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Class B.

CORRESPONDENCE

WITH

FOREIGN POWERS,

RELATING TO

THE SLAVE TRADE.

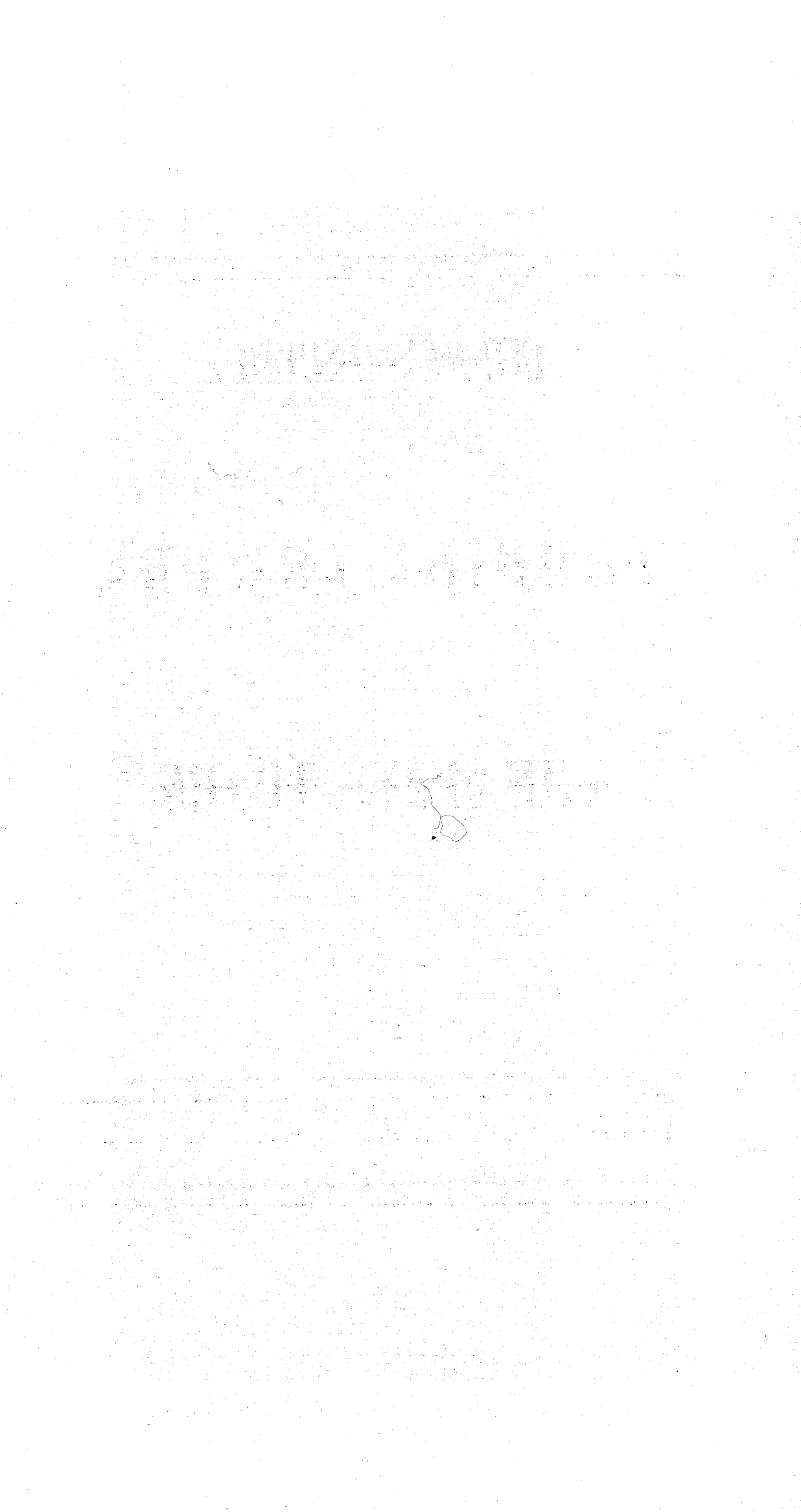
1831.

Presented to both Houses of Parliament, by Command of His Majesty,
1832.

LONDON.

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Class B.

CORRESPONDENCE

WITH

FOREIGN POWERS.

SPAIN.

No. 1.

H. U. Addington Esq. to Viscount Palmerston.—(Received February 21.)

MY LORD,

Madrid, February 7, 1831.

HAVING recently learnt from His Majesty's Consul at Cadiz, that a Spanish vessel, called the "*Rosalía*," is now fitting out at Cadiz for a slave expedition, I have addressed to Mr. Salmon a letter on that subject, of which I herewith enclose a copy.

In that letter I have introduced some cursory observations, respecting the general subject of the Cuba slave-trade, and the views of His Majesty's present Ministers thereupon, which I have thought calculated to remedy, in a certain degree, the delay which my own ill-timed illness, and that of both the gentlemen of my legation, has hitherto opposed to the communication, which I had proposed to make long since to the Spanish Government, respecting the expectation of His Majesty on this matter.

The necessity of having all the papers, which are sent in to the Spanish Government, translated, is also a cause of much delay, as the translator to this mission, though a very assiduous and accurate, is a very old and infirm, man.

I have the honour, &c.

(Signed)

H. U. ADDINGTON,

The Right Hon. Lord Viscount Palmerston,
&c. &c. &c.

Enclosure in No. 1.

H. U. Addington, Esq. to the Chevalier de Salmon.

MONSIEUR LE CHEVALIER,

Madrid, le 5 Février, 1831.

J'ai l'honneur d'informer votre Excellence que par une lettre, que je viens de recevoir du Consul Anglais à Cadiz, j'apprends qu'un bâtiment Espagnol, nommé la "*Rosalía*," est arrivé le 16 Janvier de l'Havanne; et qu'il est publiquement connu, que ce bâtiment se prépare à partir de Cadiz sous peu, pour chercher une cargaison de nègres.

Le bâtiment en question fut pris, il n'y a pas très long temps, par un vaisseau de guerre Anglais, qui avoit trouvé à son bord une quantité d'esclaves.

Il fut vendu à Sierra Leone ; et il est maintenant commandé par un nommé Jozé Maria Moreno, qui a été capturé déjà trois fois dans la poursuite de son infâme métier. La "*Rosalía*" est consignée à Messieurs Campo, Labamila y Martinez, de Cadiz, propriétaires de plusieurs autres bâtimens, employés dans le commerce des esclaves, qui ont été dénoncés à différentes reprises par le Consul Anglais à Cadiz.

J'ai l'honneur d'engager votre Excellence, non seulement à faire prendre des mesures immédiates et efficaces, pour empêcher la sortie du bâtiment en question de Cadiz, mais aussi pour mettre fin à ces violations ouvertes et déhontées des Traités, qui existent entre la Grande Bretagne et l'Espagne, qui se pratiquent continuellement dans ce port.

J'attends avec anxiété la réponse de votre Excellence à la lettre, que j'ai eu l'honneur de lui adresser le 8 Décembre dernier ; d'autant plus, que j'ai reçu du Gouvernement actuel de Sa Majesté mon Souverain un ordre très urgent de présenter, à celui de Sa Majesté Catholique, encore des observations au sujet du commerce des esclaves, qui se fait ouvertement à l'Havanne, pour renforcer celles, que j'ai déjà soumises à votre Excellence, et pour presser le Gouvernement Espagnol avec plus de chaleur d'accéder à l'invitation, qui lui a été faite de la part de Sa Majesté Britannique.

Mon indisposition m'a empêché de donner suite, jusqu'à présent, à ces instructions.

J'ai l'honneur, &c.
(Signé)

H. U. ADDINGTON.

S. E. M. le Chevalier de Salmon,
&c. &c. &c.

(Translation.)

SIR,

Madrid, February 5, 1831.

I HAVE the honour to inform your Excellency, that a letter, which I have just received from the English Consul at Cadiz, acquaints me, that a Spanish vessel, called the "*Rosalía*," arrived, on the 16th of January, at Cadiz from Havana, and that she is publickly known to make preparations for her speedy departure from Cadiz, with the view of procuring a cargo of negroes.

This vessel was not long ago taken by an English ship of war, which had found a number of slaves on board of her. She was sold at Sierra Leone, and her Commander is now one Jozé Maria Moreno, who has already been three times captured in the prosecution of his nefarious trade. The "*Rosalía*" is consigned to Messrs. Campo, Labamila and Martinez, at Cadiz, the owners of several other vessels employed in the slave-trade, and who have repeatedly been denounced by the English Consul at Cadiz.

I do myself the honour to request your Excellency not only to direct immediate and efficacious measures to be taken for preventing the departure of the vessel in question, but also to put a stop to the open and barefaced violations of the Treaties subsisting between Great Britain and Spain,—violations which are continually practising at that port.

I am anxiously expecting your Excellency's answer to the letter, which I had the honour of addressing to you on the 8th of last December, so much the rather, as I have received a strict order from the present Government of His Majesty, my Sovereign, to address to that of His Catholick Majesty some fresh observations on the subject of the slave-trade, now openly carrying on at Havana, for the purpose of adding weight to those which I have already submitted to your Excellency, and of more urgently pressing the Spanish Government to comply with the desire signified to it, on the part of His Britannick Majesty.

My illness has hitherto prevented me from carrying those instructions into effect.

I have, &c.

(Signed)

H. U. ADDINGTON.

His Excellency the Chevalier de Salmon,
&c. &c. &c.

No. 2.

Viscount Palmerston to H. U. Addington, Esq.

SIR,

Foreign Office, February 23, 1831.

I HEREWITH transmit to you copies of communications,* which have been received at this office, upon the subject of the detention of an armed Spanish slave-trader, the "*Veloz Pasagera*," after a resistance, by which 8 British seamen lost their lives.

It appears that, prior to that meeting with the British sloop-of-war, the "*Primrose*," which brought on the action, the Spanish slave-trader had been visited by Commodore Collier of H. M. S. "*Sybille*," who, finding her to be fitted up for the slave-trade, had endorsed on her papers, that he had warned her crew not to attempt resistance against a British vessel, for that in such case they must be treated as pirates.

It appears further, that the Captain of the "*Primrose*" did all that could be required, to induce the Commander of the Spanish vessel peaceably to permit the search, and that he was driven to the necessity of using force, in order to effect that lawful act.

And, lastly, it appears, that the Spaniards stationed some of the unfortunate slaves at the guns, thus forcing them, at the risk of their lives, to assist in preventing themselves from being rescued from slavery.

Twenty-four of the crew of the "*Veloz Pasagera*" were brought to England, to be tried for the death of those British subjects, who were killed in the action.

In handing over these offenders to the Spanish Government, His Majesty's Government cannot permit themselves to doubt, that the aggravated nature of the crime, of which they have been guilty, will be duly appreciated by the Spanish Government, and that the penalty, which the Spanish law awards for such guilt, will be promptly and strictly inflicted.

I cannot conclude this despatch without again directing you to press, in the most forcible manner, upon the Spanish Government, the propriety of their immediately adopting such measures as may tend to a real and complete fulfilment of the Treaty of 1817. It is time that this disgraceful traffick in the human species should be brought to an end. It is time that the Spanish Government should feel the conviction, that honour, no less than humanity, requires, that they should co-operate to complete its abolition; and it ought to be a satisfaction to them to be conscious, that they, in so doing, would be yielding to one of the best impulses of our nature, while they are fulfilling the stipulations of a national compact.

I enclose, for your information, a letter which has been received at this office from the Board of Trade, shewing the flagrant extent to which the slave-trade is at present carried on in Cuba, and corroborating the reports from His Majesty's Commissioners at the Havana, which have already been transmitted to you for communication to the Government of Spain.

It is quite obvious, that, unless permission is given by Spain for the detention of ships, evidently fitted up for illegal slave-trade, and found in prohibited latitudes, and for which permission you have already been instructed to press, that great object, the extinction of this traffick, cannot by possibility be attained; I have, therefore, in conclusion, to repeat the desire of His Majesty's Government, that you will, upon every occasion, bring this point prominently forward in your discussions with the Spanish Government upon this subject, and that you will urge, in the strongest manner, their acquiescence in such an arrangement.

I am, &c.

(Signed) PALMERSTON.

H. U. Addington, Esq.

&c. &c. &c.

* Sierra Leone Commissioners, October 18, 1830,—No. 33.—See Class A. 1830.
Admiralty, February 7, 1830,—No. 9.—See Class A. 1831.

First Enclosure in No. 2.

R. W. Hay, Esq. to John Backhouse, Esq.

SIR,

Downing-Street, December 31, 1830.

I AM directed by Viscount Goderich to transmit to you, for the information of Viscount Palmerston, the enclosed copy of a despatch from the Lieutenant-Governor of Sierra Leone, notifying the capture, by H. M. S. "Primrose," of a Spanish ship, called the "*Veloz*," having on board 534 slaves.

I am, &c.

(Signed) R. W. HAY.

John Backhouse, Esq.

&c. &c. &c.

Sub-Enclosure in No. 2.

Lieutenant-Governor Findlay to Sir G. Murray.

SIR,

Sierra Leone, October 8, 1830.

I HAVE the honour to inform you, that the Spanish ship "*Veloz*," mounting 20 guns, was brought in here last night, a prize to H. M. S. "Primrose," with 534 slaves on board. This vessel sustained an action of 20 minutes with the "Primrose," and I regret in having to state, that 3 of her crew were killed, and a great many wounded, and 5 of the slaves were killed on board the captured ship; the "*Plumper*," gun-brig, also arrived last night, and I received a letter from Captain Gordon, very kindly stating, that he would attend to any application I might find it necessary to make to the Officer commanding, and I shall endeavour to prevail upon him to carry a few of the Africans just brought in to the Gambia.

I have, &c.

(Signed)

ALEX. FINDLAY.

The Right Hon. Sir George Murray, G.C.B.

&c.

&c.

&c.

Second Enclosure in No. 2.

Thomas Lack, Esq. to Sir George Shee.

SIR,

*Office of Committee of Privy Council for Trade,
Whitehall, January 18, 1831.*

I AM directed by the Lords of the Committee of Privy Council for Trade to request, that you will lay before Lord Palmerston the following facts, for his Lordship's information.

Their Lordships have no means of information, as to how far the traffick in slaves continues to be carried on by the French nation; but they submit, that the times seem favourable to stronger measures than were adopted by the late Government of France, and to more earnestness in their execution. But they wish more particularly to draw the attention of Lord Palmerston to the slave-trade carried on in Cuba, in defiance of the Treaties entered into on the subject between this country and Spain. It is stated, that this trade is supported by the Authorities at Cuba; that the Commission established there is absolutely ineffective, and that not less than 7,000 slaves are annually imported, and publickly sold.

The interests of humanity will suggest themselves to Lord Palmerston, as well as the political importance of endeavouring, by negociation, or by more

active employment of force, at once to put an end to a trade, the partial interruption of which entails so much expense and inconvenience on the country, and is ineffectual to the object in view.

Sir George Shee, Bart.
 &c. &c. &c.

I am, &c.

(Signed) THOMAS LACK.

No. 3.

Viscount Palmerston to the Chevalier de Zea Bermudez.

THE Undersigned, &c. has the honour to state to the Chevalier de Zea Bermudez, &c. that a Spanish vessel, named the "*Veloz Pasagera*," was visited in Accra Roads, on the Coast of Africa, by H. M. S. "*Sybill*," under the command of Commodore Collier, who, finding her to be fitted up for slave-trade, warned her not to attempt resistance to the search of a British vessel.

She was, however, subsequently met in latitude 5° 8' N., and longitude 4° 17' E., by H. M. S. "*Primrose*," Captain Broughton, when actually laden with slaves; and notwithstanding the warning before given, and every fair effort on the part of Captain Broughton to induce permission to the search, resisted that lawful act. An action ensued, in which 3 British seamen lost their lives.

Upon the capture of the vessel, 24 men, part of her crew, were sent to England, to be tried for the death of the British subjects above-mentioned; but His Majesty's Government are desirous of handing these offenders over to the Spanish Government, in order that the penalty, which the Spanish law awards for such guilt, may be visited upon them.

The Undersigned has already addressed, by His Majesty's command, an instruction to His Majesty's Envoy at Madrid, containing the particulars of the transaction in which these men have been implicated, and desiring His Majesty's Envoy to express to the Spanish Government the confidence of His Majesty's Government, that the aggravated nature of the crime, of which these persons have been guilty, will be duly appreciated by His Catholick Majesty, and the penalty thereof be promptly and strictly inflicted upon the offenders.

With this view the Undersigned has now to request, that the Chevalier de Zea Bermudez will facilitate the ends of justice, which alone are sought for on this occasion, by giving the requisite authority, that these men may be landed at Algeziras, to which place they are about to be conveyed, and that they may be delivered over, at that place, to some Spanish Authority competent to receive them.

Upon the receipt of that document, the Lords of the Admiralty will give directions, that the individuals in question shall be embarked on board of H. M. S. "*Kent*," which is now at Plymouth, and under sailing orders for the Mediterranean, and her Commander will receive directions to land the men at Algeziras, delivering them to the proper authorities accordingly.

The Undersigned avails himself, &c.

Foreign Office, February 26, 1831. (Signed) PALMERSTON.

The Chevalier de Zea Bermudez,
 &c. &c. &c.

No. 4.

The Chevalier de Zea Bermudez to Viscount Palmerston.—(Received Feb. 28.)

EL Infrascrito, Enviado Extraordinario y Ministro Plenipotenciario de Su Magestad Católica, ha tenido la honra de recibir, á noche tarde, la nota que el Escelentísimo Sr. Vizconde de Palmerston, Principal Secretario de Estado de Su Magestad Británica para los Negocios Estrangeros, le ha dirigido,

con fha de ayer, relativa al caso de la nave mercante Española la "*Veloz Pasajera*," apresada con un cargo de esclavos negros por un buque de guerra Ingles.

El infrascrito se apresura á pasar á manos del Escelentísimo Sr. Vizconde de Palmerston, bajo sello volante, el aviso oficial, que solicita en su nota, dirigido al Comandante de Marina del Puerto de Algeçiras, para que reciba, del Comandante del Navio de linea el "*Kent*," los 24 hombres, que formaron parte de la tripulacion de dicha nave Española; y los ponga bajo buena custodia, hasta que el Gobierno de Su Majestad Católica disponga lo que sea conveniente, para que se les juzgue con arreglo à las leyes de España.

El Infrascrito aprovecha de esta ocasion, &c. &c.

(Signado) FRANCO. DE ZEA BERMUDEZ.

Londres, 27 de Febrero, de 1831.

Escelentísimo Sr. Vizconde de Palmerston,
&c. &c. &c.

(Translation.)

THE Undersigned, Envoy Extraordinary and Minister Plenipotentiary of His Catholick Majesty, has had the honour to receive, late last night, the note which his Excellency Viscount Palmerston, His Britannick Majesty's Principal Secretary of State for Foreign Affairs, addressed to him, dated yesterday, relative to the case of the Spanish merchant ship "*La Veloz Pasajera*," captured with a cargo of black slaves, by an English vessel of war.

The Undersigned hastens to transmit to the hands of his Excellency Viscount Palmerston, under a flying seal, the official communication, which he requests in his note, addressed to the Commandant of Marine of the Port of Algeziras, to receive from the Commander of the line-of-battle ship, the "*Kent*," the 24 men, who formed a part of the crew of the said Spanish ship, and to place them in safe custody, until the Government of His Catholick Majesty have made the arrangements, which may be deemed expedient, in order that they may receive judgment conformably to the laws of Spain

The Undersigned, &c.,

(Signed) FRANCISCO DE ZEA BERMUDEZ.

London, February 27, 1831.

His Excellency Viscount Palmerston,
&c. &c. &c.

Enclosure in No. 4.

(Translation.)

The Chevalier de Zea Bermudez to the Commandant of Marine at Algeziras.

SIR,

THE Commander of the English line-of-battle-ship the "*Kent*," the bearer of this despatch, who will depart from Plymouth for the Mediterranean, by order of this Government, will touch at your port, and will deliver up to you 24 men, subjects of His Majesty, who formed part of the crew of the Spanish merchant-vessel the "*Veloz Pasajera*," when that vessel, conyging a cargo of black slaves from the Coast of Africa, was seized by a vessel of the Royal British Navy, for having resisted by force the visit provided for by the Treaty between the two Governments for the abolition of the slave-trade, signed at Madrid on the 23d of September, 1817.

Three seamen of the English vessel having been killed in the action, the British Government has resolved to place the abovementioned 24 men at the

disposal of His Majesty, requesting that they may be judged in conformity to our laws; and for this purpose they will be delivered to you; who will, accordingly, be pleased to keep them in safe custody, informing his Excellency the Minister of Marine of it, until the King, our Master, informed of this proceeding, of which I give a circumstantial account to His Majesty's Government, be pleased to signify his resolution on the case.

God preserve you many years.

(Signed) FRANCISCO DE ZEA BERMUDEZ.

London, February 27, 1831.

D. Manuel Moreno, Captain of the Royal Fleet,
&c. &c. &c.

No. 5.

H. U. Addington, Esq. to Viscount Palmerston.—(Received March 8.)

MY LORD,

Madrid, February 18, 1831.

I HAVE the honour to transmit, herewith, to your Lordship, the copy of a letter, which I have recently addressed to the Spanish Secretary of State, respecting the slave-trade still carried on in Cuba and Porto Rico.

My former letter to his Excellency, of December 8th last, on the same subject, had explained so fully, and pressed so earnestly, the object which His Majesty's Government had in view, that it appeared to me to be unnecessary to enter again on the question in detail. I confined myself, therefore, to laying before the Spanish Government such further evidence, as tended to confirm my preceding statements, respecting the abuses still openly practised under the Spanish flag, and in the Spanish colonies, notwithstanding all the measures professed to have been adopted by His Catholick Majesty for the suppression of that traffick.

I have further urged, in conversation with the Secretary of State and Secretary of the Navy, the absolute necessity of taking, at last, decided measures for wiping off the stigma, which attaches to the Spanish Government, from the undisguised violation of the Treaties unceasingly committed by Spanish subjects in her principal colony, and clearly abetted and encouraged by the Authorities of that colony; and I observed, that no measure seemed to promise efficacious results in the repression of those practices, except it were a power, mutually secured to the cruizers of both nations, to seize and sequester every vessel manifestly fitted up for the conveyance of slaves, even though no slaves should be actually found on board.

Both the above-mentioned Ministers promised to pay every attention to my representations, and the Secretary of State did not appear averse to their object; but I could obtain no assurance of support from either, nor can I affirm that the proposition seems likely to meet with favour.

In the first place, it creates no immediate national interest, and is therefore coldly considered; and, in the second place, the proposed facilitation of the seizure of Spanish vessels by our cruizers evidently excites an undefined apprehension, real or pretended, which will, I fear, oppose the main obstacle to the success of our demand. To allay this apprehension my principal efforts will be directed; for, with its existence, there is little hope of the accomplishment of our object. Your Lordship may be assured that no endeavours shall be omitted, on my part, to procure a compliance with the wishes of His Majesty's Government.

I have, &c.

(Signed) H. U. ADDINGTON.

The Right Hon. Lord Viscount Palmerston,
&c. &c. &c.

Enclosure in No. 5.

H. U. Addington, Esq. to the Chevalier de Salmon.

SIR,

Madrid, February 13, 1831.

I HAVE the honour to lay herewith before your Excellency * 3 documents relative to the slave-trade, of which I spoke to you a few days since, as having been transmitted to me in a despatch from His Majesty's Secretary of State for Foreign Affairs, by which I am directed to make further and urgent efforts with the Government of His Catholick Majesty, for the purpose of procuring their assent to the proposition, which I had the honour to submit to your Excellency, in my letter of the 8th of December last. That proposition was, that His Catholick Majesty would agree to the annexation of an additional Article to the Slave-trade Treaties already existing between Great Britain and Spain; by which Article every vessel, not only actually carrying slaves, but manifestly fitted up as a slave-vessel, should be mutually liable to capture and condemnation.

In the success of this proposition, His Majesty's present Ministers take an interest, at least as deep as the late Ministers, from whom I received the instructions, on which my letter to your Excellency of the 8th of December last was founded,

One of the enclosed papers contains extracts of a letter from the British Commissioners at Sierra Leone, dated the 21st of September last, in which I lament to say that it is stated in the most explicit terms, that the slave-trade on the Coast of Africa not only has not diminished, but has actually increased, and is still increasing, notwithstanding all the Treaties entered into, and all the measures taken for its suppression. That trade, it is further stated, is carried on principally under the flags of Spain and France; and the Commissioners declare, that all the vigilance of British cruizers, even were their numbers infinitely increased, would never suffice, under the present regulations, to put it down. In fact they are clearly of opinion, that the only efficacious mode of cutting up by the roots the immense traffick in slaves, still carried on under the flags of France and Spain, would be by those Powers mutually permitting the seizure of all vessels *fitted up as slave-vessels*. Such fitting and equipment, the Commissioners observe, *can* never be required for lawful commerce; and the permission to seize such vessels would render the risk and loss, and consequent ruin, so great to the unlawful trader, as would probably in a short time most considerably diminish that traffick.

The papers will prove to your excellency, that, up to the 2d November of last year, the slave-trade, carried on at the Havana in open violation of all Treaties, continued unrepressed. This will shew the utter inefficacy of all the measures, hitherto adopted by His Catholick Majesty for the abolition of that traffick in Cuba, and will, I trust, induce His Majesty at length to agree to the only really efficacious means of insuring that object, namely, by agreeing to the proposition now once more earnestly submitted for his acceptance, on the part of the British Government.

I have, &c.

The Chevalier de Salmon,
&c. &c. &c.

(Signed)

H. U. ADDINGTON.

* See Class A. 1830.—Nos. 14, 105, and 106.

No. 6.

H. U. Addington, Esq. to Viscount Palmerston.—(Received March 14.)

MY LORD,

Madrid, February 28, 1831.

AS a supplement to my despatch of the 18th of this month, I have the honour to enclose, herewith, a letter which I received from the Spanish Se-

cretary of State, in reply to that which I addressed to him on the 5th instant, to apprise him of the Spanish vessel, named the "*Rosalía*," being at that moment in a state of preparation, in the port of Cadiz, for a slave voyage.

I have, &c.

(Signed)

H. U. ADDINGTON:

The Right Hon. Lord Viscount Palmerston,
&c. &c. &c.

Enclosure in No. 6.

(Translation.)

The Chevalier de Salmon to H. U. Addington, Esq.

Palace, February 23, 1831.

THE King, my august Master, having been made acquainted with the contents of your note of the 5th instant, relative to the Spanish ship, named the "*Rosalía*," has commanded me to lay the whole affair before the Secretary of the Marine Department, which accordingly I have this day done, that he may issue the necessary orders for preventing the sailing of the said vessel from Cadiz, if she be really bound to the Coast of Africa, for the purpose of carrying on the slave-trade.

I have the honour of making this communication to you, and of assuring you, at the same time, that the other affair,* which you recall to my mind in your note, has not been unattended to, and that, as soon as a decision shall have been given respecting it, I will lose no time in informing you of it.

(Signed)

MANUEL GONZALEZ SALMON.

His Excellency H. U. Addington, Esq.
&c. &c. &c.

* The proposition for an Additional Article to the Slave-trade Treaties.

No. 7.

Viscount Palmerston to H. U. Addington, Esq.

SIR,

Foreign-Office, March 26, 1831.

I HAVE received your despatches, marked Slave-trade, of the 18th and 20th ultimo. In reply, I have, in the first place, to inform you, that His Majesty's Government approve highly of the efforts, which you have hitherto made, to prevail upon the Spanish Government to fulfil those engagements, by which they have so repeatedly and solemnly bound themselves to co-operate, in the most strenuous manner, for the extinction of the odious and disgusting traffick in slaves. But His Majesty's Government observe with great regret, how much still remains to be done upon this point. Remonstrances, it is true, are met with promises, and scanty and partial exertions are at times made, for the purpose of giving a colour to declarations; but the evil itself still continues unabated.

It is well known, that every river on the Coast of Africa, where slaves are to be obtained, still swarms with slave-ships, bearing openly the flag of Spain; while vessel after vessel sails for that coast from the Havana, returns laden with these slaves, of whom even the number on board is publickly known, lands them unmolested at the back of the Island of Cuba, re-enters the port of the Havana in ballast, and is again fitted up, rapidly and without impediment, for a fresh expedition in this prohibited traffick. Nay, it has even been ascertained, and in more instances than one, that Spanish ships of war, whose Commanders ought to have been instructed to detain slave-vessels, and send them to the Havana for condemnation, have actually sailed from that harbour in company with vessels fitted up for the slave-trade, and notoriously bound for Africa, expressly for the purpose of convoying such vessels on their way.

Still further, His Majesty's Government have it in evidence before them, not only that this traffick is carried on by Spanish merchants, supported by the Spanish navy, and in the very presence of Spanish Authorities, but that it is conducted with all those aggravating circumstances of outrage and lawless violence, which might be expected from the demoralizing tendency of the traffick. It appears that Spanish slave-vessels have been known to way-lay other vessels of the same description, sailing under whatsoever flag, to plunder the crew, and, if slaves were found on board, to carry off those slaves, to complete their own cargoes. Nor has this system of piracy by sea been unaccompanied by robbery on shore; for it has frequently happened, that liberated Africans in the British settlements have been kidnapped, and sold to Spanish slave-dealers, and thus ultimately consigned to that slavery, from which they had previously been rescued by the disinterested humanity and indefatigable exertions of England.

Now it must be obvious, that this state of things cannot be suffered to continue. The cause of humanity, the faith of Treaties, the honour of this country, involved in the fulfilment of Treaties to which she is a party, all require that His Majesty's Government should press upon the Government of Spain to adopt, without equivocation or delay, such measures, as by their promptness and efficacy may not only check, but extinguish this traffick, and at once vindicate the honour of all the parties concerned, and satisfy the demands of humanity and justice.

For these purposes the following measures would seem to be required:—First, a law, declaring slave-trading piracy. This would strike at the root of the evil, by counterbalancing temptation by fear.

The second measure, and which would be necessary in order to give efficacy to the first, would be a declaration, on the part of Spain, that ships met with in prohibited latitudes, even should there be no slaves on board, may, if found fitted up for slave-trading, be dealt with as if actually engaged in the traffick; and the third would be the establishment of such regulations by the Spanish Government, as should enforce, on the part of its officers at Cuba, a more strict performance of their judicial and executive duties.

These measures, combined with a continuance of the mutual right of search, which, without them, is unavailing, would, I have no doubt, attain the great object in view. I have then to desire, that you will continue forcibly and unceasingly to press this subject upon the Spanish Government. You will inform them, that it is a matter which His Majesty's Government have, beyond any thing else, at heart; and you will add, that a frank acquiescence in these their desires would be considered by them as the most acceptable and unequivocal proof, which the Spanish Government could afford, of their wish lastingly to cement the union, which now so happily subsists between the Governments of the two Countries.

I am, &c.

(Signed)

PALMERSTON.

H. U. Addington, Esq.

&c. &c. &c.

No. 8.

H. U. Addington, Esq. to Viscount Palmerston.—(Received April 6.)

MY LORD,

Madrid, March 21, 1831.

I HAVE had the honour to receive your Lordship's despatch marked Slave-trade, of the 23rd of January last, with its enclosures; and I enclose copy of a communication, which I made on the subject of it to M. de Salmon, as soon as I had had time to get the necessary translations prepared.

It appeared to me, that the representation, which I was instructed to make to the Spanish Government, would come with much more force, if I put into their hands a literal translation of your Lordship's despatch; not perceiving that any inconvenience could result from so doing, in this

instance, although it is a mode to be employed generally with caution. This I accordingly did, and I shall not fail to attend, on every occasion, to the exhortation with which your Lordship's letter concludes, and to employ all my endeavours to induce the Spanish Government to accede to the desires of Great Britain.

I have, &c.

(Signed)

H. U. ADDINGTON.

The Right Hon. Lord Viscount Palmerston.

&c.

&c.

&c.

Inclosure in No. 8.

H. U. Addington, Esq. to the Chevalier de Salmon.

SIR,

Madrid, March 16, 1831.

I AM directed by His Majesty's Secretary of State to make to the Spanish Government a further communication and appeal, on the subject of the slave-trade carried on under the Spanish flag.

The immediate cause of this renewed communication is a recent deplorable transaction, in which many useful lives were lost, solely in consequence of that deficiency in existing Treaties, of which the British Government has so often complained, and which she has so repeatedly proposed to remedy.

The occurrence, to which I allude, is an engagement which took place in October last, between a Spanish slave-ship, named the "*Veloz Pasagera*," and the British sloop-of-war "*Primrose*." At the moment of the capture of the Spanish vessel, 550 slaves were found on board, 5 having been killed during the action, while serving, by compulsion, at the guns.

In this engagement upwards of 50 Spanish and 3 British seamen were killed, besides many wounded, amongst whom was the Commander of the "*Primrose*."

I enclose herewith several papers, giving an account of this affair and its results. Amongst those documents there is one (the opinion of the Solicitor to the Admiralty, dated the 4th of February, 1831), which I have particular satisfaction in laying before your Excellency, because it will prove to you the perfect equity and impartiality, which, even under circumstances of great and just irritation, presides over the administration of the law in England, in cases of the capture of foreign vessels engaged in the slave-trade.

To these papers I add a literal translation of the despatch which accompanied them, by which I am ordered to lay the matter before the Spanish Government, and to apprise your Excellency, that the crew of the "*Veloz Pasagera*" have been placed at the disposal of His Catholick Majesty, to be dealt with according to the law of Spain, which the British Government feel persuaded will, in this instance, be executed on the offenders in all its rigour.

I should only weaken the force of the general appeal, which I am directed to make to your Excellency, by adding one word to the expressions employed in that despatch, with the object of urging the acquiescence of the Spanish Government in the proposition, repeatedly submitted to it by that of Great Britain, relative to the annexation of an additional Article to the Slave-Trade Treaties already existing between the two nations.

I will only repeat, that had such an Article existed, the deplorable loss of lives, mentioned above, would not have taken place.

Your Excellency will not fail to observe, that it is stated in the despatch, that the "*Veloz Pasagera*," some time prior to her encounter with the "*Primrose*," had already been visited by another British cruizer, but not having then taken her cargo of slaves on board, she could not be touched, although she was fitted up in all points for the sole conveyance of slaves.

I have, &c.

(Signed)

H. U. ADDINGTON.

His Excellency the Chevalier de Salmon,

&c.

&c.

&c.

H. U. Addington Esq. to Viscount Palmerston—(Received May 12.)

MY LORD,

Madrid, April 28, 1831.

I HAVE the honour to enclose, herewith, the copy of a letter which, in pursuance of your Lordship's instructions, conveyed to me in your despatch of March 26, I addressed to the Spanish Secretary of State, on the 18th instant, again urging on his attention the question of the measures desired by Great Britain, for the effectual suppression of the African slave-trade, as carried on in the Spanish colonies, and under the Spanish flag.

I have further had a conference with that Minister on the same subject, and received from him the assurance, that the matter is at this moment under the consideration of the Council of Ministers.

He requested me to have a little patience, until all the information required, prior to the final decision of Ministers on the subject, should have been received. He admitted the inadequacy of the regulations at present in force in Cuba, for the extinction of the traffick carried on there; and I cannot say that he seemed averse to entertain the proposition put forward by Great Britain. His Excellency owned besides, that great inconvenience and eventual hazard might result to Cuba, from the increase of the black population.

I shall not fail to revert to this subject, every time that I may have occasion to see M. de Salmon or any of the other Ministers of the King, and will immediately make your Lordship acquainted with the result of the deliberation of the Council, as soon as it shall come to my knowledge.

I enclose also a copy of a letter, which I have addressed to M. de Salmon, in conformity with your Lordship's instructions, relative to the regulation of the expenses arising under the Mixed British and Spanish Slave Commissions. I have as yet received no answer to the proposition made therein.

I have, &c.

(Signed)

H. U. ADDINGTON.

The Right Hon. Lord Viscount Palmerston,
 &c. &c. &c.

First Enclosure in No. 9.

H. U. Addington, Esq. to the Chevalier de Salmon.

Madrid, April 18, 1831.

THE Undersigned, His Britannick Majesty's Envoy Extraordinary and Minister Plenipotentiary, has once more received orders from his Court, to renew, with increased earnestness, the already oftentimes repeated representations, which he has made to the Government of His Catholick Majesty, respecting the slave-trade carried on in the Spanish colonies, and under the Spanish flag, and the measures which it is ardently desired, on the part of Great Britain, that that Government should adopt for its effectual suppression.

As the observations, which the Undersigned is directed to submit to his Excellency the Secretary of State, on this subject, will have the greater effect, the nearer they approach to the language of the despatch itself, which the Undersigned has received from London; he will adhere, as closely as possible, to the terms of that despatch.

His Majesty's Secretary of State then observes, "that the British Government have seen with regret, that their remonstrances on the subject of the slave-trade, carried on in the Spanish dominions, have been met but by promises, or by scanty and partial exertions, which have turned out to be totally ineffectual in accomplishing the object, which they profess to have in view. The evil itself continues unabated.

"It is well known," says His Majesty's Secretary of State, "that every river on the Coast of Africa, where slaves are to be obtained, still swarms with slave-ships bearing openly the flag of Spain, while vessel after vessel sails for that Coast from the Havana, returns laden with these slaves, of whom even

the number on board is publickly known, lands them unmolested at the back of the Island of Cuba, re-enters the port of the Havana in ballast, and is again fitted up rapidly, and without impediment, for a fresh expedition in this prohibited traffick. It has even been ascertained, and in more instances than one, that Spanish ships-of-war, whose Commanders ought to have been instructed to detain slaves-vessels, and send them to the Havana for condemnation, have actually sailed from that harbour in company with vessels fitted up for the slave-trade, and notoriously bound for Africa, expressly for the purpose of convoying such vessels on their way.

“Still further, His Majesty’s Government have it in evidence before them, not only that this traffick is carried on by Spanish merchants, supported by the Spanish navy, and in the very presence of Spanish Authorities, but that it is conducted with all those aggravating circumstances of outrage and lawless violence, which might be expected from the demoralizing tendency of the traffick. It appears that Spanish slave-vessels have been known to way-lay other vessels of the same description, sailing under whatsoever flag, to plunder the crew, and, if slaves were found on board, to carry off those slaves to complete their own cargoes.

“Nor has this system of piracy by sea been unaccompanied by robbery on shore; for it has frequently happened, that liberated Africans in the British settlements have been kidnapped, and sold to Spanish slave-dealers, and thus ultimately consigned to that slavery, from which they had previously been rescued by the disinterested humanity and exertions of England.

“Now it must be obvious that this state of things can not be suffered to continue. The cause of humanity, the faith of Treaties, the honour of this country, involved in the fulfilment of Treaties to which she is herself a party, all require that His Majesty’s Government should press upon the Government of Spain, to adopt, without equivocation or delay, such measures as, by their promptness and efficacy, may not only check, but extinguish this traffick, and at once vindicate the honour of all the parties concerned, and satisfy the demands of humanity and justice.

“For these purposes the following measures would seem to be required:

“First.—A law declaring slave-trading piracy. This would strike at the root of the evil, by counterbalancing temptation by fear.

“Secondly.—A declaration on the part of Spain, that ships met with in prohibited latitudes, even should there be no slaves on board, may, if found fitted up for slave-trading, be dealt with as if actually engaged in the traffick.

“Thirdly.—The establishment of such regulations by the Spanish Government as should enforce, on the part of its officers in Cuba, a more strict performance of their judicial and executive duties.

“These measures, combined with a continuance of the mutual right of search, which without them is unavailing, would, without doubt, attain the great object in view.”

Such, Sir, are the words of His Majesty’s Secretary of State, and his Lordship concludes his despatch to the Undersigned, by saying “I have then to desire that you will continue, forcibly and unceasingly, to press this subject upon the Spanish Government. You will inform them, that it is a matter which His Majesty’s Government have, beyond any thing else, at heart; and you will add, that a frank acquiescence in these their desires would be considered by them as the most acceptable and unequivocal proof, which the Spanish Government could afford of their wish; lastingly to cement the union, which now so happily subsists between the Governments of the two countries.”

To this forcible appeal the Undersigned deems it unnecessary to add a single word. He feels persuaded that the Spanish Government will not pass by unregarded wishes so expressed; and he, therefore, confines himself to recommending the measures suggested by Viscount Palmerston, in the most urgent manner, to the good sense and right-minded feelings of the Spanish Government.

The Undersigned avails himself, &c.

(Signed)

H. U. ADDINGTON

His Excellency the Chevalier de Salmon,

&c.

&c.

&c.

Second Enclosure in No. 9.

H. U. Addington, Esq. to the Chevalier de Salmon.

SIR,

Madrid, April 6, 1831.

IN consequence of some differences, which have occasionally occurred, respecting the payment of expences attending the adjudication of slave-vessels in the Courts of Mixed Commission at Rio Janeiro, Surinam, and the Havana, His Majesty's Government, having taken this subject into their consideration, have determined to propose, to that of His Catholick Majesty, the adoption in future of one uniform rule in this respect.

I have been, accordingly, directed by His Majesty's Secretary of State to submit to your Excellency, for the acceptance of the Spanish Government, the following regulation, which agrees in most points with the system hitherto in practice, and which appears equitable for the purpose of one general arrangement.

First.—That the ordinary contingent expences of the Mixed Commission Courts should be divisible between the Governments concerned.

Second.—That in all cases, where the proceeds of the property seized are sufficient, the whole of the expences of adjudication, including the maintenance of the slaves until condemnation, should be paid out of the proceeds.

Third.—That the expences attendant upon the slaves, from the time of condemnation, should be paid by the Government, to whom the slaves are delivered.

Fourth.—That where the proceeds are insufficient to pay the expences of the adjudication, and maintenance of the slaves until condemnation, the proceeds should be applied in part discharge of those expences, and the remainder paid in moieties between the Governments concerned.

Fifth.—That where there are no proceeds, the same principle should be applied.

These regulations I, accordingly, have the honour to submit herewith for the consideration of the Spanish Government, and to request, that if they concur therein, they will give directions to their Commissioners accordingly, and at the same time signify their concurrence to me, for the information and further directions of His Majesty's Government.

I have, &c.

(Signed)

H. U. ADDINGTON.

*His Excellency the Chevalier de Salmon,**&c.**&c.**&c.*

No. 10.

*Viscount Palmerston to the Chevalier de Zea Bermudez.**Foreign Office, May 13, 1831.*

THE Undersigned, &c., has the honour to state to the Chevalier de Zea Bermudez, &c., that the necessary steps are taking, in accordance with the consent of His Catholick Majesty, signified in the note addressed to the Earl of Aberdeen, on the 30th of October last, by M. de Zea Bermudez, for the removal of the Mixed Slave-trade Commissions from Sierra Leone to Fernando Po. In drawing up a draft, however, of the necessary documents, it has been remarked, that in the consent of His Catholick Majesty, as expressed in the note above-mentioned, there is no mention made of that which, in Lord Aberdeen's preceding note of the 28th of October, was stated to be one of the necessary operations on this occasion; namely, "to provide for the future disposal of such of the captured Africans, as may be liberated by the adjudication of the Courts."

The Undersigned has, therefore, to request, that, in order to avoid all future misunderstanding, the Chevalier de Zea Bermudez will be pleased to obtain the consent of his Court, that such Africans may be located in the Island of Fernando Po, without detriment to their rights as British subjects.

The Undersigned, avails himself, &c.

(Signed) PALMERSTON.

The Chevalier de Zea Bermudez,
 &c. &c. &c.

No. 11.

The Chevalier de Zea Bermudez to Viscount Palmerston.—(Received June 4.)

EL Infraescrito, Enviado Extraordinario y Ministro Plenipotenciario de S. M. Católica, con referencia al caso de los 24 individuos, que formaron parte de la tripulacion de la nave Española particular la "*Veloz Pasajera*," apresada por la buque de guerra Británico "*Primroso*" con un cargo de esclavos negros, tiene la honra de poner en conocimiento del Ex^{mo}. Sr. Vizconde de Palmerston, Principal Secretario de Estado S. M. Británica para los negocios estrangeros, que hecha la entrega de dichos individuos, por el Comandante del buque de la marina real Inglesa "*Kent*," al Comandante Militar de Marina de la Provincia de Algeciras, y enterado S. M. Católica, a tenor de lo que Lord Palmerston manifestó, en su nota al Infraescrito fecha 26 de Febrero último, del motivo y objeto de su entrega al Gobierno Español, S. M. se ha dignado resolver, que dichos individuos sean trasladados al Departamento de San Fernando, para que, por el juzgado de Marina residente allí, se les forme causa con arreglo á las leyes de España.

Necesitando el Tribunal de la instruccion oportuna para dar principio a los procedimientos judiciales de la causa, que se le encarga, el Infraescrito ha recibido instrucciones, para solicitar del Gobierno de S. M. Británica, como lo verifica en la presente nota, una copia auténtica y fehaciente de la sumaria que acredite los hechos enunciados en la premencionada nota de Lord Palmerston, fecha 26 de Febrero, sobre los quales ha de recaer el fallo del Tribunal; y una noticia del motivo, porque no se han entregado al Gobierno Español mas que el piloto y 24 individuos de la tripulacion, y no el Capitan y demas que componian la dotacion de la "*Veloz Pasajera*."

El Infraescrito, al pedir estos datos al Ex^{mo}. Señor Vizconde de Palmerston, se toma la libertad de hacer presente á Su Excelencia, que de la brevedad de su entrega depende la pronta administracion de justicia, á que aspiran ambos Gobiernos.

El Infraescrito aprovecha de esta ocasion, &c.

(Firmado) FRANCISCO DE ZEA BERMUDEZ.

Londres, 1 de Junio de 1831.

(Translation.)

THE Undersigned, Envoy Extraordinary and Minister Plenipotentiary of His Catholick Majesty, in reference to the case of the 24 individuals, who formed part of the crew of the Spanish private vessel "*Veloz Pasajera*," captured by the "*Primrose*," British man-of-war, with a cargo of black slaves, has the honour to inform his Excellency Viscount Palmerston, His Britannick Majesty's Principal Secretary of State for Foreign Affairs, that, as soon as after the delivery of those individuals by the Commander of His Britannick Majesty's ship the "*Kent*" to the Military Commandant of the Marine of the Province of Algeciras, His Catholick Majesty was informed of what Lord Palmerston had stated in his note to the Undersigned, of the 26th of last February, concerning the motive and object of their delivery to the Spanish Government; His Majesty was pleased to resolve, that the individuals in question should be transferred to the Department of San Fernando, to be

tried according to the laws of Spain by the Court of Marine there established.

As that tribunal stands in need of the requisite information for instituting the judicial proceedings in the cause brought before it, the Undersigned has been instructed to request of His Britannick Majesty's Government, as he does by the present note, an authenticated and attested copy of the first examination, exhibiting the facts stated in the above-mentioned note of Lord Palmerston, dated the 26th of February, on which the Court is to pronounce sentence; as also a communication of the reason which existed for giving up to the Spanish Government only the pilot and 24 individuals of the crew, and not the Captain and the others that made up the complement of the "*Veloz Pasagera*."

The Undersigned, in applying to his Excellency Viscount Palmerston for the above particulars, takes the liberty to observe to his Excellency, that on the speediness of their communication must depend the prompt administration of justice, desired by both Governments.

The Undersigned avails himself, &c.

(Signed) FRANCISCO DE ZEA BERMUDEZ.

London, June 1, 1831.

His Excellency Viscount Palmerston,
 &c. &c. &c.

No. 12.

Viscount Palmerston to the Chevalier de Zea Bermudez.

Foreign Office, June 8, 1831.

THE Undersigned, &c., has had the honour to receive the note addressed to him, on the 1st instant, by the Chevalier de Zea Bermudez, &c., requiring information and particulars of evidence upon the case of the "*Veloz Pasagera*," with a view to the trial of a portion of the crew of that vessel, who were delivered over to the Authorities at Algeiras for that purpose.

The Undersigned has lost no time in addressing the necessary requisition to the proper department; and when the documents and information required shall have reached him, he will not fail to transmit the same to the Chevalier de Zea Bermudez, for the purpose of furthering the ends of justice on this occasion.

The Undersigned avails himself, &c.

(Signed) PALMERSTON.

The Chevalier de Zea Bermudez,
 &c. &c. &c.

No. 13.

Viscount Palmerston to the Chevalier de Zea Bermudez.

Foreign-Office, June 30, 1831.

THE Undersigned, &c., with reference to the note which, on the 8th instant, he addressed to the Chevalier de Zea Bermudez, &c., on the subject of the "*Veloz Pasagera*," has now the honour to enclose to the Chevalier de Zea Bermudez, conformably to his request, the original depositions, which were taken in this case, together with other papers therein referred to. The Undersigned has further to acquaint the Chevalier de Zea Bermudez, that the Admiralty have reported, that it does not appear from any document existing in that office, why only a part of the crew of the "*Veloz Pasagera*" were sent to England for trial.

The Undersigned avails himself, &c.

(Signed) PALMERSTON.

The Chevalier de Zea Bermudez,
 &c. &c. &c.

First Enclosure in No. 13.

Deposition of Captain Broughton.

WILLIAM BROUGHTON, Esq., Commander of H. M. sloop-of-war "Primrose" of 18 guns, says,—that he joined the "Primrose" in the early part of September last, and took the command of her, where she then was, at West Bay, Princes Island, near the Coast of Africa. That deponent was ordered by Captain Alexander Gordon, the senior officer on the station, to cruize for 6 weeks between Cape Formosa and Cape St. Paul's, directing his attention specially to the "*Veloz Pasagera*," a large Spanish slaver, supposed to be at Whydah; that on the 6th of September aforesaid, the "Primrose" being on her cruize, in latitude about 5° N., and longitude about 5° E., distant about 140 miles from the African Coast, deponent observed, at or about 4 P. M., a large vessel on the weather bow; that deponent made all sail in chase; that about half-past 5 o'clock the same afternoon, it being thick squally weather, the "Primrose" lost sight of the chase; that in consequence of her being suspected to be the "*Veloz*," particular directions were given to the officers of the watches to keep a good look out, and acquaint deponent the moment she was seen, and if suspected to be the "*Veloz*," to pipe all hands to quarters; that about half-past 10 o'clock the same night, a midshipman, by the direction of Lieutenant Foley, the officer of the watch, came down to deponent's cabin, and acquainted him, that he had just seen a vessel, supposed to be the "*Veloz*," and he had piped to quarters; that on arriving on deck, deponent found said vessel, which afterwards proved to be the "*Veloz*," close to the "Primrose;" that deponent ordered the colours to be hoisted, (the blue ensign), and a shot to be fired well a-head of her, to bring her to, both which were done; that the "*Veloz*" afterwards hoisted her colours, (Spanish), and immediately hove to; that deponent observed lights in her ports, indicating her being prepared for action; that the "Primrose" also hove to, and hailed the "*Veloz*" in English, demanding to know what she was, and where bound? That they answered in English, "Going to St. Thomas for wood and water;" that deponent then said, he should send a boat on board to examine her; that deponent accordingly sent Lieutenant Edward Harris Butterfield, his 1st Lieutenant, to board and examine the "*Veloz*;" that Mr. Butterfield went and returned in about 15 or 16 minutes, the vessels being about 150 yards asunder; that the moon shone, and the weather, which had been squally, was gradually clearing; that Mr. Butterfield, on his return, stated, that the vessel was the "*Veloz*," and that they would not allow him to search below the main deck, and that she appeared perfectly clear for action; that deponent then hailed the "*Veloz*," and informed her people, that he intended to send another boat on board, adding, "this is His Britannick Majesty's ship "Primrose;" that they filled their sails, and pretending not to understand deponent; gave evasive answers, stating they had no boat on board, (though deponent had asked for none), and that, as it was night, they did not know it was the "Primrose," nor who or what they were; she might be a pirate; that observing this conduct, deponent threatened to fire at them, if they did not permit his boat to board; that after this notification, of what the "Primrose" was, had been several times repeated, as well by deponent in English, as by a Spanish interpreter on board the "Primrose," and after some little manœuvring to maintain his proper position, deponent told him, that he should stay by him all night, and board him in the morning; that this altercation of words continued for about half an hour, during all which time the "*Veloz's*" guns were continually pointed at the "Primrose," with the tompones out, and the "Primrose's" guns were necessarily in the same state of preparation, and the men at quarters; that deponent used these precautions and forbearance, in order to avoid any useless effusion of blood, as well as to prove to the "*Veloz*" who and what they really were, and suspended actual hostilities until day-light, so that the "*Veloz*" might have no shadow of excuse for not permitting the search, claimed of right on the part of the "Primrose;" that the answers given from the "*Veloz*" were partly in English and partly in Spanish, so that no doubt exists in deponent's mind of their perfectly understanding him; that deponent then made the necessary arrangements

with respect to sail, for keeping the ship all night in a proper position, distant 1 cable's length from the "*Veloz*;" that the "*Veloz*" made all sail, and the "*Primrose*," being by far the best sailing vessel, was easily enabled to keep the station she wished.

That the following morning, being the 7th of September aforesaid, it being perfectly broad day-light, deponent ran down to the "*Veloz*," fully prepared for battle, hoisting, in addition to the blue ensign, the union-jack forward, with a view further to convince the "*Veloz*" that deponent's vessel was H. M. S. "*Primrose*;" that on closing her, within 20 yards, deponent hailed her, both in English and Spanish, (through a Spanish interpreter), in nearly the following words: "This is His Britannick Majesty's ship "*Primrose*," and I want to send a boat on board immediately, to examine you;" that receiving no answer, although deponent is certain he was perfectly heard and understood, he repeated the words again, and added, "if this is not complied with in 5 minutes, I will fire at you;" that a person from the "*Veloz*" (supposed to be the Mate) answered, both in English and in Spanish, that he could not help it, and if deponent fired, he would fire too; that the ships gradually closing one another, made the conversation more distinct; that this oral communication, in nearly the same words, was repeated several times on both sides; that finding the 5 minutes were fully expired, and the ships at this time nearly touching, after hailing again for the last time, deponent gave the order for a broadside, and it was fired, which the "*Veloz*" returned, as soon as the sound was out of the "*Primrose's*" guns; that the "*Veloz's*" broadside killed 3 men (2 marines and 1 seaman) of the "*Primrose*," and wounded Mr. Fraser Master, Mr. Watts Boatswain, Mark Derriek marine, and 1 or 2 more; that the action then continued; that deponent, after the second broadside was fired, ordered the helm to be put up, so as to lay the "*Primrose*" close aboard, and endeavour to lash the "*Veloz's*" bowsprit with hawsers, to prevent her getting away; that seeing a favourable opportunity to board, he called the boarders away, headed them himself, and boarded from the "*Primrose's*" larboard fore rigging, on the "*Veloz's*" starboard bow; that the "*Veloz's*" men were then drawn up on the forecastle, to repel the boarding, and just at this moment, deponent received a wound by a boarding-pike in the abdomen, fell on board, and for a few moments was senseless.

That deponent soon heard a cheering, to announce the capture and possession of the vessel, and Lieutenant Butterfield hailed deponent, saying, she had 555 slaves on board; that the enemy resisted boarding with every means in their power, by heaving cold shot, muskets, and boarding-pikes on the "*Primrose's*" decks, which, from the "*Veloz's*" superior height, they were enabled to do.

That, on the examination of the prize, she proved to be "*la Veloz Pasajera*," Don Antonio José de la Vega, Captain, a frigate-built ship, of about 700 tons, last from Odoni, near Whydah, bound to the Havana, where she was originally fitted out; manned with 150 men, 46 of whom were killed in the action, and 6 drowned in one of their boats that was knocked away from their quarter; that she had 20 men severely wounded, many of whom afterwards died, and a cargo of 555 slaves, 5 of whom were killed, and 1 lost his arm; that the "*Primrose's*" crew consisted of 110 English seamen and marines, and 25 black men; that her loss in the action was 3 killed and 12 wounded; that the "*Primrose's*" rigging and hull were a good deal damaged, and the "*Veloz*" was considerably cut up in the hull only; that the "*Veloz*" had 20 guns mounted, and 4 in the hold; that after the necessary arrangements between the 2 vessels, deponent sent the "*Veloz*" under the charge of the 1st Lieutenant, with 24 of the "*Veloz's*" crew, being the prisoners now on board the "*Caledonia*," accompanied by the ship's papers and usual documents, to the Mixed Commission Court at Sierra Leone, before whom she was condemned as a prize to the "*Primrose*."

That, on the condemnation of the vessel, the Governor of Sierra Leone thought proper to detain the said 24 prisoners as offenders liable to be tried for some capital offence; that, with respect to the rest of the "*Veloz's*" crew, deponent caused them to be landed, and dispersed as follows: 17 in a boat of their own, which was given up to them off Cape Formosa; 43 landed at Anna Bona, and 10 landed at Ascension, among whom was the Master, who had lost his arm.

That among the said 24, is the Mate; that the Mate was selected, (as the Captain was wounded), his presence at Sierra Leone being necessary, in order to the condemnation; and the remaining 23 were taken out indiscriminately.

That the deponent arrived at Sierra Leone, in the "Primrose," in October last, when he found the said 24 men there as prisoners; that under the advice of the Law Officers there, and by the direction of the Governor, deponent was bound over in a recognizance of £500. to appear against the prisoners, whenever called upon, in England, by the proper Authorities.

That on the 5th of December last, deponent sailed from Sierra Leone in the "Primrose," having on board the said 24 men, who were brought to Plymouth, where they are now detained as prisoners.

That deponent has had no such direct communication with the 24 men as to ascertain their country, but he imagines them to be, for the most part, Spaniards and Manilla men; that the Mate calls himself a Spaniard.

Plymouth, February 1, 1831.

(Signed)

W. BROUGHTON.

Second Enclosure in No. 13.

Deposition of Lieutenant Butterfield.

MR. EDWARD HARRIS BUTTERFIELD, First Lieutenant of H. M. sloop-of-war "Primrose, William Broughton, Esq. Commander, says—that he joined the "Primrose" on the 5th of January, 1830, on the Coast of Africa, and belonged to her when Captain Broughton joined her in September last.

That on the 6th of that month, the "Primrose" being then on her cruize between Cape Formosa and Badagry, about 4 P. M., a vessel, which afterwards proved to be the "*Veloz Pasajera*," was discovered on the weather-bow, distant 11 or 12 miles. That the "Primrose" immediately made chace, but lost her about 6 o'clock; that about half-past 10 o'clock same night, deponent being then below in his cabin, the officer of the watch reported, that she was again in sight on the lee-bow; that all hands were directly turned up to quarters; that the "Primrose" fired a gun to bring her to, and about the same time hoisted her colours; that the "*Veloz*" had lights in her ports, indicating her being prepared for action; that the "*Veloz*" hove to, as did also the "Primrose;" that Captain Broughton hailed her several times, to know what she was, but deponent could not make out the answers; that he then ordered deponent to go on board the "*Veloz*" to search for slaves, and find out where she came from, and where she was bound; that deponent proceeded from the "Primrose" in her jolly-boat, and was permitted, without obstruction or objection, to go on board the "*Veloz*."

That on coming on board, the Mate received him with civility; that the Master was in the cabin at the time, and was said to be sick; that deponent asked the Mate where he was from: he said from Badagry, going to Princes Island for wood and water; that deponent then said he wanted to go round his decks and overhaul him; deponent was at this time standing at the top of the ladder; the Captain then came to the foot of it, and said, "no possible;" that deponent seeing a man near him, (whom he recognized, having known him before as one of the crew of a Spanish slave-ship, called the "*Amaranthe*," captured by the "Black Joke," on board which deponent had served) who understood English, deponent desired him to interpret; and then, through him, informed the Captain, that he was an officer of H. B. M. S. "Primrose," and that he was come on board to search him; that after the words were explained, deponent desired the interpreter to ask the Captain if he perfectly understood him; the Captain said he did, and he himself twice asked if the deponent's vessel was not the "Primrose," which was of course answered in the affirmative, adding that it was not the Captain that had been blockading him, but a new Captain from England; that the Captain of the "*Veloz*" then asked his Mate if the colours were up, and finding they were not, he ordered them to be so, and the Spanish colours were immediately hoisted; that during this conversation, as the "Primrose" drew a-head; or a-stern in keeping her position, the "*Veloz's*" guns were constantly kept trained at her.

That the deponent 3 times demanded of the Captain permission to go below to search; and through the interpreter asked him, if he was aware of his responsibility, for if the search was refused, deponent would be obliged to go on board, and inform his Captain of it, and he knew the consequence; that this remonstrance, however, producing no effect, deponent returned to his boat; that no one attended upon him as he left the "*Veloz*," and it seemed that their disposition was no longer that of civility; that as deponent was leaving the "*Veloz*," on looking down the hatchway, he saw that the captains of the guns were all ready to fire, and that the men were at their stations; that before deponent reached the "*Primrose*," he saw that the "*Veloz*" had filled her main-yard, and was making sail; that deponent got back to the "*Primrose*" again, in about a quarter of an hour, and reported to Captain Broughton every thing that had occurred.

That as the "*Veloz*" made sail, the "*Primrose*" kept her station near her, which she was well enabled to do, on account of her superiority in sailing; that Captain Broughton again hailed the "*Veloz*," saying, he would send another boat on board, calling out several times, "this is His Britannick Majesty's ship "*Primrose*;" that the gig was lowered down, and deponent was ordered by Captain Broughton to return to the "*Veloz*," and inform the Captain, that if he still insisted on deponent's not searching him, he would fire a broadside at him; that deponent kept himself in readiness in the gangway, with the boat alongside, and 5 men all waiting to start the instant leave was given; that after about an hour's sailing, the vessels being sometimes close to each other, the "*Veloz*" still refusing to allow a search, Captain Broughton ordered a gun to be fired, which was done with blank cartridge; that no notice was taken of this for 5 minutes, when the Mate hailed, to say, he did not know what they were,—Portuguese, Spanish, or Columbians,—and he could not receive a boat that night; that from this continued refusal, Captain Broughton and deponent concluded that the "*Veloz*" must have slaves on board; that in order to take away from the "*Veloz*" every pretence or excuse for not knowing what the "*Primrose*" was, the night being very fine, and there being no danger of missing the "*Veloz*," they determined to wait till the morning; that Captain Broughton accordingly hailed the "*Veloz*" saying he should keep alongside all night, and board them in the morning; that the "*Veloz*" answered, "very well," or words purporting, that they understood what was said, and the "*Veloz*" immediately made all sail on her course, the "*Primrose*" keeping within a cable's length of her all night.

That the following morning, being the 7th of September aforesaid, the deponent had the morning watch, and the Captain, coming on deck at day-light, ordered the hands to be piped to quarters; that as soon as they were all prepared, the union-jack was hoisted, and they bore down to the "*Veloz*," and ran close alongside her, within half a pistol shot; that Captain Broughton finally hailed the "*Veloz*," and told her through the interpreter, that he would give her 5 minutes, and if they still refused to receive the boat, they would give him a broadside; that they were answered by some one "we will not receive the boat, you may do as you think proper."

That it was arranged that on Captain Broughton's taking his hat off, the "*Primrose*" was to fire; that at the expiration of 5 minutes, he made the sign, and the "*Primrose*" fired her broadside, which was immediately returned by the "*Veloz*'s" broadside and musketry; that deponent saw a man named Allen lying dead on the "*Primrose*'s" deck, and he understood afterwards that 2 others were killed, and that 10 or 12 were wounded.

That the "*Veloz*'s" people, taking advantage of her being much higher than the "*Primrose*," threw their muskets, when fired, pikes, cold shot, and other missiles on the "*Primrose*'s" fore-castle and fore chains to prevent their boarding; that Captain Broughton gave the order to board, and in the act of doing so himself, he received a wound in the "*Veloz*'s" fore-chains; that the boarders were first driven back, and deponent had jumped aside to escape a boarding pike, when Captain Broughton fell; that deponent seeing his situation cheered the men, and succeeded in boarding; that they cleared the fore-castle and proceeded aft, and cleared the quarter deck, killing 10 or 16 of the "*Veloz*'s" men.

That several of the "*Primrose*'s" men were wounded by sabres in the fore-

chains, but no more were killed; that in the course of 12 or 15 minutes, the Spaniards having run below, the colours were hauled down by one of the "Primrose's men," and Deponent and his people went to clear the main deck; that Deponent seeing some men forward, went with a party of his men to secure them, when they jumped down below and called for quarter; that Deponent then secured the hatches, and took possession of the "*Veloz*" as a prize; that Deponent then went on deck to clear the 2 vessels, leaving officers to secure the prisoners below; that Deponent had seen the hold full of slaves, and having learnt that she had 555 on board, he hailed Captain Broughton, informed him, that he had full possession of the vessel, and that she had that number of slaves on board; that Deponent had not seen the Captain of the "*Veloz*" during the action, but he was brought up from below wounded in the arm, which was afterwards amputated; that Deponent had the Captain's desk sent for, and he delivered up his papers to deponent, and they were sealed up; that he was sent among the wounded on board the "Primrose."

That in pursuance of Captain Broughton's orders, Deponent continued on board the prize; that on account of the number of prisoners being too many for the "Primrose" to take, (she having to man both ships) Deponent was ordered to keep 24 of them, among whom was the mate, and to proceed in the prize to Sierra Leone; that Deponent had also the custody of the ship's papers; that they arrived at Sierra Leone in about 30 days; that the papers were delivered up to the Registrar of the Court, verified by Deponent's affidavit, and the "*Veloz*" was condemned as prize in about 10 days afterwards.

That on the condemnation of the "*Veloz*," Deponent, in pursuance of orders from the Governor of Sierra Leone, sent the 24 prisoners to the gaol at Freetown.

That a few days afterwards the "Primrose" also arrived at Sierra Leone, when a regular examination took place, by Benjamin Campbell, Esq. the sitting Magistrate, before whom the said 24 prisoners were brought, and the depositions of the following persons, viz.: Captain Broughton, Deponent; Mr. Lane, Surgeon; Mr. Bentham, Mr. Bellingham, and Mr. Apthorp, Midshipmen; John M'Innis and Edward Dement, seamen, were also taken in writing and sworn to; and Deponent was bound over in recognizance in £300 penalty to appear in England, when called on to give evidence against the prisoners, but it was not explained in what Court; that Captain Broughton and the other witnesses were also bound over in different sums.

That Deponent rejoined the "Primrose" the day she arrived at Sierra Leone, and returned in her to England; that the said 24 prisoners were brought to England in the "Primrose," and are now on board H. M. S. "Caledonia."

That in the course of the voyage to Sierra Leone in the prize, Deponent found in the cabin of the "*Veloz*" a printed book, in English and Spanish, containing the Treaty between the two countries, for the abolition of the traffick in slaves, which book is still in Deponent's possession.

(Signed) EDWARD H. BUTTERFIELD.

Plymouth, February 1, 1831.

Third Enclosure in No. 13.

A List of 24 Spanish Prisoners, part of the Crew of the "Veloz Pasajera," armed Slave-ship, discharged January 21, 1831, from the "Primrose" to H. M. S. "Caledonia."

CURTIS GALPIN; John Linkin; Peter Anderson; John Peterson; Pedro Patar; Antonio Leone; Francisco Domingos, alias Luciano Domingos; Jozé Gonsalvos; André Cardalli, alias André Caralles; Manuel Bardino; Ramon Lopez, alias Manuel Lopez; Francisco Maia; Alexandro Licetto, alias Nocetty; Juan Bertrand; Juan Melis; Juan Alise; Andro Penise, alias Henri Taid; Manuel Carracca; Naciatio Jonanes, alias Carlo Joannes; Andre Rotar, alias Domingo Vicente; Alexander Ignacio, alias Jozé Joachim; Juan Dalmezes, alias Marino Amandez; Jozé A. Guitar, alias Juan Benomochi; and Manuel Pariza.

Fourth Enclosure in No. 13.

Extract from the Log of His Majesty's Ship "Primrose."

H.	K.	F.	Courses.	Winds.	Lee-way.	Number of Signals.	REMARKS, &c.
1							A. M.
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
Course.	Dist.	LATITUDE.		LONGITUDE.			
N. 47 W.	101M.	Dk. 4: 35 N.	Obs. 4: 43 N.	Dk. 4: 41 E.	Obs. 4: 33: 21 E.	Badagry, N. 47 W., 151 miles.	
1	5	6	N. W. by W.	S. W. by W.		P. M.—Moderate and fine; 4 do., W. 5. 15. mustered at quarters: 5. 30. observed a sail on the weather-bow; made all sail in chase; 6. light breezes and cloudy. Chase W. by N. 8 miles. 6. 30. lost sight of chase; tacked, made and shortened sail, as necessary; 8 moderate and cloudy; 9 shortened sail:—10. 45. observed the stranger on the lee beam; piped to quarters, fired 2 guns and 2 muskets to make her heave too:—11. 20. tacked in company; 11. 30. down-boat and boarded the Spanish armed ship "Velo ^z Pasagera;" 11. 45. boat returned up do.; filled and made sail in company.—Midnight:—Moderate and fine; "Velo ^z " in company.	
2	6	4	N. W. $\frac{1}{2}$ N.				
3	6	4					
4	6	4					
5	5	6					
6	$\frac{2}{3}$	4	N. W. by W.				
7	5	4	N. N. W.				
8	$\frac{2}{3}$	$\frac{2}{3}$	S. S. W., N. W.,				
9	4	4	N. W. $\frac{1}{2}$ N.				
10	3	4	N. W.				
11	3	4					
12	3	4	E. S. E.				
H.	K.	F.	Courses.	Winds.	Lee-way.	Number of Signals.	
1	4	"	E. S. E.	S. W.			A. M. — Moderate and fine; made and shortened sail, as necessary, to keep Co. with "Velo ^z ;" 6. moderate and fine; "Velo ^z " E. by S. $\frac{1}{4}$ mile; 5. 40. after attempting in vain to communicate, commenced firing round and grape, which she returned; 6. 45. laid the "Velo ^z " aboard, and captured do., she having 555 slaves:—lost in laying her aboard — galleys, 1 in number; sheet anchor; spare main-topsail-yard, and larboard swinging-boom; found the lower rigging and hammock-nettings very much cut up, also the jib-guys shot away from the starboard quarter; gigs 1 in number, with mast and sail.—8 do. W., prize in company; employed in receiving and securing prisoners, repairing damages, &c."
2	3	"					
3	4	4	S. E. by S.				
4	4	6					
5	4	6					
6	4	6					
7	"	"	{ Alongside the "Velo ^z ."				
8	"	"					
9	"	"					
10	"	"					
11	"	"					
12	"	"					
Course.	Dist.	LATITUDE.		LONGITUDE.			
	01M	Dk. 5: 8 N.	Obs.	Dk. 4: 17: 3.	Obs. —	Noon.—Moderate and fine; prize in company. Badagry, N. 56., W. 120.	
1	"	"	Hove to South	W. S. W.		P. M.—Moderate and fine; 1, filled and made sail in company with prize; 1. 10. mustered pr. open list, and found 2 marines and 1 seaman killed; 4 officers and 8 men wounded; made and shortened sailed as necessary; 4 do. W., prize in Co.; 6. light breezes and cloudy; prize N. N. E. 1 mil.; sent 17 prisoners in boat of "Velo ^z ," with 10 days' provisions:—8 do. W., committed the bodies of 1 deceased seaman and marine to the deep, with the usual ceremonies; received 73 prisoners from the "Velo ^z Pasagera."—Midnight:—Moderate and cloudy; prize in company. (Signed) WAL. BROUGHTON.	
2	1	"					
3	1	4					
4	1	4					
5	1	"					
6	1	"					
7	2	"	S. by E.				
8	2	4					
9	1	6	S. $\frac{1}{2}$ E.				
10	1	2	S.				
11	1	4					
12	1	2	S. $\frac{1}{2}$ E.				

Fifth Enclosure in No. 13.

Return of the Wounded of H. M. Sloop "Primrose," September 7, 1830, after the action with the Slave-Ship "Pasagera."

DISEASE.	Present during the Week.							
	No. on Sick List.	Confined to Bed.	Put on the List.	Discharged to Duty.	Killed.	Sent to Hospital.	Objects for Survey.	Invalided.
Intermittent Fevers { Quotidian Tertian								
Continued Fevers { Inflammatory Typhus								
Catarrhs								
Pulmonic Inflammation								
Consumption								
Dysentery								
Rheumatism								
Venereal Disease								
Scurvy								
Ulcers								
Wounds	12	7	12		3			

ASSISTANT SURGEONS.

Names and Qualities.	Qualifications.	By whom appointed.
None.	—	—

(Signed) ALEXANDER LANE, Acting Surgeon.

Names of Officers and Men Killed and Wounded.

KILLED.

William Bunker Marine.
 John Allen Ditto.
 James Graham Seaman.

WOUNDED.

William Broughton, Esquire, .. Commander, severely.
 Mr. Fraser, Acting Master, seriously.
 Mr. Bentham, Midshipman, slightly.
 Mr. George Watts, Boatswain, dangerously.
 Mark Derrick, Marine, ditto.
 George Martin, Seaman, slightly.
 Henry Amry, Ditto, ditto.
 William Rust, Ditto, ditto.
 John Compton, Ditto, ditto.
 John Owens, Ditto, ditto.
 Thomas Walker, Marine, ditto.
 Henry Stevens, Ditto, ditto.

(Signed) ALEXANDER LANE, Acting Surgeon.

(Signed) W. BROUGHTON.

No. 14.

H. U. Addington, Esq. to Viscount Palmerston.—(Received August 26.)

MY LORD,

Madrid, August 15, 1831.

HAVING received as yet no written and official reply from the Spanish Secretary of State to the repeated representations, which, in pursuance of instructions from home, I have made to him at various times for many months past, on the subject of the propositions submitted by His Majesty's Government to that of Spain, for the more effectual suppression of the slave-trade, I have thought it my duty to call his Excellency's attention once more to that subject in a letter, of which I herewith transmit a copy to your Lordship.

M. Salmon has repeatedly assured me, verbally, that the question is under the consideration of the Government, but it is so long now since he first gave me that assurance, that I have considered it advisable to stimulate, by a fresh appeal, the tardiness of the decision which is to result from that consideration.

I have, &c.

(Signed)

H. U. ADDINGTON.

The Right Hon. Lord Viscount Palmerston,
 &c. &c. &c.

Enclosure in No. 14.

H. U. Addington, Esq. to the Chevalier de Salmon.

SIR,

Madrid, August 15, 1831.

I HAVE not yet had the honour to receive any reply to the frequent representations, which, by the orders of my Government, I have had occasion to address to your Excellency, within the last 8 months, on the subject of the propositions, which have been submitted to the Spanish Government by that of Great Britain, with a view to the more effectual suppression of the slave-trade, which is still carried on to a dreadful extent under the Spanish flag. I therefore feel it to be my duty earnestly to call your Excellency's attention, once more, to that subject.

The British Government is naturally waiting, with much impatience, the result of its repeated and urgent solicitations on this subject; and it yet hopes with confidence, that, considering the humane object and moderate character of the propositions submitted by it, the Spanish Government will find no difficulty in acquiescing in them.

I do not propose to enter again into the proofs of the extent of the traffick in slaves, which is still pursued in the Spanish West Indian Colonies, and on the Coasts of Africa; but I will take this occasion to repeat, that, in the opinion of all men experienced in those matters, but one efficacious mode exists for extirpating that horrible trade; namely, that of permitting the mutual seizure of vessels at sea, which, although not actually having slaves on board, are manifestly fitted up for the purpose of conveying them.

I trust, Sir, that at a moment when France and other Powers are exerting themselves seriously and earnestly to put down that degrading traffick, Spain will not alone refuse to listen to the dictates of humanity, and even of policy, with respect to her finest colony in the West Indies, by contributing her exertions to those of Great Britain, and in the manner suggested by her, as the only effectual manner of attaining the desired end, namely, the *final* and *entire* abolition of the trade in question.

I have, &c.

(Signed)

H. U. ADDINGTON.

The Chevalier de Salman,
 &c. &c. &c.

No. 15.

Viscount Palmerston to H. U. Addington, Esq.

SIR,

Foreign Office, September 22, 1831.

I HEREWITH transmit to you, for your information, 3 copies of papers, marked A. and B., relating to the slave-trade, which have this day been presented, by His Majesty's command, to both Houses of Parliament.

I am, &c.

H. U. Addington, Esq.
 &c. &c. &c.

(Signed)

PALMERSTON.

No. 16.

Viscount Palmerston to H. U. Addington, Esq.

SIR,

Foreign Office, September 24, 1831.

YOU are aware, from the correspondence in the archives of the British Mission at Madrid, that, in consequence of the observations made by Portugal and Spain upon the unhealthiness of Sierra Leone, the place which was first fixed upon for the residence of the Slave-trade Commission, it was deemed advisable by His Majesty's Government to form an establishment at Fernando Po, with a view to the transfer of the Commission to that island.

In order to effect this object, an application was made to the Portuguese and to the Spanish Governments for their consent to this transfer; a proposition to which no objection was anticipated, since the island, although nominally claimed both by Portugal and Spain, was a species of derelict, and could be of no intrinsic value to either.

The Court of Portugal at once acceded to the removal of the Commission to Fernando Po; but the Spanish Government, in the first instance, simply answered, that whenever it should be notified to them, that the Commissioners could be lodged on the island, His Catholick Majesty would name a Commissioner to reside there.

At that time the Spanish Government entertained doubts, as to who were the rightful owners of that island; but they afterwards assumed the right to be in themselves; and upon that assumption, they offered the island for sale to His Majesty's Government, but upon terms which, even if their right had been indisputable, were too unreasonable to have become the basis of negotiation.

Ultimately, and in order to get rid of an unprofitable discussion, it was settled, that the Commission should be transferred to the island, Spain retaining her title to the sovereignty, and England acknowledging that title.

Upon its being attempted, however, to bring the details of this arrangement into operation, it appeared that it would be attended with considerable inconvenience.

Difficulties arose as to how the liberated negroes could be located, so as to preserve to them, permanently, the character and privileges of British subjects.

There were no obvious means of supplying, according to Treaty, the vacancies that might arise among the members of the Mixed Commission, because Fernando Po not being a British Colony, there would not be found in it publick officers available for such a purpose.

These and other considerations have suggested to His Majesty's Government the idea, that although the proposal of Spain, for the sale of the island of Fernando Po, could not be listened to, a satisfactory arrangement might, however, be made with the Spanish Government, for the surrender of this island upon the principle of a territorial exchange.

The equivalent, which has suggested itself to His Majesty's Government, is Beque, or Crab Island, one of the Virgin Islands, to the possession of which

the Crown of Great Britain has constantly maintained its right, resisting every attempt at encroachment.

The Spanish Government will recollect, that a recent attempt of this kind, by a Spanish subject, under the orders of the Governor of Porto Rico, was made the ground of official remonstrance from this Government, in a note which was addressed, on the 14th of December last, to M. de Zea Bermudez by His Majesty's Secretary of State, and of which note I herewith send you a copy.

The right of England to Crab Island is fully equal to that of Spain to Fernando Po; while the intrinsic value of the former island far exceeds that of the latter.

You are, in consequence, instructed to propose to the Government of Spain the exchange of the one island for the other.

In making this proposal, you will point out to the Spanish Government the advantages, which they would derive from an exchange, by which on the one hand, they would cede a right that has been useless to them, while, on the other, they would gain the undisturbed enjoyment of an acquisition, of the practical value of which they appear to have been sensible, and which they have long desired to possess.

I am, &c.

(Signed) PALMERSTON.

H. U. Addington, Esq.

&c. &c. &c.

Enclosure in No. 16.

Viscount Palmerston to M. de Zea Bermudez.

Foreign Office, December 14, 1830.

THE Undersigned, &c. has the honour to request the Chevalier de Zea Bermudez, &c. to call the early attention of his Government to the following circumstance:—

Intelligence has recently been received from the Governor of His Majesty's Island of St. Christopher, in the West Indies, that, in the course of the preceding year, an individual, named Pauncho Cabello, professing to act under the authority of the Governor of Porto Rico, had established himself in Beque, or Crab Island, one of the Virgin Islands, of which he assumed to exercise the Government on behalf of the Crown of Spain, levying charges on the vessels of His Majesty's trading subjects, in the same manner as if the island were the undisputed possession of that Crown.

The Government of His Catholick Majesty need hardly be reminded, that the British Government, far from acquiescing in any pretension, on behalf of the Crown of Spain, to the sovereignty of the island in question, have constantly maintained, that the island was a possession of the Crown of Great Britain, and they have consequently protested against the attempts which have occasionally been made to exact, under the assumed authority of His Catholick Majesty, fees from British vessels frequenting that island; and, although the claim of sovereignty on the part of Great Britain may never yet have been admitted by Spain, the effect of those protests has constantly been the prevention, at least for a time, of any repetition of the grievance occasioned by the conduct of the Spanish Authorities.

The last discussion on this subject, which took place in the years 1815 and 1816, terminated in an engagement, on the part of the Spanish Ambassador in this country, to transmit to his Court the representations of the British Government.

Since that period no attempt appears to have been made, on the part of the Spanish Authorities, to levy fees on British vessels, until that which has rendered it necessary for the Undersigned to address to M. de Zea Bermudez the present representation.

The British Government have no wish to claim from that of Spain, at the present time, an immediate recognition of their right of sovereignty over this island.

They only desire again to record the fact, that they have claimed that sovereignty for more than a century and a half; and that, if they have not urged the final decision of the question, it has only been from an unwillingness to disturb the good understanding, which it has been their constant wish to maintain between the two Crowns. That wish remains unaltered at the present moment, and the object of the Undersigned, in now addressing M. de Zea Bermudez, is not to agitate the question of sovereignty, but to invite M. de Zea Bermudez to recommend to his Court to direct their Authorities in the West Indies to cease from the practice, of which the British Government complain; since the continuance of it must necessarily and immediately bring on a disagreeable discussion, which each Government has hitherto concurred in the expediency of avoiding.

M. de Zea Bermudez,
&c. &c. &c.

The Undersigned, &c.
(Signed) PALMERSTON.

No. 17.

Viscount Palmerston to H. U. Addington, Esq.

SIR,

Foreign Office, October 8, 1831.

I HAVE to acknowledge the receipt of your despatch, dated the 15th of August last, and in which I regret to perceive the failure of your efforts to induce the Government of His Catholick Majesty to fulfil the solemn assurances, which they have so frequently given, of their determination to put down the slave-trade in the Spanish dominions.

Every report from the Coast of Cuba furnishes fresh evidence of the extent, to which that trade is carried on within the view, and with the connivance, of the Spanish Authorities.

Vessels sail from the Havana almost weekly for the Coast of Africa; they bring home cargoes of slaves; they land them on the back of the Island, return in ballast to the Havana, where they are reported to the Governor as slave-traders, and then after a slight and, in fact, a mock examination, they are reported back by him, as having nothing on board to shew a concern in the traffick.

I send to you copies of some recent despatches* on this subject; and in transmitting them to you, I have to instruct you again, and still more strongly, to press upon the Court of Madrid, the requests made by you, in conformity with the tenour of my despatch of the 26th of March last.

You are instructed to say to the Minister of His Catholick Majesty, that His Majesty's Government are waiting with anxious expectation for a satisfactory answer to those requests.

H. U. Addington, Esq.
&c. &c. &c.

I am, &c.
(Signed) PALMERSTON.

* See Class A.—Nos. 59, 76, 77, 79, 81, 83, and 85.

No. 18.

H. U. Addington, Esq. to Viscount Palmerston.—(Received November 3.)

MY LORD,

Madrid, October 20, 1831.

AT my first conference with Mr. Salmon, after the receipt of your Lordship's despatch, I brought forward the proposition for an exchange of the Island of Fernando Po against that of Beque, or Crab Island, which, by that despatch, I was directed to make to the Spanish Government, supporting it by the arguments with which your Lordship furnished me, and

such others as appeared to me most fitted to induce the Spanish Government to enter into our views.

Mr. Salmon observed, that Fernando Po was a larger and more fertile Island than Crab Island, and that the Spanish right to the latter was considered by the Government as equally valid with that to the former. I called to his mind the resistance made in December last, by Great Britain, to an attempted encroachment on the jurisdiction of Crab Island, committed by a person who asserted, that he acted under the authority of the Spanish Government, as evidence of the Spanish assumed right being any thing but acquiesced in by Great Britain, who, on the contrary, had constantly maintained her own right to that possession.

But I added, that I would much rather discuss the proposed arrangement on the safe and practical ground of mutual advantage, than on that of right, which was always a hazardous basis to attempt an amicable settlement upon. It seemed to me, I said, that by acquiring undisturbed possession of a fertile island, close to a principal West India Colony, Spain would derive to herself incomparably more advantage, than by asserting a barren right to a far distant territory, of which she had never yet taken practical possession, or turned it to any account. On the other hand, Great Britain would, on her part, be enabled, by such an exchange, to transfer her present settlement of Sierra Leone to the less unhealthy spot of Fernando Po, an advantage which would be to her an equivalent for the cession of her rights, also hitherto barren, over Crab Island.

Mr. Salmon, after a little conversation in this tone, seemed to relax somewhat from the attitude of dissent, which he was at first disposed to assume, against the proposal, and said, that if I would present it in writing, he would take it into consideration.

I have, accordingly, addressed to his Excellency a letter on the subject, of which I herewith enclose a copy.

I have, &c.

(Signed) H. U. ADDINGTON.

The Right Hon. Lord Viscount Palmerston,
&c. &c. &c.

Enclosure in No. 18.

H. U. Addington, Esq. to the Chevalier de Salmon.

SIR,

Madrid, October 20, 1831.

I HAVE received, from His Majesty's Secretary of State, instructions to submit to the Spanish Government a proposition, which has for its object to get rid of the difficulties which have hitherto attended, and still attend, the establishment of the Slave-trade Commission on the Island of Fernando Po.

It is unnecessary for me to call to your Excellency's mind the circumstances of the negotiations, which have taken place within these few years past, for effecting the substitution of Fernando Po for Sierra Leone, as the place of residence of the Mixed Slave Commission, and which terminated in Great Britain's refusal to purchase the island on the high terms demanded by Spain, but in her agreeing to recognize the right of Spain, in order to delay no longer the formation of the desired establishment.

Upon its being attempted, however, to bring the details of this arrangement into operation, it was found that it would be attended with much inconvenience.

Into the particulars of the difficulties which presented themselves, it is not necessary that I should enter.

It will be sufficient to state, that they are such, as, in the opinion of the British Government, to render it impracticable to carry into effect the arrangement for establishing the Commission on the Island, unless it be previously transferred to the Crown of Great Britain.

The following mode of such transfer has suggested itself to His Majesty's Government, as equally advantageous to both parties, and equally free from objection on either side:—

The Island of Bieque, near Porto Rico, is intrinsically of more value, and would be practically of much higher utility and advantage to Spain, than the Island of Fernando Po, while the right of Great Britain to the former, is equal to that of Spain to the latter; or to put this point in other terms, Great Britain has constantly maintained her right to Bieque, or Crab Island, and has constantly resisted all invasion of that right.

To this Island His Majesty's Government proposes to cede to the Spanish Crown all the rights of Great Britain, in return for the cession to her, of the rights of Spain to the Island of Fernando Po.

By this arrangement one Island, in the western hemisphere, hitherto untenanted of right by either Power, would be exchanged for another in the eastern, equally untenanted. One barren right would be bartered for another; Spain would obtain the advantage of the undisturbed enjoyment of a territory, whose proximity to one of our own colonies, must naturally render the secure possession of it, a matter of much value to her, while she would give up another possession, remote from any other part of her territory, and which has never hitherto been of the smallest utility or worth to her. On the other hand, Great Britain would obtain the power of carrying into effect, without delay, the object of her wishes, in establishing the Commission, and subsequently locating the liberated Negroes, in the Island of Fernando Po.

Both Powers would mutually derive from this exchange, the great national benefit, of removing for ever a ground of disagreement, arising from a disputed right, which, without such an arrangement, would be constantly liable to present itself afresh.

On these grounds, therefore, I feel great confidence in presenting to your Excellency's consideration, the exchange proposed by His Majesty's Government, and I should have much pleasure in being authorized to announce the success of the proposition.

I have, &c.

(Signed)

H. U. ADDINGTON.

His Excellency M. de Salmon,
&c. &c. &c.

No. 19.

H. U. Addington, Esq. to Viscount Palmerston.—(Received December 14.)

MY LORD,

Madrid, November 28, 1831.

I HAD the honour to receive your Lordship's despatch "Slave-trade, dated the 28th ultimo, on the 21st inst., and having got the necessary translations of its enclosures prepared, I have addressed to the Spanish Secretary of State a letter thereupon, of which I herewith enclose a copy.

The day before the arrival of your Lordship's despatch, I had enquired of M. Salmon, whether any answer to my repeated applications to him, on the subject of the Havana slave-trade, was in preparation; to which he replied, that the question was still before the Council of the Indies; a reply which my knowledge of Spanish forms of evasion, led me to interpret as an indefinite negation.

I fear that we shall be obliged to resort to more decided measures, than mere appeals by the tongue or pen, before we shall be able to induce the Spanish Government to abolish the Havana slave-traffic.

I lament to be obliged to hold out so little hope of success to your Lordship; but it is my business to report the truth, not to flatter, and I, therefore, feel myself bound to say, broadly, that I have not been able hitherto to detect any symptom of a probability of compliance with our requests, on the part of His Catholick Majesty.

I have, &c.

(Signed)

H. U. ADDINGTON.

The Right Hon. Lord Viscount Palmerston,
&c. &c. &c.

Enclosure in No. 19.

H. U. Addington, Esq. to the Chevalier de Salmon.

SIR,

Madrid, November 28, 1831.

I HAVE once more received pressing orders from my Court, to address the Government of His Catholick Majesty, on the subject of the slave-trade, carried on at the Havana, with the collusion of the Captain-General, and other Government Authorities of that colony.

The evil continues with unrepressed vigour, and is rendered more bitter to the British Government, by the mockery of forms, with which every application, made by the English Commissioner at the Havana for its correction, is constantly accompanied on the part of those Authorities.

His Majesty's Secretary of State, states, that "every report from the Coast of Cuba furnishes fresh evidence of the extent, to which that trade is carried on, within the view, and with the connivance, of the Spanish Authorities.

"Vessels sail from the Havana almost weekly for the Coast of Africa; they bring home cargoes of slaves, and land them on the back of the island; return in ballast to the Havana, where they are reported to the Governor by the British Commissioner as slave-traders; and then, after a slight, and, in fact, mock, examination, they are reported back by him, as having nothing on board to shew any concern in the traffick."

The enclosed despatches and papers from the British Commissioner at the Havana will be found to bear out these assertions most amply. In the despatch*, dated the 1st of January 1831, that Agent expressly declares, that the Royal order of the 4th of March, 1830, which your Excellency communicated to me, as a supposed valid substitute for the acquiescence of His Catholick Majesty, in the propositions of Great Britain, had never been promulgated at the Havana, nor, as far as he was aware, was its existence even known there; and that the most notorious slave-vessels continued to sail for, and arrive from the Coast of Africa, with perfect impunity.

Such is the effect, Sir, of the measures hitherto taken by the Government of His Catholick Majesty, for executing their solemn engagements by Treaty with the Crown of Great Britain.

Having within the last year addressed repeated representations to your Excellency on this subject, it is perfectly useless for me to reason over again the question of the advantage, which would be derived from the acquiescence of His Catholick Majesty, in the suggestions of the British Government, for putting an effectual stop to the disgraceful proceedings, which are carried on at the Havana, and on the Coast of Africa, under the Spanish flag.

I am, however, expressly ordered by His Majesty's Secretary of State, to press those propositions still more strongly upon the Court of Madrid, and to declare to your Excellency, that His Majesty's Government are waiting with anxious expectation, for a satisfactory answer to their request.

I trust, therefore, that at length I may be honoured with some reply, of such a nature, as shall prove not only the wish, but also the determination, of the Spanish Government, to act up to the spirit of its engagements with that of Great Britain.

I have, &c.

(Signed)

H. U. ADDINGTON.

*His Excellency M. de Salmon,**&c. &c. &c.*

* See Class A.—No. 59.

PORTUGAL.

No. 20.

Viscount Palmerston to M. de Sampayo.

SIR,

Foreign Office, July 30, 1831.

I HAVE to state to you, that a Portuguese slave-schooner, named the "*Nympha*," having been met with, on the 24th of November last, in latitude 10° 4' N., longitude 15° 43' W. by H. M. brig "*Conflict*," the boats of the latter vessel, one of them hoisting British colours, pulled towards the "*Nympha*," with an intention of visiting her; when a volley of cannon and musketry was immediately opened from that vessel, upon the boats of the "*Conflict*;" 4 British subjects were wounded, and 2 of the boats narrowly escaped being sunk. The "*Nympha*" was boarded, but the crew continued the action, many of them were killed, and 8 more of the crew of the "*Conflict*," making in all 12 British subjects, were wounded, 4 of them dangerously.

The "*Nympha*" at length surrendered; she was found to have 167 slaves on board, who, only 3 days before, had been taken on board from the River Pongos.

Four of the crew of the "*Nympha*," one of them, her Master, have been sent to England, to be tried for the offence which they had committed in the resistance, by force and violence, to the lawful and peaceable act of the boats of the "*Conflict*," in visiting and examining the vessel, of which these individuals formed part of the crew.

His Majesty's Government, however, are desirous of handing these criminals over to the Portuguese Government, in order that the penalty which the Portuguese law awards for such guilt, may be visited upon the offenders.

An instruction, containing the particulars of the transaction, will be forwarded to His Majesty's Acting Consul-General at Lisbon, with a desire that the confidence of His Majesty's Government may be expressed, that the aggravated nature of the crime of which these persons have been guilty, will be duly appreciated by the Portuguese Government, and the penalty thereof be promptly and strictly inflicted.

With this view I have further to acquaint you, that the individuals in question, whose names are below, are now on board of H. M. S. "*Asia*," flag ship, at Portsmouth, and will be delivered up to you to be sent to Portugal, for the purpose in question, on an authority to that effect from you being duly exhibited on board; or His Majesty's Government will, if you prefer it, send them to Lisbon, upon your transmitting by the same vessel, a letter to the requisite authority on shore, to receive them on their arrival.

I am, &c.

(Signed) PALMERSTON.

M. F. T. de Sampayo,
 &c. &c. &c.

Names of the Prisoners on board His Majesty's ship "Asia."

Joao Baptista, Master; Francisco Morales, Mate; Mateo Mayo, 2d Mate; and Antonio Juan, seaman.

No. 21.

Viscount Palmerston to R. B. Hoppner, Esq.

SIR,

Foreign Office, July 30, 1831.

THE accompanying papers* will shew you, that a Portuguese slave schooner, named the "*Nympha*," having been met with, on the 24th of November last, in latitude 10° 4" N. longitude 15° 43" W. by H. M. brig "*Conflict*," the boats of the latter vessel, one of them hoisting British colours, pulled towards the "*Nympha*," with an intention of visiting her, when a volley of cannon and musketry was immediately opened from that vessel upon the boats of the "*Conflict*;" 4 British subjects were wounded, and 2 of the boats narrowly escaped being sunk. The "*Nympha*" was boarded, but the crew still continued the action; many of them were killed, and 8 more of the crew of the "*Conflict*," making in all 12 British subjects, were wounded, 4 of them dangerously.

At length the "*Nympha*" surrendered. She was found to have 167 slaves on board, who, only 3 days before, had been taken on board from the Rio Pongos.

Four of the crew of the "*Nympha*," one of them her Master, have been sent to England, to be tried for the offence which they had committed, in the resistance by force and violence, to the lawful and peaceable act of the boats of the "*Conflict*," in visiting and examining the vessel, of which these individuals formed part of the crew.

They are now on board H. M. S. "*Asia*," the flag-ship, at Portsmouth.

His Majesty's Government, however, are desirous of handing these criminals over to the Portuguese Government, in order that the penalty, which the Portuguese law awards for such guilt, may be inflicted upon the offenders; and a communication of the circumstances has been made to the Portuguese Acting Consul-General in London, with an intimation, that the individuals in question will be delivered up to him to be sent to Portugal for the purpose in question; or, if he should prefer it, that His Majesty's Government will send them to Lisbon, upon his transmitting with them a letter to the requisite Authority to receive them accordingly.

You will immediately address a letter on the subject to the Portuguese Government, pointing out to them the aggravated nature of the crime, of which these persons have been guilty, and expressing the expectation of His Majesty's Government, that due punishment will be promptly and strictly inflicted on the offenders.

I am, &c.

(Signed) PALMERSTON.

R. B. Hoppner, Esq.

&c. &c. &c.

* See Class A.—No. 26—and Enclosure in No. 30.

No. 22.

M. de Sampayo to Viscount Palmerston.—(Received August 5.)

SIR,

Portuguese Consulate, London, August 3, 1831.

I HAVE to acknowledge the receipt of your Lordship's communication of the 30th ultimo, informing me, that 4 Portuguese subjects, part of the crew of the "*Nympha*," captured on the 24th of November last, in consequence of having resisted a search by the boats of H. B. M. brig "*Conflict*," are now on board the "*Asia*," at Portsmouth, and that it is wished to deliver them up to me, or that His Majesty's Government will send them to Lisbon, upon my transmitting a letter to the requisite Authority to take charge of them, in order that the penalty which the Portuguese law awards for such guilt, may be visited upon the offenders, for which purpose instruc-

tions, containing the particulars of the transaction, will be forwarded to His Majesty's Acting Consul-General at Lisbon.

In answer to your Lordship's communication, I have the honour to inform you, that I accept the offer made by His Majesty's Government, of sending them to Lisbon; for which purpose I will give the letter required, whenever I am informed of the name of the ship by which the Government intend to forward them. And have only to add, that I will forward to His Most Faithful Majesty's Government a copy of your Lordship's communication.

I am, &c.

(Signed) FRANCO. TEIXA. DE SAMPAYO.

The Right Hon. Lord Viscount Palmerston,
&c. &c. &c.

No. 23.

Sir G. Shee to M. de Sampayo.

SIR,

Foreign Office, August 17, 1831.

IN reply to your letter of the 3d instant, respecting the 4 Portuguese subjects, part of the crew of the "*Nympha*," now detained as prisoners on board the flag-ship at Portsmouth, I am directed, by Viscount Palmerston, to acquaint you, that one of H. M. steam-vessels will call for these men at Portsmouth, between the 25th and 30th instant, and convey them to Falmouth, whence they can be sent by the next Lisbon packet to Lisbon.

I am, &c.

M. F. T. de Sampayo,
&c. &c. &c.

(Signed) G. SHEE.

No. 24.

M. de Sampayo to Viscount Palmerston.—(Received August 20.)

MY LORD,

Portuguese Consulate. London, Aug. 19, 1831.

I HAVE the honour to acknowledge your Lordship's communication, dated the 17th instant, through Sir George Shee, informing me, that the 4 Portuguese prisoners, now on board the flag-ship at Portsmouth, would proceed to Falmouth, and from thence to Lisbon by the packet.

In compliance with your Lordship's suggestion, under date of the 30th ultimo, I herewith enclose a letter for his Excellency the Viscount de Santarem, requesting of his Excellency to pass the necessary orders, to receive the said prisoners on their arrival at Lisbon.

I have, &c.

(Signed)

F. T. DE SAMPAYO.

The Right Hon. Lord Viscount Palmerston,
&c. &c. &c.

No. 25.

R. B. Hoppner, Esq. to Viscount Palmerston.—(Received September 6.)

MY LORD,

Lisbon, August 20, 1831.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 30th of July, with its enclosures, which reached me this morning; and to acquaint your Lordship, that I shall take the earliest opportunity of communicating the instructions, with which your Lordship has honoured me, to M. de Santarem.

I have, &c.

(Signed)

R. B. HOPPNER.

The Right Hon. Lord Viscount Palmerston,
&c. &c. &c.

No. 26.

Viscount Palmerston to R. B. Hoppner, Esq.

SIR,

Foreign Office, September 22, 1831.

I HEREWITH transmit to you, for your information, 2 copies of papers, marked A. and B., relating to the Slave-trade, which have this day been presented by His Majesty's command to both Houses of Parliament.

I am, &c.

R. B. Hoppner, Esq.
 &c. &c. &c.

(Signed) PALMERSTON.

No. 27.

R. B. Hoppner, Esq. to Viscount Palmerston.—(Received October 2, 1831.)

MY LORD,

Lisbon, September 17, 1831.

WITH reference to your Lordship's despatch, of the 30th of July, I have herewith the honour to transmit, for your Lordship's information, the translation of a note, which I have received from M. de Santarem, in reply to one which, in obedience to your Lordship's instructions, I addressed to that Minister, respecting the men captured on board the Portuguese slave-ship "*Nympha*," whom it was the intention of His Majesty's Government to send to this country for punishment.

I have, &c.

(Signed)

R. B. HOPPNER.

The Right Hon. Lord Viscount Palmerston,
 &c. &c. &c.

Enclosure in No. 27.

M. de Santarem to R. B. Hoppner, Esq.

(Translation.)

Palace of Queluz, September 15, 1832.

THE Consul-General of Portugal in London having accepted the proposal made to him, by his Excellency Lord Palmerston, to send to Lisbon the 4 individuals belonging to the schooner "*Nynfa*," and to whom your note to me, of the 22d of August last, refers; I have now the honour to inform you, that 2 of those individuals, Matheo Mayo, and Joao Baptista, have arrived at this port by the "*Magnet*" packet, and are now confined in the Limoeiro gaol, by order of the Disembargador, who acts as Chancellor and Chief Justice.

(Signed)

VISCONDE DE SANTAREM.

Senhor R. B. Hoppner,
 &c. &c. &c.

NETHERLANDS

No. 28.

Viscount Palmerston to Sir Charles Bagot.

SIR,

Foreign Office, March 12, 1831.

WITH reference to your Excellency's despatch, of the 16th of May, 1828, in which a note was enclosed from from M. de Verstolk, stating, that an explanation had been demanded from the Governor of Surinam, upon the subject of certain allegations made by Mr. Le Froy, late His Majesty's Commissary Judge at Surinam, respecting the state of negroes emancipated under sentences of the Mixed Commission at Surinam; I have to remark to your Excellency, that it does not appear, that the result of that enquiry has as yet been communicated to His Majesty's Government. I have, therefore, to desire, that your Excellency will bring this matter again before the Netherlands Government; and, expressing the natural interest, which His Majesty's Government take in the state of those individuals, whose fate has been influenced by decisions of the Mixed Commission, appointed under the Treaties between the two Powers, you will request to know what have been the results of the enquiry, which was promised to be made on this head.

I send to your Excellency at the same time, for your further information on this point, the copies of 2 despatches * received on this subject, since the period abovementioned, from His Majesty's Commissioners at Surinam.

I am, &c.

His Excellency Sir Charles Bagot,
 &c. &c. &c.

(Signed) PALMERSTON.

* See Class A. 1829.—No. 144; and Class A. 1830.—No. 109.

No. 29.

Sir Charles Bagot to Viscount Palmerston.—(Received March 26.)

MY LORD,

The Hague, March 18, 1831.

I HAD yesterday the honour to receive your Lordship's despatch of the 12th instant, directing me to ascertain the result of the enquiry, which Monsieur de Verstolk had given me reason to suppose, by his note of the 15th of May, 1828, would be instituted in respect to the condition of those negroes, who had been emancipated under sentences of the Mixed Commission at Surinam.

Since the date of that note, I have not received from this Government any further communication upon the subject; but I shall lose no time in bringing the matter again under Monsieur de Verstolk's notice, and transmitting to your Lordship such information in regard to it, as he may be able to furnish.

I have, &c.

(Signed) CHARLES BAGOT.

The Right Hon. Lord Viscount Palmerston,
 &c. &c. &c.

No. 30.

Sir Charles Bagot to Viscount Palmerston.

MY LORD,

The Hague, May 5, 1831.

REFERRING your Lordship to my despatch of the 18th of March last, in which I acquainted you, that I should lose no time in again calling the attention of this Government to the representations made by Mr. Le Froy, late His Majesty's Commissary Judge at Surinam, respecting the state of negroes, emancipated under sentences of the Mixed Commission in that colony; I have now the honour to transmit to you the copy of a note which I addressed, with this view, on the 19th of March, to the Netherland Minister of Foreign Affairs, together with a copy of the answer which I received from him yesterday.

I have, &c.

(Signed)

CHARLES BAGOT.

The Right Hon. Lord Viscount Palmerston,
&c. &c. &c.

Enclosure in No. 30.

*Sir Charles Bagot to the Baron Verstolk de Soëlen.**The Hague, March 19, 1831.*

IN the note which the Undersigned, &c. had the honour to receive, on the 15th of May, 1828, from the Baron Verstolk de Soëlen, &c. his Excellency had the goodness to acquaint him that, in conformity with the instructions given to that effect by His Netherlands Majesty, the Governor of Surinam had been directed to furnish a report upon the subject of the allegations, made in the despatch which the Undersigned had had the honour to communicate to his Excellency, on the 30th of April of that year, from Mr. Le Froy, late His Majesty's Commissary Judge at Surinam, respecting the state of the negroes, who had been emancipated under sentences of the Mixed Commission in that settlement.

The strong interest, which His Majesty's Government takes in the state and condition of those individuals, whose fate has been influenced by decisions of the Commission appointed under the Treaties between the two Powers, has naturally led them to expect with anxiety the result of those enquiries, which His Netherlands Majesty had been pleased to institute; and as the Undersigned has not yet received any further communications upon the subject from the Baron Verstolk, he has the honour, by the direction of his Government, again to call the attention of his Excellency to this question, and to request, that his Excellency will have the goodness to furnish him with such information in respect to it, as may have been received from the Authorities in Surinam, since the date of his Excellency's note above-mentioned.

The Undersigned, &c.

(Signed)

CHARLES BAGOT.

His Excellency the Baron Verstolk de Soëlen,
&c. &c. &c.

Enclosure in No. 30.

Baron de Verstolk to Sir Charles Bagot.

(Translation.)

The Hague, May 4, 1831.

THE English Government, from the interest it takes in the condition of the negroes manumitted at Surinam, having repeated its application to that

of the Netherlands, to be informed what had been the result of the enquiries set on foot, in consequence of his Excellency Sir Charles Bagot's note of the 15th of May, 1828, is now enabled to return an answer to that application.

The instant that the Netherlands Government became acquainted with the allegations, contained in Mr. Lefroy's memorandum, which was communicated by the British Embassy, it directed the competent Authorities to collect immediately accurate and impartial information on the subject. It thence appeared that there was little foundation for the complaints preferred, and though the Ambassador was not made acquainted with this result, because Mr. Lefroy was, in the mean time, superseded in his judicial functions in the Mixed Commission at Surinam, (which functions alone could authorize his allegations, and impart some official character to the latter), yet did the Netherlands Government deem itself justified, in considering those allegations as ungrounded.

But in consequence of the last note, which his Excellency did the Undersigned the honour of addressing to him, on the 19th of March, he hastens to inform his Excellency, that the accounts, which have been received since, state, that the negroes, who, by the provisions of the Treaty of the 4th of May, 1818, must be considered as free, are really and truly treated as such. Most of them are employed only in the new agricultural improvements, and have in this work occasion only for the spade, the hoe, and the bill. This labour does not surpass their strength, and scarcely ever subjects them to the least correction. In return, they are amply fed and well clothed; and as to those who work on the highways, with the blacks that are the real cultivators of the soil, among which latter it is of importance to maintain order and a strict police, a Superintendant with a whip is placed over them, more for form's sake than for any thing else. Still, however, it is possible, that, as in the case mentioned by Mr. Lefroy, some infraction of the standing orders, some negligence, or some bad design, may have made it absolutely necessary to have recourse to the punishment appointed by law, and by the custom of the country. A solitary occurrence of this kind made him possibly conclude, that this sort of punishment was common, as his situation did not enable him to witness the daily treatment given, not only to the free workmen, but even to the slaves. But what has been above stated, clearly contradicts his assertion, and it may be safely contended, without refutation, that the Surinam Government has, on every occasion, been kind and just to the free negroes, as well as to the cultivators. Unfortunately, it cannot be dissembled, that it is difficult to prevent the overseers from exceeding sometimes the moderation prescribed to them, in the infliction of chastisements; but as soon as any instance of it transpires, their misapplied and culpable rigour never fails to be severely punished.

Mr. Lefroy allows himself, that he has no fault to find, in general, with the manner of using the blacks, but says, that he cannot reconcile with the ideas of liberty a system of forced labour, performed under the apprehension of flagellation, however gentle. He does not point out the means which, in his opinion, are calculated to introduce a better state of things, and only blames the general government for not making a trial. The Undersigned, therefore, does not think it irrelevant here to state, that the trial desired by Mr. Lefroy was made subsequently to the time when he penned his memorandum, but that it entirely miscarried. An experiment has also been tried, to unite the free labourers in one agricultural establishment, under the immediate inspection of the administration of the colony; but it was soon found that such a community could not subsist, without the system of discipline acted upon in the plantations, and, at last, it became necessary to dissolve it, notwithstanding the great prejudice accruing from that step to the finances of the colony; and these negroes were, of necessity, again disposed of, in such a manner as to be able, though without employing too much rigour, to keep them within the bounds of a submission, which is indispensable, if one would avoid hazarding the quiet and safety of Surinam.

Mr. Lefroy imagined he furnished a proof of the unfavourable condition of the negroes in the colony, by referring to the mortality which, as he thought, prevails among them; but the argument, which he makes use of for that

purpose, rests upon an inaccuracy. The picture which he exhibits of that mortality is not conformable with reality. He advances, that the number of deaths amounts to one fourth, while it is ascertained not to exceed a sixth. Of a total of 604 individuals, among whom there are some that have been in the colony these 10 years, no more have been lost than 93, and the most even of these died during the first week after their arrival. There were 72 children born, who are yet all alive.

Another essential point of Mr. Lefroy's representations relates to lukewarmness, with which, in his opinion, the Governor proceeds in the measures to be adopted for making the negroes embrace Christianity. But he ought to have distinctly stated, whether he meant nominal and merely apparent, or real and practical, Christianity; for it is evident, that to confer on these negroes a forced baptism, and to oblige them to attend divine service, without their being capable of understanding the words, and still less the import of it, is not the proper way for forming true Christians; and it must not be forgotten, that as to the previous religious instruction, which would be necessary to these persons, the language is a constant obstacle, which can be overcome only in time, and according to circumstances. The Government, therefore, which, in this respect, has done nothing but follow the rules of sound reason, was not able to discern either object or advantage in a result, that, by other means, might have been effected much sooner. Still, however, it would be unjust to charge it with negligence on this score, when, on the contrary, it avails itself of every possible opportunity and means to second the efforts made by the ministers of the different Christian persuasions, and to afford them even all the necessary assistance to that effect. Besides, all free labourers, as well as all cultivators, who have applied for permission to be baptized, have obtained it; and it may be laid down as a fact, that if success has not yet crowned the wishes of the Government, the fault is to be ascribed to the character of the negroes and to circumstances, rather than to a want of zeal on the part of those in authority. However, as the free negroes are hereafter to be employed in superintending the plantations, and in the corps of colonial guides, it is to be presumed, that the endeavours, made in this respect, will be attended with more gratifying results.

The Undersigned is happy in being able to quiet the apprehensions of the British Government, concerning the treatment and situation of the free negroes in question. It will convince itself, from the above particulars, that the Local Authorities have never acted contrary to the Treaty of the 4th of May, 1818, and that they make every exertion in securing a comfortable existence to this class of mortals, which formerly was so wretched.

The Undersigned avails himself, &c.

(Signed) VERSTOLK DE SOELEN.

His Excellency Sir Charles Bagot,
&c. &c. &c.

No. 31.

Viscount Palmerston to Sir Charles Bagot.

SIR,

Foreign Office July 7, 1831.

I HAVE received your Excellency's despatch, of the 5th of May last, enclosing the answer of M. de Verstolk to the representations, which had been made to the Netherlands Government, so far back as the year 1828, respecting the state of the negroes, who were emancipated under sentences of the Mixed Commission in the Colony of Surinam, who were delivered over to the Government, under the Treaty of May 4, 1818, to be employed as servants or free labourers.

I have perused the answer of M. de Verstolk with very unfeigned regret.

By the 6th Article of the Regulations attached to the Treaty of the 4th of May, 1818, each of the two Governments concerned binds itself to guarantee the liberty of the negroes consigned to it; and yet, were a definition to be given

of the condition of slavery, it could not well be better framed, than in the terms of the description given by M. de Verstolk of these *free negroes*, and of their employment. Compulsory labour, at the discretion of superintendents, and enforced by the lash: No power to dispose of their own personal presence: Liability to punishment, emphatically termed *châtiment*, not awarded upon trial by judgment, but inflicted arbitrarily: Complete subjection to the will of others: All these seem to make up the existence of these people; and it would not be easy to point out what is wanting, to entitle them to the appellation of slaves; and yet the Netherlands Minister, in his answer to your communication, congratulates himself on being enabled to set the British Government at ease, as to the lot and condition of the free negroes, in respect to whom he says, that the particulars which he has recited will prove, that the Local Authorities have never contravened the Treaty of 1818.

Surely M. de Verstolk will, on a more mature consideration of this matter, feel, how little his argument is supported by the real substance of the information which he has given; and it is to be hoped, that the Netherlands Government, with that sincere and earnest desire, which they have manifested on every other point, to carry into execution the provisions of the Treaty of 1818, for the abolition of the African slave-trade, will no longer hesitate to give such orders to their Colonial Authorities, as shall ensure to the unfortunate individuals in question that treatment, which was intended for them by the Treaty. With this view, the above observations are made to your Excellency, in order that they may be communicated to the Netherlands Government; and I have to request, that you will press the subject, in the most earnest manner, upon their consideration.

I am, &c.

(Signed)

PALMERSTON.

His Excellency Sir Charles Bagot,
 &c. &c. &c.

No. 32.

Sir Charles Bagot to Viscount Palmerston.—(Received July 14.)

MY LORD,

The Hague, July 11, 1831.

I HAD the honour to receive, this morning, your Lordship's despatch of the 7th instant, and I shall not fail to bring immediately under the notice of this Government, and earnestly to press upon their attention, the observations which it contains, upon the answer made by Monsieur de Verstolk to my last representations to him, respecting the state and condition of the negroes, emancipated under sentences of the Mixed Commission in the Colony of Surinam.

I have, &c.

(Signed)

CHARLES BAGOT.

The Right Hon. Lord Viscount Palmerston,
 &c. &c. &c.

No. 33.

Viscount Palmerston to Sir Charles Bagot.

SIR,

Foreign Office, July 21, 1831.

I HEREWITH transmit to your Excellency, for your information, the copy of a communication* which has been received at this office from the Admiralty, under date of the 16th instant, stating, that the instructions referred to in the Treaty between Great Britain and the Netherlands, for the suppression of illegal slave-trade, have been issued to the ships and vessels of

* See Class A.—Enclosure in No. 31.

His Majesty's Navy therein mentioned, and that the instructions, which had been issued to His Majesty's ships named in the margin of that letter, have been recalled.

I have to desire that your Excellency will communicate this information, to the Government of the King of the Netherlands.

I am, &c.

(Signed)

PALMERSTON.

His Excellency Sir Charles Bagot,
 &c. &c. &c.

No. 34.

Sir Charles Bagot to Viscount Palmerston.—(Received August 5.)

MY LORD,

The Hague, July 25, 1831.

I HAD the honour to receive last night, your Lordship's despatch of the 21st instant, enclosing to me the copy of a letter, written by command of the Lords Commissioners of the Admiralty to your Lordship's office, notifying the names of His Majesty's ships and vessels, to which the instructions referred to in the Treaty of the 4th of May, 1818, had been given, and I have this day addressed a note to the Netherland Minister of Foreign Affairs, transmitting to him a list of these ships.

I have, &c.

(Signed)

CHARLES BAGOT.

The Right Hon. Lord Viscount Pamerston,
 &c. &c. &c.

No. 35.

Sir Charles Bagot to Viscount Palmerston.—(Received August 5.)

MY LORD,

The Hague July 29, 1831.

ENCLOSED I have the honour to transmit to your Lordship the copy of a note, which I received yesterday from the Minister of Foreign Affairs, in acknowledgement of that which I addressed to him, on the 25th instant, acquainting him with the names of His Majesty's ships and vessels, to which the instructions referred to in the Treaty of the 4th of May, 1818, for the suppression of illegal slave-trade, had been last issued.

I have, &c.

(Signed)

CHARLES BAGOT.

The Right Hon. Lord Viscount Palmerston,
 &c. &c. &c.

Enclosure in No. 35.

(Translation.)

The Baron Verstolk de Soelen to Sir Charles Bagot.

The Hague, July 27, 1831.

THE Undersigned has the honour to thank his Excellency Sir Charles Bagot, for the communication which he has been pleased to make to him, by his note of the 25th instant, respecting the changes which have taken place in regard to the ships of His said Majesty, authorized to watch over the repression of the illicit slave-trade, pursuant to the stipulations of the Treaty, dated May 4, 1818.

The Undersigned, &c.

(Signed)

VERSTOLK VAN SOELEN.

His Excellency Sir Charles Bagot,
 &c. &c. &c.

No. 36.

M. Falck to Viscount Palmerston.—(Received August 27, 1831.)

MY LORD,

(No date.)

MON Gouvernement a fait engager, dans ses possessions à la Côte de Guinée, 150 nègres pour le service militaire à l'île de Java, et ils seront transportés à leur destination en détachemens de 30 ou 40 hommes, à bord de navires à expédier de la Hollande, et qui toucheront à cet effet à St. George del Mina. L'enrôlement ayant eu lieu parmi une population libre, et étant ainsi volontaire, et d'ailleurs pour un tems limité, il est évident que ces expéditions ne tombent pas dans la catégorie du trafic de noirs, prohibé par les Traités existans entre la Grande Bretagne et les Pays-Bas, de façon que les susdits navires, s'ils étaient amenés devant un des Tribunaux Mixtes établis par les mêmes Traités, obtiendraient immédiatement la liberté de continuer leur route. Cependant il paraît désirable de le mettre à l'abri des rétards qu'occasionnerait une détention inutile, et ce but pourrait être atteint au moyen de warrants, ou de certificats, que feraient authentiquement connaître aux croiseurs Britanniques la véritable nature du transport, et leur épargneraient la peine de conduire à *Surinam* ou à *Sierra Leone* les bâtimens qu'ils rencontreraient ayant à bord des recrues noires.

En conséquence j'ai reçu l'ordre de m'adresser à votre Excellence, et de lui demander le concours du Gouvernement Anglais à l'arrangement que je viens d'indiquer; soit qu'il juge à propos démettre lui même des warrants d'après la liste que je fournerai des navires et de leurs Capitaines, avec spécification du nombre des nègres qui y seront embarqués; soit qu'il aime mieux faire viser par l'amirauté, ou par toute autre autorité compétente, des certificats de la même teneur, émanés de cette Ambassade.

J'ai l'honneur, &c.

(Signé)

A. K. FALCK.

Son Excellence Vicomte Palmerston,
 &c. &c. &c.

Translation.

MY LORD,

(No date).

MY Government has given directions for 150 negroes, in its settlements on the Coast of Guinea, to be enlisted for the military service of the Isle of Java; and they are to be conveyed to the place of their destination, in detachments of 30 or 40 men, on board of ships, to be dispatched from Holland, and which will touch for this purpose at St. George del Mina. The enlistment having been made among a free population, and being, therefore, voluntary, and, moreover, for a limited time, it is evident, that the expeditions in question do not come within the meaning of the slave-trade, prohibited by the Treaties subsisting between Great Britain and the Netherlands, so that these ships, if their case were brought before one of the Mixed Commissions, established by the same Treaties, would immediately obtain the liberty of prosecuting their voyage. It seems, however, desirable to guard it against the delays, which would be occasioned by a useless detention; and this object might be attained by the issue of warrants, or certificates, from which the British cruisers would learn, in an authentick manner, the real nature of the expedition, and which would save them the trouble of conducting these ships to Surinam or to Sierra Leone, if the cruisers should encounter them with black recruits on board.

I am, therefore, directed to apply to your Excellency, and to request of you the concurrence of the English Government in the arrangement above stated, whether it deem proper to issue itself warrants, made out according to a list of

the ships and their captains, which I shall furnish; or whether it prefer to cause either the Admiralty, or any other competent authority, to countersign certificates to the same effect, drawn up by this Embassy.

I am, &c.

(Signed)

A. K. FALCK.

His Excellency Viscount Palmerston,

&c. &c. &c.

No. 37.

Viscount Palmerston to M. Falck.

Foreign Office, September 4, 1831.

THE Undersigned, &c. had the honour, on the 27th instant, to receive the note, which M. Falck, &c. addressed to him, without date, requesting that measures might be adopted, for securing the unmolested passage of 150 negroes, who had been enlisted in the Dutch possessions on the Coast of Africa, for military service at Java.

The Undersigned has lost no time in transmitting his Excellency's note to the Board of Admiralty, of whose determination on the subject the Undersigned will do himself the honour to inform M. Falck, as soon as their Lordships shall have communicated it to him.

The Undersigned, &c.

(Signed)

PALMERSTON.

His Excellency M. Falck,

&c. &c. &c.

No. 38.

Viscount Palmerston to Sir Charles Bagot.

SIR,

Foreign Office, September 22, 1831.

I HEREWITH transmit to you, for your information, 3 copies of papers, marked A. and B., relating to the slave-trade, which have this day been presented, by His Majesty's command, to both Houses of Parliament.

I have, &c.

(Signed)

PALMERSTON.

His Excellency Sir Charles Bagot,

&c. &c. &c.

No. 39.

Viscount Palmerston to M. Falck.

Foreign Office, October 7, 1831.

THE Undersigned, &c., has had the honour to receive the note which his Excellency M. Falck, &c., addressed to him, on the 27th August last, requesting that certain measures, therein described, might be taken to prevent the molestation of vessels, destined to convey to the island of Java 150 negroes, enlisted by order of the Government of Holland in the Dutch possessions in Guinea, and destined for service in the abovementioned island.

In reply, the Undersigned regrets to state, that His Majesty's Government, with every desire to comply with any wishes expressed by the Government of Holland, nevertheless feel, that there would be great objections to issue the particular instructions requested by M. Falck's communication.

The Undersigned avails himself, &c.

(Signed)

PALMERSTON.

His Excellency M. Falck,

&c. &c. &c.

BRAZIL.

No. 40.

A. Aston, Esq. to The Earl of Aberdeen.—(Received January 10, 1831.)

MY LORD,

Rio de Janeiro, November 10, 1830.

I HAVE the honour to forward to your Lordship, the copy of a letter which I have received from Mr. Pennell (Acting Commissary Judge), stating that a difficulty had arisen, on the part of his Brazilian colleague, with respect to the admission of a document, which I had previously transmitted to Mr. Pennell, and containing, as I conceived, conclusive proof of the illegality of the voyage of the Brazilian slave-vessel "*Eliza*," which case is under a course of investigation before the Mixed Commission Court.

The Brazilian Commissary Judge objects to receive this document, upon the grounds, that it would be contrary to the 3d Article of the Regulations for the Mixed Commissions, attached to the Treaty between Great Britain and Portugal, of 1817, according to the stipulations of which he maintains, that the Judges of the Court are to found their sentence upon papers belonging to the vessel, and the personal testimony of the crew, without admitting any extrinsick evidence.

As this interpretation of the Article, which, if agreed to, would establish the principle, that all proof is to be rejected, except such as may be produced by the parties interested in an acquittal, appeared to me to be contrary to equity, and manifestly opposed to the spirit of the Treaty between the two Governments, I thought it my duty to call upon the Brazilian Government, in their capacity of captor or detainer of the vessel "*Eliza*," to remedy any irregularity or technical omission, that might have occurred in the transmission of the documents in question, in order that it might be laid before the Court.

The Brazilian Minister, in his reply, states, that the Government cannot interfere in the proceedings of the Court, it being contrary to the constitution of the empire. Although it perhaps might have been urged, in opposition to this opinion, that the present being a question of the fulfilment of Treaty, and not one of municipal law, the restrictions imposed by the Constitution upon the Executive Power, with respect to the proceedings of Judicial Courts, would not be deemed applicable to this case, I have, nevertheless, thought it best, in order to accelerate a final decision, already too long delayed, to abstain from entering into a discussion upon this point.

Recourse has, in consequence, been had to the Judge Arbitrator, and Mr. Cunningham having been chosen, that gentleman has decided, that the evidence, the production of which was contested, should be admitted.

Against this decision, however, the Brazilian Commissary Judge has protested, and has required further instructions from his Government; but, as the Brazilian Minister has already declared the incapacity of the Government to interfere in the proceedings of the Court, it is to be presumed that a similar answer will be returned to the application of the Brazilian Judge.

Mr. Pennell has informed me, that it is his intention, should any further delay take place, to call upon the Judge Arbitrator, who has been already elected, and in conjunction with this officer, to pass sentence.

I beg leave to refer your Lordship to Mr. Pennell's despatch upon this subject, in explanation of the reasons that have induced him to adopt this mode of proceeding, as being in accordance with the object and spirit of the Treaty.

I have expressed to Mr. Pennell my concurrence in his opinion.

I have, &c.
(Signed) ARTHUR ASTON.

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

First Enclosure in No. 40.

W. Pennell, Esq. to A. Aston, Esq.

SIR,

Rio de Janeiro, October 22, 1830.

I HAVE the honour to inform you, in reply to your despatch of the 5th instant, that I laid before the Mixed Commission the document enclosed therein, which shewed that the barque "*Eliza*" sailed from Pernambuco in the month of February last;—the Brazilian Commissary Judge objected to the admission of this document, for the reasons stated in the enclosed memorandum.

Two of the crew of the "*Eliza*" have been examined, and as they both swore, that she was at Lourenço Marques in February, loading slaves, I felt a strong conviction that they had perjured themselves, and an apprehension that others of the crew, about to be examined, would do the same. I therefore proposed to the Brazilian Commissary Judge, that the next witnesses should be informed of the purport of the document, as an act of humanity towards them, and as tending to elicit the truth.

The Brazilian Commissary Judge would not accede to this proposition, and in consequence we have required the presence of the Judge Arbitrator, as pointed out in the 3d Article of the Regulations, annexed to the Convention of July 28, 1817, to decide on the admissibility of the document, and on the course of examination.

Referring for further details to a personal interview,

I am, &c.
(Signed) W. PENNELL.

Arthur Aston, Esq.
&c. &c. &c.

Second Enclosure in No. 40.

(Translation.)

Memorandum.

LOOKING at what is stated in the 3d Article of the Regulations of the Commission, it appears to the Brazilian Commissary Judge, that the despatch, presented by the British Commissary Judge, should not be attached to the Autos, to be taken into consideration, and to decide on its merits; inasmuch as it is directed in the said Article, that the Commissary Judges, in giving their sentence, shall be guided by the proofs resulting from the papers found on board the ship, by the depositions of the witnesses belonging to the crew, and the declaration of the Commander of the Captor, being necessary, which is not the case in question.

It is obvious that no extrinsic proofs can be admitted in evidence, and that the Commissary Judges, in giving their sentence, must be guided by their examination of the ship's papers, and by the deposition of the crew.

And this opinion ought to have the more weight, inasmuch as it agrees with a maxim, generally adopted in all Prize Tribunals, which is, that the evidence by which a vessel is condemned or acquitted, ought to be found on board her.

This being the opinion of the Brazilian Commissary Judge, he proposes that the information *extra acta* be rejected altogether, and that its matter, as to the facts alleged against the ship, be included in the interrogations, for them to depose what they know.

Third Enclosure in No. 40.

A. Aston, Esq. to M. de Campos.

Rio de Janeiro, October 25, 1831.

A DIFFICULTY having been raised by the Brazilian Commissary Judge, at the Mixed Commission established in this city, under the Convention concluded between Great Britain and Brazil for the abolition of the slave-trade, with respect to the admission of certain proofs, touching the legality of the voyage of the Brazilian vessel "*Eliza*," which case has been submitted to the decision of the above Court, the Undersigned, &c. considers it incumbent upon him, as the representative of one of the Contracting Parties to the said Convention, to state to His Excellency Señor Francisco Carneiro de Campos the nature of this objection, which, he conceives, calls for the intervention of the Imperial Government.

Shortly after proceedings were instituted in the Mixed Commission Court, against the parties concerned in the "*Eliza*," the Undersigned officially transmitted to the British Commissary Judge a document, legally certified, containing very important evidence, and which the Undersigned considered it essential should be laid before the Court, previous to a final decision.

It appears, however, that the Brazilian Judge has declined to admit this evidence (without however impugning its validity), upon the grounds, that it would be a deviation from the form of the process, which, according to the 3d Article of the Regulations for the Mixed Commissions, attached to the Convention concluded between Great Britain and Portugal, July 28, 1817, is to serve as the guide for the conduct of the Commissioners in similar cases.

The Undersigned will not occupy his Excellency's time, by entering into a detailed refutation of this opinion, which he conceives is founded in error, both with respect to equity, as well as to the true interpretation of that Article.

It is obviously the duty of a Judge to receive and attend to all evidence tending to elicit the truth, and which may thereby enable him to pronounce a just decision, a result which, it is evident, cannot be obtained, if the testimony of the parties interested in an acquittal, and consequently disposed to withhold or distort the principal facts of the case, is to be admitted, whilst the most important and well authenticated proofs, on the part of the prosecutor, are rejected.

An attentive perusal of the Article in the Regulations before quoted will suffice to shew, that the construction put upon it by the Brazilian Commissary Judge is incorrect. It is therein stated, that the Commissioners are, in the first place, to proceed to the examination of the papers of the vessel, and receive the depositions of the Captain, and the principal individuals on board the detained vessel; but it is clearly not intended, that the Commissioners should be restricted to the examination of that evidence alone; for, in the same Article, the Commissioners are directed, in order to judge if the said vessel has been justly detained, or not, to receive the declaration and testimony of the Captor.

The Commissioners are explicitly empowered to summon before them, not only persons whom they may deem it necessary or proper to examine, in relation to any suit, proceeding, matter, or thing under their cognizance, but likewise to *send for and issue precepts* for the producing of *all such papers*, as *may relate* to the matters in question before them.

The Imperial Government has uniformly manifested a sincere desire to co-operate with His Majesty's Government, in putting a stop to this abominable traffick; and the Undersigned feels, therefore, assured, that His

Excellency will perceive the propriety of uniting his endeavours to those of the Undersigned, in remedying any informality or technical omission, that may have occurred in the transmission of this evidence, the suppression of which would tend to give an improper and erroneous bias to the decision of the Judges, and be affording the means of evading the stipulations of Treaty, and of frustrating the ends of justice.

The Undersigned will leave it to his Excellency's judgment, to determine upon the measures, which it may be proper for the Imperial Government, in the capacity of Captor or Detainer of the vessel "*Eliza*," to adopt upon this occasion, in order that this evidence, which must so materially influence the final decision of the Commissioners, may be produced before the Court.

The Undersigned, &c.

Signed)

A. ASTON.

His Excellency Senhor Francisco Carneiro de Campos,
 &c. &c. &c.

Fourth Enclosure in No. 40.

(Translation.)

M. de Campos to A. Aston, Esq.

Rio de Janeiro, October 27, 1830.

I ACKNOWLEDGE the receipt of the note which Mr. Aston, &c. addressed to me, on the 25th instant, respecting a doubt, which has arisen in the Mixed Brazilian and English Commission Court; and I have to inform him, that I shall convey to His Imperial Majesty's presence the affair in question, so soon as he returns to this Court; and I shall lose no time in communicating to him the Imperial decision.

I have, &c.

(Signed)

FRANCISCO CARNEIRO DE CAMPOS.

Arthur Aston, Esq.
 &c. &c. &c.

Fifth Enclosure in No. 40.

(Translation.)

M. de Campos to A. Aston, Esq.

Rio de Janeiro, November 3, 1830.

THE Undersigned, &c. acknowledges the receipt of the note, which Mr. Aston, &c. addressed to him, on the 25th instant, in which he represents, that the Brazilian Commissary of the Mixed Commission has refused to take into consideration a document, presented by Mr. Aston, relative to the voyage of the bark "*Eliza*," which is now being tried by the said Commission, alleging, that the respective sentences ought to be passed according to that, which is expressed in the Treaty of the 28th July, 1817, only; and requiring, that the necessary orders to that end should be issued.

The Undersigned conveyed the said note to the Imperial presence, as he has already informed Mr. Aston; and he has received orders to reply, that the manner, in which all doubts are to be solved, being provided for by the 3d Article of the said Convention, by resorting to lot, in order to retain one of the two Commissioners of Arbitration, the Government cannot interfere in taking any decision on the subject; the more so, as the Mixed Commission, being a Court of Judicature, Mr. Aston is aware, that, by the form of the Constitution of the Empire, the Executive Power cannot interfere in its attributes.

The Undersigned, &c.

(Signed)

FRANCISCO CARNEIRO DE CAMPOS.

Arthur Aston, Esq.
 &c. &c. &c.

No. 41.

A. Aston, Esq. to the Earl of Aberdeen.—(Received January 10, 1831.)

MY LORD,

Rio de Janeiro, November 10, 1830.

HAVING received information of the arrival in this harbour of a Portuguese vessel, said to be a brig of war, with a cargo of slaves on board, I addressed a representation upon this subject to the Brazilian Minister, a copy of which, and of his Excellency's answer, I have the honour to enclose.

This case has, in consequence, been referred to the Mixed Commission Court.

I have, &c.

(Signed) A. ASTON.

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

&c.

&c.

&c.

First Enclosure in No. 41.

A. Aston, Esq. to M. de Campos.

Rio de Janeiro, November 3, 1830.

THE arrival in this port of a Portuguese vessel, the "*Don Estevao d'Atayde*," said to be a brig-of-war, and commanded by an officer in the Brazilian service, in 82 days, from Moçambique, with a cargo of slaves on board, has probably, ere this, been officially communicated to his Excellency the Minister for Foreign Affairs, by the proper department, and the Undersigned, &c. does not, therefore, doubt, that the Imperial Government, in the faithful performance of the obligations, entered into by the Convention of 1826, will have caused the necessary steps to be taken, in order that this transaction, which, under whatever point of view it may be regarded, bears every appearance of a fraudulent attempt to evade the existing enactments, prohibiting the importation of slaves into Brazil, under any flag or pretext whatsoever, may be submitted to a due course of judicial investigation.

Nevertheless, it being the duty of the Undersigned to report to His Majesty's Government, the suspicious circumstances attending the arrival of the vessel in question, he has the honour to request that His Excellency, &c. will be pleased to inform him what measures have been adopted, or are in contemplation, by the Imperial Government with respect to this case.

The Undersigned, &c.

(Signed) ARTHUR ASTON.

His Excellency Senhor F. C. de Campos,

&c.

&c.

&c.

Second Enclosure in No. 41.

(Translation.)

M. de Campos to A. Aston, Esq.

Rio de Janeiro, November 6, 1830.

THE Undersigned, &c. acknowledges the receipt of the note which Mr. Aston, &c. addressed to him, on the 3d instant, in which he requests to be informed of the measures, which the Imperial Government has taken, with respect to the fact of the arrival, at this port, of the Portuguese brig-of-war "*Don Estevao d'Atayde*," which has brought a cargo of slaves from Moçambique, and he has the honour to inform Mr. Aston, that although he has been informed that the Minister of Justice, having in view the Treaties

which exist between this Empire and Great Britain, had ordered that the cargo in question should be proceeded against by the competent Judge, nevertheless the Undersigned has officially requested the communication of the orders, which have been issued upon this subject, and he will transmit, at the proper time, the required reply to Mr. Aston.

The Undersigned, &c.

(Signed) FRANC^o. CARN^o. DE CAMPOS.

Arthur Aston, Esq.
 &c. &c. &c.

No. 42.

A. Aston, Esq. to the Earl of Aberdeen.—(Received January 10, 1831.)

MY LORD,

Rio de Janeiro, November 15, 1830.

I HAVE the honour to enclose the translation of the note (with its enclosure) which I have received from the Brazilian Minister for Foreign Affairs, communicating to me the steps which have been taken by the Brazilian Government, in the case of the Portuguese brig "*Don Estevao d'Atayde*" lately arrived in this harbour with a cargo of slaves on board.

I have, &c.

(Signed)

A. ASTON.

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

Enclosure in No. 42.

(Translation.)

M. de Campos to A. Aston, Esq.

Rio de Janeiro, November 12, 1830.

THE Undersigned, &c. hastens to communicate to Mr. Aston, &c. a copy of the order, which he has just received from the Minister of Justice, by which he will be informed of the proceedings of the Imperial Government, in ordering the seizure of the slaves that arrived in the Portuguese brig "*Don Estevao d'Atayde*."

The Undersigned, &c.

(Signed)

FRANC^o. CARN^o. DE CAMPOS.

Arthur Aston, Esq.
 &c. &c. &c.

Sub-Enclosure in No. 42.

(Translation.)

Viscount Alcantara to M. Teixeira de Gounea.

Rio de Janeiro, October 26, 1830.

HIS Majesty the Emperor being informed new that 226 slaves have arrived from Moçambique, on board the Portuguese brig "*Don Estevao d'Atayde*," which came into port on the 24th instant, the same august Lord is pleased to ordain, that you should forthwith seize the said slaves, and after having instituted the necessary formalities and proceedings, that you should send the whole to the Judge Superintendent-General of Contraband, where the parties may make what statement they chose.

God preserve you, &c.

(Signed)

VISCOUNT ALCANTARA.

Senhor Lucio Soares Teixeira de Gounea,
 &c. &c. &c.

No. 43.

*Viscount Palmerston to the Chevalier de Mattos.**Foreign Office, January 14, 1831.*

THE Undersigned, &c. with reference to the note, which, under date of the 10th instant, he had the honour to address to the Chevalier de Mattos, &c. on the subject of the capture of the "*Voador*," has now, in fulfilment of the promise which he then made to him, to acquaint M. de Mattos with the result of the enquiries which were immediately instituted into the truth of the charges brought forward by M. de Mattos, of saguinary cruelty against the Captor of the "*Voador*."

The Undersigned cannot discharge his duty in a more satisfactory manner, than by communicating, *in extenso*, to M. de Mattos, the answer which has been given to the enquiry made; an answer which, so far from admitting the truth of the charges against Mr. Matson, retorts them so forcibly upon the Master and the crew of the "*Voador*," that His Majesty's Government would have felt it imperative upon them, to require from the Government of Brazil, the exemplary punishment of those offenders, had they not already received punishment in the conflict itself.

The Undersigned avails himself, &c.

The Chevalier de Mattos,
&c. &c. &c.

(Signed) PALMERSTON.

Enclosure in No. 43.

John Barrow, Esq. to Sir G. Shee.

SIR,

Admiralty Office, December 27, 1830.

IN return to your letter of the 10th instant, enclosing a copy of a note from the Brazilian Chargé d'Affaires in this country, complaining of the capture of the Brazilian slave-vessel "*Voador*," by His Majesty's gun-brig "*Clinker*," under the circumstances therein stated; I am commanded by my Lords Commissioners of the Admiralty to transmit to you, for the information of Viscount Palmerston, copies of a letter, and its enclosure, from Commander Matson, who then commanded the "*Clinker*," detailing the particulars of the affair alluded to.

I am, &c.

Sir George Shee, Bart.
&c. &c. &c.

(Signed) JOHN BARROW.

Sub-Enclosure (A.) in No. 43.

G. W. Matson, Esq. to John Barrow, Esq.

SIR,

6, Notting-Hill-Terrace, Kensington, Dec. 19, 1830.

I ENCLOSE, for the information of my Lords Commissioners of the Admiralty, a copy of my letter to Commodore Collier, (also a statement made to me by one of the crew of the "*Voador*"), which will lay before their Lordships the whole circumstances.

The extraordinary nature of this affair caused me to be so explicit in my letter to Commodore Collier, and to obtain a full explanation and correct account of the same. Instantly on the vessels joining me, I made Mr. Coyde (the Officer in charge of the boats), give me a full statement of it, which was taken in writing, (he being blind). I then closely interrogated Mr. Sainsbury, also several of the most intelligent men of the boats' crews, who all not only corroborated Mr. Coyde's statement, but bore strongly upon his forbearance.

On my arrival at Sierra Leone, with the "*Voador*" and her crew, it was my full intention to have tried the vessel and her crew in the Vice-Admiralty Court, for which purpose examinations, depositions, &c. were taken in Court, and the prisoners committed to prison to take their trial.

In a subsequent communication I had with the then Chief Justice (Bannister), who had examined the depositions, he gave me to understand, that the lives of some of the prisoners would be forfeited, particularly 2 or 3 who had been badly wounded,—one, named Francisco, had been sworn to as the man who first commenced firing into the gig, and who shot Woodley, one of the crew, (this man had his right arm amputated at the shoulder joint). The Chief Justice, in a private manner, suggested to me, that as these men had suffered severely from their wounds, how far I conceived the ends of justice had been answered, and whether I expected that *justice*, which could only be obtained by taking the lives of these mutilated men; upon this advice I felt it my duty to humanity not to press the trial of the men. The "*Clinker*" went to sea upon hasty service, and the men were released from gaol for want of a prosecutor. I should not have trespassed this fact upon their Lordships, but from that part of the note of the Chargé d'Affaires of His Majesty the Emperor of Brazil, which states, that no notice was taken at the condemnation of the vessel, of the circumstances attending her capture. It was then by the advice of my agent, the late Mr. Macaulay, that the "*Voador's*" case was put into the Court of Mixed Commission, in the usual way;—tried *and condemned* in that Court, for unlawfully trading, selling her cargo, bartering for slaves in latitude 4° 30' N. of the Equator, contrary to her passport, and in direct violation of the Treaties, under which points many other vessels had been condemned; that she had been at the port some weeks, that *all* her cargo had there been disposed of, and, from my information from the natives, I had watched her some period; I knew of her being there; I knew that 150 slaves were at the factory on the beach, that the coppers were on shore, and men attending the slaves: I also know that many months after, a vessel came from the Brazils, and demanded the slaves of the King or Chief; a letter I found on board the "*Voador*" (and which, I think, was put into the Court), from the Captain of another slave-vessel up the Cammeroons, (a short distance from the Bimbia) which stated, that the English man-of-war's boats were up that river, had taken one vessel, and the brig "*Clinker*" (the brig's name was inserted in the letter), was at anchor at a certain compass bearing (named), about 20 miles.

I have also very strong reasons to suppose, from information I afterwards obtained, that the Captain of the "*Voador*," (Vicente Fenera Robillo), some years back, commanded a slave-vessel, which was captured by H. M. S. "*Pheasant*," when Mr. Castle, a Midshipman, (the Prize-Master) was murdered, and the vessel retaken by her Captain. In no other way could I account for his fighting, as it appeared in evidence, that the crew obeyed his orders in firing.

The depositions, examinations, &c. of Messrs Coyde and Sainsbury, and some of the boat's crew, were taken before Mr. Samo, the present King's Advocate, at Sierra Leone. I regret that Mr. Coyde is not in England, I left him Mate of H. M. S. "*Atholl*"; and that Mr. Sainsbury is dead; but I instantly (yesterday) wrote to Portsmouth, where I expect some of the boats' crews are to be found, and if any, I will transmit their names and ships, that my Lords Commissioners of the Admiralty may have the depositions of these men if required. The 2 marines in the boats, and who are named in the margin, (Joseph Roade and Thomas Sutton, Portsmouth Division), were conspicuous in the fight, so much so, that Thomas Sutton shot at the Master when he got on the taffrail, and was presenting a pistol at Andrew Johnson, and, I think, could fully prove, that the Master never had before been wounded, or shot at with a pistol when first boarding.

With respect to the conduct of Mr. Coyde, the officer in charge of the boats, (the Master was absent in a prize, which caused the charge of the boats to devolve upon a Mate), Mr. Coyde had passed his examination, he was not a youth, but an officer who had seen much service, and bears very

high testimonials from Captain Chads, under whom he served in the boats, during the whole of the Burmese war. His orders, and my general orders, were very strong upon the point of forbearance, and never to risk a man's life, or even a quarrel, but rather give up the boarding (when no slaves). In fact, these orders were constantly inculcated upon not only officers, but the men, and I felt perfectly satisfied, that as long as forbearance could be shewn, it was, and not until self-defence required, did he commence an attack. The boats had been pulling all day, the men were much fagged, and they intended to have rested for the night on board the vessel.

I have to request you will be pleased to lay before my Lords Commissioners of the Admiralty the above statements, and enclosed letter, trusting the same will meet their Lordships' approbation, and soliciting that any error or impropriety in the language, or delay in answering, may be attributed to my illness.

I have, &c.

(Signed)

GEO. WM. MATSON,

Commander, R. N.

John Barrow, Esq.

&c. &c. &c.

P. S. All slave-dealers use false names for the different ports, which caused the Bimbia to be named Olemby in the note.

Dec. 20.—I have waited, and just received information, that the 2 men* named in the margin, and who were in the boats, both intelligent men, and I think W. Shillette was Coxswain of the cutter, are at Portsmouth, and on board the ships named against their names.

(Signed) G. W. M.

* Wm. Shillette, H. M. S. "Sapphire;" and James Fellows, H. M. S. "Tyne."

Sub-Enclosure (B.) in No. 43.

G. W. Matson, Esq. to Commodore Collier.

*H. M. Gun-brig "Clinker," off the Cameroons River,
August 21, 1828.*

SIR,

I HAVE the honour to report to you, that in furtherance of your orders of July 24, the boats of H. M. gun-brig under my command (being a cutter, with 12 men, and a gig with 6, making in all 18, including officers) in charge of Mr. William Coyde, Mate, passed through the Bimbia Creek to the back of Bimbia Island, about 5 P. M. on the 18th instant, where I had information a vessel was lying collecting slaves, which vessel, a brigatine, on observing the boats, fired a shot wide of them, and hoisted Brazilian colours. The boats were, at the instant, in the act of hoisting their colours. They pulled up to the vessel with their colours flying in both boats. Mr. Coyde in the cutter, on approaching the larboard (being the nearest quarter) observed the crew of the vessel to be all under arms; he spoke to them in English, not to fire; that the boats were the boats of an English man-of-war, and intended no harm. No notice was taken of this, but the cutter went alongside without molestation, so much so, that on the hook-rope (painter) being thrown up, the Captain of the vessel caught it, and gave it to one of his crew to make fast.

Mr. Coyde and his men jumped upon deck without interruption; in the meantime Mr. Sainsbury, in the gig, had reached the starboard gangway, at which instant, 2 musket or pistol shots were fired at Mr. Sainsbury and the Coxswain, both missing; the gig's crew instantly got upon deck. Mr. Coyde repeatedly called to the Captain and the vessel's crew not to fire; that they were English, and addressed the Captain, who offered Mr. Coyde his hand, and said "*Viva l'Anglaise,—no fight*" A parley, for a moment, was held, which was stopped by the vessel's crew (part of which had collected about the main hatchway) firing again.

No hostilities on the part of Mr. Coyde's men had yet commenced, but he repeatedly desired the Captain, to order his men to lay down their arms, the boats were English.

Mr. Sainsbury had scarcely reached the deck, when a man presented a

pistol, and shot at his head, the ball of which passed through his hat, and shot the man. Nearly at the same instant, Philip Woodley, (one of the gig's crew) fell from a musket-shot, fired by a man before the main hatchway.

Mr. Coyde, finding a determined attack from the vessel's crew, ordered his men to fire, and charge forward, where nearly the whole had collected, which order was instantly and gallantly obeyed.

The Captain of the vessel and two or three of his crew were *aft*, who, the instant they saw their crew recommence the attack from forward, did so with fire-arms, at the moment Mr. Coyde's men turned round to face the fire from forward, as if a premeditated and treacherous plan to hem our men in, and attack them in the rear, had been formed. Two or three of Mr. Coyde's men turned, and all the after end of the vessel were slain with the cutlass; but the Captain, who stood on the rudder-head, offered his sword to Andrew Johnson (S) with his left hand, enticing him off his guard, presented a pistol at his head which flashed, he instantly jumped on the taffrail, and, in the act of firing another pistol, was shot, fell overboard, and sunk.

Mr. Coyde and his crew gained complete possession of the vessel, after a few minutes desperate cutlass fighting, secured 13 prisoners, 7 of whom were badly wounded.

The vessel was found to be armed with 1 long nine-pounder, on a pivot, 4 twelve-pound carronades, and 2 six-pound carriage guns, making 7 guns, *all full charged and primed*. A great number of muskets and pistols, besides what the men had in use, laying ready-loaded, most of which had 2 balls, and nearly all the cartridges found had 2 balls.

The papers now in my possession, prove the vessel to be the "*Voador*," 105 tons, muster-roll 28 men, commanded by Vincento Ferreira Rebello, belonging to Rio de Janeiro, with a passport to trade for slaves at Cabinda and Rio Zaire, having now but little cargo on board, in cloths, arms, and aquadente, and, from information, had 150 slaves, bought on shore at Bimbia.

I find that 4 of the prisoners speak English, 2 of which very good, and the Captain understood English a little, and in saying "*Viva l'Anglaise,—no fight*" he made use of the word fight. That no excuse can be shown for his treacherous fighting, in not understanding that the boats were English; the Captain and crew also knew, that some days previous an English man-of-war's boat had taken a brig, with slaves on board, in the Cameroon's River.

Mr. Coyde reports to me, that the conduct of all his men was such, as to be highly creditable as British seamen, in their steady and cool firmness at receiving the repeated fire of the treacherous enemy, without returning it, till ordered to the charge, when the effect insured the victory in a few minutes.

Mr. Coyde speaks more particularly of the gallant and zealous conduct of his assistant, Mr. Sainsbury, not only during the fight, but in securing the prisoners, keeping the vessel in a state of defence, and bringing her into the offing, to the "*Clinker*," Mr. Coyde being severely wounded, and blind with both eyes.

I have the honour to return a list of the wounded, and regret to state, that Philip Woodley died of his wounds; and respectfully solicit you will be pleased to lay before His Royal Highness the Lord High Admiral, the gallant and meritorious conduct of the officer in charge of the boats, to whose cool and steady proceedings, in endeavouring to prevent bloodshed, and determined gallant mode of charging, when no alternative was left, I am much indebted for not having to return a large list of killed and wounded, and whose conduct during nearly 2 years under my command, (with much boating service), has always met my greatest approbation and confidence.

I have, &c.

Commodore Collier, C. B.

(Signed)

G. W. MATSON.

&c. &c. &c.

List of Wounded.

Mr. Coyde, Mate, severely; Mr. Sainsbury, ditto, slightly; P. Woodley, seaman, mortally; S. Tachet, ditto, severely; J. Morton, ditto, slightly; W. Shilletto, ditto, slightly.

Sub-Enclosure (C.) in No. 43.

Statement made by one of the Crew of the "Voador."

JOEN BAPTISTA voluntarily deposeth, that, on the 18th instant, he was a seaman, or cook, on board the brig-schooner "*Voador*," lying at anchor at the back of Bimbia Island; that about 5 o'clock, or past, in the afternoon, 2 boats were seen coming round a point; the Captain of the vessel was ashore at Bimbia, a Genoese flag was hoisted on board the "*Voador*," as a signal to the Captain. On the Captain's coming on board, he called to his crew to take the arms out, fired a gun, and hoisted Brazilian colours. The deponent saw the English colours flying in the boats; he told the Captain that was the English flag; he told the deponent not to speak English when the boats came alongside; the Captain said to his crew, "some hands go to the star-board, and some to the larboard." When the boat's crew got on deck, he had heard the Englishmen say, "lay down your arms," and very soon after, he saw Francisco fire from the long gun in midship, and he saw an Englishman fall. The deponent further states, that on the same day, before the boats came on board, he heard the Captain say (alluding to the keeping slaves on board), that the English man-of-war's boats might come and find them on board. He further deposeth, that he saw no one firing or fighting on the part of the English, until after the Englishmen fell. He heard the English officer say, when he came alongside, "We are English—no fight—no fight;" and afterwards, when he got on board, he heard him say to the Captain "we are English, do not fight," and the Englishmen said to the crew, "put your arms down, we are English."

The
JOEN × BAPTISTA.
Mark of

Stated in the presence of, and signed by his mark, Wednesday, August 27, 1828, on board the "*Clinker*."

(Signed) G. W. MATSON, Lieut. and Commander.
WM. COYDE, Mate.
JOEL HITCHINGS, Gunner's Mate.

No. 44.

A. Aston, Esq. to the Earl of Aberdeen.—(Received January 26, 1831.)

MY LORD,

Rio de Janeiro, November 24, 1830.

FINAL sentence having been pronounced by the Mixed Commission Court in the case of the Portuguese slave-vessel "*Africano Oriental*," and it appearing that the Commissary Judges were of opinion that the Court was empowered to liberate the slaves, but not to confiscate the vessel, it being Portuguese property, which, in consequence, was about to be released, I represented to the Brazilian Government, that the importation of slaves into the Empire of Brazil, under the Portuguese flag, being manifestly contrary to the stipulations of existing Treaties between Great Britain and Portugal, I considered that I was called upon to request the intervention of the Brazilian Government, to suspend the carrying into effect that part of the sentence relating to the vessel, until reference should have been had to His Majesty's Government, and their opinion upon this question been made known.

I have the honour to enclose copies of my note, and of the Brazilian Minister's answer, in which his Excellency states, that he has submitted the case to the consideration of the Minister of Justice.

I have likewise the honour to forward to your Lordship copies of 2 representations, which, in consequence of the reports from the British Com-

missary Judge, respecting the extraordinary mortality that was stated to have taken place amongst the slaves under sequestration, belonging to the detained vessels, I have addressed to the Brazilian Minister.

I have, &c.

(Signed)

ARTHUR ASTON.

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

&c.

&c.

&c.

First Enclosure in No 44.

W. Pennell, Esq. to A. Aston, Esq.

SIR,

Rio de Janeiro, November 6, 1830.

IN the month of September last, João Alves de Silva Porto, Consignee of the brig "*Africano Oriental*," (which had arrived here in the same month, with a cargo of slaves, under Portuguese colours), petitioned the Mixed Commission to take cognizance of this act, in place of having it tried by the Judge of the Contraband, founding his petition on the 4th Article of the Alvarà of the 26th of January, 1818.

It soon appeared by the evidence adduced, that this vessel and cargo were Portuguese property, and the establishment of this fact I at first thought was sufficient to put the case out of the jurisdiction of a Mixed Commission Court, consisting of British and Brazilian Judges only; subsequent reflection, however, induced me to forego this opinion, and to coincide with that of the Brazilian Commissary Judge; namely, that the Alvarà cited established the competency of our Court to try the present and similar cases, and also that, under the second Article, we were called upon to liberate the slaves, but not confiscate the vessel, as we should have done, had the property belonged to either British or Brazilian subjects. We, therefore, gave directions to the Secretary to have the sentence framed in conformity with this view of the subject, although causes, which I have had the honour personally to explain to you, have procrastinated its formal promulgation.

I have, &c.

(Signed)

WILLIAM PENNELL, Consul-General,

and Acting Commissary Judge.

Arthur Aston, Esq.

&c. &c. &c.

Second Enclosure in No. 44.

W. Pennell, Esq. to A. Aston, Esq.

SIR,

Rio de Janeiro, November 12, 1830.

I HAVE the honour to inform you, that the Brazilian Judge and myself have this day passed sentence on the brig "*Africana Oriental*," to the effect that the slaves shall be liberated, but without the condemnation of the vessel, because she is Portuguese property.

I enclose copy of the sentence; and I have the honour to call your attention to the astounding fact, that, out of the 265 slaves, only 70 are forthcoming to receive the benefit of the sentence, of which number 13 are sick; the rest, 195, are alleged to have died since the 9th of September.

This statement must excite feelings which I shall not attempt to describe; but I trust that your representation to the Brazilian Government will awaken them to the fraud, of which there is such presumptive evidence, and to the adoption of such efficacious measures as justice and humanity will dictate.

Before leaving the Mixed Commission this day, I proposed to the Brazilian Judge, that we should require a daily report respecting all sequestered slaves, subject to the jurisdiction of our Court, as regards their numbers, condition, treatment, &c. and that we should adopt any other measure within the competency of the Court, which the fact now disclosed might suggest, as calculated to prevent its recurrence; in which he agreed.

I have, &c.

(Signed)

WM. PENNELL.

Arthur Aston, Esq.

&c. &c. &c.

Sub-Inclosure (A.) in No. 44.

(Translation.)

Sentence on the Brig "Africano Oriental."

FROM the foregoing proceedings, *are judged illegal*, in conformity with the 3d Article of the Additional Convention of the 28th July, 1817, to the Treaty of the 26th January, 1815, the slaves embarked on board the brig "*Africano Oriental*," belonging to João da Silva Carvão, Portuguese subject, according to the dispositions of the Article 2 of the Law of 26th January, 1818; and that in consequence, they should have letters of freedom, as ordered by Articles 1, 7, for the Regulations of Mixed Commissions, and be, by the Superintendent-General of Contraband, placed at the disposal of his Conservator, according to what is directed in the 1st Article 5, of the above-mentioned Law of 1818, releasing the hull, and appurtenances of the said brig, not being included in 1st Article 2 of the said Alvarà of the 26th of January 1818; which slaves were seized by the Judge of the Custom-house of this Court, and transferred to the Superintendent-General of Contraband, in observance of the order given by the Secretary of State for Affairs of Justice, all being shewn by the act of apprehension (D. 3.) and by the passport D. 6. and 7. dated June 17, from Moçambique, and by the letter of orders D. 11. original of the said Carvão, directed to João Alvez da Silva Porto, to whom were consigned the said brig and her cargo. I declare the said slaves, in number 53, natives of Africa, to be free and emancipated, and placed at the disposal of His Imperial Majesty as free servants and labourers, I say the said slaves, in number to be 70, natives of the Coast of Africa, to be free and liberated, and placed at the disposal of His Imperial Majesty's Government, as servants and labourers, being 26 men, 9 women, 13 boys, 9 girls, and 13 sick, of whom the sex is not declared.

(Signed)

WILLIAM PENNELL.

JOAO RIVEIRO DA SOUZA.

Rio Janeiro, November 12, 1830.

Third Enclosure in No. 44.

W. Pennell, Esq. to A. Aston, Esq.

SIR,

Rio de Janeiro, November 17, 1830.

WITH reference to my despatch of the 13th instant, I have the honour to inform you, that the number of slaves liberated by the sentence of the Mixed Commission, dated that day, proved, on further investigation, to have been incorrect; and I now enclose a copy of the addition made to that sentence, dated this day, by which it appears, that the whole number liberated is 72—namely:

31 males,
19 females,
6 sick, sex unknown,
16 seamen

—
72
—

The mortality, therefore, from the 9th of September to this day is 193 out of 265; or, excluding the 16 seamen (which exclusion from the sentence was a point argued) 193 out of 249.

It is to be remarked, that the 16 slaves, called seamen, appear to be, and to have been, free from sickness, although sequestered at the same time with the other 249.

Referring for further details to a personal interview,

I have, &c.

Arthur Aston, Esq.
&c. &c. &c.

(Signed)

W. PENNELL.

Sub-Enclosure (B.) in No. 44.

(Translation.)

Further Sentence on the Brig "Africano Oriental."

AND we further declare by this present, by virtue of the official letter from Innocencio do Roxa Mariel, the person who is, and who has been, entrusted with the said slaves, we proceeded to examine the state of them, and ascertain the number to which they are reduced; therefore declaring and giving further explanation of our sentence, we found that the slaves of the said brig "*Africano Oriental*," at present consist of 56, being 31 of the male sex, and 19 of the female, marked A. B., and 6 sick, sex unknown, and further 16 seamen, whom we declare, one and all, to be free and emancipated, and placed at the disposal of the Government of His Imperial Majesty to serve as servants and free labourers.

(Signed)

W. PENNELL.

JOAO PERREIRA DA SOUZA.

Rio de Janeiro, November 17, 1830.

Fourth Enclosure in No. 44.

*A. Aston, Esq. to M. Carneiro de Campos.**Rio de Janeiro, November 13, 1830.*

THE Undersigned, &c. has received official information, that the final sentence in the case of the Portuguese slave-vessel "*Africano Oriental*," was yesterday passed by the Mixed Commission Court, by which the slaves belonging to that vessel have been emancipated.

It appears, however, that the Commissary Judges, being of opinion, that, in their capacity of a Mixed British and Brazilian Commission, they are not invested with the competent authority to confiscate the property of Portuguese subjects, have consequently released the vessel.

It can scarcely be necessary to remind his Excellency Senhor Carneiro de Campos, &c. that according to the Treaties existing between Great Britain and Portugal (to which Treaties Brazil, by a Convention of 1826, became a party), the importation of slaves into this Empire in Portuguese vessels ceased to be legal, upon the separation of the two countries.

As the present transaction, therefore, involves a question of infraction of Treaty, the Undersigned considers it to be his duty to call upon his Excellency to cause the execution of that part of the sentence of the Mixed Commission Court, relating to the restitution of the vessel, to be suspended, until reference shall have been had to His Majesty's Government; and he has, moreover, the honour to suggest to his Excellency, either that the vessel be detained by the Imperial Government, or that she be delivered up into the keeping of the British Admiral, until the decision of His Majesty's Government upon this subject shall have been made known.

The Undersigned, &c.

(Signed)

ARTHUR ASTON.

His Excellency Senhor Carneiro de Campos,

&c.

&c.

&c.

Fifth Enclosure in No. 44.

(Translation.)

*M. Carneiro de Campos to A. Aston, Esq.**Rio de Janeiro, November 16, 1831.*

I ACKNOWLEDGE the receipt of the note which Mr. Aston, &c. addressed to me, on the 13th instant, in which he requests that the sentence pronounced by the Mixed Commission, in the case of the Portuguese vessel "*Feliz Marianna*," should be suspended, with respect to that part

in which the vessel is ordered to be released, and having transmitted this affair to his Excellency the Minister of Justice, in order to take those measures which justice demands, and in conformity with existing Treaties, I will at a fit time communicate the same to Mr. Aston.

I remain, &c. &c.

Arthur Aston, Esq.
 &c. &c. &c.

(Signed) F. CARNEIRO DE CAMPOS.

Sixth Enclosure in No. 44.

A. Aston, Esq. to M. Carneiro de Campos.

Rio de Janeiro, November 19, 1830.

THE Undersigned, &c. has received an official report from the British Commissary Judge stating, that upon proceeding to carry into effect the sentence pronounced by the Mixed Commission Court, in the case of the brig "*Africano Oriental*," by which the slaves belonging to that vessel were to be liberated, it appeared that out of 265 slaves, the number placed under the charge of the Brazilian Government, only 72 are forthcoming to benefit by the sentence of the Court, it being affirmed that 193 have died since the 9th of September last.

In communicating this fact to his Excellency Senhor Francisco Carneiro de Campos, &c., the Undersigned feels confident, that his Excellency will at once perceive the propriety of instituting a strict enquiry into the causes of this appalling mortality.

If the statement, which has been made to the Mixed Commission Court, should prove to be correct, the Undersigned must express his conviction, that this deplorable mortality has principally been caused by the culpable negligence of the persons, who were appointed by the Imperial Government to provide for the subsistence, and to superintend the health of the slaves under sequestration: such conduct, so revolting to humanity, requires no comment, and the Imperial Government will assuredly not permit the offenders to escape the merited punishment.

The Undersigned has at the same time to state to his Excellency, that there exists strong grounds for suspecting, that some of the slaves, alleged to have died, had been illegally sold whilst under the charge of the before-mentioned officers; and considering that the slaves have been landed, as well as the shortness of the period intervening between their arrival in port, and the promulgation of the final sentence, the number of deaths stated to have taken place seems certainly to exceed credibility.

But, whether neglect or fraud has been practised in this instance, his Excellency will admit, that the case is one that demands investigation; and the Undersigned has, therefore, the honour to request, that his Excellency will cause the necessary steps to be taken, in order to elicit the truth, and to prevent the occurrence of similar abuses.

The Undersigned, &c.

His Excellency Senhor F. C. de Campos, (Signed) ARTHUR ASTON.
 &c. &c. &c.

Seventh Enclosure in No. 44.

A. Aston, Esq. to M. Carneiro de Campos.

Rio de Janeiro, November, 23, 1830.

IN consequence of another official report, which the Undersigned, &c., has received from the British Commissary Judge, he is again compelled to call the serious attention of his Excellency Senhor Francisco Carneiro de Campos, &c., to the subject of the note, which he had the honour to address to his Excellency, on the 19th instant, respecting the alarming mortality that is stated to have taken place, and to be daily increasing, among the slaves belonging to the vessels detained by order of the Imperial Government.

From the enclosed statement his Excellency will perceive, that 981 slaves were imported into this harbour on board the 3 vessels, "*Africano Oriental*," "*Eliza*," and "*Don Estevao d'Atayde*," and that of this number 562 are alleged to have died since their arrival.

This fact appears to confirm the worst suspicions of the conduct of those, under whose care these unfortunate beings have been placed.

The Undersigned has already had occasion to express his doubts as to the correctness of the reported number of deaths; and from information since received, he is the more inclined to believe, that although many of the slaves may have unfortunately fallen victims to bad treatment, the greater part have been clandestinely and illegally sold, by the connivance of those very individuals, who were appointed by the Imperial Government to prevent the commission of similar acts.

Having put his Excellency in possession of the above information, the Undersigned leaves the case in his Excellency's hands; and relying upon his Excellency's well known sentiments of justice, he feels assured, that his Excellency will exert his utmost vigilance in detecting the transgressors, and causing them to be brought to condign punishment.

The Undersigned, &c.

(Signed)

ARTHUR ASTON.

His Excellency Senhor F. C. de Campos,
&c. &c. &c.

Sub-Enclosure (C.) in No. 44.

Statement.

Mixed Commission, Rio de Janeiro, November 20, 1830.

Return of Slaves sequestered belonging to the Brig "*Africano Oriental*," Barque "*Eliza*," and Brig "*D. Estevao d'Atayde*."

		Sequestered.			
Sept. 9	- -	265 slaves	- - - -	"	<i>Africano Oriental</i>
" 9	- -	435 do.	- - - -	"	<i>Eliza</i>
Oct. 30	- -	281 do.	- - - -	"	<i>Don Estevao d'Atayde.</i>
		<hr/>			
		981			
		Existing of the above.			
Nov. 17	- -	72 slaves	- - - -	"	<i>Africano Oriental.</i>
" 20	- -	148 do.	- - - -	"	<i>Eliza.</i>
" 20	- -	199 do.	- - - -	"	<i>Don Estevao d'Atayde.</i>
		<hr/>			
		419			

(Signed)

WILLIAM PENNELL.

No. 45.

A. Aston, Esq. to the Earl of Aberdeen.—(Received February 14, 1831.)

MY LORD,

Rio de Janeiro, December 13, 1830.

WITH reference to my despatch of the 24th ultimo, enclosing copies of 2 notes, which, in consequence of the alarming mortality stated to have taken place amongst the slaves under sequestration, belonging to the vessels "*Eliza*," "*Africano Oriental*," and "*Don Estevao d'Atayde*," I deemed it my duty to address to the Brazilian Minister. I have now the honour to forward to your Lordship copies and translations of his Excellency's answers to the above representations, as well as of the despatches which his Excellency has addressed to the Minister of Justice, directing a strict enquiry to be immediately instituted.

There are strong grounds for believing, that the number of deaths has been greatly exaggerated, and that the reports in circulation, respecting the frau-

dule sale of the negroes, whilst under the charge of the officers appointed by this Government, are substantially correct.

I have not as yet been informed of the result of the investigation, but I shall omit no endeavours to cause the affair to be thoroughly sifted.

I have, &c.,

(Signed)

ARTHUR ASTON.

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

First Enclosure in No. 45.

(Translation.)

M. Carneiro de Campos to A. Aston, Esq.

Rio de Janeiro, November 24, 1830.

THE note which Mr. Aston, &c., addressed to me on the 19th instant, demanding that the necessary investigations should be made, in order to ascertain the cause of the great mortality that has taken place in the cargo of the brig "*Feliz Marianna*," has been transmitted to the Minister of Justice, in order that directions to that effect should be issued, with that urgency which the case demands; and I can assure Mr. Aston, that the Imperial Government sympathizes in the feelings of humanity expressed in that note, and will take every measure in their power to proceed against those, who have been the cause of this lamentable event, according to law.

I renew, &c.

(Signed)

Fco. CARNEIRO DE CAMPOS.

Arthur Aston, Esq.,
 &c. &c. &c.

Second Enclosure in No. 45.

(Translation.)

M. Carneiro de Campos to A. Aston, Esq.

Rio de Janeiro, November 24, 1830.

I ACKNOWLEDGE the receipt of the note, which Mr. Arthur Aston addressed to me on the 23d instant, and its object being the same as the other, to which I reply this day, I refer him to that one, assuring him again, that the necessary steps shall be taken, in order to take cognizance of the appalling mortality of the negroes, that made a part of the cargoes under sequestration of the brigs "*Africano Oriental*," "*Don Estevao d'Atayde*," and the barque "*Eliza*," and those persons, who shall be convicted of these crimes so revolting to humanity, shall be punished.

I renew, &c.

(Signed)

Fco. CARNEIRO DE CAMPOS.

Arthur Aston, Esq.,
 &c. &c. &c.

Sub-Enclosure (A.) in No. 45.

(Translation.)

M. Carneiro de Campos to the Viscount of Alcantará.

MOST ILLUSTRIOUS AND EXCELLENT SIR,

THE Chargé d'Affaires of His Britannick Majesty having represented, in the enclosed translated note, that out of 265 slaves, which arrived on board the brig "*Africano Oriental*" (alias "*Feliz Marianna*,") which has been condemned by the Mixed Brazilian and English Commission, 72 only are forthcoming to benefit by the sentence of that tribunal, it being affirmed that 193 have died during the interval elapsed since the 9th of September last.

And this information, naturally, being the cause of great grief and affliction to His Imperial Majesty the Emperor, the same august Lord has determined, that your Excellency should cause the strictest investigation to be made, without loss of time, into this lamentable event; in order that those who shall prove to be guilty of any fraud or neglect, with respect to an object of so much interest to humanity, and afflicting to the honour of the nation, may be punished.

God preserve your Excellency.
(Signed) FRAN^{CO}. CARNEIRO DE CAMPOS.

Palace, November 24, 1830.

His Excellency the Viscount of Alcantará,
&c. &c. &c.

Sub-Enclosure (B.) in No. 45.

M. Carneiro de Campos to the Viscount of Alcantará.

MOST ILLUSTRIOUS AND EXCELLENT SIR,

AFTER having written my despatch of this day's date, I received the enclosed note (translated) from the Chargé d'Affaires of His Britannick Majesty, together with a list, likewise enclosed, by which is seen the appalling mortality which has taken place amongst the slaves imported in the vessels "*Africano Oriental*," "*Eliza*," and "*Don Estevão de Atayde*."

His Majesty the Emperor has determined, that your Excellency, uniting the said note to the other which I have transmitted to your Excellency, should proceed with the utmost promptitude to the investigation already recommended, in conformity with my aforesaid despatch.

God preserve, &c.
(Signed) F^{CO}. CARNEIRO DE CAMPOS.

Palace, November 24, 1830.

His Excellency the Viscount of Alcantará,
&c. &c. &c.

No. 46.

A. Aston, Esq. to the Earl of Aberdeen.—(Received February 14, 1831.)

MY LORD,

Rio de Janeiro, December 13, 1830.

I HAVE the honour to enclose copies of the correspondence, which has taken place between Mr. Pennell, Acting Commissary Judge, and myself, relative to the case of the slave-vessel "*Eliza*."

Your Lordship will perceive, that the Imperial Government, in their answer to the application from the Brazilian Commissary Judge respecting the question, whether one arbitrator is sufficient to solve all doubts arising in one case between the Commissary Judges, have deviated from the principle of non-interference in the proceedings of the Court, which the Minister announced to me in his note of the 13th of November, as having been adopted by this Government.

I have, however, deemed it best to await your Lordship's instructions, rather than to contest, without such authority, either the propriety and consistency of this decision, or the correctness of the Minister's interpretation of the 3d Article of the Regulations for the Mixed Commissions.

I have, &c.

(Signed) ARTHUR ASTON.

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

First Enclosure in No. 46.

W. Pennell, Esq. to A. Aston, Esq.

SIR,

Rio de Janeiro, November 28, 1830.

I HAVE the honour to enclose copy of a despatch, presented to me yesterday by M. de Souza, dated 25th instant, from the Secretary of State for Foreign Affairs, respecting the question, whether one Arbitrator is sufficient to solve all doubts arising in one case between the Commissary Judges.

By this despatch it appears, that the Imperial Government has given a decision contrary to the opinion of Mr. Serjeant Rough, and has also deviated from the principle of non-interference, which they had previously adopted.

The *inconvenience* of this deviation is manifested by M. de Souza's rejection of the affidavit (and also of the personal examination) of W. Dunlop, by which conduct the Commission may be called upon to act on two contradictory principles of evidence, one admitting the document, No. 1, the other rejecting the document, No. 2, and both being what M. de Souza deems *extra acta*, and, therefore, inadmissible.

Perhaps the Brazilian Government, seeing this inconvenience, will deem it expedient either to adhere to their first decision of non-interference, (which, with great submission, I think the wiser course), or to direct M. de Souza to respect the principle on which the document, No. 1, was admitted by Mr. Cunningham, and by which No. 2 is equally admissible.

With this view of the subject, I shall resist M. de Souza's pretension to exclude the affidavit, until I shall learn whether you will communicate with the Brazilian Government on the subject or not.

I have, &c.

Arthur Aston, Esq.
&c. &c. &c.

(Signed) W. PENNELL.

P. S.—Nov. 29.—M. de Souza, in a discussion this day, has consented to admit under protest *vivâ voce* evidence of W. Dunlop, as you will perceive by the enclosed memorandum. (Signed) W. P.

Sub-Enclosure (A.) in No. 46.

(Translation.)

M. de Campos to M. de Souza.

IN reply to the despatch of the 20th instant, in which you mention, that there has arisen in the Mixed Brazilian and English Commission a question, whether the Commissioner of Arbitration, who has been once elected to decide upon a certain incident in the formation and disposal of a pending process, in which the Judges have not agreed, should, *ipso facto*, remain the decided Arbitrator, in every other accessory or preparatory question, and also in the final sentence, in case of a difference of opinion, it is my duty to inform you, that the Imperial Government, in consequence of the 3d Article of the Additional Regulations to the Convention of the 28th of July 1817, which provides that the Arbitrator having been elected by lot, after taking cognizance of the proceedings, shall confer with the above-mentioned Commissary Judges upon the case in point, considered, that the power of the person chosen by lot is restricted to the fact alone, to which he was called, as is understood according to the true interpretation of the said Article, and in which the 2 lawyers whom you have consulted have agreed.

I have to communicate the same to you, for your guidance, and in order that it be made known to the said Mixed Commission.

God preserve you, &c.

(Signed) FRANCO. CARNO. DE CAMPOS.

*November 25, 1830.**Sr. Joao Perreira de Souza.*

&c. &c. &c.

Second Enclosure in No. 46.

A. Aston, Esq. to W. Pennell, Esq.

SIR,

Rio de Janeiro, November 30, 1830.

IT appearing from the postscript to your despatch of the 28th instant, that the Brazilian Commissary Judge has agreed, although under protest, to receive the personal testimony of the sailor William Dunlop, I do not consider that, under these circumstances, I am called upon to require the interference of the Brazilian Government, with respect to the admission of the aforesaid William Dunlop's deposition, since the facts stated in that document will be equally elicited during his examination before the Mixed Commission Court.

I have, &c.

Wm. Pennell, Esq.
&c. &c. &c.

(Signed)

ARTHUR ASTON.

Third Enclosure in No. 46.

W. Pennell, Esq. to A. Aston, Esq.

SIR,

Rio de Janeiro, December 8, 1830.

I HAVE the honour to inform you, that William Dunlop was examined on oath, at the Mixed Commission, on such interrogatories as M. de Souza, the Brazilian Commissary Judge, deemed expedient to put to him; and his evidence proved, that the "*Eliza*" was receiving a cargo of slaves at Moçambique, in the month of May last. M. de Souza has, however, protested against the admission of his evidence.

I had acquiesced in the document, furnished by you, being placed in the Appendix to the Autos, submitting on M. de Souza's authority thereto, as the more formal and regular proceedings of the Brazilian Courts, and not wishing to raise any frivolous objections. But afterwards, in the course of a more animated discussion, I was surprised to find that M. de Souza attached *very considerable* importance, both in law and equity, to this locality of the document. I then perceived that I had, by his ingenuity, been led into a concession, of which I did not know the importance. This ingenuity I might have admired had we been contending advocates; but as brother Judges, thought he should have given me the benefit of his superior information, and not have allowed me, apparently, to have depreciated a document, which I regarded as of transcendent importance. I therefore determined to require that it should be taken from the Appendix, and placed with the other documents in the body of the Autos, more particularly as another ballot was to take place for an Arbitrator in giving a final sentence; and he, as well as M. de Souza, might attach importance to its locality, and allow it equally to influence his judgment. This requisition, however, was rejected by M. de Souza.

I then appealed to Mr. Cunningham, the Judge Arbitrator, as to his intention, when deciding on the admission of the document, and he immediately stated, that his intention was such as I had contended for. M. de Souza still resisted. I then appealed to the words used in the protocol by the Secretary, in recording Mr. Cunningham's decision, *únir se aos Autos.* M. de Souza was still obdurate, and at length Mr. Cunningham consented to terminate the discussion, by waving his right so far as to admit of another ballot for an arbitrator to decide on this question of locality. The lot fell on Mr. Cunningham, who immediately confirmed his former decision; and the Secretary, in recording it, now used the word "*entranhar*," in place of "*únir*," M. de Souza still protesting. After this decision, that the document should not only be united, but embowelled in the Autos, I contended that the evidence called for a sentence of condemnation; but M. de Souza still contending for one of acquittal, we had again recourse to ballot, and the lot fell on M.

João Perreira Darrigue Faro, the Brazilian Commissary Arbitrator; he desired time to peruse the Autos, and will be prepared to decide to-morrow; in the meantime, I deemed it my duty to transmit to him the Act of Parliament, 5 Geo. 4. cap. 113, and to call his attention to its accordance with the Alvarà of 26th January, 1818.

I enclose copy of my letter to him. From these occurrences, added to my former representations, you will be able to appreciate the obstacles with which I have had to contend, and which I have endeavoured, steadily and patiently, to overcome, but which have, nevertheless, protracted the proceedings much beyond the period contemplated by the High Contracting Parties.

I have, &c.

Arthur Aston, Esq.
&c. &c. &c.

(Signed)

WM. PENNELL.

Sub-Enclosure (B.) in No. 46.

W. Pennell, Esq. to M. Faro.

SIR,

Rio de Janeiro, December 7, 1830.

WITH reference to what passed yesterday at the meeting of the Mixed Commission, I think it my duty to furnish you with the Act of Parliament, 5 Geo. 4, cap. 113, and to call your attention to the section 57, page 1191, inasmuch as that section appears to me in unison with the Alvarà of 26th January, 1818, and particularly with the words "*todos os sobreditos curos serao objecto de denuncia,*" s. 111, and that both the Act of Parliament and the Alvarà accord with the spirit of the Treaty and Convention on which they are founded, as applicable to the admission of the document No. 1, and of the evidence of William Dunlop, but against which admission the acting Brazilian Commissary Judge has protested.

I have, &c.

(Signed)

WM. PENNELL.

Joao Perreira Darrigue Faro, Esq. Judge Arbitrator,
&c. &c. &c.

No. 47.

A. Aston, Esq. to the Earl of Aberdeen.—(Received February 14, 1831.)

MY LORD,

Rio de Janeiro, December 13, 1830.

I HAVE the honour to forward to your Lordship the copy of an official report, which I have received from the Acting British Commissary Judge, announcing that a sentence of acquittal, as regards the Portuguese brig *D. Estevo d'Atayde* (with the exception of 50 negroes, belonging to Portuguese subjects, who are to be emancipated) has been passed with his concurrence.

I have, &c.

(Signed)

ARTHUR ASTON.

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

Enclosure in No. 47.

W. Pennell, Esq. to A. Aston, Esq.

SIR,

Rio de Janeiro, December 7, 1830.

I HAVE the honour to inform you, that I concurred in opinion with M. de Souza, the Brazilian Judge, in a sentence of acquittal, as regards the

brig "*Don Estevao d'Atayde*," and her cargo. I contended for an exception of 50 slaves, which appeared to belong to Portuguese subjects; and in this exception M. de Souza, after some discussion, acquiesced.

I also objected to admitting in the sentence any right in the owners to claim damages of any kind against the seizors, in which M. de Souza, after some demur, also acquiesced. The sentence, which was submitted to my consideration, is now ordered to be prepared for signature, with the foregoing modifications.

I have, &c.

Arthur Aston, Esq.
&c. &c. &c.

(Signed)

WILLIAM PENNELL,
Acting Commissary-Judge.

No. 48.

A. Aston, Esq. to the Earl of Aberdeen.—(Received February 16, 1831.)

MY LORD,

Rio de Janeiro, December 18, 1830.

I HAVE the honour to forward to your Lordship a copy of the sentence, passed by the Mixed Commission Court in the case of the brig "*Don Estevao d'Atayde*," by which this vessel and cargo have been restored to the owners (but without costs or damages to the seizors), with the exception of 50 negroes, belonging to Portuguese subjects, who have been emancipated, and placed at the disposal of the Brazilian Government, to be employed as free labourers.

I have, &c.

(Signed)

ARTHUR ASTON.

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

Enclosure in No. 48.

W. Pennell, Esq. to A. Aston, Esq.

SIR,

Rio de Janeiro, December 15, 1830.

I HAVE the honour to enclose a copy of the sentence, passed by the Mixed Commission on the brig "*Don Estevao d'Atayde*," by which you will find that this vessel and her cargo have been liberated, but without costs or damages to the seizors, and with the exception of 50 slaves, which belonged to a Portuguese subject, and are, therefore, emancipated, and placed at the disposal of the Brazilian Government, to be employed as servants and free labourers.

I have, &c.

(Signed)

WILLIAM PENNELL.

Arthur Aston, Esq.
&c. &c. &c.

Sub-Enclosure in No. 48.

(Translation.)

Copy of the Sentence on the Portuguese Vessel of War "D. Estevão d'Atayde.

ON examination of these documents, relating to the embargo laid on in this place, by an Act, page 5, in consequence of an order from the Secretary of State's Office for the Affairs of Justice, dated the 26th of July, the affidavits of witnesses, and other papers connected with, and several measures ordained by the Regulations, it appears that the Brazilian ship "*Flor de Moçambique*," Master Joaquim Antonio Franco, and Owner José Duarte Galvão, both Brazilian citizens, having sailed from this port of Rio de Janeiro on the 13th of

September of the foregoing year of 1829, manned and navigated according to law, in conformity with Article 4 of the Additional Convention to the Treaty of 1815, destined for the port of Moçambique, on the Eastern Coast of Africa, it happened that the said vessel, after taking in her cargo of slaves, and sailing from the said port of Moçambique on the 19th of January of the present year, yet within the time laid down by the Convention of the 2d of November, 1826, and orders, in ulterior agreements between the two Contracting Powers, for this port, with the slaves composing her cargo, that the circumstances stated in the protests having taken place, obliged her to bear up for the said port of Moçambique, into which she entered on the 13th of March of this year, and there being condemned as unseaworthy, it became impossible for her to conduct the said slaves to their destination; in consequence of which, it being evident the said cargo would be abandoned and entirely lost, in so far as respects its owner, and that the slaves, to arrive in time, could not be brought in the said vessel, that it was intended to bring them in; it was resolved upon to conduct them to the port of this city in the Portuguese brig "*D. Estevao d'Atayde*," and being substituted for the ship "*Flor de Moçambique*," Brazilian property, on account of the said and fatal accident aforementioned; and on this account her acquittal appearing to be lawful, and according to what is set forth in Article 2 and 4 of the Treaty of the 22d of January, 1815, in vigour before the Convention of 1826, and ulterior concessions or declarations between the two Contracting Parties; the said vessel is released from the detention and capture which took place, in pursuance of the order dated the 26th of October of this year, document for detention, and the slaves composing her cargo, are to be delivered over to her Owner, Jozé Duarte Galvão, with the exception of those shipped by João da Silva Carrão, of the following marks—an O on each breast, an O on each shoulder, M on the right breast,—belonging to a foreigner, a Portuguese, in conformity to Article 1 of the Additional Convention to the Treaty of the 22d of January, 1815, which are to be delivered up to the Judge of the district, as Judge Protector of the liberated blacks, to serve according to the Decree of January 26, 1818, as free servants or labourers. The parties concerned cannot demand their expences, costs, or damages, seeing that it was necessary to establish the legality of what is above said.

(Signed) WILLIAM PENNELL.
JOAO PEREIRA DE SOUZA.

Rio de Janeiro, December 10, 1830.

True Copy. (Signed) THEOPHILO DE MELLO,
Secretary.

No. 49.

A. Aston, Esq. to the Earl of Aberdeen—(Received February 16; 1831.)

MY LORD,

Rio de Janeiro, December 18, 1830.

I HAVE the honour to enclose copies of 2 communications, which I have received from the British Acting Commissary Judge, respecting the case of the Brazilian slave-vessel "*Eliza*."

Your Lordship will perceive, that, notwithstanding the strong proofs that had been laid before the Court, of the illegality of the voyage of the "*Eliza*," the Brazilian Judge Arbitrator has given his opinion in favour of the owners of that vessel, founding this decision upon the evidence of the crew and the ship's papers, and rejecting all other testimony or proof as being *extra acta*.

A sentence of acquittal has, consequently, been passed, a copy of which I have likewise the honour to enclose.

I have, &c.

(Signed)

ARTHUR ASTON.

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

&c.

&c.

&c.

First Enclosure in No. 49.

W. Pennell, Esq. to A. Aston, Esq.

SIR,

Rio de Janeiro, December 9, 1830.

I HAVE the honour to inform you, that the Brazilian Commissary Arbitrator, Mr. João Perreira Darrigue Faro, this day gave his opinion in conformity with that of M. de Souza, the Acting Brazilian Commissary Judge, thereby liberating the barque "*Eliza*," and her cargo; he founds this decision on the ship's papers, and on the evidence of the crew, deeming all other evidence (including of course that of Mr. Dunlop, and of the document, No. 1.) inadmissible in the absence of a Captor, as *extra acta*.

I have, &c.

(Signed)

WM. PENNELL.

Arthur Aston, Esq.
 &c. &c. &c.

Second Enclosure in No. 49.

W. Pennell, Esq. to A. Aston, Esq.

SIR,

Rio de Janeiro, December 15, 1830.

I HAVE the honour to enclose a copy of the sentence of acquittal of the barque "*Eliza*," and her cargo, furnished to me this day by the Secretary of the Mixed Commission.

Although this sentence is totally in opposition to my judgment, yet I find that the laws of the country require my signature to it, admitting, however, of the adjunction of the word "*Vencido*,"—thus indicating constraint and disapprobation, and thereby reconciling me to that obedience to the law, to which I at first felt in this instance repugnant.

Relying, as I do, on the fact of the barque having been at Pernambuco in February last, it follows that the passport granted by this Government was fraudulently used for what the law now deems piracy, and that the sentence has been obtained by false documents, by perjury, and by the subornation of perjury. As the fact, however, admits of indubitable proof, and as that proof is within the reach of the Brazilian Government, it may be presumed, that they will cause an investigation, with a view (if not to disturb the present sentence, at least to prevent the commission of similar crimes.

I have, &c.

(Signed)

WM. PENNELL.

Arthur Aston, Esq.
 &c. &c. &c.

Sub-Enclosure in No. 49.

(Translation.)

Copy of the Sentence upon the Barque "Eliza."

AFTER seeing these Autos, the papers of the detained ship, and the depositions on oath of the Captain and others of the crew, as from all of them no illegality whatever appears, with respect to the voyage of the barque "*Eliza*," belonging to João Alvez da Silva Porto, a Brazilian subject, inasmuch as it left the coast before the term stipulated for the cessation of the slave-trade, as is evidently proved by the log-book, and those other papers, to which alone the regulation ordains attention to be paid; therefore, and on account of the

other reasons given in the opinions of the overruling Commissioners, they are of opinion, that the Brazilian barque "*Eliza*," and all her cargo, have been unjustly detained; and, in accordance with the same, an order is transmitted to the Judge Superintendent of Contraband, in order that the embargo and seizure, which has taken place, may be forthwith removed.

(Signed) W. PENNELL, (*overruled.*)
 JOAO PERREIRA DE SOUZA.
 JOAO PERREIRA DARRIQUE FARO:

Rio de Janeiro, December 10, 1830.

A true Copy. (Signed) THEOPHILO DE MELLO,
 Secretary.

No. 50.

Sir George Shee to the Chevalier de Mattos.

SIR, *Foreign Office, February 19, 1831.*

WITH reference to the conversation I had the honour to hold with you yesterday, respecting the petition of Vincent Thomas dos Santos, for permission to bring 691 slaves from Lorenzo Marquez to Rio de Janeiro, under the peculiar circumstances stated by you; I am directed by Viscount Palmerston to send to you, for your information, the accompanying copy of a despatch,* dated December 10, 1830, which his Lordship has addressed upon this subject to Mr. Aston, His Majesty's Chargé d'Affaires in Brazil, from which you will perceive, that His Majesty's Government have already taken steps towards the attainment of your object.

I have, &c.

(Signed) G. SHEE.

The Chevalier de Mattos,
 &c. &c. &c.

* See Class B, 1830.—No. 31.

No. 51.

Viscount Palmerston to A. Aston, Esq.

SIR, *Foreign Office, February 22, 1831.*

I HAVE received your despatch, marked slave-trade, of the 24th of November, 1830, and I have referred to the King's Advocate that part of it, in which you state, that the Mixed Commission Court had decreed the restitution of the "*Africano Oriental*," and the freedom of the slaves, and that you had requested the Brazilian Government to suspend the fulfilment of that part of the sentence which concerned the vessel, until reference should be made to this country, and an answer returned therefrom.

The King's Advocate has reported, that as the "*Africano Oriental*," and the slaves on board, were Portuguese property, the British and Brazilian Mixed Commission, established at Rio de Janeiro, had not, under the Treaty with Portugal, jurisdiction to entertain the question, as to the legality of the traffick in which she had been engaged. He has observed, that it was only under the Alvarà of the 26th of January, 1818, referred to, that they were enabled to enter into the consideration of the case at all; and he added, that the Court, therefore, could only proceed according to the provisions of that

Law, which, as he understands, does not empower the Commissioners to pronounce a sentence of condemnation upon the ship.

Under these circumstances, the King's Advocate has declared it to be his opinion, that the "*Africano Oriental*" was entitled to be released.

I have, &c.

Arthur Aston, Esq.
&c. &c. &c.

(Signed)

PALMERSTON.

No. 52.

The Chevalier de Mattos to Viscount Palmerston.

Wimpole-Street ce 26 Février, 1831.

LE négociant Manoel Francisco da Silva a demandé à Sa Majesté l'Empereur la permission d'envoyer un bâtiment au port d'Inhanbane, en Afrique, pour y recevoir et conduire à Rio de Janeiro 300 esclaves, qui, ayant été achetés par lui dans le port susmentionné, beaucoup avant le 13 Mars, 1830, s'y trouvent encore, nourris et gardés à ses frais et risques, attendu que le navire "*Amisade*," destiné à cette speculation, après avoir essuyé de grandes tempêtes pendant sa traversée de Rio de Janeiro à Inhanbane, et de là à Mozambique, ou il arriva le 11 Décembre, 1829, fut légalement jugé, 6 jours après, hors d'état de se remettre en voyage pour le Brésil avec les esclaves en question.

Quoique le Gouvernement Impérial ait trouvé cette prétention suffisamment justifiée par les documents ci-inclus, cependant il n'a pas voulu accorder la permission demandée, avant de s'entendre là-dessus avec le Gouvernement du Roi; et le Soussigné a reçu l'ordre de porter cette affaire à la connaissance de son Excellence M. le Vicomte Palmerston, &c. et de réclamer en faveur du pétitionnaire la même décision, qui vient d'être prise dans le cas tout-à-fait analogue de Vicent Thomaz dos Santos.

En s'acquittant de ce devoir, le Soussigné à l'honneur de réitérer à son Excellence M. le Vicomte Palmerston les assurances, &c.

(Signé)

LE CHEVALIER DE MATTOS.

Son Excellence Monsieur le Vicomte Palmerston,
&c. &c. &c.

(Translation.)

Wimpole-Street, February 26, 1831.

A MERCHANT, of the name of Manoel Francisco da Silva, has applied to His Majesty the Emperor, for permission to dispatch a vessel to the port of Inhanbane, in Africa, to receive there, and convey from thence to Rio de Janeiro, 300 slaves, who, having been purchased by him in the port above-mentioned, long before the 30th of March, 1830, are still there, fed by him, and kept at his charge and risk, because the "*Amisade*," a vessel which was appointed to that voyage, after having experienced very tempestuous weather during her passage from Rio de Janeiro to Inhanbane, and thence to Mozambique, where she arrived the 11th of December, 1829, was, by competent authority, 6 days afterwards, judged unseaworthy and incapable of returning to Brazil with the slaves in question.

The Imperial Government, though it found this application sufficiently justified by the enclosed documents, was, nevertheless, unwilling to grant the solicited permission before it had come to an understanding on the subject with the King's Government; and the Undersigned has been directed to bring that petition under the notice of his Excellency Viscount Palmerston, &c.,

and to claim in favour of the petitioner the same decision, that was recently come to in the quite analogous case of the Vicente Thomaz dos Santos.

In discharging his duty, the Undersigned has the honour to repeat, &c.

(Signed) THE CHEVALIER DE MATTOS.

His Excellency Viscount Palmerston,
&c. &c. &c.

Enclosure in No. 52.

(Translation.)

Statement of the Case of M. F. da Silva.

Tribunal of the Custom-house, Office of Faria, 1830.

MANOEL FRANCISCO DA SILVA, Owner of the Brig "*Amizade*," represented in this City by João Ventura Roiz, his fully empowered Solicitor, against the individual who occasioned the losses and damages which he sustained.

In the year of the birth of our Lord Jesus Christ 1830, on the 26th of June of that year, in this capital of Rio de Janeiro, and in my office, there were communicated to me, on the part of petitioner, the substance of the memorial and the documents hereinafter set forth, which, in virtue of my profession, I took down in writing. This is herewith certified by me, Antonio José de Farià, who penned the whole.

ILLUSTRIOUS MR. DEZEMBARGADOR
AND JUDGE OF THE CUSTOM-HOUSE,

Says Manoel Francisco da Silva, a Brazilian subject, and owner of the brig "*Amizade*," through the intervention of João Ventura Rodriguez, his Solicitor in this capital, whom he has furnished with sufficient powers, that he desires to prove before your Lordship the following Articles :

ART. 1.—That approver is the rightful master and owner of the Brazilian brig called "*Amizade*."

ART. 2.—That the said brig, furnished with the competent and legitimate passport, dated in this capital the 30th September, 1829, and under the command of Captain Manoel Lopes da Silva, had taken her departure from Rio de Janeiro on the 15th October of the said year, being bound to the ports of Moçambique, Inhambane, and Lourenço Marquez, on the East Coast of Africa, for the purpose of shipping there a cargo of slaves, with which she was to return to the port from which she had sailed, having provided the fund necessary for the voyage.

ART. 3.—That when the said brig "*Amizade*" was pursuing her voyage to Moçambique, she was overtaken on the 12th and 13th November, in latitude 36° 52' south, and longitude 19° 10' east of London, by such a violent tempest, that in consequence of the motion, impulse, and agitation it caused to the vessel, she was almost entirely damaged and shattered, so as to break the whipstaff of the helm, loosen the tops, start the planks on both sides, open the water-ways, carry away many pieces of her masts, and cause other mischiefs and injuries, specified in the respective protests, to which memorialist refers for the sake of brevity.

ART. 4.—That, in these critical and trying circumstances, the Captain and officers resolved to stand for the nearest port they could make, which they effected by putting into Inhambane, on the 29th of November.

ART. 5.—That, as the Governor of the Port of Inhambane would not suffer the brig to enter, to make repairs and pursue her business, without express permission from the Governor and Captain-General of Moçambique, the Captain found himself under the painful and dangerous necessity of proceeding to Moçambique, whither he actually took his departure, in the evening of the 2d December.

ART. 6.—That the brig making sail, with the wind at E. N. E., found it soon to freshen, so as that, having to struggle with a heavy sea, which the

currents agitated still more, she was on the point of foundering, since her water ways were already opened, the planks on both sides loose, as well as in the fore-castle, and because being obliged to work to windward, the fissures were much widened. That the risk became yet greater when, on the 6th in the morning, a thunderstorm arose, and the elements seemed to be in a conflict; the maintop-mast was broke in two and the maintop shattered; part of the cordage was torn in pieces and part was obliged to be cut away; the sails were shivered and the foremast snapped; the whole vessel was shaken and overflowed, the particulars of all the damages being set down in the protests.

ART. 7.—That in this wretched situation the brig entered Moçambique on the 11th December, and there, after the proper examination and survey, preceded by the legal formalities, it appearing that the repairs required by the vessel would take 90 days at least, and cause great expence, the Captain found himself under the necessity of abandoning the brig, as he actually did; for considering that the above period would exceed the time allowed for the purchase of slaves, by reason of the cessation of that commerce, that is to say, would exceed the 13th March, the day laid down in the Treaty, and that he would infallibly be compelled to quit the coast, it appeared to him, that the object of the voyage and traffick being defeated, he had no alternative left him than to abandon his ship, as in fact he did.

ART. 8.—That, accordingly, from such unforeseen events, the slaves bought in the factory of Inhambane, for account of petitioner, and who were to have been put on board his brig, were left there without being shipped, as unfortunately there was neither in that port nor at Moçambique, any vessel capable of receiving them, because all these ships were filled with similar cargoes of their own.

ART. 9.—That the slaves of petitioner remaining at Inhambane amounted to 300, who were purchased to be carried away by his brig, having, in virtue of an agreement, been sent and delivered there, till the latter end of January, 1830, as is proved by the written contract annexed.

ART. 10.—That the said 300 slaves were left at Inhambane, in the depôt and care of Raphael Antonio Carvalho, kept and maintained at the charge of petitioner, who has not obtained any of the above slaves there guarded, until such time as a passage can be procured for them, as may also be seen by the letter from Carvalho, which is among the vouchers.

Petitioner has hereinafter subjoined, No 1, copies of the protests and other proceedings which took place at Moçambique; No. 2, the contract of the purchase of the slaves; and No. 3, the letter of advice concerning the existence of these slaves, and their being deposited at Inhambane.

Your Excellency is, therefore, solicited, seeing that all legal forms have been complied with, and that the Directors of the Companies, viz. the Retribution, Barrozo, Lessa, Pereira, and Co.; Permanent, Lopes, Araujo, Neves, and Co.; the Concord, Rego, Pessoa, Midosse, and Co.; the Provident, Barrozo, Martins, Teixeira, and Co.; the Good Faith, Bernardes, Oliveira, Monteiro, and Co.; and Trauquillity, Faro, Pinto, Passos, and Co; have been summoned as witnesses of the oaths taken by the evidences, to admit petitioner to substantiate his allegations, and after he shall have produced sufficient proof, to pronounce the sentence, and to furnish him with the proper documents, which he may apply for.

MOST ILLUSTRIOUS DEZEMBARGADOR, AND JUDGE OF INDIA,

Manoel Lopes da Silva, Captain and Purser of the Brazilian brig "*Amizade*," prays, that, to aid him in obtaining justice, duplicate copies may be given him of the proceedings relative to the survey of the vessel, the estimate of the damages, and the abandonment of her; and that your Lordship will please to order the said copies to be certified.

"Let the requisite certificates be issued with the proceedings."
Moçambique, January 26, 1830. (Signed) DINIZ COSTA.

Pursuant to the preceding order, I, the Notary, signed underneath, certify to have herinafter copied the proceedings mentioned in the above prayer, and which are to the following purport.

Moçambique, 1829.

Tribunal-General.

Minutes concerning the survey of the "*Amizade*," Brazilian brig, undertaken at the instance of Manoel Lopes da Silva, Captain and Purser of that vessel. (Signed) SA, Notary.
In the year of our Lord Jesus Christ 1829.

MOST ILLUSTRIOUS AND MOST EXCELLENT GENERAL,

Manoel Lopes da Silva, Captain and Purser of the "*Amizade*," Brazilian brig, lately arrived from Rio de Janeiro, states, that he, the petitioner, has occasion for the officers of the dock-yard and 2 captains of ships to repair on board his vessel, to examine the condition of the brig, and to report whether it be possible to execute the work he stands in need of, and in what time it can be completed, so as to enable him to return in her to Rio de Janeiro, and that for such purpose an order from your Excellency is indispensably necessary. He, therefore solicits your Excellency to be pleased to direct the said examination to be made. And thereby he will receive a great favour. (Signed) MANOEL LOPES DA SILVA,
Captain and Purser.

(Portaria.)—Order.

Let the Officers of the Arsenal, the Surveyor of the Harbour, and the Captains of the 2 ships, whom the petitioner shall name, proceed to the required examination, and present to me the report to be drawn up on the occasion, that I may make the proper use of it.

Palace of the Government of Moçambique, December 16, 1829.
(with the initials of H. E.)

Notification.

I have given notice to Vizamodim Lambate, the surveyor of the harbour, to Manoel Pedro de Almeida, the steersman, to the Commander of the ship "*Astrea*," Augusto Fernandez Alves, and to the carpenters, Antonio Agostinho and João Fernandez, employed in the Arsenal of the Marine of this city.

Moçambique, the 17th of December, 1829.

(Signed) JOAQUIM DO ROZARIO E SA.

Petition.

MOST ILLUSTRIOUS JUDGE OF INDIA,

Manoel Lopes da Silva, Captain and Purser of the "*Amizade*," Brazilian brig, lately arrived from Rio de Janeiro, says, that having solicited his Excellency to have that brig surveyed to-day, he wants a clerk, to draw up the report, and therefore requests your Excellency to name a competent person to go on board along with the officers for that purpose.

Order.

Sã, the clerk, is to accompany them.

Moçambique, the 17th of December, 1829. (Signed) DINIZ COSTA.

Protest.

We, the undersigned officers and sailors of the brig "*Amizade*," Captain Manoel Lopes da Silva, certify, and, if required, are ready to take our oaths, upon the Holy Evangelists, the truth of the following facts:—That, having sailed from the port of Rio de Janeiro on the 15th of October, 1829, for Moçambique, and being on the 12th of November, at noon, in latitude 36° 52' south, and in longitude 19° 10' east of London, a gale sprung up from N. E. by E., which was uncommonly violent, the atmosphere and the horizon looking black, and the sea being extremely agitated, as well from the violence of the wind as on account of the current. We pursued our route till the 13th, when both the gale and the billows increased, they attaining, at 4 o'clock, to

such a force as to bring us near being lost entirely, so high were the waves. At that hour the whipstaff of the rudder broke, and the brig was damaged on both sides, the tops shaken, the planks partly torn off by the sea, and partly broke in pieces; the water-ways opened, so as to admit the water into the pump. Whatever happened to be on deck, the bittacles, coops, cases, and the head of the rudder, all were broke, smashed, or driven out of its proper place; oars, bars, and other articles of wood, were swept overboard; finally, the tarpaulins, nailed over the hatches, were torn off by the sea, and some of the water found its way into the hold; hence it became indispensably necessary for us to stand for the nearest port, which was Inhambane, to set about the needful repairs. And, on account of all that has been stated above, the Captain, by the present instrument, protests against sea, weather, wind, and superior force, and against whomsoever he may have a right, in Court and out of it, wherever it may be most convenient for him, in behalf of himself or of the owner of the said brig, to be reimbursed in all the losses, damages, and injuries, together with the necessary repairs, as well of what has been just now stated and declared, as of all the rest, which it has not been possible to ascertain for the present, and which may turn out to have been damaged in consequence of the tempest; for instance, provisions, cordage, wood-work, sails, and any planks which it may be necessary to replace. He also protests, furthermore, touching any prejudices that may result in any manner to the object of the voyage, by reason of a longer delay in the port where he may touch at, with the view of refitting. And, to give the authority of truth to all that has been set forth in the preceding, the present protest was drawn up, which we all have signed, along with the Captain above-mentioned. Put down in writing by me, Antonio Joaquim Leite, Second Mate, Steersman of the said brig, in the absence of the clerk, on board the above brig, town and year as above.

(Signed) ANTONIO JOAQUIM LEITE, Second Mate, Steersman.
 MANOEL LOPES DA SILVA, Captain and Purser.
 EUZEBIO JOZE DE MATOS GIRAO, Third Mate,
 Steersman.
 ANTONIO MARIA DO CARMO E SILVA, Surgeon.
 MANOEL JOZE DIAZ, Boatswain.
 MANOEL CORREIO RIBEIRO, Carpenter.
 The
 FRANCISCO × CANDIDO, Steward.
 Mark of
 The
 MANOEL × DUARTE, Steward's Mate.
 Mark of
 Mark or Cross
 ANTONIO × JOZE.
 of
 JOZE DE FREITAS.
 JOZE DE FIGUEIREIDO.
 FRANCISCO JOZE.
 The
 AGOSTINHO × LOPES.
 Mark of
 JOAO MENDES DE OLIVEIRA.
 Cross
 JOZE × LOURENZO.
 of
 JOAO JOZE DE SOUZA.
 Cross
 BENTO × PEREIRA.
 of
 JOZE JOAQUIM.
 FRANCISCO JOZE DA SOUZA.
 ANTONIO LOPES.
 Mark or Cross
 JOZE × DOS SANTOS.
 of

Be it known to all, who shall see this publick instrument of the ratification of the protest, that, in the year of the birth of our Lord Jesus Christ 1829, the 12th of December of that year, in this City of Moçambique, and in the office belonging to me, Francisco Felipe de Carvalho, Publick Notary of Protocols, in the said city and its district, for His Most Faithful Majesty, whom may God preserve, &c., there came Manoel Lopes da Silva, Captain of the "*Amizade*," Brazilian brig, and the other officers of the crew, who signified to me, that they ratified all that was contained in this protest, because it was the truth; adding, that they would take their oath to affirm it, if it were necessary. And to testify their having said so, they signed their names, in common with me, the above mentioned Notary, who wrote it.

(Signed) MANOEL LOPES DA SILVA, Captain and Supercargo.
 ANTONIO MARIA DO CARMO, Surgeon.
 MANOEL JOZE DIAS, Boatswain.
 MANOEL CORREA RIBEIRO, Carpenter.
 Mark
 FRANCISCO×CANDIDO.
 of
 Mark
 ANTONIO×JOZE.
 of
 FRANCISCO FELIPE CARVALHO.
 (place of publick marks.)
 In testimony and faith of the truth.

Another Protest.

We the Undersigned officers and sailors of the brig "*Amizade*," Captain and Supercargo Manoel Lopes da Silva, certify, being prepared, if necessary, to take our oaths on the Evangelists, all that is stated underneath,—that being arrived at Inhambane, in consequence of the bad condition of the brig, (as appears from the above protest, promulgated on the 13th of November), on the 19th November at 3. 45. P.M, our Captain was unable to obtain permission from the Governor to enter the harbour, to repair the brig, for the purpose of proceeding to Moçambique, notwithstanding his repeated and incessant representations as to the critical circumstances in which he was placed. That having finally, on the 2d of December, found it impossible to get admission, we sailed from Moçambique (protesting against such denial of assistance, as is shewn by the protest made on the above 2d of December) with the wind at E.N.E., which freshened, and raised the billows yet more, that were also acted upon by the current, so that the vessel, whose water-ways were already open on both sides, and in the fore part, &c., grew still more liable to fill, in as much as she was striving to get to windward. The wind shifted about from E. N. E. to N. N. E., blowing a gale from 6 in the morning till 11. 45. at night, while we had 3 thunderstorms from opposite quarters. We carried away the main-top-gallant mast, which broke in two. The main-top was shattered, some of the cordage was torn, and some obliged to be cut away, lest it should prove an impediment; the sails were also rent; a great deal of water came from above through the water-ways, the step of the bowsprit, its partners, &c. It also penetrated down into the bread-room, when the bowsprit and prow were immersed; the bowsprit, by the violence of the waves, got disjoined and its partners were loosened; the bowsprit and fore-mast are spoiled. The cross trees, which serve to keep the vessel steady, are now so loose as to move 2 inches on either side. The knees are rendered useless, and want their iron fastenings. The rudder-head, at the place where the whip-staff joins it, is split, so that it has been obliged to be lashed together, in order to work it. By reason of all these accidents, our Captain protests against sea and weather, wind and superior force, and against whomsoever he may have any right, in Court and out of it, wherever it may be most convenient to him, as Captain and Supercargo, to be indemnified for all losses, damages, prejudices, debarring of profit, &c.,

which may result to the vessel herself, or to the traffick in which he is engaged, let the consequence be what it will. And to leave no doubt respecting the truth of all the above, the present protest has been drawn up and signed by all of us, as well as by the said Captain, and made out by me, Antonio Joaquim Leite, Second Mate of the said brig, to supply the place of Clerk, on board the ship in question, in the town and year as above.

(Signed) ANTONIO JOAQUIM LEITE, Second Mate.
 MANOEL LOPES DA SILVA, Captain and Purser.
 ANTONIO MARIA DO CARMO E SILVA, Surgeon.
 MANOEL JOZE DIAS, Boatswain.
 MANOEL CORREA RIBEIRO, Carpenter.
 Cross
 FRANCISCO×CANDIDO.
 of
 JOAO MENDES DE OLIVEIRA.
 FRANCISCO JOSE.
 JOAO JOZE DE SOUZA.
 Cross
 MANOEL×DUARTE.
 of
 Cross
 JOZE DOS×SANTOS.
 of
 Cross
 ANTONIO×LOPES.
 of

Ratification.

Be it known to all who shall see this publick instrument of ratification of the protest, that in the year of our Lord Jesus Christ 1829, the 12th of December of that year, in this town of Moçambique, and in the office belonging to me, Francisco Felipe de Carvalho, Publick Notary of Protocols in the same, and its district, for His Most Faithful Majesty, whom God preserve, &c., presented himself Manoel Lopes da Silva, Captain of the Brazilian brig "*Amizade*," with the other officers and crew, and that by them I was told; that they ratified the contents of this protest, as it stated the truth, and that they would swear to it if necessary; and to attest their having so said, they signed their names, I the said Notary penned it.

(Signed) MANOEL LOPES DA SILVA, Captain and Supercargo.
 ANTONIO JOAQUIM LEITE, Second Mate.
 ANTONIO MARIA DO CARMO E SILVA, Surgeon.
 MANOEL JOZE DIAS, Boatswain.
 MANOEL CORREA RIBEIRO, Carpenter.
 Cross
 FRANCISCO×CANDIDO.
 of
 Cross
 ANTONIO×JOZE.
 of
 FRANCISCO FELIPE DE CARVALHO.
 (Place of the publick marks.)
 In testimony and faith of the truth.

Minute of the Survey, made on board the brig "*Amizade*," from Rio de Janeiro, in the year of our Lord Jesus Christ 1829, 17th December of the said year, in this port and town of Moçambique, on board the brig "*Amizade*," from Rio de Janeiro, lying at anchor in the said port, and which is commanded by Manoel Lopes da Silva, whither came I the Notary with the Surveyors specified by me, the Harbour-master of this port, Nizamodim Lambate, the Pilot, Manoel Pedro de Almeida, the Commander of the ship "*Astrea*,"

Augusto Fernandez Alves, and the Master Carpenters of the Marine Arsenal of this town, Antonio Agostinho, and João Fernandez, to whom, by the direction of the Desembargador and Judge-General, Joaquim Xavier Diniz Costa, I tendered the oath to the Harbour-master conformably with his religious rites, and to the others upon the Holy Evangelists, charging them, on their oath, to survey well and faithfully the state of that vessel, and to declare, if what is set forth in the protests shewn them be founded in fact. Having taken the oath, they stated, that after surveying and examining the said ship, they had found her condition to be such as described in the said protests, which they unanimously confirmed, as well as they all are of opinion that the repairs needed by the vessel cannot be completed in less than 90 days, and that the expences will amount to 4,000 or 5,000 dollars; and to prove their declaration to this effect, they signed their names along with me, who, as Notary, have drawn up this paper.

(Signed) JOAQUIM DO ROZARIO E SA.
 AUGUSTO FERNANDES E ALVES.
 MANOEL PEDRO DE ALMEIDA.
 NIZAMODIM LAMBATE, Lieutenant-Captain,
 and Harbour-Master.

CROSS
 ANTONIO × AGOSTINHO.
 of
 JOAO FERNANDEZ.

Petition.

MOST ILLUSTRIOUS JUDGE OF INDIA,

Manuel Lopes da Silva, Captain and Purser of the "*Amizade*," Brazilian brig, saith,—that as the Surveyors have proceeded to examine the said brig, and have declared it impossible to repair her in less than 90 days, and that it would cost 4,000 or 5,000 Spanish dollars, all which is declared in the minute of survey; and as likewise petitioner cannot remain on the African Coast after the 10th of February next, with the view of the slave-trade, in consequence of the notice given him by the Commander of the Brazilian brig-of-war the "Twenty-ninth of August," which arrived in this port for the said purpose, it is consequently impossible for him to attain the object of his voyage; and he accordingly solicits your Excellency, to be pleased to order the said minute of survey to be carried into effect, and the brig, together with her appurtenances, to be appraised.

Order.

Let the minute be added to the proceedings.
 Mozambique, December 23, 1829. (Signed) DINIZ COSTA.

Notification.

On the 24th of December, 1829, in this town of Moçambique, and in my office of the Tribunal-General, I received from Manoel Lopes da Silva the above requisition, which I herewith notify.

(Signed) JOAQUIM DO ROZARIO E SA,
 Notary to the Tribunal, who wrote it.

It contains 7 half leaves and 4 leaves of documents. (Signed) SA.

No. 795. (L. S.) He has paid 70 reis for the seal.
 Moçambique, December 30, 1829. (Signed) RANGEL.
 PEIXOTO.

I acknowledge the proceedings to have been presented for a sentence from the Desembargador Judge General, Jm. Xr. Diniz Costa.

Moçambique, December 30, 1829.
 (Signed) JOAQUIM DO R^o. E SA,
 Notary to the Tribunal, who wrote it.

Sentence.

Proceed to the solicited appraisement. Give, therefore, notice to the Harbour-master, and the 3 Surveyors, who took their oaths. They will agree about the value with the Appraisers of the Council.

Moçambique, January 7, 1830. (Signed) DINIZ COSTA.

On the 7th of January, 1830, in Moçambique, and in my office, was published the above sentence. (Signed) JM. DO ROZO. DE SA.

Notification.

I have given notice to Nizamodim Lambate, João da Silva Carrão, Gabriel Jozé da Souza Ferreira, Joaquim Antonio Franco, and to the Master Carpenters, João Fernandez, and Jozé da Souza Campos.

Moçambique, January 8, 1830.
(Signed) JOAQUIM DO ROZARIO E SA.

Minute.

Minute of valuation of the Brazilian brig named "*Amizade*," done on board of the same, in the year of the birth of our Saviour Jesus Christ, 1830, on the 8th of the month of January, in this city of Moçambique, and on board the Brazilian brig named "*Amizade*," anchored in this port, to which came a Notary, to the above-named, with the official persons notified by me, in order to proceed with the valuation of the said brig "*Amizade*," the Surveyor of this port, Nizamodim Lambate; the Carpenter of the Arsenal of Marine of this city, João Fernandez; the Carpenter of the ship "*Astrea*," Jozé da Souza Campos; the Captain of the Brazilian galley "*Flor de Mozambique*," Joaquim Antonio Franco; to whom, by commission of the Desembargador Judge General and Judge of India Mina, Joaquim Xavier Diniz Costa, I administered the oath of the Holy Evangelists, and told the first, under the power of his religion, that he should value, without guile or malice, the said brig "*Amizade*," with all its appurtenances, according to the inventory which the Captain of the said ship presented in the same act, who, the same oath applying to all, promised so to do; and also appeared the Appraisers of the Council, João da Silva Canão, and Gabriel Jozé de Souza Terceira, brought forward by me for the same purpose; and the said brig having been inspected, with all its appurtenances, by these said persons, and carefully examined, they valued it, by common consent, with the Appraisers of the Council, after a long conference, carried on between themselves, at 2,000 Spanish dollars, excepting the Carpenter of the Brazilian galley "*Astrea*," Jozé da Souza Campos, who did not agree with the valuation of the others, and valued it at 13,000 cruzadoes, and that the Captain of the Brazilian galley "*Flor de Mozambique*," Joaquim Antonio Franco, declared, that the said brig was worth more than 2,000 dollars, were it in another country, and not in this, because there was a scarcity of materials for the building of it; and having thus said, they signed with me, the Notary, who wrote this.

(Signed) JOAQUIM DO ROZARIO E SA, Notary of the Court.
NIZAMODIM LAMBATE, Lieutenant,

(I say, Captain Lieutenant, Surveyor of the Port.)

JOZE DA SILVA CARRAO.

GABRIEL JOZE DA SOUZA TERCEIRA.

JOAQUIM ANTONIO FRANCO.

JOAO FERNANDEZ.

JOZE DA SOUZA CAMPOS, Master Carpenter.

Conclusions.

I make over the conclusions to the Desembargador Judge General, Joaquim Xavier Diniz Costa.

Mozambique, January 11, 1830.

(Signed)

JOAQUIM DO ROSARIO E SA,
Notary, who wrote this.

Sentence.

I judge as a sentence, the Act of Inspection, folio 12, which I have, is conformable, according to the declaration of the Inspectors, to the Minutes of Sea or Protests, folio 4 and folio 8, and also that the Inspectors agree in what they say, as to the time, quality, and expence of refitment and repairs of the brig, in order to put it into sailing condition, the said expence exceeding the value of the ship, according to what they valued it at in the Act, folio 16, with reference to the inventory of the annexed paper; excepting, in all respects, the right of a third, and damage of the persons interested.

Let the instruments be given to those who ask for them, and let the costs be paid for the cause.

Moçambique, January 11, 1830.

(Signed) JOAQUIM XAVIER DINIZ COSTA.

Publication.

On the 12th of the month of January, 1830, in this city of Mozambique, and residence of the Desembargador Judge General, Joaquim Xavier Diniz Costa, where a Court was held in publick, in which the sentence was published, as above, and to prove it, I make this minute.

(Signed) JOAQUIM DO ROZARIO E SA,
Notary of the Court, who wrote it.

Intimation.

I gave notice of the sentence, as above, to Manuel Joze, I say Manuel Lopes da Silva.

Mozambique, 12th January 1830.

(Signed) JOAQUIM DO ROSARIO E SA.

Petition.

MOST ILLUSTRIOUS OUIDOR JUDGE OF INDIA,

Saith Manuel Lopes da Silva, Captain and Treasurer of the Brazilian brig "Amizade," that a valuation having been made of the said brig and its appurtenances, it was valued at 2,000 dollars of Spain, and that the expence having been valued which it would cost to repair, it appeared (as is all proved by the act of inspection); it would amount to 4,000 or 5,000 Spanish dollars, as well for that reason, as for the delay which it is necessary to make for the repairs, which would disappoint the object of the intended voyage; the petitioner thinks himself in the situation, to which the law allows the abandonment of the case, and, therefore, he begs your Lordship, the Desembargador Judge, to be pleased to command, by the competent Notary, that the anchor may be raised for abandonment, which the petitioner prays, as Captain and Treasurer of the ship and cargo, on account of whomsoever and to whomsoever it may belong, and thanks will be given.

Resolution.

In the acts as required.

Moçambique, 9th January, 1830.

(Signed) DINIZ COSTA.

Presentation.

On the 9th of January, 1830, in the city of Mozambique, and in my Court of the Judge-General, by Manoel Lopes da Silva, was presented to me the requisition with the despatch as above, in proof of which, I make this minute.

(Signed) JOAQUIM DO ROZARIO E SA,
Notary of the General Court, who wrote.

Minute of Abandonment.

On the 12th of the month of January, 1830, in the city of Mozambique, and in my Court of Judge-General, appeared Manoel Lopes da Silva, Captain and Treasurer of the Brazilian brig, named "Amizade," it was told me, that in consequence of the result of the inspection made in the said brig, as appears from the act of the said inspection, wherein it is proved, that the repairs necessary to be done to the said vessel, to enable it to prosecute its voyage to

Rio de Janeiro, cannot be done in less than 90 days, a period which exceeds the time appointed by the law of the Treaty for the conclusion of the slave-trade, and also at an expence much exceeding the half of its value, therefore the said Brazilian brig and its cargo shall be abandoned, the brig by name *Amizade*, on account of the persons to whom it may belong; and, that thus it was said; it then was signed with me, Notary of the Court, who wrote this.

(Signed) JOAQUIM DO ROSARIO E SA.
MANOEL LOPES DA SILVA.

Conclusions.

I make over the conclusions to the Desembargador Judge-General, Joaquim Xavier Diniz Costa.

Moçambique, 13th January, 1830.

(Signed) JOAQUIM DO ROSARIO E SA,
Notary of the General Court, who wrote this.

Sentence.

I judge the minute of abandonment, folio 19, as I publish by my sentence, excepting the right of a third, to the end that the Master of the abandoned vessel may proceed, or any one interested as may suit them, and let the Master pay the expence incurred.

Moçambique, 13th January, 1830.

(Signed) JOAQUIM XAVIER DINIZ COSTA.

Publication.

On the 13th of the month of January of 1830, in this city of Mozambique, in my Court of Judge-General, the sentence, as above, was published, in proof of which I make this minute.

(Signed) JOAQUIM DO ROSARIO E SA,
Notary, I who say Notary of the Court, who wrote this.

Intimation.

I gave notice of the sentence as above to Manoel Lopes da Silva.
Moçambique, 13th January, 1830.

(Signed) JOAQUIM DO ROSARIO E SA.

Costs.

Valuation and paper, 450 reis; notifications, 2,000 reis; act of inspection, and road, 6,000 reis; presentation, 150 reis; conclusion and publication, 150 reis;—I say 300 reis; certificate and seal, 220 reis; 6 notifications, 2,400 reis; journey and act of valuation, 6,000 reis; conclusion and publication, 300 reis; intimation, 400 reis; presentation and abandonment, 300 reis; conclusion and publication, 300 reis; intimation 400 reis; sum 19,720 reis; to the official appraisers, 20,000 reis; aforesaid six, 24,000 reis; to the Desembargador Judge, distribution, 150 reis; 3 conclusions, 3,600 reis; 2 journeys, 8,000 reis; oath to the appraisers, 1,604 reis; counting, 150 reis; sum, 13,550 reis.—Sum total, 76,770 reis.

(Signed) DINIZ COSTA.

This is what is contained in these acts aforesaid, which are here well and faithfully copied, conformably with the originals, to which I refer.

Mozambique, 1st February, 1830.

I Joaquim do Rosario e Sa, Notary of the Court, in proof, sign this.

(Signed) JOAQUIM DO ROSARIO E SA.

We, the Undersigned, swear by the Holy Evangelists, that we know the signature as above to be that of the person stated, in full knowledge.

Rio de Janeiro, 14th June, 1830.

(Signed) JOZE CAETANO MALHO.
FRANCISCO XAVIER DE OLIVEIRA.

No. 2.

We, the undersigned, Manoel Lopes da Silva, Captain and Treasurer of the brig "*Amizade*," and Senhor Rafael Antonio de Carvalho, Agent of the

Commercial Company of Inhambane, hold what follows as just and contracted :—

That the said Senhor Carvalho binds himself to get ready, by the end of January of 1830, the number of 300 slaves, of not less than 5 palms from the ankle to the tip of the ear, black, without a beard, two-thirds males, and one-third females, for the price of 80 Spanish patacas, (pieces of 8), which shall be paid to him, when they shall be delivered in person to the said Captain Lopes Silva in Inhambane.

That the expence of provision for the slaves, which the said Senhor Carvalho shall supply till the day of the return of the brig, the Captain shall pay to the said Senhor Carvalho at the rate of 50 per cent. in the same specie; but should it occur, by any unforeseen event, that it should not be in the same specie, it shall be regulated at 2 Spanish patacas.

That the said Captain Lopes promises to the said Senhor Carvalho to receive from him not less than 20 slaves on his own account, and all the rest that his state of water will permit: and to be conformable, we signed two of the same tenour and date.

Done on board the brig "*Amizade*," in the bar of Inhambane, 2d Dec. 1829.

As Agent of said Company,

(Signed) RAFAEL ANTONIO CARVALHO.

We, the undersigned, swear by the Holy Evangelists, that the signature above is known to us to be that of the person stated, under full knowledge.

Rio de Janeiro, June 14, 1830.

(Signed) JOZE CAETANO MALHO.
JOZE ROS. MAScos. AROUCA.

No. 3.—*Publick Form.*

Senhor Joao Ventura Rodrigues.

FRIEND AND SIR,

Inhambane, March 9, 1830.

It was with great satisfaction that I communicated to you, on the 14th December last, the arrival of your brig, the "*Amizade*," and the sale that I made to you of 300 captives, to go for your reception on the return from Moçambique, whither it was necessary to go to procure the licence to enter into this port; and what I have now to communicate to you concerning the said brig, which, as is natural you already know, is, that it was condemned at Moçambique, and consequently incapable of returning here to receive the slaves, whereby has arisen a great loss, because there being no vessel to take them as a freight, they remain here on your account, until you determine about them as you shall think best, desiring us to be reimbursed for the expences of victuals, which doing, on your own account, or arranging here with the chief of this house, Vicente Thomas dos Santos, that by his order I may comply with what you determine. I warn you, Sir, that in this place there is the utmost scarcity of supplies, and at a most exorbitant price, and for that cause I have ordered the slaves into the suburbs of this town, where they cause less expence, and are in healthier quarters. Recommending you to see in what way I am to send the slaves from hence, because, as the traffick is about to finish, buyers are not to be met with for them, all which you will keep in view. When you write to my brother-in-law, Jacintho Jozé Dias de Carvalho, you will say to him, that I am well, and to communicate this intelligence to my family, to whom I have written through other channels, sending the necessary assistance to my wife. Dispose of my goodwill, because I am your friend, respecter, and servant,

(Signed) RAFAEL ANT. CARVALHO.

We, the undersigned, acknowledge the signature above to be a true one.
Rio de Janeiro, June 22, 1830.

(Signed) JOZE SIMOES DE FONSECA.
JOZE CAETANO MALHO.

I acknowledge as real the signatures of attestation as above. In testimony of truth this is publickly signed.

Rio, June 22, 1830.

(Signed) JOAQUIM JOZE DE CASTRO.

And nothing else is contained in the said letter, which was well and faithfully extracted from the original itself, to which I refer; which, after having compared and revised with the present, I delivered back to the person who presented it to me, and which is signed by me, and subscribed in publick, in this very loyal and heroick City and Court of Rio de Janeiro, the 22d day of the month of June, of the year of the birth of our Lord Jesus Christ 1830. And I
 (Signed) JOZE PIREZ GAMA TABILHA.
 JOZE DIM FAMA.

No. 502. Registered 80 reis for the seal. Rio, June 23, 1830.

(Signed) OLIVEIRA.

I certify that I cited, by a circular letter, the Directors of the Companies Tranquilidade, Permanente, Retribuição, Concordia, Boa Fé, and Providente, to which I received an answer in writings, which are in my power, and in faith whereof I give the present.

Rio de Janeiro, June 25, 1830.

(Signed) ANTONIO JOZE DE FARIA.

Minutes.

On the 26th of June, 1830, in the Court of Rio de Janeiro, in the house of residence of the Desembargador Judge of Customs, Manoel Pinto Ribeiro Pereira de Sampaio, the witnesses proposed by the approvers, were brought in, and questioned, and presented, and their evidence is that which hereinafter follows, of which I make certificate.

(Signed) ANTONIO JOZE DE FARIA E SINVAO, who wrote this.

Antonio Thomas de Souza Lobo, bachelor, native of Oporto, merchant of the said place, aged 30 years, witness, sworn on the Holy Evangelists to tell truth in all that he knows, as usual, said no more.

Being asked as to the contents of the petition of the approver, says, that he knows, having seen the passport of the brig "*Amizade*," that the defendant is the proper owner of the said brig, and of this he says no more.

To the second, he says, that on the 15th of October of last year, the said brig left this port for the East Coast, Manoel Jozé da Silva being Captain, to receive there a cargo of slaves, with which he was to return to this port which he left, for which object he carried the necessary funds; and of this he says no more, except in what refers to his declaration not being refused, and he signed,—Antonio Jozé de Faria, Notary, who wrote it.—And he says that in every thing the letter of Rafael Antonio de Carvalho refers to the slaves, who are there on account of this business, that he knows to prove the said letter, and more he says not, and signed—Antonio Jozé de Faria, wrote this.

(Pinta) (Signed) ANTONIO THOMAS DE SOUZA LOBO.

Eugenio Aprigio da Veiga, batchelor, native of Leiria, Second Lieutenant of Marine, aged 26 years, witness sworn on the Holy Evangelists to tell truth in all that he knows, and, as usual, said no more.

Being asked as to the contents of the petition of the approver, says, that he knows said defendant to be the proprietor of the brig "*Amizade*," but he says no more as to that.

To the second, he says, that he knows by having seen it, that the said brig sailed in October, for the ports of Africa in the East, under the command of Manoel Lopes da Silva, to receive there a cargo of slaves, carrying the funds necessary, and of this he says no more. And he says, that as to all the other events which are mentioned in the said protest and letters, they are all to be reputed as true, it being certain, that the slaves of the cargo, to the number of 300, remained in existence in the factory of Inhambane, not having been sent away through want of a ship, but of this he says no more, and signed—Antonio Jozé de Faria, wrote this.

(Pinta) (Signed) EUGENIO APRIGIO DA VEIGA.

Manoel de Oliveira Coreto, batchelor, native of Rio de Janeiro, Cashier of João Ventura Rodriguez, of this city, aged 21 years, witness sworn on the Holy Evangelists to tell the truth, as usual, said no more.

Being asked as to the contents of the Articles of the petition of the defendant, to the first he saith—that by reason of being Cashier to João Ventura Rodrigues, he knows, by having seen the correspondence, that it is that of the Approver, Manoel Francisco da Silva, proprietor of the brig “*Amizade*,” and more of this he saith not. To the second, he saith—that for the same reason he knows, that the said brig left Rio de Janeiro, on the 15th of October of last year; for the ports of Mozambique, Inhambane, and Lourenzo Marquez, to receive there a cargo of slaves, with which he was to return to this port, more of this he saith not. And more he saith—that as to the other articles, he refers to the protests which he considers to be true, and more he saith not, and signed—Antonio Jozé de Faria, who wrote this.

(Pinta) (Signed) MANOEL D'OLIVEIRA CORETO.

João de Oliveira Coreto, batchelor, native of Rio de Janeiro, man of business of this city, aged 25 years; witness sworn on the Holy Evangelists, on a book thereof, to tell the truth in all that he knows, as usual, said no more.

Being asked as to the contents of the articles of the petition of the defendant, to the first he saith—that he knows, by having heard it said, that he is the proprietor of the brig “*Amizade*,” more of this he saith not. To the second, he saith—that he knows for certain, that the said brig left this port of Rio de Janeiro, on the 15th of October, for the ports of Mozambique, Inhambane, and Lourenzo Marquez, to receive a cargo of slaves which was there, and was to return to this port, carrying funds for the said business, more he saith not, and as to the rest he refers to the protests, which he believes to be true, and signed,—Antonio Joze de Faria, who wrote this.

(Pinta) (Signed) JOAO DE OLIVEIRA CORETO.

Minutes.

On the 1st of July of 1830, in the Court of Rio de Janeiro, in the house of residence of the Desembargador Judge of Customs, Manoel Pinto Ribeiro Pereira de Sampaio, the witnesses proposed by the Approver, Manoel Francisco da Silva, were brought in, and questioned as to their names, dwellings, ages, business, and customs, as herein-under follows, of which I make this certificate,—Antonio Jozé de Faria, Notary, who wrote this.

(Pinta)

Antonio Joze da Luz, married man, native of Oporto, a man following the profession of pilot, of the age of 48 years; witness sworn on the Holy Evangelists to tell the truth as to all that he knew, as usual, saith no more.

Being asked as to the contents of the articles of the petition of the approver, to the first he saith,—that he knows of certain knowledge that Manoel Francisco da Silva is the proprietor of the brig named “*Amizade*,” but more of this he saith not. To the second he saith,—that for the same reason he knows that the said brig left this port on the 15th of October of last year, to go to the Eastern Coast of Africa, to receive a cargo of slaves, and to return to this city, and more he saith not; and he saith, moreover, that he only knows, by having heard it said, that the aforesaid brig, on account of the heavy storms which it encountered, was only able to reach the Port of Inhambane, where the Governor of that fortress did not choose it to remain, as he had received no orders or despatch from Moçambique, and that it departed thence, with all its damages, for Moçambique, where it arrived in the state in which it was abandoned, and incapable of sailing, and more he saith not, and signed Antonio Jozé de Faria, who wrote this.

(Pinta)

ANTONIO JOZE DA LUZ.

Joaquim Gervazio, a married man, native of Vila de Conde, a man following the profession of a pilot, and who belonged to the brig “*Polypheme*” of 41 years of age; witness sworn on the Holy Evangelists, on a book thereof, to speak the truth in all that he knew, as usual, said no more.

Being asked, as to the contents of the articles of the petition of the approver, he says,—that he knows, by certain knowledge, that he is the proprietor of the brig “*Amizade*,” and more of this he saith not.

To the second, he saith—that he knows, by having heard it said, that the said brig departed from this port for the Eastern Coast, on the 15th of October of last year, provided with the necessary passport, to receive a cargo of slaves, and to return to this city, and more of this he saith not; and, as to the rest, he says, that he knows from having heard from the Governor of Moçambique himself, that he had given positive orders to the Governor of Inhambane not to admit any ship until it had first come to Moçambique, to pay the duties; and that, as regards the the brig “*Amizade*,” he knows, by having heard it said generally, that, by reason of the damage it had received, it was abandoned in Moçambique, because it could not convey its cargo; more he saith not of this. Antonio Jozé de Faria who wrote this.

(Pinta)

(Signed)

JOAQUIM GERVAZIO.

Miguel de Avellar, batchelor, a native of Caldas da Rainha, merchant, and who belonged to the galley “*Conde do Rio Pardo*,” for Moçambique, 23 years of age; witness sworn on the Holy Evangelists, on a book thereof, to speak the truth in all that he knew, and, as usual, said nothing more.

Being asked as to the contents of the articles of the petition of the approver, he says—that he knows, by certain knowledge, that he is the proprietor of the brig “*Amizade*,” and more of this he saith not.

To the second he saith—that he knows, by having heard it said, that the said brig “*Amizade*” departed from this port, on the 15th October, of last year, for Moçambique, Inhambane and Lourenzo Marquez, to bring a cargo of slaves, and to return to this city, and more he saith not of this matter. As to the seventh, he says—that, whereas he was himself at Moçambique, he knows, by having seen, that the said brig arrived at that port in a miserable condition, on the 11th of December of last year, and after competent examinations, instituted by the authorities, it was agreed, that the work which was necessary could not be completed in less than 90 days, at the least, and, because of the heavy expence, and the time allowed for the slave-trade being near its end, according to the Treaty, the Master, Manoel Lopes da Silva, had no other resource but to abandon the brig, as it was abandoned accordingly, and more of this he saith not. To the eighth, he saith—that he knows, by having heard it said, that the slaves bought in the factory of Inhambane were 300, and remained there in a state of inaction, because there was no vessel to bring them away, but more of this he saith not, or of aught else, and signed—Antonio Jozé de Faria, Notary, who wrote this.

(Pinta)

(Signed)

MIGUEL DE AVELLAR.

Must be paid for the seal two half folhas.

Rio, July 3, 1830.

(Signed)

FARIA.

Rio, July 3, 1830.

Pay 100 reis for the seal.

(Signed)

NEGRA.

I send the conclusions to the Dezembargador Judge of Customs, Manoel Pinto Ribeiro Pereira de Sampaio, of which I make certificate.

(Signed)

ANTONIO JOZE DE FARIA, who wrote this.

July 3, 1830.

With 800 reis.

I have legalised the proceedings on the petition. Let it be fulfilled as it is contained therein, for which I interpose my judicial orders. Let the deeds or instruments be given to whoever asks for them; let the costs be paid.

July 5, 1830.

(Signed)

MANOEL PINTO RIBEIRO PEREIRA DE SAMPAIO.

Publication.

On the 5th of July, 1830, in this Court of Rio de Janeiro, in the house of the Dezembargador Judge of Customs, Manoel Pinto Ribeiro Pereira de Sampaio, these Acts were published, with the sentence as above, of which I make attestation.

(Signed)

ANTONIO JOZE DE FARIA, who wrote this.

No. 53.

The Chevalier de Mattos to Viscount Palmerston.—(Received April 2.)

Wimpole-Street, le 30 Mars, 1831.

LE bric Brésilien "*Commerciant*" mit à la voile de Bahia pour la Côte d'Afrique au mois de Juin, 1822, destiné au commerce de draps, huile, ivoire, or, et à la traite d'esclaves; et pour éviter d'avoir ces derniers à bord dans les ports d'Afrique au nord de l'Equinoxiale, le Maître se dirigea premièrement sur le port de Camarão, afin d'y acheter les articles ci-dessus énoncés, et pouvoir s'occuper ensuite du dernier objet de son voyage conformément aux stipulations des Traités existants. Aussitôt arrivé dans ce port, au mois de Septembre suivant, le bric y fut capturé par la frégate Britannique "*Driver*," sous les ordres du Commodore Thomas Wobrige, lequel, voyant qu'il n'y avait pas un seul esclave à bord du "*Commerciant*," et sachant qu'à moins de prouver le contraire, sa conduite ne manqueroit pas d'être réprouvée, adopta l'expédient d'envoyer à terre des gens armés, qui par le moyen de menaces envers le chef du pays obtinrent quelques esclaves, qu'il fit placer dans le bric capturé, comptant légaliser ainsi l'arrestation du même bric; et sans donner de reçu pour les papiers de bord dont il s'était emparé, il procéda de suite à la vente d'une partie de la cargaison pour son propre bénéfice, contre les dispositions expresses des instructions annexées à la Convention du 28 Juillet, 1817. Pour mettre le comble aux actes arbitraires qu'il venait de pratiquer, le Commodore Wobrige fit débarquer, et laissa à l'île St. Thomé, le maître et l'équipage du bric "*Commerciant*," à l'exception d'un marin appelé le 3^{me} pilote, et de deux autres étrangers. Le bric arrivé à Sierra Leone, sans avoir personne à bord qui pût représenter les intérêts du propriétaire et défendre la légalité du voyage, y fut mis en procès, et finalement condamné sur l'unique déposition du soi-disant 3^{me} pilote, qui avait été gagné par une somme de 200 piastres. Les deux autres marins, ne se laissant pas suborner, déclarèrent qu'il n'y avait pas un seul esclave à bord du "*Commerciant*" au moment de sa capture, seule circonstance, qui, en conformité de la Convention de 1817, justifierait la confiscation du dit navire, attendue que sa capture a eù lieu avant la ratification de la Convention du 28 Mars, 1823, qui ne peut nullement être appliquée au cas dont il s'agit.

Après avoir exposé les circonstances extraordinaires de la capture et de la condamnation du bric "*Commerciant*," le Soussigné, &c., ne croit pas nécessaire d'y ajouter la moindre observation pour prouver la justice, avec laquelle il a l'honneur de s'adresser à Son Excellence Monsieur le Vicomte Palmerston, &c., afin de réclamer les indemnités dues au propriétaire du bâtiment ci-dessus mentionné.

Le Soussigné profite de cette occasion, &c.

(Signé) LE CHEVALIER DE MATTOS.

Son Excellence le Vicomte Palmerston,
&c. &c. &c.

(Translation.)

Wimpole-Street, March 30, 1831.

THE Brazilian brig "*Commerciant*" sailed from Bahia for the Coast of Africa, in June, 1822, being intended to trade for cloth, oil, ivory, gold, and slaves; and, in order to avoid having the latter on board in the ports of Africa, north of the Equator, the Master stood, in the first instance, for the port of Camarão, to purchase there the articles above-mentioned, and to be able afterwards to attend to the last object of his voyage, in conformity with the stipulations of the subsisting Treaties. Immediately after her arrival in that port, the brig was captured there by the "*Driver*," British frigate, Captain Thomas Wobridge, who, on finding that there was not a single slave on board the

“*Commerciante*,” and knowing that, unless he could prove the contrary, his conduct would infallibly be reprobated, had recourse to the expedient of sending armed men on shore, who, by threatening the Chief of the country, obtained some slaves, whom he had put on board the captured brig, under the idea of thereby legalizing her detention; and, without giving a receipt for the ship’s papers which he had seized, he forthwith proceeded to the sale of part of the cargo, for his own benefit, against the express injunctions of the instructions annexed to the Convention of July 28, 1817. Commodore Wobridge, to fill up the measure of arbitrary acts, which he had committed, landed, and left at the Isle of St. Thomas, the Master and the crew of the “*Commerciante*,” with the exception of 1 sailor, who styled himself the third Maté, and of 2 others, who were strangers. The brig, on her arrival at Sierra Leone, without any person on board capable of advocating the interests of the owner, and defending the legality of the voyage, had proceedings instituted against her, and was finally condemned on the sole deposition of the third Mate, as he called himself, who had been gained over by a sum of 200 dollars. The 2 other sailors, who refused to be corrupted, declared that there was not a single slave on board the “*Commerciante*” at the time of her capture; which circumstance was the only one that, conformably with the Convention of 1817, would have justified the confiscation of the vessel, seeing that her capture took place prior to the ratification of the Convention of the 28th of March, 1823, which is by no means applicable to the case in question.

Having stated the extraordinary circumstances attending the capture and condemnation of the brig “*Commerciante*,” the Undersigned, &c., does not think it necessary to add any observations to prove the justice, with which he has the honour of addressing himself to his Excellency Viscount Palmerston, &c., for the purpose of claiming the indemnification due to the owner of the above vessel.

The Undersigned avails himself, &c.

(Signed) THE CHEVALIER DE MATTOS.

His Excellency Viscount Palmerston,
&c. &c. &c.

No. 54.

The Chevalier de Mattos to Viscount Palmerston.—(Received April 2.)

Wimpole-Street, le 30 Mars, 1831.

LE Soussigné, &c., à eu l’honneur de recevoir la note que son Excellence Monsieur le Vicomte Palmerston, &c., voulut bien lui adresser le 10 Décembre, 1830, pour lui déclarer, en réponse à la réclamation du Soussigné contre la sentence qui adjugea aux créanciers de M. Altavilla, ci-devant Juge Commissaire Portugais à Sierra Leone, la somme de £893. 4s. 3d. produit des prises Brésiliennes “*Esperança*,” et “*Vingadora*,” que d’après l’opinion des avocats de la Couronne, consultés sur ce point, le Gouvernement du Roi ne pouvait pas y intervenir de la manière suggérée par le Soussigné dans sa note du 4 Octobre dernier.

Mais comme cette décision peut avoir été basée sur le manque d’une pleine exposition des faits, le Soussigné s’empresse de les soumettre de nouveau à la considération de son Excellence sous leur véritable point de vue.

La maison de commerce Macaulay, se trouvant créancière de M. Altavilla, sequestra, comme propriété de cet individu, l’argent provenant des deux prises Brésiliennes ci-dessus mentionnées, et qui existait entre les mains d’un Officier de la Commission Mixte de Sierra Leone, mais sur laquelle son propre débiteur ne pouvoit pas avoir la moindre prétention. Cet officier, ainsi que la Commission elle même, ne devaient pas admettre un séquestre évidemment illégal, 1^o parceque l’argent sequestré n’était pas la propriété du débiteur; 2^o parceque la maison Macaulay requérant ce séquestre, en qualité de créancière de M. Altavilla, prouve par cela même qu’elle n’avoit pas le droit de se saisir de ce qui appartenait à un troisième.

Sous de telles circonstances, le Soussigné, qui ne vise qu'à défendre les droits et la propriété des sujets Brésiliennes, se plaint de la Commission Mixte de Sierra Leone, pour avoir laissé sequestrer une somme qui n'appartenoit pas à M. Altavilla; et n'ayant pas aucune juridiction sur les coupables, il ne peut que réclamer du Gouvernement du Roi le redressement d'une pareille procédure, et l'expédition des ordres nécessaires pour que la somme sequestrée soit remise entre les mains de la Commission, où elle était en dépôt; et devait rester jusqu'à ce qu'on en fit l'application de droit.

Il n'est pas de l'intention du Soussigné d'attaquer ni la sentence qui ordonna la séquestre, ni aucun autre acte judiciaire. Il se propose seulement de faire voir que l'Officier de la Commission, dépositaire de la somme en question, ainsi que la Commission même, sont responsables pour avoir consenti à l'alienation de l'argent qu'il ne tenoit que pour un but légalement déterminé, et qu'il est du ressort du Gouvernement du Roi de faire réplacer ce dépôt dans l'état où il se trouvait. Cette mesure n'étant pas dépendante d'aucun juge ou tribunal quelconque, le Soussigné ne peut que la croire l'objet d'une réclamation officielle de Gouvernement à Gouvernement.

Le Soussigné profite de cette occasion, &c.

(Signé) LE CHEVALIER DE MATTOS.

Son Excellence M. le Vicomte Palmerston,
 &c. &c. &c.

(Translation.)

Wimpole-Street March 30, 1831.

THE Undersigned, &c. has had the honour to receive the note, which his Excellency Viscount Palmerston, &c. was pleased to address to him, on the 10th of December, 1830, to declare to him, in reply to the reclamation of the Undersigned against the sentence, which adjudged to the creditors of Mr. Altavilla, late Judge Commissary of Portugal at Sierra Leone, the sum of £893. 4s. 3d., being the proceeds of the Brazilian prizes "*Esperanza*," and "*Vingadora*," that according to the opinion of the legal advisers of the Crown, who had been consulted on this point, the King's Government could not interfere in the manner suggested by the Undersigned, in his note of the 4th of last October.

But as that decision may have been grounded on an imperfect statement of facts, the Undersigned is anxious to submit them once more to his Excellency's consideration, in their true bearing.

The commercial house of Macaulay, being Mr. Altavilla's creditor, sequestrated, as his property, the sum realized by the sale of the 2 Brazilian prizes above mentioned, and which was lodged with a functionary of the Mixed Commission at Sierra Leone, but to which the debtor himself could not have the least claim. This functionary ought not, any more than the Commission itself, to have consented to an obviously illegal sequestration; 1stly, because the sequestrated money was not the debtor's property; 2dly, because the house of Macaulay, requiring such sequestration in quality of Mr. Altavilla's creditor, proves, by that very circumstance that it had no right of laying its hands on what belonged to a third.

Accordingly, the Undersigned, who has no other object in view, than that of defending the rights and the property of Brazilian subjects, complains of the Mixed Commission of Sierra Leone, for having allowed the sequestration of a sum not belonging to Mr. Altavilla; but having no jurisdiction over the delinquents, it only remains for him to apply to the King's Government, to procure him redress, by issuing the necessary orders for having the sequestrated sum of money returned to the Commission, in whose hands it was deposited, and was to have remained, until disposed of as the law should direct.

The Undersigned does not mean to challenge the sentence which ordered the sequestration, nor any other judicial act. He only wishes to shew, that

the functionary of the Commission, with whom the sum in question was lodged, and the Commission itself, are accountable for having permitted the alienation of a sum of money, which he only held for an object legally determined, and which the King's Government is competent to cause to be restored to the authority, in whose keeping it was before. As this measure does not depend on any Judge or Court of Justice, the Undersigned can think it obtainable only by means of an official reclamation from one Government to the other.

The Undersigned avails himself, &c.

(Signed)

THE CHEVALIER DE MATTOS.

His Excellency Viscount Palmerston.

&c.

&c.

&c.

No. 55.

The Chevalier de Mattos to Viscount Palmerston.—(Received April 2.)

Wimpole-Street, le 30 Mars, 1831.

LE Soussigné, &c. a eu l'honneur de recevoir la note que son Excellence Monsieur le Vicomte Palmerston, &c. voulut bien lui adresser en date du 10 Décembre, 1830, pour lui annoncer l'impossibilité, où se trouvait le Gouvernement du Roi, de dissoudre les Commissions Mixtes Brésiliennes et Britanniques établies à Sierra Leone et à Rio de Janeiro, à cause des inconvénients, qui pourraient résulter de cette mesure, si elle était adoptée avant qu'on eût institué des Tribunaux propres à exercer une juridiction criminelle dans les cas d'infraction au Traité du 23 Novembre, 1826, qui défend aux sujets Brésiliens tout espèce de trafic d'esclaves dans les ports d'Afrique, depuis le 13 Mars, 1830.

Le Soussigné, cependant, appuyé des Traités existants, a l'honneur d'insister sur la proposition contenue dans sa note du 4 Octobre dernier. L'Article 10^{me}. du Traité d'Alliance, signé à Rio de Janeiro le 19 Février, 1810, entre Sa Majesté Britannique et Sa Majesté Très Fidèle, stipulait la co-opération mutuelle des Hautes Parties Contractantes afin d'abolir la traite des nègres. Cette stipulation solennelle a été effectuée en partie par la Convention du 22 Janvier, 1815, où il fut convenu que l'on fixerait, par un Traité séparé, l'époque à laquelle ce trafic cesserait entièrement. Avant que cette époque fut déterminée, on conclut la Convention du 28 Juillet, 1817, en vertu de laquelle, et non pas du Traité du 23 Novembre, 1826, les Commissions Mixtes de Sierra Leone et de Rio de Janeiro furent établies pour punir les violations de la Convention du 22 Janvier, 1815, en conformité du règlement annexé à la première. Finalement, le Traité du 23 Novembre, 1826, vint satisfaire à la stipulation ci-dessus mentionnée du Traité de 1810, et le commerce d'esclaves fut déclaré absolument illégal à compter du 13 Mars, 1830.

Il est par conséquent indubitable qu' alors terminèrent toutes les Conventions précédentes, qui dépendaient de la fixation de cette époque, et avec elles évidemment aussi le règlement des Commissions Mixtes ainsi que les autres Actes annexés à la Convention de 1817.

Les Commissions Mixtes n'étaient que temporaires, et instituées, comme l'on voit par l'Article 1^{er}. de leur Règlement, pour juger de la légalité de la détention des navires employés à la traite. Mais aujourd'hui, on ne peut plus disputer la légalité d'une pareille détention, puisque tout trafic en esclaves est illicite. Les Tribunaux, qui à present doivent prendre connaissance des infractions au Traité de 1826, ne peuvent d'aucune manière être des Commissions instituées pour un objet qui n'existe plus et qui ne possèdent qu'une juridiction civile et très-limitée, dès qu'elles se trouvaient uniquement autorisées pour décider 1^o. sur la légalité des captures, et 2^o. sur les indemnités dues aux navires détenus en cas de libération.

Admettant donc que l'abolition immédiate des dites Commissions donnerait lieu à des inconvénients très considérables, il en résulte, qu'on doit y appliquer

les remèdes nécessaires, mais non pas sanctionner la prorogation illégale de Tribunaux dont les fonctions ont cessé de droit, quoiqu'elles continuent de fait, et dont, par cela même, toutes les décisions sur les cas de captures postérieures au 13 Mars, 1830, seront frappées de la plus complète nullité.

Sur cette exposition, le Soussigné ose se flatter que le Gouvernement du Roi n'hésitera plus à expédier les ordres convenables pour la prompte dissolution des Commissions Mixtes de Sierra Leone et de Rio de Janeiro.

Le Soussigné profite de cette occasion, &c. &c.

(Signé) LE CHEVALIER DE MATTOS.

Son Excellence M. le Vicomte Palmerston,
 &c. &c. &c.

(Translation.)

Wimpole-Street, March 30, 1831.

THE Undersigned, &c. has had the honour to receive the note, which his Excellency Viscount Palmerston, &c. was pleased to address to him, on the 10th December, 1830, to announce to him, that it was impossible for the King's Government to dissolve the Mixed Brazilian and British Commissions, established at Sierra Leone and Rio de Janeiro, on account of the inconvenience which might result from such a measure, if adopted previous to the institution of tribunals, competent to exercise a criminal jurisdiction in cases of infractions of the Treaty concluded the 23d November, 1826, which prohibits Brazilian subjects from every kind of traffick in slaves in the ports of Africa, from the 13th of March, 1830.

The Undersigned, however, on the ground of subsisting Treaties, has the honour to insist on the proposal contained in his note of the 4th of last October.

The 10th Article of the Treaty of Alliance, signed at Rio de Janeiro the 19th of February, 1810, between His Britannick Majesty and His Most Faithful Majesty, stipulates the mutual co-operation of the High Contracting Parties in the abolition of the slave-trade. That solemn stipulation was carried into effect, in part, by the Convention of January 22, 1815, in which it was agreed to fix, by means of a separate Treaty, the period at which this traffick should cease entirely. Prior to the determination of this period, the Convention of the 28th July, 1817, was concluded, in virtue of which, and not of the Treaty of the 23d November, 1826, the Mixed Commissions of Sierra Leone and Rio de Janeiro were established, for the purpose of punishing the violations of the Convention, concluded the 22d January, 1815, conformably with the regulation annexed to the former. Finally, the Treaty of November 23, 1826, satisfied the above-mentioned stipulation of the Treaty of 1810, and the slave-trade was declared absolutely illegal, to reckon from the 13th of March, 1830.

It cannot, consequently, be doubted, that, at that time, an end was put to all the preceding Conventions which depended on the fixation of that period, and along with them, evidently also the regulation of the Mixed Commission, as well as the other acts annexed to the Convention of 1817.

The Mixed Commissions were only temporary, and were instituted, as appears from the 1st Article of their Regulation, with the view of judging of the legality of the detention of vessels employed in the slave-trade. But in the present moment it is impossible any longer to dispute the legality of such a detention, as all traffick in slaves is illicit. The tribunals, which are at present to take cognizance of the infractions of the Treaty of 1826, cannot by any means be Commissions, instituted for an object which no longer exists; Commissions that possessed only a civil and very limited jurisdiction, since they were only authorised to decide, 1stly, on the legality of the captures; and, 2dly, on the indemnities due to the ships detained, in case of liberation.

Admitting, therefore, that the immediate abolition of these Commissions would be attended with considerable inconvenience, it follows, that the neces-

sary remedies must be had recourse to, but not that the illegal protraction of tribunals ought to be sanctioned, whose functions have ceased of right, though they continue in fact, and all whose decisions on cases of captures posterior to the 13th March, 1830, will be liable to the most complete nullity.

In reference to the above statement, the Undersigned flatters himself that the King's Government will not hesitate to give the proper orders, for the speedy dissolution of the Mixed Commissions at Sierra Leone and Rio de Janeiro.

The Undersigned avails himself, &c. &c.

(Signed) THE CHEVALIER DE MATTOS.

His Excellency Viscount Palmerston,
 &c. &c. &c.

No. 56.

The Chevalier de Mattos to Viscount Palmerston.—(Received April 2.)

Wimpole-Street, le 30 Mars, 1831.

LE bâtiment Brésilien "*Esperança Feliz*," ayant légalement acheté 181 esclaves au Port de Molembo, et se trouvant de retour au Brésil, fut entraîné par des vents contraires vers le nord de l'Equinoxiale, et, forcé de relâcher dans le Port de Lagos, afin d'y prendre des provisions qui lui manquaient pour terminer son voyage, il y fut visité et saisi par la frégate Britannique "*Iphigenie*," sous les ordres du Commodore Sir Robert Mends. Cet officier ayant d'abord refusé de délivrer au Maître du bâtiment capturé, suivant l'Article 8^{me}. des Instructions annexées à la Convention du 28 Juillet 1817, le certificat de l'état où se trouvait le dit bâtiment au moment de sa capture, et des papiers appréhendés, au lieu de le conduire directement devant la Commission Mixte la plus prochaine, qui était celle de Sierra Leone, pour l'y faire juger, l'a au contraire abandonné à la frégate "*Myrmidon*," commandée par le Capitaine H. J. Leeke, et enfreint ainsi l'Article 1^{er}. des mêmes Instructions. Une autre et bien plus fatale infraction de cet acte a été pratiquée par le Capitaine Leeke, lequel après avoir mené la prise en question jusqu'au Grand Malabar, l'a fait couler à fond, en passant la tripulation et les esclaves à bord d'une goëlette Espagnole, qui venait d'être aussi capturée. La goëlette, enfin, en se dirigeant vers Sierra Leone, a fait naufrage avant d'y arriver, et de cette manière perirent le contre-maître, et la plupart des esclaves de "*l'Esperança Feliz*," de même que ceux qui appartenaient à la goëlette.

L'Article 8^{me}. des Instructions ci-dessus mentionnées enjoint encore aux croiseurs de ne point débarquer les esclaves des navires détenus, avant d'arriver au port où ils doivent être jugés, et rend responsables ceux que contreviendraient à cette disposition, à moins qu'ils ne produisent des documents authentiques pour prouver l'inevitable nécessité d'une telle contravention. Et malgré cela les esclaves de "*l'Esperança Feliz*" en ont été débarqués, et on a disposé de la prise avant qu'elle eut été jugée valable par l'autorité compétente, sans que néanmoins aucune preuve ait été avancée à l'appui de ce procédé si arbitraire.

En dépit d'une conduite si opposée à la lettre et à l'esprit des Traités, la Commission Mixte de Sierra Leone, n'écoutant que les allégations du capteur, n'a pas hésité à condamner un navire et une cargaison qui n'existaient plus. Mais ce qui prouve encore d'avantage la partialité des juges qui prononcèrent cette sentence, c'est la circonstance inouïe de mettre de côté les serments du maître et du chirurgien du navire capturé, et de baser leur jugement condamnatore sur les témoignages de nègres qui venaient de quitter les factoreries Africaines, et dont les esprits ne pouvaient pas apprécier la nature et les obligations d'un serment; et cela, sans que les dépositions de ces êtres encore tout à fait barbares, fussent signées et assermentées par leurs interprètes, comme il était de droit.

L'illégalité de cette capture, et des procédés qui la suivent jusqu'à la décision finale de la Commission Mixte de Sierra Leone, étant ainsi prouvée par des faits incontestables, le Soussigné, &c. à reçu l'ordre de s'adresser à son Excellence Monsieur le Vicomte Palmerston, &c. à fin de réclamer en faveur du propriétaire du navire, "*Esperança Feliz*," les indemnités, qui lui sont dues en conformité de l'Article 5^{me}. de la Convention du 28 Juillet, 1817, et des Articles 6^{me}. et 13^{me}. du Règlement annexé à la même Convention.

En s'acquittant donc de ce devoir le Soussigné a l'honneur de renouveler, &c.

(Signé) LE CHEVALIER DE MATTOS.

Son Excellence Monsieur le Vicomte Palmerston,
&c. &c. &c.

(Translation.)

Wimpole-Street, March 30, 1831.

THE Brazilian vessel "*Esperança Feliz*," having lawfully purchased 185 slaves at the port of Molembo, and being on her return to Brazil, was, by contrary winds, forced to the North of the Equator, and obliged to put into the port of Lagos, for the purpose of supplying herself with provisions, which she stood in need of, to complete her voyage, was there boarded and seized by the "*Iphigenia*," British frigate, Commodore Sir Robert Mends. That officer was determined to refuse giving up to the Master of the captured vessel, as he ought to have done, according to Article 8 of the Instructions annexed to the Convention of the 28th July 1817, the certificate of the state in which the said vessel was at the moment of her capture, and of the papers taken; and instead of conducting her straightways before the nearest Mixed Commission, which was that of Sierra Leone, to have her adjudged there, abandoned her, on the contrary, to the "*Myrmidon*," frigate, Captain J. H. Leeke, and thus infringed the 1st Article of those Instructions. Another and much more fatal infraction of that Act was committed by Captain Leeke, who, after carrying the prize in question as far as the Great Malabar, sunk her, and transferred the crew and the slaves on board a Spanish schooner, which had also been captured. The schooner, finally, in proceeding to Sierra Leone, foundered at sea before she arrived there, and thus the boatswain's mate, and most of the slaves of the "*Esperança Feliz*" perished, as did those belonging to the schooner.

The 8th Article of the Instructions above mentioned enjoins also to cruisers, not to land slaves from the detained vessels before they arrive in the port where they are to be adjudged, and renders those responsible who shall transgress this prohibition, unless they produce authentick documents, to prove the inevitable necessity of such a contravention. The slaves of the "*Esperança Feliz*" were, notwithstanding, put on shore, and the prize was disposed of, before being adjudged a lawful prize by the competent authority, nor was there even the least proof brought forward in support of so arbitrary a proceeding.

In spite of a conduct so opposite to the letter and spirit of Treaties, the Mixed Commission of Sierra Leone, listening only to the allegations of the Captor, did not hesitate to condemn a ship and cargo that had no longer any existence. But what proves still more the partiality of the Judges who pronounced this sentence, is the unheard of circumstance of disregarding the oaths of the Boatswain and Surgeon of the captured vessel, and to ground their condemnatory judgment on the testimonies of negroes, who had but just quitted the African factories, and whose understandings were incapable of appreciating the nature and obligations of an oath; and that, too, without having the depositions of these yet entirely barbarous creatures signed and sworn to by their Interpreters, as the forms of law require.

The illegality of that capture, and of the proceedings which followed it, till the final decision of the Mixed Commission as Sierra Leone, being thus proved by incontestible facts, the Undersigned, &c., has been directed to

address himself to his Excellency Viscount Palmerston, &c., to claim, for the owner of the "*Esperança Feliz*," the indemnities due to him pursuant to Article 5 of the Convention of the 28th of July, 1817, and to the 6th and 13th Articles of the Regulation annexed to that Convention.

In fulfilling this duty, the Undersigned has the honour to repeat, &c.

(Signed) THE CHEVALIER DE MATTOS.

His Excellency Viscount Palmerston,
 &c. &c. &c.

No. 57.

A. Aston, Esq. to the Earl of Aberdecn.—(Received April 2.)

MY LORD,

Rio de Janeiro, January 24, 1831.

I HAVE the honour to enclose a copy of a letter, which I have received from Messrs. Cunningham and Grigg, communicating to me the decision of the Mixed British and Brazilian Commission, established in this city under the Slave-trade Abolition Treaty, in the case of the Portuguese schooner "*Destimida*," which vessel was brought into this port, with 50 slaves on board, by Captain Hamilton, of H. M. S. "*Druid*."

I have, &c.

(Signed)

ARTHUR ASTON.

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

Enclosure in No. 57.

His Majesty's Commissssioners to A. Aston, Esq.

SIR,

Rio de Janeiro, January 23, 1831.

WE have the honour to communicate to you, that the adjudication of the Portuguese schooner "*Destimida*," brought into this port, with 50 slaves on board, by Captain Hamilton, of H. M. S. "*Druid*," who laid the circumstances of her detention before the Mixed British and Brazilian Commission, established in this city for the prevention of illicit traffick in slaves, was brought to a final decision, on the 22d instant, and the Court decreed, that the detention was legal, and that the 50 slaves found on board, should be emancipated, and have their certificates of liberty given them, according to the 7th Article of the printed Regulations; but that the hull, and every thing belonging to the said schooner, being the property of Portuguese subjects, and, therefore, not coming under, or being included in, the 1st Article of the Alvarà of the 26th January, 1818, should be given up again to her Commander.

We have, &c.

Arthur Aston, Esq.
 &c. &c. &c.

(Signed)

ALEX. CUNNINGHAM.
 FRED. GRIGG.

No. 58.

The Chevalier de Mattos to Viscount Palmerston.—(Received April 15.)

Wimpole-Street, le 14 Avril, 1831.

LE Soussigné, &c. ayant lu avec la plus grande attention les notes, que son Excellence Monsieur le Vicomte Palmerston, &c., lui a fait l'honneur de lui adresser en réponse à ses représentations contre les actes arbitraires, et les injustices pratiquées par les croiseurs Britannique sur la Côte d'Afrique, et par la Commission Mixte de Sierra Leone, dans les captures et les condamna-

tions des navires Brésiliens constant de la liste ci-jointe, n'y voit qu'un seul résultat, et c'est, que ses dites représentations ne peuvent être admises parce qu'elles contiennent des plaintes de sentences prononcées par un Tribunal, dont les décisions sont définitives et sans appel, suivant les termes précis de l'Article 8^{me} de la Convention du 28 Juillet, 1817.

Dans ses notes à l'égard des ces navires, le Soussigné a eu déjà l'honneur d'exposer tout ce qu'il y a de particulier à chacun d'eux. Ainsi il se bornera, maintenant, à régarder le principe soutenu par son Excellence Monsieur le Vicomte Palmerston, comme l'unique point de contraverse, et sur lequel il faut arriver à une conclusion, tout le reste lui étant subordonné.

Il s'agit donc de savoir ce qui est entendu par l'Article cité de la Convention de 1817, où il est dit.—“ These Commissions shall judge the causes submitted to them without appeal, and according to the regulation and instructions annexed to the present Convention, of which they shall be considered as an integral part.”

De ce que l'on a ainsi stipulé, que les Commissions Mixtes jugeraient, *sans appel*, les causes qui leur seraient soumises, son Excellence a inféré l'inadmissibilité des réclamations du Soussigné, qui toutes se rapportent à des cas jugés par la Commission de Sierra Leone, soit en condamnant une grande partie des navires en question, soit en accordant des indemnités à ceux qui ont été formellement reconnus mauvaises prises, soit enfin en refusant à d'autres mêmes indemnités.

Le Soussigné se permettra d'observer, que l'Article mentionné ne peut être nullement applicable aux réclamations faites par lui, en sa qualité de Chargé d'Affaires de l'Empereur son auguste Maître. L'appel est un recours ordinaire, connu dans tous les codes et tribunaux des nations civilisées, recours qui appartient seulement aux parties litigantes, et que le vaincu dans la sentence peut interposer contre elle pour un Tribunal supérieur: Mais nul Gouvernement n'a jamais appelé, et bien moins encore d'un juge constitué par lui-même. En stipulant donc, qu'un recours pareil ne serait permis ni aux capteurs, ni aux capturés, les Hautes Parties Contractantes ne pouvaient pas avoir en vue de renoncer au droit d'exiger réciproquement la réparation de dommages causés à leurs sujets respectifs.—Une telle stipulation, outre qu'elle serait sans précédent dans le Droit Conventionnel, ne pourrait jamais avoir la moindre validité, étant dérogoratoire aux attributs imprescriptibles de l'indépendance et de la souveraineté des deux nations.

La preuve en est, que l'Article 13^{me} du Règlement, auquel se réfère l'Article 8^{me} de la Convention de 1817, contient ce qui suit.—“ In the case of a vessel detained unjustly, under pretence of the stipulations of the Additional Convention of this date, and in which the Captor should neither be authorised by the tenour of the above-mentioned Convention, nor of the instructions annexed to it, the Government, to which the Captor may belong, binds-itself to cause the subject of complaint to be fully examined, &c.”—or, si toutes les captures faites par les croiseurs sur la Côte d'Afrique devaient être jugées par les Commissions Mixtes; s'il n'est pas permis d'appeler des sentences des dites Commissions, et néanmoins il a été solennellement admis, que les Gouvernements respectifs pourraient se plaindre des captures que leur paraîtraient injustes, et exiger que les sujets de leurs plaintes fussent nouvellement et pleinement examinés, et devient evident que l'Article 8^{me} de la Convention de 1817, ne regarde point les Hautes Parties Contractantes. Et ce nouveau plein examen; cette révision de tant d'injustice et d'actes arbitraires; l'observation enfin de l'Article 13^{me} du Règlement en question, c'est tout ce que le Soussigné a l'honneur de réclamer au nom de son Gouvernement.

Il est incontestable, que plusieurs des navires capturés n'avaient pas des esclaves à bord, quelques uns prouvent n'être pas destinés à la traite des nègres; d'autres étaient à peine en route et n'avaient pas encore touché aucun port d'Afrique; d'autres ont été détenus par des bâtiments armés, mais non de guerre, et dont les Commandants ne se trouvaient pas munis des institutions compétentes, ni n'avaient le grade militaire requis par les Traités; aux uns il a été refusé de se défendre; d'autres ont été relâchés à Sierra Leone, sans que leurs procès eussent été instruits, et d'autres, avant qu'ils fussent lé-

galement terminés; quelques-uns n'obtinrent pas les indemnités que leur étaient dues, et celles accordées à d'autres, sont visiblement insuffisantes; tous enfin ont été capturés, condamnés, et même absous, contre la lettre expresse des Conventions existantes. Dans les cas très-rares de détentions prononcées illégales, on n'a jamais observé envers les capteurs la disposition finale de l'Article 13^{me}. du Règlement des Commissions, et les croiseurs Britanniques, autant que la Commission de Sierra Leone, se sont toujours conduits de manière à interdire toute espèce de rélations commerciales entre le Brésil et l'Afrique, plutôt qu'à empêcher le trafic illicite des nègres.—La Commission surtout, envisageant son autorité limitée et bien définie sous un point de vue impardonnable, a mis de côté le Règlement dont elle ne devrait jamais se départir, lui a substitué un code tout à fait à sa guise, s'est rendu par ce moyen supérieure aux deux Hautes Parties Contractantes, et au lieu de punir les infractions aux Traités, elle s'est arrogé le droit d'abolir le trafic d'esclaves en général.

Il ne peut donc exister des réclamations plus justes, ni droit mieux fondé que celui du Gouvernement Imperial pour attaquer les procedés de la Commission Mixte de Sierra Leone, et pour insister sur ce que les cas, qui ont déjà été le sujet d'une longue, et jusqu'à present inutile correspondance entre le Soussigné et son prédcesseur, et le Gouvernement du Roi, soient de nouveau et pleinement examinés.

Le Soussigné se flatte pourtant que son Excellence Monsieur le Vicomte Palmerston, prenant en considération ce qui vient d'être exposé, ne se refusera pas à reconnaître qu'il est conforme à la Convention de 1817, que quoiqu'on refuse aux parties l'appel des sentences prononcées par la Commission Mixte de Sierra Leone, le Gouvernement Impérial a le droit de réclamer contre toute injustice prouvée dans la capture de navires Brésiliens.—Ce point préliminaire et essentiel une fois établi, le Soussigné se réserve de proposer le moyen de le mettre en execution.

Le Soussigné profite de cette occasion, &c.

(Signé) LE CHEVALIER DE MATTOS.

Son Excellence Monsicur le Vicomte Palmerston,
&c. &c. &c.

Liste des bâtimens Brésiliens injustement capturés sur la Côte d'Afrique, et dont les réclamations, adressées au Gouvernement de Sa Majesté Britannique par la Légation du Brésil à Londres, ont été trouvées inadmissibles, savoir,—

Heroina.	Tentadora.	S. João Voador.
Tres Amigos.	Eclipse.	Dez de Fevereiro.
Bahia.	Venturoso.	Minerva.
Carlota.	Esperança.	Cerqueira.
Trajano.	Vencedora.	Creola.
Independencia.	Voador.	Principe de Guiné.

(Signé) LE CHEVALIER DE MATTOS.

(Translation.)

Wimpole-Street, April 13, 1831.

THE Undersigned, &c. having read with the greatest attention the notes which his Excellency Viscount Palmerston, &c. has done him the honour of addressing to him, in reply to his representations against the arbitrary acts, and the injustice practised by the British cruizers on the Coast of Africa, and by the Mixed Commissions at Sierra Leone, in regard to the captures and condemnations of the Brazilian vessels specified in the enclosed return, he there discovers only one result, namely, that his representations are inadmissible, because they contain complaints against the sentences, pronounced by a tribunal whose decisions are definitive and without appeal, according to the precise terms of Article 8 of the Convention of July 28, 1817.

In his notes relative to those vessels, the Undersigned has already had the

honour to state all that has any particular reference to each of them. He therefore confines his present observations merely to the principle laid down by his Excellency Viscount Palmerston, as the only point of controversy, and on which it is necessary to come to a conclusion, all the rest being subordinate to it.

The question, therefore, is, what is the meaning of the quoted Article of the Convention of 1817, where it is said :—“ These Commissions shall judge the causes submitted to them without appeal, and according to the Regulation and Instructions annexed to the present Convention, of which they shall be considered as an integral part.”

From what is thus stipulated, that the Mixed Commissions should judge *without appeal* the causes that should be submitted to them, his Excellency has inferred the inadmissibility of the reclamations of the Undersigned, which, all of them, relate to causes judged by the Sierra Leone Commission, either by condemning a large portion of the ships in question, or by awarding indemnities to those which have been formally recognized to be bad prizes, or, finally, by refusing such indemnities to others.

The Undersigned takes leave to observe, that the Article just mentioned can by no means be applicable to the reclamations, made by him in his quality of Chargé d’Affaires of the Emperor, his august Master. Appeal is a common remedy, known in all the codes and tribunals of civilized nations, and which, while it is peculiar only to the litigant parties, the party cast in the sentence may lodge against the latter in a superior Court. But no Government did ever appeal, and least of all from a judge appointed by itself. In stipulating, therefore, that such a remedy should not be allowed either to the captors or to the captured, the High Contracting Parties could have no intention of renouncing the right to demand, reciprocally, the reparation of injuries caused to their respective subjects. Such a stipulation is not only without a precedent in Conventional Law, but could never have the least validity, as it would be derogatory to the imprescriptible attributes of the independence and sovereignty of the two nations.

This is proved by Article 13 of the Regulations, to which the 8th Article of the Convention of 1817 refers, containing the following provision :—“ In the case of a vessel detained unjustly, under pretence of the stipulations of the Additional Convention of this date, and in which the Captor should neither be authorized by the tenour of the above-mentioned Convention, nor of the Instructions annexed to it, the Government, to which the Captor may belong, binds itself to cause the subject of complaint to be fully examined, &c.” Now, if all captures made by the cruizers on the Coast of Africa, were to be judged by the Mixed Commissions; if it be not permitted to appeal from the sentences of those Commissions; and if, notwithstanding, it has been solemnly admitted, that the respective Governments might complain of such captures as should appear to them unjust, and demand that the subjects of their complaints should be anew and fully examined, it becomes evident that the 8th Article of the Convention of 1817, does not relate to the High Contracting Parties. And this new and full examination, this revision of so much injustice, and of so many arbitrary acts; in fine, the observance of Article 13 of the Regulation just-mentioned, is all that the Undersigned has the honour to claim in the name of his Government.

It is incontestable, that some of the captured vessels had no slaves on board; some proved that they had not been intended for the slave-trade; others had scarcely commenced their voyage, and had not yet entered any port of Africa; others, again, have been detained by armed vessels, but not by ships of war, and whose Commanders were not provided with the competent instructions, nor possessed the military rank required by the Treaties; some were not allowed to make any defence, and others were released at Sierra Leone, without any proceedings having been instituted against them, and others, before they were legally terminated; some did not obtain the indemnities due to them, while those awarded to others, are obviously insufficient; in short, all have been captured, condemned, and even absolved against the express letter of the subsisting Conventions. In some very rare cases of detention, pronounced illegal, the final provision of Article 13

of the Regulations of the Commission has never been observed against the Captors; and the British cruizers, in common with the Commission at Sierra Leone, have ever conducted themselves in such a manner as to prohibit every kind of commercial relations between Brazil and Africa, rather than prevent the illicit slave-trade. The Commission, particularly, taking an unwarrantable view of its limited and well defined authority, has waived the Regulation of which it should never have lost sight, and has put in its place a code agreeable to their fancy, so as thereby to render itself superior to the two High Contracting Parties, and, instead of punishing the infractions to the Treaties, to arrogate the right of abolishing the traffick in slaves altogether.

No complaints, therefore, can be more just, nor any right better founded, than that of the Imperial Government to attack the proceedings of the Mixed Commission at Sierra Leone, and to insist, that the cases, which have already been the subject of a long, and hitherto useless correspondence between the Undersigned and his predecessor, and the King's Government, should be once more, and fully examined.

The Undersigned flatters himself, that his Excellency Viscount Palmerston, taking into consideration what has been stated, will not refuse acknowledging, that it is conformable with the Convention of 1817, that, though the parties are refused the appeal against the sentences pronounced by the Mixed Commission, at Sierra Leone, the Imperial Government has the right to complain of every injustice, proved in the capture of Brazilian vessels. When this preliminary and essential point shall have been once settled, the Undersigned reserves it to himself to propose the way of carrying it into effect.

The Undersigned avails himself, &c.

(Signed) THE CHEVALIER DE MATTOS.

His Excellency Viscount Palmerston,
 &c. &c. &c.

List of Brazilian vessels unjustly captured on the Coast of Africa, and the complaints concerning which, addressed to His Britannick Majesty's Government, by the Brazilian Legation at London, have been found inadmissible, namely,—

Heroína.	Tentadora.	St. João Voador.
Tres Amigos.	Eclipse.	Dez de Fevereiro.
Bahia.	Venturoso.	Minerva.
Carlota.	Esperança.	Cerqueira.
Trajano.	Vencedora.	Creola.
Independencia.	Voador.	Principe de Guiné.

(Signed) THE CHEVALIER DE MATTOS.

No. 59.

Viscount Palmerston to the Chevalier de Mattos.

Foreign Office, April 20, 1831.

THE Undersigned, &c. has submitted to the proper Law Officer of the Crown, the note addressed to him, on the 26th of February last, by the Chevalier de Mattos, &c. containing a petition from Manoel Francisco da Silva, to be permitted to send a vessel to the Port of Inhambane in Africa, for receiving and carrying thence to Rio de Janeiro 300 slaves, under the circumstances alleged in the document.

The Undersigned has now the honour to acquaint M. de Mattos, that after due consideration of the case, it has not been esteemed one which, upon its own merits, can claim the decision of His Majesty's Government in its favour.

Under the success of this application, which can only be granted by favour, and which follows one already, and very reluctantly, granted on the part of this Government, a door may be opened to the practice of frauds difficult to guard against, and militating against the operation of the Treaty, by which it was declared, that it should not be lawful for the subjects of the Emperor of Brazil to be concerned in the carrying on the African slave-trade, *under*

any pretext or in any manner whatever, after a period which has now expired above a twelvemonth.

His Majesty's Government feel, therefore, that they have no other course to pursue, in this instance, than to decline becoming parties to any arrangement which may be made for the removal of these slaves from Africa to Brazil.

The Undersigned, in making this communication to the Chevalier de Mattos, avails himself, &c.

(Signed) PALMERSTON.

The Chevalier de Mattos,
&c. &c. &c.

No. 60.

Viscount Palmerston to A. Aston, Esq.

SIR,

Foreign Office, April 20, 1831.

I HEREWITH send to you, for your information and guidance, the copy of a note * which I have received from the Chevalier de Mattos, and of the answer, † which I have returned to the request contained therein, for permission to Manoel Francisco da Silva to import 300 negroes from Inhambane, in Africa, to Rio de Janeiro, under the circumstances stated in the petition, which accompanies the note of the Chevalier de Mattos.

I have, &c.

(Signed) PALMERSTON.

Arthur Aston, Esq.
&c. &c. &c.

* See No. 52.

† See No. 59.

No. 61.

A. Aston, Esq. to Viscount Palmerston.—(Received May 5.)

MY LORD,

Rio de Janeiro, March 5, 1831.

I HAVE the honour to forward to your Lordship, the copy of a letter which I have received from Mr. Consul-General Pennell, respecting the manner in which the slaves, emancipated by the Mixed Commission Court, are usually disposed of.

Mr. Pennell's statement is, I believe, perfectly correct; but it is to be apprehended, that, unless more effective measures are adopted by the Brazilian Government, than have been hitherto, of ascertaining the real state of the negroes let out to hire, either by periodical visits, or official enquiry on the part of the local Authorities, the practice, of which there is such just reason to complain, will be continued with impunity.

I have, &c.

(Signed) ARTHUR ASTON.

The Right Hon. Lord Viscount Palmerston,
&c. &c. &c.

Enclosure in No. 61.

W. Pennell, Esq. to A. Aston, Esq.

SIR,

Rio de Janeiro, January 12, 1831.

I HAVE the honour to call your attention to the manner in which the slaves, emancipated by a sentence of the Mixed Commission, are disposed of, in hopes that through your mediation, measures may be adopted better calculated to attain the humane objects, mutually contemplated by the Brazilian and British Governments. At present the services of the negroes so emanci-

patented are sold by auction for 14 years, at about 90,000 reis per annum; so that, if the purchaser performs his engagement, each living negro, at the expiration of that period, will receive a sum of 1260\$000 reis, besides the accumulation of interest. Whatever may appear favourable in this contract, for the interest of the emancipated negroes, will, I am assured, be proved to be greatly fallacious by an enquiry into the cases of the negroes, per "*Emelia*," liberated by a sentence of the Mixed Commission in 1822.

If the system of selling their services by auction should still be deemed eligible, I would then, with great submission, suggest the following modifications;—that their services should be sold for a period not exceeding seven years, and the sum be paid immediately, not annually—this would take away the temptation which now exists, to become a purchaser, with a view to prove (fraudulently to prove) the death of the negroes, at a convenient time after the purchase—a temptation continually operating on the purchaser, and which has also a tendency to make the fate of the victim purchased more wretched, in order to prevent detection.

In a pecuniary point of view, it may well be questioned, whether a sum of 200\$000 reis, thus secured to the negro, would not, at the end of 7 years, be preferable to that of 1260\$000 reis at the expiration of 14 years.

Besides the instance of the slaves liberated in 1822, I may refer to the recent case of those of the brig "*Africano Oriental*," where the great mortality, *proved* by documentary evidence, is totally disbelieved by those whose pursuits make them competent and impartial judges, and from whence it may be very confidentially inferred, how little the temptation, to which I have adverted, is likely to be resisted in the present state of society, and with the sentiments generally prevalent in this country regarding the slave-trade, and the Treaty for its abolition.

Arthur Aston, Esq.
&c. &c. &c.

I have, &c.

(Signed)

WM. PENNELL.

No. 62.

A. Aston, Esq. to Viscount Palmerson.—(Received May 5.)

MY LORD,

Rio de Janeiro, March 5, 1831.

INTELLIGENCE has been received here of the arrival of a French ship at Goiana, Province of Pernambuco, having 188 slaves on board.

It appears that the local Authorities of that place immediately seized the vessel and cargo, and that, subsequently, the President of the Province has caused the vessel to be brought, under convoy of a Brazilian ship-of-war, to Pernambuco.

The French Chargé d'Affaires has, I understand, addressed a representation to the Imperial Government, requiring that the vessel and slaves should be delivered into the charge of the French Admiral.

I have been informed, however, by the Brazilian Minister, that, although the ship will be restored to the owners, orders have been sent for the emancipation of the slaves.

I have, &c.

(Signed)

ARTHUR ASTON.

The Right Hon. Lord Viscount Palmerston,
&c. &c. &c.

No. 63.

A. Aston, Esq. to Viscount Palmerston.—(Received May 24.)

MY LORD,

Rio de Janeiro, March 17 1831

HAVING instituted the necessary enquiries, respecting the truth of the averments contained in the petition of Vincent Thomas dos Santos enclosed

in M. Calmon's note of the 20th August, of last year, and it appearing that the statement of the petitioner is fully confirmed by satisfactory proof, I have communicated to the Brazilian Minister the acquiescence of His Majesty's Government, conformably to the instructions contained in your Lordship's despatch of the 10th of December, 1830.

I have the honour to enclose copies of my note to the Brazilian Minister, and of his Excellency's reply.

I have, &c.

(Signed)

ARTHUR ASTON.

The Right Hon. Lord Viscount Palmerston,
 &c. &c. &c.

First Enclosure in No. 63.

A. Aston, Esq. to M. de Campos.

Rio de Janeiro, March 3, 1831.

WITH reference to the note, which the Undersigned, &c., received from his Excellency Senhor Calmon, under date 20th August of last year, respecting the petition of Vincent Thomas dos Santos to the Government of Brazil, for permission to bring from the Bay of Lourenço Marquez to Rio de Janeiro 691 slaves, stated to have been embarked from Africa, previously to the time fixed for the abolition of the Brazilian Slave-trade, but to have been relanded, in consequence of the wreck of the vessel, he has now the honour to inform his Excellency Senhor Francisco Carneiro de Campos, &c., that His Majesty's Government, having taken into consideration the Brazilian Minister's note above referred to, and assuming the averments in Vincent Thomas dos Santos's petition to be true, supported, as they are, by the Brazilian Government, have directed the Undersigned to communicate to the Brazilian Government the acquiescence of His Majesty's Government in the proposed arrangement.

The Undersigned is, however, at the same time ordered to declare to his Excellency, that this compliance, on the part of His Majesty's Government, with this demand, must not be considered as constituting a precedent or groundwork for future applications.

The Undersigned, &c. &c.

(Signed)

ARTHUR ASTON.

His Excellency Senhor F. C. de Campos,
 &c. &c. &c.

Second Enclosure in No. 63.

(Translation.)

M. de Campos to A. Aston, Esq.

Rio de Janeiro, March 5, 1831.

THE Undersigned, &c., acknowledges the receipt of the note which Mr. A. Aston, &c., addressed to him, on the 3d instant, in which he communicates that his Government, taking into consideration the reasons adduced by the Brazilian merchant, Vincent Thomas dos Santos, for demanding permission to fetch from the Bay of Lourenço Marquez the cargo of slaves of a ship belonging to him, which was wrecked there, seeing that she left the Coast of Africa previously to the period fixed for the abolition of the Slave-trade, acquiesces in the above demand.

The Undersigned was very certain, that no other decision could be expected from the rectitude of the British Government, the petition, legally investigated, which the said Santos presented, being entirely founded on justice; and he has, in consequence of Mr. Aston's communication, just officially written to the Minister of Marine, in order that, conformably to the same, he may decide this affair accordingly.

The Undersigned, however, trusts, that, on his side, Mr. Aston will take those steps, which the case requires, in order that no impediment that might possibly occur, with respect to this affair, on the part of the British cruisers, may be made; and he avails himself, &c.

(Signed) F^{co}. CARNEIRO DE CAMPOS.
Arthur Aston Esq.
 &c. &c. &c.

No. 64.

Viscount Palmerston to the Chevalier de Mattos.

Foreign Office, June 6, 1831.

THE Undersigned, &c., with reference to the communication which, on the 19th of February last, he made to the Chevalier de Mattos, &c., on the subject of the petition of V. T. dos Santos, to remove 691 slaves from Lourenço Marquez to Brazil, has now the honour to acquaint the Chevalier de Mattos, that directions have been given to the British officers, commanding on the Cape of Good Hope and South American stations, to allow the vessel having the said slaves on board to pass accordingly.

The Undersigned, &c.
 (Signed) PALMERSTON.
The Chevalier de Mattos,
 &c. &c. &c.

No. 65.

Viscount Palmerston to A. Aston, Esq.

SIR

Foreign Office, June 6, 1831.

I HAVE received your despatch, marked Slave-trade, of the 17th of March last.

I have lost no time in carrying into effect the conditional assurances which were given by you, on the part of His Majesty's Government, of their acquiescence in the removal of 691 slaves from the Bay of Lorenzo Marquez to Brazil, under the circumstances mentioned in the petition of Vincent Thomas dos Santos, enclosed in M. Calmou's note to you of the 20th of August, 1830. And I have now to acquaint you, that directions have been issued, by the Lords Commissioners of the Admiralty, to the officers commanding on the Cape of Good Hope and South American stations to allow the vessel having the said slaves on board to pass accordingly.

I furnish you with a copy of the letter from the Admiralty,* containing a notification to this effect.

You will communicate it to the Brazilian Government, as a proof of the desire of His Majesty's Government to acquiesce in the wishes of the Government of Brazil, wherever it can be done without prejudice to the principles, on which the stipulations between the two countries are founded.

I am, &c.
 (Signed) PALMERSTON.
Arthur Aston Esq.
 &c. &c. &c.

* See Class A.—Enclosure in No. 39.

No. 66.

The Chevalier de Mattos to Viscount Palmerston.—(Received June 17.)

Wimpole-Street, le 15 Juin, 1831.

LE Souissigné, &c. a eû l'honneur de recevoir la note du 6 de ce mois, par laquelle son Excellence Monsieur le Vicomte Palmerston, &c. voulut bien

l'informer des ordres expédiés, afin que les croiseurs Britanniques laissent librement passer le navire, qui doit conduire de la Baie de Lourenço Marquez pour le Brésil, les esclaves mentionnés dans la petition de Vicente Thomas dos Santos.

Le Soussigné, tout en remerciant à Monsieur le Vicomte Palmerston cette communication, qu'il s'est empressée de porter à la connaissance de son Gouvernement, a l'honneur de réitérer a son Excellence, &c.

(Signé) LE CHEVALIER DE MATTOS.

Son Excellence Monsieur le Vicomte Palmerston,
&c. &c. &c.

(Translation.)

Wimpole-Street, June 15, 1831.

THE Undersigned, &c. has had the honour to receive the note, dated the 6th instant, by which his Excellency Viscount Palmerston, &c. has been pleased to inform him, of the orders forwarded to the British cruisers, not to obstruct the passage of the vessel appointed to carry from the Bay of Lourenço Marquez to Brazil, the slaves mentioned in the petition of Vicente Thomas dos Santos.

The Undersigned, in thanking Viscount Palmerston for this communication, with which he has immediately acquainted his Government, has the honour to repeat, &c.

(Signed) THE CHEVALIER DE MATTOS.

His Excellency Viscount Palmerston,
&c. &c. &c.

No. 67.

Viscount Palmerston to the Chevalier de Mattos.

Foreign Office, July 2, 1831.

THE Undersigned, &c. has had the honour to receive the note which, on the 30th of March last, was addressed to him by the Chevalier de Mattos, &c. claiming indemnity from His Majesty's Government, for the owners of the Brazilian brig "*Comerciante*," condemned at Sierra Leone, on a charge of being concerned in illegal slave-trade.

The subject having been referred to the proper Law Officer of the Crown, that officer has reported, that it appears to have been satisfactorily proved to the Commissioners, that as the boats of the "*Driver*" were about to board the "*Comerciante*," in the River Cameroons, several slaves from her were sent on shore, and that about 180 slaves were afterwards delivered up to the Captors by the Local Chiefs, as having been purchased for that vessel.

The illicit traffick, therefore, in slaves in prohibited places, whither the ship had gone, under the pretence of purchasing cloth, palm-oil, and ivory, for barter at Molembo, was thus clearly established; and all the Commissioners, Portuguese as well as English, being of opinion that the penalty of confiscation had been justly incurred, a sentence to that effect was accordingly pronounced.

It is true, that no slaves were actually on board at the moment of capture; and the Chevalier de Mattos urges, that the transaction having taken place before the Additional Article of the 15th of March, 1823, was signed, the provisions therein contained could not properly be applied to this vessel; but to this it is to be observed, that by those Additional Articles it is declared, that the landing of slaves from ships, immediately prior to their being visited, was contrary to the true object and spirit of the Convention of the 29th of July, 1817; and that if there should be clear proof, that one or more slaves had

been put on board a vessel for the illegal traffick, in the particular voyage in which the vessel was captured, then, and on that account, according to the true intent and meaning of the stipulations of *the above-mentioned Convention*, such vessel should be detained, and finally condemned by the Commissioners; so that the Additional Articles did not create the offence, but were merely declaratory of the previously existing law.

It is also to be observed, that it was afterwards attempted to prosecute an appeal from this sentence, before the Commissioners at Rio de Janeiro, who were clearly of opinion, that, as the sentence was pronounced by the Commissioners of both countries, the appeal could not be entertained.

Under these circumstances there appears no ground for the demand for compensation, as now urged by the Chevalier de Mattos, a demand to which the Undersigned feels it his duty, therefore, to state, that His Majesty's Government cannot accede.

The Undersigned, &c.

(Signed)

PALMERSTON.

The Chevalier de Mattos,
&c. &c. &c.

No. 68.

Viscount Palmerston to M. de Mattos.

Foreign Office, July 2, 1831.

THE Undersigned, &c. had the honour to receive the note which was addressed to him, on the 30th of March last, by the Chevalier de Mattos, &c. claiming indemnity from His Majesty's Government, in favour of the owners of the Portuguese vessel "*Esperança Feliz*," which has been condemned at Sierra Leone, on a charge of being concerned in illegal slave-trade.

This case has been referred to the proper Law Officer of the Crown, who has reported, that this vessel appears to have been seized in the Port of Lagos, considerably to the northward of the Line, with 187 slaves on board.

That, according to the allegation of the Master, the slaves had been shipped at Molembo, and the vessel had been driven out of her course to Bahia by contrary winds. That this pretence was, on investigation, found to be false, and that it was proved that the slaves had been actually taken on board at Lagos; and that the Mixed Commission Court at Sierra Leone, therefore, very properly, pronounced a sentence, condemning the vessel, and decreeing the liberation of 85 slaves, being the whole number of those who arrived at Sierra Leone.

In this case, as in that of the "*Cmmerciante*," an attempt, it appears, was made to prosecute an appeal; but it was rejected, in consequence of the parties not having produced the requisite papers.

Under these circumstances, the Undersigned has to state to the Chevalier de Mattos, that there appears no ground whatever, on which the demand now made by the Chevalier de Mattos for compensation can be maintained.

With reference to that part of the note of the Chevalier de Mattos, which mentions, that some of the slaves were put on board of a Spanish slave-vessel, which had been also captured, and was unfortunately lost in the voyage to Sierra Leone, it may be proper to observe, that the transhipment was justified by the unhealthy state of the slaves (many having died on the voyage,) which rendered it desirable to reach Sierra Leone with the utmost expedition; and with that view, as the "*Esperança Feliz*" was a heavy sailer, it was judged expedient to destroy her, and to place the slaves on board the other vessels. The unfortunate accident which afterwards occurred, and which was attended with the loss of several of the slaves, however it may be lamented, cannot, as the Chevalier de Mattos will in such case agree, be justly imputed as matter of blame to the Captors.

The Undersigned avails himself, &c.

(Signed)

PALMERSTON.

The Chevalier de Mattos,
&c. &c. &c.

No. 69.

Viscount Palmerston to A. Aston, Esq.

SIR,

Foreign Office, July 4, 1831.

I HEREWITH send to you the copy of a despatch*, which I have addressed to His Majesty's Commissioners at Rio de Janeiro, on the subject of the Brazilian vessel the "*Eliza*," adjudged in the Mixed British and Brazilian Court of Commission at that place in the latter end of last year.

You will there see, that His Majesty's Advocate-General, to whom the papers were referred, has reported, that the reversal of the original decision in this case seems to have been founded on an erroneous construction of the 3d Article of the Regulations for the Mixed Commission Courts.

His Majesty's Government are persuaded, that the Brazilian Government will feel the full force and truth of the observations which the King's Advocate has made upon this case, and the justice of which it is impossible to impugn.

The enclosed paper is, therefore, sent to you with a desire that you should, in communicating the substance of it to the Brazilian Government, press for a revival of the proceedings in this case, and for the liberation of those individuals who have thus illegally been reduced to the condition of slavery.

I am, &c.

Arthur Aston Esq.

(Signed) PALMERSTON.

&c. &c. &c.

* See Class A.—No. 102.

No. 70.

*The Chevalier de Mattos to Viscount Palmerston.**Wimpole-Street, le 29 Juillet, 1831.*

LE Soussigné devant communiquer à son Gouvernement le résultat des notes qu'il a eû l'honneur d'adresser à son Excellence Monsieur le Vicomte Palmerston, &c., en dates du 30 Mars et 14 Avril de cette année, prie son Excellence de vouloir bien le mettre à même de s'acquitter de ce devoir par le premier paquebot du mois prochain.

Le Soussigné a l'honneur de renouveler, &c.

(Signé) LE CHEVALIER DE MATTOS.

Son Excellence Mons. le Vicomte Palmerston,

&c.

&c.

&c.

Translation.

Wimpole-Street, July 29, 1831.

THE Undersigned having to communicate to his Government the result of the notes, which he has had the honour to address to his Excellency Viscount Palmerston, &c., under dates of the 30th March and 14th April last, requests his Excellency to be pleased to enable him to fulfil that duty, by the first packet of next month.

The Undersigned has the honour to repeat, &c.

(Signed) THE CHEVALIER DE MATTOS.

His Excellency Viscount Palmerston,

&c.

&c.

&c.

No. 71.

*Viscount Palmerston to the Chevalier de Mattos.**Foreign Office, August 16, 1831.*

THE Undersigned, &c., had the honour to receive the note, addressed to him, on the 30th of March last, by the Chevalier de Mattos, &c., urging that orders may be given by His Majesty's Government, for the prompt dissolution of the Mixed British and Brazilian Commissions, subsisting under Treaty at Rio de Janeiro and Sierra Leone.

The Chevalier de Mattos appears to found his demand for the dissolution of the Mixed British and Brazilian Commission Courts upon the assumption, that, as by the Treaty of November, 1826, the slave-trade is declared to be altogether illegal for Brazilian subjects from the 13th of March, 1830, so from that time, all preceding Conventions, together with the Regulations for the Mixed Commission Courts, and all other Acts annexed to the Convention of 1817, were entirely at an end; and that as these Courts were merely temporary, and were established for the purpose of deciding upon the legality of the detention of ships engaged in the slave-trade, with respect to which no question can now arise, and consequently no demand for compensation can be made, there is nothing for those Courts to decide upon; and, therefore, that all sentences pronounced by them, after the 13th of March, 1830, must be considered as complete nullities.

The demand of the Chevalier de Mattos, and the several arguments on which it appears to be founded by him, have been taken into consideration by His Majesty's Government, and have been referred to the proper Law Officer of the Crown.

That officer has reported, and His Majesty's Government concur with him in his opinion, that, although the trade is become illegal, yet it by no means necessarily follows that the functions of the Mixed Commission Courts must, *ipso facto*, cease and determine; that many questions, particularly with respect to the liberation of the slaves, may, and probably will, arise, which may be much more conveniently, as well as speedily and effectually, disposed of, by those Courts, than by any tribunals, which may be constituted for the trial of Brazilian subjects engaged in carrying on the slave-trade.

It is here to be observed, that upon the same principle, although from the year 1820 it has been illegal for the subjects of Spain to engage in the slave-trade, yet it has been thought necessary in that case to continue the Mixed Commission Courts, which, accordingly, still proceed to adjudicate upon Spanish slave-ships, and to decree the liberation of the slaves found on board.

So again, under the Stipulations with Portugal, by the Separate Article annexed to the Treaty of September, 1817, between Great Britain and that country, it is expressly declared, that as soon as the "total abolition of the slave-trade for the subjects of the Crown of Portugal shall have taken place, the two High Contracting Parties agree, by common consent, to adapt to that state of circumstances; the stipulations of the Additional Convention, concluded at London on the 28th of July last; but in default of such alterations, the Additional Convention of that date shall remain in force, until the expiration of 15 years, from the day on which the general abolition of the slave-trade shall take place on the part of the Portuguese Government." So that the Conventions with Portugal will continue to have effect and operation, and the Mixed Commission Court will continue to exist, for 15 years after it shall have become illegal for Portuguese subjects to engage in the slave-trade, unless in the mean time, the two Governments shall agree upon any necessary alterations.

This Article, together with all the other Treaties and Conventions subsisting between this Country and Portugal, was adopted by Brazil, and is still binding; and upon these grounds the Legal Adviser of the Crown has reported, that the British and Brazilian Mixed Commission Courts may legally continue to exercise their functions, with respect to Brazilian slave-ships, and the slaves on board, in the same manner as they have hitherto done, until the expiration of 15 years, from the 13th of March 1830, or until the alterations contemplated by the Separate Article of September, 1817, shall have been agreed upon, and finally arranged and completed by the two Governments.

After a mature consideration of the subject, His Majesty's Government feel that, in the present stage of the Stipulations existing between Great Britain and Brazil, they can come to no other decision than that which is above given; but they are ready at any time to enter into negotiations for such alterations in detail, as any change of circumstances may demand.

The Undersigned avails himself, &c.

The Chevalier de Mattos,
&c. &c. &c.

(Signed) PALMERSTON.

No. 72.

*Viscount Palmerston to the Chevalier de Mattos.**Foreign Office, August 16, 1831.*

THE Undersigned, &c., has had the honour to receive the note, addressed to him by the Chevalier de Mattos, &c., under date of the 14th of April last.

In that note the Undersigned observes, that the Chevalier de Mattos repeats his former arguments, in favour of a re-examination into the sentences of the Mixed Slave-trade Restriction Commission, which sentences, by the terms of the Convention itself, are declared to be final and without appeal, and urges the admission at any rate of the principle, that although "the parties interested are refused an appeal against the sentences pronounced by the Mixed Commission at Sierra Leone, the Imperial Government has a right to demand redress against all injustice proved in the captures of Brazilian vessels."

The object and tendency of this proposition of the Chevalier de Mattos appears to be, that although individuals may not appeal against the decisions of the Courts, yet the Governments may claim indemnification from each other, for losses occasioned to their subjects by captures and condemnations.

The Chevalier de Mattos supports this proposition with arguments, drawn from general rules as to appeals, at the same time referring to the 13th Article of the Regulations for the Mixed Commissions, as affording a foundation in the Treaty itself for his claim.

The Undersigned has referred the note of the Chevalier de Mattos to the proper Law Officer of the Crown, for his opinion, and having received that Officer's report, he has now to make to the Chevalier de Mattos the following statement.

In the first place, with a view fairly to embrace the points and arguments set forth by the Chevalier de Mattos, and in order to determine the effect of the Treaties, upon which the question must mainly rest, it will be proper to examine the terms which are employed in those Treaties, and particularly to consider the 8th Article of the Additional Convention of the 28th of July 1817, as upon that Article the regulations for the Mixed Commission Courts depend.

That part of the Article which is applicable to the present question, is as follows:—"These Commissions shall judge the cases submitted to them without appeal, and according to the Regulations and Instructions annexed to the present Convention, of which they shall be considered as an integral part." Now the plain meaning of these words is, that, by the mutual consent of the two Governments, the decisions of these Courts shall be final and conclusive, and binding upon all parties, upon the two Governments as well as upon their subjects; for it never can be supposed, that, when two nations, by solemn Convention, mutually agreed to refer the final decision of certain points to a particular Tribunal, either of them reserved to itself the power of protesting against the sentence so pronounced, and of declining to acknowledge its validity; and there can be no ground to presume such a reservation in a case like the present, when, by the express terms of the agreement, each of the Contracting Parties was to have the appointment of one of the two Judges, of whom the Court was to be composed.

If, therefore, this Article stood alone, it would clearly afford no ground for the present demand.

But, if the regulations referred to in this Article are themselves examined, it will be seen that they are framed in such a manner as to remove all doubt, if any could exist, that it was the intention of the two Contracting Parties to leave the final settlements and decision of all claims, for compensation of every description, to be disposed of by those Courts, and this for the very purpose, it is conceived, of preventing the necessity of subsequent discussions, except in the cases to which the Undersigned will, in the subsequent part of this note, take the opportunity to advert.

In the first Article of the Regulations, then, it is provided, that these Courts shall determine,

1st. Upon the legality of the capture.

2d. As to the indemnification to be received in any case, in which the captured vessel shall have been liberated.

Again, in the 6th Article, it is provided, that, as soon as sentence shall have been passed, the detained vessel, if liberated, and what remains of the cargo, shall be restored to the proprietors, who may, *before the same Commission*, claim a valuation of the damages, which they may have a right to demand; and the Captor himself, and, in his default, his Government, shall remain responsible for the above-mentioned damages.

Again, by the 8th Article, "every claim for compensation of losses occasioned to ships, suspected of carrying on an illicit traffick in slaves, not condemned as lawful prize by the Mixed Commissions, shall be also heard and judged by the above-named Commissions, in the form provided by the 3d Article of the present Regulations; and in all cases wherein restitution shall be so decreed, *the Commissioners* shall award to the Claimant, or Claimants, or his or their lawful Attorney or Attornies, for his, or their use, *a just and complete indemnification for all costs of suit, and for all losses and damages which the Claimant, or Claimants, have actually sustained by such capture and detention;*"—the Article then goes on to specify the several particulars, for which compensation is to be made.

All questions, therefore, which were likely to arise out of the detention of vessels engaged in the slave-trade, appear to have been carefully provided for, and it seems scarcely possible to imagine, that so much minute attention would have been paid to the framing of the Articles, for the guidance of the Mixed Commission Courts, if it had been in the contemplation of either of the two Contracting Parties, that when a decision had once been pronounced by those Courts, whether condemning the ship and cargo, or decreeing them to be restored, and fixing the amount of compensation to be paid by the Captor, the case might be again opened at the option of either party, on the ground, that the sentence was not justified by the evidence, or on account of the insufficiency of the compensation awarded. Such a construction of the Treaties would render the Mixed Commission Courts worse than useless, and would necessarily lead to endless disputes and discussions between the two Governments, in every case founded upon the different representations, which each would receive from its own subjects.

The Chevalier de Mattos, however, appeals to the 13th Article of the Regulations in support of his interpretation of the Treaty.

Now that Article, as well as the 12th, appears rather to have a contrary tendency.

These Articles are as follows:—

Art. 12. "When the parties interested shall imagine they have cause to complain of any evident injustice on the part of the Mixed Commissions, they may represent it to their respective Governments, who reserve to themselves the right of mutual correspondence, for removing, when they think fit, the individuals who may compose these Commissions."

Art. 13. "In the case of a vessel detained unjustly, under pretence of the Stipulations of the Additional Convention of this date, and in which the Captor should neither be authorised by the tenour of the above-mentioned Convention, nor of the instructions annexed to it, the Government to which the detained vessel may belong shall be entitled to demand reparation; and in such case the Government, to which the Captor may belong, binds itself to cause the subject of complaint to be fully examined, and to inflict upon the Captor, if he be found to have deserved it, a punishment proportioned to the transgression which may have been committed."

In neither of these Articles is any thing said of the revision of the sentences, or of any compensation to be made, either by the Captor or his Government, in cases of unauthorized capture, beyond that which shall have been awarded by the Mixed Commission Courts.

The two Governments, indeed, reserve to themselves a right of mutual correspondence, for the purpose of removing the individuals who may compose

the Commission, in cases where the parties may imagine they have cause to complain of any evident injustice, and they also preserve the right of demanding reparation, when vessels have been unjustly detained, under pretence of the stipulations of the Additional Convention, and when the Captor shall neither be authorized by the Convention, nor by the Instructions annexed to it; that is, they reserve a power of inflicting upon the Captor a punishment proportioned to the transgression which may have been committed, if, upon enquiry, he shall be found to have deserved it. But both these Articles leave the sentence of the Court untouched.

Upon the whole, therefore, and for the reasons, which the Undersigned has, for the satisfaction of the Court of the Chevalier de Mattos, detailed at length in this note, it has appeared to His Majesty's Government that the decision of the Mixed Commission Courts must be held to be final and conclusive, upon all the points submitted to them; and that neither the parties themselves, nor their Governments, have a right to require, that the cases shall be opened again, for the purpose of setting up a demand for compensation, or for any other purpose than the removal of the Commissioners, or the punishment of the Captors, in the cases just mentioned.

The Undersigned, &c.

The Chevalier de Mattos,
&c. &c. &c.

(Signed) PALMERSTON.

No. 73.

Viscount Palmerston to A. Aston, Esq.

SIR,

Foreign Office, August 17, 1831.

I HEREWITH send to you, for your information and guidance, the copies of correspondence,* which has passed on the subject of a demand, which has been made by the Brazilian Chargé d'Affaires at this Court, for the instant dissolution of the Mixed Courts of Commission at Sierra Leone, and at Rio de Janeiro.

You will communicate these papers to His Majesty's Commissioners at Rio de Janeiro.

I am, &c.

(Signed) PALMERSTON.

Arthur Aston, Esq.
&c. &c. &c.

See Nos. 55 and 71.

No. 74.

A. Aston, Esq. to Viscount Palmerston.—(Received September 22.)

MY LORD,

Rio de Janeiro, July 28, 1831.

I HAVE the honour to forward to your Lordship the copy and translation of an order, that has been issued by the Brazilian Government, enjoining stricter measures to be adopted for the prevention of the illicit importation of slaves.

I have, &c.

(Signed) ARTHUR ASTON.

The Right Hon. Lord Viscount Palmerston,
&c. &c. &c.

Enclosure in No. 74.

(Translation.)

Order of the Brazilian Government against Slave-trade.

Palace of Rio de Janeiro, May 21, 1831.

IT appearing to the Government of His Imperial Majesty, that some merchants, natives as well as foreigners, do, to the disgrace of humanity,

speculate in the shameful contraband of introducing slaves from the Coast of Africa into the Ports of Brazil, in despite of the abolition of the above trade, the Provincial Regency, in the name of the Emperor, orders, through the Secretary of State's Office for the Affairs of Justice, that the Municipal Body of this city should issue a circular letter to all the Justices of the Peace of the respective parishes, recommending to them the utmost vigilance of the police, with respect to the same; and in the event of any new slaves being introduced by contraband into the territory of each, or any of the said parishes, that they should proceed immediately to institute the proper investigation; and, if it be thereby proved, that such new slave or slaves has been therein introduced by contraband, that they should sequester, and transmit the same, together with the process, to the Criminal Judge of the district, that the proceedings may be instituted according to law, in order that his freedom may be restored to him, and the usurpers of the same punished, according to the 179th Article of the New Code, giving at the same time immediate information of all to this Secretary of State's Office.

(Signed) MANUEL J. DE SOUZA FRANCA.

N. B.—Similar notifications were transmitted to the Municipal Bodies and Presidents of the Provinces, to be by them communicated to the Justices of the Peace of the Provinces.

No. 75.

Viscount Palmerston to A. Aston, Esq.

SIR,

Foreign Office, September 22, 1831.

I HEREWITH transmit to you, for your information, 2 copies of papers, marked A. and B., relating to the slave-trade, which have this day been presented, by His Majesty's command, to both Houses of Parliament.

I am, &c.

Arthur Aston, Esq.
&c. &c. &c.

(Signed) PALMERSTON.

No. 76.

The Chevalier de Mattos to Sir George Shee.—(Received September 27.)

Wimpole-Street, le 26 Septembre, 1831.

LE Chevalier de Mattos à l'honneur de presenter ses compliments à Sir George Shee, et devant croire d'après la réponse que Sir George Shee a fait à sa note du 16 de ce mois, qu'il ne s'est bien clairement expliqué dans cette note sur l'object qui l'a motivé, il s'empresse de lui communiquer qu'il a dûment reçu la note du très Honorable Lord Palmerston du 7 Juillet dernier, et qu'il n'avait en vue que les deux communications par lui adressées à son Excellence en date du 30 Mars et 14 Avril de l'année courante, la première sur une somme appartenant à des sujets Brésiliens et dont les Juges de Sierra Leone ont disposé contre droit; et l'autre sur l'interprétation de certains Articles de la Convention du 28 Juillet, 1817. Et puisque le Chevalier de Mattos a reçu, il y a quelque tems, une réponse à celle-ci, il ne reste que l'autre dont il espère que Sir George Shee voudra bien avoir la complaisance de rappeler la décision à Monsieur le Vicomte Palmerston.

Le Soussigné, &c.

(Signé) LE CHEVALIER DE MATTOS.

Sir George Shee, Bart.
&c. &c. &c.

(Translation.)

Wimpole-Street, September 26, 1831.

THE Chevalier de Mattos has the honour to present his compliments to Sir G. Shee, and supposing, from the answer which Sir G. Shee has returned to his note of the 16th instant, that he has not clearly explained himself in that note, respecting his motive, he hastens to acquaint Sir G. Shee, that he has duly received Lord Palmerston's note of the 7th of July last, and that he had in view only the two communications which he had addressed to his Excellency on the 30th of March and 14th of April last; the first, respecting a sum of money belonging to Brazilian subjects, and of which the Judges at Sierra Leone had disposed contrary to law; and the other, respecting the interpretation of certain Articles of the Convention of the 28th of July, 1817: and as the Chevalier de Mattos received, some time ago, a reply to the latter, there now only remains Lord Palmerston's decision respecting the other, of which he hopes Sir G. Shee will have the goodness to remind his Lordship.

The Undersigned, &c.

(Signed) THE CHEVALIER DE MATTOS.

Sir George Shee, Bart.

&c. &c. &c.

No. 77.

*Sir George Shee to the Chevalier de Mattos.**Foreign Office, September 29, 1831.*

SIR GEORGE SHEE has the honour to present his compliments to the Chevalier de Mattos, and having laid before Viscount Palmerston the note which M. de Mattos addressed to him, on the 26th instant, is directed by his Lordship to acquaint M. de Mattos, that His Majesty's Commissioners at Sierra Leone were instructed by Lord Palmerston to send him a full report of all the facts and circumstances connected with the case, re-stated in the note from the Chevalier de Mattos of the 30th of March last, on the sequestration, said to have been laid at Sierra Leone, upon a sum of money, on account of debts due by M. Altavilla.

This statement, having been now received, has this day been transmitted to the Law Adviser of the Crown for his report; and Sir George Shee is directed to add, that so soon as that report shall have been received, Lord Palmerston will transmit the necessary answer to the Chevalier de Mattos, for the information of his Court.

The Undersigned, &c.

The Chevalier de Mattos,

&c. &c. &c.

(Signed)

GEO. SHEE.

No. 78.

Viscount Palmerston to A. Aston, Esq.

SIR,

Foreign Office, October 7, 1831.

I HAVE to desire that you will express to the Brazilian Minister the satisfaction, with which His Majesty's Government have perused the orders which were issued by the Brazilian Government, on the 21st of May, and enclosed in your despatch of the 22d July last, enjoining stricter measures to be adopted for the prevention of the illicit importation of slaves.

This early proof of a desire to check a practice so contrary to every dictate of humanity, appears to His Majesty's Government to reflect great credit upon the present Government of Brazil.

I am, &c.

Arthur Aston, Esq.

&c. &c. &c.

(Signed)

PALMERSTON.

Viscount Palmerston to A. Aston, Esq.

SIR,

Foreign Office, October 8, 1831.

THE papers on the slave-trade, presented to Parliament in the year 1830, will have made you aware of the negotiations which took place in the year 1829, for concluding an arrangement between Great Britain and Brazil, with respect to that trade, supplementary to the Treaties at present subsisting between the two countries.

By this arrangement Brazilian vessels, found fitted up for slave-trade in latitudes which no vessels but slave-traders frequent, were specifically to be made subject to the penalties which fall by Treaty on all Brazilian vessels concerned in slave-trade.

The conclusion of the arrangement was delayed, and did not ultimately take place; but as His Majesty's Government have it greatly at heart to see an end put to the slave-trade, and are anxious to make every possible effort to obtain that great object; I have to instruct you again to bring this proposition under the consideration of the Brazilian Government, and to urge them in the strongest manner to adopt it.

Arthur Aston, Esq.
 &c. &c. &c.

I am, &c.
 (Signed) PALMERSTON.

Viscount Palmerston to A. Aston, Esq.

SIR,

Foreign-Office, November 1, 1831.

I HAVE received your despatch of the 5th of March last, enclosing a communication from Mr. Consul-General Pennell, respecting the present condition of the negroes, who have been emancipated by the Mixed Commission Court at Rio de Janeiro.

His Majesty's Government regret to hear, that slaves, emancipated under existing Treaties contracted by this Country with Portugal and with Brazil, experience treatment so little accordant with the humane views of the parties who entered into those Compacts, and so much at variance with the Alvarà of the 26th of January, 1818, by which those compacts were to be carried into effect.

By that Alvarà* it was regulated, that the emancipated negroes should serve 14 years in the navy, the fortresses, agriculture, or manual trades, or be hired out for that period to individuals who were to support, clothe, and instruct them in some handicraft trade; and a curator was to be appointed to provide for them whatever might contribute to their well-being, to protect them against injurious treatment, and to procure them their freedom after the proper term of service.

So early, however, as in the year 1825,† it was intimated to His Majesty's Government, that reports were current in Brazil, that the curator of the negroes had abused his trust.

His Majesty's Commissioners were in consequence instructed to make a representation‡ upon the subject to the Brazilian Government, and to press upon them the adoption of such Regulations as should correct the abuse.

The Commissioners were further instructed to give such Regulations the benefit of their superintendence, and to report to the Secretary of State, from time to time, the result thereof.

* Alvarà of January 26, 1818.—See despatch to Sierra Leone Commissioners, February 20, 1829, in which it was enclosed.

† His Majesty's Commissioners at Rio de Janeiro, December 30, 1825.—See Class A. 1826.—No. 95.

‡ Mr. Secretary Canning to His Majesty's Commissioners at Rio, May 16, 1826.—See Class A. 1826.—No. 97.

In November of the following year, 1826, the Commissioners reported, that they had, through Mr. Gordon, then His Majesty's Envoy, urged the Brazilian Government to call for a return of the negroes from the persons who hire them, to establish for the future a periodical muster of such negroes, and also to order a general investigation into their actual state and condition, with a view to the prevention of abuses for the future. No further official communication was, at that time, received by His Majesty's Government on this subject, but reports gained ground in the year 1829, that the liberated negroes were still treated as slaves, taken to the mines, or sold again; and, moreover, that the money which had been received for their hire, and which ought to have been applied for their support after the term of their hire had expired, was in fact applied to other purposes.

In consequence of this, His Majesty's Commissioners were again instructed, in the early part of the year 1830, to report what information they had obtained, and what steps had been taken by the Government of Brazil upon this subject, since their last report.

The Commissioners stated in reply, that abuses did appear to exist; that the Brazilian Authorities had refused the offer of the Commissioners to undertake, gratuitously, the management of the slaves; and that Mr. Gordon had been unable to induce the Brazilian Government, to institute any revision of the system by which the emancipated slaves were governed, or any enquiry into the abuses which were reported to exist.

The Commissioners added, that they had applied to you, to know whether the Brazilian Government had ever adopted any measure, in pursuance of their communication with Mr. Gordon, in the year 1826, in order to give effect to the law, in its true spirit, for the benefit of the negroes; and the Commissioners enclosed, at the same time, a letter from you, stating, that it did not appear that any definitive answer had been received from the Brazilian Government to your communication, and that you should, therefore, not fail to bring the subject again before the Brazilian Minister for Foreign Affairs.

His Majesty's Government have not yet heard from you the result of this intended representation, nor has any further intelligence been received hereupon the subject, beyond the statement communicated by Mr. Pennell, through you, under date of the 5th of March last, that, under the present system, the hirers of slaves might be able falsely to report that slaves whom they hired were dead, and by such false statements to evade the payment of the annual hire, and at the same time permanently to retain the slaves.

I have, in consequence, to instruct you to make fresh and urgent representations upon this subject to the Government of Brazil; and appealing to the Treaties which subsist between the two countries, to the laws of Brazil, passed for the due execution of those Treaties, to those principles of humanity, in the spirit of which the Treaties were framed, and by which the present Government of Brazil have declared their determination to be guided, you will require them to institute an enquiry into the abuses said to prevail, with respect to these unfortunate persons, and urge the Government to give to these people the enjoyment of the benefits, intended to be secured to them by the Treaties in question.

You will not fail to report to me the result of this representation, and you will, at the same time, persevere in urging it on every particular occasion, and in enforcing it by every argument in your power.

I am, &c.

(Signed)

PALMERSTON.

Arthur Aston, Esq.
 &c. &c. &c.

*Viscount Palmerston to the Chevalier de Mattos.**Foreign Office, December 19, 1831.*

THE Undersigned, &c. has the honour to acquaint the Chevalier de Mattos, &c., that he has had under consideration the two notes which have been addressed to him by M. de Mattos, on the 4th of October, 1830, and the 30th of March, 1831, on the subject of a sequestration issued and put into effect at Sierra Leone, in respect to the proceeds of the Brazilian vessels the "*Vingador*" and "*Esperança*," on account of a debt contracted towards Mr. Macaulay by Mr. Altavilla, late Portuguese Commissary Judge at Sierra Leone.

M. de Mattos, in his first note, argues, that neither as a member of the Mixed Commission, nor as a private individual, could Mr. Altavilla make the Government of Brazil responsible for the debt in question.

M. de Mattos complains of the injustice, with which the Colonial Authorities of Sierra Leone conducted themselves in that instance, and he requests that orders may be dispatched, that the sentence pronounced in favour of Mr. Macaulay may be revised by more competent Judges, and be annulled.

M. de Mattos having been informed, on the 10th of December, that His Majesty's Government could not interfere in this case, where the attachment issued from a Court of Law, and that if the decree of the Court were not satisfactory, an appeal must be made in the usual course, replied, that the Officers of the Commission ought not to have admitted the sequestration, for that the sequestration was evidently illegal, since the money sequestered did not belong to the debtor; and M. de Mattos requested that the sum sequestered might be replaced in the hands of the Commission, his object being, as he stated, not to attack the sentence which ordered the sequestration, but to establish the responsibility of the Commission, in respect to the alienation of the money, which was held by them in deposit.

In consequence of this representation, His Majesty's Commissioners at Sierra Leone were instructed by the Undersigned, to send home every information that they possessed on this subject; and the notes of the Chevalier de Mattos, together with the whole of the papers, having been again referred to the proper Law Officer of the Crown for his opinion, that officer has reported, that it appears from the documents transmitted, that the debt, for which the money in the hands of the Accountant of the Mixed Commission Court, was sequestered, was contracted by M. Altavilla, not in his private individual capacity, as the Chevalier de Mattos conceives, but in his publick character, as agent of the Emperor of Brazil, then King of Portugal, for the maintenance of Portuguese seamen, detained on board of Portuguese slave-ships, and carried to Sierra Leone; that, in order to defray these expences M. Altavilla, in the year 1813, drew a bill for the sum of £425. 2s. 3d. upon the Portuguese Ambassador in London, which, however, on being presented, was dishonoured and protested; that repeated applications for payment appear to have been made, but no attention having been paid to them, Mr. Macaulay, in whose favour the bill was drawn, in the year 1827, brought an action in the Recorder's Court at Sierra Leone, against the Emperor of Brazil, for the amount, due notice of the action being given to the Viscount d'Itabayana, then the Representative of His Brazilian Majesty in this country; and that in the course of the proceedings, the money in question, being the proportion of the proceeds of two Portuguese vessels, condemned for the illegal traffick in slaves, which belonged to the Emperor of Brazil, was sequestered, and no appearance having been given on the behalf of His Imperial Majesty, judgment was given for the plaintiff for the sum of £628. 7s. 3d. including costs.

From this report it appears, that this debt was contracted by a publick agent of the Emperor of Brazil, acting in his publick capacity, and for a national object, that the proceedings in the Recorder's Court, at Sierra Leone

were regular, and that due notice was given to His Majesty's Representative, who, however, appears to have taken no part in the proceedings, either by denying the competency of the Court to entertain such an action, or by urging any matter of defence to it, or by finally appealing to His Majesty in Council against the decision, any of which measures it was competent to him to have adopted.

Under all these circumstances, the Undersigned has to acquaint the Chevalier de Mattos, in accordance with the opinion of the competent Law Adviser of the Crown, that the claim now urged by him is not one in which His Majesty's Government can with propriety acquiesce.

The Undersigned has, however, farther to observe to the Chevalier de Mattos, that it appears, by the report of the Commissioners, that there is, of the money originally sequestered, a balance, amounting to the sum of £233. 8s. 8d., still remaining in the hands of the Accountant, and to the payment of that balance, to any person duly authorized to receive it, there does not at present seem to be any objection.

The Undersigned avails himself, &c. &c.

(Signed) PALMERSTON.

The Chevalier de Mattos,
&c. &c. &c.

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

No. 82.

W. Pennell, Esq. to the Earl of Aberdeen.—(*Received February 14, 1831.*)

MY LORD, *British Consulate, Rio de Janeiro, Nov. 30, 1830.*

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of 31st August last, communicating the opinion of His Majesty's Treasury, that any relaxation of the present regulations, as regards the removal of domestick slaves, would be unwise, and that allowing British vessels to convey them from Rio de Janeiro, Bahia, and Pernambuco, would make an opening for abuses of the most flagrant nature,

I have, &c.

(Signed)

W. PENNELL,
Consul-General.

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

No. 83.

W. Pennell, Esq. to the Earl of Aberdeen.—(*Received February 16, 1831.*)

MY LORD,

British Consulate, Rio de Janeiro,
December 18, 1830.

I HAVE the honour to inform your Lordship, that an account was yesterday received from Bahia, of the capture of a slave-vessel, under Portuguese colours, by H. M. S. "Druid," and that the slaves were stowed into casks, at the time of capture.

From the non-arrival of the "Druid" here, it is conjectured that she has been apprised of the loss of H. M. S. "Thetis," at Cape Frio, and is delayed there, for the purpose of affording such assistance as that unfortunate event may require.

I have, &c.

(Signed)

W. PENNELL,
Consul-General.

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

No. 84.

W. Pennell, Esq. to the Earl of Aberdeen.—(*Received April 30.*)

MY LORD, *British Consulate, Rio de Janeiro, Jan. 8, 1831.*

I HAVE the honour to enclose a return of the number of slaves imported into this city during the half-year, ending on December 31, 1830.

I have, &c.

(Signed)

W. PENNELL,
Consul-General.

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

Enclosure in No. 84.

Return of the Number of Slaves imported into this City of Rio de Janeiro, from July 1, to December 31, 1830.

NAME of VESSEL.	Country of Vessel.	NAME of MASTER.	Where from.	Number of Slaves shipped	Number of Slaves died at Sea.	Place whence the voyage began.	REMARKS.
Paulistina -	Brazilian	M. P. da Nobrega	Bahia - -	50	"	Bahia.	
Feliz Mariana, alias Africano Oriental }	Portuguese	Jm. Alves da Silva	Moçambique	376	116	Lisbon - -	{ Tried by Mixed Commission.
Eliza - -		Brazilian	A. J. da Vo. Ramalho	{ Lourenco } { Marquez }	519	91	
Umbelina - -	Do.	{ Joao Cardozo dos Santos }	Bahia - -	45	"	Bahia.	
Maria da Gloria -	Do.	Jm. Ribeiro Ignacio -	Do.	158	"	{ Rio de Ja- } { neiro.	
Don Estevao d'Atayde - }	Portuguese	J. Anto. Franco -	Moçambique	280	"	Not known	{ Tried by Mixed Commission.
Destimida - -		Do.	David -	Bahia - -	50	"	
Mathildes -	Brazilian	Jozé M. dos Santos -	Do. - -	61	"	Bahia.	
Adelaide - -	Do.	M. Pedro da Nobrega	Do. - -	58	"	Do. - -	
Total -				1597	207		

(Signed) WM. PENNELL, Consul-General.

No. 85.

W. Pennell, Esq. to Viscount Palmerston.—(Received April 30.)

MY LORD, British Consulate, Rio de Janeiro, Feb. 12, 1831.

I HAVE the honour to enclose a copy of my letter* of the 12th ultimo to His Majesty's Chargé d'Affaires, suggesting some change in the present system of selling the services of slaves emancipated in this city, and I entertain a hope that it may excite reflection or discussion, terminating in some amelioration of their fate.

I am sorry to have occasion to remark, that the abolition of the slave-trade is not likely to be effectual in this country. As far as I can judge, the penalties at present in force have, indeed, induced many to abandon the trade; but, the increased profits which now attend a fraudulent importation, have excited the cupidity of persons, more enterprising or less scrupulous than the former traders; and, although I cannot obtain any positive evidence of the fact, yet I am assured, and believe, that the Abolition Treaty is frequently evaded with impunity, and that such evasions are likely to increase. It is, however, but justice to notice, that, whilst the present habits and sentiments prevail amongst the population of this empire, added to its extent and localities, these evasions may be expected; even whilst a *bond fide* desire exists on the part of the Government to prevent them. During my residence at Bahia, I had occasion to communicate to His Majesty's Government the fact, that that market was almost exclusively supplied with slaves from the north of the Line, in violation of the Treaty then in force; and that all our expenditure of life and treasure in its support was, as regarded Bahia, not only useless, but, that even all the captures made by our cruisers of vessels with slaves on board, belonging to that port, absolutely aggravated the ills which that Treaty was intended to alleviate or cure. I then entertained a hope that this result might have been partial, and compensated for by benefits which would be apparent on a more comprehensive view of the subject, seeing, however, from facts subsequently proved, that the evidence of my experience at Bahia is supported by that of

* See Enclosure in No. 61.

competent witnesses in other places, I deem it right again to advert to this view of the subject, as it may deserve your Lordship's consideration, with reference to any renewed expostulations or negotiations with this Government, which may be contemplated.

In my communications with the most intelligent of our resident merchants, I find, that, although they regard the effectual abolition of the slave-trade, from every place where the British flag is predominant, as highly honourable to our national character, yet they think, that to bribe or intimidate this Government into the adoption of our sentiments, or of our measures (and that we have done both in a popular conviction), for the same object, is a fruitless task, and that in no case are inefficient prohibitions so calamitous as in the slave-trade. They seem to think that our precepts and example will have a salutary effect in this empire upon the publick mind, and to apprehend that attempts to hasten it, although by means apparently more efficacious, may have a contrary tendency.

I have, &c.
(Signed)

WM. PENNELL,
Consul-General.

The Right Hon. Lord Viscount Palmerston,
&c. &c. &c.

No. 86.

Mr. Consul Pennell to Viscount Palmerston—(Received May 5.)

MY LORD, *British Consulate, Rio de Janeiro, March 2, 1831.*

WITH reference to my despatch of the 12th ultimo, I have the honour to inform your Lordship, that it is reported, that a vessel of 30 to 40 tons landed, within these few days, about 180 slaves near this harbour;—that she sailed from the Coast of Africa with only 4 pipes of water on board, and that the slaves were sold at 280\$000 milreis per head on landing, perhaps to an accomplice in the fraud, as the market price is about 600\$000 milreis;—either no one is disposed to afford that information, which is necessary for a legal prosecution, or the dread of revenge deters those who are so disposed. I believe, however, the above statement to be substantially correct, and it is believed, that if the vessel had had a long passage, the greater part of the slaves would have been thrown overboard.

The present price of slaves in Africa is stated to be about £5. per head only, and as they now pay no duty, your Lordship will perceive the temptation which exists to venture small crafts of little value, when one successful voyage would probably indemnify the failure of five:—these voyages are performed under a flag which screens the offenders from the penalties of death, contemplated by the abolition Treaty. Supposing, therefore, that our cruisers should take a considerable number of these vessels, still that number cannot be expected, on the evidence of experience, to be sufficient to abate the evil, and the expence to His Majesty's Government will not be remunerated by those philanthropic results, for the attainment of which they are incurred.

I have, &c.
(Signed)

WM. PENNELL,
Consul-General.

The Right Hon. Lord Viscount Palmerston,
&c. &c. &c.

No. 87.

W. Pennell, Esq. to Viscount Palmerston.—(Received June 14.)

MY LORD, *British Consulate, Rio de Janeiro, March 23, 1831.*
CAPTAIN GARTH, of the British bark "Carnarvon," arrived here on the 18th instant, and reports, that he left Fernando Po the 12th of

January last, when only 5 white persons were alive on the island, namely, Captain Beacroft, Captain Beaty, and 3 marines, and that the imported blacks die nearly as fast as the whites. Captain Garth lost 7 of his crew out of 12; he was at Calabar, about 50 miles from Fernando Po, and saw 11 French and one Spanish vessel (or vessels wearing the colours of these nations) waiting for slaves, and the demand for these appeared to be greater than the supply.

The Chief, or King, at Calabar, known by the name of Duke of Essraim, and who carries on the slave-trade with great regularity and intelligence, stated, that without his occupation, the excess of the population amongst the blacks would be disposed of either by massacre, infanticide, or some other violent means; it was reported, and Captain Garth believes, that some of the English residents at Sierra Leone are engaged in the trade, either directly or indirectly.

I deem it my duty to submit the information thus brought to my knowledge to your Lordship's consideration, and to add, that I am not aware of any circumstance respecting Captain Garth, that should discredit his testimony, and which your Lordship will observe, is not irrelevant to my despatches, of the 8th of January last, and the 2d instant.

I have, &c.

(Signed)

WM. PENNELL,

The Right Hon. Lord Viscount Palmerston,
&c. &c.

Consul-General.

No. 88.

W. Pennell, Esq. to Viscount Palmerston.—(Received September 21.)

MY LORD,

British Consulate, Rio de Janeiro, July 23, 1831.

I HAVE the honour to inform your Lordship, that, notwithstanding the abolition of the slave-trade, reports of occasional disembarkations of slaves from Africa in this neighbourhood continue to prevail, and are entitled to credit; the same observations may, I believe, be applied to Bahia and Pernambuco, still the smuggled trade must be very short of what the licit was previous to the abolition; this is also confirmed, by the want of demand, and the diminished importation of goods calculated for the African market; a result injurious to British trade, but which cannot be regretted, inasmuch as it indicates the efficacy of the Abolition Treaty.

The price, however, of slaves has very much fallen in the market, which may be attributed principally to over-speculation, previous to the abolition, and to the occasional illicit importations I have noticed, and subsequent to the abdication, to circumstances arising out of that event.

The average price of a young healthy male slave previous to the abolition, was about £70. British sterling, and shortly previous to the abdication, about £55., and at the present moment about £35., per head.

I have, &c.

(Signed)

WM. PENNELL.

The Right Hon. Lord Viscount Palmerston,
&c. &c.

Consul-General.

No. 89.

W. Pennell, Esq. to Viscount Palmerston.—(Received October 26.)

MY LORD,

British Consulate, Rio de Janeiro, August 27, 1831.

I HAVE the honour to enclose a translation of one of the paragraphs of the "Aurora" newspaper of the 22d instant, pointing out the scandalous disembarkation of slaves in this neighbourhood, and which I believe to be substantially correct.

The paragraph also refers to a case of 500 slaves, expected to arrive in the bark "*Suspiro*," with the permission of the English Government. Of this case I know nothing, but I observe, that what is first termed the permission, is afterwards invidiously called, the orders of Great Britain.

I also enclose a translation of an extract from a printed paper, dated the 10th instant, and attributed to the Marquis of Baependy, who, it was reported, had armed his slaves! and a translation of a sentence in which the Author describes slaves as the *natural* enemies of their masters, an expression which speaks volumes on slavery. The Marquis (if he be the author), whilst looking only to his own justification, draws unconsciously a picture of the present state of society in this country, as connected with the slave question, and with recent and passing events; its general accuracy, and incidental assertions and admissions, may give it more than local interest.

Printed papers are also in circulation, in which Surgeon Silva accuses Dr. Meirelles (both of the mixed race, and both of some consideration in society, and in their profession) of inviting him to join in a conspiracy for the extermination of the Brazilian whites, after the expulsion of the Portuguese. Doubts are entertained as to the truth of this conspiracy; but the credibility of conspiracies of this nature has softened the animosities between the Portuguese and the white Brazilians; and the Editor of the *Aurora* (a white Brazilian, and a Deputy); who actively and influentially excited and promoted their former dissentions, now labours to unite them in the bonds of amity for their common interest and safety—for his former sanguinary sentiments towards the Portuguese, I refer to my despatch to your Lordship, of the 17th of March last.

I have, &c.

(Signed)

W. PENNELL,
Consul-General.

The Right Hon. Lord Viscount Palmerston,
&c.

&c.

&c.

First Enclosure in No. 89.

(Translation.)

Extract from the "Aurora Fluminense" of August 22, 1831.

EVERY man has his whims—one of ours is, and we think not an unreasonable one, the effectual abolition of the African trade — (Slave-trade understood). Near our port, at Sepetiba, &c., entire cargoes of slaves are scandalously landed, and sold in the place of disembarkation, or by auction in this city. Is it possible that the Authorities do not see this? We are told that the bark "*Suspiro*," with 500 or 600 negroes, is expected to arrive; it is said that the English Government has given license for this, but we ask, if a permission, given by Foreigners to import slaves into Brazil, be legal?

It appears that the Government has a right not to fulfil the orders of Great Britain, and, finally, to order the negroes to England, that their destination may then be decided on.

Second Enclosure in No. 89.

(Translation.)

Extract from a printed Letter to the Editor of the "Aurora Fluminense," dated Rio de Janeiro, August 10, 1831.

I HAD already heard of this warlike preparation, which, in truth, did not deserve the slightest credit, and ought to be reputed as the meanest calumny, for it is impossible that any man, possessed of the smallest judgment, should think of putting arms into the hands of slaves, his natural enemies, and knowing that in case of any disorder, he would be the *first* victim.

BRAZIL. (*Consular.*)—*Bahia.*

No. 90.

J. Parkinson, Esq. to the Earl of Aberdeen.—(Received February 14, 1821.)

MY LORD,

British Consulate, Bahia, December 6, 1830.

ON the 2d instant, H. M. S. "Druid," Captain Gawen William Hamilton, proceeding to cruize off this port, fell in with a suspicious schooner under Portuguese colours. The Master declared her to be in ballast, from the islands of Principe and Saint Thomé; but on close investigation, she proved to have on board 50 male slaves from Ajuda.

Five of these young men were extricated from one water butt, but the greater part had been stowed, or forced into the small and close spaces between the water casks under the false deck.

The schooner was in a very leaky state, and being brought into this port, was repaired by the "Druid's" people. She sailed for Rio de Janeiro on the 5th instant, in company with the "Druid," in order to be brought before the Mixed Commission.

She bears the name of "*Destimida*," belonging to Princes Island. The Master, Don Raymundo Arribas, is a native of the Floridas, and is well known here as a regular slave-trader.

The real ownership is supposed to be Brazilian, and the capture has excited much angry feeling against the Captors and their countrymen.

At the request of Captain Hamilton I made known the facts of the case to the President of this province. A copy of his reply I enclose, as it may serve to show with what placidity such a daring attempt to continue the slave-traffick is contemplated by the Chief Authority.

I beg to subscribe myself, &c.

(Signed)

JOHN PARKINSON.

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

Consul.

&c.

&c.

&c.

Enclosure in No. 90.

(Translation.)

The President of Bahia to J. Parkinson, Esq.

SIR,

Palace of Government, Bahia, December 4, 1830.

I AM made acquainted, by your letter of yesterday's date, that H. B. M. frigate "Druid" has captured a schooner under Portuguese colours, bearing on board upwards of 50 new slaves, which the frigate purposes to carry to Rio de Janeiro, with the intention of submitting them for judgment to the lawful Tribunal. And being thus informed, it remains for me to accept the offer of the Captain for the delivery of the enclosed despatch to his Excellency the Minister of State for Foreign Affairs.

God preserve you,

(Signed)

LUIZ PAULO D'ARANGO BASTO.

His Britannick Majesty's Consul, Bahia.

No. 91.

Viscount Palmerston to J. Parkinson, Esq.

SIR,

Foreign Office, February 25, 1831.

I HAVE referred to His Majesty's Advocate-General the subject of your despatch of September 25, 1830, which contained a correspondence between the President of the province of Bahia and yourself, respecting the Spanish brig "*Almirante*," which had cleared out from Bahia for the Coast of Africa, and was supposed to be either a pirate or a slave-ship.

The circumstances, under which this ship was found in the port of Bahia, were undoubtedly such as to create a strong suspicion, that she was destined to the Coast of Africa, there to be engaged in the illicit traffick in slaves, or in other unlawful pursuits: and with that impression in your mind, you acted with propriety in exerting yourself, for the purpose of inducing the Brazilian Government to prevent the vessel from leaving the port; but as it was a case of suspicion only, the King's Advocate is not prepared to say, that the Brazilian Government would have been warranted in detaining her. Had the avowed object of the voyage of the "*Almirante*" been that which you suspected, His Majesty's Government would, in the opinion of the King's Advocate, have been justified in making a friendly representation to the Government of Brazil, upon the subject of affording facilities for the equipment of foreign vessels for the slave-trade, as inconsistent with the spirit of the engagements which had been entered into between the two countries, for the purpose of suppressing the traffick altogether; but he thinks, that, under all the circumstances of the case, it will not be advisable to pursue the matter further at present, by entering into a discussion of the principle, upon which the argument of the President of Bahia appears to have been founded, and which would probably only add to a protracted correspondence, without producing any beneficial result.

You will take this opinion of the King's Advocate as the rule of your conduct upon this occasion.

I am, &c.

(Signed)

PALMERSTON.

John Parkinson, Esq.

&c. &c. &c.

No. 92.

J. Parkinson, Esq. to Viscount Palmerston.—(Received May 31.)

MY LORD,

British Consulate, Bahia, March 2, 1831.

IN my despatch to His Majesty's Chargé d'Affaires at Rio de Janeiro, of the 4th of September, 1830, I made him acquainted with the representations addressed by me to the President of Bahia, touching an armed Spanish vessel, named the "*Almirante*," which was allowed to be fitted out in this port, under circumstances of more than suspicion that she was destined for the slave-trade.

I now have the honour to transmit to your Lordship, the affidavit by an eye-witness to the proceedings of the "*Almirante*," and her American consort, the "*Latona*," wherein their united operations are detailed, and the guilty nature of their trade is established in evidence.

The deponent, George Kewgate, is a British seaman; he was known to me in this port before he shipped in the "*Latona*," and on his return from the slave-coast, in the "*Latona*," he immediately came to my Consular Office, in order to make known the facts set forth in his voluntary affidavit.

"The "*Latona*" is at anchor in this port, awaiting the return of the "*Almirante*" from the Havana, She is reported to be chartered for this carrying and protecting service for the space of 3 years. I state it as the report of Bahia.

I beg, &c.

(Signed)

JOHN PARKINSON,

Consul.

The Right Hon. Lord Viscount Palmerston,

&c.

&c.

&c.

Enclosure in No. 92.

Affidavit of George Kewgate.

GEORGE KEWGATE solemnly makes oath on the Holy Evangelists of Almighty God, that on or about the 20th day of August last, he shipped as seaman on board the brig "*Latona*," of and belonging to Philadelphia, — Butler, Master, and that they sailed from this port on the following day, and joined company outside with the Spanish armed brig "*Almirante*;" that they kept company together, and proceeded to Whydah, and thence went to an adjoining port, where the "*Almirante*" took in a cargo of 640 slaves. He further makes oath, that the "*Latona*" discharged part of her cargo of tobacco and spirits at the latter place, and the remainder at Whydah, on returning to that port, and he verily believes, that the slaves for the "*Almirante*" were purchased from the proceeds of the "*Latona's*" cargo aforesaid; and he further maketh oath, that the "*Latona*" acted as the tender and guardship of the "*Almirante*;" and he further makes oath, that they were chased by one of H. M. gun-brigs, whose Commander came on board the "*Latona*," but that he did not succeed in closing and boarding the "*Almirante*."

His
GEORGE × KEWGATE.
Mark.

Sworn before me at Bahia, the 1st day of March, 1831.

(Signed) JOHN PARKINSON, Consul.

No. 93.

J. Parkinson, Esq. to Viscount Palmerston.—(Received May 31.)

MY LORD,

Bahia, March 3, 1831.

I HAVE the honour, herewith, to transmit to your Lordship a copy of the return of vessels which have arrived in this port of Bahia, from the Coast of Africa, during the 6 months ending the 31st of December, 1830.

I likewise transmit a translation thereof.

I beg, &c.

(Signed) JOHN PARKINSON,
Consul.

The Right Hon. Lord Viscount Palmerston,
&c. &c. &c.

Enclosure in No. 93.

(Translation.)

A List of Vessels which have arrived at this Port from the Coast of Africa during the Six Months ending the 31st December, 1830, with the Names of the Masters, and Description of the Cargo:—

ON the 3d September, 1830.—The Brazilian brig "*Orisonte*," Joaquim dos Anjos, Master, from Princes Island, in 28 days; cargo, 5 pipes and 16 barrels of palm-oil, 6 bundles of mats, 14 bundles of gourdshells, or casks, and 14 bundles of mats.

On the 21st September.—The American schooner "*Litily Holman*," Nathaniel Black, Master, from St. Thomas Island, in 30 days; cargo, ivory, wood, and coffee.

On the 18th October.—The British brig "*Margaret*," Charles Shilitoe, Master, from St. Thomé, Coast of Africa, and Assumption in 28 days; cargo, palm-oil and other goods.

On the 7th November.—The American bark "*Leopard*," Henry Palsker, Master, from Cape de Verde Islands, in 35 days; cargo, salt and other goods.

On the 12th November.—The Brazilian schooner "*Angelica*," Antonic Manoel Martins, Master, from the Cape de Verde Islands for Santos, and driven into this port by stress of weather ; cargo, 2,400 alqueires of salt.

On the 22d November.—The Brazilian schooner "*Clara*," Jozé da Silva Rios, Master, from the Coast of Mina in 28 days, in ballast.

On the 25th November.—The Brazilian snow "*Carolina*," João da Malla de Sta. Anna, Master, from the Coast of Mina, in ballast.

On the 2d December.—The Portuguese schooner "*Destimida*," Raymundo Arribas, Master, from Princes Island, in 37 days, in ballast.

On the 8th December.—The Brazilian snow "*Pombinha*," Joaquim Joriano, Master, from Angola in 26 days ; cargo, palm-oil, wax, tea, &c.

On the 29th December.—The Brazilian brig "*Duarte Felix*," Francisco Jozé d'Almeida, Master, from the Coast of Mina, in 30 days, in ballast.

Palace of the Government of Bahia the 28th January, 1831.

A true Copy

(Signed) FRANCISCO JOAQUIM ALVARES BRANCO
MONIZ BARRETH.

BRAZIL. (*Consular.*)—*Pernambuco.*

No. 94.

H. Cowper, Esq. to J. Bidwell, Esq.—(Received April 20.)

SIR,

Pernambuco, February 11, 1831.

I HAVE the honour to report, for the information of the Right Honourable Lord Palmerston, that a French schooner, the "*Clementina*," having, on the 21st ultimo, put into the port of Goiana, with 188 slaves from Calabar, his Excellency, the President of this province, gave orders, on the 24th ultimo, to the Brazilian corvette "*Nove de Agosto*" to proceed forthwith, and conduct the schooner and cargo (which had been seized at Goiana by the Civil Authorities) to this port, which they entered on the 31st ultimo.

I deemed it my duty to address a note to his Excellency the President on the 2d instant, a copy of which I beg leave to enclose, together with a translation of the President's reply.

I beg leave to state, that I reported the circumstance to His Majesty's Consul-General, and I thought it my duty to inform Admiral Baker, as the presence of one of His Majesty's ships, either in case of any hesitation to condemn the vessel, or in the event of her ultimate release, would be highly essential.

I have also requested Mr. Consul Parkinson, should any of His Majesty's ships be at Bahia, that he would make the subject known to them.

I have, &c.

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

(Signed) HENRY COWPER, Consul.

First Enclosure in No. 94.

(Translation.)

Mr. Consul Cowper to Senr. de Vasconcellos.

British Consulate, Pernambuco, February 2, 1831.

THE Undersigned, His Britannick Majesty's Consul in this province, has the honour to address himself to his Excellency the President, respectfully to solicit, that the result of the proceedings now pending, in regard to the schooner taken with slaves, recently brought here by the orders of his Excellency from Goiana by His Imperial Majesty's brig "*Nove de Agosto*," may be communicated to him, for the information of his Government, not doubting that such result will be in unison with the spirit of existing Treaties and Laws regarding the abolition of the slave-trade.

The Undersigned avails himself, &c.

(Signed)

H. COWPER, Consul.

Senr. Joaquim Jozé Pinheiro de Vasconcellos,
&c. &c. &c.

Second Enclosure in No. 94.

(Translation.)

*Senr. de Vasconcellos to Mr. Consul Cowper.**Palace of the Government of Pernambuco, Feb. 5, 1831.*

IN reference to the despatch that you addressed me, dated the 2d instant, requesting that the result of the proceedings that have taken place, relating to the schooner apprehended at the port of Goianna should be communicated to you, for the information of your Government, which holds an interest in the fulfilment of the Treaties regarding the abolition of the slave-trade; I have to inform you, that the above schooner, when taken, had a French passport, executed at S. Pedro de Martinique, authorizing her on a coasting voyage, and allowing her to come to Brazil, calling at Princes Island: she entered the port of Goianna, with a cargo of new slaves, and, in consequence, was taken possession of by the Justice of Peace at that place; her cargo remains on board until a just decision is given. You may rest assured, that, after the necessary investigations are concluded, the Treaties on that head will be religiously complied with.

God preserve you,

(Signed) JOAQUIM JOZE PINHEIRO DE VASCONCELLOS.

Henry Cowper, Esq.
&c. &c. &c.

No. 95.

Mr. Consul Cowper to J. Bidwell, Esq.—(Received May 27.)

STR,

British Consulate, Pernambuco, February 16, 1831.

I HAVE the honour, herewith, to forward the half-yearly return of the slave-trade, ending December 31, 1830.

It is necessary that I should explain, with reference to the present return, that the case there stated is the only instance of any ship openly arriving with slaves on board, and landing them at this port, during the half-year; and as she came with every due document from Bahia, it is a case rather doubtful whether the slaves were in fact imported, or merely transferred coastwise, from one proprietor to another.

There is no reason whatever to believe, that the Authorities of this province, although surrounded, as they are, by capitalists long engaged in the traffick of slaves, would, either openly or indirectly, sanction or connive at any importation. Still it is not to be denied, that slaves are clandestinely put on shore at distant points, where they are left guarded; but all the Authorities along the coast have especial orders from the President to seize ships and cargoes, whenever they have the power to do so.

My despatch of the 11th instant, referring to the case of the "*Clementina*" schooner, will have shewn that these instructions are rigorously enforced.—The President's own view on this subject is better seen in the annexed translation of an extract from a speech, delivered by him on the 1st of December last; and it is gratifying to learn from such authority, that this traffick has received a check approaching to abolition; indeed, that point may be said to be attained, subject only to what occurs in all cases of prohibition—the risks and penalties of illicit commerce.

I have, &c.

(Signed) HENRY COWPER, Consul.

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

First Enclosure in No. 95.

A Return of the Importation of Slaves within the Consulate of Pernambuco, during the Half-Year ending December 31, 1830.

No.	Date of Arrival.	Description.	NAME of VESSEL.	NAME of COMMANDER.	Tonnage.	Where constructed.	Of what Port belonging to.	Where from.	Place where Slaves were supposed to have been taken.	Number embarked.	Died on the Passage.	Number arrived at destination.	NAMES of OWNERS and CONSIGNEES.
1	1830. Oct. 16	Ship	S. Benedicto	{ Manoel Bento de Oliveira Guêdes Traveso }	245	{ Not ascer- tained - }	- - -	Bahia	Bahia	165	None	165	{ Antonio da Silva & Co.

(Signed) HENRY COWPER,
Consul.

Pernambuco, February 16, 1831.

Second Enclosure in No. 95.

(Translation.)

Extract from the Speech of His Excellency the President, on the opening of the General Council of the Province of Pernambuco, December 1, 1830.

IT is probable that our agriculture may suffer for want of hands, in proportion as the slaves may terminate, and, for this reason, it becomes necessary to

prepare in time free hands to substitute for them: our Indians, who have not yet shewn any propensity for the arts and sciences, might in a great degree supply that want; for which end advantageous proposals of settlements might be offered to them; such as the Council in its knowledge may deem best. In this same province, we have an example before us of the small colony of Germans in Catucá, which will convince us of the superiority of labour done by free people. These colonists have by their industry, activity, and cultivation, made that soil, which was steril, of a productive nature.

To habituate our natives to support their independence, and that liberty which the constitution guarantees, it is indispensably necessary to make them appreciate labour, principally agriculture, the first fountain of publick prosperity, and in this province contributing towards the chief part of its revenues.

No. 96.

Mr. Consul Cowper to J. Bidwell, Esq.—(Received September 10.)

SIR,

Pernambuco, July 21, 1831.

I HAVE the honour to transmit the half-yearly return of the importation of slaves at this port, for the half-year ending June 30, 1831.

The circumstances attendant on the arrival of the vessel, mentioned in this return, I had the honour to report to you in my despatch dated 11th February last. This case is the only instance of an open attempt to introduce slaves during the period of the return. There has been no final decision by the Tribunals upon the question, although the Captain and crew were set at liberty last week upon their parole.

I have the satisfaction to report further, for the information of Lord Viscount Palmerston, that the Juiz do Paz of the Recife, under date of the 7th instant, issued an edict, enjoining all persons whatever to give information of any speculators, foreign or national, engaged in "this shameful contraband trade which dishonours humanity," in order that the fullest effect may be given to the order of the Secretary of State for the Department of Justice, dated the 21st of May last.

The order here alluded to enjoins, that wherever new slaves shall be found, the proper officers shall forthwith sequester them, and the possessors and importers shall be proceeded against according to the utmost rigour of the 179th Article of the New Criminal Code.

It may be, therefore, reasonably hoped, that the traffick in slaves is now virtually abolished in Brazil, and that humanity and good policy are thus early adopted by the new Government. The late disturbances at Bahia, where the preponderance of the coloured population endangered the safety of that province, have not failed to shew the evils, with which an importation without limits was fraught to the well-being of the country.

I have, &c.

(Signed) HY. COWPER, Consul.

John Bidwell, Esq.

&c. &c. &c.

Enclosure in No. 96.

A Return of the Importation of Slaves within the Consulate of Pernambuco, during the Half-year ending the 31st of June, 1831.

No.	Date of Arrival.	Description.	NAME of VESSEL.	Tonnage.	Where Constructed.	Where from.	NAME of COMMANDER.	Port belonging to.	Place where the Slaves were supposed to have been taken.	Number embarked.	Portion that died on the Passage.	Number that arrived at this Port.	NAMES of OWNERS and CONSIGNEES.
1	1830. Jan. 31	{ Schooner, French flag }	Clementina	{ About 90 Tons }	Not known	Calabar	- - -	- - -	Calabar - - -	- - -	- - -	188	

(Signed) HY. COOPER,
Consul.

Pernambuco, July 21, 1831.

BRAZIL. (Consular.)—*Maranhã*.

No. 97.

W. Hesketh, Esq. to Viscount Palmerston.—(Received March 23.)

MY LORD, *Consul's Office, Maranhã, January 26, 1831.*

I HAVE the honour to inform your Lordship, that no further importation of slaves into this port has taken place, since the last half-year's returns were forwarded up to the 30th of June, 1830; with the exception of the Brazilian coaster, "*Santo Antonio Vencedor*," Antonio Rochadel Master, which arrived here from Bahia on the 2d of September, bound to Parahiba, with 49 negroes of the Mina nation, and clearances from the first-mentioned port.

She, however, sailed with the same slaves, on the 31st of October last, for Parahiba; but I have reason to suspect, that a contraband trade continues to be carried on from this coast, with the Cape Verd Islands and the adjacent ports on the African continent, as the schooner "*Prudencia*," a well-known smuggler, again entered this port on the 10th of December with a cargo of asses from the Cape Verd Islands.

The schooner "*Uniao*" has been also long expected; but I rather think that she must have landed her negroes on the coast, and proceeded on another similar voyage without entering this port.

His Excellency the President has likewise continued to shew his usual apathy with regard to the "*Prudencia*," not having made the least remark or enquiry relative to her previous irregular proceedings.

During the month of October last, a detachment of His Majesty's vessels of war visited this port from the West India station, for the more effectual prevention of the slave-trade; but, unfortunately, their instructions would not permit them to remain on the coast a sufficient period to intercept the arrivals expected. Lieutenant Willoughby Shortland, of H. M. schooner "*Kangaroo*," having proceeded to different parts of the coast, in consequence of what I had previously intimated to Captain Courtenay, the Commander of the detachment, has, I believe, obtained evident proofs of the existence of such an illegal commerce.

I understand that he was obliged by his instructions to return to the station about the 10th of November last; though I am persuaded, had he been enabled to remain, that he would have made some captures.

I am, &c.

(Signed) WILLIAM HESKETH,
H. B. M. Deputy Consul.

The Right Hon. Lord Viscount Palmerston,
&c. &c. &c.

No. 98.

W. Hesketh, Esq. to Viscount Palmerston.—(Received July 29.)

MY LORD, *Consul's Office, Maranhã, April 29, 1831.*

I BEG leave to inform your Lordship, that the brig "*Norna*," John George Legett, Master, on her passage from Liverpool to this port, was

attacked on the 17th instant, by a piratical vessel, in latitude $4^{\circ} 23'$ north, and longitude 31° west. Fortunately the "Norna" happened to be provided with 4 guns, and in consequence of the praiseworthy conduct of the Master and crew, they succeeded in beating her off, after an action of nearly 2 hours. But I regret to add, that one man was killed by a grape-shot, and another seriously wounded by the recoil of a gun; the vessel likewise sustained much damage in her rigging, masts, and sails.

The pirate appeared to be about 120 tons, schooner-rigged, with a fore and main-topsail, copper-bottom, and painted black with a broad white streak. She had an 18-pounder on a pivot, and some other guns, and from 40 to 50 men, amongst which there were a few English or Americans, but the majority appeared to be Brazilians, and she had altogether the appearance of a Brazil slaver, being also extremely dirty.

This report exactly agrees with the description of the schooner "*Flora*," except the size, which the Master might have easily mistaken, as the "*Flora*" appears larger than what she really is. The "*Flora*" has already been described in my previous correspondence, and I have been informed by a person well acquainted with the parties interested in her hire, that up to the end of January she had made 3 successful voyages from the Cape Verdes to this coast.

As this vessel belongs to the same persons, with whom Brandon (a notorious slave smuggler, and who died here a few years ago) was connected, and there being little doubt, that during his lifetime he had plundered several vessels, I have reason to think that the same system has again been revived by the existing parties, and that they will be less scrupulous with English than other vessels, owing to their well known animosity. From these circumstances I suspect, that the above-described pirate must have been the "*Flora*," on a fourth return voyage from this coast to the Cape Verd Islands, especially as she stood to the north-east after the action; also, that as these smugglers find great risk in entering the regular ports, they trust to plundering on their way back, after landing their negroes. Hitherto I have been unable to obtain sufficient proof respecting the "*Flora's*" voyages, so as to found a representation to this Government.

From a person resident on that part of the coast where these irregular proceedings are going on, I occasionally receive information, but as I have not the power of rewarding his services, I cannot expect him to be very punctual. He, however, informed me in February last, that a schooner had landed a cargo of negroes on the 23d December last, at a place called Orumarú, and that greater caution was used than on a former occasion, the vessel having been concealed in a small creek.

This schooner must have been the "*Uniao*," as she was then daily expected here, and I have likewise been prevented taking any steps, as I should expose my informant to almost certain assassination.

A small brig has been recently built at the port of Guimaraens in this bay, which I suspect is destined for the contraband trade in negroes. She stands low in the water, and her hull resembles that of a schooner more than a brig. On the 11th instant she sailed from hence to the Azores, under the name of "*Triunfo do Maranhão*," Pedro José Rubello Master.

Should this illicit trade continue to gain ground, it is much to be feared that piracy will become more frequent on this coast; I shall therefore, by the first opportunity, inform the Commander-in-Chief of this station, Vice-Admiral Colpoys, of these recent occurrences.

I have, &c.

(Signed) WILLIAM HESKETH,
H. B. M. Deputy Consul.

The Right Hon. Lord Viscount Palmerston,
&c. &c. &c.

No. 99.

W. Hesketh, Esq. to Viscount Palmerston.—(Received July 17.)

MY LORD,

Consul's Office, Maranhã, May 13, 1831.

I BEG to inform your Lordship, that I have again received information of a Spanish brig having landed negroes on this coast last February. She is called the "*Egerida*," Pablo Dominick Master, having reported here on the 13th February from Rio de Janeiro, but that she had fallen to leeward of her original destination.

She afterwards loaded with cotton, and cleared for Barcelona on the 26th March. In consequence of this intelligence having been communicated to me subsequent to the vessel's departure, I have thought it most advisable not to represent the case to this Government.

I have, &c.

(Signed)

WILLIAM HESKETH,

H. B. M. Deputy Consul.

The Right Hon. Lord Viscount Palmerston,
&c. &c. &c.

No. 100.

Robert Hesketh, Esq. to Viscount Palmerston.—(Received September.)

MY LORD,

London, August 3, 1831.

AS it appears by late reports from Maranhã, that the slave-trade is continued, although by the stipulations of the Treaty, it ought long since to have been extinct; and as there is every reason to anticipate a continuance of these evasions of a Treaty, I have thought it my duty, being on the eve of my departure, to place before your Lordship the enclosed memoranda, relating to the slave-trade in that quarter of Brazil, viz.

Condition of the slave population and free people of colour in the northern provinces of Brazil.

State of the slave-trade in that quarter.

Causes of the difficulties in the operation of the Slave-trade Treaties in Brazil.

Suggestions how the Treaty abolishing the slave-trade can be rendered more effective.

Expediency of small-classed ships of war cruising on the northern coast of Brazil.

I have, &c.

(Signed)

ROBERT HESKETH.

The Right Hon. Lord Viscount Palmerston,
&c. &c. &c.

First Enclosure in No. 100.

Condition of the Slave Population and Free People of Colour, in the Northern Province of Brazil.

BEFORE alluding to the condition of slaves in the northern provinces of Brazil, it may be useful to remark, that there exists a very extensive Indian population. In Maranhã these Indians are in a savage state, they occupy fully one-third of the whole extent of that province, and are masters of a tract containing the best lands for the growth of cotton. The plantations, bordering on the woods they occupy, are annually exposed to severe

losses from their hostile excursions; but in the province of Scara and Para these Indians are more civilized, and in a great measure form the labouring class. From this circumstance, the population returns from Scara are in amount next to those of Pernambuco, which is the most populous province of Brazil. But the population of Pernambuco consists chiefly of creole negroes and mulatos; there is no doubt, that, if regular returns of the Indians employed in agriculture could be obtained from Para, the number would surpass what is at present supposed. In the interior, far up the River Amazons, a regular system is pursued of obtaining these uncivilized Indians, in exchange for tools, trinkets, &c., one tribe making war on its neighbouring one, for the object of captives; and these enslaved Indians are brought down the rivers and located on islands, from whence they cannot escape, and continue to be employed as slaves. This Indian race is, however, far inferior to the creole negroes and mulatos in enterprize and industry. Each succeeding generation of those, whose are domesticated, are found equally prone to idleness, and therefore they rarely accumulate property. Much may, however, be attributed to the improper system which the Government permits towards this class of men.

After these cursory remarks upon the Indian, I will attempt to describe the condition of slave population, and that of the free people of colour in the northern provinces of Brazil. This description must be confined to a general outline, as many of the statistical returns, essential for a minute description, are not obtained by the Government in that quarter, and the few that exist are not accessible. With such obstacles, I am reluctantly obliged to estimate the extent of population from enquiries I made in the country; it cannot, therefore, be exactly correct, but is more likely to be below than above the amount of the existing slave population.

		Slaves.			
In the Province of Maranhã	180,000	of which	$\frac{1}{2}$	are creoles and mulatos.	
“ “ Piaùtry	60,000	“	$\frac{2}{3}$	ditto	ditto.
“ “ Scarã	30,000	“	$\frac{3}{4}$	ditto	ditto.
“ “ Parã	70,000	“	$\frac{1}{2}$	ditto	ditto.
		340,000			

This slave population may be divided into two distinct classes, those who are employed in agriculture (by far the most numerous), and those occupied in towns. The slaves on estates are composed either altogether of African negroes, of creoles, or of both, which is more generally the case. In large well-established estates, slaves are well fed, and mildly treated. They have comfortable habitations, and the time allowed them, from the numerous Saint days in the Roman Catholick Calendar, enables them to cultivate plots of ground. The children are attended to, as well as the sick. The increase of slaves in such an estate, by births alone, is about 25 in every 100 in every 5 years. But in small estates, and particularly those where a planter is making his last struggles to continue his agricultural pursuits, the misery of the slaves, from hardships and privations of every kind, as will be seen, are extreme. Till within the last 3 and 4 years, planters were becoming wealthy by growing cotton; but since then, the diminished value of that produce, added to their improvident habits, has in a great measure impoverished them; and, therefore, the condition of the slaves is gradually becoming worse.

But it is not to this accidental fluctuation in markets alone that the misery of slaves is to be attributed. The real cause is easily to be traced to the existing law of inheritance, and to the oppressive taxation on agriculture in that country. The slaves of an estate are, like all other property, equally divided amongst the surviving children of the original proprietor; these, by law, have a right to their respective shares; the parents have only each 1-6th of the whole property at their disposal by will. For the sake of elucidation, I state the following as an instance of every day occurrence. A proprietor resides on a well-established estate, consisting of 600 slaves, and obtains, by the resources derived from such a community, not only every necessary for his family and slaves, but even luxuries, although far removed from any town;

turning the labour of his slaves to a profitable cultivation of the land, as well as to the production of good and sufficient food for them. But at the decease of such a proprietor, his surviving family of 6 sons and daughters (perhaps half of them married) and his widow, have all a right to have their respective shares of the whole estate ascertained; and supposing, which is often the case, that they disagree as to the minute particulars of such a division, and insist upon its immediate execution, and that, after some expensive law suits, the widow, by keeping the deceased husband's portion and her own, remains with 200 slaves, and the remaining 400 are divided between the other 6 members of the family: then the resources of the estate are at once paralyzed, not only with respect to the extent of crops, but also the comforts and consequent efficient labour of the slaves. But when, at the decease of the widow, the full shares of the whole estate are completed to each of the 6 remaining members of the family, and when these establish themselves on different parts of the original extensive estate, with their respective quotas of slaves, some idea will be formed of the cruel change 5-6ths of the original slaves must experience, when thus forced to leave the old established estate, and labour for their second and young master, now, perhaps, rearing a family, and depending for its support on the activity and economy of his agricultural pursuits, a slave being thus exposed to increased labour and privation, as he advances in years. But if this law thus subjects so many slaves to misery, it also places many in a situation to attain with facility their emancipation. This constant division and subdivision of estates, added to the rude system of agriculture at present pursued in that country, tends to impoverish the class of planters; the succeeding heirs to estates being sooner or later reduced to a state of poverty, according to the size of such estates. A person with few slaves must live in a state of poverty, while pursuing agriculture as a means of support; whereas, by coming into a town, the income derived from such slaves, hired as labourers or tradesmen, affords a much more comfortable livelihood: this is the method ultimately pursued by the descendants of once opulent planters; and it will be seen with what facility slaves, under such circumstances, if industrious, can pay their weekly hire, and save enough to purchase ultimately their freedom from the impoverished master.

The class of slaves employed in towns as artificers and labourers, are to a much greater degree free agents than those on estates, for they are generally left to select their employers, having only to bring a stated sum weekly to their masters. This class of slaves, taken as a body, are industrious, and chiefly direct their efforts to accumulating a sufficient sum for the purchase of their freedom. The law of the country is particularly favourable to them in this regard, for slaves of both sexes can have their value legally ascertained, and, on depositing the amount, can force the owner to emancipate them. The greatest portion of slaves, which have become in this manner free, are creole negroes, and mulatos, African negroes, for the most part, preferring to emancipate their offspring instead of themselves. These emancipated slaves prove a much better conducted race of people, than could be expected from the institutions of the country, and the examples of the white population; they prove the most contented and industrious class; their increase alone from births is much greater than amongst slaves; they form a large portion of the population in all towns and villages, and are spread over the interior districts. The troops are chiefly recruited from the descendants of this class, and some are found in every profession, even in the church. An emancipated slave can hold any species of property, and of late their political rights as citizens have been made equal to those of the white population. Many of these emancipated slaves own land, but most of them become to some extent householders and owners of slaves. The gradual increase of this class is certain, as also that from it will be derived the chief population of the country. The law thus facilitating emancipation, proves a beneficial stimulus to the good conduct and industry of creole slaves; and its result of blending the coloured with the white population, has mainly contributed to the security of the latter from insurrection amongst slaves, a calamity which has sometimes partially occurred, but which fortunately found a speedy check.

While stating the facility with which slaves merge into the free population

of that quarter of Brazil, it may be right to specify, that in all cases, when by the Slave-trade Treaties slaves ought to have been emancipated, the local Authorities have hitherto neglected every step which could ensure their freedom; and that while empty forms were complied with, the negroes alluded to continue in a condition worse than slaves.

The condition of slaves in the northern provinces of Brazil would be ameliorated, if the present system of agriculture were improved, but this cannot be expected to take place, so long as the present heavy export duties on produce, independent of a 10 per cent. tax on its market value, so far diminishes profit, as to prevent the employment of capital in agriculture.

Estates about Maranhã have been lately sold with from 200 to 300 slaves with the most productive lands, at credits, for an amount which would be a 6 years' purchase, calculating that the price of cotton was maintained at about $6\frac{1}{2}d.$ per pound at the sea port, which was a customary price for the planters a few years since. But not half that amount can reach the planter's pocket at present, nor will 4\$000 Reis per annum of 32 pounds, under the present duties, remunerate the planter. The above-mentioned purchases, apparently so favourable, must prove unfortunate; and, in fact, under the present system of export duties and local taxes, all planters are impoverished. The point of rendering the trade of Brazil more vigorous, by fostering the agricultural interests of that country, would seem to justify an alteration in the existing Commercial Treaties. At the commencement of the trade, the duties on British imports were lightened, and this favourable concession has been gradually extended to every flag, while the deficiency in the revenue is extorted from the agricultural labour of the country; and its commercial field is now nearly exhausted, to the detriment of all these states, which have so far reaped the temporary advantages of a trade founded on a principle opposed to its extension and permanency.

Under the present system of trade the agricultural class will become impoverished, the slave population gradually working out, through misery, their emancipation, and ultimately the population of the country will consist of a coloured race without either a wealthy or much enlightened class.

(Signed) ROBERT HESKETH.

Second Enclosure in No. 100.

State of the Slave-trade in the Northern Provinces of Brazil.

THE slave-trade on the northern coast of Brazil was commenced with Portuguese capital; and the agents at Maranhã, acquiring property, also embarked in that trade. *Bond fide* Brazilian capital has not yet been employed in the slave-trade in that quarter of Brazil. The importation of slaves has been on the decline ever since the year 1820. The total number landed at Maranhã that year was 2,844, and the following, only 1761 slaves were landed in that port. During the 4 years, from 1821 to 1824, both inclusive, there were 6,242 slaves landed at Maranhã. After Brazil was separated from Portugal, slave-vessels to that coast were chiefly navigated under the Brazilian flag, but the numbers imported still continued to decrease; for, in the 4 years from 1824 to 1828, both inclusive, there were 2,098 slaves imported by Brazilian, and 106 by Portuguese vessels, into Maranhã, being a decrease of 4,038 slaves during the last-mentioned 4 years. Notwithstanding this decrease, and the approaching termination of the trade, there was but little demand for slaves in the period from 1823 onwards. In 1824 Mozambic negroes were sold chiefly to the poorer class of planters, in lots of 100 to 200 of both sexes, and of all ages, under very long credits, at 100\$000, and even 90\$000 each. There were 2 or 3 cargoes of this description of negroes sold; and it is a melancholy fact, that, at the close of 1828, there were very few of them living; being of weak constitutions, and unused to labour, they sunk under hardships, and a diet to which they were not accustomed.

The slave-dealers, finding it impossible to carry on the trade with negroes from Southern Africa, commenced, about the end of the year 1825, to obtain, at all risks, negroes from the prohibited African ports to the northward of the Line. These negroes being accustomed to labour in Africa, and to a diet similar to that given by planters at Maranhã as most economical, being chiefly rice, were looked upon by the planters as equal to creole negroes, and they were accordingly tempted to purchase them at exorbitant prices, particularly under the expectation that every cargo was the last. Many of this description of slaves were imported into Rio de Janeiro, Bahia, and Pernambuco, under every species of subterfuge, which could screen them in the evasion of the Slave Treaty, and undoubtedly with the connivance of the local Authorities; some of these slaves were ultimately landed at Maranhã, from the southern Brazil ports.

On the arrival of vessels at Maranhã from the Cape de Verd Islands, with prohibited negroes, the local Authorities, notwithstanding every subterfuge, being pressed to enforce the Treaties, a check was given to the open continuance of the trade; but small vessels were subsequently employed to smuggle slaves into unfrequented rivers and bays on the northern Brazil coast, which slaves were brought chiefly from the Cape Verd Islands, and also from the neighbouring African shores. This was the manner in which the slave-trade was pursued on the northern coast of Brazil, at the time the Treaty prohibited it altogether. But, by frequent reports from Maranhã, it appears that these slave-dealers still persevere in transporting the above-mentioned description of negroes, a traffick which these smugglers pursue at all risks, more as the means of profit, than from any positive necessity on the part of the Brazilian planter; and, should the extensive range of the northern Brazil coast be left, as heretofore, open to the undisturbed operations of these lawless adventurers, means will soon be found to introduce these negroes, once surreptitiously landed, into the vast interior districts of Deiras and Minas Geraes, and an extensive field will be allowed for smugglers under every flag.

In the northern provinces of Brazil, the system of agriculture is, to clear each year a fresh plot of forest; estates are consequently at great distances from each other, and, when on a small scale, are exposed to great privations; the laws operate against the existence of large estates, and favour emancipation; therefore, if in this state of things planters are to be annually purchasing, at high prices, the most civilized negroes from Africa, they are, in a most prejudicial manner to themselves, trying to counteract a drain in the slave population, which is the natural result of the existing laws in that country.

If there were a great necessity for slaves, the most opulent would purchase from the poor planter; but, instead of that, planters prefer going into a slave market of fresh-imported negroes, so long as such exists, under the impression that creole slaves are troublesome to manage, and that though healthier and more expert than Africans, yet that the latter are more saleable. On the other hand, so long as the slave-trade was allowed, planters purchased under advantageous credits; but now, when the importation is to be carried on by smugglers, planters cannot expect this advantage, and will more than ever feel the severity of the terms at which they purchase such labour. It may be asserted that the evil will correct itself; but before it does, the remaining wealth of an already distressed class, and one on which the commercial stamina of the country depends, will have passed into the possession of lawless adventurers.

It is, therefore, to be deduced, that for some years past the importation of slaves into the quarter of Brazil, above alluded to, has been prejudicial to the planters, and that such importation has been only induced by the avaricious employment of Portuguese capital.

(Signed) ROBERT HESKETH.

Third Enclosure in No. 100.

Causes of the difficulties in the operation of the Slave-trade Treaties in Brazil.

THE difficulties experienced in carrying into effect the Slave-trade Treaties were general throughout Brazil. It would appear that the Government of that country has acted on the principles, that cheapness in the value of slaves is cheap labour, and that having once obtained cheap labour, agriculture can, without prejudice, bear heavy taxation; the Government, consequently, never entered into a *bond fide* execution of the stipulations in those Treaties. From this cause, the correspondence on the slave-trade from every port in Brazil has been voluminous, and attended with but little effect in attaining the objects of the Treaties. Considering the subject upon these broad principles; seeing that the importation of slaves is ultimately prejudicial to the purchasers, and that now it is prohibited, the Brazilian Government cannot derive any revenue therefrom, the period appears to have arrived, when the penalties of the Treaties should be energetically enforced, if what has been so far attained is not to be abandoned.

But, independent of that consideration, if slave-smugglers be not at once checked, their lawless pursuits will extend to aggression, their depredations soon becoming proportionate to the increase their numbers will derive, from a short period of impunity.

But admitting that British cruisers are to be multiplied, and their services called into operation on the Brazil Coast, the difficulty of disposing of the cargoes of captured slave-vessels is apparent. By the existing Treaties the cargoes of slave-vessels captured, near the Brazil Coast, are to be landed in that country; but experience proves that negroes, under such circumstances, instead of becoming free, as stipulated, have been subjected to a fate worse than that of slaves regularly purchased. The reports from Maranham, in the years 1826 and 1827, will afford proof of this assertion,—the present system only goes the length of punishing the slave-dealer; but the stipulations respecting the captured negroes appear to require alteration. As the slave-trade is extinct by the Treaty, the presence of any African negroes will subject vessels to capture; but hitherto a most convenient subterfuge for carrying on illicit trade was afforded, by the clause requiring the actual presence of negroes on board, as the sole evidence that the vessel was engaged in the slave-trade; there will be a difficulty in establishing an effective check against the prohibited trade, if a greater latitude be not obtained in the evidence against the vessel.

(Signed) ROBERT HESKETH.

Fourth Enclosure in No. 100.

Suggestions how the Treaty abolishing the Slave-trade can be rendered more effective.

I HAVE attempted to describe the condition of the slave population, and that of the free people of colour in the northern provinces of Brazil, wishing to shew how the existing laws impoverish the planter, and are gradually transforming a slave into a free population. Considering, under such circumstances, the state of the slave-trade, I infer, that it cannot be beneficial to Brazil; but though it is supposed extinct according to Treaties, I have stated what has hitherto created so much difficulty in their operation, and may still occasion obstacles against enforcing the penalties in such Treaties.

I am, therefore, brought to consider the best method of rendering those penalties more effective, and beneficial. The necessity of having British cruisers on the Coast of Brazil, to prevent the importation of African negroes, and the convenience of landing on the western side of the Atlantic the captured negroes, are both apparent.

The nature of the navigation to the westward of Cape St. Roque, on the Brazil Coast, points out the necessity of avoiding a beating passage to windward, by providing that all captures to leeward of that Cape should be taken to Maranham; and that those about, or to the southward of that Cape, be taken to Pernambuco, Bahia, or Rio de Janeiro. There are competent tribunals to adjudge a case of capture under the actual unqualified prohibition of the Slave Treaty, in every Brazil port where Consuls reside. And as the negroes, of which the cargoes of such captured vessels consist, are to be liberated, it would appear more politic that they should be domesticated at different places in that extensive coast, than inconveniently accumulated at one point. But the Government of the country having hitherto grossly and wilfully neglected to secure the freedom of such negroes, it becomes indispensable to protect them against certain misery.

As these captures are to be effected by British cruizers, the negroes appear entitled to the joint protection of both Governments; and the British Consul at the port where the captured vessel arrives, should form one of a board authorised to act in their distribution, registration, and superintendence.

It would be beneficial that the persons receiving for a stated time the services of such liberated Africans, as apprentices or domesticks, should pay a fixed sum; one half to go to the Brazilian Government, and the other to the Captor.

The amount of this sum, and the period of service to which the negroes are to be subjected, are both matters for deliberation, as they materially influence the future happiness of such negroes. Another question for consideration is, whether the vessels once adjudged as prizes, should be sold in Brazil—it would be more expedient that they should not.

If the act of transporting African negroes across the Atlantic be declared piracy, some difficulty may arise in generally enforcing the capital condemnation by which such a crime is punished. A long imprisonment of the crew and Master, besides a heavy fine on the latter, and a similar punishment on the owner when caught, would operate as a sufficient check. At the same time all acts of aggression or resistance on the part of a slave smuggler ought to be deemed piracy, and expose the culprits to the consequent capital punishment. Should these stipulations be refused by the Brazilian Government, then the landing of the captured Africans in Brazil, or even taking into those ports prizes for adjudication, must be abandoned. Any other method of carrying into effect the penalties of the Treaty will prove much more inconvenient; but if the main object of the Treaty is to be kept in view, the inconvenience under such circumstances is unavoidable.

The passage of legal slaves coastways in Brazil might be stated as a difficulty in the way of British cruizers; but all legal slaves have always hitherto been provided with regular passports. Should such passports be improperly granted from any out-port, into which prohibited slaves have been introduced, the suspicion would justify the detention of the vessel, and enquiry into the case. At such an examination the negroes would themselves afford evidence of the fact, and even the suspected coaster, instead of being detained, could be accompanied to the port of her destination.

All vessels, found to be evidently fitted for the transport of slaves, ought to be subjected to detention, and to the obligation of establishing proof of their licit voyage on penalty of capture.

(Signed)

ROBERT HESKETH.

Fifth Enclosure in No. 100.

Expediency of small Ships of War cruizing on the Northern Coast of Brazil.

THE repeated instances of smuggling slaves on the northern coast of Brazil, which have of late been reported from Maranham, and the outrage already committed by one of these smugglers on a British vessel, induces me humbly

to suggest to your Lordship the following, as an effective check to such lawless proceedings. Though the slave-trade is now abolished by Treaty, a surreptitious importation of African negroes is still effected on the Northern Coast of Brazil, by small fast sailing vessels, owned by Portuguese residing at Maranhão and the Cape de Verd Islands, and to all probability connected with the old established slave merchants in Portugal. For the sake of convenience and protection, these vessels are generally provided with fictitious papers, and are navigated either under the Brazilian, or Portuguese flag. The slaves are landed in the numerous bays and rivers to the westward and eastward of Maranhão, at a distance from towns, and in places where the population is scanty, and where the local Authorities are easily deceived, intimidated, or bribed. After this landing is effected, many of the vessels have entered Maranhão to obtain supplies, and even return cargoes, reporting direct from the Cape de Verd Islands. There is every probability that the piratical attack on a British vessel off Maranhão, reported in a despatch dated from thence on the 29th of April, was made by a vessel engaged in that illicit trade (the schooner "Union") probably with the object of obtaining those requisite supplies for a return voyage to the Cape de Verd Islands, which it might be too inconvenient, or, perhaps, imprudent, to seek in the port of Maranhão. By another despatch from the same port, dated May 13th, it appears, that a Spanish vessel, the "*Egerida*," has also commenced this illegal traffick.

If not immediately checked, this smuggling of slaves will soon greatly increase, and that quarter will be infected with pirates, committing severe depredations on British commerce. At present the Northern Coast of Brazil is attached to the command of the naval officer stationed at Barbadoes, who sometime since dispatched two sloops-of-war and a schooner to cruise against illegal slave-vessels in that part of Brazil. But these men-of-war, with a short period of cruising on the coast, could not effect any permanent check; one, H. M.'s. schooner "*Kangaroo*," continued long enough to call at different bays, and obtain certain information as to expected slave-vessels, but was forced to return without having an opportunity to intercept them.

There is no probability that large vessels will be employed in this smuggling trade; and the nature of the navigation between Cape St. Roque and the Amazons is such, that small class cruizers would be the best adapted for the service. Supplies can always be obtained for men-of-war at Pará and Maranhão. If, therefore, a small sloop-of-war, and 2 or 3 schooners, or similarly classed vessels, were permanently stationed to cruise on the Northern Coast of Brazil, occasionally visiting the Cape de Verd Islands, they would most effectively act in communication with the African squadron, and under the advantageous information regarding the proceedings of the slave-dealers, which is always obtainable at the Cape de Verd and on the Brazil Coast, the points at which the negroes are embarked, and landed. I have been encouraged to state this much, under the conviction, that this manner of employing cruizers, will, in a very short period, prove a check to such an illegal traffick, and entirely annihilate slave-trade to that part of Brazil, within two years.

Independent of the consideration respecting the slave-trade, two other important results would attend the employment in this manner of His Majesty's vessels.

It would be the means of obtaining correct charts of the Northern Coast of Brazil, which do not exist; there being none whatever extant of the coast between Maranhão and the Amazons; and it would be placing within reach naval protection, should it be rendered requisite by political convulsions in that country.

(Signed)

ROBERT HESKETH.

BRAZIL. (Consular.)---Para.

No. 101.

Mr. Vice Consul Hesketh to Viscount Palmerston.—(Received June 6.)

MY LORD,

Vice-Consul's Office. Para, April 2, 1831.

IN acknowledging the receipt of your Lordship's despatch, marked Slave-trade, of December 31, 1830, I have to state, that during the half-year ending December 31 last, there have been no imports of slaves to this place.

I have, &c.

(Signed) JOHN HESKETH, Vice-Consul.

The Right Hon. Lord Viscount Palmerston,
 &c. &c. &c.

FRANCE.

No. 102.

Viscount Palmerston to Viscount Granville.

MY LORD,

Foreign Office, January 14, 1831.

THE accompanying communications from the Colonial Department relate to attempts, said to be made by French vessels, to prosecute illegal slave-trade on the Coast of Africa.

I have to desire, that your Excellency will lay the substance of these communications before the French Government, and, at the same time, express the confidence of His Majesty's Government, that effectual measures will be taken to prevent, if possible, all illegal undertakings in slave-trade on the part of French subjects, or of those foreigners, who may hope for impunity in their proceedings, by carrying them on under the flag of France.

I am, &c.

His Excellency Viscount Granville,
&c. &c. &c.

(Signed)

PALMERSTON.

First Enclosure in No. 102.

R. W. Hay, Esq. to J. Backhouse, Esq.

SIR,

Downing-Street, November 19, 1830.

I AM directed by Secretary Sir George Murray to transmit to you, for the information of the Earl of Aberdeen, the accompanying extract and copy of despatches, which have been received from the Lieutenant-Governor of Sierra Leone, reporting that several French vessels, engaged in the slave-trade, were hovering off that colony and its dependencies.

I am, &c.

John Backhouse, Esq.
&c. &c. &c.

(Signed)

R. W. HAY.

Sub-Enclosure (A.) in No. 102.

Extract of a Letter from Lieutenant-Governor Findlay to Sir George Murray, dated August 28, 1830.

I HAVE the honour to inform you, that the Spanish schooner "*St. Jago*," prize to H. M. ship "*Atholl*," arrived here on the 23d instant, with 156 slaves on board; she was taken leaving the River Bonny, on the morning of the 3d. Mr. Bernard, Prize-Master of the "*St. Jago*," reports, that, on his making Cape Sierra Leone, on the morning of the 22d, a large fore-topsail schooner endeavoured to cut him off, but finding him so close to the land she stood out to sea again. A vessel of this description has been cruising off the mouth of this river for upwards of 4 weeks; she has been often signalized, and I have repeatedly seen her from the Government-House; she is supposed to be a pirate. Mr. Campbell, the sub-manager of the Bananas, has since written to Mr. Cole, the Assistant-Superintendent,

informing him, that the schooner has come to anchor close to one of the villages by the water-side, and that he has withdrawn the liberated Africans from it, in consequence of her suspicious appearance; he also states, that 4 French schooners were at anchor close to the Bananas, waiting for cargoes of slaves from the Sherbro', and that they are landing part of the goods to purchase the slaves at the Casamança, within the boundaries of this colony.

Sub-Enclosure (B.) in No. 102.

Lieutenant-Governor Findlay to Sir George Murray.

SIR,

Sierra Leone, August 31, 1830.

IN my letter to you of the 28th instant, I therein stated, that there were four French vessels at anchor close to the Bananas, all waiting for cargoes of slaves from the Sherbro'. On receiving this information from Mr. Campbell, the Manager of the Bananas, I consulted with Mr. Hook, the Collector of the Customs, who proceeded to the Bananas, for the purpose of examining them, and if he found them anchored within our waters, for the purpose of carrying on an illicit traffick, he would have seized them; but before he got there, they had removed to the Plantains, out of our jurisdiction. Three of these schooners were vessels from Nantes, the other, a sloop, from Guadeloupe. The Captain of one of the schooners landed at the Bananas; he stated to Mr. Campbell, that he was from Nantes, and that there were 23 vessels, fitting out there for the slave-trade at the Gallinas and Sherbro', when he left. I give you this information as I received it from Mr. Hook; it will in some measure shew how hopeless and impossible it is for the British Government, with all their exertion, to put a stop to this illicit traffick, which is so much persisted in by almost every other Power in Europe, particularly that of the French, whose flag is made a protection to wretches of all other nations engaged in the slave-trade.

I have, &c.

(Signed) ALEX. FINDLAY,

Lieutenant-Governor.

The Right Hon. Sir George Murray, G. C. B.
&c. &c. &c.

Second Enclosure in No. 102.

R. W. Hay, Esq. to J. Backhouse, Esq.

SIR,

Downing-Street, December 21, 1830.

I AM directed by Viscount Goderich to transmit to you, herewith enclosed, an extract of a despatch, which has been received from the Lieutenant-Governor of Sierra Leone, containing further intelligence respecting the slave-trade, which is carried on by vessels under the French flag, on the Western Coast of Africa; and I am to request that you will lay this paper before Viscount Palmerston, for his Lordship's information.

I am, &c.

John Backhouse, Esq.
&c. &c. &c.

(Signed)

R. W. HAY.

Sub-Enclosure (C.) in No. 102.

Extract of a Despatch from Lieutenant-Governor Findlay, dated Sierra Leone, October 2, 1830.

AT this moment the whole of the chiefs on the borders of the colony are engaged in war. They are encouraged in this by the ready sale of their prisoners at the Gallinas, Sherbro', and the rivers to the north of this, where there are a great number of vessels under the flag of France, ready to carry them off.

No. 103.

Viscount Granville to Viscount Palmerston.—(Received January 27.)

MY LORD,

Paris, January 24, 1831.

I ENCLOSE a copy of a law* which has been passed by the Chamber of Peers, and which has been presented to the Chamber of Deputies, for the more effectual repression of the slave-trade.

I have had some conversation with Monsieur d'Argout, the Minister of Marine, and with the Duc de Broglie, by whom this law was drawn up: they are sincerely anxious to effect the entire abolition of this odious traffick, and are very confident, that the enactments of this law will accomplish that desirable object.

I have, &c.

(Signed) GRANVILLE.

The Right Hon. Lord Viscount Palmerston,
&c. &c. &c.

* This is only the project of a law. *The law itself*, which is contained in a subsequent despatch, repeats the whole of the project amended.

No. 104.

Viscount Granville to Viscount Palmerston.—(Received February 3.)

MY LORD,

Paris, January 31, 1831.

I OMITTED to acknowledge by last courier the receipt of your Lordship's despatch, of the 14th instant. I hasten now to repair the omission, and at the same time to enclose to your Lordship a copy of the letter, which I addressed to Count Sebastiani upon the subject.

I have, &c.

(Signed) GRANVILLE.

The Right Hon. Lord Viscount Palmerston,
&c. &c. &c.

Enclosure in No. 104.

Viscount Granville to Count Sebastiani.

SIR,

Paris, January 22, 1831.

I HAVE received instructions from my Government to call your attention to attempts, said to have been made by French vessels, to prosecute illegal slave-trade on the Coast of Africa. The accompanying extracts from letters, addressed by Mr. Findlay, Lieutenant-Governor of Sierra Leone, to His Majesty's Secretary of State for the Colonial Department, prove, that this traffick is extensively carried on under the French flag.

In communicating to you these documents, I feel that my Government may rely, now more than ever, upon that of France, to adopt effectual measures to prevent, on the part of its own subjects, a traffick disgraceful to humanity in general, and in particular so abhorrent to the liberal feelings of the French nation.

I have, &c.

(Signed) GRANVILLE.

General Count Sebastiani,
&c. &c. &c.

No. 105.

Viscount Palmerston to Viscount Granville.

MY LORD,

Foreign Office, February 4, 1831.

I HEREWITH transmit to your Excellency, in order that you may communicate its contents to the Government of the King of the French, the accompanying copy of a letter, that has been received at this office from the Admiralty, containing a case of alleged slave-trade under the flag of France.

His Majesty's Government doubt not, that strict enquiries will be made into the facts of this case by the Government of the King of the French, and that due punishment will be inflicted upon all those French subjects, who may appear to have been concerned in the illegal transaction referred to.

I am, &c.

(Signed)

PALMERSTON.

His Excellency Viscount Granville,
 &c. &c. &c.

Enclosure in No. 105.

John Barrow, Esq. to Sir George Shee.

SIR,

Admiralty Office, January 26, 1831.

I AM commanded by my Lords Commissioners of the Admiralty to transmit to you, for the information of Viscount Palmerston, an extract of a letter from Commodore Hayes, relative to the slave-trade carried on under the French flag.

I am, &c.

(Signed)

JOHN BARROW.

Sir George Shee, Bart.
 &c. &c. &c.

Sub-Enclosure in No. 105.

Extract of a Letter from Commodore Hayes to the Right Hon. J. W. Croker, dated "Dryad," at Sierra Leone, 4th December, 1830.

IT cannot be supposed I can offer any opinion at present with respect to the traffick in slaves, but one case will speak volumes, and which occurred when I was almost on the point of entering Sierra Leone. The "Plumper" gun-brig was sent to look out for me; and when I got sight of her, she was in chase of a brig which she could never have come up with, from the disparity of their sailing; but the chase hoisted a white flag, and hove to, and when boarded was found to have 295 slaves, which the Master stated without hesitation; and that he, Paul Dormog, was the Master and Owner, and that, as he had a French flag hoisted, he knew the English would not take him, and that he belonged to Guadaloupe, and was bound there for a market. It must appear very evident there can be no end of slave trafficking so long as this is permitted, and the number of French flags, I am told, is increasing daily.

No. 106.

Viscount Palmerston to Viscount Granville.

MY LORD,

Foreign Office, February 4, 1831.

I HAVE to acknowledge the receipt of your Lordship's despatch of the 24th of January, enclosing copy of a law for the repression of the slave-trade,

which has passed the Chamber of Peers, and is to be submitted to the Deputies.

His Majesty's Government have experienced the liveliest satisfaction, at seeing in this document a proof of those liberal feelings and enlightened views, by which they could not doubt but that the Government of His Majesty the King of the French must be guided, upon this important and interesting subject; they could not doubt that one of the earliest measures of a King and Government, whose existence has sprung from a sense of the value of civil and political liberty, would be to strike a death-blow at a traffick so debasing to every nation concerned in it, so repugnant to the principles of the French constitution, and so disgraceful to human nature.

The measure, of which you have enclosed a draft, will, doubtless, if carried into effect, contribute most materially to put an end to the slave-trade, carried on by French subjects in vessels *bond fide* French, and fitted out in French ports.

But it is much to be feared, that even this measure will fall short of the full accomplishment of the object which its framers have in view, and will, by itself, be ineffectual for the entire prevention of that traffick, which is carried on fraudulently under the French flag, or by vessels really French, starting from ports not in the continental territories of France.

I send to you a copy of a letter, which I have received from Sir James Graham; and I request your particular attention to the reasons and statements which it contains, tending to shew, that no measure will effectually put an end to this traffick, but the concurrence of France to declare it piracy, and her consent to a mutual right of search, subject to the necessary limitations.

I request that you will again bring this matter under the consideration of the French Government, expressing to them, in the strongest terms, the deep interest which His Majesty's Government take in it, and their earnest hope that no feelings of national jealousy may interfere to prevent the hearty co-operation of England and France in an arrangement, which would be so honourable to both, and so advantageous to the cause of humanity.

I have, &c.

(Signed)

PALMERSTON.

His Excellency Lord Viscount Granville,
&c. &c. &c.

Enclosure in No. 106.

Sir James Graham to Viscount Palmerston.

MY LORD,

Admiralty, January 11, 1831.

AN earnest desire to reduce the naval expenditure, without diminishing the real efficiency of the force, has led me to pass in review our squadrons on foreign stations, and carefully to consider the necessity, which may justify the maintenance of each on its present scale.

I have been struck by the increasing charge of the squadron on the Coast of Africa, now amounting to £100,000 a-year; where, in a deadly climate, from the nature of the service, the men are constantly employed in boats under a vertical sun, and where the mortality among them is as 3 to 1, when contrasted with the casualties in other foreign stations.

But great as at the present moment is the expence, it is unavoidable, and must be progressive, if the squadron be continued on the African station; for although we have victualling establishments, both at Sierra Leone and at Fernando Po, it has been found necessary to commence a large outlay at Ascension, for the purpose of providing refreshment for the men in a cooler climate; yet this island is little better than an uninhabited rock; and other considerations, besides those of health, render it expedient that the ships should not remain at sea, as they now do, on the Coast of Africa for 3 years, without intermission, but that they should be annually relieved from England, and return at stated periods, to harbour in this country.

But this arrangement, however indispensable, will be attended with a great increase of expence ; and the question always returns, wherein consists the necessity of a squadron on this station ? The prevention of the slave-trade is its only employment ; and does it effect its object ? I fear it must be avowed it does not ; and no force can really be effective, while France remains a stranger to our efforts to repress this inhuman traffick.

By the Treaty of 1817, Spain has ceased totally to trade in slaves since the 30th of May, 1820.

By the Treaty of November, 1826, Brazilian slave-trade has ceased since the 13th of March, 1830.

The Dutch slave-trade was terminated from the date of the Treaty of May, 1818.

Sweden also is a party, by Treaty, to the abolition ; and, although the United States of America are bound by no international engagement, yet, having declared the slave-trade to be piratical by Act of Congress for American subjects, and treating it as such, they have contributed more to its final abolition than all the European Powers, bound by compacts which they have too frequently evaded.

The King of Portugal, indeed, by the Treaties of January, 1815, and of July, 1817, reserved to himself the right of fixing a period when the slave-trade under his flag should no longer be permitted ; for, though North of the Line he consented to suppress it, yet, from the Portuguese settlements South of the Equator he specially retained the power of continuing it ; and to this day he exercises the fatal power, and thereby covers, protects, and encourages the trade in slaves throughout those regions, although, except as a carrier, he has not, for any colonial possessions, the shadow of an interest.

It is of the last importance that Portugal should forthwith consent to the final and entire abolition ; but even this concession would be unavailing, if France be not persuaded to join in the confederacy. She alone, by refusing the right of search, by stopping short of the example of the United States, and by the consequent abuse of her flag to cover a traffick nominally illegal, really sustains this trade of blood, and has hitherto alone refused either to enter into any engagement, or to adopt any efficient measure for its immediate suppression.—Surely the time is now arrived when her Government, founded on the principles of liberty, and just emancipated from oppression and wrong, must see the necessity of meeting the unanimous wish of freemen in every clime, and the impossibility of braving the opinion of the civilized world.

If France would follow the example of the United States, and declare the slave-trade piracy, or concede the right of search in the African seas, to Her would redound the honour of its final extinction ; and, as a friendly Power, we are entitled to press upon her this policy, which humanity demands ; for we, who are expending in vain the lives of our seamen and the treasure of our country for a disinterested object, may enforce the demand with peculiar effect at this moment ; since it is not unreasonable to hope, that the King of the French will not cling to a trade, which the Portuguese have partially abandoned, and which, in concert with France, we might compel them entirely to relinquish.

If France would co-operate, our squadron might be withdrawn ; her flag no longer covering the trade, a single cruiser on the Coast of Africa would be more efficacious than our present fleet ; and, confirmed in this opinion by the authority of the most experienced officers, I have ventured to bring this subject immediately under your notice, certain that it has not escaped your attention, and that you will omit no opportunity of amicably and speedily adjusting it with the Government of France.

I have, &c.

(Signed)

J. R. G. GRAHAM.

The Right Hon. Lord Viscount Palmerston,

&c.

&c.

&c.

No. 107.

Viscount Granville to Viscount Palmerston.—(Received February 8.)

MY LORD,

Paris, February 4, 1831.

WITH reference to your Lordship's despatch of the 14th ultimo, I have the honour to enclose the copy of a letter from the French Minister for Foreign Affairs, in answer to that which I addressed to him on the subject, and a copy of which I transmitted to your Lordship by last messenger.

I have, &c.

(Signed)

GRANVILLE.

The Right Hon. Lord Viscount Palmerston,
 &c. &c. &c.

Enclosure in No. 107.

General Count Sebastiani to Viscount Granville.

MONSIEUR L'AMBASSADEUR,

Paris, le 24 Janvier, 1831.

J'AI reçu, avec la lettre que votre Excellence m'a fait l'honneur de m'écrire le 22 de ce mois, divers extraits des rapports adressés par Monsieur le Lieutenant-Gouverneur de Sierra Leone au Département des Colonies, rapports dans lesquels il signale plusieurs navires Français, comme se livrant à la traite des noirs sur la Côte d'Afrique.

Je viens d'appeler l'attention du Ministre de la Marine sur les faits énoncés dans ces documens. Votre Excellence peut être justement persuadée, que le Gouvernement du Roi a vivement à cœur de faire cesser, par tous les moyens qui sont en son pouvoir, un trafic réprouvé par notre législation et par l'humanité, et que ses sentimens à cet égard sont entièrement d'accord avec ceux du Gouvernement de Sa Majesté Britannique.

J'ai l'honneur, &c.

(Signé)

HORACE SEBASTIANI.

Son Excellence M. le Vicomte Granville,
 &c. &c. &c.

(Translation.)

MONSIEUR L'AMBASSADEUR,

Paris, January 24, 1831.

ALONG with the letter, which your Excellency did me the honour to address to me on the 22d instant, I received several extracts from reports transmitted by the Lieutenant-Governor of Sierra Leone to the Colonial Department, and mentioning the names of some French vessels that carry on the slave-trade on the African coast.

I have called the attention of the Minister of Marine to the facts stated in those documents. Your Excellency may rest fully assured, that the King's Government is most anxious to put an end, by every means in its power, to a traffick reprobated by our legislature and by humanity, and that its sentiments in this respect are entirely in accordance with those of His Britannick Majesty's Government.

I have, &c.

(Signed)

HORACE SEBASTIANI.

His Excellency Viscount Granville,
 &c. &c. &c.

No. 108.

Viscount Granville to Viscount Palmerston.—(Received February 14.)

MY LORD,

Paris, February 11, 1831.

IN obedience to the instructions contained in your despatch of the 4th instant, I addressed to the Count Sebastiani a note, of which I have the honour to enclose a copy; and shall not fail to transmit to your Lordship a copy of that Minister's answer, as soon as received.

I have, &c.

(Signed)

GRANVILLE.

The Right Hon. Lord Viscount Palmerston,
&c. &c. &c.

Enclosure in No. 108.

Viscount Granville to General Count Sebastiani.

SIR,

Paris, February 8, 1831.

IN obedience to the instructions which I have received from my Government, I have the honour to enclose, for your information, the copy of a letter, which has been addressed to the Lords of the Admiralty by Commodore Hayes, relative to the illegal traffick in slaves carried on under the French flag.

I feel confident that I shall be authorized to assure my Government, that no time will be lost by the Government of His Majesty the King of the French in taking vigorous measures, for the effectual suppression of a trade so little consonant with the liberal spirit of the French nation, as well as discreditable to humanity in general

I avail myself, &c.

(Signed)

GRANVILLE.

General Count Sebastiani,
&c. &c. &c.

No. 109.

Viscount Granville to Viscount Palmerston.—(Received February 28.)

MY LORD,

Paris, February 25, 1831.

I HAVE the honour to enclose the copy of a note which, in conformity with the orders contained in your Lordship's despatch of the 4th instant, I addressed to Count Sebastiani.

I also transmit the copy of an answer I have received from him to my note of the 8th instant, of which I transmitted a copy in my despatch of the 11th of February.

I have, &c.

(Signed)

GRANVILLE.

The Right Hon. Lord Viscount Palmerston,
&c. &c. &c.

First Enclosure in No. 109.

Viscount Granville to General Count Sebastiani.

MONSIEUR LE COMTE,

Paris, February 19, 1831.

I AM instructed by my Government to express to you the lively satisfaction, which they experienced on the perusal of the proposed law for the repression of the slave-trade, of which I transmitted to them a copy.

His Majesty's Government could entertain no doubt that those liberal and enlarged views of policy, which actuate the Cabinet of the King of the French, would lead them to the adoption of those measures, which they might think most conducive to the abolition of a traffick, at once at variance with the fundamental principles of the French Constitution, repugnant to every feeling of humanity, and long since reprobated by every enlightened community.

His Majesty's Government are indeed fully sensible, that the provisions of the law about to be enacted, may prove sufficient for the suppression of the slave-trade, in as far as it is carried on by French subjects in vessels *bond fide* French, and fitted out in French ports. But since the Government of His Britannick Majesty and that of the King of the French have the same and sole purpose in view, viz. the interests of humanity, His Majesty's Government have directed me to call the attention of the French Cabinet to an earnest and comprehensive consideration of the question, with a view to the co-operation of Great Britain and France, in the adoption of such measures, as can alone accomplish the common object of both nations, and effectually terminate a traffick, for the partial abolition of which the law lately proposed in France is framed.

To prove the correctness of the view of His Majesty's Government on the subject, I will take the liberty of stating, as succinctly as possible, the exact obligations of various nations, with respect to the suppression of this traffick through Treaties with Great Britain.

According to the Treaty of 1817, Spain has totally ceased to trade in slaves since the 30th of May, 1830.

Through the Treaty of November, 1826, the Brazilian slave-trade has ceased since the 13th of March, 1830.

The Dutch slave-trade was terminated from the date of the Treaty of May, 1818.

Sweden is also a party by Treaty to the abolition.

The United States of America, though not expressly bound by any international stipulation, through the Act of Congress, which has declared the traffick piracy for American citizens, and upon which they have acted, have contributed more effectually to the extinction of the slave-trade, than the stipulated contracts of European Powers, which have been unfortunately too often evaded.

The King of Portugal, indeed, by the Treaties of January, 1815, and of July, 1817, reserved to himself the right of fixing a period, when the slave-trade under his flag should be no longer permitted, for, though the North of the Line, he consented to suppress it, yet, from the Portuguese settlements South of the Equator he specially retained the power of continuing it; and to this day he exercises this power, and covers, protects, and encourages the trade in slaves throughout those regions, although he has not the shadow of an interest in any colonial possessions, except in the quality of a *carrier*.

Such are the compacts by which other nations have bound themselves to the suppression of this traffick. It is with great regret I feel myself obliged to add, that the flag of France, in consequence of the French Government having perseveringly refused the right of mutual search, and declined to follow the example of the United States, has, through an evasion of her regulations, unfortunately, and too generally, served to cover a traffick which her laws declared illegal, but which has flourished through the impunity which it has experienced.

I need hardly point out what a noble example to other nations, and how efficient for its purpose, would be the cordial union of Great Britain and France, if, apart from all selfish views, and discarding all unworthy and petty jealousies, they would frankly and zealously co-operate, through the concession of the mutual right of search, and by France declaring the traffick an act of piracy, in the immediate and entire abolition of this trade. To France would then belong the honour of putting a period to this most revolting commerce.

The British Government feel that they have the stronger right to press upon France the adoption of these measures, from the disinterested and ex-

tensive sacrifice, which Great Britain has made of the lives of her seamen and of her treasure in this cause of humanity.

I trust that this proposal will meet with the early and favourable consideration of the French Government, and I seize this occasion of renewing, &c.

(Signed) GRANVILLE.

General Count Sebastiani,
&c. &c. &c.

Second Enclosure in No. 109.

General Count Sebastiani to Viscount Granville.

MONSIEUR L'AMBASSADEUR,

VOTRE Excellence m'a fait l'honneur de me donner, le 9 de ce mois, communication d'une lettre adressée par le Commodore Hayes aux Lords de l'Amirauté, et dans laquelle il signale, comme ayant été rencontré sur la fin de l'année dernière par un bric de guerre Anglais, un navire de la Guadeloupe, qui aurait eu à son bord 295 esclaves, provenant de la traite des noirs.

Je me suis empressé d'appeler sur ce fait l'attention du Ministre de la Marine, et je ne doute pas qu'il n'ordonne des mesures pour en vérifier l'exactitude, en ce qui concerne le Sieur Dormog de la Guadeloupe.

J'ai déjà exprimé a votre Excellence la ferme intention où était le Gouvernement du Roi, de faire cesser par tous les moyens qui sont en son pouvoir le trafic odieux et criminel de la traite. Il a senti la nécessité de rendre plus sévère la législation déjà établie en France contre de pareils délits, et c'est dans ce but qu'il a proposé aux Chambres le projet de loi, qui a déjà fait l'objet de délibérations de la Chambre des Pairs. De semblables mesures attestent suffisamment le prix qu'il attache à la répression efficace et complète d'un abus, dont l'humanité s'afflige, et que condamne si hautement l'opinion unanime de la France.

Le Ministre de la Marine repette vivement, Monsieur l'Ambassadeur, que les documens, dont votre Excellence m'a donné communication par sa lettre du 22 Janvier, ne fournissent aucune indication, ni sur le nom des navires Français qu'on y signale comme se livrant à la traite, ni sur ceux des Capitaines de ces bâtimens; cependant il s'est empressé de prescrire des recherches à Nantes pour obtenir, s'il etait possible, des renseignemens sur les armemens, que se seraient effectués dans le port pour des opérations de traite.

J'ai l'honneur, &c.

(Signé) HORACE SEBASTIANI.

Son Excellence Lord Granville,
&c. &c. &c.

(Translation.)

MY LORD,

YOUR Excellency did me the honour, on the 9th instant, to communicate to me a letter, addressed by Commodore Hayes to the Lords of the Admiralty, and stating, that, in the latter end of last year, an English brig had met a vessel from Guadeloupe, having on board 295 blacks, procured by the slave-trade.

I have not lost a moment in putting the Minister for the Marine in possession of this incident, and I make no doubt that he will direct steps to be taken to ascertain how far the allegation concerning Mr. Dormog, of Guadeloupe, is borne out by the fact.

I have already acquainted your Excellency, with the firm intention of the King's Government to repress, by all the means in its power, the odious and criminal traffick in question. It has felt the necessity of rendering more severe the laws already in force in this country against such crimes; and it

has, on this principle, laid before the Chambers the project of a law, which has already been discussed by that of the Peers. Such measures sufficiently evince the value which it attaches to the efficacious and complete suppression of an abuse so grievous to mankind, and which is so loudly condemned by the unanimous opinion of France.

The Minister of the Marine, my Lord, once more assures me, that, from the documents communicated to me in your Excellency's letter of the 22d of January, he cannot possibly discover either the names of the French vessels there mentioned as carrying on the slave-trade, or those of the Captains of the vessels. He has, however, given strict orders for enquiries to be set on foot at Nantes, with the view of learning, if possible, what vessels have been fitted out in that port for the purposes of the trade in question.

I have, &c.

(Signed)

HORACE SEBASTIANI.

His Excellency Lord Granville,
 &c. &c. &c.

No. 110.

Viscount Granville to Viscount Palmerston.—(Received March 10.)

MY LORD,

Paris, March 7, 1831.

I HAVE the honour to transmit, herewith, to your Lordship, a copy of the Act of the French Legislature, for the more effectual suppression of the traffick in slaves, as amended by the Chamber of Peers and the Chamber of Deputies.

I have, &c.

(Signed)

GRANVILLE.

The Right Hon. Lord Viscount Palmerston,
 &c. &c. &c.

Enclosure in No. 110.

Loi concernant la répression de la Traite des Noirs.

LOUIS-PHILIPPE, Roi des Français,

A tous présens et à venir, salut :

Les chambres ont adopté, nous avons ordonné et ordonnons ce qui suit :

Art. 1^{er}. Quiconque aura armé ou fait armer un navire, dans le but de se livrer au trafic, connu sous le nom de traite des noirs, sera puni d'un emprisonnement de deux ans au moins, à cinq, ans au plus, si le navire est saisi dans le port d'armement avant le départ.

Les bailleurs de fonds et assureurs, qui auront sciemment participé à l'armement, le capitaine et le subrécargue du navire, seront punis de la même peine.

La poursuite ne pourra avoir lieu que lorsque la preuve du but de l'armement paraîtra résulter, soit des dispositions faites à bord, soit de la nature du chargement.

Art. 2. Si le navire est saisi en mer, avant qu'aucun fait de traite ait eu lieu, les armateurs seront punis de dix ans de travaux forcés au moins, à vingt ans au plus.

Les bailleurs de fonds et assureurs qui auront sciemment participé à l'armement, seront punis de la réclusion.

Le capitaine et le subrécargue seront punis de cinq ans de travaux forcés au moins, à dix ans au plus.

Les-officiers seront punis de la réclusion.

Les hommes de l'équipage seront punis d'un emprisonnement d'un an au moins, à cinq ans au plus.

Art 3. Si un fait de traite a eu lieu, le capitaine et le subrécargue seront punis de dix ans de travaux forcés au moins, à vingt ans au plus.

Les officiers seront punis de cinq ans de travaux forcés au moins, à dix ans au plus.

Les hommes de l'équipage seront punis de la réclusion, ainsi que tous les autres individus qui auront sciemment participé ou aidé au fait de traite, sans préjudice des peines portées contre les armateurs, bailleurs de fonds et assureurs par l'article précédent

Art. 4. Les peines, prononcées par les précédens Articles contre le capitaine et le subrécargue, seront applicables aux individus qui, quoique non inscrits comme tels sur les rôles d'équipage, en auront rempli les fonctions.

L'aggravation des peines prononcées par l'Art: 198 du Code Pénal, sera encourue par les fonctionnaires publics, qui, chargés d'empêcher et de réprimer la traite, l'auraient favorisée ou y auraient pris part.

Art. 5. Dans tous les cas prévus par les Articles ci-dessus, le navire et la cargaison seront saisis et vendus.

Si le navire et la cargaison n'ont pas été saisis, les armateurs, bailleurs de fonds et assureurs seront solidairement condamnés à une amende égale à leur valeur.

Dans tous les cas, les coupables pourront en outre être condamnés solidairement à une amende, qui ne sera pas moindre de la valeur du navire et de la cargaison, et qui n'excédera pas le double de cette valeur.

Art. 6. Ne seront passibles d'aucune peine, les hommes de l'équipage autres que les capitaines, officiers, et subrécargues qui, avant toute poursuite connue d'eux, et au plus tard, dans les quinze jours après leur débarquement, soit dans les ports de France ou des colonies, soit dans ceux des pays étrangers, auront déclaré aux agens du Gouvernement, ou, à leur défaut, devant l'autorité du lieu, les faits relatifs à la traite auxquels ils auraient participé.

Art. 7. Les crimes et délits commis à bord d'un navire contre les noirs embarqués seront, punis des peines portées par le Code Pénal.

Art. 8. Quiconque fabriquera, vendra, ou achètera des fers spécialement employés à la traite des noirs, sera puni d'un emprisonnement d'un an au moins, à deux ans au plus.

Quiconque posséderait, au moment de la promulgation de la présente loi, des fers de cette espèce, sera tenu d'en faire la déclaration dans le délai de quinze jours, et de les dénaturer dans le délai de trois mois, sous peine de six mois d'emprisonnement.

Art. 9. Quiconque aura sciemment recélé, vendu ou acheté un ou plusieurs noirs, introduits par la traite dans une colonie, depuis la promulgation de la présente loi, sera puni d'un emprisonnement de six mois au moins, à cinq ans au plus.

Les délits prévus et punis par le présent Article seront prescrits, et aucune poursuite ne pourra être exercée, lorsqu'il se sera écoulé une année depuis l'introduction dans la colonie, du noir recélé, vendu ou acheté

Art. 10. Les noirs, reconnus noirs de traite dans les cas prévus par les Articles 5 et 9 ci-dessus, seront déclarés libres par le même jugement.

Acte authentique de leur libération sera dressé, et transcrit sur un registre spécial déposé au greffe du tribunal. Il leur en sera remis expédition en forme et sans frais.

Art. 11. Les noirs ainsi libérés pourront toutefois être soumis envers le Gouvernement, à un engagement dont la durée n'excédera pas sept ans, à partir de l'introduction dans la colonie, ou de l'époque où ils seront devenus adultes. Ils seront employés, pendant le cours de cet engagement, dans les ateliers publics.

Art. 12. Les dispositions de l'Article précédent seront applicables aux noirs de traite, provenant des saisies antérieures et actuellement en la possession du Gouvernement. La durée de l'engagement auquel ces noirs seraient soumis sera comptée à dater de la promulgation de la présente loi.

Art. 13. Lorsque le fait incriminé aura été commis dans un port du territoire continental du royaume, et lorsque le navire aura été saisi, ou conduit dans

ce port, le jugement du crime ou délit sera attribué à la cour d'assises du département.

Art. 14. Lorsque le fait incriminé aura été commis dans une colonie Française, et lorsque le navire aura été saisi ou conduit dans un de ses ports, le jugement du crime ou délit sera attribué à la cour d'assises de la colonie.

Les quatre assesseurs seront tirés au sort par le gouverneur, en séance publique, parmi les douze fonctionnaires de l'ordre administratif, les plus élevés en grade.

A cet effet, la liste de ces fonctionnaires sera dressée par le gouverneur, et publiée au commencement de chaque année.

Au Sénégal, le jugement des crimes et délits, commis en matière de traite des noirs, continuera d'être attribué au conseil d'appel.

Art. 15. Lorsqu'il pourra être nécessaire de réclamer le renvoi du jugement du crime ou du délit à une cour autre que celle de la colonie, le procureur-général, soit d'office, soit sur la réquisition du gouverneur, se pourvoira à cet effet devant la cour de cassation. La poursuite sera suspendue jusqu'à la notification de l'arrêt de cette cour.

Art. 16. Les fonds provenant de la vente des navires et cargaisons seront affectés, ainsi que le produit des amendes, à l'amélioration du sort des noirs libérés, sauf les droits attribués aux capteurs, conformément aux lois et réglemens sur les prises maritimes.

Art. 17. Les arrêts et jugemens de condamnation, seront insérés dans le *Moniteur* et dans le *Bulletin Officiel* de la Colonie, par extraits contenant les noms des individus condamnés, ceux des navires, et des ports d'expédition. Cette insertion sera ordonnée par les cours et tribunaux, indépendamment des publications prescrites par l'Art. 36 du Code Pénal.

Art. 18. La loi du 25 Avril, 1827, est abrogée.

La présente loi, discutée, délibérée et adoptée par la Chambre des Pairs, et par celle des Députés, et sanctionnée par nous ce jourd'hui, sera exécutée comme loi de l'Etat.

DONNONS EN MANDEMENT à nos Cours et Tribunaux, Préfets, Corps Administratifs, et tous autres, que les présentes ils gardent et maintiennent, fassent garder, observer et maintenir, et, pour les rendre plus notoires à tous, ils les fassent publier et enregistrer partout, où besoin sera ; et, afin que ce soit chose ferme et stable à toujours, nous y avons fait mettre notre sceau.

Fait à Paris, au Palais-Royal, le 4^e jour du mois de mars, l'an 1831.

(Signé) LOUIS PHILIPPE.

Vu et schellé du grand sceau :

Par le Roi :

Le garde-des-sceaux de France, Ministre Secrétaire-d'Etat au Département de la Justice.

Le Pair de France, Ministre Secrétaire d'Etat au Département de la Marine et des Colonies.

(Signé) MÉRILHOU.

(Signé) C^{te}. D'ARGOUT.

(Translation.)

Law concerning the Repression of the Slave-trade.

LOUIS PHILIP, King of the French,

To all present and to come, greeting :

The Chambers have adopted, and We have ordered, and do order, as follows :

Art. 1. Whoever shall have fitted out, or caused to be fitted out, any vessel, with the view of engaging in the traffick known under the name of the slave-trade, shall be punished with imprisonment for 2 years at the least, and not exceeding 5 years, if the vessel be seized, previous to her sailing, in the port where she was fitted out.

Those who have furnished the funds for, and have ensured the vessel, if they knowingly participated in the fitting out, as well as her captain and supercargo, shall undergo the same punishment.

It shall not be lawful for the prosecution to be instituted, unless the design in the fitting out be clearly proved, either by the arrangements on board, or by the nature of the cargo.

Art. 2. If the vessel be seized at sea, before any fact relative to the slave-trade has taken place, the owners shall be punished with 10 years' forced labour at the least, and with 20 at the most.

Those who, by supplying the funds and ensuring, shall have knowingly participated in the fitting out, shall be punished with *reclusion*.

The captain and supercargo shall be punished with 5 years' forced labour at the least, and with 10 years, at the most.

The officers shall be punished with *reclusion*.

The crew shall be punished with confinement in prison for one year at the least, and not exceeding 5.

Art. 3. If any fact indicative of the slave-trade has come out, the captain and the supercargo shall be punished with 10 years' forced labour at the least, and with 20 years at the most.

The officers shall be punished with 5 years' forced labour at the least, and with 10 years at the most.

The crew shall be punished with *reclusion*, as well as all the other individuals who have knowingly and actually participated, or assisted in the slave-trade, without prejudice to the penalties decreed in the preceding Article against the owners, the underwriters, and those who have supplied the funds.

Art. 4. The penalties pronounced in the preceding Articles against the captain and supercargo, shall apply to the individuals who, though not inscribed as such on the muster-rolls, shall have performed the functions of them.

The increased punishment, denounced by Article 198 of the Penal Code, shall be incurred by those publick functionaries who, though bound to prevent and repress the slave-trade, shall have either favoured, or taken part in it.

Art. 5. In all the cases specified in the preceding Articles, the vessel and the cargo shall be seized and sold.

If the vessel and cargo have not been seized, the owners, shareholders, and assurers shall be sentenced, altogether and one for all, to a fine equal to the value of the vessel and cargo.

In all cases it shall be lawful, moreover, to condemn the delinquents, altogether and one for all, to a fine which shall not fall short of the value of the vessel and cargo, and which shall not exceed double that value.

Art. 6. Those of the ship's company, exclusive of the captains, officers, and supercargoes, shall not be liable to any penalty, who, previous to any prosecution known to them, and at farthest within a fortnight after their landing, either in the ports of France, of the colonies, or of foreign countries, shall have declared to the agents of the government, or, if there be none, before the local authority, what part they may have taken in the slave-trade.

Art. 7. The crimes and delinquencies committed on board any vessel against the blacks embarked, shall be visited with the penalties prescribed by the penal code.

Art. 8. Whoever shall forge, sell, or buy such irons as are exclusively employed in the slave-trade, shall be punished with an imprisonment of one year at the least, and not exceeding 2 years.

Whoever shall happen to possess, at the time when the present law is promulgated, irons of this description, shall be bound to make declaration of them within a fortnight, and to destroy them within the space of 3 months, on pain of 6 months' imprisonment.

Art. 9. Whoever shall knowingly have concealed, sold, or bought, one or more blacks, imported by the slave-trade into a colony, since the promulgation of the present law, shall be punished with an imprisonment of 6 months at the least, and of 5 years at the most.

The delinquencies specified and punished by the present Article, shall have the benefit of prescription, and it shall not be lawful to set on foot any prosecution, when a year shall have elapsed from the importation into the colony of a black, concealed, sold, or bought.

Art. 10. The blacks acknowledged to have been procured by the slave-trade, in the cases alluded to by Articles 5 and 9 preceding, shall by the same sentence be declared to be free.

A certified minute of their liberation shall be drawn up, and entered in a special register deposited in the office attached to the tribunal; and an authenticated copy of it shall be given them gratis.

Art. 11. It shall, nevertheless, be lawful for the Government to engage the blacks thus set at liberty, for a term not exceeding 7 years, to reckon from their importation into the colony, or from the period at which they shall be grown up. They shall be employed, during the course of such engagement, in the publick workshops.

Art. 12. The provisions of the preceding Article shall apply to slaves accruing from anterior seizures, and who are actually in the possession of Government. The duration of the engagement to which the negroes shall be subjected, shall be computed from the promulgation of the present law.

Art. 13. When the particular fact involving the crime, shall have been committed in a port of the continental territory of the kingdom, and when the vessel shall have been seized, or conducted into such port, the prosecution of the crime or delinquency shall take place in the Court of Assize of the Department.

Art. 14. When the fact involving the crime shall have been committed in a French colony, and when the vessel shall have been seized and carried into one of its ports, the crime or delinquency shall be adjudged in the Court of Assize of the Colony.

The 4 assessors shall be drawn by lot by the Governor, in publick court, from among the 12 functionaries of the administrative order of the highest rank.

For this purpose, the return of these functionaries shall be made out by the Governor, and published at the beginning of each year.

In Senegal, the adjudication of the crimes and misdemeanours committed with respect to the slave-trade, shall continue to belong to the Council of Appeal.

Art. 15. When it shall become necessary to demand the reference of the judgment of the crime or misdemeanour to another court than that of the colony, the *Procureur-Général* shall, either of his own authority, or on the requisition of the Governor, remove the cause into the Court of *Cassation*. The prosecution shall be suspended till that court shall have notified its sentence.

Art. 16. The proceeds of the sale of the vessels and cargoes, as well as the amount of the fines, shall be applied to better the condition of the manumitted negroes, after deducting the prize-money due to the captors, in compliance with the laws and regulations concerning prize-ships.

Art. 17. Extracts from the decrees and sentences of condemnation shall be inserted in the *Moniteur*, and in the official *Bulletin* of the colony; and they shall contain the names of the condemned individuals, as well as those of the vessels, and the ports whence they sailed. This insertion shall be ordered by the courts and tribunals, independently of the publications prescribed by Article 36 of the Penal Code.

Art. 18. The law of the 25th of April is repealed.

The present law, having been discussed, deliberated upon, and adopted by the Chamber of Peers and by that of Deputies, as well as sanctioned by Us to-day, shall be executed as a state-law.

WE COMMAND our Courts and Tribunals, Prefects, Administrative Bodies, and all others, to guard and maintain these presents, and to cause them to be guarded, observed, and maintained; and, with the view of making them better known to all, to have them published and registered whenever there shall be occasion; and, to the end that this matter may be firm and stable for evermore, we have caused our seal to be affixed to it.

Done at Paris, at the Palais Royal, the 4th day of the month of March, 1831.

(Signed) LOUIS PHILIP.

Seen and sealed with the great seal:

*The Keeper of the Seals of France,
and Minister Secretary of State for
the Department of Justice.*

(Signed) MÉRILHOU.

By order of the King:

*The Peer of France, and Minister and
Secretary of State for the Depart-
ment of the Marine and the Colonies.*

(Signed) COUNT D'ARGOUT.

Viscount Palmerston to Viscount Granville.

MY LORD,

Foreign Office, April 9, 1831.

I HEREWITH enclose, for your Excellency's information, copies of documents received from the Colonial Office, from which you will perceive, to what an extreme extent slave-trade is still carried on under the flag of France.

Among the facts which these documents recite, the following are the most prominent:

A French vessel "*La Caroline*," Jean Antoine Daniel, Master, was met with by His Majesty's brig "*Conflict*," in latitude 9° 15' N., and longitude 14° 25' W., on the 15th of December, 1830, with 51 slaves on board.

Four of these slaves were Africans, who had been liberated under the Mixed Commission at Sierra Leone, had become British subjects settled there, had been kidnapped from thence, placed in irons, and sold to the Master of the "*Caroline*."

The Master of the "*Caroline*," a man named Daniel, had been made aware of these facts, but his answer was, "it was no matter; for if an English man-of-war saw him, she could not touch him, as he was a Frenchman;" implying thereby, that under the flag of France, he was certain of impunity, and that under its protection he could not only carry on his infamous traffick with safety, but at the same time commit a gross outrage upon the subjects of a friendly power.

The conduct of Daniel is greatly aggravated by his cruel treatment of the slaves. It appears that a very small quantity of rice to each, constituted the whole of the daily nourishment allowed them.

The above British subjects on board of "*La Caroline*" having claimed the protection of the British Commander of the "*Conflict*," he, after verifying the truth of their statement, took them out of that vessel, which was then sent to be delivered up to the French Authorities at Goree, there to await the investigation of the case under the Authorities of the country to which the vessel belonged.

But Captain Daniel is not the only Frenchman, charged in these papers with having been engaged in the practices in question.

Facts are stated, shewing, that a Frenchman, named Anthony, at a town called Inverbah, is in the habitual practice of kidnapping the liberated slaves of Sierra Leone, for the purpose of reducing them again to slavery.

Nor is the "*Caroline*" the only French vessel of whose employment in the slave-trade evidence is here given.

A few days previous to the capture of "*La Caroline*," H. M. brig "*Conflict*" met with the French brig "*Emilie*," of and from Nantz, trading for slaves in the Pongos.

On the 17th of December, His Majesty's ship "*Favourite*" boarded, near the mouth of the harbour of Sierra Leone, the French brig "*La Jeune Emeline*," from the Sherbro', bound for Guadaloupe, with 285 slaves on board. A great number of these negroes spoke good English; and on that account, coupled with the facts above-mentioned, it appears probable that they also had been kidnapped from the British colony of Sierra Leone.

The British sloop the "*Black Joke*" lately boarded 5 French vessels, containing upwards of 2,000 slaves; and it was reported by the Captains of these vessels, that a company of French merchants at Nantz have entered into a contract to supply the West India colonies, Spanish as well as French, with slaves, to the number of 30,000 a year.

These facts and these reports demonstrate, in a most conclusive manner, the extent to which slave-trade is now carried on under the flag of France.

They speak too loudly of themselves to need any comment.

The chief of them, as your Lordship will perceive, are verified by detailed and irresistible evidence in the accompanying papers; and I trust that there needs only a communication of these facts themselves to the French Govern-

ment, to insure not only the punishment of the offenders with adequate severity, but also the immediate adoption of such effectual measures for the future, as shall prevent a recurrence of these atrocious practices.

His Majesty's Government expect, confidently, that such measures will be taken; for they feel assured, that the French Government will be anxious to demonstrate to the world the good faith, with which they declared their determination to extinguish this disgusting traffick—a determination of which they have already afforded a proof in the law, which has recently passed the Chambers and received the sanction of the King, for more effectually suppressing the trade of France in slaves.

I am, &c.
(Signed) PALMERSTON.

His Excellency Viscount Granville,
&c. &c. &c.

Enclosure in No. 111.

R. W. Hay, Esq. to John Backhouse, Esq.

SIR,

Downing-Street, February 28, 1831.

I AM directed by Viscount Goderich to transmit to you, for the information of Viscount Palmerston, the copy of a despatch, with its enclosures, from the Lieutenant-Governor of Sierra Leone, reporting various acts of slave-dealing in that quarter, by vessels under the French flag, and more particularly in the case of the brigantine "*La Caroline*," having on board 4 Africans, British subjects, who had been kidnapped from Sierra Leone. I also enclose extracts of a despatch from Lieutenant-Governor Findlay, with various enclosures, in farther evidence of the extent to which the slave-trade is carried on by foreign vessels in the River Pongos.

I am, &c.
(Signed) R. W. HAY.

John Backhouse, Esq.
&c. &c. &c.

Sub-Enclosure (A.) in No. 111.

Lieutenant-Governor Findlay to R. W. Hay, Esq.

SIR,

Sierra Leone, December 20, 1830.

I HAVE the honour to submit to you, for the information of the Right Honourable the Secretary of State, that Commodore Hayes, at my request, was so kind as to order H. M. brig "*Conflict*" to carry his Honour the Chief Justice to the Gambia, for the purpose of holding a session of Oyer and Terminer and General Gaol delivery of that station.

The "*Conflict*" left this harbour on Saturday the 11th, and on Wednesday the 15th she fell in with the French brig "*La Caroline*," Jean Antoine Daniel, Master, in latitude 9° 15' N., longitude 4° 25' W., having 51 slaves on board. The boats of the "*Conflict*," under the command of Mr. Rose, the master, accompanied by his Honour the Chief Justice, boarded the brigantine "*La Caroline*," and on their being about to leave the vessel, 2 of the slaves came to the Chief Justice, and in good English, claimed their freedom as British subjects, and the protection of the English flag. His Honour the Chief Justice, thus finding 2 of His Majesty's subjects in captivity, recommended the Master of the "*Conflict*" to detain "*La Caroline*," and to bring her into Sierra Leone, in order that those unfortunate individuals should be restored to their former liberty in this colony. On the vessel's arrival here, Mr. Cole, the Assistant Superintendent, went on board, and found 2 more of the liberated Africans in irons, who had been in the hold when the Chief Justice and the Master of the "*Conflict*" were on board. I ordered these 4 liberated Africans, who had been stolen from this colony, to be taken out of the "*Caroline*" and set at liberty. I

then submitted to the Council the necessity of adopting some measure to bring the Master of the "*Caroline*" to punishment, for carrying British subjects into slavery, he well knowing them to be such, as will appear from the depositions, copies of which I herewith enclose, when it was agreed to send the "*Caroline*" and the other slaves on board, to Goree, and to give them up to the French authorities there, in order that the Master and the crew may be dealt with according to the laws of France, for this aggression, and that Commodore Hayes should be requested to send her to Goree, under convoy of one of the squadron, which he very readily complied with, and has ordered the capturing vessel, the "*Conflict*," to take her there. I herewith enclose a copy of my letter to the Commandant of Goree, and I trust our Government will make such remonstrance with that of the French, as will prevent their subjects from coming within a few miles of this colony, and inducing the ignorant natives to steal His Majesty's subjects, to enable them to carry on their illicit and inhuman traffick in slaves.

On the 13th instant H. M. S. "*Favourite*," Captain Harrison, boarded, a short distance from the mouth of the harbour, the French brig "*La Jeune Emeline*," from the Sherbro', bound for Guadaloupe, with 285 slaves on board, a great number of them speaking good English, who, I have not the slightest doubt, have been kidnapped from this colony.

The "*Black Joke*" lately boarded 5 French vessels, containing upwards of 2,000 slaves; from the Captains of each of those vessels Lieutenant Ramsay obtained the same information, viz. that a company of French merchants at Nantes have entered into a contract to supply the West India Colonies, Spanish and others, as well as French, with 30,000 slaves per annum. This will give you some idea to what extent the French are carrying on the slave-trade.

To shew you how those unfortunate beings were fed on board of the "*Caroline*," I enclose a sample of the rice, and a similar quantity to that which was allowed as a full day's subsistence for two persons, which you will find in the depositions before the Chief Justice.

I have, &c.

(Signed)

ALEX. FINDLAY,

Lieutenant-Governor.

R. W. Hay, Esq.
&c. &c. &c.

Sub-Enclosure (B.) in No. 111:

Lieutenant-Governor Findlay to Captain Hesse.

SIR,

Government-House, December 22, 1830.

I HAVE the honour to inform you, that H. B. M. brig "*Conflict*," on Wednesday the 15th instant, while on her passage to the Gambia, fell in with the French brigantine "*Caroline*," Jean Antoine Daniel, Master, with 51 slaves on board, which he had shipped in the Rio Pongos. Amongst those slaves were 4 of His Britannick Majesty's subjects, who had been stolen from this colony, and purchased by the said M. Daniel.

When the officer from His Majesty's brig, accompanied by his Honour the Chief Justice of this colony, boarded the "*Caroline*," 2 of those unfortunate men claimed their freedom, as British subjects, and the protection of the English flag. The English Commander finding His Majesty's subjects thus carrying into slavery under the flag of France, which I regret is now made a protecting flag for the subjects of all other nations who deal in the odious traffick in human flesh, was compelled, from a sense of duty which he owed to his King and country, to detain the "*Caroline*," and bring her in here, in order to rescue those individuals who, on a former occasion, had been made free at the expence of the British Government.

On the vessel's arrival in this harbour, 2 more unfortunate beings were found, who had been in the hold when the "*Caroline*" was boarded.

I have ordered those 4 British subjects to be taken out of the "*Caro-*

line," and to be restored to their former freedom in this colony, and although the "*Caroline*" might have been condemned here for such an act of aggression, yet His Majesty's Council have agreed with me to give her up to the French authorities on the Coast, and we have solicited Commander Hayes, C. B. to send her to Goree, under convoy of one of the ships of his squadron, there to be delivered up to you, in order that the offenders may be dealt with according to the laws of France.

It cannot be supposed, Sir, that the French Government will suffer their flag to be tarnished, by allowing their subjects to come within a few miles of this colony, and entice the ignorant natives to steal His Majesty's subjects, for them to carry into slavery.

I enclose you copies of the depositions which were sworn to before the Chief Justice of this colony, by the liberated Africans whom Captain Daniel was carrying into captivity, and I request your particular attention to those parts in which they swear, that they had made Captain Daniel acquainted with their character of British subjects, and his reply to their remonstrances.

Under all the circumstances, I feel it my duty to submit to the Government of His Britannick Majesty a full statement of the conduct of this Mr. Daniel, in order that they may, in concert with the Government of France, take the proper steps to prevent a repetition of such disgraceful acts in future; and I feel a confident hope, that the present liberal Government of your country will, in conjunction with ours, take the necessary measures for putting a speedy and effectual stop to the encouragement given under the late flag of France to the perpetuation of slavery, an encouragement which I feel satisfied will never be sanctioned by any one, who has the honour of either country at heart.

I have further to remark, that when the boats of His Britannick Majesty's brig approached "*La Caroline*," Mr. Daniel hoisted a white flag, although you will perceive from his correspondence, that he had been twice warned that the tri-coloured flag was now the flag of France.

I have, &c.

(Signed) ALEX. FINDLAY,

Captain Hesse,

Commandant, Goree.

Colonel and Lieutenant-Governor.

Sub-Enclosure (C.) in No. 111:

Extract of a Despatch from Lieutenant-Governor Findlay to R. W. Hay, Esq. dated Sierra Leone, December 25, 1830.

ON board "*La Caroline*," detained by the "*Conflict*," on the 15th instant, were found 4 liberated Africans, whose depositions, 4 in number, I herewith enclose, they will best explain to you the manner in which they were treated, after taken from this colony. On board "*La Caroline*" was also found a letter from Joseph, addressed to Captain Daniel of that vessel, relative to the value of 5 slaves, a copy of which I herewith enclose.

Having received information that there were several liberated Africans who had been taken from the colony, and kept in slavery at a town called Mooribah, in the Sombia country, I ordered Mr. Cole, the Assistant-Superintendent, to dispatch one of the Sub-Managers, in order, if possible, to restore those unfortunate beings once more to freedom, and with a view to detect the persons who had sold them; Mr. Cole selected Mr. Pratt for this service, who succeeded in bringing back 2 of the liberated Africans, who, it had been reported to me, were at that town, and I enclose a return, shewing the names of the persons who sold them, with Mr. Pratt's report to the Assistant-Superintendent, on his return.

I also received information that there were 4 liberated Africans in slavery, at a town called Beneka, in the Foulacaria country. I ordered Mr. Thomas Cole to dispatch one of the Sub-Managers, Mr. Jones, for the purpose of rescuing them from slavery, and also with a view to detect the person who sold

them. Mr. Jones, after great difficulty, succeeded in recovering 3 out of the 4 before stated, the other, boy, having made his escape, and found his way to one of the merchant's factories, but who has since been sent here to point out the person who sold him. I enclose Mr. Jones's report to me for your perusal, by which you will see that 2 out of the 4 liberated Africans, thus redeemed a second time from slavery, had been sold upwards of 2 years ago; this is a clear proof that the practice of kidnaping and selling the liberated Africans of this colony, has been going on to a great extent, for a long time back.

Sub-Enclosure (D.) in No. 111.

Deposition of a liberated African Boy, named John Davis, found on board the Brigantine "La Caroline," commanded by John Antonio Daniel, when that Vessel was boarded by the Boats of His Britannick Majesty's Brig "Conflict," on the 15th of December, 1830, in Latitude 9° 15' N., Longitude 14° 25' W. Taken before His Honour John William Jeffcott, Chief Justice of Sierra Leone.

JOHN DAVIS sworn, states—that he is a King's boy, or liberated African; lived at Sierra Leone for 6 years; was apprenticed to a man named Tom Black, who lived in the Kissy Town-road, near the wharf where a large ship had been wrecked, or broken-up. Before he went to reside with Tom Black, deponent had lived with a countryman of his called "Josiah," who got into some "palaver," and was sent to goal, after which deponent went to live with Tom Black; resided with him for some years, when one day he was told by him to go with a Mandingo man to buy rice. Black told him he would be absent for 3 days, and that he would return by way of the River Sierra Leone.

He went with the Mandingo man, who embarked him in a canoe, in which were 6 others; they kept along the coast for 5 days; when they came to the country of the Mandingo man deponent lived with the Mandingo man in his house (a grass house) one moon (month); he was then transferred to "Jack Ormond's" town, in the Rio Pongos, where the Mandingo men sold him to Jack Ormond. Jack Ormond, in receiving him, put him in prison (or in confinement). Deponent told Jack Ormond that he was a "Sierra Leone boy," a "King boy," to which he replied, "my good boy, I cannot help it—if I let you out of chains you will run away." He was kept in chains for 6 days, and then sold to Monsieur Daniel, Captain of the French brigantine "La Caroline," in which he was found, when the boats of the "Conflict" boarded her. Captain Daniel lived at the Rio Pongos, in the house of a Mandingo man, named Brama Noba. Deponent was employed by Daniel to clean knives and forks; told Captain Daniel he was a "Sierra Leone boy," a "King George's boy." Captain Daniel said "it was no matter, if English man-of-war saw him, she could not touch him, he was a Frenchman."

Deponent knows a man named Joseph, or Jonsiffe, at the Rio Pongos. Joseph is an Englishman; was told so by one of his slaves who ran away. Joseph has plenty of slaves, he sold 5 to Captain Daniel, one of whom ran away. The boy who ran away was a Sierra Leone boy. Captain Daniel and Joseph were very intimate—they used to eat and drink, and live together. They did not occupy the same house, but used to visit each other in canoes, as they lived at some distance apart. Amongst the slaves in the "Caroline" was one who had been sold by Joseph to Monsieur Daniel, his name is George—Joseph is a short man in stature, a white man.

There were 50 slaves shipped on board the "Caroline," including witness; she left the Rio Pongos on the 12th instant. They were all put in irons, with the exception of deponent, whom the Captain ordered to act as cook to his companions.

Captain Daniel allowed the slaves but one meal a day each. The day's provision for the 50 slaves consisted of 15 small calabashes of rice, the calabash containing about half-a-pint English measure, thus allowing to each

man about a wine-glass full of rice for his daily and only meal. Deponent, as cook, had to send it out. Captain told him to put plenty of water to each portion of rice, that the slaves might suppose it was greater in quantity from being swollen. When the slaves remonstrated, Captain Daniel said, "when they got to the West Indies they would get plenty to eat, but that he had no room to stow provisions in his vessel." He also said, "that if they eat too much, they would get sick."

There were 5 women amongst the slaves, 4 slept below among the men, and one slept with the Captain! When the Captain saw the boats of the man-of-war "Conflict" coming, he sent the slaves down below, put a cloth over them, said, "they must not talk, and if they did, he would flog them." The slaves were greatly annoyed at the Captain's conduct to them, and would have thrown him overboard, if they had not been ironed.

(Signed) ^{His} JOHN × DAVIS,
Mark

The above deposition was taken and sworn to on board H. M. brig "Conflict" of Sierra Leone, this 17th day of December, 1830, before me,

(Signed) J. W. JEFFCOTT,
Chief Justice of Sierra Leone.

Present, GEORGE SMITHERS,
Lieutenant and Commander.

Sub-Enclosure (E.) in No. 111.

Deposition of a liberated African Boy, named "George," found on board the Brigantine "La Caroline," (Jean Antonio Daniel, Commander), when that Vessel was boarded by H. M. S. "Conflict," on the Morning of the 15th of December, 1830, in Latitude 9° 15' N., Longitude 14° 25' W.

Taken before the Hon. John W. Jeffcott, Chief Justice of Sierra Leone.

GEORGE, sworn; is a liberated African, or King's boy; lived at Sierra Leone with a man named John Monkton; a Mandingo man, called Pafenny, employed him to sell blue baft; this Mandingo man took him to the Rio Pongos, and sold him to Jonsiffe or Joseph; Joseph kept him for 3 moons (months) in chains; was kept with both hands and feet in irons; when he wanted to eat, was obliged to stoop his head down and lick his food off the ground, not being able to use his hands, being tied behind his back; Joseph has 2 houses, one a large house, as big as the ship ("Conflict;") he lives in one house, keeps the other for his slaves, and is building a third, a new house, for himself to live in; he has 4 women living with him, one is named Mary, another Sacchra; Jonsiffe and Captain Daniel were very intimate; Jonsiffe sold Captain Daniel 5 slaves, viz. George (deponent), John, who ran away; third, Buthen; fourth, Tamaguoy, a Temaimée; and, fifth, Laha; one run away from him; the run-away slave was called John; he was a Sierra Leone boy, who had been in a man-of-war; John knew too much (i. e. a good deal); was a sailor; ran away into the bush; was brought back, and now lives with Jonsiffe.

Witness also ran away from Joseph; was retaken and flogged, by Joseph's order, by 3 men; still bears the marks of the punishment; Jonsiffe was constantly flogging his slaves.

When Joseph sold deponent to Captain Daniel, deponent told him he was a Sierra Leone boy; Daniel said it did not signify, as, if the English man-of-war came into the Rio Pongos, he could land his slaves, and at sea he could run away from her.

GEORGE'S × Mark.

The above deposition was sworn to on board H. M. brig "Conflict," off Sierra Leone, this 17th day of December, 1830, before me,

(Signed) J. W. JEFFCOTT,
Chief Justice, Sierra Leone.

Present, GEORGE SMITHERS, Lieutenant and Commander,
H. M. S. "Conflict."

Sub-Enclosure (F.) in No. 111.

Present, B. CAMPBELL, Esq., P. M.

Sierra Leone, December 22, 1830.

COTTY appears, and, being duly sworn, deposes, and saith as follows— I am a liberated African, and was brought to this colony at first by a man-of-war, in a slave-ship; I was born at Panna, a country near Soombia; was made a slave of by being taken a prisoner in war, and sold to John Ormond, at the Rio Pongos, who shipped me in the vessel in which I was taken by the man-of-war, about 2 years ago; I had only been in this colony about 2 months, during which I lived in the Liberated African yard, when, one day, a man who is well acquainted with my family, named Donca Lahi, a Sooso, of Dombia, came there, and we recognized each other as old acquaintances; Donca Lahi persuaded me to go with him in his canoe, in order to get back to my father and my country, and I consented, and went with him to the water-side, near Kroo Bay, where we got into a canoe, and, pulling to sea, in 5 days arrived at Doombia, in the Soosoo country, of which town Samba Similé is headman. Before I went with Donca Lahi, it was agreed between us that he was to be paid a bull for conveying me home; on getting to Doombia, however, Donca Lahi would not permit me to go to my father, but detained me in a state of slavery, and, after I had been there about a month and a half, he took me, with a view to sell me at Foulah country; 3 days after setting out, I made my escape, but was again taken, and, the same day, sold to Fendù Moodu, at a town called Mariboobigah, also in Sooso country; I was in Fendù Moodu's possession 2 months, in chains all the time; was then delivered to Fendù Moodu's son, Bramah, who conveyed me to Rio Pongos, and sold me to John Ormond again, by whom I was sold to the French people, who shipped me in the schooner "*Caroline*," which vessel was a few days after taken by a man-of-war, and brought in here, where she is now.

COTTY'S × Mark.

Taken and sworn before me, the day and year first above written,

(Signed) W. CAMPBELL,
Presiding Magistrate.

Witness to Mark, (Signed) F. W. COLE,
Assist. Superintd. Libd. Africans.

Sub-Enclosure (G.) in No. 111.

Present, B. Campbell, Esq. P. M.

Sierra Leone, December 22, 1830.

BILLY GRANT convicted, at the last November sessions, of felony and slave-dealing, brought up from the Gaol of Freetown, charged by Carofalla with having, on or about the 1st day of April now last past, contracted for the embarking, shipping, confining, and detaining him, the said Carofalla, a liberated African, and subject of our Lord the King, in and on board of a certain canoe at Freetown, for the purpose of his being removed and conveyed as a slave, or in order to be dealt with as a slave.

Carofalla sworn, states,— that he is a Foulah; that one day in the last dry season was going to Ka Kundy with rice to sell, and was set upon in the road by some persons and made a slave of; afterwards complainant was sold to John Ormond, who shipped complainant in a vessel "*Maria da Concepcao*" which was taken and brought in here; when complainant was liberated and placed in the yard of the Liberated African Department to live. Complainant remained there about 2 months, and in that interval became acquainted with prisoner; complainant's brother was living with prisoner at his house, and complainant was in the habit of going there to see him, sometimes to eat, sometimes to sleep; complainant's brother went over to Yella Moodus Town for some purpose, after which complainant was at pri-

soner's house 3 days, sleeping there; on the 4th day Yella Moodu came there, and was walking with prisoner and his wife for a considerable time, what they spoke of complainant does not know, as the conversation passed in Sooso, which language complainant does not understand; Yella Moodu was at the house two or three times that day, in conversation with prisoner and his wife, and on the last occasion prisoner and his wife went out, leaving complainant and Yella Moodu together; Yella Moodu then proposed to complainant to go over the river with him in his canoe to fetch some bulls that he, Yella Moodu, had left behind, and he promised complainant to pay him for his services on his return; complainant agreed, and accordingly went with Yella Moodu, embarking in the canoe at about 6 o'clock in the evening; when complainant was in the canoe, before it shoved off, saw prisoner on the shore near at hand; prisoner saw the complainant go into the canoe, and he and Yella Moodu talked together at the time; when the canoe had got well into the river, half way across, Yella Moodu told complainant that he was his slave, that prisoner had sold complainant to him, and he tied a rope round his neck; the canoe proceeded to Melicouri, where the rope was taken from complainant's neck and his feet chained; complainant was at Melicouri a month, when he made his escape to a town called Bussia, on the road to Teembo; complainant was there caught, put in chains again and detained another month; he was then taken back to Melicouri, and sold to one Sulimane, who sent complainant to the Rio Pongos, to his father Bramah Nolia, who transferred complainant to the French people, who shipped complainant in the schooner "*Caroline*," which was afterwards taken by a British man-of-war, and brought into this port where she now is.

CAROFALLA'S × Mark.

Taken and sworn before me, (Signed)

W. CAMPBELL,
Presiding Magistrate,

WITNESS, (Signed) THOMAS COLE, Superintd. Libd. Africans.

Sub-Enclosure (H.) in No. 111.

E. Jonsiffe to Captain Daniel.

DEAR SIR,

Rio Pongos.

YOU will oblige me to give a list of the amount of 5 prime slaves; as I wish to pay ready slaves, you will try and give me as good a price as you possibly can. With best respects,

Your's very truly,

(Signed) EDWARD JONSIFFE.

Gambia Factory, July 25, 1830.

Addressed, Captain Daniel, Abordo, Jugg. Kining.

Sub-Enclosure (I.) in No. 111.

Mr. Cole to Lieutenant-Governor Findlay.

SIR, *Liberated African Department, Freetown, Dec. 28, 1830.*

I HAVE the honour to enclose, for your information, a statement made by Mr. Pratt, of this Department, in carrying into effect your Excellency's instructions, communicated to that officer on the 12th ultimo, regarding his mission to Mooribiah, in the Soombia country, to obtain the restoration of several liberated Africans, whom your Excellency had received information were kidnapped from the colony, and sold into slavery, by British subjects.

Mr. Pratt returned on the 18th of the same month, bringing with him 2 liberated Africans, described in the enclosed return, and whose information, as to the parties who were concerned in carrying them into slavery, was imme-

diately taken. One, your Excellency will perceive, charges John Ellis, a Maroon settler, with the crime; and the other, Sierra Gabboo, a liberated African, both of whom are finally committed by the Police Magistrate, to take their trial before the proper tribunal.

I have, &c.

(Signed)

P. W. COLE,

Assistant Superintendent.

His Excellency Lieutenant-Governor Findlay,
&c. &c. &c.

Sub-Enclosure (K.) in No. 111.

Mr. Pratt to Mr. Cole.

SIR,

Freetown, November 19, 1830.

IN obedience to the instructions I received from you, on the 11th instant, relative to 2 liberated Africans, who had been kidnapped and sold to a Frenchman named Anthony, at at own called Mooribiah, in the Sombia country, I proceeded to that place on the 12th instant, and arrived on the evening of that day at Ro English, where a timber-factory has been established by Mr. H. Weston. Having made enquiry from Mr. Stone, a person in Mr. Weston's employ, whether any of the canoes which traded to Freetown carried away any of the Africans belonging to the colony; he said, he had every reason to believe they did, as he himself was trading some time back for rice, when the Chief of the town he traded at asked him—why he did not bring him some King's people to sell; stating, that he had bought plenty from Freetown people. Mr. S. further informed me, that there were 2 boys at Mr. Weston's other factory in the Scarcies, who had been sold to some people in the country, by persons belonging to Freetown, but who had made their escape to the factory. These boys he told me I could have, if I called for them on my return from Mooribiah, which I did, and received from them one of them; the other was left behind, owing to the boatmen Mr. S. sent to fetch them not understanding they were to bring both. He, however, promised that he would send the boy to Freetown, when he had occasion to send to his employer.

On the morning of the 13th I left Ro English, when distant about 3 miles, I fell in with a canoe which appeared to be full of people, and deeply laden: attempting to run alongside, the man at the helm asked me what I wanted, and steered for the shore: with some difficulty I got alongside, when I saw 5 liberated Africans in the bow (3 girls, 1 man, and 1 boy,) several persons at the bottom, and a number of women under a covering of mats in the stern; I should think that the whole could not be less than 25 persons. Having asked the Gunnettas in the canoe what they were going to do with them, and receiving no answer, I asked the liberated African man, who was a native of Calabar, where he was going? He said, "Oli! Massa, me slave." I then desired one of my boatmen to go and ask the people under the awning, if they were slaves likewise; when he told me they were. One of the Gunnettas belonging to the canoe attempted to throw the boatman overboard. Seeing this, I desired the coxswain of my boat to give me a boarding-pike, (the only article I had to defend myself with, not having taken any arms with me) with which he was keeping the boat off the canoe: he refused to give it me, stating, that if I attempted to take away the slaves, the people in the canoe would murder me. I wrested the pike from him, and turning round, saw two of the people in the canoe armed, the man at the helm with a cutlass, and a Gunnetta with a gun, which he was about to present at me. I ran to him, and attempted to make a thrust at him—he jumped overboard, taking the gun with him, as also did the two others. The canoe at this time was filling with water, owing to the slaves having rushed to one side. Seeing this, I desisted from further attack, fearing if the canoe sunk some lives might be lost. The man at the helm rushed out from

under the awning, and made a blow at me with a cutlass, which stunned me for a few seconds. Being under the awning of the boat, and so close that I could not use the pike, I retreated towards the bow of the boat, when the pike got foul of the mast, and I was necessitated to leave it, and defend myself with an iron stauncheon. Seeing the Gunnettas were armed with cutlasses, and not having any arms to defend myself, and that no trust could be put in my boatmen, I was necessitated, though very reluctantly, to sheer off; thinking I might fall in with some canoes belonging to Freetown, I kept within a few boats' length of him. Coming to a small channel, about 50 feet broad, I desired the boatmen to lay on their oars, determined to dispute the passage with him. Seeing this, he ran his canoe on shore, landed his slaves, and carried them to the bush. About 5 miles from the place where he landed the slaves, I saw 3 schooners, which I have since heard were trading for slaves.

On the morning of the 15th, I arrived at Mooribiah, and informed the King of that place, that the Governor had sent me to him with a message, the purport of which I would communicate to him the next day. He appeared anxious to know immediately; but, being Sunday, I told him that the white people of my country always kept that day sacred, and trusted that he would wait until the morning; to which he consented. After I had been in the town about 10 minutes, my guide told me that he saw a woman in irons in the house of Anthony the Frenchman, who lived in the same square as the King. I went immediately, but found she had been removed. On mentioning this to the King, he desired that the woman might be brought to me. I questioned her whether she was a liberated African; she said "No;" but that she formerly lived at a town close to the colony, and was a native of the Timmanee country. As I had no instructions to demand any body who was not a liberated African, I thanked the King for complying with my request; and told him, that as she was not a liberated African, I did not wish to interfere; but urged him not to allow the poor creature to be again put in irons. The unfortunate woman hearing me speak in her favour, shed tears, and thanked me. The man, Anthony, whose slave this poor creature was, came to me with "John Charles;" but being both drunk, I had no conversation with them until next day. On the morning of the 16th the Chiefs assembled in Palaverhouse, when the King sent for me; and, after reading the Governor's letter, and communicating my message, he asked Anthony what he had to say. He replied, he had sold one of the liberated Africans (a boy) some time ago; and that he could not give me the girl unless I paid him 80 bars (dollars), the sum a man named "Sierra Gabboo" had put her in pawn for. I told the King, that the Governor did not send me to make any proposition with a notorious slave-dealer, but that I came with a message to him, and trusted that, if Anthony did not give me the girl, that he would allow me to take him to Sierra Leone. After the King had had a long conversation with Anthony, the latter told me, that if I would send for Sierra Gabboo's wife, who was living at a small town just by, he would give her the girl, and she would give her to me. To this I would not consent; knowing if Sierra Gabboo's wife had received the girl from him, and she not able to repay him for the girl, he would sell her. After using some threats that I would take him to Freetown, he consented to deliver her up, which he did about noon the following day. Towards evening he came to the house the King had given me to reside in during my stay, and asked me to give him some brandy. He went away, and returned in about 10 minutes with "John Charles," nearly intoxicated, and told me that as the palaver was now settled, he would tell me the truth: that Sierra Gabboo had not put the girl in pawn, but that he had bought her from him for 66 bars'-worth of goods. I asked him what sort of goods he gave for her. He said he would go and fetch his book. He went; and on his return, he brought a copy-book, from which I copied as follows:

Paid for the Girl Jenny,

1 gun, 10 bars; 4 fathom blue baft, 4 bars; 3 fathom white baft, 3 bars; 4 fathom of check, 4 bars; tobacco, 13 bars; 5 fathom shalloon, 5 bars;

7 fathom print, 7 bars ; Madras handkerchiefs, 3 bars ; 3 fathom satin stripe, 3 bars ; powder, 9 bars ; rum, 4 bars ; knife, 1 bar. On each leaf of the book, from which the above articles were taken, was written the quantity of articles given for 4 slaves, consequently he had purchased 74 of his fellow-creatures, allowing that the book contained 20 leaves. I asked him if he had ever bought any slaves from Sierra Gabboo before, he replied, " Yes, I bought seven ;" on expressing my surprise, that so large a quantity should have been taken out of the colony by one man, he said there was a vessel that went out of the Rio Pongos the other day, that had 30 liberated Africans on board, and there was not a vessel that left the above place but carried away more or less, as John Ormond, in whose employ he was, had factories in almost every town in the Soombia country, and, in fact, they would rather purchase " King's people," as they sometimes did not cost them more than from 10 to 20 bars. The liberated Africans which were sold, were chiefly by persons resident in the colony.

After the girl had been delivered to me, I presented the King with the presents the Governor had entrusted me with ; he appeared much pleased, and requested me to inform his Excellency, that he wished the people of his town to be considered the same as those of Sierra Leone, and that should any of the liberated Africans be brought there for sale, he would send them to Freetown.

I have no doubt, from some conversation I had with several of the most intelligent natives, that if two armed boats were stationed, one off the Yellow Booyer, and the other off the Mooribiah River, a very great check could be put to the detestable traffick in slaves ; for, if the owners were to attempt to transport them by land to the Rio Pongos and Nunez, they would subject themselves to a very heavy tax, and run the risk of having their slaves seized by the various Chiefs, whose country they would have to pass through.

I have, &c.

(Signed) W. B. PRATT,

Manager of Liberated African Department.

Thos. Cole, Esq.

Assistant Superintendent.

Sub-Enclosure (L.) in No. 111.

Statement, shewing the Names of the Liberated Africans, restored to their Liberty by Mr. W. B. Pratt of the Liberated African Department, and of the Parties concerned in carrying them into slavery.

Name, Sex, and Description of Liberated Africans restored.	Names of the Parties charged with carrying the said Liberated Africans into Slavery.	REMARKS.
Jenny { Woman unmarried, and had been located at Wilberforce.	Sierra Gabboo,* a Liberated African brought to the colony in 1813.	This man, Sierra Gabboo, is finally committed to take his trial.
Thomas Cole { Apprenticed to a liberated African at Gloucester.	John Ellis, a Maroon settler.	Finally committed to take his trial.

(Signed)

P. W. COLE,

Assistant Superintendent.

Liberated African Department, December 28, 1830.

* Since the first Examination was taken, three other persons, a Liberated African Woman and two Mandingos, are found to have been implicated with Sierra Gabboo, and are also committed to take their trial.

Sub-Enclosure (M.) in No. 111.

Mr. Jones to Mr. Cole.

SIR,

Freetown, Sierra Leone, December 6, 1830.

IN obedience to the instructions of his Excellency the Lieutenant-Governor, I have the honour to enclose, herewith, a memorandum of my proceedings on a mission to the Mandingo country, for the recovery of 4 liberated Africans, in slavery at a native town called Bereka, in the Foulahcaria river.

I have, &c.

(Signed)

C. B. JONES.

Thomas Cole, Esq.

Manager, Liberated African Department.

Assistant Superintendent.

Sub-Enclosure (N.) in No. 111.

AGREEABLE to instructions contained in a letter, dated 27th of November 1830, from Thomas Cole, Esq., Assistant Superintendent, relative to 4 liberated Africans, in slavery at a native town called Bereka, in the Foulahcaria country, I embarked for that place on the morning of the 28th ultimo, and arrived there about evening on the following day; I went immediately on arrival to the Chief, whose name is Allee; I had scarcely been in his house two minutes, before one of the liberated Africans, a girl whose name is Nancy, came into the yard with a basket on her head; she was instantly recognised by the boy, who accompanied me for the purpose of pointing out these unfortunate people. One of the constables, who went up with me, laid hold of her by the hand; as soon as the man, in whose possession she had been, perceived it, he ran out of the yard, and in a short time after returned with about 40 men, all armed with muskets, cutlasses, and spears. The constable perceiving this got alarmed, and left the girl, who was soon hurried out of the yard by a woman. I then delivered the letter directed to the Chief, from his Excellency the Governor, and explained the whole contents of it to him; he told me his people were not all there that night, but that he would summon them to appear before him the next morning, to enquire into the case, and requested I would call on him the next day. Early the next morning I waited on the Chief, the people were all called in the yard; the 2 men, Booyah and Hamce, who had possession of these people, were pointed out by the boy; each of them denied knowing any thing of the charge; I insisted on the Chief delivering up the liberated Africans to me, but he said he was sure that no persons were there belonging to Sierra Leone; he produced a girl, one of his own people, and endeavoured to make me believe that she was the girl who was caught by the constable the preceding evening; I told him I had seen the girl myself, that the one produced was not her, and that it was my intention not to leave the place until I had received the persons I was sent after. The Chief consulted with his people for a short time in his native language, and then requested me to retire; I did so, and in about half an hour he sent a messenger to call me; the messenger, who is a brother of the Chief, told me privately, that one of the liberated Africans, a man, had made his escape from these wretches shortly after the boy did, but that the 3 others are still in the possession of the 2 men pointed out by the boy, and that they had been conveyed to their farms early in the morning, to be concealed, and that his brother is very unwilling to deliver them up, and that unless I threatened to stop their canoes in Freetown, I should not be able to obtain them. I returned to the Chief, he told me he had enquired into the circumstances of the case during my absence, and found, as the boy stated, that the 2 men had been in possession of these people, but that they were sold about 2 months ago to persons in the interior. Booyah then said he purchased Nancy from a man belonging to Rio Pongos, for the sum of 20 bars. Hamce then said he purchased the girl and boy from one of his own townsmen, who died about 2 years ago. The Chief

then said, if I would return again in 16 days' time, he would have the people all ready for me. I told him it was useless for him to deceive me any longer, as I knew that the persons were there, and if they were not delivered to me immediately, I should take Booyah and Hance with me to Freetown; he said he could not allow that, but if I would wait until next day he would try what he could do for me. I waited until next day, when one of the girls were brought in a canoe from the opposite side of the river; the Chief shewed her to me and said, that the others will be brought the next day. I told the Chief I could wait no longer; if they were not delivered to me instantly I should take the girl, who was present, return to Freetown, and report the circumstances to his Excellency the Governor, and that I would cause all his canoes to be detained at Freetown, until the children were given up. The Chief on hearing this, dispatched some of his people to the farms, who, in about 2 hours after, brought the remaining girl and boy. He then said, here are your people, but before you can take charge of them, you must pay us what you have brought to redeem them. I paid 50 bars each. The Chief said that Soree, the man who purchased the boy from Ellis, deserted from his town about 3 months ago. I was afterwards informed by the messenger, that Soree is a son of the Chief's, and having heard of my arrival started away. Another man, named Sahlantye, who was present when the transaction took place, I was informed had gone to Malakorey; I took the messenger with me, and started about 5 o'clock in the afternoon for that place, we arrived there at about 11 o'clock the following night, we went secretly into the town, and searched the house in which this person was living, but it appeared he was gone into the Fye country to trade. The Chief of this town was greatly offended, in consequence of my not having called on him previous to going to search this man's house. A party of armed men stationed themselves at the gate. The Chief pressed me to stop until next morning, but as I had ascertained the person I went in search of was not there, I left the place without delay. We arrived at Mr. Cole's factory, Robanz, about 5 o'clock the next morning, where I learnt from Mr. Took that a Spanish schooner had been up the river, and it is supposed that she purchased a quantity of slaves, and sent them by land to Rio Pongos. I left Robanz about 10 o'clock, and arrived at Mr. Weston's factory, Ro English, in the Scarcies River, about 8 o'clock in the evening. I learnt there that the slave-trade is carried on to a great extent in these rivers. Mr. Stone, a Maroon man, employed at Mr. Weston's factory, informed me, that there were 4 small vessels lying in the rivers, under pretence of purchasing color, but which are supposed to have come there expressly for the purpose of buying slaves from the natives. A liberated African lad, who made his escape from these wretches, I understood from Mr. Craigg, was employed at Teembo, Mr. Weston's factory 15 miles up the river. I dispatched a canoe that I had hired for the purpose of carrying these liberated Africans to Freetown, with the two constables to that place; Mr. Craigg, who was on his way there, promised to deliver him to the constables. I then started for Ro English this morning, with the 3 liberated African children, and arrived here at 8 o'clock in the evening.

(Signed) C. B. JONES.

Sierra Leone, Freetown, December 4, 1830.

Sub-Enclosure (O.) in No. 111.

TOM CAMPBELL, mariner on board the cutter "Cobham," of Isles de Loss, maketh oath, and saith—that this deponent was, on or about the 12th day of December, 1830, acting as pilot to the boats belonging to the Colonial Government, and then under the charge of Mr. James Findlay and Mr. B. Campbell; that this deponent, when in the Rio Pongos, saw a liberated African boy, named "Jem," and a man and woman belonging to the Isles de Loss, of the names of Soma and Coney, at a place belonging to Edward Jon-

siffe, a British subject, which said persons were then and there kept and detained as slaves, as this deponent was informed, and verily believes.

His
(Signed) TOM × CAMPBELL.
Mark.

Sworn at Freetown, Sierra Leone, the 21st day of December, 1830, before me,
(Signed) JOHN SAMO, K. A.

Sub-Enclosure (P.) in No. 111.

Mr. Proctor to Lieutenant-Governor Findlay.

SIR,

Sierra Leone, December, 1830.

SINCE I had the honour of addressing you, I have been a few days in the Rio Pongos, where I learnt the following particulars relative to the schooner "*Nimpha*," the prize of H. M. brig "*Conflict*."

The said schooner is of and from Matanzas, whence she sailed under Spanish colours, and on arrival at the Rio Pongos, bargained for a cargo of slaves with Mr. Ormond of that river, to whom the outward cargo was landed; she then proceeded to the Cape de Verde Islands, where she obtained Portuguese papers, and was concerned in the capture of a vessel off those islands, the particulars of which I am not acquainted with.

Not many days prior to her capture by the "*Conflict*" she arrived in the Rio Pongos, from the Cape de Verde Islands, at which time the French brig "*La Lucillé*," of and from Nantz, was being paid 150 slaves by the said Ormond. The "*Nimpha*" intercepted the canoes containing those slaves, and took possession of them, the Master of the French brig being at the same time detained a prisoner on board the "*Nimpha*," and compelled, under a threat of instant death, to deliver a certain quantity of rice on board the said schooner, for the feeding of those slaves of which he had been plundered; other articles of provision were also taken from the French brig.

Of these facts I was informed in a way, which leaves no doubt on my mind of their truth; and I can assure your Excellency I felt happy, on my arrival in the Rio Pongos on that occasion, that the pirate (for such she is) had left some days, feeling assured, that he would have plundered, perhaps destroyed, any boat or vessel that might have fallen into his power. Indeed, I am quite of opinion that the class of slave-dealers which frequent the Rio Pongos and Nunez, excepting 2 or 3 French vessels, are generally piratical, and would not scruple to plunder any British or Colonial vessel, as might be so unfortunate as to fall in their way, when preparing to leave the coast.

I hope this consideration will operate in favour of what I know to be your anxious wish, that one of the vessels of the squadron may be allowed to continue stationed off those and the neighbouring rivers.

I have, &c.
(Signed) M. PROCTOR.

Lieutenant-Governor Findlay,
&c. &c. &c.

No. 112.

Viscount Granville to Viscount Palmerston.—(Received April 14.)

MY LORD,

Paris, April 21, 1831.

I HAVE the honour to forward to your Lordship the enclosed note upon the slave question, which I have received from Count Sebastiani, in answer to mine of February 19th.

I have, &c.
(Signed) GRANVILLE.

The Right Hon. Lord Viscount Palmerston,
&c. &c. &c.

Enclosure in No. 112.

Count Sebastiani to Viscount Granville.

MONSIEUR L'AMBASSADEUR,

Paris, le 7 Avril, 1831:

J'AI reçu la lettre que vous m'avez fait l'honneur de m'adresser le 19 Février, sur l'importante question de la traite des noirs. Si je n'ai pas répondu plus tôt à votre Excellence c'est qu'au paravant il m'a paru nécessaire de m'entendre avec le Ministre de la Marine, sur un sujet dont l'examen entraînait aussi dans ces attributions.

La manière dont le Gouvernement du Roi envisage l'odieux trafic de la traite, et les mesures qu'il s'est empressé de prendre pour le reprimer entièrement, méritaient d'être appréciés par le Cabinet de Londres. Je vois avec plaisir qu'il rend en effet pleine justice aux généreuses intentions que nous dirigeant, et qu'il partage notre conviction sur l'efficacité de la loi, qui vient d'être votée par les Chambres, dans le but de rendre encore plus sévère le système de pénalité déjà existant en France contre la Traite.

Le Gouvernement de Sa Majesté Britannique toutefois, ne paraît considérer cette nouvelle, comme propre à faire cesser définitivement un commerce si criminel, qu'en ce qui regarde les sujets Français, et les navires expédiés dans nos ports. Quant aux bâtimens étrangers que pourraient emprunter le pavillon Français pour exercer la traite, le Cabinet de Londres, ainsi que l'annonce votre Excellence, croit qu'il ne serait possible de les atteindre, qu'autant que le Gouvernement du Roi consentirait à l'exercice réciproque du droit de visite en mer, et à déclarer la traite crime de piraterie.

Le Gouvernement Français a déjà fait connaître, à plusieurs reprises, les motifs qui ne lui permettaient pas d'adhérer à de semblables propositions. Ces considérations n'ont rien perdu de leur force, ni de leur importance. L'exercice d'un droit de visite sur mer, en pleine paix, serait, malgré la réciprocité qu'offre l'Angleterre, essentiellement contraire à nos principes, et blesserait, de la manière la plus vive l'opinion publique en France. Il pourrait, en outre, avoir les plus fâcheuses conséquences, en faisant naître entre les marins des deux nations des différends, susceptibles de compromettre les relations qui unissent si intimement la France et l'Angleterre. Il est bien évident, Monsieur l'Ambassadeur, que les étrangers qui osent emprunter le pavillon Français, pour se livrer à un trafic, que réprouvent à la fois les lois divines et humaines, ne peuvent être régulièrement découverts et saisis en mer que par nos croisières. Mais il y a lieu d'espérer, que les efforts constants des officiers de notre marine auront, à cet égard, tout le succès désirable.

Quant à la proposition d'assimiler, par nos lois, la traite à la piraterie, elle peut s'entendre de deux manières. Ou l'assimilation dont il s'agit, en plaçant hors du droit commun les Français qui se livreraient à la traite, aurait, par cela même, pour effet de les enlever, eux et leurs navires, à la juridiction nationale, pour les soumettre à l'action d'une législation étrangère; (et c'est encore là Monsieur l'Ambassadeur, ce que les principes de droit public adoptés en France, ne nous permettraient nullement d'admettre, et ce que l'opinion du pays repousserait avec la plus grande force) ou, par suite de l'assimilation proposée, les Français coupables du crime de la traite ne devraient être justiciables que de nos propres tribunaux. Or, en pareil cas les modifications, que le Gouvernement de Sa Majesté Britannique désire nous voir introduire dans notre législation, seraient tout à fait superflues, puisque le Cabinet de Londres reconnaît lui-même, que les dispositions de la loi votée par les Chambres suffiront pour abolir la traite, en tant que faite par des sujets Français avec des navires réputés Français, et équipés dans nos ports.

J'aime à croire que ces explications seront appréciés par le Cabinet de

Londres, comme un nouveau témoignage de l'esprit de franchise, et de loyauté que le Gouvernement du Roi ne cessera de porter dans ses relations avec l'Angleterre.

J'ai l'honneur d'être, &c.

(Signé) HORACE SEBASTIANI.

Son Excellence Lord Granville,
 &c. &c. &c.

(Translation.)

MONSIEUR L'AMBASSADEUR,

Paris, April 7, 1831.

I HAVE received the letter, which you did me the honour to address to me on the 19th February, on the important question of the slave-trade. If I did not answer your Excellency sooner, it arose from the necessity there seemed to be, of my obtaining some information from the Minister for the Marine, upon a subject, the examination into which belonged also to his department.

The view which the King's Government takes of the odious slave-trade, and the measures which it has been solicitous to take for suppressing it entirely, deserved the approbation of the Cabinet of London. I find, indeed, with pleasure that it renders full justice to the generous intentions which we entertain, and that it is equally convinced with us, of the efficacy of the law which has just been agreed to by the Chambers, with the view of increasing the severity of the penal system, already subsisting in France against that trade.

The Government of His Britannick Majesty, however, does not consider this new step, as calculated to put entirely a stop to so criminal a traffick, except in so far as it regards French subjects, and the vessels fitted out in our ports. In respect to foreign vessels, that might borrow the French flag for the purpose of carrying on the trade, the Cabinet of London, as is intimated by your Excellency, considers that it would not be possible to reach them, unless the King's Government should consent to the reciprocal exercise of the right of search at sea, and to declare the slave-trade piracy.

The French Government has already several times stated the reasons, which did not allow it to concur in such proposals. Those considerations have lost nothing either of their force or their importance. The exercise of a right of search at sea in the time of peace, would, notwithstanding the reciprocity offered by England, be essentially repugnant to our principles, and shock extremely publick opinion in France. Besides, it might be attended with the most unpleasant consequences, by giving rise between the sailors of both nations to differences, which might possibly endanger the relations so intimately uniting France to England. It is very evident, my Lord, that the foreigners who dare venture to borrow the French flag, in order to carry on a traffick alike reprobated by divine and human laws, can be regularly discovered and seized at sea only by our cruizers. There is, however, reason to hope, that the constant endeavours of the officers of our navy will, in this respect, be attended with every desirable success.

As to the proposal of assimilating, by our laws, the slave-trade to piracy, it may be understood in two ways. The assimilation under review, by putting the Frenchmen who should engage in the slave-trade, out of the pale of the common law, would either, by that very act, withdraw them and their ships from the national jurisdiction, to leave them to be dealt with by a foreign legislation, (which again, my Lord, the principles of publick law adopted in France would not by any means permit us to allow, and which the opinion of the country would deprecate with all its might) or the consequence of the proposed assimilation would be, that Frenchmen, guilty of the crime of the slave-trade, would only be prosecuted by our own Courts of Justice. Now, in this case, the modifications which the Government of His Britannick

Majesty would have us introduce into our laws, would be quite superfluous, inasmuch as the Cabinet of London acknowledges itself, that the provisions of the law voted by the Chambers, will suffice for abolishing the trade, in as far as it may be carried on by French subjects in French vessels, considered as French, and fitted out in our ports.

I trust that these explanations will be viewed by the Cabinet of London as a fresh instance of the spirit of frankness and rectitude, which the King's Government will ever be anxious to display in its relations with England.

I have the honour, &c.

(Signed) HORACE SEBASTIANI.

His Excellency Lord Granville,
&c. &c. &c.

No. 113.

Viscount Palmerston to Viscount Granville.

MY LORD,

Foreign Office, April 19, 1831.

I HAVE received your Excellency's despatch of the 11th instant, enclosing a note from Count Sebastiani, stating the reasons which induce the French Government to decline acceding to the proposition, made by His Majesty's Government, for a mutual right of search of merchant-men on the western coast of Africa, for the purpose of putting an end to the slave-trade; and His Majesty's Government instruct you to express to the French Government their extreme regret, that this proposition has not met with the concurrence of the French Government.

His Majesty's Government had certainly indulged the hope, that no feelings of national jealousy would have been allowed to interfere with the adoption of the most effectual, if not the only effectual, means of putting an end to a system of crime, no less repugnant to the principles of freedom, upon which the existing state of society in France is founded, than revolting to the instinctive feelings of a humane and enlightened people; His Majesty's Government had hoped that a mutual right of search, limited to merchantmen, and to the particular station, where scarcely any trade but that of slaves is carried on, could hardly by any possibility have given rise to the inconveniences apprehended by Count Sebastiani; there seemed also the less danger of such consequences, because there is reason to suppose, that the greater part of the vessels which carry on this traffick under cover of the French flag, do not really belong to the nation whose colours they thus disgrace.

I have now, however, to transmit to you copies of a despatch, and its enclosures, relating to this subject, which I have received from Sir James Graham, the First Lord of the Admiralty, and I request you to lose no time in submitting these papers to the consideration of the French Government. The picture which the report of Commodore Hayes presents of the abominations, which are now practised on the African coast, by the ships which resort thither in quest of slaves, exceeds any thing which the most fertile imagination could have conceived; and of the vessels in which these horrors are perpetrated, it is stated, that 10-11ths secure to themselves impunity, by displaying the banner of a country which has pledged itself by solemn Treaties, to contribute its utmost efforts for the general abolition of this traffick. His Majesty's Government are convinced, that these statements must be as new as shocking to the French Government, and that that Government will be no less desirous of putting an end to these enormities, than startled at hearing of their existence. Your Excellency is, therefore, instructed again to renew

the proposition for a mutual right of search, which would be by far the simplest and most effectual remedy for the evil. But if the objections to this proposal should, unfortunately, still prove insurmountable, you are instructed to urge the French Government, in the strongest manner, to send, without loss of time, some ships-of-war of their own, to enforce their laws upon all vessels bearing the French flag. To this proposition His Majesty's Government cannot anticipate any possible objection; with such a squadron His Majesty's ships on that station would be ordered cordially to co-operate; and there can be no reason to doubt, that the united efforts of England and France, so exerted, would speedily accomplish an object, which the two countries have mutually bound themselves by solemn engagements to attain.

I have, &c.

(Signed)

PALMERSTON.

His Excellency Viscount Granville,
 &c. &c. &c.

Enclosure in No. 113.

Sir James Graham to Viscount Palmerston.

MY LORD,

Admiralty Office, April 18, 1831.

IT is my painful duty to transmit to your Lordship 2 despatches from Commodore Hayes, the Officer commanding the British squadron on the Coast of Africa. The accounts which they contain of the rapid increase of the slave-trade, under cover of the French flag, and of the atrocious cruelties committed with impunity on board of vessels thus protected, demand the earliest attention of the British Government, since the authority on which they rest is indisputable, while human nature shudders at the thought, that such wrongs should be endured, or such barbarity remain unpunished for a single day.

It is impossible that the enlightened Government of France can be aware of the criminal extent, to which her flag is thus prostituted in this base and inhuman traffick. If these sad details were known at Paris, every consideration of national policy, all jealousy of the right of search, and every narrow or selfish motive, would be overpowered by the paramount duty of instantly extirpating a trade, which disgraces the age in which we live, and sullies the honour of the flag by which it is protected.

I am quite confident that the King of the French and His present Ministers, when informed of this state of affairs on the Coast of Africa, will hasten cordially to co-operate with His Majesty's Government, in taking effective measures for the suppression of the slave-trade; none can be so decisive as the concession of the mutual right of search; but if this unhappily be refused, France cannot hesitate to send a squadron of her own cruisers to the African seas, and by their presence to repress a growing evil, which is a scandal to the civilized world.

France cannot refuse to England the reciprocal right of search, which England freely offers to grant; and at the same time decline to bear her part in watching her own flag, with her own ships-of-war, while England, at an enormous expence, still endeavours to arrest the trade in slaves, but in vain, while France is the carrier, neither searching nor permitting us to search.

I have brought this subject again under your Lordship's notice, hoping you will communicate these enclosures to the French Government, and that some arrangement may speedily be adopted, by which the two nations may unite in an honest endeavour to abolish this trade in blood.

I have, &c.

(Signed)

J. B. GRAHAM.

The Right Hon. Lord Viscount Palmerston,
 &c. &c. &c.

Sub-Enclosure (A.) in No. 113.

John Hayes, Esq. to the Hon. G. Elliot.

SIR,

"*Dryad*," *Sierra Leone, January 20, 1831.*

I HAVE the honour to address you, for the information of the Lords Commissioners of the Admiralty, on the subject of the rapid increase in the traffick in slaves in the Western Coast of Africa, within the last 6 months, and to explain, as far as I am able, the causes of this increase; and also to offer my humble opinion as to the means which would for the present check, and ultimately abolish it altogether.

From the information of the officers commanding the vessels under my orders, the accounts of all the people of any knowledge of the subject here, and from my own observation, it is evident the vessels employed in this nefarious trade now carry from one-third to one-half, and in some cases two-thirds, more in number of those wretched beings than formerly; and that vessels under the flag (French), which I am ordered not to interfere with, are increasing daily in number. There are two reasons for the present increase—the making it piracy, and the infliction of heavy penalties has unquestionably increased the risk, and this has occasioned the dealers to adopt the above method, for proportionably increasing their profits, and they now cram 560 into a space, where usually 250 of those unhappy beings were stowed. The second reason is in the orders I am under, precluding me from all interference with the French flag; and, as French flags and papers may be easily procured for a few hundred dollars, the only thing to cause surprise is, that there should be found any other flag in this trade on the coast; and when our orders become more extensively known, there will be no other. The vessels under this flag do not now run from His Majesty's cruizers, or even endeavour in any other way to escape them, but, when met with, boldly and unhesitatingly declare they have a cargo of slaves on board, going to Guadaloupe, Martinique, or the Havana, as the case may be, for a market.—Now, Sir, I entreat of you to call their Lordships' attention to this state of the case; for, as long as the present orders continue in force, slave-traffick will not, cannot be checked, much less abolished. The vessels under the French flag, spoken by the "*Black Joke*," tender to this ship, between the 5th of October and 9th of November last, had on board 1,642 slaves; and when she returned from her cruizing ground, she left 10 vessels in Old Calabar River, under the French flag. I will say nothing of the murders, and horrible crimes worse than murder, perpetrated on those wretched creatures, but beg of their Lordships to consider the oppressive heat of this climate, and reflect on what must be the sufferings of upwards of 500 of these miserable people, chained together and crammed in between the decks of a vessel only half the tonnage of a 10-gun brig. Gracious God! is this unparalleled cruelty to last for ever? It was represented to me, some days ago, that the Master of one of these vessels, having a large cargo of these human beings chained together, with more humanity than his fellows, permitted some of them to come on deck (but still chained together), for the benefit of the air, when they immediately commenced jumping overboard, hand in hand, and drowning in couples, and (continued the person relating the circumstance) "without any cause whatever."—Now these people were just brought from a situation between decks, and to which they knew they must return, where the *scalding perspiration* was running from one to the other, covered also with their own filth, and where it is no uncommon occurrence for women to be bringing forth children, and men dying by their side, with full in their view living and dead bodies chained together, and the living, in addition to all their other torments, labouring under the most famishing thirst (being, in very few instances, allowed more than a pint of water a day); and let it not be forgotten that these unfortunate people had just been torn from their country, their families, their all! men dragged from their wives, women from their husbands and children, girls from their mothers, and boys from their fathers; and yet, in this man's eye (for heart and soul he could have none), "there was no cause whatever for jumping overboard and drowning." This in truth is a rough

picture, but it is not highly coloured. The men are chained in pairs, and, as a proof they are intended so to remain to the end of the voyage, their fetters are not locked, but rivetted by the blacksmith, and, as deaths are frequently occurring, living men are often for a length of time confined to dead bodies; the living man cannot be released, till the blacksmith has performed the operation of cutting the clench of the rivet with his coal chisel; and I have now an officer on board the "Dryad," who, on examining one of those slave-vessels, found not only living men chained to dead bodies, but the latter in a putrid state; and we have now a case reported here, which, if true, is too *horrible* and *disgusting* to be described.

It is said no means can be devised to suppress this diabolical traffick; but, in my view the means are easy, if the possible consequences be disregarded. It is not making it piracy, or the infliction of heavy penalties, that will ever check it; and, if the law remains as it now stands, I should not be surprised to see it increased at least two-fold, in the next 6 months. But, let me have their Lordships' orders to capture *every* vessel carrying slaves, or fitted for the carrying of slaves, without any regard to *country* or *flag*, and I will answer with my commission, that in 3 years there shall be no slave-vessels to be found on this coast.

It is reported by the Master of one of the French vessels lately boarded, that "a Company is forming at Nantes to supply, under the French flag, all the slaves that may be wanted in the Brazils, French West Indies, and the "Island of Cuba;" and I believe there is truth in this report, as one of the vessels under that flag lately boarded was bound to Cuba, and several have recently been met with on the coast, fitted out at Nantes; in fact, for every flag of any other nation we speak, we at least meet with 10 carrying the French flag. It is also reported that these vessels under the French, flag have commenced carrying slaves on freight.

I have, &c.

(Signed)

JOHN HAYES,
Commodore.

The Hon. George Elliot, R. N.

&c. &c. &c.

Sub-Enclosure (B.) in No. 113.

A List of Slave-Vessels boarded by His Majesty's Brig "Black Joke," between the 4th of October and the 10th of November, 1830.

Date.	Place.	Name of the			How rigged.	Number of			Where			Under what Colours.	Cargo.	Remarks and Intelligence.
		Vessel.	Master.	Owner.		Men.	Guns.	Ton.	From.	Bound.	Belonging.			
Oct. 5	Off Annabona	{ Duc de } { Bordeaux }	L. M. Delascour	L. M. Delascour	Brig	44	9	144	Bonny River	Guadaloupe	Guadaloupe	French	567 Slaves*	
" 16	{ Lat. 3° 25' N. } { Long. 7° 35' E. }	L'Actif	Paponneum	Tonneau	Ditto	24	4	168	Ditto	Havana	Nantes	Ditto	420 ditto*	
" 30	{ Lat. 2° 16' N. } { Long. 8° 47' E. }	Lynx	Jarnoux	Blond	Ditto	23	3	192	Ditto	Martinique	Ditto	Ditto	320 ditto*	
Nov. 1	Off Fernando Po	La BonneAline	Centurier	Bonjurat	Ditto	15	2	120	Ditto	Ditto	Ditto	Ditto	200 ditto*	
" 3	Ditto	L'Hermione	Barthelemy	Barthelemy	Schooner	10	"	47	{ Old Cala- } { bar River }	Martinique	Martinique	Ditto	135 ditto*	{ States that 10 French } { vessels are laying for } { slaves in Old Calabar } { river. }
" 9	Camerouns River	Dos Amigos	Ramon Juan Mujica	Ramon Juan Mujica	Brigantine	40	1	190	Havana	Havana	Havana	Spanish	{ 567 do. who } { were landed } { and escaped }	{ The slaves made their } { escape—Vessel sent } { to Sierra Leone for } { adjudication. }

* These vessels all being under the French flag, were of course permitted to carry away these 1,642 Slaves in little more than one month.

(Signed)

JOHN HAYES, Commodore.

Sub-Enclosure (C.) in No. 113.

Commodore Hayes to the Hon G. Elliot.

SIR,

"Dryad," at Sierra Leone, February 12, 1831.

FROM the reduced number of slaves liberated by the squadron in the last, as compared with the previous 6 months, it is possible their Lordships may be led to suppose the traffick in this nefarious trade is on the decline; I am, therefore, exceedingly sorry to acquaint you, for their Lordships' information, this is not the fact, but that it principally arises from many of the dealers in this horrid traffick, having discovered that the French flag is permitted to pass freely with slaves to any extent, employ that flag for the conveyance of their slaves; therefore, as the Spanish, Portuguese, and Brazilian flags decrease on this coast, so the French increase in number, and nothing can prove this more clearly, than the cruizers now meeting these vessels in this proportion, namely, for every other flag, 4 under that of France.

As they have likewise very materially increased the number of slaves in each vessel, the trade is certainly rapidly advancing, and will continue, without the chance of a check, until directions shall be given to send these vessels into port for adjudication.

I have, &c.

(Signed) JOHN HAYES,

Captain the Hon. George Elliot,
&c. &c. &c.

Commodore.

No. 114.

Viscount Granville to Viscount Palmerston.—(Received April 21.)

MY LORD,

Paris, April 18, 1831.

I HAVE received your Lordship's despatch of the 9th instant, with its enclosures.

I shall not fail to bring the cases to which they relate, under the immediate consideration of the French Government. The French Ministers are confidently persuaded, that the law recently passed to enforce the abolition of the slave-trade, will be effectual, and I therefore indulge the hope, that the neighbourhood of Sierra Leone will cease to be infested with slave-ships,

I have, &c.

(Signed) GRANVILLE.

The Right Hon. Lord Viscount Palmerston,
&c. &c. &c.

No. 115.

Viscount Palmerston to Viscount Granville.

MY LORD,

Foreign Office, April 30, 1831.

WITH reference to my despatch to your Excellency of the 9th instant, I transmit to you the accompanying further papers, which have since the date of that despatch, been received at this office from the Colonial Depart-

ment, shewing the anxiety evinced in the measures of His Majesty's Government, for bringing to justice the individuals suspected of being British subjects, who are charged with having been implicated in the atrocious traffick in slaves, now carrying on on the Coast of Africa.

I have, &c.

(Signed)

PALMERSTON.

His Excellency Viscount Granville,
 &c. &c. &c.

Enclosure in No. 115.

R. W. Hay, Esq. to Sir George Shee.

SIR,

Downing-Street, April 21, 1831.

I HAVE received and laid before Viscount Goderich your letter of the 9th instant, in which you enclose a copy of an instruction, which Viscount Palmerston has addressed to His Majesty's Ambassador at Paris, upon the subject of the slave-trade, which is carried on by French vessels on the Western Coast of Africa, and you mention, that it would be satisfactory to Lord Palmerston to be enabled to state to the French Government, either that the individual, named Joseph or Jonsiffe, who is implicated in the slave-trade, is not an Englishman, as has been asserted, or that measures have been taken for bringing that individual to justice.

Upon this subject Lord Goderich has directed me to acquaint you, for Lord Palmerston's information, that he has it not in his power to state whether the man called Joseph or Jonsiffe, is an Englishman or not; but Lord Palmerston will observe from the accompanying copy of an instruction, which was sent to the Lieutenant-Governor of Sierra Leone in January last, that this officer has been directed to use all the means placed at his disposal for seizing the persons of those delinquents, who have recently been carrying on the slave-trade in the Rio Pongos, and respecting whom the Lieutenant-Governor might have proof that they were British subjects.

I have, &c.

Sir George Shee, Bart.
 &c. &c. &c.

(Signed)

R. W. HAY.

Sub-Enclosure in No. 115.

R. W. Hay, Esq. to Lieutenant-Governor Findlay.

SIR,

Downing-Street, January 28, 1831.

I HAVE laid before Viscount Goderich your despatches, of the 29th of November and of the 3d ultimo, in which you report the disgraceful proceedings of various persons, subjects of His Majesty, who have been engaged in carrying on the slave-trade within the precincts, and in the vicinity of the Colony of Sierra Leone.

Those proceedings have attracted his Lordship's most serious attention, and he anxiously awaits the results of the measures, which you have taken for bringing the offenders to justice.

With respect, however, to the convict Samuel Wilson, who has already been found guilty of the capital offence, and sentenced to death, but which sentence you have thought proper to commute for hard labour and whipping, his Lordship has directed me to observe, that you have omitted to transmit any information, which would enable him to judge, how far you have exercised a sound discretion, in arresting the execution of that sentence; for although you have stated, that the jury recommended the culprit for mercy, yet the mere circumstance of his case, having been the first instance which has occurred in the colony, of a capital conviction under the Slave-trade Abo-

lition Acts, would hardly seem to have justified such a recommendation, at a time when the extraordinary prevalence of the crime, of which the prisoner was found guilty, apparently required the exercise of the fullest severity of the law. At all events it is necessary to apprise you, that you have exceeded the authority intrusted to you, in commuting the capital sentence passed on the convict, for any other description of punishment,—for although you are empowered to pardon all offenders (traitors and murderers excepted) whom you should judge fit objects of His Majesty's mercy, and upon extraordinary occasions to grant reprieves to offenders, until and to the intent that His Majesty's pleasure shall be signified thereupon, yet it rests with His Majesty alone to signify the conditions, upon which he may think fit to remit a penal sentence.

In order, therefore, to enable His Majesty's Government to consider what measures it may be proper to take, with regard to the culprit Wilson, you will lose no time in transmitting to Lord Goderich copies of the proceedings, which were had on that individual's trial, together with the evidence upon which he was found guilty of the crime laid to his charge.

With respect to those individuals who are carrying on the slave-trade in the River Pongos, you will understand that you are at liberty to use all the means placed at your disposal, for seizing their persons and bringing them to justice, assuming always that you have proof that they are British subjects.

In a case of this description, the lawfulness of such a measure is not to be questioned. Denounced by the laws of their own country—as pirates and felons, no civilized state would afford them shelter and protection, and in tracking them into a barbarous country, where the moral obligations of publick policy, founded on the laws of nations, are neither observed nor understood, you are not bound to observe any of the rules or precautions, by which the intercourse between civilized States is usually governed.

The Authorities, if any such there be, of the country where these men are established, must be told, that the British Government insists upon their being surrendered, and that if they should be so ill-advised as to shelter them, they will only have to rue the consequences of their identifying themselves with such desperate criminals.

Lord Goderich has brought this subject under the consideration of the Lords Commissioners of the Admiralty, with a view to the officer commanding His Majesty's ships and vessels on the Western Coast of Africa, being instructed to lend you his effectual aid in the execution of the measures, which you may concert with that officer, for seizing the persons of the individuals in question, and destroying their haunts in the River Pongos.

I am only further directed to desire, that you will call upon the person who was responsible for the youth, whom you described as Mr. Macaulay's apprentice, to account for his omission to report, in due time, the absence or loss of the youth.

I have, &c.

(Signed) R. W. HAY.

Lieutenant-Governor Findlay,
 &c. &c. &c.

No. 116.

Viscount Granville to Viscount Palmerston.—(Received May 2.)

MY LORD,

Paris, April 29, 1831.

I HAVE to acknowledge the receipt of your Lordship's despatch of the 19th instant.

In conformity with the instructions therein contained, I lost no time in addressing a note to Count Sebastiani, of which I have the honour to enclose a copy.

I have, &c.

(Signed) GRANVILLE.

The Right Hon. Lord Viscount Palmerston,
 &c. &c. &c.

Enclosure in No. 116.

Viscount Granville to Count Sebastiani.

MONSIEUR LE COMTE,

Paris, April, 26, 1831.

I TRANSMITTED to my Court the note, which you did me the honour to address to me on the 7th instant, stating the reasons which induce the French Government to decline acceding to the proposition, made by His Majesty's Government, for a mutual right of search of merchantmen on the Western Coast of Africa, for the purpose of putting an end to the slave-trade; and I am instructed to express to you the extreme regret, with which His Majesty's Government has learnt, that this proposition has not met with the concurrence of the French Government.

His Majesty's Government had certainly indulged the hope, that no feelings of national jealousy would have been allowed to interfere with the adoption of the most effectual, if not the only effectual means of putting an end to a system of crime, no less repugnant to the principles of freedom, upon which the existing state of society in France is founded, than revolting to the instinctive feelings of humane and enlightened people.

His Majesty's Government had hoped that a mutual right of search, limited to merchantmen, and to the particular station where scarcely any trade but that of slaves is carried on, could hardly by any possibility have given rise to the inconveniences, which you appear to apprehend. There seemed also the less danger of such consequences, because there is reason to suppose that the greater part of the vessels, which carry on the traffick under cover of the French flag, do not really belong to the nation whose colours they disgrace.

In addition to the many papers relating to the slave-trade, carried on under the French flag, which it has been my painful duty to transmit to you, I now enclose reports, which have been received at the Admiralty from the officer commanding the British squadron on the Coast of Africa, and which I beg to submit to the attentive consideration of the French Government.

The picture which these reports present of the abominations which are now practised on the African Coast, by the ships which resort thither in quest of slaves, exceeds any thing which the most fertile imagination could have conceived; and of the vessels in which these horrors are perpetrated, it is stated that ten-elevenths secure to themselves impunity, by displaying the banner of a country, which has pledged itself by solemn Treaties, to contribute its utmost efforts for the general abolition of this traffick.

His Majesty's Government are persuaded, that the French Government are not aware of the degree of protection which this inhuman traffick receives from the French flag, and that they are not apprized of the atrocities perpetrated in carrying on the trade; and that they will be as much surprized as shocked, when they read the statements which are contained in the enclosed papers.

Under this impression the hope is indulged, that when these horrible details shall be brought to the cognizance of the French Government, the considerations, which are stated in your note as having determined them to decline the proposition made for a mutual right of search, will be overpowered by a feeling of the necessity of omitting no means to put an end to such enormities, and I am in consequence directed to renew that proposition as by far the simplest and most effectual remedy for the evil.

But if the objections to the proposals should unfortunately prove insurmountable, I am instructed to press strongly for some French ships of war being sent, without loss of time, to the Coast of Africa, to enforce the laws upon all vessels bearing the French flag.

To this proposition His Majesty's Government cannot anticipate any possible objection. With such a squadron H. M. ships on that station would be ordered cordially to co-operate; and there can be no reason to doubt, that the united efforts of England and France so exerted, would speedily accomplish an object which the two countries have mutually bound themselves by solemn engagements to attain.

I avail myself, &c.

(Signed)

GRANVILLE.

General Count Sebastiani,
 &c. &c. &c.

No. 117.

Viscount Granville to Viscount Palmerston.—(Received May 12.)

MY LORD,

Paris, May 9, 1831.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 30th ultimo, and of its enclosure.

I shall lose no time in calling the attention of M. Sebastiani to this document, as affording unequivocal proof of the anxiety with which His Majesty's Government, on their part, exert all means for the suppression of this barbarous traffick.

I hasten at the same time to transmit to your Lordship, a copy of M. Sebastiani's reply to my notes of the 21st and 26th ultimo.

I have, &c.

(Signed)

GRANVILLE.

The Right Hon. Lord Viscount Palmerston,
&c. &c. &c.

Enclosure in No. 117.

General Sebastiani to Viscount Granville.

MONSIEUR L'AMBASSADEUR,

Paris, 5 Mai, 1831.

J'AI reçu les lettres, que votre Excellence m'a fait l'honneur de m'adresser le 21 et 26 du mois dernier, relativement à la traite des noirs.

Je me suis empressé de transmettre au Ministre de la Marine les documens qui se trouvaient joints à la première de ces lettres, et qui contiennent, sur l'odieux trafic des esclaves, des détails si affligeant pour l'humanité.

Le Gouvernement de Sa Majesté a loyalement prouvé, combien il aurait en horreur le criminel commerce de la traite, et combien il desirait contribuer à y mettre un terme, par tous les moyens, que pourraient lui fournir et la législation Française et le concours de la Marine Royale. La loi, dernièrement adoptée par les Chambres, est sans contredit, et comme le Cabinet de Londres le reconnaît lui-même, la mesure la plus propre à atteindre un but si salutaire, et j'ai la confiance qu'elle suffira pour faire cesser, parmi le petit nombre de Français qui s'y livraient encore, un trafic qui reprouvent à la fois les lois divines et les principes de l'humanité.

Quant aux navires étrangers, qui osent souiller le pavillon Français en l'empruntant pour exercer un pareil commerce, le Gouvernement de Sa Majesté sent vivement la nécessité de les atteindre, et d'en faire un exemple, et il ne negligera rien pour y parvenir. C'est dans cette vue que je vais m'entendre avec le Département de la Marine, pour que la station Française sur les Côtes d'Afrique soit augmentée, et pour que les Commandans des bâtimens du Roi dans ces parages, reçoivent les ordres le plus précis de redoubler de surveillance et d'activité dans la poursuite des delinquens. Ces officiers, je n'en doute pas, seront toujours disposés à se concerter, de la manière la plus cordiale, avec ceux de la Marine Anglaise, pour co-operer par de mutuels efforts à l'extinction d'un usage, aussi abominable que celui de la traite des esclaves.

J'ai l'honneur, &c.

(Signé)

HORACE SEBASTIANI.

Son Excellence le Vicomte Granville,
&c. &c. &c.

(Translation.)

MONSIEUR L'AMBASSADEUR,

Paris, May 5, 1831.

I HAVE received the letters, which your Excellency did me the honour to address to me on the 21st and 26th ultimo, relative to the slave-trade.

I lost no time in communicating to the Minister of Marine the documents enclosed in the first of those letters, and which contain accounts concerning the odious slave-trade, that leave a very melancholy impression on the mind.

His Majesty's Government has proved, *bond fide*, how much it abhors the criminal slave-trade, and how desirous it is to contribute towards putting a period to it, by every means afforded by the French laws, and by the assistance of the Royal Navy. The law lately adopted by the Chambers is, without contradiction, and as the Cabinet of London itself allows, the best adapted measure for attaining so desirable an object; and I trust that it will be sufficient for destroying, among the few Frenchmen still engaged in it, a traffick reprobated at once by the laws of God and the principles of humanity.

As to the foreign vessels, which dare venture to disgrace the French flag by borrowing it, with the view of carrying on such a traffick, His Majesty's Government is fully impressed with the necessity of reaching and making an example of them. It is for this purpose my intention to concert measures with the Department of the Marine, that the French ships stationed on the Coasts of Africa may be increased in number, and that their Commanders may receive the most peremptory orders, to redouble their vigilance and activity in bringing the delinquents to justice. I make no doubt that these officers will ever be disposed to act most cordially in unison with those of the English navy, in order, by mutual efforts, to extinguish a practice so abominable as that of the slave-trade.

I have the honour, &c.

(Signed)

HORACE SEBASTIANI.

His Excellency Viscount Granville,
&c. &c. &c.

No. 118.

Viscount Palmerston to the Prince de Talleyrand.

Foreign Office, June 6, 1831.

THE Undersigned, &c., has the honour to transmit to the Prince de Talleyrand, &c., for the information of the Government of the King of the French, the accompanying copy of a communication which has just been received from the Admiralty, respecting the arrival of the French slave-vessel the "*Virginie*," of Nantes, at Sierra Leone, after having been for a time in the possession of the slaves embarked in her.

The Undersigned will hasten to communicate to the Prince de Talleyrand further particulars of this transaction, so soon as His Majesty's Government shall have received knowledge of them.

The Undersigned avails himself, &c.

The Prince de Talleyrand,
&c. &c. &c.

(Signed)

PALMERSTON.

Enclosure in No. 118.

J. Barrow, Esq. to J. Backhouse, Esq.

SIR,

Admiralty Office, May 30, 1831.

I AM commanded by my Lords Commissioners of the Admiralty to transmit to you, for the information of Viscount Palmerston, copies of a letter, and its enclosure, from Commodore Hayes, respecting the arrival of the French slave-vessel, the "*Virginie*" of Nantes, at Sierra Leone, having been for a time in the possession of the slaves embarked in her.

I am, &c.

J. Backhouse, Esq.
&c. &c. &c.

(Signed)

JOHN BARROW.

Sub-Enclosure (A.) in No. 118.

Commodore Hayes to the Hon. Captain Elliot.

SIR,

"Dryad," Sierra Leone, March 22, 1831.

I HAVE to acquaint you, for the information of their Lordships, that the French vessel "*Virginie*," of Nantes, arrived here on the 20th instant.

Enclosed I transmit a report from Lieutenant Smithers, of the "*Conflict*," which vessel had the guard on that day. I have delivered the vessel, slaves, and passengers, up to the Governor, and the slaves were landed yesterday.

I have, &c.

(Signed)

JOHN HAYES,

Commodore.

Captain the Hon. George Elliot,
 &c. &c. &c.

Sub-Enclosure (B.) in No. 118.

Lieutenant Smithers to Commodore Hayes.

SIR,

H. M. Brig "Conflict," Sierra Leone, March 22, 1831.

I HAVE the honour to inform you, that on Sunday the 20th instant, a French sloop, called the "*Virginie*," of Nantes (from the Plantains), was boarded by the guard-boat of H. M. brig under my command, having on board 91 slaves and 9 passengers, the latter being all in confinement under the hatches, except the helmsman; on their being released they proved to be the Captain and part of the crew of a French brig (name unknown) that sprung a leak, and afterwards sunk off the Plantains. The Captain of the brig stated, that they were received on board the "*Virginie*" for a passage to Guadaloupe; that the slaves were most brutally and inhumanly treated; that in the middle watch of the night of the 12th instant, the slaves rose, killed the Master of the "*Virginie*," the mate, and all the crew, except one boy. The passengers run aloft, but 4 of them were dragged from the rigging and killed. He, their Captain, was called down by the slaves, and offered his life, if he would convey them to Sierra Leone; the remainder of his crew would have shared the same fate as their comrades, but for the remonstrances of the Captain, who declared he could not take them to Sierra Leone without their assistance; they were very kind to him, but kept the crew in confinement.

The women slaves slept in the cabin, in which was deposited a quantity of arms, and on the night in question they distributed them to the men slaves, and assisted in the endeavour to liberate themselves from such a state of barbarity.

The vessel had been 25 days from the Plantains. The Master appointed to her had died previous to her sailing, and the Mate succeeded him. They had no other provisions than rice, beans, and biscuit.

I have, &c.

(Signed)

GEORGE SMITHERS,

Lieutenant, commanding.

Commodore, Hayes, C. B.
 &c. &c. &c.

P. S. The slaves had possession of her 8 days, and only allowed the passengers bread and water.

(Signed) G. S.

No. 119.

The Prince de Talleyrand to Viscount Palmerston.—(Received June 1831.

MYLORD,

Londres, le 23 Juin, 1831.

L'AMBASSADE de France a déjà entretenu à diverses reprises le Gouvernement de Sa Majesté Britannique, d'une réclamation relative à la saisie du bâtiment Français le "*Philibert*," conduit à la Colonie de Sierra Leone, condamné comme employé à faire la traite des noirs, et vendu par suite de cette condamnation.

M. Canning dans une note, en date du 8 Juillet, 1826, avait annoncé, que "d'après les renseignements parvenus au Gouvernement Britannique, le "*Philibert*" ayant été arrêté 4 milles de l'Ile d'York, dans le district de la Colonie de Sierra Leone, ce navire était devenu par là même justiciable "des tribunaux Anglais."

Pour établir ce dernier fait, Mylord, il s'agit de savoir si les parages, dans lesquels la saisie a eu lieu, étaient effectivement une dépendance de la Colonie de Sierra Leone, et si, lorsqu'il a été saisi, le "*Philibert*" se livrait réellement à la traite.

Or, en premier lieu, les informations parvenues au Gouvernement Français donneraient à croire, que ce bâtiment a été arrêté dans la rivière de Sherbro' antérieurement à la cession, que les naturels de la contrée du même nom ont faite de leur territoire aux Anglais. C'est en effet, le 26 Septembre, 1825, que s'est effectuée la saisie du "*Philibert*," et ce ne serait que le 5 Octobre suivant, que le Gouverneur de Sierra Leone aurait traité de la cession de Sherbro'.

En second lieu, il ne semble nullement démontré, que lors de son arrestation le "*Philibert*" se livrait à la traite, et l'on ne voit pas du moins que l'équipage ait été admis à discuter le fait contradictoirement, pendant le procédure. Mais il paraît que le Gouverneur de Sierra Leone, après avoir fait mettre le bâtiment en vente, l'acheta lui-même, et le revendit ensuite.

En supposant au reste que le Commandant de ce navire fût réellement coupable de se livrer à la traite, ce n'était point aux tribunaux Anglais, mais bien aux tribunaux Français (par lesquels il aurait été certainement condamné), qu'il appartenait de prononcer sur son sort, si, comme tout porte à le croire, il n'avait point été saisi dans des eaux, soumises à la juridiction territoriale du Gouvernement de Sierra Leone.

Le Gouvernement de Sa Majesté Britannique ne peut se refuser de reconnaître, que si le navire, le "*Philibert*," a été saisi dans des parages indépendants de sa juridiction, comme les renseignements qui m'ont été transmis semblent le démontrer, l'autorité Anglaise en le soumettant à l'action d'un tribunal Anglais, aurait violé, de la manière la plus positive, les droits de souveraineté de la France. Le Gouvernement Français ne pourrait pas autoriser des pareils actes, et le Gouvernement Anglais lui-même l'a déjà reconnu dans plusieurs occasions, en nous remettant, pour être jugés par nos tribunaux, les navires Français que les croisières avaient arrêtés au delà des limites des possessions Britanniques, comme suspects d'être employés à faire la traite.

Je vous recommande spécialement, Mylord, l'affaire du "*Philibert*," et je vous serai obligé de me transmettre, le plutôt possible, une réponse qui ait lieu de satisfaire le Gouvernement de Sa Majesté le Roi des Français.

Recevez, Mylord, les assurances, &c.

(Signé) LE PRINCE DE TALLEYRAND.

Son Excellence le Vicomte Palmerston,
&c. &c. &c.

(Translation.)

My Lord,

London, June 23, 1831.

THE French Embassy has already had several conversations with the Government of His Britannick Majesty, respecting a complaint about the

seizure of a French vessel, the "*Philibert*," which, after being conducted to the Colony of Sierra Leone, was condemned for having been employed in the slave-trade, and was sold in consequence of such condemnation.

Mr. Canning had intimated in a note, dated July 8, 1826, "that, from accounts received by the British Government, the "*Philibert*" had been detained within 4 miles of the Isle of York, in the district of the Colony of Sierra Leone, which circumstance was of itself sufficient for prosecuting that vessel in the English courts."

To establish this latter fact, my Lord, it ought to be known, whether the spot on which the seizure was made was actually a dependency of the Colony of Sierra Leone, and whether the "*Philibert*," when she was stopt, was really engaged in the slave-trade.

Now, in the first place, it would appear, from information received by the French Government, that the vessel in question was detained in the River Sherbro', prior to the cession which the natives of the country of that name made of their territory to the English. For the seizure of the "*Philibert*" took place on the 26th of September, 1825, and it was only on the 5th of October following, that the Governor of Sierra Leone began to treat for the cession of Sherbro'.

In the second place, it seems by no means made out, that the "*Philibert*" at her detention was carrying on the slave-trade; at least, it does not appear, that the crew were allowed during this proceeding an opportunity for disproving the charge. But it is a fact, that the Governor of Sierra Leone, after having caused the ship to be put up for sale, bought her himself, and afterwards sold her again.

Supposing, however, that the Commander of that vessel was really chargeable with having carried on the slave-trade, it was not competent to the English, but to the French tribunals (which would certainly have condemned her) to take cognizance of her cause, if, as every circumstance leads us to believe, she was not seized in waters belonging to the territorial jurisdiction of the Government of Sierra Leone.

The Government of His Britannick Majesty cannot refuse allowing, that if the ship "*Philibert*" has been seized in a situation independent of its jurisdiction, as the particulars transmitted, to me would seem to demonstrate, the English Authority, in causing her to be adjudged by an English tribunal, has, in the most positive manner, violated the rights of sovereignty of France. The French Government cannot authorize such acts, and the English Government itself has already acknowledged it on several occasions, by referring to us, to be adjudicated by our tribunals, such French ships as its cruizers had detained, beyond the boundaries of the British possession, as suspected of having been engaged in the slave-trade.

I recommend to you particularly, my Lord, the transaction of the "*Philibert*," and will be obliged to you for transmitting to me, as quickly as possible, such an answer, as is likely to satisfy the Government of His Majesty the King of the French.

Receive, my Lord, the assurance of my high consideration.

(Signed) THE PRINCE DE TALLEYRAND.

His Excellency Viscount Palmerston,
&c. &c. &c.

No. 120.

Viscount Palmerston to Prince Talleyrand.

Foreign Office, June 30, 1831.

THE Undersigned, &c., with reference to the note which, on the 6th instant, he had the honour to address to his Excellency the Prince Talleyrand, &c., on the subject of the French slave-vessel the "*Virginie*," which had been carried into Sierra Leone, under direction of the slaves who had been placed on board

of her, has now the honour to transmit to his Excellency, for the information of his Government, the copy of some further intelligence, which has recently reached His Majesty's Government upon the subject in question.

The Undersigned, &c.

(Signed)

PALMERSTON.

His Excellency Prince Talleyrand,
 &c. &c. &c.

Enclosure in No. 120.

R. W. Hay, Esq. to J. Backhouse, Esq.

SIR,

Downing-Street, June 15, 1831.

I AM directed by Viscount Goderich to transmit to you, for the information of Viscount Palmerston, a copy of a despatch which has been received from the Lieutenant-Governor of Sierra Leone, reporting the circumstances under which a French slave-vessel named the "*Virginie*" has been brought into that colony.

I have, &c.

John Backhouse, Esq.
 &c. &c. &c.

(Signed)

R. W. HAY.

Sub-Enclosure in No. 120.

Lieutenant-Governor Findlay to R. W. Hay, Esq.

(Extract.)

Sierra Leone, March 26, 1831.

I HAVE the honour to state to you, for the information of the Right Honourable Lord Viscount Goderich, that a French sloop, named "*Virginie*," burthen 39 tons, André Pierre Auben Master, with a crew of 7 men, sailed from Nantes on or about the 6th of March 1830, for the Coast of Africa. She is one of the vessels which I represented in my letters of the 28th and 31st of August last, being at the Plantain Islands, where it appears she purchased a cargo of 92 slaves from Mr. Caulker, and sailed from thence February 18 last, bound for Guadaloupe.

She had also on board 13 men as passengers, the crew of a French brig which had been at the Plantains for the same purpose, but was wrecked there some time back.

On the night of the 13th instant the slaves rose, murdered the Captain of the sloop, and 6 of the crew, also 4 of the passengers who had formed the crew of the French brig which was lost; several others were severely wounded, but they spared the life of the Captain and the remainder of the passengers, on condition that they would navigate the vessel into this port. She arrived here on the evening of the 20th instant, under the white flag, late of France. I immediately sent on board and seized her; and on the following morning, after the surgeon had reported to me that the slaves were all healthy, I had them landed, and placed under the care of the Assistant Superintendent, where they remain until the adjudication of the vessel, which I shall prosecute in the Court of Vice Admiralty, when they will be emancipated, and taken on the strength of the Liberated African Department.

This is another strong proof of the extent to which the French carry on the slave-trade, within a few miles of this colony.

No. 121.

Viscount Palmerston to Viscount Granville.

MY LORD,

Foreign Office, June, 30, 1831.

WITH reference to my despatches to your Excellency marked slave-trade of the 9th and 30th April of this year, I transmit to your Excellency the

accompanying extract of a communication, recently received at the Colonial Department from the Lieutenant-Governor of Sierra Leone, containing an account of measures for punishing Joseph, an individual, suspected to be a British subject, carrying on slave-trade on the Coast of Africa.

I am, &c.

(Signed)

PALMERSTON.

His Excellency Viscount Granville,
&c. &c. &c.

Enclosure in No. 121.

Lieutenant-Governor Findlay to R. W. Hay, Esq.

(Extract.)

Sierra Leone, March 26, 1831.

I BEG leave to mention that I have not yet been able to lay hold of Joseph, who now states, that as he cannot return again to his own country, he will carry on the slave-trade as long as he can. In consequence of the sickness which got among the crew of H. M. brig "Plumper," the Commodore gave orders to the squadron that they were neither to go up any of the rivers, or send any of their boats; but Lieutenant Smithers, commanding the "Conflict," when on a cruize to the northward about 3 weeks ago, fell in with the surveying vessel, at the mouth of the Pongos; Captain Belcher gave him one of his boats, and he proceeded up the river to Joseph's factory, with a view to seize him; but, as Lieutenant Smithers was going in at the door, Joseph made his escape at the back window, and got into the bush; when Mr. Smithers found he had no chance of laying hold of him, he set fire to his house, which destroyed the greater part of his property.

This will detain Joseph a little longer on the coast. He was making arrangements to leave in some French vessel, thinking it the most secure, as we have not the right of search; but I am in hopes he will yet fall into our hands.

I have, &c.

R. W. Hay, Esq.
&c. &c. &c.

(Signed)

ALEX. FINDLAY.

No. 122.

Viscount Palmerston to Viscount Granville.

MY LORD,

Foreign Office, July 15, 1831.

YOUR Lordship is well aware of the keen interest, which the House of Commons has long taken, in all matters which relate to the African slave-trade.

It was to be expected that the new Parliament would not be assembled, without some enquiry taking place in the House of Commons, as to the proceedings of the British Government, in conjunction with its Allies, for the purpose of effectually putting an end to this traffick; accordingly I received an intimation, a few days ago, that a motion was to be made this week for information on this subject.

Not having yet been informed by your Excellency, what measures the French Government have taken, in pursuance of the assurance contained in Count Sebastiani's letter of the 5th of May, I have obtained a postponement of the motion for some days, in order that I might be furnished with information on that point before the discussion comes on.

Count Sebastiani promised in the letter alluded to, that he would make arrangements with the Minister of Marine for reinforcing the French squadron on the Coast of Africa; and added, that the most positive orders should be given to the French naval officers in that quarter, to use increased activity and vigilance in the pursuit of offenders.

I request that your Excellency will inform me, with as little delay as possible, whether any French ships of war have been sent to the African station, since May last, for the purpose of searching vessels slave-trading under the French flag, and if not, whether any are now under orders to proceed to that quarter for this purpose.

I need not add how gratifying it would be to His Majesty's Government, if your answer to this enquiry should enable them to declare, that the French Government have omitted no measures, in their opinion compatible with a due deference to national feelings, for the purpose of co-operating with the British Government, in the efforts which we have so long and so perseveringly made to free the civilized nations of the world from the stain of this traffick.

I have, &c.

(Signed)

PALMERSTON.

His Excellency Viscount Granville,
 &c. &c. &c.

No. 123.

Viscount Granville to Viscount Palmerston.—(Received July 21.)

MY LORD,

Paris, July 18, 1831.

I RECEIVED last night your Lordship's despatch of the 15th ultimo, apprising me that a motion was to be made in the House of Commons, for information as to the proceedings of the British Government, in conjunction with its Allies, for the purpose of effectually putting an end to the traffick in slaves, and directing me to inform your Lordship, whether, in pursuance of the assurance given in Count Sebastiani's note of the 5th of May, the French squadron on the Coast of Africa has been reinforced, and orders given to the French naval officers in that quarter, to use increased activity and vigilance in pursuit of offenders.

I have lost no time in making the enquiry from Count Sebastiani, whether any French ships of war have been sent to the African stations, since May last, and if not, whether any are now under orders to proceed thither for that purpose. Count Sebastiani this morning answered me, that he believed the French squadron on the African Coast has been, since the 5th of May, reinforced. I stated to him the anxiety of my Government to have positive and accurate information on this point, and he promised that he would immediately communicate with the Minister of Marine, and that to-morrow or next day he would write to me a note, containing all the information I desired.

I have, &c.

(Signed)

GRANVILLE.

The Right Hon. Lord Viscount Palmerston,
 &c. &c. &c.

No. 124.

Viscount Granville to Viscount Palmerston.—(Received August 5.)

MY LORD,

Paris, July 20, 1831.

WITH reference to your Lordship's despatch marked slave-trade of the 15th, I now hasten to transmit to you the copy of a letter from the French Minister of the Marine to Count Sebastiani, detailing the steps taken for the reinforcement of the French squadron off the Coast of Africa, in order the more effectually to carry into execution the measures adopted by the French Government, in conjunction with that of His Majesty, for the suppression of the traffick in slaves.

I have, &c.

(Signed)

GRANVILLE.

The Right Hon. Lord Viscount Palmerston,
 &c. &c. &c.

Enclosure in No. 124.

Count de Rigny to Count Sebastiani.

M. LE COMTE,

Paris, 19 Juillet, 1831.

JE ne puis mieux répondre aux nouvelles observations que vous m'avez adressées, relativement à l'urgente nécessité de réprimer la traite des noirs, qui paraît se faire à la Côte d'Afrique par des navires étrangers, couverts du pavillon Français, qu'en vous rappelant ce que j'ai déjà eu l'honneur d'écrire à votre Excellence, relativement aux mesures de surveillance que j'ai prises, en attendant le prochain envoi de la division navale, qui doit aller stationner entre Gorée et la Côte au sud du Golfe de Goinée.

Les circonstances, dans lesquelles nous nous sommes trouvés depuis un an, ayant forcé d'ajourner le départ de cette division, il n'est resté à la Côte d'Afrique que la canonnière brick la "*Bordelaise*," dont il est incontestable, que la présence seule ne pouvait pas suffire pour s'opposer à toutes les tentatives des nègriers ; mais depuis j'ai fait partir successivement, pour les mêmes parages, le brick le "*Cuirassier*," et la corvette la "*Bayonnaise*:" ces deux bâtiments y resteront jusqu'à l'arrivée de la nouvelle station.

Le "*Cuirassier*" est parti de Toulon le 9 Juin, et la "*Bayonnaise*" le 12 de ce mois

Les Capitaines de ces bâtiments ont l'ordre de se porter directement sur la rivière du vieux Calabar ; de croiser ensuite devant Gallinas, Scherbroo, Bananas, Cazamansa, et les rivières situées au nord du Sierra Leone ; ils relâcheront dans ce dernier port, pour y conférer avec le Gouverneur de l'établissement Anglais, et en recevoir des renseignements utiles au succès de leur mission. Il leur est particulièrement recommandé de s'assurer de la nationalité des bâtiments, qu'ils trouveront couverts du pavillon Français, et d'arrêter tous ceux, qui porteraient ce pavillon sans en avoir le droit. A ces instructions ont été jointes des copies des lois et ordonnances relatives à la repression de la traite, et tous les documens nécessaires pour mettre les officiers, à qui ce service est confié, parfaitement en mesure de la bien remplir.

Au surplus, M. le Comte, vous pouvez y être assuré, que la division stationnaire, qui doit se composer d'une frégate, et des trois autres bâtiments légers, partira, au plus tard, vers le fin de Septembre pour se rendre à sa destination. Ainsi elle arrivera à la Côte d'Afrique vers l'époque où finit la saison de l'hivernage, et où, par conséquent, commencent avec le plus d'activité les entreprises coupables des nègriers. Je sens comme vous l'importance de ce service, et rien ne sera négligé pour qu'il soit fait avec tout le succès possible, dans la prochaine campagne.

Je prie, &c.

(Signé)

COMTE H. DE RIGNY.

Son Excellence le Comte Sebastiani,

&c.

&c.

&c.

Translation.

MONSIEUR LE COMTE,

Paris, July 19, 1831.

I CANNOT answer more effectually the fresh observations which you have addressed to me, relative to the urgent necessity of repressing the slave-trade, which seems to be carried on upon the Coast of Africa by vessels covered with the French flag, than by calling to your recollection, what I have already had the honour of stating to your Excellency, in regard to the measures of vigilance which I have taken in the meanwhile, until the arrival of the time, now near at hand, for dispatching the naval division, about to be stationed between Goree and the South of the Gulf of Guinea.

The circumstances, in which we have been placed for this last year, having compelled us to put off the departure of this division, there has been left on the Coast of Africa only the gun-brig "*La Bordelaise*," whose presence could not possibly be sufficient for checking all attempts of slave-vessels; but I have since sent off successively into the same latitudes the brig "*Le Cuirassier*" and the corvette "*La Bayonnaise*." These two vessels will remain there until the arrival of the above ships destined for that station.

The "*Cuirassier*" sailed from Toulon the 9th June, and the "*Bayonnaise*" the 12th instant.

The Captains of these ships are directed to make directly for the river of Old Calabar, and then to cruize off Gallinas, Sherbro', Bananas, Cazamansa, and the rivers situated north of Sierra Leone. They will touch at the latter port, in order to communicate with the Governor of the English settlement, and to receive from him information, which may be useful to the success of their mission. They are particularly enjoined to ascertain to which country belong the vessels which they shall find covered with the French flag, and to detain all those, which shall carry that flag without being entitled to it. To these instructions have been added copies of the laws and ordinances which relate to the repression of the slave-trade, and all the documents necessary to enable the officers, to whom that service is entrusted, perfectly to discharge it.

For the rest, Count, you may rest assured, that the division alluded to, which is to consist of a frigate and of 3 other light vessels, will sail at latest towards the end of September, in order to proceed on its destination. It will therefore arrive on the Coast of Africa about the time when the winter season concludes, and when, consequently, the guilty enterprises of the slave-traders begin with the greatest activity. I am as much aware as you of the importance of this service, and nothing shall be neglected, which is likely to have it performed with every possible success, during the ensuing campaign.

I request, &c.

(Signed)

COUNT H. DE RIGNY.

His Excellency Count Sebastiani,
&c. &c. &c.

No. 125.

Viscount Palmerston to Viscount Granville.

MY LORD,

Foreign Office, September 22, 1831.

I HEREWITH transmit to your Excellency, for your information, 3 copies of papers, marked A. and B., relating to the slave-trade, which have this day been presented, by His Majesty's command, to both Houses of Parliament.

I am, &c.

(Signed)

PALMERSTON.

His Excellency Viscount Granville,
&c. &c. &c.

No. 126.

Viscount Granville to Viscount Palmerston.—(Received October 3.)

(Extract.)

Paris, September 30, 1831.

HIS Majesty's Government will, I am sure, hear with great satisfaction, that the Minister of the United States of America at Paris, has received instructions from his Government to urge the French Government to take more effectual measures, than have hitherto been adopted by it, for the abolition of the slave-trade. Mr. Rives has been directed to call upon France

to follow the example of the United States, and to declare this inhuman traffick to be piracy. On Mr. Rives communicating to me that he had received this instruction, I stated to him, that your Lordship had directed me, some time ago, to press, not only for the adoption of the proposal with which he had been charged, but also of that, which, though agreed to by the American Minister, had not been ratified by the Senate, that is, an arrangement for the mutual right of search, by the ships of war belonging respectively to each State.

I have, &c.

(Signed)

GRANVILLE.

The Right Hon. Lord Viscount Palmerston,
&c. &c. &c.

No. 127.

Viscount Palmerston to Viscount Granville.

(Extract.)

Foreign Office, October 15, 1831.

I HAVE to request that your Lordship will persevere, in conformity with your previous instructions, in availing yourself of every opportunity which may present itself, of pressing upon the Government of France the adoption of all such measures, as shall tend to carry into effect the determination, which they have so repeatedly avowed, of putting down the slave-trade of France, and of thus contributing materially to the attainment of that great object, which His Majesty's Government have so much at heart, namely, the complete abolition of that inhuman traffick throughout the civilized world.

In the mean time, with reference to the assurance which was given to this country, in the report of the Count de Rigny of the 19th of July last, enclosed in your Excellency's despatch of the 20th of the same month, that a strong reinforcement should be dispatched by the end of September last, at the latest, to the French naval force on the Coast of Africa, for the purpose of searching vessels carrying on the slave-trade under the French flag, your Lordship is instructed to enquire from Count Sebastiani, whether the promised reinforcement has yet been sent.

I am, &c.

(Signed)

PALMERSTON.

His Excellency Viscount Granville,
&c. &c. &c.

No. 128.

Viscount Granville to Viscount Palmerston.—(Received November 3.)

MY LORD,

Paris, October 31, 1831.

WITH reference to your despatch of the 15th, I beg leave to inform your Lordship, that since the receipt of it, I have, in conformity with the spirit of its contents, sought opportunities of pressing upon different Members of the King's Council here, the expediency of adopting more effectual measures than have been as yet taken, for the abolition of the traffick in slaves.

I have every reason to believe, that the law passed last session for the suppression of the slave-trade, will be efficacious in preventing ships being fitted out at Nantes and other ports of France, for the conveyance of slaves, but I have been endeavouring to convince the French Ministers, that it will not put an end to slave-trading under the flag of France;—in these endeavours I have derived great assistance from Mr. Irving, who has come to Paris for the purpose of affording very useful information as to the state of the slave-trade,

now carrying on under the protection of the French flag, and as to the means used for evading the laws, which have been enacted upon this subject.

His communications have tended very much to open the eyes of the French Ministers to the truth of my representations, that, for the purpose of effectually abolishing this inhuman traffick, a mutual right of search by English and French ships of war should be exercised (under regulations), on merchantmen trading in certain latitudes. An apprehension is entertained, notwithstanding the proposed reciprocity of the right of search, that the French publick would consider the concurrence of their Government in such an arrangement, as an acknowledgment of the maritime superiority of Great Britain.

M. Casimer Perier and Count Sebastiani have, however, promised that the question shall, without delay, be brought before the Council, and the satisfaction, with which the British Government and the British publick would hail the co-operation of France in their work of humanity, will, I have no doubt, dispose the French Cabinet to give the proposal the most favourable consideration.

Admiral de Rigny has informed me, that there are now 3 French ships of war cruising on the Coast of Africa, for the purpose of extirpating the trade in slaves, carrying on under the French flag.

I have, &c.

(Signed)

GRANVILLE.

The Right Hon. Lord Viscount Palmerston,
 &c. &c. &c.

No. 12).

Viscount Palmerston to Viscount Granville.

MY LORD,

Foreign Office, November 7, 1831.

I HAVE received your Excellency's despatch, of the 31st ultimo, reporting the steps which you continue to take to prevail upon the French Government to agree to those arrangements, which appear to be indispensable for the effectual suppression of the slave-trade; and His Majesty's Government regret to perceive, that the objections of the French Government to a mutual right of search on the African Coast have not yet been surmounted.

His Majesty's Government, however, are of opinion, that a modified proposition on this subject might be made, which would sufficiently accomplish the object in view, without conflicting too much with the prejudices of the French naval service.

Your Excellency is, therefore, instructed to propose, that, instead of establishing a general and permanent right of reciprocal search, each of the two Governments should furnish to those cruisers of the other, which may be employed on the African station, a written or specifick authority, empowering them to search vessels, not being ships of war, found navigating under the flag of either country, within certain degrees of latitude and longitude, to be specified in the instrument.

These documents might be confined to the commanding officers of particular vessels, and might be limited, both as to their duration in time; and as to their extension as to space. They might, for instance, be given for 3 years, subject to renewal at the end of that time, or to revocation during that period, if any abuses or inconveniences were found to arise out of them.

The commanding officer of the vessel making the search, should be bound to exhibit, to the person in command of the vessel searched, the instrument by virtue of which the search was made; and in no case, and under no pretence, should any ship of war of either nation be searched.

The effect of this arrangement, with respect to national jealousy, would be, that the search would, in every case, be made by virtue of an authority directly conferred by the Government of the country whose flag was visited; and, therefore, the search would not imply any pretence of jurisdiction by the ships of war of one country over the flag of the other.

It appears to His Majesty's Government, that this partial and temporary experiment, which would still leave the question at all times within the controul of the two Governments, might prove extremely useful, and might either remove the objections now felt to a more permanent arrangement, or render such arrangement unnecessary.

I am, &c.

(Signed) PALMERSTON.

His Excellency Viscount Granville,
 &c. &c. &c.

No. 130.

Viscount Palmerston to Viscount Granville.

MY LORD,

Foreign Office, December 31, 1831.

I HAVE the honour to enclose to your Excellency the copy of a communication, which I have received from the Colonial Secretary of State, and in which I am informed of the cordial assistance and support which the Governor of Senegal and the crew of the French ship of war "*La Bordelaise*," have recently afforded to the Lieutenant-Governor of the British town of Bathurst, chief of the British settlements on the Gambia, under circumstances which threatened the security of that settlement.

Having taken His Majesty's pleasure upon this subject, I am happy to inform your Lordship, that I have received the King's commands to express to the King of the French, through his Ministers, the warm acknowledgement of His Majesty, for the friendly exertions of the French authorities, civil, military, and naval, in co-operating with the Lieutenant-Governor Rendall, in his endeavours to restore the tranquillity of the settlement of Bathurst.

Your Excellency is, in consequence, instructed to communicate those acknowledgements to the French Government.

Unfortunately the Lieutenant-Governor of Bathurst has omitted to transmit the names of the officers and men, whose good conduct I have been directed to bring, in this manner, under the notice of the French Government, and from this omission I am compelled to include them all in one general expression of His Majesty's commendation.

I am, &c.

(Signed) PALMERSTON.

His Excellency Viscount Granville,
 &c. &c. &c.

Enclosure in No. 130.

R. W. Hay, Esq. to J. Backhouse, Esq.

SIR,

Downing-Street, December 17, 1831.

I AM directed by Viscount Goderich to transmit to you, for the information of Viscount Palmerston, the accompanying extract of a letter, which has been received from the Lieutenant-Governor of Bathurst, in the Gambia, reporting the cordial assistance and support, which have recently been afforded to him by the Governor of Senegal, and by the Commander of the French ship-of-war, the "*Bordelaise*," under circumstances which threatened the security of Bathurst.

Lord Goderich regrets that the Lieutenant-Governor has omitted to transmit the names of the officers and men, whose good conduct he was anxious should be brought under the notice of the French Government; but his Lord-

ship feels assured, that Lord Palmerston will concur with him in the propriety of offering to that Government, His Majesty's acknowledgements for the friendly exertions of all the French Authorities, civil, military, and naval, in co-operating with Lieutenant-Governor Rendall, to secure the tranquillity of the settlement of Bathurst.

I am, &c.

John Buckhouse, Esq.
&c. &c. &c.

(Signed)

R. W. HAY.

Sub-Enclosure in No. 130.

Lieutenant-Governor Rendall to R. W. Hay, Esq.

(Extract.)

Bathurst, October 28, 1831.

BEING-anxious to give you an account of the events which have transpired, since I had the honour of addressing my Lord Goderich, on the subject of hostilities commenced by the King of Barra, I take the advantage of the opportunity afforded by the sailing of a very small vessel (the "John and Harriet"), for England, to give you such a detail as the present weak state of my health will allow me.

The French brig of war "*La Bordelaise*" arrived in this harbour on the 8th of September, and the Commander, Captain Louvel, acquainted me, that he was sent by the Governor of Senegal to render me every assistance in his power, and to protect the merchants of Albreda.

I strongly urged the necessity of removing all French property from the Barra territory, which, after some hesitation, he engaged to effect, provided I would furnish him with sufficient vessels to remove the merchants' goods and effects at once, which was of course complied with.

The messengers I had employed to observe what was passing among the surrounding tribes, having acquainted me, that some had promised to join the King of Barra, and that others were wavering in their faith, (among the latter our new Allies, the Combo people), I was induced to apply to the Captain of the "*Bordelaise*" to afford me the same assistance a British man-of-war could do, and, I am happy to say, most amply has he redeemed the pledge given me by himself, his officers and men, that they would do so.

The "*Bordelaise*" has manned several colonial craft to keep up a severe blockade upon the Barra shore, thereby preventing the frequent intercourse they would have had with other tribes, for the purpose of exciting them against us, and also cutting off their supplies of corn, munitions of war, &c.

Large bodies of the enemy having been observed throwing up intrenchments on Barra Point, Captain Louvel, with the "*Bordelaise*," and some of the colonial craft, made two attacks upon them, destroying great numbers in the trenches. We have sustained the loss of our harbour-master, Jean Pierre, who bravely approached the shore too closely, for the purpose of placing one of the colonial craft in a good position. The explosion of some cartridges also wounded Lieutenant Jehanne and 8 men of the "*Bordelaise*," but I am happy to say they have all recovered, with one exception.

Some wealthy native traders having joined the King of Barra with large supplies of arms, ammunition, &c., and the accounts from the neighbouring countries being increasingly unfavourable, I proposed to the inhabitants the necessity of throwing up an intrenchment and stockade round the town, to guard against a night attack. After some time, they entered into my views, and commenced the work, Captain Louvel giving 50 men from the "*Bordelaise*" to build a redoubt, provided I would furnish masons, stones, lime, &c., an offer I thought too advantageous to refuse.

In this work, as in every thing else that Captain Louvel has done for this settlement, he has displayed the utmost zeal and devotion to our cause; his officers and men, too, have behaved with extreme gallantry, whenever their services have been called for. And I hope that Lord Goderich will be pleased to make such representation of their good conduct to the French Government,

as will ensure them the reward they so richly deserve. I feel perfectly convinced that the arrival of the "*Bordelaise*," and her active operations, have saved this settlement from the most disastrous consequences.

The apathy and pusillanimity, displayed by many of the inhabitants of this island, may be more easily imagined than described; and a severe illness in my own person, has been the result of the fatigues and exertions to which I have been exposed, from the almost total want of support in the measures I proposed for the general good, particularly in the organization of the militia, and erection of the stockade.

His Excellency the Governor of Senegal, having received accounts from Captain Louvel and from a French merchant, who had visited this settlement, of the critical position in which we were placed, determined immediately upon sending us every effective man, that could be spared from the garrisons of Senegal and Goree, and 200 of the free sailors (or *Laptots*) of Senegal. These latter refusing to move without the Governor, his Excellency, with unparalleled goodness, determined upon embarking himself; and he arrived in St. Mary's on the 10th instant, with 8 officers, 45 European troops (artillery and infantry), and 200 *Laptots*.

I feel convinced that the arrival of this force arrested much the intrigues, that were still carrying on throughout the country to raise a force against us, as I have since received messages from several chiefs, renewing their promises of good faith.

His Excellency will remain but a few days longer, as he does not feel himself authorised in assisting us to reconquer the territory we have lost, his object in coming being to save us from an attack or share our fate.

The political question of Albreda outweighs, of course, his personal anxiety to render us further assistance against our savage enemies.

I feel a confident hope, that my Lord Goderich will make such a representation of the conduct of Colonel St. Germain and his officers, in volunteering to afford us succour at this season of the year, as will amply repay them for the privations they have endured.

UNITED STATES OF AMERICA.

No. 131.

C. R. Vaughan, Esq. to Viscount Palmerston.—(Received April 29.)

MY LORD,

Washington, March 28, 1831.

PREVIOUSLY to the adjournment of Congress, the following resolution was adopted in the House of Representatives, on the motion of Mr. Mercer, by a majority of 118 to 32.

“That the President of the United States be requested to renew and prosecute, from time to time, such negotiations, with the several Maritime Powers of Europe and America, as he may deem expedient for the effectual abolition of the African slave-trade, and its ultimate denunciation as piracy under the law of nations by the consent of the civilized world.”

I learn from Mr. Mercer, a distinguished member of the Congress, and for many years indefatigable in his efforts to secure a complete abolition of the slave-trade, that the principal object of his resolution is, to engage other Powers to denounce the slave-trade as piracy, after the example of Great Britain and the United States, and, at all events, to profit by the change which has taken place in the Government of France, to induce that country to follow up their determination to abolish the slave-trade, by pursuing measures more effectual than those, which they have hitherto been disposed to adopt for the accomplishment of that object.

In the year 1824, Great Britain consented to pass a law, inflicting all the penalties of piracy upon British subjects, who should engage in that traffick; and on the 15th of March of that same year, a Convention between the United States and Great Britain, for the more effectual abolition of the slave-trade, was concluded at London.

As the Convention was framed according to the suggestions of the President of the United States (at that time Mr. Monroe), communicated by the American Plenipotentiary, Mr. Rush, no doubt could be entertained about its ratification by the Government of the United States; and, therefore, the Convention, already ratified by His Britannick Majesty, was sent out to Washington.

When the Convention was laid before the Senate for ratification, they objected to the 1st Article, because it seemed to concede a right of search of American vessels, off the coast of the United States, to British cruizers.

The words of the Article were, “The officers of each Party authorized to cruize on the Coasts of Africa, of *America*, and of the West Indies, to be empowered to seize any vessel engaged in the illicit traffick for slaves, and to send it in for adjudication, &c.”

Though no suspicion could exist of any abuse of authority, or of misconduct, in the very limited right of search off the Coast of America, conceded by that Article, the Senate voted that the words, “of America,” should be struck out.

The 2d Article of the Convention, which provided for the adjudication of vessels, chartered by subjects of the one party, but sailing under the flag of the other, was rejected by the Senate by a majority of 27 to 16.

The alterations, made by the Senate in this Convention, for the more effectual abolition of the slave-trade, furnished another instance of a practice unusual in political transactions of States, by which the American Government assumes to itself the privilege of revising and altering agreements, concluded and signed on its behalf by agents duly authorized for that purpose. Such was the language of complaint in a note by the late Mr. Canning, upon the rejection, by the Senate of the United States, of a Treaty concluded with Great Britain in 1807.

With regard to the Convention of March, 1824, from which the Senate had expunged a part of the 1st Article and the whole of the 2nd, the British Government agreed to sign the Convention, notwithstanding the alterations of the Senate, provided that the words, "of America," were restored to the 1st Article: and full powers were sent out to His Majesty's Chargé d'Affaires to sign the Convention, whenever the Senate should be disposed to offer a copy already ratified, and in the precise terms assented to by the British Government.

Similar full powers were confided to me, when I had the honour of being appointed His Majesty's Envoy to the United States in 1825, but not the slightest intimation of any disposition, on the part of the Government of the United States, to reconsider the Convention has been manifested hitherto.

The rejection of the Convention was followed by a resolution, moved in the House of Representatives by Mr. Forsyth and adopted, that it was highly inexpedient for the Government of the United States to grant, in any shape, a right of search. Mr. Adams, who was the Secretary of State when the Convention was negotiated, was afterwards a candidate for the Presidency, when he was reproached for having conceded the right of search, and every effort was made to render him, on that account, unpopular. I have had reason to believe since, that Mr. Adams was by no means friendly to the conclusion of that Convention. Subsequently a Treaty with Colombia was rejected by the Senate, because it contained an Article similar to the 1st Article of the Convention with Great Britain.

As I am persuaded that the motion of Mr. Mercer will probably lead to some renewed overture to His Majesty's Government, respecting the more complete abolition of the slave-trade, I have taken this occasion of recapitulating to your Lordship, the circumstances attending the last negotiations with this country for that purpose; and I beg leave to assure your Lordship, that I have not been remiss in watching an opportunity for acting upon the full powers given to me in 1825, but I have not perceived the slightest inclination, in two successive administrations, to renew the negotiation.

I have, &c.

(Signed) CHAS. R. VAUGHAN.

The Right Hon. Lord Viscount Palmerston,
 &c. &c. &c.

