enclose an abstract of the particulars of this vessel, received from the Judge of the Vice-Admiralty Court of that island.

You will see from these papers that the crew of this slave-vessel, which was commanded by a Portuguese, consisted of 28 persons, of whom 23 were Portuguese, 4 citizens of the United States, and 1 a Brazilian.

When captured, the "*Cacique*" was under Brazilian colours, but without papers. She was built, it appears, in the United States about two years previously to her capture, and being then named the "*Tigress*" was employed as a trading-vessel between New York and other parts of the United States, under the flag of that country. She is said to have belonged to a Captain Sandford, of New York, who sold her to Mr. Leisas, a Brazilian merchant, and the last owner of the "*Cacique*," for 11,500 dollars, which sum was increased to 25,000 dollars by various alterations and improvements made by Messrs. Brown and Co., English ship-builders of New York. In these transactions Mr. Gardner, an American resident of that city, appears to have acted as the agent, and he was looked upon, then and afterwards, by the Americans employed in

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the vessel as the consignee, and it was believed that he was engaged in fitting out other steam-vessels for the same purpose.

The "*Cacique*" left New York on the 26th of March, 1845, as the Portuguese master and all the Americans declare, under Brazilian colours. But in a letter from Her Majesty's Consul at Pernambuco to this Department, dated the 12th of June, mention is made of the arrival there, from the United States, of a three-masted schooner with a screw-propeller, which immediately changed her American flag for that of Brazil, and there can be no doubt that this vessel was the "*Cacique*." I have thought it right, however, that this fact should be clearly and authentically verified, and I have accordingly instructed Her Majesty's Consuls at New York, Baltimore, and Pernambuco, to report to me whatever evidence they may be able to procure upon this point.

The circumstances which I have here briefly recited, and other important details which will be found in the letters of Commodore Jones, appear to implicate American citizens so deeply in these slave-trading transactions, that I consider it my duty to instruct you to communicate the whole of these papers to the Government of the United States, in order that they may be fully apprized of these proceedings, and be thereby enabled to take such steps in the matter as they may deem proper, with a view to bring to justice those persons who thus abuse the flag and violate the laws of their country.

The introduction of steam power for the purpose of carrying on the Slave Trade is a new feature in this hateful traffic, and the Government of the United States will no doubt see the necessity of issuing instructions to their authorities to employ increased vigilance and activity in every possible way, in order to check, on the part of American citizens, any further attempts of so determined a character.

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

I am, &c.
(Signed) ABERDEEN.

Enclosures 1 to 12 in No. 76.

[See Enclosures in Despatch of February 21, 1846, to Her Majesty's Consul at Pernambuco, No. 172, Class B, pages 283 to 290.]

Enclosure 13 in No. 76.

Abstract of the particulars of a Vessel adjudicated in the Vice-Admiralty Court of St. Helena for being equipped for the Slave Trade.

Steam-vessel "*Cacique*."

Brazilian colours.

No papers.

Crew, 28 persons (4 Americans, 23 Portuguese, and 1 Brazilian).

Bound from Campos, near Rio de Janeiro, to Cabenda.

Captured on the 26th September, 1845, on the west coast of Africa, in latitude 6° 20' south, and longitude 9° 52' east, by Commodore Jones, commanding Her Majesty's steam-frigate "*Penelope*."

Had hatches with open gratings, a slave-deck partly laid, and spare plank fitted for laying the remainder, a larger quantity of mess-tubs, water, farinha, Indian corn, and beans, than was necessary for the use of her crew as a merchant-vessel, and an extraordinary number of water-casks.

Arrived at St. Helena on the 17th of October, 1845, under the charge of Lieutenant Pritchard, of Her Majesty's steam-frigate "*Penelope*."

Adjudicated on the 30th October, 1845.

Vessel condemned, and allowed to be taken into Her Majesty's service.

Cargo decreed to be sold.

Burthen, 222 tons.

(Signed)

JNO. N. FIRMIN, Registrar.

In the Vice-Admiralty Court of St. Helena.

AT a Court holden at James Town, in the Island of St. Helena, on Thursday the thirtieth day of October, in the year of our Lord one thousand eight hundred and forty-five;

Before his Honour William Wilde, Esquire, Judge and Commissary of the Vice-Admiralty Court of St. Helena, lawfully constituted and appointed, our Sovereign Lady the Queen against the steam-vessel called the "*Cacique*," nation unknown, her tackle, apparel, and furniture, and the cargo laden therein, taken and seized by William Jones, Esquire, commodore, commanding Her Majesty's steam-frigate "*Penelope*."

In pain of parties cited not appearing, Gideon referred to the monition heretofore brought in duly executed, and also to the affidavits of William Jones, Esquire, commodore, commanding Her Majesty's steam-frigate "*Penelope*," Ashmore Powell, Esquire, lieutenant of, and belonging to, Her Majesty's said steam-frigate, George Augustus Schomberg, first lieutenant in the Royal Marine Artillery, and Charles Fox Turner, secretary to William Jones, Esquire, both of, and belonging to, Her Majesty's said steam-frigate, and Samuel Pritchard, Esquire, lieutenant of, and belonging to, Her Majesty's said steam-frigate, heretofore exhibited, and remaining in the Registry of this Court.

The Judge, at his petition, having heard the said affidavits read, on his motion as counsel on behalf of Her Majesty, by interlocutory decree pronounced the said steam-vessel "*Cacique*," her tackle, apparel, and furniture, and the cargo laden therein, to have been, at the time of the seizure thereof, equipped for or engaged in the Slave Trade, or employed in the illegal transport of negroes or others, for the purpose of consigning them to slavery; and as such, by virtue of the statute or statutes in such case made and provided, or otherwise, subject and liable to forfeiture and condemnation to our Sovereign Lady the Queen, her heirs and successors, and condemned the same accordingly. And further pronounced that the said cargo should be sold as in and by law in such case made and provided.

A true copy,
(Signed) JNO. N. FIRMIN, *Registrar*.

No. 77.

The Earl of Aberdeen to Mr. Pakenham.

Sir,

Foreign Office, April 3, 1846.

I TRANSMIT to you herewith a copy of a letter from the Admiralty, enclosing copies of a letter from Commodore Jones, senior officer of Her Majesty's squadron on the west coast of Africa, and of the correspondence therein referred to, which had taken place between that officer and Commodore Skinner, commanding the United States squadron on the same station, relative to the American ship "*Madonna*," and other matters connected with the Slave Trade.

You will see from this correspondence, that the American commander, besides showing himself dissatisfied with certain explanations of Commodore Jones with reference to the boarding of the above-mentioned vessel, has taken exception at an expression used in a report from Commander Bosanquet to Commodore Jones, in allusion to the Slave Trade which is carried on from Cabenda in American vessels; a report which Commodore Jones had communicated without reserve to Commodore Skinner, not imagining and not perceiving, until commented on by that officer, that it contained anything which was susceptible of an offensive construction, such as he had put upon the expression in question; a construction, however, which undoubtedly the writer never intended it to bear.

You will communicate to Mr. Buchanan the correspondence enclosed in the letter from Commodore Jones to the Admiralty, and I cannot doubt that the Government of the United States will see that Commodore Jones, in the frank and earnest explanations which he has given to Commodore Skinner in his letter of the 25th of December, has fully exonerated himself and the officer

under his command from the suspicion of having intended to employ or to sanction the use of language which might be considered as reflecting improperly upon the conduct of officers of the United States navy.

The Right Hon. R. Pakenham,
&c.

I am, &c.
(Signed) ABERDEEN.

Enclosure 1 in No. 77.

The Secretary to the Admiralty to the Hon. G. S. Smythe.

Sir,

Admiralty, March 24, 1846.

I AM commanded by my Lords Commissioners of the Admiralty to transmit to you herewith, for the information of the Earl of Aberdeen, copies of a letter, and of its enclosures, from Commodore Jones, dated 31st December last, containing his correspondence with the Commodore of the United States squadron on the coast of Africa, relative to the American ship "*Madonna*" and other subjects connected with the Slave Trade.

The Hon. G. S. Smythe,
&c.

I am, &c.
(Signed) H. CORRY.

Enclosure 2 in No. 77.

Commodore Jones to the Secretary to the Admiralty.

Sir,

"Penelope," off Cape Mount, December 31, 1845.

I HAVE to request that you will be pleased to lay before the Lords Commissioners of the Admiralty the enclosed correspondence which I have had with Commodore Skinner, the United States commander on this station.

Their Lordships will perceive from the tone of this officer's letter to me, that he is far from being satisfied with my account of those transactions relating to the American ship "*Madonna*," which have been reported by me to their Lordships, and have been honoured with their approval. I have also to regret, in this communication, the absence of any appearance of that amicable spirit which on our part I have earnestly and cordially endeavoured to cultivate. But, I am bound to admit, that in this instance the cause of Commodore Skinner's general style may be in a great measure attributable to an inadvertency on my part in forwarding to him without due consideration a letter *in extenso* from Commander Bosanquet. That officer, among other things relating to his station, mentioned as one of the probable reasons why there was much Slave Trade carried on in American vessels from Cabenda, that the United States ships on this station "*studiously avoided coming to Cabenda.*" This expression, taken with the context, did not strike me as being offensive in itself, or intended by its writer to reflect improperly on the American officers. But, unfortunately, Commodore Skinner has viewed the matter differently, and has made some very angry and somewhat strong observations upon it. In the way in which he has taken the case, and having isolated the expression, and reasoned upon its supposed meaning, he has certainly shown some foundation for a susceptibility, which at first greatly surprised me, wholly unconscious as I was of intending to give offence. But on a calm review of the matter I felt that the misunderstanding proceeded from a fault of my own, and I therefore hope that their Lordships will be pleased to approve of the apologetic tone in which I have endeavoured to conciliate and appease the resentment of the American officer in a matter where he had plausible grounds for supposing, however mistaken, that his anger was just. For the rest the fact of the absence of the American ships-of-war from Cabenda was true enough in itself, but probably arose, as I supposed, from their having only four or five vessels to watch a station on which we find above twenty insufficient. I thought myself called upon, before I heard from Commodore Skinner, to request his attention to the absence of co-operation on his

part at Cabenda. He had, however, it now appears, already sent the "Yorktown," one of his cruizers, to that quarter; and the good effects of that measure promptly appeared, as that sloop soon fell in with and captured the "Pons," of Philadelphia, an American ship, with 900 slaves on board.

I am in hopes of meeting with Commodore Skinner before long, and their Lordships may rely on my being more circumspect in future in my intercourse with officers of the American navy, and that I will anxiously endeavour to fulfil the spirit of my instructions, notwithstanding the various difficulties which I have to contend with.

I have, &c.

(Signed)

W. JONES, *Commodore, &c.*

The Right Hon. R. T. Lowry Corry,

&c.

&c.

Enclosure 3 in No. 77.

Commodore Skinner to Commodore Jones.

Sir,

"Jamestown," at sea, November 4, 1845.

I HAVE the honour to acknowledge the receipt, on the 29th ultimo, of your communication of the 15th August, with the accompanying documents in relation to boarding the American barque "Madonna" in April last, a copy of which I forwarded to Washington.

I cannot agree with you, Sir, that the only impropriety committed by the officers of the "Lily" on that occasion, was going into the hold on the invitation of the master of the vessel; her being boarded, even under suspicions of her real character, by a lieutenant, purser, and gunner, the boat's crew leaving the boat (although they did not come on the vessel's deck), I consider also improper. The question as to the number of officers entering the cabin, and examining her papers, I consider open and undecided, and therefore pass it by. You will also perceive, Sir, that the information which you had received in relation to the "Madonna" which gave rise to your suspicions, was without foundation, and that she proved to be a *bonâ fide* American engaged in legal commerce. I revert to these matters to show the necessity of caution in acting on any other than positive information and great circumspection in the performance of an act that can only be justified should the vessel visited prove not entitled to the flag she had assumed.

I have also to acknowledge the receipt, on the 1st instant, of your communication, accompanied by the documents in relation to the "Cyrus," with the reports of Commanders Bosanquet and Layton in relation to the American brig "Janet" and schooner "D. E. Wilson."

As the affair of the "Cyrus" occurred previously to my having assumed the command of the American squadron on this station, and has been submitted, without doubt, to our respective Governments, it is unnecessary to dwell on the subject.

I join with you, Sir, in regretting that the American flag should ever be used to cover the designs of slavers, but cannot bring myself to believe it is carried on in the open, extensive, and increasing manner represented by Commander Bosanquet. The American sloop "Yorktown," Commander Bell, sailed in September last for Cabenda; she is probably there now. I hope to have it in my power to keep at least one vessel in that neighbourhood to protect the American flag from violation.

I shall not otherwise notice the report of Commander Bosanquet, than to call your attention to a single paragraph, the import of which I presume must have escaped your notice, as it could not be presented to the eye of an American officer without giving serious offence. Commander Bosanquet, after going on to state that the Slave Trade is carried on openly under the protection of the American flag, adds "few of the United States squadron have ever visited the South Coast, and those that have appear to have studiously avoided touching at Cabenda, the chief port where these practices are carried on." If Commander Bosanquet intends by this passage to convey the idea (and I cannot conceive that the language is susceptible of any other fair construction) that the officers under my command "studiously avoided" touching at Cabenda, that the Slave

Trade under the American flag might be conducted without interruption, he has advanced an opinion void of any shadow of truth, and a gross libel on the characters of American officers. You have, Sir, on several occasions, and no doubt in perfect sincerity, expressed a desire that harmony and good feeling should subsist between the officers of our respective squadrons, and in this feeling I have warmly participated; but, Sir, when an officer (a Commander) in an official report, which will probably meet the eyes of our respective Governments, indulges in gross and unmerited reflections on the conduct and motives of American officers, honourable men, and this report officially communicated to me, harmony must be greatly endangered, and all the evils which would probably result from a different state of feeling be justly imputed to the aggressor. I would therefore, Sir, call your serious attention to the subject, as one involving consequences of more than ordinary interest.

The only remark necessary to make on the subject of visiting vessels under the American flag (which I presume is mutually understood) is, that as the Government of the United States has not conceded the right to any nation to board vessels entitled to the American flag, officers doing so act on their own responsibility, and are liable for all the consequences that may ensue.

I have, &c.

(Signed) CHAS. WM. SKINNER, *Commodore, &c.*

Commodore Jones,
&c. &c.

Enclosure 4 in No. 77.

Commodore Jones to Commodore Skinner.

Sir,

"Penelope," off Gallinas, December 25, 1845.

I HAVE the honour to acknowledge the receipt of your letter addressed to me on the 4th November. I hasten to express the deep regret and painful surprise with which several passages of that communication have filled my mind. With reference to the dissent which you are pleased to express from my views in the case of the "*Madonna*," I will not trouble you with any further observation, which indeed would now be superfluous, seeing that the matter has been brought under the notice of our respective Governments. On the other points of your letter, which you are pleased to state for my information, your own opinions as to several subjects which have been in dispute between our Governments, and on which, unhappily, nothing mutually satisfactory has been definitively settled, I can only lament the disagreement which exists between us. You will be aware of the necessity which I am under of carrying out the instructions of my own Government. I do not feel myself at liberty to discuss their propriety, even if I could perceive any reasonable prospect of advantage in doing so. But I cannot refrain from offering you a final assurance, that among the orders which I have received from my superiors, none have been more stringent and imperative than those in relation to the rights of those foreign vessels which sail under the flags of Powers which have not conceded to us the right of mutual search. And among these, my attention has very especially been directed to the vessels of the United States of America. I believe that no just ground of complaint has yet been brought against our cruizers, who have rigidly obeyed my directions. In those cases where error in judgment, or excess of zeal, has misled any officer of this squadron, to the injury of any of your citizens, ample redress will assuredly be given where it may be proved to be due, and in this the British Government and its tribunals will be found ever willing to repair the wrong and to visit justly all offenders who may be acting under their authority. Of this every officer of this squadron is fully aware, and of the extent to which he will be held personally responsible. I now come, Sir, to that portion of your letter which has given me the greatest concern, and the rather as I cannot but feel that an inadvertency of my own has given rise to what I hope I shall convince you has been a great misapprehension on your part. I allude to your comments on the passage which you have extracted from Commander Bosanquet's report to me, about the Slave Trade at Cabenda. You have truly supposed that the import of the paragraph must have escaped

my "notice," for I have not the slightest hesitation in assuring you, that the writer of it never intended the offensive sense in which you seem to understand it, and most certainly if I had seen that meaning in the words which you attach to them, I should have been wholly incapable of presenting them to the eyes of an American officer, much less to one of your station, and whom I was addressing at the time with the sincerest feelings of respect and regard. I must therefore beg, Sir, in the first place, that you will do Commander Bosanquet the justice to believe, what I declare to be my own conviction, that he never intended by the expression which he used in his official letter to me to speak offensively in his allusion to American officers. His report, as such papers often are, was hastily and loosely worded, but it was intended for my perusal only, and the only impression which I received from his mode of stating the fact was, that American ships-of-war were not in the habit of visiting Cabenda. And this fact was sufficiently explained in my mind by the small number of your squadron, and the extent of the station. But in the isolated shape in which you have viewed and presented to my attention Commander Bosanquet's expression, I perceive, with great pain, that it undoubtedly is susceptible of an unfavourable construction, when so separately considered.

What I have already said will, I hope, suffice to exonerate the honourable officer whose words have so unfortunately been misunderstood, and satisfy you that where he could have intended no offence, no umbrage can fairly be taken with him. But my indiscretion in this matter is very different, and less excusable. It has justly subjected me to the humiliation of confessing and atoning for an error into which I ought not to have fallen. Sir, I feel with sorrow that I ought more carefully to have guarded against the possibility of giving you offence, by what I considered the friendly and unreserved communication of that information which I thought would be interesting to you. I admit that my inadvertency, and the whole innocence of intention, form no sufficient pleas, but I venture to hope that you will accept of them as my apology for an error which should not have occurred, and for which I am wholly responsible. I beg leave to assure you that I will be more circumspect in future, and that in any communication which I may unavoidably have to trouble you with I shall be careful to avoid whatever may be liable to misconstruction. In the meantime I beg you to believe me, with great consideration and respect, &c.

(Signed)

W. JONES, *Commodore, &c.*

December 27, 1845.

P.S.—Since writing the above, I have arrived at Cape Mount, where I have found Her Majesty's sloop "Lily," which had just returned from Cape Mesurado. By this vessel I had the pleasure of receiving the highly gratifying information that Commander Bell, of the United States ship the "Yorktown," had recently captured a slave-vessel off Cabenda, with 900 slaves on board, which vessel, the "Pons," of Philadelphia, had arrived at Monrovia. I beg leave to offer you, Sir, my sincere congratulations on an incident so creditable to the excellent officer who was carrying out your orders, and I even flatter myself that the opportunity which you now will have of obtaining information which you can depend upon as true, may have the effect of modifying some of the opinions which you imparted to me in your letter of the 4th November.

Whatever tends to preserve the harmony which is so desirable between officers engaged on a common object of such high interest as that in which we are both employed, must be always satisfactory. On my part, Sir, I beg to renew the assurance of my anxious desire to co-operate with you efficiently in fulfilling the intentions of our respective Governments.

I have, &c.

Commodore Skinner,
 &c. &c.

(Signed)

W. JONES, *Commodore.*

No. 78.

Mr. Pakenham to the Earl of Aberdeen.

Washington, March 29, 1846.

(Received April 15.)

My Lord,

I HAVE the honour to enclose an extract from a Boston newspaper, mentioning the arrival of three vessels from the coast of Africa, detained by the United States squadron on charges of slave-trading.

I also enclose a printed copy of the official report made by the capturing officer to the Secretary of the Navy, of the case of one of these vessels (the "*Pons*"), which, from the number of slaves put on board in proportion to the size of the vessel, as well as from the want of requisite preparation for their reception, appears to have been a case of peculiar atrocity.

I have, &c.

(Signed)

R. PAKENHAM.

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

&c.

&c.

&c.

Enclosure 1 in No. 78.

Extract from "Boston Courier."

ARRIVAL OF THREE SLAVERS.

The ship "*Panther*," of Providence, passed midshipman H. S. Newcomb, commanding, prize to the United States ship "*Yorktown*," Captain Bell, seventy-seven days from Cabenda, Africa, bound to Providence, Rhode Island, put into Charleston on the 10th instant, on account of stress of weather, want of provisions, and sickness on board. The "*Panther*" is suspected of being concerned in the Slave Trade, and has been sent to the United States for trial. She was first seized by Her Britannic Majesty's brig "*Cygnets*," but released in a few days. Captain J. M. Clapp, former master of the "*Panther*," and Midshipman H. G. D. Brown came home in her.

The schooner "*Robert Wilson*," of Baltimore, Lieutenant Chipman, commanding as prize-master, also arrived at Charleston on the 11th, in thirty-eight days from Port Praya, prize to the United States ship "*Jamestown*." She was supposed to be engaged in the Slave Trade, and has been sent to the United States for trial. The "*Robert Wilson*" was formerly under the command of Captain Pfister, who came home in her with the following persons sent home as prisoners: J. M. Rush, J. Hamilton, J. P. Morris, and A. J. Shute; these last were taken by Her Britannic Majesty's frigate "*Penelope*" from steamer "*Cacique*," engaged in slaving.

The barque "*Pons*," formerly of Philadelphia, but sold some time since at Rio de Janeiro, arrived at Philadelphia navy-yard on Friday, under charge of Lieutenant Richard C. Cogdell, and a crew of ten men, a prize to the United States sloop-of-war "*Yorktown*." The particulars of her capture have been published. Lieutenant Cogdell has four of the Portuguese crew on board as witnesses.

Thomas L. Shaw, mate of schooner "*Patuxent*," captured on the coast of Africa, by the "*Yorktown*" in September, was arrested at New York on Thursday, and committed on a charge of being concerned in the Slave Trade. Captain Davis, commander of the schooner, is now held to bail in the sum of 5000 dollars upon the same charge.

Enclosure 2 in No. 78.

Report to the Secretary of the Navy on the capture of the "Pons," Slaver.

*United States ship "Yorktown," Cabenda (Africa),
December 16, 1845.*

Sir,

I HAVE the honour to inform you that I addressed a letter to you on the 30th ultimo, giving an account of the capture of the American barque "*Pons*,"

of Philadelphia, with 896 slaves on board, a duplicate of which I now enclose. I was so anxious to dispatch the vessel in the shortest time for Liberia, in order to land the slaves, and relieve them from their miserable confinement, that it was not in my power to give you a more particular account of this vessel. I will now endeavour to do so, and also state some facts which have since come to my knowledge.

The "*Pons*," under the command of James Berry, was at anchor at Cabenda for about twenty days before she took on board the slaves, during which time she was closely watched by her Britannic Majesty's brig "*Cygnets*," Commander Layton. At about nine o'clock on the morning of the 27th November, the "*Cygnets*" got under weigh and stood to sea. Immediately Berry gave up the ship to Gallano, who commenced getting on board the water, provisions, and slaves; and so expeditious were they in their movements, that at eight o'clock that evening the vessel was under weigh, having embarked 903 slaves. Instead of standing directly to sea, she kept in with the coast during the night. At daylight they were off Kacongo, about twenty-five miles to the north of Cabenda, when they discovered the "*Cygnets*" in the offing. They immediately furl'd all their sails, and drifted so near the shore, that the negroes lined the beach, in hope of a shipwreck.

They continued in this situation until meridian, when, finding they had not been discovered, they set their lower sails in order to clear the shore, and as the "*Cygnets*" drew off from the land, they afterwards set their lofty ones. Two days afterwards we captured her. Her crew consisted of Spaniards, Portuguese, Brazilians, and some from other countries, and although continuing under the American flag, with probably American papers, not one American was on board.

As I could not despatch her the evening of capture, she kept company with us that night. The next morning I regretted to learn that eighteen had died, and one jumped over board. So many dying in so short a time, was accounted for by the captain in the necessity he had of thrusting below all who were on deck, and closing the hatches when he first fell in with us in order to escape detection.

The vessel has no slave-deck, and upwards of 850 were piled almost in bulk, on the water-casks below; these were males. About 40 or 50 females were confined in one-half of the round house cabin on deck; the other half of the cabin remaining for the use of the officers. As the ship appeared to be less than 350 tons, it seemed impossible that one-half could have lived to cross the Atlantic. About 200 filled the spar-deck alone, when they were permitted to come up from below, and yet the captain assured me that it was his intention to have taken 400 more on board if he could have spared the time.

The stench from below was so great that it was impossible to stand more than a few moments near the hatchways. Our men who went below from curiosity were forced up sick in a few minutes; then all the hatches were off. What must have been the sufferings of these poor wretches when the hatches were closed? I am informed that very often in these cases the stronger will strangle the weaker; and this was probably the reason why so many died, or rather were found dead, the morning after the capture. None but an eye-witness can form a conception of the horrors these poor creatures must endure in their transit across the ocean.

I regret to say that most of this misery is produced by our own countrymen; they furnish the means of conveyance in spite of existing enactments; and although there are strong circumstances against Berry, the late master of the "*Pons*," sufficient to induce me to detain him, if I should meet with him, yet I fear neither he nor his employers can be reached by our present law. He will no doubt make it appear that the "*Pons*" was beyond his control when the slaves were brought on board. Yet, from the testimony of the men who came over from Rio as passengers, there is no doubt the whole affair was arranged at Rio between Berry and Galano before the ship sailed. These men state that the first place they anchored was at Onin, near the River Lagos, in the Bight of Benin; here they discharged a part of their cargo, and received on board a number of hogsheads or pipes filled with water. These were stowed on the ground tier, and a tier of casks containing spirits were placed over them. They were then informed that the vessel was going to Cabenda for a load of slaves.

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On their arrival at the latter place the spirit was kept on board until a few days before Berry gave up the command, covering up the water-casks in order to elude the suspicions of any cruiser. For twenty days did Berry wait in the roadstead of Cabenda, protected by the flag of his country, yet closely watched by a foreign man-of-war, who was certain of his intention; but the instant that cruiser is compelled to withdraw for a few hours, he springs at the opportunity of enriching himself and owners, and disgracing the flag which had protected him.

As we are short-handed, I have shipped those men, much to their gratification, who came out as passengers in the "*Pons*" from Rio to Cabenda, in order that their testimony may be taken should Berry be in the United States on our return, and committed for trial. I have landed the balance of the prize crew here, with the exception of one who died of coast fever a few days after he came on board this ship.

I have, &c.

(Signed)

CHAS. H. BELL, *Commander.*

The Hon. George Bancroft,
&c. &c.

No. 79.

Mr. Pakenham to the Earl of Aberdeen.

Washington, March 29, 1846.

(Received April 15.)

(Extract.)

I HAVE hastened to fulfil the instructions contained in your Lordship's despatch, Slave Trade, of the 21st February, by communicating to the United States Government the papers transmitted with that despatch, relating to the case of the steam slave-ship "*Cacique*," captured on the 26th September last, by Commodore Jones, of Her Majesty's ship "*Penelope*," and subsequently condemned in the Vice-Admiralty Court of St. Helena.

(Signed)

R. PAKENHAM.

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

No. 80.

Mr. Pakenham to the Earl of Aberdeen.

Washington, April 28, 1846.

(Received May 15.)

My Lord,

I HAVE hastened to fulfil the instructions contained in your Lordship's Slave Trade despatch of the 3rd of April, which I had the honour to receive on the 22nd of this month, by communicating to the United States Secretary of State the correspondence which took place, towards the end of last year, between Commodore Jones, senior officer of Her Majesty's squadron on the west coast of Africa, and Commodore Skinner, commanding the United States squadron on the same station, relative to the American ship "*Madonna*," and other matters connected with the Slave Trade.

I have, &c.

(Signed)

R. PAKENHAM.

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

No. 81.

Mr. Pakenham to the Earl of Aberdeen.

Washington, April 28, 1846.

(Received May 15.)

My Lord,

I SEE it stated in the newspapers that the American barque "*Pons*," one of the vessels mentioned in my despatch, "*Slave Trade*," of the 29th of last month, as having been seized on the coast of Africa by the United States squadron for being engaged in the Slave Trade, has been condemned in the United States Circuit Court of Philadelphia. She is to be sold, it is said, and half the proceeds to be made over to the United States, and the other half to be divided as prize-money by the officers and crew of the "*Yorktown*," the vessel by which she was captured.

The "four prisoners," the account goes on to state, "were released, being ignorant of the true character of the vessel when on board."

I have, &c.

(Signed) R. PAKENHAM.

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

&c.

&c.

&c.

No. 82.

Mr. M'Lane to the Earl of Aberdeen.

38, Harley Street, June 22, 1846.

THE Undersigned, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, had the honour, in the month of September last, verbally to call the attention of the Earl of Aberdeen, Her Majesty's Principal Secretary of State for Foreign Affairs, to the long-pending claim of certain citizens of the United States for losses incurred by them in consequence of the capture and detention of the "*Tigris*" and "*Seamew*;" and he is now instructed to bring the subject once more to his Lordship's notice, in order that it may be finally disposed of.

In complying with his instructions, the Undersigned does not consider it necessary at present, by any observations of his to attempt to enforce the arguments heretofore elaborately submitted by his predecessor in support of the claim. It becomes his duty, however, to acquaint the Earl of Aberdeen that the owners of the captured vessels begin to apprehend that the delay in awarding proper indemnity in a case in which it cannot be denied that they have sustained material injury, will amount in fact to a denial of justice.

The Undersigned therefore has the honour to request that the Earl of Aberdeen would take the case into his consideration, so that the amount justly due to the injured parties may be paid without greater delay.

The Undersigned, &c.

(Signed) LOUIS M'LANE.

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

&c.

&c.

&c.

No. 83.

Viscount Palmerston to Mr. Pakenham.

Sir,

Foreign Office, August 31, 1846.

I HEREWITH transmit to you an extract from a despatch from Her Majesty's Commissioner in the Mixed British and Portuguese Commission established in the Cape Verd Islands, relating the substance of an interview relative to the state of the Slave Trade, which had passed between himself and

the Commodore of the United States squadron employed on the west coast of Africa.

I transmit to you also a copy of a list, furnished at that interview by the American Commodore to Her Majesty's Commissioner, of American slave-vessels sent to the United States for adjudication by the vessels of the American squadron on the west coast, between the 1st of April, 1845, and the 31st March, 1846.

This list comprises six vessels, the "*Spitfire*," "*Patuxent*," "*Pons*," "*Merchant*," "*Panther*," and "*Robert Wilson*," and with respect to all of them except the "*Merchant*" your despatches of the Slave Trade series of last and of the present year have furnished some particulars, from which it appears that the "*Spitfire*," the "*Panther*," and the "*Robert Wilson*," were captured without slaves on board, and consequently it is to be presumed on a charge of being equipped for Slave Trade, and that the "*Pons*," captured with a cargo of slaves on board, had been condemned.

But beyond these facts little or nothing is known of the fate of these vessels or their crews; and I have accordingly to instruct you to inquire and to report to me, whether any and what vessels captured by the United States squadron on the west coast, without slaves on board, have been condemned in the courts of the United States, and whether in such cases equipment or other circumstantial evidence has been admitted as proof that the vessels were engaged in Slave Trade: and further, what, in the cases of any vessels condemned for slave-trading, whether captured with or without slaves, has been done with the master and crew, adding the particulars of the punishment, if any, inflicted on each person.

And I have further to request, that you will keep me informed on these points in all future cases of United States vessels, prizes to United States cruisers, being sent for trial to the United States on a charge of being engaged in Slave Trade.

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

I am, &c.
(Signed) PALMERSTON.

Enclosure 1 in No. 83.

Mr. Macaulay to the Earl of Aberdeen.

(Extract.)

St. Nicholas, Cape Verd Islands, June 10, 1846.

DURING my visit to St. Vincent, I had the pleasure of making the acquaintance of Commodore Skinner, commanding the United States squadron, and I had much friendly intercourse with him. He was good enough to supply me with the particulars of the accompanying table, from which your Lordship will be pleased to see the degree of success which has attended the exertions of the United States squadron during the last year. A much larger number of captures would I have no doubt have been made, but for the unreasonable fear of the African coast which seems to possess almost all American officers who have served on this station, and which has unfortunately led them to spend the greater part of their time in these islands, in the Canaries, or at Madeira.

Enclosure 2 in No. 83.

LIST OF AMERICAN SLAVE-VESSELS sent to the United States for adjudication by the vessels of the American squadron cruising on the west coast of Africa, under the command of Commodore Charles William Skinner, between the 1st of April, 1845, and the 31st of March, 1846.

No.	Capturing ship.	Name of the Prize.	Description of the Prize.	Place of Capture.	Remarks.
1	Truxton	Spitfire	Schooner	Rio Pongas	900 slaves.
2	Yorktown	Patuxent	Schooner	Cape Mount	
3	Yorktown	Pons	Ship	Off Cabenda	
4	Jamestown	Merchant	Schooner	Sierra Leone	
5	Yorktown	Panther	Ship	Off Cabenda	
6	Jamestown	Robert Wilson	Schooner	Off Porto Praya	

No. 84.

Viscount Palmerston to Mr. Pakenham.

Sir,

Foreign Office, October 3, 1846.

I TRANSMIT to you herewith a copy of a despatch and of its enclosure, from Her Majesty's Commissioners at the Cape of Good Hope, reporting the circumstances under which the United States barque "*Lucy Penniman*," bound on a slave-trading voyage from Brazil to the east coast of Africa, has been taken charge of by Lieutenant Hornby, of Her Majesty's ship "*Cleopatra*," and has been delivered over by him to the United States Consul at Cape Town; and I have to desire that you will bring this case to the notice of the United States Government, as showing how United States vessels are used for purposes of Slave Trade.

The Right Hon. R. Pakenham,
 &c.

I am, &c.
 (Signed) PALMERSTON.

Enclosure in No. 84.

Her Majesty's Commissioners at the Cape of Good Hope to the Earl of Aberdeen,
July 10, 1846.

[See Class A, No. 127, p. 220.]

No. 85.

Mr. Pakenham to Viscount Palmerston.

My Lord,

Washington, September 28, 1846.

(Received October 14.)

I HAVE had the honour to receive your Lordship's despatch, marked Slave Trade, of 31st August, and in fulfilment of the instructions contained in it, I have taken measures to obtain the information desired by your Lordship as to the result of the proceedings instituted against American vessels and their crews, seized by the United States cruisers on the west coast of Africa and sent to this country for adjudication.

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

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

No. 86.

Viscount Palmerston to Mr. Pakenham.

Sir,

Foreign Office, October 15, 1846.

I TRANSMIT to you herewith copies of a correspondence which passed between the late Commodore Jones and Commodore Skinner relative to the capture of the American schooner "*Merchant*," by Her Majesty's brig "*Cygnet*," Commander Layton.

I have to instruct you to communicate these papers confidentially to Mr. Buchanan, and to express to him in a friendly manner the fears of Her Majesty's Government that if the United States naval officers on the African station address to British naval officers, who are earnestly and zealously performing a difficult and harassing duty, threats of the kind made by Commodore Skinner, those officers may be led to reply in the same strain, and the desire of the two Governments that harmony should subsist between the squadrons of the two countries, may thus run the risk of being defeated.

The Right Hon. R. Pakenham,
&c.

I am, &c.
(Signed) PALMERSTON.

Enclosure 1 in No. 86.

Commodore Skinner to Commodore Jones.

Sir,

"Jamestown," at sea, December 9, 1845.

HAVING received intelligence from the commander of Her Britannic Majesty's brig "*Sealark*" that there was an American schooner at Sierra Leone (captured by Her Britannic Majesty's brig "*Cygnet*," Commander Layton, at Cabenda), I proceeded to that place for the purpose of ascertaining the facts connected with the case.

I accordingly addressed the Governor on the subject, to which he promptly responded, and I have the honour to enclose for your information the copy of a document received through his Excellency from Mr. Dougan, agent and proctor of Commander Layton.

From it you will perceive that the vessel was released, as there did not appear sufficient legal evidence to proceed against her as a Spanish vessel sailing under the flag of the United States engaged in Slave Trade. The schooner "*Merchant*" was seized by Commander Layton, on information received that a Spanish captain and mate, who had come out from the Havana as passengers, were to have returned in her with a cargo of slaves; even of this there was no proof: the information was therefore entirely unsustainable.

If vessels are thus liable to capture upon mere rumours, all legal commerce on the coast must inevitably be destroyed. I took occasion in a former communication to advert to the necessity of great caution in acting from any other than certain information sustained by positive proof; from the neglect of such precaution in this instance an illegal seizure has been made, the existing Treaty and the flag of the United States totally disregarded. The passage of the vessel from Cabenda to Sierra Leone presented a scene of drunkenness, riot, and violence, in which, from the statements of the master and mate of the schooner, the prize officer and crew participated; the vessel narrowly escaped being wrecked in the breakers off Seabar, parting and losing one chain and anchor, slipping and losing the other; the master of the schooner was for a short time confined in irons. I feel satisfied, Commodore, you will with me deeply regret this procedure of Commander Layton, and I am sorry it becomes my duty to address you on a subject so painful. The capture itself was unjustifiable; entrusting the lives and property on board to one whose habits (if I am correctly informed) rendered him entirely unfit for the charge, still more so. For a detailed account of the proceedings on board the "*Merchant*," I refer you to the journal of the prize officer, published at Sierra Leone.

I earnestly desire, Sir, to call upon your early and serious attention to this

subject, that a stop may be put at once to acts which if persisted in will demand from me measures that may interrupt that harmony which happily exists between our respective Governments; these desirable and friendly relations can only be maintained by a close adherence on the part of officers to the Treaty stipulations, which it is our duty and I trust our sincere desire to preserve.

I have, &c.

(Signed) CHAS. WM. SKINNER, *Commodore, &c.*

Commodore Jones,
&c. &c.

Enclosure 2 in No. 86.

Mr. Dougan to Mr. Macdonald.

Sir,

Sierra Leone, December 1, 1845.

I HAVE the honour to acknowledge the receipt of your letter of the 29th ultimo, with its enclosures, and in reply I beg to state, for the information of his Excellency the Governor, that the schooner "*Merchant*," Loren Larkin, master, was detained on the 28th August last at anchor in Cabenda Bay, by Her Majesty's sloop-of-war "*Cygnets*," Commander Layton, suspected by him of using the flag of the United States for the purpose of covering Spanish property, and having articles on board, a large number of water-casks and plank, which indicated the employment in the Slave Trade; the commander having previously received information at Cabenda that a Spanish captain and mate who had come to the coast in her from Havanna as passengers, were to have returned in the vessel with a cargo of slaves. These circumstances, together with the fact of four Spanish seamen being found on board as part of the crew, and the evasive conduct of the master, who refused to show to the commander any other papers belonging to the vessel than the register and bill of lading of the goods shipped at Havana, induced him to send the vessel up to this port for further investigation.

The "*Merchant*" arrived here on the 28th September, when I was informed by the prize officer that during the whole of the passage up the mate and one of the seamen had been so refractory that he was compelled to place them in irons, and that the mate had several times attempted the life of the master.

There was very great difficulty in obtaining from the master the remainder of the papers belonging to the vessel, and several days elapsed after the arrival before they were received by me; and upon a careful perusal of them, although great suspicion was attached to the character of the vessel, there did not appear sufficient legal evidence to proceed against her as a Spanish vessel sailing under the flag of the United States engaged in Slave Trade; it was therefore deemed advisable to give up possession to the master, which was done on the 13th October last, when the prize officer and crew left her.

I herewith transmit an abstract of the vessel's papers above referred to.

I have, &c.

The Hon. N. M. Macdonald,
&c. &c.

(Signed) R. DOUGAN.

Enclosure 3 in No. 86.

Commodore Jones to Commodore Skinner.

Sir,

"Penelope," off Cape Mount, January 10, 1846.

I HAVE the honour to acknowledge the receipt of your letter of the 9th ultimo, which reached me last night off Cape Mount, by the United States brigantine the "*Dolphin*."

With reference to the subject of your communication, I beg leave to inform you that I have recently received an instruction from my Government to make strict inquiries into the circumstances attending the detention of the

American schooner "*Merchant*" by Her Majesty's sloop "*Cygnets*;" I am about to obey the order forthwith.

I had previously on becoming acquainted with Commander Layton's reasons for detaining the "*Merchant*" wholly disagreed with him as to the propriety of his sending that vessel for adjudication.

But as that step had been taken before I could interfere, it only remained to abide what I foresaw would be the probable results, the acquittal of the vessel with all the expense and inconvenience which were likely to follow; my opinion rested entirely on the insufficiency of judicial proof in the case. As to the real nature of the transaction on which the "*Merchant*" was engaged, her fraudulent character, and abuse of the American flag for purposes of Slave Trade, I had no moral doubt whatever, but as this did not amount to legal grounds for detention, I blamed and regretted the imprudence of the course which Commander Layton had taken.

Thus, Sir, you will see that the case of the "*Merchant*" had met with attention before your representation was received; further proceedings will doubtless arise out of it, when it comes under discussion of our respective Governments, whom I respectfully conceive to be the proper authorities for its discussion.

But, Sir, I am precluded from saying more on that subject, or in reference to your other observations on the details of the case, by the concluding paragraph in your letter to me. It is with real pain that I feel myself constrained to ask of you an explanation of a passage which I find it impossible to reconcile with what I conceive to be due in the mutual intercourse of equals. My concern is the greater at the style in which you have addressed me, when I consider the nature of the difficult and onerous service in which we are engaged, one so honourable to the humanity of our respective countries, but which too frequently presents vexatious calls upon the patience of those who are entrusted with the direction of its duties.

These observations are suggested by your intimation, that unless a stop be put at once to such acts as you complain of, a persistence therein will demand from you measures that may interrupt that harmony which happily exists between our respective Governments: this is the expression, Sir, of which I very respectfully request you to favour me with the precise meaning. It is the more essential that I should have a clear understanding on this point, as the condition which you annex to your forbearance is with respect to me a physical impossibility, as you must on reflection be aware. And I am naturally desirous of knowing the extent of that extremity to which you may be authorised to resort, and to which I have very reluctantly been led to believe that you allude, as I am intrusted by my Government with no corresponding authority of that nature.

So far from being permitted to take measures in any case which might interrupt the harmony between our respective Government, I am strictly enjoined to the very reverse, and to cultivate by every means in my power and especially by a faithful observance of the existing Treaties, those feelings of respect and amity which ought to animate those who are allied as we are.

Be assured, Sir, that I will continue to act, as I hitherto have done, upon those instructions, and though I may occasionally be thwarted by the mistakes or imprudence of others, your countrymen will have no reason to complain of any wrong which I can prevent, nor suffer any substantial injustice at our hands without certain redress.

Commodore Skinner,
&c. &c.

I have, &c.
(Signed) W. JONES, Commodore, &c.

Enclosure 4 in No. 86.

Commodore Skinner to Commodore Jones.

Sir,

"Jamestown," *Porto Praya*, April 8, 1846.

I HAVE the honour to acknowledge the receipt this day of a duplicate of your letter, dated the 10th of January, in reply to my communication of the

9th December last, on the subject of the capture of the American schooner "Merchant," by Her Britannic Majesty's brig "Cygnet," Commander Layton.

I am gratified by the information that measures had been taken by Her Britannic Majesty's Government in relation to the occurrence previously to my representation having been received.

The statement that you had blamed and regretted the imprudence of the course which Commander Layton had taken, did not surprise me, and as the matter will now come under the notice of our respective Governments I fully concur in the propriety of leaving the affair to their discussion. The details of the transaction which you decline touching, in consequence of the concluding paragraph of my letter, I take for granted are indefensible.

The passage in my letter to which you make exceptions, and ask an explanation of my precise meaning, was designed to convey distinctly the declaration that I could not consent to be a passive spectator where the flag of the United States and the rights of American citizens entitled to my protection are violated with impunity.

With the sole view of preventing collision, I called on you to put a stop to proceedings which if persisted in would demand from me measures that may interrupt the harmony which happily exists between our respective Governments. Such contingency I trust, however, will not occur.

I would here remind you of a very important consideration, which it appears you overlook in your view of this case, as well as another, to which I had the honour, on a former occasion, to call your attention, namely, that I am here in command of the naval forces of the United States to protect American commerce and citizens engaged in lawful pursuits, and to prevent the flag of the Union from being employed in a trade prohibited by the laws of the United States. These duties which devolve on me, I shall endeavour to perform under all circumstances; the "extent of the extremity" to which I shall resort in the discharge of my duty, will depend entirely on the exigencies of any case that may be presented calling for my interference. I do not doubt, Sir, but that you will do your part towards preventing illegal acts in those under your command, or that Her Britannic Majesty's Government will promptly redress any wrong committed by its officers; my duty, however, remains the same, and in its discharge I shall be careful to bear in mind at all times the respect due to the flag and subjects of Powers in amity with the United States; and I sincerely hope that no further cause of complaint will occur, and that the present friendly relations will continue to exist between ourselves and our respective Governments.

I have, &c.

(Signed) CHAS. W. SKINNER, *Commodore, &c.*

Commodore W. Jones,

&c. &c.

No. 87.

Viscount Palmerston to Mr. Pakenham.

Sir,

Foreign Office, October 16, 1846.

I TRANSMIT to you herewith an extract from a despatch from Her Majesty's Commissioners at the Cape of Good Hope, reporting the employment of the United States flag in Slave Trade on the east coast of Africa.

I have to instruct you to communicate the enclosed paper to Mr. Buchanan, and to suggest to him the necessity of taking measures for preventing the abuse of the United States flag on the east coast of Africa for purposes of Slave Trade.

The Right Hon. R. Pakenham,

&c. &c.

I am, &c.

(Signed) PALMERSTON.

Enclosure in No. 87.

Her Majesty's Commissioners at Cape Town to the Earl of Aberdeen.

(Extract.)

April 11, 1846.

WE have the honour to lay before your Lordship our report upon the state of the Slave Trade on the east coast of Africa during the year 1845. It is with much regret that we have to state that our informants are unanimous in their opinion that the traffic is still carried on to a great extent, and in a manner which defies the exertions of the ships employed by Her Majesty's Government and by that of Her Most Faithful Majesty for its suppression.

Since the date of our last despatch to your Lordship upon this subject (of the 15th of October, 1845), we have learned that slaves have been carried off principally from Ibo and Pomba, and other places to the northward of Quillemane. It is with great regret that we have learned that equipments for slave-vessels are brought to the East Coast in vessels under the flag of the United States.

We would suggest to your Lordship's consideration that, under the international arrangements existing between Great Britain and the United States, unless the East Coast is visited by ships-of-war belonging to that Power, the slave-dealers will most assuredly avail themselves of the flag of the United States to convey to the scene of their operations equipments, and the means of purchasing and ultimately carrying off their human cargoes, and will thus complete one important part of their nefarious undertaking, secure from interference or interruption on the part of the cruisers employed in the Slave Trade suppression.

No. 88.

Viscount Palmerston to Mr. Pakenham.

Sir,

Foreign Office, October 27, 1846.

WITH reference to the instruction which I gave you in my despatch, marked Slave Trade, of the 31st of August last, to furnish me with particulars relative to the proceedings taken in the United States against United States vessels and their crews, captured by United States ships-of-war on suspicion of being engaged in Slave Trade, I herewith transmit to you, for your information, a copy of a letter and its enclosures received at this Department from the Admiralty, reporting that the United States merchant-brig "*Casket*" had been captured on the 4th of August last by the United States barque-of-war "*Marion*," and had been sent to the United States for trial.

I am, &c.

The Right Hon. R. Pakenham,
&c.

(Signed) PALMERSTON.

Enclosure 1 in No. 88.

The Secretary to the Admiralty to the Right Hon. E. J. Stanley.

Sir,

Admiralty, October 20, 1846.

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of Viscount Palmerston, copies of a letter from Captain Mansel, of Her Majesty's ship "*Actæon*," dated the 1st of September last, and of its enclosure from Commander Brisbane, of Her Majesty's sloop "*Larne*," reporting the detention of an American merchant-brig, the "*Casket*," by the United States sloop-of-war "*Marion*."

I am, &c.

The Right Hon. E. J. Stanley,
&c.

(Signed) H. G. WARD.

Enclosure 2 in No. 88.

Captain Mansel to the Secretary to the Admiralty.

Sir,

"Actæon," Ascension, September 1, 1846.

I HAVE the honour to enclose herewith a copy of a letter addressed to me by Commander Brisbane, of Her Majesty's sloop "Larne," reporting the detention of an American merchant-brig by the United States vessel-of-war "Marion."

I have, &c.

(Signed)

GEORGE MANSEL, *Captain, &c.**The Secretary of the Admiralty.*

Enclosure 3 in No. 88.

Commander Brisbane to Captain Mansel.

Sir,

"Larne," off Cabenda, August 7, 1846.

I HAVE the honour to report for your information, the arrival of the United States barque-of-war "Marion," 16 guns, at Cabenda, on the 2nd of August, and her detention on the 4th instant of an American merchant-brig, the "Casket," lying in the Bay of Cabenda, and evidently engaged in the Slave Trade. The brig has left for the United States, in charge of an officer and crew from the "Marion."

(Signed)

J. W. D. BRISBANE, *Commander.*

Captain George Mansel,
 &c. &c.

No. 89.

*Mr. Pakenham to Viscount Palmerston.**Washington, October 28, 1846.**(Received November 16.)*

My Lord,

I HAVE had the honour to receive your Lordship's despatch, Slave Trade, of 3rd of October, enclosing a copy of a despatch and of its enclosure from Her Majesty's Commissioners at the Cape of Good Hope, reporting the circumstances under which the United States barque "Lucy Penniman," bound on a slave-trading voyage from Brazil to the east coast of Africa, was taken charge of by Lieutenant Hornby, of Her Majesty's ship "Cleopatra," and delivered over by him to the United States Consul at Cape Town.

I have, in obedience to your Lordship's instructions, communicated these papers to the United States Secretary of State, in order that the United States Government may know how United States vessels are used for the purposes of Slave Trade.

I have, &c.

(Signed)

R. PAKENHAM.

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

&c.

&c.

&c.

No. 90.

*Mr. Bancroft to Viscount Palmerston.**90, Eaton Square, November 26, 1846.*

THE Undersigned, &c., has been particularly instructed to call the attention of Viscount Palmerston, &c., to the as yet unanswered communications of Mr. Everett to Lord Aberdeen of the 18th of May, 1843, and 14th of June, 1844,

on the pending claims of American citizens upon Her Britannic Majesty's Government, for losses and injuries sustained by them in consequence of the unwarrantable seizure of the barque "*Jones*" at St. Helena, in September, 1840, by Lieutenant Littlehales, of Her Majesty's brigantine "*Dolphin*."

More than six years have passed away since the improper Act by which American citizens were unduly subjected to losses and injuries. More than three years have elapsed since the letter of Mr. Everett to the Earl of Aberdeen presented this subject in a point of view so "forcible and cogent"—and may it not be added "so conclusive," that the favourable action of Her Majesty's Government was confidently anticipated.

Further delay would but increase the injury that has already been suffered too long to remain without reparation. In compliance with his instructions, the Undersigned asks an early and definite reply to the two notes of Mr. Everett above referred to, urging this claim upon the justice of Her Majesty's Government.

The Undersigned, &c.

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

(Signed)

GEORGE BANCROFT.

No. 91.

Mr. Pakenham to Viscount Palmerston.

Washington, November 12, 1846.

(Received December 2.)

My Lord,

IN order to fulfil as accurately as possible the instructions contained in your Lordship's Slave Trade despatch of 31st August, by which I was directed to inquire and report to your Lordship whether any and what vessels captured by the United States squadron on the west coast of Africa, without slaves on board, had been condemned in the Courts of the United States; and whether, in such cases, equipment or other circumstantial evidence had been admitted as proof that the vessels were engaged in Slave Trade; and further, what in the cases of any vessels condemned for slave-trading, whether captured with or without slaves, had been done with the master and crew, adding the particulars of the punishments, if any, inflicted on each person. I addressed to Her Majesty's Consuls at Baltimore, Philadelphia, New York, Boston, and Portland, the letter of which I have the honour to enclose a copy, requesting them to furnish me with the information desired by your Lordship, as related to vessels sent for trial to each of those ports.

And I have now the honour to lay before your Lordship copies of the answers returned by those gentlemen to the above-mentioned circular inquiry, from which it will be seen that, as relates to Baltimore, none of the vessels mentioned in the list which accompanied your Lordship's despatch had been sent to that port for trial; but Mr. McTavish furnishes other information, both general and particular, with regard to proceedings against Slave Trade vessels, which tends to meet the object of your Lordship's inquiry.

From Philadelphia Mr. Peter reports what took place in the case of the "*Pons*" (already reported in my despatch, Slave Trade, of 28th April), which he says is the only slave-vessel that had been brought into Philadelphia since he last wrote to me on the subject. His last report thus referred to, being an account of the trial of a man named Duling, late master of a vessel called the "*Washington Barge*," the result of which trial I had the honour to communicate in my despatch, Slave Trade, of 27th November.

As relates to New York, Mr. Barclay states, that not a vessel either with or without slaves on board captured by the United States squadron on the west coast of Africa, has been sent to that port for trial within the last three years.

From Boston Mr. William Elliot, Acting Vice-Consul, gives the particulars of the case of the "*Spitfire*," the only vessel sent for trial to that port.

Mr. Consul Sherwood reports that no vessel has ever arrived at Portland, or even a subject of any nation, charged with the crime of slave-trading,

excepting a Mr. Libby, master of the American brig "*Porpoise*," whose vessel was detained and Mr. Libby sent to the United States for trial, by order of Mr. Wise, the United States Minister at Rio de Janeiro.

The proceedings against Mr. Libby, it will be seen, ended in a verdict of acquittal. The vessel appears to have been condemned.

None of these reports contained any notice of the "*Merchant*," the vessel respecting which your Lordship observes that nothing is said in any of my Slave Trade despatches of last and of the present year. I must, therefore, conclude that she never reached a port of the United States as a prize or in a state of detention, unless she should have been sent to a southern port, which I do not think likely.

However, to clear this matter up, if possible, I propose now to address the same inquiry to the Consuls at the southern ports that I have hitherto sent only to the ports north of Washington, and this from having observed that it has usually been to the ports in the northern division of the United States rather than to the southern ports, that vessels under a charge of slave-trading have been sent for trial.

I have, &c.

(Signed)

R. PAKENHAM.

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

&c.

&c.

&c.

Enclosure 1 in No. 91.

Circular addressed by Mr. Pakenham to Her Majesty's Consuls at Baltimore, Philadelphia, New York, Boston, and Portland.

Sir,

Washington, September 22, 1846.

I TRANSMIT to you herewith a list, which has been furnished to Her Majesty's Government, of American slave-vessels sent to the United States for adjudication, by the vessels of the American squadron on the west coast of Africa, between 1st April 1845, and 31st March, 1846.

Respecting five of the vessels comprised in this list, viz., the "*Spitfire*," "*Patuxent*," "*Pons*," "*Panther*," and "*Robert Wilson*," I have been able, with the assistance of Her Majesty's Consuls at the places where the vessels were respectively tried, to furnish to Her Majesty's Government some particulars, from which it appeared that the "*Spitfire*," the "*Panther*," and the "*Robert Wilson*," were captured without slaves on board, and consequently, it is to be presumed, on a charge of being equipped for Slave Trade, and that the "*Pons*," captured with a cargo of slaves on board, had been condemned.

But beyond these facts little or nothing is known of the above-mentioned vessels or their crews; and as relates more particularly to the "*Merchant*," no notice of any kind has come under my observation.

I have accordingly to request, that you will have the goodness to inform me whether any and what vessels captured by the United States squadron on the West Coast without slaves on board, and sent to your port for trial, have been condemned, and whether in such cases equipment or other circumstantial evidence has been admitted as proof that the vessels were engaged in Slave Trade; and further what in the cases of any vessels condemned for slave-trading, whether captured with or without slaves, has been done with the master and crew, adding the particulars of the punishment, if any, inflicted on each person. I have further, with a view to the fulfilment of instructions from Her Majesty's Government, to request that you will keep me informed on these points in all future cases of American vessels, prizes to the United States cruizers, which may be sent to the place of your residence for trial on a charge of being engaged in Slave Trade.

I have, &c.

(Signed)

RICHARD PAKENHAM.

Her Majesty's Consul,

&c.

&c.

Enclosure 2 in No. 91.

Consul McTavish to Mr. Pakenham.

Sir,

Baltimore, September 29, 1846.

I HAVE the honour to acknowledge the receipt of your despatch of the 22nd instant (enclosing a list of American slave-vessels sent to the United States for adjudication, by the American squadron on the west coast of Africa, between April 1, 1845, and March 31, 1846), requesting to be informed whether any and what vessels captured by the United States squadron on the west coast, without slaves on board, and sent to this port for trial, have been condemned, under what circumstances, and upon what evidence; and further, what (in the cases of any vessels condemned for slave-trading, whether captured with or without slaves on board.) has been done with the master and crew, stating at the same time the particulars of the punishment inflicted, if any, on each person.

In answer to these inquiries I beg leave to state, that no vessels captured for slave-trading, as above referred to, have been sent into this port for trial; in corroboration of that fact, I transmit, enclosed, the copy of a note received from Mr. Marshall, the United States district attorney, in reply to one which I addressed to him some days since on the subject.

Within the last few years several vessels have been seized in this port after being completed, on the ground that they were built for slave-trading; and their condemnation took place on the evidence furnished of their construction and equipment.

In the case of the brig "*Monte Video*," her officers and crew were arrested by Mr. Wise, the United States Minister at Rio de Janeiro, on a charge of having served on board of an American vessel employed in Slave Trade.

The master and chief mate of that vessel were convicted, on the testimony of the second mate and crew, who were employed as witnesses by the United States. The master was sentenced to one year's imprisonment, and condemned to pay a fine of one thousand dollars; the mate to six months confinement and a fine of five hundred dollars.

It appears from Mr. Marshall's letter, that the law affixes as the maximum punishment in similar cases, imprisonment for two years and a fine not exceeding three thousand dollars, but in the case of the master and mate of the "*Monte Video*" the Court, upon the recommendation of the jury, were induced to remit more than half the penalty.

Agreeably to your request, I shall not fail to keep you informed on the foregoing points, in all future cases of American vessels, prizes to the United States cruizers, which may be sent to this place for trial on a charge of being engaged in Slave Trade.

I have, &c.

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

(Signed) JOHN McTAVISH.

Enclosure 3 in No. 91.

The United States District Attorney to Consul McTavish.

Dear Sir,

Baltimore, September 26, 1846.

IN answer to your note I have to say, that no vessel arrested on the coast of Africa, or elsewhere, under suspicion of being concerned in the Slave Trade, has been sent into Baltimore for adjudication.

I may throw light upon one of the points of your inquiry by adverting to a class of cases somewhat different from that presented in your note.

Several vessels, in the last few years, have been seized in this port after completion, upon the ground that they were designed and fitted for the Slave Trade. These have been condemned upon evidence of their design, derived from their construction and equipment altogether.

No persons attached to any vessel captured on the coast of Africa, or

elsewhere, as being concerned in the Slave Trade, have been sent into this district for trial. The officers and crew of the brig "*Monte l'ideo*," were arrested by Mr. Wise at Rio, and sent into this port charged with having served on board an American vessel, employed in the Slave Trade. As the agent of the Government here, I used the crew and second mate as witnesses in a prosecution against the master and first mate. These were convicted entirely upon evidence of their knowledge of the purpose of the vessel, as shown by its equipment. The master was sentenced to one year's imprisonment and a fine of 1000 dollars; the mate to six month's imprisonment and a fine of 500 dollars. The maximum punishment affixed by the law which they violated, is two years' imprisonment, and a fine not exceeding 3000 dollars. The punishment of these men was made thus light by the Court, upon the recommendation of the jury, in view of their having suffered imprisonment some eight months, from the time of their arrest until the time of their conviction, and a portion of the time in irons. I have thought proper to depart from the precise topic of your note ("vessels captured by the United States squadron on the west coast of Africa, with or without slaves on board") in the hope that the purpose of your note might be in some degree answered by my explaining the character of the evidence received and the punishments inflicted by our Court in kindred cases. I shall at all times feel pleasure in giving you such information as you may desire upon these subjects.

John McTavish, Esq.
 &c. &c.

With great respect, &c.
 (Signed) WM. L. MARSHALL.

Enclosure 4 in No. 91.

Consul Peter to Mr. Pakenham.

Sir,

Philadelphia, October 1, 1846.

IN reply to your letter of the 22nd September, I have to state that the only slave-vessel brought into this port, since I last wrote to you on the subject, is the "*Pons*." She was captured with several hundred slaves on board, and condemned accordingly.

The master had escaped, and the Attorney-General of the Commonwealth, after investigating the cases of such of the crew as fell into the hands of the captors, did not think it necessary to institute proceedings against them.

Should any future cases, such as you desire to be kept informed upon, occur here, I shall not fail to write to you on the subject.

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

I have, &c.
 (Signed) WILLIAM PETER.

Enclosure 5 in No. 91.

Consul Barclay to Mr. Pakenham.

Sir,

New York, September 25, 1846.

I HAVE the honour to acknowledge the receipt of your despatch of the 22nd instant, transmitting to me a list, which has been furnished to Her Majesty's Government, of American slave-vessels sent to the United States for adjudication by the vessels of the American squadron on the west coast of Africa, between 1st April, 1845, and 31st March, 1846, and desiring me to inform you whether any and what vessels captured by the United States squadron on the west coast without slaves on board, and sent to this port for trial, have been condemned; and whether in such cases equipment and other circumstantial evidence has been admitted as proof that the vessels were engaged in Slave Trade: and further, what, in the cases of any vessels condemned for slave-trading, whether captured with or without slaves, has been done with the master and crew, adding the particulars of the punishments inflicted, if any, on each person; also instructing me, with a view to the

fulfilment of directions from Her Majesty's Government, to keep you informed on these points in all future cases of American vessels, prizes to the United States cruisers, which may be sent to this place for trial on a charge of being engaged in Slave Trade.

I beg to inform you that not a vessel, either with or without slaves on board, captured by the United States squadron on the west coast of Africa, has been sent to this port for trial within the last three years.

The last vessel brought in here for trial, on the charge of being engaged in Slave Trade, was the American schooner "*Catherine*." No slaves were found on board. She was condemned chiefly, if not entirely, on account of the presence of manacles and other implements of the Slave Trade at the time of her seizure.

The schooner "*Merchant*," mentioned in your despatch, has not been brought into this port; consequently, no proceedings in relation to her have been had in any of the United States Courts here.

I have, &c.

(Signed) ANTHONY BARCLAY.

The Right Hon. R. Pakenham.

&c.

&c.

Enclosure 6 in No. 91.

Acting Vice-Consul Elliott to Mr. Pakenham.

Sir,

Boston, October 6, 1846.

In compliance with your instructions, I have the honour to communicate to you the following information, relating to a vessel sent to this port by the American squadron on the west coast of Africa, on suspicion of being engaged in the Slave Trade. Of the number mentioned by you, the "*Spitfire*" is the only one that has been brought into this port. This vessel was condemned, and Captain Flowerly, the master, was sentenced to five years' imprisonment in the common gaol.

The crew were none of them put on trial, but were used as witnesses in the trial of the captain and vessel.

No slaves were found on board the vessel; the evidence principally consisted in there having been found on board a set of Portuguese papers and a Portuguese crew, in addition to the regular American papers and crew, and to the general appearance of the vessel, which showed that she was equipped for a slaver.

I regret that it is not in my power to give you any information respecting the other vessels named.

I shall be most particular in keeping you informed, as per instructions, in all future cases of American vessels prizes to United States cruisers, which may be sent to this port for trial, on a charge of being engaged in the Slave Trade.

I have, &c.

(Signed) WILLIAM ELLIOTT,
Acting Vice-Consul.

The Right Hon. R. Pakenham,

&c.

&c.

Enclosure 7 in No. 91.

Consul Sherwood to Mr. Pakenham.

Sir,

Portland, September 30, 1841.

I HAVE the honour to acknowledge the receipt of your Excellency's despatch of the 22nd instant, respecting American slave-vessels, sent to the United States for adjudication by the vessels of the American squadron on the west coast of Africa, between the 1st April, 1845, and 31st of March, 1846.

To which I beg to reply, that no vessel of any description has ever arrived

within my Consulate as prize of any vessel-of-war, or even a subject of any nation, charged with the crime of being engaged in the Slave Trade, excepting Mr. Libby, master of the American brig "*Porpoise*," captured by the "*Raritan*," whose case I now have to lay before your Excellency.

The "*Porpoise*" was captured in the harbour of Rio de Janeiro, on the 23rd January, 1845, by order of Commodore Daniel Turner, on complaint of some of her crew, for having on board three black boys, two then held as slaves, whom she brought from Africa, after landing the other on the coast.

Captain Cyrus Libby, a resident in the State of Maine, was the master of the "*Porpoise*," whose trial on three indictments, viz., the first for a capital offence, and the other two on the 4th section of the 86th cap. of the laws of the United States, commenced in this city, in the Circuit Court of the United States, on the 9th July last, and continued to the 21st day following, when on those indictments he was acquitted.

The "*Porpoise*" arrived at Boston, July, 1845, where she was sold by agreement between the district attorney, for the Massachusetts district, and the claimants, the proceeds whereof to be paid into Court, to await the trial of her libel.

The crew of the "*Porpoise*" were brought to Portland as witnesses, and remained until Captain Libby's acquittal, when they were discharged.

Circumstantial evidence is admissible in the Courts here.

Assuring your Excellency that if anything should occur in this quarter worthy of your notice, that no time will be lost by me in making you acquainted therewith,

I have, &c.

(Signed) JOS. T. SHERWOOD.

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

No. 92.

Mr. Pakenham to Viscount Palmerston.

Washington, November 12, 1846.

(Received December 2.)

(Extract.)

I HAVE fulfilled, without loss of time, the instructions contained in your Lordship's despatch, Slave Trade, of 15th October, by communicating confidentially to Mr. Buchanan the correspondence which passed between the late Commodore Jones and Commodore Skinner, relative to the capture of the American schooner "*Merchant*" by Her Majesty's brig "*Cygnet*," Commander Layton, copies of which correspondence accompanied your Lordship's despatch, and I have pointed out to Mr. Buchanan's notice, the fears of Her Majesty's Government as to the consequence which might result from a continuance on the part of American officers of such language in their correspondence with British officers as that adopted by Commodore Skinner in his correspondence with Commodore Jones.

It may be proper for me here to mention, that Commodore Skinner no longer commands the American squadron on the coast of Africa. He is now employed as Captain Superintendent of the dockyard at Norfolk.

(Signed)

R. PAKENHAM.

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

No. 93.

Mr. Pakenham to Viscount Palmerston.

Washington, November 12, 1846.

(Received December 2.)

My Lord,

IN obedience to the instructions contained in your Lordship's despatch, Slave Trade, of 16th October, which I had the honour to receive on the 9th of this month, I have communicated to Mr. Buchanan the extract from a despatch from Her Majesty's Commissioners at the Cape of Good Hope relative to the employment of the United States flag in the Slave Trade on the east coast of Africa, which extract accompanied your Lordship's despatch; and I have suggested to Mr. Buchanan the necessity of taking measures for preventing the abuse of the United States flag on the east coast of Africa for purposes of Slave Trade.

I have, &c.

(Signed) R. PAKENHAM.

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

&c.

&c.

&c.

No. 94.

Viscount Palmerston to Mr. Pakenham.

Sir,

Foreign Office, December 31, 1846.

I TRANSMIT to you herewith, for your information, and for communication to Mr. Buchanan, a copy of a letter from the Admiralty, enclosing a report from Commander Edmunds, of Her Majesty's sloop "Heroine," of the circumstances under which he visited the merchant-vessel "Frances Anne," in the month of September last, in order to ascertain whether or not she was entitled to bear the flag of the United States.

I am, &c.

(Signed) PALMERSTON.

The Right Hon. R. Pakenham,

&c.

&c.

Enclosure 1 in No. 94.

The Secretary to the Admiralty to the Right Hon. E. J. Stanley.

Sir,

Admiralty, December 24, 1846.

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of Viscount Palmerston, a copy of a letter from Commander Edmunds, of Her Majesty's sloop "Heroine," dated the 20th of September last, relative to the merchant-vessel "Frances Ann," of New York, which vessel showed United States colours, but was suspected of being engaged in the Slave Trade.

I am, &c.

(Signed) W. A. B. HAMILTON.

The Right Hon. E. J. Stanley,

&c.

&c.

Enclosure 2 in No. 94.

Commander Edmunds to the Secretary to the Admiralty.

Sir,

"Heroine," off Cabenda, September 20, 1846.

IN compliance with instructions as to Treaty with the United States, I have the honour to acquaint you, for the information of my Lords Commissioners of the Admiralty, that on leaving the Congo on Friday the 18th instant, about 11 A.M., observed a sail in the offing, to which I gave chase; on

nearing her, she showed American colours; from her suspicious appearance, I thought it proper to board her, and when closing called her attention by firing a single blank musket; shortly after she hove to, on which I sent Lieutenant Vesey and Mr. Spain, master, to board her at half-past one P.M.; Mr. Spain shortly returned, leaving on board Lieutenant Vesey, stating the chase was the "*Frances Anne*" of New York, William Tate master, 182 tons register, thirty-six days from Rio de Janeiro, having cleared out from New York in November last, and that they both fully believed she was a slaver and had no right to American colours. I then went on board with Mr. Spain, and on examining her papers did not think her American register at all satisfactory, that stating her to be a brig, whereas she was hermaphrodite rigged.

Her clearance from Rio was for her crew of eight persons, three who called themselves Americans, including the master, two British subjects, the other three foreigners; all with the exception of the master shipped on board at Rio a day or two before leaving for the coast.

Her cargo consisted entirely of farinha, rice, jerked beef, trade cloth, with twenty-three leaguers of water, and more I have no doubt under the cargo, had she been cleared for examination. She also had on board twenty-two Brazilian and Portuguese seamen, which the master stated were passengers; they were not in his clearance or manifest, or had he a paper of any description to show they were on board; they were evidently her slaver's crew. One of the passengers stated himself the owner of the cargo, whereas the master said he was a passenger. There was also found on board a Brazilian ensign. Taking all these things into consideration, and he stating he was bound for Cabenda, I thought it proper to send, with the master's full approbation, Lieutenant Vesey and a party of men on board to see her in, that she might be given over to an American man-of-war, should there be one there, giving him to understand that I by no means meant it as taking any charge or command of him, but merely to ensure her going to the place stated. On our arrival on the 19th instant, not finding an American cruizer, I communicated with Commander Brisbane, of the "*Larne*," and on the arrival of the "*Frances Anne*" at five P.M. of the same day, I went on board and took Lieutenant Vesey and party out of her, making a notation in his log that he had no complaint whatever to make, and was perfectly satisfied with my conduct and that of my officers and men, signed by the master of the "*Frances Anne*" and myself in the presence of Lieutenant Vesey and Mr. Spain, master.

I feel confident that the American flag in this instance has been made a cloak to cover a slaver. When first seen, she was apparently standing in for Red Point, a noted slave station south of Cabenda.

I have, &c.

(Signed) CHAS. EDMUNDS,
Commander.

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

No. 95.

Mr. Pakenham to Viscount Palmerston.

Washington, December 13, 1846.

(Received December 31.)

My Lord,

I HAVE the honour herewith to transmit a copy of a note which in fulfilment of instructions contained in your Lordship's despatch, Slave Trade, of the 16th October, I addressed to the United States Secretary of State, communicating a report from Her Majesty's Commissioners at the Cape of Good Hope relative to the employment of the United States flag in Slave Trade on the east coast of Africa, and suggesting the necessity of taking measures for preventing the abuse of the United States flag on the east coast of Africa for purposes of Slave Trade. I also enclose a copy of Mr. Buchanan's answer to my note, which your Lordship will perceive is confined to an acknowledgment of its receipt.

I might perhaps have considered it my duty to press the object of your Lordship's instructions on this subject more earnestly on the attention of the

American Government, were it not for the peculiar situation of this country at the present moment, the whole of its available naval resources being required for the prosecution of the war with Mexico, thus forbidding the hope that any arrangement might be made for the employment of some vessels on the east coast of Africa to prevent the abuse of the United States flag in Slave Trade operations.

The recent loss of two vessels of the description best adapted for service on the coast of Mexico or for cruising on the coast of Africa (supposing the Government to be otherwise disposed to increase the naval force on the latter station), of course suggests an additional difficulty to the accomplishment of the wishes of Her Majesty's Government on the subject in question. The "*Truxton*," brig of ten guns, was lost in the month of August last on the coast of Mexico; and within the last few days intelligence has been received of the loss of the "*Boston*" sloop-of-war, or corvette, of twenty guns, which had just been refitted at New York for service in the Gulf.

I have, &c.

(Signed) R. PAKENHAM.

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

&c. &c. &c.

Enclosure 1 in No. 95.

Mr. Pakenham to Mr. Buchanan.

Sir,

Washington, November 9, 1846.

I AM instructed to bring under the notice of the United States Government the statement contained in the enclosed paper, being a report from Her Majesty's Commissioners at the Cape of Good Hope, relative to the employment of the flag of the United States in Slave Trade on the east coast of Africa. I am further instructed, in laying this paper before you, to suggest to you, Sir, the necessity of taking measures for preventing the abuse of the United States flag on the east coast of Africa for purposes of Slave Trade.

I have, &c.

The Hon. James Buchanan,

&c. &c.

(Signed) R. PAKENHAM.

Enclosure 2 in No. 95.

Mr. Buchanan to Mr. Pakenham.

Sir

Washington, November 19, 1846.

I HAVE received the note which you did me the honour to address to me on the 9th instant, communicating an extract of a despatch from Her Britannic Majesty's Commissioners at the Cape of Good Hope to the Earl of Aberdeen, dated on the 6th of April last, wherein they state "that they have learned that equipments for slave-vessels are brought to the East Coast under the flag of the United States," and that you are instructed to suggest the necessity of taking measures for preventing the abuse of the United States flag on that coast for the purposes of Slave Trade.

I avail, &c.

The Right Hon. R. Pakenham,

&c. &c.

(Signed) JAMES BUCHANAN.

No. 96.

Mr. Pakenham to Viscount Palmerston.

Washington, December 13, 1846.

(Received December 31.)

My Lord,

WITH reference to your Lordship's despatch, Slave Trade, of 27th October, mentioning that an American brig called the "*Casket*" had been

detained by the United States squadron on the coast of Africa, and sent to this country for trial on a charge of slave-trading, I have the honour herewith to enclose a copy of a letter from the acting British Vice-Consul at Boston, communicating the result of the proceedings instituted in the case of that vessel.

I have, &c.

(Signed)

R. PAKENHAM.

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

&c.

&c.

&c.

Enclosure in No. 96.

Acting Vice-Consul Elliot to Mr. Pakenham.

Sir,

Boston, December 10, 1846.

I HAVE the honour to inform you, in relation to the brig "*Casket*," that was brought into this port on a charge of being engaged in the Slave Trade, that the only evidence produced against the brig or her crew was, that she had taken to the coast of Africa the frames of two vessels of about twenty tons each, which were supposed to have been intended for the Slave Trade. This was not considered by the United States Commissioners sufficiently satisfactory to warrant further proceedings, in consequence of which the brig and crew were discharged.

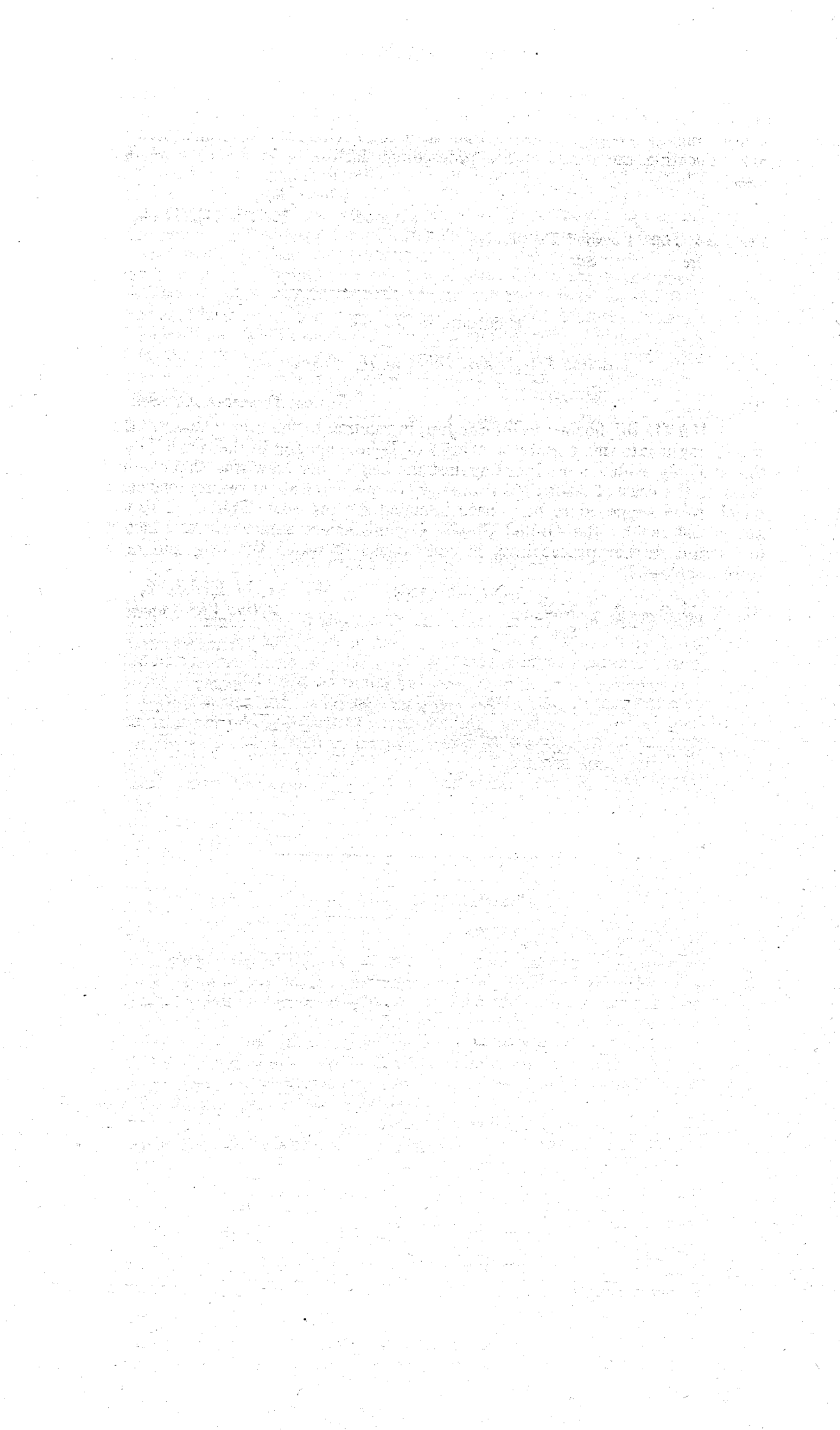
(Signed)

WILLIAM ELLIOT,
Acting Vice-Consul.

The Right Hon. R. Pakenham,

&c.

&c.



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

No. 97.

The Earl of Aberdeen to Consul Barclay.

Sir,

Foreign Office, February 21, 1846.

I TRANSMIT to you herewith copies of three letters and their enclosures from the Admiralty, dated the 25th of November last and 10th ultimo, on the subject of a steam slave-ship, named the "*Cacique*," captured on the 25th September last, by Her Majesty's ship "*Penelope*," on the west coast of Africa, and subsequently condemned in the Vice-Admiralty Court of St. Helena.

You will see from these papers that the "*Cacique*," is stated to have left New York on the 26th of March, 1845; and that according to the declaration of the Portuguese master, and of the four Americans who formed part of her crew, she left that port under Brazilian colours.

But there is every reason to believe that such was not the fact, as in a letter from Her Majesty's Consul at Pernambuco to this Department, dated the 12th of June of that year, mention is made of the arrival at that place from the United States of a three-masted schooner with a screw-propeller, which immediately changed her American flag for that of Brazil; and there can be no doubt that this vessel was the "*Cacique*."

I consider it important, however, that this fact should be, if possible, clearly and formally verified; and I have therefore to desire that you will transmit to me whatever authentic information you may be able to procure, bearing upon the character of the "*Cacique*" when at New York, especially with reference to her nationality and ownership.

I have addressed a similar requisition to Her Majesty's Consuls at Baltimore and at Pernambuco.

A. Barclay, Esq.
&c. &c.

I am, &c.
(Signed) ABERDEEN.

Enclosures 1 to 12 in No. 97.

[See Enclosures in Despatch of February 21, 1846, to Her Majesty's Consul at Pernambuco, Class B, No. 172, pages 283 to 290.]

No. 98.

Consul Barclay to the Earl of Aberdeen.

My Lord,

New York, March 28, 1846.
(Received April 15.)

I HAVE the honour to acknowledge the receipt of your Lordship's despatch, Slave Trade, of the 21st ultimo, transmitting copies of three letters and

their enclosures from the Admiralty, dated the 25th of November last, and the 10th of January last, on the subject of a steam slave-ship, named the "*Cacique*," captured on the 25th of September last by Her Majesty's ship "*Penelope*," on the west coast of Africa, and subsequently condemned in the Vice-Admiralty Court at St. Helena.

Pursuing the objects indicated by your Lordship's despatch and enclosures, I have ascertained that Messrs. N. L. McCreedy and Co., merchants of this city, were the late owners of the vessel before mentioned. From one of those gentleman I have learned that she was built in the State of Maine; was called the "*Tigress*;" was employed by them in transportation between New York and Richmond in Virginia, and was sold by them, they knew not for whose account, but were desired to draw an order for the purchase-money on an American house, which they did, and that it was paid.

From the clearance-book of the custom-house here I have learned, that the "*Cacique*" steam-vessel cleared outward on the 26th of March, 1845, under Brazilian colours, for Rio de Janeiro, without any register. The owner's name could not be obtained at the custom-house, it not being customary there to register the names of the owners of foreign ships.

In regard to the register, the custom-house officer appears not to have been well informed. In pursuing the inquiry, I have learned from the best source that the "*Cacique*" obtained a register from the Brazilian Legation in this country; also that Mr. Henrique Kagel, a German by birth but a naturalized subject of Brazil, was master of the "*Cacique*" when she left this port, that Manoel Ferreira de Nascimento, of Pernambuco, was the owner, the vessel having been purchased here by a Mr. Seixas as his agent.

I have, &c.

(Signed)

ANTHONY BARCLAY.

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

&c.

&c.

&c.

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

No. 99.

The Earl of Aberdeen to Consul Mc Tavish.

Sir,

Foreign Office, February 21, 1846.

I TRANSMIT to you herewith copies of three letters and their enclosures from the Admiralty, dated the 25th of November last, and 10th ultimo, on the subject of a steam slave-ship, named the "*Cacique*," captured on the 25th of September last, by Her Majesty's ship "*Penelope*," on the west coast of Africa, and subsequently condemned in the Vice-Admiralty Court of St. Helena.

You will see from these papers that the "*Cacique*" is stated to have left New York on the 26th of March, 1845; and that according to the declaration of the Portuguese master, and of the four Americans who formed part of her crew, she left that port under Brazilian colours.

But there is every reason to believe that such was not the fact, as in a letter from Her Majesty's Consul at Pernambuco to this Department, dated the 12th of June of that year, mention is made of the arrival at that place from the United States, of a three-masted schooner with a screw propeller, which immediately changed her American flag for that of Brazil; and there can be no doubt that this vessel was the "*Cacique*."

I consider it important, however, that this fact should be, if possible, clearly and formally verified; and I have therefore to desire that you will transmit to me whatever authentic information you may be able to procure bearing upon the character of the "*Cacique*" when at Baltimore, especially with reference to her nationality and ownership.

I have addressed a similar requisition to Her Majesty's Consuls at New York and at Pernambuco.

J. Mc Tavish, Esq.
&c. &c.

I am, &c.
(Signed) ABERDEEN.

Enclosures 1 to 12 in No. 99.

[See Enclosures in Despatch of February 21, 1846, to Her Majesty's Consul at Pernambuco, Class B, No. 172, pages 283 to 290.]

No. 100.

Consul Mc Tavish to the Earl of Aberdeen.

My Lord,

Baltimore, March 28, 1846.
(Received April 15.)

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 21st of last month, marked Slave Trade, together with its CLASS D.

various enclosures in relation to the slave-ship "*Cacique*," captured by Her Majesty's ship "*Penelope*," on the west coast of Africa, on the 25th of September, 1845.

The "*Cacique*" having been dismasted in a gale of wind off the Bermudas, on her passage from New York to Rio Janeiro, put into this port to refit, on the 8th of April, 1845. Her repairs being completed, she proceeded from hence to sea on the 22nd of that month, having cleared at the Brazilian Consulate for Rio Janeiro, via Pernambuco.

The "*Cacique*" entered Baltimore under Brazilian colours. She possessed no register, however, having recently been purchased in New York; but in lieu of that document the master, Kagel, deposited with the Consul an "extraordinary passport," supplied by the Chevalier Lisboa, the Brazilian Minister at Washington; it being intended to furnish her with a national register on her arrival in Brazil.

In corroboration of what I have stated respecting this vessel, I beg leave to refer your Lordship to the enclosed correspondence.

I regret that, thus far, I have been unable to obtain any further information respecting the "*Cacique's*" nationality and ownership; should I succeed in doing so at a future period, I shall not fail to report the same to your Lordship.

I have, &c.

(Signed)

JOHN Mc TAVISH.

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

&c.

&c.

&c.

Enclosure 1 in No. 100.

Consul McTavish to General Marriott.

Sir,

Baltimore, March 23, 1846.

ON or about the 12th of last April, the steamer "*Cacique*" (on a voyage from New York to Rio Janeiro) arrived here in distress, having been dismasted in a gale of wind near the Bermudas. The necessary repairs being completed, she sailed from hence for a Brazilian port.

In the month of September following, the "*Cacique*" (formerly the "*Tigress*" or "*Tigris*," of New York) was captured by Her Majesty's ship "*Penelope*," off the south-west coast of Africa, and sent to St. Helena, where she was condemned as a slaver by the Vice-Admiralty Court at that place.

Having stated the foregoing circumstances in relation to the vessel in question, may I request the favour of you to inform me if she entered this port in the character of an American or Brazilian ship; the port or ports for which she cleared, together with any further information your department can supply with reference to her nationality or ownership?

I have, &c.

General Wm. H. Marriott,

&c

&c.

(Signed)

JOHN Mc TAVISH.

Enclosure 2 in No. 100.

General Marriott to Consul McTavish.

Sir,

Collector's Office, District of Baltimore, March 24, 1846.

YOURS, under date of the 23rd instant, covering inquiries in relation to the steamer "*Cacique*," has been received, and I would respectfully state in answer, that the books of this department do not show that the vessel in question ever did enter or clear at this port. I believe, however, that she did arrive here in distress, as mentioned in your letter. This fact accounts for her not appearing on the books of this custom-house, as having either entered or cleared. The practice has prevailed here (and I believe at all the custom-houses in the United States) that when a vessel arrives in port in distress, her papers are merely deposited for safe keeping; and when the necessary repairs

are completed, she is permitted to proceed on her voyage under the papers granted at the port from which she may have originally sailed, with a simple endorsement of the facts on the back of the original clearance. I regret that I am unable to answer your inquiries more satisfactorily.

I have, &c.

John McTavish, Esq.
&c. &c.

(Signed)

WM. H. MARRIOTT, Collector.

Enclosure 3 in No. 100.

Consul McTavish to the Brazilian Vice-Consul.

Sir,

Baltimore, March 23, 1846.

SOMETIME in April last the steamer "Cacique," alleged to be under Brazilian colours, arrived here in distress, having been dismasted in a gale of wind off the Bermudas, on a voyage from New York to Rio de Janeiro.

I request you will have the goodness to inform me if the master of the "Cacique," on the occasion above referred to, deposited her register and papers in your custody according to law; and if you granted him a certificate to that effect, in conformity with the Act of Congress, to enable him to enter his vessel at the customs of this port.

In addition to the foregoing particulars, you will also much oblige me by furnishing such further information on the subject of the "Cacique's" flag and ownership as you may happen to possess and feel at liberty to communicate.

I have, &c.

George H. Newman, Esq.
&c. &c.

(Signed)

JOHN McTAVISH, Consul.

Enclosure 4 in No. 100.

The Brazilian Vice-Consul to Consul McTavish.

Sir,

Vice-Consulate of Brazil, Baltimore, March 24, 1846.

YOUR note of the 23rd was received this morning, and in reply I have to state, that the Brazilian steamer "Cacique" arrived at this port in distress, on the 8th of April last, and on the 9th Captain Kagel presented himself at this office and left with me his ship's papers in conformity to the law. The "Cacique" had no register, having just been purchased in New York, but was sailing under an "extraordinary passport" granted by the Minister of Brazil at Washington to carry her to Rio Janeiro, where a national register would be granted to her. The captain reported to me that the vessel had been dismasted, on the 31st March preceding, off Bermuda, while on a voyage from New York to Rio de Janeiro, and that she was in ballast. She cleared from this port on the 22nd April for Rio de Janeiro via Pernambuco.

Very respectfully, &c.

John McTavish, Esq.
&c. &c.

(Signed)

GEO. H. NEWMAN,
Vice-Consul of Brazil.

From the Baltimore "Commercial Journal," of April 12, 1845.

DISASTERS, ETC.

THE Brazilian steamer "Cacique," (formerly the "Tigris," between New York and Richmond, Va.) has put into this port in distress. The "Cacique" left New York about 24th March for Rio de Janeiro, and encountered very heavy gales of wind from the north-east on the 30th and 31st, in one of which near the Bermuda Islands, night of 31st, was dismasted, and put back into this port for repairs.

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

No. 101.

Consul Molyneux to Viscount Palmerston.

Savannah, August 22, 1846.
(*Received September 16.*)

My Lord,

A BRITISH subject who has been residing in this country upwards of fifty years, and by operation of law become an American citizen, applied to me, believing himself to be on his death-bed, to act as one of his executors; under the conviction that a refusal in his then low state might have a fatal effect, I reluctantly gave my consent, with an assurance from him that, in the event of his recovery, my name should be withdrawn. He has subsequently, however, declared his unwillingness to substitute another executor, and, having bequeathed his large property to his relations in England, seems to think that I am bound, by my official situation, to look after their interests. Although there is nothing in the Act of 6 and 7 Vic., cap. 98, to prohibit my receiving the proceeds of this property to be remitted to the legatees in England, yet it appears to me that I should be acting at variance with the policy of Her Majesty's Government, on the subject of slavery, if I were to be the medium of conveying to British subjects the proceeds of slave property, and I have, therefore, stated my determination not to act as executor in the present case. The individual in question, however, having condemned my course, and his legal adviser not admitting the distinction between slave and other property, I am induced to ask your Lordship if it be inconsistent with the settled and avowed views of Her Majesty's Government relative to slavery, for British Consuls to administer to the estates of slave-holders?

I am, &c.
(Signed) E. MOLYNEUX.

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

Memorandum.

A CIRCULAR, dated November 11, 1846, was issued by Viscount Palmerston to Her Majesty's Consuls in all slave-holding countries, prohibiting them from administering to the estates of deceased persons in cases where slaves formed part of the property of the deceased.

[For this Circular see Class B, No. 55, p. 64.]
