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# Class B.

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CORRESPONDENCE

WITH

BRITISH MINISTERS AND AGENTS

IN

FOREIGN COUNTRIES,

AND WITH

FOREIGN MINISTERS IN ENGLAND

RELATING TO

**THE SLAVE TRADE.**

From January 1 to December 31, 1866.

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*Presented to both Houses of Parliament by Command of Her Majesty.*  
1867.

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THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT

PHYSICS 439

LECTURE 1

THE CLASSICAL LIMIT OF QUANTUM MECHANICS

1.1. THE CLASSICAL LIMIT

1.2. THE WKB APPROXIMATION

1.3. THE CLASSICAL LIMIT OF QUANTUM MECHANICS

1.4. THE CLASSICAL LIMIT OF QUANTUM MECHANICS

END

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# Class B.

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## CORRESPONDENCE

WITH

## FOREIGN POWERS.

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### AFRICA. (*Consular*)—*Bight of Benin.*

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No. 1.

*Acting Consul Glover to Earl Russell.*—(Received January 10, 1866.)

(Extract.)

*Lagos, December 6, 1865.*

IN reference to my despatch of the 7th of November,\* I have the honour to forward, for your Lordship's information, further proof of the slaving transactions of Mr. Henry Robbin, one of the subscribers to the Memorial inclosed in the above-mentioned despatch.

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Inclosure in No. 1.

*Deposition of Awa, a Slave Woman of Mr. Henry Robbin, at Abbeokuta.*

I AM Mr. Henry Robbin's slave at Abbeokuta. I was brought from Ibadan to Abbeokuta, and sold to Mr. Robbin. I met several slaves with him. I remained with him about a year, during which time I was one of his mistresses. When he returned from Sierra Leone the last time, myself and three men (his slaves) came to meet him in Lagos, and accompanied him to Abbeokuta. On our arrival at Abbeokuta four of my companions (Mr. Robbin's other female slaves) were missing, and I have not been able to get any information respecting them. Thirteen days after our arrival at Abbeokuta Mr. Robbin ordered me to go to Okeodan (with several others who were going thither), to assist in bringing from thence to Abbeokuta some rolls of tobacco.

When we arrived there I was sold, on the ninth day, by one Osanyipeju (a relative of one of Mr. Robbin's principal mistresses at Abbeokuta, who had previously gone to Okeodan to sell two of Mr. Robbin's female slaves), to two women, for two rolls of tobacco, which was paid in my presence. I was then sold by these women to a man at Porto Novo, with whom I remained two moons. This man brought me to Lagos thirteen days ago. I saw one Dopemu three days ago, whom I knew to be one of Mr. Robbin's slaves. Dopemu informed me that he was to have been sold by Mr. Robbin to Okeodan, but that he had managed to escape to Lagos. Dopemu took me to Mr. Willoughby, the Superintendent of Police. I am certain that Osanyipeju had not sold me without Mr. Robbin's authority, as he had, on previous occasions, been selling slaves for, and at the express request of, Mr. Robbin. The four women who were missing when we arrived at Abbeokuta from Lagos were familiarly acquainted with me; their names are—Ebo (a native of Ibadan), Ajisomo (native of Efon), Lakanye (native of Ijaye), and Akitunde (son of Lakanye). Since I was sold to Porto Novo two women and a child, viz., Roki and Eyinle and her child (slaves of Mr. Robbin) have been sold; they met me at Porto Novo.

Mr. Robbin's principal mistress was a woman of the late Alake; for taking this

\* Class B, 1865, No. 15.

woman he had to pay heavily; this occurred just before the Alake's death. He had ten women up to the time I was sold (myself included). He has three children. At Illugun, where his women are kept, he has three men and a boy; and at his farm he has three men, whom I know. His other men slaves are kept in Ake; but the number I do not know. I have attended Sunday School for about a year at Abbeokuta; and have been constantly employed to carry to and count cowries for Mr. Townsend, from Mr. Robbin's principal mistress. Mr. Townsend has often addressed myself and other companions from Mr. Robbin's yard, both in school and while counting cowries in his compound, and must be fully aware, as are all in Abbeokuta, that I and my companions were Mr. Robbin's concubines.

In the beginning of December 1864 myself and eight others (two of us being his concubines, the other seven being young ones in course of preparation) were sent to Aro Gate to bring up cowries; for staying too long we were all placed in a cell under the wooden floor of his room, without air or light; but on Mr. Faulkner remonstrating with Mr. Robbin we were released the next day. On another occasion, for being saucy, I was shackled to a post for six days, with another concubine, who has since been sold, by name of Elatutoon; during that time we were only fed twice, viz., on the third day, a country woman (Nuphé), by stealth, brought us agidi and palaver-sauce with water,—this was on Saturday; on the next day, while Mr. Robbin was at church, one of his concubines brought us some beans cooked in oil, and water; but, on hearing this, every one was kept away from us until we were released. On the second day a little girl succeeded in giving us water.

Ogoonoko, wife of Ali, one of Mr. Robbin's slaves, wears shackles on her legs, and goes about; shackles was put on her by Mr. Robbin for her supposed adultery.

Flogging is another punishment in Mr. Robbin's harem; the instrument being a white man's horse-whip, administered by Mr. Robbin, or Debare, brother to Mr. Robbin's chief concubine.

Three of Mr. Robbin's concubines attend the Day School at Abbeokuta's Church; but since one has had a child by Mr. Robbin she has not attended.

(Signed) AWA, her ✕ mark.

On this 12th day of November, 1865, the before-named Awa was duly sworn to the truth of this deposition.

Before us:

(Signed) H. T. USSHER,  
HENRY F. PILKINGTON,  
*Justices of the Peace.*

No. 2.

*Acting Consul Glover to Earl Russell.—(Received January 10, 1866.)*

(Extract.)

*Lagos, December 8, 1865.*

I HAVE the honour to inform your Lordship that, as regards the political state of Lagos and the surrounding countries, there is fair promise of peace and a consequent development of trade and prosperity when the palm oil season shall commence in the month of February.

On the 28th ultimo I re-opened the market of Agudu, which had been closed since its destruction by the Egbas thirty-five years ago: this may be considered an event of much political importance to this country, showing as it does the policy which the British Government is endeavouring to carry out, and which seems to have been fully appreciated by the surrounding tribes. This is the sixth market that has been re-opened since the raising of the siege of Ikorodu, and as these markets are all under the immediate control and protection of this Government, the natives feel perfect security in trusting themselves and their produce in them.

I am allowing the Egba question to be dealt with by the Egbas themselves, and have no anxiety for the result. The revenue for this Settlement for the month ending the 30th November is 2,100*l.*, showing an increase over that of the preceding month of 300*l.*

The Ibadans have applied to this Government for permission to go to war, but state they will abide its decision. I trust that the urgent representations I have made to them against again disturbing the peace of the country may have the desired result.

The King of Dahomey is about commencing his annual customs preparatory to going to war; but I trust that my representations to that Potentate will prevent his intended

attack on Abbeokuta, and that he will content himself by surprising and carrying off the people of some few small towns far distant from our territory.

Our relations with Porto Novo have undergone no change since my last Report: an unrestricted trade with Abbeokuta, viz., the barter of tobacco from Porto Novo for slaves from Abbeokuta has checked the legal trade in palm oil.

## No. 3.

*Acting Consul Glover to the Earl of Clarendon.—(Received February 8.)*

(Extract.)

Lagos, January 8, 1866.

I HAVE the honour to inform you that the general political aspect of affairs in the surrounding countries is quiet and peaceable.

The oil farms within the territory have increased in number, and are in full operation, and in this article of commerce all are anticipating a brisk season. I am endeavouring to establish the cultivation of the ground nut, and trust I may succeed in adding this valuable product to the other articles of our export. It is easy of cultivation, and the soil of the surrounding country is well adapted to its growth.

I have received messengers from Massaba, Emir of Nufé, desiring me to mediate between him and the Bashorun of Ibadan, inasmuch as they are warring against each other to the north-east of Benin.

The safe arrival of these messengers shows that the upper country is quiet and is open to the Niger. I have, therefore, dispatched messengers to salute the young King of Ilorin, in order that he may be induced to keep open our communications with the Niger.

Cotton in Lagos is most plentiful, and, as I am informed, almost exceeds the present means of buying it, and as it is supplied from a new source, namely, Jebu and Ibadan, this fact is worthy of note.

Upon the whole I consider our prospects for the year 1866 as by no means unsatisfactory; indeed, we have a fair promise of a successful trading season.

## No. 4.

*The Earl of Clarendon to Acting Consul Glover.*

Sir,

Foreign Office, February 21, 1866.

WITH reference to your despatch of the 8th ultimo, I have to acquaint you that I approve of your having dispatched messengers to the King of Ilorin to salute him on his accession to the throne.

I have also to desire that you will use your good offices to bring about an adjustment of the differences between King Massaba and the Bashorun of Ibadan.

I am, &c.

(Signed) CLARENDON.

## No. 5.

*Acting Consul Glover to the Earl of Clarendon.—(Received March 13.)*

(Extract.)

Lagos, February 7, 1866.

MY report of the general commercial and political condition of this settlement and the surrounding country will be found in no way at variance with that of the preceding month: on the contrary, it will tend to confirm the favourable anticipations therein reported.

With the exception of Abbeokuta, the surrounding markets are in full operation. The oil season, just commencing, is evidenced by an increasing supply of oil on each market day. Cotton, the result of the last crop, is abundant, unginned cotton having fallen in price from  $2\frac{1}{2}d.$  to  $1\frac{3}{4}d.$  per lb. By the mail steamer leaving this evening upwards of 13 tons (the largest consignment that has ever left Lagos) of cotton are reported to have been shipped; and the shipments by next month are likely to be still greater.

It is also reported the incoming crop, which will be purchased in March, is unprecedentedly large, and the continued demand for cotton-gins in the interior tends to confirm this.

Our exports, which in December 1864 amounted to 20,110*l.* 8*s.* 5*d.*, amounted to 30,272*l.* 0*s.* 11*d.* in December 1865; whilst our revenue, which for January 1865 amounted to 1,578*l.* 3*s.* 11*d.*, was for last month 1,833*l.* 6*s.* 11*d.* This cannot be considered as evidence of a decrease in the prosperity of the Settlement.

The roads to the Niger, viâ Ibadan, Ikorodu, and the Jebu country eastward, are open, and caravans from Ilorin arrive almost daily in Lagos. A trade has also sprung up between the Yoruba country and Porto Novo, which chooses Lagos for its route in preference to that formerly used through the Egba territory viâ Okeodan.

The Egbas, still counselled by their Sierra Leone advisers, are sullenly holding aloof from commercial pursuits. I cannot say that I am dissatisfied with their continued obstinacy, as it is teaching a lesson which it is necessary for the peace and prosperity of the country that all, Egbas included, should learn, namely, that it is possible for Lagos to exist and prosper by means of the trade of the rest of the surrounding country, altogether independently of that of Abbeokuta. I do not advance the opinion that it would not be to the very great advantage of Lagos that commercial intercourse should be re-established between it and Abbeokuta: but as it is apparent that nothing but abject submission to the terms of the Egbas will attain for us their trade, attended by robberies for which no compensation is to be obtained from them, I still consider, as I have before reported, that it is a question entirely Egba, which must be left to the decision of the Egbas alone; and I am of opinion that when the time of the expected Dahomian attack shall have gone by, and they shall have learned the lesson before alluded to, that our commercial existence is not solely dependent upon them, that they must emerge from the isolated position which they have assumed, and enter into relations with this Government satisfactory and beneficial to both parties.

An embassy from Ibadan, consisting of about 200 persons, arrived here yesterday morning, conveying to this Government salutations and congratulations upon the state of the country which had resulted from its efforts, and bringing presents consisting of forty sheep, ten tobos, and a tooth of ivory.

No. 6.

*Acting Consul Glover to the Earl of Clarendon—(Received April 10.)*

My Lord,

Lagos, March 10, 1866.

I HAVE the honour to inclose, for your information, copy of a Proclamation issued by me on the 9th instant, by which you will perceive that the  $2\frac{1}{2}$  per cent. duty upon the export of merchandize from this Settlement into the Egba territory has been abolished, and that all persons are permitted to proceed from this territory to that of the Egbas, but at their own personal risk.

2. Time does not permit me to enter fully into explanations upon this subject, but I may observe that although the Egbas will not open their roads and river for some days, until the time of the expected attack of the Dahomians on Abbeokuta shall have gone by, I have, by the advice of Governor Blackall, accepted in good faith the verbal promise of the Chiefs of Abbeokuta, that they acknowledge the Treaty and obligations existing between the two Governments, and that they will shortly open their river and roads to this Settlement for the transit of produce to this port.

3. I trust that, in being brought face to face with his Excellency Governor Blackall, who has come direct to them from Her Majesty's Government, we may anticipate that on this occasion their promises will be fulfilled; and it is a cause of satisfaction to myself that Governor Blackall has not deemed it necessary to advise me to abate in the least degree one article of the demands which he found me endeavouring to obtain from the Egbas, namely, a recognition of their obligations to this Government, and the protection of British life and property within their jurisdiction.

Trusting that my proceedings will meet with your approval, I have, &c.

(Signed) JOHN H. GLOVER.

## Inclosure in No. 6.

*Proclamation.*

By his Excellency John Hawley Glover, Lieutenant-Governor in and over the Settlement of Lagos and its Dependencies, and Vice-Admiral of the same, &c., &c.

JOHN HAWLEY GLOVER, *Lieutenant-Governor.*

WHEREAS it has been represented to the Government of Lagos that the Bashorun and Chiefs of Abbeokuta, representing the Egba nation, are desirous to be on friendly terms with this Government, and wish that the existing duties on goods exported to the Egba territory, and the restrictions with respect to persons going to Abbeokuta, shall be abolished and withdrawn :

Be it therefore made known and proclaimed, that the Lieutenant-Governor in Council, yielding to the representations made through his Excellency the Governor of Sierra Leone, by the Egbas, of their desire for more friendly relations with this Government, has determined that the existing duties (levied for the purpose of obtaining compensation) on goods exported to the Egba territory, shall henceforth cease; and that all persons henceforth shall and may have free liberty to pass and repass between the territories of Lagos and Abbeokuta.

The Lieutenant-Governor at the same time intimates to all merchants and others at Lagos that the negotiations of this Government with the Egba authorities have not been concluded; and that until the generous confidence and good feeling and faith of this Government towards the Egbas, shall be reciprocated by their acknowledgment of the Treaty and obligations now existing between the two Governments, all persons who may proceed from this Settlement to the Egba territory will do so at their personal risk; and all goods and merchandize sent or carried into the Egba territory, will so pass at the risk of the owners thereof.

Given at Government House, Lagos, in the Settlement aforesaid, this ninth day of March, in the year of our Lord one thousand eight hundred and sixty-six, and of Her Majesty's reign the twenty-ninth.

By his Excellency's command,

(Signed) WALTER LEWIS, *Acting Colonial Secretary.*

God save the Queen!

## No. 7.

*Acting Consul Glover to the Earl of Clarendon.—(Received May 12.)*

My Lord,

*Lagos, April 10, 1866.*

I HAVE the honour to inclose herewith a statement of the imports and exports of this Settlement for the quarter ending the 31st ultimo, as compared with those of the corresponding quarter in last year.

2. I have only to observe that the roads from the Niger to Lagos viâ Ikorodu and Jebu-Odé are open, and that all the markets, with the exception of those of the Egbas, are in full operation.

3. Referring to my despatch of the 8th January last, I am happy to be able to report that the first (although a small) shipment of ground-nuts will be dispatched from this place in a few days to Hamburgh; and I am assured by the merchant that this article of trade must become most important among the exports of this place.

4. With regard to Abbeokuta, and the promises held out by the Deputation from that Government to Governor-General Blackall, I forward herewith Inclosure No. 2, and have only to observe that the roads were, up to yesterday, closed by the Government of Abbeokuta, and that from reliable information I have learned that, with the exception of a small quantity of cotton, no produce is to be expected from that country. I do not consider the export duties imposed by the Egba Government as objectionable.

5. With reference to your Lordship's despatch of the 21st February last, I am happy to be enabled to report, from information received by messengers from the Chief of Ibadan, that my mediation between that Chief and Massaba, King of Nuphe, and his ally the King of Ilorin, has been successful. But my own messengers, who are now returning from the Kings of Nuphe and Ilorin, have not yet arrived to confirm this intelligence.

I have, &c.

(Signed) JOHN H. GLOVER.



## Inclosure 1 in No. 7.

STATEMENT of Imports and Exports of the Settlement of Lagos during the Quarter ending March 31, 1866, as compared with the corresponding Quarter in 1865.

ACCOUNT of Importation into the Settlement of Lagos, during the Quarter ending March 31, 1865.				ACCOUNT of Exportation from the Settlement of Lagos, during the Quarter ending March 31, 1865.			
Date.	4 per cent. Value.	Specific Value.	Total.	Date.	Porto Novo, Leckie, &c.	British and Foreign Ports.	Total.
	£ s. d.	£ s. d.	£ s. d.		£ s. d.	£ s. d.	£ s. d.
January ..	6,747 8 2	8,226 1 10	14,973 10 0	January ..	1,678 19 5½	10,369 17 6	12,048 16 11½
February ..	1,839 6 10	3,489 0 7	5,328 7 5	February ..	1,847 2 7½	14,852 5 4¾	16,699 8 0¾
March ..	4,915 18 7	4,789 14 2	9,705 12 9	March ..	2,618 5 7	10,355 4 1	12,973 9 8
Total ..	13,502 13 7	16,504 16 7	30,007 10 2	Total ..	6,144 7 8	35,577 6 11¾	41,721 14 7¾

  

ACCOUNT of Importation into the Settlement of Lagos, during the Quarter ended March 31, 1866.				ACCOUNT of Exportation from the Settlement of Lagos, during the Quarter ending March 31, 1866.			
Date.	4 per cent. Value.	Specific Value.	Total.	Date.	Porto Novo, Leckie, &c.	British and Foreign Ports.	Total.
	£ s. d.	£ s. d.	£ s. d.		£ s. d.	£ s. d.	£ s. d.
January ..	5,005 3 8	3,749 16 0	8,754 19 8	January ..	2,899 18 1½	9,175 11 11½	12,075 10 1
February ..	6,774 11 9	5,066 13 3	11,841 5 0	February ..	2,318 12 10	16,647 13 8½	18,966 6 6½
March ..	5,138 6 7	8,485 6 1	13,623 12 8	March ..	973 19 4	10,807 11 7¾	11,781 10 11¾
Total ..	16,918 2 0	17,301 15 4	34,219 17 4	Total ..	6,192 10 3¾	36,630 17 3¼	42,823 7 6¾

Custom-House, Lagos, April 10, 1866.

(Signed) J. J. LOMPHIR,  
Acting Collector of Customs.

## Inclosure 2 in No. 7.

## Notice.

*In the 15th year of Shomoya the Bashorun, President-General of the Egba United Board of Management.*

WHEREAS by a friendly letter from the Governor-in-chief of Sierra Leone, representing Her Majesty's Government, stating that our grievances and complaints against the Governor of Lagos shall be presented by him for the information of Her Majesty's Government in England, and expressing his anxious desire to see peace established with the Egba Government and trade encouraged, and also that our roads for trade with Lagos be opened, on his removing the imposed duty of 2½ per cent. on our trade with Lagos and the restrictions thereof:

And whereas by a Proclamation dated the 9th of March, sent to the Bashorun and Chiefs of Abbeokuta by the Governor of Lagos, declaring that the said duty of 2½ per cent. imposed on our trade with Lagos, and the restriction thereof is removed:

Be it therefore made known and proclaimed, that on and after the 9th of April next, the roads for all goods and produce passing to and from Abbeokuta by the River Ogun and elsewhere, will be opened free for all merchants, native traders, and others.

1. That it shall be lawful for any person or persons (without exception) to have free access to Abbeokuta for the purpose of commerce, and to export therefrom any goods or produce passing from Abbeokuta to Lagos by the River Ogun or elsewhere to the Egba territory, subject to the regulations hereinafter mentioned.

2. That all goods exported from Abbeokuta to Lagos by the River Ogun or elsewhere, shall pay or cause to be paid the following duty in cowries or produce, at the time of such exportation, viz., ivory, 3 strings of cowries on every lb.; shea butter, 1 ditto; cotton, 20 cowries, ditto; palm or nut oil, 1 string on every gallon.

3. All other goods not named, shall be charged and chargeable with a duty of 3 per cent. on the marketable value of such goods and produce at Abbeokuta, at the time of such exportation.

4. That such duty shall be payable and paid at the Custom-house of Abbeokuta, on all such goods and produce as shall be intended to be exported by the River Ogun, and that on such payment a permit for the export thereof shall be granted by the collector, deputy-collector, or such other person or persons as shall be duly appointed for that

purpose; and that such permit shall be sent with and accompany such goods or produce on their exportation and shall be produced, if required, by any person or persons in charge of such goods or produce, and that the payment of the duty on goods and produce exported overland shall be payable at such place as shall be from time to time appointed.

5. And that any goods or produce being exported from Abbeokuta by the River Ogun or elsewhere, for which a permit shall on demand be produced to any person appointed for the examination of such permit, shall and may be seized; and on proof before the Board of Management or four Justices of the Peace appointed for that purpose, and the non-production of such permit, the goods or produce shall be declared forfeited; and on sale, the proceeds of such sale shall, after deducting the necessary expenses, be paid as follows, viz., one-third thereof to the seizer and collector, and the balance to the Treasurer of the Board of Management, for the use of the Egba Government.

Passed and confirmed by the Egbas United Board of Management, this 23rd day of March, 1862.

By command of the President-General,  
(Signed) G. W. JOHNSON, *Secretary.*

No. 8.

*Acting Consul Glover to the Earl of Clarendon.—(Received June 8.)*

(Extract.)

*Lagos, April 19, 1866.*

WITH reference to my despatch of the 10th instant, I have the honour to report, for your Lordship's information, that on the 15th instant my messengers returned from the Niger, accompanied by messengers from the Emir of Nuphé, the King of Ilorin, and the Bashorun of Ibadan, confirming the reports contained in my previous despatch, viz., that the mediation of this Government has been successful in bringing to a close the war in the Kakanda country between these several potentates (*vide* Inclosures 1 to 5), and conveying to me presents of two horses and two teeth of ivory, in proof of their gratitude and appreciation of the efforts of this Government to obtain peace throughout the entire country, from the banks of the Niger to the sea.

I trust that the efforts which I have made to obtain peace and security of commerce, as well as the influence which this Government is now exercising, and which is so fully recognized by all the tribes in this country, may meet the approval of your Lordship.

Trade and consequent prosperity are rapidly developing themselves, and the source from which those benefits are derived is most gratefully acknowledged by those who are profiting by the policy which this Government has successfully carried out.

I trust that the measures I have the honour to report, and the result obtained, will meet with your Lordship's approval.

Inclosure 1 in No. 8.

*Lieutenant-Governor Glover to Subern, King of Ilorin.*

*April 19, 1866.*

IN the name of God, the great, the merciful, the righteous, to whom be all honour and the most perfect praise, whose most faithful servant on earth is my Queen, the most mighty Queen of all the Kings amongst the white men, in whose name, I, her servant, the Governor of Eko, the Chief of her forces in that place, send to thee, O Subern, son of Abdul Salami, mighty Chief of the Mussulmans in Ilorin, greeting to thy household, Chiefs, and all belonging to thee in this world, peace, goodwill, and thanks the most perfect.

I, the Chief of Eko for the mighty Queen of England and all the people belonging to her here in Eko, rejoice greatly for all the words brought to us in your letter, O most mighty Chief the Mussulmans, and we all give back to you our most perfect greeting, praise, and goodwill for the great thing God the mighty has put into your heart to do for us in helping to restore peace to this country. May the great God so keep it for us all for many years!

The mighty Emir of Nuphé praises you as his friend, his brother; in like manner we

also shall rejoice in being of the same family, all worshipping the true God, who is the father of all Kings, rulers, and faithful people.

We all have suffered greatly these years past many and great troubles, and my near neighbour and trusted friend Ogumollah, Bashorun of the Ibadans, has suffered with us. I would beg you for my sake and that of your friend and brother the great Emir of Nuphé, to be friendly with the most complete friendship with the Chief of the Ibadans. He is well trusted by me the Governor of Eko. He is between us. He is the road by which we shall pass from one to the other: I wish to be near you, very near to you, by frequent interchange of messengers and salutations, and so I pray you this in the name of God the merciful and of my Queen, his most faithful servant in all the world.

I thank the Chief of the Mussulmans with the most perfect thanks for the two tusks and the ram.

If the great God be merciful to me I shall reach my own country when the third moon appears. Your name, O Subern, Great Chief of the Mussulmans, shall then live in my mouth for all your good deeds.

I end this with the most perfect salutations.

Inclosure 2 in No. 8.

*Subern, King of Ilorin, to Lieutenant-Governor Glover.*

IN the name of God the righteous, the merciful, whose praise is perfect, whose honour is to indulge his servants, to whom be praise from earth to heaven.

This paper comes from me, the Chief of the Mussulmans; my name is Subern, son of Abudu Salami, with salutations the most perfect, consisting of my love, friendship, peace, honour, and goodwill, to the Governor of Lagos, whose name is John Hawley Glover, known by us as the Galawi, to whom we send greetings, also to his household, his friends, and all appertaining to him.

I, the writer of this, I am in peace, together with my subjects. I do wish the Governor of Lagos to be at peace with his own subjects.

I, the Chief of Ilorin, received the Governor's message and his letter. I understand all the contents of said letter. I understand the Governor's words. I thank you. I praise you with perfect praise. From this time there will not be kept the least thing or words by me from you, and I hope you will do the same. I and my people are glad to have communication with you; our hearts rejoice to do so. We have been thinking that God has done this great thing in appointing you to be a leader in the black man's country, and from you we have heard all persuasions to live friendly and peaceably with ourselves in our country. We rejoice for this. You are to me as you want me to be to you. You, the Galawi, may be at the distance of 600 years, but your good dealings to us and my country make you to be near us as if you are living together with us. Your words will be all mine, for they are good for the country. I want all mine to be yours. It is my wish that you the Galawi will be nearer to me by a frequent interchange of messages. I like to hear always from the Galawi. In life, so long as I live, I will never forget the words of the Galawi, who wishes the people good. I receive the present of the 1 ps. of red cloth; it is silk; it is damask. Let God the great and merciful give you tenfold in return for the present you sent me. I received the gun double-barrel that came the second time. I thank the Galawi for this again. I send the Galawi two tusks and one ram. Let peace and prosperity be to him who seeks to promote peace.

Inclosure 3 in No. 8.

*Lieutenant-Governor Glover to Massaba, Emir of Nuphé.*

*April 19, 1866.*

IN the name of God the merciful, and great King of Heaven and Earth, whose most faithful servant is the most powerful Queen of England, and in whose name I send to thee, O great Emir of Nuphé, greeting, goodwill, peace, health, and prosperity, from John Hawley Glover, Galawi, Chief of all the forces of the mighty Queen of England in Eko.

Your messengers, together with those of the King of Ilorin, to whom God be merciful, with the messengers of the Chief of Ibadan, my trusted friend, have arrived with my own messengers, whom I sent to thee, O great Emir. Your care and kindness to them was very great, as is also your kindness and protection to the servants of my Queen, who are living with you even as your children.

The horse you sent has reached me safely, and is worthy of the great Emir from whose hand I received him. I value him much, but most of all as proof of the love you bear me, and of your remembrance of me when a stranger in your land.

The news of the death of the head white servant of the most mighty Queen in charge of her people under your care was very painful to me. His life fell in a country far away from his Queen, his family, and his friends: but in a strange country he found in thee, O Emir, a kind father, and for this his own Queen, his friends, and family, will be grateful to the great God, who is alike the father of all the faithful believers.

I have told the merchants all that you desire, namely, guns, powder, flints, and shot. These things they will bring you. The shot of the Queen's make are not with me, but I will inform her Chiefs of your desire when I reach my own country, which, if God be merciful to me, I shall see when the third moon shall appear.

The letter and salutation of your son and brother Subern, Chief of Ilorin, whom may God preserve, was very pleasing to me.

I rejoice, O Emir, that peace is again restored to the Kakanda country. Peace reigns everywhere, from the Niger of Yoliba to Eko. Let us give thanks to God the Merciful, and pray that he may grant it to us for many years.

I have received the ram sheep, but the goat died the day before it reached Eko. For these I thank thee, O Emir, with perfect thanks.

The head white man of the Queen, by name Fell, is a faithful servant, to be trusted and well considered of.

I commend him to your care, even as I would care for one of your own children if with me.

I trust, O Emir, that the small present the servants will bear from me to you will be safely delivered. The ship will bring you still more proofs of my love and regard for one whose name is in all men's mouths as the mighty Emir Massaba, Ruler of Nuphé, to whom I send the most perfect salutations. Peace.

Inclosure 4 in No. 8.

*Massaba, Emir of Nuphé, to Lieutenant-Governor Glover.*

IN the name of God, the merciful, the good and great King of his people in Heaven! Let Him be merciful to the Great Prophet! Thanks to the Lord of Creation! Peace and goodwill to the first of creation! Besides which this paper comes from me the Emiru of Nuphé, called Massaba, to the Galawi, the Chief of the forces of Lagos, called Glover, to whom I, Massaba, send this letter, for whom I pray for peace, goodwill, health, prosperity, and mercy from God, until life shall end.

I saw your messengers, three, called Adama, Buari, Dangida, and Kasumu, who safely reached me. I received from them your letter, which I read, and I understand the contents. I conceive the love you bear to us. We rejoice in a great measure for this. I send you with this my three messengers, viz., Shuaibu, Osumanu, Oseinu, who are messengers from me the Emiru of Nuphé to the Galawi of Lagos. They will tell you all the news, and will explain to you why the two horses at Lukoja did not meet the steamer last. The horses were removed again from Lukoja to prevent them suffering from the damp of the place.

I received your present. Nothing you want will be hard to get from me. I have selected one of my own home-born horses of the Idauban breed to give in place of the one that could not go in the steamer. Were it possible to send you in safety ten horses and ten virgins, I will make no scruple for the love I have for you.

I am sorry to let you know that of the white servants you place with me, one died. His life fell on the sixth month of God. He was the head of your white servants. There remains two of them. One of them came to me to tell me. This one who came to tell will likely succeed the one whose life fell. There is one whose beard is red; he is trading. This is the news that happened here with us. I shall tell you more news.

Again, I want to tell you what I want from you to rejoice my heart and my people. I want guns, powder, large kegs, flints, and shots of your own make. These are things that I want from your part. Those that are with me, and trading, want tusks, skins, shea butter, red oil, which they will get; also cotton. I have prepared all these things that they want, and as soon as they come up they will have them.

You the Galawi will receive as present one ram sheep and one goat as presents from me to you.

I send to your friend the Chief of Ilorin, who is my son and brother, one sheep and

CLASS B.

one goat. This Subern is true and sincere, and I love him. Forget not what I want from you, as I have said Subern is my friend, and he is always telling me all that is true.  
I send this with salutations.

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Inclosure 5 in No. 8.

*Message from Massaba, Emir of Nuphé.*

*Lagos, April 5, 1866.*

THE Governor's messengers report that they proceeded to Ibadan, and gave the Governor's message to the Bashorun of that place, "that with reference to the war between him and Massaba, King of Niger, he ought to send a soft word to Massaba." That the Bashorun said he was pleased with what the Governor said; that it was good, and sent them on; but when they reached Bida they found that Bashorun had sent his own message by a shorter route to seat of war to stop proceedings, and to say to Massaba that as it was the Governor of Lagos' wish that their quarrel should be settled, that for his part the palaver was over. Then on their return the King Massaba sent back to the Bashorun his own messengers with presents, with a peaceful message to say that what the Governor said was his wish also, and that he would obey it.

They went on to Oleomosho, and presented the King of that place with 200 Kolah nuts from the Governor. He expressed his and his goodwill to the Governor, and treated them well. They then proceeded to Ilorin, and presented to the King of that place a piece of silk damask from the Governor. They delivered the Governor's message to him, recommending to make peace with the Ibadans. He heard it, lodged them, and treated them well.

Five days afterwards he sent for them in full assembly, and then before all his Chiefs and people he swore great oath that since the white man from the sea desired that there should be peace in the land, it should be so, and that from that time the war should cease.

His Chiefs also stood up and ratified what the King said with their oaths.

The King of Ilorin sent messengers and an escort to convey them to Massaba.

They then went on to King Massaba's country. The King received them well, but informed them the head white man was dead; that they should wait while he send for the second white man, and they did so. The white man came, and the King then desired them to go with the white man to Lukoja that they might see with their own eyes what state the mission was in, and report it to Governor.

Went to Lokoja, and found that Mr. Fell and Agent of the West African Company were building up good houses, and also that several of the people were building houses there.

When King Massaba brought them back to Bida on their return, he told them to tell the Governor that he, the King, had trade with many of the countries, but the trade the Governor had sent them is equal to them altogether, but he wants more, and wishes the Governor would send him flints, shots, guns, again, but above all, rockets; and if he will be good enough to send him some rockets, also to let him have a white man to fire them. They also want some very good European swords, and long eight such spear-pointed knives [*sic*].

King Massaba told them that he, the only one in that country who has had a white man living in his land, has felt the benefit of it, and now he begs the Governor to encourage the white man to settle in this country. He also should like, if possible, to have a white man in every town.

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No. 9.

*Commander Glover to the Earl of Clarendon.—(Received June 13.)*

My Lord,

*Army and Navy Club, June 12, 1866.*

I HAVE the honour to forward, for your Lordship's information, copies of letters addressed to me by the Yorubas of Lagos.

Your Lordship will not fail to perceive the spirit of loyalty and devotion to Her Majesty by which they are animated, as well as their full appreciation of the services rendered to their country by Her Majesty's Government.

I have, &c.

(Signed) JOHN H. GLOVER.

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Inclosure 1 in No. 9.

*Mr. Williams to Acting Consul Glover.*

Sir; *Lagos, May 5, 1866.*  
 I AM desired by the people of the Yoruba tribe in Lagos to express to Her Majesty's Principal Secretary of State for the Colonies, through your Excellency, their sincere thanks and heartfelt gratitude to Her Majesty the Queen for the very valuable sword sent by her Majesty to their Headman in Lagos, as a token of Her Majesty's appreciation of their loyalty to the Lagos Government, which they esteem as an additional favour bestowed upon them. They hope to be able, at all times, to show, by their actions, their appreciation of all the kindness shown to them, and of the great good done for their country by Her Majesty's Government.

I have, &c.  
 (Signed) J. E. WILLIAMS, *Secretary.*

No. 10.

*The Earl of Clarendon to Commander Glover.*

Sir, *Foreign Office, June 22, 1866.*  
 I HAVE received your despatch of the 19th of April last inclosing copies of letters received by you from the Emir of Nuphé, the King of Ilorin, and the Bashorun of Ibadan, expressing their thanks for your mediation, which has resulted in bringing to a close the war in which the above-mentioned Chiefs have for some time past been engaged in the Kakanda country; and I have in reply to express my entire approval of the judgment and discretion displayed by you as Her Majesty's Consul in all your proceedings during the time you have been in charge of the Lagos Consulate, and I have had much pleasure in communicating the same to the Lords of the Admiralty.

I am, &c.  
 (Signed) CLARENDON.

No. 11.

*Mr. Layard to Commander Glover.*

Sir, *Foreign Office, June 22, 1866.*  
 I AM directed by the Earl of Clarendon to acknowledge the receipt of your letter of the 12th instant, and to inform you in reply that his Lordship has read with interest the communications addressed to you by the Yorubas of Lagos, expressing their gratitude for the services rendered to them by this country.

I am, &c.  
 (Signed) A. H. LAYARD.

No. 12.

*Acting Consul Elmes to the Earl of Clarendon.—(Received July 11.)*

My Lord, *Lagos, June 9, 1866.*  
 I HAVE the honour to report that the state of commerce and of affairs in general in the Benin River is very unsatisfactory.

2. On the 2nd instant two of the agents trading in the Benin River arrived in Lagos, after an arduous voyage from their station, to report to me that the whole trade of the river had been stopped through one of the Benin Chiefs having, on a trifling pretext, attempted to levy a fine on the agent of Messrs. Harrison, and his having put an end to the trade on the agent's refusal to pay, placing armed canoes on the river, and occupying the beach with an armed force.

3. As the case appeared to be of immediate importance, I at once sent back by them a written remonstrance to the Chief in question, to be read to him before a meeting of all the merchants, advising him to desist from his obstructive measures, and reserve his complaint for my decision. I have also applied to the Senior Naval Officer to be conveyed on board one of Her Majesty's ships with as little delay as possible to the Benin River.

4. I trust that I shall be in a position to report by next mail that I have been enabled to prevent any collision, and that affairs in the Benin have been satisfactorily arranged.

I have, &c.

(Signed) JON. W. ELMES.

No. 13.

*Acting Consul Elmes to the Earl of Clarendon.—(Received August 8.)*

My Lord,

*Lagos, July 8, 1866.*

WITH reference to my despatch of the 9th ultimo, concerning the stoppage of trade in the Benin, I have the honour to report that I proceeded to that river on the 15th ultimo in Her Majesty's ship "Investigator," and having convened a meeting of the merchants, and summoned before me the principal Chief of the river, the same who had caused the trade to be stopped, I examined carefully and patiently into the affair.

2. I ascertained that there was considerable cause for complaints on both sides, the natives being the first offenders, but that, in the absence of any local authority or recognized body to whom disputes might be referred for adjustment, the quarrel had grown into an open rupture and the lives of the traders were possibly in danger. I succeeded happily in arranging the matter, and in settling the points in dispute to the satisfaction of both parties, but did not consider it necessary to inflict any fine or penalty on either.

3. I then framed and entered into an agreement with the Benin Chiefs, which I trust will meet with your Lordship's approval, and which is intended for the better security of life and property, and to prevent the ordering of rough-handed justice by private individuals, as well as to restrain as far as possible the oppressive exactions sometimes enforced by the Native Chiefs; also establishing a local body to whom dissensions should be referred, their decisions being subject to proper revision. By this I have endeavoured to supply a want long felt in the Benin River, the trade of which is yearly becoming of more importance.

4. In drawing up this Agreement, I was guided, as to Articles II to IV, by the principles laid down in the Compact made with the Chiefs of Sherbro before that district was incorporated with the Colony of Sierra Leone. (The relation of Benin to Lagos in respect of position and means of communication bears some resemblance to that of Sherbro to Sierra Leone.) The establishment of a regular meeting, in Article V, to settle disputes that may arise will, I consider, be salutary, and has been found to work well in the Brass and Bonny Rivers.

5. It appeared that Commodore Wilmot had at some time during his late command on this coast endeavoured to deal with similar disturbances in the Benin River; but I could obtain no trace or record of any engagement of the Benin Chiefs to him for good behaviour, and, if there ever had been any, its stipulations had been disregarded.

I trust, therefore, that under the circumstances my proceedings may be approved by your Lordship.

I have, &c.

(Signed) JON. W. ELMES.

Inclosure in No. 13.

Agreement between Jonathan William Elmes, Esquire, Her Majesty's Acting Consul for the Bight of Benin, and John William Jones, Esquire, Lieutenant and Commander of Her Majesty's ship "Investigator," senior naval officer present, on behalf of Her Most Gracious Majesty the Queen of Great Britain and Ireland, on the one part; and Jerry, Chief of Jacqua, and Jerbuffon, also Chief of Jacqua, both of the Benin River, representing the Chiefs of the Benin River, on the other part.

WHEREAS certain differences and misunderstandings have arisen between the English merchants in the River Benin and the aforesaid Chief Jerry and his people, whereby the trade and commerce in the river has been impeded; it is hereby agreed between Jonathan William Elmes, Esq., Her Majesty's Acting Consul for the Bight of Benin, and John William Jones, Esq., Lieutenant and Commander of Her Majesty's ship "Investigator," and senior naval officer present, on behalf of Her Most Gracious Majesty the Queen of Great Britain and Ireland, and Jerry and Jerbuffon, for Chiefs of Benin River:—

## ARTICLE I.

That Chiefs Jerry and Jerbuffon shall not at any time from henceforth impede the trade of the Benin River, nor stop the trade of any English merchant, nor prohibit the Benin River people from trading, if they shall be so inclined, with any English merchant; leaving all disputes and questions involving a prohibition of trade to be decided by Her Majesty's Consul for the Bight of Benin.

## ARTICLE II.

English people may buy or sell, or hire lands, or beaches, or houses in the Benin River country, and their beaches and houses shall not be entered without their consent, nor shall their goods be seized nor their persons touched; and if English people are wronged or ill-treated by the people of the Benin River, the Chiefs of the Benin River shall punish those who wrong or ill-treat the English people.

## ARTICLE III.

But English people must not wrong or ill-treat the people of the Benin River, and when they are accused of so doing, the Chief shall send a true account of the matter to Her Majesty's Consul for the Bight of Benin, or to the Commander of any of Her Majesty's ships of war; and the Consul or Commander, whichever it may be, shall send for the English person, who shall be tried according to English law, and shall be punished if found guilty.

## ARTICLE IV.

If the Benin River people should take away the property of an English person, the Chiefs shall do all they can to make the Benin River people restore the property and pay the debt. In the case of a theft committed by a slave, then the master of such slave to be held responsible for such restoration and payment; and in the case of a theft committed by a freeman of a tribe, the Chief thereof to be held similarly responsible for such restoration or payment; and if English persons should take away the property of the Benin River people, or should not pay their just debts to the Benin River people, the Chiefs shall make known the facts to Her Majesty's Consul for the Bight of Benin, and the Consul shall do all he can to make the English persons restore the property, and pay the debt.

## ARTICLE V.

That the merchants and traders, on the one hand, and the Benin Chiefs and headmen on the other, being assembled to remove grievances and discuss matters of complaint between them, do, on their several parts, engage to adjudicate thereon in a friendly manner that shall be satisfactory to the traders who frequent the river and the native merchants. Any settlement so made to be submitted to Her Majesty's Consul, and, if approved and ratified by him, to become a law of trade in the Benin River, and binding equally with an Article of this Agreement.

Done on board Her Majesty's ship "Investigator," Benin River, this 18th day of June, in the year of our Lord 1866, and of Her Majesty's reign the thirtieth.

(Signed)

JERRY, his ✕ mark, *Chief of Jacqua.*

JERBOFFON, his ✕ mark, *Chief of Jacqua.*

JON. W. ELMES, *Acting Consul.*

JNO. W. JONES, *Lieutenant-Commander, Her Majesty's ship "Investigator."*

Witnesses :

(Signed)

CHANOMMI, his ✕ mark, *Chief of Bubi.*

R. PHILIPPI, *Secretary to Her Majesty's Consul.*

C. HERBERT FAUVEL, *Clerk, Her Majesty's ship "Investigator."*

E. GOLDSTONE.

H. C. CLARK.

R. CLAUS.



AFRICA. (*Consular*)—*Bight of Biafra.*

No. 14.

*Consul Livingstone to the Earl of Clarendon.—(Received February 8, 1866.)*

My Lord,

*Fernando Po, December 30, 1865.*

BY a recent visit to Bonito in Her Majesty's ship "Espoir," I have obtained the particulars regarding the "wrecked schooner" referred to in my despatch of July 18. Her mate, a black man, says she was the "Congo," bound from St. Paul de Loanda for Prince's Islands with 25 libertos and 7 of a crew. The captain died at sea, and the mate not understanding navigation, ran her so near the shore that the natives boarded her in canoes, and made prisoners of the libertos and crew. A ship appeared in sight, and the natives thinking she was a cruizer, hoisted sail and let the "Congo" go with two bullocks on board, since which nothing has been heard of her.

Four of the crew and 2 libertos were liberated afterwards by the Spanish Padre of Corisco. The Spanish gun-boat tried to get hold of the native ringleaders, but failed. Señor Trello, a Spanish trader at Bonito, ransomed five, four of whom are now on this island in the employ of an American, and twenty still remain in the hands of the natives.

The "Congo" was undoubtedly the schooner Captain Conche saw, though he greatly over-estimated her tonnage.

Mr. Hooper, trader, Elobey Island, says he was on board the "Phrenologist" at the time; that the schooner could not have exceeded 60 or 80 tons; and on being informed of the wreck of one from 30 to 40 tons said she was probably the same; he might be mistaken in her size, as she had a great spread of canvas. The mate of the "Congo" says she was only 30 or 40 tons.

Captain Marsins, of this island, informs me that the Portuguese law of St. Paul de Loanda allows vessels like the "Congo" to carry only 10 libertos. If this is so, it shows that the Portuguese and their laws on the West Coast of Africa have a strong family resemblance to those on the East Coast.

I have, &amp;c.

(Signed) CHARLES LIVINGSTONE.

No. 15.

*Consul Livingstone to the Earl of Clarendon.—(Received February 8.)*

My Lord,

*Fernando Po, January 2, 1866.*

ON arriving at Bonny in Her Majesty's ship "Espoir," on the 26th ultimo, the inclosed letter was received from the Court of Equity, and on the following day I had an interview with King Pepple and his Chiefs in the Court of his Grand Bonny House.

Their attention was called to the fact that war with New Calabar at present would be an infraction of Article III of the Treaty of 1854, viz., "That the King or Chiefs shall not go to war with any neighbouring country without informing the supercargoes of their reasons and necessity for so doing; and should it be thought necessary for them to do so, it is distinctly understood that all debts owing to the ships must be first paid."

"We will pay our debts," the more impulsive ones vociferated; but they were not a little staggered when reminded that "the debts owing to the ships" included 3,000 puncheons of palm oil as demurrage, which at present prices amounted to 90,000*l.* sterling. They were told that no Englishman in the river thought it necessary for them to go to war, as New Calabar was ready to grant any reasonable request, and advised to manifest

their wisdom by imitating England, which always kept her Treaties, and retain her as their friend, rather than exhibit un wisdom in breaking their Treaty, and necessitate England to compel them to abide by it, which she was most certainly prepared to do.

Next morning I received letter No. 2 from the Court of Equity, and convinced of the necessity of an energetic measure of this kind, which cuts off the Bonny Chiefs not only from war material, but also from the supplies of food, which they purchase from the ships, I at once complied with their request, and wrote as follows to the Chairman of the Court Equity:—

“ Sir,  
 “ As the New Calabarmen are willing to grant the reasonable requests of the Bonny men, viz., that the latter may go into the Brass country to purchase canoes, and also have right of way through the Andony country to the oil fairs, the Bonny men have not even the shadow of a reason for going to war with New Calabar. But as King Pepple and his Chiefs seem determined to go to war with New Calabar in defiance of Article III of the Treaty of 1854, I have to request that from this date, 28th December, all trade with the Bonny men be stopped until the debts due to the ships be paid, or the difficulties with New Calabar amicably settled.”

Same day I received letter No. 3 from the Court of Equity.

As the “Espoir” had duties elsewhere, I was unable to visit New Calabar.

I have, &c.

(Signed) CHARLES LIVINGSTONE.

Inclosure 1 in No. 15.

*The Chairman of the Equity Court to Consul Livingstone.*

Sir,

*Hulk “Sisters,” December 26, 1865.*

THE Calabar men having lodged a complaint that the Kreeka men attack them on their way to their fair to buy oil, and that they have already killed upwards of sixty Calabar men, besides destroying a large quantity of palm oil and seizing many canoes, and state that in consequence of this attack their trade is now completely stopped, and as they are quite unable to prosecute their trade, request the assistance and advice of the Consul what steps they should take, as if they force their way through the Kreeka men they understand that the Bonny men are quite prepared to assist the Kreeka men, and the consequence will be a serious disturbance that will quite destroy the Bonny as well as the Calabar trade.

The Court are herewith of unanimous opinion that unless this war be prevented, the whole trade of the Rivers Bonny and New Calabar will be at a complete standstill for many months, this will entail an enormous loss on the merchants, and the Court humbly request that the Consul will use every endeavour to settle this affair on a satisfactory basis, and the Court are of opinion that the only effectual method will be to obtain a material guarantee from the Bonny men that they will remain quite neutral in this and any other disturbance between the Kreeka men and Calabar men.

Further, as there is a claim made by the Bonny men to go to some of the Calabar fairs passing through the Calabar territory, we, the Court, are of opinion that if the Bonny men are allowed to go there, there will be continual cause for contention and disturbance between the two countries, and are further of opinion that as they, the Bonny men, have now quite neglected the said fairs for the last ten years, it would be very injurious to the trade of the country if they were allowed to go there again; and further, that in compensation to the Bonny men the Calabar men should be required to give up all claim to the Andony country that is now subject to Calabar.

This we think is the only satisfactory way in which the present dispute and disturbance can be arranged, and it will also be the best way to prevent the possibility of further disputes arising between the two countries, as they will then be quite separated, and will have no reason for passing through each other's territory.

I remain, &c.

(Signed) R. HEMINGWAY.

Inclosure 2 in No. 15.

*The Chairman of the Equity Court to Consul Livingstone.*

Sir,

*Hulk "Sisters," December 27, 1865.*

I AM directed by the Court of Equity to suggest to you that as the Bonny men evidently contemplate violating Article III of the Treaty of 1854, and further that as they refused to meet your views as to a written guarantee for the collection of debts, it would be advisable perhaps for you to notify to King Pepple and Chiefs that all trade will be stopped until the debts are paid or all country difficulties settled.

I am, &amp;c.

(Signed) R. HEMINGWAY.

Inclosure 3 in No. 15.

*The Chairman of the Equity Court to Consul Livingstone.*

Sir,

*Hulk "Sisters," Bonny, December 7, 1865.*

I BEG to thank you, in the name of all the agents, for your kindness and attention in endeavouring to settle the dispute now existing in the Bonny.

Previous to your arrival in this river we were apprehensive of a serious disturbance, but trust that through your timely intervention matters may yet be settled amicably.

I am, &amp;c.

(Signed) R. HEMINGWAY.

No. 16.

*The Earl of Clarendon to Consul Livingstone.*

Sir,

*Foreign Office, March 21, 1866.*

I HAVE received your despatch of the 2nd of January last, reporting what passed at an interview which you had with the King and Chiefs of the Bonny, on the occasion of a visit recently made by you to that river.

It is to be hoped that the language held by you to King Pepple and his Chiefs, and the steps taken by the Court of Equity, will have been sufficient to prevent the Bonny Chiefs from carrying out their threatened hostile expedition against the Chiefs and people of the Calabar River.

Should, however, Pepple and his Chiefs have persisted in making a wanton and unprovoked attack on the Calabar people, leading, as in all probability it would, to the destruction of the lives and property of British subjects, Her Majesty's Government will reserve to themselves the right of exacting such reparation as the circumstances of the case may require.

But if the threatened attack on the Calabar country should not have been carried out, and the differences between the Bonny and Calabar Chiefs should still remain unsettled, you will point out to King Pepple and his Chiefs, that if they persist in their hostile designs against Calabar, and continue to pursue a course fraught with such serious injury to British interests, they will incur the severe displeasure of Her Majesty's Government; and you will give them distinctly to understand that the British Naval Officers will use force, if necessary, for the protection of British interests in the Calabar River.

I need scarcely say, that it will be your duty on all occasions to use your best endeavours to settle amicably any differences that may arise between native tribes on the coast within your Consular jurisdiction, and more particularly in the rivers where there is a large amount of British property at stake, which cannot fail to be seriously imperilled if hostilities are allowed to break out amongst the native tribes.

I am, &amp;c.

(Signed) CLARENDON.

No. 17.

*Consul Livingstone to the Earl of Clarendon.*—(Received April 10.)

My Lord,

*Fernando Po, March 3, 1866.*

I HAVE the honour to state that, in compliance with Article III of the Treaty of 1854, the Bonny Chiefs have agreed to pay their debts to the supercargoes within four months, and then give one month's notice before going to war with New Calabar.

I have therefore, at the request of the Court of Equity, withdrawn the order prohibiting trade; and hope that, before the four months are past, they will have abandoned the idea of going to war with New Calabar. Should they, however, go to war after complying with their Treaty obligations, I know of no course but to leave them to fight it out among themselves.

I have, &amp;c.

(Signed) CHARLES LIVINGSTONE.

No. 18.

*The Earl of Clarendon to Consul Livingstone.*

Sir,

*Foreign Office, May 23, 1866.*

I TRANSMIT to you herewith a copy of a letter from Commodore Hornby,\* which has been communicated to me by the Lords Commissioners of the Admiralty, reporting upon the state of affairs in the Benin and Bonny Rivers.

You will see it is stated by that officer that the cause of the differences which have for some time past existed, and which threaten to terminate in war between the Bonny and Calabar people, is the refusal of the latter to allow canoes from the Bonny to cross the mouth of the Calabar River for the purpose of trading in the Brass River, a right which the Bonny people claim in virtue of King Pepple's mother being a Brass woman, and which it is stated they exercised without molestation prior to the year 1854, when Pepple was deposed from the Chiefship of the Bonny country.

Another cause of grievance against the Calabar Chiefs is their having declared certain goods to be "sujee," that is to say, they will not touch them or allow them to pass through their territory, and the particular goods thus prohibited are stated to be in great demand among the people inhabiting the country access to which can only be obtained through the Calabar River.

Her Majesty's Government have hitherto been led to believe that the Bonny Chiefs were entirely in the wrong in threatening hostilities against Calabar, but if Commodore Hornby's statement is correct, they would seem to have some reason on their side in complaining of the proceedings of the Calabar Chiefs. I have therefore to desire that if, upon inquiry, you should find Commodore Hornby's version of this affair to be correct, you will take as early an opportunity as possible of seeking an interview with the Calabar Chiefs, when you will endeavour to persuade them, by timely concession to any reasonable demands on the part of the Bonny people, to give them no just cause for proceeding to act hostilely against Calabar.

You will particularly point out to the Calabar Chiefs the absurdity of their preventing, from superstitious motives, the passage of any particular kind of goods through their territories; and you will add that a persistence in such a course of procedure, which must tend to prevent the development of trade, will also alienate from them the good will of Her Majesty's Government.

I am, &amp;c.

(Signed) CLARENDON.

No. 19.

*The Earl of Clarendon to Consul Livingstone.*

Sir,

*Foreign Office, May 23, 1866.*

I HAVE to acquaint you that on the recommendation of Commodore Wilmot, the officer lately in command of Her Majesty's naval forces on the West Coast of Africa, Her Majesty's Government have caused a sword of honour to be prepared for presentation to the King of New Calabar, in acknowledgment of the protection hitherto afforded by that Chief, and of the liberal spirit he evinces towards British merchants and others trading in the rivers of Western Africa.

\* Class A, No. 66.

The sword will be forwarded to you by the mail-packet which takes this despatch, and I have to desire that you will take an early opportunity of presenting it to the King, and of tendering to him, at the same time, the best wishes of Her Majesty's Government for his welfare.

In the event, however, of the conduct of the King in the differences that have arisen between the Bonny and Calabar Chiefs being such as, in your opinion, to render it impolitic to present the sword in question at the present moment, you will refrain from doing so, and make a report to me on the subject.

I am, &c.  
(Signed) CLARENDON.

## No. 20.

*Consul Livingstone to the Earl of Clarendon.—(Received June 8.)*

My Lord,

*Fernando Po, April 23, 1866.*

I HAVE the honour to state that on the 13th instant I went up the Cameroons River with Commodore Hornby, and found trade partially stopped, and the neighbouring villages of Bell and Acqua at war.

The trade difficulties were with two ships of the Bristol firm of King and Co., and the Kinglets Bell and Acqua. It is the custom of this firm to keep their white crews in the ships all the time they are in the river, and have the captains do the trading; while other firms trade through an agent, who has a clerk and kroomen in a hulk, a ship being sent when a cargo is ready for her. The expenses of a Bristol ship are from 12*l.* to 15*l.* a-day; the temptation is therefore great to take any course which promises to fill the ship quickly, though disapproved of by the other traders. When by a miscalculation two ships of this firm are in the river, as is the case at present, their captains appear to be as zealous opponents of each other as of the other traders. Captain Peacock, who has been in the river several months, anchored off Bell's Town, and, after paying the usual comey, traded with both Bell and Acqua. On the arrival of Captain Coleman with the second ship, Peacock persuaded him to anchor off Bell's also, though Acqua and his Chiefs affirm that Coleman promised to bring mischief to Acqua's town. This, with Coleman's turning Acqua out of his ship, so offended the little King that he knocked off trading with Coleman. Peacock thereupon left Bell's Town; went up the river about 200 yards, and anchored off Acqua's town. This unusual procedure, with the chaffing of the other Chiefs on his being too small a King to have two ships at his town, so annoyed Bell that he not only stopped trading with Peacock, but seized some oil on the beach which Peacock had purchased, and partly paid for.

The war seems to have been brought on by the disputes between Acqua and Bell which commenced when Acqua anchored at Bell's Town. Before the fighting began, a singular arrangement was made; no headman was to be killed on either side—it cost so much to pay for them; the price of a headman being ten women and 100*l.* worth of oil. The headmen carry heavy whips which they use freely in driving their men into action.

John Angwa, one of King Acqua's headmen, while thus bravely whipping his men up to the fight, was unfortunately shot, but no one intended to kill him; it was clearly an accident, the musketeers on both sides being in the habit of looking over their left shoulder while pulling the fearful trigger. Six of Bell's men were killed.

We had an interview with the Chiefs and traders on board one of the ships. The Commodore gave Bell a present of 20*l.* in fulfilment of a promise made long ago for information which led to the capture of a slaver.

We then listened to a perplexing amount of conflicting talk regarding the present condition of affairs in the river. It came out at last that the other Chiefs accused Bell of having recently gone up to the oil markets and raised the price of oil, but he denied this. A paper was then drawn up to the effect that Acqua, Bell, and Dido, sent each two men to Abo, each party to purchase a puncheon of oil. If it could be purchased at former prices Bell was innocent; if not he would be heavily fined by their native law. As soon as this was agreed upon, Bell promised to restore the oil he had seized, and to begin trading as before. He would also stop fighting, and Acqua and Dido said they would use their influence to have John Angwa's young men keep the peace, as there had been enough of fighting and loss on both sides. King Acqua, however, has but little influence, being constantly under the influence of rum.

I have, &c.  
(Signed) CHARLES LIVINGSTONE.

## No. 21.

*Consul Livingstone to the Earl of Clarendon.—(Received June 8.)*

My Lord,

*Fernando Po, April 24, 1866.*

I HAVE the honour to inform your Lordship that on the 5th instant I accompanied Commodore Hornby in a visit to the Bonny. The Chiefs had just started on a trading expedition to the oil markets, with 2,000 men in 50 large canoes, this being the commencement of the busy oil season. King Pepple remained in Bonny, but declined an interview; "he was sick:" he had said on board the "Landrail" in February last, that "he would be sick when the Commodore came."

We met the Court of Equity, and after some questions by the Commodore on medical destitution, heard their views on the state of affairs in Bonny and New Calabar. The most noticeable thing was the complete change of opinion in the Court regarding the palaver between Bonny and New Calabar. In December last the Court voted seven to one that Pepple and his Chiefs were in the wrong; they wished to annex New Calabar, in order to have the entire monopoly of the trade of both rivers, and to prevent this they requested me to stop the trade for the reasons mentioned in despatch of January 2nd. Now the majority of the Court say that Pepple and his Chiefs are in the right, and only ask of New Calabar the right of way to go to the Brass country to purchase large canoes, and permission to go to certain oil markets in the Andony country, in which they traded some ten or twelve years ago.

On my remarking that this was the exact opposite of their belief in December, the Chairman replied, "I know it, Mr. Livingstone, but I was not here then;" nor were three others he named.

The Court of Equity naturally wish these markets opened to the Bonny Chiefs, because they will carry there large quantities of certain kinds of Manchester goods which, by a New Calabar superstition, are now entirely excluded.

The traders thought that if we could have an interview with the New Calabar Chiefs they would yield these claims of the Bonny men; but unluckily they too had gone off on a trading expedition.

The traders are unanimous in saying that their persons and property are perfectly safe at present; but as war between Bonny and New Calabar must stop the trade for months, it is exceedingly desirable to prevent its breaking out. Should friendly advice fail, I have no doubt that if your Lordship authorized me to say to the Bonny Chiefs that a gun-boat would be sent to punish them severely if they attacked New Calabar, they would not resort to war, but try by peaceable means to obtain the concessions they are now said to ask.

I hope to be able to obtain a gun-boat in June or July to visit Bonny; and I shall then do my best to get the differences amicably arranged.

I have, &amp;c.

(Signed) CHARLES LIVINGSTONE.

## No. 22.

*Consul Livingstone to the Earl of Clarendon.—(Received June 8.)*

My Lord,

*Fernando Po, May 3, 1866.*

I BEG leave to call your Lordship's attention to a recent outrage on the factory of Hatton and Cookson at Malimba.

King Pass-all had been receiving "trust." The agent refused him any more "trust" until the old debt was paid. Two days afterwards Pass-all came down to the factory with 200 armed men and carried off all the goods (900*l.* worth) to his own town a mile further up the river.

A puncheon of rum was broached, but all the other goods, the frightened agent says, are, he believes, in Pass-all's possession.

I have not yet had an opportunity of visiting Malimba, but from Captain Burton's report of it (Class B, Slave Trade, 1864, January 1 to December 31, p. 35), it hardly seems a safe place for one of Her Majesty's cruisers to visit now that the rains are setting in, until a small steamer of light draught, which can cross the bar, is placed at my disposal.

Captain Burton's suggestion is a good one, "That traders who knowingly place themselves in positions where life and property cannot be protected without danger to the

officers and men of Her Majesty's cruisers, should be informed that they must not rely upon receiving armed protection."

I have, &c.  
(Signed) CHARLES LIVINGSTONE.

No. 23.

*The Earl of Clarendon to Consul Livingstone.*

Sir,

*Foreign Office, June 23, 1866.*

I HAVE received your despatch of the 23rd of April last, reporting the result of your visit to the Cameroons River on the 13th of that month; and I transmit you herewith, for your information, a copy of a letter which, by my direction, has been addressed to Messrs. King and Co., of Bristol, with respect to the proceedings of the captains of their vessels trading in that river.

I am, &c.  
(Signed) CLARENDON.

Inclosure in No. 23.

*Mr. Layard to Messrs. King and Co.*

Gentlemen,

*Foreign Office, June 21, 1866.*

I AM directed by the Earl of Clarendon to acquaint you that by a report recently received in this Department from Her Majesty's Consul for the Bight of Biafra, it appears that the trade in the Cameroons River has been partially stopped, and that disputes, leading to disturbances and bloodshed, have been occasioned by the rivalry in their dealings with the Chiefs Bell and Acqua, of Captains Peacock and Coleman, the commanders of two of your vessels engaged in the trade of that river.

Lord Clarendon thinks it right that you should be made acquainted with this report, and his Lordship does not doubt that you will give such instructions to the masters and supercargoes of vessels in your employ in the Cameroons as will prevent a recurrence of similar proceedings for the future.

I am, &c.  
(Signed) A. H. LAYARD.

No. 24.

*Mr. Layard to Consul Livingstone.*

Sir,

*Foreign Office, June 29, 1866.*

WITH reference to the Earl of Clarendon's despatch of the 23rd instant, I am directed by his Lordship to transmit to you, for your information, a copy of the reply which has been received from Messrs. King and Co., of Bristol, with reference to the conduct of the captains of their vessels in the Cameroons River.

I am, &c.  
(Signed) A. H. LAYARD

Inclosure in No. 24.

*Messrs. R. and W. King to the Earl of Clarendon.*

My Lord,

*Bristol, June 26, 1866.*

WE write to return thanks for the honour you have done us in transmitting to us a Report of the 21st instant, relative to disturbances in the Cameroons River.

In explanation we must state that we had two ships trading for many years in the Cameroons for palm oil, and that their business has been transacted throughout the agency of one of the traders acting as broker, King Bell, who used to get the two vessels loaded one at a time.

In the beginning of this year we sent a third ship to the river whose captain employed another agent, Acqua, in another part of the river in order to fill up his ship quicker with palm oil. This caused so much jealousy that the two parties of natives entered into a war with each other, a common occurrence, we are sorry to say, on the coast of Africa whenever a

change takes place in the method of carrying on trade or even in the terms for the price of palm oil, and in this war a man has been unfortunately killed. It was a dispute in which our captains took no part, and were unable to prevent. We hope, from news which we have lately heard, the dispute is at an end, and that the natives of both places in the river are contented to make trade with us.

We have just given instructions to all our captains in the Cameroons to act under the directions of our senior captain, Captain Harris. He will be glad to be governed by the suggestions of Her Majesty's Consul, who we hope will use his authority in preserving peace in the Cameroons and in giving protection to property; but we think it highly inexpedient that the British power should interpose to give assistance to favour one party in putting down competition in trade by force of arms to the prejudice of the other party of the natives.

We have, &c.  
(Signed) RICHARD AND WILLIAM KING.

## No. 25.

*Consul Livingstone to the Earl of Clarendon.—(Received August 8.)*

My Lord,

*Fernando Po, June 30, 1866.*

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of May 23, with copy of Commodore Hornby's letter of April 6, on the cause of the differences between the Chiefs of Bonny and New Calabar, and have to say in reply that it is a fair report of the views of the majority of the Bonny Court of Equity at that time. A minority, however, still thought, as they did in December, that Pepple and his Chiefs were in the wrong; and it is worthy of note that none of the New Calabar traders were present in April, while they were ably represented in December, when the exact opposite view had the majority of seven to one. The New Calabar traders, with a single exception, are agents for firms which have agents also in Bonny; but as they went on trading briskly, to the disgust of the Bonny Agents, after trade was stopped in Bonny, some of them seem to be independent of the Bonny agents; and it is possible that had they been at the meeting in April, the December view might have been adhered to.

It is difficult to get at facts in the oil rivers. Having failed to obtain a cruizer, purpose going to Bonny next week as a passenger in the inter-colonial mail-steamer. The truce is to expire in July, and it is extremely desirable to prevent, if possible, hostilities from breaking out.

I hope to have interviews with the Chiefs of Bonny and of New Calabar, and have the differences between them, whatever they may prove to be, amicably settled.

I have, &c.  
(Signed) CHARLES LIVINGSTONE.

## No. 26.

*Consul Livingstone to the Earl of Clarendon.—(Received August 8.)*

My Lord,

*Fernando Po, June 30, 1866.*

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of May 23, and also of the sword of honour Her Majesty's Government have caused to be prepared for presentation to the King of New Calabar; and beg to state in reply, that I shall take an early opportunity of presenting it to the King, and of tendering to him at the same time the best wishes of Her Majesty's Government for his welfare, provided that nothing has happened which might render it impolitic to present the sword before reporting to your Lordship on the subject.

I have, &c.  
(Signed) CHARLES LIVINGSTONE.

## No. 27.

*Consul Livingstone to the Earl of Clarendon.—(Received September 10.)*

My Lord,

*Fernando Po, July 29, 1866.*

IN acknowledging the receipt of your Lordship's despatch of June 23, with copy of a letter addressed to Messrs. King and Co., of Bristol, I have the honour to state that



Captain Coleman came over here last month for coopers, and informed me that while the other traders were doing little or nothing, he and Captain Peacocke had nearly filled their ships; Bell and Acqua rivalling each other to see who could fill the ship at his town the soonest.

I have, &c.  
(Signed) CHARLES LIVINGSTONE

## No. 28.

*Consul Livingstone to the Earl of Clarendon.—(Received September 11.)*

My Lord,

*Fernando Pó, July 31, 1866.*

HAVING been unsuccessful in my application for a cruizer to visit Bonny before the expiration of the truce between the Chiefs of Bonny and New Calabar, I went there on the 4th instant in the intercolonial mail steamer "Retriever."

Finding the Members of the Court of Equity engaged in writing their business letters for the homeward-bound steamer, I availed myself of the "Retriever's" going to Brass, to visit that river, having never before had an opportunity of doing so. There were two hulks and six ships in the river, belonging to five Liverpool firms, represented by five agents. The health of the river was good, and a brisk trade had just commenced; a war between the interior tribes of the Ejoë and Ebo having kept back the oil. The Brass natives, like those at the mouths of the other rivers in the Bight, are oil-brokers, and will not allow the tribes above to trade with the ships except through their hands; and the tax or transit duty which they demand from the Bassa men, who live between the Brass and the Niger, is so high as to be well nigh prohibitive. For a puncheon of oil the Bassa men can get four casks of salt, or four barrels of rum; but the Brass men compel the Bassa men to pay them exactly one half the price they obtain for their oil.

A few days before my arrival, the barque "Oriental," of Liverpool, made the coast and sent a boat into a river near Brass by mistake. The boat was capsized on the bar, but the crew escaped. Two of the men were so much frightened, that they refused to recross the bar. Two Bassa men and a boy found them on the beach, took care of them, and brought them in a canoe to Brass. The agents in the river rewarded them most liberally for their kindness to the sailors, and lodged them for the night on board one of the ships. The Brass natives attacked them next morning after they left the ship, robbed them, and would have murdered them had not the agents interfered and convoyed them off to their own country.

The Brass people obtain the cassava, which like the yam in Bonny, is their principal food, from the Bassa country; and the agents are afraid that the King of Bassa, out of revenge, may prohibit his people from selling cassava to the Brass men.

I have, &c.  
(Signed) CHARLES LIVINGSTONE.

## No. 29.

*Consul Livingstone to the Earl of Clarendon.—(Received September 11.)*

My Lord,

*Fernando Pó, July 31, 1866.*

I RETURNED in the "Retriever" to Bonny on the 7th instant, met the Court of Equity in the afternoon, and stated that I had come over before hostilities broke out between Bonny and New Calabar, to find out the cause of the difference between Bonny and Calabar, and, if possible, to prevent war by an amicable settlement.

Her Majesty's Government, I added, has been led to believe that Pepple and his Chiefs were in the wrong; the Court was of the same opinion in December last, but took the exact opposite view in April. Will the Court give the reason for this change of opinion? "Most certainly," was the reply, "for otherwise Her Majesty's Government might suppose that we did not know our own minds." "The reason is, older members returned to the river who were better informed on the subject, and their explanations convinced all the others, with the exception of one, now in England, and the three independent Calabar agents, one of whom is at present in Madeira.

All the Bonny agents now believe that the claims of the Bonny Chiefs are reasonable.

I have, &c.  
(Signed) CHARLES LIVINGSTONE.

No. 30.

*Consul Livingstone to the Earl of Clarendon.—(Received September 11.)*

My Lord,

*Fernando Po, July 31, 1866.*

AT meeting of the Chiefs of Bonny on the 9th instant, on board the hulk "Missippi," the members of the Court of Equity being present, I stated that Her Majesty's Government was sorry to hear that there was trouble between Bonny and Calabar, and had directed me to come and ask them the cause of this trouble, and see what could be done to remove the cause of the differences which had so long existed, so that war might be prevented, trade revived, and the Chiefs of Bonny and Calabar become good friends again.

Prince George, who represented his father, King Pepple, replied "The first cause is the Calabar men will not allow us now as formerly to bring canoes from Brass through the creeks, consequently we have not canoes enough to carry on our trade.

"2. The Calabar men shut the Bonny traders out of the oil markets of Belatera, Egenna, and Ndella. The Bonny men have never forfeited their ancient rights to go to these markets. They withdrew twelve years ago only for a short time in order to punish the people of these markets for robbing some of their canoes; and Calabar men then entered and took entire possession, but Bonny still claims the right to go there.

"3. The Okrika men above are the allies of Bonny, and there can be no settlement which does not include the Okrika in it. They claim the right to the oil market of Isukpo, and Calabar must give it up to them.

"An Extradition Treaty was made by Calabar and Okrika; seven years ago an Okrika killed a native of Calabar; the Okrika, in accordance with the Treaty, sent the criminal to Calabar, and the six men who were in the canoe with him, one being the King's son, whose life they begged might be spared. The Calabar men killed and ate the whole seven. This caused a war which, though stopped for some time, broke out again last year, and the fighting still goes on. Bonny cannot get its usual supply of yams for which it is dependent on the Okrika country, and as the yam is the principal food of the people hunger begins to be felt. If Calabar will not make peace with Okrika then Bonny men must fight them, for it is better to die fighting than to die starving.

"4. Calabar must pay Bonny a sum equal to all the profits Bonny traders would have made during the twelve years they have been excluded from these markets (Pepple's idea)."

To the above I replied that the claim to transport canoes from Brass through the creeks, and also to go to these three oil markets appeared to me to be very reasonable, and I should go to Calabar and try to induce Prince Will and his Chiefs to yield to these claims, and should also endeavour to effect a reconciliation between Calabar and Okrika; but the last claim of Bonny was a very absurd one, the talk of boys surely, and not of sensible men like them. I wished them to withdraw that claim altogether. The Chiefs, then, said they would give up this claim for compensation; they did so at the request of the Consul and not from fear of Calabar men.

A deputation of natives from the three markets in dispute was introduced. They had come to inquire if King Pepple had sold their markets to Calabar for a hundred puncheons of oil as Calabar men had told them; and also to request the Bonny traders to return to their markets.

A Bonny Chief remarked that surely God was on the side of Bonny for all unknown to them this deputation had come at the very time, the Consul was in the river so that he might see for himself that what Bonny said was true.

The Chiefs said they were greatly gratified that I had such confidence in them as to come among them without bringing a man-of-war.

I have, &amp;c.

(Signed)

CHARLES LIVINGSTONE.

No. 31.

*Consul Livingstone to the Earl of Clarendon.—(Received September 31.)*

My Lord,

*Fernando Po, July 31, 1866.*

ACCOMPANIED by some of the members of the Court of Equity, I left Bonny on the morning of the 11th instant, and reached the shipping in Calabar river at 1 P.M. Prince Will and his Chiefs came down from the town next morning in their war canoes. As they

approached the ship, on board of which the meeting was to take place, the excited drummers beat their wooden drums with amazing energy. When the noisy canoes had been sent off to the distant beach, I stated, as at Bonny, that Her Majesty's Government was grieved to hear of the differences between Calabar and Bonny, which had so seriously injured the trade of both; that I had been sent to hear from their own mouths the cause of the difficulty, and to endeavour to assist them in getting it removed.

Prince Will stated that when Calabar was at war with Brass some time ago, King Pepple tendered his good offices to bring about a friendly settlement, but instead of this, he urged the Brass men to continue the war, and gave them 200 quarter kegs of powder to carry it on; and to punish Pepple for this bit of double dealing, Calabar had stopped the passage of canoes from Brass to Bonny.

2. The Okrika repeatedly robbed Calabar canoes, and killed and devoured their crews as they passed through the Okrika country to and from the oil markets. These outrages caused the war with Okrika, and King Pepple had sent the Okrika men large presents of powder, shot, and other things to carry on the war against Calabar. Ten moons ago the Okrika attacked an outlying Calabar village and killed 103 men, who were cooked and eaten; before peace can be made they must have 103 Okrika men, or the very women would scorn them.

After listening patiently to all Prince Will had to say, I mentioned the claims of the Bonny Chiefs, and he remarked that as the Brass palaver was settled he had no objections to the Bonny men going to Brass for canoes, but he thought that if he allowed Bonny traders to enter the markets of Belatera, Eganna, and Ndilla, which he admitted they had a right to, they might accuse the Calabar men of robbing their canoes and cause no end of trouble. To prevent this, I said that I should impose a fine of from 10 to 100 puncheons on the King and Chiefs of Bonny on satisfactory proof that the Bonny traders had robbed a Calabar canoe in any of these markets, and a similar fine on the King and Chiefs of Calabar on satisfactory proof that Calabar traders had robbed a Bonny canoe. It would be better for Calabar to concede these reasonable requests of Bonny and have peace in the country. Now it took three canoes to do the work of one, as every canoe required two war canoes to guard it to and from the markets. Besides, if he refused Bonny what he admitted was their right, the Bonny people would fight him, and blood once shed his trade would be destroyed for a long time. After consulting with his Chiefs he said, that they were willing to give Bonny right of way through the creeks, and permission to resort to the three oil markets as formerly, but they must have 103 Okrika men before they could make peace with the Okrika. What would you do with them, I asked? They remained silent, when one of the agents remarked, you would kill and eat them, wouldn't you? This condition I assured them was perfectly inadmissible. Her Majesty's Government wished to have men's lives saved and not destroyed. If it was a fine of 103 puncheons of palm-oil I might listen to it, but I would not hear them talk of killing men. You attacked a Brass village in the late war and killed forty-three Brass men, would you have given the King of Brass forty-three of your men, to be killed, had he demanded them as a condition of peace? They had another consultation, during which the voices of two mischief makers were heard in high debate, and on returning to the quarter-deck Prince Will said, what was equivalent to "The Bonny traders may go to these markets if they dare;" and appeared disposed to close the interview. Shall I then have to write to Her Majesty's Government, that the Chiefs of Bonny are willing to have the difference settled, and ask only that which is admitted to be their right, but the King and Chiefs of Calabar prefer to have the country in trouble, trade destroyed, and men killing one another? Prince Will dropped his head for a minute or two, and then said, You leave us for a little that we may talk the matter over. I returned in half an hour when George Amacree, brother to Prince Will remarked "We do not wish to be too hard on Bonny or Okrika. When persons quarrel, if they are ever to become friends again, it does not do for one to be too hard on the other. We grant Bonny right of way through the creeks to Brass, and free access to the three oil markets; but as white men do not understand the customs of our country, we want five of the Bonny Chiefs to meet five of our Chiefs to talk over the Okrika palaver, and then "chop juju" with each other," *i. e.*, swear friendship in that mode which they regard as most sacred and binding.

I suggested that the proposed meeting of the Chiefs be on Breaker Island, half way between the two countries, but they objected, and said the Bonny Chiefs should come to Calabar. As I saw that their leaky canoes were unfit to cross the dangerous "flats," which break badly during this stormy season of the year, and as they had yielded so much I did not press the point.

The two independent agents in Calabar would have preferred a settlement which excluded the Bonny men from the three oil markets had such been possible, but they

would rather see the Bonny men share in these markets than have the present troubles continue, or war break out between Calabar and Bonny.

I have, &c.  
(Signed) CHARLES LIVINGSTONE.

## No. 32.

*Consul Livingstone to the Earl of Clarendon.—(Received September 11.)*

My Lord,

*Fernando Po, August 1, 1866.*

I HAD an interview with the Chiefs of Bonny on the 13th ultimo, and informed them that the King and Chiefs of Calabar were willing to make the concessions they demanded for themselves, and wished five Bonny Chiefs to meet five Calabar Chiefs to talk over the Okrika difficulty and then "chop juju." On hearing this their eyes sparkled with joy and they jumped up saying that as the four months' truce expired that day they must send off a messenger at once to tell the Okrika not to complicate matters by committing any further outrage on Calabar; and to send down the Okrika Chiefs to "chop juju" with those of Bonny and Calabar.

I have, &c.  
(Signed) CHARLES LIVINGSTONE.

## No. 33.

*Consul Livingstone to the Earl of Clarendon.—(Received September 11.)*

My Lord,

*Fernando Po, August 1, 1866.*

PRINCE GEORGE called in the afternoon of the 13th ultimo, having been sent by his father King Pepple, and the Chiefs, to say that they acknowledged the supremacy of the English flag; they placed themselves under its protection; but they declined going to Calabar to meet the Calabar Chiefs; Calabar Chiefs should come to Bonny, where King Pepple lived; they had done so in February last and should therefore do so now.

I said in reply that the proposed interview was to be on board an English ship, seven miles below the Calabar town; that I had engaged the mail steamer "Retriever" to carry them over; that they would be under the English flag all the time, and fare as well as I did; and as the Calabar Chiefs had come to Bonny last time, it was therefore the duty of the Bonny Chiefs to go to Calabar this time, and if for such a paltry reason they broke off the negotiations, they would incur the displeasure of Her Majesty's Government. Prince George on leaving remarked that he would tell the Chiefs what I said, but he did not think they would ever consent to go over to Calabar.

I have, &c.  
(Signed) CHARLES LIVINGSTONE.

## No. 34.

*Consul Livingstone to the Earl of Clarendon.—(Received September 11.)*

My Lord,

*Fernando Po, August 1, 1866.*

I HAVE the honour to state that Her Majesty's ship "Torch" arrived in Bonny on the afternoon of the 13th ultimo. After going on Board and conferring with Commander Douglas, I sent a request of which the inclosed is a copy.

Commander Douglas at once cheerfully complied as see Inclosure No. 2.

Just before the arrival of the "Torch" I had applied for the use of the mail steamer "Retriever," the Court of Equity having offered to pay all the expenses of the trip, and Captain Davis though at considerable inconvenience to himself, had placed the "Retriever" at my disposal. The presence of the "Torch" enabled me to dispense with the "Retriever."

I have, &c.  
(Signed) CHARLES LIVINGSTONE.

Inclosure 1 in No. 34.

*Consul Livingstone to Commander Douglas.*

Sir,

*Hulk "Ben my Chree," Bonny, July 14, 1866.*

AT the request of Her Majesty's Government, I have been engaged for some time in ascertaining the cause of the differences between Bonny and New Calabar, and in endeavouring to bring about an amicable settlement, and have reached a point where the friendly assistance of one of Her Majesty's cruisers is required. The New Calabar Chiefs have conceded the reasonable demands of the Bonny people, and wish five of the Bonny Chiefs to meet five of their Chiefs in order to talk over matters and "chop juju" *i.e.*, swear friendship according to the custom of their country. As the leaky Calabar canoes are unfit to cross the "flats" at this stormy season and the Chiefs had conceded so much, I thought Bonny Chiefs might go over as far as the shipping, and meet the Calabar Chiefs on board one of the ships. They offered no objections to this when first proposed, but King Pepple has since appealed to their pride and urged them to request the Calabar Chiefs to come to Bonny. Should they decline to go, I fear the negotiations will fall through, and hostilities commence to the great injury of British interests.

Having reason to believe that if I can offer them a passage in one of Her Majesty's ships they will not object to go to Calabar, I have the honour to request that you will convey the principal Bonny Chiefs, the Court of Equity, and myself to the shipping in Calabar River, and afford the respective Chiefs an opportunity of meeting and becoming friends.

As you are short of coal the Court of Equity will furnish you with enough for the trip. The Court will also obtain for you an experienced and trustworthy pilot.

I have, &amp;c.

(Signed) CHARLES LIVINGSTONE.

Inclosure 2 in No. 34.

*Commander Douglas to Consul Livingstone.*

Sir,

*"Torch," River Bonny, July 14, 1866.*

I HAVE the honour to acknowledge the receipt of your letter dated "the Hulk 'Ben-my-Chree,' Bonny River, July 14, 1866," and beg to inform you that I shall be most happy to render you any assistance that you may require, to bring about an amicable settlement between the Chiefs of the Bonny and New Calabar.

I have, &amp;c.

(Signed) G. A. DOUGLAS.

No. 35.

*Consul Livingstone to the Earl of Clarendon.—(Received September 11.)*

My Lord,

*Fernando Po, August 1, 1866.*

ANOTHER interview with the Chiefs of Bonny took place on the 14th ultimo. They did not say they would not go to Calabar but showed that they were very unwilling to do so. Seeing that the principal Chiefs would in all probability refuse to go, and send inferior men who could never settle the difficulties, I inquired if the five heads of houses the Calabar King and Chiefs wished to meet, would go if I appointed the meeting at Breakers Island, "Yes! yes! we'll go to Breakers Island." Very well, I said, then let it be at Breakers Island, and I shall go to Calabar and bring Prince Will and his Chiefs to Her Majesty's ship "Torch." I cautioned them against bringing up old palavers and having an interminable fit of talking at the conference.

They said they would not recur to old grievances and would ask me to be their mouth at the time.

I met the Bonny Chiefs again on the 20th ultimo, to listen to the report of the Okrika messenger, and hear what the King and Chiefs of Bonny proposed to do. They had sent messengers thrice to Okrika asking the King to send down two Chiefs to settle their differences and "chop juju" with Calabar; but the Okrika saucily replied, "Let Bonny men mind their own affairs." This message disgusted the Bonny Chiefs. "If Calabar had killed 103 Okrika men they might have a good excuse for refusing to 'chop juju,' but as

Okrika had killed 103 Calabar men and yet Calabar was willing to settle the matter, they could not understand why Okrika objected."

Peace with Calabar would be no advantage if Okrika was left out, the Okrika would send to Brass and intercept Bonny canoes, in fact prevent the Brass men from selling canoes to either Bonny or Calabar, would stop the Bonny supply of yams, and cut them off from their other markets. Besides they had "chopped juju" with Okrika last January, and could not be friends with Calabar unless with the Okrika. They begged that one white man would accompany the deputation they were about to send to the Okrika. I said I would go and do what I could to help them out of the difficulty, and four Members of the Court of Equity also offered to go. Same evening I received from King Pepple Inclosure No. 1, and next morning replied as see Inclosure No. 2, and received King Pepple's answer in Inclosure No. 3.

Having ascertained that the men the King and Chiefs had selected were probably the best they had for dealing with the Okrika, I determined to go with them at the time specified. Uncertain as to the result, and having already detained the "Torch" nine days, I wrote to Commander Douglas, as see Inclosure No. 4.

I have, &c.  
(Signed) CHARLES LIVINGSTONE.

Inclosure 1 in No. 35.

*King Pepple to Consul Livingstone.*

Sir, *Bonny Town, July 20, 1866.*  
THE meeting has been held, and it is decided by myself and Chiefs that my son George, Mr. Banigo, and Annie Stuart, shall accompany you to the Okrika country. Please to be kind enough to name or appoint your time for going in writing.

I remain, &c.  
(Signed) THE KING PEPPLE.  
Per Geo.

Inclosure 2 in No. 35.

*Consul Livingstone to King Pepple.*

King Pepple, *Hulk "Ben my Chree," Bonny River, July 21, 1866.*  
I HAVE the honour to acknowledge the receipt of your letter, informing me that you have appointed your son George, Mr. Banigo, and Annie Stuart, to accompany me to the Okrika country. These are doubtless good men, and I am glad they are to go; but lest the negotiations fail from want of the heads of houses, I have to request that Jaja, Waribo, and Ada Alison go also. I shall be ready to start with them to-morrow morning at 5 o'clock, and hope you will send off a messenger, so that the meeting may be held on the day of our arrival.

I have, &c.  
(Signed) CHARLES LIVINGSTONE

Inclosure 3 in No. 35.

*King Pepple to Consul Livingstone.*

Sir, *Bonny Town, July 21, 1866.*  
YOUR favour is safe to hand, and in reply I beg to state, that if those parties appointed, viz., George, Banigo, and Annie Stuart, cannot settle the affair, I assure you that Waribo, Jaja, and A. Allison would do no better by their going. The three first-named parties have all power invested in them, and are ready to go with you at the hour noted in your letter (to-morrow). Hoping you will acknowledge this.

I remain, &c.  
(Signed) THE KING PEPPLE.  
Per Geo.

Inclosure 4 in No. 35.

*Consul Livingstone to Commander Douglas.*

Sir,

*Hulk "Ben my Chree," Bonny, July 21, 1866.*

I REGRET to have to inform you that the negotiations have received an unexpected check.

The Okrika men have refused to accede to the proposal of King Pepple and his Chiefs to send two men to meet the Chiefs of Bonny and Calabar on Breaker Island, in order to have an amicable settlement of all their differences.

I intend to start for the Okrika country to-morrow morning with the Bonny Chiefs to see if the Okrika Chiefs cannot be persuaded to give up hostilities with New Calabar. As it is doubtful whether any thing can be accomplished, and you have already kindly remained much longer than anticipated, in order to render every assistance in your power to have these difficulties settled, I beg that you will be pleased to consider the request for your remaining as withdrawn.

I have, &amp;c.

(Signed) CHARLES LIVINGSTONE.

No. 36.

*Consul Livingstone to the Earl of Clarendon.—(Received September 11.)*

My Lord,

*Fernando Po, August 2, 1866.*

AT early dawn on the 22nd ultimo, three Bonny Chiefs, four Members of the Court of Equity, and myself, started in four boats and two canoes for the Okrika country. Our course was N.N.W. at first, with more of westing as we ascended. The river is fringed with mangroves, and intersected by a number of creeks, some twenty miles above Bonny. We turned into one of these, and in a short time saw Op Okrika, the chief town of the Okrika. It is built on a dry ridge, part of which is adorned with magnificent trees. A stockade, through which peep some guns, defends the water front of the town, which seemed longer than Grand Bonny. Dense masses of people crowded the beach at the public landing place. The Bonny Chiefs, Prince George, Banigo, and Calendusi landed, but we remained in the boats until they had seen the King. In fifteen minutes they returned and beckoned us to land.

The stench was terrible; all the stinks at the outskirts of all the African villages I ever entered, though mixed and shaken together, would be weak compared to this.

After passing through the crowd, we met some fellows who tried to stop us. "It was contrary to juju for white men to enter the town." The Bonny Chiefs scolded, and we pushed on, but soon met a mob of hundreds, and further progress was impossible. In vain did Banigo and Calendusi scold and push, and even knock some down, the others pressed closer together, shouting, barking, and gesticulating frantically. After looking at the performance till we got tired of it, we returned to the boats. A canoe came off with two messengers from the King, inviting us to come ashore. Guards armed with long sticks stood at the corners of the streets, and the town was quiet.

We were conducted to the King's audience chamber, which had no light except what came in by the door. Chairs were brought, and the Chiefs and others crowded in. A beating of drums announced that the King had gone to the juju house to consult the spirits before proceeding to business. In half an hour King Fibia appeared, a strongly-built man of forty-five, with a round good-natured looking face. He shook hands, and sat down on a low stool in the corner. Apologizing for the rude reception his people had given us, he asked us to remain till the following day, as some of his Chiefs had not yet arrived from their villages.

A table of native manufacture was brought in; the Queen spread a table-cloth over it, and "tombo" (unintoxicating palm-wine) was presented.

Permission to see the town was given, and we paid a visit to the juju house; a noisy crowd attempted to rush in after us, but a vigorous application of the long sticks of the guards drove them back. Masses of human skulls hang from the walls, and numerous rows of skulls cover the roof of a sort of altar; in front of this altar sat the juju man, having a footstool of human skulls.

The Okrika had eaten the victims whose skulls decorate the juju house. An old man who accompanied us, spoke with evident gusto of the different cannibal feasts he had partaken of, and mentioned the parts of the human body which he considered the sweetest.

It is the first time I have seen cannibals in Africa. We saw men at work tarring ropes; others retailed gin in the streets by the wine glass. We had a glimpse of the Okrika funeral ceremony. Three young men, facing the same way, had the corpse of a boy done up in matting on their shoulders. They twisted and tugged, and appeared as if struggling with unseen spirits who wished to drag the body to a shallow open grave by the side of a house. At times the young men had the advantage, and brought the body back from the grave, then the spirits prevailed, and dragged them forward. A man kept beating a drum. The Okrika are well clothed, most of the cloth being made from the palm-leaf.

They are acquainted with several vegetable dyes: two, a yellow and a blue, are used to paint their persons.

We slept in Ogobomé, a large village which has an oil market, and about two miles from the capital. A good dinner was provided, and we were offered a choice of sleeping apartments, close inner rooms or the open verandah; my companions preferred the latter. I was conducted to a neighbouring house, and found the people very kind. My bed, small boxes, of unequal height unluckily, was in the best room, in which I found a good fire, 30 kegs of powder, and a considerable quantity of cloth and gin. I managed to sleep tolerably well; but my companions were badly bitten by the sand flies. A King's messenger came for us at sunrise, and shortly after 7 we were seated with the King and his Chiefs. King Fibia remarked, that in Bonny the King and Chiefs could settle public affairs, but in Okrika the people always wanted to be present. He thought it would be better to have the interview in a public place, so that his people could hear all that was said, and not have to pester him with questions after we were gone. We accordingly adjourned to the street.

There was some disturbance at first, but nothing like that of an excited political gathering in a civilized country. King Fibia requested them to be silent, and listen to what was said. His Prime Minister and orator having before him specimens of two kinds of dried fish, a fish trap, and piece of net, commenced by remarking that they were glad to see me. They did not understand the customs of the white men; no white man had ever been in their town before, and they hoped I would excuse them if they proceeded in their own way. He then picked up the dried fish, the trap and net, and handed them to me, saying, Bonny and Calabar have ships to trade with, but Okrika has nothing but fish. It is on fish we live: it is with fish we buy the oil we have to sell, and this has been so ever since Okrika became a country. It was in the creeks I saw in coming that they caught their fish; and Calabar men came into these creeks and stole their fish out of the nets, and also robbed their canoes.

He then rehearsed, in wearisome detail, all the wrongs Calabar and inflicted on Okrika for many years, and threw down a small pebble at the close of each tale of outrage. At last he touched on the cause of the present war. Brass men had offered human sacrifices at times, and the Abua country was the hunting-ground where they caught the victims. King Amacree, of Calabar, father of Prince Will, determined to stop this inhuman practice, but the Brass men plead ancient custom, and said they should continue to hunt and to sacrifice. Amacree declared war against Brass, and asked Okrika to join him; and on their declining to do so, Calabar men began to rob their canoes and flog their men, and this caused the present war. He closed the story of their wrongs by saying, as at the beginning, that they were glad to see me, and to hear that I was trying to have the troubles removed. He proceeded next to state the conditions of peace with Calabar:—

1. Calabar men must not come into Okrika fishing-grounds.
2. Calabar must give up to Okrika the Obialibo (Isukpo) oil market, and cease to frequent it.

I said I thought Calabar would accede to the first condition; and if they would allow Okrika men to trade in the Obiatibo market as they were willing to allow Bonny men to trade in other markets, the Okrika King and Chiefs ought to be satisfied with that. It was objected, that the respective traders might quarrel and rob each other; and a fine as a remedy or preventive was suggested. I asked Fibia to send down two of his Chiefs to meet the Chiefs of Bonny and Calabar on Breaker Island, and have the differences settled, and peace restored to the country; but he wished me to go to Calabar with his conditions, and come back and tell him if Calabar accepted them. As he obstinately refused to send his Chiefs, I rose, saying, if he would not send I could do nothing more for him, and that he was to understand distinctly that if he refused to have the difficulties settled, he could have no assistance from Bonny; Her Majesty's Government would punish Bonny men severely if they rendered any. I then withdrew, but was sent for in a few minutes, and told that they had agreed to send two men to Bonny, but not to Breaker Island, because Calabar had broken the "juju" they once made there with the Okrika. I said, I would try to get the Calabar Chiefs to meet them in Bonny about the middle of August. They promised also not to



molest Calabar canoes in the meantime, provided I could induce Calabar men not to molest their canoes.

The session lasted four hours and a half. Never before in Africa have I seen such powerful-looking men as the Okrika. I could not but admire the physical strength of the men, cannibals though they be. As they sat before me, chewing bits of "chop-stick" to clean their teeth, and gazing earnestly at me, the thought occasionally flashed across my mind, are these cannibals wondering how a piece of roast Consul would taste, and which would be most savoury, cold Consul or hot?

On parting, Fibia made me a present of about a cart load of gigantic yams, two goats and a fowl.

We returned to Ogolome for breakfast, to which we did ample justice, and then started for Bonny.

I have, &c.  
(Signed) CHARLES LIVINGSTONE.

No. 37.

*Consul Livingstone to the Earl of Clarendon.*—(Received September 11.)

My Lord,

*Fernando Po, August 2, 1866.*

I HAVE the honour to state that on the 26th ultimo I received a letter from Captain Stirling, Senior Officer of the Bights Division, acknowledging the receipt of my application for a cruizer, of May 1st, which did not reach him until the 24th July, and informing me that the "Oberon" would be placed at my disposal without further delay.

Having one of Her Majesty's ships to convey Prince Will and his Chiefs to the place of meeting, and a sword of honour to present after the differences are settled, I hope his objection to go to Bonny will be removed, and that I may be able to report next mail that a satisfactory peace has been secured.

Inclosure No. 1 was received from King Pepple, having his own royal signature, and Inclosure No. 2 is my reply.

I have, &c.  
(Signed) CHARLES LIVINGSTONE.

Inclosure 1 in No. 37.

*King Pepple to Consul Livingstone.*

Sir,

*Bonny Town, July 26, 1866.*

MY reason for now writing you is to inform you that yesterday I sent my Chiefs to request the supercargoes in this river to advance me, on account of future comeys, five puncheons of goods each, to open the Aganny, &c., oil markets; this they all refused to do excepting Captain Babington.

I think this far from being right, as all what we are doing is for the benefit of the merchants at home, and formerly, in similar cases to this, the supercargoes would pay large sums out of their own pockets to see any matters that would injure the trade settled. It is true they have agreed to pay eighteen puncheons out of their own pockets to settle the Creeka palaver, but this we have not called for as yet. The sum I now require is on account of comeys, and I beg you will put your word and opinion into the carrying out of my request.

Awaiting your reply, I remain, &c.

(Signed) PEPPLE,  
*King of the Bonny, &c.*

P.S.—The Aganny men will be going to-morrow.

Inclosure 2 in No. 37.

*Consul Livingstone to King Pepple.*

King Pepple,

*Hulk "Ben my Chree," Bonny River, July 27, 1866.*

IN reply to your letter of the 26th instant, informing me that you have requested the supercargoes to advance you on account five puncheons of future comeys, I have the honour to state that should they wish to do so I shall offer no objection.

I was not aware that they had agreed to pay eighteen puncheons out of their own pockets to settle the Okrika palaver, and the Chairman of the Court of Equity is equally ignorant, but if they are anxious to make such a present I shall do nothing to check the outward flow of their generosity,

I have, &c.  
(Signed) CHARLES LIVINGSTONE.

No. 38.

*Lord Stanley to Consul Livingstone.*

Sir,

*Foreign Office, September 24, 1866.*

I HAVE received your despatches, giving an account of your proceedings on the occasion of your recent visits to the Brass, Bonny, and Calabar rivers, and to the Okrika country, with the view to bring about an amicable adjustment of the differences that have for some time past subsisted between the Chiefs and people of those countries; and I have to acquaint you that I entirely approve your proceedings as reported in your above-mentioned despatches.

I am, &c.  
(Signed) STANLEY.

No. 39.

*Consul Livingstone to Lord Stanley.—(Received November 16.)*

My Lord,

*Fernando Po, September 19, 1866,*

I HAVE the honour to state that I visited Bonny on the 14th ultimo in Her Majesty's ship "Oberon," and requested King Pepple to send for the Okrika Chiefs. Inclosure No. 2 is his reply, which seemed to require Inclosure No. 3, which elicited Inclosure No. 4.

As the value of time is not appreciated by these people then followed the inevitable African delays, King Fibia of Okrika had to summon his Chiefs from their respective villages, and the heavy rains kept them back. Weary of the vexatious delay, and hoping to get the Okrikas down at once, I determined to go to the Okrika country, and wrote to King Pepple for interpreters. Inclosure No. 6 is the answer I received. As his son George could easily return to Bonny on the evening of the 22nd, if Pepple could not postpone the celebration of his birthday, the cool suggestion could not be entertained, I accordingly sent Inclosure No. 7, which drew out Inclosure No. 8. In the morning of the 22nd I wrote to King Pepple (Inclosure No. 9), and in the afternoon his son George came on board and stated in the presence of Commander Verney that his father, King Pepple, had sent him to tell me that "it was not with his father now, as formerly. There was a time when he had power, and could make the Chiefs do as he pleased, but now he could not even call them together; he was perfectly powerless, and desired that I would no longer write to him alone, but also to the Chiefs, as he thought it very hard that he should be held responsible for everything that went wrong in Bonny when he had lost all power of acting."

I next summoned the three principal Chiefs to meet me on board the hulk "Mississippi" on the 24th, and there told them that as King Pepple had informed me that he no longer possessed any power in Bonny, I should do as Commodore Hornby did, "take no further notice of him," and that I should deal with them in future. I said also that the Court of Equity informed me that the comeys were paid to Pepple on condition of his protecting trade, and as he could not protect trade now from want of kingly power, he had no longer any claim on the comeys, and that I should suggest to Her Majesty's Government that the comeys cease altogether, or be paid to those who had power and were disposed to use it for the protection of trade.

I then asked if they wished me to proceed any further in my efforts to settle the differences between Bonny, New Calabar, and Okrika, and if so, what assistance they were ready to offer. They were anxious to have the differences settled; they expected the Okrikas this evening. Black men were different from white men in their palavers, they went softly, softly, *i. e.*, slowly, slowly. I remarked that if the Okrikas did not arrive before, I should leave on the morning of the 27th.

On the evening of the 26th, King Pepple sent Inclosure No. 10, to which I replied

unofficially that I wished to see the Okrikas and the three principal Bonny Chiefs on board Her Majesty's ship "Oberon" next morning at 10 o'clock.

The Bonny Chiefs came, but the Okrikas were afraid to come on board a man-of-war. Thinking it desirable that these cannibals should see a man-of-war, and meet the Calabar Chiefs, I proceeded to Bonny town and told them that when I visited the Okrika country I went to King Fibia's; that the ship was my house, and I wished them to come on board.

They complied, and, as translated by the Bonny Chiefs, stated that the Okrikas had heard recently that Calabar intended to attack Okrika as soon as the Consul left the river, and as a fine could not bring back their dead, the Okrikas did not care to agree to a Treaty which the Calabar men would take the first opportunity of breaking. In reply, I said the Calabar men have always been faithful to their Treaties, and there was no reason to doubt that they would be so in future.

I then asked if King Fibia and his Chiefs would make peace with Calabar, if the Okrikas were permitted to trade in the Obiatibo oil market, and were not molested in their fishing grounds. They could not tell, but would despatch one of their number at once to King Fibia for instructions. On the 1st of September, I received from the Bonny Chiefs Inclosure No. 11, and started immediately for Calabar.

I had a good deal of Consular work during these vexatious delays; hearing and settling differences between masters and men, calling and presiding over a Naval Court, extending protests, &c.

I have, &c.  
(Signed) CHARLES LIVINGSTONE.

Inclosure 1 in No. 39.

*Consul Livingstone to King Pepple.*

King Pepple,

"Oberon," *Bonny River, August 14, 1866.*

I HAVE the honour to request the King and Chiefs of Bonny to send messengers at once to bring down the Chiefs of Okrika to meet the Chiefs of Bonny and New Calabar for the purpose of securing an amicable settlement of all existing differences.

Directly your messengers return with the Okrika Chiefs, or with the intelligence of the day they may be expected here, I shall go to New Calabar and bring over Prince Will and his Chiefs to Bonny.

I have, &c.  
(Signed) CHARLES LIVINGSTONE.

Inclosure 2 in No. 39.

*King Pepple to Consul Livingstone.*

Sir,

*Bonny Town, August 14, 1866.*

YOUR letter of this date is safe to hand, in reply, I beg to request you will please to send a duplicate of the same addressed to the three principal Chiefs, viz., Manilla Pepple, Annie Pepple, and Adda Alison.

I will make haste to send messengers to request the Okrika Chiefs to come immediately. I also wish, as it is a very important and difficult matter to secure peace between the four different Powers in question, that you will please to have a Treaty drawn out, and send it to me for my perusal and proposal of any alterations I might deem expedient to make.

I have, &c.  
(Signed) THE KING PEPPLE.  
Per Geo. P.

Inclosure 3 in No. 39.

*Consul Livingstone to King Pepple.*

King Pepple,

"Oberon," *Bonny River, August 15, 1866.*

IN reply to your note of the 14th instant, I have the honour to state that I see no good reason for sending a duplicate of the letter addressed to yourself to the three principal Chiefs you mention, but have no objection to your doing so.

No Treaty can be "drawn out" before the meeting of the Chiefs of the "four Powers."

I have, &c.  
(Signed) CHARLES LIVINGSTONE.

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Inclosure 4 in No. 39.

*King Pepple to Consul Livingstone.*

Sir,

*Bonny, August 15, 1866.*

I HAVE received your letter, and the contents have been carefully perused. As regards the principal Chiefs of the four Powers, until they meet before the Treaty can be made, I agree to it; but whenever they do meet, and the Treaty made, please to let me see it first, and if there is anything wanting it will be replaced.

And I will inform those three principal Chiefs of Bonny about your letter. My son George is not well, or you would have received my answer sooner.

I remain, &c.  
(Signed) KING PEPPLE.

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Inclosure 5 in No. 39.

*Consul Livingstone to King Pepple.*

King Pepple,

*"Oberon," Bonny River, August 21, 1866.*

AS the Okrika Chiefs have not come, I purpose starting for Okrika to-morrow morning, and have to request that you will be pleased to send Banigo and Calenduse with me.

I shall be glad if your son George will go also.

I have, &c.  
(Signed) CHARLES LIVINGSTONE.

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Inclosure 6 in No. 39.

*King Pepple to Consul Livingstone.*

Sir,

*Bonny Town, August 21, 1866.*

YOUR letter is safe to hand, and mine would have reached you had it not met yours on its way.

As the 23rd instant is my birthday, my son George's presence will be especially required until after that period. I would therefore suggest, that as the King and Chiefs of Okrika, though they have sent me no good news by my messengers, promise to send their Representatives with an Embassy, that the Consul delay his proposed intentions for a few days, to see whether their assertion is true or not, when the sight of the British man-of-war will soon bring them to their senses.

Their treatment towards Bonny, after the good they have received at her hands, is such that may rise, if not quickly retraced by them, the anger of her Chiefs and people.

I remain, &c.  
(Signed) THE KING PEPPLE.  
Per Geo. P.

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Inclosure 7 in No. 39.

*Consul Livingstone to King Pepple.*

King Pepple,

*"Oberon," Bonny River, August 21, 1866.*

I REQUIRE the presence of your son George, Banigo, and Calenduse, on board the Her Majesty's ship "Oberon" to-morrow morning at 6 o'clock sharp, and can admit of no excuse whatever.

You will send also the news brought by your messengers from Okrika, whether good or bad.

I have, &c.  
(Signed) CHARLES LIVINGSTONE.

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Inclosure 8 in No. 39.

*King Pepple to Consul Livingstone.*

Sir,

*Bonny Town, August 21, 1866.*

IN reply to your second note I beg to state that I can give no compliance to your request, as my principal Chiefs have gone to Juju town.

The 23rd instant, the next and coming Thursday, is my birthday, and I purpose keeping it as such, and the presence of my son is especially required. Banigo and Calanduci, on their return with you from Okrika, declared to me that they could not go to Okrika again, even if I threatened their lives, so you see I can do nothing until a meeting of the inhabitants of the country be called.

I have received from Okrika no news, more than they promised to send messengers to me.

I remain, &c.  
(Signed) THE KING PEPPLE  
Per Geo. P.

Inclosure 9 in No. 39.

*Consul Livingstone to King Pepple.*

King Pepple,

*"Oberon," Bonny River, August 22, 1866.*

I HAVE postponed my intended visit to Okrika, and now require your son George and principal Chiefs to meet me on board the hulk "Mississippi" this afternoon at 4 o'clock, to consider the Okrika difficulty.

You will send Banigo and Calenduse at the same time.

As Juju town is within a few minutes of Bonny, the Chiefs can easily attend.

You may expect a man-of-war's boat to be sent for yourself, if the Chiefs above-named fail to appear, as I cannot detain Her Majesty's naval officers and men in this unhealthy river.

I have, &c.  
(Signed) CHARLES LIVINGSTONE.

Inclosure 10 in No. 39.

*King Pepple to Consul Livingstone.*

Dear Sir,

*Bonny Town, August 20, 1866.*

I BEG to inform you that the Okrika Representatives have arrived. They will come with my Chiefs to-morrow morning; relate and explain to you the nature and details of their message. Do not send for the Calabar Chiefs until you have seen them.

I remain, &c.  
(Signed) THE KING PEPPLE.  
Per Geo. P.

Inclosure 11 in No. 39.

*The Chiefs of Bonny to Consul Livingstone.*

Dear Sir,

*Bonny Town, September 1, 1866.*

WE request that you will please to bring the Calabar King and Chiefs round to-morrow, and a meeting be held the day after.

You have so far finished the business, and we would be sorry to see you leave it unfinished, after the pains you have taken.

I remain, &c.  
Pro the Chiefs of Bonny,  
(Signed) GEO. P.

No. 40.

*Consul Livingstone to Lord Stanley.—(Received November 10.)*

My Lord,

*Fernando Po, September 28, 1866.*

THE "Oberon" anchored near the shipping in the New Calabar river on the 2nd instant. Prince Will and his Chiefs had gone to Iboe; a swift canoe was sent, and they returned on the evening of the 5th. A messenger came down next morning to apologise for their not appearing; it was their sacred day. They agreed on the 7th to go to Breaker Island and meet the Bonny and Okrika Chiefs on board the "Oberon" on the 8th. On returning to Bonny two of the principal Chiefs came off at my request and stated that they could not meet the Calabar Chiefs at the appointed time, as the third Chief, with all the male population of Bonny, had gone off to the Andony beach, hoping to pick up the oil cargo of the "Majestic," which was wrecked on the bar on the 4th. They would despatch a messenger for the other Chief, and come down to meet the Calabar Chiefs, at 8 o'clock in the morning of the 8th. After some delay, the Chiefs of Bonny, Calabar, and Okrika met on board the "Oberon," and had an opportunity of settling their differences. The Bonny Chiefs, forgetting that they had promised not to rake up old grievances, insisted on beginning back at the times of their grandfathers. At the close of the discussion the Calabar Chiefs agreed to yield all that the Bonny Chiefs asked for themselves, viz.: Right of way through the Creeks to purchase canoes; and free access to the Oil Markets of Belatera, Egennah, and Ndella; but they decidedly refused to grant what the Bonny Chiefs demanded for the Okrikas, viz., that Calabar give up to Okrika, the Oil Market Obiatibo. This Obiatibo appears to have been ceded by an Okrika Chief to the grandfather of Prince Will, when it was of little importance, as an oil market; he held undisputed possession of it during the remainder of his life, and so did his son, King Amacree, throughout the whole of his life, and so has his grandson Prince Will up to January last, when Pepple, anxious to secure this valuable oil market for Bonny and injure Calabar, instigated the Okrikas, who trade exclusively with Bonny men, to demand it back from Calabar, on the alleged ground that the grandfather Prince Will had paid the Okrikas nothing for it.

I asked the Calabar Chiefs if they would give the Okrikas permission to trade in the Obiatibo Oil Market, but this, they replied, was impossible. The two people could not trade in the same market. The Okrikas had killed and eaten so many Calabar men; and the Calabar men had killed so many Okrikas that the very first day the relatives of the dead met in the market there would be a fight; and besides it would be the ruin of Calabar to lose this market. The Bonny Chiefs were unreasonable, and there was no settlement. They said they would talk with the Okrikas that night, and come down next morning at 6 o'clock. As they did not appear the Calabar Chiefs left at 8, after requesting me to take possession of their country for the Queen, which I declined, saying I should write to your Lordship first and state their wishes.

The Bonny Chiefs appeared at 10, and were disappointed to find that the Calabar Chiefs had returned home. They were ready to settle now, provided Calabar would open the Obiatibo Oil Market to the Okrikas.

As this could not be granted, the Bonny Chiefs were told that it seemed very unreasonable to insist on the filthy cannibal Okrikas getting into the Calabar market, when they themselves were so disgusted with the Okrikas that some of them had said to King Pepple they would rather die than visit the Okrikas a second time; that we had no Treaty with the Okrikas, and ships could not go to Okrika to see that a Treaty was carried out. "We'll compel them to keep the Treaty," cried the Bonny Chiefs, "and let there be no more fines, Calabar men care nothing for fines; let the men be put to death who violated the Treaty."

An agreement was shown to them which the Calabar Chiefs had consented to, and on their rejecting it, they were told that the blame now rested with the Bonny Chiefs, and that Her Majesty's Government would hold them responsible if the peace of the country was broken, and British trade injured. I left the river next morning for the Cameroons.

Yesterday I received a note from Commander Verney of Her Majesty's ship "Oberon," dated Bonny River, September 26, from which I am permitted to quote the following:—

"I understand from the traders and from the Chiefs here, that although the palaver held on board this ship on the 8th instant appeared to us at the time to have led to absolutely no result; yet that in point of fact it had considerable influence; that although no Treaty was concluded, a tacit understanding was arrived at among the natives, not to go on with a war at present; and that since that time there have been no hostilities, and the trade has been quietly and peacefully carried on."

I have, &amp;c.

(Signed) CHARLES LIVINGSTONE.

Inclosure in No. 40.

*Agreement.**"Oberon," Bonny River, September 8, 1866.*

THE King and Chiefs of Bonny and the King and Chiefs of New Calabar, desirous of an amicable settlement of the differences which have long existed between Bonny and New Calabar, agree as follows :—

## ARTICLE I.

That from this date Bonny men shall have free right of way through the Creeks to purchase canoes.

## ARTICLE II.

That Bonny men shall have free access to the Oil Markets of Belatera, Egennah, and Ndella.

## ARTICLE III.

That Calabar cease all further hostilities against Okrika, and promise not to molest the persons or the fishing grounds of the Okrikas.

## ARTICLE IV.

That the Bonny men promise to use their good offices to prevent the Okrikas from fighting against Calabar, or committing any outrage on the persons or property of Calabar men.

## ARTICLE V.

That on its being proved to the satisfaction of Her Majesty's Consul, or of any other officer sent by Her Majesty's Government, that the Bonny men or the Calabar men have broken this Treaty, a fine shall be inflicted on the Chiefs of Bonny or of New Calabar, of not less than ten and not more than one hundred puncheons of saleable palm oil, to be disposed of as Her Majesty's Government may determine.

No. 41.

*Consul Livingstone to Lord Stanley.—(Received November 10.)*

My Lord,

*Fernando Po, October 1, 1866.*

I HAVE the honour to report that I visited Cameroons River in Her Majesty's ship "Oberon" on the 12th ultimo. The differences between Acqua and Bell, caused by the two captains of Messrs. King, of Bristol, still existed; and, but for the arrival of a man-of-war, hostilities, we were told, would have broken out that same day, as the warriors of one of the parties had actually embarked in their war canoes, when they heard that the Consul was coming up the river in a man-of-war.

I met the two Kings and their two principal Chiefs next day, and learned that King Bell, who lives on the lower part of the river, would not allow Acqua's people to go down to the bar to fish; and Acqua, on the other hand, would not allow Bell's men to go up the river to the oil markets, so that he had to carry all his oil round by land. The white traders had some grievances, the origin of which may also be traced to the conduct of the two Captains, who are now out of the river. The result of two Conferences with the Chiefs and Traders is stated in the Treaty inclosed, which I hope may be long-lived.

I have, &amp;c.

(Signed) CHARLES LIVINGSTONE.

Inclosure in No. 41.

*Agreement.**"Oberon," Cameroons, September 14, 1866.*

AT a meeting held this day on board Her Majesty's ship "Oberon," Commander Edmund Hope Verney, before Charles Livingstone, Esquire, Her Britannic Majesty's Consul for the Bight of Biafra, it was agreed as follows, viz. :—

## ARTICLE I.

That, in addition to the usual comey, King Bell or King Acqua receive ten original crews, and Charlie Dido or Preeso Bell ten original crews. This dash to be paid, provided the King or Headman offers no obstruction whatever to his people trading with the ships. After such dash has been tendered, and accepted by said King or Headman, he shall not make egbo to stop the trade of any vessel.

## ARTICLE II.

The two principal towns (belonging to Acqua and Bell) having been at war, to the injury of trade, King Acqua and King Bell bind themselves to keep the peace, and declare that, from this date, each and every town is free to trade with any vessel in the river, and no canoe shall carry fire-arms when coming alongside any vessel for the purpose of trade. Also that canoes from any town may pass free of molestation to any port or market for the purpose of trade, and to the Bar for the purpose of fishing.

## ARTICLE III.

Any infringement of this agreement shall be punished by a fine of five puncheons of saleable palm oil, to be disposed of as Her Britannic Majesty's Government may think fit.

(Signed)

KING ACQUA, his ✕ mark.

KING BELL, his ✕ mark.

CHARLEY DIDO, his ✕ mark.

PREESO BELL, his ✕ mark.

CHARLES LIVINGSTONE, *Her Britannic Majesty's Consul.*EDMUND HOPE VERNEY, *Commander.*

Witnesses to signatures:

(Signed)

J. B. BOWERBANK.

ALFRED THOS. BRETT.

WM. A. ROBERTSON.

H. J. HARRIS.

No. 42.

*Consul Livingstone to Lord Stanley.—(Received November 10.)*

My Lord,

*Fernando Po, October 1, 1866.*

I HAVE the honour to state that in accordance with instructions from the Earl of Clarendon, dated the 23rd of May, I presented Prince Will with the sword of honour prepared for him by Her Majesty's Government.

The Prince and his Chiefs were much pleased with it; and seeing them in such good humour, I took the opportunity of calling their attention to the injury to their trade caused by making "certain sorts of goods juju," as reported by Commodore Hornby in April last. They admitted the impolicy of making any article of trade "juju," and promised to give the matter their careful consideration.

One of the Calabar white traders says this "juju" does very little injury to trade. But as it is placed upon "Manchester striped satins," they sell all the more of "Manchester romalls" and "small Indias," and that any native of the interior who wishes "striped satins" can easily get them from Brass.

As Prince Will and his Chiefs were told that Her Majesty's Government would be gratified if "juju" was taken off all kinds of goods, the probability is that it will be abolished.

I have, &amp;c.

(Signed)

CHARLES LIVINGSTONE.

No. 43.

*Mr. Murray to Consul Livingstone.*

Sir,

*Foreign Office, November 14, 1866.*

I AM directed by Lord Stanley to acknowledge the receipt of your despatches of November 10, which reached this office on the 10th instant.

Your proceedings, as reported in those despatches, are approved by his Lordship.

I am, &amp;c.

(Signed)

JAMES MURRAY.



No. 44.

*Consul Livingstone to Lord Stanley.—(Received December 11.)*

My Lord,

*Fernando Po, October 31, 1866.*

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of September 24, conveying your Lordship's approval of my proceedings in Brass, Calabar, and Bonny.

I have, &c.  
(Signed) CHARLES LIVINGSTONE.

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AFRICA.—(*Central.*)

No. 45.

*Dr. Livingstone to the Earl of Clarendon.—(Received September 18.)*

My Lord,

*Ngomano, May 18, 1866.*

WHEN we could not discover a path for camels through the mangrove swamps of the mouth of the Rovuma, we proceeded about twenty-five miles to the north of that river, and at the bottom of Mikindany Bay entered a beautiful land-locked harbour, called Kinday or Pemba. The entrance seems not more than 300 yards wide, and of these about 150 are deep, the reef on each side of the channel showing so plainly, of a light colour, that no ship ought to touch. The harbour is something of the shape of the spade on cards, the entrance being like the short handle. There is a mile nearly of space for anchorage, the southern part being from ten to fourteen fathoms, while the north-west portion is shallow and rocky. It is a first rate harbour for Arab dhows, the land rising nearly all round, from 200 to 300 feet, the water is so calm they can draw their craft to the shore to discharge and take in cargo. They are also completely screened by the masses of trees growing all round it from seaward observation.

The population consists of coast Arabs and their slaves. The six villages in which they live are dotted round the shore, and may contain 300 souls in all. They seemed to be suspicious, and but for our having been accompanied by Her Majesty's ship "Penguin" would have given trouble. The ordinary precaution of placing a sentry over our exposed goods caused a panic, and the Sirkar, or headman, thought that he gave a crushing reply to my explanations when he blattered out, "But we have no thieves here!"

Our route hence was south-south-west to the Rovuma, which we struck at the spot marked on the chart as that at which the "Pioneer" turned in 1861. We travelled over the same plateau that is seen to flank both sides of the Rovuma, like a chain of hills, from 400 to 600 feet high. Except where the natives, who are called Makonde, have cleared spaces for cultivation, the whole country within the influences of the moisture from the ocean is covered with dense jungle. The trees in general are not large, but planted so closely together as generally to exclude the sun. In many places they may be seen to be woven together by tangled masses of climbing plants, more resembling the ropes and cables of a ship in inextricable confusion than the graceful creepers with which we are familiar in northern climates. They gave the impression of being remnants of the carboniferous period of geologists, and the huge pachydermata of that time were the only beings that could wriggle through them. Trade paths have already been made, but we had both to heighten and widen them for camels and buffaloes. The people at the sea coast had declared that no aid could be got from the natives. When we were seven miles off we were agreeably surprised to find that, for reasonable wages, we could employ any number of carriers and woodcutters we desired. As they were accustomed to clearing away the gigantic climbers for their garden ground, they whittled away with their tomahawks with remarkable speed and skill. Two days continuous hard labour was as much as they could stand. It is questionable whether any people (except possibly the Chinese) which are not meat eaters can endure continuous labour of a kind that brings so many muscles into violent action as this work did. French navvies could not compete with the English until they were fed exactly like the latter. The Maconde have only fowls, a few goats, and the chance of an occasional gorge of the wild hog of the country.

Little can be said about the appearance of the country. By the occasional glimpses we got it seemed covered with great masses of dark green foliage, except where the bamboos gave a lighter tint, or a sterculice had changed its leaves to yellow in anticipation of winter. The path we followed sometimes went along or across a "wady," in which we were smothered by the grass overhead. Such rocks as we could see were undisturbed grey

sandstone, capped by ferruginous conglomerate. Upon this we often stumbled against blocks of silicified wood so like the recent, that any one would be unwilling to believe at sight that they were stones. This is a sure indication here of coal being underneath, and pieces of it were met in the sands of the river.

When about ninety miles from the mouth of the Rovuma the geographical structure changes, and with this change we have more open forest. Thornier vegetation, and more reasonable grasses. The chief rock is now syenite, and patches of fine white dolomite lie upon it in spots. Granite masses have been shot up over the plain, which extends in front all the way to Agomano. The confluence of the Rovuma or Louma and Loendi. In the drier country we found that one of those inexplicable droughts had happened over the north bank of the Rovuma, and a tribe of Mazite, or Mazitu—probably Zulus—had come down like a swarm of locusts and swept away all the food above and in the ground. I had now to make forced marches with the Makonde in quest of provisions for my party and am now with Matumora or Machumora, the chief at Ngomano, and by sending some twenty miles to the south-west, shall soon succour them. This is the point of confluence as the name Ingomano or Ngomano implies of the Louma and Loendi. The Loendi is decidedly the parent stream, and comes from the south-west, where, in addition to some bold granite peaks the dim outline of distant highlands appear. Even at that distance they raise the spirits, but possibly that is caused partly by the fact that this is about thirty miles beyond our former turning-point, and the threshold of the unexplored.

I propose to make this my head quarters till I have felt my way round Lake Nyassa. If prospects are fair there I need not return, but trust to another quarter for fresh supplies, but it is best to say little about the future.

Matumora is an intelligent man, and one well known to be trustworthy. He is appealed to on all hands for his wise decisions, but he has not much real power beyond what his character gives him.

The Makonde are all independent of each other, but not devoid of a natural sense of justice. A carrier stole a shirt from one of my men; our guide pursued him at night, seized him in his own house, and the elders of his village made him pay about four times the value of the article stolen. No other case of theft occurred. No dues were demanded, and only one fine—a very just one was levied. Attempts have been made to make the Arabs pay, but they have always been resisted.

So much has been said about Arab proselytism that it was with interest enquiries were made about their success in converting the Makonde to the Mahometan faith. Here as elsewhere, no attempts to teach have been made—some Arabs asserted that it would be useless, for the Makonde had no idea of a Deity.

On making enquiries about the gum copal digging, I was shown a tree from which the gum was actually dropping, but they do not dig under the trees at present living. They choose the vicinity in the belief that near to the modern trees those which yielded what is now considered fossil gum, must have grown. Here they dig and send the spokesman. "The first and second days we may labour in vain, but God may give it to us after that." To this acknowledgment of a Deity all responded: "It is as He wills it."

The experiment with the buffaloes and Tsetse has not been satisfactory; one buffalo and two camels died. Had we not been in a Tsetse country, I would have ascribed this to over-work and bruises received on board the dhow which brought them from Zanzibar. These broke out into large ulcers. The symptoms were not those I have observed in oxen and horses. When stung by gadflies blood of the arterial colour flows from the point. This may be the effect of the Tsetse, for when an ox known to be bitten was killed, its blood was all of the arterial hue. I had but four buffaloes for the experiment, and as yet, as three remain, I remain in doubt.

Hoping that this short sketch which I write in haste, for an Arab who is passing down to the coast, may be approved,

I have, &c.  
(Signed) DAVID LIVINGSTONE.

## BRAZIL.

No. 46.

*Mr. Thornton to the Earl of Clarendon.—(Received January 1, 1866.)*

(Extract.)

*Rio de Janeiro, December 6, 1865.*

YOUR Lordship will easily understand that owing to the short time which has elapsed since my arrival here, I have been unable as yet to obtain reliable information as to the Slave Trade and slavery in Brazil; I am, however, unwilling to delay giving your Lordship such information as I have been able to obtain on these subjects.

There may be some individuals in this country who would be glad to see Slave Trade revived, those for instance who have formerly made money by it, or those who are envious of the immense fortunes that have been amassed by this means. But there is certainly no number of persons that can be entitled to the name of a party who are desirous of its revival. On the contrary the Government and the authorities are most decidedly opposed to Slave Trade, and are determined to put it down; and, whatever party may come into power, its opinions on this point seem to be identical. Judging from the reports of some of Her Majesty's Consuls and of several impartial persons of whom I have inquired, I should say confidently that even if a slave-owner could land a cargo of slaves in Brazil, it would be impossible for him to dispose of his cargo.

I have not yet been able to obtain sufficient information as to the state of the emancipados; but Senhor Saraiva has assured me that every effort is being made by the Government to carry out the Decree of the Emperor of 1864. His Excellency states, however, that it must be a slow operation; that it must depend a good deal upon the emancipados hearing of their right to claim their complete freedom and coming forward to demand their papers, which those who unlawfully hold them as slaves are interested in preventing them from doing. Senhor Saraiva adds that the defective state of the police in the interior renders it almost impossible to detect and prevent the frauds committed by the holders of emancipados, who bring certificates of death probably referring to some other slave, or bring proofs that the emancipados entrusted to them have run away.

In this city the Chief of Police has been charged to look after and collect the emancipados, a work which properly speaking belongs to the Judge of Orphans: and in several conversations which I have had with him on the subject, he assures me that he does not believe there is one emancipado in the city who has not received his letters of freedom.

Positive information as to the number of slaves in the Empire is most difficult to obtain, or whether there be an excess of births over deaths, though the contrary is generally supposed to be the case; but I am not as yet prepared to express an opinion upon the matter. It is certain, however, that the supply of agricultural labour is not at all equal to the demand for it, and that as yet no serious arrangements have been made for an additional supply of it.

A proof of the want of labour is now being given by the great scarcity and consequent high price of indian corn, which has increased during the last few months 125 per cent.; and there are actually now on their way from England cargoes of indian corn, imported thither, I believe, from the Black Sea, to a country where indian corn grows and thrives with the smallest possible amount of labour.

Notwithstanding all this, there is no doubt a rapidly growing feeling among the leading men of the necessity of the abolition of slavery. Brazilians are evidently beginning to be ashamed of the existence of such an institution in their country; and the Liberal party, now in power, confess that it is incompatible with their political principles. The events that have lately taken place in the United States have inspired Brazil with a feeling of isolation and shame that she should be the last on this continent to wipe off such a

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stain from her institutions, and are producing a moral pressure which it will be difficult for her Government to withstand.

Senhor Saraiva has assured me that his Government are most anxious to present some measure to the Legislature for the abolition of slavery; but his Excellency adds that it cannot be done at this moment, nor until the war with Paraguay be concluded; and no doubt he is right in considering that it is now of vital importance that there should be no cause of agitation or division in the interior of the country—in short, no excuse for preventing all parties from supporting and aiding the Government; heart and soul, in the prosecution of the war.

## No. 47.

*Mr. Thornton to the Earl of Clarendon.—(Received February 3, 1866.)*

My Lord,

*Rio de Janeiro, December 15, 1865.*

I HAVE the honour inclose, for your Lordship's information, a translation of an extract from the "Jornal do Commercio," one of the principal newspapers published in this city, recounting the murder by some slaves of their overseer on an estate in the Province of St. Paul's.

The slaves stated they had complained to their master of the manner in which they had been treated by the overseer, and had requested that he might be changed; but as their master had paid no attention to their representations they had killed the overseer.

I have not been able to obtain any information as to whether in this particular instance the slaves had been driven to the commission of so great a crime. I hope, however, that cruelty towards them is an exception to the rule. The Brazilians themselves are generally kindhearted and indulgent; but I am sorry to say that this is not always the case with that class of Portuguese from amongst whom the overseers of slaves are generally selected.

I have, &c.

(Signed) EDWD. THORNTON.

## Inclosure in No. 47.

*Extract from the "Jornal do Commercio."*

(Translation.)

FROM the "Correio Paulistano" we extract the following:—

"In the district of Bethlem of Judiahy, at the estate of Senhor João Alves, the following facts, as we are informed, occurred:

"One of these last few days the slaves of Senhor João Alves, to the number of 41, presented themselves to him, stating that as they saw he had not changed his mind as to giving them an overseer who would treat them well, they had just killed the one who looked after them on account of the bad treatment which they received from him, and that they were all going to present themselves to his Excellency the President of the province. Having said this, they took the road to the capital.

"The police authorities of the parish of Campo Largo being informed of the case, went with a force to meet them, and were able to take 37 of the rioters ("revoltosos"), who are detained in prison.

"Of the 41 insurgents, four only have not been taken, as they succeeded in escaping at the moment the guard met them."

## No. 48.

*Mr. Thornton to the Earl of Clarendon.—(Received February 3.)*

My Lord,

*Rio de Janeiro, January 5, 1866.*

WITH reference to my despatch of the 15th December, 1865, I have the honour to state that since that date other occurrences of a similar nature had taken place in the Province of St. Pauls. On the 16th ultimo a number of slaves on the estate of Don Antonio da Costa Pinto e Silva, a Deputy to Congress, rose against their overseer and assassinated him. They then presented themselves to the police authorities of the nearest town, Constitution. The body was examined and was found to have only three

wounds; yet each of the slaves, who were more than 30 in number, both men and women, declared that he or she had committed the murder.

Near the same town of Constitution another landed proprietor was fired at by one of his slaves as he got off his horse at his own door. He was seriously wounded, and is not expected to live.

During the last month no less than 3 slaves have committed suicide in this city.

Some Brazilians with whom I have spoken have betrayed a little alarm upon the subject, and have expressed their opinion that there is a feeling springing up among the slaves themselves that their complete emancipation is not far distant. Indeed, there can be no doubt that there is a growing feeling of resistance on the part of the slaves to their masters, and even the despair which leads the weakminded to commit suicide will drive others to open violence against their masters.

Everything tends to show that the Brazilian Government will soon be forced to take into their serious consideration the great question of the final abolition of slavery, without any further pressure from England, who has made so many sacrifices to bring about this end. The state of isolation in which Brazil now feels herself on this continent since that measure has been carried out in the United States, the representations which will probably be made by the Government of that country on the subject, and which will perhaps cause less unpleasant feeling amongst the Brazilians than ours seem generally to have done, the feeling which is daily gaining ground amongst the Brazilian public that slavery is incompatible with liberal political principles, and the resistance to its continuance which seems likely to arise amongst the slaves themselves, will bring, as I believe, an irresistible pressure upon the Government, and force them to lose no more time in endeavouring to remove this curse from their country.

I have, &c.  
(Signed) EDWD. THORNTON.

No. 49.

*Mr. Thornton to the Earl of Clarendon.—(Received February 3.)*

My Lord,

*Rio de Janeiro, January 5, 1866.*

BEFORE I had the honour of receiving your Lordship's despatch of the 25th of November last, I had requested Senhor Saraiva to furnish me some information as to how far the Decree of the Emperor of Brazil, dated the 24th of September, 1864, had been carried out, and his Excellency had promised me a list of the emancipados who had received their letters of freedom. On the receipt of your Lordship's above-mentioned despatch I again called upon Senhor Saraiva, and communicated to him the satisfaction felt by Her Majesty's Government at the promulgation of the above-mentioned Decree. His Excellency informed me that the list which he had promised me was being prepared, and assured me most earnestly that the greatest exertions were being made to discover all those who were entitled to their complete freedom, so that their papers might be delivered to them. He begged me to state to your Lordship that the authority of the Government was much greater now all over the country than it was ten years ago, and that as the most stringent orders had been sent to the provincial officials, he trusted that there would soon be very few of the emancipados who would not be in possession of their papers. Some exceptions, however, were inevitable, for the police was not yet sufficiently vigilant to discover all those who were detained by men who profited by their services, some of the emancipados themselves not being aware that they were entitled to their freedom.

Both Senhor Saraiva and several other persons in whose statements I can place confidence have assured me of their conviction that in this city there is not a single emancipado who is not furnished with his papers of freedom.

Senhor Saraiva has himself in his service one of these emancipados to whom he pays 45 milreis a month (*5l. 1s. 3d.*). He is a very intelligent man, and would probably be acquainted with most of those in the town who were in the same position as himself; and I am convinced that any one who had not received his certificate of freedom, and who were to apply to Senhor Saraiva through this man, would be immediately attended to.

I have, &c.  
(Signed) EDWD. THORNTON.

No. 50.

*The Earl of Clarendon to Mr. Thornton.*

Sir,

*Foreign Office, February 15, 1866.*

I HAVE received your despatch of the 5th ultimo, reporting the result of your conversation with the Brazilian Minister for Foreign Affairs, with reference to the efforts of the Brazilian Government to furnish all the emancipados with free papers in accordance with the Decree of the Emperor of Brazil of the 24th of September, 1864; and I have to instruct you to thank Senhor Saraiva for his communication on this question, which has been received with great satisfaction by Her Majesty's Government.

I am, &c.  
(Signed) CLARENDON.

No. 51.

*Mr. Thornton to the Earl of Clarendon.—(Received March 5.)*

My Lord,

*Rio de Janeiro, February 1, 1866.*

SENHOR SARAIVA, Brazilian Minister for Foreign Affairs, announced to me to-day and authorized me to inform your Lordship that his Government have come to the determination that no slaves, whether they be the property of the Government or hired from private individuals, shall hereafter be employed in any Government establishments or works, of whatever nature they may be. His Excellency added that orders to this effect had already been transmitted to the Presidents of the different Provinces.

In reply to this announcement I offered Senhor Saraiva my congratulations upon the determination shown by the Government to discourage slave labour, and added my conviction that the information he had given me would be received by your Lordship and by Her Majesty's Government with great satisfaction.

I understand that there are about 20,000 slaves now employed upon the different public works.

His Excellency stated that the current of public opinion in favour of the abolition of slavery was every day becoming stronger; and that he believed several Members of the Legislature intend during the approaching Session to bring forward measures which may conduce to that end.

The Government, his Excellency added, had desired that nothing of this sort should have been attempted until the war with Paraguay should come to an end, and then themselves to submit some measure to Congress for the abolition of slavery, which might be final and complete, and be carried out effectually.

His Excellency, however, seemed to think it possible that they might be obliged by public opinion to initiate some measure of that nature even before the close of the war with Paraguay.

I have, &c.  
(Signed) EDWD. THORNTON.

No. 52.

*The Earl of Clarendon to Mr. Thornton.*

Sir,

*Foreign Office, March 8, 1866.*

I HAVE received your despatch of the 1st ultimo, reporting that the Brazilian Minister for Foreign Affairs has authorized you to make known to Her Majesty's Government the determination come to by the Brazilian Government that no slaves, whether they be the property of the Government or hired from private individuals, shall, for the future, be employed in any Government establishments or works; and I have to instruct you to acquaint the Brazilian Minister that Her Majesty's Government have learnt with great satisfaction the determination of the Brazilian Government in this matter.

I am, &c.  
(Signed) CLARENDON.

No. 53.

*The Earl of Clarendon to Mr. Thornton.*

Sir,

*Foreign Office, April 25, 1866.*

I TRANSMIT to you, for your information, a copy of a letter addressed to the Secretary to the Admiralty by Commodore Hornby,\* stating that he has been informed that the slave-dealers on the West Coast of Africa expect that a renewed demand for slaves will shortly be made to them for exportation to Brazil.

Her Majesty's Government do not attach any credit to this report, but they think it right that you should make known to the Brazilian Government the fact that this opinion exists on the West Coast of Africa.

I am, &amp;c.

(Signed) CLARENDON.

No. 54.

*Mr. Thornton to the Earl of Clarendon.—(Received June 30.)*

My Lord,

*Rio de Janeiro, June 5, 1866.*

A FEW days ago I was told that, in consequence of certain information which had been received by the Brazilian Government from the United States' Government of the equipment of slavers in that country, the Brazilian Minister of Justice had addressed a circular to the Presidents of the seaboard provinces desiring them to use redoubled vigilance to prevent any landing of slaves being effected on the Brazilian coast.

I inquired of M. Amaral, the Under-Secretary of State for Foreign Affairs, whether there was any truth in this report; to which he replied that the Minister for Foreign Affairs had received a letter, of the 19th of March last, from the Brazilian Consul at the Havana, to the effect that a cargo of 278 negroes had, within the previous few days, been landed on the coast of Cuba from a small vessel, which was supposed to have received them from a large steamer not far off, said to be engaged in the Slave Trade. It was in consequence of this news, M. Amaral said, and lest the steamer in question might possibly attempt to land negroes on the Brazilian coast, that a circular had, indeed, been addressed to the Presidents of the sea-board provinces, recommending the greatest vigilance. M. Amaral showed me the draft of this circular, and I took the opportunity of begging him to express to Senhor Saraiva my satisfaction at this proof of the determination of his Government to prevent any renewal of Slave Trade.

A few days later I had the honour to receive your Lordship's despatch No. 4 of the 25th of April last; and yesterday I communicated to Senhor Saraiva the information received by the Admiralty from Captain Hornby, that the slave-dealers on the West Coast of Africa expect that a renewed demand for slaves will shortly be made to them for exportation to Brazil.

His Excellency stated that he did not believe there was the slightest foundation for this expectation on the part of the slave-dealers in Africa, but at the same time he begged me to thank your Lordship for communicating this information to him, and repeated that the Government constantly impressed upon the authorities the necessity of using their best efforts to prevent any slaves from being landed on the coast, and that he did not believe there was the slightest danger that any attempt to do so would be successful.

I have, &amp;c.

(Signed) EDWD. THORNTON.

No. 55.

*Mr. Thornton to the Earl of Clarendon.—(Received June 30.)*

My Lord,

*Rio de Janeiro, May 29, 1866.*

THE monks of the Benedictine order established in this Empire have declared that all children born of their slaves since the 3rd instant, and hereafter, shall be free, and that they will themselves provide for the maintenance and education of these children. The Benedictines possess considerable property in this country and are the owners of about 2,000 slaves; it is hoped that, as their influence is great, the example they have thus

\* Class A. No. 60.



given of a gradual abolition of slavery will be followed by the other religious orders and even by private individuals.

I have, at the same time, to transmit to your Lordship a list of slaves belonging to the Carmelite monks, which have been let by them for a term of twenty years to two brothers of the name of Brandão. The price to be paid by these persons is 3,500 milreis (about 393*l.* 15*s.*) per annum. The list contains the sum at which each slave is valued, and the price at which some of them are let by the month, and in the translation, which is also inclosed, these amounts are reduced to sterling. Your Lordship will perceive that the annual rent of 393*l.* 15*s.* paid by the lessees is rather less than 10 per cent. upon the value of the slaves, but that the price for which only a portion of these slaves are relet, and which is 1,027*l.* 18*s.* per annum, is nearly three times as much; so that although the Carmelite monks receive a good interest upon their property, the lessees have made a most lucrative contract.

It seems that in consequence of great carelessness and maladministration of their property, the Carmelite monks were in great pecuniary embarrassments; a Visitor was therefore named by Monseigneur Sanguigni, His Holiness' Internuncio to this Court, and it was at the instance of the former that the above-mentioned contract was entered into.

I have, &c.  
(Signed) EDWD. THORNTON.

Inclosure in No. 55.

TABLE showing the Number of Slaves, the property of the Convent of the Carmelites in Santos, and belonging to the Contract of Lease made by the Apostolic Visitor of the Carmelite Province of Rio, Fra José Damasio de S. Vicente Ferreira, to Dr. Joaquim Eduardo Leite Brandão and his brother Prudencio Augusto Brandão.

No.	Names.	Ages.	Price at which they were Valued.			Monthly hire of those who are serving in different families in the City of Santos.				
			Milreis.	£	s.	d.	Milreis.	£	s.	d.
1	Sinforosa .. ..	Years.	Milreis.	£	s.	d.	Milreis.	£	s.	d.
2	Anna, parda .. ..	70	100	11	5	0	—	—	—	—
3	Silveria .. ..	65	150	16	17	6	—	—	—	—
4	Gabriel .. ..	60	200	22	10	0	12	1	7	0
5	Bento .. ..	60	200	22	10	0	—	—	—	—
6	Antonio Cardoso .. ..	60	300	33	15	0	15	1	13	9
7	Alexandre .. ..	60	150	16	17	6	—	—	—	—
8	Eufrozina .. ..	55	350	39	7	6	—	—	—	—
9	Elias .. ..	50	300	33	15	0	15	1	13	9
10	Manoel, pardo .. ..	50	250	28	2	6	—	—	—	—
11	Cecilia .. ..	50	400	45	0	0	—	—	—	—
12	Margarida .. ..	45	250	28	2	6	—	—	—	—
13	Victorino .. ..	42	550	61	17	6	13	1	9	3
14	Maria do Carmo .. ..	42	650	73	2	6	20	2	5	0
15	Domingas .. ..	40	600	67	10	0	18	2	0	6
16	Leopoldina .. ..	40	700	78	15	0	18	2	0	6
17	Benedicta .. ..	30	600	67	10	0	18	2	0	6
18	Claudina .. ..	28	800	90	0	0	18	2	0	6
19	Manoel, pequeno .. ..	28	700	78	15	0	—	—	—	—
20	Maria Simoa .. ..	27	900	101	5	0	25	2	16	3
21	Joanna .. ..	27	700	78	15	0	18	2	0	6
22	Custodia .. ..	27	800	90	0	0	18	2	0	6
23	Florencia .. ..	26	850	95	12	6	18	2	0	6
24	Benedicta .. ..	26	700	78	15	0	18	2	0	6
25	Fausta .. ..	26	650	73	2	6	—	—	—	—
26	Maria da Conceição .. ..	26	700	78	15	0	18	2	0	6
27	Baldwina .. ..	25	800	90	0	0	18	2	0	6
28	Manoel de Una .. ..	24	700	78	15	0	20	2	5	0
29	Francisca, fulo .. ..	24	250	28	2	6	16	1	16	0
30	Julia .. ..	22	600	67	10	0	18	2	0	6
31	Maria .. ..	22	800	90	0	0	18	2	0	6
32	Rufina .. ..	22	800	90	0	0	18	2	0	6
33	Marcianna .. ..	22	500	56	5	0	18	2	0	6
34	Antonio, pequeno .. ..	20	400	45	0	0	8	0	18	0
35	Pedro .. ..	20	800	90	0	0	25	2	16	3
36	Maria dos Reis .. ..	20	600	67	10	0	20	2	5	0
37	Gabriella .. ..	18	700	78	15	0	18	2	0	6
38	Firmino .. ..	18	700	78	15	0	—	—	—	—
		17	1,000	112	10	0	18	2	0	6

No.	Names.	Ages.	Price at which they were Valued.			Monthly hire of those who are serving in different families in the City of Santos.				
			Milreis.	£	s.	d.	Milreis.	£	s.	d.
39	Eduardo .. ..	17	1,000	112	10	0	16	1	16	0
40	Eugracia .. ..	16	700	78	15	0	18	2	0	6
41	Joaquim, pardo .. ..	16	600	67	10	0	16	1	16	0
42	Paulino .. ..	16	600	67	10	0	18	2	0	6
43	Benedicta .. ..	16	800	90	0	0	16	1	16	0
44	Thomé .. ..	16	600	67	10	0	—	—	—	—
45	José, idiota .. ..	16	200	22	10	0	—	—	—	—
46	Joaquim .. ..	15	600	67	10	0	14	1	11	6
47	Josephina .. ..	15	800	90	0	0	15	1	13	9
48	Mathilde .. ..	15	700	78	15	0	15	1	13	9
49	Maria .. ..	15	700	78	15	0	16	1	16	0
50	Laurindo .. ..	15	600	67	10	0	15	1	13	9
51	Sára . .. ..	15	450	50	12	6	10	1	2	6
52	Severiano .. ..	14	550	61	17	6	14	1	11	6
53	Virgilio .. ..	13	500	56	5	0	12	1	7	0
54	Leonardo .. ..	13	450	50	12	6	16	1	16	0
55	José .. ..	13	450	50	12	6	14	1	11	6
56	Cypriano .. ..	13	600	67	10	0	12	1	7	0
57	João .. ..	13	500	56	5	0	—	—	—	—
58	Manoel, fulo .. ..	12	500	56	5	0	12	1	7	0
59	Appolinaria .. ..	12	400	45	0	0	8	0	18	0
60	José . .. ..	11	450	50	12	6	8	0	18	0
61	Maria, mulata .. ..	11	350	39	7	6	12	1	7	0
62	Maria .. ..	9	300	33	15	0	—	—	—	—
63	Germano .. ..	8	300	33	15	0	—	—	—	—
64	Bruno .. ..	7	300	33	15	0	—	—	—	—
65	Egydio .. ..	7	250	28	2	6	—	—	—	—
66	Simão .. ..	7	250	28	2	6	—	—	—	—
67	Benedicta .. ..	7	300	33	15	0	—	—	—	—
68	Catharina .. ..	6	300	33	15	0	—	—	—	—
69	Henrique .. ..	6	200	22	10	0	—	—	—	—
70	Leosario .. ..	3	150	16	17	6	—	—	—	—
71	João .. ..	3	150	16	17	6	—	—	—	—
72	Brasílio .. ..	3	150	16	17	6	—	—	—	—
73	Maria .. ..	2	80	9	0	0	—	—	—	—
74	Tecla .. ..	Months. 16	80	9	0	0	—	—	—	—
75	Francisca .. ..	Year. 1	100	11	5	0	—	—	—	—
76	Candida .. ..	Months. 9	100	11	5	0	—	—	—	—
77	Rita . .. ..	6	80	9	0	0	—	—	—	—
78	Recem nascida .. ..	..	50	5	12	6	—	—	—	—
	Total .. ..	..	37,440	4,212	0	0	754	84	16	6

## No. 56.

*Mr. Thornton to the Earl of Clarendon.—(Received August 3.)*

My Lord,

*Rio de Janeiro, June 27, 1866.*

WITH reference to my despatch of the 29th May I have the honour to inform your Lordship that His Majesty the Emperor of Brazil has presented to the Prior of the Order of the Benedictines in this country a diamond snuff-box in testimony of His Majesty's appreciation of the measure taken by that Order for the freedom and education of the children of their slaves born since the 3rd of May last and hereafter.

His Imperial Majesty loses no opportunity of encouraging such ideas amongst his subjects, and, as far as the limited means at his disposal permit it, constantly pays from his own purse for the freedom of deserving slaves.

I have, &c.

(Signed) EDWD. THORNTON.

## No. 57.

*Mr. Thornton to Lord Stanley.—(Received December 3.)*

(Extract.)

*Rio de Janeiro, November 3, 1866.*

A FAIR proportion of the troops have been already despatched to the seat of war. No great alacrity is, however, shown by those of the National Guard who are drawn in

obeying the orders issued, and substitutes are sought for with the greatest eagerness. The general price of these has risen to 1,500 milreis (156*l.*), but I have heard of one instance in which 1,800 milreis (187*l.*) was given.

The consequence of this high price is that several slaves have offered themselves, have been accepted, have purchased their freedom and have enrolled themselves. In some instances the owners of slaves have given their liberty to one or two, on condition of their joining the army, and a large meeting of slaveholders was held a few days ago at Pelotes, in the Province of Rio Grande do Sul, for considering the best means of encouraging the granting of their freedom to those slaves who would join the army. Several of the slave-owners who were present at this meeting offered to give each of them four slaves for that purpose.

I have not yet been able to discover what number of slaves may have obtained their freedom on the above conditions.

No. 58.

*Mr. Thornton to Lord Stanley.—(Received January 1, 1867.)*

My Lord,

*Rio de Janeiro, December 7, 1866.*

ABOUT a month ago His Majesty the Emperor, with the consent of his Ministers, resolved to grant their freedom to such of the slaves under his control as would agree to serve as soldiers during the present war against Paraguay.

These slaves, who are about 3,000 in number, are not actually the property of His Majesty; he merely has a right to their labour; they belong, properly speaking, to the nation, His Majesty himself holding no slaves of his own property.

Up to the 1st instant 249 of these slaves had received their freedom, and had enlisted as soldiers.

As the Emperor had also granted freedom to the wives and children of these men, the whole number of those who have become free by this means may be considered to be about 700.

By a Decree of the 6th ultimo, translation of which I have the honour to inclose, the Brazilian Government have also granted gratuitous freedom to those of the slaves of the nation, who will consent to serve as soldiers during the present war, as also to their families. These slaves are about 1,000 in number; but as they are all in distant parts of the country, the Government have not yet received any information as to the proportion of them who would be willing to serve.

Some other slaves have been purchased, and their freedom granted them by private individuals liable to the conscription, on condition of their serving as substitutes for their purchasers in the army. The number of those enrolled under this head up to the 1st instant was 173. But in this case the families of the freed slaves have not obtained their freedom.

I hope soon to have a report of the number freed on the same conditions in the province of Rio Grande, where subscriptions are being raised for the purpose by the most influential people of the province.

It is not to be supposed that these freed slaves will be very valuable as soldiers, but I look upon the fact with satisfaction as a step towards a general emancipation, the feeling in favour of which is gaining ground every day.

The whole number of slaves already freed in the manner above mentioned are certainly not many, but they represent more than their actual number, because they are all young, and amongst them are many young women.

The example shown by the Emperor and his Government, will, it is hoped, exercise a salutary influence upon other individuals and corporate bodies, and I am told that a considerable amount of moral pressure has been brought to bear upon the religious orders to induce them to take a similar step. The Benedictines possess about 3,000 slaves, many of whom, I understand, are almost white.

I have, &c.  
(Signed) EDWD. THORNTON.

Inclosure in No. 58.

*Acts of the Executive Power.*

(Translation.)

*Decree No. 3,725 A of November 6, 1866.*

Grants gratuitous Freedom to the Slaves of the Nation designated for the service of the Army.

IT is my will to order that freedom be gratuitously granted to those slaves of the nation, who are in a condition to serve in the army, in order that they may take service therein, and being married, the same benefit shall be extended to their families.

Let Zacarias de Goes e Vasconcellos, Member of my Council, Senator of the Empire, President of the Council of Ministers, Minister and Secretary of State for Finance, and President of the Tribunal of the National Treasury, so understand, and order it to be put in execution.

*Palace of Rio de Janeiro, November 6, 1866,*

*45th year of the Independence and of the Empire.*

With the sign-manual of His Majesty the Emperor.

(Signed) ZACARIAS DE GOES E VASCONCELLOS.

BRAZIL. (Consular)—Bahia.

No. 59.

*Acting Consul Morgan to Earl Russell.—(Received February 3, 1866.)*

My Lord,

*Bahia, December 30, 1865.*

I HAVE the honour to transmit herewith the half-year's Return of prices of slaves in this city.

I have, &c.

(Signed) JOHN CHAS. MORGAN.

Inclosure in No. 59.

RETURN of the Prices of Slaves within the District of the Consulate of Bahia at the respective times undermentioned.

	For the half-year ending June 30, 1865.		For the half-year ending December 31, 1865.	
	Currency.	Sterling.	Currency.	Sterling.
	Reis.	£ s. d.		
African Males . . . . .	1,500,000	162 10 0	} Without alteration.	
" Females . . . . .	1,000 000	108 6 8		
Creole Males . . . . .	1,200 000	130 0 0		
" " with profession . . . . .	2,000 000	216 13 4		
" " Females . . . . .	800 000	86 13 4		

*British Consulate, Bahia, December 30, 1865.*

(Signed) JOHN CHAS. MORGAN, *Acting Consul.*

No. 60.

*Acting Consul Morgan to the Earl of Clarendon.—(Received August 3.)*

My Lord,

Bahia, June 30, 1866.

I HAVE the honour to transmit herewith the half-yearly return of prices of slaves in this city.

I have, &c.  
(Signed) JOHN CHAS. MORGAN.

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Inclosure in No. 60.

RETURN of the Prices of Slaves within the District of the Consulate of Bahia at the respective times undermentioned.

Description.	For the Half-year ending 31st December, 1865.		For the Half-year ending 30th June, 1866.	
	Currency.	Sterling.	Currency.	Sterling.
	Reis.	£ s. d.		
African males .. ..	1,500 000	162 10 0	} Without alteration.	
do. females .. ..	1,000 000	108 6 8		
Creole males .. ..	1,200 000	130 0 0		
do. do. with profession ..	2,000 000	216 13 4		
do. females .. ..	800 000	86 13 4		

(Signed) JOHN CHAS. MORGAN, *Consul.*  
*British Consulate, Bahia, June 30, 1866.*

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BRAZIL. (Consular)—Pará.

No. 61.

*Consul Wodehouse to Earl Russell.—(Received February 19, 1866.)*

My Lord,

Pará, December 31, 1865.

I HAVE the honour to inform your Lordship that there has been no renewal of the African Slave Trade within the limits of this Consulate during the quarter ending this day.

I have, &c.  
(Signed) JAMES H. WODEHOUSE.

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## BRAZIL. (Consular)—Rio Grande do Sul.

No. 62.

*Consul Perry to the Earl of Clarendon.—(Received March 5.)*

My Lord,

Rio Grande do Sul, January 18, 1866.

I HAVE the honour to inform your Lordship that there has been no renewal of the African Slave Trade, during the half-year ended on the 31st December within the limits of this province.

I have, &amp;c.

(Signed) GERALD RAOUL PERRY.

No. 63.

*Consul Perry to the Earl of Clarendon.—(Received March 5.)*

My Lord,

Rio Grande do Sul, January 18, 1866.

I HAVE the honour to transmit to your Lordship a Return of the average prices of slaves within the district of this Consulate, for the half-year ended the 31st of December last.

I have, &amp;c.

(Signed) GERALD RAOUL PERRY.

Inclosure in No. 63.

RETURN of the Average Prices of Slaves in the Province of Rio Grande do Sul, for the Half-year ended December 31, 1865.

Description.	Currency.		Sterling.	
	Reis.	Reis.	£	£
Average price of a middle-aged man .. .. .	1,500\$000 to	2,000\$000	150 to	200
African females, middle aged, but able women .. .. .	1,400\$000	1,500\$000	140	150
Young and active negress (highest price) .. .. .	2,000\$000			200
Creole males, according to age and ability .. .. .	320\$000	1,800\$000	32	180
"    knowing trades . . . . .	2,000\$000			200
Children, 5 to 8 years .. .. .	700\$000			70
"    8 to 12 years .. .. .	1,200\$000			120
"    12 to 14 years .. .. .	1,400\$000			140

Exchange, 24d. per milrei.

*British Consulate, Rio Grande do Sul, January 18, 1866.*(Signed) GERALD RAOUL PERRY, *Consul.*

No. 64.

*Consul Perry to the Earl of Clarendon.—(Received August 31.)*

My Lord,

Rio Grande do Sul, July 12, 1866.

I HAVE the honour to inform your Lordship that there has been no renewal of the African Slave Trade within the limits of this Consulate during the half-year ending the 30th of June, 1866.

I have, &amp;c.

(Signed) GERALD RAOUL PERRY.

## COMORO ISLANDS.

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No. 65.

*Consul Sunley to Earl Russell.—(Received January 15, 1866.)*

My Lord,

*Johanna, November 8, 1865.*

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 23rd June last, in which I am instructed to express to the Sultan the regret of Her Majesty's Government at the conduct of His Highness in permitting the introduction of slaves into his dominions, in violation of his Treaty engagements, and to give him distinctly to understand that Her Majesty's Government will hold him responsible for a fulfilment of his Treaty obligations for the suppression of the Slave Trade.

I will obey your Lordship's instructions, and take the first opportunity of communicating them to the Sultan.

I have again to report the arrival of two dhows at the town of Johanna in July and August last, with about 200 slaves.

I have been expecting the Senior Officer here, and was waiting his arrival to tell the Sultan plainly that if he would not stop the introduction of slaves into Johanna measures would be taken to do so, which would cause him to regret his disregard of the Treaty which he had made for the suppression of the Slave Trade.

I have, &c.  
(Signed) WM. SUNLEY.

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No. 66.

*Consul Sunley to Earl Russell.—(Received January 15, 1866.)*

My Lord,

*Johanna, November 8, 1865.*

I HAVE the honour to acknowledge the receipt on the 1st instant of your Lordship's despatch of the 23rd of June last, acquainting me, that as my interests will not permit me to give up the employment of slaves on my estate, that on the 30th September last my name would be struck off the Consular list, and my salary as Her Majesty's Consul for the Comoro Islands would cease.

Your Lordship also informs me that you believe that I have done much to promote the welfare and prosperity of the labouring classes in Johanna, both free and slave; but that it is impossible, as your Lordship has already explained to me, that Her Majesty's Government can tolerate the employment of slaves by an officer holding Her Majesty's Consular commission.

It is very gratifying to me to know that your Lordship believes that the labouring classes in Johanna have benefited by my example and enterprize; yet it is not with feelings of indifference that I learn that I am no longer Her Majesty's Consul, after having held the Consular commission for so many years.

I have, &c.  
(Signed) WM. SUNLEY.

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No. 67.

*Consul Sunley to Earl Russell.—(Received May 19.)*

My Lord,

*Johanna, January 2, 1866.*

I HAVE the honour to report that no slaves have been brought to Johanna since the arrival of the two dhows reported in my despatch of November last, and that I have not heard of any dhows with slaves arriving at Mohilla and Comoro.

The Slave Trade on the West Coast of Madagascar was actively carried on until October last, when the Hova Government threatened to punish with fine and mutilation any one caught landing slaves in the Hova possessions. I received this information from an Arab, who had, I believe, been engaged in carrying slaves to the West Coast of Madagascar.

The number of slaves landed in the territories of the Sakalaves is comparatively small.

I have, &c.  
(Signed) WM. SUNLEY.

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## EGYPT.

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No. 68.

*The Earl of Clarendon to Lieutenant-Colonel Stanton.*

Sir,

*Foreign Office, February 28, 1866.*

I TRANSMIT to you herewith extracts of letters, dated the 18th of October and 12th of July last from Khartoum and the eastern frontiers of Egypt, bordering on Abyssinia, relative to the Slave Trade on the White Nile.

I should be glad to receive from you a Report upon the statements contained in these letters.

I should wish further to know what steps have been taken by the Egyptian Government to put a stop to this abominable traffic, and particularly whether you think the Egyptian Government or Authorities are inculpated; and in any case I have to desire that you will report to me your opinion as to the mode in which we might best proceed to put a stop to the horrible state of things which undoubtedly exists on the White Nile.

I am, &c.

(Signed) CLARENDON.

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Inclosure 1 in No. 68.

*Memorandum by Mr. Arthington.*

*January 31, 1866.*

THESE extracts from letters I have copied with diligence expressly for Earl Russell's perusal, and I earnestly hope and pray that that honoured nobleman will, under God's directing providence, energetically apply himself to free Eastern Africa from these vile men (the White Nile slave-traders), and the horrid, most distressing practices of slavery. This abominable system of most wicked cruelties of man-stealing hinders us from planting mission stations promptly along the Upper Nile, and sweeping with the glorious Gospel of Christ (which is intended for all mankind), around Victoria Nyanza, through the interesting kingdom of Rumaniki in Karagwe, even forward in an eastward direction to the coast of Africa.

For full authentication as to statement of facts, and for further particulars, I refer Earl Russell to Dr. Krapf, Kornthal, Stuttgart, Würtemberg.

I give my address, "Robert Arthington, Leeds."

Dr. Krapf does not know of my sending these extracts at once and direct to Earl Russell.

R. A.

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Inclosure 2 in No. 68.

*Extracts of Letters written from Khartoum and the Eastern Frontiers of Egypt.*

*From the Eastern Frontier of the Egyptian Territory,  
near Abyssinia, July 12, 1865.*

CONCERNING the state of things in this region I have to give you the melancholy news that in the course of the present year thousands of slaves have been purchased before our eyes, and sent viâ Gadarif to Khartoum, or to Souakin and Suez. This abominable Traffic is, of course, being carried on not since to-day or yesterday, but it has never been in such a flourishing state as at the present moment. But the worst is that it is carried on not without the knowledge of the Egyptian Government and the European Consuls. Yea, the highest persons in Egyptian office are frequently the greatest slave-traders, who, it is true, do not carry on this business in their own persons, but by means of their numerous

agents, who are most zealous in this matter. If at any time a civil officer takes some steps against this highly forbidden trade in human flesh, he assumes this seeming attitude only in order to exact an extraordinary sum of money from the slave-traders; but slaves remain slaves, or rather cattle as they are called in these countries.

In the present year the Slave Trade has so much improved that, according to reliable information, already two-thirds more of slaves have been sold than in other years, and yet we see still day by day companies of 30, 50, and 100 slaves passing our premises and carried abroad.

But the most painful matter is this: among the thousands of poor pagans there are hundreds of Christians, chiefly children, who have been not only torn away from their parents and delightful homes, but who are also estranged from their religion. This falls frequently to the lot even of grown-up persons. Only a short time ago a youth as well as a woman with two children were sold, and dragged away in spite of their public profession of Christianity, and notwithstanding the strenuous remonstrance of Mr. \_\_\_\_\_.

I do not know whether it is more the expression of chagrin at my own weakness, or of anger at the sleepiness and indifference of European Governments, *i. e.*, of their Representatives, which actuates my mind. What is the use of all the Treaties and documents of paper, when a company of fifty men would be able to guard men and their rights against the outrages of the slave-dealers.

Much that is nice and consoling may, indeed, be written from Cairo to Europe, but it is a matter of fact that you may find and purchase as many slaves as you like at Boulak, in the immediate vicinity of Cairo. It is as if the handsome presents, such as steamers, carriages, and country houses which are presented in high quarters to influential foreigners were calculated to stop their mouth in reference to the foul point of slavery. There is no question but that the Christian great Powers need only wink and supply a single European with sufficient authority, and the trade with human flesh would, at least in this quarter, once for all be virtually abolished.

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*From Khartoum, October 18, 1865.*

THE White River has for many years been the high road of slavery from the interior, and the place of the most horrid scenes, of which people in Europe have no idea. Down to the 6th and 4th degrees north latitude, the white man is an object of hatred, and everybody shuns him. In consequence of this, vast tracts of countries which were once in a flourishing state have now become desolate; the poor blacks have retreated into the interior, where they lead a nomadic life, making themselves slaves, or being enslaved, and sent down the Nile. In those extensive tracts of countries, *viz.* from 12 to 4 degrees north latitude, the merchants of Khartoum have erected their establishments, in which they keep throughout the year a great number of soldiers, being their hunters of elephants, but more especially of slaves.

Last year entire ship cargoes of this "article" were brought to Khartoum. One single barque (50 to 60 feet in length, and 10 in breadth) contained about 900 blacks, who were hunger-starved and mere skeletons. These establishments are the chief obstacles of Christian missions. They have forced the Roman Catholic missionaries to quit their stations, which had cost them enormous sums of money. Without a powerful escort and armament, and especially without the energetic measures of the Egyptian Government, there is no possibility of founding mission stations. Suppose we had much money at our disposal and built, at a suitable locality, a small but solid fortress, we might establish a mission station, but a considerable time would elapse until the pagan neighbours would trust us, as they hate the white man like a devil. But the slave-traders would not allow us to proceed so far, for they are deadly opposed to the missionaries, who by repeated writing to Europe might prevail upon Christian Governments to put a stop to the wicked slave business. To avert this calamity the traders leave nothing untried. They set tribe after tribe against the missionaries; the most revolting abominations are practised, and the connection of the missionaries with the Lower Nile stations is cut off.

Lately we were called upon by an Italian who had been several years in the Upper Nile regions; he told us some instances of the cruelties which the Turks and whites are committing against the natives. One day a company of soldiers returned from a slave catching expedition. The best and handsomest negroes were first selected and destined for the transport to Khartoum, whilst the old and weak ones were thrown away, being good for nothing and not worth feeding. The Italian saw with his own eyes how the white monsters were ripping up the belly of an elderly woman, tearing her into pieces and throwing these pieces as food at the feet of her own children, who had to look on during the whole diabolical proceeding.

Further southward, from the 5th and 4th degrees, missionary stations might be located, as Europeans and Turks seldom do reach those quarters. The tribes of Nyam-Nyams are described as good-natured and intelligent. Their climate is also superior to that of Kordofan, &c. ; but how shall we get at those regions, how commence and maintain a mission in those latitudes? Without having a vessel of our own we cannot make the journey, as slave-vessels do not generally proceed so far, and as missionaries could not travel in company with such diabolical persons.

No. 69.

*Colonel Stanton to the Earl of Clarendon.—(Received May 23.)*

My Lord,

*Alexandria, May 9, 1866.*

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 28th February last, transmitting extracts of letters from Khartoum and the eastern frontier of Egypt bordering on Abyssinia relative to the Slave Trade on the White Nile, and dated the 18th October and 12th July last, and in obedience to your Lordship's instructions beg to submit the following remarks on the subject:—

The statements contained in these extracts are, I fear, in general but too correct, and from all I can gather on the subject of the Slave Trade, the White Nile traders (nominally ivory traders) are the persons on whom the responsibility of this abominable Traffic must principally rest. I have heard it stated, and firmly believe the assertion, that not a tusk of ivory reaches Khartoum that has not been obtained by robbery and murder, the ivory-hunters being literally slave-hunters, who procure their ivory by giving slaves or stolen cattle in exchange; and I have reason to believe that large tracts of country on the White Nile have now become desolate in consequence of the inroads of these traders.

There appears also, my Lord, no doubt that, though the White Nile is the chief source of supply for the Slave Trade, other routes from the interior are open for this Traffic, and that lately the Slave Trade has much increased on the Blue Nile. The slaves are taken from the Gallas and other tribes situated to the south and south-east of Abyssinia, and conveyed through the latter country to Metemma on the Egyptian frontier. I have heard the number of slaves who passed through Metemma into Egypt within the last twelve months estimated at 10,000. Another slave caravan comes direct from Darfour to Siout, by the Wah-el-Gharbee, and another and still more important one from Kordofan to Berber.

But Khartoum, situated as it is at the junction of the two great streams, must be considered as the head-quarters of the slave-dealers, and is, as it appears to me, the spot to which the efforts that may be taken for the suppression of this Traffic should be chiefly directed.

The Egyptian Government has stationed steamers on the river, and has established posts of inspection to examine boats coming down the river, but the check is merely nominal and, I fear, only adds to the miseries of the slaves themselves. The boats having slaves on board are kept informed as to the movements of these steamers, and, by sending their slaves into the country, escape any danger that might have threatened them had they been discovered with their cargo on board. The same method is employed for evading the inspections of the fixed stations, the slaves being landed and sent by a desert road, whilst the boats drop down the river, re-embarking their slaves when beyond the reach of the stations; and the lukewarmness or complicity of the officials render the orders existing for the suppression of this Trade a dead letter.

It is difficult to state how far the local Government itself may be directly implicated in this Traffic, but this careless method of carrying out its orders leaves it open to very grave suspicion. It is an undoubted fact that slaves are still sold (though not openly) in Cairo and other towns of Egypt, and it is difficult to believe that the orders against slavery are intended to be strictly carried out.

It may be urged that the institution of slavery being admitted by the Mahometan religion, it is by no means an easy task to eradicate the Traffic in Mussulman countries; and this is, I believe, my Lord the only ground of defence open to the authorities for this tacit approval of the Slave Trade.

With regard to your Lordship's desire that I should report my opinion as to the mode in which we might best put a stop to the horrible state of things which undoubtedly exists on the White Nile, I feel much diffidence in offering an opinion on the subject, but would venture to submit to your Lordship that the appointment of a British Consular or other competent officer at Khartoum (the head-quarters of the slave-dealers), who should have no connection whatever with the trade of the place, but who should be placed

in a position of sufficient independence to enable him to influence the Governor-General and other officers of the Upper Provinces, in the proper execution of the duties intrusted to them, might be the means at least of materially checking, if not indeed of eradicating, this odious Traffic, and would at the same time, whilst stimulating the local authorities to increased exertion, by the conviction that their actions would be watched and reported, should the occasion for such report present itself, prevent the use of the British flag or the British name in connection with this horrible Traffic, and prevent a recurrence of the scandals to which the White Nile trade has unfortunately given rise.

I would also, my Lord, suggest a close and vigilant watch being kept on the ports of Massowah, Suakin, and Cosseir, from which slaves continue to be exported to the Arabian Coast and to Suez.

To put an end completely to the Slave Trade in these regions would probably require a cordon to be drawn from Massowah on the east, following the southern Egyptian frontier, and thence to Khartoum and the desert route on the west. But such a measure is, I fear, at present impracticable, and therefore I believe, my Lord, the only available means at present of checking the trade, is the suggested appointment at Khartoum.

The British Agent at this point might also direct his attention to ascertaining the possibility of organizing a coalition of the tribes along the line indicated above against this Traffic. Such a coalition would have the twofold advantage of promoting commerce in these at present disorganized regions, and of putting an end, in good earnest, to the Slave Trade in this country.

I have, &c.  
(Signed) EDWD. STANTON.

## FRANCE.

No. 70.

*The Earl of Clarendon to Earl Cowley.*

My Lord,

*Foreign Office, January 20, 1866.*

I TRANSMIT, for your Excellency's information, copies of a despatch and its inclosures from the Governor of the Gambia, which have been communicated to me by the Secretary of State for the Colonies, containing information respecting the progress of the French expedition under the Governor-General of Senegal against the Mahomedan Chief and prophet, Mabah.

I am, &c.  
(Signed) CLARENDON.

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Inclosure I in No. 70.

*Governor d'Arcy to Mr. Cardwell.*

Right Honourable Sir,

*Bathurst, Gambia, December 23, 1865.*

IN connection with Mr. Primet's despatch of the 22nd November, 1865, I have the honour to forward the original official accounts received from Colonel La Prade, Governor-General of the Senegal, detailing the results achieved by the force under his Excellency's command, in a campaign against the prophet Mabah.

It is reported, and generally believed by the merchants and traders of this town, that the success of the expedition was not quite so triumphant as given by these official accounts; it was of a more varied character; there was much determined fighting on both sides, and Mabah certainly lost two-thirds of his warriors, but the French suffered severely from fever, caused by the very cold nights and hot days, the harmattan wind blowing at this season over the Sahara desert.

M. Pichard, the French Consul, has just called to assure me that the whole country of Baddiboo (called by the French "Rip") is in military occupation of the French volunteers, and that Mabah, a fugitive, is supposed to be dying from elephantiasis, his old malady, aggravated by fatigue and exposure; he, however, is still at large, determined, it is reported, to renew aggressive measures. At the battle of Paonos, he certainly appeared at the head of 2,000 cavalry, drawn up in rear of an entrenched position full of matchlock men.

Commercially this is a very important intelligence. The soil of Baddiboo is of a rich black loamy description, well adapted for the growth of cotton. Politically, the campaign has given the French Colonial Government a leaning on the right bank of the River Gambia, somewhat in contravention of Treaties.

I have, &c.  
(Signed) G. D'ARCY.

The wound received by the Governor-General of the Senegal is serious I fear; as yet the medical men have not been able to extract the ball.

(Signed) G. D'A.

*December 24, 2 P.M.—Mail leaves at 4 P.M.*

Without any doubt the rear-guard of the French army was cut off on one occasion, for Mr. Primet, who has just arrived from Cower in the "Dover," reports having seen a camel there captured by the Marabouts, also a plan of the country sent by Mabah to his friend Salem Jubartie, as a trophy of successful war. The two officers reported as killed,

were shot by Mabah's orders, having been taken prisoners when the rear-guard was surprised by overwhelming numbers. Subsequent to this defeat, the battle of Paonos was fought; the French had 3,000 European soldiers and 10,000 allies in the field.

G. D'A.

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Inclosure 2 in No. 70.

*The French Vice-Consul to Governor D'Arcy.*

M. le Gouverneur,

Bathurst, le 18 Décembre, 1865.

JE me hat d'adresser à votre Excellence des nouvelles officielles de la guerre.

Je suis, &amp;c.

Le Vice-Consul,  
(Signé) DE BAMA.

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*Télégramme Officielle.*

Le Rip est détruit.

Nos 10,000 volontaires sont répandus dans les pays où commandait Maba.

Nous avons eu une sanglante bataille à Paonos le 30 Novembre. Les troupes ont été admirables.

MM. Crozier et Charbonnée ont été tués. Cinq officiers ont été blessés. J'ai reçu moi-même une balle à l'épaule gauche. Nous avons eu trente-deux sous-officiers et soldats tués, une cinquantaine de blessés.

Les bandes de Maba ont été écrasées, ce qu'il en reste est dispersé. Le succès et la campagne est complet.

(Signé) LINET LA PRADE, *Commandant-en-chef.*

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*Ordre du Jour.*

Soldats et Marins !

La campagne du Rip est terminée.

Sortis des rives du Sénégal, vous avez porté noblement le drapeau de la France à travers le Cayn, le Baol, le Line, et le Saloum, pour aller jusque dans le Rip détruire le repaire des brigands de toute la Sénégambie.

Vous avez couronné ces marches longues et pénibles par la glorieuse bataille de Paonos; l'ennemi embarqué dans des positions formidables les a défendues avec ténacité, vous les avez enlevés avec la plus brillante bravure. Ce succès nous a coûté de nombreuses victimes, mais la gloire ne s'acquiert qu'à ce prix, et d'ailleurs jamais un sang généreux n'a été versé pour une cause plus noble.

Honneur à ceux qui sont morts à Paonos !

Soldats et Marins, il sera rendu compte de votre belle conduite à Sa Majesté l'Empereur : vous savez combien il apprécie et récompense le dévouement et la valeur.

Kaolack, le 7 Décembre, 1865.

(Signé) LINET LA PRADE, *Commandant-en-chef.*

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No. 71.

*The Earl of Clarendon to Earl Cowley.*

My Lord,

Foreign Office, February 13, 1866.

I TRANSMIT to your Excellency copies of a despatch, and its inclosures, from Mr. Pakenham, Her Majesty's Consul in Madagascar,\* written from Réunion, reporting that two French subjects, Messrs. Kolombelo and Louis, of Réunion, have lately purchased slaves on the South-West Coast of Madagascar, and introduced them into Réunion.

I have consequently to instruct your Excellency to bring this subject to the notice of M. Drouyn de Lhuys, and to express the earnest hope of Her Majesty's Government that whilst Slave Trade is being extinguished in other parts of the world, it may not be allowed to revive in the islands of the Indian Ocean.

I am, &amp;c.

(Signed) CLARENDON.

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\* No. 77.

No. 72.

*The Earl of Clarendon to Earl Cowley.*

My Lord,

*Foreign Office, February 24, 1866.*

WITH reference to my despatch of the 13th instant, instructing your Excellency to bring to the notice of the French Government the proceedings of certain French subjects in purchasing slaves in the Island of Madagascar, and introducing them as labourers into Réunion, I transmit to you, herewith, a copy of a further despatch on this subject from Mr. Pakenham, Her Majesty's Consul in Madagascar,\* and I have to instruct your Excellency to communicate the substance of this report to M. Drouyn de Lhuys.

I am, &amp;c.

(Signed) CLARENDON.

No. 73.

*The Earl of Clarendon to Earl Cowley.*

My Lord,

*Foreign Office, March 24, 1866.*

I TRANSMIT herewith, for your Excellency's information, a copy of a letter addressed to the Secretary of the Admiralty by Acting Commander Latham, of Her Majesty's ship "Vigilant,"† reporting the circumstances under which the boats of that vessel boarded the French dhow "Lord Byron" off the Island of Tumbat.

I am, &amp;c.

(Signed) CLARENDON.

No. 74.

*The Earl of Clarendon to Earl Cowley.*

My Lord,

*Foreign Office, April 14, 1866.*

WITH reference to my despatches dated the 13th and 24th of February last, I transmit herewith to your Excellency copies of two further despatches from Her Majesty's Consul in Madagascar,‡ relative to the purchase of slaves by French subjects in that island and in the Island of Mohilla, and their introduction as free labourers into the French colonial possessions in the Indian Ocean.

Her Majesty's Government have been for some time past aware that slaves in considerable numbers have been exported from the mainland of Africa to Madagascar, and also to the Comoro Islands, in contravention of the Treaty engagements existing between Her Majesty's Government and the ruling Chiefs of those countries, and there can be no question that a considerable impetus will be given to this Traffic, if it has not, indeed, been called into existence by the proceedings of French agents in purchasing the services of these slaves for French Colonies.

There will not yet have been time for any answer to have been received by the French Government to the inquiries which they will doubtless have instituted on receipt of the information communicated by your Excellency in February last: but in bringing to the notice of the Imperial Government the substance of the reports now inclosed, your Excellency will state to M. Drouyn de Lhuys that Her Majesty's Government feel sure that the present state of things, and its consequences, as reported by Mr. Pakenham, cannot be known to the French Government; and you will express the earnest hope of Her Majesty's Government that, if the result of the French inquiries should prove Mr. Pakenham's information to have been well founded, immediate steps will be taken to put a stop to a system of recruiting labourers which encourages and perpetuates the Slave Trade, and leads to such deplorable results in the interior and on the coasts of Eastern Africa.

I am, &amp;c.

(Signed) CLARENDON.

\* No. 78.

† Class A, No. 77.

‡ Nos. 77 and 80.

No. 75.

*Earl Cowley to Lord Stanley.—(Received September 18.)*

My Lord,

*Paris, September 18, 1866.*

ON the receipt of Lord Clarendon's despatches of the 13th and 24th of February last, on the subject of slaves said to be purchased by French agents in Madagascar for transport to the Island of Réunion, I addressed two notes to M. Drouyn de Lhuys, of which I have the honour to inclose copies.

This morning M. de Lavalette placed in my hands a *note verbale*, of which a copy is likewise inclosed, in which it is stated that the information furnished to Her Majesty's Government is completely erroneous. For more than two centuries intercourse has existed between the southern part of Madagascar and the Island of Réunion. A certain number of Malagasy come to Réunion to establish themselves there, amass a little money, and then return to their own country without any opposition being made by the authorities of the island either to their arrival or to their departure. On his arrival in Réunion every Malagasy is at once conducted to an office where a searching inquiry is instituted with reference to the circumstances of his journey; and where it is explained to him that if he was embarked against his will, or even if he repents his determination to settle temporarily in the island, he will be sent back to his country free of expense; but that if he persists in his intention to remain in the island, he must, according to police regulations, engage his services to some planter. No engagement takes place until this formality has been complied with.

The *note verbale* concludes with the remark that it is to be regretted that the British Consul at Madagascar should have presented these proceedings to Her Majesty's Government in the light of disguised acts of Slave Trade, for his long residence in Réunion should have made him better acquainted with the precautions taken by the authorities of the island for the protection of the liberty of all Malagasy who come there.

I have, &c.  
(Signed) COWLEY

Inclosure 1 in No. 75.

*Earl Cowley to M. Drouyn de Lhuys.*

M. le Ministre,

*Paris, February 20, 1866.*

INFORMATION having been received from Her Majesty's Consul at Madagascar that two Frenchmen, Kolombelo and Louis, natives of Réunion, have lately been engaged in the purchase of slaves on the south-east coast of Madagascar, in the neighbourhood of Fort Dauphin, from whence they have already exported 50, with a view, apparently, to their introduction as labourers into the Island of Réunion, I have been instructed to bring this subject to the notice of your Excellency, and to express the earnest hope of Her Majesty's Government that whilst Slave Trade is being extinguished in other parts of the world, it may not be allowed to revive in the islands of the Indian Ocean.

Her Majesty's Consul in Madagascar has communicated to the Governor of the Island of Réunion the documents connected with this affair.

I avail, &c.  
(Signed) COWLEY.

Inclosure 2 in No. 75.

*Earl Cowley to M. Drouyn de Lhuys.*

M. le Ministre,

*Paris, February 26, 1866.*

IN my note to your Excellency of the 20th instant, I had the honour to bring to the notice of the Imperial Government the proceedings of certain French subjects in purchasing slaves in the Island of Madagascar and introducing them as labourers into Réunion. I have now been instructed to lay before your Excellency the following details on this subject, which have been communicated to the Earl of Clarendon by Her Majesty's Consul at Madagascar.

It appears that Louis Nan and Colombel, both belonging to Réunion, were the parties who carried off the slaves from Madagascar, and that the vessel employed was the French ship "Marie Camille," which anchored at St. Denis on the 15th of December last, with seventeen Malagasy on board, having, it is reported, lost several on the voyage.



It is to be feared that the introduction into Réunion of slaves or labourers from Madagascar as well as from the French Possessions of Mayotte and Nossibi, has been carried on for the last eighteen months. The labourers from Madagascar are for the most part natives of that Island, and are entered in the ship's report as "passagers Malaches," whilst those from Mayotte and Nossibé—generally described as "domestiques" and called "Cafres"—appear to be exclusively from the mainland of Africa, with contracts of service either entered into or legalized at the French port of embarkation. These contracts of service for ten years of both "Malagasy" and "Cafres," are disposed of on their arrival at Réunion at average prices of 600 francs for each adult.

Between the 15th November, 1865, and the 8th January, 1866, four French vessels have arrived at St. Denis from Madagascar, Mayotte, and Nossibi, conveying in all sixty-five labourers.

I avail, &c.  
(Signed) COWLEY.

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Inclosure 3 in No. 75.

*Note Verbale.*

September 15, 1866.

A LA suite des deux lettres en date des 20 et 26 Février dernier par lesquelles M. l'Ambassadeur de la Grande Bretagne avait signalé à l'attention du Gouvernement de l'Empereur certains faits survenus dans la partie sud-est de Madagascar, et que les renseignements du Gouvernement Britannique lui représentaient comme des opérations de Traite, M. le Gouverneur de la Réunion avait été invité à fournir des explications sur ces faits. Il résulte de sa réponse que les informations transmises à Londres étaient complètement erronées. Depuis plus de deux siècles des relations suivies existent entre la partie méridionale de Madagascar et l'Île de la Réunion. Un certain nombre de Malgaches s'établissent temporairement à la Réunion, y amassent un petit pécule et retournent ensuite dans leur pays, sans que l'Administration locale mette plus obstacle à leur arrivée qu'à leur départ. A son entrée dans la colonie chaque Malgache est dirigé, par les soins du service des ports, sur le bureau de police, où, après une enquête sérieuse, on lui fait savoir que s'il a été embarqué contre son gré, ou même s'il regrette sa première détermination, il sera reconduit sans frais dans son pays, tandis que s'il persiste à demeurer à la Réunion il devra, aux termes des règlements de police, s'engager au service d'un habitant. Chaque Malgache reste entièrement libre d'opter entre cet engagement et le rapatriement. Ce n'est qu'après avoir décidé seul et de son plein arbitre qu'il veut contracter un engagement qu'il est admis à le faire régulièrement.

Il est d'autant plus regrettable que M. le Consul d'Angleterre à Madagascar n'ait pas hésité à signaler au Gouvernement Britannique comme opérations de Traite déguisée des faits parfaitement licites, qu'il lui eût été facile, pendant son long séjour à la Réunion, de constater les précautions adoptées et la vigilance déployée par les autorités Françaises pour garantir la liberté des Malgaches qui arrivent dans cette Île.

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No. 76.

*Lord Stanley to Earl Cowley.*

My Lord,

Foreign Office, November 24, 1866.

I TRANSMIT herewith, for your Excellency's information, copy of a despatch and its inclosure from Her Majesty's Consul at Madagascar,\* reporting the circumstances under which a Malagassy labourer took refuge on board the British barque "Aurore," in the harbour of Réunion, and was subsequently sent back to the shore by the Master of that vessel.

As your Excellency has recently been instructed to bring to the notice of the French Government the proceedings of certain French subjects who are reported to have been engaged in procuring labourers for the planters in Réunion by purchasing slaves in the Island of Madagascar, I think it right that the report now received from Mr. Pakenham should not be withheld from the French Government, but your Excellency will observe in communicating these papers to the French Minister, that in the case of this man who took refuge on board the "Aurore," his seizure according to his own showing took place seven years ago.

I am, &c.  
(Signed) STANLEY.

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## MADAGASCAR.

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No. 77.

*Consul Pakenham to Earl Russell.—(Received February 7.)*

My Lord,

*Réunion, St. Denis, January 5, 1866.*

I HAVE the honour to inclose copies of a despatch from the Governor of Mauritius, and of the report therein mentioned, respecting the purchase of slaves, by a French subject, on the south-east coast of Madagascar, a copy of which I had previously received from the Prime Minister.

In consequence of his Excellency's communication, I considered it my duty to write to the Governor here, and I beg to submit herewith a copy of my letter to his Excellency, to which, as yet, I have received no reply. But directly Governor Dupré's answer reaches my hands, I will communicate the same to your Lordship, together with any other circumstances that may come to my knowledge; meanwhile I have placed Mr. Acting Consul Johnston in possession of the information which has reached me.

I have, &c.  
(Signed) T. C. PAKENHAM.

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Inclosure 1 in No. 77.

*The Governor of Mauritius to Consul Pakenham.*

Sir,

*Mauritius, December 26, 1865.*

IN case no communication on the subject should have reached you direct from the Hova Government, I think it my duty to put you in possession of the copy of a Report which the Prime Minister has transmitted to M. Lemière, the Consul for Madagascar here, describing the renewal, by French subjects, of the purchase of men on the south-east coast of that island, with a view, apparently, to their introduction as labourers into Bourbon.

Such, at least, is the explanation which I gathered from M. Lemière, who informed me that he had heard further that four or five ships had left the latter Colony fitted out for this Traffic.

The particulars given in the report are scanty, and the names of the parties engaged may prove difficult of identification; but as it fortunately happens that you are at Bourbon at the moment, I hope you may be able to obtain more precise information.

There can be no doubt, indeed, that on application to the Governor, a searching inquiry will be ordered by his Excellency for the discovery of the perpetrators of these outrages, and that they will receive the punishment they so richly merit.

I have, &c.  
(Signed) HENRY BARKLY.

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Inclosure 2 in No. 77.

*Report.*

(Translation.)

*Vangaindrano, 21 Alkaosy (September to October moon), 1865.*

To Rainilaiarivony, Prime Minister,

LONG life and health to you, as also to the Queen.

The ship brought by Kolombelo and Louis, who stirred up Mamakiandro and the people living in peace at Manambondrona to rebel, as we have previous informed you, have

arrived again and have exported some of the people and imported ammunitions of war. We have been informed of this by some of the inhabitants who have come to us. In the ship were Kolombelo and Louis, Frenchmen from Bourbon. They have carried off in their ship altogether 50 men; and have imported goods and ammunitions of war to Mamakiandro, including 30 barrels of gunpowder, 20 guns, 4 iron pots, 10 looking-glasses, 1 piece of green cloth, 10 penknives, 1 sack of flints, 1 sack of bullets: these they have given as custom dues to Mamakiandro.

To the parents of the 50 men exported by them, they have given 100 guns, 100 barrels of gunpowder, 50 pieces of green cloth, 100 looking-glasses, 250 penknives; also the following barrels of gunpowder have been left with Mamakiandro and the inhabitants:— 2 barrels with Laitsiriry at Vohunalaza, 1 barrel at Soany, 1 barrel at Befeno, 1 barrel at Fenoambany, 1 barrel at Satranoo, 1 barrel at Unkondro, 1 barrel at Ambalafandrana.

This has recently taken place, therefore we inform you as soon as they had imported these things. They departed with their ship. We visit you through this letter and desire to know how you are.

Farewell, Sir,  
(Signed) FAITH RAMANANKIARANA, *9th Honor.*  
And the officers.

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Inclosure 3 in No. 77.

*Consul Pakenham to the Governor of Réunion.*

M. le Gouverneur,

*Réunion, St. Denis, December 30, 1865.*

I HAVE the honour to submit that a report has reached me to the effect that a French subject styling himself Louis, and supposed to belong to Réunion, has lately been engaged in the purchase of slaves on the south-east coast of Madagascar, in the vicinity of Fort Dauphin, from whence he has already exported fifty.

As information of precisely a similar nature has been transmitted to his Excellency the Governor of Mauritius by M. Lemièrre, there would appear some grounds for believing it to be correct; and I therefore consider it my duty to bring the matter under your Excellency's notice, feeling sure that you will cause an inquiry to be instituted into the facts of this case, with a view to the discovery of the guilty parties and, if necessary, to steps being taken to prevent French subjects for the future from committing acts which, I am certain, will be condemned by your Excellency, as tending to results entirely opposed to the enlightened views of the Emperor and the Imperial Government.

I beg to add, that as munitions of war and articles of hardware are said to have been landed from the vessel on board which the slaves were embarked, some clue as to her name may possibly be discovered at the custom-house here.

I have, &c.  
(Signed) T. C. PAKENHAM.

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No. 78.

*Consul Pakenham to the Earl of Clarendon.—(Received February 19.)*

My Lord,

*Réunion, Salazie, January 17, 1866.*

WITH reference to my despatch of the 5th instant, I have now the honour to submit that Governor Dupré has not, as yet, taken any notice of my letter of the 30th ultimo, although on the 8th instant the Government Secretary told me that it had been received and referred to the "Direction de l'Intérieur."

As regards the case mentioned in my former despatch, it would appear that Louis Nau and Colombel, both belonging to Réunion, were the parties who carried off the men from Madagascar and that the vessel employed was the "Marie Camille," a French ship, which anchored at St. Denis on the 15th November last with seventeen Malagasy on board, having, it is reported, lost several on the voyage.

From inquiries which I have made, I fear that the introduction into Réunion of labourers from the south-east and south-west coasts of Madagascar, as well as from the French possessions of Mayotte and Nossibé, has been carried on for the last eighteen months; and that the countenance which this Traffic has met with, and the consequent stimulus it has received, have, in a great measure, led to the outrages of which the Hova Government complain as having been perpetrated on the coasts of Madagascar by French subjects.

The labourers from Madagascar are for the most part natives of that island, and are entered in the ship's report as "passagers Malagaches." But those from Mayotte and Nossibé, generally described as "domestiques" and called "Cafres," an appellation seemingly synonymous for Mozambique, appear to be exclusively from the mainland of Africa, with contracts of service either entered into or legalized at the French port of embarkation. And, as far as I can learn, the ten years' contracts of service of both Malagasy and "Cafres," on their arrival at Réunion, are disposed of by the parties who introduced them, at average prices of 600 francs (24l. sterling) for each adult.

Such, My Lord, are the particulars which I have been able to obtain in regard to proceedings which, I venture to believe, will be held to constitute a revival of African immigration in its worst form, since the late operations on the coasts of Madagascar cannot have been subjected to any responsible control.

I beg to inclose, for your Lordship's information, a list of French vessels from Madagascar entered at Réunion from the 15th of November, 1865, the date of my arrival, up to the 8th instant, on which latter date the French ship "Marie Caroline" from Madagascar arrived at St. Denis with twenty-four Malagasy on board.

I have, &c.  
(Signed) T. C. PAKENHAM.

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Inclosure in No. 78.

LIST of French Vessels from Madagascar, Mayotte, and Nossibé, entered at St. Denis, from the 15th of November, 1865, to the 8th of January, 1866.

1865.	November	15.	"Marie Camille"	..	..	..	17	Malagasy.
		24.	Steamer "Mascareignes"	..	..	..	—	
	December	10.	"Clémentine"	..	..	..	—	
		20.	"Desilles" (Nossibé)	..	..	..	21	Domestiques.
		20.	"Messager de Nossibé"	..	..	..	—	
		20.	"Infatigable"	..	..	..	—	
		20.	"Etienne et Laurence"	..	..	..	3	Malagasy.
		22.	"Imprévu"	..	..	..	—	
1866.	January	8.	"Marie Caroline"	..	..	..	24	„

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Réunion, January 17, 1866.

(Signed) T. C. PAKENHAM.

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No. 79.

Consul Pakenham to the Earl of Clarendon.—(Received April 6.)

My Lord,

Réunion, Salazie, February 28, 1866.

I HAVE the honour to report that Governor Dupré has not as yet communicated with me on the subject of my despatch of the 30th of December last, respecting the alleged purchase of slaves by French subjects on the south-east coast of Madagascar, and that the introduction of Malagasy into Réunion is still openly carried on; the "Reine Indienne" and "Marie Elizabeth," both French vessels, having lately arrived at St. Denis, the former with fourteen, and the latter with twenty-eight Malagasy, so that it would appear that labourers for the Colony are at present, and have been for some time past, chiefly recruited at Madagascar.

Since writing my last despatch I have been privately informed that about eighteen months or two years ago, after the departure of Governor Darrican, when the introduction of Malagasy seems to have commenced, a certain number who had been introduced into Réunion were taken before the Directeur de l'Intérieur, when they are said to have consented to remain and work in the Colony; and the local Government will, doubtless, cite this example in support of existing arrangements. It is, however, to be feared that the peculiar position of those men, away from their families and friends, in a strange land, of the language and customs of which they were entirely ignorant, and above all the fear of punishment if they returned to their own country, induced them to yield to the force of circumstances and contract engagements the nature and importance of which they by no means understood. But even assuming the contrary, that their engagements were perfectly voluntary, I venture to submit that two very important points still remain for consideration: first, the legality, in presence of existing Treaties, of French subjects obtaining

CLASS B.

labourers from Madagascar either by purchase or barter; secondly, their right to carry off the natives of Madagascar in direct violation of the laws of that island, which prohibit any subject of the Queen from embarking and emigrating without Her Majesty's authority. Indeed, as regards the latter point, it is not probable that Governor Dupré will question the right of Queen Rasoherina to establish and enforce, with reference to her own subjects, police regulations exactly similar to those in force at Réunion, in respect not only to French subjects, but even to foreigners leaving the Colony, and the maintenance of which, in regard to the subjects of the Queen, late events have proved to be indispensable.

In conclusion, and to confine myself to the bare question of slavery involved in the present proceedings of French subjects, I beg to represent that the extent of mischief likely to ensue cannot be overrated, as there can be no reasonable doubt, if the present system continues, that the northern Arabs will seize the opportunity, if they have not already done so, to import slaves from Africa to the coast of Madagascar and supply them to French vessels from Réunion engaged in Malagasy or African emigration; and I need hardly add that this traffic will be certain to receive countenance and even encouragement from such coast Chiefs as may be disaffected towards the present Hova Government. Under these circumstances, I beg most respectfully to submit the desirability of immediate instructions on the subject being transmitted to Governor Dupré and Commodore Tricault.

I have, &c.  
(Signed) T. C. PAKENHAM.

No. 80.

*Consul Pakenham to the Earl of Clarendon.—(Received April 16.)*

My Lord,

*Réunion, Salazie, March 3, 1866.*

FOR some time past I have been endeavouring to ascertain the truth of a report which had reached me respecting certain alleged slave-dealings carried on at the French possession of Ste. Marie de Madagascar; and I have now the honour to submit the following information on the subject, which I believe to be perfectly correct. The latter end of June last year the French Government schooner "Ste. Marie," of about 70 tons, built at and belonging to St. Mary's, flying French colours and the usual man-of-war pennant, sailed from that island in charge of the Assistant Harbourmaster, a discharged Quartermaster from the Imperial navy, with a Government crew, for Mohilla, where she took in about sixty Africans, with whom she returned to St. Mary's at the commencement of November last (1865).

I am assured that after these Africans had been landed, their contracts of service were disposed of by the Ordonnateur of St. Mary's on account of the local Government.

I beg to add that I am further informed that the Island of Mohilla has become a regular slave-depôt for dhows from the mainland of Africa,

I have, &c.  
(Signed) T. C. PAKENHAM.

No. 81.

*Lord Stanley to Consul Pakenham.*

Sir,

*Foreign Office, September 26, 1866.*

WITH reference to your despatch of the 5th and 17th of January last, I inclose for your information, and for any observations you may have to offer thereupon, the accompanying copy of a *note verbale*,\* containing the reply of the French Government to the statements made in your despatches above mentioned relative to the proceedings of certain French subjects in purchasing slaves in the Island of Madagascar and introducing them as labourers into Réunion.

I am, &c.  
(Signed) STANLEY.

\* Inclosure 3 in No. 75.

No. 82.

*Consul Pakenham to the Earl of Clarendon.—(Received November 17.)*

My Lord,

*Tamatave, September 12, 1866.*

I HAVE the honour to transmit herewith, for your Lordship's information, the copy of a Report made to me by Captain Emile Benier, master of the British barque "Aurore," o.n. 31,703, in regard to an occurrence which took place whilst his vessel was at anchor at St. Paul's (Réunion) on the 31st July last.

I fear that there can be little doubt that the case in question is by no means an exceptional one, and that Malagasy are constantly enticed on board French vessels, and afterwards carried to Réunion, where their contracts of service are disposed of.

I venture, therefore, most respectfully to submit that steps be taken to obtain from the French Government, that a formal prohibition be addressed to Governor Dupré, against his admitting into Réunion any Malagasy labourers who may not have been regularly embarked with a passport from the Hova authorities, countersigned by a French Consular officer in Madagascar, in whose presence, prior to their embarkation, such labourers shall be made fully aware of the nature and conditions of the engagement they will have to contract on arrival at Réunion.

The criminal records of the tribunals of that Colony prove the grave abuses with which African immigration was attended, even when placed under the control of the French authorities; consequently there is every reason to fear that the present system of free admission into Réunion of Malagasy labourers, without any regard as to the manner in which they may have been obtained, will tend to perpetuate similar abuses; the more so as the Malagasy labourer traffic is known to yield a most profitable return to those engaged in it.

I have, &amp;c.

(Signed) T. C. PAKENHAM.

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Inclosure in No. 82.*Captain Benier to Consul Pakenham.*

Monsieur,

*Tamatave, le 11 Septembre, 1866.*

LE 31 Juillet dernier, étant sur rade de St. Paul (Réunion), et au moment de faire voile pour Maurice, à 11 heures du soir, mon second vient me prévenir qu'un homme de terre s'était rendu à bord à la nage, ayant ses vêtements et un violon attachés sur sa tête.

Je le fis conduire sur la dunette et lui demandais ce qu'il venait faire à mon bord d'une manière aussi dangereuse pour sa vie. Il m'apprit qu'il était Malgache, et qu'il y avait environ sept ans qu'un Capitaine Français d'un navire de Bourbon l'avait enlevé de Tamatave avec des promesses avantageuses, et qu'arrivé à Bourbon le dit Capitaine l'avait engagé ou vendu à un habitant pour cinq années, et que pendant ce long espace de temps il n'avait jamais été payé de ses rudes labeurs; et que, désirant se rendre dans son pays natal, sachant qu'un navire Anglais devait faire route pour Madagascar, d'où il était, il avait pris la résolution de se rendre à bord à la nage même au risque de faire dévorer par des requins, plutôt que d'endurer plus longtemps une captivité aussi terrible. Il se disait domestique et ménétrier du Commandant qui gouvernait alors Tamatave, et dont j'ai oublié le nom.

Voilà, M. le Consul, la conversation que j'ai eue avec ce Malgache. Devant retourner à Bourbon et ne voulant pas avoir affaires avec les autorités de ce triste pays, j'ai jugé convenable, quoiqu'avec regret, de faire mettre mon canot à la mer et le faire conduire à bord du "Loiret," navire de guerre Français, qui était mouillé tout près de "l'Aurore."

J'ai, &amp;c.

(Signé) EMILE BENIER.

PORTUGAL.

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No. 83.

*Sir A. Magenis to the Earl of Clarendon.—(Received January 1, 1866.)*

My Lord,

*Lisbon, December 20, 1865.*

IN pursuance of the instructions contained in your Lordship's despatch of the 2nd instant, I addressed a note to Count de Castro, of which I have the honour to inclose a copy, calling his attention to the continual export of slaves from the Portuguese possessions on the East Coast of Africa for the supply of the Arab trade, and also to the Island of Madagascar, and expressing the hope of Her Majesty's Government that a sufficient force might be placed at the disposal of the Governor-General of Mozambique to enable him to put a stop to the exportation of slaves from the Portuguese territories under his rule.

I have, &c.  
(Signed) ARTHUR C. MAGENIS.

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Inclosure in No. 83.

*Sir A. Magenis to Count de Castro.*

M. le Ministre,

*Lisbon, December 13, 1865.*

I HAVE the honour to inform your Excellency that I have received instructions from the Earl of Clarendon to call the earnest attention of the Portuguese Government to the continual export of slaves from the Portuguese possessions on the East Coast of Africa for the supply of the Arab trade, and also to the Island of Madagascar, as reported to Her Majesty's Government by Her Majesty's Commissioners at the Cape of Good Hope in a despatch dated 30th September last, of which I inclose herewith an extract.

I have been further instructed to point out to your Excellency that it is useless to appoint officers who are anxious to carry out the engagements of the Crown of Portugal for the suppression of the Slave Trade unless the Portuguese Government afford them the proper means of fulfilling their duties, and I have to express the hope of Her Majesty's Government that the Government of His Most Faithful Majesty will hasten to place the necessary force at the disposal of the Governor-General of Mozambique in order to enable him to put a stop to the exportation of slaves from the Portuguese territories under his rule.

I avail, &c.  
(Signed) ARTHUR C. MAGENIS.

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No. 84.

*The Earl of Clarendon to Sir A. Magenis.*

Sir,

*Foreign Office, January 8, 1866.*

I TRANSMIT to you herewith lists of Her Majesty's ships furnished with warrants for the suppression of the Slave Trade, specifying the number of their guns, the names and ranks of their commanding officers, and the stations on which they are employed; and I have to desire that, in conformity with the stipulations contained in the second paragraph

of Article III of the Treaty between this country and Portugal for the suppression of the Slave Trade, you will communicate copies of these lists to the Portuguese Government.

I am, &c.

(Signed) CLARENDON.

Inclosure in No. 84.

WEST COAST OF AFRICA STATION.

Names of Ships.	Commanding Officers.	Rank.	Guns.
Bristol .. ..	L. E. H. Somerset ..	Captain .. ..	35
Greyhound .. ..	Chas. Stirling .. ..	Ditto .. ..	5
Pandora .. ..	E. Stubbs .. ..	Commander .. ..	5
Sparrow .. ..	P. Blakiston .. ..	Ditto .. ..	5
Jaseur .. ..	W. J. H. Grubbe .. ..	Ditto .. ..	5
Snipe .. ..	H. A. Trollope .. ..	Ditto .. ..	5
Speedwell .. ..	Jas. E. Erskine .. ..	Ditto .. ..	5
Ranger .. ..	C. G. Nelson .. ..	Ditto .. ..	5
Espoir .. ..	M. S. L. Peile .. ..	Ditto .. ..	5
Landrail .. ..	H. L. A. L. Maitland ..	Ditto .. ..	5
Torch .. ..	George A. Douglas .. ..	Ditto .. ..	5
Bristol, for Lee ..	L. E. H. Somerset .. ..	Captain .. ..	5
Bristol, for Pioneer ..	Ditto .. ..	Ditto .. ..	5
Dromedary .. ..	J. H. Allard .. ..	Master Commanding ..	2

CAPE OF GOOD HOPE STATION.

Valorous .. ..	C. C. Forsyth .. ..	Captain .. ..	16
Rapid .. ..	C. T. Jago .. ..	Commander .. ..	11

EAST INDIAN STATION.

Octavia .. ..	C. F. Hillyar .. ..	Captain .. ..	35
Highflyer .. ..	T. M. S. Pasley .. ..	Ditto .. ..	21
Wasp .. ..	N. B. Bedingfeld .. ..	Ditto .. ..	13
Pantaloon .. ..	F. R. Purvis .. ..	Commander .. ..	11
Lyra .. ..	R. A. Parr .. ..	Ditto .. ..	7
Vigilant .. ..	W. H. Jones Byrom .. ..	Ditto .. ..	4
Penguin .. ..	E. St. J. Garforth .. ..	Lieutenant .. ..	5

NORTH AMERICAN AND WEST INDIAN STATION.

Duncan .. ..	Robert Gibson .. ..	Captain .. ..	81
Constance .. ..	E. K. Barnard .. ..	Ditto .. ..	35
Aurora .. ..	A. F. R. De Horsey .. ..	Ditto .. ..	35
Pylades .. ..	A. W. A. Hood .. ..	Ditto .. ..	21
Cadmus .. ..	A. C. Gordon .. ..	Ditto .. ..	21
Niger .. ..	Jas. M. Bruce .. ..	Ditto .. ..	13
Sphinx .. ..	R. V. Hamilton .. ..	Ditto .. ..	6
Buzzard .. ..	C. G. Lindsay .. ..	Commander .. ..	6
Fawn .. ..	Hon. W. C. Talbot .. ..	Ditto .. ..	17
Rosario .. ..	L. H. Verstursul .. ..	Ditto .. ..	11
Royalist .. ..	Hon. M. H. Nelson .. ..	Ditto .. ..	11
Cordelia .. ..	T. A. De Wahl .. ..	Ditto .. ..	11
Gannet .. ..	W. Chimmo .. ..	Ditto .. ..	3
Lily .. ..	A. C. F. Heneage .. ..	Ditto .. ..	4
Cygnets .. ..	G. R. Miall .. ..	Ditto .. ..	5
Steady .. ..	T. T. Bullock .. ..	Ditto .. ..	5
Nimble .. ..	A. J. Chatfield .. ..	Ditto .. ..	5
Aboukir .. ..	Sir F. L. Mc Clintock ..	Captain .. ..	86
Wolverine .. ..	T. Cochran .. ..	Ditto .. ..	21

BRAZIL STATION.

Narcissus .. ..	Colin A. Campbell .. ..	Captain .. ..	35
Sharpshooter .. ..	Hon. Richard Hare .. ..	Lieutenant .. ..	6
Triton .. ..	R. H. Napier .. ..	Ditto .. ..	3
Gleaner .. ..	Frederick Harvey .. ..	Ditto .. ..	2
Dotarel .. ..	Robert Elliot .. ..	Ditto .. ..	2
Spider .. ..	A. J. Kennedy .. ..	Ditto .. ..	2
Linnets .. ..	Arthur Salwey .. ..	Ditto .. ..	2
Spiteful .. ..	A. D. W. Fletcher .. ..	Ditto .. ..	6

Admiralty, January 1, 1866.



No. 85.

*The Earl of Clarendon to Sir A. Magenis.*

Sir,

*Foreign Office, January 18, 1866.*

I TRANSMIT to you the accompanying extract of a letter addressed to the Admiralty by Commodore Wilmot,\* expressing his belief that the Governor-General and Governors in the Portuguese Possessions on the West Coast of Africa are now sincere in their desire to put a stop to the Slave Trade, and I have to instruct you to take an opportunity of stating this to the Portuguese Government.

I am, &c.  
(Signed) CLARENDON.

No. 86.

*Sir A. Magenis to the Earl of Clarendon.—(Received February 3.)*

My Lord,

*Lisbon, January 11, 1866.*

I HAVE the honour to inclose herewith, for your Lordship's information, translation of a note dated the 29th ultimo, addressed to me by Count de Castro, notifying the appointment of M. Joaquim Guedes de Carvalho e Menezes, Judge of the Court of Second Instance ("Relação") at Loanda, to the office of Commissioner on the part of Portugal in the Mixed British and Portuguese Commission Court at Loanda.

I have, &c.  
(Signed) ARTHUR C. MAGENIS.

Inclosure in No. 86.

*Count de Castro to Sir A. Magenis.*

(Translation.)

*Foreign Department, Lisbon, December 29, 1865.*

I HAVE the honour to inform you, in order that you may acquaint your Government therewith, that His Majesty the King-Regent, in the name of the King, was pleased by a Decree dated the 18th instant, to appoint the Judge of the Court of Second Instance ("Relação") at Loanda, M. Joaquim Guedes de Carvalho e Menezes, to the office of Commissioner on the part of Portugal in the Mixed Portuguese and British Commission Court established in that city, inasmuch as he possesses the qualifications mentioned in the 75th Article of the Decree (having the force of law) of the 30th December, 1852.

I renew, &c.  
(Signed) COUNT DE CASTRO.

No. 87.

*Sir A. Magenis to the Earl of Clarendon.—(Received February 3.)*

My Lord,

*Lisbon, January 13, 1866.*

I HAVE the honour to inclose herewith, for your Lordship's information, copy of the note which, in obedience to the instructions contained in your Lordship's despatch of December 14 of last year, I addressed to the Portuguese Government respecting the export of "libertos" from Angola to the Island of San Thomé.

In my note I embodied several of the statements made by Mr. Vredenburg in his despatch of the 17th of August, 1865, upon this subject, and I concluded by informing Count de Castro that unless the practice of exporting libertos were put a stop to, Her Majesty's Government would look upon it as their duty to give the negroes thus exported an opportunity of stating before the Mixed Commission whether their emigration was voluntary or not; and I added that Her Majesty's Government would be glad to learn that the Portuguese authorities at Angola had taken the matter into their own hands, and that it would be expedient if the Portuguese Government would send out instructions to that effect.

I have, &c.  
(Signed) ARTHUR C. MAGENIS.

Inclosure in No. 87.

*Sir A. Magenis to Count de Castro.*

M. le Ministre,

*Lisbon, January 2, 1866.*

I HAVE the honour to inform your Excellency that I have received instructions from the Earl of Clarendon to address a further representation to the Government of His Most Faithful Majesty respecting the trade in libertos as carried on between the Province of Angola and the Island of San Thomé.

In the official reports made to Her Majesty's Government on August 17th and October 7th last by Her Majesty's Commissioner at Loanda, it is stated that the trade above mentioned has assumed such vast and formidable proportions that at present no vessel leaves the port of Loanda for the Island of San Thomé without conveying 10 libertos; that the business is not confined to the mercantile class and to the owners of vessels trading to that place, but ships have been purchased by persons in no way connected with trade, and are used specifically for that purpose, so that the number of libertos who have been shipped in the course of this year, although it is not absolutely known, must amount to many hundreds. Mr. Vredenburg affirms that these libertos are really slaves purchased in the Province of Angola, furnished with papers purporting to constitute them free men, and then, without their wishes being in any way consulted, they are shipped off to the Island of San Thomé, where they may be, and in some cases undoubtedly are, consigned again to slavery, or to a condition very little superior.

In support of the fact that the expatriation of these men is compulsory, Mr. Vredenburg adduces the fact of a liberto who was conveyed bound on board a vessel for shipment, and that on his representing the circumstances of the case to the late Governor-General of Angola, M. Andrade, his Excellency expressed his opinion of the wrongfulness of the proceeding, which he was determined to prohibit, but he at the same time admitted that very few would go to San Thomé if they were not compelled to do so. In fact Mr. Vredenburg adds that in Angola it is the ordinary threat of a master who is dissatisfied with a slave, that he will send him to San Thomé, which threat is not rarely converted into a reality, with, it is true, the preliminary step being taken of registering the slave as a liberto.

In the course of a conversation which Mr. Vredenburg held with the late Governor-General of Angola upon the question which forms the subject of this note, Mr. Vredenburg remarked that there were certainly not more than four Portuguese settlers removing in any one year definitively to the Island of San Thomé (and probably not so many as his Excellency admitted), and that they would be entitled under the Treaty to take with them an aggregate number of 40 slaves; whereas under the system now adopted many hundreds were, in spite of the Governor-General's honourable resolution of not granting passports to slaves forcibly shipped under the name of, and registered as, libertos, who were bound to serve in that capacity for the space of ten years, and who were to all practical intents and purposes in the same position as slaves, the real difference being that the latter have still got twelve years to serve.

In his Report Mr. Vredenburg states with respect to the rule of the Governor-General not allowing any libertos to leave unless accompanied by a person designated as a "colonist," that he has learned that a certain number of individuals are engaged to assume the character of "colonist," for which they are paid, and are constantly making voyages to and from San Thomé, accompanied on each occasion by ten blacks. Upon this subject Mr. Vredenburg remarks, that if the arrangement limiting the number of libertos to ten, and requiring the presence of a colonist on board, was made to meet the provisions of Article V of the Treaty of July 3, 1842, respecting household slaves, it most certainly fails in its effect, for it would never be permitted under the Treaty that a settler removing definitively to San Thomé should be constantly making voyages backwards and forwards, and carrying on each occasion ten household servants.

In calling the most earnest and serious attention of the Portuguese Government to the several important facts herein mentioned, I have been instructed to state to your Excellency that Her Majesty's Government feel convinced that the Government of His Most Faithful Majesty, on being made acquainted with them by me, will concur in considering them to be opposed to the spirit no less than to the letter of the Treaty of July 3, 1842, and will not be surprised to hear that, unless the practice is really put a stop to, Her Majesty's Government will hold it to be their duty to give the negroes so transported an opportunity of stating before a Mixed Commission whether they are, or are not, emigrating of their own free will.

In conclusion, I have the honour to state to your Excellency that I have been further

instructed to add, that Her Majesty's Government would much prefer to learn that the Portuguese authorities on the West Coast of Africa had taken the matter into their own hands, and to suggest to the Portuguese Government the propriety of forwarding to their authorities instructions to that effect.

I avail, &c.  
(Signed) ARTHUR C. MAGENIS.

No. 88.

*Sir A. Magenis to the Earl of Clarendon.—(Received February 3.)*

My Lord,

*Lisbon, January 17, 1866.*

IN compliance with the instructions contained in your Lordship's despatch of the 8th instant, I forwarded to Count de Castro, on the 15th instant, copies of the lists of Her Majesty's ships on five different stations, furnished with warrants for the suppression of the Slave Trade, specifying the number of their guns, and the names and ranks of their commanding officers.

I have, &c.  
(Signed) ARTHUR C. MAGENIS.

No. 89.

*Sir A. Magenis to the Earl of Clarendon.—(Received February 3.)*

My Lord,

*Lisbon, January 17, 1866.*

WITH reference to my despatch of the 20th of December last, I have now the honour to inclose herewith a translation of a note addressed to me by Count de Castro, wherein his Excellency informs me in reply to my representations respecting the small military force at the disposal of the Governor of Mozambique for the suppression of the Slave Trade, that that officer has been instructed to keep the screw corvette "Maria Anna" and the steamer "Barao de Lazarim" actively engaged in preventing the Slave Trade, "which," as is stated, "still continues to take place to Madagascar and to the French possessions at Mayotta."

I have, &c.  
(Signed) ARTHUR C. MAGENIS.

Inclosure in No. 89.

*Count de Castro to Sir A. Magenis.*

(Translation.)

*Foreign Department, Lisbon, January 15, 1866.*

WITH reference to the note which you were pleased to address to me under date of the 13th of December last, requesting, by order of your Government, that the proper steps should be taken in order to enable the Governor-General of the Province of Mozambique to put an end to the exportation of slaves, which is said to continue from the north of that province to the Island of Madagascar, I have the honour to state to you that the Minister of Marine alludes in his despatch of the 29th of that month to the statement made by his predecessor in his despatch of the 31st of August of last year.

I communicated that despatch to you in my note dated the 11th of September of that year, and it is now my duty to add, in accordance with the information sent to me by the Minister of Marine, that the corvette "Maria Anna" belonging to the naval station at Mozambique, remained for some out of her station, as it became necessary to send her to Timor on special service. But as that service has already been performed, that vessel must have returned by this time to her appointed station; and moreover, the Governor-General of Mozambique has been enjoined to keep both the corvette above named and the steamer "Barao de Lazarim" actively engaged in preventing the exportation of slaves, which, as is stated, still continues to take place from the northern part of the Portuguese possessions for the supply of the Arab trade to Madagascar and to the French possessions at Mayotta.

I renew, &c.  
(Signed) COUNT DE CASTRO.

No. 90.

*The Earl of Clarendon to Sir A. Magenis.*

Sir, *Foreign Office, February 13, 1866.*  
 I HAVE received your despatch of the 13th ultimo, and I have to acquaint you in reply that I approve of the note which, in pursuance of the instruction contained in my despatch of the 14th of December last, you addressed to the Portuguese Government on the 2nd ultimo, respecting the export of libertos from Angola to the Island of San Thomé.

I am, &c.  
 (Signed) CLARENDON.

No. 91.

*The Earl of Clarendon to Sir A. Magenis.*

Sir, *Foreign Office, February 21, 1866.*  
 WITH reference to your despatch of the 17th ultimo, I have to instruct you to acquaint the Portuguese Minister for Foreign Affairs that Her Majesty's Government have learnt with satisfaction from the note which his Excellency addressed to you on the 15th of January, that the Governor-General of Mozambique has been enjoined to keep both the Portuguese corvette "Maria Anna" and the steamer "Barao de Lazarim" actively engaged in cruising for the suppression of the Slave Trade which still continues to be carried on from the northern part of the Portuguese possessions on the East Coast of Africa.

I am, &c.  
 (Signed) CLARENDON.

No. 92.

*Sir A. Magenis to the Earl of Clarendon.—(Received April 4.)*

My Lord, *Lisbon, March 22, 1866.*  
 WITH reference to my despatch of the 13th January, I have now the honour to inclose translation of the answer which I have received from Count de Castro to the representation I made to him respecting the exportation of libertos to the Island of St. Thomas.

Your Lordship will perceive that Count de Castro considers the question to have been already sufficiently elucidated, through the correspondence which has taken place on this subject between the Governor-General of Angola and the British functionaries at Loanda, and he proceeds to adduce the following reasons in support of his opinion:—

1. The Decree of December 14, 1854, which transferred all slaves imported by land into the class of freed-men (libertos), but under the obligation of serving their masters for ten years, legalizing the sale of their services during that period.
2. The measures adopted by the Governor-General of Angola, that all freed-men should be provided with legal documents and should be kept under the control of the "Protecting Board of Slaves and Freed-men."
3. The duty and the right of the Portuguese Government to colonise, by means of African labourers, the Island of St. Thomas, the prosperity of which depends on the increase and development of agriculture there.

I have, &c.  
 (Signed) ARTHUR C. MAGENIS.

Inclosure in No. 92.

*Count de Castro to Sir A. Magenis.*

(Translation.)

*Foreign Department, Lisbon, March 9, 1866.*

IN reply to the note which you were pleased to address to me on the 2nd of January last, making a further representation, in accordance with the instructions which you had received from your Government, against the considerable number of negroes who have

CLASS B.

been transported from the Province of Angola to the Island of St. Thomas, under the name of freed-men (*libertos*), it is my duty to state to you that the Minister of Marine and for the Colonies observes, in his despatch of the 21st of February last, that this question had already been sufficiently elucidated, not only by means of the correspondence which has passed between that Department and this, and which I communicated to you in due time, but also by means of the correspondence which has taken place upon this subject between the Governor-General of the Province of Angola and the British functionaries at Loanda.

His Excellency states that the opinion expressed in that correspondence (and in which he coincides) was based upon the following grounds:—

1. Upon the Decree of the 14th of December, 1854, which enacted the registration of negro slaves, and transferred all slaves imported by land into the class of freed-men (*libertos*), but under the obligation of serving their masters for a period of ten years; and which legalized the sale of the services to be performed by the said freed-men (*libertos*), thus shortening the time for the termination of a state of slavery in the Portuguese Colonies.

2. Upon the measures adopted by the Governor-General of the Province of Angola in order that all free or freed negroes transported as colonists to the Island of St. Thomas should be provided with legal documents, and should be kept not only under the care of the public authorities but also under the control of the "Protecting Boards of Slaves and Freed-men (*Libertos*)," so as to prevent any abuse in their transportation in contravention of the laws which prohibit the Slave Trade.

3. Upon the duty and the right which the Portuguese Government possess of colonising, by means of African labourers, the Island of St. Thomas, the prosperity of which chiefly depends upon the increase and development of agriculture there.

The Minister of Marine remarks that Her Britannic Majesty's Government have not yet presented any objection against what has been said, and that you, both in your previous notes and in the last, to which I now reply, without ever alluding to the reasons upon which the permission for the transportation of black freed-men (*libertos*) from Angola to St. Thomas is based, always insist upon the opinion that the transportation of those blacks is the Slave Trade in disguise; corroborating your assertion with some abuse or another which has occurred in the manner of carrying out that transportation, and with the exaggerated reports of the British Commissioner at Loanda.

You likewise persist in considering the transportation of black freed-men (*libertos*) from Angola to St. Thomas as contrary to the spirit as well as to the letter of the Treaty of the 3rd of July, 1842, for the suppression of the Slave Trade, without taking into consideration the correspondence which has taken place upon this subject, and especially the provisions of the aforesaid Decree of the 14th of December, 1854, mentioned and explained in that correspondence; since the Treaty only prohibits the transportation of negro slaves, and the aforesaid Decree, by ordering the registration of all the black slaves that existed at the time, and by abolishing the denomination of slaves, settled once for all the legal meaning of the word, and the condition of freed-men (*libertos*); and moreover, in consequence of these provisions, and of those contained in a subsequent Decree of July 24, 1856, which declared free the children of a slave-woman born in Portuguese territory, there can at present be no other slaves in the Portuguese possessions except such as have been registered.

It is to be supposed that there have been, and that there will continue to be, abuses counteracting the object of the measures taken in order that the transportation of the freed-men (*libertos*) should be effected in a legal manner, but Her Britannic Majesty's Government are not ignorant that an abuse may be made of anything, and that it is not always feasible to forbid that which gives rise to abuses on account of that simple fact alone. Nevertheless, His Majesty's Government feel sure that the vigilance of the Portuguese authorities at Angola will prevent by all means the continuation of those abuses, and that, in case they should take place, the delinquents will not fail to receive due punishment.

In fine, the Minister of Marine observes, as one of his predecessors had already done in the despatch of which a copy was forwarded to you on the 24th of November, 1863, that it would be highly expedient to ascertain upon what international provision is the objection raised against the transportation of any black freed-men (*libertos*) from one Portuguese possession to another based, and in what manner was it agreed that what was laid down in the Treaty of July 3, 1842, as admissible for black slaves should not be allowed in the case of black freed-men (*libertos*).

With respect to the latter part of your note above mentioned, wherein you state that if perchance this practice is not put a stop to, Her Britannic Majesty's Government

look upon it as their duty to afford the blacks thus transported the opportunity of declaring before a Mixed Commission whether they are going of their own free choice or not, I beg leave to remark that if the declarations of the black freed-men (libertos) before a Mixed Commission should have been deemed of use in order to prove their freedom in the choice of a place of residence, a provision to that effect would have been inserted in the Annex C of the aforesaid Treaty, which regulates the mode of treatment to be dealt towards the negroes, who are also named freed-men (libertos), who may happen to be on board slave-trading vessels.

I avail, &c.  
(Signed) COUNT DE CASTRO.

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No. 93.

*Sir A. Magenis to the Earl of Clarendon.—(Received April 4.)*

My Lord,

*Lisbon, March 22, 1866.*

IN conformity with the instructions contained in your Lordship's despatch of the 21st ultimo, I expressed to Count de Castro the satisfaction with which Her Majesty's Government had learnt that the Portuguese Government had given instructions for the employment of two cruisers in the suppression of the Slave Trade on the South-East Coast of Africa.

I have, &c.  
(Signed) ARTHUR C. MAGENIS.

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No. 94.

*Sir A. Magenis to the Earl of Clarendon.—(Received April 4.)*

My Lord,

*Lisbon, March 22, 1866.*

I HAVE the honour to acknowledge the receipt of your Lordship's despatches dated respectively the 13th and 21st of February last.

I have, &c.  
(Signed) ARTHUR C. MAGENIS.

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No. 95.

*Sir A. Magenis to the Earl of Clarendon.—(Received April 4.)*

My Lord,

*Lisbon, March 26, 1866.*

WITH reference to my despatch of the 22nd instant, I have now the honour to inclose copy of a note from Count de Castro, in which his Excellency states that he has communicated to the Minister of Marine the satisfaction I had expressed to him, in the name of Her Majesty's Government, at the employment of two Portuguese cruisers for the suppression of the Slave Trade on the East Coast of Africa.

I have, &c.  
(Signed) ARTHUR C. MAGENIS.

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Inclosure in No. 95.

*Count de Castro to Sir A. Magenis.*

(Translation.)

*Foreign Department, Lisbon, March 24, 1866.*

I HAVE to acknowledge the receipt of the note which you were pleased to address to me on the 15th instant, expressing the satisfaction felt by your Government at the instructions sent to the Governor of Mozambique to keep the ships under his orders—"Maria Anna" and "Barão de Lazarim"—engaged in cruising on the Eastern Coast of Africa for the suppression of the Slave Trade.

While informing you that I have communicated the contents of your note to the Minister of Marine, I avail, &c.

(Signed) COUNT DE CASTRO.

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No. 96.

*The Earl of Clarendon to Sir A. Magenis.*

Sir,

*Foreign Office, April 23, 1866.*

I TRANSMIT to you herewith a copy of a despatch from Mr. Vredenburg,\* inclosing a copy of a circular which the chief civil authority in Angola has found it necessary, in the absence of the Governor-General, to issue to the Governors of provinces and Chiefs of Districts, with the view to put a stop to the extortion and ill-treatment committed by these authorities, or by the traders, with their connivance, upon the negroes under their superintendence; and I have to instruct you to communicate the substance of Mr. Vredenburg's despatch to the Portuguese Government with reference to the observations contained in the Duke of Loulé's letter of the 31st of March, 1865, to the Minister of Marine, a copy of which was communicated to you by the Conde de Avila in his note of the 19th of April of that year.

I am, &c.  
(Signed) CLARENDON.

No. 97.

*The Earl of Clarendon to Sir A. Magenis.*

Sir,

*Foreign Office, April 26, 1866.*

I TRANSMIT to you, for your information, a copy of a letter to the Secretary to the Admiralty from Commander Peile, of Her Majesty's ship "Espoir,"† reporting the circumstances under which he detained, near Aghwey, on the 3rd ultimo, the Portuguese barque "Dahomey" on suspicion of being engaged in the Slave Trade.

I am, &c.  
(Signed) CLARENDON.

No. 98.

*Mr. Lytton to the Earl of Clarendon.—(Received May 31.)*

My Lord,

*Lisbon, May 25, 1866.*

I HAVE the honour to inclose herewith copy of a note which, in accordance with the instructions contained in your Lordship's despatch of the 23rd ultimo, I addressed, on the 5th instant, to Count de Castro, communicating to his Excellency the substance of a despatch from Her Majesty's Commissioner at Loanda, on the subject of the extortion and ill-treatment of negroes by the chiefs of districts in Angola.

I have, &c.  
(Signed) RT. LYTTON.

Inclosure in No. 98.

*Mr. Lytton to Count de Castro.*

M. le Ministre,

*Lisbon, May 5, 1866.*

ON the 14th of January, 1865, Sir A. Magenis, Her Britannic Majesty's Minister at this Court, acting under the instructions of his Government, communicated to the Duke de Loulé, who was at that time His Most Faithful Majesty's Minister for Foreign Affairs, an extract from a report by Her Majesty's Commissioner at Loanda (Mr. Vredenburg), on the subject of Slave Trade at Angola. In making this communication Sir A. Magenis had occasion to observe, that, whilst warm and willing testimony was borne by the Government of Her Britannic Majesty to the zeal and good faith of the Governor-General of that province, it was nevertheless painfully apparent "that the good intentions of the Governor-General are neutralized, and his efforts thwarted by his subordinate officers, who, in some of the southern portions of the province, are in league with the slave-dealers, and share in their unholy gains."

A letter written by the Duke de Loulé in reply to this communication was transmitted to Sir A. Magenis by the Duke's successor in office Count d'Avila, on the 19th of April of the same year. In that letter, the Duke of Loulé observed that, as all the reports of British Agents in Angola prove that the Governor-General of that province "complies with his obligations as regards the suppression of the Slave Trade, it is clear that if his subordinates

\* Class A, No. 29.

† Ibid., No. 59.

did not comply with theirs, he would never allow any functionary who disobeyed him to continue to serve in the province under his charge after proof of such disobedience."

Now the statement of Mr. Vredenburg, in recording his experience upon this subject (a statement upon which was founded the opinion of Her Majesty's Government, as expressed by Sir A. Magenis) was and is, that the Governor-General of Angola could not remove such of his subordinate authorities as are corrupt; because, firstly, he was unable to replace them by others more trustworthy; and, secondly, because, he has been unsuccessful in obtaining the conviction of those whom he has put upon their trial.

Since, however, those words to which I have above referred, were written by Duke de Loulé, the extent to which the beneficent intentions of the Portuguese Government have been neutralized, the humane vigilance of the Governor evaded, and the laws themselves rendered inactive by the systematic indifference or hostility of the subordinate authorities, supported by the local sentiment of the proprietors and merchants in Angola, has become a fact removed from all question or dispute by the high testimony of a circular instruction of the 4th of December last, addressed to the local authorities in Angola by the President of the Council, who is the Chief Civil authority of that province in the absence of the Governor-General.

From this significant document I take the liberty of extracting a passage which after referring to the Portarias of 1858 and 1865, continues thus: "It still unhappily appears, as is perceived by the Portaria above mentioned, that some Governors ('Chefes') or Administrators of Concelhos continue to disregard such just and salutary instructions, as though they were ignorant of them, distorting ('sofismando') and frustrating them in different ways, by leaguings with the merchants and agriculturalists, forcing the blacks to serve with the aggravating circumstance of their not being duly remunerated, or on the other hand of their being cheated, as is notorious, of their proper gains by those who oblige them so to serve, as in the times before the Decree referred to."

It is, I think, impossible, M. le Ministre, that the opinion which Her Majesty's Commissioner in Loanda has so frequently been compelled to express in referring to the habitual conduct of the subordinate authorities in Angola, and the difficulty experienced by the Governor-General of that province in obtaining the legal conviction of persons whose misconduct has been notorious,—it is impossible, I say, that this opinion should receive higher confirmation than is contained in the words above cited from a document which officially and most unequivocally records the painful experience of the highest civil authority in Angola.

In forwarding this document to his Government, Mr. Vredenburg not unnaturally expresses the hope that the startling statements therein contained may induce the Government of His Most Faithful Majesty to seriously reconsider that very different statement made on the same subject by the Duke de Loulé, in his above-mentioned letter of the 19th of April, 1865.

Her Britannic Majesty's Government are, however, informed by Mr. Vredenburg that, notwithstanding this distinct assertion of their guilt by so competent an authority, it is not within his knowledge that any of the persons referred to by the circular of the President of the Council in Angola have been convicted or punished; and it is in accordance with instructions received from Her Majesty's Principal Secretary of State for Foreign Affairs that I have thus the honour, M. le Ministre, to bring under the notice of your Excellency the substance of Mr. Vredenburg's despatch upon this subject.

I avail, &c.  
(Signed) RT. LYTTON.

No. 99.

*The Earl of Clarendon to Mr. Lytton.*

Sir,

*Foreign Office, June 7, 1866.*

WITH reference to your despatch of the 25th ultimo, I have to acquaint you that I approve the note which, in execution of the instructions contained in my despatch to Sir A. Magenis of the 23rd of April last, you addressed to the Portuguese Minister for Foreign Affairs, communicating to his Excellency the substance of a despatch from Her Majesty's Commissioner at Loanda on the subject of the extortion and ill-treatment of negroes by the Chiefs of districts in Angola.

I am, &c.  
(Signed) CLARENDON.



No. 100.

*The Earl of Clarendon to Mr. Lytton.*

Sir,

*Foreign Office, June 8, 1866.*

I TRANSMIT to you herewith, for your information, a copy of a despatch from Mr. Vredenburg, Her Majesty's Commissioner at Loanda,\* reporting the arrival in that city of Senhor Francisco Antonio Gonçalves Cardozo, the new Governor-General of Angola, and giving an account of what passed at a conversation which Mr. Vredenburg had with his Excellency on matters connected with the Slave Trade.

I have approved the letter addressed by Her Majesty's Commissioner to the Governor-General, a copy of which is inclosed in Mr. Vredenburg's despatch; and I have at the same time instructed him to thank Senhor Cardozo in the name of Her Majesty's Government for his friendly expressions, and to assure his Excellency that he may at all times reckon on the earnest co-operation of Her Majesty's Government, both on the African coast and at Lisbon, in any measures he may adopt having for their object the suppression of the Slave Trade carried on from the Portuguese possessions.

I am, &c.  
(Signed) CLARENDON.

No. 101.

*The Earl of Clarendon to Mr. Lytton.*

Sir,

*Foreign Office, June 8, 1866.*

IN Mr. Vredenburg's despatch of the 2nd of April last, a copy of which was inclosed in my despatch of this day's date, mention is made of a new plan of introducing slaves into the Island of San Thomé, which has been for some time past in operation, viz., by shipping as sailors on board the small craft trading to that island a much larger number of them than is usual or necessary for this navigation, who are left behind on the return of the vessels to Loanda.

You will see, however, by a later despatch from Mr. Vredenburg, of which I inclose a copy,† that measures have been taken by the new Governor-General for putting a stop to this obnoxious system, and I have to instruct you to express to the Portuguese Minister the satisfaction of Her Majesty's Government at the conduct of the Governor-General in this affair.

I am, &c.  
(Signed) CLARENDON.

No. 102.

*The Earl of Clarendon to Mr. Lytton.*

Sir,

*Foreign Office, June 8, 1866.*

I TRANSMIT, for your information, copies of a despatch and its inclosures from Her Majesty's Commissioner at Loanda,‡ relative to the shipment of two cargoes of slaves from the Portuguese possessions in the neighbourhood of Benguela Velha, which are reported to have been effected about the month of October last.

Her Majesty's Government have no doubt that these expeditions were really shipped from the Portuguese possessions, because the advices received from Cuba show that two cargoes of slaves were landed in that island towards the close of last year, and no reports have reached Her Majesty's Government of the shipment of slaves from any other part of the African coast.

It is satisfactory to learn that the new Governor-General of Angola has acted with promptitude and energy in his endeavours to find out and punish the parties engaged in these slave-trading transactions; but, on the other hand, the fact that nearly all the shipments of slaves from the West Coast of Africa within the last three years have been effected from the Portuguese possessions is not a little discouraging, and can, in the opinion of Her Majesty's Government, be attributed only to the impunity which the principal slave-traders have enjoyed in the Portuguese possessions, there being no single instance, as far as Her Majesty's Government are aware, of any punishment having been inflicted for many years

\* Class A, No. 33.

† Ibid., No. 35.

‡ Ibid., No. 30.

upon persons who have been engaged in the shipment of slaves from the Portuguese possessions.

You will take an early opportunity of calling the attention of the Portuguese Minister for Foreign Affairs to this subject.

I am, &c.  
(Signed) CLARENDON

No. 108.

*The Earl of Clarendon to Mr. Lytton.*

Sir,

*Foreign Office, June 25, 1866.*

HER Majesty's Government have had under their consideration the note addressed on the 9th of March last by Count de Castro to Sir A. Magenis containing the reply of the Portuguese Government to the representation which, by my despatch of the 14th of December last, I instructed Her Majesty's Minister to make to the Government of His Most Faithful Majesty, on the subject of the Traffic in Slaves which still continues to be extensively carried on between the Province of Angola and the Island of San Thomé, under the pretence that the negroes so introduced are libertos or freemen.

It appears from the Count de Castro's note that the Portuguese Government maintain that they are justified in permitting this Traffic, and that this is sufficiently shown in the correspondence which has already passed upon this subject between the two Governments.

The question which has to be decided between Her Majesty's Government and the Government of Portugal, is whether the practice of exporting negroes called "libertos" from the Portuguese possessions on the mainland of the coast of Africa to the adjacent Portuguese Islands be, or be not, a violation of the Treaty of July 1842 between the two Crowns for the suppression of the Slave Trade.

Her Majesty's Government maintain that this practice is, in substance, a violation of that Treaty, and this opinion is based on the following grounds:

The Vth Article of the Treaty provides as follows:—

"It is distinctly understood between the two High Contracting Parties that no stipulation of the present Treaty shall be interpreted as interfering with the right of Portuguese subjects to be accompanied in voyages to and from the Portuguese possessions off the coast of Africa by slaves who are *bond fide* household servants, and who may be duly named and described as such in passports wherewith the vessel must be furnished from the highest civil authority of the place where such slaves shall have embarked: provided—

"1st. That in such voyages no Portuguese subject, except he be a Portuguese settler removing definitively from his residence in a Portuguese possession on the coast of Africa, shall be accompanied by more than two slaves being *bond fide* his household servants.

"2ndly. That such a settler removing definitively from his residence in a Portuguese possession on the coast of Africa shall not be accompanied by more than ten slaves, and that all these slaves shall be *bond fide* his household servants:

"3rdly. That such household slaves shall be found at large and unconfined in the vessel, and clothed like Europeans under similar circumstances.

"4thly. That no slaves shall be embarked on board of the vessel in which the said household servants shall be found, and that the voyage on which such settler and his family shall be so accompanied by such household slaves shall be a direct voyage to the Portuguese Islands of Cape Verd, Princes, or St. Thomas from some place in the Portuguese possessions on the coast of Africa where the said settler shall have been permanently residing."

This Article therefore carefully specifies the number and character of slaves who may accompany a Portuguese subject "in voyages to and from the Portuguese possessions off the coast of Africa."

Slaves who are *bond fide* household servants, and these only in very limited numbers, and accompanying their masters, are allowed to be removed from the mainland of Angola to the adjacent Portuguese islands.

This being the case, it is important to ascertain what position those negroes occupy who, under the name of libertos, are extensively exported, with the consent of the Portuguese authorities, from Loanda to San Thomé.

It is clear to Her Majesty's Government that these so-called libertos are in fact slaves and indeed so much is substantially admitted by the Decree of 1854, on which the Portuguese Government rely for their justification in permitting the export of these negroes.

That Decree, under the head of "Ransom and Protection of Slaves," contains the following provision:—

"Art. 7. All slaves imported by land into the dominions of Portugal subsequent to the publication of this Decree are to be considered as liberated negroes, being bound, however, to serve their masters for the term of ten years in accordance with the Regulations of the 25th October, 1853.

"§. It is lawful to sell the services of these negroes for the whole or for a portion of the time during which they are bound to serve."

By that Decree they are slaves to all intents and purposes for ten years, and their services as slaves may be sold for a portion or for the whole of that time. No papers whatever are furnished to these so-called libertos, who are entirely at the mercy of the persons who purchase their services as slaves.

The fact that a period of ten years is fixed as the limit of their time of slavery does not prevent their being slaves during that period, and before it expires.

It was the thing, and not the name, which it was the object of the Treaty of 1842 to prevent, and which it is the duty of the parties to that Treaty to take care to prevent.

If it is competent to the Portuguese authorities to take slaves out of the operation of the Treaty by limiting the period of slavery to ten years, it is equally competent to them to produce the same effect by passing another Decree, and fixing a period of twenty, thirty, forty, or fifty years, and by this means the very object and end of the Treaty would be practically defeated.

Count de Castro in his note of the 9th of March last asked what "international provision" is violated by the transportation of these libertos from the mainland of Africa to the adjacent Portuguese islands.

The foregoing observations answer this inquiry, and prove that these so-called libertos are in fact slaves, and not the distinctly defined class of slaves who are permitted by Treaty to accompany their masters.

Count de Castro objects to the course which Her Majesty's Government have stated it to be their intention to pursue, viz., to bring these libertos before the Mixed Commission Court of Loanda, in order to ascertain whether they are being transported of their own free will or not; but his Excellency's objection does not seem to Her Majesty's Government to be sound.

The Count de Castro says that the possibility of taking the declarations of libertos before a Mixed Commission Court is not inserted among the provisions in Annex C to the Treaty of 1842. This is true; but Her Majesty's Government contend that whatever name the Portuguese authorities may impose upon these persons, they are in fact slaves, liable to be treated and sold as such during a particular and unexpired period, and who are being exported from the Portuguese Possessions on the mainland in violation of the Treaty engagements of Portugal; and it is on these grounds that Her Majesty's Government justify the course they propose to pursue.

The argument of Count de Castro that the Portuguese Government must have labourers to develop the resources of the island is irrelevant. Granted that labourers are wanted: Her Majesty's Government maintain that to supply this want by the exportation of slaves from the mainland under the pretence of their being libertos, or freedmen, is altogether opposed to the spirit of the solemn Treaty engagements of Portugal.

It is also contended by the Portuguese authorities that if the passport under which these libertos are embarked describes them as *bond fide* household servants, it is not competent to the Commanders of British cruizers to question this document; but Her Majesty's Government do not so read the Treaty.

The expressions already quoted, "being," and "who shall be *bond fide* household servants," are repeated more than once in the Articles of the Treaty. The existence of both conditions therefore, first, that they shall be *bond fide* household slaves, and, secondly, that they shall be so described in the passport, seems necessary in order to place these persons beyond the application of the provisions of the Treaty; and Her Majesty's Government are of opinion that it would be competent to the commanders of British cruizers to show that these slave-owners were not entitled to a passport, and that they had obtained it either through the agency of fraud or by the improvidence of the grantor.

Her Majesty's Government are, however, on every account desirous to avoid, if possible, having recourse to the expedient of bringing the libertos before the Mixed Commission Court, and they would sincerely regret being driven to take this course; but the present system of carrying on a Slave Trade under the mask and pretext of transporting against their will libertos, or free men, from the mainland to the Portuguese Islands, has become so notorious and flagrant, that no other course will be left open to Her Majesty's Government. They are persuaded, however, that the Portuguese Government, out of

regard to their own honour and good faith, will at once and effectually interfere to put down a system which, whilst it affords direct encouragement to the internal African Slave Trade, and to the wars that are undertaken to procure captives, practically renders inoperative the Treaty between the two Crowns for the suppression of the export trade in slaves.

I have to desire that you will address a note to the Portuguese Minister in the terms of this despatch.

I am, &c.  
(Signed) CLARENDON.

No. 104.

*The Earl of Clarendon to Mr. Lytton.*

Sir, *Foreign Office, June 25, 1866.*

I TRANSMIT herewith, for your information, a copy of a despatch from Her Majesty's Commissioner at Loanda,\* pointing out that the negroes shipped from the Portuguese possessions on the mainland to the Island of San Thomé, under the name of libertos, are not, as stated in my despatch to Sir A. Magenis, of the 14th of December last, furnished with papers purporting to constitute them free men, but, on the contrary, have no papers whatever, and are entirely at the mercy of the persons who purchase their services.

You will see, by my despatch of this day's date, that I have made use of this information in the note which I have instructed you to present to the Portuguese Government on the "Libertos" question.

I am, &c.  
(Signed) CLARENDON.

No. 105.

*Mr. Lytton to the Earl of Clarendon.—(Received June 30.)*

My Lord,

*Lisbon, June 20, 1866.*

WITH reference to your Lordship's despatches dated the 8th instant, I have now the honour to inclose, for your Lordship's information, copy of a note which I have addressed to M. Casal Ribeiro, in obedience to your Lordship's instructions as conveyed to me in those despatches.

In my note, as your Lordship will perceive, I have acquainted the Portuguese Government with the very favourable impressions conveyed to Her Majesty's Government by Mr. Vredenburg's despatches, with respect to the language and conduct of the new Governor-General of the Province of Angola, M. Cardozo, as well as by the assurances which he offered to Her Majesty's Commissioner, evincing his determination to endeavour to suppress the Traffic in Slaves in that province.

I further called the serious attention of this Government to the shipment of two cargoes of slaves, which were effected, in the month of October last, from the neighbourhood of Benguela Velha, and I added that Her Majesty's Government are compelled to ascribe the continuation of these shipments of slaves from the Portuguese possessions to the complete impunity enjoyed by slave-traders there.

In fine, I also expressed the satisfaction of Her Majesty's Government at the measures taken by the Governor of Angola, with the object of preventing the continuation of a practice lately adopted at Loanda for the introduction of negroes, as slaves, into the Island of San Thomé, by shipping them as part of the crew on board the small craft trading to that island.

I have, &c.  
(Signed) RT. LYTTON.

\* Class A, No. 32.

Inclosure in No. 105.

*Mr. Lytton to Senhor Ribeiro.**Lisbon, June 15, 1866.*

M. le Ministre,

HER Britannic Majesty's Government have forwarded to me the despatches received from Her Majesty's Commissioner at Loanda, subsequent to the arrival there of his Excellency Senhor Francisco Antonio Gonçalves Cardozo, the new Governor-General of Angola.

These despatches bear the fullest testimony not only to the high character of that distinguished officer, which, indeed, his previous services in the energetic suppression of the Slave Trade had already rendered conspicuous, but also to the judgment, activity, and decision of conduct with which his Excellency has commenced the arduous administration of his high and responsible office.

It is, M. le Ministre, with the most cordial satisfaction that I now make known to your Excellency the very favourable impressions conveyed to Her Majesty's Government by the language and conduct of Senhor Cardozo, as reported to them by Mr. Vredenburg.

I find in the copy transmitted to me of an address presented to his Excellency by the Concelho do Governo of Angola, a passage in which the new Governor-General is congratulated on assuming the administration of a province wherein the Slave Trade has been extinguished throughout those territories over which authorities are established. I am glad to notice, however, that his Excellency received in silence this assertion, which is, indeed, irreconcilable with the fact admitted in a written communication to Her Majesty's Commissioner by the author of the address, only a fortnight previous to its presentation, namely, that he had received information from the local authorities concerning a shipment of slaves from the district of Benguela Velha.

I have also pleasure in alluding to the frank, loyal, and encouraging assurances offered, immediately after the reception of his address, to Her Majesty's Commissioner, in respect of the prompt and efficient co-operation upon which Mr. Vredenburg was invited to rely in every endeavour to fulfil the humane determination of the Governments both of my august Sovereign and His Most Faithful Majesty to suppress a Traffic condemned no less by the conscience of all civilized nations than by the terms of Treaty engagements between our respective Governments; and I believe that I rightly interpret the sentiments and wishes of my Government, in recording its appreciation of the excellent advice addressed by Senhor Cardozo, on the subject of the Slave Trade, to all who were present at the dinner given to his Excellency on the same day.

I have sincere satisfaction in further adverting to some circumstances which inspire confidence that the sentiments which dictated the language held by the present Governor-General of Angola on that occasion will continue to animate the conduct of his Excellency.

The Chief of Novo Redondo, to whose culpable connivance the shipment of slaves from Benguela Velha (to which I have referred) appears to be mainly attributable, has been promptly dismissed by his Excellency. A person named Roxo, notoriously concerned in the Traffic of Slaves, and a prominent leader of revolt at Mossamedes, has been captured and brought prisoner to Loanda by the Governor-General; and his Excellency, on the day of his reception, announced his intention to reinstate in his Governorship Senhor Costa Leal, whose zeal and loyalty in the suppression of the Slave Trade had exposed him to violent removal from his jurisdiction, and to inflict summary punishment on those concerned in this act of violence.

To all these measures on the part of his Excellency Mr. Vredenburg has borne the highest testimony in bringing them, without loss of time, to the knowledge of Her Majesty's Government. Whilst alluding to Senhor Costa Leal, I also beg leave to record the warm and cordial thanks of Her Majesty's Commissioner for the assistance rendered by that gentleman to the Commanders of Her Majesty's ships and to himself. It is with sincere regret that Her Majesty's Commissioner has learned that Senhor Costa Leal intends to resign office in consequence of the severe suffering and constant annoyances to which he has been exposed during the three last years by the loyalty and conscientiousness with which he has discharged his administrative duties.

Her Majesty's Commissioner at Loanda has had occasion to call the attention of the Governor-General to a practice which has been artfully, and hitherto successfully adopted, for the introduction of negroes as slaves into the Island of San Thomé, by permitting, or conniving at, the shipment, as part of the crew, on board the small craft trading to that island, of a much larger number of men than is either usual or necessary for the purposes of navigation. The greater portion of these men, taken from Loanda as sailors, are left at San Thomé as labourers. Senhor Cardozo promised Mr. Vredenburg that this matter should

receive his immediate investigation; and I have great satisfaction in recording the fact that the "Dondo," a launch to which special reference had been made by Her Majesty's Commissioner in his communications with the Governor-General on this subject, has recently returned to Loanda with the same number of men that she shipped on leaving that port.

This fact Mr. Vredenburg attributes to the conscientious conduct of Senhor Burnachy, the present Governor of San Thomé, and also, in part, to that of the present Captain of the Port at Loanda. But it is with pleasure that Her Majesty's Government have further been informed by their Commissioner at Loanda that Senhor Cardozo has issued a notice that vessels leaving that port are required to bring back all the men they take away, in default of which a strict account will be required of the manner in which the missing men have been disposed of.

It is in accordance with instructions received from Her Majesty's Principal Secretary of State for Foreign Affairs that I have now the honour to express to your Excellency the satisfaction of the Government of the Queen my august Sovereign at the conduct of the Governor-General of Angola in this affair.

The promptitude and energy which his Excellency has thus evinced in the detection and punishment of persons engaged in the Slave Trade inspires confidence in the efficiency of his administration, and is most encouraging.

At the same time it is unfortunately difficult to hope that no attempts will be made to counteract and evade the excellent dispositions of his Excellency by the venality, or with the connivance of, minor officials; and in again referring to the shipment of two cargoes of slaves which are reported to have been effected, about the month of October last, from the Portuguese possessions in the neighbourhood of Benguela Velha, I am charged by my Government to lose no time in directing to this circumstance your Excellency's most serious attention.

Her Majesty's Government can have no doubt that these expeditions were really shipped from the Portuguese possessions, because the advices received from Cuba show that two cargoes of slaves were landed at that island, towards the close of last year, and no reports have reached Her Majesty's Government of the shipment of slaves from any other part of the African coast.

It is not a little discouraging to find that nearly all the shipments of slaves from the West Coast of Africa within the last three years have been effected from Portuguese possessions. And Her Majesty's Government are compelled to attribute this fact solely to the impunity enjoyed by slave-traders under Portuguese jurisdiction in those possessions. For it is my duty to inform your Excellency that, for many years past, not even one solitary instance has come to the knowledge of the British Government of any punishment having been inflicted upon persons engaged in the shipment of slaves from Portuguese possessions. The conclusion to be drawn from this fact is, I apprehend, involved in the mere statement of it. I willingly, therefore, forbear to dwell upon a statement which speaks so strongly for itself; and it is with hopeful, as well as pleasurable feelings, that I conclude this note by requesting your Excellency to be so kind as to make known to the Governor-General of Angola the satisfaction with which Her Majesty's Government have received the reports made to them by Her Majesty's Commissioner at Loanda of the language held and the conduct pursued by his Excellency.

I avail, &c.  
(Signed) RT. LYTTON.

No. 106.

*The Earl of Clarendon to Mr. Lytton, July 6, 1866.*

[See No. 84.]

No. 107.

*Mr. Lytton to Lord Stanley.—(Received August 3.)*

My Lord,

*Lisbon, July 19, 1866.*

WITH reference to the Earl of Clarendon's despatches of the 25th ultimo, I have the honour to inform your Lordship that, in conformity with the instructions contained in the former of those despatches, I addressed a note, couched in the precise terms of that despatch, to M. Cazal Ribeiro, on the 13th of this month.

In that note I informed the Government of His Most Faithful Majesty that Her Majesty's Government would be obliged to have recourse to the expedient of bringing the so-called "libertos" (but who are in reality slaves) before the Mixed Commission Court, if the Portuguese Government did not at once put a stop to the system of carrying on the Slave Trade between Angola and the Portuguese Islands, on the West Coast of Africa, by transporting, against their will, these so-called "libertos."

I have, &c.  
(Signed) RT. LYTTON.

No. 108.

*Mr. Lytton to Lord Stanley.—(Received August 3.)*

My Lord,

*Lisbon, July 19, 1866.*

IN obedience to the instructions contained in Lord Clarendon's despatch of the 6th instant, I forwarded to the Portuguese Government, on the 12th instant, lists of Her Majesty's ships furnished with warrants for the suppression of the Slave Trade, and specifying the station on which they are employed.

I have, &c.  
(Signed) RT. LYTTON.

No. 109.

*Mr. Lytton to Lord Stanley.—(Received August 29.)*

My Lord,

*Lisbon, August 14, 1866.*

I HAVE the honour to inclose herewith translation by Mr. Duff of a note addressed to me by M. Casal Ribeiro, in reply to the note which, on the 13th of July, I addressed to his Excellency relating to the shipment of libertos from Angola, and of which a copy is herewith forwarded for your Lordship's information.

Your Lordship will perceive from the contents of the inclosed note from the Portuguese Government, that the subject of this correspondence is about to be submitted to further examination.

I have, &c.  
(Signed) RT. LYTTON.

Inclosure 1 in No. 109.

*Mr. Lytton to Senhor Ribeiro.*

*British Legation, Lisbon, July 13, 1866.*

THE Undersigned, Her Britannic Majesty's Chargé d'Affaires, in conformity with the instructions of his Government, has the honour to inform the Minister for Foreign Affairs of His Most Faithful Majesty that Her Majesty's Government have had under their consideration the note addressed on the 9th of March last by Count de Castro to Sir A. Magenis, containing the reply of the Portuguese Government to the representation which Her Majesty's Minister was instructed to make to the Government of His Most Faithful Majesty, and which was embodied in Sir A. Magenis' note of the 2nd of January last, on the subject of the Traffic in Slaves, which still continues to be extensively carried on between the Province of Angola and the Island of San Thomé, under pretence that the negroes so introduced are libertos or freedmen.

It appears from the Count de Castro's note that the Portuguese Government maintain that they are justified in permitting this Traffic, and that this is sufficiently shown in the correspondence which has already passed upon this subject between the two Governments.

The question which has to be decided between Her Majesty's Government and the Government of Portugal is, whether the practice of exporting negroes called "libertos" from the Portuguese possessions on the mainland of the coast of Africa to the adjacent Portuguese islands, be or be not a violation of the Treaty of July 1842 between the two Crowns for the suppression of the Slave Trade.

Her Majesty's Government maintain that this practice is in substance a violation of that Treaty, and this opinion is based on the following grounds.

The Vth Article of the Treaty provides as follows:—

“It is distinctly understood between the two High Contracting Powers that no stipulation of the present Treaty shall be interpreted as interfering with the right of Portuguese subjects to be accompanied in voyages to and from the Portuguese possessions off the coast of Africa by slaves who are *bond fide* household servants, and who may be duly named and described as such in passports wherewith the vessel must be furnished from the highest Civil authority in the place where such slaves shall have embarked: Provided—

“1st. That in such voyages no Portuguese subject, except he be a Portuguese settler removing definitively from his residence in a Portuguese possession on the coast of Africa, shall be accompanied by more than two slaves being *bond fide* his household servants.

“2ndly. That such a settler removing definitively from his residence in a Portuguese possession on the coast of Africa shall not be accompanied by more than ten slaves, and that all these slaves shall be *bond fide* his household servants.

“3rdly. That such household slaves shall be found at large and unconfined in the vessel, and clothed like Europeans under similar circumstances.

“4thly. That no slaves shall be embarked on board of the vessel in which the said household servants shall be found; and that the voyage on which such settler and his family shall be so accompanied by such household slaves shall be a direct voyage to the Portuguese islands of Cape Verde, Prince’s, or San Thomé, from some place in the Portuguese possessions on the coast of Africa where the said settler shall have been permanently residing.”

This Article therefore carefully specifies the number and character of slaves who may accompany a Portuguese subject in voyages to and from the Portuguese possessions off the coast of Africa.

Slaves who are *bond fide* household servants, and these only in very limited numbers, and accompanying their masters, are allowed to be removed from the mainland of Angola to the adjacent Portuguese islands.

This being the case, it is important to ascertain what position those negroes occupy who under the name of “libertos” are extensively exported with the consent of the Portuguese authorities from Loanda to San Thomé.

It is clear to Her Majesty’s Government that these so-called “libertos” are, in fact, slaves; and, indeed, so much is substantially admitted by the Decree of 1854, on which the Portuguese Government rely for their justification in permitting the export of these negroes.

That Decree, under the head of “Ransom and Protection of Slaves,” contains the following provision:—

Article 7. “All slaves imported by land into the dominions of Portugal, subsequent to the publication of this Decree, are to be considered as liberated negroes, being bound however to serve their masters for the term of ten years, in accordance with the Regulations of the 25th of October, 1853.

“§. It is lawful to sell the services of these negroes for the whole, or for a portion of the time during which they are bound to serve.”

By that Decree they are slaves to all intents and purposes for ten years, and their services as slaves may be sold for a portion, or for the whole of that time. No papers whatever are furnished to these so-called “libertos,” who are entirely at the mercy of the persons who purchase their services as slaves.

The fact, that a period of ten years is fixed as the limit of their time of slavery, does not prevent their being slaves during that period, and before it expires.

It was the thing, and not the name, which it was the object of the Treaty of 1842 to prevent, and which it is the duty of those parties to that Treaty to take care to prevent.

If it is competent to the Portuguese authorities to take slaves out of the operation of the Treaty by limiting the period of slavery to ten years, it is equally competent to them to produce the same effect by passing another Decree, and fixing a period of twenty, thirty, forty, or fifty years, and by this means the very object and end of the Treaty would be practically defeated.

Count de Castro, in his note of the 9th of March last, asked what international provision is violated by the transportation of these “libertos” from the mainland of Africa to the adjacent Portuguese islands.

The foregoing observations answer this inquiry, and prove that these so-called “libertos” are in fact slaves, and not the distinctly defined class of slaves who are permitted by Treaty to accompany their masters.

Count de Castro objects to the course which Her Majesty’s Government have stated it to be their intention to pursue, namely, to bring these “libertos” before the Mixed Commission Court at Loanda, in order to ascertain whether they are being transported of



their own free will or not, but his Excellency's objection does not seem to Her Majesty's Government to be sound.

Count de Castro says, that the possibility of taking the declaration of "libertos" before a Mixed Commission Court, is not inserted among the provisions in Annex C to the Treaty of 1842. This is true, but Her Majesty's Government contend that whatever name the Portuguese authorities may impose upon these persons, they are in fact slaves, liable to be treated and sold as such during a particular and unexpired period, and who are being exported from the Portuguese possessions on the mainland, in violation of the Treaty engagements of Portugal; and it is on these grounds that Her Majesty's Government justify the course they propose to pursue.

The argument of Count de Castro that the Portuguese Government must have labourers to develop the resources of the Island of San Thomé is, in the opinion of Her Majesty's Government, irrelevant. Granted, that labourers are wanted, Her Majesty's Government maintain, that to supply this want by the exportation of slaves from the mainland, under the pretence of their being "libertos" or freedmen, is altogether opposed to the spirit of the solemn Treaty engagements of Portugal.

It is also contended by the Portuguese authorities, that if the passport under which these "libertos" are embarked, describes them as *bonâ fide* household servants, it is not competent to the Commanders of British cruizers to question this document, but Her Majesty's Government do not so read the Treaty.

The expressions already quoted "being," and "who shall be *bonâ fide* household servants," are repeated more than once in the Articles of Treaty. The existence of both conditions, therefore:—

1. That they shall be *bonâ fide* household slaves; and,

2. That they shall be so described in the passport, seems necessary, in order to place these persons beyond the application of the provisions of the Treaty; and Her Majesty's Government are of opinion that it would be competent to the Commanders of British cruizers to show that these slave owners were not entitled to a passport, and that they had obtained it either through the agency of fraud, or by the improvidence of the grantor.

Her Majesty's Government are, however, on every account, desirous to avoid, if possible, having recourse to the expedient of bringing the "libertos" before the Mixed Commission Court, and they would sincerely regret being driven to take this course; but the present system of carrying on a Slave Trade under the mask and pretext of transporting, against their will, "libertos" or freedmen, from the mainland to the Portuguese islands, has become so notorious and flagrant, that no other course will be left open to Her Majesty's Government. They are persuaded, however, that the Portuguese Government, out of regard to their own honour and good faith, will at once and effectually interfere to put down a system which, whilst it affords direct encouragement to the internal African Slave Trade, and to the wars that are undertaken to procure captives, practically renders inoperative the Treaty between the two Crowns for the suppression of the export trade in slaves.

The Undersigned, &c.

(Signed)

RT. LYTTON.

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Inclosure 2 in No. 109.

*Senhor Ribeiro to Mr. Lytton.*

(Translation.)

*Lisbon, July 30, 1866.*

THE Undersigned, His Most Faithful Majesty's Minister and Secretary of State for Foreign Affairs, had the honour to receive the note which Mr. Edward Robert Lytton, Her Britannic Majesty's Chargé d'Affaires, addressed to him on the 13th instant.

In that note, Mr. Lytton calls the attention of the Portuguese Government to the great increase which has taken place in the transportation of negroes from the province of Angola to the island of San Thomé, and makes several observations with respect to the manner in which that transportation is effected; and which in the opinion of the British Government is contrary to the spirit, and also to the letter of the Treaty of July, 1842, entered into between Portugal and Great Britain, for the suppression of the Slave Trade.

Although the reasons adduced by Mr. Edward Robert Lytton, do not appear to the Undersigned to diminish the force of the arguments upon which the note, addressed on the 9th of March last, to Sir Arthur Magenis, by Count de Castro, was based, the question in point is of so much importance as to render it necessary that it should be again submitted to a detailed and searching inquiry.

The Undersigned will have the honour to inform Her Britannic Majesty's Chargé d'Affaires of the result of the inquiry about to be instituted, and in the meanwhile avails himself, &c.

(Signed) CAZAL RIBEIRO.

## No. 110.

*Mr. Lytton to Lord Stanley.—(Received August 29.)*

My Lord,

*Lisbon, August 14, 1866.*

I HAVE the honour to inclose herewith copy of a note, which (in consequence of information that has reached this Legation, of the habitual shipment, and transport of slaves, under the name of "libertos," on board the mail steamers plying between Portugal and the Portuguese possessions on the West Coast of Africa) I have deemed it advisable to address to Messrs. Warburg and Dotti, as the Agents in Lisbon, of Messrs. Leetham and Bailey, of Hull, the owners of these steamers.

I have, &c.

(Signed) RT. LYTTON.

## Inclosure in No. 110.

*Mr. Lytton to Messrs. Warburg and Dotti.*

Gentlemen,

*Lisbon, August 13, 1866.*

I HAVE the honour to inform you, in your capacity as agents to Messrs. Leetham and Bailey, of Hull, the owners of the British and Portuguese steamers conveying the mails by contract with the Portuguese Government, between this country and the Portuguese possessions on the west coast of Africa, that Her Britannic Majesty's Legation at this Court has reason to believe that it is the practice to ship on board the Company's vessels, which are the property of British subjects, for conveyance from Loanda, chiefly to the Island of St. Thomas, negroes under the name of libertos.

Her Majesty's Legation have also reason to believe that these negroes, even though they may be provided with passports, are, in almost every instance, removed from Loanda against their will. For various reasons, founded upon evidence carefully weighed, and stated in the printed correspondence on the Slave Trade, laid by Her Majesty's Government before Parliament, the Government of Her Majesty regard these so-called libertos in no other light than as being to all intents and purposes slaves, and consequently the shipment and transport of these so-called libertos involves, in the opinion of Her Majesty's Government, a violation of the Treaty of 1842, contracted between Great Britain and Portugal for the suppression of the Slave Trade.

Under these circumstances I deem it my duty to warn the Company that the continuance of the practice above referred to may render the Company's vessels liable to seizure by the ships of Her Majesty, and possibly to condemnation by a Mixed Commission Court.

I have, &c.

(Signed) RT. LYTTON.

## No. 111.

*Mr. Lytton to Lord Stanley.—(Received August 31.)*

My Lord,

*Lisbon, August 14, 1866.*

IN conformity with the instructions contained in the Earl of Clarendon's despatches to me of the 8th of June, I addressed to the Portuguese Minister for Foreign Affairs, on the 15th of last June, a note (of which copy was forwarded to Her Majesty's Government in my despatch of June 20th) expressing to his Excellency the pleasure with which Her Majesty's Government had received the report, made to them by Her Majesty's Commissioner at Loanda, of the language and conduct of the present Governor-General of Angola. and, at the same time, calling the attention of the Portuguese Government to certain discouraging facts, which, proving the present activity of the Slave Trade to be mainly due to the connivance of Portuguese authorities, are of a nature to moderate the hopeful feelings inspired by the conscientious character and conduct of Senhor Cardozo.

I have now the honour to forward to your Lordship a translation by Mr. Duff, of a note, in which Mr. Cazal Ribeiro, after acknowledging with satisfaction the receipt of my above-mentioned communication to his Excellency, refers in terms of apparent resentment to Her Majesty's Commissioner at Loanda; and concludes by demanding that Mr. Vredenburg should be recalled and replaced.

Together with these documents, I have, furthermore, the honour to inclose copy of a note, addressed by myself to Mr. Cazal Ribeiro; in which I have endeavoured to remove from the mind of his Excellency an erroneous impression, under which he appears to have interpreted, as implying some sort of censure upon the administration of the late Governor-General of Angola, the language in which I had, when last addressing his Excellency on the subject of the Slave Trade, embodied the opinion which I was instructed by Lord Clarendon to express, as being that of Her Majesty's Government with regard to the impunity enjoyed by Slave Traders in the Portuguese possessions.

In acknowledging the receipt of Mr. Cazal Ribeiro's note, demanding the recall of Mr. Vredenburg, I have not deemed it consistent with my duty as a servant of the Government, to express any opinion which might appear to anticipate the judgment of Her Majesty's Government on a question so serious as that which is raised by the request of the Portuguese Minister for the recall of Her Majesty's Commissioner at Loanda.

In forwarding that request to Her Majesty's Government, however, I feel that I am warranted both by my strong belief that this demand for Mr. Vredenburg's recall is indirectly expressive of the resentment of persons whose misconduct it has been the duty of Mr. Vredenburg to detect and denounce; as, also, by the official intercourse which has so long subsisted between Her Majesty's Commissioner at Loanda, and Her Majesty's Legation at Lisbon, in venturing to solicit your Lordship's favourable attention to some considerations connected with the very responsible, very difficult, and very painful position of the British Agent whom his Government is now asked to supersede.

With Mr. Vredenburg I have no personal acquaintance; I have never seen him; never been in correspondence with him; and I now refer to the circumstances in which that gentleman is placed, solely from a belief that, as a fellow servant of the Government, who has had some experience of the character of Portuguese officials, and the influences from which the Portuguese Government cannot perhaps wholly liberate its dealings with the Slave Trade, I am justified in expressing my sense of the difficulties and hostilities which any person, be it Mr. Vredenburg or another, must encounter in the endeavour to discharge fearlessly, and firmly, the invidious duties of British Commissioner at Loanda.

The office and functions of any such agents may, indeed, be resembled to those of a watch-dog, and a watch-dog cannot keep good watch without occasionally displeasing some one by the sound of his bark.

I have seen no statement made, no opinion expressed, in the correspondence of Mr. Vredenburg during the two years I have been at Lisbon, which is not confirmed by the reports of Her Majesty's Naval officers and other Agents employed for the suppression of the Slave Trade. If, therefore, the fault imputed to Mr. Vredenburg be that of misrepresenting facts or persons, all Her Majesty's other agents and officers with whom Mr. Vredenburg has been co-operating and by whose co-incident testimony Mr. Vredenburg's statements and opinions have been corroborated, would appear to be equally culpable.

Of course, however, the unfitness of an agent whose duty is to transact the business of his Government in a foreign country, may not always be apparent in his official correspondence, for it may be caused by defects of temper, or lack of courtesy in his personal intercourse with those he has to deal with. But, in Mr. Cazal Ribeiro's inclosed note, at least, no question is raised as to Mr. Vredenburg's fitness, in this respect, for the satisfactory discharge of his difficult duties; at least no facts are stated, or suggested, of a kind to indicate that it is on this ground that his recall is desired. On the contrary, the general terms in which Mr. Cazal Ribeiro alludes to Mr. Vredenburg, exclude any such imputation, and specially imply that it is owing to circumstances entirely independent of that gentleman's personal control, and altogether unconnected with his individual personality, that Mr. Vredenburg has become obnoxious to the hostility of certain Portuguese functionaries.

Mr. Vredenburg's official correspondence, however (which appears to me to be characterized by great sobriety of tone and a marked absence of personal feeling), bears ample evidence that, with the Governor-General and superior authorities of Angola, his personal intercourse has been, and yet is, on the most friendly and confidential footing.

It can, therefore, be only with some of the subordinate authorities of that province that Mr. Vredenburg's relations have assumed, as the Portuguese Minister declares, "an acrimonious character." This I can readily understand.

On various occasions Mr. Vredenburg has, rightly or wrongly, deemed it his duty to

protest against the acts of many of those minor authorities; to accumulate evidence in criminating their conduct, and to bring that evidence to the knowledge of their superiors and his own. With these persons Mr. Vredenburg's relations can hardly be otherwise than "acrimonious." Unfortunately, however, Mr. Vredenburg is not the only official employed for the suppression of the Slave Trade, who has, by his efforts to thwart their proceedings, exposed himself to the acrimonious hostility of those who carry on, or connive at, that Traffic.

Mr. Costa Leal assured Her Majesty's Commissioner that "nothing could induce him to submit any longer to the martyrdom he had suffered for the last three years." I have myself had occasion to report to Her Majesty's Government what I have heard, not from Mr. Vredenburg or any British Agent, but from persons in this capital, that the late Governor-General of Angola, Mr. Andrade, has held similar language respecting the vexations and animosities to which he was, himself, exposed during his administration of that province. And, bearing in mind that the officials acting under his authority (that is to say, the minor authorities of the province with whom Mr. Vredenburg's relations are said to have become "acrimonious"), have been described by Senhor Andrade as persons whose character filled him with "disgust and abhorrence," it is, I think, obvious that, however acrimonious may be Mr. Vredenburg's present relations with many Portuguese authorities in Angola, the cause and character of that circumstance cannot be fairly estimated without reference to the names and impartial examination of the antecedent conduct of those authorities who are alluded to without being specified in Mr. Casal Ribeiro's inclosed note.

In this note, Mr. Casal Ribeiro goes on to say that Mr. Vredenburg's position has become untenable owing to circumstances "beyond his (Mr. Vredenburg's) control," and in consequence of "mistaken appreciations" founded on "incorrect information."

In countries, however, where the law has to be maintained by venal, unintelligent, and underpaid officials, in opposition to strong local sentiment and a powerful local interest, it is obviously exceedingly difficult to obtain accurate information (and, yet more, to obtain adequate proof), of the evasion of the law, even when the fact of its evasion is made notorious by the results thereof.

Surrounded by persons whose interest is to conceal what it is the duty of a British Commissioner to discover, Mr. Vredenburg, if he acts at all, must needs act sometimes on conclusions drawn from imperfect information. His position is not that of a judge, but of a detective officer; and, under such circumstances, mistakes must sometimes be made.

But if the present experience, if the knowledge of localities and persons now possessed by Mr. Vredenburg, afford no sufficient guarantee against the occasional occurrence of these mistakes, I am at a loss to understand how such a guarantee is to be found in the inexperience and ignorance of persons and localities, with which any new agent must necessarily enter upon the discharge of Mr. Vredenburg's responsible and arduous duties, should Mr. Vredenburg be now recalled.

When the present Governor-General of Angola assumed the administration of that province, an address was drawn up and read to his Excellency by the President of the "Conselho de Governo," in which address the following passage occurs:—

"What I can happily, and with the greatest satisfaction assure your Excellency of, is that vile and wicked traffic in slaves—the most ruinous cancer of this province—is extinct on the coast where we have authorities."

This address was delivered on the 17th of March, and on the 24th of the previous month, the author and spokesman of this address, admitting to Mr. Vredenburg that he had received intelligence confirming Mr. Vredenburg's information, that a large cargo of slaves had recently been exported from a part of the coast where Portuguese authorities are established, wrote thus—

"I feel bitterly that there should still be cause for suspicion that it (the Slave Trade) exists in the Portuguese possessions."

Now, my Lord, if the Governor-General of Angola is, himself, liable to receive from his own countrymen, and co-operative functionaries, information which can, to say the least, be hardly called accurate—if the President of the "Conselho de Governo" be capable of giving public utterance to so strange a "misappreciation" of facts, as that to which I have just invited your Lordship's notice, how can Mr. Vredenburg be, with justice, denounced by the Portuguese Government on the sole ground that his information is not always "accurate," his "appreciations" not always correct? and how much more liable to similar errors must be any British Agent arriving, for the first time at Loanda, to replace Mr. Vredenburg.

Considering the inevitable and notorious animosity to which any agent—be he British

or Portuguese—for the suppression of the Slave Trade, must be exposed on the part of that unhappily large and powerful number of persons, who are interested in the maintenance thereof, I trust that your Lordship will pardon me for having ventured to comment at such length, upon the contents of the inclosed note, which, in officially conveying to the Government of Her Majesty a request from the Portuguese Government for the recall of one of Her Majesty's public servants from a post of no small difficulty—(a post, demanding on the part of its occupant a fearless activity in the performance of an invidious task)—justifies that request on the sole ground of the acrimony with which Her Majesty's present Commissioner at Loanda is regarded by some of the Portuguese authorities in Angola.

I have, &c.  
(Signed) RT. LYTTON.

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Inclosure 1 in No. 111.

*Senhor Ribeiro to Mr. Lytton.*

(Translation.)

Sir,

*Lisbon, July 30, 1866.*

I HAD the honour to receive the note which you addressed to me on the 15th of June last, and the Cabinet at Lisbon was highly gratified on learning the good opinion entertained by the British Cabinet of the Governor-General of the Province of Angola, M. Francisco Antonio Gonçaves Cardozo, who in the arduous discharge of his duties faithfully complies with the instructions of the Government of His Most Faithful Majesty, showing himself to be a scrupulous observer of the provisions of the Treaty of 1842, and sincerely attached to the principles of humanity.

The confidence which the present Governor of the Province of Angola inspires will tend to put an end to the disfavour with which some British Agents have looked upon the proceedings of the Portuguese authorities, and to do away with the painful impression produced upon the Government of His Most Faithful Majesty in consequence of that disfavour.

The latter part of the note which you did me the honour to address to me seems to imply some kind of censure upon the administration of the ex-Governor, José Baptista d'Andrade, and I cannot therefore abstain from quoting here the words in which the British Consul and Commissioner himself, Mr. Vredenburg, reported on the 9th of October, 1865, the departure of that functionary:—

“The frank, honest, and truthful character of Senhor Andrade was such as to inspire sentiments of esteem, confidence, and respect in the minds of all who had relations with him, and it was with the greatest possible regret that I took my leave of him.”

So flattering an appreciation of a Portuguese functionary is, unhappily, rather an exception than otherwise on the part of Mr. Vredenburg.

It is evident that all Governments are the only judges of the conduct of their officials to whom they delegate a part of their authority; but it cannot also be a matter of doubt that the good intelligence which ought to subsist between two Governments depends to a great extent upon the state of harmony between their subordinates.

The relations between Mr. Vredenburg and several authorities in the Province of Angola have on many occasions assumed an acrimonious character, extremely detrimental to a favourable and prompt solution of many questions which it is from their very nature difficult to settle.

It cannot be my intention to fix upon the British Consul and Commissioner the entire responsibility of these rather unfriendly relations with the Portuguese authorities; on the contrary, I am convinced that the difficult position in which he has more than once been placed arises from circumstances beyond his control, inasmuch as they are the necessary consequence of mistaken appreciations and of incorrect information, against which it was not in his power to be on his guard from the beginning. Such must have been the origin of the unfavourable disposition at present subsisting, traditionally as it were, between Mr. Vredenburg and the greater part of the Portuguese authorities.

Under these circumstances, it is the opinion of the Government of His Most Faithful Majesty that the replacement of that official would tend to facilitate the solution of matters which the British Government has to treat in the Colony of Angola.

The Cabinet of London will not, I am sure, look upon the wish for this substitution shown by the Cabinet of Lisbon in any other light but as a proof of its sincere desire to maintain constantly the best harmony between the Government of His Most Faithful Majesty and that of Her Britannic Majesty by making use of all means that may draw

closer the ancient ties of alliance and friendship which happily subsist between the two Governments and the two nations.

I avail, &c.  
(Signed) CAZAL RIBEIRO.

Inclosure 2 in No. 111.

*Mr. Lytton to Senhor Ribeiro.*

M. le Ministre,

*Lisbon, August 14, 1866.*

I HAVE the honour to acknowledge the receipt of your Excellency's note of the 30th of July, replying to the note in which on the 15th of June last, it was my agreeable duty to make known to your Excellency the very favourable opinion entertained by Her Britannic Majesty's Government of the conduct and language of his Excellency Señor Francisco Antonio Gonçalves Cardozo, the present Governor of Her Most Faithful Majesty's Province of Angola, as reported to the Government of Her Majesty by Mr. Vredenburg, Her Majesty's Consul and Commissioner at Loanda, whose cordial thanks for the valuable assistance rendered by M. Costa Leal to the officers of Her Majesty's ships in the discharge of their difficult duties on the West Coast of Africa, as well as the high testimony borne by Mr. Vredenburg to the energy and conscientiousness evinced by that gentleman in the exercise of his own administrative functions, I was also instructed to record in my above-mentioned communication to your Excellency.

Your Excellency observes that the latter part of my note of the 15th ultimo "appears to imply some kind of censure upon the administration of the ex-Governor, M. José Baptista d'Andrade."

The opinion expressed by your Excellency in the words I have quoted has given me great pain, and I hasten to express my unfeigned and profound regret that the language of any part of my above-mentioned note should have conveyed to the mind of your Excellency a sense so entirely at variance with the sentiments of Her Majesty's Government, and so unintentionally injurious to a gentleman, whose high character and administrative ability have at all times been warmly appreciated by the Government of Her Majesty, and gratefully acknowledged both by Her Majesty's Commissioner at Loanda, and the officers of Her Majesty's ships employed on the West Coast of Africa.

The reports and despatches in which M. Vredenburg has borne reiterated testimony to the honourable character and conduct of M. d'Andrade, are indeed so numerous that I do not refer to them in detail, only because I am embarrassed with their multiplicity.

The opinion reproduced in your Excellency's note from a despatch from Mr. Vredenburg's reporting the departure of Señor Andrade from Angola, is, I can assure your Excellency, fully confirmed by the testimony of Her Majesty's naval officers, and cordially adopted by Her Majesty's Government. Commodore Wilmot writing to the Secretary of the Admiralty in the month of October 1864, refers to the late Governor-General of Angola in the following terms:—

"Nothing can exceed the kindness and attention of the Governor-General who is most strict and conscientious in everything connected with the Slave Trade as far as he is able in the territory under him." And Earl Russell, writing to Sir A. Magenis in the month of December of the same year observes that "all the reports received by Her Majesty's Government tend to prove that the present Governor-General of Angola honestly and faithfully endeavours, to the best of his ability, to carry out the engagements of the Portuguese Crown for the suppression of the Slave Trade, and Her Majesty's Government bear willing testimony to the zeal and good faith of this officer."

I have carefully re-perused the text of the note which I had the honour to address to your Excellency on the 15th of June last, and I cannot find in it a single allusion to the late Governor-General of Angola. In the latter portion of that note, however, I fulfilled the instructions of my Government by adverting to the fact that nearly all the shipments of slaves from the West Coast of Africa have within the last three years been effected from Portuguese Possessions; and by expressing to your Excellency the painful feelings with which the Government of Her Majesty have been compelled to attribute this fact to the facility with which the law is evaded by slave dealers under Portuguese jurisdiction. I apprehend that it must be the statement of this fact which has seemed to your Excellency to imply a censure upon the late Governor-General of Angola, but I trust that the words I have now quoted from the published correspondence of Her Majesty's Government, will suffice to efface any such impression.

What I did intend to imply, and what I now hasten to express as distinctly as I can, is

the opinion to which Her Majesty's Government have been reluctantly, but unavoidably brought by the accumulation of undisputed evidence, that, notwithstanding the known loyalty and humanity of these sentiments by which the Portuguese Government is itself animated in regard to the suppression of the Slave Trade—notwithstanding the indisputably high character and vigilant energy of the late Governor-General of Angola, as well as the conscientious exertions of many other Portuguese functionaries on the West Coast of Africa, to whose zeal, capacity, and virtue honourable testimony has frequently been borne by Her Majesty's Commissioner—this scandalous traffic in human flesh is still carried on from the African possessions of the Portuguese Crown with an activity and impunity which can only be accounted for by the venal connivance of minor officials and persons in subordinate authority.

Nobody can doubt (and I am persuaded, *M. le Ministre*, that the Government of the Queen my Sovereign has never ignored or underrated) the extreme difficulty which must be experienced by every Government, however skilful and however vigilant, in the endeavour to conform to, and maintain at, a standard of public virtue so high as to be beyond the reach of temptation, the official practice of its petty functionaries employed in remote provinces, removed from the controlling and enlightened opinion of the capital, exposed to the daily influences of uneducated provincial sentiment, encouraged and supported by local prejudices or local interests in the mal-administration of laws, to which local prejudices and local interests unwillingly submit, and surrounded with every possible incentive to a venal compromise between public duty and private profit.

The vicious practices of such persons undoubtedly afford no fair cause of complaint, either against the Government or the Governors, whose authority those persons endeavour to evade, and whose good intentions they often contrive to frustrate, unless such practices, when detected and proved, are defended and suffered to go unpunished by the higher authorities.

The opinion which Her Majesty's Government have been compelled to entertain with respect to the conduct of a great number of minor Portuguese officials in Africa, is not derived exclusively from the statements made to Her Majesty's Government by *Mr. Vredenburg*: it is deduced from the coincident testimony of Her Majesty's other agents and officers employed for the suppression of the Slave Trade, and is in accordance with the reiterated and regretful avowals of the highest-placed and highest-minded authorities in the administration of the African provinces of the Portuguese Crown.

*Major Godinho*, when Acting Governor of Benguella, informed *Mr. Vredenburg* that he had learned enough of what was then going on in that district "to satisfy him that the slave trading sanctioned by *Senhor Gamitto* had been scandalous and disgraceful." The charges made against *Senhor Gamitto* to the late Governor-General of Angola were declared by His Excellency to be "substantial." *Senhor Andrade* frequently expressed to Her Majesty's Commissioner "his disgust and abhorrence of the character of many of his subordinates, whose conduct tended to throw discredit on him in the eyes of those unacquainted with him; lamenting at the same time the want of success which had hitherto attended his efforts to find more trustworthy persons."

I might multiply references to similar and equally significant admissions by Portuguese functionaries of unimpeachable character and integrity; but it is obviously unnecessary that I should here reproduce the whole body of evidence in view of which Her Britannic Majesty's Government have been brought to the conclusion expressed by *Earl Russell* in one of his Lordship's despatches addressed to *Sir A. Magenis* in the year 1864 (December 31)—"that the good intentions of the Governor-General are neutralized and his efforts thwarted by his subordinate officers, who in some of the southern portions of the province are in league with the slave-dealers, and share their unholy gains."

As, however, in referring to *Mr. Vredenburg's* prompt and cordial acknowledgments of the merits of the present Governor-General of Angola, your Excellency takes occasion to observe that so flattering an appreciation of a Portuguese functionary is, unhappily, rather an exception than otherwise, on the part of *Mr. Vredenburg*, I cannot but wish that it were in my power, without unduly extending the length of the present communication, to refer your Excellency, in detail, to the frank and unstinted encomiums with which *Mr. Vredenburg* has on various occasions directed the notice of his Government to the praiseworthy conduct of many of the Portuguese authorities concerned in the suppression of the Slave Trade. Here again, however, I am embarrassed by the number of passages which any such undertaking would oblige me to extract from the voluminous printed and published correspondence between Her Majesty's Government and Her Majesty's Commissioner; and I must be content to mention that, on turning over, as I now write, one only, (the first that comes to my hand of the many volumes in which that correspondence is

printed), I find no less than eight distinctly different references made by Mr. Vredenburg to Portuguese functionaries, in terms of generous and unqualified commendation.

Your Excellency goes on to say that "the relations between Mr. Vredenburg and several authorities in the province of Angola have on many occasions assumed an acrimonious character, extremely detrimental to a favourable and prompt solution of many questions which it is, from their very nature, difficult to settle;" and your Excellency concludes by expressing the desire that Mr. Vredenburg may be recalled and replaced.

Although, in making the request, your Excellency does not enter into any details with respect to the cause and motive of it, I cannot for a moment doubt the gravity and importance of whatever considerations may have induced the Government of His Most Faithful Majesty to take so serious a step as that of officially demanding the recall of an agent whose conduct, so far as I am aware of, has hitherto been approved by the Government he serves. It will, of course, be my duty to communicate to Her Majesty's Government, without loss of time, the note in which this request is made by your Excellency. I presume that all the reasons on which that request is founded will be, or have been, fully stated and explained to Her Majesty's Government by the Representative of His Most Faithful Majesty's Government at the Court of St. James; and I feel assured that they will be examined and considered with that unprejudiced and serious attention which is due to the nature of the request itself, and the desire which the Government of Her Majesty cannot but entertain, that its relations with the Government of His Most Faithful Majesty, as well as the official intercourse of the respective agents of the two Governments should, at all times, and on all subjects, be frank and cordial.

I avail, &c.

(Signed) RT. LYTTON.

No. 112.

*Lord Stanley to Mr. Lytton.*

Sir,

*Foreign Office, September 8, 1866.*

I HAVE received your despatch of the 14th ultimo, together with its inclosures, and I have, in reply, to acquaint you, that I entirely approve the note addressed by you on the above-mentioned date to the Portuguese Minister for Foreign Affairs, with the view to remove the erroneous impression entertained by his Excellency that the communications which you were instructed by Lord Clarendon's despatches of the 8th of June last to make to the Portuguese Government upon matters connected with the Slave Trade in the Portuguese possessions on the West Coast of Africa were intended to imply some kind of censure upon the administration of the ex-Governor of Angola, Senhor José Baptista d'Andrade.

With regard, however, to that part of Senhor Casal Ribeiro's note, in which he asks for the removal from Loanda of Mr. Vredenburg, Her Majesty's Consul and Commissioner in the Mixed Commission Court, on the ground of the unfriendly relations subsisting between that officer and the greater part of the Portuguese authorities, I have to instruct you to express to the Portuguese Minister, the regret of Her Majesty's Government that the Government of His Most Faithful Majesty should have felt themselves called upon to make this request, as it would appear from the correspondence of Her Majesty's Commissioner, that he has been on the best possible terms with both the late and present Governor-General of Angola, and if his relations with the subordinate Portuguese authorities have not been of the same cordial character, it is not to be wondered at, considering the complaints he has at various times felt it his duty to make of the connivance of some of those authorities at the operations of the slave-traders.

You will add, that if the Portuguese Government have any well-founded cause of complaint against Mr. Vredenburg, it will be inquired into, with the view, if possible, to its removal, and you will, at the same time, express the hope of Her Majesty's Government that the Portuguese Government will not press this matter, unless stronger reasons than have hitherto been adduced for urging Mr. Vredenburg's removal are in their possession, in which case Her Majesty's Government would be glad to know what those reasons are.

I am, &c.

(Signed) STANLEY.



*Mr. Lytton to Lord Stanley.—(Received October 16.)*

(Extract.)

*Lisbon, October 6, 1866.*

WITH reference to my despatch of August 14, inclosing copy of a communication which I deemed it my duty to make to Messrs. Warburg and Dotti, as agents for Messrs. Leatham and Bailey, of Hull, who are the owners of a line of steamers now plying, under contract with the Portuguese Government, between this country and the coast of Africa, in which communication warning was conveyed to Messrs. Bailey and Leatham that, by continuing the conveyance on board their vessels of slaves, under the name of libertos, they would expose those vessels to the risk of seizure, and possibly, even, of condemnation by the Mixed Commission Court; I have now the honour to forward to your Lordship copy of the reply thereto which has been addressed to me by Messrs. Warburg and Dotti, on behalf of Messrs. Bailey and Leatham.

I should here state that I did not deem it expedient to address to these gentlemen the warning contained in my above-mentioned note, until I had ascertained that, on a previous and precisely similar occasion, a similar warning had been addressed by Sir Arthur Magenis, then Her Majesty's Minister at this Court, to Messrs. Medicott, the agents for a line of steamers belonging to Mr. Lindsay, and employed by the Portuguese Government for the conveyance of the Portuguese mails to the possessions of this country on the coast of Africa.

The warning then conveyed by Sir Arthur Magenis, through Messrs. Medicott, to Mr. Lindsay, was occasioned by the fact having become known to Her Majesty's Legation at Lisbon that those steamers were being employed for the transport of slaves, shipped under the name of libertos; and on that occasion Messrs. Medicott, acting for Mr. Lindsay, considered that after the receipt of such a warning the risk incurred by neglecting it would be so serious, that they informed the Portuguese Government that they could no longer consent to permit the vessels in question to be used for the transport of these so-called libertos; and the practice was consequently discontinued.

Messrs. Warburg and Dotti, or the owners of the vessels for whom these gentlemen are acting, appear, in the present instance, after (as I presume) taking legal advice, to have come to a different conclusion.

I cannot, however, but think that they must be in error when they express the belief that, not Messrs. Bailey and Leatham, who are Her Majesty's subjects, but the Portuguese authorities with whom these subjects of Her Majesty have contracted, must be held responsible by Her Majesty's Government for the illegal employment of British property.

I should apprehend that if, by the continuance of a practice the danger of which has been fully pointed out to them, Messrs. Leatham and Bailey should now sustain any loss or damage, the Portuguese authorities, at whose instance this practice is continued, might possibly be made by Messrs. Bailey and Leatham responsible to them for the loss or damage thus incurred; but that the persons who are, *primâ facie*, responsible to Her Majesty's Government for any proceedings which may be regarded as illegal by the British Government, are, not the Portuguese authorities, but Messrs. Bailey and Leatham themselves.

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Inclosure in No. 1 3.

*Mr. George to Mr. Lytton.*

Sir,

*Lisbon, September 12, 1866.*

I AM directed by Messrs. Warburg and Dotti to acknowledge the receipt of your esteemed favour dated August 13, and to inform you that they would have replied to the same ere this, but that in so serious a matter they deemed it prudent to consult previously their constituents in England and the Portuguese authorities involved in the question raised by you.

I now beg leave to state that Messrs. Bailey and Leatham are running their steamers under contract with the Portuguese Government, and that therefore they are bound to receive on board as passengers all persons presenting themselves with passports, or similar documents granted by the Portuguese authorities. Messrs. Bailey and Leatham have no other knowledge of the individuals designated by you as "libertos" than that which they might obtain from the accounts furnished by their agents at the African ports; but as every steamer previous to leaving any of those ports is subjected to an examination by the Portuguese authorities, whose principal object is to see that every passenger be provided

with the necessary passport or other document proving his identity, Messrs. Bailey and Leatham are at a loss to understand how the fact of their carrying any class of passengers could expose them to such measures as those referred to by you.

The reply Messrs. Bailey and Leatham obtained to their application to the Minister for Marine Affairs is entirely at variance with the contents of your communication, and confirms them in the belief that, not they, but the Portuguese authorities, ought to be held responsible by Her Majesty's Government for the facts you mention.

I have, &c.

(Signed) ERNEST GEORGE, *Manager.*

No. 114.

*Mr. Lytton to Lord Stanley.—(Received October 16.)*

My Lord,

*Lisbon, October 7, 1866.*

WITH reference to my despatch of yesterday's date on the subject of the conveyance of so-called libertos by the steamers belonging to Messrs. Bailey and Leatham, I have the honour to inform your Lordship that the official journal ("Diario") of this morning publishes a Decree rescinding the Government contract with Messrs. Bailey and Leatham for the lines of steam navigation to Africa. It appears that the contractors would not agree to certain modifications introduced into their contract by the Cortes.

The foreseen cessation of their connection by contract with the Portuguese Government may perhaps account for the apparent indifference of Messrs. Leatham and Bailey to the subject of the correspondence lately exchanged between this Legation and the agents of those gentlemen at Lisbon.

I have, &c.

(Signed) RT. LYTTON.

P.S.—Although their contract has been rescinded, Messrs. Bailey and Leatham's steamers will still continue to carry the mails to Africa for some months.

No. 115.

*Mr. Lytton to Lord Stanley.—(Received October 16.)*

My Lord,

*Lisbon, October 8, 1866.*

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of September 8th, conveying to me your Lordship's approval of my note to M. Casal Ribeiro relative to the late Governor-General of Angola, and I inclose herewith copy of a note which, in conformity with instructions contained in your Lordship's above-mentioned despatch, I have addressed to his Excellency, expressive of the wishes and feelings of Her Majesty's Government as regards the request of the Portuguese Government for the recall of Mr. Vredenburg.

I have, &c.

(Signed) RT. LYTTON.

Inclosure in No. 115.

*Mr. Lytton to Senhor Ribeiro.*

M. le Ministre,

*Lisbon, October 1, 1866.*

I HAVE forwarded to Her British Majesty's Principal Secretary of State for Foreign Affairs copy of the note which I had the honour to receive from your Excellency, under date of the 30th of July last, and in reply to that portion of your Excellency's above-mentioned note which contains a request for the removal from Loanda of Mr. Vredenburg, Her Majesty's Consul and Commissioner in the Mixed Commission Court, on the ground of the unfriendly relations subsisting between that officer and the greater part of the Portuguese authorities. I am now instructed to express the regret of Her Majesty's Government that the Government of His Most Faithful Majesty should have felt themselves called upon to make this request, as it would appear from the correspondence of Her Majesty's Commissioner that he has been on the best possible terms with both the late and the present Governor-General of Angola; and if his relations with the subordinate

Portuguese authorities have not been of the same cordial character, this, in the opinion of Her Majesty's Government, is not to be wondered at, considering the complaints which he has, at various times, felt it his duty to make of the connivance of some of those authorities at the operations of the slave-traders.

I am instructed to add that if the Portuguese Government have any well-founded cause of complaint against Mr. Vredenburg, it will be inquired into with the view, if possible, to its removal; but I have at the same time to express the hope of Her Majesty's Government that the Portuguese Government will not press this matter, unless stronger reasons than have hitherto been advanced for urging Mr. Vredenburg's removal are in their possession. In that case Her Majesty's Government would be glad to know what those reasons are.

I avail, &c.  
(Signed) RT. LYTTON.

No. 116.

*Mr. Lytton to Lord Stanley.—(Received October 26.)*

My Lord,

*Lisbon, October 15, 1866.*

SUBSEQUENT to the delivery of the note which, in conformity with your Lordship's instructions, I addressed to the Portuguese Minister for Foreign Affairs on the subject of Mr. Vredenburg, and of which copy was inclosed in my despatch of the 8th instant. I received from M. Casal Ribeiro two communications on the same subject, of which translations (by Mr. Duff) are herewith inclosed.

The only charges which in these two notes the Portuguese Minister for Foreign Affairs appears able to bring against Her Majesty's Commissioner at Loanda in justification of his request for the recall of that officer, are, as your Lordship will see, connected with the conduct of Mr. Vredenburg in relation:—

1st, to the adjudication of the case of the Portuguese barque "*Dahomey*," captured by Commander Peile, of Her Majesty's ship "*Espoir*," on the 3rd of March, 1866;

2ndly, to the course pursued by the Portuguese Judge D'Antas, in admitting to bail an arrested slave-dealer against whom judicial proceedings were pending at the time; and

3rdly, to the case of an American sailor, named E. Baxter, who is said to have been improperly shipped on board the British ship "*Elizabeth*," by order of Mr. Vredenburg.

The details of this last-mentioned case are not well known to me, but I apprehend that they must be already well known to Her Majesty's Government, because I find in one of Mr. Vredenburg's despatches an allusion to the circumstances of the case of this man Baxter, as having been fully reported in his two other despatches of the 6th and 8th of October, 1865, of which despatches I can find no copies in the archives of Her Majesty's Legation at Lisbon.

With regard to the case of the barque "*Dahomey*," the circumstances of this case appear to be now brought forward by M. Casal Ribeiro as evidence of misconduct, not only on the part of Mr. Vredenburg, but also on the part of the Captains of Her Majesty's cruisers employed in the suppression of the Slave Trade, of whose "excessive zeal" the Portuguese Minister takes occasion to complain.

The facts connected with the boarding, and subsequent detention, of the barque "*Dahomey*," are reported in a despatch from Commander Peile, of which, in the month of May, 1866, I communicated to M. Casal Ribeiro a copy for the timely information of the Portuguese Government.

I think it is impossible to read that despatch without being satisfied that it was the duty of Commander Peile to detain a vessel on board of which he found three negroes, who affirmed positively that they were in forcible durance as slaves; and of which the cargo afforded no evidence of legitimate commerce. I cannot see how the fact that these three negroes may have subsequently contradicted upon oath the statement which they then made, can substantiate any charge of misconduct against Commander Peile for acting, as he did, upon the *prima facie* evidence of the distinct and reiterated assertions of these men; corroborated as those assertions appeared to be both by the admissions of the captain himself, and the appearance of his cargo.

As regards the subsequent circumstances of this case, so far as they concern Mr. Vredenburg, the charge brought against that gentleman seems to amount to this:—That the view taken by him, in his capacity of British Commissioner, respecting the legality of the capture, and the worth of the evidence brought before the Mixed Commis-

sion Court, was not in accordance with that of his Portuguese colleague; and that, this being the case, Mr. Vredenburg endeavoured by every legitimate means in his power to give practical effect to his own opinion. From this it would appear that the British Commissioner at Loanda, unless his opinion, in cases of this kind, be invariably coincident with that of the Portuguese Commissioner, ought, in the opinion of the present Cabinet at Lisbon, to be recalled by Her Majesty's Government.

The second charge brought by M. Casal Ribeiro against Mr. Vredenburg is, that he has accused of venality a Portuguese Judge, by whose illegal conduct, a notorious slave-dealer has been suffered to evade justice, suppress inquiry, and escape punishment.

The facts of this case are reported by Mr. Vredenburg, in his despatch to Earl Russell of July 26th, 1854, (No. 83, class A, printed Slave Trade Correspondence of that year). They are as follows:—

On the 7th of March, 1864, a Portuguese war schooner, the "Napier," captured a Spanish brigantine, the "*Virgen del Refugio*." The Prize Court condemned this vessel as good prize on proof that she was, when captured, engaged in the Slave Trade; and the captain and crew were lodged in gaol.

In violation of the Portuguese law, the Portuguese Judge D'Antas admitted the captain to bail for an insignificant sum of money, and the captain, of course, immediately absconded.

The then Governor-General of Angola on hearing of the Judge's conduct described it as illegal and discreditable; and Mr. Vredenburg, in reporting the fact to Her Majesty's Government, after describing the circumstances of the case, observed that they left no doubt on his mind "as to the venality of the Judge." These facts occurred early in the year 1864. They were officially brought to the knowledge of the Portuguese Government by Sir Arthur Magenis in the month of October of the same year; and the conduct of Judge D'Antas was characterized by Her Majesty's Minister in his note to the Portuguese Government on this subject as "guilty connivance." No complaint was then, or has since been, made by the Portuguese Government of the strong terms in which Her Majesty's Representative at Lisbon was on that occasion instructed to express the opinion entertained by Her Majesty's Government of the conduct of Judge D'Antas. But now, towards the close of the year 1866, that is to say, very nearly three years subsequent to the events thus recalled to notice, M. Casal Ribeiro, casting about in all directions, as I cannot but believe, for some pretext on which to hang a charge against Mr. Vredenburg, discovers in the printed correspondence of Her Majesty's Government a despatch from that gentleman, in which he expresses to his own Government a belief in the venality of a Judge whose conduct was openly reprobated by the Portuguese Governor-General as grossly and inexplicably illegal. And on the strength of Mr. Vredenburg having presumed to express a belief so seemingly well justified, the Portuguese Minister for Foreign Affairs, who neither defends nor explains, nor discusses even, the conduct of the Judge on whose behalf he resents any unfavourable interpretation of such conduct, gravely invites Her Majesty's Government to remove Mr. Vredenburg from his post.

For your Lordship's information I add to the inclosures of this despatch copy of a note which I have addressed to M. Casal Ribeiro acknowledging the receipt of his Excellency's two above-mentioned communications.

I have, &c.  
(Signed) RT. LYTTON.

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Inclosure 1 in No. 116.

*Senhor Ribeiro to Mr. Lytton.*

(Translation.)

Sir,

*Lisbon, October 6, 1866.*

I HAD the honour to receive the note which you addressed to me on the 14th of August last, in reply to my note of the 30th of July.

I think it necessary to make a few remarks upon the subject to which they refer.

I shall commence by expressing my thanks for the statements in which you acknowledge the good faith and zeal with which Her Most Faithful Majesty's Government and the high functionaries of the province of Angola have made use of all the means in their power for the suppression of the Slave Trade.

The assurance which you give me that in the paragraph of your note of the 15th of June last, which appeared to me to imply some censure on the ex-Governor Andrade, you did not in any way allude to that functionary, to whose irreproachable conduct you again bear witness, could not fail to afford me great satisfaction.

It is not my intention to deny that there may have been some abuses on the part of  
CLASS B.

the subaltern authorities, perhaps less zealous in making use of the proper means of suppressing the Traffic. It would be surprising if such were not the case, taking into consideration the difficulties with which Her Most Faithful Majesty's Government has to contend in discharge of its mission of humanity and civilization, difficulties which did not escape your enlightened judgment. For instance, the fact of the "petty functionaries employed in remote provinces removed from the controlling and enlightened opinion of the capital" being "exposed to the daily influences of uneducated provincial sentiment, encouraged and supported by local prejudices or local interests in the mal-administration of laws, to which local prejudices and local interests unwillingly submit, and surrounded with every possible incentive to a venal compromise between public duty and private profit."

The Government of Her Most Faithful Majesty has in general been able to remove, or at least to diminish, those difficulties, owing to the sentiments of good faith and humanity which dictate all its acts, and of which the ex-Governor of the province of Angola "of whose high character and vigilant energy" you speak, was the faithful interpreter, as "many other Portuguese functionaries on the West Coast of Africa" have also been and still are so, who are worthy of praise for their exertions for the suppression of the Slave Trade, and for their zeal, capacity, and virtue.

If I agree with you that some irregularities and abuses may have existed, I cannot admit that they have been of such frequent occurrence as it has been endeavoured to maintain by the opinion of functionaries also of inferior rank, who are led away by an exaggerated though praiseworthy zeal which prevents them from setting the due and proper value upon reports derived from unsafe if not altogether suspicious sources. These reports, received without any inquiry by the British Commissioner and by the Naval Officers cruising on the African Coast, afterwards figure in the official reports, whence it follows that such documents cannot, on that account, be looked upon as an undeniable proof of the truth of the facts mentioned therein.

Conversations and fragments of conversations, which are reported with more or less exactness, because memory cannot always be responsible for the identity of the words made use of, and still less for the intention with which they were pronounced; expressions which although they are sometimes imputed to persons of unblemished character, but which under other circumstances, and on the part of other persons, might perhaps be ascribed to personal enmity. All these arguments are very far from producing that degree of evidence which has very often been given to them in the British Reports.

Facts really proved—these would constitute a proper evidence, which cannot be based upon statements unaccompanied by certain clear and well-defined characteristics.

Among the facts, if any can be quoted as a proof that there are abuses on the part of the unworthy smugglers in human flesh and their accomplices, other abuses, it is painful to say it, can also be alleged, which constitute a grievous vexation to lawful trade on the part of British functionaries and cruisers whose excessive zeal has often led them to discover the Slave Trade where there is not the slightest vestige of this abominable Traffic.

In order not to multiply instances of this nature, I shall only quote the most recent fact of this nature—the capture of the barque "*Dahomey*" at the free port of Ague, on the Gold Coast (Costa da Mina), on the 3rd of March last, by the Commander of the British steamer-of-war "*Espoir*"—afterwards declared an illegal capture in virtue of the judgment (accordás) of the Mixed Commission Court at Loanda, of the 5th of June of this year.

The chief motive adduced by the captor for detaining the barque "*Dahomey*," was that he had found on board three negroes who had stated through an interpreter in the service of the captor, that they were slaves, and that the ship had carried cooking pots and chains which had already been taken on shore.

In their affidavits, however, before the Mixed Commission Court at Loanda, those negroes stated that they were free, that they wanted to return on board the barque "*Dahomey*," where they had been working of their own free will, and against the master of which they did not entertain the slightest suspicion, inasmuch as they had always and in every way been treated like the white men.

They further asserted in the presence of the black, of whom it was said that it was he who had interpreted their statements, that everything he had said was false and slanderous.

The captor also showed a paper written in English, and signed by the Portuguese sailors of the barque "*Dahomey*," wherein it was stated that cooking pots and chains had been shipped at Lisbon, and that on board that vessel some negroes had been chained.

On inquiring from those who had signed that document, they affirmed under oath that those statements were false and slanderous; and that they had signed the paper in question, because they had been told that it only contained the statements made by them to the effect, that they had been engaged to go to the Gold Coast (Costa da Mina), returning to Lisbon viâ England, and that the cargo of the vessel would consist of palm oil and brandy. The above-mentioned sailors further declared that they had been told that they would have nothing to fear, and that if at Loanda, they would maintain that what was written in the paper signed by them was true, they would be set free, and they would be able to go to the house of the British Consul for the purpose of receiving their wages, amounting to 18*l*.

The barque "*Dahomey*" was acquitted, but this result was not owing to the impartiality of the British Commissioner Mr. Vredenburg, who voted in favour of its condemnation, but it was due to the circumstance of a difference of opinion having arisen between the two Commissioners, so that lots were drawn in the manner laid down in the IVth Article of the Annex B to the Treaty of the 3rd of July, 1842. The lot having fallen upon a Portuguese arbiter, the Governor-General of the Province of Angola was called upon to decide the question, and he, in accordance with the opinion of the Portuguese Commissioner, voted in favour of the illegality of the capture and acquittal of the barque.

The British Commissioner did not confine himself to voting against the acquittal of the barque "*Dahomey*." Although he had given his assent as to the competency of the Mixed Commission Court for deciding the question of compensation claimed by the owners of the vessel, he immediately differed from the Portuguese Commissioner, whose opinion was that compensation should be awarded.

By mutual agreement it was decided that the question should be submitted to the arbiter, who had already decided with respect to the capture.

Mr. Vredenburg then insisted that the point to be submitted to the arbiter should only be for him to decide: "whether the captor had been led into error through the fault of the captain of the barque that had been captured, with respect to the three negroes found on board, and who were the only cause why the captor endeavoured to justify the legality of his prize."

The Portuguese Commissioner observed that inasmuch as he had voted in favour of compensation being granted and the British Commissioner against it, it would be a more regular proceeding and would prevent delay, if each were immediately to lay before the arbiter the motives upon which their respective opinions were based for the due appreciation of the same, by which means the controversy would be more speedily settled.

The British Commissioner, however, did not agree to this proposal, and in order to avoid disputes, the question was submitted to the arbiter in the manner suggested by him, and that arbiter gave as his opinion, that the captor had not been led into error through the fault of the captain of the captured vessel.

The matter in dispute having reached this point, and as the British Commissioner was convinced that the vote of the arbiter could not but be in favour of the right of the claimant, he endeavoured to withdraw from his appreciation and judgment the final decision of the point in dispute, invoking the want of competency on the part of the Court, which he did not consider to be authorized to grant compensations until Her Britannic Majesty's and His Most Faithful Majesty's Governments should have decided what was the proper interpretation to be given to the Xth Article of the Treaty of the 3rd of July, 1842.

The repugnance shown by Mr. Vredenburg to trust to the decision of the arbiter in the case of the "*Dahomey*," was the more surprising, inasmuch as that arbiter was the present Governor-General of the province of Angola, M. Francisco Antonio Gonçalves Cardozo, with respect to whom you communicated to me in your note of the 15th of June last, the terms of confidence in which that functionary was held by Mr. Vredenburg, whose despatches bore,—“the fullest testimony, not only to the high character of that distinguished officer, which, indeed, his previous services in the energetic suppression of the Slave Trade had already rendered conspicuous, but also to the judgment, activity, and decision of conduct with which his Excellency has commenced the arduous administration of his high and responsible office.”

I shall not go any further into the particulars of this event which I shall convey to the knowledge of Her Britannic Majesty's Government as soon as I shall receive a few other documents, which I am daily expecting in order to complete the information upon this case.

This fact has further increased the number of the several just motives why His Most Faithful Majesty's Government was already anxious for the replacement of Mr. Vredenburg in his capacity as the Commissioner and Consul of Great Britain at Loanda, motives which have, on several occasions, been made known to Her Britannic Majesty's Government

through the Representative of Portugal at the Court of London, and which I myself pointed out in the note which I had the honour to address to you on the 9th of June last, with respect to the American sailor Baxter.

I might still relate in this place another no less deplorable event in which the British Commissioner, carried on by the same feelings of levity and bitterness, did not hesitate to accuse of venality a Portuguese magistrate, the Judge of the district of Loanda, João Candido Fortunato d'Antas, because he had allowed an individual, against whom judicial proceedings were pending for the crime of Traffic in Slaves, to be set free under bail. This accusation, which only reached to the knowledge of that magistrate a short time ago, is contained in a despatch dated the 26th of July, 1864, published in the (Blue) book of the correspondence of the British Commissioners of the year 1864, Class A.

I am also expecting a few documents on this subject in order that I may likewise call the attention of Her Britannic Majesty's Government to it.

In concluding this note, I cannot help expressing to you the painful considerations which such facts as those which I have briefly described, suggest to me.

The British agents on the West Coast of Africa, carried on by an excessive though praiseworthy zeal, and relying on information which they ought very often to hold in suspicion, tend in their reports to establish the fact that the number of Portuguese vessels that appear in those latitudes and are not engaged in the Slave Trade is very small, and that the subordinate Portuguese authorities are very often, according to their opinion, connivant in that Traffic.

On the other hand, the Portuguese public, especially in the African colonies, is easily excited by the account (very often exaggerated) of several facts relating to the interference of the British authorities, which interference is not considered from a proper point of view, and it is led to believe that the capture of vessels are made in contempt of the protection which is due to lawful trade. At the present day it is no uncommon opinion that the Portuguese trade on the northern coast of the Province of Angola and in the Gulf of Guinea will be shortly reduced to ruin, on account of the vexations, visits, and temporary detentions to which vessels venturing to appear in those latitudes are exposed.

It is the duty of the two Governments to oppose this false appreciation and the erroneous consequences to which it gives birth. The best means for attaining this end will be for Her Britannic Majesty's Government to enjoin upon their agents the greatest prudence, and the most conciliatory spirit in their intercourse with the Portuguese functionaries, an injunction which the Government of His Most Faithful Majesty does not fail to give to the authorities in its possessions on the coast of Africa, urging them to continue, and, if possible, to redouble their zeal, in making use of all the means in their power for a faithful compliance with the Treaty of the 3rd of July, 1842.

The intentions of the two Governments who are sincerely anxious for the complete suppression of the Traffic, must be met with a corresponding sincerity on the part of their respective functionaries, without giving cause to undeserved suspicions which are detrimental to the moral force required by the authorities for a strict compliance with the orders of their Governments.

Such acts will effectually tend to maintain and draw still closer the friendly relations which have so long subsisted between the two Governments and the two countries, and for this purpose you will always find me disposed to use my best endeavours.

I intrust to your enlightened judgment and to your impartial appreciation the several facts and considerations which I have mentioned in this note, and I avail &c.

(Signed) CAZAL RIBEIRO.

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Inclosure 2 in No. 116.

*Senhor Ribeiro to Mr. Lytton.*

(Translation.)

Sir,

*Lisbon, October 8, 1866.*

THE note which you addressed to me on the 1st instant, was only delivered at this office on the 6th, after the note which I had the honour to address to you on that same day, the 6th, had been sent off.

I mention this circumstance in order to explain the reason why I did not allude to the observations contained in that note, and to which I now hasten to reply.

Mr. Vredenburg will surely be unable to bring forward as a proof of his prudence and moderation the manner in which he acted in the case of the American sailor E. Baxter,\* respecting which case I had the honour to address to you my note of the 9th of July last.

\* This relates to a Consular matter.

Upon this subject a complaint was also made to Her Britannic Majesty's Government by His Most Faithful Majesty's Minister at the Court of London, on the 16th of April last, to which Lord Clarendon replied, that he would cause an inquiry to be made into the matter.

Her Britannic Majesty's Commissioner at Loanda, will also be unable to allege as a proof of his impartiality, and of the good relations between himself and the Portuguese authorities, the accusation which he made against the Judge of the district of Loanda, and the circumstances which occurred in the course of the legal proceedings in the case of the barque "*Dahomey*."

These facts, to which I alluded in my note of the 6th instant, had already come to my knowledge, when I had the honour to address to you my note of the 30th of July last, and I abstained from quoting them then, because I was awaiting a more detailed report thereon.

The news which you give me that Her Britannic Majesty's Government are disposed to cause a rigorous inquiry to be made with respect to the facts to which I have alluded, and for the impartial appreciation of which I trust to the enlightened justice of that Government, have afforded me much satisfaction.

I avail, &c.  
(Signed) CAZAL RIBEIRO.

Inclosure 3 in No. 116.

*Mr. Lytton to Senhor Ribeiro.*

M. le Ministre,

*Lisbon, October 15, 1866.*

I HAVE lost no time in forwarding to Her Majesty's Government copies of the two notes which I have just had the honour to receive from your Excellency, under date of the 6th and 8th of October, relative to the conduct of Her Majesty's Commissioner at Loanda.

Your Excellency, in your note of the 8th instant, expresses your satisfaction at an assurance contained in mine of the 1st instant, "that Her Majesty's Government are disposed to cause rigorous inquiry to be made with respect to the facts to which you have alluded."

But from your Excellency's above-mentioned communication to myself, it would appear that these facts, or the greater number of them, are already known to Her Majesty's Government, some of them having been specially urged upon the notice of Her Majesty's Government by the Portuguese Representative in London, and I think your Excellency will find by reference to my note containing the assurance to which you thus allude, that in that note I expressed, conformably to my instructions, the hope of Her Majesty's Government that, unless the Portuguese Government are in a position to prefer against Mr. Vredenburg, and confirm upon substantial evidence, some serious charge not yet known to Her Majesty's Government, of a character less indefinite and unsupported than that of any now within the cognizance of Her Majesty's Government, your Excellency's request for the removal of Mr. Vredenburg from his present post will not be pressed any further.

I avail, &c.  
(Signed) RT. LYTTON.

No. 117.

*Mr. Lytton to Lord Stanley.—(Received October 26.)*

My Lord,

*Lisbon, October 18, 1866.*

WITH reference to my despatches of the 6th and 7th instant, I have now the honour to inform your Lordship that the Portuguese Government has entered into a new provisional contract (published in the official journal of the 16th instant) with Messrs. Bailey and Leetham, of Hull, for lines of steam navigation to the Algarves, to the Azores and to the Portuguese possessions on the West Coast of Africa, calling at Madeira, and Cape de Verde.

In virtue of this contract dated the 15th instant, the number of voyages to and from the Algarves is to be at least twenty-four during the year, and to and from the Azores and the West Coast of Africa, twelve at least on each line per annum.



The subsidy granted by the Government is as follows:—

	Reis.	£
For the African line .. .. .	167,500,000	= 37,222
For the Azores line .. .. .	22,500,000	5,000
For the Algarves line .. .. .	10,000,000	2,222
	<hr/>	
	200,000,000	= 44,444

It is expressly laid down in the contract that the Company is to be a Portuguese undertaking to all intents and purposes, that all questions relating to it are to be decided in the Portuguese Courts and in accordance with Portuguese law, and that the contractors expressly renounce all their privileges and immunities as foreigners, as far as the contract is, in any way, concerned.

In fine, the Company will be allowed to employ either Portuguese or foreign steamers on the several lines of navigation, but subject to the laws, and commercial and police regulations which are in force with respect to vessels sailing under the national flag.

I have, &c.  
(Signed) RT. LYTTON.

No. 118.

*Lord Stanley to Mr. Lytton.*

Sir, *Foreign Office, November 22, 1866.*  
I HAVE to acquaint you that a despatch has been received at the Admiralty from Commander Peile, of Her Majesty's ship "Espoir," reporting that on the 17th of September last, he captured off the Congo river, a brigantine, apparently Portuguese, fully equipped for the Slave Trade, but without colours or papers to denote nationality.

As part of her cargo was marked Cadiz, the vessel in question would appear to have been fitted out at that port. The crew, however, declared themselves to be Portuguese subjects, and Commander Peile intended therefore to hand them over to the Portuguese authorities at Loanda.

I have to instruct you to communicate the particulars of this capture to the Government of His Most Faithful Majesty, and in doing so, you will express the hope of Her Majesty's Government that the Portuguese authorities may be instructed not only to use their best endeavours to procure the punishment of the crew of this vessel, but also to ascertain who were the promoters of the venture, and you will add that Her Majesty's Government would be glad to receive any information on this point which the Portuguese authorities may be able to furnish.

I am, &c.  
(Signed) STANLEY.

No. 119.

*Lord Stanley to Sir A. Paget.*

Sir, *Foreign Office, December 1, 1866.*  
I TRANSMIT to you herewith for communication to the Portuguese Government, an extract from the Annual Report of Her Majesty's Commissioner at the Cape of Good Hope on the subject of the Slave Trade on the East Coast of Africa;\* and I have to instruct you in making this communication to the Portuguese Minister, to state that Her Majesty's Government have been gratified by learning from Mr. Frere's Report, that although there would appear to be no diminution of the Slave Trade in the Mozambique Channel, the Portuguese authorities have been actively and successfully engaged in the repression of the Traffic.

I am, &c.  
(Signed) STANLEY.

No. 120.

*Lord Stanley to Sir A. Paget.*

Sir, *Foreign Office, December 8, 1866.*  
 HAVING referred for the consideration of the Law Officers of the Crown, Mr. Lytton's despatches as marked in the margin,\* upon the question whether Messrs. Leatham and Bailey, of Hull, the owners of steamers plying under contract with the Portuguese Government, rendered themselves amenable to the provisions of the British laws for the suppression of the Slave Trade, by carrying on board their vessels slaves under the pretence of their being "libertos" or freedmen, I have now to acquaint you that Her Majesty's Law Officers, in order to enable them to form a correct opinion upon this matter, require to be furnished with a copy of the contract that now exists between Messrs. Leatham and Bailey and the Portuguese Government.

I have accordingly to instruct you to procure and transmit to me a translation of the contract in question, which Mr. Lytton reports was published in the official journal of the 16th of October last.

In the meanwhile, however, I have to inform you, that if by this contract Messrs. Leatham and Bailey are to navigate the ships, employing and paying the captains and crews, and merely carrying such persons and things as they are required to carry by the Portuguese Government under the contract, Her Majesty's Law Officers are of opinion, assuming Her Majesty's Government to be right in considering the "libertos" to be in reality slaves, that Messrs. Leatham and Bailey do in reality render themselves amenable to the provisions of the British laws by carrying the "libertos" on board their vessels.

If, however, by their contract, Messrs. Leatham and Bailey charter their ships absolutely to a Portuguese Company, and that Company, under contract with the Portuguese Government, employ the ships to carry the "libertos," although the vessels might be seized and brought for trial before a Mixed Commission Court and forfeited, yet Messrs. Leatham and Bailey would probably not be personally amenable to the provisions of the British laws.

I am, &c.  
 (Signed) STANLEY.

No. 121.

*Sir A. Paget to Lord Stanley.—(Received December 16.)*

My Lord, *Lisbon, December 11, 1866.*  
 IN obedience to the instructions contained in your Lordship's despatch to Mr. Lytton of the 22nd ultimo, I addressed on the 5th instant a note to the Portuguese Minister for Foreign Affairs, informing him of the capture by Her Majesty's ship "Espoir," of a brigantine, equipped for Slave Trade, and having Portuguese subjects on board; and I now have the honour to transmit to your Lordship a copy and translation of the answer I have received from M. Cazal Ribeiro.

I have, &c.  
 (Signed) A. PAGET.

Inclosure in No. 121.

*Senhor Ribeiro to Sir A. Paget.*

(Translation.)

Sir, *Lisbon, December 7, 1866.*  
 I HAVE the honour to acknowledge the receipt of your note of the 5th instant, in which you inform me that certain Portuguese subjects have been landed at Loanda, being the crew of a ship which has been seized on suspicion of Slave Trade near the mouth of the Congo river, by the Commander of Her Majesty's ship "Espoir."

The communication of your Excellency will be brought to the knowledge of the Office of Marine and the Colonies, and I therefore confine myself for the present to repeating to you the assurance that the Portuguese authorities on the coast of Africa are furnished with the most stringent instructions to proceed with just severity against those who are guilty of Slave Trade.

\* Nos. 113, 114, and 117.

As soon as the information asked from the Office of Marine and the Colonies reaches me, I will communicate to you the result of the affair.

I avail, &c.  
(Signed) CAZAL RIBEIRO.

No. 122.

*Sir A. Paget to Lord Stanley.—(Received December 16.)*

My Lord,

*Lisbon, December 12, 1866.*

WITH reference to Mr. Lytton's despatch to your Lordship of the 15th of October last, and to previous correspondence relative to certain charges preferred by the Portuguese Government against Mr. Vredenburg, Her Majesty's Commissioner at Loanda, I have the honour to transmit to your Lordship translation of a note which I have received from M. Cazal Ribeiro, in which his Excellency presses for an answer to his notes of October last, and requests to be informed whether I have received any instructions on this subject.

I have stated in reply that Her Majesty's Government have not given me any instructions relative to the complaints brought against Mr. Vredenburg, but have added that I should not fail to transmit his Excellency's note to your Lordship.

I have, &c.  
(Signed) A. PAGET.

Inclosure in No. 122.

*Senhor Ribeiro to Sir A. Paget.*

(Translation.)

*Lisbon, December 6, 1866.*

THE Undersigned, &c., has the honour to acknowledge the receipt of the note which was addressed to him on the 15th of October last by Mr. R. Lytton, then Her Britannic Majesty's Chargé d'Affaires at this Court, in reply to the notes of the 6th and 8th of that month respecting certain proceedings of Mr. Vredenburg, British Consul and Commissioner at Loanda.

In consequence of Mr. Lytton's assurance that he had immediately communicated to his Government copies of the above-mentioned notes, the Undersigned thought proper, without again pressing the matter, to wait the time that was requisite for Her Britannic Majesty's Government to take cognizance of the very extraordinary facts mentioned in those notes, and to weigh them in their spirit of rectitude and equity.

The faithful discharge of the duties intrusted to the British Commissioner in virtue of the Treaty of 1842 for the suppression of the Slave Trade might well be, and ought to be, compatible with the impartiality which is absolutely required in those who exercise judicial functions, with the respect due to the rights of lawful trade, and with that spirit of confidence which is well adapted to keep up between himself and the chief authorities of the province the same cordiality which happily subsists between the two Governments.

It is unnecessary to repeat in this place the several occurrences in which Mr. Vredenburg has departed from this rule of conduct. It will be sufficient to call the attention of Sir Augustus Paget, &c., to two series of facts, the details of which are fully set forth in the notes of the 9th of June and 6th of October of this year; the false denunciation received from the American sailor Baxter, followed by the attempt at evasion on the part of that sailor, and the proceedings of the trial of the barque "*Dahomey*," and of the compensation claimed by the owners of that barque. In both the above-mentioned cases documents which cannot be called in question prove the fair grounds of the complaints addressed by the Government of His Most Faithful Majesty to that of Her Britannic Majesty against the conduct of Mr. Vredenburg.

It is proper further to observe that the facts relative to the sailor Baxter were brought in May last to the knowledge of Lord Clarendon, then Her Britannic Majesty's Secretary of State for Foreign Affairs, by Count Lavradio, Portuguese Minister in London, and the latter got an assurance from Lord Clarendon that he was about to institute a serious inquiry into the matter.

It therefore seems very likely that Her Britannic Majesty's Government is now already in a position to render justice to the representations made by that of His Most Faithful Majesty on this matter, and the Undersigned trusts that Sir A. Paget will kindly

inform him whether he has received any instructions upon this point, and if not, he hopes that his Excellency will not fail to ask for the same as soon as possible.

The constant endeavours of the Portuguese Government to extirpate the last vestiges of the inhuman Traffic in Slaves cannot be called in question; and such endeavours have on several occasions been acknowledged and applauded in official documents drawn up by the British Government and by their agents. The series of measures which have from remote periods been adopted with a view to improve the lot and promote the civilization of the African race in the Portuguese Colonies is very long. In order to crown all these measures in a worthy manner, His Majesty the King has just, in accordance with a proposal submitted to him by the Government, appointed, by a Decree dated the 29th November last, a Committee of Inquiry, which is charged, in addition to other important investigations, with the duty of proposing (this being the most pressing part of its labours) the most expedient measures for the prompt execution of the firm resolution which the Government has taken of anticipating the period laid down in the Decree of the 29th of April, 1858, for the entire extinction of the state of slavery in all the Portuguese dominions.

Neither pecuniary sacrifices nor considerations of any other kind can deter the Government from this humane intention. To promote free labour, to cultivate the vast and fertile territories which we possess in Africa, to avail ourselves of the mineral strata which are to be found there, to increase the facilities for trade, to introduce into the several branches of public administration the improvements adequate to the character of the inhabitants of those regions—such, in short, is the colonial programme, to the carrying out of which the efforts of the Government are directed. The fact that this undertaking is both difficult and complicated does not discourage the Government in its purpose of carrying it out, not only for the advantage of Portugal, but also in the general interests of civilization.

The means, however, which we are prepared to put in practice will perhaps lose much of their efficiency unless we are able to reckon upon the firm and well-justified confidence of Her Britannic Majesty's Government; unless the British functionaries employed in Africa in the suppression of the Slave Trade will act in accordance with these feelings; unless free trade shall not continue to be thwarted in its operations by an inconsiderate zeal, if not by the fixed purpose of creating false impressions; and unless the lawful sovereignty of the Portuguese Crown shall not remain ignored or disregarded in those places where its possessions are held by titles which are admitted by international law as being placed beyond all manner of doubt.

Inasmuch as the Undersigned is deeply convinced of the good-will which guides the Cabinet of St. James' in its relations with Portugal, the ancient ally of Great Britain, he has the honour of calling the most serious attention of Sir A. Paget to what is above stated, with the request that he will bring it under the knowledge of his Government, whose enlightened mind, he fully trusts, will remove the obstacles which have several times been raised by incorrect reports, by inveterate prejudices, or, in fine, by ill-grounded opinions as to the interests of the two countries.

The Undersigned, &c.

(Signed)

CAZAL RIBEIRO.

No. 123.

*Lord Stanley to Sir A. Paget.*

Sir,

*Foreign Office, December 18, 1866.*

I TRANSMIT to you herewith a copy of the Annual Report on the Slave Trade which I have received from Mr. Vredenburg, Her Majesty's Commissioner at Loanda,\* and I have to instruct you to communicate the substance of this Report to the Portuguese Government.

You will perceive that Mr. Vredenburg states that not only is the system of sending slaves, under the pretence of their being "libertos," from the province of Angola to the Island of San Thomé, still extensively carried on, but that a considerable traffic in negroes, who are simply and undisguisedly slaves, is also carried on from the mainland to the Portuguese islands of Principe and San Thomé; and the statement of Her Majesty's Commissioner on this head are confirmed by Commodore Hornby, the officer in command of Her Majesty's Naval Forces on the African station, an extract of whose report I annex.†

You will call the serious attention of the Portuguese Government to the state of

\* Class A, No. 45.

† Ibid., No. 74.

things depicted in these Reports, and you will add that Her Majesty's Government are anxiously waiting to learn the determination which the Government of His Most Faithful Majesty may have come to, consequent upon the communication upon the "libertos" question which Mr. Lytton was instructed, by Lord Clarendon's despatch of the 25th of June last, to make to the Portuguese Government.

I am, &c.  
(Signed) STANLEY.

No. 124.

*Sir A. Paget to Lord Stanley.—(Received January 1, 1867.)*

My Lord,

*Lisbon, December 13, 1866.*

I HAVE the honour to transmit herewith to your Lordship a translation, by Mr. Duff, of a Decree dated the 29th ultimo, appointing a Commission to inquire according to an appended series of questions, into the important subjects of Colonial Government and of the early abolition of slavery.

The questions submitted to the consideration of the First Section of the Commission indicate a laudable desire on the part of the Portuguese Government to abolish slavery within the African Colonies of His Most Faithful Majesty, at as early a date as possible, even before the arrival of the period fixed in the former Decree of 1858, and to be prepared to overcome all the difficulties of such a humane measure, and to cope effectively with all the dangers which might arise from it, both to the colonies and to the slaves themselves. The questions submitted to the second and third sections of the Commission include many of the important problems which are presented for solution in all branches of Colonial policy, and it is to be hoped that the answers returned by this Commission will not only provide sound data for the inauguration of an enlightened policy in the Portuguese Colonies, but also offer valuable materials for the consideration of other nations, who are similarly interested in the weighty matters of slavery and colonial policy.

I have, &c.  
(Signed) A. PAGET.

Inclosure in No. 124.

*Extract from the "Diario" of December 3, 1866.*

*Decree.*

(Translation.)

TAKING into consideration the Report of the Minister and Secretary of State, *ad interim*, for the Department of the Navy and Colonies, I am pleased to decree as follows:—

Article 1. A Committee is appointed for the purpose of studying and proposing to the Government a solution of the several questions mentioned in the queries which accompany this Decree, and likewise of deliberating as to any other reforms which may be thought advantageous to the Portuguese African possessions; and the Committee is authorized to institute any inquiries it may think desirable, and to demand from all the public offices, as well as from the public functionaries both in these Realms and in the Colonies, any information that may be requisite for the full discharge of the duty intrusted to it.

Art. 2. The Committee appointed by this Decree is chiefly enjoined to inquire immediately into everything that has reference to slavery in the Portuguese dominions, and to forward separate Reports upon each subject as soon as it has been examined and settled.

Art. 3. The Committee may divide itself into the three Sections mentioned in the queries, and also form other series, should the proper order and more rapid despatch of business require it.

Art. 4. The President of the Committee will be the Councillor of State and Honorary Minister and Secretary of State, the Marquis Sá da Bandeira, a Peer of the Realm; the Vice-Presidents will be the Honorary Ministers and Secretaries of State, Count Lavradio, a Councillor of State, and President of the Chambers of Peers; Carlos Bento da Silva, and José da Silva Mendes Leal, Councillors and Deputies; the Secretaries will be the Deputies Antonio Augusto Teixeira de Vasconcellos, and Francisco Joaquim da Costa e Silva, acting Secretary to the Colonial Board; and the other members composing the Committee will be, Antonio José de Seixas, a Deputy; F. da Costa Leal, a Lieutenant-

Colonel in Angola; F. Luiz Gomes, a Deputy; F. d'Oliveira Chamiço, Governor of the National Colonial Bank; the Councillor João Tavares de Almeida, a Deputy and ex-Governor of Mozambique; J. J. Gonçalves Mattos Correia, a Deputy; the Councillor J. Pinto de Magalhães, a Deputy and Member of the Colonial Board; José Antonio Maia, a Deputy Elect for Mozambique; the Councillor J. Baptista d'Andrade, ex-Governor-General of Angola; the Councillor J. J. da Silva Guardado, a Member of the Colonial Board; Leandro Jozé da Costa, a Deputy; the Councillor Manuel Jorge de Oliveira Lima, the Chief of the Second Section in the Department of State for the Navy and Colonies; and the Councillor Sebastião Lopes de Calheiros e Menezes, ex-Governor-General of Angola; and I trust that the Members of the Committee will continue to show their attention and zeal for the welfare of the State in this affair of so much importance.

The Minister and Secretary of State for the Department of the Navy and Colonies will cause it to be carried into execution as above stated.

Palace, November 29, 1866.

(Signed) THE KING.

(Countersigned)

VISCOUNT DA PRAIA GRANDE.

*Queries relating to the Inquiry ordered to be made by a Decree dated this day, into the state of the Portuguese Possessions in Africa.*

#### Section 1.

1. What measures can best be adopted to facilitate and carry out the general, complete, and immediate abolition of slavery?

2. Will it be desirable to rectify the census drawn up upon the registration which has been made, by means of a direct inspection to be made by visitors?

3. Can unregistered slaves, and those registered upon whom the tax has not been paid in full since the establishment of registration, be declared free?

4. In what light are runaway slaves who cannot be presented by their masters to be considered for the purpose of abolition?

5. In what manner is labour to be organized immediately after the abolition of slavery?

6. In what manner is compensation to be afforded to the slave-owners?

7. Will it be desirable to grant to the slave-owners the remunerated labour of the free labourers, fixing the period of service and any other conditions which may be necessary to secure the individual liberty of the labourers, and the legitimate interests of the land-owners, as well as the rights and obligations of both?

8. What kind of control ought to be exercised by the Government in this case, and what special measures are called for by the transformation of the slaves into labourers?

9. What measures ought to be adopted for the purpose of putting a stop altogether to the Slave Trade, both on the coast and in the interior of the Portuguese dominions in Africa?

10. Will it be expedient to establish a special penalty, and judicial mode of proceeding with respect to the evidence given in all criminal cases of Slave Trade when committed after the abolition?

11. Which are the places the occupation of which might effectually tend to prevent any attempt at the Slave Trade, and to promote a more rapid development of lawful trade?

12. What is the best kind of occupation in each province, in order to obtain the total extinction of the Slave Trade?

#### Section 2.

13. By what means can the commercial and financial legislation of the Portuguese Possessions in Africa be improved, in accordance with the principles of a discreet and progressive commercial liberty?

14. What changes ought to be made in the Tariffs of each province without destroying the unity of thought, but with a due regard for special circumstances derived from lawful interests, and from facts of a different nature?

15. Do the fiscal regulations of trade and navigation in Africa require to be modified, and in what manner reconciling the interests of the State with those of private individuals?

16. What reforms ought to be introduced into the chief financial administration?

17. What reforms ought to be adopted with respect to the system of taxation which is now in force in each of the African Provinces?

18. Will it be possible to adopt the monetary system of Portugal in all the Portuguese African Possessions ?
19. Will it be desirable that the Provincial Governments shall continue to issue a coinage to be held in trust (fiduciaria), or that they should be granted the power to do so ?
20. Ought the system of weights and measures which has been decreed for Portugal to be established in Africa ?
21. By what means can this innovation be facilitated, and what modifications are required to carry it out ?

*Section 3.*

22. Of what improvements does the civil legislation stand in need ?
23. Is the system of administrative decentralization recently adopted for the French Colonies applicable in the proper terms to some of the Portuguese Provinces in Africa, or are any other measures granting a greater degree of authority to the Governors of Provinces applicable to some of the latter ?
24. What changes will it be expedient to make in the military service of the African Provinces, with a due regard to their revenue and the forces of the State, as well as the safety of the citizens and the defence of the territory ?
25. What reforms are absolutely necessary for the proper regulation of justice, both with respect to the civil and criminal procedure, and in that relating to orphans, as well as in the legislation relative to persons deceased and absent ?
26. What alterations are requisite in the penal legislation with respect to the African Provinces ?
27. What reforms ought to be introduced into the judicial organization ?
28. What are the most effectual means of developing the several branches of industry and agriculture ?
29. In what manner can the ecclesiastical service be best improved ?
30. Of what reforms does the service of the public health stand in need in the African Provinces ?
31. What advantages ought to be granted to the civil and military employes in the Colonies, and which ought to be suppressed or modified ?

*Department of State for the Navy and Colonies,  
November 29, 1866.*

(Signed)

VISCOUNT DA PRAIA GRANDE.

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SPAIN.

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No. 125.

*The Earl of Clarendon to Sir J. Crampton.*

Sir, *Foreign Office, January 11, 1866.*  
WITH reference to my despatch of the 13th ultimo, I transmit to you, for your information, a copy of a further despatch from Her Majesty's Judge at Havana,\* stating that he has not yet received an answer from the Captain-General of Cuba to his note of the 14th of November last, with reference to the reported landing of slaves on the estate of Don Francesco Marty in Cuba.

I am, &c.  
(Signed) CLARENDON.

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No. 126.

*The Earl of Clarendon to Sir J. Crampton.*

Sir, *Foreign Office, January 11, 1866.*  
WITH reference to Earl Russell's despatch of the 2nd of June last, inclosing copies of papers relating to the case of the Spanish ship "America," condemned in the Mixed Commission Court at Sierra Leone for being equipped for the Slave Trade, I transmit to you, for your information, copies of a further correspondence which has passed between the Spanish Minister at this Court and myself on the same subject.

I am, &c.  
(Signed) CLARENDON.

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Inclosure 1 in No. 126.

*Señor de Castro to the Marquis de Molins.*

(Translation.)

Excellency,

*San Ildefonso, November 6, 1865.*

THE activity, zeal, and firmness with which the Spanish authorities have been for some time putting down the immoral Traffic in Negroes, and the considerable diminution which it has undergone in consequence of the energetic measures adopted to repress it, within the limits indicated by the legislation in force upon the matter, show not only the loyalty and sincerity with which Spain fulfils the Treaty of 1835, but also the earnest desire which actuates Her Majesty's Government completely to extirpate that inhuman commerce. Faithful to this intention, which was already announced by the Duke of Tetuan, in exhibiting the political programme of the Cabinet over which he presides, the Government has incessantly occupied itself in studying the matter which I refer to, without listening to the suggestions of self-interest, but only taking into consideration the inspiration of that sentiment of humanity which condemns a speculation based upon criminal actions. Your Excellency will find an evident proof of this in the measures recently adopted in the case of the negroes who have been captured by our authorities; they have been restored to full liberty, and have been allowed that protection of the law which their situation called for. The "Official Gazette" of the 29th of last October contains the Royal Decree I allude to, and in reading it your Excellency will understand the liberal spirit which has dictated this determination. But the means in the hands of the Government are not sufficient to enable it to complete the noble task of extinguishing the Slave Trade, because it does not consider them to be so effective and prompt as such a determination demands; and in order to remove the difficulties arising from this cause, its intention is to apply to the Representatives of the nation, submitting other measures to



their consideration calculated to enable the action of the Government to meet all the manifestations of the Slave Trade from the first acts which give rise to this crime, granting greater facilities for preventing it, and establishing a penal sanction which might make it almost equal to the crime of piracy, without the inconveniences which would be offered by a legally declared assimilation. The Law of 1845 cannot now effect the intentions of the Government, when it is the firm resolution of the same to suppress the Slave Trade at any cost; considering this, and without prejudice to the administrative provisions which are prepared, it has drawn up a *Projet de Loi* which it is intended to present to the consideration of the Cortes, calculated, as it believes, to produce the desired result. The penalties imposed by it will be more severe than those laid down in the above-mentioned Law of 1845, extending, in some cases, to a punishment equal to what is imposed by our Code on the crime of piracy; and in order to make the new law more efficient, power will be given to prosecute those engaged in the Traffic, as well in the peninsula as in the American possessions, and likewise within the maritime boundary ("zona") of the respective coasts.

This last part of the law under consideration is connected with observations offered by the British Government in notes from the Minister to the Spanish Cabinet, relative to the expediency of delivering over to the respective Governments the crews of vessels captured and condemned to confiscation, when they do not belong to the nation of the capturing ship; thus preventing their remaining at liberty, and in a position to proceed to fresh expeditions, as it has already taken place according to the statement of the British Government.

Without entering into an examination of the greater or lesser accuracy of the preceding statement, Her Majesty's Government must declare that on its part it considers itself not responsible for any abuse that may in fact have taken place in the direction stated, because Spain has always faithfully complied with the provisions in force relative to this subject, all the Spanish crews of ships condemned by the Mixed Court of Sierra Leone or by that of the Island of Cuba having remained at the disposal of the Audiencia de Canarias, or of that established at Havana, according to circumstances.

But if this system, which has been followed hitherto, should appear capable of improvement, so as to render it impossible that the crews of slavers should undertake fresh expeditions after undergoing a first capture, the Spanish Government will consider with pleasure any propositions which the British Government may present in a concrete form in relation to the point referred to. This proceeding will be another proof of the firmness and energy of the intentions cherished by Spain for the entire extinction of the Trade in Negroes; and in making the preceding statements to your Excellency now, upon the efficient measures shortly to be traced out with the object mentioned, I flatter myself with the belief that the British Government, as it has already acknowledged the zeal of the Captain-General of the Island of Cuba in putting down the Traffic with the means which are now at his disposal, will know how to appreciate the decided earnestness with which the present Cabinet of Spain endeavours to carry out its intention wholly to extinguish the Trade in Negroes, going in its resolutions beyond what is demanded by its international engagements, with no other stimulus than the consciousness of its duty and the suggestions of a liberal policy calculated to secure the best relations between Spain and the other nations which, like England, are interested in the suppression of this odious Traffic.

Your Excellency will be pleased to read this despatch to the British Minister for Foreign Affairs, and to leave with him a copy thereof if he desires it.

God keep, &c.

(Signed)

M. BERMUDEZ DE CASTRO.

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Inclosure 2 in No. 161.

*The Earl of Clarendon to the Marquis de Molins, December 30, 1865.*

[See Class A, Inclosure 4 in No. 1.]

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No. 127.

*The Earl of Clarendon to Sir J. Crampton.*

Sir,

*Foreign Office, January 13, 1866.*

I TRANSMIT to you herewith lists of Her Majesty's ships furnished with warrants for the suppression of the Slave Trade,\* specifying the number of their guns, the names and ranks of their commanding officers, and the stations on which they are employed; and I

\* Inclosure in No. 84.

have to desire that, in conformity with the stipulations contained in the 2nd paragraph of Article V of the Treaty between this country and Spain for the suppression of the Slave Trade, you will communicate copies of these Lists to the Spanish Government.

I am, &c.

(Signed) CLARENDON.

No. 128.

*Sir J. Crampton to the Earl of Clarendon.—(Received January 22.)*

My Lord,

*Madrid, January 17, 1866.*

IN obedience to the instructions contained in your Lordship's despatch of the 13th instant, I have addressed a note to the Spanish Minister for Foreign Affairs, copy of which I have the honour to inclose, transmitting to his Excellency the lists of Her Majesty's vessels engaged in the suppression of the Slave Trade under the provisions of the 2nd paragraph of the IInd Article of the Treaty between Great Britain and Spain.

I have, &c.

(Signed) JOHN F. CRAMPTON.

Inclosure in No. 128.

*Sir J. Crampton to Señor de Castro.*

M. le Ministre,

*Madrid, January 17, 1866.*

IN pursuance of the instructions from Her Majesty's Government, and in conformity with the stipulations contained in the 2nd paragraph of the IInd Article of the Treaty between Great Britain and Spain for the suppression of the Slave Trade, I have the honour to transmit to your Excellency herewith the lists of Her Majesty's vessels engaged in that service.

I avail, &c.

(Signed) JOHN F. CRAMPTON.

No. 129.

*Sir J. Crampton to the Earl of Clarendon.—(Received February 26.)*

(Extract.)

*Madrid, February 21, 1866.*

YOUR Lordship will have remarked that in the Speech from the Throne delivered by Her Catholic Majesty on the opening of the present Cortes, it is stated that a Project of Law would be submitted to the consideration of the Legislature "for the more effectual repression of the Slave Trade in the Antilles."

This promise has been kept, and I have now the honour to inclose a Project of Law for this purpose, which was yesterday presented to the Senate by the Minister for the Colonies, Señor Canovas y Castillo.

I shall not fail to keep your Lordship informed of the debates which may take place in the Spanish Cortes upon this important subject, as well as of the ultimate result of the deliberation of the Legislature in regard to it.

Your Lordship will observe that the penalties assigned by this law to all classes of persons concerned directly or indirectly in the Slave Trade are sufficiently severe, amounting in certain cases to that of death; and that, moreover, it embraces certain provisions by which the authorities of Cuba would be enabled to ascertain the existence upon the plantations in the interior of illegally-imported negroes, and to punish the proprietors and managers of such plantations as accessories to the Slave Trade. The absence of any such power, or at all events the fact that it was never practically exerted, has hitherto been, as your Lordship is aware, one of the great obstacles to an effective repression of the introduction of slaves into Cuba. Negroes not captured by the authorities either at sea or in the act of being landed, became virtually the legal property of the planters to whose estates the slave-traders had succeeded in conveying them, for there was no legal process by which they could be pursued and identified.

If, consequently, the present project becomes law, and its provisions are faithfully executed, much will have been effected towards the final extirpation of the Slave Trade in the Spanish Colonies.

The Marquis of the Habana, who was for many years Captain-General of Cuba, called upon me lately, and expressed to me his intention, although not now a member of Marshal O'Donnell's Administration, or a general supporter of his measures, to use every effort in support of the intended law. With that intention, and in order to throw every possible light upon the matter, with a view to any amendments which might render its applica-

tion more effective, his Excellency added that he was preparing himself to enter very largely into the matter, and to refer to the reports upon the subject which he had made to Her Catholic Majesty's Government during his administration in Cuba. Among other things he expressed to me a wish to be furnished with the official Reports made to Her Majesty's Government of the number of slaves landed in Cuba each year since 1854.

I did not hesitate to comply with this request, and as far as the archives of this Legation enabled me to do so, I drew up a statement of the numbers of negroes stated by Her Majesty's Consuls to have been imported into the island during those years, informing him of the approximative nature of the calculations upon which the Reports in question were necessarily based.

I added that I felt convinced that Her Majesty's Government would be disposed to furnish him or Her Catholic Majesty's Government with any data in their possession, which could serve the purpose of drawing the attention of the Spanish Legislature to the true nature of the evils which the proposed law was designed to remedy.

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Inclosure in No. 124.

*Project of Law for Suppressing Slave Trade in the Antilles.*

(Translation.)

THE draft Law which the Colonial Minister, Señor Canovas del Castillo, has this day laid before the Senate, for the repression and punishment of the immoral Traffic in Slaves, is as follows:—

Article 1. Makes the following acts criminal for the purposes of this law:—

1. The construction, careening, repairing, and armament of vessels in order to employ them in the Slave Trade, and any other operation which may be performed in the said vessels with the same intention; as well as the voyage thereof to the coasts of Africa at the various periods of the navigation.

2. The acquisition and purchase of fresh negroes ("negros Bozales") on the coast of Africa, and their transport to any part of America.

3. The introduction of the said negroes into the Island of Cuba or to Porto Rico; and the presence on the coasts thereof of vessels laden with negroes.

Art. 2. The following persons shall be considered as perpetrators of the crime:—

1. The owners, outfitters, consignees, captains, supercargoes, mates, and boatswains of the vessels already destined or to be hereafter destined for the Slave Trade.

2. The owners of the cargo and the contractors on whose account the slaving expeditions are made.

3. The seamen and crew of the vessels which, on being captured, shall be found in the conditions expressed in Article 25 of this Law.

4. The authorities and functionaries, of whatever rank, who, being bound by their office or by special commission to put down the trade, shall be found to have connived at it, or to have received bribes to favour the purchase or seizure of negroes on the coasts of Africa, or their introduction into the Island of Cuba or of Porto Rico.

Art. 3. The following persons shall be considered as accomplices:—

1. Those who either previously or at the time of the execution of the criminal act shall take part in the construction and other operations mentioned in Article 1 in regard to vessels which are or shall be destined for the Slave Trade.

2. Those who co-operate in the commission of the crime on the continent of Africa, or in the Colonies of the Gulf of Guinea, or in the Islands of Cuba and Porto Rico, by watching the coasts, giving information to facilitate the seizure or introduction (of negroes), assisting to procure false registers, or aiding in any other manner, direct or indirect, in carrying out the undertaking.

Art. 4. The following persons shall be considered as concealers:—

1. Employés of whatever class or rank, who, having a knowledge of the construction and other operations mentioned in Article 1 respecting vessels destined or to be destined for the Slave Trade, shall not give due notice to the authorities of the place where they are going on.

2. All Spanish subjects residing in the Colonies of the Gulf of Guinea, or on the coasts of the neighbouring continent, who, being aware of any exchange or seizure of fresh slaves intended for any part of America, shall not give information of the fact to the Governor of Fernando Po, to his delegates at Annobon and Corisco, or to the Commanders of the Spanish ships of war.

3. All those who, after a disembarkation has taken place in the Islands of Cuba or Porto Rico, shall conceal the fresh negroes, favour their introduction on to the estates,

effect their sale, or become possessed of them without the legal formalities, and without their delivering the necessary documents to show their previous condition as slaves.

Art. 5. The construction and other operations mentioned in Article 1 in regard to vessels destined or to be destined for the Slave Trade, and the sailing thereof from the ports of Spain for Africa, shall be punished with the shorter term of imprisonment ["presidio menor"], (from four to six years), and a fine of 20,000 to 40,000 crowns.

Art. 6. The acquisition of fresh negroes from the coast of Africa at any place other than the Islands of Cuba and Porto Rico, and their transport to any other place in America shall be punished with the longer term of imprisonment ["presidio mayor"], (from seven to twelve years), and a fine of 1,000 crowns for every negro forming part of the cargo; the said fine never to be less than 60,000 crowns.

Art. 7. The introduction of fresh negroes into the Islands of Cuba and Porto Rico, and the presence on the coasts thereof of vessels laden with negroes, shall be punished with terminal imprisonment ("cadena temporal") from twelve to twenty years, and a fine of 2,000 crowns for every negro comprised respectively in the introduction or cargoes, and in no case can the said fine be less than 100,000 crowns.

Art. 8. The amount of the fines shall be exacted from those who are responsible for the crime, in the proportions to be determined by the Courts.

The perpetrators shall always be responsible for their respective shares, and besides for those of the accomplices and concealers, saving the reciprocal repayment among themselves for their respective responsibilities.

The accomplices shall be jointly responsible among themselves, and subsidiarily for the shares of the perpetrators and concealers.

The concealers shall be responsible, in like manner, in regard to their own shares and those of the perpetrators and accomplices of the crime.

Art. 9. The following persons shall be punished with death:—

1. The captains, mates, supercargoes, and boatswains of the slave-ships which make armed resistance on the coasts of Africa, or on those of Cuba and Porto Rico, or on the high seas, against the ships of the Spanish navy.

2. The said captains and officers who, upon disembarking their crews upon the said coasts to effect a bargain for fresh slaves, or to protect or carry out their embarkation, shall make armed resistance to the forces from the ships of war which land on the coasts of Africa to prevent the seizure, or to the public force on the coasts or in the interior of the Islands of Cuba and Porto Rico.

Art. 10. The same punishment shall be incurred by the owners or outfitters of the slave-ships as well as those of the cargo or other persons on whose account the expeditions are made, always provided it be proved at the trial that the resistance for the saving of the ship or the cargo was a subject of contract or agreement with the captain or officers. If these circumstances should not be proved, the said persons shall be punished, according to their cases, in the manner directed in Articles 5, 6, and 7 of this Law.

Art. 11. The seamen and crews of the negro ships shall be punished with perpetual imprisonment, in the cases referred to in Article 9, if blood should have been shed in the resistance, or with temporary imprisonment from twelve to twenty years if there should have been no bloodshed.

Art. 12. The perpetrators, accomplices, and concealers of the crime denounced by this Law shall suffer the penalties appointed herein, subject to the rules contained in chapter 4, section 1, of the Penal Code of Spain.

Art. 13. If the perpetrator, accomplice, or concealer of the crime should be a public functionary, this circumstance will be considered as an aggravation, and shall cause the application of the punishment to its fullest extent.

Art. 14. Resistance to the authorities and the armed forces, or to the ships of the navy, and the commission of any kind of crime or violence against the negroes, the object of the trade, shall also be considered as aggravating circumstances, and shall cause the application of the punishment in its higher degree, without lessening the criminal responsibility which must be enforced in the last case, according to the penal laws in force.

The crimes and violences against the negroes, to which this Article refers, shall not be considered as aggravating circumstances in regard to the owners or outfitters either of the vessels or of the cargo, or other persons on whose account the expeditions are made, unless it be proved at the trial that those crimes or violences were a subject of stipulation or agreement with the captain or officers of the slave-ship.

Art. 15. In addition to the foregoing all circumstances shall be considered as aggravating which are of that character, according to the provisions of the Penal Code of Spain.

CLASS B.

Art. 16. The application of the penalties with reference to the aggravating or extenuating circumstances, shall take place according to the provisions of Article 4, section 2, of the said Code.

Art. 17. All those circumstances shall be considered as extenuating the crime which deserve that character, according to the provisions of the Penal Code above mentioned.

Art. 18. The seamen and crews of the slave-ships are exempted from any punishment:—

1. When, on seeing the Spanish ships of war chasing them, they disobey the orders of their own captain or officer, and refuse to perform the manœuvres, or take part in the armed resistance, thereby facilitating the capture.

2. When they give information of the construction, preparation or armament of the vessel to the authorities of the place where they are going on, or to the Spanish Consuls in the foreign ports, or to the Governors of Fernando Po and its dependencies, or to the agents of the administration on the coasts of Cuba and Porto Rico.

In the cases mentioned in the preceding paragraph the seamen and crews shall receive in equal parts 30 per cent. of the fines referred to in Articles 5, 6, and 7 of this Law.

Art. 19. The following persons are also exempted from responsibility:—

1. The owners and outfitters of the slave-ships when they can prove that these were employed in the trade without their knowledge.

This exception shall not be admissible when the vessel is found under any of the conditions expressed in Article 25 of this Law.

2. The owners and farmers of estates in the Islands of Cuba and Porto Rico into which fresh negroes may have been introduced, when they can prove that the introduction has taken place for the advantage of others, and without their knowledge.

This exception shall not be admissible if the owner or farmer shall have been on the estate after the negroes had come thereon.

Art. 20. The personal punishments imposed by this Law shall be undergone indispensably in the Spanish prisons in Africa.

Art. 21. Besides the penalties provided in the preceding Articles, the slave-ship with all the objects and effects on board shall be confiscated:—

1. When the capture of the ship shall have been made in the ports of the peninsula, or of the Islands of Cuba and Porto Rico, or of their possessions of the Gulf of Guinea, in a state of construction, preparation, or armament, complete, or for the most part so, but before setting sail.

2. When the capture shall have been made by Spanish ships of war in the Mediterranean Sea, or in the seas of Europe beyond the Straits of Gibraltar, and extending to the north of the parallel of 37 degrees north latitude, and to the eastern part of the meridian 20 degrees west of Greenwich.

In any other cases of capture made by Spanish ships of war on the high seas, the captured vessels shall be taken to the Havana, or to Sierra Leone, as the case may be, for the purposes stipulated in the Convention concluded with Great Britain in 1835.

Art. 22. The following circumstances shall be considered as a proof of the crime in some of its manifestations, in so far as their falsehood is not shown:—

1. The existence of writings, or of private agreements, or of mercantile correspondence, the signatures of which are legally proved, inclusive of stipulations between capitalists, or of the latter with the owners, outfitters, consignees, captains, supercargoes, and boatswains, or of these last among themselves, for the construction, careening, preparation, or arming of vessels intended for the trade in fresh negroes; or of instructions or agreements to make the voyage to Africa, or the disembarkation of slaves on the coasts of Cuba and Porto Rico.

2. Contracts which may appear to be entered into, in whatever form and until their falsity be shown, for the enticement and engagement of the seamen and crews of vessels intended for the trade.

Art. 23. It shall be considered as a sign and, if the contrary be not shown, as a proof that a vessel is destined, or is in course of destination, for the trade, if in its equipment there shall be found some of the articles or conditions following:—

1. Hatchways with open net work, instead of the closed hatchways which are used in merchant ships.

2. Partitions or divisions in the hold or upper deck in greater number than is required for lawful trade.

3. Planks in store or artificially prepared to form a second deck, a false orlop-deck, or between decks for slaves.

4. Chains, fetters, and handcuffs.

5. A quantity of water in butts, casks, tanks, pipes, barrels, or any other receptacles

more than is required for the consumption of the crew of the vessel in its character of a merchant-ship.

6. An extraordinary number of water-barrels or other casks for containing liquids, unless the captain produce a certificate from the Custom-house of the place from whence he has come, stating that sufficient securities have been given by the owners of the vessel that the said quantity of barrels or casks will only be employed to hold palm-oil or other articles of lawful commerce.

7. A larger quantity of mess kettles or tubs than is required for the use of the crew of the ship in its character of a merchant-vessel.

8. A boiler of extraordinary size, and of greater capacity than is required for the use of the crew of the ship in its character of a merchant-vessel; or more than one boiler of extraordinary size.

9. An extraordinary quantity of rice, Brazil flour, "manioca or casada," commonly called maize flour, and more than will probably be required for the use of the crew, provided always that the rice, flour, or maize be not entered in the manifest as part of the cargo for traffic.

10. The want, either wholly or in part, of the books and other documents required by the provisions of the Commercial Code; provided always, that the place where the vessel was seized, or other circumstances, should occasion suspicion of its being employed in the Slave Trade.

If some one or more of these circumstances be proved, it shall be considered as a sign, *prima facie*, that the vessel is intended for trading in negroes, unless the captain or the owners or outfitters of the vessel shall clearly show that it was employed or destined at the time of its seizure for some lawful speculation.

Art. 24. It shall also be considered as a sign, and if the contrary be not legally shown as a proof, that the owner or occupier of estates in the Island of Cuba and Porto Rico has been concerned in slaving expeditions, if one or more fresh negroes be found on the said estates unprovided with the proper certificates of registration, or having false ones, and whose legitimate introduction is not shown besides by the census and registry of slaves which has to be kept in each island according to the Governmental regulations.

In this case the managers and overseers of the estates where the negroes are found shall be considered as concealers, and shall suffer the punishment assigned in this law, if they shall not have given information of the introduction to the authorities within forty-eight hours of its having taken place.

Art. 25. The slave-ships which shall be captured by the Spanish cruisers in the seas referred to in the Convention concluded with Great Britain in 1835, shall be brought before the proper Mixed Court in the manner and for the purposes stipulated in the said Convention.

When they shall be captured in the waters within the jurisdiction of the Islands of Cuba and Porto Rico, they shall be put at the disposal of the respective superior Civil Governor, in order that when the official declaration of the freedom of the slaves has been made, their commanders may be delivered over to the competent tribunals in accordance with this law.

For the same purposes the fresh negroes and their conductors who may be taken in or out of the mills in the territory of Cuba and Porto Rico shall be put at the disposal of the Superior Civil Governors of the respective Islands.

Art. 26. If the captured vessel should be taken before the Mixed Court at the Havana, and that Court should pronounce sentence of lawful prize, the Spanish President or Vice-President who belongs thereto shall send such persons captured in the vessel as are Spanish subjects, with a literal and certified copy of all the proceedings, to the Director of the Royal Audience, in order that the competent Judge may proceed to get up a case or the examination and punishment of the offence in accordance with this law. If the captured vessel should be acquitted by the Mixed Court, the Spanish President or Vice-President who composes it shall send a literal and certified copy of the proceedings to the Superior Civil Governor of the Island of Cuba, who shall transmit it to the Government immediately.

Art. 27. If the slave-vessel should have been taken before the Mixed Court of Sierra Leone, and that Court should have pronounced sentence of lawful prize, the Spanish President or Vice-President belonging thereto shall send such of the captured persons as may be Spanish subjects, with a literal and certified copy of the proceedings, to the Director of the Royal Audience of the Canaries, for the purposes expressed in the preceding Article.

Should the Mixed Court of Sierra Leone pronounce sentence of acquittal, the Spanish President or Vice-President shall send a literal and certified copy of the proceedings to the

Civil Governor of the Canary Islands, who shall immediately transmit it to the Government.

Art. 28. The Governor of Fernando Po and its dependencies, the principal Magistrates ("Alcaldes Mayores") of Cuba and Porto Rico, and the Judges of First Resort in the Peninsula and the adjacent parts, shall take cognizance, with appeal to the respective Royal Audiences, of the actions which are brought for transgression of this law.

The Royal Audience of the Canaries shall be the Superior Court for the assessed judgments of the Governor of Fernando Po.

Art. 29. The following are competent Judges to take cognizance of and to determine in first resort the actions which may be brought in virtue of this law :—

1. The Governor of Fernando Po, assisted by a professional legal assessor, if the persons reside within the territory under his jurisdiction, who, whether as capitalists, owners, or outfitters of vessels, engage in the Slave Trade; or if the slave-ship be constructed, prepared, careened, or armed, wholly or in part, on the coasts of the Colony, or be captured within the maritime zone described in Article 1 of this Law.

2. The principal Magistrates ("Alcaldes Mayores") of Cuba and Porto Rico, in their respective districts, or the senior of them if there be two or more, under circumstances similar to those mentioned in the preceding paragraph, or if the slave-ship be captured in the waters within the jurisdiction of the said islands, or if the disembarcation of fresh negroes take place in the territory under their command, or the negroes be introduced on the estates included within their respective jurisdictions.

3. The Senior Principal Magistrate of the Havana in the case referred to in Article 26.

4. The Judge of first resort at Las Palmas in Grand Canary Island, in the case alluded to in Article 27.

5. The Judge of first resort for the Peninsula and adjacent islands, or the senior of them if there be two or more, in whose jurisdiction the persons may reside who, whether as capitalists, owners or outfitters, engage in the Slave Trade, or if the slave-ship be built, careened, or armed, wholly or in part on the coasts under his command, or when the vessels captured in the seas referred to in paragraph 2 of Article 21 of this Law, shall be brought before him.

Art. 30. If two or more of the Judges mentioned in the preceding Article should begin the examination simultaneously of some criminal act in any of its various manifestations or indications, it is to be understood that they do so provisionally, in so far as the definitive competence of their jurisdiction is not determined according to the following succession :—

1. That of the territory in which the apprehension of the African negroes and their conductors shall have taken place.

2. That of the district on the shore whereof the capture of the slave-ship shall have been made.

3. That of the district to the coasts or ports whereof the captured vessels were brought in the cases referred to in paragraph 2 of Article 21 of this Law.

4. That of the place where the vessels destined for the Slave Trade may be built, careened, prepared or armed.

5. That of the domicile of the capitalists, and owners of the cargo of fresh negroes.

6. That of the domicile of the owners, outfitters or consignees of the vessels destined for the Traffic in Slaves, provided always that the said consignees, outfitters or owners, shall not be found to be included in the cases of No. 4 of this Article.

7. That of the domicile of the captains, officers, and crews of the said vessels, provided always that they do not appear to be comprised in the cases of the said No. 4.

8. That of the residence of the public functionaries referred to in paragraph 4 of Article 20 of this Law, while they only appear as the accused.

Art. 31. The Directors of the Audiences of the Peninsula and of the Antilles, as well as the Governor of Fernando Po, shall send in to the Government a fortnightly circumstantial report of every action that may be brought in their respective territories for transgression of this law.

The report of each of these authorities shall be transmitted by the Government to all the others which are mentioned, in order that by means of the reciprocal knowledge of these reports they may agree upon what is required for the execution of the provisions of the preceding Article.

Art. 32. The Judges and Tribunals shall employ for the discovery and proof of these offences all the resources and means authorized by the regulations which govern in matters of criminal investigation, both without and within the estates or mills where the delinquents or the fresh negroes may be found who give rise to the proceedings.

The form in which the registers of estates are to be officially drawn up, and in which illegal slave expeditions are to be prosecuted in the interior of Cuba and Porto Rico, shall be determined by the regulations.

Art. 33. The official declaration of the freedom of the fresh negroes taken within the Islands of Cuba and Porto Rico and the waters of their jurisdiction, shall be made by the Superior Civil Governors, by absolute resolution and without appeal, having previously consulted a special Council, and submitted thereto the question whether the negroes taken were fresh ones or not.

The report of this Council and the declaration of the Superior Civil Governor shall be published in the official newspapers of the respective islands. A special regulation will determine the rules for the formation of the said Council.

Art. 34. The Government authorities and functionaries, as well as those of the public judicial and fiscal order, both in the Peninsula and in the Islands of Cuba and Porto Rico, shall afford each other the most constant and effectual assistance for the discovery and pursuit of the Slave Trade in all its manifestations; proceeding officially, either by information or accusation, when they shall have advice of the building or arming of vessels intended for the Trade, or of the engagement of crews for them, or of their being bound for the coasts of Africa, or of there being notice or supposition of a disembarkation of fresh negroes on those of Cuba or Porto Rico.

Art. 35. When actions shall be brought on private information or accusation, and the acts which occasioned them are found to be true, the informers or accusers shall receive 10 per cent. of the fines mentioned in Articles 5, 6, and 7.

Art. 36. Cases of simple negligence in the said authorities and functionaries shall be visited by the Government with six months' suspension from employment and pay.

In case of repetition, the delinquents shall be deprived of their offices, without affecting the criminal responsibility which they may have incurred according to this Law.

Art. 37. Besides the penalties which may be incurred according to the ordinary laws and in virtue of the provisions in the 4th paragraph of Article 2 of the present Law, the public Notaries who may authenticate any writing or document in contravention of the foregoing directions, or of what is determined by administrative regulations in regard to the acquisition of slaves by any of the means recognized by law, shall forfeit his office and be officially declared incapable and superseded, being of those who are alienated according to law.

Art. 38. The balance of the fines indicated in Articles 5, 6, and 7, after the rewards assigned in Articles 18 and 22 shall have been satisfied, shall be applied to the payment of a special police, which shall be established at those parts of the Peninsula and beyond sea which shall be suitable in the opinion of the Government, and of which the organization and powers are to be regulated by Ordinance.

Art. 39. The Government is charged to issue the Ordinances for the execution of this Law.

Art. 40. Every law is repealed in regard to the actions which may be brought in fulfilment of the foregoing provisions, as well as the Law of 10th March, 1845, in so far as it is not in conformity with the present.

(Signed) ANTONIO CANOVAS DEL CASTILLO,  
*Minister for the Colonies.*

No. 130.

*The Earl of Clarendon to Sir J. Crampton.*

Sir,

*Foreign Office, February 26, 1866.*

I HAVE to instruct you to acquaint the Spanish Government that the Queen has been graciously pleased to appoint Major S. W. Blackall to be Her Majesty's Judge in the Mixed Court of Justice established at Sierra Leone under the Treaty concluded by this country with Spain on the 28th of June, 1835, for the suppression of the African Slave Trade.

I am, &c.  
(Signed) CLARENDON.



No. 131.

*The Earl of Clarendon to Sir J. Crampton.*

Sir,

*Foreign Office, February 28, 1866.*

I HAVE received your despatch of the 21st instant, inclosing a copy of a Project of Law introduced by the Spanish Government into the Cortes for the more effectual repression of the Slave Trade; and I have to acquaint you that I approve of your having furnished the Marques de la Habana, at his request, with such information in regard to the Cuban Slave Traffic as the archives of Her Majesty's Legation enabled you to do, in order the better to enable him to support the provisions of the proposed Bill in its passage through the Cortes.

I am, &c.  
(Signed) CLARENDON.

No. 132.

*The Earl of Clarendon to Sir J. Crampton.*

Sir,

*Foreign Office, March 6, 1866.*

WITH reference to your despatch of the 21st ultimo, inclosing a copy of a Project of Law introduced by the Spanish Government into the Cortes for the more effectual repression of the African Slave Trade, I have to instruct you to express to the Spanish Government the great satisfaction with which Her Majesty's Government have read the Bill in question, which, if carried out according to the intentions of Her Catholic Majesty's Government, cannot fail to be effectual in suppressing the Cuban Slave Traffic.

There is one point, however, which is not touched upon in the proposed Law, and to which it might be useful that you should call the attention of the Spanish Government, viz., the absence of any provision for the punishment of Spanish subjects carrying on the Slave Trade in vessels without colours or papers to denote their nationality.

Of late years nearly every vessel captured by British cruizers, either equipped for the Slave Trade, or with slaves on board, has been found destitute of papers or colours to denote its nationality, and the consequence has been that although the vessels have been condemned, the crews, in some instances notoriously known to have been Spanish subjects, have escaped the punishment due to their crimes.

The course at present adopted by the commanders of British cruizers with regard to the crews of slave-vessels captured without colours or papers, is to land them on the nearest or most convenient spot on the African Coast; but if provision were made by the Spanish Government for the punishment of Spanish subjects captured on board these slave-vessels, arrangements might be come to for handing them over to the Spanish authorities on the African Coast.

Her Majesty's Government would be glad to be made acquainted with the views of the Government of Her Catholic Majesty upon this question.

I am, &c.  
(Signed) CLARENDON.

No. 133.

*The Earl of Clarendon to Sir J. Crampton.*

Sir,

*Foreign Office, March 6, 1866.*

I TRANSMIT to you herewith a copy of a despatch from Mr. Cowper, Her Majesty's Consul at Porto Rico,\* containing a Report upon the question of slavery and slave-labour as affecting that island.

You may communicate the substance of this Report in the shape of a Memorandum to the Spanish Government.

I am, &c.  
(Signed) CLARENDON.

No. 134.

*The Earl of Clarendon to Sir J. Crampton.*

Sir, *Foreign Office, March 6, 1866.*  
 I TRANSMIT to you herewith copies of two despatches, as marked in the margin,\* from Her Majesty's Consul-General at the Havana on matters connected with the Cuban Slave Trade.

I have informed Mr. Bunch's successor that Her Majesty's Government have read these Reports with much satisfaction, as evidencing the good faith and determination with which the Captain-General appears to act in carrying out the engagements of the Spanish Crown for the suppression of the Cuban Slave Traffic.

I am, &c.  
 (Signed) CLARENDON.

No. 135.

*Sir J. Crampton to the Earl of Clarendon.—(Received March 10.)*

My Lord, *Madrid, February 26, 1866.*

I HAD the honour to transmit to your Lordship with my despatch of the 21st instant, copy of an important project of Law for the suppression of the Slave Trade which has been submitted to the consideration of the Cortes.

I have now the honour to inclose a printed copy of the preamble of that Law or exposition by the Minister of the Colonies, in which the motives and considerations by which the Government has been actuated in proposing it, are set forth at considerable length.

I have no doubt this document, which is ably drawn up by Señor Canovas y Castillo, will be read by your Lordship with interest and satisfaction.

The Spanish Government will be found for the first time candidly admitting the magnitude of the evil of the Slave Trade to Cuba, of which Her Majesty's Government has with so much justice complained, and at the same time acknowledging the insufficiency of the measures hitherto adopted by the Government to vindicate the authority of their own laws, and faithfully to fulfil the international engagements of the Spanish Crown in this respect.

The Minister of the Colonies declares that the Spanish Government now propose to adopt more stringent and efficacious measures "of their own free will," and "without suggestions or exigencies from any quarter." Your Lordship will, however, be pleased to observe that many of the steps now suggested, and not a few of the principles laid down in the preamble, are those which have been continually pressed upon the attention of Spain by Her Majesty's Government.

Although Slave Trade is not assimilated to piracy in the international acceptance of that term, most of the penalties of piracy will be adjudged by the municipal tribunals of Spain to the offence of slave-trading.

The defects of the Spanish Penal Law of 1845 applicable to the Slave Trade, which have so often been pointed out to this Government, are at length acknowledged, and efficacious enactments are proposed within whose provisions would be brought classes of persons now practically exempt from all liability to punishment, by whose instigation, and with whose connivance however, this traffic was in reality carried on.

Among other important improvements suggested is the abrogation of an exceptional system of jurisprudence in the Spanish Colonies of Cuba and Porto Rico, by which causes in regard to the Slave Trade were left under the exclusive jurisdiction of certain Courts called the "Audiencia" of those Colonies. It has been but too notorious that the decisions of those local tribunals were not to be depended upon, either for purity or efficacy. Whether these qualitates can be absolutely assured on the part of any tribunal, however constituted, in Cuba, may admit of doubt, but it is probable that an alteration from the present system will be for the better.

The difficulty which the Spanish Government has to contend with, in consequence of what Señor Canovas y Castillo properly designates the "depraved state of the moral sense of many of the inhabitants of the Spanish Colonies, if not of Spain itself, in regard to the crime of slave-trading," is frankly admitted, and it may not be without a good effect that his Excellency's language throughout the document which I have now the honour to communicate to your Lordship, is unequivocal as regards the reprobation and disgust of

Her Catholic Majesty's Government at the existence of the practice in any part of the dominions of Spain.

I have, &c.  
(Signed) JOHN F. CRAMPTON.

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Inclosure in No. 135.

*Preamble to the Project of Law for the Repression and Punishment of the Slave Trade, read in the Senate by the Colonial Minister.*

THE necessity for establishing a severe punishment and effectual proceedings against those who engage in the immoral and unlawful Traffic in Slaves, declared before now by the Government, may be said to be acknowledged by all under present circumstances.

If, on account of considerations which it is not fitting now to particularize, slavery must still exist in the Islands of Cuba and Porto Rico, as a pre-existent fact which could not disappear at a given moment without great disturbances and incalculable conflicts, there is nothing at all that can justify or diminish the responsibility which Spain would incur before the tribunal of public conscience and of civilized nations, if she should not nobly and resolutely display all her resources and all her means of action to repress, chastise, and extinguish entirely the crimes in question. Such have been, in truth, the objects of the Spanish Government since the time when it first contracted the engagement by international agreements; and if the results have not always corresponded with the sincerity of its desires, it has been because the nature of its resources during the prolonged vicissitudes which the country has passed through has not allowed it to conquer in a contest in which the greatest interests, the deepest prejudices, uninterrupted tradition, cupidity, and profit, concurred in sustaining, chiefly in the Island of Cuba, the trade in fresh negroes. Men do not give up their most rooted convictions in a day, especially when through them they see their way to prosperity and riches; time and the discussion of new ideas are what modify and change public opinion, as has been the case in regard to the matter in question in England, now the ardent champion of the abolition of slavery and the Trade—formerly the privileged cultivator of them; and, before it took place in England, in some of the British Colonies which afterwards formed the United States of America. Without the constant preaching of many eloquent adversaries, Spanish and foreign; without the new direction which the political and commercial interests of a great Power took at that period; without the maritime preponderance which the same Power consolidated under the shadow of the European Continent, it is certain that the powerful voice of the Congresses of Paris and of Vienna would not have been raised in reprobation and condemnation of the Trade as an affront to humanity.

From thence range the engagements of Spain to contribute with all her means to the absolute extinction of the Traffic in Negroes. First, in the Treaty of 1814, in which she admitted the principle of abolition in order to apply it in due time to her American possessions; afterwards in that of 1817, in which the 30th of May, 1820, was fixed as the destined date for the definitive suppression; and subsequently in that of 1835, by which she consented to the reciprocal right of search, and to the formal establishment of Mixed Tribunals for the prosecution and punishment of the vessels and merchants trading in African negroes. In all these she contracted the sacred and inevitable obligation not to acquiesce in that infamous Traffic by her subjects.

To fulfil this obligation was the purpose of the Penal Law of March 2, 1845, still in force. Although its promulgation within a period of two months was stipulated for in the Treaty of June 28, 1835, the civil war and our continual agitations prevented for ten years the performance of that solemn agreement. But when the country entered upon a more tranquil and prosperous period, and when the Government became free from the prepossessions caused by the past troubles, it submitted to the Cortes, they voted, and Her Majesty sanctioned the Penal Law above mentioned, and of which the provisions have been proved ineffectual by long experience. It is this conviction which moves the Government to propose the reformation of it; and if at another time it might appear that Spain was giving way to the pressure of circumstances, now there is an opportunity of showing that without the suggestions or the exactions of any one, with the consciousness of her power and of her dignity, of her obligations and of her rights, she can and ought to give to Europe and to the world the most spontaneous and eloquent testimony of the horror with which the abominable Traffic in Negroes inspires her. It might, in truth, be sufficient for the fulfilment of her engagement to abide by the existing stipulations, and to have the Penal Law which resulted therefrom, carried out; but her design and decision embrace the definitive extinction of the Trade, and towards that end the annexed project proceeds,

together with other means within the powers of the Government, which it is preparing and bringing into effect.

There is no necessity to show that the provisions of the Law of 1845 have not been able to effect this object at all. Feeble in its machinery, trifling in its details, mild to excess in its threats and penalties, it could only answer for the circumstances and necessities of the moment.

The great interests created under the shadow of slavery in the Islands of Cuba and Porto Rico; the fear of disturbing in a violent manner the social condition of those loyal provinces, and of enfeebling the marvellous produce of their agricultural riches, then exclusively sustained by slave labour; the disproportion of the sexes in the negro race, and the inefficiency of the measures which had been adopted to promote white colonization and free labour, were, without any doubt, the reason of the lenity with which the legislators of 1845 punished an act to which the prejudices of race, habits, and the incitements of interest had not given as yet, in the Spanish Antilles, the character of criminality which was attributed to it in the whole of Europe and in the greater part of America. This has been the true and sole cause of the existence of the trade in fresh negroes, and nothing has been achieved in the way of extinguishing it, either by the vigilance of the few ships of war which Spain has been able to devote to this purpose, or by the co-operation of England, or the suspiciousness of her agents, or by the energy and activity which have always been employed, and frequently with effect, by the authorities of the Supreme Government.

But meanwhile the doctrines which favoured the trade have lost ground visibly; public opinion in the Antilles, the same as in the Peninsula, is sufficiently prepared to receive important reforms in this particular; and in this state of things the Government ought not to remain indifferent, but, on the contrary, in anticipation of possible events, to prescribe in legislative measures the most severe repression of an act the repetition of which constantly exposes it to unjust censures and accusations from natives and foreigners, and may serve as a motive or pretext for international contests and difficulties without number.

For the complete attainment of that object the imposition of the gentle penalties fixed by the Law of the 2nd of March, 1845, is not at all sufficient; it is necessary to have recourse to severe punishments, profiting by the salutary examples afforded to us by the history of foreign countries and by our own national legislation; it is necessary to search out, to follow up the generation of the crime in question, in all its manifestations, to prevent it when possible, and when not, to punish it in its various grades with the fitting sentence from that which may be relatively light, up to the punishment of death itself. The ancient laws of Castile punished the stealing of free men with death; and as the African negroes are so, that punishment is awarded to those who reduce them to servitude by the Legislature of the United States of America, by that of Brazil, and by those of other nations which have made the traffic in fresh negroes equivalent to the crime of piracy. It is not the question here of piracy against the rights of nations, for the declaration whereof the consent of all nations would be required, which, as yet, the efforts of a great Power have not been able to obtain; it is the piracy against public municipal or internal law that is meant, which is as much as to declare that dealers in slaves shall be punished by the tribunals of their country with the same punishment as pirates are by the commander of the vessel which captures them, according to the principles admitted by the public international law of Europe. This is what the annexed project does: it imposes on the principal criminals in certain cases the punishment of pirates, without hazarding an express declaration which would be useless from the point of view of the criminal legislation of the country, and humiliating for that which should do it on the other view, without a simultaneous act of the same nature on the part of all the Powers of Europe and America.

The Penal Law of 1845 does not take account of the crime until after it is committed, that is, when fresh negroes are found on board a vessel, or at least when it is found prepared for the Traffic. By the project which the Government submits to the Cortes the crime is followed up from the first moments of its manifestation, and all those are considered as actors therein without whose intervention the infamous Traffic would be impossible. The aforesaid law appears not to consider the capitalists and owners of the cargo as actors in the crime; but considering that they are the most effective cause of supporting the contraband Trade in Slaves, it has been thought fitting and just to look upon them as real actors, and to impose upon them, in their case, the same punishments as upon the owners and captains of the slaving boats.

The complicity of the authorities and functionaries was provided for in the Law of 1845, by awarding to it the punishment assigned by the general laws of the Kingdom; but

the vagueness of this provision with respect to the Islands of Cuba and Porto Rico, where, in fact, the penal code of Spain is not in force, made it advisable to determine clearly the criminal responsibility of the said functionaries in the cases to which the project refers.

Neither did the law say anything regarding concealers of the crime; but in the present state of penal science, and the project taking, as it does, for its basis the code of the Peninsula, it has been necessary to add this important detail for the more perfect economy of the law.

It will also give, if the Cortes are pleased to approve it, a real importance to pecuniary penalties. The severity which the contraband Trade in Slaves justly deserves, the sincere and eloquent demonstration of the deep reprobation with which it is looked upon in Spain, the complex nature of the crime, and the necessity of making that severity reach those who become essentially actors by means of their capital, justify the provisions and secure in this part the efficacy of the project.

However much public opinion may have declared against the Trade, it cannot be disowned that there are still in the American provinces some persons who, perhaps from an aberration of moral feeling, or from other causes less excusable, think there is no crime in the Slave Trade, that the law which reprobates it is unjust and anti-patriotic, and that they do great service to the fresh Africans, to Cuba, to Porto Rico, and to Spain, who prepare and bring in their expeditions, and mock at the vigilance of the Government Agents. Such being the state of things, the law against the Traffic cannot be the sole means for a perfect suppression. With it there must be simultaneous measures and administrative regulations by which it may attain its real and effective accomplishment, whilst these same provisions, justified by the wide and elevated criterion of fitness and of policy, bring about a change of opinion, perfecting the means of colonization and cultivation, improving the present conditions of property in Cuba, and introducing into all the Governmental Departments an easy and expeditious action for detecting the Trade in all its manifestations and for completely extinguishing it.

The Traffic in Slaves, whilst it bears no odious character with certain people, will always be a contraband trade supported by the immense gains which it affords. Its true supporters will consequently be certain capitalists who will never fail to find men disposed to risk the perils of the Trade in exchange for the riches which compensate them; and hence the congruence of fixing considerable pecuniary penalties which may nullify the gains of the reprobated Traffic by affecting in a direct manner the capital which sustains this unworthy Trade.

Some clauses of the Project are directed to the repression of the Trade also in certain manifestations which were not part of the object of the Penal Law of 1845. The Treaties with Great Britain restrict the right of search to the seas which it mentions, to the exclusion of the Mediterranean and those of Europe, which are detailed in the last Convention; but as it is possible, and perhaps has happened at some time, that Spanish vessels may be fitted out in those parts for the Trade, Spain ought to pursue them of her own right and spontaneously, but without admitting in those seas the right of search which is stipulated with England for elsewhere.

The Penal Law of 1845 assigns to the Audience Courts (*Audiencias*) of the Havana and of Porto Rico the cognizance in first and second instance of actions against the slave-dealers. This exceptional jurisdiction involves difficulties which hinder their speedy and effectual punishment. Apart from other inconveniences, the time which elapses from the occurrence of a landing on the coasts and the arrival of the information at the Havana, and the appointment of the Magistrate as Judge, and the undertaking of the voyage, and the arrival at the place of disembarkation, either disables the action of justice, or has given an opportunity for communication which effaces every trace of the crime and of the delinquents.

It is therefore requisite that the jurisdiction in first instance against the Traffic should be brought to its normal conditions, and that an absurd and dangerous exception should disappear by giving that jurisdiction to competent judges of lower rank.

These are the prominent points of the project, which, being formally authorized by Her Majesty, I have the honour to submit to the Cortes. In the remaining details it follows the soundest principles of the penal law, and the system, as far as has been possible, of the Code of the Peninsula, without ever departing from the spirit and letter of the Conventions which bind Spain to England; and as the Government is disposed to receive every idea that may tend to its improvement, it entertains the profound conviction that when approved or reformed by the wisdom of the Cortes, it will be an act adapted to the public interests, honourable for Spain, and applauded by all civilized and Christian nations.

*Madrid, February 19, 1866.*

(Signed)

ANTONIO CANOVAS DEL CASTILLO,

*Colonial Minister.*

No. 136.

*The Earl of Clarendon to Sir J. Crampton.*

Sir, *Foreign Office, March 13, 1866.*  
 I HAVE received your despatch of the 26th ultimo, inclosing a copy of the preamble to the Project of Law for the suppression of the Slave Trade which has been recently submitted by the Spanish Government to the Cortes.

I have to instruct you to state to the Spanish Minister for Foreign Affairs that Her Majesty's Government have learnt with the sincerest satisfaction the views of the Government of Her Catholic Majesty on the subject of the suppression of the Slave Trade, as set forth in the preamble in question.

I am, &c.  
 (Signed) CLARENDON.

No. 137.

*Sir J. Crampton to the Earl of Clarendon.—(Received March 30.)*

My Lord, *Madrid, March 21, 1866.*  
 IN obedience to your Lordship's instructions contained in your despatch of the 6th instant, I have communicated to the Spanish Minister for Foreign Affairs a Memorandum embodying the information contained in the despatch addressed to your Lordship by Her Majesty's Consul at Puerto Rico dated the 11th of February, 1866.

I have, &c.  
 (Signed) JOHN F. CRAMPTON.

No. 138.

*Sir J. Crampton to the Earl of Clarendon.—(Received March 30.)*

(Extract.) *Madrid, March 25, 1866.*  
 IN conformity with the instructions contained in your Lordship's despatch of the 6th instant, I have not failed to suggest to the Spanish Government the adoption in the intended law for the suppression of the Slave Trade of a provision for the punishment of Spanish subjects carrying on the Traffic in vessels without colours or papers to denote their nationality, with a view to an arrangement being made between the two Governments under which Spanish subjects captured by British cruisers in slave-vessels might be handed over to the Spanish authorities on the coast of Africa, to be dealt with according to Spanish law, instead of being, as is now the practice, set at liberty and landed on the nearest or most convenient spot on the African coast.

I communicated the suggestion in the first instance to Señor Canovas del Castillo, the Minister of the Colonies, who is the author of the Project of Law in question.

His Excellency, to whom I explained the grounds of the proposed additional provisions, said that he comprehended and accepted them in principle. Señor Canovas observed that he saw no objection to the adoption of a measure such as Her Majesty's Government now pointed out, and added that he had on that day proposed to the Committee the adoption of a clause having something of the same character, viz., one by which Spanish subjects engaged in the Slave Trade convicted of having offered forcible resistance to their captors should be equally liable to the penalties of the law whether the captor was a Spanish or a British cruiser.

I afterwards spoke upon this subject with Señor Bermudez de Castro, who entirely concurred in the opinion expressed by his colleagues.

No. 139.

*The Earl of Clarendon to Sir J. Crampton.*

Sir, *Foreign Office, March 31, 1866.*  
 I HAVE received your despatch of the 25th instant, and I approve the steps taken by you, as therein reported, in execution of the instructions contained in my despatch dated the 6th of March, directing you to endeavour to procure the insertion in the proposed Spanish law for the more effectual suppression of the Slave Trade, of a clause providing

for the punishment of Spanish subjects captured in vessels engaged in the Slave Trade without colours or papers to denote their nationality.

I am, &c.  
(Signed) CLARENDON.

No. 140.

*The Earl of Clarendon to Sir J. Crampton.*

Sir,

*Foreign Office, April 23, 1866.*

WITH reference to my despatch of the 11th of January, I inclose, for your information, copies of a further correspondence which has passed between the Spanish Minister at this Court and myself, relative to the case of the Spanish ship "*America*," condemned in the Mixed Commission Court at Sierra Leone on a charge of being equipped for the Slave Trade.

I am, &c.  
(Signed) CLARENDON.

Inclosure 1 in No. 140.

*The Marquis de Molins to the Earl of Clarendon.*

(Translation.)

My Lord,

*Spanish Legation, London, April 10, 1866.*

I DULY received and transmitted to my Government your Excellency's note of the 30th of December last, respecting the capture of the Spanish frigate "*America*," by the English cruiser "*Ariel*," on the eastern coast of Africa.

I have the honour to represent to your Excellency that neither my Government nor myself considers that the weighty arguments adduced in that communication gainsay the existence of the facts, or detract from their force. Whatever may be our different opinions the truth is:—

1st. That the cruiser "*Ariel*," after having visited the frigate "*America*," and examined her, left her at liberty to continue her voyage in accordance with the provisions of the Treaty, and that, nevertheless, failing in observance of them, and of the third rule of Article IV, shortly after detained her and captured her, without there having been, as required by the Treaty, any circumstance to justify the fresh search, but solely, as the commander of the "*Ariel*" declares, to prevent the vessel from approaching the shore; that is to say, alleging suspicions for reason, and for jurisdiction, force.

2nd. The instances brought forward in your Excellency's note, to which I reply, of judgments delivered beyond the term expressly required by Article III of the Annex B, do not, however, either in the opinion of His Majesty's Government or in my own, alter the precise letter of the said Treaty, or the rights which the persons interested may have in their demands.

As your Excellency and my Government judge differently of the facts, which nevertheless remain, and as there is also a diversity of opinion as to the interpretation of the Treaty, I think that a further discussion on the subject will be unavailing and useless, and, for my part, I consider it at an end; although I cannot do less than leave intact the rights of those interested, so that it may never be said that Her Majesty's Government will consider them as set aside by the arguments hitherto adduced.

I avail, &c.  
(Signed) THE MARQUIS DE MOLINS.

Inclosure 2 in No. 140.

*The Earl of Clarendon to the Marquis de Molins.*

M. le Marquis,

*Foreign Office, April 19, 1866.*

I HAVE the honour to acknowledge the receipt of your note of the 10th instant, stating that the arguments adduced in my letter of the 30th of December last in support of the capture of the Spanish ship "*America*" by Her Majesty's ship "*Ariel*" on a charge of being equipped for the Slave Trade, and her condemnation by the Mixed Commission Court at Sierra Leone, do not in any way alter the opinions of your Government or of yourself, as already expressed, in regard to the insufficiency of the grounds upon which this vessel was captured and condemned.

In reply, I can only express my regret that a difference of opinion should exist between Her Majesty's Government and the Government of Her Catholic Majesty upon the merits of this case, but I at the same time concur with you in thinking that a further discussion on the subject will be unavailing, and Her Majesty's Government will therefore consider the correspondence closed with this letter.

I am, &c.  
(Signed) CLARENDON.

No. 141.

*The Earl of Clarendon to Sir J. Crampton.*

Sir, *Foreign Office, April 25, 1866.*  
I TRANSMIT, herewith, copies of a letter and its inclosures from Mr. Adams, the United States' Minister at this Court, communicating by order of his Government some information from the United States' Consul-General in Cuba, relative to the seizure by the authorities in that island of 275 slaves who had been recently landed from Africa.

Her Majesty's Government have received a similar Report from the Commander-in-chief of the British naval forces in the West Indies, although at present no information on the subject has been received from Her Majesty's Consul-General at the Havana.

I take this opportunity of transmitting to you a copy of a letter from Commodore Hornby, the officer in command of Her Majesty's naval forces on the African station,\* by which you will perceive that the slave-dealers on the African coast, on the removal of General Dulce from the command in Cuba, are prepared to renew their attempts to revive the Traffic in Slaves with that island, and they do not anticipate the same difficulties in landing the negroes that they have experienced from his predecessor. It will be right that you should make known the feeling that exists on the coast in this matter to the Spanish Minister, and you will at the same time state that Her Majesty's Government do not doubt that the 275 slaves that have been recently captured in Cuba, will, in accordance with the recent decision of the Spanish Government in regard to captured negroes, be sent back to Africa, but you will endeavour to obtain an assurance to that effect.

I am, &c.  
(Signed) CLARENDON.

Inclosure 1 in No. 141.

*Mr. Adams to the Earl of Clarendon.*

My Lord, *Legation of the United States, London, April 16, 1866.*  
I HAVE the honour to transmit a copy of a letter addressed by the United States' Consul-General at Havana in the Island of Cuba to the Secretary of State, Mr. Seward, relative to a certain number of Africans lately found on an uninhabited part of that island, and carried into Havana by the Spanish steamer "Neptune." I am instructed to lay the same before your Lordship for the information of Her Majesty's Government.

I pray, &c.  
(Signed) CHARLES FRANCIS ADAMS.

Inclosure 2 in No. 141.

*Mr. Minor to Mr. Seward.*

*United States' Consulate-General, Havana,  
March 17, 1866.*

Sir,  
I HAVE the honour to communicate to the Department of State, that on Saturday the 10th instant the Spanish steamer of war "Neptune" brought into this port 275 Africans that were picked up on an uninhabited part of the Island of Cuba, on the western part thereof near Cape San Antonio.

There is no doubt that these Africans were brought by some late slave expedition from Africa; there are a great many rumours with reference to the matter, but as yet I have not been able to satisfy myself as to their truth. As soon as the particulars are learned, I will communicate them to the Department of State.

With sentiments of respect, I am, &c.  
(Signed) WILLIAM T. MINOR.



*Sir J. Crampton to the Earl of Clarendon.—(Received April 27.)*

My Lord,

Madrid, April 23, 1866.

WITH reference to my despatches of the 26th of February and the 25th ultimo respectively, I have now the honour to transmit to your Lordship, 1st, a copy of the "dictamen" or Report of the Committee of the Spanish Senate upon the project of Law for the more effectual suppression and punishment of the Slave Trade; 2nd, a copy of the Law as definitively adopted by the Senate; and 3rd, the report of an interesting debate which took place upon the subject.

The project of Law having originated in the Senate, it requires the confirmation of the Congress of Deputies, but there is little doubt that it will be passed by that body and become law.

The Minister of the Colonies, Señor Canovas del Castillo, has pointed out to me that in the Law as now passed by the Senate the modifications which, on the part of Her Majesty's Government, I suggested to his Excellency for rendering its provisions more efficacious have been adopted.

I had, as stated in my despatch of the 25th ultimo above mentioned, called his Excellency's attention to a point not touched upon in the project of Law, viz., a provision for the punishment of Spanish subjects carrying on the Slave Trade in vessels without colours or papers to denote their nationality.

This defect his Excellency considers to be remedied by the alteration made in the 1st paragraph of the 1st Article, chapter 1, of the Law, which now stands thus: "Constituye delito para los efectos de esta ley; primero, el armamento de buques y cualquiera otra operacion que se haga en ellos para destinarlos al trafico de negros, asi como el viaje de los mismos buques á la costa de Africa, cualquiera la bandera que ostenten" ("Is constituted a crime under the provisions of this law; first, the armament of ships, or whatever other operation may be made in them in order to fit them for the traffic in negroes, as well as the voyage of the said ships to the coast of Africa, whatever may be the flag they display"), instead of, as the Article stood in the project, "Constituye delito para los efectos de esta ley, primero, la construccion, carena, reparacion y armamento de buques para destinarlos al trafico de negros, y cualquiera operacion que se haga en dichos buques para el mismo fin, asi como su viaje á las costas de Africa en los diferentes periodos de la navegacion" ("Is constituted a crime under the provisions of this law, first, the construction, careening, repairing, or armament of ships, in order to fit them for the traffic in negroes or any other operation which may be effected in the said ships for the same end, as well as the voyage to Africa at the different periods of its navigation").

The insertion of the words "whatever may be the flag they display," will, Señor Canovas states, bring Spanish subjects within the operation of the law in every case, because they will be liable to punishment in whatever vessel, without exception, they may be captured, and the case of such vessel being without flag or papers is thereby included, *a fortiori*, inasmuch as the absence of flag or papers would constitute in itself, if anything, an aggravation of the illegality of the position of those navigating it.

This provision therefore, taken together with the provisions of the Articles 24 and 25 of the Law, by which it is enacted that Spanish subjects captured on board vessels condemned by the Mixed Tribunals at the Havana or at Sierra Leone shall be transmitted for trial and punishment by the Spanish Commissary Judge to the Royal Audiencia at the Havana or in the Canaries, as the case may be, will, his Excellency is of opinion, cover the omission in the project of law pointed out by Her Majesty's Government.

Señor Canovas also called my attention to an alteration which he had himself proposed to the Committee, and which has been adopted by the Senate in the 9th Article of the Law.

The Article now stands:—

"Artículo 9. Serán castigados de la pena de muerte: primero, los capitanes, pilotos, sobrecargos, y contramaestros de los buques negreros que hicieren resistencia armada en las costas de Africa, en las de Cuba ó Puerto Rico, ó en alta mar á los buques de guerra encargados de su persecucion."

(Article 9. Will be punished by death: first, the captains, pilots, supercargoes, and boatswains of slaving ships who shall have made armed resistance on the coasts of Africa, on those of Cuba or Porto Rico, or on the high seas, to the vessels of war charged with their pursuit.)

In the project, instead of the words "to the vessels of war charged with their pursuit,"

stood the words "to the vessels of war of the Spanish navy (" buques de la marina Española de guerra ").

In virtue of this substitution, Spanish subjects convicted of having used armed force against British cruisers will be subjected to the same penalty as those resisting by armed force the vessels of the Spanish navy.

Your Lordship will observe that the present Law is divided into three chapters, each having for its object a distinct class of measures, for the common end of extinguishing the Slave Trade to Cuba. The first is designed to extend criminality to all acts and manifestations whatever implying a connection with the Slave Trade; the second to reinforce and amplify the legal action of the tribunals and to increase the punishment of such acts and manifestations; and the third, to prevent indirectly their perpetration by diminishing the profits which resulted from them.

The latter are perhaps the most important provisions of the law, and the final extinction of the Slave Trade to Cuba will very much depend upon the manner in which they are carried into effect. If properly enforced they will no doubt render the property in African negroes so insecure, and so liable to entail immediate loss, if not punishment, upon its possessors as to remove to a great extent from the planters the temptation to purchase it, and consequently from the slave-traders the temptation to import it. It will besides afford to any Captain-General of Cuba who may be sincerely disposed to suppress the Slave Trade, the means of doing so with effect.

I have on various occasions conversed with Spanish statesmen of eminence who have held the post of Captain-General of Cuba, such as the Duke de la Torre (Serrano) and the Marquis of the Habana, who have all concurred in pointing out the absence of legal provisions of the nature referred to, as the obstacle which continually defeated their best efforts to put an end to the Slave Trade.

The general tone of the debate in the Senate may be considered to be satisfactory. It is at all events an improvement upon the former tenour of discussions upon the subject in the Spanish Legislature.

These usually abounded in expressions of jealousy and distrust of the motives of Her Majesty's Government in pressing for the due execution of a Treaty, the conclusion of which was regretted as an act of weakness on the part of the Spanish Government of the day, while the fact of the continued violation of that Treaty was either boldly denied or disingenuously eluded.

Your Lordship will now observe that by all the speakers the evil is frankly attributed to its true causes, the principal of which being the prevailing laxity of public opinion both in the Colonies and the Peninsula as to the moral criminality of the practice. A favourable change is now represented to have taken place in this respect, and it has, moreover, become evident to Spanish statesmen of all parties, and even to the Cuban planters themselves, that late events in the United States will place the whole question of slavery in such a position that the preservation by Spain of her highly-prized Colony will depend upon her ability to bring about emancipation by peaceable means at a period not very remote; and that an indispensable preliminary to such a measure is the complete extirpation of the African Slave Trade in the Spanish Possessions.

I have, &c.

(Signed) JOHN F. CRAMPTON.

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Inclosure in No. 142.

Session of the Cortes.—Senate.

President:—THE DUKE DE LA TORRE.

*Sitting of Wednesday, April 18, 1866.*

*Discussion on the Report relating to the Project of Law for the Repression and Punishment of the Slave Trade.*

THE said Report having been read, the debate opened on the whole question.

The President said: Señor Pastor will speak in opposition.

Señor Pastor.—Gentlemen and Senators,—I have been induced to take the opposition side more by the fear that, were I not to do so, this measure might pass without examination or discussion than by the desire of opposing the Project submitted to the deliberation of the Senate. I consider that it would be a very grave evil for the Project

if should be approved in this manner, as well as for the prestige of the Senate. In matters of such importance, and in which such great interests are at stake as those which are involved in the Project of Law we are about to consider, if the law were not to be discussed it would, so to speak, be wanting in that authentic commentary, that expression, that spirit of the legislature which marks and determines the idea of the law.

The prestige of this Assembly would also suffer, as I have said; as the resolution it adopted would not appear to possess that weight and basis which a previous serious discussion would give it. For the rest, I cannot but praise and congratulate the Colonial Minister on the sincere desire he has shown for the extinction of the abominable Negro Traffic by bringing in this Project of Law.

I must also congratulate the Committee on the zeal it has displayed in the execution of its task, and I have good reason for making this declaration, for, being desirous of improving my own insufficiency out of the mass of knowledge which can be acquired by entering deeply into the different questions, I was present at many of the meetings, and witnessed the highmindedness, the perseverance, the interest, and the zeal with which it not only examined the very important questions which the Project involves, but descended to the examination of the Articles, the phrases, and even the words. The result has been that the Project, as it comes from the hands of the Committee, is very much improved, for the Minister, fulfilling the promise he made in the preamble, has accepted such modifications as were considered fitting to carry the Project on to perfection; so that the Project, as I have said, has issued from the hands of the Committee very much improved. Considered by the criterion of the Government and of the Committee, it may be said that the Project, if not perfect, approaches as near as possible to perfection.

But after having made this declaration, which justice and impartiality, and above all the good faith with which I always take part in the debates, required, let me be permitted to say that, if I admit the justice of this favourable opinion when the question is considered by the criterion of Government and the Committee, my feeling is that by my own criterion I consider the Project is inefficient. I believe that in spite of it we shall not attain the object which we all propose to ourselves and all desire, which is that the Slave Trade should cease, whilst certain prejudices and settled ideas continue,

I have been led to this conclusion by the history of the Slave Trade, for I believe, gentlemen, that for the legislator and the statesman there is no better rule than to seek among the realities of the past for the probabilities of the future.

Well then, gentlemen, you all know the origin of the Slave Trade; you all know that it was due to a misunderstood religious sentiment and to an economical error. A celebrated ecclesiastic who had for forty years witnessed the crimes and outrages committed by the Spanish adventurers on the natives, contrary to the orders and wishes of Isabel I, who wished to treat those subjects like those of the rest of the Monarchy, being a witness, I say, of those outrages, he proposed the introduction of negroes into the island, imagining, mistakenly, that if labour abounded with which to satisfy the cupidity of those people the natives would be better treated; he did not think, however, that he was going to do nothing more than change the victims.

The other cause was the economical fallacy of the balance of trade, the mother of the Colonial system. In the sixteenth and seventeenth centuries this fallacy had reached its height. It was thought that money was the only wealth; the question was to get money at any cost; but as all nations aspired to the same end, the result was that the endeavours of each one were neutralised by those of the rest. The discovery of America and other discoveries by the Portuguese taking place at this time, the Colonial system was established, and it was said; "since some nations cannot trade with others, and nor can some be impoverished to enrich the others, let us seek for territories destined exclusively to consume produce: let us take ours to the countries in which gold and silver abound and let us get what we covet so much." With this object Colonies were established every where, and the Colonial system was extended and organised in the way that it was understood in the seventeenth century, so it is that as the Slave Trade became recognized there came to Spain Dutchmen, Portuguese, English, from all parts to obtain permission to take negroes, and the coasts of Africa were invaded by individuals who went not to carry to the inhabitants any advantages or improvement but to increase their barbarism, to excite their passions, to take them spirituous liquors, arms, ammunition and the elements of destruction.

And see, gentlemen, how just is my aversion for this fatal system; for it would deserve the reprehension of all generations if it were only for having been the origin of the two greatest attempts against morality, making a crime of an innocent action, that of smuggling, by which the ruin of many families has been caused, and legalising and rewarding the most repugnant of crimes, the Trade in Negroes.

Well then, gentlemen, for the space of three centuries Europe suffered a series of great crimes; the Slave Trade became general. The writers on the subject calculate the number of negroes annually exported from Africa for America was not less than 30,000. And it is a strange thing, gentlemen, that by one of those anomalies which the history of mankind presents, a philanthropic feeling and an economical error having produced such great evils, it was in the midst of a great revolution and continued commotions that the idea arose of putting an end to them.

In fact, at the Congress of Vienna, where the Sovereigns were assembled, the question of putting a stop to this abuse was discussed, and England who had taken the initiative in it availing herself of the advantage of the good relations existing between her and Spain in consequence of her having contributed greatly in enabling Spain to regain her national independence, proposed a Treaty for the abolition of the Trade in Negroes.

This Treaty was made in the year 1817; by it the two countries engaged to prohibit at once their subjects from carrying on the Slave Trade in the seas to the north of the equator, and that from the year 1820 the Treaty should become general. They took such means as they considered most fitting for the attainment of their object; and as interests had been created and licences given compensation was required. England advanced 40,000,000*l.* for this purpose. And certainly, gentlemen, this is one of the many blots which disfigure the pages of our history; those 40,000,000*l.* were not employed for the purpose for which they were intended, and served for the purchase of a famous squadron with which all the Senators will be acquainted.

The Slave Trade was not repressed; it went on in the same manner. In the year 1835, the Treaty was revised to give it more power and to augment the means of repression; in it the circumstances were determined which should show what conditions were to indicate the destination of the vessels for the Slave Trade; it provided how the tribunals were to be organized. In order that there should never be any failing in either of the two nations other necessary precautions were taken, but nevertheless the Slave Trade did not cease. A Decree had been issued in 1819; a punishment of ten years forced labour had been imposed on any captain, mate, or boatswain who should commit the crime that it was desired to put down, but no one was ever imprisoned for committing it.

By the Treaty of 1835 the Spanish Government undertook to make a penal law on the subject of the Slave Trade, and at the end of 1844, during the Ministry of Señor Martinez de la Rosa, the author of the said Treaty, that gentleman thought proper to fulfil that promise, and made the Law of the year 1845, which bears a great analogy to the one now proposed. The latter, scientifically and artistically considered, has many advantages over the the former; but the fact is, it has many analogies with it. But did the Trade decrease? No, gentlemen, it continued the same as ever. Do you know, gentlemen, what the effect of that law was? The aggravation—the cruelty on the unfortunate negroes. When repressive measures became greater, the slavers, when they found themselves chased by a cruiser, threw those unfortunate victims into the water in order that they might themselves escape the peril that menaced them, whilst their pursuers were engaged in saving the negroes. And more than this, when a Captain-General had energy sufficient, and not only the energy but the means, because energy was not enough—when he found means of preventing the disembarkation of negroes in the extensive manner then practised, what happened? That those unfortunate beings, after a long voyage, during which they were stowed like merchandize, were set on foot and travelled over rugged paths in search of some wood where they might remain awhile, and without food and torpid they perished to such an extent that to meet with some of the dead bodies marked the march of a slave-gang. But not content with this, when a landing took place inhuman men went forth to hunt the negroes, for as it could not be proved where they came from, they were hunted and taken like wild beasts. In this manner, gentlemen, human beings were treated who deserve every consideration.

Well, then, gentlemen, what is the cause of this? It is not enough that we should indicate evils, it is necessary that we should point out their causes; because to believe that the Slave Trade has not been abolished for want of laws, is, in my opinion, a grave mistake.

The causes are very deep, and while they exist the Slave Trade will not be abolished. When the laws combat rooted prejudices and great and profound interests, the laws always give way. This has happened, and will happen again. Great errors have existed, and still exist on the subject of the Spanish provinces beyond the sea, of those which were called and held to be Colonies, and that error in economy, which gave rise to the Trade and to the Colonial system, still exists among us, although banished from the rest of the world. There are many people who have thought that the Colonies were a kind of farms belonging to the nation, which it was necessary to work to make a profit of them.

Setting out on this principle, it was consequently thought necessary to keep the population of those Colonies in subjection, and as a means of accomplishing that object there was the famous equilibrium of the races. It was thought by many that it was indispensable that this equilibrium should not be relaxed, that there should be as many negroes as whites, in order that the whites should be kept in check by means of the blacks. It was thought also that those provinces ought to be governed in a manner not only different, but contrary to the rest, that the natives of the Isle of Cuba were not Spaniards, that it was necessary to treat them in another manner, and hence it was logically concluded that those unfortunate people who considered themselves looked upon with such disfavour, in comparison with their fellow-citizens, would aspire to be like them. This opinion, therefore, which still exists, not only in the Peninsula, but in the Island of Cuba, among many of the employés and functionaries of all classes was the cause that many believed they were doing a service to the country in consenting to the continuation of the Slave Trade. There are many people who believe that the Government felt itself obliged to make those laws, and put them into execution, only through being bound by the Treaty with England, but that it was to its own interest and wish that they should not be observed.

Besides this error, there was the error in economy which still exists.

There are many people who believe that the sugar manufactories cannot be worked except by means of slave-labour, and that, consequently, the renewal of slaves was necessary and indispensable, for, although there are many factories belonging to humane men who desire the abolition of the Slave Trade, and who endeavour to reproduce negroes by means of marriage, there are many who do not trouble themselves about the matter, and keep 400 or 500 negroes on their works without any negresses, and the lives which those unfortunate creatures lead being in the highest degree laborious, they perish by hundreds and require to be replaced. Such being the case, it was indispensable to endeavour to make good the losses in order to prevent the ruin of the island, and it was, therefore, considered necessary to tolerate the Trade. This is the opinion of many, and while it exists, every law will be ineffective.

But besides these causes, there is one of much greater influence—that is, individual interest. Gentlemen, whilst the Slave Trade is the most lucrative of any in the world, it will be difficult to put an end to that trade. There every gang of negroes produces, as it were, a pond of gold in which is drowned all the honesty, all the dignity, and all the duty of every one. In vain do some of those functionaries who are bound by their position, their obligations, or by the dictates of their conscience, endeavour to oppose it: they cannot—it is impossible. They only have about them people who betray them; and though there have been many Captains-General who have wished to prevent the Slave Trade, it has been impossible for them to do so, because they were surrounded by persons who, when acquainted with their plans, betrayed them for money. Thus it is, gentlemen, that the slave-merchants are not such abject persons as their calling would seem to indicate. No! the slave-merchants form, for the most part, the richest portion of the population and the most ostentatious; they live in palaces, mix with the most distinguished, go to the palace of the Captain-General, sit sometimes at his table; and there are among them, gentlemen, some whose breasts are adorned with decorations which ought to be reserved for merit and virtue. And when you see criminals deserving of fetters rewarded with the Grand Cross, tell me whether any law can be effective. If, therefore, we do not speedily hasten to provide some fitting corrective, the day will arrive when they will come here to sit on these benches, and to corrupt the atmosphere of these august precincts.

Against such powerful elements it is proposed to set up tribunals—tribunals, gentlemen. God forbid that I should offend them, or raise a doubt as to the integrity of the magistrates whom they have had there; but, nevertheless, I have never seen any condemnation, although I do not attribute that to anything but—firstly, to the prejudice to which I have before alluded; and, secondly, to the fact that by means of gold, evidence is bought, and white becomes black, and black white. It is well known at the Havana that, on one occasion, when a capture was made by direction of our worthy President, who then governed the island, it was said publicly that the slaves seized should be declared such slaves, even though it should be necessary for that purpose to allow a little time to pass; and actually, when our worthy President ceased to be Captain-General, those men were declared slaves, and are at this moment in the possession of those who imported them. Perhaps the same thing is taking place now while we are here discussing the Project. Perhaps, with regard to the captures recently made, as soon as the Captain-General is relieved, the cause will be concluded, at the end of which the fresh negroes who have been emancipated may again be declared slaves.

Well, gentlemen, when such things occur in a country, what hope have we of finding a remedy? When I think of this I am led to imagine that justice is so sublime, and has so much of divinity, that it evaporates in human hands, because it appears incredible that a multitude of captures should have been made during twenty and odd years, which have been known all over the world and described in periodicals, without there having been a single example of the condemnation of those who have carried on the Traffic in Negroes. If any were condemned, they either disappeared or died, and rarely suffered punishment; whilst the true culprits, those who gave their money and received profits, have always remained unpunished.

I am well aware that my friends of the Committee will say, "We have avoided all this, or at least, we have already corrected it, because the evil was in Article IX of the former Law, and we now establish the true corrective in the register." I beg to read that Article IX, in order that the Senate may well understand the question. It reads thus: "The superior authorities, the tribunals, the ordinary and fiscal Judges of Her Majesty, may and are bound to proceed in their respective cases and according to their attributes, against those who are engaged in this illicit trade, either officially, or on accusation or declaration made according to the required legal forms, whenever it comes to their knowledge that a maritime expedition of this nature is being prepared, or that it has reached land with a cargo of slaves coming from the Continent of Africa; but in no case nor at any time may they proceed against or disturb in their possession the owners of slaves, under the pretext of ascertaining whence those slaves were obtained."

Who could give to this Article the interpretation which has been given to it in Cuba? Who could guess, who could suspect, even, that this was to be understood in the same manner as it is understood in the Audience Court of the Havana? Who could believe, as the Court believed, that by landing the negroes and putting them in a factory they immediately became slaves, and that the tribunals had no authority to interfere in the matter.

Well then, I infer from this that, if by means of this jurisprudence the former Law was upset, it is not unlikely that, in the one we are now discussing, certain Articles may occur which we may approve of in the greatest good faith, but with regard to which persons will be found who, by interpreting them in a certain sense, will prevent their taking effect. And while the prejudice prevails that it is doing a service to the island not to proceed against the Slave Trade, that trade will not disappear for all the laws that we may discuss or approve.

But let us pass to the register. I think that if one were made, such as the Committee has conceived, the trade would certainly receive a mortal blow. But is there any possibility of making such a register in Cuba? I, at once, say no. Where are there to be found there the 3,000 or 4,000 honourable persons, proof against every kind of corruption who are required to make the register, and who have courage to resist the influence of those potentates who may offer them purses of gold to prevent the register from being completed with the required exactitude? It is only on the supposition of the superior authority possessing the gift of ubiquity, and of being at all places at the same time to inspect the manner in which the register is made, that it can turn out exact, for we must bear in mind that the Committee has acknowledged as the fundamental basis of the register, that it should be made simultaneously in all the ports of the islands, and that it should be made under the inspection of the authorities. This, then, is quite impossible.

But even if it were possible, whilst the negro costs 3 ounces in Africa and is worth 25, 30, 40, and 60 at the Havana, there will always be money enough to alter the register whenever it may suit a wealthy man to do so. For this reason I consider it impossible, in spite of the register, to put a stop to this traffic. Experience has demonstrated this practically.

Moreover, this register has already been attempted, and I see here two worthy senators who had the charge of executing it; they are my respected friend the Count de Cheste and the Marquis of the Havana. But neither of the two could bring it to bear. I should be much gratified, and they would do the Senate a great service if they would state the obstacles against which they stumbled, the inconveniences they had to overcome, and the very grave difficulties which compelled them to give up that register.

If, therefore, experience has shown that this system, which has been tried on a former occasion, could not be carried out; and if, as I think, this is one of the principal bases of the Project and one of the capital remedies destined to attack the evil in front, it appears to me that we can have but very little confidence in its success. Other means have been employed, lists were made, then licences or passes were granted; but in all of these measures there were great abuses, money interfered in all of them, and in all great

scandals occurred. The object could not be obtained, because all the difficulties which opposed its attainment sprung from the same origin.

Well then, gentlemen of the Senate, be sure that while these causes remain, the Slave Trade will not disappear, this assertion is proved by experience, and I am justified by experience in believing that matters will go on in this manner long enough. But does the position of Cuba warrant us in allowing things to go on in the same manner as they have hitherto done?

I think, gentlemen, that such should not be the case, and I am going to lift up just one corner of the veil; for up to this time there has been, in my opinion, a very grave error in keeping concealed everything that was passing in the island of Cuba. In the sixteenth and seventeenth centuries, when everything was done with secrecy and mystery, and the Ministers of the Crown were called Secretaries of the Cabinet, when diplomacy was carried on by means of cyphers and secret Commissions, it would have been a contradiction to act with publicity. But now that nations are governed by talking, now that everything is published, that everything is told, that everything is known, it is ridiculous to wish to keep that secret. If such a thing were desired, which I do not expect, we should find ourselves in the same situation as that in which my unfortunate friend D. Ventura de la Vega placed the husband of Rosita.

“All Madrid knew of it;  
All Madrid, but himself.”

England keeps Consuls at the Havana; the United States do the same. They receive notice of what takes place there, and even of what does not take place. There everything is falsified, everything is commented upon; the press of Europe holds us up to perfect ridicule; what takes place in Cuba is spoken of everywhere but in the Parliament of Spain. But, gentlemen, until this subject is discussed in the Parliament we cannot escape from the position we are now in.

Publicity is a great check; I believe that if there had been publicity the scandals which have occurred in the island of Cuba would never have been seen.

That we may the better settle this question, let us consider the Island of Cuba in its present social, religious, economical, and political condition. The result of this examination will be to prove the necessity of our speedily directing much of our attention to those provinces.

I am going to examine their condition and submit statistics, leaving it to the penetration of the gentlemen of the Senate to draw the conclusions which may be deduced from them.

I am not fond of mixing religion with politics; I believe, however, that religion is the foundation of society, and that the society which is not founded on the principle of religion is not settled on a solid basis.

Well, then, religious sentiment is of the most abandoned in the Island of Cuba. There are a smaller number of marriages there than there ought to be, and there is especially a still more important fault, which is the disproportion of the sexes.

As a general rule the proportion between the sexes in Spain and throughout the Continent is 54 in 100 females, and 46 in 100 men.

In the Island of Cuba they are found in the following proportions. In the white class the females are 44 to 100; that is to say, 10 per cent. less than in Spain. In the free coloured class 51 to 100; in the emancipated population 30 to 100; in the slave population 44; in Yucatecan 31 to 100; in the Asiatic there is no proportion as there are 34,000 Indians and 25 females.

This disproportion of the sexes is a very serious thing. Although some of the proprietors of factories are humane persons enough who favour marriage and assist married couples with dwellings that they may attend to their families, yet they look upon the matter through a prism of egotism, and as a means of increasing their property. There are other factories, however, in which are inclosed from 100 to 500 negroes without one woman, in which the slave is looked upon as a machine of flesh, to be worked as long as it will last.

This state of things produces grave results with regard to the illegitimacy of the children. In Spain the present proportion between the legitimate and the illegitimate children is 97·6 of the former, and only 2·94 of the latter. Do you know the proportion of illegitimate children in Cuba? In the white race it is 13 per cent., that is to say, six times as high as in Spain. In the free coloured population it is 47 per cent.; and among the slaves—let the Senate be horrified to hear it—it is 85 per cent.

The Senate may conceive what an abyss of corruption these figures indicate. These

are official and authentic data ; they are taken from the statistics of those provinces, and I will give them to the reporters in order that they may be inserted in the proceedings.

In the economical question there are no fewer errors. It is said, for example, that the labour of slaves is cheaper than that of free men and much more suitable. To prove it the following calculation is made. Suppose a factory to require 200 days' work for 250 days to manufacture the sugar, this represents an amount of 50,000 day's work ; if these days' works were by free men they would cost at least 4 reis fuertes, that is to say, 10 reis a-day, or altogether 500,000 reis. As the keep of 200 slaves does not cost more than one-half that sum it is clear that is a gain of the other half.

At first sight this calculation appears conclusive. But is this the kind of calculation that should be made? No; for in order to obtain the constant amount of 200 days' work it is necessary to reckon upon 250 slaves at least, for the reason that the sick, and the women and children cannot be deducted. This represents the maintenance of 250 persons, and represents above all a large capital at the rate of 600, 800, and up to 1,000 dollars per slave.

Hence we have a great economical disturbance, a great demand for capital, and a scarcity of interest.

The second inconvenience is that they can only be applied to the working of produce of very great value, so that all cheap produce is completely banished. There are no roots, no domestic fowls, no eggs, absolutely nothing; everything comes from abroad. This in itself does not frighten me; I am not at all anxious about it; but it does astonish me that those persons whom we hear constantly exclaiming that nations ought to rely on themselves; that we ought not to obtain our supplies from abroad; that we expose ourselves to the chance of being without iron, for example: it does astonish me that these men should allow the Island of Cuba to be without all kinds of provisions except those exported from abroad. I am astonished at their serenity—I am astonished at the contradiction.

This also occasions the great difference in the organization of Cuba as compared with all the other countries of the world. There are the powerful and the abject there; there are no intermediate layers; and it is this which, when all the neighbouring Antilles and all other countries are organized in a different manner, produces most serious conflicts.

But let us turn, gentlemen, to the political and local question, which is the most delicate, and which I will endeavour to treat as soberly as possible.

It is necessary to state that, to my mind, there is a very great error in the opinion which is entertained here respecting the Cubans in general. The Cubans are and wish to remain Spaniards under all circumstances. Of all the close bonds of nationality which exist in the world none are closer than those which bind the Cubans to Spain. Language, religion, race—even their vices, even their laziness—they have inherited from us. On the other hand, with regard to those other points which were dreamed of in annexation, there is a thorough antipathy. The Cubans know the Yankees, and know that annexation would not be annexation only, but an immediate absorption. The Spanish race, if there should be an annexation to the United States, would be absorbed in twenty years. There is a spirit of absorbing activity, a spirit of perseverance, of movement, of life, and of animation, which would so contrast with the natural indolence of those unfortunates that they would disappear.

Nor can they aspire to be independent. Why not? Because they are so ignorant? What would they do with their independence? Have they not before them the eloquent lesson of all those territories which used to belong to us? Do they not see that those countries are organized now, after a period of fifty years, as on the first day, whilst they stand on a level with the greatest countries? That they are under a flag which protects them, and which, although it does not display all the magnificence of former times, has at least sufficient energy to preserve their independence? that their country is covered with railroads, and that they enjoy all the results of the progress of civilization?

Consequently, all men who think and reflect—and it is those who do so who decide the fate of nations—all those who combine there the elements of life, intelligence, and riches, see the necessity and convenience of continuing as a province of the Spanish peninsula.

But, gentlemen, we ought sometimes to be just.

If we wish them to be Spaniards we must do so heartily, we must admit them as such, extend our hand to them as brothers, and allow them the same rights as we enjoy ourselves; for it is one thing that they should enjoy those rights in another manner, on account of special conditions, different circumstances, and distinct social and economical organization, which I have taken upon myself to show, and it is another thing if we



should deny them and if we should not recognize them. The Cubans have always been governed as Spaniards, from the time of Isabella I to the publication of the Constitution of 1837 they have been the same as other Spaniards, and their legislation has been the same. If we have the newest compendium ("Novissima Recopilacion), they have the "Compendium of the Indies" ("Recopilacion de Indias"). If we have our Chanceries, so have they. If they have Viceroy and Captains-General, so have we; so that they have enjoyed a complete equality. What alterations has the Constitution made? It has said that it is necessary to make special laws; that is to say, that if it is necessary for them, from their special condition, to enjoy the rights enjoyed by the Spaniards in a different manner, let those laws be made. But from this to wishing to hold them as a conquered country the difference is immense. We must consequently bear in mind that nations are like individuals, they are not always guided by the calculations of intelligence, or by what reason and convenience would advise. No; if we are hasty with them, if we control them, if we offend them in their dignity, they will resist everywhere. It consequently behoves us to be tolerant, and to believe that if on some occasions there has been an evil tendency or some act of desperation, it was a passing circumstance which has fortunately disappeared for ever, fortunately both for them and for us.

Gentlemen, the war of the United States has completely altered the position of the Island of Cuba. A radical change may be observed in the opinion of all its inhabitants. Why is this?

Because, while slavery existed in the United States there was a certain magnetic current which placed them in relationship; and when there came a moment of despair, when they thought that they were unjustly treated, when year after year passed by and they did not obtain the laws which had been promised them, or when they thought that they were even going to be deprived of the rights which they had—that there was a question of abolishing slavery in a precipitate manner, and when they grew angry at any of these ideas, they directed their eyes, without power to help it, to that place where there was slavery. But now there is a complete change. The United States are now a warranty for us. Now the Island of Cuba cannot think absolutely thus, for it knows that the United States would be the absorption and destruction of all its riches. Now, consequently, we are without suspicion or fear; now we can and we ought (and I entreat Her Majesty's Government not to give way in that course nor go back a single step) to assimilate as much as possible the inhabitants of Cuba with those of Spain, and it is certain that such a solution will produce the greatest results.

And this is all the more necessary, as politicians and statesmen ought not to lose sight of the position we are placed in by Treaties, and by our very exceptional situation. The Island of Cuba is the only place on the globe where slavery exists.

Let us reflect that we are bound by a Treaty, the observance of which we have been able to evade for a great many years, but that difficulties increase every day. Questions arise and spring up which it is the duty of statesmen to control and resolve: they may be resolved thus without prejudicing interests, without producing disturbances, and a fitting, appropriate, and just solution may be compassed.

But if there is no forethought, if we give ourselves up entirely to abandonment, if we do not solve some questions, and anticipate, study, and endeavour to solve others, the future, gentlemen, is very doubtful and much compromised.

I will not trouble the Senate any longer; I do not wish to enter into any question which might produce a conflict here; I can separate completely the part of the philosopher from that of the Senator of the kingdom.

I think I have said enough to induce Her Majesty's Government, and the gentlemen of the Senate, in their high wisdom, to reflect upon all that I have included in these observations. If I have done this, I shall be satisfied in having rendered a service to my country. I now conclude.

*The Count de Chestre.*—I will confine myself exclusively to the allusion which has been made to me.

*Señor Pastor* said that the interpretation constantly given to the Law of March 1845 was that, in every case, the authorities were absolutely prohibited from entering factories for the purpose of ascertaining, not only the number of slaves previously there, but also of those who might have been recently introduced by fresh importations.

This is not correct. The Senator who has the honour of addressing the Senate never understood the Article so. Moreover, Her Majesty's Government informed him on two occasions that the meaning he gave to it was correct, and finally the Audience Court itself, on his retirement from the post of Captain-General, which he held at that time, gave him a full certificate, from which he will read an extract if the Senate will allow him, in which the Court proves that the meaning of the Article has never been otherwise than

that factories should not be disturbed on account of the slaves they previously possessed, not that the authorities should in no way enter into an investigation of the reception of negroes into the factories.

I will take the liberty of reading the declaration which I received from the Audience Court at the time I resigned that Government, because among the charges brought against me as an implacable opponent of the Slave Trade, I was accused of having entered factories and infringed the laws.

The Senate has already heard the Article of the Law; the declaration of the Audience Court was as follows:—

“That Article IX of the Penal Law of March 2, 1845, for abolishing the Traffic in Negroes coming from Africa, has never been otherwise interpreted by the Tribunal than that the owners of slaves must not be disturbed in the possession of slaves under pretext of ascertaining whence those slaves came; but not that it was forbidden to inspect the estates or to examine the negroes of the establishment to find out if they were recently introduced in violation of the laws, especially when, in consequence of some disembarkation, a search was being made for the *corpus delicti*; that proceedings in this form have been taken in many cases which might be named were it not for the fear of extending this attestation more than is necessary,” &c.

This is the declaration of the Audience Court of the Island of Cuba.

The Government also explained the Article in the following manner:—“The Queen has, with painful feelings, become acquainted with the contents of the repeated communications in which the predecessor of your Excellency gave information of various landings of fresh negroes that had taken place in different parts of that island, notwithstanding the repeated orders of Her Majesty that, without consideration or regard of any kind, the landing of negroes should be prevented, or that the negroes should be pursued after landing, in order to fulfil the solemn Treaties entered into with Great Britain; and Her Majesty, who has sufficient proofs of the zeal and loyalty of your Excellency, hopes that by making use of your powers with firmness and prudent energy your Excellency will be able easily to keep within the bounds of duty the few speculators there who, preferring their private interests to the highly compromised national honour, dare to infringe the laws in force against the Traffic in Slaves.”

“It has nevertheless not been concealed from Her Majesty that the mistaken construction put upon Article IX of the Penal Law of the 2nd March, 1845, has contributed in a great measure to hinder the free action of that Government in the repression and persecution of the Slave Trade. Now, however, that, in conformity with the solicitation and representation from that Captain-Generalship in consequence of the demands of the Audience Court of Puerto Principe in the proceedings for the apprehension of 96 fresh negroes in the river Zara, and after consultation with Colonial Council, Her Majesty has been pleased to declare by Royal Order of 5th May last that your Excellency is authorized to pursue and apprehend the fresh negroes introduced from the coast of Africa, this obstacle ought to have been removed and in order to clear up any doubt, &c.”

We Captains-General have consequently exercised this power legally with the sanction of the Government; and that so closely that in the nine months while I governed the Island of Cuba I caused the apprehension of 4,000 slaves who have been emancipated. This is my reply to Señor Pastor on that point.

With regard to what he said about the Captains-General having distinguished persons devoted to the infamous Slave Trade, the Captain-General now addressing the Senate may say that he has received at his house the great magnates of the Island of Cuba, among whom there are naturally very worthy persons who, during the time that the Trade was permitted, may have been concerned in it. He, however, never received at his table any individual of whom he had the slightest suspicion of his being a slave-dealer, because looking upon men of that class as the greatest enemies of the country, he was very cautious in admitting them to familiar intercourse. One single person, Don Francisco Maesta, a new comer in the Island of Cuba, whom he received familiarly in the evenings and with whom he was bound by family ties, proposed entering into that infamous Trade, paying that tribute which is so general there in the introduction of negroes. One night, at the club he boasted that he would introduce a certain number of them into the island, for which purpose he had everything prepared; so that on leaving the club he disguised himself and mounted on horseback and went to receive the negroes. Forty-eight hours afterwards, however, the negroes were taken and that gentleman found himself in prison. It seems, therefore, that the authorities have not made any distinction among the slave-dealers, or at least no distinction was ever made by the Senator now addressing this high Assembly.

I need not say more with respect to that allusion, which I believe I have answered, and conclude, therefore, as I cannot enter into the consideration of any other subject.

*The President.*—On which side has the Marquis of the Havana requested to speak?

*The Marquis de la Habana.*—In opposition, Mr. President.

*The President.*—In that case it is Señor Pastor's turn to speak in explanation.

*Señor Pastor.*—It was not my intention to offend Count de Cheste, nor any of the worthy Captains-General of the Island of Cuba. I only pointed out and lamented the social error which allows persons deeply concerned in the Slave Trade to figure in the highest circles and mix with the authorities; I did not wish in any way to lower the esteem in which the Count de Cheste is held.

*The Count de Cheste.*—There is another point which requires explanation. Señor Pastor stated "that the register has been in use formerly." It never was in use. The Senator now addressing the Senate proposed the register to the Government, and received a Decree, by which Her Majesty directed the enrolment and registration of all the slaves possessed by the proprietors of rural estates in Cuba. It was already late when I received it, about the middle of May; the arrangements required by the register demanded time; it was necessary to carry them out simultaneously throughout the island, and to select men of great honesty in order that no discredit should attach to this great scheme the first time it was tried. This was a difficult thing. Señor Pastor said that it would be impossible to find 4,000 men possessing the necessary requirements for this purpose in the Island of Cuba. He is, perhaps, right: it may, perhaps, be difficult to find them, but not impossible, and this number might also be diminished. I think the register might have been accomplished if time had permitted. But it was necessary to devote three months to the operations it required; it was necessary to call the registrars and give them instructions, not only in writing, but by word of mouth, as there were matters which could not be made public. They had to be told, for instance, "With regard to Caballero such-a-one, who has never been known to have purchased or introduced any fresh negro, there is no inconvenience in assisting him with the means and allowing him to make out the list." With respect to other persons, on the contrary, who were reported to be regular slave-traffickers, it was necessary to proceed with more activity. Well, then, all these instructions and details required time, and I fixed it at three months.

When they had nearly passed, that is to say in the middle of August, and the enrolment was about to take place throughout the island, I found that I had been recalled; then I suspended the enrolment until my successor should arrive and carry it out. This is the reason why the register has never been established.

But the great difficulty is not only in the enrolment, it is in pursuing the slave-dealers inexorably, in attacking the expeditions, in keeping real watch over those who engage in the Traffic. All these things were necessary in order to make the country feel by degrees all that was odious in such slave-dealing practices. In fact, there were men there who had an idea that the Slave Trade was the most simple, the most innocent, and the most regular thing in the world. There were not wanting honourable people who engaged in it, and bought negroes in good faith without understanding that they were breaking the law and forgetting their duty.

*The President.*—Señor Chincilla, of the Committee, has leave to speak.

*Señor Chincilla.*—The Committee could on no occasion be so certain as at present that it has only to perform an act of courtesy towards Señor Pastor. He has so praised the Committee, so praised the Project which it submits, that he has qualified it as unimprovable.

What has the Committee to say to this? To return due thanks for the honour he has done us.

The Committee, however, would have wished that Señor Pastor, with his constant readiness in debate, had shown some opposition, if only to account for his having asked to speak against the Project, whether it were against some of the principles laid down, or against the order and method in which the Committee has submitted them to the Senate in the preamble and in the Project, as it is customary to proceed to the discussion of the whole scope of Projects, and afterwards to descend to that of the Articles. On this account the Committee much regrets that Señor Pastor after having dispensed his praises did not honour it by entering into a discussion.

Señor Pastor only expressed his dissent respecting the enrolment; he expressed it only; he did not state what were the objections to that enrolment; he confined himself to saying that it could not be carried out. It is clear that while discussing the Project as a whole, he could not speak of one of its Articles; but the Committee would have been glad

if Señor Pastor had extended his observations, as the enrolment might very well have been spoken of and discussed in a general way, being, as it is, one of the bases, perhaps the most essential one, of the Project of Law.

Señor Pastor afterwards gave a history of the Slave Trade, as the Committee has also done in the preamble; in this we cannot but agree, as the question is purely one of history.

He spoke afterwards of the Treaties, which are likewise mentioned in the Project. He spoke also of several other things, and would that he had not done so. He then went on to show that the different Governments had always treated the Antilles badly. With regard to this, I can inform Señor Pastor that I have had occasion, more than once, to refer to the laws of the Indies, and it is not correct to say that the mother country tyrannized over those countries, either when they were Colonies or since. Never, gentlemen, never; and, moreover, it never tyrannized over the slaves. The slaves there enjoy such protection as slaves have never enjoyed in any nation of the earth where slavery has existed. It is exactly that for which the Spaniards have ever been distinguished, for the humane manner in which they have treated those who were in that kind of servitude known by the name of slavery. Señor Pastor cannot refer me to a single Law, Royal Decree, or particular Order which does not recommend that the laws protecting that unfortunate class be observed.

Señor Pastor went on to speak of the customs of the Island of Cuba, and then, as a pure economist (as he told us the other day), he discussed the economical, the political, and the religious state of the island.

As these points have nothing to do with the discussion on the Law, Señor Pastor must excuse me if I do not enter into them; I shall thus escape being defeated in a matter in which I cannot but recognize the superiority of Señor Pastor. I will, however, state, by the way, that if something rather uncivilized is met with in the manners of that country, I think that the best of remedies to correct it is the Project of Law now submitted for the repression and extinction of the Slave Trade.

That horrible crime, that piracy, that thirst of gold which Señor Pastor said formerly existed, and which, I believe, rules at the present time, is one of the principal causes of disturbance, and the greatest bar to that country's being religious and well-conducted, and this is the opinion of many persons out there, of great distinction and unspotted morality; for although I have not been in our Antilles, from my infancy I have been honoured with the friendship of many persons natives of that country, and others well acquainted with it, with whom I have kept, and still keep up, such friendly relations that I look upon them as brothers.

All that Señor Pastor has stated (and this he has made one of his principal objections) is that the Law will not be carried out. I regret having heard Señor Pastor say this; for, then, what are we doing here? If the only objection that can be made is that the Law will not be carried out, we are exempted from discussing this project, or anything else. I am a son of the law; I have been brought up and educated to apply it with inflexibility, and have endeavoured to do so all my life, yet it has never occurred to me, even in a dream, that a law could not be carried out. Waiving this, it cannot be said that such an objection belongs to the discussion of the Project.

Señor Pastor will understand, then, that it is only through courtesy that I am noticing some of the points of his speech; as, however, the Committee is anxious to discuss the Project of Law, I will conclude by expressing a wish that those gentlemen who doubtless intend to impugn it will do us the honour to take part in the debate.

It only remains for me to repeat my thanks to Señor Pastor for the learning and rare talent with which, at the beginning of his speech, he treated, to our great advantage, matters on which we always listen to him with much pleasure and edification. As, however, he has not attacked the Law, we have no grounds upon which to defend it. In the meantime the question remains intact, and either one of my colleagues or I myself will be happy to reply to any Senator who will do us the honour to oppose our report.

*The Marquis of the Havana.*—Gentlemen of the Senate, I have made it a rule to avoid bringing forward questions relating to our transatlantic provinces. In the year 1852 I was removed from the superior command of the Island of Cuba in a violent manner, and, nevertheless, I did not once pronounce the name of Cuba in the different legislatures which were formed up to 1854. I subsequently returned from thence in 1860, and the Senate will remember that I have only occasionally spoken incidentally on colonial questions, and in cases not brought forward by me. It is not, gentlemen, because the fate of those countries does not inspire me with the most lively interest, nor because I consider the destiny and the prosperity of her American provinces a matter of little importance for Spain; it is from my sad conviction that with us it is very difficult, if

not impossible, to command attention on any question of general interest which cannot be considered as pressing, or which has not a political character, and does not bear directly on the object of shortening or lengthening the existence of a Ministry.

The proof of this, gentlemen, is in what has taken place with regard to the Law of 1845, which we are endeavouring to reform. That Law was passed more than twenty-one years ago, and I will ask the Senators if they remember how many times it has been the subject of debate in Parliament. I do not remember one single occasion upon which this question has been thoroughly entered into; and I take upon myself to say that there was one circumstance which ought to have fixed the attention of the politicians of the Spanish Parliament, for if no attention was paid to it here, it occupied the continued attention of the British Parliament which, year after year, condemned the Slave Trade of Cuba, and made the most violent accusations against the Government of Her Majesty and against its authorities in that island. The Press of England repeated the accusations; and as the idea of abolition has long found favour in that country, and societies exist for promoting it, which have their representatives in Parliament, these accusations are of great importance, and have tended, not a little, to deprive us of the sympathies of the English people.

On one occasion, when the accusations against the Spanish Government were stronger than usual, I felt under the necessity of speaking in defence of the Government and the authorities of Cuba; but I did not dare to enter thoroughly into the question, because whilst opinion was unformed, and whilst the Government was not disposed to modify the Law of 1845, I was afraid that as soon as I clearly demonstrated the inefficiency of that Law to repress the Slave Trade, it might appear that I was giving occasion to the English Government to bring complaints against that of Spain for having failed in the observance of the Treaties. And in speaking of this Law, I feel a national interest in discussing it carefully, in order to prove that it has never been through the unwillingness of the Government—that it has never been through the unwillingness of the authorities of Cuba, that the Penal Law of 1845 has not been carried out and has not produced a complete result. I rejoice, then, that Her Majesty's Government has given us an opportunity of entering thoroughly into this question, and I hope that the Senate will give its attention, if not to my poor words, at least to the grave and important question which the Senate has now under consideration.

Señor Pastor has given a history of the Treaties which bind us to England for the repression of the Slave Trade.

Señor Pastor has said that England, after having for a long time held the monopoly of the Trade in Slaves, gave it up at the beginning of this century, and from that time has placed herself at the head of opinion to combat the Traffic in Negroes, and subsequently to procure the abolition of slavery. Our Government found itself bound to enter into the Treaty of 1835, to which Señor Pastor has referred; but it is necessary, gentlemen, to call to mind the state of opinion in Spain at that time with regard to the question of the Slave Trade and of abolition. We must not merely consider what is the opinion at the present day; we must look back and examine how the Treaty alluded to was received in our country at that time. In 1835, slavery had recently been abolished in the English Antilles; that institution still remained in the Antilles of France and in Brazil, and was recognized in the Federal Constitution of the United States of North America; and in Spain, there was no opinion at all against slavery.

And the truth is, gentlemen, that for want of the knowledge we have relative to our transatlantic possessions, public opinion looked upon slavery as the only and exclusive cause and foundation of the riches of Cuba at which all the world wondered. Public opinion was unconscious of those crimes which there are in negro trade, and it consequently looked upon the Treaty of 1835 as an act of weakness on the part of the Spanish Government, for it feared the consequences which it might have in regard to the future of our Antilles. Such was, Gentlemen, the impression which the said Treaty produced; and for this reason the Ministry which made it—which was bound to make it, and which could not act in opposition to obligations which had been contracted—was censured by public opinion and by men of all parties.

The Spanish Government had bound itself by that Treaty to make a repressive law. It was the period of our civil war, gentlemen; and it is not surprising that in those unfortunate times, one year after another should pass without the Government of Spain finding an opportunity of coming to Parliament to propose a Project of Law. At last, however, Señor Martinez de la Rosa succeeded in obtaining from the Cortes the Law of 1845. But under what circumstances was it made, gentlemen of the Senate? A year before, there had occurred a very serious conspiracy of the negroes, which was put down with great severity by the present President of the Council, who was then Captain-

General of that island, and in which the British Consul at Cuba was undoubtedly implicated. Was it not natural, gentlemen, that Spanish legislators should be prejudiced, and should fear that that law would give the means to England and authority in Cuba to effect not only the repression of the Traffic, but also the abolition of slavery? These feelings could not but have their natural influence on the legislators of Spain; and hence it is that the spirit of that law was not such as to render it fitting for the repression of the Negro Trade, when there were so many difficulties in the way of its extinction. There was not then in Spain that knowledge of Cuban questions which we now possess: no one attended to them, and no one could thoroughly comprehend the conditions of the Negro Traffic which it was sought to put down.

Señor Pastor said, and said very truly, that there is no smuggling in the world the profits of which can compare with the Negro Trade. A negro bought in Africa for 40 dollars is sold in Cuba for 600 or 700 dollars; and it is easy to understand, gentlemen, that when these profits are to be made, it would be strange if there were any difficulty in finding men sufficiently covetous to engage in the Traffic. The Island of Cuba has 700 leagues of coast covered with rocks, with an infinite number of bays; and it is very difficult to prevent the slave-vessel which has evaded the vigilance of the English cruizers from landing the fresh negroes and taking them to some part of the island. Bordering on the sea are various factories, and when once the vessel touches land there is the greatest facility for disembarking the fresh negroes on any one of those properties. If the law, then, does not provide for the detection of that smuggling in the interior of the island, there will always be a great facility for carrying it on. This is what the Law of 1845 did not provide for, and what, especially with the interpretation given to Article IX, has made it impossible to repress the Negro Traffic so effectually as has been desired by all the Captains-General of Cuba, as well as by Her Majesty's Government.

A long time passed, gentlemen, without any measures whatever being adopted with regard to the Negro Traffic. Opinion was not against it (it must be confessed) either in Cuba or in the Spanish peninsula. There were no men of any party who marched with the abolitionist idea before them, and looked upon the Slave Trade with profound hatred.

But there is another circumstance which prevented the adoption of any measure, and which has exercised a powerful and lamentable influence in all questions relating to Cuba, that is the organisation given to the transmarine Government. After the revolution of 1833, on the termination of the absolute system of the reign of Ferdinand VII, fundamental variations were introduced into our administrative organization. Under the previous system there existed for the government of the transmarine provinces a centre in the Council of the Indies, which transferred what was initiated by the Government, and when that ceased, each Minister undertook a branch of the transmarine government; but these questions never received any attention, and the most important matters were passed by year after year without being settled. At last, in the year 1850, the Transmarine Department was established; and that centre, although imperfect, was able to attend to questions relating to the Antilles, and to examine the complaints of England; and lastly, in the year 1854, a Decree was issued to form the register of the slaves, solely for the purpose of rendering the complete extinction of the Slave Trade certain and possible.

I remember, gentlemen, that that Decree produced great alarm and profound disgust in Cuba. It was, in fact, a proof of the goodwill of the enlightened Director of the Colonies, and manifested his profound attainments; but it was somewhat affected by his want of a local knowledge of the island. Although I do not propose to analyze that measure, I may say that it produced great alarm, and caused the annexation party, which was working for the emancipation of Cuba, to increase very much in numbers, and to acquire great means for the preparation of an expedition, which I shall speak about on the proper occasion when the political question comes to be discussed.

I cannot now attend to the statements Señor Pastor has made. I am neither willing nor able to enter into the political question of the Island of Cuba. For this reason, I do not correct the inexact statements made by Señor Pastor, for we are now discussing the Slave Trade, and this will be quite enough to take up more time than I shall like to trouble the attention of the Senate.

But the fact is, gentlemen, that Her Majesty's Government had information of the state of Cuba and became alarmed. The proof is that, before I was appointed for the second time Captain-General of that island in 1854, the garrison was reinforced by three battalions from Puerto Rico, and it was during that state of things, when the Marquis de

la Pezuela, then Captain-General, had not had time, as he has explained, to set on foot the Decree of the registration, that I arrived to take the command of Cuba.

I had held it in 1850 for the first time, and on proceeding there, I had but a general idea of all the questions relating to our transmarine possessions; that slight idea which politicians have in Spain, however high the positions they may have occupied. My only idea with respect to the Negro Traffic was, that it was an obligation on the part of the Government to fulfil certain Treaties entered into with England, and a question of honour on the part of the Captain-General. This was the idea with which I entered upon the command of the Island of Cuba in 1850.

When I had arrived on the spot, I was able to study the question thoroughly, and saw positively that the Negro Traffic was the origin of the most grave evils for that country, the cause of the greatest discredit to the Government, and an immense danger for the future; therefore, it was the duty of the Government to do all in its power to put an end to that Traffic.

It was in vain that I there heard every one argue on the other side, for at that time, it must be stated, all were slavers in Cuba, and in Spain the question of slavery was not looked upon with much horror.

In vain did they tell me that the works in Cuba required hands, for I told them that the hands acquired in that manner, far from being an advantage, greatly prejudiced the future of the island. And when that augmentation of hands was producing complete demoralisation in the country, bringing discredit on the administration and overthrowing the prestige of the Government, I found no reason for not proceeding against it with all possible rigour. And if the Senate would like to know all I thought at that time, when, as I have repeatedly said, there was no such thing as the opinion of those who call themselves abolitionists and enemies of Negro Traffic, I will take the liberty of reading a very few lines from the conclusion of a Memoir which I published, on the subject of my government of Cuba in 1852. It is as follows:—

“For in whatever direction we now cast our eyes we meet with nothing but the progress and preponderance of abolitionist ideas, and in proportion as this progress extends and increases so does the hatred and execration increase and intensify with which the Slave Trade is looked upon, so that one may say, without hesitation, that the slightest toleration towards that accursed Traffic would positively redound in the most fearful risk as regards the preservation of the island.”

Look back to 1852 and tell me how many political men at that time thought as I did on this question. Tell me if I did not clearly foresee the march of the ideas of the age, and if I did not wish to prepare myself against them by the very security of the high interests of the island. Let this serve, by the way, as an answer to the accusations which some have made against me in regard to this question.

I have said, gentlemen, what was the state of the question in 1854. Her Majesty's Government had become very much alarmed on account of the political state of the Island of Cuba. It attached great importance to the question of the register, and believed that it had been a weapon cleverly used by the then annexationists, by those annexationists, gentlemen, who always turn out to be, under whatever form they present, only such men as desire at all costs to emancipate Cuba from the dominion of Spain.

The Government sent me a Royal Order to suspend an edict issued by my predecessor, the Marquis de la Pezuela, in which he prepared for the registration of the estates, and I well understood that if I put it into execution, if it were circulated in the country, it would be thought that the policy of the Government was favourable to the Slave Trade.

Therefore abstained altogether from giving publicity to the Order of the Government, and wishing to supply in some way the place of the register it had not been possible to form, I took the initiative and issued schedules of slaves, which every slave on the rural estates as well as in domestic service was to possess. These schedules had counterparts, which formed a real enrolment or register of the slaves.

For the purpose of proceeding against the Negro Traffic I made arrangements for utilizing the schedules, after giving warning that the factories might be visited and the number of slaves counted by the administrative authorities, in order that the tribunals should afterwards take the necessary proceedings, and I fixed as a reward, gentlemen, 25 dollars for every negro apprehended, my predecessor having only assigned 10 dollars.

The *Marquis de la Pezuela* requests to speak.

I cannot refrain, gentlemen, from explaining this measure to the Senate, as it will naturally occur to the senators to ask, “What authority the Captain-General of Cuba had to take upon himself to make such an arrangement, and out of what fund did he give those 25 dollars?” The Captain-General had then at his disposal what was called the

fund of the emancipated ("fondo de emancipados"), that is to say, the sums given by private persons to whom the emancipated negroes were delivered to be employed in their works. This fund, like all others, passed afterwards into the coffers of the Exchequer, where all other funds whatever, commencing with the superior Government of the island, became centralized.

What I have stated proves that, on my part, I exerted myself as much as possible to effect the abolition of the Slave Trade; for there, gentlemen, interests and opinion were always opposed to the directions of the Captains-General in this matter. The measures which I had taken, even when they were carried out with very great prudence, did not fail to disgust and alarm not only the slave-dealers but even the great slave-proprietors, and the result was (it must be confessed) that the Government, being alarmed at the directions respecting the register which had previously been given, ordered me to suspend the execution of my measures, directing me to keep strictly to the letter and spirit of Article 9 of the Law of 1845. And what was my conduct on that occasion? To suspend the execution of that Royal Order, to represent respectfully to the Government that I could not execute its commands without compromising the most important interests of the State.

Señor Pastor has said that all those means have been useless and that there will be no way of making a register, nor of effecting that enrolment. I believe Señor Pastor is mistaken. If the schedules of slaves which were given in my time had become regular they would have served as proofs of the legality of the slaves, and all slave-trading expeditions might have been captured.

The fact is, however, that in spite of that Resolution of the Royal Audience Court, which Count de Cheste has read, the tribunals comprehending the sense which the Government had recently given to the Law of 1845, understood that they were not in any way to ascertain whence the slaves came, nor investigate the validity of the schedule.

It was in this manner and with such jurisprudence that the schedules became useless; and thus it was that the system established in 1854 became null and void, and of no effect.

Besides, as Señor Pastor truly said, up to the present time when public opinion has become modified, and I shall come to that hereafter, the interests benefited by this very opinion are always trying to find means of eluding the performances of the Government's directions. The result was that in consequence of that interpretation given to Article IX by the tribunals of the island, the Captain-General found it materially impossible to put down the Trade in Slaves.

This being the situation of things, the trade began to increase in 1857; 1855 and 1856 being the years, according to the statistics I hold in my hand, taken from the documents published by the British Parliament, in which the least number of slaves entered Cuba during the period 1854-64, which is to be attributed to the fear produced at the beginning by the establishment of the schedules.

This fear being gone, slave expeditions began afresh, and I found myself in the unpleasant position of being impotent to prevent the landing of slave expeditions, and felt, as my predecessors and successors did, the very awkward position in which the Captain-General of the island finds himself when endeavouring to put down the Trade and correct the demoralization which it produces; he only sees as a result that the prestige of his authority is sinking.

I then issued a circular in order to banish those who were engaged in the Slave Trade, and the Senate will permit me to read some paragraphs of the communications which I addressed to the Government, in order that it may know what my conduct was during my command. After giving a picture of the condition in which the Captain-General found himself through the insufficiency of the law, and not through the wish of the Government, which always required and gave orders for the repression of the Traffic, I said as follows: "My courage begins to fail before a position of so little dignity, and which provides no defence for my authority, and most certainly it is impossible for me to represent either well or ill any policy of which the repression of the Slave Trade is not the first condition." It was thus that I spoke to the Government of Her Majesty, and in begging it to approve the measures which I had ordered for the repression of the Slave Trade, I concluded with these words: "The reins of a Government are not and cannot be secure under such conditions, and your Excellency who knows me, also knows very well what pain it must give me to be in a position so equivocal for what I hold dearest of all, my honour. Her Majesty's Government will no doubt, in its wisdom, take that course which is most expedient under this state of things, understanding, as I pray most



<sup>s</sup>trenuously, that this cannot be any longer delayed without grave and surpassing hazards, and that a speedy and frank solution is most peremptory and important."

This, gentlemen, was the language made use of by the Captain-General when he found himself unable, through the inefficiency of the law, to put down the Negro Traffic. I do not blame the Government; on the contrary, I defend it, for in the treatment of a question which affects so many interests, and in which so many considerations have to be kept in view, when the Government is not supported by public opinion, it cannot go beyond that opinion, however much it may wish to fulfil its engagements with England.

But was it so easy to abolish the Traffic in England? In 1807 the first law was passed against the Negro Traffic, imposing the penalty of transportation upon those who engaged in it. In 1810 it was necessary to increase the punishment to fourteen years' imprisonment and very heavy fines. Notwithstanding those laws for the repression of the Slave Trade, it was necessary in 1824 to declare it piracy. So that it is only since slavery has completely ceased in the British Antilles, that the Negro Traffic has ceased in England.

Thus, then, if England has had so many difficulties to overcome, is it strange that we should meet with the same in order to put an end to the Traffic? It is not from want of will on the part of the Government, nor through any fault of the Captain-General that the Traffic has not ceased, and the accusations which the Government and the press of England have made against the Government of Her Majesty and the authorities of Cuba are without foundation.

I will not continue the explanation of my conduct with respect to this question any longer, gentlemen, and the Senate will excuse me if in so grave a matter I have wearied its attention on what to a certain extent is a personal matter; it is, however, not a question regarding the person of the Senator who has the honour of addressing you at this moment, but of the authority of the Captain-General of Cuba, whose reputation and fame affect the Government and the nation. I will conclude the explanation of my conduct during the period of my command by stating that when I found that Her Majesty's Government did not approve of the circular which I issued for banishing the slave-traders in conformity with a decision of the Supreme Tribunal of Justice, I sent by the same mail my resignation of the post of Captain-General, and gave up the superior command of the island.

Now, gentlemen, the conditions are different; opinions have changed here as they have changed in the Island of Cuba; and this is due to the result of the civil war in the United States. Since then there is not a single person who does not comprehend the absolute necessity of completely putting an end to the Slave Trade in order to keep reason and justice on our side and to be able to support the vast interests which, in Cuba, are united with the question of slavery. This is a great advantage which leads us to the hope that this Law may produce the effects which the Government and the Senate desire,

The Senate will understand that if I asked leave to speak in opposition, it was not, certainly, for the purpose of opposing the Law but in order to occasion a debate, and because I shall have to make some slight observations to the Committee, which I will explain successively when the debate on the different Articles comes on.

Señor Pastor has confidence in the present state of public opinion in the Island of Cuba. It is not certain that the Spanish party has advocated the Slave Trade; if on any occasion it had an interest in it, it was when the Cuban Spaniards had too. Now there is no person of any importance in the country who does not desire the abolition of the Slave Trade; consequently the Law we are discussing will meet with the support of public opinion and will produce the effects which we all desire.

I find an omission in this Law. It affords I think sufficient means to repress the Traffic after a landing has once been effected, but there will be occasions when that does not happen, and I would wish that those who make negro expeditions to Cuba should never remain unpunished.

I think that they who make those expeditions always commit a great crime; but unfortunately it is impossible to prove before the law the participation which is taken in those expeditions. This is an evident fact which the Committee must bear in mind, as well as that it is a fact notorious to the authorities there. In both cases I desire the banishment by the Government of those who engage in the Negro Traffic or who favour it.

I resolved upon it during my command, believing that I was acting in accordance with the legislation of the Indies, then I remembered that there was a Law in that Code which authorized the banishment of those who disturbed the tranquillity of the country, and I considered that no one created so much of this disturbance as those who engaged in the Negro Traffic

In my opinion, then, this provision is wanting in the Law, in order to render it as effectual as we all desire.

When the enrolment comes to be spoken of, I shall also state that it is very difficult to effect it in the manner proposed by the Committee.

Every way I believe we shall do great service in passing this Law; and I congratulate the Government on its presentation; for I flatter myself that it will render an immense service in its results to the interests and to the future of our Antilles.

*The President.*—Count de Cheste has leave to speak.

*Count de Cheste.*—I will confine myself exclusively to the allusion which my friend the Marquis of the Havana has made on the subject of the difference which there was between the amount earned by the emancipated negroes, together with their fate and condition, at the time when he was Captain-General of Cuba, and the same at the period when I filled that office.

The origin of the emancipated negroes is well known. They were those taken by Spanish or English vessels, and who were tried at Sierra Leone by a Mixed Tribunal when they were apprehended in certain zones of the sea, or at the Havana if they were captured in the waters of the dominions of Spain. Demands were frequently made for the fulfilment of the Treaties, so that those emancipated negroes should be set at liberty; and General Tacon, in whose time these demands began, decided to rule that entire liberty should not be given to those slaves except after a certain period, which was fixed at two years. When these had gone by, England naturally demanded the fulfilment of the Agreement; but Señor Tacon made it appear that those negroes were not yet in a condition to make use of their liberty.

There was some truth in that. The negro fresh from the coast of Africa only understands liberty in the sense of idleness. His only use of liberty is to do nothing, and whenever he is made to work he asks whether he is still a slave. It was necessary also for the Government to educate these men before letting them loose, in order that they should not disturb society. In order to educate them the time for giving them their liberty was put off for three years more; and at the termination of these, the period was extended for two more, making in all seven years.

At that time the Government entrusted me with the command of the Island of Cuba without my seeking it, and without my having the least notice of it until Señor Tejada brought me the "Gazette" in which the appointment was published. The Government, on my setting out for my destination, instructed me to repress the Slave Trade, and invested me with extraordinary powers. It is not my intention here to show that I did better than my predecessors. All things have their time, and that time was the fitting one for the event.

I myself avoided giving absolute liberty to those who only comprehended liberty in the sense of doing no work; for I was aware that those people with such ideas would naturally become thieves and disturbers of society, of which there had been examples enough. Then I thought of giving them all the liberty that was compatible with those difficulties, and in consequence drew up a regulation which was approved of in every respect by Her Majesty's Government, without the alteration of a single word, after consultation with the Colonial Council.

Naturally the first condition of this liberty was, that the negroes should be owners of the produce of their labour; and in that there was a great difference in the earnings of the negroes in the Marquis' time—they were for themselves, and not for the Government.

The fundamental Articles of the Ordinance on the emancipated negroes first issued by me, and afterwards approved by the Government, were as follows:—

"Article I. The negroes known under the name of emancipated negroes are all free. Those who have been five years in the power of the authorities, and are over 16 years of age, will obtain their certificates of liberty; and those who remain in the island may dispose of the daily earnings they are entitled to after deducting a part for the deposit, which shall never exceed a quarter."

The amount deducted was for the purpose of establishing a kind of asylum for the old, and for the maintenance of the children until they grew up.

"Art. 2. Those who have not served five years, only differ from the preceding in not being allowed to dispose of the fruits of their labour, which remain under administration during their apprenticeship.

"Art. 3. A Council appointed by the Governor-General, of which the Syndics of the Corporation of the Havana shall form part, and which shall be called the Protective Council of the Emancipated Negroes, shall administer these funds, and look after the emancipated negroes."

Under these conditions the negroes were hired out to the proprietors. The engagement was only for a year, and if the negroes were not satisfied they could change masters. The amount of their wages was fixed by a Committee of respectable persons appointed by me, according to the value of ordinary labour. These regulations originated in the true idea of liberty. The property in labour is the only liberty which we really enjoy in the social world. It is impossible to admit any other class of liberty in regularly constituted societies. A different kind of liberty is good for those who are in the interior of Africa. The English expressed themselves highly satisfied with these regulations, and they asked me at the time for a copy of them, in order to apply them in a certain way to the contracts which they afterwards made in their Colonies of Jamaica.

This is so true, that the English Minister thanked the Government for these regulations of mine, and with regard to the proceedings against the Slave Trade which were taken in my time, he was so satisfied, that the Senate will permit me to read what Lord Clarendon said, and what the Consul-General in that island transmitted to me by order of his Minister.

“After the varied and repeated complaints on the subject of the Slave Trade which this Legation has, with great pain, felt called upon during many years to address to the Minister for Foreign Affairs of Her Catholic Majesty, it is highly satisfactory to me, in fulfilling the instructions of the Earl of Clarendon, to return thanks to the Spanish Government in the name of Her Britannic Majesty, and I also take upon myself to add in the name of the English nation, for the honourable, enlightened, and highly praiseworthy manner, in which the Captain-General of Cuba has inaugurated his high command,—as Her Britannic Majesty’s Consul-General in that island reports—in what relates to the Slave Trade.”

And after the termination of the period of my administration he said to me: “I have received a despatch from the Right Honourable the Earl of Clarendon, Secretary for Foreign Affairs, dated 31st of August last, in which, among other things, he says: “that if, when I received that despatch, the Marquis de la Pezuela had not yet left the island, I should return the most cordial thanks to his Excellency on the part of Her Majesty’s Government for his energetic efforts for the suppression of the Slave Trade, as well as for having promoted amicable relations between Spain and Great Britain, by his honourable determination to fulfil the Treaties which mutually bind the two nations.”

It is, therefore, obvious that the Slave Trade was never proceeded against more energetically than at that time, as those most interested expressed themselves in the same manner the Senate has just heard. The regulations respecting the emancipated negroes have since suffered alterations which have changed their character. The Government changed its opinion in regard to that which preceded it: for when I was Governor-General of the Island of Cuba, and whenever I have held any public appointment, I have never considered as my acts those which emanated from Her Majesty’s Government. I have punctually fulfilled the orders I have received, and am very far from making a merit of it. My predecessors did not, perhaps, meet with such good fortune as I did. I acquired the greatest confidence of Her Majesty’s Government; it invested me with ample powers, and I had a great desire to utilize them.

*Señor Cardenas.*—Gentlemen of the Senate, it is a difficult thing for a Committee to reply to such speeches as that of Señor Pastor and that of the Marquis of the Havana, those gentlemen having requested to speak against the Project, have proceeded to speak almost entirely in its favour; for they have shown that they agree with the spirit, the object, and the principal provisions of the Project under discussion, and have only made slight observations on a few points in regard to which they do not coincide with the report of the Committee. If those gentlemen had more fully explained their idea, perhaps it would have been easier to answer them. I feel, however, under the necessity of offering a few observations in my turn.

In a debate upon the Project, as a whole, it is our duty to estimate its necessity, the object which the Government and the Committee have had in view, the spirit by which it is pervaded, and the principal means to be employed in carrying it out. On all this the Committee has not as yet heard any serious argument. Those who oppose it, recognize the necessity of putting down the Slave Trade in an energetic manner; they admit that the laws now in force are insufficient for the purpose; that it is requisite to substitute others; and they approve the spirit which predominates in this Project. If we all approve of the Project as a whole, what answer has the Committee to make? That it is extremely grateful for the support it has received, and will reserve its answers for any observations that may be made in the debate on the Articles.

One of the observations made relates to the interpretation that the tribunals may give to this Law; another to the possibility of carrying into effect the civil register of the

slaves, and another to the omission of some means which, in the opinion of the Marquis of the Havana, would be more efficacious in abolishing the Slave Trade.

Señor Pastor said, that as the tribunals interpreted the Law of 1845 in a mistaken manner, giving to Article IX a meaning which, in his opinion, it did not bear, the same thing may happen to the Law we are now discussing. Its sense and spirit will likewise be evaded, it will likewise be applied in a manner not conformable to its end and object, and we shall find ourselves just where we are now. If Señor Pastor expects this, he ought to do one of two things; either propose another law which he thinks the tribunals will be able to apply, or say that it is a pity that we should lose our time in doing that which will be of no use.

The tribunals did, in fact, apply in a certain sense the Law of 1845, but they did not evade its proper and true spirit. That Law was made principally to fulfil an obligation contracted with another nation by a solemn Treaty. It was not any sentiment of open hostility against the Slave Trade, which inspired that law. Thus it was that the measures proposed first by the Government and afterwards by the Committee, became gradually more insufficient during the course of the debate. If, for example, the Government proposed ten years' imprisonment for a certain act of the Slave Trade, the Committee diminished the punishment on the ground of its being excessive: and afterwards in the debate no amendment was ever rejected which allowed the exercise of greater lenity in the application of the law. Thus it is that the Government, having brought Article IX of this Law before the Cortes without any other object than that of declaring the power and obligation of all the authorities to proceed against the Slave Trade by conducting examinations, apprehending negroes, &c., it was agreed in the Senate, in consequence of an addition proposed by a senator, that that power should be curtailed by the prohibition to enter estates for the purpose of ascertaining whence the slaves had been obtained after they had once been introduced into them.

As the Senate perceives, this addition implies a spirit little in accordance with any very lively desire to put an end to the Slave Trade. What would Señor Pastor have had the tribunals do, which had to apply this law in a country where public opinion, as the Marquis of the Havana has truly said, was not so opposed to the Traffic as might have been desired? The most upright and the most impartial tribunals cannot resist such moral pressure as public opinion always exercises on those who administer justice; a pressure which does not induce those who administer it well to detract from the laws or to infringe them, but a pressure which influences the interpretation of the law in a sense favourable to the opinion which prevails. This explains to Señor Pastor the leniency of the tribunals in applying the law.

On one side they had seen the spirit which pervaded its discussion; on the other they had to apply the law in a country in which, according to public opinion, the Traffic could not cease without the greatest interests of the island being compromised. What had the tribunals to do? To undergo that unlooked-for but evident pressure which opinion always exercises on those who administer justice.

Is it possible to carry into effect the registration of the slaves? In the opinion of the Committee this is the only completely effectual means of doing away with the Slave Trade. But we shall discuss this question more fully in the debate on the Articles when the Marquis of the Havana favours us with an explanation of the observations he has already made.

I may add even now that I feel assured that, in the first place, it will not require 4,000 perfectly reliable persons to carry out that measure as Señor Pastor stated. In the second place, the measure will have to be carried out by the Government when it has been prepared for by the proper means. And lastly, if the gentlemen who find fault with this measure will submit to us another equally efficient, without having any of the inconveniences which they fear, the Committee will feel very grateful and accept it at once.

In the meantime, the Committee confines itself to submitting for the approbation of the Senate this part of its Project, assuring the Senate that after having reflected very cautiously on the subject, and after having consulted many very competent persons among those who are best acquainted with the Island of Cuba, it is convinced that it is not only effective but also practicable.

I will deal, lastly, with another slight observation which the Marquis of the Havana made respecting an omission which he notices in the Project.

The Marquis spoke of the necessity of authorizing the Captain-General to banish by his administrative power those who engage in the Slave Trade. The Committee has chiefly drawn up a law, the execution of which belongs to the tribunals; it has drawn up a penal law, and not one of police. Under this supposition it did not think it right to touch that question. If, in fact, in the laws of the Indies the Captain-General is declared

to have the power of banishing those who disturb the public peace in the Antilles—if, in the interpretation of this law, those who engage in the Slave Trade are considered to disturb the peace of the country, I do not see that there is any necessity to insert in this law what is already contained in the laws of the Indies.

Every way the measure would have a certain gravity and might produce certain inconveniences; and I believe that if we follow the counsels of prudence the Marquis will not insist upon his proposition, and the Committee will not any further amplify the reasons on which we rely for opposing it.

I conclude, gentlemen of the Senate, for I ought not to extend my remarks, since the gentlemen who have opposed the Project have really done it so slightly.

The Committee, in the meantime, reserves for when the Articles come to be discussed such explanations as the Senators may consider necessary in order to justify what it submits for their approval.

*The President.*—Señor Pastor has leave to speak in explanation.

*Señor Pastor.*—If the Minister for the Colonies pleases, he may speak before me.

*Señor Minister for the Colonies (Cánovas del Castillo).*—In that case, I will speak.

*The President.*—If the Minister pleases he may put off his speech till to-morrow, or take advantage of the time still remaining before the regular hours of business are over. I leave it to the choice of that gentleman.

*The Minister for the Colonies (Cánovas del Castillo).*—I will be brief, Señor President. As the Senate understands the state of the debate does not require that I should make a long speech now. I should not have done so in any case, even if the lateness of the hour had not warned me to be still more brief.

The worthy member of the Committee who has just spoken has shown, as one of his colleagues had done before him, that the Project of Law under discussion has not met with any real opposition, two or three slight observations only having been made with respect to it, one of which, the most important doubtless, will be developed in the course of the debate. When that comes on, the Government must also give its opinion on the subject. Its opinion is recorded, its settled principles are included in the law. What remains is to explain the reasons and the grounds which it has had for the admission of these principles into the Projects of Law under discussion.

At this moment, however, I only propose to deduce, in the first place, the principal results of this debate; and, secondly, to reply to some observations of a general character and which might in any way affect the interests of the Government.

With regard to the first, there may be deduced from the discussion up to the present time one consequence which is consolatory, and another which, if not so much so, may from its great exactitude serve as a basis and foundation for the conduct of the Parliament and the Government in regard to the question before us. The consolatory consequence is that, on the part of the Governments which have succeeded each other in Spain, as well as on that of the authorities which have commanded at the Antilles, there has always been a loyal determination to fulfil existing Treaties, and a most ardent and lively desire to put down the illicit Traffic in Negroes.

This has been palpably demonstrated in the explanations which the worthy Marquis de la Pezuela felt himself called upon to make; it was also demonstrated in the speech of the no less worthy Marquis of the Havana, as well as in the speech of Señor Cardenas, who was at one time Director of the Colonies, and the author of a most important regulation, which has been alluded to in the debate, and who besides having displayed great zeal in this measure, and in his labours connected with this Project of Law, has this day defended, what had appeared to be left without defence in the debate, the conduct of the Spanish Magistracy in the Antilles. Neither the Government, the Captains-General, the high administrative authorities, the magistrates, the tribunals, nor any one, can with any foundation be said to have failed, or have endeavoured to have failed, or to have had any desire to fail in the duties imposed upon them by the laws of other countries or of our own.

Side by side with this consequence, truly consolatory, and which, although it may only possess an historical interest at the present moment, it much concerns the honour and interests of the country to have perfectly recorded, there is another one which, as I have said before, is not so consolatory, however true it may be, and although in itself it does not contain anything which can detract from our prestige as a civilized nation, this second consequence has reference to the obstacles which up to the present time have proved stumbling blocks in the way of any attempt to abolish the Slave Trade, all of which are due to the state of public opinion on the question under consideration. In fact, there is nothing more difficult. I need not bring forward any kind of argument to prove it, as it is a principle of legislation of which all the gentlemen of the Senate are

aware, than having to legislate against the feelings and even the prejudices of public opinion. Whatsoever may be its errors, its irregularities, they must either be respected, tolerated, accommodated, or combated and extirpated before any legislation can expect to prevail against them, or produce any kind of effectual results.

Under the pressure of circumstances, and in consequence of international obligations which had been contracted, enactments were made in opposition to public opinion, and these enactments in opposition to public opinion have been ineffectual, as they necessarily must be, and all have been hitherto in the ample history of the human race, that it has been attempted to establish under such circumstances. And is it surprising, gentlemen of the Senate, ought we to blush or be ashamed that such was the state of public opinion on this question both in the Antilles and in the Peninsula up to a very late period? By no means. In the first place, when the Law of 1845 was made, and many of the events alluded to in this debate took place, slavery was still in existence and recognised in a great proportion of the civilized nations, it existed even in the most free of all the nations of the modern world, and existed there under the protection of nothing less than the charter of the Constitution. In the second place, that horror of slavery, that uncompromising feeling against slavery, is a principle which had been very slow in penetrating not only into the spirit, not only into the conscience of individuals, but into the laws and into the institutions of mankind. From the most ancient times slavery was recognized in all the laws of the world. Slavery existed and exists in ancient codes as a recognized and legitimate civil condition. Even theologians themselves, the very champions of the Christian religion, and the very teachers of sacred morality, have accommodated themselves to it; if they have not approved it, if they have not encouraged it, they have accepted it. Well, then, gentlemen, from such a state of things, and from this manner of looking upon the question of slavery there could only result, and there resulted accordingly a great spirit of accommodation, so to speak, towards the Negro Traffic, which was nothing more than the aliment of slavery itself.

If reasons of public order, if great considerations of general interest, if a profound conviction of the state of the modern world, can cause the progressive modification of this opinion, so that even in the country of slavery, even with the slave-owner, the conviction obtains that it is indispensable that the Slave Trade should be suppressed, this does not imply—this does not assert, but that this new tendency must have been of slow growth and of difficult elaboration; nor can it do less than excuse, to a certain extent, and give an easy explanation of the fact that in the Antilles, and in the Peninsula itself, an accommodating spirit in regard to the Slave Trade should have been preserved. And the proof that there is nothing in all this which ought to surprise us is, what has happened in other countries. I am not going to speak of that now—I could not do so briefly, at least I shall not attempt it. But there is another greater proof in the universality of the feeling throughout all the Spanish Antilles, and this is what ought especially to occupy our attention; for in the Spanish Antilles, with regard to this question, no diversity of opinion or diversity of tendencies has been or could be noticed between the Spaniards born there and the Spaniards of the Peninsula. No difference of opinion has been observed between the Spaniards who profess advanced ideas in politics and those who maintain retrograde ideas. Whatever the place of birth may be, or whatever the prevailing opinions, and the disposition of each one to apply them according to the times and his own philosophical and political principles, there has for a long time been but one opinion on the subject of slavery and the Slave Trade.

This brings me, in passing, to an idea which the Marquis of the Havana uttered in the course of his peroration. I do not and cannot believe that, for our misfortune and the misfortune of the Spanish Antilles, there can be in those provinces at the present time a party which can be called exclusively Spanish, without there being another which may be justly characterized as anti-Spanish. I do not and I cannot deny what history may teach us and does teach us that is disagreeable on this point; nor can it be denied either that there may be at the present time, or that there may be in future, this or that isolated aspiration as is often seen in the bosom of modern societies springing from a spirit of restlessness and turbulence. What I deny is, that there is actually in the Antilles a party which can justly be so characterized; and what I deny at the same time—and here I am not replying to the Marquis of the Havana, but to insinuations made out of this place, and which it is expedient to answer now that I am speaking—what I formally deny, and this is the principal object of this part of my little speech—is, that the different views which may prevail in the Island of Cuba ever constituted a standard or a thesis involving revolutionary aspirations. There are no facts to warrant such an assumption.

There, as I have said, we have had up to the present time a unanimous opinion;

there, at this moment, is another opinion, almost unanimous, contrary to the former one, the opinion that the time has arrived for the Slave Trade to disappear. There we shall, without doubt, see in future not the almost unanimous, but the perfectly unanimous opinion respecting the absolute necessity that exists in order to secure the great interests of those rich provinces, and to prevent great and terrible catastrophes, for the Traffic in Slaves to disappear everywhere.

For the rest—now that I have said something to explain, if not to excuse, the state of public opinion, both in the Antilles and in the Peninsula, respecting the Slave Trade—it will be as well to observe that the part of Señor Pastor's speech in which he discussed the question as an economist, speaking of the negroes and the labour of the negroes, is, in my opinion, completely useless. It cannot be proved—Señor Pastor will not be able to prove in any way—that the labour of negroes is not cheaper and more productive than that of any other labourers. If he could prove this it could not then be explained whence must arise the superiority of the business of trading in slaves over every business in the world, and that immense profit which he represented with great truth as a difficulty in the way of ever entirely abolishing this kind of smuggling.

It is certain, then, that we have still to contend with an interest; that if the moment has arrived when the general interests of the Antilles, considered as all general interests should be, by the light of the future, give the inhabitants of those provinces to understand that the abolition of the Slave Trade is absolutely indispensable; the occasion has not arrived, nor can it arrive—and this is precisely the only difficulty which Señor Pastor has put in the way of the efficiency of this law—the occasion has not arrived for asserting and believing that private interest is at variance with the Slave Trade. No; were we to believe this we should be under a deplorable delusion. We have the general interests of that country in strife with certain private interests; and this is just the problem submitted to us for solution; this is the problem and the difficulty which are sought to be overcome in the Project of Law now under discussion. Does it contain the proper means? Has it all that is wanting, all that can be done, so that of those contending interests the general interest may be the favoured and protected one? To discuss this would be to discuss the question completely.

I conscientiously believe that the actual law exhausts all possible means for making the general interests triumph over particular interests. When the Government had the honour to submit to this Chamber the project under discussion, it only indicated principles which, I am very happy to perceive, have since been perfectly developed; but on those principles the Minister who has now the honour of addressing the Senate, had previously agreed with the Committee.

I believe that, as Señor Cardenas has just said, there is no more efficient means of repressing the Slave Trade than by establishing the register of slaves. The principle appeared in the law, its development was left to the regulations. The Committee, in concurrence with the Government, thought it was more convenient to establish some of the bases which were afterwards to serve for the law and the regulations, and to this the Government consented. With this preventive principle, with this principle, the only one that can of itself one day bring about the establishment of the coloured family in the Antilles, with the facility of introducing such new proceedings as justice may require to employ in the repression of the Slave Trade, I believe that the Cortes and the Government are doing in this question as much as possible to make the law effectual.

Señor Pastor has denied this, and has denied it on the ground that public opinion has made it hitherto impossible for measures more or less similar to have any effect whatever. But as precisely what we maintain is that public opinion is sensibly and even profoundly modified in this respect, as, besides this, in the place of isolated measures which have never received a legislative sanction, we are endeavouring to set on foot a systematic law, a law with all the force which such a character gives, a law founded on the experience of the past, we do not doubt but that it will put an end to a state of things which we have not created but which time has created; and that, armed with all the legal means required, the present occasion will be opportune for effecting what, up to the present time, it has never been possible to accomplish.

If Señor Pastor, who has characterized the measures contained in this Project of Law as inefficient, wishes concretely to propose any special solution in a concrete form, I can at once inform him that the Government will not have the slightest hesitation in adopting it. I am pleased to see that this debate is characterized by great good faith; we are all acting here in good faith and Señor Pastor will not have to complain of the good faith of the Government when he comes to present his solutions, if he has any, for improving the Project we are considering.

With regard to the speech of the Marquis of the Havana, I only intend to notice one

of his observations now; and when the registry comes to be discussed, when the Marquis makes his observations on that subject, we shall also notice them if they become the subject of debate. To-day, however, I can only take notice of the observation he has made, to the effect that he thinks the Government ought to be authorized by this Project of Law to expel persons convicted of engaging in the Slave Trade from the Island of Cuba. On this point alone, and in conclusion, I will make a few brief remarks.

The Government has at present no idea of modifying the law of the Indies, to which the Marquis has referred. The Government, at least, has not discussed this point. The law is law, and the Government does not discuss it. There are subsequent directions more explicit than the law of the Indies, which certainly give to the superior governing authorities—to the Captains-General of the Antilles—the power of expelling, when they think it expedient, persons who disturb public order. I have not the least intention of discussing that provision, either, at the present moment; nor has the Government taken into consideration the necessity or the expediency of maintaining that provision. But what the Government cannot do is to embody now in a law—in the law which relates to the suppression of the Slave Trade, or in any other law whatever—the right to impose the heavy punishment of expulsion from a territory on any citizen, whether he be a Spaniard residing in the Peninsula or a Spaniard residing in the Antilles.

There are things which can be borne with as they are, while time and circumstances allow them to be admitted and tolerated, but they can and ought not, on this account, to be handed down to the future, and especially in a law which we are to hope will have that character of durability which is requisite.

I could believe and admit that, under exceptional circumstances and for exceptional cases, the superior authority of the Antilles should have this and any other discretionary powers that may be necessary. At times when society has to be protected, when public order has to be maintained, all the powers vested in the Government of those provinces appear to me limited. But to establish as a constant, normal measure, without grave urgencies of public order, for law cases, for application to certain ordinary abuses, the power of banishing those Spaniards from that territory, I, for my part, cannot consent to it.

As this is the most important point which has yet arisen in the general debate on the Project of Law I have entered into more details respecting it. For the rest I will not trouble the Senate. I have already said, and I now repeat, that when the discussion of the Articles comes on, and fresh observations are made, the Government will endeavour to answer them.

*The President.*—The debate is adjourned.

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*Sitting of Thursday, April 19, 1866.*

#### ORDER OF THE DAY.

Continuation of the debate relative to the Project of Law for the Repression and Punishment of Negro Traffic.

*The President.*—Señor Pastor has leave to speak in explanation.

*Señor Pastor.*—I shall trouble the Senate for a very short time. I am in the habit of adhering strictly to the rules, and never take an undue advantage in explaining. I shall therefore restrict myself solely to the correction of certain errors which those gentlemen have fallen into who have had the goodness to notice the speech which I had the honour of delivering yesterday.

The gentleman, who is a member of the Commission, commenced by pointing out a certain contradiction, as it appeared to him, in my speech; for that, having described the Project as a work of perfection, or very nearly approaching to perfection, I afterwards characterized it as inefficient. Truly, had I expressed myself in this way, the contradiction would have been palpable; but the Senate will remember that I separated these two parts of the comparison. I said that, considering the Project by the criterion of the Government and of the Commission, I found it perfect; but that, examined by my own criterion, I found it inefficient; and this is not an absolute contradiction.

Indeed, granting the bases assumed by the Government and the Commission, granting that some day a register can and will be made, an enrolment of all the slaves in the Island of Cuba; granting that this enrolment shall thenceforward constitute such a matrix of a register, that in its leaves every slave shall be able to find his own particular place; and granting that afterwards they put down therein all the modifications and



changes in the civil rights of every negro, unquestionably the Slave Trade could no longer be carried on, because, when the fresh negroes came in, they would be unable to obtain these certificates, they would find no place whereon to settle, and they would be declared free.

But my difficulty is, that I believe that register impracticable in that manner. And, in passing, I will reply to another observation of my friend Señor Cardenas. He said that it was an exaggeration my having supposed it would require 3,000 or 4,000 men to carry out those operations. In making this statement I had in my mind that, in the Havana, there are about 1,500 sugar-factories scattered over the island, and that there are villages besides; consequently it is not requiring too much that there should be one person for each house, and for every sugar plantation the same. There will, however, be some in which one person would not suffice, as it is necessary to enter a sugar factory on a given day, to pass all the negroes in review, to take their affiliation, make out the list, and perform all the other necessary operations, all which could scarcely be done by one person only; and if this number be increased, however slightly, it will be found that there is no exaggeration in the given number of 3,000 to 4,000 men.

But this is not all; another principle is involved, which is, that while a basis of corruption exists there, as it does exist and always will exist, from those great profits which the Slave Trade affords, there will also be great risk of this register being altered, as everything may be altered, for with gold everything is bought. And thus it is, that what in the eyes of the Commission and the Government is perfect, in mine becomes inefficient. God grant I may be mistaken!

The member of the Commission reproaches me for having said that the bad treatment to which our adventurers had subjected the natives at the beginning of the conquest was the cause of the present state of affairs, and he tells me that, so far from this being the case, Spain was the nation that had treated both the slaves and the country best; that our legislation was the most beneficent, the most ample and liberal that there had been; consequently, that what I asserted was inaccurate. In this, likewise, it was my fate to be misunderstood by the member of the Commission. The fact stated by me, the fundamental basis of my assertion, is contained in the work that everybody knows, that of P. Bartolomé de las Casas. This work gives the dates, the facts, and the names of the persons concerned in them. This fact is incontestable in the eyes of history, and of those who are acquainted with it.

But I do not understand why such a charge as that should be brought against me, when it was of necessity the basis of my argument; for if I have always said that what was done was done against the express wish and orders of Queen Isabella I; if I invariably maintained that it was our legislation that ruled in the Colonies, that those provinces have had equal rights with our own, that they possess the same political, administrative, and judicial organization. Consequently, that argument does not press against me, but, on the contrary, it confirms what I have said, and for that reason I maintained that the Colonial provinces, having been entirely on an equal footing with those of the Peninsula, it was inconceivable that the fact of having changed the constitution of the State should so prejudice them as to be the cause of their being worse treated than they always had been, and to prevent their sharing in the benefits and advantages which all other Spaniards enjoy.

I am also blamed because it is attributed to me that I have censured the customs of Cuba. I believe, gentlemen, that I considered the question from a somewhat higher point of view. I treated it as a social question. I said that in Cuba, generally speaking, the basis of matrimony was wanting, which is in its turn that of civilization. The very foundation of Christian civilization consists in the fact that no other has raised matrimony so high; without matrimony, the basis of family, and without family, the basis of property, society cannot exist. For that reason, I considered the question from its highest point of view, and in all its importance; and this again has other ramifications, there being an immense disproportion between the two sexes there, which is in itself a serious consideration. From the statistics, which I had the honour of reading to the Senate, a fund of extraordinary corruption may be deduced. I therefore permitted myself to make that observation, believing it imperative to consider the social question as most important and pre-eminent, and as demanding serious attention; for if that were neglected the results might be dangerous, because where society is not based on firm foundations it may be endangered and destroyed by any reverse of fortune.

Speaking of this, Señor Chinchilla said, there are many very respectable and well-conducted persons there. Did I ever throw any doubt upon that? How could I ignore the fact? Indeed, I said that there were not only very well conducted but beneficent and humane persons. I even mentioned them; and, in addition, we have here the

statement presented by some proprietors in the Island of Cuba, who have come spontaneously, being owners of slaves, to ask for the abolition of the Trade. What more can be wanted? Can a better feeling be shown? But it is the exception that proves the rule. Undoubtedly there are many persons, all those of good principles, who are inimical to the Traffic, and believe, in all sincerity and good faith, that it must cease, as those gentlemen have shown in their statement, and that the result must be the complete extinction of this abominable Traffic. But this does not set aside the more important consideration, to which I alluded, concerning the present social state of the Island of Cuba.

Somewhat more serious was the objection which my friend Señor Cardenas made, in which either I did not understand rightly or he has stumbled upon a doctrine which I cannot admit. Speaking of the Courts of Justice and endeavouring to defend them, he argued that it could not be denied that the Courts of Justice had to yield to the pressure of public opinion. That such is the case I cannot admit, and I object to such a doctrine.

I explained the possible defence of the tribunals. I believed, in fact, that those errors in political judgment which exist here respecting those provinces, the prejudices which exist there, and above all the great mistakes under which they labour, believing the equilibrium of the races to be indispensable, because otherwise the white race would be much too powerful and would try to make itself independent, imposing upon itself, in order to avoid this, the counterpoise of the negro race; and I said that this fundamental error would produce other mistakes, the result of which would be that the tribunals could not appear as they really were; that it would prevent the proofs, and cause the evasion of facts which would cease to appear such as they were. This is the defence of the tribunals. But to say that they yield to external pressure is what cannot on any account be admitted. The tribunals must be inflexible, and if they should clash with any vagrant opinion they must endeavour to modify that opinion; otherwise it would be to take Pilate as a model for magistrates.

The Colonial Minister told me that I could not prove that the labour of the slave was not cheaper or more profitable than the labour of the free man. I regret not having expressed myself with greater clearness. I said that taking into consideration the cost of a slave and the cost of a free man, undoubtedly the slave costs but half, for this reason, that he works so much, or more, just as he may be forced to do it; but I added that this was not the way to consider the question economically. The proper way to consider this question is to do with capital that which ought only to be done with the proceeds, that is to say, to do with the fixed capital that which ought to be done with the floating capital. So that in order to obtain a day's free labour, it is enough to have the sum to pay the labourer; but not so here; here the capital, that is the labourer, costs 700 or 800 dollars, and it is this which upsets the economical system of the Island of Cuba. For, in order to employ 200 labourers, a capital of 180,000 or 200,000 dollars is required, which is the cause of everything being in a perturbed state there, and that only such produce as yields very well can be cultivated, on account of the large profit required in proportion to the capital invested, and the fund for its reinstatement. This is the very cause that the cultivation there of articles of less value has been abandoned, and it is that which keeps the Island of Cuba in its present position.

I do not think there were any other observations to which I need reply. I thank the Senate for its attention.

*The Marquis of the Havana.*—Gentlemen, I have briefly to explain respecting some of the observations of the Colonial Minister, and I will endeavour, although briefly, to explain respecting some of the observations of Señor Pastor on points having reference to my speech.

I will commence with what the Colonial Minister said in reference to my proposition that the Captains-General of the Antilles should, in virtue of their authority, be invested with the power of expelling those who undertake negro expeditions. The Minister admits that the laws of the Indies now in force empower the Captain-General of Cuba to expel from the island all those who disturb the tranquillity of the land. If he declares that this power, in the case of the disturbance of the tranquillity of the land, is also vested in that authority against those who undertake negro expeditions, then what I wished to introduce into the Project under discussion will be superfluous. But I believe that this addition would be desirable, so that the power vested in the Captains-General for this case should have the conditions necessary for every kind of safeguard for the right of personal security. Whatever reforms may be made in the legislation in force in the Indies, one of them must be to grant definitively and necessarily every possible safeguard for personal security; it will be difficult not to make an exception to that general principle

on account of the peculiar circumstances of the Island of Cuba ; and I, who would wish to make it complete in every other case, believe that the exception ought to be indispensably and necessarily the object of this law.

I could wish that laws and guarantees should now be granted for this case, in order to determine the manner in which that right may be applicable in that island for the crime of the Slave Trade. Therefore, in order to avoid in future the great difficulties which the Captains-General of Cuba have found in the application of that law, as was the case with the worthy General Dulce, who, had he not met with a Colonial Minister who believed that he was acting on his right, would have suffered the most serious and annoying vexations, it is imperative that the Government should say frankly and decidedly, whether the Captains-General of the Antilles have that right or not. If that declaration be made, the addition is not required ; otherwise the addition to the law which we are discussing is necessary.

There is another question more delicate, as regards myself ; it is a charge against me, as I understand from certain observations of the Colonial Minister.

The Senate will remember that I said I would not enter at all into the political question, to which Señor Pastor's speech incited me, and I kept my word ; but with the object of refuting the charge brought against what is there called the Peninsular party, I said also, that I had to protest against that charge being directed against the Spanish party ; that it was not certain that that party desired the continuance of the Negro Traffic, but that, on the contrary, the party hostile to Spain, the one that wished for the emancipation of Cuba from our country and that the said island should belong to the United States, was the one which, under pretext of measures adopted for the repression of the Traffic, had fomented the agitation and alarm in Cuba.

The Colonial Minister was, doubtless, alarmed at hearing from my lips the epithet Spanish party, which I gave to those against whom the slave-dealers' accusation was directed, and he said I might possibly be mistaken ; as, according to his belief, there was no Spanish party in the Island of Cuba, and that this would imply the existence of an anti-Spanish party.

Gentlemen, this might induce me to enter fully into the political question, but this is not the fitting time for doing so ; neither have I the right, seeing that I am only explaining. But as it involves a serious charge, I cannot allow it to pass by unnoticed, and I have necessarily to say a few words relative to some expressions of Señor Pastor, which, on certain points, agree with those of the Colonial Minister.

Gentlemen, a singular thing happens in the political questions of Cuba. If a Spaniard, returning to the Peninsula after an absence of forty years, were asked what solution he would give to the political questions of the Peninsula, what would he do ? After an absence of forty years he would be completely unacquainted with our contemporaneous history ; he would not know how we have passed from the reign of Ferdinand VII, from absolute Government, to the constitutional rule of Queen Isabella II ; he would not know what participation the Progressive or Moderate party, or what the Liberal Union, or the Democratic party, had taken in the succeeding events. And, I ask, could he, in this state of ignorance, give a solution to the political questions of the Peninsula ?

Well then, is Señor Pastor acquainted with the contemporaneous history of Cuba ? Is he acquainted with the nature of the political parties which have existed there ? Does he know if really and positively there has been a party which has been, under one banner or another, seeking the emancipation from Spain ? Does he know whether this party is extinct or whether it still exists ? For if Señor Pastor does not know this he exposes himself greatly to error ; wishing to solve the political questions of Cuba by the criterion according to which he would solve the political questions of the Peninsula.

Thus it is, gentlemen, that Señor Pastor has committed the gravest of errors. Señor Pastor said that the annexation of Cuba to the United States, when there was slavery there, would have been the absorption of Cuba by the United States. In fact, it would have been so, and a Cuban writer of great merit has said the same. But, notwithstanding that, can Señor Pastor deny that there has been an Annexation party in Cuba which has worked in opposition to Spain from the year 1848 to 1854 ? Well then, when the Lopez expedition went to Cuba, on what did that party lean for support ? When the executions took place in Cuba, in 1852 and 1853, for proved conspiracies, did not this party exist ? In 1855, when an expedition of 6,000 men was prepared at a cost of 800,000 dollars, who set it afloat ? And I ask Señor Pastor, in this party extinct, or does it still exist ? How did it come to its end, if it has ceased to exist ? If it has expired, it was not by political reforms ; for these have not been made in Cuba ; and if it exists let Señor Pastor beware lest it should conceal itself in the folds of the banner of political reform which he hoists. But I who know perfectly well that Spanish feeling is strong in Cuba, that if this party

exists, and I will not enter now into an explanation as to whether it does or does not exist, it is small in number in comparison with the Spanish party and with the Cuban party entertaining Spanish sentiments. I wished to apply the name of Spanish party to the Cubans as well as to the Peninsulars established there, whom it appears to be the fashion to ill-treat now, but who, nevertheless, are the great support that Cuba would have to depend upon if any danger should threaten it; a thing which may happen.

I, who have no wish at all that the inhabitants of Cuba should be called Creoles and Peninsulars, for that is a very serious evil and in complete opposition with what ought to result from the expansive policy which we have upheld in those countries—I call the natives of Cuba holding Spanish sentiments the Spanish party, as well as the Peninsulars residing there. When I know that the accusation which has been aimed expressly at the Peninsulars springs from the same men, has the same origin as the revolutionary movement of the years 1848 and 1854, I was justified, and I did good service in coming to the defence of the Spanish party in Cuba, which, as I say, is not only composed of individuals of the Peninsular party but also of the majority of those inhabitants who wish to remain Spaniards.

What I have said, gentlemen, suffices in reply to Señor Pastor, and, up to a certain point disposes of the charge involved in the words spoken by the Colonial Minister on hearing the epithet Spanish party issue from my lips, saying that from this might be inferred the existence of another party, anti-Spanish, and into which question I do not enter, because, as I repeat, this is not a fitting time.

*The Colonial Minister (Cánovas del Castillo).*—I shall begin by discussing the concise question put by the Marquis of the Havana. This question is, as the Senate has just heard, whether the Captains-General of the Antilles have or have not the power of expelling from those provinces such persons as may be characterized as slave-dealers, and I think it necessary to dilate somewhat more than I did yesterday, in order to clear up the state of this question at the present moment. In fact, gentlemen of the Senate, there are laws, as the Marquis of Havana stated yesterday, and as I admitted, there are several Indian laws authorising the Viceroy, Governors and Captains-General of the Provinces or Colonial possessions to expel such persons as may appear to them to endanger public order. The laws on this point contained in the Indian compendium are all drawn up in that spirit of prudence which was conspicuous in all the legislative measures of our ancestors, without excluding, as never was excluded in those times, the respect due to the interests of equity and justice, however; under such or such circumstances, they might appear opposed to those of public order and to those of social welfare.

This it is, that in consequence of the notice which the Marquis of the Havana gave me yesterday, respecting the question which he intended to ask me to-day in regard to this notice, which he had the goodness to give me confidentially, I have taken care to look again at the Indian laws treating on this point, and I find that not in all of them is there conceded in the first instance to the Viceroy and Captains-General, a power purely and completely arbitrary, a power thoroughly discretionary; not so, in many of the laws which are precedents of others, which can and ought to explain others, which can and ought to serve for the just and fitting interpretation of others; in several of these laws I say it is required that there shall have been judicial proceedings before expulsion is decreed.

Thus it happens, for instance, Statute 61a, title iii, 3rd book of the Compendium referred to. This circumstance is certainly not expressly and absolutely required in every Indian law which treats of the subject. It was for this reason that I said before, that the laws in which this circumstance is required can and ought to serve for the interpretation of the general spirit, the general tendency, of all of them; but in reality this limitation is not always found in the text of the laws, this safeguard does not always exist. But where it does not exist, gentlemen of the Senate, there is stated over and over again, in the most conclusive manner, that those Viceroy and Captains-General only have this power in cases of the most serious and gravest nature, and on occasions bearing all the characteristics of being unquestionably exceptional. There is not one special law, there is not one special precept in these laws, which grants this power for common, ordinary, frequent cases which might occur. Thus it is, that the Statute 18a, title viii, 7th book of the Compendium, cedes the said authority to the Viceroy, saying; "that this enactment is not without sufficient cause." And the same is the case in regard to many others, which I pass by at present in order not to intrude upon the attention of the Senate.

It is undeniable then, gentlemen, that, in fact, the Indian legislation concedes, as at that time it could not do less than concede, in one form or another, and within such or such limits as, in my judgment, it could never do less than concede, a great attribute, a great power under certain and given circumstances, to the persons entrusted with the Government of those distant provinces. With these provisions of the laws of India, which have not been

abolished, which are in force undoubtedly (there cannot be any objection to my replying thus most explicitly to the Marquis of the Havana); with these Indian laws, I repeat, the present superior Governors of the Colonial provinces, in extreme cases the most extreme of which these laws treat, have incontestably the power of expelling from them such persons as may be prejudicial to public order.

I stated, yesterday, that these laws exist; I also stated yesterday, that I had no idea of discussing them; I did more; and it was to express the opinion which I have not, any the more considered it inexpedient to repeat to-day; it is, that in my opinion, it has always been necessary to preserve to the Governors of those remote provinces, the power of employing at certain times, extraordinary measures for the preservation of order, and may be for the salvation of Spanish dominion.

But this legislation of the Indies certainly did not warrant the use which on many occasions has been made of this power; and thus it is, that later arose a necessity of making other and more explicit provisions, to which I also referred yesterday, as probably the gentlemen of the Senate, to whom I had the honour of addressing myself may remember. In particular, there exists a Royal Decree of 1825, which had been preceded by Royal Letters Patent in 1819, which confers, in a more definite manner and with a more general character, this power to the Captains-General of the Antilles. The Royal Decree of 1825, issued on account of the special circumstances which then extended to all the countries of America, invests the Captains-General of the Island of Cuba with the power of considering that island in a state of permanent siege. And in accordance with this declaration, which is that with which the Royal Decree begins, there were really given to these Captains-General powers and faculties the most discretionary, perhaps, that were ever, up to that time, conceded to any Governor, either for the rule or the defence of any country. That Royal Decree was renewed, if I mistake not, in 1834, and up to the present time it has not been annulled, either less or more, partially or generally.

Notwithstanding all this, as the object of all the laws of the Indies, as well as the Royal Decree to which I have just referred, has been to protect the great interests of public order and of the Spanish dominion, it may be doubted, and reasonably doubted, whether those provisions were applicable to the persons concerned in the illicit Negro Traffic. I say more, that in my opinion, those provisions were altogether inapplicable, without a special declaration, to the persons engaged in Negro Traffic; but I refrained, fearing to tax too much the attention of the gentlemen of the Senate by entering into a long dissertation to demonstrate and elucidate the grounds on which this opinion is founded. It is enough for me to say that whatever may be the horror with which the Negro Traffic inspires the gentlemen of the Senate, whatever may be the enormity of the crime committed in continuing a Traffic solemnly reprobated by the laws, and even by international Treaties, neither the perpetration of the crime nor the punishable abuse of the laws of the country constitute a real danger to the tranquillity of those provinces, which is what is understood in the legislation to which I have previously referred, as a circumstance sufficient for the application of the extraordinary measures in question.

Notwithstanding this, some Captains-General, and particularly the Marquis of the Havana, whose most honourable zeal in regard to the repression of the Traffic is well known to all the gentlemen of the Senate, imagined that no more effectual punishment could be inflicted on the persons who carry on this trade, and that no more immediate and direct repression could be sought for, than to expel them from the island.

There have been other fresh provisions for this purpose, which lead me to a clear categorical answer to the concrete question which the Marquis has asked me, and which undoubtedly empower the Captains-General of Cuba to expel effectively the persons characterized as slave-dealers. There are at this present time Royal Decrees which have been in no way annulled, in which that power is specially conferred. The Royal Decree was the worthy Colonial Minister, upon the occasion of certain persons supposed to be implicated in Negro Traffic having been sent from the Island of Cuba to the Peninsula. That Royal Decree, in approving the arrangement of the Captain-General by the manner in which it was drawn up and by its definite directions, undoubtedly maintained this right in the superior authorities of the island.

But there is more; and it is, that before the Marquis of the Havana expedited, as Colonial Minister, the Royal Decree to which I refer, this very point had been discussed by the Duke de la Torre, who honourably presides over this high Assembly, and there was received in answer a Royal Decree declaring in the clearest and most explicit manner, that as a general rule the slave-dealers could be expelled from the Island of Cuba; a despatch being drawn up and sent here, and some other safeguards being adopted so that the expulsion should not in any case cease to be arbitrary.

There is then a constituted right, which is that which I have just explained for the consideration of the Senate.

Nevertheless, I repeat to-day what I said yesterday, that I do not understand that it is necessary to enter at this moment into the discussion and into the examination of this constituted right, and that still less do I propose to seek now a new solution of the matter occupying our attention, which refers more especially to the discretionary powers which the Supreme Governors of those distant regions possess, or ought to possess.

But at the same time I added, and I wish also to repeat it now, that in a special law which does not treat of the discretionary powers of the Captains-General, but of legal precepts which have to be applied in the concrete by the tribunals of justice, and only by them, I could not admit any explanation or the addition of any other nature.

I added more: I said on concluding this point, and neither must I withhold it now, that in my opinion, in new laws, in new regulations, it would be difficult, almost impossible although it might be pertinent, to assign the discretionary power of expulsion according to the present established conditions. It is clear then what the constituted right is; it is clear what it is that this law treats of, resolving what is resolved in this law, and what this law does not, in any way, pretend to resolve. And it is clear also for the future that the individual opinion of the actual Colonial Minister is, that on definitively establishing discretionary powers which the Governors or Captains-General of the Colonial provinces ought to retain, those which specially refer to the right of expelling any person for the reason, on the suspicion or on the pretext, of his being engaged in the Slave Trade cannot and ought not to be preserved.

I believe I have clearly replied to the question of the Marquis of the Havana, and that his desires will have been satisfied.

I am now going to say a few words respecting the observations which the Marquis made upon the occasion of my endeavouring to rectify some of his statements in reference to the different parties into which the Island of Cuba is supposed to be divided.

If the Marquis of the Havana understands that the Spanish Party is represented by all those who desire and uphold Spanish dominions, whatever their origin, and whatever their political opinions, whether reforming or anti-reforming; if he understands by anti-Spanish only those who desire, or who may desire, the disappearance of the glorious Spanish flag from those regions, then the Marquis of the Havana and I are of one opinion. And it was impossible that there had been or could be on this point the slightest disagreement between us. I am inclined to believe also, the more so from a manifestation which it appeared to me that the Marquis of the Havana has made just now, what the Marquis said, that the greater part, the majority (and if he did not say almost all he approximated very nearly to it, according to the force of his expressions, which I do not remember at this moment) of the natives and the persons naturalised in the Antilles, are Spanish, and that only a small number of them, in his opinion, was hostile to Spain.

This being the case, there is really no further question, and the observation I made to the Marquis of the Havana could only be directed against the name of a party which he gave to so small a number of persons. There was no question of party; it was estimated differently what ought or what ought not to be considered as a party. It may really be questioned if that really merits the name of party, being reduced to such insignificant numbers in strife with the greater amount of interests, sentiments, and sympathies; but, at all events, this would be a difference of very trifling importance.

But upon taking this on myself yesterday, and in not allowing it to pass unnoticed, I confess, in all frankness, that it was not alone the words pronounced by the Marquis of the Havana that I bore in mind. It was that the Marquis of the Havana spoke of Spanish party and anti-Spanish party, it recalled to me, not from what the Marquis said, but from what others have previously said, an evil tendency, the most evil, in my opinion, for the country. There are some persons amongst those who take an interest in the affairs of the Antilles, who have proposed to themselves to deny the appellation of Spanish to all who do not profess their opinions, introducing in opposition to the most cherished and the most evident interests of the country a question of nationality there, where, perhaps, there is no more than a divergence of administrative opinions, or a diversity of political convictions. (*The Count de Vega Mar*: "Good, very good.") I, in the conscientious fulfilment of my duty towards my country in general, and towards those provinces in particular, could not omit to take up such a statement, although I believed that, coming from the lips of the Marquis of the Havana, it could not embrace the tendency which I have just condemned with my whole soul. Therefore I am very glad that we have had occasion to say a few words on this point. I rejoice sincerely at what I have lately heard from the Marquis of the Havana. And, on his part, the Marquis may be assured that, during the time, not very long, nay, even very short, that by the confidence of Her Majesty the

Queen I have occupied this post, I have devoted whatever my means, whatever my energies could supply, to the study of Colonial questions. Yes; without arrogance or the pretension of being profoundly acquainted with them all in all their antecedents, and in all their details; I have endeavoured to give to the affairs of those provinces, as was my duty, all the attention in my power and within my means. I may advance more or less in the path of reforms, I may impede some and accelerate others; but I shall always be animated by the most sincere desire of attaining the end, seeking in due time the well-being of these provinces and the security of the Mother country. Of this, I repeat, the Marquis of the Havana may rest assured, as well as that neither in the folds of the banner of reform nor in those of any other banner will they who are really enemies of Spain ever hide themselves from my eyes.

*The President:* Señor Cardenas has leave to speak.

*Señor Cardenas:* After what the Colonial Minister has said, raising the question to the altitude that he has raised it, I have nothing further to add, and I shall confine myself to answering a charge brought against me by Señor Pastor.

Señor Pastor supposed, on my pointing out the moral pressure which public opinion exercises on the tribunals, as a necessary fact that I wished to imply that the Committee desired that that moral pressure should be exercised by public opinion in a manner but little adapted to the interests of the State, or to the execution of the laws; or, what comes to the same thing, that the Committee approved this moral pressure always.

Señor Pastor is mistaken in the view he has taken of what I had the honour of saying. I confined myself to the statement of a fact, and to the explanation of it, limiting it to a certain tendency and to a certain meaning. I did not say that this moral pressure is exercised in a manner which may conduce to the execution of the laws; what I did say is, that that moral pressure exercises such an influence that, in the interpretation of the laws, the opinion of the public is taken into account, and that if a law is capable of being interpreted in two ways not in complete conformity with each other, that it is public opinion, in virtue of its moral pressure, which decides the tribunals to interpret in one sense or another. This is a fact which Señor Pastor will not deny, and against this fact the laws are powerless.

While I am on my feet I will also reply to an observation of Señor Pastor, relative to what has been the conduct of the Government in governing our Antilles.

Señor Pastor said that the conduct of the Government in those countries has always been to maintain the equilibrium of races as a means of subjecting one of them, or of subjecting them altogether. I must protest against this statement of Señor Pastor. The policy of the equilibrium of races may have been an idea enunciated by a writer for discussion in the political sphere, but it has never influenced the conduct of the Spanish Government in reference to the Government of the Antilles.

Another observation Señor Pastor also made respecting what I had the honour to state to the Senate, but I believe that this will be spoken of again in the course of discussion, and I shall then have the opportunity of answering Señor Pastor.

*The President.*—Before I call upon Señor Pastor to speak I must beg that he will not again touch on the political question, but confine himself strictly to the subject under discussion, which is the law concerning negro traffic.

*Señor Pastor.*—Gentlemen of the Senate, you have heard the monition I have just received from our worthy President which has been addressed to me, although in my belief I am the one who least of any deserves it, for if I have made any political observation, it is because I observed some of the same tendency in the preamble of the Committee. But I think I am chiefly bound to rise, and I will be as brief as ever I can, because the Senate has heard the unusual manner in which the Marquis of the Havana has reflected upon me, declaring me incompetent to discuss this question.

My friend the Marquis of Havana will permit me to protest against this judgment. I, a Senator of the realm, have a right to discuss this question as I have all those which are introduced here. I shall enter into them, and I shall endeavour to confine myself, as I have always done, to enunciate opinions founded on the facts and on my previous studies; for I have had the patience, as I stated here yesterday, to attend from day to day at the Committee in order to acquaint myself thoroughly with the opinions of all its members, in addition to the work I have done in my study.

The first time I had the honour to take part in these discussions I declared here the motive which induced me to do so. I stated that I had been honoured by a scientific society of Cuba appointing me member of a Committee existing here for the promotion and encouragement of the prosperity of that island in all its bearings. I said that from that moment I had endeavoured to make myself very profoundly acquainted with all the questions that were pending, and with the fulness of this knowledge, and with this study,

by which I might be mistaken, but I shall always be so of good-faith, believing that I am fulfilling a duty, I came here to uphold the opinions to which the Senate has listened. If they fail to convince let them be refuted, and welcome; but to deny me the right of enunciating them, and to declare my incompetency to do so, that I repel. May be an excessive competency deprives of the impartiality necessary to the right solution of questions. Thus it is that my friend the Marquis of the Havana, in the ardour of improvisation, has let loose an expression which, to my thinking, was not very becoming from his lips.

The Marquis came here as the declared defender of a party; he said he came here to defend the party A or B. I declare that I defend no party; that I have raised no banner; that I come solely to uphold the rights of the Island of Cuba regardless of parties.

I believe that all Cubans, the Cuban citizens as well as those of the other part, are Spaniards, and have the rights of Spaniards; this is my conviction, and if they have these rights I come to ask that they may be recognised. If there have been questions about parties there, if there be some still, if there be somebody having this intention or the other, I know nothing about it, it does not concern me: as I have not raised any banner I am not afraid of anything being wrapped in its folds. I shall never do anything more than uphold what is justice, reason, and right; I shall never come to excite or augment divisions and parties of any class, much less those in the Island of Cuba. I shall anathematize every one who, in my opinion, acts wrongly; I shall support him whom I believe to act well: I shall not consider the men nor the class of persons.

Besides, why need I deny that there are parties and differences of opinion in the Island of Cuba? That is not my business; I have only to support what I believe to be the rights of the Island of Cuba, and that I will do with all the energy and strength that I can command.

Having made this slight correction I will proceed to set my friend Señor Cardenas right, telling him that I had already anticipated that his words had not the meaning which they appeared to convey. I could not believe that he wished it to be understood that the tribunals could yield to external pressure, but that they were influenced in their conscience to give a mistaken interpretation. I am very glad to have heard this explanation from Señor Cárdenas. In regard to the policy of the equilibrium of the races, I regret much that I am not of the same opinion as Señor Cárdenas. I have reason to believe that this has been the opinion of many persons who have influenced the policy of Spain. I have some reason to believe that there must be certain officers of this class. But any way, it has always happened that there have influential persons who professed these ideas, and that these ideas gave a margin to mistaken and very injurious arrangements.

I believe, gentlemen, that whilst a disadvantageous idea of the inhabitants of the Island of Cuba is entertained here there will always be dangers, and that the only way to dispel them is to consider all those inhabitants as much Spaniards as we are ourselves, to concede them our rights, and to punish the guilty; but whilst this policy of separation is pursued, whilst a certain class of interests is considered, and on account of certain feelings the natives there are distinguished from those who only go there temporarily to make their fortunes: whilst that is countenanced, and by that parties are formed which ought not to exist, I believe that we shall always be in danger.

I am going to conclude, Señor President, by expressing the very great pleasure I had in hearing the Colonial Minister respecting the state of the legislation in Cuba as regards the maintenance of civil liberty. I only wish to indicate to the Senate the transcendancy of what is asserted here, or at least raises a doubt whether the Island of Cuba has any civil liberty at present.

*The Marquis of the Havana.*—Gentlemen of the Senate, the observation made by the President of the Senate, and which I consider appropriate, prevents my giving a complete answer to Señor Pastor. I cannot give such a one as I would wish, for I am quite ready to give him ample satisfaction as to the charge which he supposes that I made against him if he will also give it as amply in regard to those which he has made against me.

Señor Pastor is completely mistaken: I never denied, nor could I in any way deny his right to discuss here the political questions of Cuba, as well as all other questions which he wishes to touch upon. I only made an observation to Señor Pastor with the object of calling his attention to whether he might not be mistaken in the observations he made, in case he did not possess the knowledge which I believe to be necessary to discuss the political questions of the colonies.

Besides, how can I deny him this right and the good faith which he always brings to all the discussions in which he takes part? I am perfectly aware that his desire in this



question, as in all others, the same as the desires of all the gentlemen of the Senate, can only be for the welfare and prosperity of our country.

Thus then, gentlemen, Señor Pastor was not right in the charge which he made against me.

But my position is more difficult at this moment to have to answer fully the charges which he brought against me; and it is still more difficult to have to reply to the Colonial Minister, inasmuch as I agree entirely as to the basis of all the statements he has made concerning the political questions of Cuba.

If I made use of the name Spanish party, it is because there is no other to give when, besides those who wish to be Spaniards always, and who, as I said before, are the most immense majority of the country, there may be others, although few, who do not wish it. For even at this time, gentlemen, if there were some there who desire the abolition of slavery, should we not have to call them the Abolitionist and the others the non-Abolitionist party? There is no other name by which to express those groupings, however great or numerous they may be; and it was for that reason that I made use of the word parties,—for no one can be more averse than myself to the creation there of those divisions which we have among ourselves in the Peninsula, and which are the origin of immense evils there.

During my command in Cuba for the space of seven years, I governed with the sole aim of uniting all the Spaniards there, and I succeeded; for when I left the command there were no divisions among them. Nevertheless, unfortunately, and whatever the intentions are, and however more upright, of those who uphold the principles of Señor Pastor, the fact is that we have now to lament those wide divisions which I should like to see extinguished for ever. It can never be imputed to me that I was capable of encouraging parties there; I lament them; and above all, as I said before, those wide divisions between those born in the Peninsula and those born in the colonies; this is a most serious evil, the worst of those which it is necessary to avoid at any cost, and which must be borne in mind in any reformation which it may be desired to effect in those countries.

The observations of the President prevent my saying more on this question, but I repel, in my turn, the inculpations which Señor Pastor's observations may involve.

It was agreed to proceed without further discussion to the deliberation on the Articles *seriatim*, and Articles 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 were approved without debate.

The following addition was then read:—

“I beg that the Senate may be pleased to approve the following addition to the Project of Law for the repression and punishment of the negro traffic:

“Immediately after Article 10 there shall be inserted as follows:—

“Article 11. When on the capture of a slaving-vessel it is found that there has been mortality among the fresh negroes during the passage, occasioned by the want or great scarcity of provisions or water, from the supply not having been in proportion to the number of negroes transported, or arising from infection or asphyxia caused by the disproportion of the number of negroes taken on board to the capacity of the ship, or from other causes which ought to have been foreseen and might have been avoided, there shall be imposed on the persons described in the first number of Article 9, the penalty of correctional forced labour or temporary imprisonment, to be apportioned according to the number of the deaths and the other circumstances of the case. The tribunals in applying this penalty shall act in accordance with their prudential criterion, which is determined in the Penal Code respecting rash imprudence.

“Palace of the Senate, April 19, 1866.

“MANUEL SEIJAS LOZANO.”

*The President.*—Señor Seijas Lozano will speak in support of his addition.

*Señor Seijas Lozano.*—I shall endeavour to take up the attention of the Senate but briefly, for I do not think I am called upon to say much in order to show the necessity of the addition which I have had the honour to make.

All penal laws are in the generality *casuistical*, for the law does no more than determine and form groupings of facts, the penalty whereof they establish; but when these laws are special then their *casuistical* nature is strengthened and extended much more, so that it may be said that it is no more than a series of cases and defined circumstances which the law designates in order to establish the penalty. This the Committee has recognized, and has done so completely; but, gentlemen, it is not surprising (and for that reason I have made these observations) that in determining the different circumstances

which may accompany a fact the Committee has passed over one which, in my opinion, if up to this time it has been serious—most serious—must in future be more so, because we are just concocting a law which will make the Slave Trade more difficult; as it is to be supposed, therefore, that speculators in this kind of business will of necessity seek the way of continuing it, undeterred, without doubt, by the customs of humanity or the consideration of what is due to them.

We all know, at least all of us who have had anything to do with colonial affairs, that the enterprisers in this traffic, those who uphold it, sometimes find themselves, in Africa, in a position to get, for instance, a negro for 80 dollars, owing to the casualty of there having been a quarrel or fight among these savage tribes, which have no other employment or occupation, and some of them having made a great capture of negroes, whom they have to sell very cheap in order to be rid of them to save their keep. Thus it is seen that the enterprisers in this case, after having made the provision required for their ship and taken in all that could well be held therein, buy these unhappy beings in avaricious quantities, and overload the ship with them, so that by the time they arrive at the port of disembarkation more than half are dead.

Let us not deceive ourselves: this fact, which takes place now only under given circumstances, must be more frequent under the present law, from the very fact that this, with more foresight than the old ones, has determined the circumstances under which the vessels are to be the *corpora delicti* for the prosecution of those who carry on this traffic. It will not be possible to conceal from these persons that a vessel having certain conditions, such as a provision of water, partitions for the grouping of persons, and others of this kind, will be considered as engaged in the Slave Trade; consequently, as this sole fact betrays and reveals their criminality, they will necessarily find themselves obliged to adopt other means—another form—in order to be able to carry on the traffic without incurring the danger to which this law exposes them.

Well, then, gentlemen, I believe that as this evil, inevitable by former means, must undoubtedly increase now, as I said before, on account of the very mildness of the law we are concocting, it is necessary that this law should provide also against that evil, and that, in order to prevent it, it is indispensable to establish the criminality of the act against those who carry on the negro traffic whenever a mortality takes place during the passage, whether owing to scarcity of water or provisions, or to the disproportionate size of the vessels, or to the infection of the crews, or of the cargo, for dirt, want of cleanliness, or an overcrowding of slaves in the compartments. This is the intention of the addition which I have the honour of submitting.

It is a case which was not foreseen, but I believe it need only be mentioned for the Senate to see the necessity and propriety of imposing the penalty which I have specified in this Article, when, upon the examination of a vessel it may appear that there really has been a mortality, owing to the scarcity or want of provisions and water, or owing to the state of the negroes when put on board, or on account of their excessive number. It appears to me that without further argument this distinguished Assembly, I repeat it, will have seen the necessity for the present law to contain this provision, for undoubtedly such means will be resorted to by the slave-dealers as may enable them to commit the crime of trading in slaves without being detected.

And as I am on my feet, I think I ought to correct an observation made yesterday by Señor Pastor, as it passed unnoticed to the injury of the reputation of a respectable tribunal, although it was completely unfounded.

Señor Pastor said, that the indifference with which the Slave Trade is looked upon in Cuba, and the very prejudice which all the natives of that country entertained against the laws which condemn it was sure to spread and form an atmosphere in the Courts of justice the effect of which is that they do not punish the crimes with the necessary severity; and he even went so far as to describe the conduct of the Tribunals, citing an instance which undoubtedly would have been arbitrary had it been as he represented, to the effect that the Audience Court of the Havana declared a number of negroes taken in a ship, to be slaves, after they had been declared free by the Captain-General the Governor of Cuba, which office was then held by the worthy President of this distinguished body.

Gentlemen, I am acquainted with that affair; at that time I had the honour of being at the head of the Colonial Ministry, and I remember that the Representative of England at this Court denounced that fact to the Government, representing it under the same aspect as Señor Pastor has done; but the particulars being sent for from Cuba, upon their arrival here they were brought before the Supreme Court of Justice, and I believe before the Council of State also, and the result was that there had not been, and never could have been, any such arbitrariness, for after a definitive decision,

for which the Captain-General has no authority, the Tribunal could not pass a contrary sentence.

What happened was this, that the Captain-General on the capture being made, issued a provisional Decree (because it was not for him to declare men slaves who were *sub judice* until it should be determined whether they were so or not) and he put them in safe keeping: the only thing his authority enabled him to do. As the business went on, it was ascertained that they were slaves who had been serving in Cuba, and who had been bought a long time before by him who had possession of them. The ownership being declared, there was nothing less to be done than to declare the civil condition of those unhappy beings as slaves, this giving occasion for the English Consul, who knew of it, to send incorrect information to his Government, and for England to send instructions to her Ambassador at this Court based on the instructions of the Consul. It is clear, then, that he had the misfortune to represent that fact under a completely mistaken point of view.

The Audience Court, then, did not therefore fail to observe the laws; and I can affirm with satisfaction that during the whole time I had the honour, by Her Majesty's pleasure, to be at the head of the Colonial Ministry, I did not find the least cause for supposing that those magistrates merited censure or even the slightest blame. It is clear, then, that matters did not go on as Señor Pastor has represented, and consequently that his showing of the fact is incorrect. I have done.

*Señor Pastor.*—I beg to be allowed to reply to the allusion just made to me by by Señor Seijas Lozano. I have already explained this matter on another charge which was brought against me; I specially reserved the rectitude of those tribunals; it was not my desire to offend them in the slightest degree, and I expressly stated that the impunity arose from two causes: first, from the error and prejudice existing in public opinion; and, secondly, and chiefly, I stated it in these words, because gold circulated freely there and made white appear black, and proved everything that was required. I do not know whether I stated it here or at a meeting of the Committee, as a proof of the corruption of the country, that they would be capable of proving that white was black. I did not attack the rectitude of the tribunals; I attacked the corruption of that country by which, and by the nature of the Traffic, facts are made to appear before the tribunals of a very different character from what they really are.

*Señor Cárdenas.*—The Committee has the honour to state to the Senate that it admits the Additional Article submitted by Señor Seijas. And at the same time, as I act as interpreter to the Committee, I must also state to the Senate that although the special case which is proposed in the Additional Article is not comprised in the Report, it undoubtedly is so in a general manner in Article 11 thereof.

What does the Additional Article say? It says that a certain punishment should be specified when during the passage a mortality occurs among the negroes from want of food, from want of water, or from other wants, and that those who have fitted out the vessel ought to be responsible. Well, then, the Committee's Article 11 says as follows:

“Any acts of violence against the fresh negroes which result in homicide or injuries more or less serious, as well as any other punishable injury unnecessary for effecting the abstraction or for the security of the same negroes in the power of their conductors, shall be punished as crimes connected with the penalties prescribed in the Code.”

So that when an act of violence has been committed in seizing negroes on the coast of Africa with the object of embarking them to convey them to Cuba, and the mortality occurs in consequence, whether from want of food or water, or from any cause whatever, it is evident that the case is comprehended in this Article. But if Señor Seijas and the Senate think it fitting to concentrate the case more, and to admit what is proposed in the Additional Article, the Committee, I repeat, has no objection to its being admitted.

The addition proposed by Señor Seijas having been admitted by the Committee as Article 11, the question was put, and it was approved without any debate; in consequence of this addition the numbers of the following Articles were altered, and they were approved without any debate, from 12 (previously 11) of the Report up to that which was 25, and is now 26, of the Project.

The Article which was 26, and is now 27, having been read, with a slight variation introduced by the Committee, was expressed in the following terms:

“A Special Council, presided over by the respective Superior Civil Governor, or by the authority he may delegate, shall pronounce whether the negroes taken in the very act are fresh ones or not. Should the declaration be in the affirmative, the Governor shall deliver those who had charge of the negroes, the vessel, the effects, and the instruments

of the crime to the competent tribunal, in order that it may proceed to prove and punish it.

"This decision shall be given in plain terms without judicial forms, and without ulterior appeal, but after hearing those interested if they request it.

"The declaration of the Council shall be published in the official periodicals of the respective islands."

The discussion having been opened respecting this Article,—

*The Count de Cheste* said, I ask leave to speak.

*The President*.—You have it.

*The Count de Cheste*.—The Article which has just been read states that a Special Council presided over by the respective Superior Civil Governor shall declare whether the negroes taken in the very act are fresh ones or not. The Presidency of that Council is given to the Captain-General, it could not be otherwise; but, nevertheless, to establish such a Special Council is to divide the administrative action completely. So that, gentlemen, whilst in Spain the Civil Governors have their own administrative authority, and the acts as such emanate entirely from their authority, that of the Captain-General of Cuba requires to be divided. This, gentlemen, I consider to be a stigma on that authority, and as a means of diminishing it, I cannot conceive of supreme authority without clothing it in all possible prestige.

Besides, gentlemen, all the Indian laws respect and exalt the superior authority; the armour, still in existence, which belonged to the ancient Viceroy, and which so proudly represents the Spanish nation, would be tarnished and that authority would be weakened by what it is now proposed to establish.

The Captain-General, gentlemen, must have no colleagues; he must go alone. I recall at this moment the lines of a celebrated Italian poet, clearly showing the importance due to supreme authority—

"Pur com' è l'uso  
Di capitan senza compagna al lato."

Thus, gentlemen, should supreme authority be represented in those isolated regions.

*Señor Llorente*.—Of the observations which the Marquis de la Pezuela has been pleased to make respecting Article 26, some affect its very foundation and cannot be admitted, for it would involve the necessity of changing the whole mechanism of the law; the others affect the form. These the Committee has at once taken into consideration, and put the Article under discussion into a new form.

The Marquis de la Pezuela finds it unadvisable, considering the high rank and the prestige of the Captains-General of Cuba, that they should alternate with nine other persons composing the Jury Tribunal or Council which this Article establishes, because this high authority would be frequently exposed to find itself in a minority which would be derogatory to its importance. This objection has, I repeat, been obviated by putting the Article into a new form, and arranging it so that the Captains-General may preside over that Tribunal or Council to which we allude, when they hold it to be advisable or think it fitting to do so; and when those considerations of decorum or prestige have more influence on their minds, they can delegate those functions to another authority, to another functionary.

This being declared, I think there ought to be no objection to the admission of the system proposed by the Committee.

Upon the question of principle the Committee considers that the observations made by the Marquis de la Pezuela cannot be taken into account, because the system formerly in force was extremely defective; it came to this, that the declaration whether the negroes were fresh ones or not was made by the Captain-General of the island. These negroes remained as if they were emancipated, and the cases went before the Audience Court, where, after much delay, it was decided whether the declaration made by the Captain-General was correct or not; and it often occurred that the decision of that high authority was revoked. It appears to me, and the Marquis de la Pezuela will agree with me, that this was more derogatory to the authority of the Captain-General of Cuba, who saw his order revoked after it had been in force, perhaps, for a considerable time. This, I repeat, would be more prejudicial to the prestige of the Captain-General than making him belong to an Assembly of nine persons, amongst whom he might find himself in a minority when the resolution was to be come to. But, after all, this objection has been obviated by the new form given to the Article under discussion. The arrangement which is made in it as regards the Captain-General is not purely administrative; if it were, it ought to be fitting for him: but it is not; for the question is the discussion of nothing

less than the condition of persons and property, and from this moment it is not, and never can be, an administrative act, and cannot be considered as such. Consequently it is necessary to surround it with all the formalities and sureties by which to secure the respect of the law, to give to that decision, to that act, the greatest possible force, although the matter in question is but a simple declaration. Formerly, what the Captains-General ordered had no force, was not carried out, except provisionally, until it was approved by the Audience Court. But as it is, the design of the law not to leave the condition of those persons in suspense, but to make an immediate and definitive arrangement, this could not be adopted by a purely administrative authority; it was necessary to surround it with greater securities and safeguards, and this has been the purpose of the Government and of the Committee. It was thought by the Committee that, in order to meet the objection of the Marquis de la Pezuela as to the form, that it might be put into the new shape which is now proposed, in which it is settled that the Captain-General may delegate the function of presiding over the Council to the authority which he considers fitting; at the same time the Committee does not consider that it can yield, as it might wish, in the question of principle, to the wishes of the illustrious Marquis de la Pezuela.

*The Marquis of the Havana.*—Gentlemen, the observations of the Marquis de la Pezuela seem to me quite to the point; and despite the explanations given by the worthy President of the Committee, I maintain that they are appropriate. In fact, the declaration of emancipation has hitherto been made by the Captain-General, and there has been this very serious objection, that afterwards a sentence of the Audience Court might revoke all the arrangements made under it; and as this happened after a long interval, the consequences were very serious, for frequently the negroes that had been declared free had to be collected to be made slaves, and at other times those declared slaves had to be found and set at liberty.

The Project of Law distinguishes two cases in which this declaration is to be made; the one when the disembarked negroes are taken in the very act, the other when they are not taken in the very act. Is this, gentlemen, a declaration of civil condition? If so, in both cases it belongs to the tribunals; I cannot understand that a difference can be made in either case if the matter is a civil declaration. If that kind of jury which is formed has the right of declaring the state of emancipation of the negroes, it may constantly stumble upon this serious objection, that the Audience Court may afterwards have to judge the case of aggression in the very act; for if any one should claim the ownership of the negroes, we should find that this point would involve the decision of the civil condition, in which case it would always have the superior tribunal over it, that is, the Audience Court.

I believe that the speciality of the case renders it necessary that the measure should also be special; and that if it be taken as a general principle that it is a declaration respecting the civil condition, it ought not to belong to that Council, but to the Tribunals; but if it be considered as a very special case, and it is required to seek securities for the validity of the declaration, then this bears the character of an administrative measure. In this last case only could I understand the creation of that Council; notwithstanding which, I think the observations of the Count de Cheste are very appropriate, and that they retain their force despite the amendment made by the Committee; for what will happen with the delegation to which the amendment refers, will be that the Captain-General will never interfere in so very important an act as that of declaring the emancipation of the slaves captured at their landing upon the island.

So that in this case of "in the very act," I consider that, in consequence of its speciality, if it is not to be submitted to the Tribunals, it ought to belong to the superior authority of the island as a Government affair. I should deem it right that that Council should intervene to advise with the Governor Captain-General, the latter having the right of resolving in accordance with the Council or separate from it, that is, leaving it to his judgment and allowing an appeal from his decisions to the Supreme Government in conformity with the laws established in other cases. But in the system proposed by the Committee there is no appeal whatever, although that Council is neither a Tribunal nor a jury, and consequently offers no more security than that which the Captain-General could offer were he to decide upon those questions after hearing the Council, and if an appeal against his decisions to Her Majesty's Government was allowed.

Wherefore I believe the observations of the Count de Cheste to be quite to the point.

*The Colonial Minister (Cánovas del Castillo).*—I ask leave to speak.

*The President.*—You have it.

*The Colonial Minister (Cánovas del Castillo).*—If, in the present question, we

were bound to keep exclusively to the considerations which would arise from having to look upon a matter as judicial or as administrative, some of the observations just made by the Marquis of the Havana would undoubtedly have much weight. But the question now before us is a complex question; it is an extremely difficult question which does not answer to a state of things assuredly theoretic and doctrinal, and which, therefore, cannot be resolved in many cases, and this is one of them, in accordance with any inflexible doctrine. The question is therefore to be discussed, not with a dilemma, not by saying this is either judicial or it is administrative; if it is judicial, it belongs to the Tribunals; if it is administrative, it belongs to the Governor-General. Instead of doing this, what the circumstances of the case require, is to study the fact itself, in order to ascertain what will be the most expedient and appropriate solution to give it under the difficulties which it presents.

The question is simply this: until now the Captains-General or the Superior Civil Governors of the Antilles made, in effect, the declaration of emancipation; but this declaration had not of itself any force whatever, and was not upon principle, upon doctrine, or upon any technicality; for, in fact, the Captain-General was Judge in First Instance on every occasion of his directions being appealed against to the Audience Court. Can there be anything more absurd than to consider the Captain-General as a Judge in First Instance? Therefore it appears that heretofore this question has been considered apart from the strictness of principle.

In place of this state of affairs it has been desired to substitute another by the Project of Law now in debate. Now, taking up the question from General Pezuela's point of view, that is to say, considering what the prestige of the Captain-General might gain or lose by the substitution of what the Project of Law proposes for the former state of things, I have no doubt, and I think the Senate will not have any doubt, but that what is proposed is much more favourable to the authority and dignity of the Captain-General of the Antilles than what has existed hitherto.

If the Captain-General of the Island of Cuba, according to the definitive form given by the Committee to the Article under discussion having the power of delegating a person to preside at that Council, although he appoints that person himself, takes no part in the decision of the matter, will not this give more prestige to his authority than if he were to play the part of a Judge in First Instance, whose sentence might be revoked by the Audience Court? (*Count de Cheste* begs to speak in explanation.) This appears evident to me; and it has the more force, inasmuch as it is well known that the cases in which the Audience Court has declared that those emancipated by the Captain-General ought not to be so, are very far from being rare, have been always very far from exceptional, on the contrary, I make bold to say they have been general. Consequently, in that state of affairs there was nothing to favour the prestige of the Captain-General.

Another system has been sought then; and here comes in the second horn of the dilemma proposed by the Marquis of the Havana, who says, "If it is not prejudicial because it is not considered as a real question of civil condition, the question will be administrative, and belong to the Captain-General."

But I reply that the subject being such as it is, it cannot be exclusively judicial, nor can it be administrative, from the singularity of the case to which I have before referred. Doubtless under the present legislative rule questions referring to slaves who are legally in that position are judicial questions, and consequently are submitted to the tribunals of justice. If it be a question of a slave who undoubtedly is legally in slavery, the question will be one of property, and consequently will pertain to the tribunals without any doubt.

Previously to the question of property, there may also be a real question of civil condition, when the presumption established by the Law is in favour of the slavery of the negro. In this case, as in the former, the doubts which may arise respecting the particulars pertain to the ordinary tribunal. But beyond these two conditions there is another, which is that to which the addition refers; it is what the Law calls the seizure in the very act of the fresh negro; that is to say, the case in which a negro, free by law, is seized in that state of freedom. The prescription of the law when once applicable, whatever may be the time, the case, or the occasion when it has to be resolved, is that that captured negro is free.

I will now touch, though lightly, upon the question of doctrine, and I say that in treating of a person whose freedom there is no cause to doubt, that he is invested with all civil rights, against whom there is no presumption of his being a slave, nor of his suffering any *capitis diminutio*, the presumption of freedom is paramount, and ought to be paramount to all kinds of questions, and give place only to a real declaration, or rather to an act of administrative protection.

If it be required to express in one word the character of that Act, that word would be no other than administrative. When a negro is seized seventy-two hours after his landing by those persons in search of newly imported negroes, and on questioning him it is found by those unmistakable signs which every one acknowledges as such that he is a fresh negro just landed, and not one of those negroes previously in the island, the position of the slave under these circumstances is exactly that of a white man, of any free man. The presumption is in his favour, and the administrative authority must protect him in his rights.

This cannot be doubted; but nevertheless the difficulties which the question of negro-property gives rise to, the necessity of taking into account the high interests that are compromised in it, induce the consideration that it is impossible, or at least very dangerous, to intrust the application of this support or administrative protection, or it may be of simple policy, however clear and easy it may be, to one individual however high and exalted; not at least to one order alone, or to one alone of the elements of public authority. Means have been sought then to invest with an external character of impartiality the administrative element to which it has been thought best to entrust the declaration that such or such a man cannot be held as a slave, and that there is no presumption of slavery against him. There is no question here of property or civil condition, therefore the decision can be charged on the Administrative authority without the delays of trial, but investing the act with all fitting securities for impartiality.

If the Captain-General nominates the individuals who are to form the list from which in each special case those who compose the Council are to be elected; if the Council is to be presided over by the person to whom the Captain-General delegates his attributes, if not by himself, I know not what more can be required to maintain the prestige of that Supreme Authority. I think it much better for this prestige that in place of the Captain-General's deciding the matter himself and upon his own responsibility, or reserving a veto to himself upon the resolution adopted, which is always dangerous, that the decision of the whole matter should be committed to a Council formed with the securities that are provided. With this, in my opinion, may be effected what could not be obtained by any other combination.

Nothing more remains for me to say, except that the fear of conflicts expressed by the Marquis of the Havana is groundless. The text of the Law excludes all possibility of the conflicts to which he has referred, when he says that the Council will decide without ulterior appeal. Before this Project of Law was thought of I had myself drawn up an Ordinance, upon which the opinion of the Council of State was taken, and what principally engaged my attention was whether a fresh negro could be mistaken for those who are called in the island "ladinos," and from information I have got from persons competent to judge I have come to the conclusion that there can be no kind of mistake in distinguishing them, and that during the three days which the Law appoints a negro recently landed cannot be confounded with a negro already resident in the island.

Under this conviction, I have come to the conclusion that the Article, so far from offering any difficulty, will be the sole means of avoiding many complications. Gentlemen of the Senate must bear in mind that there is much truth in Señor Pastor's observations respecting the facility with which these crimes have been committed with impunity, although the justice of the Spanish magistrates has shone as purely in the Antilles as in the Peninsula.

The difficulty consists in that deeds of the nature of those under consideration, when the proofs disappear almost immediately after the act has taken place, are not easily estimated, for which the Tribunals are not to blame. The negroes, during three, five, ten days, perhaps a month, can be easily recognized as fresh ones; but after a certain time they cannot be distinguished from other negroes, and when there are not sufficient proofs for the repression of a crime, the blame ought not to be thrown on the tribunals, but on the very nature of the things. Bearing in mind many instances of the landing of negroes recognized as fresh ones by every one, and in regard to whom proofs have always been brought that they had lived for a long time in the Island of Cuba, and that the legal resources were never sufficient to prove that they were in fact negroes who had just landed, the expedient set forth in the Article now under discussion has been adopted after much consideration, and the opinion of the Council of State has been taken upon it. This sort of jury, then, as the Marquis de la Pezuela has called it, will pronounce a conscientious declaration at once, and without ulterior appeal, which will close the door against all those cases in which the subtleties of bad faith might, according to law, shield themselves behind the ordinary safeguards of the laws.

*The Count de Chestre.*—I did not hear distinctly what correction the Committee has made in the Article, and I wish the Secretary would be so good as to read it.

The Article was read by the Secretary, Señor Sevilla.

*The Count de Cheste.*—It appears to me that as it stands it is a question of form, and nothing more; the Minister has said the same.

In regard to there being no appeal from the decision whether a man is a fresh negro or not, that had become a necessity. It was monstrous and a real disgrace to the Spanish Government, the scandal that has constantly occurred of declaring fresh negroes recently taken to be slaves settled in the island. This measure of the Law appears to me very prudent and very just. In fact, there is no one who has lived a couple of months in Cuba who does not know the difference between a fresh negro and any other negro.

For this declaration an Assembly of nine co-Judges is required; but this Council can only have the character of a body of experienced persons. If it is so, I admit it; it is very well; and also that this matter is important enough to require the attention of nine persons of standing and consideration in the island. But the authority should not be shared with that Council; the decision should be by the Captain-General. This principle being admitted, I believe that everything can be arranged. The authority of the Captain-General is represented by his delegate, whom he can appoint or not as he thinks best. If this is the spirit of the Article in its new wording, I accept it at once, but I am not satisfied with the wording, and should desire more clearness.

*The Colonial Minister (Cánovas del Castillo).*—Let us see whether the Article is sufficiently clear or not; if it is not so, I will make no question about it, but at once allow it to be made as clear as may be requisite. The Article runs thus:—“A special Council presided over by the respective Superior Governors,” and in addition, “or by the authority which he delegates, shall declare whether they are fresh negroes or not,” &c.

That is to say, that the Council declares no more than precisely what the Marquis de la Pezuela wishes. It declares no more than that they are fresh negroes; it neither declares them free nor in the state of emancipation; that will be done by the Superior Civil Governor afterwards. The Council does no more than declare whether they are or are not fresh negroes. And the Article adds, “If the declaration be affirmative (that is to say, if the Council say that those negroes that are here are fresh ones), the Governor will deliver those who had charge of the negroes, the vessel, the effects, and the instruments of the crime to the competent tribunal,” &c. After this declaration, the Governor retains all the other powers which he now has in regard to the emancipated negroes, for there is nothing about that class in the Project of Law.

Therefore the Article is clear. The most that can be said is, that there should be added what the Civil Governor will do after the declaration that the negroes are fresh ones. This has appeared to be unnecessary, and therefore is not inserted. Any way the clear and formal text of the Article is, that the Council be dissolved as soon as it declares that the captured negroes are, or are not, fresh ones.

If it be desired to have more in this law about what the Captain-General has to do afterwards, it may be put in, but it is not necessary; this is all I wish to show.

*The Marquis of the Havana.*—The Colonial Minister supposes me to be a partizan of the system formerly in practice, as though I had defended that which formerly went on when the Captain-General made the declaration of emancipation, and afterwards came the Audience Court to confirm or revoke it. I am very far from being a partizan of that system. I began by condemning it.

The question is now reduced to this: The Committee wish that in the new law the Declaration of the Emancipation of Negroes, taken in the very act, be made by a special Council; it does not consider that this ought to come under the action of the tribunals. And the observations of the Marquis de la Pezuela, as well as those of the Senator who has the honour of addressing the Senate tend to show, that if that Council is not judicial, it has to be of an administrative character; it is indispensable that the Governor Captain-General should make the declaration, and not become a co-judge in that kind of jury which is formed.

It seems to me that the Committee and the Colonial Minister are at fault in explaining the Article, for it says, that when the declaration has been made by the Council, the Captain-General shall deliver the culprits and the effects captured to the tribunals, but it says absolutely nothing respecting the fresh negroes, because it commences by declaring them emancipated.

Moreover, the proof that the intervention of the Captain-General is dispensed with is, that afterwards is added “that the decision of the Council shall be published.” So that the case may occur that after pursuing an expedition, 25 or 30 negroes may be taken in a factory within the third day, and that the Council may be divided, saying that some of



them are fresh negroes and some are not; and that in spite of this, the superior authority in case of his not agreeing, will have no right nor any power to put his veto on that declaration.

I think then, that what accords with the general principle of government in these countries, is that that Council be consultative, and that after making the said declaration whether the negroes are fresh ones or not, the Captain-General determine that the resolution, with its reasons, be published, whether he himself be of the same opinion with the Council or not; and that if there be any one who wishes to complain of injury, that all necessary facilities be given for the purpose.

It is of no import whatever that the Governor Captain-General may send a delegate, for then that authority will intervene less in the Council. Therefore what we ask is, that the Council be consultative, and that the Captain-General may or may not agree with its decision: in this manner an easier solution may be had of the serious questions arising when negroes are taken from a factory.

I think, then, that this would offer the sureties best adapted to the end.

*Señor Llorente.*—The Committee has accepted in part the idea of the Count de Cheste when the question was discussed whether the Captain-General should be able to delegate his authority to another person or not; because, in effect, the circumstance of his mixing with the other persons who composed the Council, and the consideration that if he were perhaps to be left in a minority, this contingency might somewhat diminish the prestige of his authority. With this feeling, and out of regard for the customs prevailing there, the Committee has thought it could admit the modification proposed by the Count de Cheste.

In so far as regards the question not being determined at once, and that there should be an appeal, as I believe the Marquis of the Havana observed when he first spoke on the subject, in order to carry the question to the Audience Court or another Tribunal, which might pronounce differently from the declaration made offhand by the first Council. I believe that this point is decided in a formal manner in the Article under discussion, since it says, "without ulterior appeal."

This is the important change that is introduced. The personal condition is of such a nature as not to allow of a person being declared free or emancipated if found in that situation, and that after a lapse of two or three years a tribunal should declare the contrary of what has been previously declared.

At present the Captain-General forms a resolution, decides whether the negroes apprehended are fresh ones or not. If he decides that they are slaves they are given up to their owners, if they are fresh ones they are declared emancipated, and it usually happens that at the end of two or three years the Audience Court decides to the contrary. The Count de Cheste and the Marquis of the Havana are well aware of the inconveniences of that system. In a question relating to persons such contrary resolutions cannot be taken without injury to every kind of principles and feelings, nor are such principles less prejudicial to the dignity and decorum of the Captain-General. I believe that we all agree in the necessity of an alteration, and the question being one of fact, as to which there can be no mistake, that of deciding whether a negro is a fresh one or not, it follows that it is one upon which a plain and immediate decision can be come to off-hand.

But a doubt occurs as to which different opinions may be held. To whom does it belong to decide this, to the Captain-General or to the Council? We have ourselves thought that the administrative execution, after the resolution has been come to, belongs naturally to the Captain-General. But what would the Captain-General have to do with the resolution of a material question, when perhaps he had only arrived in the Island of Cuba the day before; the decision of that question respecting the condition of persons, the determining whether the captured negroes are fresh ones or not, that forms no part of the attributes of the Captain-General; that is not essential to his attributes in any way. How and why must it be essential? It is purely a question of fact. Consequently there are here two things quite distinct: one thing about which there is no doubt whatever is that the present situation cannot be maintained, and that it is not fitting that a resolution can be come to by the Captain-General which can afterwards be rejected by the Audience Court or by the Government, because this offers every kind of objection.

Another thing in which we agree, or if there be any difference of opinion thereon, it is trifling and insignificant, is that the resolution should be come to off-hand that those experienced persons should declare their opinion, and that it is the Captain-General who should make the declaration and carry into effect. In all this we are agreed, and if there be any difference, it is, as I have said, so insignificant, so trifling, so slight, that it hardly

exists, for I do not think it can be maintained that it is a necessary, indispensable, inseparable act, in addition to the general administrative authority of the country, that of declaring whether some negroes are fresh ones, or are not so.

The declaration, when made by the authority, gives the necessary force to that act, for the measures which are to be taken in consequence of the declaration will all belong to the authority.

The Captain-General lends then to this declaration the whole of his authority—his ordinary authority—that exercised in all cases, and that declaration becomes his own, is carried into effect under his protection, and is executed by the force of his authority. There is not the least doubt of this—there are the general principles of government—and as we all agree on this point, there is I think no great difference between the opinions of the Count de Cheste and the Marquis of the Havana, and those recorded by the Article in its new wording. With this understanding, and for these reasons, we have not thought it necessary to make further alterations in the text of the Article under discussion.

Article 27, formerly 26, of the project was approved without further debate, and the following Articles, as far as that which was 30, and which is now 31, were approved without discussion.

Article 32, formerly 31, was read as follows—“For the discovery, proof, qualification, and punishment of these crimes, the course shall be followed which the common laws prescribe, but subject to the following directions:—

“Firstly. When the crime of introducing fresh negroes is detected in the very act, and it may be necessary in order to apprehend them and the delinquents to enter upon the estates, the authorized functionaries may do so, for the purpose of taking the first steps in the summary proceedings, although they may not have jurisdiction to try these cases, but they shall be accompanied by two neighbours, who may bear witness to their proceedings.

“Secondly. When the crime to which the preceding paragraph refers is not detected in the very act, the Judge in the case only can make the search on the estates, for the purpose of ascertaining the retreat of the delinquents, and of the negroes illegally reduced to slavery.

“Thirdly. No entry can be made on the estates, by armed force, unless the owner or his representative refuse to facilitate the entrance thereon.

“Fourthly. The Judges and tribunals shall attend to the provisions in Rules 44A and 45A of the provisional law for the execution of the Penal Code.

“Fifthly. No petition shall be allowed except in cases where the penalty of death is imposed at the first examination upon any of the accused.”

The President then said, This discussion is adjourned.

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*Sitting of Friday, April 20, 1866.*

The sitting began at a quarter-past 2, and the proceedings at the previous sitting were read and approved.

An address from the Spanish Abolition Society, established in this city, having been reported,—

Señor Pastor requested that the address just reported might be read at length.

It was accordingly read as follows:—

To the Senate—“The Spanish Abolition Society, established at Madrid, for the propagation of the humane and economic, the just and fitting idea of the abolition of slavery in our Antilles, at the same time to study the means of putting an end to it without danger to public order, without social disturbances, and with the least possible injury to the interests which have grown up under the shadow of a legislation, obligatory, indeed, while it exists, but contrary to the fundamental principles of morality and right; this society, we say, founded for such noble objects, would consider itself wanting towards them, if during the examination by the Senate of a Project of Law for the repression and punishment of the iniquitous traffic known under the name of the Slave Trade, it should not raise its voice to the Chamber appointed for life, with the respectful energy derived from the consciousness of duty and the holiness of the cause which it defends.

“This is not the first time that the seizure of negroes, their transportation over the seas, and their introduction into the slave countries to be sold there as slaves, has been the object of repressive measures on the part of Governments. Since 1814, when the Sovereigns of Europe agreed to consider these hateful deeds as crimes, there has been no civilized nation which has not declared penalties more or less severe against them, or has not been associated in some way in endeavours made to prevent them. The absolute and

solemn condemnation of the trade, the assimilation of it to the crime of piracy, the establishment of cruisers all along the coasts of Africa to look after the vessels employed in the transportation of negroes, the recognition of the right of visiting all ships, even when under the flag of a foreign Power, the appointment of Mixed Tribunals for the punishment of the slavers; all has been tried, and everything has been taken in hand to put an end to a traffic which dishonours civilization and outrages the dearest feelings of the soul.

“And yet what has been the result? It is sad to say so, but in spite of all the prohibitions and all the penal laws, the pillage of African negroes has continued on a large scale; the slavers have mocked at all persecutions, the trade has been a flourishing business, even after it has been declared unlawful and legally punishable. To be convinced of this, it is only necessary to refer to the statistics of the importation of slaves into America since 1807, the period of the prohibition of the trade by the English nation, which, after some North American States, was the first to declare it; or, if it be preferred, since 1813, the period of the establishment of cruisers in the Atlantic Seas. It is sufficient to know that from this last date up to 1847 there were introduced, according to the data given in the Parliamentary Papers of Great Britain, and which appear in the tenth Report of the English and Foreign Society for the Abolition of Slavery 1,121,800 negroes into Brazil and 800,027 into our provinces beyond the seas.

“But besides this, not only have all the measures adopted for the prevention of the Slave Trade been useless, they have moreover caused an immense evil in aggravating the fate of the negroes, most sad and miserable as it was previously. Before the prohibition, these unhappy beings were regularly attended to during their voyage from the coasts of Africa, where their captivity began, to those of the New World, because the slavers were interested in having their merchandize arrive at its destination in good condition. But scarcely were the laws against the trade declared, when all care for the preservation of the victims ceased.

“The slavers thought of nothing but eluding the vigilance of the cruisers, and for this purpose they reduced as much as possible the space reserved for the cargo, and took on board no more water and provision than were absolutely indispensable for the passage. Thus was the mortality among the negroes transported considerably augmented; nor could it be otherwise, considering the horrible sufferings which the new conditions of the trade imposed on them. Such are the results which have been produced by the prohibition of the Traffic, and by the rigid and, we might almost say, Draconian measures adopted to extinguish it. Thus it is that all civilised nations, with the sole and, indeed, shameful exception of Spain, have determined to abolish slavery, being convinced that not only do Christian charity, the enlightenment of our age, and its interests properly understood require them to do so, but that this is the sole means of putting an end for ever to such an iniquitous Traffic. Even Egypt and Tunis, apparently isolated from European civilisation, decreed the abolition in 1847. Out of the Spanish dominions slaves were only to be found in some States of the North American Union and Brazil; the Titanic war is fresh in the memory of all, which the former of these two great nations has just sustained for their emancipation, which it has at last accomplished; whilst the latter was preparing a law, recently promulgated, to attain the same object in ten years' time.

“It was to be hoped, then, that the Spanish Government incited by such worthy examples, and attentive, moreover, to the expression of opinion which proceeded from every corner of the Spanish Monarchy, from Cuba and Porto Rico, as well as from the peninsula itself, against slavery, would direct its attention to that institution, and would, at least, attempt the solution of the certainly grave, but most urgent and inevitable problem of abolishing it in our American provinces.

“But nothing less than that. The Government indefinitely postpones any resolution on this point: the Government declares, in the preamble to the Project of Law to which we refer, that ‘slavery must still exist in the Islands of Cuba and Porto Rico as a pre-existent fact,’ and confines itself to proposing the application of fresh penalties to the Trade in Negroes. That is to say, that according to the Government slavery must exist, for the sole reason that it does exist, there being no possibility of doing anything else than redoubling the efforts of the authorities to prevent the forcible introduction of slaves into the Antilles.

“Considering this singular mode of arguing, and above all after the considerations previously expressed, the Undersigned might refrain from adducing any other, and leave the Senate to estimate the project of the Government at its due value. But although they are convinced of the inefficacy of any measures that may be adopted for the repression of the Trade, and disposed to claim from the Cortes at a fitting time the most positive laws against slavery, out of respect to the Government itself and to the mission with which they have charged themselves, they will not omit to point out to what extent

that which is now proposed is useless and vain. What is there really in it that has not been anticipated in other analogous legislative acts, the barrenness of which has been shown by experience? Absolutely nothing. The Government itself acknowledges that the legislation of the United States of America, that of Brazil, and some others, have made the Traffic in fresh negroes equivalent to the crime of piracy, and yet it dares not make that express declaration, that in its opinion it is not necessary from the point of view of our criminal legislation, and that it would be humiliating from the point of view of international law, without the assent of all the nations of Europe and America. For our part we cannot admit such reasoning; for, in the first place, what humiliation is there in making concessions which are mutual, and especially when they are founded on the principle of humanity, and when we have been preceded in them by States as powerful, as susceptible in matters of dignity and honour as those which we have already mentioned?

“ Besides which, our criminal legislation does not look upon the slavers as pirates, and a good proof of it is that the Government project proposes that in certain cases the punishment of death shall be inflicted on the former, that punishment being always inflicted on the latter. But what are those certain cases? Such and so difficult that we might well describe them as impossible; for according to Articles 9 and 10 of the Project they are reduced to resistance with armed force, which by the special conditions of their construction from the want of military armament, from the absolute default of means, the slaving vessels take good care not to oppose, restricting themselves to flight as soon as they catch sight, not merely of a ship of war, but of any public force able to attack them, and even of merchant-ships which might denounce them.

“ So, then, the new Project is in its penal provisions much less rigorous than the laws enforced in other countries for the repression of the Trade; and if the latter have been ineffective, it may be easily foreseen what will be the result of the former in case it should be adopted. But there is still another reason why we should expect from that Project, not, indeed, the extinction, for that is in our opinion impossible, whilst slavery exists in our Antilles, but not even any considerable diminution in the Slave Trade. This Traffic ought to be followed up, if it be really desired to oppose a serious obstacle to it, and one difficult to overcome in all and each of its proceedings, that is to say, in the construction and fitting out of the vessels which are employed in it, in the navigation of the same to the coasts of Africa, in the acquisition of negroes which takes place there, in the return voyage, in the disembarkation of the cargo, and chiefly in its getting into the possession of the persons for whom it is destined. Only thus can the pursuit be real and positive: only thus can it be employed with any probability of success.

“ Well, now, the project of the Government leaves on this point the same void as has been noticed in the Law of 1845; for although it follows up the manifestations of the trade, up to the moment of its effecting its purpose, by the delivery of negroes to those who have to employ their labour, in return it contains no provision whatever tending to the discovery of the *corpus delicti* deposited within the mills, restricting itself by Article 32 to the decision that the registers of the estates shall be drawn up in a form to be determined by subsequent regulations. The Senate will understand that this is a most important void, and, taken in connection with what we have previously pointed out respecting the punishment proposed for the slavers, is of itself enough to nullify the efficiency of the project.

“ For the rest, the Undersigned understand perfectly well the difficulty of filling up this void without interfering with the inviolability of the domestic hearth, which they would wish to see always respected; but if slavery is still to be maintained; if the question, now is only to prevent the Slave Trade, it is requisite that no precaution should be omitted to attain that object, and the Senate cannot but admit that the register of the mills is in every way indispensable, with regard especially to owners of slaves, who have no right to claim for themselves securities which they deny to a great part of their fellows. On the contrary, equity, if not absolute justice, requires that all men should be equal before the law, and as this does not respect the liberty of the slaves, there is reason that it should at least somewhat limit that of the masters.

“ One of two things; either liberty with all its consequences, and consequently the abolition of slavery in our Antilles; or restriction with all its inconveniences, and then the strong and terrible repression of the trade, without shrinking from the hardest punishment nor from domiciliary search.

“ Such, in the judgment of this society, is the alternative in which the legislator finds himself placed in the question under discussion, if the equilibrium of all the social powers and the harmony of all rights are to be respected.

“ For our part, it is unnecessary to say, after what we have shown, to which extreme we incline; we have already declared, and we shall not tire with repeating it, that while there is slavery, whatever efforts may be made to prevent the Trade, will be barren, as a

long and painful experience has proved; and for this reason, we call upon the public powers to decide, once for all, upon the abolition of so hateful an institution. The Spanish Abolition Society is certain that the Senate, in its wisdom, will decide by the most humane criterion, and that it will now show once more the rectitude of its views and its zeal for the public good.

(Signed)

“JOSE MARIA DE ORENSE.

“LAUREANO FIGUEROLA.

“SEGISMUNDO MORET Y PRENDERGATS.

“JOAQUIN MARIA SANROMA.

“JULIAN SANTIN DE QUEVEDO.

“FRANCISCO DELGADO JUGO.

“EMILIO CASTELAR.

“MARIANO CARRERAS Y GONZALEZ.

“GABRIEL RODRIGUEZ.

“FRANCISCO DE PAULA MONTEMAR.

“JULIO L. VIZCARRONDO.

“JOSE MARIA CARRASCON.

“RICARDO ALZUGARAY.

“FELIX DE BONA.”

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#### ORDER OF THE DAY.

Continuation of the debate respecting the Project of Law for the repression and punishment of the Slave Trade,

The Article formerly 31, and now 33, having been read and no Senator having demanded to speak against it, it was approved without any debate, as well as those which followed up to that which was 36, and is at present 37.

That which figured as 37, and has now become 38, was read as follows:—

“In order that the negroes who may be introduced in contravention of this Law be at no time detained as slaves, the Government shall provide for a general registration and the preparation of a census of all the slaves existing in the Islands of Cuba and of Porto Rico.

“The slaves who are registered or entered in the census can never be the subject of judicial or governmental investigation as to their derivation or introduction into the island.

“The men of colour who shall not be registered or entered, shall be considered as free from that fact alone, and no proof shall be admitted to the contrary.”

The following amendment was then read:—

“I request that the Senate may be pleased to approve the following amendment:

“In place of the Articles 37, 38, 39, and 40, there shall be substituted as follows:

“For the purposes of this Law a register shall be made of all the slaves existing in the Island of Cuba.

“The falsification or illegality of registration documents shall carry with it the liberty of the slaves to whom they relate, independently of the penalties incurred according to the present law, or according to the Penal Code.—JOSE DE LA CONCHA.”

*The President.*—It is for the Marquis of the Havana to speak, as author of the amendment just read.

*Marquis of the Havana.*—Gentlemen of the Senate,—My conviction of the inconveniences which will result from the provisions contained in the Article of the Project of Law under discussion must be very strong for me to request that the amendment which I have the honour to submit to the Senate, may be substituted for it, and for me to resolve to support that amendment with all my energies.

I have already stated that, in my opinion, the lists or registers of the slaves in order to the prevention of the trade, constitute one of the foundations upon which every system must rest, the object of which is to put an end to the Traffic in Negroes. This conviction of mine is not of to-day only, for long ago, when public opinion did not run in its present direction, I thought as I do now. The Senate will allow me to read a very few lines of a communication which I addressed to Her Majesty's Government when I was Captain-General of the Island of Cuba, and of which I am empowered to make use, having previously solicited the sanction of the Colonial Minister, without which I should have no right to make use of official communications which I have addressed to the Government.

I said to the Government in 1854, "In such a situation, and when all the other provisions which with the Royal Decree concerning the register have produced the agitation that has been felt in this country, have disappeared, is it fitting or not to re-establish the enrolment of the slaves for the rural estates? This is the question on which Her Majesty's Government was pleased to ask my opinion in the Royal Order of 4th May last, No. 279. It appears to me, most Excellent Señor, that there can be no doubt as to the solution of this question. I believe the enrolment of the slaves of the rural estates to be indispensable for the repression of the trade.

"It is necessary that Her Majesty's Government should understand that if the fresh negroes could not be withdrawn from the rural estates, for which an enrolment of them is required, the repression of the trade, in the first instance, is altogether impossible, and in the second, it could not be effected without compromising the proprietorship of the legitimate slaves."

The Senate may therefore see how long I have held the opinion that it is quite indispensable to make an enrolment of the slaves, in order to be able to effect the abolition in the Traffic in Negroes.

Well, gentlemen, with these ideas of mine, for what reason do I set myself against that which the Committee proposes in the Article under discussion? Because I believe that as it is now presented it will be exceedingly difficult to bring into practice, and will occasion great difficulties if it come to be put into execution.

There is, besides, another matter which renders this consideration still more grave, and that is the spirit which emanates from some observations in the preamble of the Report of the Committee, which I was not able to examine before it was printed and distributed among the Senators.

I had stated at the meeting of the Commission the grave difficulties which, as I have said, would in my opinion attend the execution of that which the Committee proposes. I was not sufficiently fortunate to persuade the Committee of the force of my observations, for having heard the opinion of one of its members, a native of the Island of Cuba, who assured it that he would answer for the practicability of what it was desired to propose, the Committee gave more weight to the observations of that gentleman than to mine.

But, gentlemen, the Committee not only wants a list of the slaves, it proposes to form a civil register, to register the proprietorship of the slaves, that self-moving proprietorship so difficult to register in the judicial form which the Committee wishes to give to the register, after the manner in which the register of immovable property has always been formed in the Peninsula; and this, gentlemen, goes beyond the limits of the idea of forming a register of the slaves solely for the purpose of preventing the trade. Is that civil register requisite, or is it not requisite for that prevention? Would or would not an enrolment effected by means of administrative measures be sufficient for that suppression?

Well, then, I feel persuaded that there are administrative means for effecting that enrolment, and that great difficulties will be met with in the formation of a civil register.

I had the honour of stating to the Senate, that being authorized to suppress the register I began a system of enrolment which was effected by means of schedules, obliging each proprietor to have a schedule for each one of the slaves he possessed; these schedules were taken from tally-books, and in the tally were set down the name and description of the slave with the name of his proprietor, so that the tally constituted a real enrolment of the slaves in Cuba. I had to take various precautions to avoid the abuses which might be committed, such as proprietors asking for a greater number of schedules than they had slaves, to be prepared in case they purchased fresh ones from Africa. I imposed large fines upon those who should do so, but I always considered that even in case of this abuse, the proprietors of slaves could not be certain of buying fresh negroes.

To discuss this question it is necessary to know how the Traffic in Negroes is carried on there; it is necessary to know that when a disembarkation has taken place the negroes are not sold one by one, but they are sold in parties of 25, of 30, of 40, of 50, and more, and it was very difficult, therefore, for the proprietors of slaves to get the tickets made out in such a manner as to agree with the descriptions of the age, sex, and the rest, of the fresh negroes whom they might buy.

But it will be argued if such a system were good, what was the reason that it produced no effect, whence arose the scandal that these schedules became afterwards of no authority whatever in practice, and why was it that the Captain-General of Cuba found himself under the necessity of annulling them? The explanation, gentlemen, is simple, although lamentable. These schedules were made out precisely to certify the qualities of fresh negroes. The tribunals charged to make that declaration carried to such a pitch the principle of the penal law, not to seek for the derivation of the slaves,

that, I regret to say it, not even once was the legality of the documents of which I speak sought to be proved in the tally-books which were with the supreme Government of Cuba.

And I ask you, gentlemen of the Senate, at the moment when those tickets were denaturalized in such a manner, from the moment when there was no endeavour, as there ought to have been, to prove what it was most essential to ascertain whether the schedule was legal or not, what result could they give? None. If, far from that, they had come to make the natural and required proofs of the legality of these schedules, by the tally-books, it would naturally have been found almost always, either that they did not agree with the schedule of the fresh negro or that it was actually false; and what would then have been done would have been to declare the negro to whom the document belonged suspicious, and afterwards it would have been very easy to prove that he was fresh brought from Africa. But if that was not done with the schedule, of what use was it? Of none, gentlemen of the Senate. So it was, that naturally the slave-dealers brought falsified schedules from the United States, tickets which they presented without fear, and, far from being a benefit, they were a great evil, for they brought discredit on the Government. The system, however, was not bad in itself, but the application of the system was so; nor was it the fault of the Captain-General who established it that no results were produced. I therefore thought it was right to annul it myself, after having resigned the charge of Captain-General, because I did not wish that my successor should find himself under the necessity of doing so, as in that case it would have been thought that he came with a policy favourable to the Trade, whilst of me it was impossible to suppose that on leaving the command I could have any other interest than the reputation of the Government.

Here, gentlemen, is what I proposed to the Committee. I said that a means might be adopted, which is undoubtedly the fitting one, one that might certainly be brought to perfection, one that could not agitate the country, and that consists in obliging the proprietors to render sworn statements, for when they know that some day the schedules which they have sent in may be called in question, when they know that the number of slaves which the schedules contain may be counted, there is no doubt that by this means it may be ascertained whether they have bought fresh ones or not.

Whatever the result, gentlemen of the Senate, let us not exaggerate; matters should not be exaggerated. The Senate understands that I am one of those who have for a long time believed in the imperious necessity of putting an end to the Traffic in negroes, but I do not wish that exaggeration arising from worthy desires should bring unpleasant consequences without conducing in a greater or less degree to the suppression of the Trade.

Well, then, gentlemen, instead of adopting this system, the Committee prefers that of the civil register, which establishes the principle of effecting the enrolment by means of ocular examination.

I have told the gentlemen of the Committee that I doubt very much whether there are practical means of performing this operation. It is requisite to bear in mind the elements on which the Administration of Cuba reckons; it is requisite to consider that there are jurisdictions like Puerto Principe, which is at least 65 leagues in length and 25 leagues in breadth, and depends only on what are called Captains of Districts. There are few slaves there. Will the slaves have to go to visit the Agents of the Government, or will the latter visit the estates or enrol all the slaves by inspection? In whatever way it may be, the gentlemen of the Senate must understand that it is an exceedingly difficult thing to obtain the desired result.

Then let us take another jurisdiction, like that of Colon, much less extensive, but in which there are 32,000 slaves. To propose that an agent should go to make the enrolment or inspection, that he should go to a mill to enrol the negroes one by one, the Senate will perceive that it is a very difficult operation, and that if the proprietor wishes to present more negroes than he possesses it will not be difficult for him to take them from another mill where the enrolment has been previously made, or if he wishes to conceal or diminish the number it will be very easy to send them away from the estate the day before he expects the visit from the Government Agent.

Thus, then, gentlemen of the Senate, as a practical question, I see nothing from this point of view, but most grave difficulties in settling by the law, and not leaving to the regulations the method of effecting that enrolment which I believe to be indispensable for the prevention of the Trade.

But the Committee in its praiseworthy aspiration goes still further; the Committee desires that after the census has been made there may not be found nor exist a single slave more in the Island of Cuba than those registered in the census; and, gentlemen,

this is a praiseworthy desire, which will be realized if the Traffic in Negroes is put an end to. If this Traffic is not put an end to, whatever the Committee may do, the result will be that there will always be negroes who will only cease to be slaves in Africa, to come and be so in the Island of Cuba.

But that is not what is wanted and to what we ought to aspire. To get rid of the Traffic in Negroes, it is necessary that those persons who are about to make an expedition should know that they will not find a market whereat to sell their negroes, that they will not find a purchaser; and it is also necessary that the proprietors, on the other hand, should know that their estates can be registered, and that the moment that operation is performed, it will be known by police documents whether the negroes which they possess are fresh ones or not, so that they will lose them if they have any of that class, besides incurring the penalties imposed upon them by the Law. Then there will be no proprietors who want to buy negroes, no slaving expeditions can then be got up, and the consequence will be, there will be no one to engage them.

But whatever may be done with the register of slaves which does not lead to the suppression of the trade, will be at this particular time a fruitful source of disorder for the Island of Cuba.

This is the occasion, in my opinion, to examine this question from the political point of view; it is in this part I find that the Committee is in error, and that the system and the principles which it adopts are dangerous, as appears from the exposition which precedes the Project of Law under discussion.

I have said that the question is not of a register for the sole purpose of having an enrolment which may serve for the purpose of suppressing the Traffic in Negroes. What is to be gathered from the part of the preamble of the Report which relates to this point, is, that it is desired to form a census or civil register, with all the consequences of registers of this nature.

As I see all the inconveniences of what the Committee proposes, with this motive, in spite of their praiseworthy desire that it should not be possible for a single individual to become a slave who was not so before in the Island of Cuba, naturally I cannot agree with the method of its expressing its idea. The Committee wants the negroes now to take the initiative in claiming their liberty, since it gives to the negroes the power, which they may exercise themselves or by another person, to make complaint against the falsities which occur in the census, and which of themselves procure liberty. This results naturally from two sentences of the preamble which I will take the liberty of reading. One of them says thus:—

“With how much the more difficulty would not this slave be transferred when his liberty depended on the illegality of his condition coming to his knowledge, than when, without any interest on his part in that discovery, this was left exclusively to the initiative of the administration?”

In another part something more important is said: “Who will wish to keep in his power a negro slave who will be free the moment that he himself knows, or that others discover, the illegality of his condition?”

Now the Senate sees that the tendency of the Committee is not indeed purely and simply that the register should serve for the suppression of the trade; it goes further: with a very proper desire it goes to effect that the slave who really is not so, may be able to demand his liberty, but in what way? Will it be for the fresh negro to demand it who has just arrived from Africa? No, the fresh negro just arrived from Africa cannot know that condition; consequently, it will be the crafty fellow who may have resided some time in the island that will be able to demand it; and perhaps he will not do so unless incited by others, who, for purposes perchance more grave, may wish to bring trouble to the domestic state of the Island of Cuba.

Thus, then, I consider that although the spirit is for the prevention of the trade at any cost, the measure proposed is very unsuitable, and much the more so in the present circumstances of the Island of Cuba; for, in my judgment, the Committee is mistaken in supposing that the political circumstances of to-day are more favourable than those of 1854.

No, gentlemen of the Senate, the circumstances of the Island of Cuba in regard to this point are immensely more grave than they were then. It is necessary to consider the importance and the influence which may be exercised by that great deed which has been done in the United States; it is requisite to reflect upon what is going on there, and it will be understood that the Island of Cuba may be placed in a new situation pregnant with immense dangers which were not observed in 1854.

Then, that Decree, which is now, as it were, re-established, actually produced great alarms and agitations which were taken advantage of by those who were labouring for the



emancipation of the island and for its annexation to the United States. But that danger was much less than what there may be now, for then it was more easy to appease opinions, to oppose the efforts of the partizans of emancipation, to arouse the feeling of nationality in the inhabitants of the island, and to get the better of any disturbance. Then, besides those elements, the Captain-General could reckon upon twenty battalions and twenty squadrons of volunteers; then the coloured class was an element of strength instead of being an element of destruction, as the national feeling made them prefer being slaves under the dominion of Spain to their being free under that of the United States; then that feeling could be made available for the formation of thirty companies of free men of colour.

But is the situation the same now in that country? Perhaps, gentlemen of the Senate, you do not believe that those grand events which have taken place in the United States have also changed the situation of the Island of Cuba? Do not gentlemen of the Senate perceive that with this class there exists now a danger of an immense perturbation, in place of its being, as it was before, a warranty for the tranquillity of the island? Take care, then, not to raise elements which can produce agitations of this class, and which may be taken advantage of by the agents, who are never wanting, of the principles which have triumphed in the United States, to excite the coloured class to hatred of Spain.

Well then, gentlemen, I who agree with the worthy individuals of the Committee, who have seen in them, as they must have seen in me, the most sincere and lively desire to have done with the Traffic in Negroes completely and absolutely, could not but fix my attention upon those considerations; for I very much fear that on the day when the opinion is spread that a civil register of slaves is going to be made, and when the idea of this arrangement is falsified, a fatal element will be introduced into the Island of Cuba, and great disturbances will be occasioned in the state in which the coloured class is found. Consequently I believe that these observations will be sufficient to induce the Senate to take into consideration the amendment which I have had the honour to submit.

*Señor Cardenas.*—The bases upon which the Committee rest this part of the Project of Law under discussion must be very important for them to have felt obliged to pass over the observations which the worthy Marquis of the Havana made at its meeting when the establishment of the census of slavery was under discussion. I say that these motives must have been very weighty, for if there had been no more than slight differences between the opinion of the Marquis of the Havana and the Committee, or upon points of little importance of the census in question, the Committee, giving way to the well-known competency of the Marquis of the Havana in this class of subjects, might perhaps have set aside their judgment for the judgment of the Marquis of the Havana. The Marquis knows as well as the best, the interests and the conditions of these countries, and the Committee, consequently, would certainly not have failed to have given full weight to his observations.

But the fact is, gentlemen, that the difference between the Marquis of the Havana and the Committee has regard to points of great importance, to points so essential for the establishment of the census upon which we are engaged, that the Committee has not been able to admit the amendment of his Lordship.

The Marquis of the Havana says that the Committee has given way to the observations of experience which one of its members made at its meetings. This is the truth; but it is not the whole truth. The Committee has listened, not only to the persons belonging to it who are acquainted with those countries, but it has listened also to other persons not less acquainted with those countries, and all have unanimously agreed that what the Committee proposes is possible and feasible. If it had not been so, I at least, who do not know practically, because I have not studied the questions of those countries on the spot, although at times they have engaged my attention, should willingly have given way to the superior competency of the Marquis of the Havana.

The Marquis of the Havana looks upon the register in question from a point of view entirely different from that at which it presents itself to the Committee. He requires that the census should be no more than a list of slaves, so that by reason thereof the mills may be registered, and it may be seen whether any have been fraudulently introduced; and the Committee thinks that if the census is to be what it proposes, if it is to answer its high purposes, it is requisite that it should be something more than that list: it is requisite, in one word, to combat by the census the motives which sustain the trade in the Island of Cuba. Setting out from points so diverse, it is not strange that the Marquis of the Havana and the Committee should not have been able to meet.

Why, gentlemen of the Senate, has the trade lasted, in spite of the Treaties, in spite of the laws which have been made to repress it? The trade has lasted, in the first place, because opinion has not looked upon the infamous trade in the human flesh as a crime in

the eyes of morality and right. And in speaking of opinion, I do not refer to that of Spain only, but I refer also to the opinion of those countries in which the Traffic in Negroes has been carried on. As public opinion only considered the Traffic in Slaves as a crime of purely legal creation, it was a necessary consequence that, when the laws made against this detestable Traffic were to be applied they would be executed as the laws against smuggling are executed, because there would be in the country a certain connivance with those who were carrying on the Slave Trade.

The Traffic in Slaves has continued also because the Treaties entered into with other nations to repress it, have been looked upon much more as diplomatic concessions, the offspring of circumstances, than as a tribute paid to the eternal principles of morality and right.

The Slave Trade has gone on likewise because legislators, in making laws for the purpose of repressing it, have also thought apparently that it was they themselves who were creating the crime, in the same manner as the law had created that of smuggling and that of prohibited arms, when in fact the crime was solemnly declared as such by the eternal principles of morality and right.

The Slave Trade has also lasted because, as the Marquis of the Havana very correctly said at a former sitting, there were material difficulties in repressing it, there were 700 leagues of coast to watch, and it was therefore very difficult to prevent the fraudulent introduction of slaves.

Finally, gentlemen, the Slave Trade has continued because so great are the profits and gains which it brings to those who carry it on that I have heard it said by competent persons, that if but one out of three of the expeditions which are made to Africa be successful, the gains are still fabulous.

Well, then, if these are the reasons why the odious Traffic in Negroes has still gone on, it is clear that in the Law which we are now making to repress it, we ought to keep them well in mind, in order to attack and destroy them. If public opinion in regard to this subject had not changed here for some time, gentlemen of the Senate may be sure that we should have but little success with the Law which we are discussing. But the legislator can and ought to take advantage of that favourable occasion when public opinion becomes modified, as is the case at present, and dictate then the measures which he judges fitting to repress and put an end to the Traffic.

If, at other times, the Treaties made against the Traffic in Negroes have been looked upon as diplomatic concessions, the offspring of circumstances, it is requisite that we should proclaim very loudly that whatever might have been the objects which impelled some persons who took part in them to make them, that is not the idea which public opinion has formed of them.

Those, at least, were not the objects that initiated this question in Spain; for long before, in the Cortes of 1811, the most worthy deputies Alcocer and Argüelles proposed a Law for the abolition of the Negro Traffic. Consequently it was not a certain friendly nation either that took the initiative in this question: it was taken by two Spanish deputies. If legislators have looked upon the crime in question as of purely legal creation, it is just and fitting in the Law which we are making, that we should look upon the negro unjustly reduced to servitude as on an equality before the law with the white man who might suffer the like injury; and this we shall effect by subjecting to the same punishment and the same penalties all those who commit this crime, whatever may be the colour of the injured person. This, gentlemen Senators, is the reason that in the Project of Law which we are discussing the penalties against those who infringe it are considerably increased. And lastly, if that fabulous profit which the Traffic affords to those who carry it on is the principal cause of the crime, let us see if it is possible to demolish or extinguish it.

This, gentlemen of the Senate, is the principal object of Chapter III of the Project of Law which we are discussing,—to attack the Traffic in its motives, in its most active and effective causes.

The Marquis of the Havana said the other day that a negro bought on the coasts of Africa for 40 dollars is sold in Cuba for 500 or 600 dollars. It is clear that a business of this kind gives what is necessary for all. The consequence of this is, that the way to diminish the profit of this business would be, either to make the negroes dearer in Africa or to make them cheaper in Cuba. As we cannot make them dearer in Africa because we have no means of action there, let us then make them of less value in Cuba, because we can act there. Now, how can the legislator make a property of less value? By depriving it of those circumstances which give a value to property itself. What is it that gives a value to the property? In the first place its security; in the second, the power of disposing of it freely, for it is not sufficient for the owner to receive the daily returns of the property which he possesses; it is necessary besides that he should be able to dispose of the capital which it represents.

Well, then, by taking away the power of disposing freely of the negroes fraudulently introduced it is clear that we shall have taken away from this property all the circumstances that give it value; and if we take away from this property all the circumstances that give it value, will there be any one in the Island of Cuba who will make it his business to continue the Negro Traffic?

If the negroes that are introduced cannot be transferred for a price equivalent to that of the legitimate negro slaves, will any one endeavour to obtain them to sell them? Certainly not.

This, then, is the idea of the Committee with regard to the part of the Project of Law under discussion.

And what are the means, gentlemen of the Senate, of taking away from the negro property the security and the transferability which are necessary to keep up its value? There are no other means than the census; there are no other means than taking away from the negroes fraudulently introduced the security of the property in them and the transferability of the command over them.

And let the Senate observe here wherein the Marquis of the Havana and the Committee differ. The Marquis does not consider that the object of the Project of Law ought to be to take away all value from that property, all power of disposing of it, all interest in transferring it and preserving it, and he wants to make the census solely a list of slaves, in order by its means to be able to detect those that may be fraudulently introduced.

And the Committee wants to go farther; it wants to take away every stimulus from those who carry on the Negro Traffic now, or who may do so hereafter. This is the difference.

There are no other means, gentlemen, than taking away from property in negroes the security and transferability which give it value; there are no other means than the census, and not any kind of census, but a census that is a fact; because if it is not so then it will produce effects diametrically opposed to those which we seek. And the Marquis of the Havana may see why I could not consent that that census should be made in a manner which would not make it exact; for if it be not so, far from ensuring the result which the Committee proposes, it would give the contrary.

By means of the census we have to distinguish legitimate property from that which is not so; by means of the census not only have we to take away from the property which consists in negroes fraudulently introduced its security and transferability, but we have to give to the legitimate property in those negroes all the guarantees which may be necessary to preserve it.

These are the two principal effects of the Law. And would the Marquis of the Havana have a census which has to produce these results made in any way, without the necessary precautions to prevent its being wanting in any of the essential conditions of its existence?

These are two: it is requisite that the census should not contain more than it ought to contain, nor less than what it is necessary that it should contain.

Were the census to contain more than it ought to contain, the result would be that by its means slaves would be made of those who are not so. And if the census contain less than it ought to contain, then we shall not have obtained the result which we propose, because we shall not be able then to distinguish the legitimate property from that which is not so.

It is therefore indispensable that the census contain all that it ought to contain, and that it contain nothing that it ought not to contain.

In order that the census should possess the first of these conditions, the Committee considers it indispensable that it should be made by means of an enrolment of the slaves on inspection. Without this requisite the census will necessarily contain more than it ought to contain. If, in place of an enrolment made on inspection of the slaves, it is made by means of depositions on oath, as the Marquis of the Havana has said, what would be the result? Gentlemen, there is no need for me to prophesy on this matter, I need only look back and refer to what has happened.

From the moment the owners are entrusted to make the depositions of their negro property and to determine and fix the marks of their negroes, and from the moment that the right is given them, in virtue of this deposition, of having the negroes themselves entered as their property, with a certificate of this entry, by which they can prove their right over them, the result will be what it has been already, that every owner from among those who mean to go on acquiring negroes fraudulently introduced, or desire to engage in the business without introducing them, by facilitating to others the means of doing so, will include in the depositions many negroes neither existing nor belonging to him, for the purpose of profiting by his schedules and his entries.

But the Marquis of the Havana says, "It is necessary that they should give the marks of those negroes, because otherwise they would run great risk of committing a crime."

Well, then, the marks of the negroes will be given.

But does not the Marquis know that it is very easy to make three, four, or five classes of marks which may answer to a multitude of slaves? Does not the Marquis know what happened formerly with passports? With a passport were not the marks of any one falsified? It is, therefore, clear that he who might have an interest in the continuation of the Traffic, he who might expect, perhaps, to facilitate to another the means of continuing it, would augment the numbers of his negroes in the lists, would receive the corresponding schedules, and the result would therefore be that the census would contain more than it ought to contain, and the result would also be that we should facilitate that very thing which both the Marquis of the Havana and the Committee wish to prevent; for it is clear that while we are engaged in making a law by which there are to be no more slaves than there are already, we should come by that means to make slaves, and to legalise the property in slaves who never were so.

Let the Marquis observe, then, the very grave consequences of his system. His system produces contrary effects.

When the census is once made, and when the inscription of a slave is once drawn out, the law cannot deny to that inscription certain effects; the law cannot fail to acknowledge that which it has already promised that it would acknowledge, the condition of the slave inscribed; and this being so, it is clear that in giving the means of unduly augmenting the lists of the negroes, we shall also give the means for reducing to slavery those who are now free.

And upon this only I am obliged to put the worthy Marquis of the Havana in mind of a fact.

Precisely one of the grounds which the Marquis had for abandoning the system of schedules which he established, when he commanded in Cuba, was that the Audience Court considered this document as proving the civil state of slavery, from which it resulted that, as the schedules were falsified, or were applied to others than those for whom they had been made out, those became slaves who were not so; and this was one of the worthy and honourable motives which the Marquis had for abandoning his system.

But it is not sufficient, as I have said before, that the census do not contain more than it ought to contain,—it is necessary, also, that it do not contain less; and for this it is necessary to make it in such a manner that all the proprietors of slaves may have a most lively interest in inscribing those that belong to them. And for that there will be two means, one more effective than the other. One of the means might be the fine imposed on the proprietor who should omit to inscribe a slave. But is this means sufficiently effective? Might there not be another more certain? That other more certain means would undoubtedly be to declare the negro free who should not be inscribed, for in this way not only would the owner of the slave have an interest in the inscription, but the negroes themselves who had been unlawfully reduced to servitude would also have an interest in not being inscribed. Wherefore it is necessary to reconcile the interest of the negro with the interest of the proprietor, as they are reconciled in this case, in order that those who ought to be inscribed may never fail to be inscribed.

This is why the Committee has considered the declaration of the freedom of the slave who is not inscribed to be preferable to a simple fine imposed on the owner who omits to inscribe.

There is, then, gentlemen, no means more effective than the census for the prevention of the Traffic.

And this is not the first time it has been established as a means for the repression of the Slave Trade.

I must remind the Senate that, in England, after the Traffic was abolished and punished with pecuniary penalties in 1807, and after the repetition of the prohibition and the punishment of its infringement by personal penalties in 1811; in 1819 recourse was had to the establishment of a census of the whole of the slaves as the most effective means of repressing the Slave Trade. This census which was to be formed in the Colonies had to serve as a proof, not only of the condition of the slaves, but also of the proprietorship over them.

The originals of this census were to be kept in the metropolis, and every slave who was not inscribed in the census could neither be transferred nor made a security.

Let the Marquis of the Havana observe, then, that what the Committee proposes is at least not a new and unusual thing; it is a thing which has been tried in another

nation very experienced in this class of questions, and which certainly gave an excellent result.

So that it is not strange that the English Government, which already had this experience of its own in regard to the effect which a census could produce in repressing the Slave Trade, should receive in the manner which it did receive the Royal Decree of 1854 for the establishment of a census of the slaves in the Island of Cuba; for I remember that, in giving thanks to the Marquis of the Havana for the establishment of the schedules, they were given under the idea that, by such means, the establishment of a real civil register might be attained, as well as the full and complete execution of the Royal Decree of March 22, 1854, which established the said register.

There is, then, no means more effective than this. And so the Spanish Government after having prohibited the traffic, after having concluded two Treaties for this purpose, after having tried the execution of the Penal Law of the year 1845, convinced that all these purely repressive means were insufficient for the attainment of the object, published the Royal Decree of 1854 to which I have before made allusion.

In this Decree, gentlemen, a census was established similar to the one of which the bases are the subject of Chapter III of this Project of Law. In it were established the enrolment of the slaves on inspection of them, the freedom of those not inscribed, the nullity of the deeds and contracts relative to those slaves who should not be inscribed: and lastly, the same bases as are now submitted to the deliberation of the Senate.

Señor Pastor told us on the first day of this discussion, that he feared that the census which we now propose would have the same result as that ordered to be made in 1854. What were the obstacles which that measure then met with? The Marquis of the Havana relieves me partly from the trouble of enumerating them.

The first obstacle which this measure encountered was its own efficiency. The slavers, those who had an interest more or less direct in the Slave Trade, those who in good faith believed that the Island of Cuba would be ruined without the Traffic, saw quietly the passing of the Treaties of 1817 and 1835, the Royal Letters-Patent of 1817 making the Traffic Penal, and the Penal Law of 1845, and they never opened their lips. But when they saw that a new measure was ordered, one that did not impose penalties, but which, in their opinion, must be very effective in attaining its object, they showed themselves much alarmed and hostile. The Marquis of the Havana told us the other day that he also encountered grave difficulties with this measure in the political circumstances which were then affecting the Island of Cuba. He found himself, in fact, with an annexation conspiracy, and with conspirators who, taking as a pretext certain measures ordered by the most worthy Marquis de la Pezuela, relative to marriages between persons of distinct races, to the wages of the emancipated, and to the reward due to the informers against negroes unlawfully reduced to servitude; taking, I say, these measures as a pretext, and likewise the census, which it was then attempted to bring into operation, they calumniated the Government and the excellent authority which commanded there, characterizing them as abolitionists, and accusing them of preparing to declare the freedom of the slaves. It is not strange that these calumnies, dexterously made public, produced a certain inquietude and perturbation in the minds of the people.

Finally, this measure also encountered another obstacle, which the Count de Cheste has confirmed. The Count assures us that if he had remained in the Island of Cuba the census would have been carried into effect; the Count did not remain, he could not order more than the first preparatory arrangements for the census, and for that reason it is clear that it could not be carried into effect.

(*The Count de Cheste.*—I ask to speak in answer to a personal allusion.)

These, gentlemen of the Senate, are the obstacles against which that measure was dashed to pieces.

I shall not maintain that the establishment of the census under those circumstances was a thing of absolute necessity. I believe, on the contrary, that considering the circumstances (better understood now than then) in which the Island of Cuba then was, it would have been preferable to suspend the execution of that Royal Decree. I declare, likewise, that the worthy General Pezuela, in adopting certain arrangements in order that the first operations of the census might be carried into effect with a certain lenity, with but little rigour, did well; perhaps he would have done better in suspending the execution of the Royal Decree and reporting thereon to the Government. The Marquis of the Havana likewise did well when he suspended it, for so critical were the circumstances that they were certainly not the most appropriate for carrying into effect a measure of such importance.

But are the circumstances of the Antilles the same now? Do these obstacles against which the Royal Decree, ordering the establishment of the census, was dashed to pieces

in 1854, exist now? Is public opinion in our Antilles in regard to the Slave Trade, the same now as it was then? Is there an annexation conspiracy disposed to avail itself of this as of any other pretext to attain its end? The Senate has heard the worthy orators who have spoken before me in this debate agree, firstly, that opinion in regard to this point has notably changed; secondly, that annexation conspiracies are not now to be feared in consequence of the change which the institution of slavery has undergone in the United States.

If, then, opinion has changed on this point; if those conspiracies are not to be feared, do the obstacles now exist which in 1854 opposed the realization of the census? Certainly not. But the Marquis of the Havana says, now, that if, indeed, those obstacles or inconveniences which the measure might have encountered in 1854 do not exist, yet, perhaps, a disturbance among the negro race might be feared, particularly among the slaves. The Marquis fears that having to go on to the estates to inspect the negroes who are to be enrolled, an opportunity might arise for them to rebel and demand their freedom. This idea, gentlemen, is completely new to me; I have been for a considerable time thinking over and discussing this matter with many persons, and from no one have I heard an idea of this kind. I have conversed with different persons from the Island of Cuba, with the owners of slaves, with the persons most interested in averting this danger which the Marquis fears, and no one has said anything like it to me. I have heard, from these persons, that the visitation of the estates for the inspection of the negroes and to see whether there are any fresh ones among them, is a thing that is frequently done by the tribunals without danger of the slaves rebelling. This is what I have heard from competent persons; I distrust myself in this question of pure fact, but I must bow in such questions to persons who have passed all their life in that country, and now bear witness to what happens there.

Besides this, is the number of slaves in the Island of Cuba so large that we should now fear an insurrection? Are they so organized that there can be any such danger? I do not believe they are. Then, gentlemen, the obstacles which prevented the establishment of the census in 1854 do not exist now.

But the principal inconvenience which the Marquis of the Havana finds in the proposed measure, is the impossibility, according to the Marquis, of effecting a simultaneous enrolment. Señor Pastor also spoke of the simultaneous enrolment on the first day of the discussion, and said that he believed it impossible.

Gentlemen, has not the Article which treats of this enrolment been read? Has not the whole Senate heard that it is not proposed that the enrolment should be rigorously simultaneous? The Article says that it shall be simultaneous in the greatest number of estates or of villages that may be possible in the estimation of the Government, and taking care that it be not done in a way that would allow of slaves being enrolled where they did not belong. This is what the Project says; and, as a matter of course, all the arguments founded on the rigorous and absolute simultaneousness of the enrolment fall to the ground, for they are founded on a statement completely inaccurate. Simultaneousness is to be wished, it would be desirable; I should like that all the slaves of the Island of Cuba could be enrolled on a given day, at a given hour; but if there are not material means to accomplish that end, we must endeavour to accomplish it as far as possible; let us do it all as simultaneously as it can be done, for simultaneousness is a warranty of accuracy.

It appears to me also that the Marquis of the Havana forms a very erroneous opinion of this operation of enrolment; it seems that the Marquis supposes that those who have to enrol have to go from estate to estate, not only looking at slave after slave, but also themselves personally making out the roll for each one. This, as the Senate observes, is not necessary to secure the accuracy of the census; it is sufficient, as the Senate understands, that the schedule or roll be sent some time before, leaving the spaces blank, which the owner ought to fill up, and going on a day appointed to receive the roll, compare the account of the slaves included in the spaces, and correct anything that may want correcting. This is the whole operation. If it is not done so, if it is left, as the Marquis of the Havana wishes, to the masters of the slaves themselves to form the list as they may think fit, I have already said what will happen; a false census will be made, the census will contain much more than it ought to include, and will produce a result completely contrary to what we propose: far from repressing the crime, it will facilitate the commission of it.

For this reason, the Commission does not say either who has to send the rolls, who has to collect them, nor the day upon which the operation is to take place; all this remains for the arrangement and the approval of the Government. If it believes that it

will be better to employ special delegates for this service than the local functionaries, the Government will appoint them without any impediment from the law.

But the Marquis of the Havana says that there is a district in which there are 30,000 slaves, and the Marquis says, how can the inventory of all those persons be made and their enrolment effected in a single day? Gentlemen, I recollect that not long ago, in one single day 17,000,000 of inhabitants were enrolled in Spain. The Marquis will tell me that the operation is not exactly the same; that, here, it was sufficient to collect the papers to form the enrolment of the inhabitants, and in order to form that of the slaves it is necessary besides to compare the lists. But is there no difference between 17,000,000 of individuals and 368,000 negro slaves, which is the number of those in the Island of Cuba? 368,000, gentlemen, there are in Cuba. Supposing then, that one person could enrol 100 slaves in a day, proceeding in the operation, as I said before, not filling up the enrolment, but collecting the rolls and comparing them; supposing that one person could enrol only 100 in a day, with 368 persons capable of performing this operation, the census would be made in ten days. Are there not 368 persons? Are there 134? Then with 134 persons it will be made in twenty days. And are there not in Cuba 134 persons who could be entrusted with the service of collecting the lists and comparing them on the estates where the slaves are distributed? I, gentlemen, cannot believe this. What idea are we to form of that country? Where is its enlightenment, where are its riches and its means of prosperity? What country is it? Of employés only, three times the number are at disposal; and let it be considered that this operation takes place once only, and is not to be repeated; and that consequently, by making an effort, a number of individuals may be collected necessary to insure a good result.

And let it not be said that there are mills that have a considerable number of slaves, and that it would be difficult to perform the operation in them with the requisite exactness; for I must remind the Senate that although there are some mills which have a considerable number of slaves, they are exceedingly few. Those 368,000 slaves of the Island of Cuba are distributed over 32 districts; of these only 6 have 20,000 or more negroes. The Senate sees, then, that it is not such a difficult thing; it may be somewhat laborious, but is it impossible, is it necessary and important? For if it is not impossible, if it is necessary and important, the Government is bound to do it.

The Marquis of the Havana leaves for the regulations all or nearly all that which the Committee includes in Chapter III of the Law; and I am going to show to the Senate and to the Marquis that what he wishes on this point is completely impossible.

What is it that this Chapter III of the Law contains? In the first place, the principle of the census. The Marquis of the Havana agrees with the Committee that this principle should be laid down in the Law, and therefore I need not trouble myself about that.

It contains, likewise, the essential conditions for making the census correct; and it appears to the Marquis of the Havana that those conditions ought to be left for the regulations. I, gentlemen, do not understand how, when the Law establishes an institution of such importance as that of the census—an institution which has to produce civil effects so transcendental as those are which refer to the civil condition and to property—it can be left to the regulations to determine the essential conditions of that institution.

I, gentlemen, do not recognize this: in order that the census should be correct, it is necessary that it should be founded on an enrolment. I have already shown this, therefore this is an essential condition. For the census to be true, it is necessary that it should contain neither more nor less than what it ought to contain; for this reason are included in the project of law which we are discussing the Articles which treat of the description of the slaves, of their numeration, &c. For this reason, those conditions upon which it depends—whether the census be or be not what we propose—cannot be the work of the Regulations; it is requisite they should be that of the Law, otherwise it is to make a law the existence of which depends on the regulating arrangements.

What more does Chapter III of the Law contain? The civil effects which the census is to produce; and these civil effects are the declaration of the liberty of the negro who is not inscribed, and the declaration of the nullity of the act or contract relative to the authority over the one who is not inscribed. And, gentlemen of the Senate, are these most important transcendental effects to be left to the Regulations? Can the property of individuals be disposed of in the Regulations? Can it be said in the Regulations that "he who does not inscribe his slave shall lose that property?" It is requisite that the Law should say that; that can never be left to the Regulations.

Lastly, Chapter III of the Law contains the penalties which are to be incurred by those upon whom the Law imposes the obligation of enrolling the slaves, of registering

them, of forwarding the documents concerning their inscription, if they are guilty of any falsity in any of these operations. These penalties, gentlemen, ought to be heavy; they must not fail to be so; for, besides that the subject of them is a falsification, it is of such a nature that it affects, or may affect, the civil condition of the persons; and it is, moreover, a falsification committed in a public document.

On the inscription or non-inscription of a slave in the census, it may depend whether a man be free or not. Ought not the penalty to be heavy for him by whose fault any one is inscribed who ought not to be inscribed, and *vice versa*? On the inscription or non-inscription, in the census, of a deed or contract relative to the authority over the slave, depends or may depend whether any one loses the property which he had. Ought the penalty to be light which is imposed on him who commits this crime? Then if the penalty is to be heavy, how can the Marquis of the Havana wish that this should be the work of the Regulations? Can such important personal penalties be imposed by the Regulations?

If, then, what Chapter III of the Law contains is the principle of the census, its essential conditions, its most important civil effects, and the penalties which are imposed on those who commit any crime in it, it is clear that all this is essentially the work of the Law, and never can be that of the Regulations.

What can the owners of the slaves say against these measures? What can they complain of? Perhaps their property is not lawful, is not a warranty about to be offered to them which now they have not?

If a warranty is about to be offered to them, if their conscience is easy in lawfully possessing what they do possess, what can they say against these measures? And if they do not afford the Government the assistance necessary to carry them into effect, if they elude the enrolment of the slaves and their inscription in the census, what answer could the Government give them? I would answer, "How can you require us to acknowledge and protect a property of which you do not give us information? How can I protect what I do not know? The first thing that the law requires in order to grant its protection to a property is that it should be known; let the owners of slaves inform me of those whom they possess, where and how they have them, and I will grant them my protection." Therefore they may say what they like against these measures, they may show their alarm who see in them the depreciation of interests not very legitimate, it may happen that some one may consider himself injured by these measures; but certainly it will not be he who never proposes to engage in the Slave Trade, or to buy negroes fraudulently introduced.

Lastly, this measure is the more necessary, as I believe that by it the existence of slavery might perhaps be prolonged much more than is supposed.

What is most odious and repugnant in that institution is the assistance afforded to it by the Negro Traffic. Thanks to this Traffic, it has been promoted and preserved in an unlawful manner; but this Traffic being condemned by all civilized nations, and slavery no longer existing anywhere but in our Antilles, do not, gentlemen of the Senate, believe that it would be a means of protecting it, of maintaining it, to deprive it of that which contributes most to make it repugnant and odious.

Well, then, that is also what the Committee proposes in this Project of Law. Let the proprietors of the Island of Cuba understand that if they wish to preserve their slaves, it is necessary they should have them acknowledged, and if they wish to put off the day of a great conflict, it is necessary that they should abstain from that unworthy Traffic in human beings; but let them prepare themselves in this manner for what may happen one day, keeping in mind that the greater the number of the slaves the greater will be that conflict, that catastrophe; and that the only way to exorcise it will be to continue decreasing the number of slaves, so that when that day comes their interests may suffer but little, or may not suffer at all, because the solution of the problem will be easy.

On the contrary, this problem will be insoluble if slavery continues augmenting, and if in consequence thereof, on the day when that great event arrives, it is impossible for the Government of Her Majesty to give any kind of assistance to those who may be despoiled.

*The Count de Cheste.*—Señor Cardenas has asked me if I think the system of registering slave-property in the Island of Cuba possible. I believe it possible, and I did not find any difficulties, as has been said, in beginning it; I suspended it because I had not the necessary time to carry it out, and I did not in the least meet with that pronounced public opinion against such a measure; on the contrary, the proprietors of the island all promised to assist me in that enterprize.

I believe it was as easy then as it is now; the opposition to be encountered will always be that of the slave-dealers; it was they who produced that false public opinion



which became alarmed in the Island of Cuba, and particularly in the city of the Havana.

When I left the Government of the Island of Cuba public order was perfect everywhere, all aided in the execution of the orders of the Government; from the slave-dealers alone have I always encountered that implacable opposition. The remedy for all this is precisely in the register; if that register is not made, the African Trade will continue in the same manner. I have tried this register myself in fulfilment of Article 9 of the Law of 1845. I have gone on to the estates and met with no resistance of any kind. The first enrolment may offer some difficulties which authority must overcome, for which it has in my opinion ample means in the law and in the great influence which authority exercises in that country.

It is not necessary for me to enter into an explanation of the fitness or unfitness of this law. I considered it fitting then. It is said that it is more so now; but it is always fitting to obey and to fulfil the laws.

The law already commands the repression of the Slave Trade and entrance on to the estates for inspection.

And I did this—I fulfilled this legal resolution; that is shown by some documents which I read to the Senate the other day, and I then said that it was my lot to collect 4,000 slaves in about the space of nine months. If this way of carrying out the law had continued—

*(The Marquis of the Havana requests leave to speak.)*

If my worthy successor, General Concha, had not had a special command, as he has told us, which prohibited him from understanding the law as I understood it, it is easy for gentlemen of the Senate to understand that with 5,000 negroes a-year, for I add 1,000 for the three months that were wanting to complete the year, the Slave Trade would have disappeared. That is the secret to which the Senate ought to see that a remedy is applied.

The registration of that property is an indispensable necessity. To talk of repressing the African trade, and not to proceed to verify the negroes which an owner may legitimately hold, in order thus to ascertain those which may have entered as contraband, that is not to wish its repression heartily.

I am very sorry that my worthy successor did not go on with that idea which he had; perhaps it is a mistake of mine, but I believe that if he had gone on with that system there would be no African trade now.

I think the registry indispensable; that it is a necessity even of decorum, and even a statistical necessity, for the Government cannot know the general riches of that country without knowing the private riches of every one of its inhabitants. It is true that this investigation and verification is resisted everywhere, but to overcome the difficulties which this act offers, until the completion of the first enrolment, is necessary and ought to be done.

*The President.*—Señor Senator, on account of the peculiarity of the case, I beg to interrupt you, and to request you to be as brief as possible.

*The Count de Cheste.*—I have done.

*The President.*—The Marquis of the Havana has now to speak.

*The Marquis of the Havana.*—Gentlemen, I am sorry that the President did not allow the Marquis de la Pezuela to continue, although what he has said is sufficient to make it necessary that I should approach the question to defend myself from the charges he has made.

The Marquis de la Pezuela has said that if I had continued the system adopted by him the Slave Trade would have been definitively at an end. The Senate will understand that in this there is a most grave charge which I ought to disprove.

*(The Count de Cheste demands to speak upon a personal allusion.)*

Gentlemen, I must begin by declaring that when I took upon myself the supreme government of the Island of Cuba, I proposed to myself to examine the arrangements that had been adopted to carry into effect the registry ordered by the Royal Decree of the 22nd March, and I did not find that the execution of this registry had been begun. I believe that the Count de Cheste doubtless did not well understand the state of opinion in that country, and that he imputes now to those only who are called slave-dealers the opposition which was made to that Royal Decree.

I am very sorry that I have not at this moment a document published in the State of New York, of which I intended to make use. I refer to a report of the Revolutionary Assembly of New Orleans, now dissolved, in which are explained all the events of 1854, and in which some of the letters which the revolutionary club of the Havana addressed to that of New Orleans, are copied by Don Domingo Ecuria, Secretary and Treasurer of that

assembly. In that most remarkable document which I have in my possession, though not here, it may be seen what an immense advantage the conspirators took both of the registry and of the arrangements which the Marquis de la Pezuela made for the purpose of repressing the Negro Traffic.

So that what the Marquis has said is not accurate. The truth is, that when the Marquis left the command of the island, it was apparently in a state of tranquillity, but in reality it was passing through a very grave perturbation.

A fortnight after reaching the Havana (I shall have to give a history of that period, if the President will allow me, although it will be going somewhat beyond the limits of the subject of the debate; but as it is a question of personal defence, I ought not to be deprived of the means of making it), a fortnight I say after arriving at the Havana two American vessels appeared at Baracoa, in which came six young Cubans; there were also seized 200 carbines, a flag of what they wanted to call the Cuban Republic, bonds of the New Orleans Assembly, and some important documents. I have in my possession the private instructions of the Secretary of the New Orleans Assembly to young Estrampis who came in the expedition, which prove that it had started before General Pezuela had left the island, supposing that the agitation then prevalent there was favourable for a *coup de main*. It is a known fact that the young Estrampis confessed the motive of his landing in the island, and that I had to my great regret to carry out the sentence which condemned him to death.

It was not long after that the assassination of Castañeda took place,—it was he who had arrested Lopez; and, because the assassination was effected at 4 in the afternoon, as well as from other circumstances connected with it, every one gave it the character of a political assassination.

Thus, then, I understood that the situation in which the island was at that time was exceedingly grave, because in no other way could I account for six young Cubans coming with arms to raise a rebellion against Spain.

Things being thus, one day there came to me a Spanish deserter from the garrison of Ceuta, who had emigrated to New Orleans; he came to tell me that an expedition of 6,000 men had been organized; that they were assembling in the United States; that funds had been raised and everything prepared, and that within a fortnight the vessels were to leave Mobile and New Orleans, and that there was to be, at the same time, a general rising in the island. Was this correct or not? There are those very manifestoes which I am sorry not to have here now, but which I shall publish, which plainly prove that what was then told me was correct. By reason of this denunciation I could watch the persons compromised in the conspiracy, I made the necessary military arrangements with the greatest secrecy, I prepared for this immense danger which menaced us, and at the moment when the expedition was to be carried into effect I had all the inhabitants of the island implicated in it seized at once and on the same day. On the arrest of Don Ramon Pinto, who was engaged in the movement, there was taken from him a list of forty or fifty persons who were to be commanders-general of the districts when the rebellion should break out, and other documents which showed that the conspirators had received more than 10,000 carbines. Well, then, the Senate will judge if the situation of the island when I took the command of it was or was not grave, most grave.

And I have proofs of this in public documents, and in what I said here the other day, stating that 800,000 dollars had been expended, as is shown by the accounts transmitted by the Consul of the United States. Those documents would also prove that four frigates had put to sea with the armament, to receive the men of the expedition at a given point; and that when General Quitman was going out to put himself at the head of the expedition, he had to desist in consequence of the arrests made at the Havana and the other arrangements which I had made,—the most important being that of arming twenty battalions of volunteers, and having arrested those implicated in the expedition. When this came to nothing, General Quitman desisted, and at the same time the Revolutionary Assembly of New Orleans was dissolved.

Is there, then, any foundation for saying that when I took the command of the island it was in a state of tranquillity?

*The President.*—Pardon me, Señor Senator, you have given the honourable history of the first period of your command in Cuba, and I beg you not to proceed any further in this matter; I have also to make the same request to my private friend, the Count de Cheste.

*The Count de Cheste.*—Señor President, I have received an offence—

*The President.*—I have seen no offence offered to you, nor have I seen any offered to the Marquis of the Havana. I think, however, that this personal debate ought to conclude.

*The Marquis of the Havana.*—I have only estimated the political situation of the Island of Cuba when the Count de Cheste left the command, and this I was obliged to do by the statements of the Count; but as the Count has also made the charge against me, that I might have put an end to the Negro Traffic, I am obliged to clear myself of this charge, and to show its want of foundation.

*The President.*—Señor Marquis, I had the honour to command three years in the Island of Cuba after you; the charge is made against me, and I confess I do not take offence, although I am as sensitive as any other Senator. I was there, I repeat, three years, and, in spite of all my efforts, I could not put an end to the Negro Traffic.

*The Count de Cheste.*—I had authority to apply Article 9 of the Law with the registry according to my pleasure. This is what placed me in a better situation than my predecessors and my successors. If the Marquis of the Havana has chosen to take offence at that, I think the Senate will judge that his complaint is quite unfounded; it is clear that the Marquis of the Havana could not exercise the faculty which I held, and which he did not reckon upon.

In regard to the state of perturbation in which General Concha says he found the island when he took the command of it, I must say that the statement is not accurate. That perturbation was produced after the revolution of 1854, and arose from the multitude of proclamations and documents which went out in the same vessel as the General, and which were spread about on the arrival of the Marquis of the Havana in the island; and on some of the estates there was seen a portrait of the Marquis with a constitution in his hand, saying that it was the one which the Queen had given to that country through the mediation of General Concha. The perturbation was not caused by the Marquis, it was caused by the revolution here.

While I had the command of the island, there was nothing of that; I certainly had to repress and punish some crimes, but no perturbation or conspiracy.

*The Marquis of the Havana.*—If the President will allow me, I have to say a few words; for, according to what the Count de Cheste says, it appears that it was I who caused the revolution of Cuba. (*The Count de Cheste.* I did not say that.) Those documents to which I have referred before prove that in the month of May 1854 an expedition of 2,500 men was to have landed, for which all kinds of resources were provided; and that those same persons who denounced the revolution had been raising money at New Orleans since the month of April, consequently at a date anterior to the revolution which took place at Madrid in July, and anterior to my arrival in Cuba.

Having done with this matter, into which I felt myself obliged to enter, I proceed to correct some of the opinions enunciated by Señor Cardenas in his speech.

Señor Cardenas said, in the latter part of his peroration, that the spirit of the amendment which I have submitted may be in some way contrary to the unanimous desire of putting an end to the Negro Traffic which we have all shown. The Committee considers that the result of the census would be more certain if made in the manner laid down by it, than it could be if it were made according to what I have proposed. Does not Señor Cardenas believe that the proprietors could put into the census a greater number of negroes than they really had, whether the census were made in one way or another? Nevertheless they will not do so on account of the penalty which the law imposes on whoever includes in the census a greater number of slaves than he has.

I want the census as the Committee wants it. What I do not want is, that the census should serve to form what is called a civil register. To attain the end which we have in view, what I propose is sufficient.

Let us not forget that now there is no one in Cuba nor anywhere else, not even in England—the nation most earnest in what we are doing to put an end to the Traffic,—who does not understand that the Government is determined to have done with it, and that this Law will, in fact, put an end to it. The greatest danger is, not that the spirit of this Law should be misunderstood in Cuba; what I fear most is, that the coloured people may be mystified by those who are always on the watch for opportunities to create conflicts in the island; by those who may spread amongst the negroes what is said by some of the periodicals published in Madrid; by those who, according to what has passed recently in consequence of the ovations which a public writer of liberal ideas has received, have caused the belief to be propagated amongst the negroes, that that public writer was commissioned by the Queen to give freedom to the slaves.

I think the Senate is quite weary of this discussion; and as, against my wish, I have been doubly troublesome on account of what has arisen here, I do not wish to urge further the reasons which I have already given in support of my amendment.

*Señor Cardenas.*—I ask to speak for the purpose of explaining.

*The President.*—You are at liberty to speak.

*Señor Cardenas.*—I think with the Marquis of the Havana, that the Senate is quite tired of this discussion; I shall therefore confine myself to the explanations most necessary.

It is not correct, as the Marquis of the Havana asserts, that the termination of my speech was intended to show that the Marquis did not wish for the repression of the Slave Trade; the Senate knows that the latter part of my speech was directed solely to calling its attention to the interest which the owners of slaves ought to have in the formation of a correct census of them.

The interpretation which the Marquis of the Havana has put upon the spirit and the tendency of the latter part of my speech is not correct.

The Marquis of the Havana has given me an argument of which I had not wished to avail myself before, although in an opposite sense, because it appeared to me somewhat trivial. The Marquis said, if the number of the negroes of each estate can be increased with the sworn depositions, can they not also be increased with the enrolment by virtue of depositions? I had thought before of asking the Marquis whether the negroes on the estates might not be increased much more easily when they were made known solely by the sworn depositions of their owners, than when, besides these sworn depositions, there had to be the verification of the rolls with the negroes themselves? If there was facility in one case, there was much more in the other. The way to prevent crimes is to render them difficult; and for the same reason that the Marquis mentioned, I think that the sworn depositions are not sufficient, because it will be more difficult to increase the negroes when those depositions are subject to a verification to be made by those employed for the purpose, than when they are left entirely to the pleasure and will of the owners of the slaves.

I do not think that the Marquis of the Havana made any other observation in his last explanation; I sit down, therefore, requesting that the Senate may be pleased to vote the Article under discussion.

The question being put, whether the amendment which had been debated should be taken into consideration, the Senate resolved in the negative.

The discussion upon the Article having been opened, and no Senator having asked to speak against it, it was approved without any debate; as were likewise the remaining Articles up to 46, now 47, the last of the project; the definitive vote was suspended.

[After some other business had been transacted,]

The Minute of the Project of Law for the repression and punishment of the Negro Traffic was read, and it was declared conformable to what had been agreed upon, and was definitively approved.

#### Inclosure 2 in No. 142.

*Project of Law, approved by this Co-legislative Body, for the Repression and Punishment of the Traffic in Negroes.*

To the Congress of the Deputies.

THE Senate, taking into consideration the motion of Her Majesty's Government, has approved the following

#### PROJECT OF LAW.

##### CHAPTER I.—*Of the Crimes which are the subject of this Law, and of their Penalties.*

Article 1 constitutes as crimes for the effects of this Law:—

1st. The armament of vessels and any other operation in them in order to design them for the Traffic in Negroes, as well as the voyage of those vessels to the coast of Africa, whatever flag they may show.

2ndly. The acquisition of fresh negroes out of the Island of Cuba, Porto Rico, or those adjacent, and their transportation to these islands or to any other place.

3rdly. The introduction of the said negroes into the islands referred to, or the presence in the waters of their jurisdiction of vessels with cargoes of fresh negroes.

Art. 2. The following shall be considered as perpetrators of the crime:—

1st. The owners, outfitters, consignees, captains, supercargoes, mates, and boat-swains of the vessels which are destined or which shall be destined for the Traffic in Slaves.

CLASS B.

2ndly. The owners of the cargoes and the capitalists on whose account the slaving expeditions may be made.

3rdly. The individuals of the crew of the vessels who on being captured should be found in the conditions expressed in Article 20.

Art. 3. The following shall be considered as accomplices :—

1st. Those who either previously to or simultaneously with the Penal Act may have taken part in the armament or other operations referred to in the first number of Article 1, respecting vessels destined or which might be destined for the Traffic in Negroes.

2ndly. Those who co-operate in the perpetration of the crime on the continent of Africa, or in the Colonies of the Gulf of Guiana, or in the Islands of Cuba, Porto Rico, or those adjacent to them, by watching the coasts, giving notices to favour the abstraction of the negroes, or assisting by any other means, direct or indirect, in the success of the enterprise.

Art. 4. The following shall be considered as concealers :—

1st. Employés, of whatever class or rank, who, having information of the armament or preparation of vessels destined for the Traffic, or of any of the acts mentioned in Article 1, do not give timely notice to the authorities.

2ndly. All those who, after the landing in the Islands of Cuba or Porto Rico has taken place, conceal the fresh negroes, favour their introduction on to the estates, procure them false documents of inscription, facilitate their sale, or become possessed of them in any way whatever.

3rdly. The owner, tenant, or administrator of an estate in the Islands of Cuba, Porto Rico, or those adjacent to them, whereon shall be found one or more negroes whose inscription in the register is not duly proved, unless the exception mentioned in the second number of Article 19 be pleaded and established.

4thly. The foremen and overseers of the same estates, if they should not have given information to the nearest authority of the introduction of the fresh negroes within twenty-four hours of its having taken place.

Art. 5. The armament and the other operations referred to in the first number of Article 1, in regard to vessels which are destined or which might be destined to the Traffic in Negroes, and the departure of the said vessels from Spanish ports for Africa, shall be punished with the penalty of forced labour for the shorter term and a fine of from 20,000 to 40,000 crowns.

Art. 6. The acquisition of fresh negroes without the Islands of Cuba or of Porto Rico, for the purpose of introducing them into the said islands, and the transport of those negroes to any place, shall be punished with forced labour for the longer term, and a fine of 1,000 crowns for each negro, and in no case shall this fine be less than 60,000 crowns.

Art. 7. The presence of vessels with a cargo of fresh negroes in the jurisdictional waters of the Islands of Cuba, Porto Rico, or those thereto adjacent, and the introduction therein of the said negroes, shall be punished with the penalty of forced labour for the longer term, and a fine of 2,000 crowns for each negro, on board the vessel or disembarked, but in no case shall the amount of the said fine be less than 100,000 crowns.

Art. 8. The amount of the fines shall be exacted from those who are answerable for the crime in the proportions to be determined by the tribunals.

The perpetrators shall always be responsible for their respective shares, and, besides, for those of the accomplices and concealers, saving the reciprocal reimbursement among them for their respective responsibilities.

The accomplices shall be conjointly responsible among themselves, and subsidiarily for the shares of the perpetrators and concealers.

The same rule shall apply in the case of the latter in regard to their shares and those of the perpetrators and accomplices of the crime.

Art. 9. The following shall be punished with death :—

1st. The captains, mates, supercargoes, and boatswains of the slaving vessels which make armed resistance on the coast of Africa, on those of Cuba, or Porto Rico, or on the high seas, to the ships of war charged to pursue them.

2ndly. The said captains, mates, supercargoes, and boatswains of vessels which land their crews to obtain or bargain for fresh negroes, or to protect or effect their introduction, and which make armed resistance to the forces of the ships of war, which go on shore to prevent the abstraction of the negroes, or to the public force on the coasts, or in the interior of the Islands of Cuba, Porto Rico, or those thereto adjacent.

Art. 10. The seamen and the other individuals of the crews of the slaving vessels,

not included in the preceding Article, shall be punished with imprisonment for life in the cases to which the said Article refers, if there should be bloodshed in the resistance, and if not with temporary imprisonment.

Art. 11. When it shall be found on capturing a slaving vessel that there has been a mortality among the fresh negroes on the passage caused by a want or great scantiness of food and water, from the supply having been inadequate to the number of negroes taken, or arising from infection or asphyxia produced by the disproportion of the number of negroes on board to the capacity of the vessel, or by other causes which ought to have been foreseen and could have been prevented, the persons named in the first number of Article 9 shall be punished with penal servitude or temporary imprisonment, according to the number of the deceased and the other circumstances of the case. In the application of this punishment the tribunals will proceed according to their judicious criterion, which is determined in the Penal Code in regard to rash imprudence.

Art. 12. Acts of violence against the fresh negroes, resulting in homicide, or injuries more or less severe, as well as any other punishable harm unnecessary to accomplish the abstraction, or to effect the security of the said negroes in the power of those who have charge of them, shall be punished as crimes connected with the penalties assigned in the Code.

Art. 13. The perpetrators, accomplices, and concealers of the crimes to which this law refers, shall suffer the penalties which it appoints, subject to the provisions in section I, chapter iv, title 3 of the first book of the Penal Code.

Art. 14. The personal punishments imposed in accordance with this law shall be undergone in the Spanish prisons out of the Antilles, and shall be inflicted with the proper accessories, and in conformity with the rules of the Penal Code. If the condemned should not possess property to satisfy the pecuniary penalties, he shall suffer correctional imprisonment out of the Antilles by way of substitution and amends, reckoning 3 crowns for every day of imprisonment, but so that it shall never exceed two years.

Any one condemned to four years' imprisonment, or to other more serious punishment, shall not suffer this stress.

Art. 15. Besides the penalties appointed in the previous Articles, the slaving-vessel, with all the articles and valuables found on board of it, shall be confiscated:—

1st. When the capture of the ship shall have been made in the ports of the Peninsula, or of the Islands of Cuba or Porto Rico, or of the possessions in the Gulf of Guinea, in a state of construction, preparation, or armament wholly or for the most part complete, but before it has set sail.

2ndly. When the capture shall have been made by Spanish ships of war in the Mediterranean Sea, or in those of Europe beyond the Straits of Gibraltar, extending to the north of the parallel of 37° north latitude, or to the eastern part of the meridian, situated at 20° west of Greenwich.

In other cases of capture made by Spanish ships of war on the high seas, the captured vessels shall be taken to the Havana, or to Sierra Leone, as the case may be, for the purposes stipulated in the Convention concluded with Great Britain in 1835.

Art. 16. The following shall be considered as aggravating circumstances for the purpose of applying the severest degree of punishment:—

1st. The perpetrator, accomplice, or concealer of the crime being a public functionary, always provided that he is not included in the fourth number of Article 2, nor in the first number of Article 4.

2ndly. Resistance to the authorities or to the armed force, after the landing of the fresh negroes has taken place.

3rdly. The other circumstances which may deserve this character, according to the Penal Code.

Art. 17. Those circumstances shall be considered as extenuating which may deserve this character according to the Penal Code.

Art. 18. The application of the penalties, in regard to aggravating or extenuating circumstances shall be made in accordance with the provisions in the 2nd section, chapter iv, title 3, of the first book of the Penal Code.

Art. 19. The mates, supercargoes, boatswains, mariners, and the rest of the crews of the slaving-vessels shall be exempt from the penalties assigned in Articles 9 and 10 when, at sight of the ships of war which are lawfully pursuing them, they disobey the orders of their chiefs by refusing to take part in the armed resistance, and by facilitating their own capture.

The same individuals and the captains shall be exempt from all punishment if they give information of the preparation or armament of the vessel to the authorities of the place where it is going on, or to the Spanish Consuls in foreign ports, or to the Governors

of Fernando Po and its dependencies, or to the Agents of the Administration in the Islands of Cuba and Porto Rico.

They who give information shall receive 30 per cent. of the fines mentioned in in Articles 5, 6, and 7.

Art. 20. The following shall be likewise exempt from punishment :—

1st. The owners of the slaving-vessels if they prove that the vessels were employed in the Trade without their knowledge.

2ndly. The owners, tenants, or administrators of estates in the Islands of Cuba or of Porto Rico, or those adjacent, on to which fresh negroes have been introduced, if they prove that the introduction took place for the benefit of others, and without their knowledge.

This exception shall not be allowable if the owner, administrator, or tenant should have been on the estate since the negroes came upon it.

CHAPTER II.—*Of the Proceedings and of the Jurisdiction in the Actions brought on account of the Crimes mentioned in this Law.*

Art. 21. The following shall be considered as proofs of the crime :—

1st. The writings, agreements, or mercantile correspondence between capitalists, owners, outfitters, consignees, captains, supercargoes, or boatswains, for the construction, careening, preparing, or arming vessels intended for the Traffic in fresh negroes, or instructions or undertakings to make the voyage to Africa for this purpose, or the landing of the said fresh negroes on the coasts of Cuba, Porto Rico, or the adjacent islands.

2ndly. The contracts, in whatever form, for procuring and engaging with the mariners and crews of vessels intended for the Negro Trade.

Art. 22. Vessels in which any of the following signs are found shall be considered as intended for the Trade, unless the contrary be proved :—

1st. Hatchways with open net-work, or grated hatches, instead of hatchways closed with planks as usual in merchant-vessels.

2ndly. Partitions or divisions in the hold or on deck in greater number than is required for vessels intended for lawful trade.

3rdly. Planks in store or artfully prepared to form a second deck, false platform, or between-deck for slaves.

4thly. Chains, fetters, and handcuffs.

5thly. A quantity of water in butts, casks, cisterns, pipes, barrels, or other vessels, more than what is necessary for the consumption of the crew of the vessel in its character of a merchantman, and if it should be a sailing-vessel any furnace for distilling sea water, upon which a boiler of large dimensions could be placed.

6thly. An extraordinary number of water-barrels or other casks for containing liquids, unless the captain should produce a certificate from the Custom-house of the place whence he has come, showing that sufficient securities have been given by the owners of the vessel that the said quantity of barrels or casks will be only employed to hold palm oil or other articles of lawful commerce.

7thly. A quantity of mess-kettles or tubs larger than that required for the use of the crew of the vessel in its character of a merchantman.

8thly. A boiler of an extraordinary size, and of greater magnitude than what is required for the use of the crew of the vessel in its character of a merchantman, or more than one boiler of extraordinary size.

9thly. An extraordinary quantity of rice, Brazil flour, manioca or cassada, commonly called maize flour, larger than what may probably be required for the use of the crew, always provided that the rice, flour, or maize is not entered in the manifest as part of the cargo for trading.

10thly. The total or partial want of the books and other documents required by the Commercial Code and the Registration Orders, provided always that the vessel, from the place where it may have been seized, or from other circumstances, excites suspicion of its being engaged in the Negro Trade.

These circumstances shall not be considered as signs if the captain, owner, or outfitter proves that at the time of its seizure the vessel was intended for some legal adventure.

Art. 23. The slaving-vessels which may be captured by the Spanish cruizers in the seas mentioned in the Convention concluded with Great Britain, June 28, 1835, shall be taken to the proper Mixed Tribunal, in the manner and for the purposes stipulated in the said Convention.

If the said vessels should be captured in the jurisdictional waters of the Island of

Cuba, Porto Rico, or those adjacent thereto, they shall be placed at the disposal of the respective Superior Civil Governors, together with the captured negroes and those in charge of them, for the purposes mentioned in Article 26.

Art. 24. If the captured vessels should be taken to the Mixed Tribunal of the Havana and should there be declared lawful prize, the Spanish Judge President or Vice-President who forms part thereof shall send the persons taken in the vessel, who may be Spanish subjects, with a literal and certified copy of all the documents, to the Regent of the Royal Audience Court in order that the proper judge may take proceedings for the investigation and punishment of the crime in accordance with this Law. If the captured vessel should be acquitted by the Mixed Tribunal, the Spanish Judge, Arbitrator, or Deputy shall send a literal and attested copy of the proceedings to the Superior Civil Governor of the Island of Cuba, who shall immediately forward it to the Government.

Art. 25. If the slaving-vessel should have been taken to the Mixed Tribunal of Sierra Leone, and have been declared by it lawful prize, the Spanish Judge, Arbitrator or Deputy who forms part thereof shall send the persons taken, who may be Spanish subjects, with a literal and attested copy of the documents, to the Regent of the Royal Audience Court of the Canaries, for the purposes mentioned in the preceding Article.

If the Mixed Tribunal of Sierra Leone should pronounce sentence of acquittal, the Spanish Judge, Arbitrator, or Deputy shall send a literal and attested copy of the proceedings to the Governor of the Canary Islands, who shall immediately forward it to the Government.

Art. 26. All the authorities, governmental, military, naval, and judicial, of whatever class or rank, upon receiving information that the crime of introducing negro-slaves is in the very act of commission, shall immediately resort to the place where it is going on, in order to pursue and apprehend, as the case may be, the negroes and those who have charge of them, claiming for this, if it should be necessary, the aid of the public force and drawing up the first accounts of the result.

This crime is understood as being in the very act of commission when the negroes are captured in the jurisdictional waters of the Island of Cuba, Porto Rico, or those adjacent, or at the time of their landing, or while going all together or in groups to the estates where they are to be concealed, or at the time of their entering those estates, and even after they are there if this be within the seventy-two hours next following the landing, or within twenty-four from their entry on to the same estates; but subject in the last two cases to the provision in the first prescription of Article 31.

Art. 27. A special Council, under the presidency of the respective Supreme Civil Governor, or the authority to whom he may delegate it, shall declare whether the negroes captured in the very act are fresh ones or not. If this declaration be in the affirmative, the Governor shall deliver those who had charge of the negroes, the vessel, the effects, and the instruments of the crime to the proper Tribunal, in order that it may proceed to the investigation and punishment thereof.

This resolution shall be delivered clearly without form of judgment and without appeal, but after hearing the interested party, if he should request it.

The declaration of the Council shall be published in the official periodicals of the respective islands.

Art. 28. The Council mentioned in the preceding Article shall be composed of nine persons chosen by lot from ninety proprietors permanently nominated for this service by the Superior Civil Governor.

The organization of this Council and its mode of proceeding shall be determined by the Regulations. In case of equality, the Governor shall have a casting-vote.

Art. 29. The following shall take cognizance, in first instance, of the actions which are brought for transgression of this Law; and they shall decide, when necessary, as to the freedom of the captured negroes if the crime has not been in the very act of commission:—

1st. The Governor of Fernando Po, assisted by his professional Legal Assessor, when the persons such as capitalists, owners, or outfitters of vessels engaged in the Slave Trade, or when the slaving-vessel should be constructed, prepared, careened, or armed, wholly or partially, on the coasts of the Colony, or captured within its jurisdictional waters.

2ndly. The Chief Magistrates ("Alcaldes Mayores") of the Islands of Cuba and Porto Rico, in their respective districts, or the senior of them if there should be two or more, when the circumstances mentioned in the preceding paragraph intervene; or if the vessel should be captured in the jurisdictional waters of the said islands, or if the landing of fresh negroes should take place in the territory under their command, or the negroes should be introduced on to the estates included within their jurisdiction.



3rdly. The Senior Chief Magistrate ("Alcalde Mayor") of the Havana, in the case referred to in Article 23.

4thly. The Judge in First Instance at Las Palmas, in the Grand Canary, in the case of Article 24.

5thly. The Judge in First Instance in the Peninsula and the adjacent islands, or the senior of them if there be two or more, in whose jurisdiction the persons, such capitalists, owners, or outfitters reside, who engage in the Slave Trade; or if the slaving-vessel should be constructed, careened, prepared, or armed, wholly or in part, on the coasts of the territory of their respective command, or when the vessels captured in the seas referred to in the second paragraph of Article 14 should be brought thereto.

Art. 30. If two or more Judges of those mentioned in the preceding Article should simultaneously commence the investigation of any criminal act in any of its various manifestations or indications, it will be understood that they do it by way of precaution, until the definitive competency of their jurisdiction be determined in the following order:—

1st. That of the territory where the capture of the negroes and those having charge of them took place;

2ndly. That of the district on the shore of which the capture of the slaving-vessel was made;

3rdly. That of the one to the shores or ports of which the captured vessels may be taken in the cases referred to in the second paragraph of Article 28 of this Law;

4thly. That of the place where the vessels intended for the Negro Traffic are constructed, careened, prepared, or armed;

5thly. That of the domicile of the capitalists and owners of the cargo of fresh negroes.

6thly. That of the domicile of the owners, outfitters, or consignees of the vessels intended for the Trade in Slaves.

7thly. That of the domicile of the captains, officers, and crews of the said vessels.

Art. 31. The cognizance in Second Instance of the causes mentioned in Article 28 shall be by the Audience Court of the Canaries, when the Governor of Fernando Po takes cognizance in First Instance; and by the respective Audience Courts, when the Chief Magistrates or District Judges decide in First Instance, according to the provision in the said Article 28.

Art. 32. For the discovery, proof, verification, and punishment of these crimes the courses prescribed by the common laws shall be adhered to, subject, however, to the following directions:—

1st. When the crime of introducing fresh negroes is detected "in the very act," and in order to capture them, it may be necessary to enter upon the estates, the functionaries authorized to take the first steps in the proceedings may so enter and take possession of the delinquents, although they may not have jurisdiction for the cognizance of such causes; but they must be accompanied by two inhabitants, who may bear witness to their acts.

2ndly. When the crime referred to in the preceding paragraph is not detected "in the very act," it is only the Judge in the cause who can make the investigation on the estates in order to find out whether the delinquents are staying there, and whether there are any negroes illegally reduced to servitude.

3rdly. Entry is not to be made on the estates by armed force, except when the owner or his representative refuses to allow entrance upon them.

4thly. The Judges and the tribunals shall pay attention to the provisions in Rules 44 and 45 of the Provisional Law for the execution of the Penal Code.

5thly. No petition shall be admitted except when the sentence at the first examination imposes the penalty of death on any of the accused.

Art. 33. When the fines mentioned in Articles 5, 6, and 7 are imposed, and the cause should have originated in denunciation or private accusation, the denouncers or accusers shall receive 33 per cent. of the amount of the said fines.

Art. 34. The authorities and public functionaries, of whatever order and class, who may show negligence in the fulfilment of the obligations imposed on them by Articles 4, 25, and 28 of this Law, or who may not afford to other authorities the aid which they require of them for the discovery and proof of the crimes which the said Law punishes, shall be officially corrected by suspension from employment and pay for the term of six months, and upon relapse by dismissal from their posts, without in any case affecting the criminal responsibility which they may have incurred.

Art. 35. The notary or clerk who may certify any writing or public instrument for a slave not inscribed in the census, or in contravention of the provisions of this Law, besides incurring the responsibility prescribed in the common laws, and in the second number of Article 4 of the present, shall be condemned to lose his office, and the caducity and reversion thereof shall be declared if it has been alienated.

Art. 36. In the investigation and punishment of the crimes referred to in this Law, no other than the ordinary right shall be admitted, whatever may be the special right which the accused enjoy.

Art. 37. The Law of March 10, 1845, for the repression of the Slave Trade is repealed.

All previous provisions made for the same purpose are also repealed, in so far as they may not be conformable with this law.

### CHAPTER III.—*Of the Enrolment and Census of the Slaves.*

Art. 38. In order that the negroes who may be introduced in contravention of this Law may at no time be considered slaves, the Government will make arrangements for a general enrolment and the formation of a census of all the slaves existing in the Islands of Cuba and Porto Rico.

The slaves who are enrolled and inscribed in the census can never be the objects either of judicial or administrative investigation as to their derivation or their introduction into the island.

The men of colour who are not enrolled and inscribed shall, from this fact alone, be considered as free, and no proof shall be admitted to the contrary.

Art. 39. The enrolment shall be effected by means of ocular inspection of the slaves themselves by the functionaries charged with this service, on the days appointed by the authorities.

The Government, taking into account the means of execution which it has at its disposal, shall arrange to have this operation performed simultaneously in the greatest number of towns and estates that may be possible, and in every case so that only the slaves belonging to the establishment of each estate may be enrolled thereon.

Those who have to make the enrolment shall take a separate account of the slaves who are fugitives on the day when the lists are collected, according to the declarations made by the owners.

Art. 40. The census of the slaves shall be made out by districts, with a separate register for each slave, showing:—

1st. The ordinal number which is to be given to each of those enrolled in the district.

2ndly. The name, the exact description, and the particular marks of each slave, as shown by the roll.

3rdly. A short abstract of the deeds and contracts relative to the civil condition of the slave, or which terminate, transmit, or modify in any way, perpetually or temporarily, the authority over him, or the free disposal of him.

Art. 41. When the enrolment is finished, none can be enrolled for the first time except slaves born after its date, men of colour who have passed for free men but are declared slaves by executive sentence, and those who, having been fugitives at the time that the rolls were made out, have since been recovered by their masters. In this last case the inscription shall not be made except by reason of an order from the superior Civil Government after instituting proceedings in which the declaration of the flight of the slave made by the owner at the time of the enrolment shall be proved.

Art. 42. No deed or contract relative to the authority over the slave shall be valid or take effect until it is inscribed in his particular register.

Art. 43. The owner of the slaves or his representative who shall commit any fraud in making out the lists or enrol more slaves than belong to him shall be punished with imprisonment for the longer term, and a fine of 1,000 crowns for every individual he has improperly enrolled.

The owner of the slaves shall be subsidiarily responsible for the fine when the crime has been committed by his manager or representative.

Art. 44. The public functionary or Government delegate charged with the enrolment who shall commit or consent to any fraud in making out the lists, or shall enrol more slaves than he has himself seen and counted, shall suffer the punishment of temporary imprisonment and a fine of from 1,000 to 4,000 crowns.

If he shall omit to enrol any slave brought before him he shall pay a fine equal to the value of the slave.

The slave who is not enrolled on this account cannot be so afterwards, and will remain free, if his master does not demand his enrolment within the thirty days following that on which he receives the certificate or schedule of inscription.

Art. 45. The registrar charged with the compilation of the census shall suffer the punishment of temporary imprisonment and a fine of from 3,000 to 6,000 crowns —

1st. If he inscribe therein any slave who has not been properly enrolled.

2ndly. If within the four days following that on which he receives the information, he does not cancel the inscription of a slave who is dead or has been made free.

3rdly. If he falsifies the inscription by making it unlike the respective enrolment.

4thly. If he should issue certificates or schedules of inscription, fictitious or not agreeing with the entries in his office as to the part necessary to prove the identity of the person of the slave.

If the registrar shall fail to inscribe any slave legally enrolled, or to enter in his register any deed or contract of transference or separation of authority over that slave, he shall pay a fine equal to his value and one-half more; and in the first case the provision in the last paragraph of the preceding Article shall be applicable, but reckoning the term of thirty days from the time when the owner receives the document or the schedules of his slaves.

If he commit any other fault not included in the preceding paragraphs, he shall be administratively corrected by a fine of from 200 to 600 crowns and the indemnification of the damages and injuries if there should be any.

Art. 46. The owners of the slaves who die, or their managers or representatives, the doctors who attend them in their last illness, and the clergymen who sanction the burial of the said slaves, shall give information of their death to the registrar and to the authorities within the next twenty-four hours, in the form prescribed by the regulations; and if they do not do so, they shall incur the punishment of forced labour for the lesser term, and a fine of from 1,000 to 2,000 crowns.

Art. 47. A special regulation will determine the time and form of the enrolment, its periodical rectification, the organization of the census offices, the mode of compiling the census, and the manner of communicating it; and this regulation will provide for all the other arrangements necessary for the execution of this law.

And the Senate passes it on with the necessary documents to the Congress of Deputies, for the purposes prescribed in the Constitution.

*Palace of the Senate, April 20, 1866.*

(Signed)

THE DUKE DE LA TORRE, *President.*

JUAN DE SEVILLA, *Senator, Secretary.*

THE DUKE DE TAMAMES, *Senator, Secretary.*

No. 143.

*The Earl of Clarendon to Sir J. Crampton.*

Sir,

*Foreign Office, May 3, 1866.*

WITH reference to my despatch of the 25th ultimo, I transmit to you, for your information, a copy of a despatch from Mr. Synge, Her Majesty's Judge at Havana,\* relative to the 275 negroes brought by the Spanish ship of war "Neptuno" to that port from Vuelta Abajo.

I am, &c.

(Signed) CLARENDON.

No. 144.

*The Earl of Clarendon to Sir J. Crampton.*

Sir,

*Foreign Office, May 15, 1866.*

I TRANSMIT to you herewith a copy of a despatch from Mr. Synge, Her Majesty's Commissioner at the Havana,† reporting his views on the Project of Law recently introduced into the Spanish Cortes for the more effectual suppression of the Slave Trade.

You will perceive that Mr. Synge is of opinion that it is doubtful whether the Slave Trade can ever be suppressed unless the Spanish Government declare the Traffic to be piracy; and Mr. Synge also observes upon the absence of any provision in the new law

\* No. 180.

† Class A, No. 13.

for the visitation of estates and for the examination of the registers of slaves found upon them.

Her Majesty's Government do not attach as much importance as Mr. Synge would appear to do to the issue by the Spanish Government of a Decree declaring the Slave Trade to be piracy, because, Slave Trade not being piracy by the law of nations, it would still rest with the Spanish authorities alone to deal with subjects of Her Catholic Majesty who might be found engaged in the Slave Trade, and the severity of the punishment attached to this crime might not unlikely, in the present state of public feeling, lead to the acquittal of guilty parties in cases where, if a less severe punishment were awarded, a conviction might be obtained.

There is more force, however, in Mr. Synge's observation that the new law will be incomplete unless it provides for the visitation of estates, and such a system of registration of the slaves upon them as will enable the authorities at once to detect and to seize any newly landed negroes.

The 24th Article of the new Law would certainly seem to imply that the authorities do possess the necessary powers for the above purposes, but it would appear to Her Majesty's Government that it would be much more satisfactory if the Project of Law contained distinct provisions on these heads.

I have to instruct you to take an early opportunity of communicating the substance of these remarks to the Spanish Government.

I am, &c.  
(Signed) CLARENDON.

No. 145.

*Sir J. Crampton to the Earl of Clarendon.—(Received May 17.)*

My Lord,

*Madrid, May 5, 1866.*

I HAVE the honour to inclose the copy of a note which, in conformity with the instructions contained in your Lordship's despatch of April 23, I have addressed to the Spanish Minister for Foreign Affairs, relating to the capture of 275 slaves who had been landed in Cuba, and expressing the desire of Her Majesty's Government to be assured that they will be dealt with in accordance with the decision of Her Catholic Majesty's Government, expressed in the Royal Decree of the 27th of October, 1865, by which it is enacted that slaves so captured may be sent back to Africa.

I have taken the same opportunity to apprise the Spanish Government of the feeling reported by Commodore Hornby to exist among slave-traders on the coast of Africa, that they do not anticipate the same difficulties in landing negroes in Cuba after the removal of General Dulce from the command in that island.

I have, &c.  
(Signed) JOHN F. CRAMPTON.

Inclosure in No. 145.

*Sir J. Crampton to Señor de Castro.*

*Madrid, May 4, 1866.*

M. le Ministre,

THE Government of the United States have communicated to Her Majesty's Government some information received from the United States' Consul at Havana, relative to the seizure by the Spanish authorities of 275 slaves who had been recently landed in Cuba from Africa.

Her Majesty's Government have received a similar report from the Commander-in-chief of the British naval forces in the West Indies, although at present no information on the subject has been received from Her Majesty's Consul-General at the Havana.

Her Majesty's Government direct me to observe that they have learned with satisfaction the capture of the 275 slaves in question, and that although they do not doubt that they will be dealt with in accordance with the recent decision of Her Catholic Majesty's Government by Royal Decree of the 27th October, 1865, by which captured negroes may be sent back to Africa, they will be gratified at receiving from your Excellency an assurance to that effect.

Her Majesty's Government have, in connection with this matter, transmitted to me the copy of a letter received by the Secretary of the Admiralty from the Commodore of Her Majesty's naval forces on the coast of Africa, in which it is stated that the slave-dealers on

CLASS B.

the African coast, on the removal of General Dulce from the command in Cuba, are prepared to renew their attempt to revive the Traffic in Slaves with that island, and Her Majesty's Government, although they do not suppose that the officer who has replaced General Dulce in that command will fall short of his predecessor in zeal or activity for the suppression of the Slave Trade, nevertheless think it right that I should make known to your Excellency the feeling which exists in this respect on the African coast.

I avail, &c.  
(Signed) JOHN F. CRAMPTON.

## No. 146.

*The Earl of Clarendon to Sir J. Crampton.*

Sir,

*Foreign Office, May 21, 1866.*

I TRANSMIT to you herewith a copy of a despatch from Her Majesty's Consul at Cadiz,\* reporting that the authorities of that port have seized the Spanish brig "*Secundina*," of Bilbao, on suspicion of her being intended for the Slave Trade.

I have to instruct you to take an opportunity of expressing to the Spanish Minister the satisfaction with which Her Majesty's Government have learnt this act of vigilance on the part of the authorities at Cadiz.

I am, &c.  
(Signed) CLARENDON.

## No. 147.

*The Earl of Clarendon to Sir J. Crampton.*

Sir,

*Foreign Office, May 30, 1866.*

I TRANSMIT to you herewith an extract of a letter from Commodore Wilmot, the officer lately in command of Her Majesty's naval forces on the African coast, suggesting some amendments in the new Spanish Project of Law for the more effectual suppression of the Slave Trade; and I have to instruct you to take an opportunity of recommending the substance of Captain Wilmot's observations to the Spanish Government for adoption.

I am, &c.  
(Signed) CLARENDON.

## No. 148.

*Sir J. Crampton to the Earl of Clarendon.—(Received May 30.)*

My Lord,

*Madrid, May 25, 1866.*

IN conformity with the instructions contained in your Lordship's despatch of the 21st of May, I have this day addressed a note to the Spanish Minister for Affairs, of which I have the honour to inclose a copy, conveying to his Excellency the expression of the satisfaction with which Her Majesty's Government had learnt that the authorities at Cadiz had seized the Spanish brig "*Secundina*," of Bilbao, on suspicion of her being intended for the Slave Trade.

I have, &c.  
(Signed) JOHN F. CRAMPTON.

Inclosure in No. 148.

*Sir J. Crampton to Señor de Castro.*

M. le Ministre,

*Madrid, May 25, 1866.*

HER Majesty's Government have been informed by Her Majesty's Consul at Cadiz of the measures taken on the 8th instant at that port for the preventing the Spanish brig "*Secundina*" from engaging in the Slave Trade, and I am now instructed to express to

your Excellency the satisfaction of Her Majesty's Government on learning this act of vigilance on the part of the Spanish authorities.

I avail, &c.  
(Signed) JOHN F. CRAMPTON.

No. 149.

*Sir J. Crampton to the Earl of Clarendon.*—(Received June 6.)

My Lord,

Madrid, June 2, 1866.

WITH reference to my despatch of the 25th instant, inclosing the copy of a note which I had addressed to the Spanish Minister for Foreign Affairs, expressing the satisfaction of Her Majesty's Government at the measures taken by the authorities of Cadiz for preventing the brig "*Secundina*" from engaging in the Slave Trade, I have now the honour to forward to your Lordship a translation of his Excellency's reply expressing a hope that Her Majesty's Government will see in this occurrence a fresh proof of the determination of the Spanish Government to use all means in its power to suppress this disgraceful Traffic.

I have, &c.  
(Signed) JOHN F. CRAMPTON.

Inclosure in No. 149.

*Señor de Castro to Sir J. Crampton.*

M. le Ministre,

Ministry of State, Palace, May 29, 1866.

I HAVE received your Excellency's note of the 25th, apprising me of the satisfaction with which Her Majesty's Government had learnt the steps taken in the port of Cadiz to prevent the brig "*Secundina*" from engaging in the Slave Trade.

In answer to the above mentioned note, I have the honour to observe to your Excellency that the Government of Her Majesty the Queen my august Sovereign hope that the Government of Great Britain will see in this occurrence a fresh proof of the determination of the Spanish Government, as far as lies in their power, not to permit the disgraceful Traffic of Slaves.

I avail, &c.  
(Signed) M. BERMUDEZ DE CASTRO.

No. 150.

*The Earl of Clarendon to Sir J. Crampton.*

My Lord,

Foreign Office, June 19, 1866.

WITH reference to my despatch of the 12th instant, I transmit to you, for your information, copies of two despatches from Mr. Syngé, Her Majesty's Consul-General at the Havana,\* reporting on matters connected with the Cuban Slave Trade.

I am, &c.  
(Signed) CLARENDON.

No. 151

*The Earl of Clarendon to Sir J. Crampton.*

Sir,

*Foreign Office, June 29, 1866.*

I TRANSMIT herewith, for your information, copies of a despatch from Her Majesty's Consul-General at the Havana on matters connected with the Cuban Slave Trade.\*

I am, &c.  
(Signed) CLARENDON.

No. 152.

*Lord Stanley to Sir J. Crampton.*

Sir,

*Foreign Office, July 6, 1866.*

I TRANSMIT herewith for your information a copy of a despatch from Her Majesty's Consul-General at Havana,† inclosing a translation of a circular despatch addressed by General Lersundi, the new Captain-General of Cuba, to the Governors and Lieutenant-Governors of the various provinces of the island, warning them of his determination to punish with the utmost severity any infringement of the laws for the suppression of the Cuban Slave Trade.

I am, &c.  
(Signed) STANLEY.

No. 153.

*Sir J. Crampton to the Earl of Clarendon.—(Received July 10.)*

My Lord,

*Madrid, July 5, 1866.*

IN obedience to the instructions contained in your Lordship's despatches of the 15th and 30th of May respectively, I have not failed to put myself in communication with the Spanish Minister of the Colonies in regard to the opinions expressed by Her Majesty's Consul-General at the Havana, and by Commodore Wilmot, respecting the law for the more effectual suppression of the Slave Trade now under the consideration of the Cortes.

Upon an examination, however, of the provisions of this projected law, in connection with their bearing upon other branches of Spanish legislation, they do not appear to be liable to the objections urged by Mr. Syngé and Commodore Wilmot.

With regard to the law not containing a direct declaration that the Slave Trade is piracy, which Mr. Syngé considers to be essential to its efficiency, it is to be observed, as I had the honour of stating to your Lordship in my despatch of February 26th, that all the penalties attaching to piracy by existing Spanish laws will be by the projected law made applicable to the Slave Trade, and that these penalties are sufficiently severe, in fact quite as severe, as those to which the same offence is liable before British tribunals. That the punishment of death is reserved for resistance by the crews of slavers to the public force, is not a criterion from which it is to be inferred that the Slave Trade is treated by the projected Spanish law with greater lenity than piracy. Piracy, except when accompanied by murder, is not punished by death according to English law, nor was it the desire of Her Majesty's Government that the penalty of death should be attached to the offence of slave-trading when I was instructed by Earl Russell's despatch of the 7th of December, 1864, to ask the Spanish Government to concur in submitting Spanish subjects captured in slave-trading ships to British Courts, British subjects being similarly subjected to Spanish Courts.

But in connection with existing Spanish legislation the provisions of the projected law constitute even a more effective check to the Slave Trade than if the new law simply declared that Traffic to be piracy. Such a declaration would have rendered slave-traders amenable to the maritime Courts of Spain alone, for to them alone it now appertains to try all cases of piracy; while the provisions of the projected law, equal to those against piracy in degree of penalty, subject the offence of slave-trading to the jurisdiction of all other criminal tribunals in Spain and her colonies, as well as to that of the maritime Courts.

With respect to the registration of slaves, Señor Canovas del Castillo has pointed out

\* No. 185.

† No. 187.

to me that the whole of the third chapter of the projected law, containing Articles from No. 38 to 47, provides for such registration in the most effective manner, and enacts heavy penalties upon the neglect of its provisions, either by the planters or by the agents of the authorities themselves; while, in virtue of Articles 32 and 34 of the second chapter, those authorities are both empowered to visit and examine the plantations at all times, and to ascertain and verify the condition and number of the slaves maintained upon them, as well as to pursue and punish in the most summary manner those who are detected in the act of conveying to the interior Bozal negroes who may have been landed on the coast.

To understand clearly, however, the manner in which the Articles above cited will have this effect, it is necessary to refer them to the existing enactments of the Spanish law in regard to other criminal offences to which Slave Trade is now assimilated. By these provisions the authorities possess all the required powers of pursuit and examination. By an Article of the Law of 1845, Slave Trade is specially exempted from the usual action of the criminal law in other cases, but by Article 37 of the projected law the Law of 1845 will be abrogated, and by Article 32 not only will the common laws and usual criminal processes be applied to offences connected with slave-trading, but processes in some respects more stringent will become applicable to it. (See 1st clause, Article 32, respecting the offence *in flagrante*.)

The authorities will consequently be armed with full powers to verify and enforce the provisions of the law at all times, and under all circumstances, and are of course bound to carry its enactments into execution; a neglect on their part in this respect being made moreover punishable by Article 34.

With respect to the suggestion made by Commodore Wilmot, that attempts at resistance by the crews of slavers to ships of war of other nations engaged in the suppression of the Traffic, should be made equally penal with resistance to Spanish men-of-war, I would observe that such in fact will be the effect of Article 9, with the amendment upon that Article in the original project, to which I had the honour of calling your Lordship's attention in my despatch of the 23rd of April last. The substitution of the words "ships of war engaged in the suppression of the Slave Trade," for the words "Spanish ships of war engaged in the suppression of the Slave Trade," will have, and was intended to have this effect. The second clause of the same Article, relative to the landing of the crews of such vessels to prevent the embarkation or disembarkation (*plagis*) of negroes thus becomes applicable to the crews of foreign as well as to those of Spanish ships of war; it being understood, however, that it would not authorize the landing or pursuit of slave-dealers by the crews of foreign vessels on Spanish territory; a concession which it could scarcely be expected would be made.

The law, in fact, appears to provide the Spanish Government with ample means for suppressing the Slave Trade in Cuba.

The degree of efficiency or fidelity with which it may be executed, and its ultimate effect will necessarily depend upon the degree in which public opinion, both in Spain and the colonies may have become modified upon this subject. But this is a consideration, to which all legislation whatever is liable.

I think, however, that I am not in error in stating that the general feeling, both of the Government and the nation, has of late undergone a favourable change in this respect. The indulgence with which this abominable Traffic has hitherto been regarded has certainly decreased, and it is moreover felt that the whole subject of slavery in Cuba is one which will have to be dealt with in a decisive manner, if Spain is to retain that valuable colony; and that the abolition of the Slave Trade is an indispensable preliminary to the other measures which will become inevitable.

I did not omit to press upon Señora Canovas del Castillo the importance of not allowing the present session of the Cortes to close without the definitive adoption of this law, which has, as I have had the honour of informing your Lordship, been passed by the Senate, although the press of other political matters of an engrossing nature has hitherto prevented it from coming under the consideration of the Congress of Deputies, Señor Canovas del Castillo assured me that no exertion on his part would be spared to secure the final passage of the project.

His Excellency, although of opinion that all the suggestions made by Her Majesty's Government in respect to the amelioration of the law already find their place in its provisions, requested me nevertheless to furnish him with a copy of your Lordship's despatch, being anxious, as he assured me, to adopt every means that might be possibly be made available to render its provisions perfectly efficient for an object which the Spanish Government equally with Her Majesty's Government had at heart.

I have, &c.

(Signed)

JOHN F. CRAMPTON.



*Sir J. Crampton to the Earl of Clarendon.—(Received July 14.)*

My Lord,

*Madrid, July 10, 1866.*

WITH reference to my despatch of the 5th of May, inclosing copy of note which I had addressed to the Spanish Minister for Foreign Affairs, expressing the satisfaction of Her Majesty's Government, on learning the capture of 275 negroes disembarked in Cuba, I have now the honour to inclose copy and translation of his Excellency's reply to my communication. He therein informs me that the capture referred to was probably that which took place at Punta del Holandés on the 9th of March last, by the Spanish war-steamer "Neptuno," and announces to me that orders have been given to the Captain-General to send the negroes to the Spanish possessions in the Gulf of Guinea, according to the provisions of the Royal Decree of the 27th of the preceding October.

With regard to the information which Her Majesty's Government has received, that the principal agents of the Slave Trade were preparing, in consideration of the nomination of a new Captain-General to give a new impulse to their infamous Traffic, his Excellency adds, that even if this is possible, Her Catholic Majesty's Government is convinced that every project of this nature will be defeated by the firmness and energy of the measures which have been taken to prevent them; of which a proof may be seen in the Circular published by the new Captain-General.

I have, &c.  
(Signed) JOHN F. CRAMPTON.

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Inclosure in No. 154.

*Señor de Castro to Sir J. Crampton.*

(Translation.)

Sir,

*Palace, July 7, 1866.*

THE Colonial Minister, to whom I communicated the note which you were pleased to address to me on the 4th of May last, acquainting me with the satisfaction with which the Government of Her Britannic Majesty had learned the capture of 275 negroes disembarked in Cuba, informs me that the capture referred to must be that effected at Punta del Holandés, to the south of the Cape of San Antonio, on the 8th of March of the current year, by the Spanish war-steamer "Neptuno," since no later notice, either official or private, of new captures has been received.

With reference to those Bozals, you may at once communicate to your Government, that on the 5th of April last, orders in point were given to the Captain-General of the Island of Cuba to conduct them to the Spanish possessions in the Gulf of Guinea, in ships belonging to the State, in accordance with the regulation in the Royal Decree of 27th of the previous October.

With regard to the information which, as you set forth in your above-mentioned note, the British Cabinet has received, that the principal agents of the Slave Trade are preparing themselves to give a greater impulse to so iniquitous a Traffic, on account of the nomination of the new Captain-General, I have to state to you that, although it is possible that those persons, incited by their private interests, may wish to profit by the change in the superior authority of the island to arrange some expedition, the Government of Her Majesty the Queen, my august Sovereign, is convinced that any project of this nature will be rendered abortive by the firmness of its intention to make an end of the Slave Trade, by the clearness and energy of all the dispositions taken by it in the matter, and by the spirit which these latter dispositions cannot fail to impress upon the acts of all its delegates, the circular published on assuming the command by the new Captain-General, who will fulfil, as did his predecessor, the strict orders of the Government to put a stop to the Slave Trade, being a good proof of this.

I avail, &c.  
(Signed) B. DE CASTRO.

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No. 155.

*Sir J. Crampton to Lord Stanley.—(Received July 24.)*

My Lord,

*Madrid, July 18, 1866.*

WITH reference to my despatch to the Earl of Clarendon of the 5th instant, in which I stated that I had pressed upon the Spanish Minister for the Colonies the importance of not allowing the session of the Cortes to close without the definitive adoption of the project of law under their consideration for the more effectual suppression of the Slave Trade in Cuba. I regret to inform your Lordship that the final passage of this important law was, nevertheless, prevented, partly by accident, and partly by a Parliamentary manœuvre on the part of one of the deputies opposed to it; so that, although every Article of the project has been agreed to by both Houses of the Cortes, it cannot actually become law until the re-assembly of that body in December next.

This project, as I had the honour of informing the Earl of Clarendon in my despatch of 23rd April, was passed by the Senate after a full and interesting discussion, reports of which accompanied that despatch, and some important amendments, which, by the instructions of Her Majesty's Government, I recommended to the Minister of the Colonies, were incorporated into it. It remained, however, to be passed by the Congress of Deputies, but its consideration was delayed by public business, and by political events of a very engrossing nature.

The Minister of the Colonies, however, upon my urging the matter, assured me that he was equally anxious with myself to bring it to a conclusion, and accordingly the project was brought up for discussion in the Congress of Deputies.

I have the honour to enclose a report of the debates which took place upon the subject, from which your Lordship will observe that only one deputy spoke in opposition to the law, Señor Riquelmé, himself a Cuban, and a large proprietor of slaves, and accordingly every Article of the project was agreed to by the House. It only then remained that the joint report of the Senate and Congress of Deputies should be read, and that the vote of the latter should be taken upon the totality of the Bill. This was about to be done on the succeeding day, when Señor Riquelmé unfortunately perceived that the members present were not sufficient to form a quorum, and moved that the House should be counted. The number being less than required by the Regulations of the Chamber, the law could not then be voted, but this would have had no other effect than delaying its passage for a few hours, or perhaps for a day, had not the President of the Council, Marshal O'Donnell, at that moment entered the Chamber and read the unexpected Royal Decree, by which the dissolution of the Ministry of which he was the head was announced, and the session of the Cortes terminated.

At a late interview with Señor Calonge, the newly appointed Minister for Foreign Affairs, I expressed in strong terms how much I lamented this untoward circumstance, by which a measure calculated to confer a real benefit upon the Spanish West India Colonies, and at the same time remove one of the most painful subjects of discussion between our two Governments, had been defeated, I hoped, however, I might add, for only a short period.

His Excellency expressed himself as equally regretting what had occurred, and strongly condemned the conduct of the deputy in question. He said, however, that I might assure Her Majesty's Government that the very first act of the Cortes, on its re-assembly, would be to pass the law, and he added that I might also state to your Lordship that although the project was not, technically speaking, become the law of the land, the Spanish Government would nevertheless be enabled at once to apply almost every one of its provisions, and fully intended to do so without further delay. He trusted, therefore, that these measures, aided by the vigorous proceedings which the present Captain-General of Cuba is instructed to adopt, and the determination, of which that officer had already made proof, to use every effort for the final suppression of the Slave Trade in Cuba, would not fail to produce their appropriate results.

I have, &c.  
(Signed) JOHN F. CRAMPTON.

*Lord Stanley to Sir J. Crampton.*

Sir,

*Foreign Office, July 27, 1866.*

I HAVE received your despatch of the 18th instant, reporting the unforeseen circumstances which have prevented the definitive adoption by the Spanish Cortes of the Project of Law, lately under their consideration for the more effectual suppression of the Cuban Slave Trade.

I have to instruct you to take an early opportunity of stating to the Spanish Minister for Foreign Affairs, that whilst Her Majesty's Government cannot but share in the regret of his Excellency at the unfortunate delay that has taken place in passing this Project of Law, yet they place full reliance in his Excellency's assurance that the Bill will be passed immediately on the re-assembling of the Cortes, and that in the meanwhile its provisions will, as far as possible, be acted upon.

I am, &c.  
(Signed) STANLEY.

No. 157.

*Lord Stanley to Sir J. Crampton.*

Sir,

*Foreign Office, September 6, 1866.*

I TRANSMIT herewith, for your information, copies of a despatch, and its inclosure from Her Majesty's Consul-General at the Havana,\* on matters connected with the Cuban Slave Trade.

I am, &c.  
(Signed) STANLEY.

No. 158.

*Sir J. Crampton to Lord Stanley.—(Received October 5.)*

My Lord,

*Madrid, October 1, 1866.*

BY my despatch of the 18th July I had the honour to inform your Lordship that the Project of Law for the suppression of the Slave Trade in Cuba, every Article of which had been voted by the Cortes, had unfortunately failed to become law, in consequence of the sudden prorogation of that body, before the ultimate vote on the totality of the Bill could be taken; and I also stated that the Spanish Minister for Foreign Affairs had expressed to me his regret at this occurrence, and had promised that the Spanish Government would nevertheless apply the provisions of the project, without waiting for its final passage, on the re-assembly of the Cortes.

I have much satisfaction in now forwarding to your Lordship the copy and translation of a Royal Decree published this day, preceded by an exposition to the Queen by the Minister of the Colonies, from which your Lordship will perceive that the promise thus made to me by General Calonge is fulfilled.

By the terms of this Decree, it is enacted that, upon its publication, all the provisions of the Project of Law in question will be put into execution by the Spanish authorities and legal tribunals, both in the Peninsula and in the Colonies, the Executive reserving to itself to render an account to the Legislature, on its re-assembly, of the motives which have justified a measure, which in some degree anticipates its decision, and which are now set forth in the exposition above referred to.

A copy of the Project of Law was forwarded to your Lordship's office with my despatch of the 23rd April to the Earl of Clarendon, and an additional copy accompanies the Decree, which I have now the honour to inclose.

I have, &c.  
(Signed) JOHN F. CRAMPTON.

## Inclosure in No. 158.

*Extract from "Madrid Gazette" of October 1, 1866.*

(Translation.)

*Representation to Her Majesty.*

Madam,

THE experience of many years had already shown that the law of the 2nd March, 1845, for the suppression of the Slave Trade, was entirely inefficient for the accomplishment, not only of that which the opinion of honourable men justly demanded, but also of all that which your Majesty, faithfully seconded by all those who have had the high honour of being your responsible Counsellors, with such anxiety desired to achieve.

The Project of Law presented to the Cortes on the 19th of February, of this year, for the suppression and punishment of the Slave Trade was produced by the necessity of remedying with more energetic measures the evil the extirpation of which even the best propositions had as yet failed to accomplish.

The opposition to the substantial part of its provisions served to show in a clearer light how great was the esteem in which was held the principal thought of that which was proposed for a law.

Notwithstanding, on account of an unfortunate accident, the work, already finished and perfected by the wise help of the co-legislative bodies, was not put in a condition to be submitted for the sanction of your Majesty.

The project having been passed in the Senate; having also been passed in the Congress, with slight differences, which differences did not in any way alter the general meaning of the law, or the fixed bases of its humane and moral purpose, and which were approved by the Upper House; and a Mixed Committee having been appointed, whose report was also passed and approved by the Senate, the Congress without doubt did not approve it, only because on the motion of one of the deputies it was observed that the number of members present was not sufficient for the passing of laws.

It can well be affirmed that if legally the want of an Act (in the present case certainly not one of great signification) hinders the project from being considered as definitely passed, morally it has received the most solemn approval, and it is also at the present time morally the expression of the opinions of the country legitimately represented, as it is also of those of the Government, as well as of the lively desires of your Majesty, in favour of the complete extinction of the odious Traffic, known by the not less odious name of the Slave Trade (*Trata*).

It would be difficult to cite a similar fact; that such an accumulation of well-considered dispositions, which have the great authority of having been discussed and voted by the Cortes, should notwithstanding be wanting in the solemn character which is necessary to it, to render without any further extraordinary declaration its observance obligatory, as all the circumstances of the present times exact.

In view of these circumstances, and if it were only necessary to adopt energetic measures to be carried out in the Antilles, the Government would at once have considered that it was possessed of sufficient power to propose to Your Majesty whatever might have been considered most convenient; and although, in just deference to the opinions of the co-legislative bodies, the general formula of the precepts, which they first voted, and which afterwards the Mixed Committee decided upon unanimously, would have been recapitulated without any variation, the Government would not have considered that in doing this, it was in any way overstepping the limits of its legitimate powers.

But while wishing to pay this tribute of well-merited consideration to the decisions of the Parliament, it is nevertheless manifest, that they would become incomplete and even impossible of realisation, if that which it is necessary to carry out in the Peninsula, and the repeal of the Law of March 2nd, 1845, were to be omitted from them. It is necessary therefore, at any cost, to carry into effect that which was morally and in reality voted by the Cortes.

No vacillation is possible, in the face of the urgency and peremptory necessity of aiding, with a vigorous hand, the extirpation of so unworthy and reprobated a commerce, which protects and overshadows so much perversity and corruption, and contains in its essence so many perils to the peace and quietude of the Monarchy, and to the sustaining and guaranteeing of all those interests which, under the shadow of that Monarchy, are to be preserved and to be made to prosper, and to overcome every kind of obstacle.

The Government, having in its favour and in support of the justice and sincerity of its propositions, concerning that which relates to the Peninsula, the already well-known opinion of the legislators, considers that it ought not to delay any longer the application and execution of that which the Senate and the Congress have in fact agreed upon, and

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intrinsically have definitely approved of, although it may be necessary to make extraordinary the form of enforcing obedience.

If on the contrary, fearful of an obstacle more of form than essentially effective, and in the actual circumstances of little importance in itself, as being the result of merely accidental and fortuitous causes, it should not be prompt in acting and in taking an energetic initiative, that would be a fault, of which there would be every reason to ask a strict account, and with justice the Government would incur censure as having been excessively negligent.

The opportunity then has arrived that your Majesty should immediately and on the present occasion, see fit to order that, that which was established for the suppression and punishment of the Slave Trade in the Report of the Mixed Committee of the Congress and the Senate, which was definitely voted on the 11th of July, of the present year, shall be carried out in all its integrity.

With reference to that which concerns the Antilles, there is nothing which is not perfectly legal in that which is proposed to your Majesty with reference to the Peninsula, the Government gladly assumes all the responsibility of the act, for if at any time it may be accused of having exacted obedience to legislative measures which had not gone through the last form, to which respect for regulations opposed itself, it will always be able to answer (an answer, justifying itself by pointing out that which is actually going on in the world) that, if it took anything from rights it was to save them not to break through them; it was not to disturb the country, but to leave its interests in quiet; it was not to stifle and bury under the weight of a blind and arbitrary decision, the clamourings of public opinion, but to realize its just desires, and to carry into the practice of the government of our colonies, and into the action of the tribunals, with all the haste which is exacted by every-day occurrences, the result of the very legitimate and laudable aspirations of all those men who sincerely interest themselves for the prosperity and good fortune of our dominions beyond the seas.

Madam, your Minister of the Colonies, shielded by these reasons and by facts, the exactness of which it is not possible to doubt, and confiding in the fact that in proposing the execution of this measure, he is supported by the authority of the already well-known decision of the representatives of the people, that he is fulfilling the high duty, bringing about a moral end of great importance, and freeing the State from grave disputes, does not hesitate in submitting to the Royal approbation of your Majesty, in accordance with the Council of Ministers, the Decree authorizing the observance and fulfilment of that which is ordered in the Project of Law aforesaid, which was definitely voted by the Senate on the aforesaid date, on the 11th of July of this year.

Madrid, September 29, 1866.

Madam, your, &c.  
(Signed) ALEJANDRO CASTRO.

*Royal Decree.*

HAVING before me the reasons expressed by the Minister of the Colonies, and in accordance with the opinion of the Council of Ministers, I decree the following:—

Article 1. For the suppression and punishment of the Slave Trade, after the publication of the present Decree in the Peninsula and in the colonies, all the dispositions of the subjoined Project of Law, which in consequence of the Report of a Mixed Committee of the Congress and of the Senate, was definitely voted on the 11th of July of the current year, are to be observed by the tribunals and proper authorities of the respective territories.

Art. 2. The Government will give a proper account to the Cortes of this measure, in so much as refers to its execution in the Peninsula, and to the fulfilment of the Treaties in force.

Given in the Palace, on the 29th of September, 1866.

(Signed by the Royal Hand.)

The Minister of the Colonies,  
(Signed) ALEJANDRO CASTRO.

No. 159.

*Lord Stanley to Sir J. Crampton.*

Sir, *Foreign Office, October 9, 1866.*  
I TRANSMIT to you herewith a copy of a letter from the West India Committee representing that, on the invitation of the late Spanish Ministry, delegates from the islands of Cuba and Puerto Rico, to the number of twenty from the former island and six from the latter, have recently arrived in Europe, and are to assemble in the early part of

this month at Madrid, in order to arrange with the Government there some measure for the abolition of slavery in the Spanish West India colonies.

Her Majesty's Government are not aware what foundation there may be for this report, not having received any information on the subject either from you or from Her Majesty's Consuls in Cuba or Porto Rico, but if it should be true that delegates have arrived at Madrid with the object of making arrangements for the abolition of slavery in Cuba and Puerto Rico, I can have no hesitation in instructing you to use your influence in every legitimate way to bring about so important and desirable an event.

I am, &c.  
(Signed) STANLEY.

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Inclosure in No. 159.

*Mr. Macgregor to Lord Stanley.*

My Lord,

*West India Committee, Walbrook House, October 2, 1866.*

I BEG leave to bring under your Lordship's notice some information relative to the Spanish slave colonies which has come to the knowledge of the West Indian Committee, in case you should not have received the same through any other channel.

It appears that the O'Donnell Ministry lately invited the authorities in Cuba and Porto Rico to have delegates elected to come to Madrid, in order to arrange with the Government there some measure for the abolition of slavery in these colonies; without, however, indicating any particular plan.

Cuba has accordingly appointed fourteen, and Porto Rico six deputies to represent the several interests concerned. These deputies have recently arrived in Europe, and they will all assemble in Madrid early this month. The change in the Spanish Ministry has occurred since they were elected, and a new Governor has been sent to Cuba; but they have, nevertheless, been directed to appear in Madrid, and they expect that some measure for defining the early termination of slavery in the Spanish colonies will be forthwith proposed. This anticipation seems, indeed, to be the only point on which they agree; for, while some are disposed to resist, others aim at independence, and several who are not directly connected with plantations are secretly in favour of annexation to the United States; the creoles being generally alienated from the mother country.

The Committee do not doubt your Lordship will readily employ any influence that may be in your power to promote so important an event as the abolition of Spanish slavery, and consequently the Slave Trade; and they trust that the great interest which they naturally feel in its accomplishment will appear a sufficient excuse for troubling your Lordship with this communication.

I have, &c.  
(Signed) A. MACGREGOR.

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No. 160.

*Lord Stanley to Sir J. Crampton.*

Sir,

*Foreign Office, October 9, 1866.*

I HAVE received your despatch of the 1st instant, inclosing a translation of a Royal Decree for carrying into effect the provisions of the new Spanish Project of Law for the more effectual suppression of the Slave Trade, which had been voted by the Cortes, but had unfortunately failed to become law in consequence of the sudden prorogation of that body in the month of July last; and I have to instruct you to express to the Spanish Minister for Foreign Affairs the very great satisfaction with which Her Majesty's Government have learnt the issue of this Decree, as evincing the good faith of the Government of Her Catholic Majesty, and their determination finally to suppress the Cuban Slave Trade.

I am, &c.  
(Signed) STANLEY.

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No. 162.

*Sir J. Crampton to Lord Stanley.—(Received October 10.)*

My Lord,

*Madrid, October 3, 1866.*

I HAVE the honour to inform your Lordship that, General Lersundi having resigned the post of Captain-General of Cuba, General Don Joaquim Manzano y Manzano has been appointed by Her Catholic Majesty to succeed him.

I have, &c.  
(Signed) JOHN F. CRAMPTON.

*Sir J. Crampton to Lord Stanley.—(Received October 10.)*

My Lord,

*Madrid, October 5, 1866.*

WITH reference to my despatch of the 1st instant, I have now the honour to inclose the translation of a Royal Decree, preceded by an exposition to the Queen of Spain, by the Minister of the Colonies, by which it is enacted that "every individual of colour in a state of slavery in Cuba or Puerto Rico" will henceforth, upon landing in the Peninsula or adjacent islands, become *ipso facto* free, no matter under what circumstances such landing may have taken place.

Although the immediate practical effect of this measure may not be considerable, its spirit and tendency will not be unfavourable to the development of the more important measures which seem to be contemplated by the Spanish Government in regard to the subject of slavery in Cuba.

I have, &c.  
(Signed) JOHN F. CRAMPTON.

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Inclosure in No. 163.

*Extract from "Madrid Gazette" of October 2, 1866.*

(Translation.)

*Exposition to Her Majesty.*

Madam,

RECENT events, in which to the rigour of the orders promulgated by firm and executive sentences was added the august name of your Majesty, for the purpose of keeping in slavery, and of making objects of coveted purchase and of public and disputed offering of sale, unfortunate beings in whom the misfortune of crime combines to aggravate in every sense the evil of their social condition, have taken up the attention of your Government to such an extent that it has not hesitated for a single moment in giving a principal place amongst the many cares which besiege it to that which claims singular preference; in order that, solemnly and once for all, the principles and limits by which so grave and highly important a matter is to be ruled, may be clearly defined.

By an opinion accepted by all, and constantly supported by the first consultative body of the State, more than a general, clear, and definite written mandate, it has been believed and said that the slave of our Antilles, who should set foot on ground free from the sad institution of slavery, became *ipso facto* free, and restored to his primitive and natural condition of a man possessed of the fulness of his rights and of his liberty, according to the laws, by which is regulated the personal condition of Spanish citizens.

The laws of "Partida," with that wisdom and admirable foresight which distinguish them, as if, when they were written, all those great principles now unanimously recognized, were indistinctly foreshadowed, had already prescribed "that it is a rule of right that all judges should aid liberty, because she is the friend of nature, who is loved by all men, because all men by nature abhor slavery."

In the Royal Letters Patent of the 24th of September, 1750, and 14th April, 1789, which renewed the dispositions of those of 1680 and 1693, and particularly of those of 29th October, 1733, and 11th March and 11th November, 1740, most important declarations were made in favour of the liberty which accrued in the dominions of Spain to fugitive slaves of other States; and they went so far as to ordain that, on taking refuge in the said dominions, they were to be confirmed in the liberty which they had thus acquired according to the law of nations; for which reason neither their persons nor the prices of their ransom were to be given to their former masters.

Following up the same ideas, the Royal Order of 18th August, 1859, went still further in its premises, and affirmed that the title of property over a slave could only be valid in those countries where the laws recognize the existence of slavery: that in all countries where slavery is not admitted, all men, of whatever class and origin, are necessarily accounted as free; and, lastly, that the validity of the title, which would serve as a foundation for demanding the restitution of those persons whom it was wished to keep in slavery, not being recognized, it was not possible to take the demand into consideration.

Thus, moreover, the dispositions of the Royal Order of 29th March, 1836, received full intelligence; and thus, further on, in the Royal Order of 2nd August, 1861, it was well defined that the slave, coming with his owner into a territory where slavery did not exist, became free without any previous or future act. Thus in another Royal Order of 12th July, 1865, in conformity with the full Council of State, it was ordered that a slave who had escaped from the island of Cuba should be considered as free because he resided

in the Peninsula, "where," said the Order, "in accordance with the dispositions in force, the condition of slave is lost in an irrevocable manner."

But if all this be true; if under dispositions so properly advancing to the aid of liberty, as the wise predecessor of your Majesty willed it, one sees always latent the humane and rational principle, that a slave should be free on coming into Spanish territory, free from slavery; it is no less true that a precise and generic declaration, made in solemn terms, so that it may serve as a law in the colonies, is wanting, in which declaration it be recognized and settled, leaving no room for doubt, that the man subject to that exceptional condition is freed by the mere act of breathing the air of our Peninsular coasts, and of their adjacent islands, and of setting foot on this soil, where no kind of slavery has been able to exist, whatever may have been the cause of his arriving on it, and of legitimately aspiring, under its shelter, to so desired a benefit. With the exception of the last dispositions, it is seen that those of the former century, and even that of 1859, which is the most explicit of the modern ones, refer principally, and exclusively in some cases, to slaves proceeding from foreign countries, and not in any way to those who proceed from the Antilles. Formerly, in the ordinary course of life, it was looked upon as a right, that the State should step in for the purpose of maintaining in slavery those who trod the soil of the territory of the Peninsula, on account of punishment for crime; and this cannot continue any longer, and calls urgently for reform, inasmuch as it is repugnant to the principles of eternal justice, and causes, as has been mentioned above, the name of your Majesty to be used in connection with it; that name which ought only to be associated with those acts, in which shines forth your Royal clemency, and your never-failing love for all your subjects, whatever may be their state and condition.

The reasons, however, which might have been opposed to the accomplishment of such generous propositions, were grave ones.

Although the Government had in its favour, in certain determined cases, the decision of the first legislative body of the State; although, as has been already declared in some of our ancient laws, it might be considered as opposed to the proper order of things, or at least to universal right, that a man should be condemned to continue in slavery as a payment of what he owed to another; still the respect for the sentence, and for the very social state of the place in which the sentences had been passed, and, more than all, the fundamental doctrine that liberty ought to be gained by honest and lawful means, and not by the commission of a crime, were reasons sufficient to prevent the approaching of the question, except in general and solemn terms, and the adopting of those terms without great meditation and mature examination.

So it has been done, proceeding with caution, and taking into consideration all the dangers, so as to solve the difficult problem, which justly engaged the attention of the Government, without departing in the least from justice in the order of liberty, or from that which cannot but exist, and ought to exist, while in a part of Spain there is a social state, which cannot be suddenly modified so as to cause it to disappear and transform itself altogether.

A general disposition was wanting, and it is proposed; the State was mixed up in an act, which, if it can be tolerated as necessary so long as it confines itself to the limits of private relations, is at least violent when the public governing authority is drawn into it; and the act has been suppressed.

In the kingdom which numbers the "Partidas" amongst its legal bodies, and amongst special precedents, the aforesaid Letters Patent, and other resolutions, the principle of the emancipation of all those slaves who might arrive in the Peninsula could not but sustain itself in all its latitude, and without restriction of any kind. If a fiction of right gave reason to suppose that the man in slavery and under sentence of the law, never really touched the territory, in which it was necessary for him to reside, because, by virtue of the sentence, he was always in the power of the authorities, another fiction of right much more logical and more in conformity with the traditional doctrines of this great nation, and with its written laws, allows it to be maintained that the man who left the Antilles as a slave, whatever might have been the cause of his treading materially on Peninsular territory, is dead, and only remains as a man of free condition, who happens to have been deprived of his liberty by crime, but who, when that crime is expiated, can and ought never to be returned to the state of slavery.

Natural right, which exceptionally does not rule in the Spanish Antilles, having in this manner been respected and sustained, the moral end, which in certain cases constitute the right of third persons, has also been respected, by proposing at starting that they should be indemnified for any loss which the emancipation of the slave might cause them, always, however, within the limits which the resolution of the tribunals may decide upon. The State, for high and public reasons of public propriety, gives new rules or amplifies



those already existing with reference to the emancipation of slaves who have reached the Peninsula; it is just that the State for the sake of the same propriety, should accept the immense responsibility of its acts.

But if all this is perfectly and absolutely just in as much as concerns past facts, it was necessary, with reference to the future, not to forget that liberty must never serve as a recompense for crime, and much less to forget that the brand of iniquity might be a powerful assistance for redemption from slavery. And if this danger does not exist and has never existed with reference to those who, from having previously reached as prisoners the penitentiary establishments of Spain or Africa, would profit by the measures which are submitted to the approbation of your Majesty, and would gain their liberty, it would not be the same with reference to those who, for the same reason might afterwards find themselves in your territory. Hence the necessity of prohibiting for the future, that the slaves of the Antilles, who are condemned to the House of Correction and its accessory punishments, should work their period of incarceration in the place which was called "The Colonial House of Correction" (Presidio Ultramarino), which was composed of establishments adjacent to the Peninsula, and of ordering, that, instead of this, they should work out all their penalties, with all their consequences, in the Islands of Porto Rico and Cuba.

Tribute having thus been paid to the strictest principles of justice, and the governing authority having been relieved from the necessity of intervening (should the general system of emancipation for any of the expressed reasons be violated) in a disagreeable manner for the purpose of restoring to slavery, or maintaining in the same, rational beings who had deluded themselves with the hope of a new social state, the end will have been attained of settling once for all clearly and precisely that which is to be observed in so delicate and grave a matter, until such time as more complete reforms may bring about a complete solution of those social problems which render those reforms difficult.

The facts which have been alluded to, and which in all their painful details would sadden the mind of your Majesty, if the repugnance that would be felt in relating them could be overcome, impose upon the Government the duty of promptly occupying itself with those reforms of which the penal legislation of our colonies stands in need, and which will be the object of a resolution, which will be separately submitted to your Majesty.

In the meantime the undersigned Minister, in conformity with the decisions of the full Council of State, and in accordance with the Council of Ministers, presents for the Royal approval of your Majesty, for the reasons already expressed, the following project of Decree.

*Madrid, September 29, 1866.*

Madam, your, &c.  
(Signed) ALEJANDRO CASTRO.

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*Royal Decree.*

IN consideration of the reasons expressed by the Minister of the Colonies, in conformity with the full Council of State, and in accordance with the Council of Ministers.

I decree the following:—

Article 1. After the publication of the present Decree in the "Madrid Gazette," every individual of colour, man, woman, or child, who may be in a state of slavery in our provinces of Porto Rico or Cuba, shall be considered as emancipated and free on stepping on the soil of the territory of the Peninsula and of its adjacent islands, or on arriving in the maritime circle and jurisdiction of the same, whatever may be the cause of his completing the act of disembarking on the said territory, or of finding himself in the waters of its maritime jurisdiction. Every individual of colour, being a slave, shall also enjoy the benefit of emancipation and liberty, when, in the company of his master, or sent by him, he shall step on the territory, or enter within the jurisdiction of any State in which slavery may not exist.

Art. 2. The sentence to the Colonial House of Correction (Presidio Ultramarino) with the right of retention and sale, on account of injury, against individuals of colour, who are in a state of slavery, is for the future prohibited. Those criminals, who, being slaves, shall be sentenced to the penalty of imprisonment, with the right of retention and its accessories, shall work out the term of their punishment in the prisons of the Islands of Cuba and Porto Rico.

Art. 3. If the benefit of emancipation and liberty conferred by Article 1 should fall to the lot of individuals who may have come to the territory of the Peninsula and its adjacent islands in virtue of a sentence of the tribunals of Cuba and Porto Rico, being

slaves in those places, the whole or part of the indemnification which could have been expected from the sale of the slaves thus emancipated, which sale is prohibited, shall be paid in the manner, in each case, may be determined by special dispositions. This indemnification shall never be greater than the medium price that would have been produced by the sale of the slave by public auction.

Art. 4. When the sale on account of injury would have for its object the payment of the law costs, these must be declared officially. In every case the slave, emancipated by coming to the Peninsula to accomplish his sentence, shall be subject in his condition of a free man to indemnify for the damages and losses, and amenable to civil responsibilities to the extent that the laws may direct.

Art. 5. The Minister of the Colonies will dictate the instructions necessary for the execution of the present Decree, and for the organization of the prison establishments, so that the sentences referred to in Article 2 may be carried out in them.

Given at the Palace on the 29th September, 1866.

(Signed by the Royal Hand.)

The Minister of the Colonies,  
(Signed) ALEJANDRO CASTRO.

No. 164.

*Lord Stanley to Sir J. Crampton.*

Sir, *Foreign Office, October 11, 1866.*

I HAVE received and laid before the Queen your despatch of the 5th instant, inclosing a copy and translation of a Royal Decree declaring that every individual of colour in a state of slavery in Cuba or Puerto Rico shall be free upon landing in the Peninsula or adjacent islands; and I have to instruct you to express to the Spanish Minister for Foreign Affairs the sincere satisfaction with which Her Majesty's Government have heard of the enactment of this measure.

I am, &c.  
(Signed) STANLEY.

No. 165.

*Sir J. Crampton to Lord Stanley.—(Received October 15.)*

My Lord, *Madrid, October 8, 1866.*

I HAVE the honour to inclose the copy and translation of a Royal Decree, preceded by an exposition to the Queen of Spain by the Minister of the Colonies, by which a Commission is named for the examination and reform of the system of penal laws existing in Cuba and Puerto Rico.

Your Lordship is aware that the Penal Code now in force in those colonies is very defective, and more especially so as regards its application to the suppression of the Slave Trade. This defect seems now to be recognized by the Minister in his exposition, and it may therefore be hoped that the labours of the Commission may lead to the adoption of some remedy to the evil.

I have, &c.  
(Signed) JOHN F. CRAMPTON.

Inclosure in No. 165.

*Extract from the "Madrid Gazette" of October 3, 1866.*

*Exposition to Her Majesty.*

(Translation.)

Madam,

SINCE the great reforms which will render the name of your Majesty glorious in our Colonies, when those reforms are studied as a whole, and it is seen that while following up the spirit of the old laws by which those dominions were governed in the time of your august predecessors, they have ameliorated the administrative organization, and have regulated financial order as well as the revenue set apart for the payment of the services

of the State, the execution of public works, municipal governments, and the administration of justice, it is not possible that that part of the law, which, as regards the public at large, affords a criterion of the state of the civilization of a country, and, in as much as it protects the interests and the tranquillity of the citizens, must contain within itself a complete assurance that it is, besides moral and religious education for which much has been done, the only positive and legal preventive against crime and means of rendering more exemplary the punishment of misdeeds, should remain at variance with those reforms as it has up to the present time.

These last-mentioned means of rendering punishment exemplary, are at present unfortunately wanting, not indeed to the penal legislation by which the Colonial tribunals are guided (for that which is in use scarcely, in justice and scientifically speaking, is worthy of the name), but to a prudent decision of the Judges, who, confused by the various doctrines to which they have to conform, can never arrive at that fixedness of principle; and that certainly in the just infliction of punishments, on which depend in general their good and moral effects.

Granted that this was always a grave circumstance, especially lately when a similar situation called for the publication of the Penal Code in the Peninsula; as the present one was even then in force in the Colonies for the persecution and punishment of the Slave Trade and of the misdeeds which are committed by the officials in the discharge of their functions, the urgent necessity of causing to disappear the extraordinary difference with which judicial opinion has to be exercised when obliged to follow distinct rules and practices in coincident or at least similar cases of delinquency, does not stand in need of greater proofs or of great efforts of reasoning to be recognized as a perfectly demonstrated fact.

If the labours already undertaken for the purpose of remedying so great an evil, in consequence of never-ceasing indications from the Fiscal Ministry and Judges and Tribunals of the Colonies, and the necessity for proceeding in such a manner that the reform which may be adopted shall not, through ignorance of the social respects and manners and customs of countries in which the special circumstances which are combined in them, require special penal regulations for certain and determined cases, disturb those social respects are valuable data and very useful on entering on the road of innovations in a matter of such great importance, they also warn that nothing is to be definitely done in the way of giving to the above-mentioned provinces new rules for the definition of crime, and classification of punishments without such previous study, meditation, and practical knowledge as may serve as a guarantee of fitness and pledge of good success.

For this reason, and for the other considerations adduced in an exposition of this day's date referring to certain punishments inflicted on slaves, it cannot be but opportune and convenient that prudent alterations in the Colonial Penal Legislation, the mode of action (*aplazamiento*) of which is no longer compatible with the proper administration of justice, should at once be studied and proposed by a Committee which shall dedicate itself exclusively to so indispensable a reform.

Such are the causes for which the undersigned Minister, in accordance with the Council of Ministers, submits to the approval of your Majesty the following project of Decree:—

*Madrid, September 29, 1866.*

Madam, your, &c.  
(Signed) ALEJANDRO CASTRO.

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*Royal Decree.*

In consequence of the reasons expressed by the Minister of the Colonies, in accordance with the Council of Ministers, I decree the following:—

Article 1. A Committee shall be formed, composed of a President and six Members, who shall be named in a separate Decree, for the purpose of studying and proposing the reform of the Penal Legislation in force in the Colonies, taking into account all the preparatory labours accomplished with the same object. One of the Members will act as Secretary.

Art. 2. The Committee appointed by the previous Article will propose, as soon as possible, the principles and rules which are to govern judgments on crime in the Colonies, as well as the infliction and accomplishment of punishments, and also the dispositions to be adopted for the commencing and carrying out of the proceedings in criminal causes, taking into consideration the administrative and judicial organization of those provinces.

Art. 3. When the labours of the Committee are finished, the Minister of the Colonies will at once propose to me that which, for the future, is to be put in force in the matter to which the previous Articles refer.

Given at the Palace, 29th September, 1866.

(Signed by the Royal Hand.)

The Minister of the Colonies,  
(Signed) ALEJANDRO CASTRO.

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*Royal Decree.*

For the post of President of the Committee, appointed by a Decree of this day's date, for the purpose of proposing the reform of the present Penal Legislation in the Colonies,—

I appoint D. Candido Necedal, Deputy to the Cortes, and formerly Minister of the Interior, and, as Members of the same, I appoint D. Domingo Moreno, Councillor of State, and formerly Minister of the Supreme Tribunal of Justice in the Second Hall, and in that of the Judies; D. Manuel de Laray Cardenas, Minister of the Tribunal of Accounts of the Kingdom, and formerly Fiscal and Regent of the Audience of Porto-Rico; D. Salvador de Albacete y Albert, Under-Secretary of the Ministry of the Colonies; D. José Nicarino Brabo, Director of Grace and Justice and Ecclesiastical Affairs in the same Ministry, and formerly Magistrate of the Audience of Manila; D. Manuel de Armas, Supplementary Minister of the Audience of the Havana, and Member of the Committee of Information authorized by my Decree of 25th November, 1865; and D. José Gonzalez Acevedo, Advocate of the Illustrious College of Madrid.

Given at the Palace, 29th September, 1866.

(Signed by the Royal Hand.)

The Minister of the Colonies,  
(Signed) ALEJANDRO CASTRO.

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No. 166.

*Sir J. Crampton to Lord Stanley.—(Received October 23.)*

My Lord,

*Madrid, October 17, 1866.*

IN reply to your Lordship's despatch of the 9th instant, I have to observe that the West India Committee, have not been correctly informed in regard to an invitation said to have been made by Marshal O'Donnell's Administration to the authorities of Cuba and Puerto Rico, "to send delegates to Madrid in order to arrange with the Government a measure for the abolition of slavery in those Colonies."

A measure of so much importance could scarcely have been taken without attracting my attention, but in order to ascertain positively what degree of foundation there might be for the statement of the West India Committee, I have spoken upon the subject both to Señor Bermudez de Castro, the Minister for Foreign Affairs during Marshal O'Donnell's Administration, and to General Calonge, who now holds that office.

Both these Ministers inform me that no delegation from the Colonies has been invited by the Spanish Government, with any reference to the question of negro slavery.

Delegates from Cuba and Puerto Rico will, it is true, shortly repair to Madrid, upon the invitation of the Government, in order to furnish it with information relative to certain administrative reforms which are contemplated in the municipal laws and regulations now in force in those Colonies, but it was by no means intended by Marshal O'Donnell's Government, nor is it contemplated by the present administration, to enter upon any discussion or arrangement regarding the question of slavery or its abolition with this delegation,

As I have remarked in previous despatches to your Lordship's predecessors in office, the question of the abolition of slavery in the Spanish Colonies, is nevertheless one which has of late forced itself upon the attention of the public, and it is the avowed opinion of the most distinguished statesmen in this country that it is one with which it will be necessary to deal decisively at no distant period.—Neither Señor Bermudez de Castro nor General Calonge concealed from me that such was their opinion, but they both agreed in thinking that an immediate and absolute abolition of slavery in Cuba and Puerto Rico was a measure which could not be attempted without exposing those countries to the greatest disasters. However desirable may be the result, measures of an intermediate nature would, in their opinion, be absolutely necessary in order to bring about the freedom

of the negroes, and that, as much in the interest of the negroes themselves, as of their proprietors. The nature and extent of such measures was a subject of great difficulty and delicacy, requiring the most mature consideration of the Spanish Government and Legislature, nor could they be successfully entered upon without the support of public opinion, enlightened by a full discussion of the subject.

No administration would be prepared at once to dispose of a matter of such gravity by a mere arrangement with a body of delegates from the Colonies called together for another purpose.

The extinction of the Slave Trade to the Colonies in question, was, however, both these Ministers remarked, an indispensable preliminary to any other measure regarding the subject; and this was an object which would not be lost sight of by the Spanish Government in any municipal or other reforms which might be introduced into their administration.

I have, &c.  
(Signed) JOHN F. CRAMPTON.

No. 167.

*Sir J. Crampton to Lord Stanley.—(Received November 9.)*

My Lord,

*Madrid, October 25, 1866.*

WITH reference to my despatch of the 17th instant, respecting the deputies from Cuba and Puerto Rico, stated by the West India Committee in London to be assembled at Madrid for the purpose of making arrangements with the Spanish Government for the abolition of slavery in those Colonies, I have now the honour to inclose the copy and translation of two Royal Decrees relating to this matter, the former of the 25th of November last, stating the objects proposed to be treated of with this deputation, and the latter dated 19th instant, appointing Don Pedro Salaveria, formerly Minister of Finance, as President of the Conferences which are to be held with the deputies.

Your Lordship will observe that the question of the abolition of slavery is not one of those which it is intended to treat of; there are certain points nevertheless proposed for discussion, the determination of which may not be without its influence on the condition and prospects of the negro population of the island in question.

I have, &c.  
(Signed) JOHN F. CRAMPTON.

Inclosure 1 in No. 167.

*Extract from "Madrid Gazette" of November 29, 1866.*

(Translation.)

*Exposition to Her Majesty.*

Madam,

THE great proposition of uniting the Spanish nation, which during the middle ages the august predecessors of your Majesty struggled to form, and which the Catholic Kings, of glorious memory, were in a great measure enabled to realize in the Peninsula, was also applied by those wise Monarchs, and by their successors, to the government and administration of the dominions of America since the time of their discovery.

The unity of the nation and of its constitutive laws, however, did not exclude in the past, as it will never entirely exclude in the future, those natural differences which the difference of the social condition, and of the financial state of the Colonies renders unavoidable in the laws by which they are to be governed.

Some of those differences have in truth disappeared, and some will disappear in time; but others will always exist, and it will be requisite to take them into consideration, in order not to carry to those countries ordinances inapplicable to them, or, perhaps, contrary to the necessities and interests of their inhabitants.

Thus two great tendencies determine the historical character of the policy of Spain in her relations with the Colonies. The first, which, by means of assimilating the customs and laws, endeavours to form one sole nation, equalizing the Colonial provinces with those of the Peninsula; the second, which admits into this great unity the special laws required by the nature of the different countries over which the nation extends its power. All our Colonial legislation, ancient as well as modern, responds to this double inspiration in the spirit and letter of its rules.

In ancient times the collection of laws of the kingdoms of the Indies offers an evident

proof of so obvious a truth. Don Philip II. in the Order of Council 14, and Don Philip IV. in No. 13 of 1636, which, together, form the law 13, Div. 2 of Book 2 of that venerable Codes, expressed themselves in the following manner:—

“Inasmuch,” says the text of the law, “as the kingdoms of Castille and of the Indies are under one crown, the laws and system of government of both ought to be as similar and as much alike as possible. Those members of our Council, who may have the regulating of laws and institutions for those States, shall endeavour to reduce the form and manner of their Government to the style and order in which the kingdoms of Castille and Leon are ruled and governed, so far as it shall be possible, and as the diversity and difference of the countries and nations may permit.”

It was not certainly possible to state more clearly the intention of maintaining diversity in the midst of unity, while forming one sole and concentrated system.

Besides, it is well known how much was done by the Governments and the Cortes from 1808 to 1814 for preserving within the principle of the new political system the unity created and constantly defended by the ancient Monarchy. Perhaps at that time neither Cortes nor Governments occupied themselves, as much as the circumstances required, concerning the constant inequality of local conditions which exists between the Peninsular and American provinces; but it is certain that some of the most celebrated deputies, and precisely those who enjoy the greatest reputation among the friends of free political institutions, were afterwards very firmly of opinion, when assisting in the reform of the Constitutional Code of 1812, that it was not possible in any way to ignore the differences existing between the two kinds of provinces, so well understood and preserved in the last words of the law of the Indies. Hence arose the law of April 18, 1837, and the constitutional precept of that period, which has been literally transcribed in the actually existing Political Code, and according to which special laws ought to be formed for the Government of the Colonies, thus re-establishing within the legislative sphere, and in all their primitive vigour, the two tendencies, apparently opposed to each other, which, well studied and commented upon, have always formed the system of government of our nation in both hemispheres.

At present it can also be affirmed that the laws of the Indies, and the numerous subsequent dispositions, declared to be in force in all the Colonies by the Royal Order of 22 April, 1837, together with the important measures taken for the reforming of this system of laws, especially since the year 1850, meet so far the special necessities of the rising colony of Fernando Po, as well as those of the Government of the Philippine Islands, in which territorial property has as yet only been established in some of the islands, and where a great part of the Archipelago is not under our dominion.

But in truth the case is not the same with the provinces of Cuba and Puerto Rico. The scientific and literary progress to be observed in both Antilles, their actual riches, which in the first of them can compete with those of the most flourishing States of Europe and of the American continent, the increasing extension and the importance of their external commerce, all combine to place them now in an exceptional position, which calls for laws and measures very different from those existing in the other Colonies, which measures would some time since have also sufficed for the first-named provinces.

But having recognized and proclaimed this obvious fact with frankness, it must be confessed that now, as formerly, the plan to be adopted, most in the interest of the nation, and of political traditions, is to examine with calmness and prudence as to how far the legislative similarity between those islands and the Peninsular may reach, and where the special character of their system of government should begin, and where end. And if this examination, so interesting on account of the gravity of the questions, which the natural course of things leads us to decide upon, is to bear the stamp of impartiality which is necessary to it, and if it is to re-unite all the possible guarantees of exactness and efficacy, it is necessary that the Government, while employing all the means of investigation and study placed within its reach, should at the proper time hear, in a full and solemn manner, the exposition of the data and opinions which the loyal inhabitants of the Antilles may wish to present to its consideration.

A new analysis of the condition of those provinces cannot be limited to one or two of the different questions which are more or less agitated in them, and which may become the subject of public attention. Not only must the political and administrative order of the Antilles be examined, but also their financial position, to which have reference commercial questions of the highest interest, and others more important still relating to their population, and the state of work, which, everywhere closely and naturally allied to production, is there still more so, for reasons well known to all.

One single step made on the road of reform, as it is at this present time set on foot, without hearing the representatives of so many respectable interests, of so many generous

wishes which are hanging on the sovereign resolutions of your Majesty, might give a pretext for apprehensions capable of producing evils, which the prudence of the Government and the confidence of the people will certainly be able to avoid for the future.

These are the important objects held in view by the undersigned Minister, when he this day proposes that your Majesty should see fit to authorize him to open, before a Board composed of the highest functionaries of public administration, an inquiry concerning the bases upon which are to be founded the special laws, to be presented to the Cortes, for the Government of the provinces of Cuba and Puerto Rico; also concerning the regulation of the work of the coloured and Asiatic population, and the means of facilitating immigration more suitable to such hot climates; and lastly, concerning the Treaties of navigation and commerce which it may be necessary to make with other nations, and the reforms which must be made in the system for the charging of duty, and in the Custom House regulations, in order to carry those Treaties into execution.

There is, Madam, no other means of properly preparing the reforms in question, but to allow the inhabitants of the Antilles to aid with their experience and knowledge. If the wishes of some persons were to be consulted, having called the representatives, elected by those provinces, to the Congress of Deputies, we should begin by making, without having heard them, one of the reforms upon which the general opinion should be consulted with greater deliberation, because opinions are so divided on the matter. On the other hand, and admitting that the Colonial Deputies should take their seat in the Congress, either it would be necessary that they, on their own account, and in the exercise of a right which could not absolutely be denied to them, should present the projects of reform, in opposition to the salutary practice of the representative system, which always places the initiative in such grave questions in the hands of the responsible Ministers, or it would be necessary that the Government should present those projects without that knowledge of the facts, which must necessarily result from the investigations of the Board. In whatever manner we look at this supposition, whether under its practical aspect, or in its constitutional and theoretical light, it only offers on all sides inconveniences and almost invincible obstacles, and the undersigned Minister does not think it necessary to bring more forcible reasonings to bear upon it.

What is proposed instead of this is, that twenty-two Delegates elected by the municipalities of the two islands, should come together at Madrid before an authorized and competent Board; all the Senators who now represent those islands should also come before it, as well as the principal authorities who have governed, and who actually govern them, a number of persons equal to that of the Delegates of the Municipalities, and chosen from amongst those who, on account of special circumstances, may possess the completest knowledge of the wishes and the real necessities of the inhabitants of the Antilles. This is sufficient to supply the immediate wants of the present time; and this, better than anything, will clear the way for deeper measures in the future.

The intelligent patriotism of your Majesty's subjects in those provinces, and the good faith with which the Government on its part lends itself to the enactment of all those reforms, the utility of which can be fully demonstrated, will cause the measure now proposed to be fruitful in results. So the Government confidently hopes, and even flatters itself with the hope that this measure will be the commencement of one of the greatest reforms among the many which render illustrious the glorious reign of your Majesty.

For these reasons, the undersigned Minister, in accordance with the Council of Ministers, has the honour to submit to the approval of your Majesty the annexed project of Decree.

*Madrid, November 25, 1865.*

Madam, your, &c.  
(Signed) ANTONIO CANOVAS DEL CASTILLO.

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*Royal Decree.*

IN consequence of the reasons laid before me by the Minister of the Colonies, in accordance with the Council of Ministers, I decree the following:—

Article 1. That the Minister of the Colonies be authorized to open an inquiry:—

1. Concerning the bases on which must be founded those special laws, which, in accomplishment of the Article 80 of the Constitution of the Spanish Monarchy, are to be presented to the Cortes, for the Government of the provinces of Cuba and Puerto Rico.

2. Concerning the manner of fixing the work of the coloured and Asiatic population, and the means of facilitating immigration, so as to render it easier than in the said provinces.

3. Concerning the Treaties of navigation and commerce, which it may seem fit to make with other nations, and the reforms which must be made in the system of levying duty, and in the Custom House regulations, in order to carry out those Treaties.

Art. 2. The inquiry referred to in the previous Article, shall be made before a Board presided over by the Minister of the Colonies, and composed of the Councillors of the Colonial Sections of the Council of State, and of one Councillor from each one of the Sections, of State and Grace and Justice, War and Marine, Finance, Internal Government, and Public Works, and of the same Council; there shall also be a Reporting Member, (Vocal Ponente) all candidates for which post must have served for at least two years as a Superior Chief of Administration, either in the Spanish Antilles or in the Central Colonial Administration.

Art. 3. The nominations of the Councillors of the Sections, of State and Grace and Justice, War and Marine, Finance, Internal Government, and Public Works, of the Council of State, who, according to Article 2, are to form part of the Board, shall be made by the Council of Ministers at the proposal of the Colonial Ministry.

The Reporting Member (Vocal Ponente) shall be nominated by this latter Ministry, and shall form part of its staff, with the character and salary of Director-General.

Art. 4. The Colonial Minister shall also nominate those persons whom he may consider indispensable for the work of the Board. Two-thirds of the nominations made with this object must be conferred on officials, either acting or retired, who may have served two years in the Colonies, and on persons, born in those provinces, who may have academical or professional title. The other third part shall be scrupulously given to retired officials of the Peninsula, in accordance with the rules now in force, or which shall be laid down in the future.

Those posts which may be created in virtue of what is laid down in this Article, shall also belong to the Colonial Ministry.

Art. 5. It shall be in the power of the Board:—

1. To approve those interrogatories in accordance with which the inquiry is to be made.

2. To address such questions as it may think fit to those persons who may come before the Board.

3. To take such measures as may be useful for the better fulfilment of its duty, in accordance with this Royal Decree, and with such rules as the Colonial Ministry may in future lay down.

Art. 6. The Reporting Member shall be the immediate chief of the staff of officials destined to the service of the Board, and shall execute the resolutions taken by it in virtue of the powers conferred upon it by the previous Article.

If it shall be thought convenient to entrust the office of Reporting Member (Ponencia) to any one of the Councillors of State, this latter shall exercise all the functions of Reporting Member, and the post shall be abolished.

Art. 7. In order to determine the facts and clear up the questions which are to be the subject of the inquiry, the Board shall hear verbally or in writing, as it may decide, and in the order that the President shall previously establish:—

1. The Superior Civil Governors, Regents, and Intendants, on active service, of the Islands of Cuba and Puerto Rico, as well as those persons who may previously have discharged those functions.

2. All Senators, natives of those provinces, or who may have resided in them for the space of five years.

3. Twenty-two Delegates, natives or inhabitants of some one of the towns of the Islands of Cuba and Puerto Rico, and elected, as stated below, by the civil authorities or Municipal Corporations of those provinces.

*Island of Cuba.*—The Municipality of the Havana shall elect two Delegates.

The fourteen principal Municipalities of the towns having the largest populations after that of the Havana, shall each of them elect one Delegate.

*Island of Puerto-Rico.*—The Municipality of San Juan de Puerto Rico shall elect two Delegates.

The Civic Authorities or Municipal Corporations of the four principal towns having the largest populations, after that of San Juan de Puerto Rico, shall each of them elect one Delegate.

4. Twenty-two other persons, sixteen for the Island of Cuba, and six for that of Puerto Rico, which persons shall be chosen by the Colonial Minister from amongst those who may have resided in the Antilles during four years, or those who, on account of their knowledge, their professions, or services as public functionaries, may be best acquainted with those matters which are to form the subject of the inquiry.



5. Those Corporations of the Colonies, or of the Peninsula, which the Board may think fit to hear for the illustration of the questions to be ventilated before it.

Art. 8. If at any future time the Colonial Minister may think it necessary, he may order the concurrence at the inquiry of new Commissioners, elected by those Municipalities not included in No. 3 of Article 7, or by any other Corporation of the two Islands.

Art. 9. The persons chosen to take part in the inquiry, in accordance with the previous Article, and with Nos. 3 and 4 of Article 7, must be present in Madrid at the time which shall be fixed for them. Those who shall not do so shall be understood to have resigned, and shall be replaced by others elected in the same manner.

Art. 10. The Civic Authorities and Municipal Corporations of the Islands of Cuba and Puerto Rico are authorized to state, with the approbation of the Superior Civil Governors, the indemnifications which they may consider it necessary to be given for expenses of travelling and residence in Madrid, to the Delegates whom they may elect to take part in the inquiry.

The Colonial Minister shall state the indemnifications which, for the same purposes, are to be afforded to those persons referred to in No. 4 of Article 7, and in the last part of Article 8, if they are not domiciled in the Peninsula.

Art. 11. The result of the sessions of the Board, and the questions put to the persons who may assist in the inquiry, as well as the answers given by them, shall be daily written down in a Report, which in due time shall be printed and published. In the same form shall be set down and published the written information given to the Board.

Art. 12. The Colonial Minister is authorized to open in the estimates of the Islands of Cuba and Puerto Rico the credits necessary for meeting the indemnifications mentioned in Article 10, and the other expenses of persons and material occasioned by the inquiry.

Art. 13. The Colonial Minister shall give such orders as may be proper for the internal regulations of the Board, and all the other orders necessary for the execution of the present Decree.

Given at San Ildefonso, 25th November, 1865.

(Signed by the Royal Hand.)

The Colonial Minister,

(Signed)

ANTONIO CANOVAS DEL CASTILLO.

*Royal Decree.*

For the post of Reporting Member (Vocal Ponente) of the Board, created by my Decree of this day's date, for the purpose of instituting an inquiry concerning the reforms to be made in the present Legislation of the Provinces of Cuba and Puerto Rico.

I nominate Don Manuel Aguine de Tejada, with the character of Director-General of the Colonial Ministry, as I consider that he combines in himself the circumstances exacted by Article 2 of the said Decree.

Given at San Ildefonso, 25th November, 1865.

(Signed by the Royal Hand.)

The Colonial Minister,

(Signed)

ANTONIO CANOVAS DEL CASTILLO.

Inclosure 2 in No. 167.

*Extract from "Madrid Gazette" of October 20, 1866.*

*Royal Decrees.*

(Translation.)

IN order that the Decree of 25th November of last year may be properly fulfilled, by which Decree it is ordered among other things that, before a Board, presided over by the Minister of the Colonies, and composed of nine Councillors of State, an inquiry should be opened concerning certain specified points in the said Decree relating to the Government and Administration of the Islands of Cuba and Puerto Rico, and desiring that an examination of the questions which are the subject of the inquiry should be made by the persons called to give their opinion before the Board, with all the extension and liberty compatible with order, and with the fundamental rules to which these labours must always conform; at the proposition of the Minister of the Colonies.

I decree the following:—

Article 1. The twenty-two Delegates elected by the Municipalities of the Islands of Cuba and Puerto Rico shall assemble together at a place, which shall be appointed at the Ministry of the Colonies, with the twenty-two persons nominated by the Government.

Art. 2. A President, nominated by us, at the proposal of the Minister of the Colonies,

shall in these meetings direct with prudence and discretion the conferences caused by the questions approved by the Board on those points determined by the Decree of 25th November. The Government shall nominate from among the officials charged with aiding in the works of the Board, before which the inquiry shall in proper time be completed, two or more Secretaries, who shall take care that the records are taken down with exactitude. At each meeting it shall be obligatory to approve the record of the previous one.

Art. 3. The answers, which shall be given to the interrogatories as a result of the conferences, shall be written down in order, and shall be signed by all those who hold one and the same opinion; with the understanding that all of the different opinions, which shall be definitely given, shall also be put in writing, even though any of them should be held by only one single individual.

Art. 4. These meetings shall be secret, but without prejudicing the publicity which, at the proper time, shall be given to the works which may have resulted from the inquiry held before the Board established by the Article 2 of the above-mentioned Decree.

Art. 5. The reports of the proceedings of the meetings, and the answers to the interrogatories spoken of in Art. 3, shall be placed before the Board, and in view of their contents, and as well as those of the other works brought together in the course of the inquiry, the Board will call and will hear verbally or in writing those of the Commission of Inquiry whose opinions require explanation, in order to determine the facts and clear up the questions which are the subject of the inquiry.

Given at the Palace, 19th October, 1866.

(Signed by the Royal Hand.)

The Minister of the Colonies,  
(Signed) ALEJANDRO CASTRO.

Taking into consideration the circumstances which unite in Don Pedro Salaveria, Member of Cortes and formerly Minister of Finance, I name him President of the Conferences which will be held at this Court by the Commissioners referred to in the Decree of 25th November of the last year, for the purpose of answering the questions for the opening of the inquiry authorized by the same Decree concerning various points relating to the Government and Administration of the provinces of Cuba and Puerto Rico.

Given at the Palace, 19th October, 1866.

(Signed by the Royal Hand.)

The Minister of the Colonies,  
(Signed) ALEJANDRO CASTRO.

No. 168.

*Lord Stanley to Sir J. Crampton.*

Sir,

*Foreign Office, November 22, 1866.*

I HAVE to acquaint you that a despatch has been received at the Admiralty from Commander Peile, of Her Majesty's ship "Espoir," reporting that on the 17th of September last he captured off the Congo River a brigantine without colours or papers to denote her nationality, fully equipped for the Slave Trade.

The vessel in question appeared to be Portuguese and to have been fitted out a few months ago at Cadiz, part of her cargo being marked "Cadiz."

I have to instruct you to communicate the above information to the Government of Her Catholic Majesty as a proof that the Cuban planters and slave-dealers have not yet given up the idea of introducing slaves into Cuba.

I am, &c.  
(Signed) STANLEY.

No. 169.

*Sir J. Crampton to Lord Stanley.—(Received December 3.)*

My Lord,

*Madrid, November 29, 1866.*

I HAVE the honour to inclose the copy of a note which, in conformity with the instructions contained in your Lordship's despatch of the 22nd instant, I have addressed to the Spanish Minister for Foreign Affairs, informing his Excellency of the capture by a British cruiser of a slave-trading vessel which appears to have been fitted out at Cadiz, and calling his Excellency's attention to that circumstance as a proof that the slave-dealers have not given up the idea of introducing slaves into Cuba.

I have, &c.  
(Signed) JOHN F. CRAMPTON.

Inclosure in No. 169.

*Sir J. Crampton to General Calonge.*

M. le Ministre,

*Madrid, November 29, 1866.*

I AM instructed by Her Majesty's Government to apprise your Excellency that a despatch has been received at the Admiralty from Commander Peile of Her Majesty's ship "Espoir," reporting that on the 17th September last he captured, off the Congo River, a brigantine without colours or papers to denote her nationality, equipped for the Slave Trade.

The vessel in question appeared to be Portuguese and to have been fitted out a few months ago at Cadiz, part of her cargo being marked "Cadiz."

Her Majesty's Government in instructing me to make to Her Catholic Majesty's Government this communication, wish to call their attention to the evidence which is thereby afforded of the planters and slave-dealers having not yet given up the idea of introducing slaves into Cuba.

I avail, &c.  
(Signed) JOHN F. CRAMPTON.

No. 170.

*Sir J. Crampton to Lord Stanley.—(Received December 8.)*

My Lord,

*Madrid, December 4, 1866.*

WITH reference to my despatch of the 29th ultimo, respecting the capture in the Congo River by the British cruiser "Espoir" of a vessel fitted out for the Slave Trade, with certain indications that she had been equipped at Cadiz, I have now the honour to inclose copy and translation of a note which I have received from the Spanish Minister for Foreign Affairs informing me that inquiries have been instituted by the order of the Spanish Government into this matter.

I have, &c.  
(Signed) JOHN F. CRAMPTON

Inclosure in No. 170.

*General Calonge to Sir J. Crampton.*

(Translation.)

Sir,

*Palace, December 1, 1866.*

I HAVE received the note which you addressed to me dated the 29th of November last, informing me, according to the instructions of your Government, of the capture in the River Congo by Her Britannic Majesty's ship "Espoir," of a brigantine without papers or flag, completely equipped for the Slave Trade, which seemed to be Portuguese, and part of whose cargo was shipped at Cadiz.

In reply to the said note I have the honour to inform you that I have to-day transmitted it to the Minister of Marine, in order that he may cause the proper investigation to be made in the Department of Cadiz.

I avail, &c.  
(Signed) E. DE CALONGE.

No. 171.

*Lord Stanley to Sir J. Crampton.*

Sir,

*Foreign Office, December 8, 1866.*

I TRANSMIT herewith, for your information, copies of despatches as marked in the margin from Her Majesty's Consul-General at the Havana,\* on matters relating to the Cuban Slave Trade.

I am, &c.  
(Signed) STANLEY.

\* Nos. 196, 197, and 198.

## SPAIN. (Consular)—Cadiz.

No. 172.

*Consul Dunlop to the Earl of Clarendon.—(Received May 16.)*

My Lord,

*Cadiz, May 11, 1866.*

I HAVE the honour to state to your Lordship that on the evening of the 8th instant the local authorities in this port seized a brig, or brigantine, under Spanish colours, called at present the "*Secundina*" of Bilbao, lying in this harbour, making ready to go to sea, and suspected of being intended for the Slave Trade.

## SPAIN. (Consular)—Havana.

No. 173.

*The Earl of Clarendon to Consul-General Bunch.*

My Lord,

*Foreign Office, January 5, 1866.*

I HAVE received your despatch of the 2nd ultimo, inclosing a copy of the Decree issued by the Queen of Spain relative to the disposal of the emancipados who may be found in the Islands of Cuba and Porto Rico, and I have to instruct you to keep Her Majesty's Government informed of the steps which may be taken by the Spanish authorities in Cuba for giving effect to this Decree.

I am, &c.  
(Signed) CLARENDON.

No. 174.

*Consul-General Bunch to the Earl of Clarendon.—(Received January 8, 1866.)*

My Lord,

*Havana, December 12, 1865.*

IN my despatch of the 17th ultimo I had the honour to state that I had addressed a final letter to the Captain-General of this island on the subject of the landing of an expedition of negroes on the estate of a certain Don Francisco Marty. This letter was dated on the 14th ultimo, and formed Inclosure No. 7 in the despatch above referred to.

I stated in it very clearly my belief that this landing had been effected, notwithstanding the assertions to the contrary of the Captain-General.

Nearly a month has now elapsed since this letter of mine was written. No reply has yet been made to it. I am therefore of opinion that the fact of the landing may be considered as admitted by the Spanish authorities. Had it been possible for the Captain-General to refute my assertions, he would naturally have done so.

It is not my intention to revive the question unless General Dulce should himself re-open it.

I have, &c.  
(Signed) ROBERT BUNCH.

No. 175.

*The Earl of Clarendon to Consul-General Syngé.*

Sir, *Foreign Office, February 28, 1866.*  
 I TRANSMIT to you herewith a copy of a project of law which has been introduced into the Spanish Cortes for the more effectual repression of the Slave Trade.\*

I should be glad to be furnished, at the earliest possible opportunity, with your opinion upon the proposed Bill, together with any suggestions you may have to offer upon points on which, in your opinion, the Bill might with advantage be amended.

I am, &c.  
 (Signed) CLARENDON.

No. 176.

*Consul-General Bunch to the Earl of Clarendon.—(Received March 2.)*

(Extract.)

*Havana, January 16, 1866.*

I AM able to report to your Lordship with some confidence that no landing of negroes from Africa has taken place on the shores of this Island during the months of November and December last.

Early in the latter month I received an anonymous communication to the effect that a person named Plá, who has previously been concerned in the Slave Trade, had succeeded in landing a cargo of between 500 and 600, at or near a place called Puerto Padre, near the north-eastern end of Cuba. From inquiries I made, I had reason to believe that there was no foundation for the report.

Under these circumstances I did not think it worth while to write officially to the Captain-General on this subject, but I paid a visit to the Secretary of the Government, Señor Valls y Puig, whom I have always found frank and obliging in my official relations with him.

This gentleman told me that there had certainly been no landing in that neighbourhood; that the authorities there were to be depended upon, and that no intelligence of even an attempt to disembark slaves had reached the Government. He showed me the drafts of the orders which had been issued by the Captain-General to the different Lieutenant-Governors on the subject of slave-trading. They were certainly most stringent, and were, moreover, couched in very peremptory language. These officials are told, in so many words, that they will answer with their posts for any landing being successfully effected within their districts.

A few evenings ago I asked the Captain-General himself if he had heard of any attempted expeditions. He assured me, in reply, that he had not heard of any landing, but added that he believed that one vessel had been hovering about the southern coast, watching for a favourable opportunity to land her cargo. His Excellency said that he had first heard of this vessel early in December; that she had failed entirely to effect her purpose, and had probably taken refuge in Yucatan.

It is, as your Lordship is aware, quite impossible to speak with perfect confidence on the subject of landings on the coast of Cuba. But it is very seldom that one does take place without the knowledge of a good many people, some one of whom is pretty sure to let the secret escape.

With the exception of the Puerto Padre supposed landing, I have received no intimation whatever of any expedition. I infer, therefore, that there has been none to report.

No. 177.

*Consul-General Bunch to the Earl of Clarendon.—(Received March 2.)*

My Lord,

*Havana, February 5, 1866.*

WITH reference to that portion of my despatch of the 16th ultimo, in which I had the honour to mention to your Lordship that the Captain-General had spoken to me respecting an expedition which was supposed to be endeavouring to land on the south side of this island, I beg leave to report to your Lordship such further particulars as I have been able to gather concerning it.

\* Inclosure in No. 129.

The Captain-General has taken every measure in his power to capture this expedition, and has received daily reports from the part of the coast which appeared to have been selected for the landing. His Excellency has kindly kept me informed, in answer to my personal inquiries, of the measures which he was adopting.

I have just returned from an interview with the Secretary of the Government, to whom I signified my wish to receive the latest intelligence to be conveyed to your Lordship by the packet of to-morrow.

Señor Valls y Puig informed me that the Captain-General felt morally certain that the landing had not been effected. He showed me a Report made to the Spanish Admiral by the Commander of the gun-boat which was sent to examine the coast. In this it is stated that the gun-boat's crew had been landed, and a thorough search made for several miles on each side of the light-house on Cape San Antonio. No trace of a recent landing could be discovered. At the same time it was believed that supplies of provisions had been sent in one or two launches to some vessel near the coast. This, if true, would increase the probability that the landing had not been effected.

I shall continue to watch this matter with the greatest care.

I have, &c.  
(Signed) ROBERT BUNCH.

No. 178.

*The Earl of Clarendon to Consul-General Syngé.*

Sir,

*Foreign Office, March 7, 1866.*

I HAVE received Mr. Bunch's despatches of the 16th of January and 5th ultimo, containing Reports on matters connected with the Cuban Slave Trade.

Her Majesty's Government have read these Reports with much satisfaction as evidencing the good faith and determination with which the Captain-General appears to act in carrying out the engagements of the Spanish Crown for the suppression of the Cuban Slave Traffic.

I am, &c.  
(Signed) CLARENDON.

No. 179.

*The Earl of Clarendon to Consul-General Syngé.*

Sir,

*Foreign Office, April 25, 1866.*

I TRANSMIT herewith, for your information, a copy of a letter from Commodore Hornby to the Secretary to the Admiralty, containing information relative to the Slave Trade on the West Coast of Africa.\*

You will perceive it is stated that the slave-dealers on the coast are sanguine that on a change of Governors taking place in Cuba, which is shortly expected, the difficulties that have been experienced in landing slaves in that island during General Dulce's term of Governorship will no longer exist.

I have to desire that you will use your best endeavours to ascertain whether these expectations are well founded, and whether there are any reports of fresh slave expeditions being organized for the African coast.

I am, &c.  
(Signed) CLARENDON.

No. 180.

*Consul-General Syngé to the Earl of Clarendon.—(Received April 30.)*

My Lord,

*Havana, April 5, 1866.*

WITH reference to Mr. Bunch's despatch of the 5th of February last, I have the honour to report to your Lordship that, on the 10th ultimo, the Spanish ship of war "Neptuno" arrived in this harbour with 275 African negroes, who were found on shore on the north coast of Vuelta Abajo. On his return to Havana, the Commander of the

"Neptuno" fell in with a schooner with 100 other negroes on board, and suspecting that they also might form portion of the slave-cargo to which the 275 belonged, he brought the vessel with him into this harbour: but, upon investigation, the authorities here were satisfied that this was not the case, and that the negroes found on board were the lawful property of Don Francisco Marty y Torrens, and the vessel was accordingly released.

Owing to the absence of the Captain-General and of the Political Secretary, who are at the Isle of Pines, I am unable to obtain any authentic information as to what is to become of the 275 Bozal negroes; whether they are to be declared emancipados, or to be sent back to Africa. I went to see the unfortunate creatures landed at the dockyard here, and a more shocking sight than they presented I hope it may never be my lot to see.

The supposition is, that the slaver which brought them from Africa had found means to land, on other points in the island, about 425 negroes (the original cargo having consisted of 700), but, being warned that the Government cruizers were in pursuit of her, had discharged the remainder on the first safe spot she could find, and then proceeded beyond the reach of detection.

At any rate, the poor wretches were found there in a state of almost complete starvation, and, although they were doubtless well fed as soon as they were discovered by the Spanish naval authorities, yet when they were brought on shore here they looked literally like living skeletons, the flesh having fallen almost completely away, and the knee-bones and joints, standing out in horrible relief, appeared to be the largest portions of their bodies.

I have received an anonymous letter, assuring me that the rest of the cargo had been landed on the Guacamaya estate, belonging to one Mitjans, and that this had been effected by the connivance of certain of the local authorities named in the letter. As soon as General Dulce returns I will endeavour to ascertain if this is really the case. But how can it be ascertained; the 9th Article of the existing Penal Code expressly guaranteeing (as I had the honour to report to your Lordship in my despatch of yesterday's date) perfect immunity from detection and punishment to the planter who has fully succeeded in getting a cargo of Bozals snugly landed on his estate?

I feel confident that General Dulce will, so long as he remains here, do (as he has hitherto done) all in his power to put down the Slave Trade. He told me that he was determined to stamp out "this cursed trade in human blood," as he called it; and it is impossible to doubt his sincerity, his energy, or his determination. But unless the Trade in Slaves is declared by Spain to be piracy, the prosperity or depression of that horrible Traffic may very materially depend upon the personal character and disposition of the Statesman who for the time being may be Captain-General of this Island; and under a less uncompromising or a less enlightened ruler than the Marques de Castel Florite, the infamous commerce, which we now hope and believe to be almost crushed, may possibly once more offer sufficient inducements to tempt reckless adventurers to risk all that is to be risked under the present or under the proposed system of repression.

I have, &c.

(Signed) W. W. FOLLETT SYNGE.

No. 181.

*The Earl of Clarendon to Consul-General Syngé.*

Sir,

*Foreign Office, May 1, 1866.*

I AM directed by the Earl of Clarendon to acknowledge the receipt of your despatch dated the 5th ultimo, reporting the capture by the Spanish authorities of 275 Africans, supposed to form a portion of a larger cargo of slaves that have been introduced into Cuba.

You will not fail to inform his Lordship how these negroes are disposed of; and I am at the same time to desire that you will endeavour to ascertain from what part of the African coast they were procured, as a knowledge on this point may be of material use to the Commanders of Her Majesty's cruizers in preventing further shipments, Her Majesty's Government at present not being aware that any slaves have been shipped from the African coast for some months past.

I am, &c.

(Signed) CLARENDON.

No. 182.

*Consul-General Synge to the Earl of Clarendon.—(Received May 30.)*

My Lord,

*Havana, May 7, 1866.*

WITH reference to my despatch of the 5th ultimo, I have the honour to report to your Lordship that on the return of the Government Secretary from the Isle of Pines, I placed in his hands, confidentially, the anonymous letter which I had received accusing certain persons by name of participation in the landing of slaves effected in December last.

Señor Valls y Puig said he knew the handwriting well and that the writer had made similar representations to the Captain-General, who had carefully examined into the truth of his allegations and had found them to be spiteful and malicious as well as false. The writer, he added, was proved to be a man of infamous character and to have been actuated by feelings of revenge against the Alcalde whose duty it had been to punish him.

Señor Valls y Puig told me that the Bozals captured by the "Neptuno" were not to be treated as emancipados, but to be sent to Fernando Po by the first opportunity. In the meantime they are hired to the municipality for employment on the Public Works.

It is again reported that General Lersundi is to replace General Dulce very shortly.

It is to be hoped that in regard to the Slave Trade he will follow the noble example of the Marquis de Castel Florite, whose energy and unswerving determination in putting down that horrible Traffic cannot be too highly commended.

I have, &amp;c.

(Signed) W. W. FOLLETT SYNGE.

No. 183.

*Consul-General Synge to the Earl of Clarendon.—(Received June 14.)*

My Lord,

*Havana, May 25, 1866.*

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 25th ultimo, desiring me to report to your Lordship whether there is reason to suppose that the change of Governors of this Island will lead to a renewal of the Slave Trade between Africa and Cuba.

I believe that on a change of Governors of Cuba there is always a renewal of efforts on the part of the slave-merchants to introduce cargoes into the island, not necessarily because the new Viceroy may be more disposed to favour the Traffic than his predecessor, but because in the confusion of a change of Government they appear to think they stand a better chance of landing their negroes unobserved.

It is quite true that all kinds of rumours are current as to the General Lersundi's supposed indulgent feeling to the slave-dealers; but it is so much the custom here, as elsewhere, to speak evil falsely of persons in authority that I do not think any great importance ought to be attached to such reports.

At the same time, it seems highly probable that the dealers in Africa will take this opportunity of attempting to fit out expeditions for this island, and more than ordinary vigilance may be required on the part of our cruisers.

I have, &amp;c.

(Signed) W. W. FOLLETT SYNGE.

No. 184.

*Consul-General Synge to the Earl of Clarendon.—(Received June 14.)*

My Lord,

*Havana, May 25, 1866.*

IN reply to your Lordship's despatch of the 1st instant, I have the honour to state that the 275 Bozal negroes captured by the Spanish authorities in March last were brought from the Congo coast.

The Spanish Government has desired that these negroes shall be sent to Cadiz, thence to be returned to Africa; and I am told that these orders will be carried into effect as soon as the Court of Real Audiencia shall have formally declared the negroes to be emancipados.

It was General Dulce's intention to have sent the bulk of the Africans to Spain at



once, keeping here some ten or twelve for a time to give such evidence as might be required by the Court; but his Excellency has been superseded, and it is impossible to tell what steps his successor, General Lersundi, who is expected to arrive here to-morrow, may see fit to take in regard to this matter.

Señor Valls y Puig, the Government Secretary, informed me yesterday that three more Africans belonging to the same expedition as the 275 had been captured the other day, and that the authorities thought they had the clue to the discovery of some twenty others.

I have, &c.  
(Signed) W. W. FOLLETT SYNGE.

No. 185.

*Consul-General Synge to the Earl of Clarendon*,—(Received June 25.)

(Extract.)

*Havana, May 28, 1866.*

I INCLOSE, for your Lordship's information, a copy of a letter which I thought it my duty to address to the Captain-General of Cuba previous to his departure, expressing the satisfaction which Her Majesty's Government felt at the good faith and determination evinced by his Excellency in carrying out the provisions of the Treaty for the suppression of the Slave Trade.

I transmit also a translation of his Excellency's reply. General Lersundi is daily expected.

Inclosure 1 in No. 185.

*Consul-General Synge to the Captain-General of Cuba.*

Most Excellent Sir,

*Havana, May 26, 1866.*

AS I very much fear that I may not be sufficiently recovered from my illness to call to take my leave of your Excellency before your departure, I take the liberty of writing to express my deep regret that your official connection with this island is soon to be severed,—a regret which I feel confident will be shared by the Government of my august Sovereign, who have so frequently expressed to my predecessors and to myself the very high sense which they entertain of your Excellency's conspicuous loyalty and resolute determination in carrying out the stipulations of the Treaty existing between our respective Sovereigns for the suppression of the infamous Traffic in human beings.

In one of the last despatches which I have had the honour of receiving from the Earl of Clarendon, his Lordship speaks of the satisfaction experienced by Her Majesty's Government at the evidences of General Dulce's good faith and determination in carrying out the law for the suppression of the Slave Trade; and in several other despatches from the Foreign Office appreciative mention is made of your Excellency's zeal and humanity in regard to the suppression of the Commerce in Slaves.

I cannot conclude this letter without thanking your Excellency for your great kindness and courtesy to myself personally, and for the frankness with which you have allowed me to converse with you on a subject in which both our Governments take so great an interest.

I trust that the same kindness will be extended to me by your successor, who will find me anxious to do all in my power to assist in carrying out the common object of our respective Rulers.

Cordially wishing your Excellency all health and happiness, I have, &c.

(Signed) W. W. FOLLETT SYNGE.

Inclosure 2 in No. 185.

*The Captain-General of Cuba to Consul-General Synge.*

(Translation.)

Sir,

*Havana, May 27, 1866.*

I HAVE to thank your Honour for the kind expressions used by you in your letter of yesterday's date, taking leave of me; and I regret that the state of your health prevents

my having the pleasure of seeing you again before my departure, though I shall, if possible, come and shake hands with you before I embark.

It is very gratifying to me that the Government of your august Sovereign recognizes the loyalty of our Sovereign in carrying out the Treaty concluded between the two countries for the suppression of the Slave Trade. The kind expressions of Lord Clarendon apply to all the Captains-General who have had the honour of governing this Antilla, and I do not merit the particular mention which he makes of me personally, except that I may have been more fortunate, but I have not been more loyal or more zealous, than my predecessors.

Your Honour will find in my successor the same feelings, for they all emanate from the Supreme Government, which is but the reflex of the proverbial Spanish loyalty.

With persons of the intelligence, liberal education, and the good intentions which I am glad to recognize in your Honour, it is impossible to have any misunderstanding; and my successor will appreciate, as I do, your distinguished good qualities.

I pray the Most High that you may be restored to that state of health which is necessary for the better service of Her Britannic Majesty, for the relief which I desire your Honour to experience, and for the contentment of your family; because a special regard is entertained for you by your faithful servant, who kisses your hands.

(Signed) DOMINGO DULCE.

No. 186.

*The Earl of Clarendon to Consul-General Syngé.*

Sir,

*Foreign Office, June 30, 1866.*

I HAVE received your despatch of the 28th ultimo, inclosing a copy of a letter addressed by you to the Captain-General of Cuba, expressing to his Excellency the satisfaction felt by Her Majesty's Government at the good faith and determination with which he has acted in carrying out the engagements of the Spanish Crown for the suppression of the Slave Trade, and I have to acquaint you that I approve the communication addressed by you to General Dulce.

I am, &c.

(Signed) CLARENDON.

No. 187.

*Consul-General Syngé to the Earl of Clarendon.—(Received July 3.)*

My Lord,

*Havana, June 10, 1866.*

I HAVE the honour to transmit to your Lordship a translation of a circular despatch addressed by the Captain-General to the Governors and Lieutenant-Governors of the various provinces of this island, expressing his firm determination, and that of the Spanish Government, to put down the Slave Trade in Cuba, and calling upon the authorities to do all in their power to prevent any landing of negroes within their respective districts.

I have, &c.

(Signed) W. W. FOLLET SYNGE.

Inclosure in No. 187.

*Circular Despatch from the Captain-General to the Governors and Lieutenant-Governors of Provinces.*

(Translation.)

*Havana, June 7, 1866.*

THE Government of Her Majesty our Lady the Queen, firm in its intention to suppress the Slave Trade in this part of her dominions, has now reminded me of the measures which it has adopted for that purpose, and has enjoined me to prosecute the Slave Traders with the utmost activity and determination; and as it is very likely that such persons thinking the present moment, when a change of the highest authorities of the island has just taken place, may be propitious for the execution of their nefarious purposes, will attempt some landing of Africans on these shores, I warn you that I am determined, in obedience to the law and in the execution of my duty, not to allow the laws to be infringed on any consideration whatever; and I desire that you will use all

your zeal, vigilance, and activity to capture any expedition which may attempt to land; in the assurance that I shall be severe, and shall require from you the strictest responsibility in regard to any circumstances connected with the said Traffic which may occur within the jurisdiction of your command.

God preserve, &c.

(Signed)

FRANCISCO LERSUNDI.

No. 188.

*The Earl of Clarendon to Consul-General Synge.*

Sir,

*Foreign Office, July 6, 1866.*

I HAVE received your despatch of the 10th ultimo, inclosing a copy of a circular despatch by General Lersundi on his assuming the command in Cuba to the Governors and Lieutenant-Governors of the various provinces in the island, warning them of his determination to suppress the Cuban Slave Traffic, and I have to instruct you to take an opportunity of expressing to the Captain-General the satisfaction with which Her Majesty's Government have learnt his Excellency's determination to carry out the engagements of the Spanish Crown for the suppression of the Cuban Slave Trade.

I am, &c.

(Signed)

CLARENDON.

No. 189.

*Lord Stanley to Consul-General Synge.*

Sir,

*Foreign Office, July 27, 1866.*

I TRANSMIT herewith, for your information, a copy of a despatch from Her Majesty's Minister at Madrid,\* reporting the circumstances which have prevented the definitive adoption of the Spanish Cortes of the Project of Law lately under their consideration for the more effectual suppression of the Cuban Slave Trade.

It is possible that the unforeseen delay that has taken place in passing this Bill may serve as an encouragement to the slave-dealers to fit out further slave-trading expeditions, and it will be satisfactory, therefore, to hear from you that these apprehensions have no foundation in facts, and that the measures adopted by the Captain-General of Cuba for the suppression of the Traffic in Slaves correspond with the assurances of the Spanish Minister on this matter.

I am, &c.

(Signed)

STANLEY.

No. 190.

*Consul-General Synge to the Earl of Clarendon.—(Received August 29.)*

(Extract.)

*Havana, August 6, 1866.*

SINCE the arrival of General Lersundi here as Captain-General, hardly a week has passed without landings of African negroes on various parts of the Island being reported to me, anonymously or otherwise.

One of these landings was actually said to have been effected a few miles out of Havana, and almost within sight of the Captain-General's residence.

General Lersundi utterly denies the truth of these reports, and answers me most solemnly that he is determined to put down the Slave Trade for ever. And I am bound to say that with all my care and vigilance, assisted by my Vice-Consuls at the various ports, I have hitherto been unable to obtain any certain intelligence of any Africans having been disembarked in the Island since General Lersundi's arrival.

But now, just as the mail is leaving, I am informed that in the month of July no less than seventeen expeditions have been fitted out for bringing slaves from Africa into this Island.

My American colleague affords me every assistance and co-operation in endeavouring to discover what landings have really taken place.

\* No. 155.

I will communicate with the Senior Officer on the West India Station ; though probably a communication to the Senior Officer of the African Squadron from the Admiralty, if your Lordship should think fit to cause one to be made, will reach him sooner than my letter will have time to travel to him viâ the West Indies.

P.S.—The information contained in the accompanying copy of a letter from the United States' Acting Consul-General is such as I myself received from various sources ; but I have found the evidence inevitably break down when I have wanted clearly to establish the facts.

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Inclosure in No. 190.

*Mr. Savage to Consul-General Syngé.*

Dear Sir,

*Havana, July 23, 1866.*

UPON the receipt of a communication of an official character, advising me of the report current and believed to be true at Sagua la Grande, retpecting an alleged landing of an expedition of negroes on the north coast of Cuba, between Nuevitas and Gibara, and said to have been captured by the officers of the Spanish Government, I called upon the Governor-General of Cuba for information on the subject, stating to His Excellency at the same time my anxiety to know all the facts, inasmuch as it was also asserted that the negroes looked intelligent, and spoke English and broken French, which led me to apprehend that they might be some of our freedmen kidnapped from the Southern States of our Union.

The Captain-General assured me that the report was wholly untrue, and arose from the renewed watchfulness noticed amongst the officers of all ranks in the interior of the Island, consequent upon the strict orders he had given them to capture such expeditions if any appear on the coast of their respective districts. His Excellency asserted in the most positive terms that no landing of negroes had taken place since his arrival upon the Island. That the negroes said to have been landed at Marianao, had been on the Island before he became the Captain-General thereof, and were being transferred from one plantation to another, provided with the passes required by the Regulations.

It is very difficult to reconcile the above with the information brought to me by parties who are generally well advised of what is going on in the Island, not only in reference to the Slave Trade, but other matters of great importance. The statements to me of these parties have in almost every instance proved correct. They have reiterated to me that one expedition of 1,000 negroes were landed from a steamer some time since at Jaruco, of whom between 200 and 300 were brought to Marianao, and transferred to Durañona's and Guevo's Potrero, from whence they were being carried to Durañona's Estate Toledo, when detained by the Government officers ; the number of negroes so detained being 248 ; and, furthermore, that about 1,000 negroes were landed subsequently also at Jaruco, from the vessels. My informants are men of respectability, who abominate the Slave Traffic ; they asseverate having derived their information from parties who are themselves engaged in the Traffic.

I have directed the United States' Consular officer at Nuevitas to endeavour to ascertain the facts in relation to the supposed expedition landed on Cayo Nuevas Grandes, and communicate the same to me without delay. Should anything result from such investigation, I will carefully make it known to you.

I remain, &c.

(Signed)

THOS. SAVAGE.

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No. 191.

*Consul-General Syngé to the Earl of Clarendon.—(Received September 10.)*

(Extract.)

*Havana, August 17, 1866.*

THE Governor-General considering that the judiciary were inefficient to punish the many daring acts of robbery and murder so common in this city and throughout the island, has by his own authority arrested 164 persons of notorious bad character and transported them to Fernando Po.

The barque "Rosa del Turia," in which these criminals were embarked, sailed from this port the day before yesterday.

No. 192.

*Lord Stanley to Consul-General Synge.*

Sir,

*Foreign Office, October 10, 1866.*

I TRANSMIT herewith, for your information, a copy of a despatch from Her Majesty's Minister at Madrid,\* inclosing a copy of a Royal Decree published in the Madrid Gazette of the 1st instant, giving effect to the provisions of the Project of Law for the more effectual suppression of the Slave Trade, which was voted by the Spanish Cortes in its late session, but which failed to become law in consequence of the sudden prorogation of that body.

I am, &c.  
(Signed) STANLEY.

No. 193.

*Lord Stanley to Consul-General Synge.*

Sir,

*Foreign Office, October 15, 1866.*

WITH reference to my despatch of the 10th instant, I transmit to you herewith, for your information, a copy of a further despatch from Her Majesty's Minister at Madrid,† inclosing a copy of a Royal Decree enacting that every individual of colour in a state of slavery in Cuba or Puerto Rico shall be free upon landing in the Peninsula or adjacent islands.

I am, &c.  
(Signed) STANLEY.

No. 194.

*Lord Stanley to Consul-General Synge.*

Sir,

*Foreign Office, October 16, 1866.*

I TRANSMIT to you herewith, for your information, a copy of a despatch from Her Majesty's Minister at Madrid,‡ inclosing a copy of a Royal Decree appointing a Commission to examine and reform the system of penal laws in Cuba and Puerto Rico.

I am, &c.  
(Signed) STANLEY.

No. 195.

*Lord Stanley to Consul-General Synge.*

Sir,

*Foreign Office, November 22, 1866.*

I TRANSMIT herewith for your information, the accompanying copies of a despatch and its inclosure, from Commander Peile, of Her Majesty's ship "Espoir,"§ reporting the capture off the Congo River, on the 17th of September last, of a brigantine without colours or papers fully equipped for the Slave Trade.

I have to instruct you to communicate the particulars of this capture to the Captain-General of Cuba, as a proof that the planters and slave-dealers have not yet given up the idea of introducing slaves into that island.

I am, &c.  
(Signed) STANLEY.

No. 196.

*Consul-General Synge to Lord Stanley.—(Received December 3.)*

(Extract.)

*Havana, November 4, 1866.*

I HAVE the honour to report to your Lordship that the new Captain-General of Cuba, Don Joaquin del Manzano, arrived here and assumed the duties of his office yesterday.

\* No. 158.

† No. 163.  
‡ Class A, No. 73.

§ No. 165.

No. 197.

*Consul-General Synge to Lord Stanley.—(Received December 3.)*

My Lord,

*Havana, November 5, 1866.*

ON the 8th ultimo I received from the Captain-General the letter which I have the honour to inclose herewith, in translation.

I immediately addressed a circular despatch to all the British Vice-Consuls in the island, requiring them to exercise all vigilance in the discovery of any attempted landing.

General Lersundi has been indefatigable in his exertions to obtain further intelligence and has been in daily communication with the authorities of all parts of the island. Up to the present time, however, we have discovered nothing. I need not say that I shall be unremitting in my attempts to frustrate any such infraction of the law; and I trust that the new Captain-General will be as energetic as his predecessor.

I asked General Lersundi a day or two ago what had been decided as to the ultimate destiny of the 274 Bozals captured by the Spanish sloop of war "Neptuno," in March last. He said that the matter was still awaiting the decision of the Court of Real Audiencia. It is now eight months since these poor creatures were captured, and the Supreme Court of the Colony has not yet pronounced its judgment in regard to them.

I have, &c.  
(Signed) W. W. FOLLET SYNGE

Inclosure in No. 197.

*The Captain-General of Cuba to Consul-General Synge,*

(Translation.)

Dear Sir,

*Havana, October 8, 1866.*

I HAVE just received confidential information, which I consider almost certain, that a cargo of African negroes will be attempted to be landed very shortly in this island.

On my part, I have given orders to the ships of our squadron to exercise the greatest vigilance, and to the various Lieutenant-Governors to do their best to capture this expedition; but, as in spite of all my confidential information, which, I repeat, I consider to be trustworthy, I cannot ascertain on what part of the coast the landing will be attempted, I have thought it right to address your Honour, and to beg you to acquaint me with any particulars in regard to this matter which may have come, or which may hereafter come to your knowledge, so that with the assistance which you may give me for the investigation of this matter, I may redouble my exertions and leave no means untried in the execution of my duty.

God preserve, &amp;c.

(Signed) FRANCISCO LERSUNDI.

No. 198.

*Consul-General Synge to Lord Stanley.—(Received December 3.)*

(Extract.)

*Havana, November 6, 1866.*

JUST as the mail is starting, the circular despatch of which I have the honour to inclose a copy, has been addressed by Captain-General del Manzano to the Governors and Lieutenant-Governors of the various provinces of the island.

I think it clearly shows that the Spanish Government have determined that the Slave Trade between Africa and Cuba shall really be suppressed with a strong hand.

Inclosure in No. 198.

*Circular to Governors and Lieutenant-Governors of Provinces.*

(Translation.)

*Havana, November 3, 1866.*

IN a few days I shall transmit to you a copy of the Havana Gazette ("Gaceta de la Habana") in which will be reproduced from the Madrid Gazette ("Gaceta de Madrid") the exposition and the Royal Decree of 29th September last, dictating the new regulations which are to be observed for the persecution and extermination of the Slave Trade.

In transmitting to you expressly and officially these supreme directions, which would

in any case always be authoritative from the time of their publication in the official paper of this island, my purpose is to call your attention to the important documents referred to, so that, being fully imbued with their letter and spirit, you may contribute in so far as belongs to you to their faithful observance. The patriotic objects which have impelled Her Majesty's Government to draw up this new code against an inhuman traffic, which high moral precepts and the real interests of the State alike impugn; the respect due to the conventions which our nation has entered into on the subject with various friendly powers; and the resolution which, for my own part, I have formed strictly to obey and to cause to be obeyed the vigorous instructions which have been communicated to me, and which are in accordance with my own persuasions; are circumstances which impose on you the obligation of attending above all to this service, the performance of which I strictly require; you will devote to it all your zeal and activity, and desire the co-operation of other authorities in any case wherein your own is not sufficient, so that the law may be scrupulously fulfilled and respected.

I do not expect that any disgraceful complicity in this abominable traffic, or unjustifiable indolence in the discharge of his duties, will cause any public functionary to incur the penalties signed in Articles 3, 13, 14, 16, 44, and 45, of the Royal Decree; but if, contrary to my expectation, any subordinate under my authority should perchance allow another incitement to prevail over the sacred performance of his duties, I think it proper to state, as a timely warning, that for no kind of consideration will I allow that those penalties fail to be exacted with all the severity which the law itself determines; but that, on the contrary, I will employ all those means within the scope of government, which I may consider effective for the eradication of offences which would cast a perpetual shade on the prospects and the morality of any one who should be weak enough to commit them.

You will please to send to this department due acknowledgment of the receipt of this communication.

God preserve, &c.

(Signed)

JOAQUIN DEL MANZANO.

SPAIN. (*Consular*)—*Porto Rico*.

No. 199.

*Consul Cowper to the Earl of Clarendon.*—(Received January 30.)

My Lord,

I HAVE much satisfaction in reporting to your Lordship that no Slave Trade has been attempted within the district of this Consulate during the quarter ending this day.

I have, &c.

(Signed)

H. AUGUSTUS COWPER.

No. 200.

*Consul Cowper to the Earl of Clarendon.*—(Received March 2.)

My Lord,

TO the Annual Report upon Slave Trade and slavery for 1865, an importance must attach that has not existed since the emancipation of the British negroes, which after all was but the forerunner of the more important events that occurred last year.

I do not presume to enter into the details of those events further than they may affect the district of my Consulate; but they are matters for the deepest reflection, as regards the future of the negro race, of the whites who inhabit those regions, apparently set apart for it by nature, and the political connection which is likely henceforth to exist between white and coloured nations.

As regards Slave Trade, I may at once dismiss that subject by stating that none has occurred or been attempted here for many years; consequently the slaves, who only amount to 7 per cent. of the whole population, are all creoles, and the emancipation of the slaves in the United States, the formation of an Abolition Society in Madrid, and the permission given to the press, both in Cuba and here, to discuss the subject, have put a stop to even the internal traffic in them. The value of a good male slave with a trade was upwards of 1,000 dollars; of a female 800 dollars; field negroes were worth 800 and 600 dollars respectively; but now a feeling prevails that emancipation must come, sooner or later, and no one will buy slaves. At some forced sales for debt which recently took place, slaves who a year ago would have fetched the above prices were with difficulty sold for 300 and 400 dollars: not that any planter is desirous of selling his slaves; he naturally holds on tenaciously, as long as he can, to the certainty of slave labour, in preference to the dubious chances of obtaining free. If slavery has received its death-blow from the events of last year, as I believe Slave Trade was absolutely killed by them, and it is somewhat ungrateful of Spain, who supported it all its life, to repudiate her protégé in death, there has seldom been a stronger exemplification of making a virtue of a necessity.

There are several different conditions under which to study the prospects of the black race: 1st. Its condition at its birth-place in Africa, in savage independence; 2nd. In its state of *soi-disant* civilized independence in Hayti; 3rd. In its state of equality with the white race in the British possessions; 4th. In its state of transition in the United States; 5th. In its state of slavery in Cuba and Brazil, where, although in absolute subjection, it outnumbers the dominant race; and, Lastly, in its state in this island, where, although outnumbered by the dominant race, it is almost wholly free.

When it is decided in which of these six conditions the race enjoys the greatest happiness, it will then be time to determine whether it be desirable to change the other five conditions to that of the sixth. It is not in the nature of a restricted Consular Report of a particular district to enter upon each of these points, but I believe that the condition of the race is worst where left to itself, and is supposed to possess the greatest liberty; indeed, stopping short of actual slavery, that its misery and degradation is in proportion to the amount of freedom bestowed upon it. Look at it in its home in Africa, it is the scandal of the human race, the foul root which has extended its branches over half of America; or in its independence in Hayti, where the engines of progress and of French civilization have been reversed, and where liberty, morality, and true religion have ceased to exist. Study it in the British West Indies, where the freest and richest of nations has nursed, petted, and made it the political equal of its own race; it has not only ruined its benefactors but itself. In Cuba and Brazil it exists in a state of hopeless slavery, which no one can defend; and in the United States it is in a state of transition. I therefore arrive at its condition in my official district of Porto Rico, where it may be said to exist in a state of freedom equal to the whites, but under a wise Government that will permit no playing at politics or attempts at insurrection, such as we have seen in Jamaica.

Porto Rico contains 600,000 inhabitants, of whom 308,430 are white and 292,750 are coloured; of these 41,600 only, or 7 per cent., are slaves; and this condition of things must be borne in mind when the Spanish Colonies are spoken of, for nothing can be more dissimilar than those of Cuba and Porto Rico. There can be no question but that the emancipation of the slaves in the United States, the insurrection in Jamaica, the retreat of the Spaniards from St. Domingo, and the propagandism of the Haytians, have given hopes to the coloured race which it never before entertained, and which, I believe, if not checked, will ultimately lead to serious consequences.

As far as this island is concerned the emancipation of 40,000 slaves would produce no general disturbance of the *statu quo*, nor do I believe that the planters even would suffer permanently in an island with a population so dense that there are 1744·13 people to the square league, and where colonization is consequently unnecessary. I feel assured that the Spanish Government would emancipate the slaves here at once if the measure did not, as a matter of course, extend to Cuba, which would render it a very hazardous affair; from their numbers here it will be seen that the slaves can cause little anxiety, and, moreover, from their being almost all employed upon the estates, they have no means of combination: but should the idea of race and nationalit infect the whole coloured people, free as well as slave, I should not be surprised at a rising, although with 300,000 white inhabitants, and a garrison of 20,000 white soldiers,\* it ought to be immediately suppressed.

The system of the "*libreta*," by which every person in the position of a labourer is obliged to work (the details of which I have before explained), is very unpopular with the

\* 5,000 Royal Troops, 15,000 Militia.



labouring classes, and it does bear with great hardship upon the really industrious, who are sometimes intolerably inconvenienced by having to travel considerable distances to present their "libreta" to the Alcalde; but it is nevertheless a system to which I attribute the wonderful prosperity of this island: it has been in practice for fifteen years, and the results have been that every man without distinction of colour has been forced to work, the productions of the soil have annually increased, and vagrancy and the higher crimes are almost unknown.

Of all the slave-holding countries this has the least to fear from emancipation; it is a pity that the question is mixed up with that of Cuba, but I think that the Spanish Government might escape this difficulty by making emancipation a local measure, and authorizing each Provincial Government to carry it into effect in the best possible manner. I do not see what difficulties would exist in Porto Rico: the slaves are so few, and the resources of the island so great, that it would be easy to compensate the owners for their loss; the population is so dense that no immigration is required to replace them; but that which the planters must do is to make cane labour as desirable as other labour, the work for freemen not for slaves, by providing good houses, giving good wages, and by so regulating the hours of labour that they may become a supportable task, instead of an intolerable burthen; on the other hand, the "libreta," with some modifications, should I think be maintained, and although the Government should make known that it is not its province to provide employers for labourers, or labourers for employers, it should add that it will afford justice and protection to both parties, by punishing, with inflexible severity, tyranny on the one hand, or idleness upon the other. The one thing, however, which would ruin the best devised system would be to give the exercise of political rights to a class of people who, independent of the national defects of race and climate, are, from their occupations, and absence of all instruction, utterly incompetent to be entrusted with it.

I have, &c.

(Signed) H. AUGUSTUS COWPER.

No. 201.

*Consul Cowper to the Earl of Clarendon.—(Received March 16.)*

My Lord,

*Porto Rico, February 18, 1866.*

I HAVE no doubt but that Her Majesty's Government at this moment feels an especial interest in all that relates to the negro race in every part of the world, and desires that the information communicated to it shall be as reliable as possible. I thought, therefore, that it would be more satisfactory to obtain, in addition to my own views (conveyed in my despatch No. 1), those of other qualified persons, and I addressed a circular to the Vice-Consuls, desiring them to forward me a report upon the state of the coloured race in Porto Rico.

I have now the honour to inclose to your Lordship that of Mr. Vice-Consul Krug, which I take the liberty of recommending to your attention; certain peculiarities of expression arise from the fact of that gentleman being a Pole, but they do not affect the value of his Report.

I have, &c.

(Signed) H. AUGUSTUS COWPER.

Inclosure in No. 201.

*Report on Slave Trade by Vice-Consul Krug.*

DURING the past year of 1865 not a single negro slave has been imported into this district, and, as far as my information goes, nowhere in the Island of Porto Rico. It would be extremely difficult, or, better, impossible to land on our coast a cargo of slaves, not only on account of the great vigilance of the Spanish Government officials, who are now really in earnest about it, but also because we have no long tracks of uninhabited shore, as on the Island of Cuba, where a vessel could land a cargo without anybody knowing it. Besides, our planters in general have neither sufficient capital nor spirit of enterprise for such an affair.

Since the emancipation of the negroes in the United States of America slaves have greatly lost in value here, and more so yet since the termination of the American war; so much so that at the present moment the price of plantation slaves must be called entirely

nominal, as it is impossible to sell them at anything like their former value. Some few forced sales of plantation negroes have been made in public auction to pay taxes, &c., at from 300 to 400 dollars each for both male and female, but it would be impossible to dispose of a large lot even at these prices. Servants for families, as cooks, nurses, &c., and mechanics, carpenters, masons, &c., are yet saleable, and always in good demand at from 500 to 800 dollars for females, and from 700 to 1,000 dollars for males.

On this district there exist a great many slaves, who, with the permission of their owners, hire themselves out for all kind of work. They earn about  $\frac{3}{4}$  to  $1\frac{1}{2}$  dollars per day, according to their ability and skill. Out of these wages they maintain, board, and clothe themselves, and pay to their owner from 5 to 15 dollars per month. Many families, principally single ladies, subsist entirely on the wages they receive from their slaves, and no other investment would give them such an enormous interest. Many of these hired out negroes are very industrious, and contrive to lay by every month something of their wages, and little by little free themselves. If a slave should wish to free himself, his owner cannot pretend any exorbitant price for him, even if he has paid it; but he must submit to a taxation, which is always made at the lowest possible value, and generally under the actual market price.

There seems to prevail a general feeling here that slavery is doomed, and that it is the best policy to be prepared for emancipation. The opinion, even of the Spaniards themselves, is that Spain will be either morally obliged to abolish slavery in these islands, or will be forced to do so by foreign intervention. This may take place next month or next year, at all events nobody thinks the present state of things will last more than a couple of years. The greater part of the slave-holders are willing to make a compromise, say, for instance, declare free all the negroes born after a given date, and to liberate all slaves that have reached a certain age or worked a certain number of years. But such an arrangement could only be made by a Government measure, organizing at the same time the labour of the freedmen. But Spain does not listen to a proposal of this kind, as we have seen lately by the refusal given to the Havana planters, who offered to free their slaves within twenty-five years without any direct indemnification.

This island is in a much more favourable position as regards emancipation, and better prepared for it, than Cuba, and would stand its consequences with much less injury than did Jamaica and the French Colonies at the time slavery was abolished there. The quantity of slaves in Porto Rico is very small compared with the whole population. At the present moment there remain scarcely 33,000, and the entire population is estimated at nearly 550,000. Of these 33,000 slaves only about 20,000 work on the sugar, coffee, or cotton plantations; the balance are employed either as house-servants or as mechanics. No estate whatever is worked entirely with slaves alone. All planters, principally in crop, employ free labour, which, although not over abundant, is always to be obtained, and at comparatively cheap rates. Sometimes, in crop-time, there may be a scarcity, principally in the coffee district, but this would happen anywhere, and consists in the suddenness with which the beans ripen all at once, and must be picked as soon as possible. Most planters complain about the bad regulations of free labour, but these are mostly exaggerations. There is a large free population, willing to work—it is true, in some instances, only for three or four days out of the week; but treating them properly, and helping them along a little out of crop-time, when no work can be obtained, and they are mostly in great want, the greater part of them will work, and work well. But of course the day's work of a negro yields much more than that of a free labourer, because the negro is worked for twenty hours (this is only occasionally) out of twenty-four, and with the whip behind him; and the free labourer works only for from ten to twelve hours per day, or, in most cases, by the job.

Of course this island would always suffer from an emancipation—even a gradual one—principally if the present system of taxation and duties should remain unaltered; but under the actual government the island would be completely ruined if the slaves were to be liberated quite of a sudden, not only on account of a general consternation and confusion, but principally because the freedmen would commit all kinds of atrocities and depredations, and drive away the white population, because the large free coloured population would always take their side against the whites.

Foreigners, who generally stay here for ten years, and then retire to Europe, in most cases liberate their house servants if they have behaved well, but I never have seen a Spaniard do such a thing.

Some intelligent parties, who have taken a particular interest in the question, and who really have studied it, and taken the corresponding data, assert that about 4 cent. of the whole number of slaves in Porto Rico are liberated every year! The difference between the cases of deaths and births per annum is 6 per cent. in favour of the former, so that in about ten years there would hardly remain a slave in our island.

This statement may be exaggerated, although it has been repeated to me by several reliable persons! So much is certain, that the slaves in Porto Rico are gradually dying out.

The slaves in most of the families are very well treated, better, perhaps, than the generality of the servants in Northern Europe, and there is no doubt that a well-trained negro is a very valuable servant for a household, if one does not care too much for their stench, and dirty disorderly habits!

On the plantations the treatment is not bad. This I can say from my own observation, having lived many months in different sugar and coffee estates. The food and the clothes are good, even very good, but they have to work hard. Of course the negroes on each estate get sometimes their flogging, but they are generally such brutes that they actually require now and then the whip!

Most of the Porto Rico slaves are of the most inferior negro races, and their moral and mental faculties are certainly inferior to those of the lowest human race. As a class they are cowards, robbers, and liars by nature, and very false and ungrateful! They will never repay a good action, nor appreciate kind and considerate treatment. Any dog has in most instances more brain and a higher morale than the average of the Porto Rico slaves.

*Mayaguez, Porto Rico, February 6, 1866.*

(Signed) LEOPOLD KRUG.

No. 202.

*The Earl of Clarendon to Consul Cowper.*

Sir,

*Foreign Office, March 21, 1866.*

I HAVE received your despatch of the 18th ultimo, inclosing a Report by Mr. Vice-Consul Krug upon the question of slavery, and upon the state of the coloured population in the Island of Puerto Rico; and I have to instruct you to inform Mr. Krug that I have read his Report with much interest.

I am, &c.

(Signed) CLARENDON.

No. 203.

*Consul Cowper to the Earl of Clarendon.—(Received April 30.)*

My Lord,

*Porto Rico, April 2, 1866.*

I HAVE the honour to report that no attempt at Slave Trade has been made upon the coasts of this Island or its dependencies during the quarter ended the 31st March.

I have, &c.

(Signed) H. AUGUSTUS COWPER.

No. 204.

*Consul Cowper to the Earl of Clarendon.—(Received July 30.)*

My Lord,

*Porto Rico, July 1, 1866.*

I HAVE great satisfaction in informing your Lordship that no attempt at African Slave Trade has been made within the district of this Consulate during the past quarter.

I have, &c.

(Signed) H. AUGUSTUS COWPER.

No. 205.

*Consul Cowper to Lord Stanley.—(Received October 29.)*

My Lord,

*Puerto Rico, October 1, 1866.*

I HAVE much satisfaction in reporting that no attempt at foreign Slave Trade has been made within the district of this Consulate during the past quarter.

I have, &c.

(Signed) H. AUGUSTUS COWPER.

TURKEY. (*Consular*) *Damascus.*

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No. 206.

*Consul Rogers to Lord Stanley.—(Received November 22.)*

My Lord,

*Damascus, October 31, 1866.*

I HAVE the honour to report that a few days ago an elderly negro slave applied to me to complain that his two children were about to be sold by his master, and to beg for my interference to prevent it.

On inquiry I found that the slave in question had been in the family of a Sheikh in the village of Sbini for upwards of forty years; that he had married a female slave with his master's consent, she being also the property of the same master; that by her he had had three children, namely, one girl and two boys; that the mother was now dead, and that the master had offered the children for sale.

Satisfied of these facts I represented the case to the Kaimakam Adhem Pasha, who, after I had referred to the Firmans on Slave Trade and the numerous Vizirial orders on the same subject, pronounced the whole family free.

I have, &c.  
(Signed) E. T. ROGERS.

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No. 207.

*Lord Stanley to Consul Rogers.*

Sir,

*Foreign Office, November 23, 1866.*

I HAVE received your despatch of the 30th ultimo, and I have to acquaint you that I approve the steps taken by you, as therein reported, which resulted in the manumission of a family of negro slaves who were about to be separated and sold by their master.

I am, &c.  
(Signed) STANLEY.

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UNITED STATES.

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No. 208.

*The Earl of Clarendon to Sir F. Bruce.*

Sir,

*Foreign Office, February 26, 1866.*

I HAVE to instruct you to acquaint the United States' Government that the Queen has been graciously pleased to appoint Major S. W. Blackall to be Her Majesty's Judge in Mixed Court of Justice established at Sierra Leone under the Treaty concluded by this country with the United States on the 7th of April, 1862, for the suppression of the African Slave Trade.

I am, &c.

(Signed) CLARENDON.

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No. 209.

*The Earl of Clarendon to Sir F. Bruce.*

Sir,

*Foreign Office, April 7, 1866.*

I TRANSMIT, for your information, a copy of a correspondence, as marked in the margin which has passed between the United States' Minister at this Court and myself on the occasion of an interchange of lists of United States' and British cruisers authorized under the stipulations of the Treaty of 1862 to cruize for the suppression of the Slave Trade.

I am, &c.

(Signed) CLARENDON.

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Inclosure 1 in No. 209.

*Mr. Adams to the Earl of Clarendon.*

My Lord,

*Legation of the United States, London, March 19, 1866.*

I HAVE the honour to transmit to your Lordship, for the information of Her Majesty's Government, a copy of a letter addressed by the Secretary of the Navy of the United States to Mr. Seward, the Secretary of State, which contains a list of the vessels and the names of their respective Commanders, and a note of the armament, authorised to exercise the rights and privileges conceded under the Treaty of the 7th of April, 1862, between Great Britain and the United States for the suppression of the Slave Trade.

I have, &c.

(Signed) CHARLES FRANCIS ADAMS.

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Inclosure 2 in No. 209.

*Mr. Welles to Mr. Seward.*

Sir,

*Navy Department, February 26, 1866.*

IN pursuance of the second paragraph of Article II of the Treaty of the 7th April, 1862, between Great Britain and the United States for the suppression of the African Slave Trade, I have the honour to furnish for communication to Her Majesty's Government the names

of ships, the force of each, and the names of their several Commanders that have recently been authorized to exercise the rights and privileges conceded by the Treaty.

The following is the list :—

*European squadron.*

- “Colorado,” screw, 44, Commander R. N. Wyman.
- “Ticonderoga,” screw, 9, Captain Chas. Steedman.
- “Kearsarge,” screw, 7, Commander A. D. Harrell.
- “Canandaigua,” screw, 7, Commander R. N. Stembel.
- “Frolic,” paddle-wheel, 6, Lieutenant-Commander John H. Uptier.

*Brazil squadron.*

- “Brooklyn,” screw, 20, Commander T. H. Patterson.
- “Juniata,” screw, 6, Captain J. J. Almy.
- “Shamokin,” paddle-wheel, 10, Commander Pierce Crosly.
- “Shawmut,” screw, 6, Lieutenant-Commander J. S. Walker.
- “Nipsic,” screw, 7, Lieutenant-Commander E. W. Henry.
- “Kansas,” screw, 8, Lieutenant-Commander C. H. Welles.
- “Wasp,” paddle-wheel, 3, Lieutenant-Commander W. A. Kirkland.

*West Indian squadron.*

- “Monongahela,” screw, 7, Captain S. B. Bissell.
- “Swatara,” screw, 10, Commander W. A. Jeffers.
- “Rhode Island,” paddle-wheel, 11, Commander D. Mc N. Fairfax.

The West Coast of Africa is now embraced within the limits of the European and Brazilian squadrons, and will be visited by the vessels of those squadrons.

The West Indian squadron is to be increased to some eight or ten vessels, and there may be addition to the two others.

Very respectfully, &c.

(Signed) GIDEON WELLES, *Secretary of Navy.*

Inclosure 3 in No. 209.

*The Earl of Clarendon to Mr. Adams.*

Sir,

*Foreign Office, March 27, 1866.*

I HAVE the honour to acknowledge the receipt of your note of the 19th instant, inclosing a list of United States' ships of war authorized to carry out the stipulations of the Treaty of the 7th of April, 1862, between Great Britain and the United States, for the suppression of the Slave Trade; and I beg to thank you for this communication.

I avail myself of this opportunity to inclose, for the information of your Government, a similar return of British ships of war, supplied with warrants for the suppression of the Slave Trade, and I would at the same time beg leave to express the hope of Her Majesty's Government that the United States' Government will be able shortly to detach a few small vessels for permanent service, or frequent visits to the African coast.

The United States' Government is doubtless aware that the export of slaves from the Western coast of Africa has, within the last year, been so far reduced as to afford hopes that it will shortly cease altogether.

In the opinion of Her Majesty's Government, the presence of a few United States' ships of war on this coast would contribute most materially to this desirable result.

I am, &c.

(Signed) CLARENDON.

Inclosure 4 in No. 209.

*Mr. Adams to the Earl of Clarendon.*

My Lord,

*Legation of the United States, London, April 5, 1866.*

I HAVE had the honour to receive your Lordship's note of the 27th of March, and of a list of British ships of war supplied with warrants for the suppression of the Slave Trade.

I shall take great pleasure in transmitting copies of the same for the information of my Government, and in submitting for their consideration the suggestion which accompanies them in regard to the despatch of a few small vessels for permanent service on the African coast.

I pray, &c.  
(Signed) CHARLES FRANCIS ADAMS.

No. 210.

*Sir F. Bruce to the Earl of Clarendon.*

My Lord,

*Washington, March 22, 1866.*

IN accordance with the instructions contained in your Lordship's despatch of the 26th ultimo, I have informed Mr. Seward of the appointment of Major S. W. Blackall as Judge in the Mixed Court of Justice at Sierra Leone for the suppression of the African Slave Trade.

I have, &c.  
(Signed) FREDERICK W. A. BRUCE.

No. 211.

*The Earl of Clarendon to Sir F. Bruce.*

Sir,

*Foreign Office, July 6, 1866.*

I TRANSMIT herewith lists of Her Majesty's ships furnished with warrants for the suppression of the Slave Trade,\* specifying the number of their guns, the names and ranks of their commanding officers, and the stations on which they are employed; and I have to desire that, in conformity with the stipulations contained in paragraph 2 of Article II of the Treaty between this country and the United States for the suppression of the Slave Trade, you will communicate copies of these lists to the United States' Government.

I am, &c.  
(Signed) STANLEY.

No. 212.

*Sir F. Bruce to Lord Stanley.—(Received August 20.)*

My Lord,

*Washington, August 4, 1866.*

IN obedience to the instructions conveyed in your Lordship's despatch of the 6th ultimo, I forwarded to the Secretary of State of the United States a copy of the list of Her Majesty's ships employed on various stations in the suppression of the Slave Trade, and I have now the honour to inclose a copy of Mr. Seward's acknowledgment of these returns.

I have, &c.  
(Signed) FREDERICK W. A. BRUCE.

Inclosure in No. 212.

*Mr. Seward to Sir F. Bruce.*

Sir,

*Department of State, Washington, August 1, 1866.*

I HAVE the honour to acknowledge the receipt of your note of the 25th ultimo, inclosing for the information of this Government, in conformity with Treaty stipulation, lists of Her Majesty's ships furnished with warrants for the suppression of the Slave Trade, specifying their officers, armaments, and the stations where they are employed.

Thanking you for the useful statements, I have &c.

(Signed) WILLIAM H. SEWARD.

\* Inclosure in No. 84.

## URUGUAY.

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No. 213.

*Mr. Lettsom to the Earl of Clarendon.—(Received May 2.)*

My Lord,

*Monte Video, March 29, 1866.*

AN occurrence has become known within these last few days, through the medium of the public press, with which it is proper for me to make your Lordship acquainted.

A Brazilian officer arrived here from Rio de Janeiro not long ago, bringing with him a negress, a slave.

By Article 131 of the Constitution of this country, all traffic in, and introduction of slaves is prohibited in this Republic.

The woman referred to, having become aware of this provision of the Constitution, left her master, and thus became more than legally free. She was, however, arrested by the police, and on the matter being referred to the Provisional Delegate Governor, Doctor Francisco Antonino Vidal, M.D., and Doctor Carlos de Castro, LL.D., Minister for Foreign Affairs, they came to the decision that the slave is to be restored to her master, which has been carried into effect.

It is instructive to observe with what jealous care the simplest rudiments of liberty are guarded by those distinguished individuals.

I have, &c.  
(Signed) W. G. LETTSOM.

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## ZANZIBAR.

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No. 214.

*Acting Consul Seward to the Earl of Clarendon.—(Received October 19.)*

My Lord,

*Zanzibar, August 4, 1866.*

IN March last, one Sherif Ali Borah, supercargo of a dhow, said to have been wrecked on the Somali Coast, about the end of December, 1865, was brought to this Consulate by an Arab trader Mahomed Anaad, who in Colonel Rigby's time had interested himself in the matter of the survivors of the "St. Abbs," and who had fallen in with the supercargo at Brava, where the latter arrived.

The supercargo's statement wandering, and with difficulty presented, as a coherent narrative, was to the effect, that he had seen a European in durance amongst the Hawia, at a place which I determined to be some forty miles straight inland from the neighbourhood of Ras ul Khyle.

This narrative was already prepared for despatch to the authorities when Ali Borah brought a Suaheli, one of the wrecked crew, who declared that he had seen two Englishmen amongst the Somali.

To test, however, the accuracy of Ali Borah's own statement, by an appeal to his memory after the lapse of a week, he was desired to repeat the story of his adventures.

The recital was bewildering.

*The Supercargo's First Statement.*

Wrecked four days' north of Ras el Khyle.

Travelled down coast three days, not losing sight of the sea.

Then three days' straight inland through the jungle and then saw Englishman.

Continued to travel south and came out at Warsheik.

*The Supercargo's Second Statement.*

Wrecked on Sef-Tooil, about ten or twelve days' foot travel south of Ras el Khyle, and one day north of Ras Awath.

Travelled south four days, about twenty-four miles down.

Then one day and a half more and saw Englishman.

Then travelled north and embarked finally at Ras el Khyle.

Stripped of incident, and considering only so much of Ali Borah's story as related to the all-important question of the whereabouts of the alleged captives, the discrepancy of the two statements throw a world of doubt upon the truth of either.

Accepting his first account, he must have fallen in with the "Angrezi" at some place in the near neighbourhood of Ras el Khyle and about forty miles inland; but having regard to his second, he must have met with the Englishman in the vicinage of Ras Awath.

Moosa the Suaheli was now examined apart from Ali Borah, and sifted of accident he gave the following account:—

The budeen struck where Sef-Tooil ends, and near Ras Awath. We wandered along the coast for twenty-four days and then reached El Thereb. Went straight inland and eight hours' journey on foot. One day's journey inland I saw three Englishmen. After two months I escaped, &c., &c.

This tallied in a measure with the later story of Ali Borah; but on being pressed to declare to its truth he hesitated, and at length confessed that he had been tutored by the supercargo.

Whether or no the supercargo had seen an Englishman amongst the Somali, Moosa could not tell.

Notwithstanding the doubt which had fallen on these statements, statements which

as probably delusory I refrained from presenting to the authorities, it seemed but humane to act upon them as if true, and Nakoda Reali, a Somali, mentioned in the narrative, being by great good fortune in Zanzibar, I fixed upon him as the most hopeful ally, if rescue were possible, if indeed there were any captives to rescue.

This man once lived at Bunder Khassim, but he has now for some time dwelt at Ras el Khyle.

He confirmed so much of the supercargo's statement as related to his reaching Ras el Khyle, under the charge of one Ali Jouff, and of his having provided him with a passage down the coast.

His passenger, however, did not tell him that he had seen Europeans.

When questioned as to the probability of these men's tales, he said, that although holding constant relations with the interior he knew little of the tribe of the Hawia, and nothing of the presence of white men amongst them.

He had often heard that Europeans were held in bondage by tribes in the interior, but it had never been stated where.

Assuming Sherif Ali Borah's tale to be true, the whereabouts of the captives had been for the first time definitively indicated, and this advantage made him so sanguine of success in any attempt to effect their rescue, that he directly left Zanzibar for Ras el Khyle, avowedly and at once to mature his plans.

He begged me, however, not to lose sight of the difficulty which the roving habits of the tribes might or would throw in the way of his tracing the captives, although, for the time being, their place of captivity might seem established.

He was content to accept this hazardous mission, on the strength of my official promise to give him 100l.\* for each one of the castaways restored by his agency to freedom.

He did not press for any money advance, he only desired a letter to the Aden authorities, lest haply, if successful, he should be compelled to make for that port.

I accordingly made Colonel Merewether, the Political Resident there, at once acquainted with the arrangement.

The Nakoda deprecated the appearance of a man-of-war upon the coast with any view of communicating with him; suspicion would be instantly fixed upon him, and make his task impossible.

On the 30th of June I was fortunate enough again to find Moosa, the Suaheli, and the following, weeded, as before, of irrelevant matter, was his second statement:—

"I am come now to tell the truth, and I will tell it: wrecked, middle of Sef Tooil; taken prisoner by Somali. Wandered short stages down the coast for twenty days; then went two days inland to where there were many Somalis. This place was El Khereb. Some people came where we were, and said there were English further inland, a ship and a budeen had been wrecked on Sef Tooil, and they were the survivors. Ali Borah was not with us. I met him at Brava afterwards. He said he had been taken north, and sold at Ras Hafoon, but that he had seen an Englishman north of the place where the vessel was wrecked. People seemed to believe him."

The Suaheli distinctly averred that he overheard the Somali of El Khereb speak in conversation of white men still in captivity.

I must confess to an unbelief in these statements; I think it probable that when the supercargo fell in with Mohamed Anaad at Brava, the latter doubtless questioned him as to his experiences, asked him if he had learnt anything concerning white men in durance amongst the Somali, mentioning incidentally the liberal sums offered for their recovery, and that then Ali Borah, tempted by the hope of a large immediate reward, wove into the true woof of his story this single thread of romance.

But whether a fiction born of the love of gain, or whether a verity, this declaration of Ali Borah's has given rise to efforts at rescue, which will be persisted in until failure shall justify doubt, or haply success rebuke it.

I have, &c.  
(Signed) G. EDWIN SEWARD.

P.S.—These circumstances are communicated to the Government as having reference to letters recently received, and to the newly awakened interest in the fate of the supposed survivors of the "St. Abbs," consequent on the addresses of Colonel Playfair and Colonel Rigby to the Royal Geographical Society, London.

G. E. S.

\* Mauritius Proclamation No. 43, 1860.

Inclosure 1 in No. 214.

*Narrative of Sherif Ali Bonah, recorded March 22, 1866.*

*British Consulate, Zanzibar.*

THREE months ago I was wrecked in the "Budeen," belonging to Ibrahim Walljee, of Zanibar.

The vessel was cast on shore at a place, just five days' journey on foot, north of Ras el Khyle.

We had a crew of about fifteen Suaheli freedmen. Three or four of these, who tried to keep off the Somali with stones were speared on the spot.

One saw a vessel coming down the coast and swam out to her. What became of the rest I don't know.

I got away, and travelled down the coast for three days, not losing sight of the sea. Then I fell in with three Somali, who asked who I was, and at once stripped me of my trinkets and clothes. I wept and beseeched them not to leave me thus naked to die.

They then put me on horseback, and then (our backs to the sea) we went straight inland and through the jungle.

At the end of the day we reached a place where dwell a great many Somali, their huts being disposed in groups over the hill-side.

These huts were roofed with skins, but their walls were of matting. They gave me milk and meat, but made me sleep in the open air.

On the day after this I was put on the back of a camel, and under the care of a man named Somwalla, and we left this place, and travelled further into the jungle.

After two days' journey, and whilst passing through the jungle, the Somali exclaimed, "See, there is an Angrezi!" I looked, and at the distance of from fifteen to twenty yards I saw a white man.

He wore a little skin in front of his person, but otherwise he was naked.

He appeared to be of middle age; his hair was reddish; the colour of his eyes I did not see. I can tell you nothing more about him. Sure that he was looking after sheep, for the Somali cautioned me, neither to go near nor speak to the Angrezi, lest other Somali of a different tribe should seize upon and bind me. Nothing passed between the Somali and the white man, and I was too much in fear myself to ask questions about him.

I think the place where I saw the Englishman was just three days' journey straight inland.

About two miles further on my companion said, "See, there is a Banian!" I saw a mahogany-coloured man, but at too great a distance to discern who or what he was. He too was looking after sheep, and my companion warned me, as before, not to go near him, and for the same reasons.

After seeing the Banian, I travelled still two days (the sun striking on my right cheek), keeping in the jungle and getting food at huts here and there, until at length I reached the hut of Somwalla, my guide.

It was just like the rest; skin roof, mat walls; and here I staid ten days, getting milk and meat for food.

Here there was no plain, only undulating ground and low hills. The huts were very few, scattered here and there.

Somwalla then handed me over to his servant, and after this I travelled on foot, crossing two narrow streams, between hills and a shallow lake, across which we waded; but this was ten days after I had left Somwalla's hut.

The streams were nearer Ras el Khyle than to Warsheik.

I went on begging milk, as a "miskin," from the goatherds and cowherds on the road, and from the widely-scattered hut dwellers on the way. Somwalla's servant left me with a man named Ali Jouff, with whom I staid one month, sleeping under a shed he put up for me.

He spoke Suaheli, and so did the Somali whom I met at Ras el Khyle, as well as Arabic, which I also know.

These latter Somali had been to Zanzibar.

Ali Jouff's house was two months from Ras el Khyle, and fifteen days from Warsheik. He is a great cattle-owner.

At the end of the month, Ali Jouff's men took me on the way to Nacodah Raali's house, about three days further on the road.

His house is situate at a place named Bunder Ghazee, on the banks of a large stream gable, with small buteels.

I remained with Nacodah Raali seven days, after which he took me round by sea in his buteel, to Warsheik (I did not land there) and Brava.

At Brava I met Awaad Mohamed. I am now thirteen days from Brava, and have been in Zanzibar only three days.

True record,  
(Signed) G. EDWIN SEWARD,  
*Acting Political Agent.*

Inclosure 2 in No. 214.

*Statement No. 2 of Sherif Ali Bonah, recorded March 28, 1866.*

*British Consulate, Zanzibar.*

WE were wrecked at Sef Tovil, about ten or twelve days' journey south of Ras el Khyle, and just a day north of Ras Anaath, or at no great distance north of Ras Anaath.

We took all our cargo and placed it on the beach. Then the Somali came down, and every one ran away.

The vessel struck at night. At about 5 o'clock next morning the Somali came down in numbers. We ran off between 9 and 10 in the morning.

I then went along the coast southwards for four days, going not more than six miles a-day; and on sunset of the fourth day was too weak to go further. Then the Somali who had robbed the vessel followed me down the coast and stripped me of my clothes, leaving me a rag only to wear around the loins.

Then I cried, "I shall die! yet, if I die, who will bury me?" Then these very Somali cried too, and put me on a horse. There were five men, but only three horses.

We set out at about 7 or 8 on the following morning, and that day travelled slowly inland up to about 3 in the afternoon, putting the sea directly behind us.

At this place we stopped three or four days, until I got stronger, eating meat and drinking milk. Then we set off on another four days' journey, going two days on foot from morning to 11 o'clock, a.m., and then, travelling always slowly, from about 2 o'clock until sunset. At about noon on the second day I saw the Englishman.

We both walked, although we had a camel, that is, my guide Somerwalla and I, for the camel was laden with meat for eating. Next day, being tired, I got on the camel.

We travelled on the third day on camel-back, and then reached Ali Jouff's. With him I stayed about twenty-five days, going from one stage to another, travelling north towards Ras el Khyle.

After this Ali Jouff told me there is a nahoda at Ras el Khyle who lives on the hill. I will take you to him, but in the midst of the road Ali Jouff gave me over to his brothers to take me to Ras el Khyle.

By and bye Ali Jouff came himself to Ras el Khyle, and asked, "if I were getting enough milk and meat?" "Yes," I said.

Then I started off one morning with Nacodah Raali. He once had a place at Bunder Kassam, opposite Aden. Then Ali Jouff went away and left me.

Nacodah Raali took care of me as far as Brava, where he left me.

True general purport.  
(Signed) G. EDWIN SEWARD,  
*Acting Political Agent.*

No. 215.

*Acting Consul Seward to the Chief Secretary to Government, Bombay.*

Sir,

*Zanzibar, September 6, 1866.*

IN my despatch to Earl Clarendon, a copy of which, together with narratives, I inclose, I stated that, notwithstanding the doubtful nature of the testimony as to the actual survivorship of the St. Abb's sufferers amongst the Somali, I had felt bound to act upon that testimony as if it were true, and had commissioned a Somali, Nacodah Raali of Ras el Khyle, to attempt a rescue.

It was by no means my intention, however, to rest here, and I have but awaited a fitting season, but above all a fitting agent, to supplement the efforts which it was to be presumed the Nacodah would make, by sending a more trusty and responsible emissary.

It is now September, and the time favourable for the sailing of dhows north, whilst at the end of a few months the season will be equally favourable for their return to Zanzibar.

CLASS B.

I have already incidentally mentioned that the appearance of a man-of-war on the coast, holding communication with any agents on shore, would compromise the possible success of the enterprise, and that the employment of native craft is therefore politic.

I have found an Arab, for whose probity, intelligence, and respectability I have the best guarantees, who has undertaken to go to Ras el Khyle, ostensibly as a trader, remain there if possible to communicate with Nacodah Reali.

He, however, will conduct an independent search, will send men as traders to El Hereb, and if necessary will go there himself.

Unless he meets with quick success he is to remain on this duty for four months, nor is to return to Zanzibar until the expiration of five months from the day of setting out. During this time he has pledged himself to neglect no means of discovering the truth, or of effecting the release of any men from captivity.

He is to receive 500 dollars, and this sum will cover every expense, loss, and hazard.

The Customs Master will, at his own risk, send up 200 dollars' worth of goods as a trading venture; should, however, said Muusor bin Seid Sherif be obliged to furnish his emissaries with goods, to enable them to penetrate the country as traders, or for other purposes directly connected with the attempt, the proportion of goods thus expended is to be charged to the Government.

To the Government this may appear a large sum to venture upon the promise of an agent who will be beyond our control. It must be stated, therefore, that the whole trade with Interior Africa is carried on on this principle.

A merchant or petty trader furnishes an agent with specie or goods to carry into the interior; the quantity of ivory he brings back is the measure of his honesty or good fortune.

I have been guided as to the amount necessary to secure the services of a trustworthy man by the counsel of the most sagacious and experienced Zanzibar merchant.

As soon as the season opens up the coast about Mukhdisha, it will be my care to further this inquiry by means of traders and others who annually visit that inhospitable littoral.

I have, &c.  
(Signed) G. EDWIN SEWARD.

No. 216.

*Acting Consul Seward to Lord Stanley.—(Received November 28.)*

My Lord,

*Zanzibar, September 20, 1866.*

I HAVE the honour to inclose a copy of my despatch dated 19th September, to the address of Her Majesty's Principal Secretary of State for India.

I have, &c.  
(Signed) G. EDWIN SEWARD.

Inclosure in No. 216.

*Acting Consul Seward to the Chief Secretary to Government, Bombay.*

(Extract.)

*Zanzibar, September 19, 1866.*

HER Majesty's Government having at heart the effectual limitation of enslavement to the Zanzibar dominions, and the arrest of that contraband upflow of slaves which yearly floods the shores of Arabia and the Persian Gulf, I have the honour deferentially to suggest, for the consideration of the Honourable the Governor in Council, that the Island of Ab el Kury, recently the scene of a slave capture, should be obtained, occupied, and used for the future as a coaling and provision depôt for our slave squadron, but mainly as a temporary place of reception for freed slaves.

Lying in the midst of the great northern slave gap between Socotra and Gardafui, this island is admirably situated for the purpose.

That the channel between Socotra and Gardafui should be the cruising ground has been and must be the opinion of all who have approached the subject with any earnest desire of lighting on the best means of arresting the tide of enslaved victims swept yearly through this avenue to the north.

But without a depôt for slaves in the immediate vicinage of this cruising ground there

can be no economy of force or fuel, and the undeniable advantages of the station for the sure capture of dhows are counterbalanced by the obligation imposed on every captor to seek some distant port whereat to discharge his freight of rescued slaves.

Thus it is quite in the interest of the contraband trader to throw an unimportant venture or so in the way of a cruizer; nothing so effectually clears the way for the fleet of northern dhows that must pass through this avenue.

Arab slavers are careless about a single capture; no one now-a-days makes a large venture in any one dhow. The principle of limited liability is fully understood and acted upon by the astute traders of the time; and these infrequent losses affect few seriously but the actual owner of the dhow, who doubtless has learnt perfectly well how to insure himself from loss.

Suppose one considerable capture made by the "Wasp" or "Penguin," it is impossible that the vessel can remain on the station; the presence of a large slave freight on board a man-of-war is intolerable; she is compelled to hurry to the nearest available port of discharge.

Assuming that to be the Seychelles (for the capacity of Aden to receive slaves would be soon exhausted), go and return with what speed the captor may, the double journey could not be accomplished in less than three weeks.

If between the monsoons and in calm weather he must steam perhaps both ways; if during either monsoon, he must steam one way.

Time and opportunity and costly fuel are thus alike miserably squandered under present arrangements.

But this is not all; the absence of the cruizer may happen at the very critical time of the season, and she returns to find that the full stream has swept past, and that she arrested one dhow where, had a slave depôt been near, she might have waylaid twenty.

Mayhap two steamers or a third may be on the station; but it may easily happen that their compulsory absence in this way may leave the path of the slaver unimpeded.

With a depôt at Abd el Kury, the blockade of the adjacent waters can be efficiently compassed and the northern Traffic arrested; without it the station is valuable only so long as our cruizers can maintain an uninterrupted watch.

Dhows found north of Lamoo would be lawful prizes; the captor, to discharge his freight, would steam to and not away from the slave gap.

I would add one more, viz., that we dissipate over 1,000 miles of coast the costly forces that, here concentrated, would make the northern Slave Trade impossible.

But it is obvious that a compact fleet of swift and lightly armed gun-boats (lieutenants command) would be tenfold as efficient though infinitely less costly.

There are wells on the island, I am told, and an excellent anchorage is said to offer shelter during the south-west monsoon.

I do not overlook the difficulties in the way of the adoption of this proposal, but I trust that the Government may, with me, look upon the end to be attained as one of an importance sufficient to warrant an inquiry into the feasibility of the measure suggested.

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