



Center *for* Research Libraries
GLOBAL RESOURCES NETWORK

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

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

Rights and usage

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

Center for Research Libraries

Identifier: 55549045-d2dc-4c69-9908-c493acf24283

Range: Scans 001 - 008

Downloaded on: 2022-05-24 23:43:06

P A P E R S

RELATIVE TO THE

NEGOTIATIONS

BETWEEN

GREAT BRITAIN AND PORTUGAL,

ABOUT

THE SUPPRESSION OF

THE SLAVE TRADE.

*Presented to both Houses of Parliament by Command of Her Majesty.
January 1840.*

LONDON:
PRINTED BY T. R. HARRISON.

LIST OF PAPERS.

No.	Date.	Receipt.	SUBJECT.	Page
	1838.	1838.		
1. Lord Howard de Walden to Viscount Palmerston Three Inclosures; and two Sub-Inclosures.	May 20	May 30	Treaty: projects of articles on guaran- tee and piracy - -	3
		1839.		
2. Lord Howard de Walden to Viscount de Sá da Bandeira - - - - -	Sat. Night,		Proposed declara- tion as to piracy of slave trade - -	6
3. Lord Howard de Walden to Viscount Palmerston One Inclosure.	Dec. 18	Jan. 7	Treaty: memoran- dum as to condi- tional signature -	7

No. 1.

Lord Howard de Walden to Viscount Palmerston. Lisbon, May 20, 1838.

My Lord,

(Received May 30.)

I HAD an interview, on the 18th instant with the Viscount de Sá da Bandeira, when I communicated to his Excellency the contents of your Lordship's despatch of the 12th of May, marked Slave Trade,* and of which I delivered to him a copy. The Viscount seemed hurt at this Despatch; and remarked that he thought the communication of it peculiarly ill-timed, at the moment when there was reason to expect, that our negotiations were about to be brought to a satisfactory termination.

I replied, I should be very glad, if that should turn out to be the case; and that, if the result of that day's conference should be the conclusion of the Treaty, I would take upon myself not to render the communication of the Despatch so formal as to leave a copy with him.

After having reconsidered various points under discussion, as to details of articles, which had been corrected and revised repeatedly, we proceeded to discuss the question of making the Slave Trade Piracy.

I explained to his Excellency, that it was to the solemn declaration of the Crown of Portugal, stigmatising those engaged in the Slave Trade with the brand of Infamy, that the British Parliament and Her Majesty's Government attached so much importance; that when, in fact, the existing law of Portugal, did enact, as the penalty of the Slave Trade, a punishment such as might be considered of the secondary character, though not sufficiently severe, I did not understand on what principle he could resist the just expectations of Great Britain.

I pointed out to his Excellency, that Slave Trade was declared Piracy by the laws of Great Britain and of the United States; that Brazil had, under Treaty, declared Slave Trade Piracy; that Spain had engaged to pass a law to the same effect, by assimilating her law in respect to the Slave Trade to that of Great Britain; that, in the Netherlands, Slave Trade was punished with fourteen years in the galleys, under a law passed many years ago, when the feeling of Christendom against the Slave Trade was by no means so strong and so universal as it is at present.

The Viscount brought forward, as objections, that piracy in Portugal was a capital crime, and came under an imperfect law in connexion with high treason; and that it would therefore be necessary to enact a new law, to which he felt the greatest objection, with reference to the opposition which would certainly be entailed thereby to the ratification of the Treaty by the Cortes.

I observed to his Excellency, that this very fact of the absence of a good general law relative to Piracy, would much facilitate the carrying through the measure in question; and that, when it was obvious to the whole world that in Portugal there was now a mania for legislating, the indisposition to submit to the Cortes a really necessary and effective law, on so important a principle as that proposed, connected with piracy, would be unintelligible.

The Viscount then brought forward objections (such as certainly would be taken up in the Cortes), on the ground, that the engagement by treaty, to assimilate the legislation of Portugal to that of another country, was unsuitable to her dignity. I explained to his Excellency, that, in acting as Great Britain had done, she was in fact only following the broad principle laid down at the Congress of Vienna, and co-operating with all the Powers in Europe for the extinction of the Slave Trade; but that, if the wording of the article, under mistaken feelings, wounded any notions of dignity, I would consent to omit the expression "assimilating, &c.," provided he would consent to the concluding stipulation of the proposed article, declaratory of Piracy.

To this proposition the Viscount still objected; and on my pressing him more

* Printed in Papers relating to the Slave Trade; Class B: Correspondence with Foreign Powers, Pages 180 and 181.—Presented to Parliament on the 7th May, 1839.

strongly, and pointing out the mischievous effect and disagreeable consequences of the breaking off of our negotiations at this point, when the Treaty might, by this concession, be brought to a satisfactory conclusion, he said he could do nothing more on this subject without consulting his colleagues.

The Viscount then revived the question of a Guarantee to Portugal of her African dominions, to be given by Great Britain, in the shape of an additional article. I stated to his Excellency, that I had no powers to treat on the details of such a measure; that my official declarations laid down the basis of any engagements, into which Her Majesty's Government might be disposed to enter, and which ought to be accepted as sufficient.

His Excellency, however, considered, that a declaration to that effect, to be published simultaneously with the Treaty, was not only of paramount importance to the security of the Portuguese colonial possessions in Africa, but that, accompanying the Treaty, when presented to the Cortes, it would tend to mitigate and counteract all dangerous opposition, which might be made by the opponents of the Government to the ratification.

The Viscount then delivered to me a project of an article, a copy of which I herewith enclose, and which (although I declared it at once to be inadmissible,) he requested me to take with me, and make my reflections on it against our next meeting. On Saturday, I had another long conference, at which his Excellency declared, that the difficulties under which he laboured as to the piracy article were insurmountable. He stated that no Minister at this moment could venture to contract an engagement to pass such a law, with a knowledge of the feeling which existed throughout the country respecting Slave Trade; there being on one side active opposition to the suppression of the Slave Trade, while total indifference was the characteristic of the feelings of the greatest part of those, to whom the Government must look for support as against the machinations of the advocates of the Slave Trade.

There is certainly great truth in what the Viscount states; but still, with the *prospect*, as at present exists, of elections of a favourable character, I do not estimate the risk of opposition so high as his Excellency does. But the Viscount being party to a measure, extremely obnoxious and injurious to the individual interests of certain influential persons, he is, perhaps, too much alive to the unpopularity, which the act of signing a Treaty for the abolition of the Slave Trade will entail upon him with that party; and therefore overrates the chances of serious opposition in the Cortes.

With reference to the project of Guarantee, I repeated to his Excellency, after reflection, what I had stated before, that I could not swerve from the declaration I had made to him, of my inability to enter into details of the auxiliary assistance, which Her Majesty's Government might be disposed to afford to the Government of Portugal, in the event of disturbances caused in the African possessions, fomented and excited by those interested in resisting the operation of the law abolishing the Slave Trade; but that I might, perhaps, if we agreed on other points, consent to sign a very general article, *sub spe rati*, as the basis of future negotiations. With this view, I submitted to him the draft of an article, as roughly embodying my ideas on the subject, of which I enclose a copy.

In order to record the objections brought forward by the Viscount de Sà da Bandeira, on the part of the Portuguese Government, to the required declaration as to Piracy, I addressed a note to his Excellency, of which I enclose a copy, submitting drafts of two articles embodying that principle, either of which I proposed to adopt. In reply to this note the Viscount has promised to make such a declaration on the subject of Piracy, as his Excellency trusts confidently will remove the only difficulty on the part of Her Majesty's Government to accepting the Treaty, as it will stand on my departure from Lisbon.

I have, &c.,

(Signed)

HOWARD DE WALDEN.

To the Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

First Inclosure.

Second Inclosure.

Third Inclosure.

First Inclosure in No. 1.

(Translation.)

*Project of Additional Article on Guarantee; as proposed by Viscount de Sá da
Bandeira.*

IN order to prevent any inconveniences which might result from carrying into execution, in the Portuguese dominions in Africa, the Treaty concluded between Her Most Faithful Majesty and Her Britannic Majesty, for the total abolition of the Slave Trade, signed this day, Her Britannic Majesty promises in her name, and in that of her successors, as follows:

1st. To guarantee to the Crown of Portugal, the dominions of that Crown in Africa, enumerated in Article of the said Treaty signed this day.

2dly. To furnish, in support of the guarantee promised in the preceding paragraph, an effective assistance, both by sea and land, to the Government of Her Most Faithful Majesty, whenever the latter may demand it from the British Government, or whenever it may be demanded, directly by the Portuguese authorities in Africa from the British authorities in Africa, or in India; it being however understood that the Governor-General of Mozambique may demand the said assistance from the Governor of the Cape of Good Hope, or of Bombay, or of the Mauritius, but must never require more than two ships of war and 500 troops for disembarkation; and the Governor-General of Angola may demand the said assistance from the Governor of the Cape of Good Hope, or of Sierra Leone, but must never require more than three ships of war and 800 troops for disembarkation. And that the Governors of the other Portuguese settlements in Africa may demand assistance from the British Governors in Africa; and that the latter shall be bound to supply it in proportion to the means at their disposal, and to the urgent need thereof.

The present additional Article shall have the same force and vigour as if it were inserted word for word in the said Treaty signed this day, and shall be ratified, and the ratification exchanged at the same time.

In faith and testimony whereof, the Plenipotentiaries, &c.

 Second Inclosure in No. 1.
*Counter Project of Additional Article on Guarantee; as proposed by Lord
Howard de Walden.*

IN order to guard against any opposition, which may result from the execution in the Portuguese dominions in Africa, of the Treaty concluded between Her Most Faithful Majesty and Her Britannic Majesty, for the total abolition of the traffic in Slaves, of a character which may endanger the tranquillity or safety of the said dominions, whether fomented by natives or foreigners, Her Britannic Majesty promises an effectual aid to the Government of Her Most Faithful Majesty, when such aid shall be requested of the British Government. The object, nature, amount, and duration of such assistance shall be regulated by special engagements, to be the subject of immediate negotiation between the two Governments.

 Third Inclosure in No. 1.
Lord Howard de Walden to Viscount de Sá da Bandeira.

Lisbon, May 20th, 1838.

THE Undersigned, &c., having maturely weighed the objections, brought forward by His Excellency Viscount de Sá da Bandeira, &c., to the adoption of an Article in the proposed Treaty for the abolition of the Slave Trade, declaring that traffic to be Piracy, has the honor now to transmit to His Excellency two

projects of an article embodying that principle, but one of which the Undersigned hopes may be considered by His Excellency free from difficulties insurmountable by the Portuguese Government.

His Excellency will have recognized, in the communication the Undersigned had to make to him yesterday, the very strong and anxious feeling which exists on the part of the British Parliament, and of Her Majesty's Government, on this subject, and the importance which is justly attached to the co-operation of the Government of Her Most Faithful Majesty in stigmatising as infamous, a traffic denounced by the representatives of all Europe, assembled twenty-two years ago, as disgraceful to Christianity.

The Undersigned cannot too earnestly appeal to the Viscount de Sà da Bandeira, the Minister to whom the glory is due of having, during the short period of dictatorship, proclaimed the abolition of the Slave Trade, to take into his most serious consideration, in the same philanthropic spirit by which he was on that occasion influenced, the consequences which will be involved in the rejection of this proposal on the part of Great Britain to make Slave Trade Piracy, which is made a condition, *sine quâ non*, of the conclusion of the proposed Treaty, by the loss of which such immense benefits, to be conferred thereby on the human race, and of advantages to the possessions of the Crown of Portugal in Africa, will be destroyed.

The Undersigned, &c.
(Signed) HOWARD DE WALDEN.

His Excellency the Viscount de Sà da Bandeira,
&c. &c. &c.

Sub-Inclosure to Third Inclosure in No. 1.

Two Projects of Article on Piracy.

First Project of Article.

HER Majesty the Queen of Portugal and the Algarves hereby engages, that, immediately after the exchange of the ratifications of the present Treaty, and from time to time afterwards, as it may become needful, Her Majesty will take the most effectual measures for preventing her subjects from being concerned, and her flag from being used, in carrying on in any way the trade in Slaves; and especially that, within six months after the said exchange, she will promulgate throughout her dominions a penal law declaring Slave Trade piracy, and inflicting the most severe secondary punishment, on all those, her subjects who shall, under whatever pretext, take any part whatever in the traffic in Slaves.

Second Project of Article.

Her Majesty the Queen of Portugal and the Algarves also engages that, in further pursuance of the stipulations contained in the first Article of this Treaty, she will forthwith take the necessary steps, for enacting penal laws for the prevention of the Slave Trade, and by which Slave Trade shall be declared to be Piracy, and those guilty of it subjected to the heaviest secondary punishment.

No. 2.

Lord Howard de Walden to Viscount de Sà da Bandeira.

Most confidential.

My dear Viscount,

Saturday night.

HERE is a note upon which to hang your declaration as to piracy. You will probably state—1, your objections and difficulties, if insurmountable; 2, the fact of having established a penal law, inflicting a secondary punishment for

(illegible) concerned in the Slave Trade; 3, remark on no European Power besides England having actually declared Slave Trade Piracy; and 4, conclude with a declaration of the readiness of Portugal, either-simultaneously, or jointly, to unite with other Powers of Europe, in any resolution to the effect of declaring Slave Trade Piracy, although, circumstanced as the Government is now, you cannot venture to take the *initiative*. This, in short, strikes me as the outline of the best case to make out, wording the conclusion as strongly as you can in a general sense, denouncing the Slave Trade.

Believe me, &c.

HOWARD DE WALDEN.

His Excellency the Viscount de Sá da Bandeira,
 &c. &c. &c.

No. 3.

Lord Howard de Walden to Viscount Palmerston.—Lisbon, Dec. 18th, 1838.

My Lord,

(Received January 7, 1839.)

ALLUSIONS having been made more than once officially by the Viscount de Sá da Bandeira to my departure from Lisbon in May last, as the cause of the non-signature of the Treaty for the Abolition of the Slave Trade, then under negotiation, I have the honour herewith to enclose a copy of a Memorandum which, a short time before I broke off the negotiation of the said Treaty, I drew up hastily at the moment, as explanatory of the grounds on which alone I could consent to affix my signature to it at all, (containing, as I felt it did, several provisions which could not be satisfactory to Her Majesty's Government,) even supposing the two main difficulties under discussion, created by the Portuguese Government, respecting piracy, and the proposed Guarantee, to have been overcome, the first by a solemn Engagement as to future denunciation of Slave Trade as Piracy, and the second by moderation and reason, as to the extent of the engagements required of Great Britain.

I did not forward this paper at the time, as no discussion on the subject of it took place; I had merely read it over to the Viscount de Sá, on delivering it to him, and he had received it to take it into consideration, only as an act proposed by me as preliminary to the signature of the Treaty whenever it might take place, subject to amendment and correction on being discussed by us. As, however, the contents of this paper, roughly and hastily drawn up as it was, still tend to illustrate what the real attitude was, which I assumed in regard to the contingent signature of the Treaty, I have thought it right, even thus late, to bring it under your Lordship's notice.

My motive for desiring to obtain in this way the signature of the Viscount de Sá da Bandeira to the stipulations of the Treaty, as then proposed, without definitively committing Her Majesty's Government, in the event of their affording even a remote chance of its being looked upon, on the whole, as admissible, was the apprehension of a change of Government in this country, which would at once have rendered the completion of any Treaty impossible, previous to the breaking up of Parliament. The probability also to be looked upon, at that time, was, that no new Minister would be more generally hostile to the Slave Trade, than the Viscount de Sá himself, while there were but too strong reasons to apprehend, that his successor might even be friendly to that infamous traffic.

I have, &c.,

HOWARD DE WALDEN.

(Signed)

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

Inclosure in No. 3.

Memorandum.

AT a conference, held this day between the Viscount de Sá da Bandeira and Lord Howard de Walden, Lord Howard declared, that he did not feel authorized, under his instructions, to affix his signature to any Treaty for the Abolition of the Slave Trade, which did not contain a provision for making that traffic Piracy.

The Viscount de Sá da Bandeira, on the part of the Portuguese Government, stated, that force of circumstances alone prevented his acquiescing in such a stipulation in the proposed Treaty ; but declared, in the name of the Queen of Portugal, Her Most Faithful Majesty's willingness to become party, by either a joint or simultaneous act, to any general measure, adopted by other European Powers for the above object. The Viscount de Sa dá Bandeira and Lord Howard, having both also weighed the various inconveniences which might arise from a delay at this moment in the actual signature of the Treaty, containing important stipulations, so entirely in conformity with so many of the other principles and details of the Project, as presented to the Portuguese Government, have agreed to affix their signatures to the Treaty *sub spe rati*, under the mutual pledge, that in the event of the Treaty not being accepted, as it stands, by Her Majesty's Government, the act of its signature shall remain secret, and the document shall be cancelled, and be considered, to all intents and purposes, null and void, in all its parts, as if the said signature had never taken place.
