



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: 62ba7d15-29e6-4fe5-ac4d-3afb11d0bc88

Range: Scans 001 - 082

Downloaded on: 2022-05-25 13:20:14

CORRESPONDENCE

RESPECTING THE

“CHARLES ET GEORGES.”

Presented to both Houses of Parliament by Command of Her Majesty.
1859.

LONDON:
PRINTED BY HARRISON AND SONS

TRANSLATIONS omitted at pp. 57 and 64.

Inclosure in No. 48.

Extract from the "Moniteur" of October 25, 1858.

(Translation.)

Paris, October 24, 1858.

THE Minister for Foreign Affairs has this morning received a telegraphic despatch, dated the 23rd October, from the Emperor's Minister at Lisbon, announcing that the Portuguese Government has decided to restore the ship "Charles et Georges," and to release Captain Rouxel.

Inclosure 3 in No. 52.

Sketch of Agreement produced by the Marquis de Lisle to the Marquis de Loulé, October 23, 1858.

(Translation.)

1. THE two vessels belonging to His Majesty the Emperor of the French, anchored in the Tagus, under the command of Rear-Admiral Lavaud, will leave Lisbon as soon as possible.

2. Four-and-twenty hours after their departure, Captain Mathurin Rouxel will be set at liberty, and the French vessel "Charles et Georges" will be given up to the Legation of the Emperor.

3. The subsidiary questions, that is to say, especially those which relate to the indemnity claimed by the interested parties, and to the seizure of blacks voluntarily engaged at Mayotte, which is a French possession, and at the Comoro Islands, which are an independent country, will be submitted to the mediation of His Majesty the King of the Netherlands, in conformity with the wish expressed in the 23rd Protocol of the Paris Conferences.

LIST OF PAPERS.

No.			SUBJECT.	Page
1.	To Mr. Howard	Feb. 16, 1858	Proceedings in Mozambique Channel of Her Majesty's ship "Castor," Captain Lyster. French emigration scheme. Capture of a French vessel with 130 blacks on board	1
2.	Mr. Howard	17,	Seizure of a French vessel for taking in negroes on coast of Mozambique	2
3.	"	24,	Receipt of despatch of February 16	2
4.	"	Mar. 6,	Count Walewski's view of the "Charles et Georges" case, as expressed to Baron Paiva. Detrimental effect of French emigration scheme	3
5.	To Earl Cowley	18,	Transmitting copy of the above	4
6.	Mr. Howard	May 8,	Case of "Charles et Georges" referred to judicial authorities	4
7.	To Earl Cowley	17,	Inclosing copy of the above	5
8.	Mr. Howard	Aug. 16.	"Charles et Georges" condemned as a slaver by Mozambique Tribunal, and brought to Lisbon, where she will remain pending appeal of her French owners ..	5
9.	To Earl Cowley	23,	Arrival of "Charles et Georges" in the Tagus	5
10.	Mr. Howard	28,	Marquis de Lisle protests against capture of "Charles et Georges," demands her release, and alludes to compensation. Portuguese version of the case recapitulated; and circular from Governor-General of Mozambique to Portuguese Governors in Africa respecting French emigration scheme	6
11.	"	Sept. 6.	Portuguese Government inclined to think "Charles et Georges" was engaged in Slave Trade, as her papers were fabrications produced subsequently to her trial at Mozambique. Refusal to exempt French captain from imprisonment during appeal	9
12.	"	7,	Report of Commission appointed by Governor-General of Mozambique to investigate the "Charles et Georges" case, proving that her papers were subsequent fabrications	10
13.	Earl Cowley	20,	Conversation with M. Benedetti; irritation of France against Portugal on account of seizure of "Charles et Georges," and of ill-treatment of French Sisters of Charity at Lisbon	13
14.	Mr. Howard	18,	Portugal refuses demand of France for release of "Charles et Georges" and her captain. Mr. Howard suggests mediation, which Portugal seems willing to adopt	14
15.	To Mr. Howard	25,	Her Majesty's Government learn with satisfaction willingness of Portuguese Government to refer "Charles et Georges" case to mediation, and will exert themselves in promoting amicable settlement of the dispute	16
16.	To Earl Cowley	25,	Serious aspect of "Charles et Georges" affair, as detailed in Mr. Howard's despatches of August 28, and September 6, 7, and 18	16

No.			SUBJECT.	Page	
17.	Earl Cowley	Sept. 30, 1858	Count Walewski's view of "Charles et Georges" case, which has been referred to "Comité des Contentieux." French ships dispatched to Tagus to demand either the release of the ship or else that of the captain on bail, according to the decision of the "Comité"	16
18.	" "	Oct. 2,	French Government determined on demanding release of "Charles et Georges" ..	17
19.	Mr. Howard	Sept. 28,	Marquis de Lisle's note, demanding release of "Charles et Georges," and answer of Portugal, together with sentence passed on "Charles et Georges" at Mozambique. Subsequent correspondence between French and Portuguese Governments, and conversation with Marquis de Lisle on alleged violation of French flag in capture of the vessel. The captain's reasons for not producing ship's papers before Mozambique Commission ..	17
20.	Earl Cowley	Oct. 3,	Council of Ministers, presided over by the Emperor, decided that the capture of the "Charles et Georges" was derogatory to the honour of France, and insist on her release. Has suggested to Count Walewski expediency of referring case to arbitration. Report of "Comité des Contentieux" will be adverse to Portugal ..	30
21.	Mr. Howard	4,	Arrival in Tagus of two French men-of-war to support demand for release of "Charles et Georges"	31
22.	Earl Cowley	5,	French Government decline to submit difference with Portugal to arbitration ..	31
23.	To Mr. Howard	5,	Copies of Lord Cowley's despatches of October 3 and 5	31
24.	Mr. Howard	5,	Portuguese Minister at Paris instructed to submit "Charles et Georges" difference to mediation of an arbitrator to be chosen by France	32
25.	To Earl Cowley	6,	Must strongly deprecate any hostile act of France against Portugal; to put forward Paris Protocol	32
26.	To Admiralty	6,	Statement of "Charles et Georges" case. Two French ships of war sent to Tagus. One or two of Her Majesty's ships to be held in readiness to proceed thither ..	32
27.	From Admiralty	7,	Two ships of war ready to proceed to the Tagus	33
28.	To Admiralty	7,	Small force to be immediately sent to the Tagus to watch proceedings of French, and protect British subjects	33
29.	From Admiralty	8,	Her Majesty's ships "Victor Emanuel" and "Raccoon" ordered to the Tagus ..	33
30.	Mr. Howard	8,	French ships not come to employ force, but French Legation will withdraw from Lisbon if Portugal does not yield ..	33
31.	Earl Cowley	8,	French Government decline arbitration. Has been requested by Portuguese Government to desire M. de Paiva to ask for mediation in case France declines to accept their explanations	34
32.	To Earl Cowley	9,	Copy of letter to Admiralty of October 7. British vessels sent to Tagus	39
33.	To Mr. Howard	9,	Offer of good offices of Great Britain. That prosecution be dropped if there was informality in seizure	39
34.	Earl Cowley..	10,	Interview with Count Walewski. France demands immediate restitution of "Charles et Georges," in accordance with decision of the "Comité des Contentieux," and refuses to entertain proposal of mediation	39
35.	" "	10,	Conversation on "Charles et Georges" difficulty with Count Lavradio, who maintains there was no irregularity in seizure of the vessel, but is unable to deter French Government from demanding her restitution	40

LIST OF PAPERS.

V

No.			SUBJECT.	Page	
36.	Mr. Howard	Oct. 8, 1858	His conversation with French Minister, and refutation of charge made against him of urging Portugal to resist the demands of France in the matter of the "Charles et Georges," as well as of that against Consul McLeod of inciting the Mozambique authorities to seize the vessel	41
37.	" "	8,	The French ships in the Tagus are the "Austerlitz" and "Donawerth." Conversation with French Minister, who rejects renewed proposal of mediation. Portuguese offer of mediation to the Imperial Government sent through British Legation. Omission of French vessels to salute King of Portugal	42
38.	" "	14,	French delegate on board "Charles et Georges" deposed that purchase of negroes on Portuguese territory was not effected in accordance with conditions prescribed by French Government	45
39.	Earl Cowley	13,	French Minister at Lisbon empowered to enter into arrangement for settling difference, in consequence of Portuguese proposal, approved by Count Walewski	45
40.	" "	14,	Portuguese Minister started for Lisbon to explain arrangement with Imperial Government respecting "Charles et Georges"	46
41.	To Mr. Howard	15,	Submitting proposal for solving "Charles et Georges" difficulty. Were the French aware that Matabane was a Portuguese dependency?	46
42.	To Earl Cowley	15,	Ditto	47
43.	To Mr. Howard	16,	Copies of Lord Cowley's despatches of October 10, 13, and 14	48
44.	Earl Cowley	17,	Conversation with Count Walewski respecting depositions of French agent on board "Charles et Georges." Imperial Government, on the release of the ship and captain, will consent to mediation in respect to questions arising out of the seizure	48
45.	" "	22,	Reasons for not acting on suggestion contained in despatch to Mr. Howard of October 15, for solving difference. Basis of arrangement laid between Count Walewski and M. de Paiva	49
46.	Mr. Howard	17,	Documents relative to "Charles et Georges," communicated by Marquis de Loulé	49
47.	" "	18,	Thanks of Portuguese Government for offer of good offices by Her Majesty's Government. Prosecution of "Charles et Georges" cannot be dropped. The French knew that Matabane was a Portuguese dependency	56
48.	Earl Cowley	25,	Announcement in "Moniteur" that "Charles et Georges" is set free	57
49.	To Earl Cowley	26,	Copies of Mr. Howard's despatches of the 17th and 18th instant	58
50.	To Mr. Howard	26,	Copies of Lord Cowley's despatches of the 8th, 17th, and 22nd instant	58
51.	To Earl Cowley	30,	Conversation with Duke of Malakoff respecting "Charles et Georges." Conduct of Her Majesty's Government in analogous case of "Cagliari"	58
52.	Mr. Howard	27,	French ultimatum. "Charles et Georges" given up to France. Departure of French ships from the Tagus	59
53.	To Earl Cowley	Nov. 3,	Mention of offer of good offices by Her Majesty's Government omitted in Portuguese official version of "Charles et Georges" case	66
54.	" "	3,	Copy of Mr. Howard's despatch of the 27th ultimo	66
55.	To Mr. Howard	6,	Why is offer of good offices made by Her Majesty's Government to Portugal not mentioned in Portuguese official version of "Charles et Georges" case?	66

LIST OF PAPERS.

No.			SUBJECT.	Page	
56.	To Mr. Howard	Nov. 6, 1858	Approving his conduct as reported in his despatch of the 27th ultimo	66
57.	" "	6,	Conduct pursued by Her Majesty's Government with reference to "Charles et Georges." That Portugal come to an understanding with France relative to emigration scheme	67
58.	" "	6,	Mr. Fitzgerald's conversation with Count Lavradio. Views of the latter in regard to solution of "Charles et Georges" affair. His statement that good offices of England were all that was required	68
59.	Earl Cowley	8,	The Emperor's letter to Prince Napoleon respecting French emigration scheme	68
60.	" "	9,	Count Walewski's answer to observations made by Lord Malmesbury to Duke of Malakoff	69
61.	To Earl Cowley	11,	Approving his language as reported in despatch of 9th instant. Similarity of the cases of the "Cagliari" and "Charles et Georges"	72
62.	Mr. Howard	8,	Portion of the King of Portugal's speech to the Cortes respecting "Charles et Georges"	72
63.	To Mr. Howard	10,	What is the meaning of allusion in King of Portugal's speech to "letter of Treaties?"	73
64.	Mr. Howard	20,	Additional particulars respecting the "Charles et Georges" difference	73
65.	" "	20,	Conversation with Marquis de Loulé respecting French emigration scheme	74
66.	" "	22,	Reasons of Portuguese Government for omission of tender of England's good offices in their official report, in "Diario do Governo," of "Charles et Georges" case	75
67.	" "	27,	Explanation of words used by King of Portugal in his speech	75

Correspondence respecting the "Charles et Georges."

No. 1.

The Earl of Clarendon to Mr. Howard.

Sir, *Foreign Office, February 16, 1858.*

I INCLOSE, for your information, the accompanying extract of a letter from Captain Lyster, of Her Majesty's ship "Castor," to the Commander-in-chief of Her Majesty's Naval Forces on the African Station, which has been communicated to me by the Admiralty, containing information respecting his proceedings in the Mozambique Channel, and reporting what passed at a conversation which he had with the Governor-General of Mozambique on the subject of the Slave Trade on the East Coast of Africa, and relative to the proceedings of the French in procuring labourers for the Island of Réunion.

I am, &c.

(Signed) CLARENDON.

Inclosure in No. 1.

Captain Lyster to Rear-Admiral the Hon. Sir F. Grey.

(Extract.)

"Castor," Simon's Bay, December 24, 1857.

I HAVE the honour to inform you that, in obedience to your orders of October 30, I left Simon's Bay in Her Majesty's ship under my command, and proceeded to St. Augustine's Bay, where I arrived on November 23. In consequence of north-east winds and calms between latitude 36° 55' south, and longitude 36° 25' east, to latitude 31° 3' south, and longitude 42° 36' east, this part of the passage was longer than anticipated.

I found here two American whalers and three French vessels: one had 110 free labourers on board, another getting ready for the same purpose, the third taking in a cargo of beans. From all the information I could obtain, it appears the French have taken from this place to Bourbon upwards of 1,500 this year—within the last month 500 have left. Those on board the brig I visited, evidently went of their own accord, but the Chief of Tent Rock Village is paid for them at the rate of three muskets, of three kegs of powder, or three pieces of cloth for each.

No regular slaver had been at St. Augustine for several years.

Having completed water and got some bullocks, I put to sea again on November 25, and arrived at Mozambique on December 3. At my interview with his Excellency the Governor-General, I explained to him your great anxiety to co-operate with him in any measure for the suppression of the Slave Trade, which the existing Treaties between Great Britain and foreign Powers

would admit, but that you had no power to interfere with French vessels procuring labourers for Bourbon. He was very much gratified by this communication, and said that he was aware that it was his duty to stop the exportation of labourers or emigrants from the Portuguese settlements, but that he had at present in the harbour a French barque, taken in Conducia Bay with 130 blacks on board, waiting trial.

No. 2.

Mr. Howard to the Earl of Clarendon.

(Extract.)

Lisbon, February 17, 1858.

THE Viscount de Sá informed me that, according to accounts which he had received from Mozambique, a French vessel had recently arrived on that coast for the purpose of taking in a cargo of negroes for the Island of Réunion; that the Governor-General of Mozambique having sent a detachment of troops to prevent the embarkation being effected, the vessel had moved off, but subsequently reappeared at another point of the coast, and succeeded in shipping some twenty negroes. This time, however, she was secured by the force sent by the Governor-General, and taken to Mozambique, where the case was placed in the hands of the judicial authorities. Some of the slaves shipped by the French vessel belonged, it appears, to persons at Mozambique.

No. 3.

Mr. Howard to the Earl of Clarendon.

(Extract.)

Lisbon, February 24, 1858.

I HAVE the honour to acknowledge the receipt, on the 22nd instant, of your Lordship's despatch of the 16th instant, transmitting to me the copy of a letter of the 24th of December last, from Captain Lyster, of Her Majesty's ship "Castor," to the Commander-in-chief of Her Majesty's naval forces on the African station, reporting his communications with the Governor-General of Mozambique, respecting the Slave Trade on the East Coast of Africa, and relative to the proceedings of the French in procuring labourers for the Island of Réunion.

I beg to inclose a translation of an account which has appeared in the "Jornal do Commercio" of this morning, of the capture of the vessel called the "Charles et Georges," of St. Malo.

The Viscount de Sá, in a further conversation which I had with him on this subject, alluded to the allegation of there being on board the "Charles et Georges," a delegate of the administration of the Island of Réunion. His Excellency informed me that he had privately communicated to the French Minister at this Court an extract from the Report he had received concerning the transaction, and of which the substance is given in the inclosed article.

Inclosure in No. 3.

Extract from the "Jornal do Commercio" of Lisbon, 24th February, 1858.

(Translation.)

FROM advices received at the Cape of Good Hope from Mozambique, and from thence forwarded to Lisbon, under date of 26th December, 1857, we learn:—

1. That a French barque, belonging to St. Malo, called the "Charles et Georges," bound from Bourbon, went to the port of Conducia, about two or three leagues from Mozambique, and was anchored there some days.

2. That suspicion having been excited at Mozambique, a small vessel was sent from thence on the 21st November to search the barque, under the charge of a navy officer, and with a detachment of twenty men and an officer, in order to prevent the embarkation of negroes at that place, if such should be the intention of those on board the barque.

3. That on the arrival of this vessel at Conducia, the barque got under weigh, and cruized off the coast.

4. That this proceeding having caused her to be suspected, the Mozambique vessel sailed along the coast, and on her return to Conducia, they found the French barque with 110 negroes on board, the most part boys of sixteen, and old men.

5. That as this took place where no Portuguese authorities were established, the French barque was captured, and conducted to Mozambique on the 27th November, and there subjected to an inquiry by a Committee, who at last found on board the above mentioned number of 110 negroes, fifty-nine of whom were embarked at Quitangonha; it was also found that they were not volunteers, but had been sold to the captain, and some of them even stolen from their masters, a few of whom belonged to the city of Mozambique.

6. That in consequence of the Report of the said Committee, the matter was referred to the Crown Lawyer and to the Government Council, and the case was to be ultimately given into the hands of the judicial courts, to be dealt with according to the laws of the country.

Besides what precedes, it is further stated, that there was on board the said barque, a delegate of the administration of the Island of Réunion, who, on being requested to produce the contracts that he might have drawn up, could not show a single one; nor could he do so, for, instead of contracts with the negroes, he had made deeds of purchase from their masters, or from those who represented themselves to be their masters, for slaves can be stolen as well as anything else.

No. 4.

Mr. Howard to the Earl of Malmesbury.

(Extract.)

Lisbon, March 6, 1858.

WITH reference to my despatch of the 24th ultimo, relative to the capture, in November last, by the Portuguese authorities, at Mozambique, of a French vessel called the "Charles et Georges," with slaves on board, destined for the Island of Réunion, I beg to state that the Marquis de Loulé informed me, on the 5th instant, that Count Walewski had lately spoken to Baron Paiva, the Portuguese Minister at Paris, of this capture as being a very grave affair, and had stated that the Marquis de Lisle, the French Minister at this Court, had reported to him that he had had a conference with the Marquis de Loulé on the subject of it, but that the explanations which he had received from his Excellency were not of a satisfactory nature.

Baron Paiva, it appears, replied to these observations of Count Walewski, by referring to the fact, not only of the Portuguese Government having prohibited the exportation of negroes, whether as free labourers or otherwise, from their African possessions, but likewise of the French Government having themselves prohibited that exportation from the Portuguese province of Mozambique. Hereupon Count Walewski allowed the subject to drop.

The Marquis de Loulé remarked to me that the version, stated by Count Walewski to Baron Paiva, of what had passed between the Marquis de Lisle and himself was not quite accurate, inasmuch as the French Minister had only touched, in conversation with him, upon the subject of the capture in question, without making any demand for explanations, but that he (the Marquis de Loulé) had, in consequence of this conversation, sent the Marquis de Lisle a copy of

the letter which the Portuguese Government had received from the Cape of Good Hope relative to the capture, and the substance of which is given in the article on the "Journal of Commerce," of which a translation is inclosed in my above-mentioned despatch of the 24th ultimo

I need not point out to your Lordship the difficult position in which the Portuguese Government are placed by the proceedings of the French Government in regard to the exportation of slaves, under the name of free labourers, from Africa, proceedings that have given so great an impulse to the Slave Trade in and around their possessions, both on the Eastern and Western Coast, and thwart their strenuous efforts, under the able direction of the present Minister of Marine and Colonies, the Viscount de Sá da Bandeira, to suppress that trade, and promote legitimate commerce.

For my own part, I cannot but consider this French scheme the most serious obstacle that has presented itself to the successful issue of our own efforts for the suppression of the African Slave Trade, and as one calculated, if persevered in, to undo the great progress which has been made towards that most desirable object, for which Great Britain has been so long and so unremittingly contending.

No. 5.

The Earl of Malmesbury to Earl Cowley.

(Extract.)

Foreign Office, March 18, 1858.

I TRANSMIT, for your Excellency's information, the accompanying extract of a despatch which I have received from Mr. Howard, Her Majesty's Minister at Lisbon,* reporting what has passed between the Portuguese and French Governments relative to the capture by the Portuguese authorities at Mozambique of the French vessel the "Charles et Georges," with negroes on board, destined for the Island of Réunion, and containing some observations on the subject of the evil effects of the French scheme for exporting slaves from Africa under the denomination of free labourers.

No. 6.

Mr. Howard to the Earl of Malmesbury.

My Lord,

Lisbon, May 8, 1858.

WITH reference to my despatch of the 6th of March last, relative to the capture, in November 1857, by the Portuguese authorities at Mozambique, of a French vessel, the "Charles et Georges," with slaves on board, destined for the Island of Réunion, I have the honour to inform your Lordship that the Marquis de Lisle, the French Minister at this Court, having lately communicated to the Marquis de Loulé a confidential despatch from Count Walewski, expressing the opinion that the capture in question was not justified by the circumstances of the case, the Marquis de Loulé acquainted the Marquis de Lisle by note that the Governor-General of Mozambique had submitted the case to a Commission for examination, and that this Commission, having reported that there were grounds for legal proceedings against the vessel, the matter had been placed in the hands of the judicial authorities.

The Viscount de Sá repeated to me the other day that slaves were found on board the "Charles et Georges," who had belonged to persons at Mozambique, and who had been kidnapped, and sold to the French.

I have, &c.

(Signed) HENRY. F. HOWARD.

* No. 4.

5

No. 7.

The Earl of Malmesbury to Earl Cowley.

My Lord,

Foreign Office, May 17, 1858.

WITH reference to my despatch of the 18th March last, I inclose, for your Excellency's information, a copy of a despatch from Mr. Howard, Her Majesty's Minister at Lisbon,* containing further information respecting what has passed between the French and Portuguese Governments on the subject of the capture of the French vessel "Charles et Georges" by the Portuguese authorities at Mozambique.

I am, &c.
(Signed) MALMESBURY.

No. 8.

Mr. Howard to the Earl of Malmesbury.

My Lord,

Lisbon, August 16, 1858.

WITH reference to my despatch of the 8th of May last, and to my previous correspondence on the subject of the capture, in November 1857, by the Portuguese authorities at Mozambique of a French vessel, the "Charles et Georges," with slaves on board destined for the Island of Réunion, I have the honour to report that this vessel, having been condemned as a slaver by the tribunal at Mozambique, arrived in this port on the 13th instant, under the Portuguese flag, and with a Portuguese prize-crew on board, and will remain here pending the appeal which has been made, as the Marquis de Loulé informs me, by her French owners to the Superior Court at Lisbon from the decision of the above-mentioned tribunal.

I have, &c.
(Signed) HENRY F. HOWARD.

No. 9.

The Earl of Malmesbury to Earl Cowley,

My Lord,

Foreign Office, August 23, 1858.

WITH reference to my despatch of the 17th of May last, I inclose for your Excellency's information the accompanying copy of a despatch which I have received from Mr. Howard, Her Majesty's Minister at Lisbon,† reporting the arrival in the Tagus of the French ship "Charles et Georges," in charge of a Portuguese prize-crew, to remain there pending an appeal which has been made by the French owners of the vessel against the sentence of the tribunal at Mozambique, condemning her as a slaver.

I am, &c.
(Signed) MALMESBURY.

* No. 6.

† No. 8.

Mr. Howard to the Earl of Malmesbury.

(Extract.)

Lisbon, August 28, 1858.

THE French Minister at this Court, the Marquis de Lisle, treats as a very serious affair the condemnation as a slaver, by the tribunal at Mozambique, of the French vessel "Charles et Georges," which arrived here on the 13th instant, under Portuguese colours, as reported in my despatch of the 16th instant, and in the note which he has addressed to the Marquis de Loulé, protesting against the capture and condemnation of the vessel, has demanded, as M. de Loulé informed me yesterday, the liberation of the vessel, besides alluding in conversation to the compensation which would be required.

Your Lordship will learn the Portuguese version of the case from the translation of an article in the "Jornal do Commercio" of this capital of the 24th of February last, which was inclosed in my despatch of that date to the Earl of Clarendon.

The purport of this version is briefly the following:—Suspicion having been caused at Mozambique by the circumstance of the French barque "Charles et Georges," of St. Malo, proceeding from the Island of Réunion, having anchored for some days in the port of Conducia, distant about two or three leagues from Mozambique, a small vessel was sent on the 21st of November, 1857, from the latter place, with an officer of the navy on board, together with a detachment of twenty soldiers and an officer, for the purpose of preventing the shipment of negroes at that point, if such should be the intention of the barque.

On the appearance of the Portuguese Government vessel, the barque sailed off, but the former having, after a cruise along the coast, returned to Conducia, found the barque there with 110 slaves on board, and brought her to Mozambique on the 27th of November. The inquiry, instituted by a Commission named for the purpose of examining the matter, having brought to light that about half of the 110 slaves had been embarked from Portuguese territory, that they were not voluntary emigrants, but had been bought by the captain, and that some of them had been stolen from their masters, some of whom resided in the city of Mozambique, the barque was, after the Attorney-General and the Government Counsel had been heard, handed over to the judicial power in order to be dealt with according to law.

The result of the trial was the condemnation of the "Charles et Georges" as a slaver, on the grounds of the above-mentioned slaves being found on board under the circumstances already related, and of the non-production of the proper papers proving the legitimate nature of the traffic in which she was engaged.

Captain Rouxel, the master of the barque, having appealed against this sentence to the Court of Relação at Lisbon, the vessel was sent here, as reported, pending the decision of the appeal.

The papers concerning the case have been already transmitted to the Court of Relação; but as September is the period of the vacation of the Judges, some time must elapse before their decision takes place.

The delegate and the crew of the vessel were permitted to return to the Island of Réunion; but the captain, who, as the French Consul informs me, has been condemned to two years' imprisonment in irons, came here on board his vessel in order to prosecute his claim, and is now at large.

The slaves found on board, as well those who were not engaged on Portuguese territory as those that were, have been detained at Mozambique, and placed under the guardianship of the Board of Protection of Slaves and Liberated Negroes. According to what the Viscount de Sá stated to me, they are free, though some of them were claimed by inhabitants of Mozambique.

It is necessary that I should here state that the late Governor of Mozambique, Senhor Menezes, not having given due effect to the prohi-

bition of the exportation of negroes as free labourers, contained in the Portarias of the Minister of Marine and Colonies of February 27, 1855, and July 30, 1856, was recalled on that account, as I reported at the time, and Colonel Tavarez d'Almeida was sent out as Governor by the Viscount de Sá for the express purpose of enforcing that prohibition, and of otherwise suppressing the Slave Trade. Colonel Almeida arrived, it appears, at Mozambique about fifteen days, or three weeks, before the affair of the "Charles et Georges" took place, and it was under his directions that the measures for her apprehension were taken.

The Marquis de Lisle, on his part, informs me that the "Charles et Georges" left the Island of Réunion before the period of the receipt there of the intelligence of the prohibition by the Portuguese Government of the exportation of negroes from their Possessions; that a part, 57, I believe, of the 110 negroes who were found on board her had been engaged at the French Settlements in the Island of Madagascar and Mayotte, whilst the remainder had been purchased of an Arab Sheik, a Portuguese authority, who produced his license from the Governor Menezes to furnish the French vessels with emigrants; that the receipts of this Sheik for the price of the engagement of the negroes, as well as for the due of six dollars per head exacted for the Governor, were in existence, and were now produced: moreover, that the negroes so engaged on the Portuguese territory were not slaves, but, according to the original contracts made with the Sheik, which formed a part of the evidence on the French side, were to be free to act as they pleased, and to return to their own country at the expiration of the five years for which they were engaged.

On all these grounds, which are likewise those of the appeal to the superior tribunal at Lisbon, the Marquis de Lisle maintains that the capture and condemnation of the barque were illegal; that the Portuguese Government are bound, not only to restore the vessel, but likewise to make compensation for the value of all the negroes apprehended and detained by the Portuguese authorities, as well as for other losses.

The Marquis de Lisle admits the right of the Portuguese Government to prohibit the exportation of negroes from their possessions, and states that, since the intelligence of that prohibition being enforced reached the Island of Réunion, no French vessel had been allowed to proceed from thence to collect free labourers in those possessions; but he contends that, as the new Governor had not, at the time of the arrival of the "Charles et Georges," revoked the license granted to their Arab authorities to furnish French vessels with negroes, the Portuguese Government are bound by the acts of those authorities.

The Marquis de Loulé also told me yesterday that he had not replied as yet in writing to the Marquis de Lisle's note, but that he had informed him that, pending the decision of the Court of Relação, the Portuguese Government could take no further step except to accelerate the legal proceedings as much as was in their power, which they would do.

The Marquis de Loulé admitted to me that he thought that, although the transaction was near akin to the Slave Trade, it could not be punished as such; and I inferred from the Viscount de Sá's language, that he doubted the legality of the condemnation, which it is thought will not be confirmed by the Superior Court.

I have the honour of inclosing a translation of a circular despatch addressed, by order of the new Governor-General of Mozambique, Colonel Almeida, on the 20th of November, 1857, to the Governors of the various Portuguese districts on the East Coast of Africa, and published in the "Diario do Governo" of the 20th instant, instructing them how they are to proceed in the event of French vessels coming to seek negroes.

Your Lordship will observe that the mode of proceeding thus prescribed is, that the Governors, after having examined the ship's papers and made known to the captain the prohibition of the Portuguese Government of the exportation of colonists, are to require from him a declaration, according to the form annexed to the circular, that he will not embark or engage such free labourers, it being understood that if he did so, he submitted to the legal consequences that might result. A similar commu-

nication is to be made to the official French delegate on board the vessel, and his acknowledgment of it required.

This circular was published in the "Official Bulletin" of Mozambique of December 19, 1857.

It appears that two French vessels which had come to Ibo for the purpose of engaging negroes were released.

Inclosure in No. 10.

Circular of the Governor-General of the Province of Mozambique for preventing the exportation of Colonists from the Ports of that Province.

(Translation.)

Illustrious Sir,

Mozambique, November 20, 1857.

WHEREAS some French vessels having come to the ports of this province from the Island of Réunion, from whence they sail with their papers in due order, and having on board a Delegate of the Administration, with written instructions upon the method of contracting for, embarking, and conveying colonists, which the said vessels are authorised by their Government to engage and convey to that island, in accordance with the Law of 1852, of the French Empire, upon this subject; and whereas it may happen that such vessels, under the above-mentioned legal circumstances, should call at a port within your district for the purpose of proceeding to such engagement and shipment of colonists, a speculation which is expressly prohibited by the Portarias of the Marine and Colonial Department, dated 27th February, 1855, and 30th July, 1856, and inasmuch as such vessels, in order to effect the conveyance of the colonists thus engaged, have on board articles which are mentioned in the Decree of 10th December, 1836, as indicative of the Slave Trade; and as by an unreflected application of the provisions of that Decree to such vessels under the above circumstances, and by their consequent detention, serious embarrassments may arise, for the said vessels can only make their shipments in accordance with the written instructions held by the Delegates of the Administration, and by the express consent of the Portuguese authorities, and not in secret or by contraband; for these reasons His Excellency the Governor-General of the Province, desiring that the commands of His Majesty the King shall be duly observed in not permitting such engagements and shipments to take place in any port on the Portuguese coast, and at the same time wishing to prevent the evil results which may arise from an imperfect interpretation of the provisions of the Decree of 10th December, with regard to vessels in the circumstances above-mentioned, and in the examination of which you will be scrupulously zealous, has charged me to state to you, that in the event of the arrival there of any French vessel which may include all the above-mentioned conditions without any exception, you will proceed in the following manner:—

After a scrupulous examination of all the ship's papers, in which are comprehended the title-deed of ownership, the charter of French nationality, the muster-roll of the crew, the manifests and the instructions of the Delegate, given by the Administration of the Island of Réunion, and having made known to the captain the orders of His Majesty's Government, prohibiting the shipment or engagement of colonists, you will require from him a declaration according to the annexed form, and to the Delegate you will officially communicate the positive prohibition which you are bound to enforce against the carrying out of the intended engagements, and require a written acknowledgment of the said communication.

The declaration of the captain, and the acknowledgment of the Delegate, will be transmitted to this General Department to be made use of hereafter if required, and copies are to be kept in your archives.

It is to be expected that such vessels, duly authorised, will not continue to frequent the ports of the Province, owing, not only to the correspondence on this subject, which has most likely passed between the Government of the metropolis and that of His Majesty the Emperor of the French, but also to that which has passed lately between this Colonial Government and the Government of the Island of Réunion, and the Portuguese Consul residing there. It is, therefore, necessary to awaken your attention in order that you may not be misled as to the authenticity of the documents presented to you, and you will, therefore, take every means of testing them.

Finally, it is his Excellency's intention that you should act in these questions with the greatest prudence and circumspection, in order that the innocent may not be oppressed, nor the guilty escape with impunity.

God preserve, &c.

(Signed)

JOSE N. FERREIRA DE PASSOS,

General Secretary.

This circular was sent to all Governors of Districts.

[Here follows the declaration to be made by the captains of vessels. See text in original.]

No. 11.

Mr. Howard to the Earl of Malmesbury.

(Extract.)

Lisbon, September 6, 1858.

ON my inquiring of the Marquis de Loulé, on the 3rd instant, whether anything new had taken place in the case of the French vessel "Charles et Georges," which formed the subject of my despatch of the 28th ultimo to your Lordship, his Excellency replied that he had found reason to alter the opinion which he had expressed to me during our former conversation, and which he said had likewise been the view of the Viscount de Sá; that the traffic in which she was engaged at Mozambique was not the Slave Trade, because there were, it appeared, grounds for believing that the papers which had now been brought forward by the French captain to prove the legitimacy of her transactions, but which were not produced at the trial at Mozambique, viz., the contracts with the Arab Chief acting, as had been represented, under the authority of the late Governor-General, and the receipts of the Chief, were subsequent fabrications.

The Marquis told me that the French Minister, the Marquis de Lisle, had been insisting with the Viscount de Sá that the captain of the vessel, who is now at large, during the vacation of the Court of Relação of Lisbon, which is to try the appeal, should not be subjected to imprisonment when the Court meets, but that the Viscount de Sá had replied that there were two methods of proceeding; that is to say, by force or by law. If the former was to be preferred, it would be for the French Government to take the vessel by that means; but if the latter, the laws of the country must be followed, and the captain would have to go to prison.

I observed to the Marquis de Loulé that I thought it would be more prudent not to push matters to extremities, and suggested whether the captain might not remain at liberty on his giving bail. His Excellency replied that this was a question for the Court to decide; but I further suggested that the Attorney-General might move the Court to admit the captain to bail, a suggestion which his Excellency received favourably.

No. 12.

Mr. Howard to the Earl of Malmesbury.

(Extract.)

Lisbon, September 7, 1858

THE Viscount de Sá da Bandeira having communicated to me, confidentially, amongst other papers on the same subject, the report of the Commission appointed by the Governor-General of Mozambique, to inquire into the case of the French barque "Charles et Georges," which was apprehended in the Bay of Conducia in November last, and has since been condemned as being engaged in the Slave Trade, I have the honour of inclosing herewith a translation of it to your Lordship.

Your Lordship will perceive from this paper that the captain of the "Charles et Georges," in answer to the questions put to him by the Commission, stated that he had no papers in his possession to prove the engagement of the negroes on board, and that he had not fallen in with any Portuguese authorities at Quitangonha, but had only met the persons who brought the negroes, and of whom he bought them, whereas papers are now brought forward, purporting to be the contracts entered into by the captain with the Arab Chief, who is alleged to have produced a license from the late Governor-General of Mozambique to furnish negroes to French vessels, and whom the French Minister has designated, in his conversation with me, as a Portuguese authority.

Your Lordship will also see that all the negroes found on board the vessel declared that they had been embarked and sold to the French captain against their will.

The conclusion of the Commission was that the "Charles et Georges" had not only incurred the penalties provided for by the fiscal laws of the port and custom-house, but likewise those enacted by the Royal Decree of the 10th of December, 1836, for the suppression of the Slave Trade.

I should observe that it likewise appears from the report of the Portuguese naval officer who apprehended the "Charles et Georges" (which I do not think of sufficient importance to send your Lordship) that although the captain produced an authorization from his own Government to engage colonists, he stated that he had none from any Portuguese authority, and he likewise denied having any passports for the slaves.

 Inclosure 1 in No. 12.

(Translation.)

Report of the Commission appointed by the Governor-General of Mozambique to investigate the circumstances under which the French barque "Charles et Georges" was captured on the coast of Quitangonha by the Portuguese man-of-war "Zambezi."

AFTER recapitulating the duties imposed upon them, as stated in the Minute, and thanking the Governor-General for the honour conferred upon them in being chosen for so important a commission, the report goes on to state that the Commission, directed by the first-named member, the Director of the Custom-house, as President, and being accompanied by the First Clerk of the Custom-house, and by the Government Interpreter, went on board the French barque in question, and having asked the captain whence he came, and where he was bound to, he replied that he had sailed from Bourbon, bound for Mayotta, and was on his way to the Comoro Islands; that the mate having fallen sick, he had put into Quitangonha, and having there found labourers he had bought them. The

Commission, through the medium of their President, having asked the captain whether he had, at Quitangonha, met with any Portuguese authority, he replied in the negative, and said that he only met with some individuals who brought the labourers, and from whom he bought them; that he had still on hand 4,000 dollars to engage labourers with. The Commission did not fail to examine the vessel and the negroes on board of her; and the captain, having stated that he had provisions for 300 to 350 persons for three or four months, and 240 barrels for water, of which only about twenty were full, the Commission proceeded with their investigation, and found two large coppers, a machine for distilling water, 300 blankets, 300 shirts and trousers, some of which were already distributed among the negroes, and 400 hides; and they found also that the vessel had an open hatchway with a grating. One hundred and ten negroes were found on board: nineteen women and thirty-one men shipped at the Island of Comoro, and forty-seven men and twelve women in the Bay of Quitangonha; none of these were found imprisoned, nor any indications of having been so lately, and the Commission are of opinion that this was owing to the greater part being old men and children, as all who were asked replied that they were there against their will, having been sold, as your Excellency will more clearly perceive by the few depositions contained in the annexed Minute; this, the Commission can affirm, would have been the deposition of each and every one, if the expedient had not been taken, in order to save time, of putting questions to them collectively, as stated in the same Minute. Having thus complied with the greater part of the requirements contained in your Excellency's portaria of the 30th of last month, it only remains for the Commission to conclude by pointing out and declare the liabilities incurred by that vessel. From the fact of the said barque being anchored in a port on the coast, and close to the bar, without being in any way forced to this by stress of weather or other motives, sufficient cause of suspicion arose of an intention to infringe the fiscal laws of the port and custom-house; and when it should be clearly proved that such vessel had communication with the shore for the shipping or unshipping of articles either permitted or prohibited, it is plain that she had incurred the penalties of the fiscal laws which apply to evasion and contraband. The French are certainly not ignorant of the ports in the African possessions of Portugal which are open to the free pratique of vessels; they cannot, moreover, be ignorant that the exportation of negroes from the African territories of Portugal is not only considered contraband by the Treaty of 1815, but is even, by subsequent laws, reputed as piracy and a public crime in the whole of the Portuguese territory.

Under these circumstances, then, the Commission, seeing that the captain did not even present passports or documents to prove the engagements effected for his vessel, considering the substance of the depositions of the negroes, as contained in the annexed Minute; considering that the vessel was found, on the occasion of her capture, anchored in a prohibited port, with 110 negroes on board, and principally (59 of them) shipped at Quitangonha; considering that it cannot be unknown at Bourbon that that the Portuguese Government does not allow in any way such engagements of negro labourers, as is seen by the Portaria of the Marine and Colonial Department of the 27th of February, 1856, and other subsequent ones addressed to this Colonial Government; considering, finally, all the other circumstances set forth in the body of this short report, and in the annexed Minute, the Commission are of opinion that the French barque "Charles et Georges" has not only incurred the penalties of the fiscal laws of the port and of the custom-house, in having neglected the legal bar and entrance, and in seeking an anchorage in a prohibited port when not forced to it by stress of weather, but also in having there bought and shipped negroes; and, moreover, from the circumstances set forth, the said vessel and her crew are liable to the penalties enacted in the Decree of the 10th of December, 1836. The Commission confess their inability to thank your Excellency duly for the confidence reposed in them, and further trust to your Excellency's kindness to excuse the imperfection of their labours,

and assure your Excellency that they did not neglect any means of complying with their duty.

God preserve, &c.

Mozambique, December 1, 1857.

(Signed) JOAO VICENTE RODRIGUES DE CARDINAS.
JOAO EUZEBIO D'OLIVEIRA.
FREDRICO CARLOS DA SILVEIRA ESTRELLA.
MIGUEL AUGUSTO DA SILVA CORDEIRO.

To his Excellency the Governor-General of the Province.

Inclosure 2 in No. 12.

Minute.

(Translation.)

IN the year of our Lord 1857, on the 1st day of December of the said year, and on board of the French barque "Charles et Georges," anchored in this port, and captured on the coast of Quitangonha by the brig-schooner of war "Zambesi," where I, the first clerk, came in virtue of the instructions contained in the Portaria of the Governor-General, of the 30th of last month; and also appeared João Vicente Rodrigues de Cardinas, Director of the Custom-house; João Euzebio d'Oliveira, First Lieutenant, commander of the "Zambesi;" Frederico Carlos da Silveira Estrella, Head Clerk of the General Office; and Miguel Augusto da Silva Cordeiro, Captain of the Port, all members of the Commission appointed by his Excellency the Governor-General in the said Portaria for the purpose of pointing out and declaring the fiscal liabilities incurred by the said barque; the liabilities she may have incurred owing to the fact of having been found with negroes on board; the manner in which the said negroes were found on board, whether free or under restraint, and the nature of such restraint; if not under restraint, whether there were any indications of their having been so, and the nature of such indications; whether there were on board any negroes recognized as belonging to persons of this city, or to the inhabitants of the continents, the number and names of such negroes, and the names of their owners; the said Commission having also to learn from these negroes, by means of an interpreter, the manner in which they came to be on board, whether voluntarily or by sale, or by any other forcible manner; and the Commission proceeding then to examine the vessel found two large coppers, a machine for distilling water, an open hatchway with a grating, 300 blankets, 300 shirts and trousers, some of which were already distributed to the negroes, 400 hides, and about 4,000 dollars, which the captain stated before the Commission to be intended for the purchase of labourers; and forthwith the Director of the Custom-house, acting as President, having asked the captain of the barque, George Rouxel, what amount of provisions he had on board, he stated that he had sufficient for 300 to 350 persons for three to four months, and 250 barrels for water, about twenty of which were full. The captain being asked whether he had any papers and documents to authenticate the engagement of the negroes on board his vessel, replied that he had none. The Commission proceeding to ascertain whether any negroes were imprisoned, found none, nor any indications of their having lately been so. And immediately afterwards the Government interpreter, Gulamo Ussem Valgi Mottà, being on board, and having taken the oath in accordance with the rites of his creed, to speak the truth in the translation of the questions put by the Commission to the negroes, and in their answers, the President caused the negroes to be drawn up on deck, and of those shipped at Quitangonha, the greater part, either through fear or ignorance, being unable to answer, the following only were questioned:—

José, the slave of Domingos José Ferreira, residing in this city, stated that his master had sold him to a Moor, who took him to the Comoro Islands and there sold him to this Frenchman.

Antonio, the slave of Patricio, of Quillimane, said that he had been kidnaped by a Moor from Angoxa, named Ibaimo, and there sold against

his will to a boat ("pangaio") of Mujojos, and taken to Comoro, where he was sold to this French vessel.

Emilio Muguema, the slave of Militão Francisco de Menezes, stated that he was kidnapped by the Macuas on the continent, and sold at Quitangonha to the Moor Ali, who sold him to this Frenchman.

Movaria, the slave of the Moor Saluhu, of Quitangonha, said that her master sold her to the Frenchman.

Victorino and Carlos, the slaves of Jacinto de Jesus e Silva, stated that having gone on the continent to cut firewood, they were kidnapped by the Macuas, and sold at Quitangonha to persons unknown to them, who sold them to the Frenchman.

Eria, the slave of Abudulrame, Captain-General of Quitangonha, stated that her master caused her to be sold.

Challe, the slave of Intiquila, of Quitangonha, stated that he was sold to this Frenchman ten days since.

Rehema Binte Muça, Nacibo, and Ali Umar, stated that they were kidnapped at Quiloa by the Moors Mufaume Dimane, Moamad, and Mohamad Fadili, and having been shipped to Comoro were there sold to this vessel.

And as the number of negroes yet unquestioned was very great, the Director of the Custom-house, President of the Commission, desired the interpreter to ask the negroes whether any of their number had come on board of his own free will; to this they all replied that they were there because they had been sold, and against their will they had been forced to embark.

There being nothing further to inquire into, and the President having asked the other members of the Commission if they were satisfied, or if they wished to proceed to any further inquiries, they replied that they were satisfied, and had nothing further to investigate; upon which he, the President instructed me to close this Minute, which is to be signed by all the members of the Commission, by the interpreter, and by me, José da Silva Carrão, first clerk of the Custom-house, who wrote the same.

(Signed)

JOAO VICENTE RODRIGUES DE CARDINAS.

JOAO EUZEBIO D'OLIVEIRA.

FRÉDERICO CARLOS DA SILVEIRA ESTRELLA.

MIGUEL AUGUSTO DA SILVA CORDEIRO.

GULAMO USSEM VALGI MOTTA.

No. 13.

Earl Cowley to the Earl of Malmesbury.

My Lord,

Paris, September 20, 1858.

IN the course of a conversation which I had this afternoon with M. Benedetti, he complained of the Portuguese Government in a manner which makes me apprehend the possibility of a serious misunderstanding between France and Portugal if matters remain as represented to me by that gentleman.

There are two causes of complaint, according to M. Benedetti's statement: the first is the seizure, four miles out at sea, and the subsequent condemnation by an illegal tribunal, of a French ship; the second, the ill-treatment to which certain French Sisters of Charity have been exposed at Lisbon.

Upon the first of these points M. Benedetti's statement was very vague, and I can only presume that he refers to the seizure and condemnation of the "Charles et Georges," to which Mr. Howard alludes in his despatch of the 16th ultimo.

In the matter of the Sisters of Charity, M. Benedetti said that the treatment of them was atrocious, and that the Portuguese Government did nothing to protect them. They were daily insulted in the open streets, yet not one of the ruffians who insulted them had been arrested, much less punished. It must be recollected, further, that these excellent women had been specially invited to go to Lisbon, and had, therefore, a double claim to protection

I did not enter into the details of either case with M. Benedetti ; but your Lordship may think it expedient to let the Portuguese Government know that considerable irritation prevails at Paris in regard to both of them.

I have, &c.
(Signed) COWLEY.

No. 14.

Mr. Howard to the Earl of Malmesbury.

(Extract.)

Lisbon, September 18, 1858.

THE affair of the French vessel "Charles et Georges," condemned at Mozambique as a slaver, treated of in my despatches of the 6th and 7th instants, has assumed a very serious aspect.

The French Minister at this Court, the Marquis de Lisle, acting upon instructions recently received from his Government, presented, on the 14th instant, a note to the Marquis de Loulé containing a peremptory demand for the immediate release of the vessel and of the master, Captain Rouxel.

In this note, which the Marquis de Loulé showed me yesterday, the French Minister dwells upon the serious influence which this affair may have upon the amicable relations of the two countries; refers to the previous notes which he had addressed to his Excellency on the subject, stating the circumstances of the case and urging the liberation of the vessel, as well as to his communications with the Viscount de Sá da Bandeira; and lays down that, as there was a Delegate of the French Government on board the vessel, the French Government cannot admit the possibility of her having been engaged in the Slave Trade, for which crime she had been condemned.

The French Minister then proceeds to state that his Government reserve to themselves to determine the degree of responsibility involved in this affair, and to bring forward hereafter the demands for compensation, but that they now require the immediate release of the vessel and of the captain. The note concludes with an urgent request for a speedy reply. It was sent in by the Marquis de Lisle, with an intimation that he expected an answer as to day, in order to his dispatching it by to-morrow morning's mail, and that, if he did not receive an answer by that time, he should consider the Marquis de Loulé's silence as a refusal to accede to the demand of the French Government.

I saw the Marquis de Loulé yesterday, just before the Cabinet Council met, at which the Attorney-General was to be heard, and the answer to be returned to the French Minister was to be decided upon.

His Excellency dwelt upon the embarrassing position in which the Portuguese Government were placed. He observed that it appeared, from the papers in possession of the Government, that the case was not one of an engagement of free labourers, but of the positive purchase of slaves, and that the Government were not authorized by the laws of the country to withdraw the vessel from the action of the judicial power, under whose control she now is.

Since I wrote the above, this evening, the Marquis de Loulé, in fulfilment of a promise he made me yesterday, has called upon me, and shown the answer of this day's date, which he sends this night to the French Minister, expressing at the same time his regret that the lateness of the hour prevented him from giving me a copy of it.

In this note the Portuguese Minister for Foreign Affairs observes, that it appears to him that when the French Government made their demand for the release of the vessel, they were not thoroughly acquainted with all the circumstances of the case, and he therefore begs to offer some observations concerning it. He then, whilst inclosing copies of the sentence of condemnation pronounced by the tribunal at Mozambique, of the report of the naval officer who apprehended the vessel, and of the Commission which was named by the Governor-General of Mozambique,

states the reasons for which the "Charles et Georges" was treated differently from two other French vessels that came to Ibo to engage free labourers, and for which she was handed over to the judicial power, these reasons being those stated in the last-named document, of which I had the honour of inclosing a translation in my above-named despatch of the 7th instant, viz., the purchase of slaves; the absence of documents to prove their legitimate engagements; the declarations of the negroes that they had been taken against their will; and the contradictory answers of the captain, and the fact of the vessel having been apprehended within cannon-shot of the shore.

The Marquis de Loulé likewise calls the attention of the French Minister to one of the documents annexed to one of the notes of the latter, in which, with reference to the negroes, it is said: "Ils ont tous répondu qu'ils consentaient d'aller à l'île de Bourbon pour cinq ans. Tous ont été libres à bord excepté les onze premiers, qui sur leur consentement se sont rendus dans la chaloupe, les bras amarrés."

It was on all these grounds, says the Marquis de Loulé, in summing up, that it was necessary that the "Charles et Georges" should be given over to the judicial authorities; and he adds, that the Portuguese Government regret that they cannot comply with the wishes of the French Government in respect to the release of the vessel and the liberation of the captain, because the case is now in the hands of the judicial power before the Court of Relação of Lisbon, to which the captain himself appealed, and which he accordingly recognized, and because, according to the Constitution, the judicial power is independent, and no authority has a right to withdraw from its action a cause pending before it.

The Marquis de Loulé again, at the conclusion of his note, expresses the regret of the Portuguese Government at not being able to accede to the requests of the French Government, as well as the value which they attach to the maintenance of their friendly relations with France.

The Marquis de Loulé begged me to point out more particularly to your Lordship that this was shown to be a case not of the engagement of free labourers, but of the actual purchase of slaves. His Excellency did not make any application to me for your Lordship's valuable assistance, but I feel persuaded that he would be very grateful should your Lordship be able to afford the Portuguese Government any aid in the treatment of this question with the French Government.

In the event (which appears most probable) of the French Government insisting upon their demands, the Portuguese Government, having assented to the principle laid down in the Protocol of the Paris Conferences of the 14th of April, 1858, will, as the Marquis de Loulé has confidentially informed me, propose to refer the question in dispute to the mediation of a friendly Power, a course of which I ventured to express a favourable opinion.

His Excellency in conversing with me yesterday on this point, said he would be disposed to leave the choice of the mediator to the French Government.

I asked the Marquis de Lisle yesterday whether, in the event of the answer of the Portuguese Government being a refusal, he had instructions to take any further measures. He replied that he had not; but that he concluded that when his Government made their demand, they knew what further course they would adopt.

There is a weak point in the Portuguese case, which is, that it appears that the Judge at Mozambique, after having examined the cause, ought, upon finding grounds for further judicial proceedings, to have referred it to the Prize Court at Loanda, which is the competent tribunal in such matters, and not to have decided it himself; but the Marquis de Loulé stated to me that it was not for the Government, but for the Court of Relação, to decide upon this question of competency. This statement his Excellency made in answer to a question of mine whether, on the ground of this alleged informality, the Government would be authorized in quashing the proceedings of the Court at Mozambique, and in releasing the vessel.

16

No. 15.

The Earl of Malmesbury to Mr. Howard.

Sir,

Foreign Office, September 25, 1858.

I HAVE received your despatches of the 6th, 7th, and 18th instant, relating to the question in dispute between the French and Portuguese Governments, arising out of the condemnation, as a slaver, by the tribunal of Mozambique, of the French vessel "Charles et Georges;" and I have to acquaint you that Her Majesty's Government approve your proceedings in this matter, and that they have learnt, with satisfaction, that the Portuguese Government propose to refer the question to the mediation of a friendly Power.

I have transmitted to Her Majesty's Ambassador at Paris copies of your despatches above referred to; and I have to instruct you to assure the Portuguese Government that the friendly offices of Her Majesty's Government will not be wanting for the purpose of bringing about an amicable settlement of the difference between the French and Portuguese Governments upon this subject.

I am, &c.
(Signed) MALMESBURY.

No. 16.

The Earl of Malmesbury to Earl Cowley.

My Lord,

Foreign Office, September 25, 1858.

WITH reference to my despatch of the 23rd ultimo, I transmit to your Excellency herewith, for your information, copies of further despatches, as noted in the margin,* which I have received from Her Majesty's Minister at Lisbon, respecting the question in dispute between the French and Portuguese Governments, arising out of the condemnation, as a slaver, by the tribunal of Mozambique, of the French vessel "Charles et Georges," from which your Excellency will perceive that this affair has assumed a very serious aspect.

I am, &c.
(Signed) MALMESBURY.

No. 17.

Earl Cowley to the Earl of Malmesbury.

(Extract.)

Paris, September 30, 1858.

THE state of the relations between this country and Portugal, to which I had the honour of calling your Lordship's attention in my despatch of the 20th instant, induced me to inquire this afternoon of Count Walewski whether he had any later intelligence from Lisbon.

His Excellency entered at once upon an exposition of the questions which menaced the continuation of the good understanding between the two Governments, which, however, he expressed himself to be most desirous of maintaining. He said that they had arisen out of the weakness and inefficiency of the present Portuguese Government, which had not the means of acting with vigour or with justice. He passed rapidly over the question of the Sisters of Charity, though he characterised the treatment with which they had met as unworthy of a Christian country; but he said that the Imperial Government did not pretend to insist on their remaining at Lisbon, though they ought to meet with protection as long as they remain there. He then went into a history of the case of the "Charles et Georges." The French Government, he said, considered that the ship had been illegally captured, and under that conviction had demanded its release, leaving the question of compensation for

* Nos. 10, 11, 12 and 14.

future settlement. This demand had been refused in a note not over courteous, and the question of future proceedings was now under the consideration of the Imperial Government; he (Count Walewski) had insisted, with success, that the question should be referred to the "Comité des Contentieux," in his Department, whose province it was to give an opinion upon transactions of this nature. The report would not be ready for a few days more, but in the meantime some ships had been dispatched towards the Tagus, since, in case the report should be in favour of the release of the ship, a demand would be made for that release within the twenty-four hours, and would be enforced, if not complied with. On the other hand, if the report advised an appeal to the higher tribunals of Lisbon, the release of the captain on bail would be required.

I observed that I had seen Mr. Howard's reports on this subject, who, I could assure his Excellency, had given the best advice in his power, in order to prevent this matter gaining undue proportions. It appeared from those reports that the Portuguese Government were, according to the law of Portugal, powerless to stop a case which had come under the cognizance of the tribunals, and that if this was so, their resistance to the demands of France ought not to be attributed to ill-will.

Count Walewski replied, that the whole question turned on the legality of the original capture. If the reports received by the French Government were correct, the capture was effected beyond the jurisdiction of Portugal, and the Portuguese tribunals, therefore, were incompetent to judge the case.

I asked who was to decide this point, but could obtain no satisfactory answer to my question.

Count Walewski's language was very conciliatory. I feel certain that he regrets that the case has arisen, and will gladly see it settled.

It appears clear, from Mr. Howard's despatches, that there is a doubt as to the legality of some of the first proceedings after the capture was made.

No. 18.

Earl Cowley to the Earl of Malmesbury.

(Telegraphic.)

Paris, October 2, 1858.

AT the Council, this morning, the determination was taken to demand the release of the "Charles et Georges." This determination was come to on the ground that she has been condemned as a slaver, when there was a delegate of the French Government on board. It will be a day or two, however, before orders in this sense are sent to Lisbon.

No. 19.

Mr. Howard to the Earl of Malmesbury.

(Extract.)

Lisbon, September 28, 1858.

WITH reference to my despatch of the 18th instant, I have the honour of transmitting herewith a copy of the note which the French Minister at this Court, the Marquis de Lisle, addressed to the Marquis de Loulé on the 14th instant, demanding the release of the French barque "Charles et Georges," and the liberation of the captain of that vessel; a translation of the Marquis de Loulé's reply of the 18th instant, declining to comply with that demand; together with a translation of the sentence of condemnation pronounced on the 8th of March last by the Judge at Mozambique upon the "Charles et Georges," and upon the captain; and a copy of the Marquis de Lisle's rejoinder of the 21st instant, acknowledging the receipt of the Marquis de Loulé's note of the 18th instant, stating his transmission of it to his Government, expressing regret at the non-compliance by the Portuguese Government with the

demand he had been charged to prefer, and protesting against the competency of the Portuguese jurisdiction in this affair.

The Marquis de Loulé was so good as to communicate to me copies of the foregoing documents this day.

I further beg to annex translations of the report, of the 30th November last, of the commander of the Portuguese naval station at Mozambique who captured the "Charles et Georges;" of the Portaria of the same date of the Governor-General of Mozambique, appointing a Commission to inquire into the circumstances of the capture; and of the decision, of the 3rd of December last, of the Council of the Government of that Province, to the effect that the vessel ought to be given up to the action of the tribunals. Copies of these three latter documents had previously been given to me by the Viscount de Sá da Bandeira, and form, together with the sentence of the Judge at Mozambique, and the report of the Commission appointed by the Governor-General to inquire into the case, of which I had the honour of transmitting a translation in my despatch of the 7th instant, the inclosures in the Marquis de Loulé's note of the 18th instant to the French Minister.

The Marquis de Loulé, in communicating to me the papers in question, begged me to express to your Lordship how grateful the Portuguese Government would feel if your Lordship would afford them your assistance, and employ your good offices with the French Government in order to bring about an amicable settlement of this serious affair. His Excellency said that he trusted your Lordship would be the more ready to do so, because the case was evidently not one of the engagement of free labourers, but of the purchase of slaves, that is to say, a case of Slave Trade. In reply, I promised to report his Excellency's request to your Lordship by this mail. I remarked, at the same time, that the French Government denied that it was a case of Slave Trade, and professed to have proved that it was not so.

The French Minister told me, yesterday evening, that he had only been able to forward to his Government translations of the documents sent to him by the Marquis de Loulé, by the French packet of the 24th instant; but that he had announced their intended transmission at once in the telegraphic message in which he reported the refusal of the Portuguese Government to comply with the French demands, and that he had received a telegraphic message in reply, stating that his Government would await the receipt of the documents.

I should observe, that the only French vessel of war at present in this port, is a small steamer, of four guns, the "Requin," which, as I understand, has been sent here to watch this case. Therefore, if the French Government should contemplate adopting coercive measures against Portugal, they will have to send a larger naval force.

In the conversation which I had with the French Minister, on the same occasion, he laid great stress upon the violation of the French flag, which he stated to have taken place in consequence of the "Charles et Georges" having been visited and captured when beyond cannon-shot from the shore, consequently beyond Portuguese jurisdiction, as was proved by the log-book of the vessel, and other evidence; and he commented upon the circumstance of the Marquis de Loulé having passed over this primary question ("question préjudicielle") in silence. He added, that this is the first question which ought to be decided. I remarked to M. de Lisle, that the Portuguese Government affirm, as stoutly as he denies, the fact that the "Charles et Georges" was in a Portuguese bay, and within cannon-shot of the shore, and, consequently, in Portuguese waters.

In order to elicit some information which might assist your Lordship in forming a judgment, I inquired of the Marquis de Lisle how it was that the captain of the vessel, having in his possession contracts showing the engagements of the negroes as free labourers, denied having such papers when the question was put to him by the Commission of Inquiry appointed by the Governor-General, and why he did not produce them on the trial.

The Marquis de Lisle replied, that the captain had shown them, with his other papers, to the Commander of the Portuguese schooner of war

“Zambesi,” who visited his vessel, and who declared himself satisfied with the papers ; that he had not been questioned concerning them by the Commission (whereas the report of that body says that he was) ; and that he had not produced them at the trial, because he was not asked for them, and because he was not interrogated on the occasion of the trial. The Marquis de Lisle observed, however, that he was aware that the Portuguese form of legal procedure did not require an oral interrogatory.

Inclosure 1 in No. 19.

The Marquis de Lisle to the Marquis de Loulé.

Légation de France en Portugal,

Lisbonne, le 14 Septembre, 1858.

M. le Marquis,

PAR ma note en date du 6 Mai dernier, et en exécution des ordres du Gouvernement de l'Empereur, j'ai eu l'honneur de demander une première fois à votre Excellence que le Gouvernement de Sa Majesté Très Fidèle adressât immédiatement à l'autorité supérieure de Mozambique l'ordre précis de relâcher ou de remettre à l'officier de la Marine Impériale, envoyé par le Gouverneur de l'Île de la Réunion, pour le recevoir, le navire Français le “Charles et Georges,” arrêté le 29 Novembre, 1857, sous fausse inculpation de traite.

Par une seconde note en date du 11 Mai, j'ai eu l'honneur d'informer votre Excellence que la communication officielle qu'elle avait bien voulu m'adresser, le 5 du même mois, ne modifiant en rien les appréciations que je lui avais déjà soumises, je devais maintenir mes premières conclusions et redemander la mise en liberté du “Charles et Georges.”

Par une troisième note, sous la date du 15 Août, j'ai sollicité de nouveau et plus vivement que jamais au nom du Gouvernement de l'Empereur, la relâche immédiate du “Charles et Georges,” qui venait d'entrer dans le Tage sous pavillon Portugais, et la mise en liberté du Capitaine Mathurin Rouxel, détenu prisonnier à bord de son propre navire.

Votre Excellence n'a répondu à ces trois notes que par des accusés de réception m'annonçant leur transmission au Département de la Marine Royale.

J'ai adressé, de plus, à votre Excellence, sous la date du 21 Août, un résumé, aussi fidèle que possible, des volumineux documents que je lui remettrais le même jour, ou que j'avais déjà remis directement à son Excellence M. le Vicomte de Sá.

Que votre Excellence veuille bien enfin se rappeler la conférence que j'ai eue avec elle Vendredi dernier, et la communication que je lui ai faite d'une partie des instructions que je venais de recevoir du Gouvernement de l'Empereur. Mes nombreuses entrevues avec M. le Vicomte de Sá n'ayant eu aucun caractère officiel, je n'en parle ici que pour bien constater mon vif désir de terminer à l'amiable une affaire qui peut malheureusement compromettre les bonnes relations des deux pays.

Après tant de communications verbales ou écrites, officielles ou officieuses, il me paraîtrait tout au moins inutiles, M. le Marquis, de reprendre la discussion des faits. Je rappellerai seulement que le “Charles et Georges” parti le 27 Septembre, 1857, de l'Île de la Réunion, avec l'assentiment de l'autorité Coloniale, et muni de papiers réguliers établissant aussi formellement que possible le caractère légal de ses opérations, avait en outre, à son bord, un agent officiellement chargé de veiller à ce que ces opérations s'effectuassent dans les conditions exigées par les règlements ; ces actes incontestables émanés d'une autorité Française, excluant jusqu'à la possibilité d'une accusation ou même d'un soupçon de traite, le Gouvernement de l'Empereur n'admet pas que le “Charles et Georges” ait pu être considéré et jugé comme négrier.

Le Gouvernement de l'Empereur se réservant d'apprécier le degré de responsabilité encouru par les autorités qui ont opéré la capture, et procédé au jugement du “Charles et Georges,” présentera plus tard les demandes en indemnités qu'il jugera équitables. En attendant, il m'a donné l'ordre formel de demander que ce navire soit immédiatement

relâché son capitaine, Mathurin Rouxel, mis en liberté; et il aime à penser que le Gouvernement de Sa Majesté Très Fidèle comprendra que son refus de satisfaire à ces justes réclamations ne pourrait qu'aggraver les difficultés d'une affaire qu'il doit avoir à cœur de terminer.

Il ne me reste, M. le Marquis, qu'à prier votre Excellence de vouloir bien me faire connaître le plus tôt possible, la décision que le Gouvernement de Sa Majesté Très Fidèle aura cru devoir prendre.

Agréez, &c.
(Signé) F. DE LISLE.

(Translation.)

*The French Legation in Portugal,
Lisbon, September 14, 1858.*

M. le Marquis,

BY my note dated the 6th of May last, and in execution of the orders of the Government of the Emperor, I had the honour of demanding the first time from your Excellency that the Government of His Most Faithful Majesty should immediately address to the superior authority of Mozambique the positive order to release, or to surrender to the officer of the Imperial Navy sent by the Governor of the Island of Réunion to receive her, the French vessel "Charles et Georges," captured the 29th of November, 1857, under a false charge of slave-dealing.

By a second note dated the 11th of May, I had the honour of informing your Excellency that the official communication which you had been good enough to address to me on the 5th of the same month, modifying in nothing the views which I had already submitted to you, I had to maintain my first conclusions, and to demand again the release of the "Charles et Georges."

By a third note, under date of the 15th of August, I demanded afresh, and more strongly than ever, in the name of the Government of the Emperor, the immediate release of the "Charles et Georges," which had just entered the Tagus under the Portuguese flag, and the release of Captain Mathurin Rouxel, kept as prisoner on board of his own ship.

Your Excellency only replied to these three notes by acknowledgments of their receipt, announcing to me their transmission to the Department of the Royal Navy.

I addressed, moreover, to your Excellency, under date of the 21st of August, a résumé as faithful as possible of the voluminous documents which I remitted the same day, or which I had already remitted directly to his Excellency the Viscount de Sá.

I beg to remind your Excellency of the conference which I held with you last Friday, and the communication which I made to you of a part of the instructions which I had just received from the Government of the Emperor. My numerous interviews with the Viscount de Sá having had no official character, I only mention them here in order to prove my earnest desire of terminating, in an amicable manner, an affair which might unhappily compromise the friendly relations of the two countries.

After so many communications, both verbal and written, official and non-official, it would appear to me, to say the least, useless, M. le Marquis, to resume the discussion of the facts. I will only again remark, that the "Charles et Georges" having left the Island of Réunion with the consent of the Colonial authorities, and furnished with regular papers, establishing as formally as possible the legal character of her operations, had besides on board an agent, officially charged to watch that her operations should be effected on the conditions required by the regulations; these incontestable facts emanating from the French authorities, excluding the possibility of an accusation, or even of a suspicion of slave-trading, the Government of the Emperor does not admit that the "Charles et Georges" could be considered and condemned as a slaver.

The Government of the Emperor, reserving to itself the right of determining the degree of responsibility incurred by the authorities who effected the capture, and proceeded to the judgment of the "Charles et Georges," will present at a later period the demands for indemnity which they shall consider as equitable.

In the meantime, they have formally ordered me to demand that this ship be immediately released, that her captain, Mathurin Rouxel, be set at liberty, and they hope that the Government of His Most Faithful Majesty will understand that their refusal to satisfy these just claims can only increase the difficulties of an affair which they ought earnestly to desire to terminate.

It only remains for me, M. le Marquis, to beg your Excellency to have the goodness to let me know, as soon as possible, the decision which the Government of His Most Faithful Majesty may think fit to adopt.

Accept, &c.
(Signed) E. DE LISLE.

Inclosure 2 in No. 19.

The Marquis de Loulé to the Marquis de Lisle.

(Translation.)

Illustrious and Excellent Sir,

Palace, September 18, 1858.

I HAD the honour to receive the note which you were pleased to address to me on the 14th instant, wherein, in recapitulating what you had previously stated with reference to your claim respecting the French barque "Charles et Georges," captured in the Province of Mozambique, you again urge, by order of your Government, the immediate delivery of that vessel, and the liberation of her captain.

In reply, I beg your Excellency's permission to offer some remarks, which I trust will be taken into due consideration by your Excellency, as well as by the Government of His Majesty the Emperor of the French.

His Most Faithful Majesty's Government considering that the Imperial Government are not sufficiently well informed of all the particulars and circumstances which occurred in the detention and capture of the barque "Charles et Georges," I have the honour to transmit to your Excellency, for your information, and that of your Government, the inclosed copy of the sentence condemning the captured vessel, together with the further copies of four other documents, viz. :—

1. The despatch of the commander of the brig-schooner "Zambesi," who detained the vessel near the Island of Quitangonha, in the Bay of Conducia.

2. The Portaria, by virtue of which the Governor-General of the Province of Mozambique appointed a Commission for inquiring into the case of the vessel thus detained.

3. The Report presented by that Commission ; and,

4. The Minute of the sitting of the Governor of that Province, in Council, when it was unanimously voted that the vessel should be given over to the action of the judicial power.

It is true that the French barques "Marie Caroline" and "Marie Stella" were detained at Mozambique, owing to having on board articles for the Slave Trade, and subsequently released, by order of the Governor-General of the province ; but these vessels, besides being at Ibo, which is a port open to foreign trade, had legal papers on board, by which the Government of Réunion authorised the engagement of free labourers ; and, therefore, the Governor-General, attaching full faith to these documents, released the vessels, requiring, however, from the respective captains and delegates of the Government of Réunion who were on board, a written declaration, which they both signed, that they would not engage nor ship labourers in the ports of Mozambique, as this was expressly forbidden by His Most Faithful Majesty's Government ; and this proves the urbanity and courtesy with which the chief authority of the province treats the French flag.

The barque "Charles et Georges" was not in the same case, so that the same consideration and deference could not be exercised towards her :

1. Because this vessel was detained in the Bay of Conducia, quite near to the city of Mozambique, from whose port it is separated by a small peninsula, where there are several villages, which are looked on as the suburbs of the city.

2. Because when the vessel was visited by the commander of the "Zambesi," and of the Portuguese naval station, it was anchored at less than cannon-range from the Island of Quitangonha, situated in the same bay.

3. Because this bay is not open to foreign trade.

4. Because the vessel had taken on board negroes from the coast of Mozambique, some of them being slaves belonging to Portuguese land-owners of that province; and on asking these negroes the reason of their being on board, they declared that they were there against their will, having been sold.

5. Because the captain, having been asked for the passports or documents of the slaves (whom he called colonists), to prove the legality of the engagement of the 110 negroes on board, he answered, that he had no such papers; as he also declared that he had not the consent of the Portuguese authorities for such engagement.

6. Because the want of consistency in the answers given by the captain proved his culpability; and, being unable to defend himself, he, at one time, stated that the money he had on board, to the amount of about 4,000 dollars, was for the purchase of provisions (when the vessel had provisions for two months for 300 persons); at another, he stated it to be for engaging more people, and that he had bought the negroes then on board.

7. Because the plea of being in distress, with which the captain exculpated his entrance at Conducia, was only a pretext to disguise his projects; for there was no cause for such distress, as appears from the Minute of the detention of the vessel at Conducia (signed, also, by the captain himself), of which I send your Excellency a copy, for your information.

All the assertions which I have just brought forward are sufficiently set forth in the detailed despatch of the Marine Department dated the 30th of June last, of which a copy is annexed, as also in the report of the commander of the Portuguese naval station upon the detention of the barque "Charles et Georges," and in the report of the Commission charged with examining this barque. These documents are among those to which I allude in the first part of this note.

Besides this, I cannot fail to call your Excellency's attention to a document (a copy of which was sent by you to His Majesty's Government on the 15th of August last) relative to the engagement of 40 labourers for the barque "Charles et Georges," and in which the following statement occurs:—

"Ils ont tous répondu qu'ils consentaient d'aller à l'Île Bourbon pour cinq ans; tous ont été libres à bord excepté les onze premiers, qui sur leur consentement se sont rendus dans la chaloupe, les bras amarrés."

Under the circumstances of this case, it could not fail to be given up, as it eventually was, to the action of the tribunals; and, after this was effected, it would not be possible to carry out what you claim in your above-mentioned note of the 14th instant. The vessel "Charles et Georges" and her captain being under the control of the judicial power in the Court of Appeal of Lisbon (to which Court the captain himself appealed from the sentence of condemnation, and, as I am informed, recognizing the legality of that Court, he has appointed counsel in his defence), and, in accordance with the Constitutional Charter of the Monarchy, the judicial power is independent (Article 118), and no other authority can withdraw any pending suit, or stop it (Article 145, section 11).

In concluding this note, it is my duty to assure your Excellency that it is with the greatest regret that His Majesty's Government, for the reasons above mentioned, is prevented from acceding to the claim of the Imperial Government, for whom they entertain the highest consideration, and with whom they much desire to continue to maintain the good understanding which happily has existed between the two nations.

I avail, &c.

(Signed) MARQUIS DE LOULE.

Inclosure 3 in No. 19.

Sentence.

(Translation.)

IN presence of these minutes, &c., the public prosecutor, in the indictment, accuses the Captain Rouxel, and the crew of the French barque "Charles et Georges," of having infringed the provisions of the Decree of the 17th of October, 1853, Article 10, single Section, and of Article XXX of the Treaty of Commerce between France and Portugal of the 21st of September, 1853, and, lastly, those of the Decree of the 10th of December, 1836, concluding by demanding the condemnation of the accused, of the vessel and cargo, as having incurred the penalties of Article 19, Sections 1 and 2, of the above Decree of 1836, of the Alvarás of the 14th of November, 1757, 4th of June, 1825, and the Decree of the 10th September, 1836;

The counsel for the accused and Curator of Minors, in the absence of information and documents, which he did not obtain from them, opposed, by denial;

All of which being taken into consideration—the report of Commander of the schooner, the minute of capture, the summing up, defence, and examination of the accused, with the documents presented in the discussion (folio);

It is shown that, on the 29th of November last, the French barque "Charles et Georges," Captain Rouxel, was captured while at anchor in the port of Conducia, at the southern point of Quitangonha, by the war-schooner "Zambesi," which was sent expressly for that purpose by the Governor-General of this province (documents, folio to folio).

It is further shown that the captured barque was twice anchored at the port of Conducia, and that she communicated with the shore, landing the captain and Arab interpreter for the purpose of purchasing slaves (documents, folio , and depositions of the crew, folio).

The motives brought forward by the captain in his so-called Report, dated the 13th December last, and presented in the discussion of this case, cannot, and ought not, to be admitted; inasmuch as if it were true that he could not, from stress of weather, fetch the port of Ibo, he would have fetched the port of this city, six miles further to the south, where he would easily have repaired the alleged damages, which do not exist, nor did they exist, as is shown by the valuation (folio), besides the manifest contradiction between the alleged stress of weather, and the declaration made by the same person signing the Report, in the act of the capture, of having anchored in that port, Conducia, in search of medical advice (document, folio).

It is further shown that, at Anjoanes, he received an interpreter and a pilot for the East Coast of Africa, the Arab Abdalá, with the object of purchasing slaves at Quitangonha, as expressed in the contract (folio), and confirmed by the declaration made by the delegate of the French Government and crew of the barque in the minute of depositions (folio).

It is shown, moreover, that he received on board negro slaves bought with money at Quitangonha, being brought off under restraint, and that he did not complete his shipment on account of the capture, during which two launches with slaves were putting off from the shore, but decamped as soon as they saw the soldiers (deposition, folio and folio).

Finally, it is shown that on board the barque "Charles et Georges" were found slave-decks and other things included in the Schedule annexed to the above-mentioned Decree of the 10th December, 1836, and 110 negroes who were given up to the Board of Guardians in accordance with the Decree of the 14th December, 1854.

Therefore, and in view of the Minutes, as in the capture is contained the sure proof of the crime of which the accused, Captain Rouxel, is indicted, and no proof to the contrary existing, I judge the barque "Charles et Georges" to be a good prize, and the slaves found on board to be free, the case in question coming under the action of the laws pointed out, and of the Decree of the 25th July, 1842. In attention, however, to various circumstances of the case, and as no culpability has resulted against the Delegate of the French Government and the crew of

the said barque, inasmuch as the Traffic was exclusively carried on by Captain Rouxel and the interpreter Abdalá, I acquit the Delegate Nicolas Carrel and the crew, and condemn the Captain Etienne Maturin Rouxel to hard labour in the public works for the term of two years, counting the time which he has been imprisoned, in the costs, and in a fine of 500 milreis; and I condemn the barque "Charles et Georges," her fittings, cargo, and money, captured according to the stipulations of the Alvará of the 4th June, 1825, the vessel to be broken up, and sold in pieces, should the Government not wish to keep her according to the Decree of the 10th September, 1846, the value to be divided among the captors according to the provisions of the Regulating Alvará of the 7th December, 1796, in conjunction with Article 24 of the Decree of the 10th December, 1836.

Let this judgment be made known to the Public Prosecutor, in order to promote the arrest of the Arab Abdalá.

Mozambique, March 8, 1858.

(Signed)

JOAO CAETANO DA SILVA CAMPOS.

This is all that is contained in the said sentence, from which I took this copy, and sign the same.

Mozambique, April 12, 1858.

(Signed)

F. F. SANDAR DE CARVALHO.

Inclosure 4 in No. 19.

The Marquis de Lisle to the Marquis de Loulé.

Légation de France en Portugal,

Lisbonne, le 21 Septembre, 1858.

M. le Marquis,

J'AI reçu la note en date du 18 courant, que votre Excellence m'a fait l'honneur de m'adresser en réponse à celle que je lui ai écrite, le 14, pour réclamer la relaxation du navire Français le "Charles et Georges," ainsi que la mise en liberté de son capitaine; et je me suis empressé de la transmettre au Gouvernement de l'Empereur, à qui je ne manquerai pas non plus de communiquer, dès qu'ils seront traduits, les documents que votre Excellence a jugé à propos de m'envoyer.

Il me paraît profondément regrettable que le Gouvernement de Sa Majesté Très Fidèle se croie dans l'impossibilité d'obtempérer à la demande que j'ai reçu l'ordre de lui présenter. J'attendais, je l'avoue, une toute autre décision de son esprit de sagesse et de conciliation, auquel je fais encore appel; mais, quoiqu'il en soit, ne pouvant admettre qu'une question internationale de la plus haute gravité, puisqu'elle touche aux droits du pavillon, soit réduite aux proportions que le Gouvernement du Roi s'efforce de lui donner, je proteste formellement contre la compétence que prétend s'attribuer la juridiction Portugaise dans une affaire dont elle n'a ni n'avait à connaître.

Agréez, &c.

(Signé)

E. DE LISLE.

(Translation.)

The French Legation in Portugal,

Lisbon, September 21, 1858.

M. le Marquis,

I HAVE received the note dated the 18th instant, which your Excellency did me the honour of addressing to me in reply to that which I wrote to your Excellency on the 14th, in order to claim the release of the French vessel "Charles et Georges," as also the liberation of her captain; and I hastened to transmit it to the Government of the Emperor, to whom I shall not fail to communicate, as soon as they are translated, the documents which your Excellency has thought fit to send me on the subject.

It appears to me a subject of profound regret that the Government of His Most Faithful Majesty considers it impossible to comply with the demand which I have been ordered to present to them. I expected, I confess, quite a different decision from its wise and conciliatory spirit, to

which I again appeal. But, in any case, not being able to admit that an international question which is of the highest gravity, since it touches on the rights of the flag, should be reduced to the proportions which the Government of the King insists on giving it, I protest formally against the competence which the Portuguese jurisdiction claims in an affair of which it neither has, nor ever had, any knowledge.

Accept, &c.
(Signed) E. DE LISLE.

Inclosure 5 in No. 19.

The Commander of the Naval Station to the Governor-General of Mozambique.

*On board the French Barque "Charles et Georges,"
anchored in the Port of Mozambique,
November 30, 1857.*

(Translation.)

Illustrious and Excellent Sir,

I HAVE the honour to acquaint your Excellency that having sailed from the port of Mozambique in the schooner "Enigma," in compliance with your Excellency's verbal orders, on the 22nd instant, for the port of Conducia, in order to seek for a vessel which was suspected of being engaged in shipping slaves, I only arrived there on the 23rd, at thirty-nine minutes after mid-day, but found no vessel there; but seeing at a distance out at sea a barque cruizing about, I sent on shore to the ensign, Cabral, who had been sent with some troops to aid in this service, for information, and he sent me word that there was nothing to cause suspicion, but that he had seen the said barque, which was anchored near to the Island of Quitagonha, when he had arrived there on the 22nd at 4 P.M., and had left on the same day when the moon went down, having been anchored there for four days, and he had been told that nothing was stirring at that place, but perhaps something might be doing at Matibana. At sunset on the 23rd, the barque put out to sea with all sail set, and was not seen any more.

On the 26th the brig-schooner "Zambesi" arrived with your Excellency's orders to send the schooner, with as many hands as could be spared, to Mozambique, in the event of the disappearance of the said barque, and that I should cruize along the coast in the brig-schooner as far as Fernão Vellozo.

On the 27th the schooner "Enigma" sailed for Mozambique, and I, having met with nothing suspicious, anchored at Conducia.

On the 28th, at 5 A.M., I set sail, and stood along the coast, very near in-shore, and anchored in the Bay of Fernão Vellozo at 1:30 P.M. Having examined this place, we found nothing to cause suspicion, and at 6:30 P.M. I set sail with the intention of cruizing in front of Conducia.

On the 29th, soon after sunrise, a sail was seen to windward, and at 7 A.M. she was made out to be a barque standing to the south. I gave chase, and at 8 A.M. she went about, and stood for the north. At 10:30, when we were at about four miles distance from her, she anchored off the Island of Quitangonha, within cannon-range of the land. I followed; and at 12:30 being near, I hoisted the national flag and pennant, and fired a shotted gun. The barque then hoisted the French flag, when I anchored. Before anchoring, the barque's boat was seen alongside with people in her, and when the "Zambesi's" boat was manning, they were seen to enter the ship, and to hoist up a small case.

I proceeded on board the barque in uniform, with the national flag and pennant flying, and with an armed crew, which remained in the boat while I alone went up, and asking for the captain of the vessel, I was told that he was ill, and having asked the person who stated himself to be the mate for the ship's papers, he presented these, and I showed him my warrant as cruizer, and he produced the license from his Government for carrying colonists. I saw two large coppers fixed, and I asked the captain, who afterwards declared himself as such, and said that it was the mate and the second mate who were very sick, permission to visit the ship, to which he assented. Having gone below, I found a flush deck where there were 110 slaves of

both sexes ; provisions for two months for 300 persons ; a sufficient amount of water, besides three distilling machines in use. In consequence of what I saw I did not search any further, for there were proofs sufficient of having incurred the liabilities of the Decree of 10th December, 1836, and subsequent enactments.

I asked the captain whether he had passports for the slaves whom he called colonists : he said no.

On being asked where he came from, he said from Anjoane, and that the colonists were from that place ; that the vessel had touched the ground and was leaky, that she could not bear much sail, and that he had met with calms and strong currents ; that he wished to go to Ibo to procure medical advice, but had been prevented by contrary winds, and had, therefore, come to this port.

I replied that for the last three days the wind had been from the south, which was favourable for going to Ibo ; and that I was surprised to hear that the vessel could not bear much sail, when he sailed her on a bowline with all her canvass set ; with regard to the necessity for medical advice, which he alleged, he would have done better to have gone to Mozambique, which, being the capital of the Province, offered more resources, instead of coming to this place, which is an open bay without shelter or any resource.

The captain stated his name to be Charles Rouxel ; the name of the barque "Charles et Georges," of 372 tons, with fifteen persons on board, including a delegate of the French Government.

I went below and spoke with some of the slaves, who answered in Portuguese, that some belonged to Mozambique, and stated the names of their masters ; others to Matibane and to various other places in the Province of Mozambique, from whence they had been stolen and sold to a Moor.

The captain stated that he had come here to receive colonists on board, as he had found none at Anjoane ; that he had come to trade : he had sent money and received colonists, as he was authorised by his Government.

To this I replied that I did not doubt it, but that the authorization of his Government was subject to the condition of obtaining the consent of the Portuguese authorities, without which his Government recommended him never to receive colonists, and that such consent would imply a grave responsibility. The captain agreed to this.

I then asked him whether he could show me the written consent of the Portuguese authorities : he said he had none.

When I again spoke of the money, he said that he was going on shore to buy provisions ; at this I expressed surprise, as he had such a stock of provisions on board ; and I noted that his answers did not always agree.

Having found in the ship's boat a small piece of blue bunting fixed on a stick, I asked him whether that was the signal for going on shore : he said that it was the signal used at Anjoane for going for provisions, and that it had been left in the boat. It was known through the slaves that they expected yesterday more companions, to the number of 119 as the interpreter said, and it is a fact that when I was going on board the barque in my boat, two launches were leaving full of people from Matibane, but they put back to the land directly.

In consequence of what has been stated I considered it my duty not to give up the vessel, and I told the captain that it was necessary to go to Mozambique in order to lay the circumstances before your Excellency, and await your decision ; that I would send for a pilot for the greater security of conveying the vessel to Mozambique, where they would find a surgeon, and everything they might require ; to this the captain and the delegate agreed, and thanked me.

It is clearly seen that the captain is aware of having transgressed the orders of his own Government, and shipped the slaves clandestinely without any lawful formality ; he made various statements, in different senses, and appears not to know how to frame any excuse for his proceedings. Accordingly, I determined upon detaining the vessel, and upon remain-

ing on board with an armed force to maintain order, awaiting your Excellency's instructions, which I this day received, and carried into execution by returning in the barque with the "Zambesi" to the port of Mozambique, where I have just dropped anchor.

On setting sail it was apparent that the barque could very well carry her sail, and steered very well; and she is not very leaky, making less than five inches of water in twenty-four hours.

I have the honour to transmit to your Excellency the inclosed Minute, which I drew up immediately after the visit, in order to comply with the requirements of the law under these circumstances.

God preserve, &c.

(Signed)

JOAO EUZEBIO D'OLIVEIRA,
Commander of Naval Station.

Inclosure 6 in No. 19.

Minute, dated November 29, 1857.

AT 12:30 P.M., on board of the French barque "Charles et Georges," Captain Rouxel, anchored near the Island of Quitangonha, in eleven fathoms; João Euzebio d'Oliveira, First Lieutenant, Commander of the naval station at Mozambique, doing service in the brig-of-war "Zambesi," came on board of said barque, in a boat, bearing the national flag and pennant, and with an armed crew of nine men, who remained in the boat; and upon entering the said barque, which was within cannon-range of the said Island of Quitangonha, the said commander presented his warrant, as cruizer. The captain said, in the first place, that the mate was dangerously ill; and he showed his papers, as requested by the commander, who then requested permission to visit the ship, which was granted. Two large cooking-coppers were seen, fixed; three distilling machines; a flush-deck; forty casks, for water; provisions for two months for 300 persons; and 110 slaves, whom the captain called labourers, but whom, from the following information, are, as I say, slaves.

On questioning the slaves, they stated themselves to be, some from Mozambique, others from Matibane and other places in the Province of Mozambique, stolen by Moors, and conveyed on board; some have been on board for two months; others for twelve days: that this day two bags, with money, were about being sent on shore, but on the arrival of the "Zambesi," the money, which was already in the boat, was brought on board; and when the "Zambesi's" boat was coming on board the barque, the people came up and hoisted in a small package: that to-day 119 more slaves were to come on board, and were in launches, but put back to the shore on the arrival of the "Zambesi."

On asking the captain why he had anchored here, he said, to procure a surgeon; that he wished to go to Ibo, but had no wind; that the vessel was leaky, having touched the ground; that she did not answer her helm, and could not carry her sail.

To this the Commander of the Station replied, that for three days southerly winds had prevailed on the coast, and that having seen the vessel with all her canvass set, including top-gallant sails and stay-sails, she must have been able to carry them; that for some days she had been seen cruising off this place, and if they required repairs and medical aid, it would have been better to have gone to Mozambique, and not to this place, which was an open bay, without any shelter, and where there were no resources, nor even any authorities.

In the boat belonging to the said barque was found a small piece of blue bunting, on a stick, as a signal for going on shore.

Then came from on board the brig-schooner the force, up to sixteen rank and file, and seven seamen; after which the Commander of the Naval Station said to the captain, that he would send to Mozambique for a pilot, to take the vessel there, in order that his Excellency the Governor-General of the Province may take cognisance of this question, and decide as he may think fit in justice; and as the vessel required repairs, and some of

her crew medical aid, they would find both there. To which both the captain of the vessel and the delegate of the French Government, who was present, agreed thankfully.

And nothing further having occurred from the time of the arrival of the brig's boat, this Minute was drawn up and signed by all who were present, together with the Commander of the Station, who drew up the same, and in testimony has signed.

Date as above.

(Signed)

JOAO EUZEBIO D'OLIVEIRA, *First Lieutenant,
Commander of Naval Station.*

FRANCISCO DOS SANTOS SMITH, *Sergeant of
Marines.*

JOAO MANOEL FILGUEIRAS, *Lance-Corporal
of the Line.*

JOAQUIM PINTO MONTEIRO, *Corporal.*

FORTUNATO LEITO COELHO, *Seaman.*

ANTONIO CORREIA, *Private.*

EMILIO DA COSTA, *Private.*

ROUXEL, *le Capitaine du trois-mâts "Charles et
Georges."*

CARRERE, *Fils, le Délégué du Gouvernement.*

Inclosure 7 in No. 19.

Portaria.

(Translation.)

WHEREAS, it being necessary that a Commission composed of competent persons shall inquire into and declare the circumstances connected with the French barque "Charles et Georges," Captain George Rouxel, detained yesterday by the Government brig-schooner "Zambesi," off the Island of Quitangonha, where she had anchored with upwards of 100 negroes on board, the Governor-General of the Province of Mozambique determines that the said Commission be composed of the following individuals:—The Director of the Custom-house, President; the First Lieutenant, R. N. João Euzebio d'Oliveira, Ensign; Miguel Augusto da Silva Cordeiro, Acting Captain of the Port; the Chief Clerk of the Government Office, F. C. da Silveira Estrella, and one of the Clerks of the Custom-house, to write down the declarations of the Commission, which Commission will immediately proceed on board of the said vessel in order to point out and state what fiscal laws the said vessel may have contravened, also the liabilities she may have incurred from the fact of having been found with negroes on board; the position of the said negroes on board, whether as free men or under restraint, and the nature of such restraint, if any; if not under restraint, whether any indications exist of their having been so, and the nature of these; whether there are on board any negroes recognized as belonging to individuals of this city, or inhabitants of the Continent; the number of such negroes and their names, and the names of their masters. It is also necessary that the Commission be accompanied by an interpreter, who shall ascertain from the negroes the manner in which they were brought on board, whether voluntarily or by sale, or by any other compulsory means, entering on the Minute the depositions of the negroes thus interrogated, with their names, the ports at which they were shipped, the names of the persons who sold them, &c. It is, in fine, the duty of the Commission, in this important question, to furnish the Colonial Government with all the requisite information which the gravity of the case demands. This is hereby made known to the Director of the Custom-house for due execution.

*Palace of the General Government of the Province of
Mozambique, November 30, 1857.*

(Signed)

JOAO TAVARES D'ALMEIDA,
Governor-General.

Inclosure 8 in No. 19.

Minute.

(Translation.)

ON the 3rd of December, 1857, having appeared at the usual place for a Government Council, his Excellency the Governor-General and other gentlemen present at the last sitting, with the exception of the Judge de Direito, owing to illness, and Senhor Celestino from unavoidable absence, the sitting was opened.

(First Part.) His Excellency stated, that the object of this meeting was to lay before the Council the circumstances which had led to the detention of the French barque "Charles et Georges," now anchored in this port, for which purpose he would make a succinct Report of all that had taken place on this question. He said that on the 20th of last month the signal-man at St. Sebastião noticed a vessel in sight, and at about 11 o'clock it was ascertained that the vessel had anchored at Conducia, and appeared to be firing guns; this could not be affirmed with certainty, as repeated guns had been fired on that day at Cabaceira Pequena, with the due permission granted in consequence of a Moorish wedding at that place.

That on the 21st the vessel was still there, but that he, the Governor-General, thought it might be a whaler; having, however, some suspicions of the vessel, he would then have sent to know what she was doing there, if he had had any means of doing so, for everybody is aware of the resources at his disposal.

On the 22nd, from 9 to 10 o'clock A.M., while he was expediting to Conducia an armed launch to intimate to the captain of the said vessel that he would not be allowed to remain at anchor where he was, and to inquire into the state of the case, giving the officer in command of the launch the necessary instructions, he received an intimation that the vessel was suspected of being engaged in the Slave Trade.

In which case it became necessary to have recourse to more energetic measures.

The brig-schooner "Zambesi" was not ready to put to sea immediately.

Recourse was had to the agent of the firm Bessone, requesting him to freight the schooner "Enigma" for as many days as were necessary for a Commission to the coast of Conducia, and which would not be very many.

Senhor Jacinto de Jesus e Silva, without waiting for any agreement, at once placed the ship at our service.

Provisions, water, and a crew were, without delay procured, and the First Lieutenant, João Euzebio d'Oliveira, was placed in command of the "Enigma."

While this was going on, a launch was also got ready, with a detachment of troops commanded by an officer, in order to land at Cabaceira Grande, and to go by land to Conducia to prevent the shipment of negroes, to capture such as might be found, and to burn the barracoons, if any.

The schooner "Enigma" only sailed after 5 o'clock P.M., and anchored near to the islands, having been becalmed.

On the following day, at 7 to 8 o'clock A.M., she set sail and anchored at Conducia after 12 o'clock, as stated in the despatch of the First Lieutenant Oliveira, dated 23rd, at 6:45 P.M., and received at midnight, which he would now read.

This despatch was answered on the 24th, by instructions to watch the movements of the vessel in sight, which had left the port of Conducia soon after the arrival of the detachment, and to send the schooner "Enigma" back to Mozambique, and take the command of the brig-schooner "Zambesi" which was sent to him, and adding various instructions as follow:—

On the 26th notice was received that the schooner "Enigma" was returning to Mozambique.

On the 29th the announcement was received of the detention of a French barque anchored at the Island of Quitangonha, with upwards of 100 slaves on board. On the same day a reply was sent for the "Zambesi" and the barque to proceed to Mozambique, and instructing the commander of the brig-schooner to make a report of all the occurrences and circumstances connected with the detention.

On the 30th the said report was presented, together with a Minute of the detention of the vessel.

On that same day a Commission was appointed to inquire into the circumstances of the vessel, and to give a report upon the liabilities incurred by her, and upon other points stated in the Portaria.

On the 1st of December the Commission sent in their report.

That after what had been stated, and in the presence of the several documents which had just been read, he wished to hear the opinion of the Council upon this question, which was of a serious nature, and requiring, therefore, all attention. The Council, after stating that they gave their unqualified approval to the manner in which the Administration had proceeded in the whole of this question, in adopting the most well-directed measures, were unanimously of opinion that there existed against the vessel in question serious suspicion of having violated the Decree of the 10th of December, 1836, and the fiscal laws, and that it could not, therefore, fail in being given up to the action of the judicial tribunals.

His Excellency conformed to the opinion of the Council, and ordered the necessary papers to be prepared in that sense.

Other subjects follow, and at the end the signatures in the following order.

(Signed) TAVARES D'ALMEIDA.
MOULES.
DE M. FONSECA.
JOSE VAZ.
CARDINAS.

No. 20.

Earl Cowley to the Earl of Malmesbury.

(Extract.)

Paris, October 3, 1858.

WHEN I first conversed with Count Walewski on the subject of the "Charles et Georges," his Excellency, as your Lordship is aware, treated it on the point of the legality of the capture of the vessel in question; he maintaining that the seizure had been effected out of Portuguese waters, for an infraction of the commercial laws of Portugal, and, therefore, that the Portuguese tribunals were incompetent to confirm the seizure. It seems now that, at a Council of Ministers held yesterday morning, and presided over by the Emperor, the fact that the vessel had been condemned as a slaver was first broached, and it was decided that the condemnation as a slaver of a French ship, having a Government delegate on board, authorized to hire African labourers, was tantamount to connecting the Imperial Government with the Traffic in Slaves, and was derogatory to the honour of France. It was resolved, therefore, that the release of the "Charles et Georges," and of her captain, should be peremptorily demanded and insisted upon.

Your Lordship will not, I feel certain, suppose that I have any wish to palliate or defend the proceedings of the French Government in procuring African labour, if I venture to say that, determined as is the French Government to maintain that those proceedings do not involve a breach of their solemn declaration against the Slave Trade, they should feel deeply humiliated by a judgment which virtually makes them participators in that infamous Traffic. I cannot, therefore, hope that the decision taken at the Council yesterday will be revoked. I have asked Count Walewski whether he would be willing to refer the affair to the arbitration of a friendly Power. He has not, as yet, given me an answer, but I have little expectation that my suggestion will be attended to.

Count Walewski is gone into the country for two or three days, but I hope to see his Excellency again on Tuesday. In the mean time he has informed me that the instructions to the French Minister at Lisbon will not be sent for a day or two.

I should add, that Count Walewski stated to me yesterday that the report of the "Comité des Contentieux," to whom I apprised your Lordship the whole question had been referred, would be adverse to the pretensions of Portugal on every point. Nevertheless, his Excellency said, this might have been matter of discussion with the Portuguese Government had the "Charles et Georges" not been condemned as a slaver.

No. 21.

Mr. Howard to the Earl of Malmesbury.

(Telegraphic.)

Lisbon, October 4, 1858.

ADMIRAL LAVAUD arrived in the Tagus yesterday with two French line-of-battle ships, and others are expected to support, and doubtless eventually to enforce, the demands of the French Government in the case of the "Charles et Georges."

M. de Lisle has received a telegram from Paris informing him that these ships were on their way to Lisbon, and that he will receive instructions respecting the case of the "Charles et Georges," which is being subjected to a new examination. The Admiral is not to act in the meantime.

The conduct of the Portuguese Government in the case of the French Sisters of Charity is suspected also to have something to do with the arrival of this French naval force.

No. 22.

Earl Cowley to the Earl of Malmesbury.

(Telegraphic.)

Paris, October 5, 1858.

I REGRET to have to acquaint your Lordship that the French Government decline to submit to arbitration their differences with Portugal in the case of the "Charles et Georges."

No. 23.

The Earl of Malmesbury to Mr. Howard.

Sir,

Foreign Office, October 5, 1858.

WITH reference to my despatch of the 25th ultimo, I transmit to you herewith, for your information, in copy and extract, the despatches, as marked in the margin,* which I have received from Lord Cowley, relative to the case of the "Charles et Georges."

I am, &c.

(Signed) MALMESBURY.

* Nos. 17, 20, and 22.

No. 24.

Mr. Howard to the Earl of Malmesbury.

(Telegraphic.)

Lisbon, October 5, 1858.

I AM informed that the Portuguese Government have directed their Minister at Paris to propose to the French Government to submit their differences in the case of the "Charles et Georges" to the mediation of a friendly Power; the choice to be left to France.

No. 25.

The Earl of Malmesbury to Earl Cowley.

(Telegraphic.)

Foreign Office, October 6, 1858.

ANY hostile proceedings by France against Portugal should be strongly deprecated by your Excellency, and you should put forward the Paris Protocol at a suitable time.

No. 26.

Mr. Hammond to the Secretary to the Admiralty.

Sir,

Foreign Office, October 6, 1858.

I AM directed by the Earl of Malmesbury to request that you will acquaint the Lords Commissioners of the Admiralty that two cases have arisen, one of which appears to his Lordship to be likely to lead to a serious misunderstanding between the Governments of France and Portugal.

One of these cases relates to the insults offered to certain French Sisters of Charity in the streets of Lisbon; and the other, and more serious case, to the seizure by the Portuguese authorities in November last, and the subsequent condemnation as a slaver, by the Tribunal of Mozambique, of the French vessel "Charles et Georges."

This vessel arrived at Lisbon on the 13th of August, under the Portuguese flag, and with a Portuguese prize-crew on board, and remains there, pending an appeal made by her owners to the Superior Court at Lisbon, from the decision of the Tribunal of Mozambique.

The French Government at first contended that this vessel had been captured out of Portuguese waters, and could not therefore be competently dealt with by Portuguese tribunals. At a Council of Ministers held on the 2nd instant at Paris, and presided over by the Emperor, the question of the "Charles et Georges" having been treated as a slaver was first broached: and it was decided that the condemnation as a slaver of a French ship, having a Government Delegate on board authorized to procure African labourers, was tantamount to connecting the Imperial Government with the Traffic in Slaves. It was resolved therefore that the release of the "Charles et Georges," and of her captain, should be peremptorily demanded and insisted upon.

The Portuguese Government, on the other hand, maintain that, the case being before the proper tribunals of the country, they cannot act in the matter, and that their refusal to do so cannot be considered as arising from ill-will towards France.

From information received by Her Majesty's Government, it appears that two French ships of war have already arrived in the Tagus; but the orders of the French Government have not yet been sent out.

Under these circumstances, I am to request that you will state to the Lords Commissioners of the Admiralty that Lord Malmesbury considers it necessary that one or two of Her Majesty's ships should be held in readiness to proceed to the Tagus, to watch the events which may arise out of the above-mentioned misunderstandings between the Govern-

ments of France and Portugal, and, if necessary, to protect the lives and property of Her Majesty's subjects.

I am, &c.
(Signed) E. HAMMOND.

No. 27.

The Secretary to the Admiralty to Mr. Hammond.

Sir, *Admiralty, October 7, 1858.*

WITH reference to your letter of the 6th instant, relative to apprehended misunderstandings between the Governments of France and Portugal, and requesting that one or two of Her Majesty's ships should be held in readiness to proceed to the Tagus, two French ships being reported to have already arrived in that river, I am commanded by my Lords Commissioners of the Admiralty to acquaint you, for the information of the Earl of Malmesbury, that two ships of war will be held in readiness for the above service.

I am, &c.
(Signed) H. CORRY.

No. 28.

The Earl of Malmesbury to the Lords Commissioners of the Admiralty.

My Lords, *Foreign Office, October 7, 1858.*

HER Majesty's Government having received advice that the Emperor of the French has dispatched a squadron to the Tagus for the purpose of supporting certain claims which he has made on the Portuguese Government, I have to communicate to your Lordships the Queen's commands that a small force should be sent there, without delay, to watch the proceedings of this squadron, and for the protection of British subjects.

I am, &c.
(Signed) MALMESBURY.

No. 29.

The Secretary to the Admiralty to Mr. Fitzgerald.

Sir, *Admiralty, October 8, 1858.*

WITH reference to Lord Malmesbury's letter of the 7th instant, signifying the Queen's commands that a small force should be sent to Lisbon without delay, to protect British subjects and to watch the movements of a French squadron, which has been sent to the Tagus for the purpose of supporting certain claims made on the Portuguese Government by the Emperor of the French, I am commanded by my Lords Commissioners of the Admiralty to acquaint you, for the information of the Earl of Malmesbury, that the "Victor Emanuel" and the "Racoon" were yesterday ordered to proceed to sea this day, in execution of this service.

I am, &c.
(Signed) H. CORRY.

No. 30.

Mr. Howard to the Earl of Malmesbury.

(Telegraphic.)

Lisbon, October 8, 1858.

I AM informed by the French Minister that the French men-of-war have not come here to employ force, but that he will ultimately be obliged to withdraw from this Court if the Portuguese Government do not yield.

Earl Cowley to the Earl of Malmesbury.

(Extract.)

Paris, October 8, 1858.

IN my despatch of the 3rd instant, I had the honour to inform your Lordship that I had suggested to Count Walewski the propriety of submitting the question of the "Charles et Georges" to arbitration. His Excellency wrote to me a few days afterwards stating, that the affair of the "Charles et Georges" did not appear to the Imperial Government to be one that could be settled by arbitration. I had hoped to have had some further conversation with his Excellency on this point before sending the present messenger, but he is in the country. He has now promised to receive me to-morrow.

In the mean time, I have received a telegram from Her Majesty's Minister at Lisbon, requesting me to express to the Portuguese Minister the desire of his Government that he should ask for mediation, under the Paris Protocol, if the French Government should not accept the Portuguese explanations. I lost no time in communicating its contents to the Marquis de Paiva, the Portuguese Representative at this Court, and I have since had an interview with him. Your Lordship will find among the inclosures to this despatch the written representations which he has made to Count Walewski. The *note verbale* was drawn up after an interview with the French Minister. To this latter communication Count Walewski has returned no answer.

It is M. de Paiva's intention to address a further note to Count Walewski to-day, offering to submit the question on which the two Governments take such opposite views to the mediation of a friendly Power.

I will inform your Lordship to-morrow, of the result of my interview with Count Walewski.

Inclosure 1 in No. 31.

The Marquis de Paiva to Count Walewski.

M. le Comte,

Paris, le 25 Septembre, 1858.

J'E viens d'être informé, par mon Gouvernement, que M. le Ministre de France à Lisbonne lui a réclamé la remise immédiate du navire Français "Charles et Georges," saisi à Quintangonha, près de Moçambique, comme bâtiment négrier, et la mise en liberté du capitaine du dit navire. Permettez-moi d'exposer brièvement à votre Excellence, en attendant que je sois en mesure de mettre sous ses yeux toutes les pièces du débat, les faits qui peuvent éclairer à cet égard la haute équité du Gouvernement Français, et l'engager à revenir sur une exigence à laquelle le Gouvernement de Sa Majesté Très Fidèle ne pourrait d'ailleurs faire droit qu'en portant atteinte à l'inviolabilité du pouvoir judiciaire.

Lorsqu'il a été visité par les croiseurs Portugais, le navire en question était ancré depuis plusieurs jours près de l'Île de Quitangonha, c'est-à-dire, sur un point interdit, et ce fait seul suffisait pour légitimer la visite des dits croiseurs.

Interrogé sur les motifs qui lui avaient fait choisir cet ancrage insolite et illicite, le capitaine répondit, qu'il s'était approché de terre pour se pourvoir d'un chirurgien; que son intention était d'aller à la côte d'Ibo, mais que l'absence de vent, et une avarie subie par le navire, le retenaient sur ce point. De ces trois explications, la première et la troisième étaient au moins invraisemblables; car si le "Charles et Georges" avait voulu de procurer un chirurgien, ou réparer des avaries, il se serait naturellement rendu à Moçambique, port très rapproché, qui, pour l'une et l'autre hypothèse, lui aurait offert toutes les ressources désirables, de préférence à ce point, où tout manquait et où l'ancrage était même dangereux.

Quant à la seconde application elle était notoirement mensongère, attendu que le vent du sud régnait depuis trois jours. A l'illégalité du simple fait du stationnement en ces parages s'ajoutaient donc de graves indices que le capitaine avait à dissimuler le véritable motif de sa présence.

en pareil lieu, et que si, sans raisons plausibles, il se tenait là, c'est qu'il avait intérêt à éluder la surveillance de l'autorité Portugaise, qui n'a pas d'agents à poste fixe à Quitangonha.

Quant à la nature des opérations que le Capitaine Rouxel pouvait chercher à soustraire au contrôle de l'autorité Portugaise, l'aménagement et les approvisionnements du "Charles et Georges," et la présence à bord de 110 noirs, ne laissent guère de doute, et une enquête fut ordonnée. Par une exception, qui seule suffirait à mettre en évidence le bon vouloir de l'autorité Portugaise et son vif désir de ménager le commerce Français, il ne fut pas procédé à cette enquête dans la forme ordinaire.

Le Gouverneur de Moçambique délégua, *ad hoc*, non un juge isolé, mais une Commission choisie par les notabilités de la colonie.

Cette Commission, assistée d'un interprète juré, interrogea les noirs, lesquels furent unanimes à répondre qu'ils avaient été mis à bord du "Charles et Georges," non de leur plein gré et à titre d'engagés, mais bien contre leur volonté.

Le capitaine fut alors invité à produire les preuves, soit directes, soit indirectes du contraire, telles que les contrats d'engagement et les passeports des engagés, mais il ne put exhiber aucune pièce de ce genre ; ce qui justifiait l'assertion des noirs.

La justice dut suivre son cours, et le capitaine du "Charles et Georges" a tout le premier reconnu la juridiction des tribunaux Portugais, puisqu'il s'est de lui-même pourvu en appel auprès de la Relação ("Cour Royale") de Lisbonne.

Le procès est encore pendant, et il ne sera pas permis au Gouvernement du Roi d'empêcher qu'il suive son cours.

Le Gouvernement de l'Empereur respecte trop l'indépendance des nations, au dehors, pour ne pas adhérer à ce principe de droit commun ; et il m'aura suffi, j'en suis certain, M. le Comte, de replacer les faits sous leur véritable jour pour que votre Excellence veuille bien reconnaître que le Portugal ne s'est pas un seul instant départi dans cette affaire des devoirs que lui impose son étroite amitié avec la France.

Je saisis, &c.

(Translation.)

M. le Comte,

Paris, September 25, 1858.

I HAVE just been informed by my Government that the French Minister at Lisbon has claimed from them the immediate surrender of the French vessel "Charles et Georges," seized at Quitangonha, near Mozambique, as a slave-vessel, and the release of the captain of the said vessel. Permit me to lay briefly before your Excellency, until I shall have the means of placing before your eyes all the documents relating to the question, the facts which may enlighten in this respect the high equity of the French Government, and induce it to retract a demand with which the Government of His Most Faithful Majesty could not comply without attacking the inviolability of judicial power.

When she was visited by the Portuguese cruizers, the ship in question had been anchored for several days near the Island of Quitangonha, that is to say, at an interdicted spot, and this fact alone sufficed to legitimize the visit of the said cruizers. Upon being questioned upon the motives which had caused him to choose this unusual and illegitimate anchorage, the captain replied that he had approached the land in order to procure himself a surgeon ; that his intention had been to go to the coast of Ibo, but that absence of wind, and damages which the vessel suffered from, retained him at this spot.

Of these three explanations, the first and the third were at all events unlikely ; for if the "Charles et Georges" had wished to procure a surgeon, or to repair damages, she would naturally have returned to Mozambique, a port very easy to be reached, which, in both cases, would have offered her all the desirable resources, and preferable to this spot, where everything was wanting, and where anchorage was even dangerous.

As regards the second plea it was notoriously false, seeing that the south wind had set in three days. To the illegality of being stationed in

those parts, are added the grave proofs that the captain had reason to cloke the real motive of his presence in such a place, and that if, without plausible reasons, he stayed there, it was that his interest was to elude the surveillance of the Portuguese authorities, who have no agents posted at Quitangonha.

As respects the nature of the operations which Captain Rouxel might have sought to conceal from the control of the Portuguese authority, the internal economy and the supplies of the "Charles et Georges," and the presence on board of 110 negroes, left scarcely a doubt, and an inquiry was commanded. By an exception, which alone would suffice to prove the good-will of the Portuguese authorities, and their lively desire to pay respect to the commerce of France, this inquiry was not proceeded with in the usual form.

The Governor of Mozambique delegated, *ad hoc*, not a solitary judge, but a Commission chosen by the principal persons of the colony.

This Commission, with the assistance of a sworn interpreter, examined the negroes, who unanimously replied that they had been placed on board not of their own free-will, or with the title of engaged men, but directly contrary to their will.

The captain was then invited to produce proofs, either direct or indirect, of the contrary, such as the contracts of engagement, or the passports of those engaged, but he could exhibit no document of the kind; which justified the assertion of the negroes.

Justice had to follow her course, and the captain of the "Charles et Georges" has been the very first who recognized the jurisdiction of the Portuguese tribunals, since he has appealed to the "Relação" (the Royal Court) of Lisbon.

The trial is still pending, and the Government of the King will not be allowed to impede its course.

Besides, the Government of the Emperor respects too much the independence of nations, not to adhere to this principle of common right; and it will be sufficient for me, I am certain, M. le Comte, to place the facts in their true light for your Excellency to acknowledge at once that Portugal has not departed a single instant in this affair from the duties which her strict friendship with France imposes on her.

I seize, &c.

(Signed) MARQUIS DE PAIVA.

Inclosure 2 in No. 31.

Procès-Verbal.

Paris, le 4 Octobre, 1858.

LE Ministre de Portugal demande la permission de rappeler et d'apprécier sommairement les points sur lesquels la France se fonde pour réclamer la restitution immédiate du "Charles et Georges," et la mise en liberté du capitaine de ce navire.

Aux yeux de la France, la présence à bord des navires de commerce d'un délégué de l'autorité Française suffit à les mettre à l'abri de tout soupçon d'opération illégale, et la France a droit, en pareil cas, de considérer la visite de croiseurs étrangers comme une injure à son pavillon.

Il n'entre certainement pas dans l'esprit du Gouvernement Portugais de méconnaître ce qu'une pareille susceptibilité a de légitime; mais il a la conviction que le principe invoqué ne saurait être en jeu dans le cas actuel. Lorsqu'il a été abordé par le croiseur Portugais, le "Charles et Georges" se trouvait ancré dans des parages interdits. C'est seulement après avoir constaté ce délit que le dit croiseur a appris qu'il y avait à bord un Délégué de l'autorité Française; mais en sortant de son rôle, qui était de garantir la légalité des opérations du "Charles et Georges," celui-ci perdait évidemment son caractère: par sa présence à bord d'un navire en contravention il s'associait à cette contravention, et l'aggravait de toute l'autorité de son mandat, bien loin de la couvrir. Il suffira à la France de peser dans sa loyauté ce simple fait pour comprendre qu'elle est placée ici dans l'alternative ou d'admettre que le délégué cessait, dès ce moment, de représenter l'autorité Française, ou de prétendre que les principes d'équité internationale doivent s'effacer devant sa supériorité de

Puissance de première ordre, et que partout où apparaît un de ses agents l'illégalité devient un droit. Tout le passé de la France, à défaut même des sentiments d'amitié et d'estime mutuelle qui unissent les deux pays, repousse cette dernière hypothèse.

Il y a ici une remarque essentielle à faire. Le Délégué Français a tout le premier reconnu que sa présence à bord du "Charles et Georges" ne pouvait nullement, en pareil cas, donner à ce navire le privilège d'inviolabilité. Il n'a pas plus fait d'opposition que le capitaine à l'exercice des droits du croiseur Portugais. Non seulement celui-ci n'a pas eu à recourir à la force, mais il a pu même s'abstenir des réquisitions d'usage. Il lui a suffi de demander la permission de procéder à la visite du "Charles et Georges," pour que tout lui fut ouvert, et quand le procès-verbal de la visite est dressé, non seulement le délégué et le capitaine s'abstiennent de toute protestation directe, mais ils ne recourent même pas à la protestation implicite d'un refus de signature. L'un et l'autre signent la protestation sans hésitation et sans réserves. En face d'une menace aussi grave de celle de saisie, le capitaine et le délégué auraient-ils été de si bonne composition s'ils avaient entrevu la moindre possibilité, celui-ci d'invoquer son caractère officiel, celui-là de se retrancher derrière l'autorité d'un Agent officiel ?

La question de principes écartée restent les questions de fait.

La première est de savoir si, au moment de la visite du croiseur, le "Charles et Georges" stationnait dans les parages interdits ou non.

A l'appui de la négative, le capitaine exhibe son livre de loch ; mais, à l'appui de l'affirmative, le croiseur Portugais peut exhiber le sien. Entre ces deux assertions, le Gouvernement Portugais laisse à la France à décider si, en principe et en fait, la balance ne doit pas pencher du côté de l'affirmative ; en principe, parce que la déclaration d'un officier de la Marine Royale fait partout plus autorité que la déclaration essentiellement intéressée d'un capitaine marchand ; en fait, parce qu'un croiseur est censé connaître les parages confiés à sa surveillance beaucoup mieux que ne pourrait les connaître un navire de commerce qui s'y est arrêté accidentellement.

La seconde question de fait est de savoir si l'embarquement de nègres à bord du "Charles et Georges" avait eu lieu en vertu d'un permis de l'autorité Portugaise. Le seul permis dont on ait pu parler jusqu'à présent émanerait du Sheik de Matibane. Or, une pareille autorité ne saurait pas plus engager le Gouvernement Portugais que n'engagerait, par exemple, le Gouvernement Français un Sheik Arabe d'Algérie délivrant de son propre chef, en moyennant finance, un permis d'embarquement. Les quelques attributions de police intérieure accordées à des chefs de tribus soumises ne peuvent certainement s'étendre jusqu'à l'exercice d'un droit de souveraineté.

Reste la question de savoir si le Gouvernement de Moçambique a outrepassé ses pouvoirs en déférant le "Charles et Georges" aux tribunaux comme négrier. Ce fonctionnaire ne pouvait malheureusement pas agir autrement. Le "Charles et Georges" embarquait des noirs en destination des Colonies Françaises, où l'esclavage est aboli, c'est vrai ; mais sa présence sur un point interdit, le manque de contrats d'engagement, et les déclarations des nègres interrogés, toutes les circonstances rentrent dans la catégorie des faits prévus par les lois répressives de la Traite, et le Gouvernement, à qui n'appartient pas l'interprétation de la loi, n'a pu que remettre la question aux tribunaux, qui en sont encore saisis.

(Translation.)

Paris, October 4, 1858.

THE Portuguese Minister begs leave again to call attention to, and give a summary of, the points upon which France founds her claim to demand the immediate restitution of the "Charles et Georges," and the liberation of the captain of that vessel.

In the eyes of France, the presence of a French Government official on board merchant-vessels, is sufficient to shelter them from all suspicion of illegal operations, and in such cases France has the right to look upon the visit of foreign cruisers as an insult offered to her flag.

It certainly does not occur to the Portuguese Government to misunderstand the legitimacy of such susceptibility; but it is convinced that the principle in question has no sort of bearing upon the case. When the "Charles et Georges" was boarded by the Portuguese cruiser, it was anchored in a forbidden spot; it was only after this violation of the law had been proved, that the said cruiser learnt that there was a French Government official on board. But when this officer departed from his duty, which was to guarantee the legality of the operations of the "Charles et Georges," he evidently lost his character; by his presence on board a vessel which was transgressing the law, he became a party to that transgression, and so far from sheltering it, he aggravated it by all the authority of his commission. It will be enough for France to weigh this simple fact in her justice, in order to see that she is here placed in the alternative of admitting that the officer ceased from that moment to represent the French Government, or of pretending that the principles of international equity must be effaced by her superiority as a Power of the first class, and that an illegal act becomes a right wherever one of her agents appears. The whole past history of France, even without the sentiments of friendship and mutual esteem which unite the two countries, refutes this last hypothesis.

Here there is an important remark to be made. The French official was the first to allow that his presence on board the "Charles et Georges" could in no way, in such a case, render that vessel inviolable. Neither he nor the captain resisted the exercise of the rights of the Portuguese cruiser. Not only was it unnecessary for the cruiser to use force, but it was even able to dispense with the usual requisitions. It had but to ask leave to visit the "Charles et Georges," for everything to be thrown open, and on the drawing up of the memorandum of the visit, not only do the delegate and the captain abstain from all direct protestation, but they do not even resort to the implied protestation of refusing to sign it. They both sign the protest without hesitation, and without reserve. With such a grave threat as that of seizure before them, would the captain and the delegate have shown such good-will, if they had seen the slightest possibility, the one of invoking his official character, the other of sheltering himself behind the authority of an official agent.

Apart from the question of principle, there remain the questions of fact.

The first of these is to ascertain whether, at the time of the visit of the cruiser, the "Charles et Georges" was stationed in a forbidden spot or not.

In support of the negative the captain shows his log-book; but in support of the affirmative, the Portuguese cruiser can show hers. The Portuguese Government leaves to France to decide whether, in principle and in fact, between these two assertions, the scale must not incline towards the affirmative: in principle, because the declaration of an officer of the Royal navy has everywhere greater weight than the essentially-interested declaration of a merchant captain; in fact, because a cruiser is supposed to know the waters which are intrusted to its guardianship much better than a merchant-vessel could, which has stopped there accidentally.

The second question of fact is to ascertain whether the embarkation of negroes on board the "Charles et Georges" had taken place in virtue of a permission from the Portuguese authorities. The only permission of which mention has been made hitherto, seems to have emanated from the Sheik of Matibano. Now such an authority could be no more binding on the Portuguese Government than that, for example, of an Algerian Sheik giving a permission of embarkation, for a remuneration, on his own responsibility, would be binding on the French Government.

The few powers regarding internal police which are granted to the Chiefs of subject-tribes, can certainly not extend to the exercise of a right of sovereignty.

It now remains to be seen whether the Government of Mozambique exceeded its power, in bringing the "Charles et Georges" before the Courts of Justice as a slaver. This officer could, unfortunately, not act otherwise. The "Charles et Georges" was embarking negroes destined for

the French colonies, where slavery is abolished, it is true; but her presence on a forbidden spot, the absence of contracts of engagement, and the declarations of the negroes who were interrogated, all the circumstances come within the category of the facts provided against by the laws for the suppression of the Slave Trade, and the Government within whose province the interpretation of the law does not come, had no other alternative but to refer the question to the Courts of Law, which are still engaged upon it.

No. 32.

The Earl of Malmesbury to Earl Cowley.

(Extract.)

Foreign Office, October 9, 1858.

I TRANSMIT to your Excellency herewith, for your information, a copy of a letter which I have addressed to the Lords Commissioners of the Admiralty,* signifying to their Lordships the Queen's commands that a small naval force should be sent to the Tagus to watch the proceedings of the French squadron, and for the protection of British subjects.

No. 33.

The Earl of Malmesbury to Mr. Howard.

(Telegraphic.)

Foreign Office, October 9, 1858.

THE good offices of Her Majesty's Government will gladly be given to prevent a collision between France and Portugal, but they have no decisive information on the case of the ship. The Portuguese Government had better drop the prosecution if there were informalities during or after the seizure.

No. 34.

Earl Cowley to the Earl of Malmesbury.

(Extract.)

Paris, October 10, 1858.

COUNT WALEWSKI came to Paris yesterday, and I profited by a short interview which he gave me, to express the solicitude which Her Majesty's Government felt for the amicable settlement of the question of the "Charles et Georges." I had hardly touched upon the subject before his Excellency interrupted me, and stated that the resolution of the Imperial Government was taken to demand the restitution of the vessel without further delay. Instructions to this effect would be sent to the French Minister at Lisbon in a day or two. If they had not already been sent, it was because the French Government had been determined to act with the utmost circumspection, and not to move until they had every certainty of being in the right. The "Comité des Contentieux," to whom the case had been referred, had examined it with the utmost care, and had decided against the Portuguese Government every point that had been raised.

I said that I did not desire to enter into the merits of the case itself, but I wished the French Government to consider, before making a demand of the Portuguese Government, how far it was possible for the latter to comply with that demand. If I was rightly informed, the Portuguese Government could not, according to the law of Portugal, set free a ship that had been condemned by a tribunal, against which condemnation an appeal had been made to a higher Court. Then, with regard to the facts of the case, the Portuguese Government appeared to be as much convinced of being in the right, as the Imperial Government asserted them to be in the wrong. Surely, I observed, a case of this kind might be settled by the

* No. 28.

mediation of some friendly Power. I hinted at the disparity of force between the two nations, with a view of showing that it would be a generous proceeding on the part of France to have recourse to mediation.

Count Walewski replied that the Portuguese Minister had proposed this course, but the French Government could not consent to it. The Portuguese Government had committed an overt act of violence against the French flag, and could not cover itself by an appeal to mediation. "We should lose all prestige," continued his Excellency; "our flag would be exposed to every sort of insult were we to brook any longer delay. This is not a solitary case. We have two or three other affairs of a similar nature with the same Government. We are determined that our flag shall be respected. We regret that we should have to vindicate its honour with a nation of inferior power, but we cannot on that account forego our rights. The ship must be given up, and we shall then have to consider the question of indemnity."

His Excellency dwelt, as he had done before, on the connection with the Slave Trade imputed to the French Government by the condemnation as a slaver, of a vessel having a Government agent on board. The French Government never would, he said, put up with such an insult. They utterly repudiated the idea that their proceedings for obtaining free negro labour gave any encouragement to the Traffic in Slaves, and they were prepared to uphold this assertion against all who might dispute it.

I rejoined that I was anxious not to embitter a conversation, begun on my part with the most friendly feelings, by renewing the discussion of a matter of which Her Majesty's and the Imperial Government unfortunately took such opposite views. I thought that mediation might be employed, but on this point I could not obtain the slightest concession from his Excellency.

Finding this to be the case, I said that I regretted that my appeal had been made in vain, because his Excellency knew how much I had at heart the continuation of good feelings between our two countries.

Count Walewski rejoined that the French Government did not fear the most ample discussion; that the considerations drawn up by the "Comité des Contentieux" were so decisive in favour of France, both in respect to international law and equity, that they must carry conviction with them; and that he would take an early opportunity of giving them to me to peruse.

No. 35.

Earl Cowley to the Earl of Malmesbury.

(Extract.)

Paris, October 10, 1858.

COUNT LAVRADIO, who is in Paris, having expressed a desire to see me on the subject of the misunderstanding which has arisen between France and Portugal, I had a long conversation with him yesterday, before I went to Count Walewski. He appeared desirous of contributing, in any way he could, to the solution of this unfortunate dispute, provided he did not compromise the honour of his Government, and he did me the honour to ask my opinion upon the subject.

I told M. de Lavradio all that had passed between Count Walewski and myself up to that date, and I said that he must make allowances for the irritation of the French Government at finding a French ship condemned as a slaver, which was carrying out a scheme, however reprehensible in our opinion, for obtaining free negro labour, and had a Government delegate on board of her. I expressed doubts, which I sincerely entertain, whether it would not have been more in conformity with the usages of international comity, had the vessel, under the circumstances stated, been allowed to go free, and the questions connected with her appearing in Portuguese waters been treated diplomatically by a formal complaint made to the French Government by that of Portugal.

Count Layradio entered into a long statement to show that the

proceedings of the Portuguese cruizer which seized the "Charles et Georges" had been perfectly regular; and he said that the vessel had been condemned before his Government were made aware of the circumstances connected with its capture; that neither the captain nor Delegate of the French Government had protested against the cruizer's action, though the former had appealed against the sentence which condemned the ship; and that, consequently, the Government had no power to interfere or to order the release of the vessel.

I observed that, according to Mr. Howard's opinion, there had been some informality in the first proceedings against the vessel; could not the Portuguese Government drop further proceedings on that account? Count Lavradio thought not, because it was the captain and not the Government who had appealed.

I said that I thought the question might be arranged by mediation without injury to the honour of either party.

I saw Count Lavradio again after an interview I subsequently had with Count Walewski, and apprised him of the temper in which I had found his Excellency. Count Lavradio himself saw Count Walewski subsequently, and he has informed me that, although their conversation was carried on very amicably, he could not shake the determination taken by the French Government to make a peremptory demand for the restoration of the ship.

Count Lavradio supposes, and I think with reason, that the treatment of the French Sisters of Charity at Lisbon has something to do with the extraordinary irritation shown by France.

No. 36.

Mr. Howard to the Earl of Malmesbury.

(Extract.)

Lisbon, October 8, 1858.

IN a private conversation which I had with the French Minister on the 6th instant, he stated that he understood that it was in consequence of my advice that the Portuguese Government had refused to agree to the demands of his Government in the affair of the "Charles et Georges;" and he intimated his opinion that, in giving that advice, I had done the Portuguese a bad service.

I replied to the Marquis de Lisle, that he had been completely misinformed; that my opinion had neither been asked by the Portuguese Government, nor had I given it; that if I had been asked by them whether they should yield at once, I should have declined giving my opinion; but that I should certainly never have volunteered an opinion that they ought to incur the humiliation of yielding without the threat or the demonstration of the employment of force; and I added, that he well knew that the Portuguese were weak, and quite unable to resist France.

I observed, however, that I did not say that, if the Portuguese Government were to ask my opinion concerning a proposal of mediation to be made by them to France, in conformity with the principle recorded in the 23rd Protocol of the Conference of Paris of 1856, I should not express my approval of such a proposal.

The Marquis de Lisle observed to me on a former occasion, that it had been stated that there was a British man-of-war at Mozambique at the period when the "Charles et Georges" was apprehended, and that Her Majesty's Consul had availed himself of her presence to press upon the Portuguese authorities there the extreme measures which had been adopted against that vessel.

I told M. de Lisle at the time, and repeated to him again yesterday more fully, that, having the reports of Mr. McLeod, and of Captain Lyster, of Her Majesty's ship "Castor," in my possession, I was enabled to state that it was true that Mr. McLeod had announced to the Governor-General of Mozambique that he had received intelligence that a vessel (which afterwards turned out to be the "Charles et Georges") was at anchor in Conducia Bay, within a couple of miles of his own residence, and that

there was reason to suspect she was shipping slaves; but that at this point Mr. McLeod's action appeared to have ceased, because he had stated, in a despatch to Her Majesty's Foreign Department (dated the 1st of January, 1858), that he would transmit the details of the affair as soon as he learnt them from the Governor-General.

I observed, with regard to Captain Lyster, of Her Majesty's ship "Castor," that, in explaining to the Governor-General of Mozambique, at an interview which he had with him on the 3rd of December, 1857, the anxiety of Admiral Sir Frederick Grey to co-operate with him in any measure for the suppression of the Slave Trade which the existing Treaties between Great Britain and foreign Powers would admit, he had distinctly stated that Sir Frederick had no power to interfere with French vessels procuring labourers for Bourbon.

I added, that it did not, however, appear that the Governor-General had made any request for Captain Lyster's assistance. Indeed, I yesterday read to the Marquis de Lisle that part of Captain Lyster's despatch of the 24th December, 1857, to Sir Frederick Grey (a copy of which was inclosed to me in the Earl of Clarendon's despatch of the 16th of February last), in which he reports his interview with the Governor-General.

The French Minister expressed himself, on both points, perfectly satisfied with my statements.

I dare say that he only pretended to have received information that I had advised the Portuguese Government not to yield, in order to ascertain the fact; but I, nevertheless, thought it best to speak openly to him.

No. 37.

Mr. Howard to the Earl of Malmesbury.

(Extract.)

Lisbon, October 8, 1858.

THE two French men-of-war, whose arrival here on the 3rd instant I had the honour of reporting to your Lordship, are the line-of-battle ships "Donawerth," bearing the flag of Rear-Admiral Lavaud, and the "Austerlitz."

Previously to writing my despatch, I called upon the French Minister, the Marquis de Lisle, with the view to ascertain the motives of the sending of these ships to Lisbon, of whose intended arrival, however, as well as of that of others, in the affair of the French vessel the "Charles et Georges," condemned as a slaver at Mozambique, I had been told a couple of days before.

In the conversation which I had with the Marquis de Lisle on this occasion, although he observed jocosely that these ships had not arrived to bombard Lisbon, and stated (as the ostensible reason of their coming), that, being on their way from Toulon to Brest, they had entered this port for the purpose of coaling, yet he fully admitted that they had been sent here to support the demands of the French Government in the case of the "Charles et Georges," and said that he likewise expected others, and, amongst them, the "Redoutable," a line-of-battle ship, I believe, of the first class.

He added the information (also contained in my above-mentioned telegram) that he had received a telegraphic despatch of the 2nd instant from Count Walewski, informing him that the affair of the "Charles et Georges" was to be submitted to a new examination; by which he understood that it was to be brought before the French Council of State, and that ulterior instructions would be sent to him.

The Marquis said that he expected these instructions by the "Coligny" steamer of war, and that in the meantime neither he nor Rear-Admiral Lavaud had any instructions to act.

He remarked, as a proof that the ships had not come with hostile designs, that he was just going to call upon the Marquis de Loulé in order to introduce the Admiral to him, and to ask an audience of the King for the latter.

M. de Lisle, nevertheless, spoke very warmly on the subject of the

"Charles et Georges," stating the impossibility of the French Government admitting the right of the Portuguese Government to capture and condemn a vessel duly provided with papers which proved the commission she had received from the French Government, and having a delegate of that Government on board, or of their consenting to give up their demands for the immediate restitution of the vessel, and the liberation of the captain.

I took an opportunity, during this conversation, of expressing to the Marquis my hope that if the Portuguese Government were to propose to the French Government to submit the affair to the mediation of a friendly Power, in conformity with the principle recorded in Protocol 23 of the Conferences of Paris, of the 14th of April, 1856, the French Government would not reject that proposal; and I said that I thought they would be the less justified in declining it, as it was on the invitation of France, communicated by himself, as well as of England and other Powers, that Portugal had acceded to that principle.

The Marquis replied that he had no knowledge of the views of his Government on this point; but that I would recollect that the different Powers had reserved to themselves, in this matter, their independence and liberty of action; that Portugal had done so also; and that he was of opinion it would not do for France to admit the intervention of another Power in a question which affected the protection of French subjects from insult.

With regard to the mediation, I reminded the Marquis de Lisle that although in the affair of the indemnity claimed by us of the Neapolitan Government, for the British engineers of the "Cagliari," we considered that we should, if they persisted, after so protracted a negotiation, in refusing our demands, be justified in enforcing a compliance with them, yet we had, nevertheless, as a practical proof of our moderation, offered to refer the case to the mediation of a friendly Power; and I said I thought the French Government might well do the same in the case of the "Charles et Georges." The Marquis, however, repeated his opinion, that he did not think France could accept a mediation with regard to it.

On the morning of the 5th instant I saw the Marquis de Loulé, and learnt from him that he had written to Baron Paiva, the Portuguese Minister at Paris, by the French steamer to Nantes, of the 4th instant, directing him contingently to make to the French Government the proposal of a mediation in the affair of the "Charles et Georges."

I remarked to the Marquis de Loulé, as his despatch to Baron Paiva could not reach Paris before the 8th or 9th instant, and as time was valuable in this matter (for the decision of the French Government as to their ulterior course might be taken before that period), that, having decided to propose a mediation, if the French Government were not satisfied with the explanations given by the Portuguese Government, he would do well to send a telegram to the same effect, immediately, to Baron Paiva. The Marquis approved of this idea, and said he would act upon it. The Viscount de Sá, whom I afterwards saw, and who has recently been seriously ill, likewise expressed his approval of it, the more so, as he had been from the first of opinion that the Portuguese Government should, in offering their explanations, at once propose to submit the question to a mediation, if those explanations were not accepted as satisfactory. I may observe, that when the Marquis de Loulé showed me his note to M. de Lisle of the 18th of November, I remarked upon there being no mention in it of a mediation, which he had told me he thought of proposing; and that he replied, it had been deemed more advisable to reserve such a proposal for a later period of the negotiation.

On the following morning, the 6th instant, the Marquis de Loulé told me that he had directed the transmission of his telegraphic despatch to Baron Paiva, but that it had not been possible to forward it till the evening of the 5th instant; but later in the day he informed me that he found that it had not been able to be sent, because the Portuguese Foreign Office had no cypher in use with their mission at Paris, or even at London, and he asked me what I thought could be done.

I replied, that I would undertake to transmit to Lord Cowley, in

cypher, any message he wished delivered to Baron Paiva, and he, accordingly, wrote down the minute of a message, which I forwarded to his Lordship.

It is now necessary that I should mention the following circumstance, which occurred on the 5th instant, and which became a subject of remark in the newspapers and amongst the public:—

When the King of Portugal proceeded in his barge, with the Royal standard flying, to the steam-corvette "Bartholomeu Dias," to take leave of his brother, the Duke of Oporto, who was proceeding in command of her to Madeira, the French men-of-war did not salute His Majesty on his passage, as is the custom of this port, nor did they do so when the Royal standard was afterwards hoisted on the corvette, although His Majesty was saluted by Portuguese men-of-war.

This omission was displeasing to His Majesty, who, in fixing the 7th instant for receiving the French Admiral, requested the Marquis de Loulé to obtain some explanation of it.

The Marquis de Loulé accordingly waited upon the French Minister, for the purpose of communicating with him on the subject of the Admiral's audience, but before he had time to refer to the question of the neglected salute the Marquis de Lisle expressed to him his great regret at the omission, saying that the Admiral was not on board at the time; that the officers who were left in charge of the ships had not perceived His Majesty on his passage; that afterwards they thought it was too late; that they had been deceived by the circumstance of a Portuguese brig-of-war near them (which is not, however, in commission), not having saluted, and that the Admiral would himself, at his audience of the King, make his excuses to His Majesty.

The Marquis de Loulé observed, that the King had noticed the omission, and had been somewhat displeased at it; but that he, the Marquis, had stated that he was sure it was a mistake, for that the demand of an audience on the part of the Admiral could not be reconciled with the offer of any slight on his part.

I afterwards met the Marquis de Lisle, who made the same observation to me, to which I replied, that I had also marked the omission, but that I had felt convinced that it was the result of a misunderstanding.

During the Marquis de Loulé's visit to the Marquis de Lisle, the latter took occasion to state, that the French ships of war had not come here to employ force in the affair of the "Charles et Georges," nor to seize that vessel, but that they were on their way from Toulon to Brest, and entered this port to take in coal, and then said to the Marquis de Loulé that he would tell him at once the end of the affair ("dénouement de l'affaire"), which would be, that if the Portuguese Government did not yield to the demands of the French Government, he (the Marquis de Lisle) would have to leave Lisbon.

The French Minister afterwards pressed the Marquis de Loulé to acquiesce in those demands, but begged him not to talk to him of mediation, and at all events, if he intended offering one, not to make the proposal through him, but through the Portuguese Minister at Paris.

The Marquis de Lisle held to me, a few hours later, precisely the same language in respect to the French ships of war not having come with hostile intentions, and to his withdrawal, in case of Portugal not yielding.

The Marquis de Loulé, in relating to one of my colleagues what M. de Lisle had said to him on the subject, stated it to be that, "without prejudging the future, the French ships would leave the Tagus, as they had entered it—as good friends."

I observed on the occasion to which I allude that the French Minister's language was much more moderate than it was a few days ago, and several of my colleagues have made the same remark. Of course, the circumstance that the French men-of-war may now leave the Tagus as friends does not imply that they may not return to it in a different character at another period, should a rupture of diplomatic relations take place between France and Portugal.

I may add, that the conduct pursued by the French Government in sending a squadron here to intimidate the Portuguese Government, before

even the answer of the latter had been taken into consideration, is very generally blamed by the foreign diplomatists here, and more particularly by the Representatives of the weaker Powers.

The captain of the "Charles et Georges" continues at liberty, that is to say, he is permitted to come on shore from his ship, notwithstanding that the French Minister, who had pledged his word for him until the 1st of October, when the Court of Relação was to meet, withdrew it at that date.

The Marquis de Loulé told me that he had reason to believe that the captain's liberty would not be interfered with, pending the decision of his appeal to that Court. His Excellency said he was likewise endeavouring to hasten the legal proceedings in the affair.

No. 38.

Mr. Howard to the Earl of Malmesbury.

(Telegraphic.)

Lisbon, October 14, 1858.

IT appears that the French Delegate, on board the "Charles et Georges," deposed at Mozambique, and said he would report the fact to the Governor of Bourbon, that the conditions prescribed by the French Government had not been observed in respect to the negroes bought by the captain on Portuguese territory.

No. 39.

Earl Cowley to the Earl of Malmesbury.

(Extract.)

Paris, October 13, 1858.

I HAVE the satisfaction of informing your Lordship that there is every probability of the affair of the "Charles et Georges" receiving an amicable solution. The Marquis de Paiva and M. de Lavradio, seeing that the French Government were determined on pushing matters to extremities, sounded Count Walewski as to the likelihood of the following proposal being accepted by the Imperial Government:—The "Charles et Georges" to be given up, and the captain to be released; the French men-of-war having previously quitted the waters of Lisbon. The legality of the seizure to be afterwards determined by mediation.

Count Walewski replied that he thought he saw in this proposal the germs of an arrangement. The Council was held this morning at St. Cloud, and I saw Count Walewski on his return. I questioned him in general terms as to the state of the affair. He told me that he had seen M. de Lavradio, who had said that the affair might be arranged by the surrender of the ship, if the French men-of-war were previously withdrawn. The French Government, Count Walewski added, had no wish to appear to impose terms upon Portugal. The honour of France would be satisfied by the release of the ship and her captain. A messenger, therefore, would be sent to-night to Lisbon, giving full powers to M. de Lisle to enter into any arrangement for the future settlement of this affair, provided the ship was set at liberty at once. It is only in case of the impossibility of arriving at any understanding that he is allowed to address an ultimatum to the Portuguese Government.

Although Count Walewski did not enter into any particulars, being pressed for time, I augur from his general tone that, provided the "Charles et Georges" is released, the legality of her capture, as well as the other questions arising out of it, may be subject of future mediation.

No. 40.

Earl Cowley to the Earl of Malmesbury.

My Lord,

Paris, October 14, 1858.

WITH reference to my despatch of yesterday's date, I have the honour to add that the Portuguese Minister has set out for Lisbon, for the purpose of explaining to his Government the arrangement made with the Imperial Government in the matter of the "Charles et Georges," and ensuring their acceptance of it.

I have, &c.
(Signed) COWLEY.

No. 41.

The Earl of Malmesbury to Mr. Howard.

Sir,

Foreign Office, October 15, 1858.

HER Majesty's Government have read with much concern your despatches referring to the dispute between France and Portugal, and cannot but regret that the French Government, without first attempting to obtain their object by diplomatic means, have at once sent an imposing force to menace the port of Lisbon.

As far as they are at present informed, it appears to Her Majesty's Government that, on the one hand, the French captain and delegate on board the "Charles et Georges" violated the municipal laws of Portugal by anchoring at a forbidden point within Portuguese waters, and being there found with a cargo of negroes, who had all the appearance of being slaves, and a portion of whom stated themselves to have been abducted from a dependency of Portugal; on the other hand, that the French captain and delegate had obtained from the Sheik of Matabane a permission to engage and export labourers of his tribe; and that in a document (which is published in the "Daily News" of the 12th instant) the contract declares itself "to have been made and passed at the Court of the said Sheik." The document runs thus:

"It is agreed and understood that you hire yourself for five years to go to the Isle of Bourbon, in the ship _____, Captain _____. You are hired at the rate of two piastres per month during the whole period of your engagement.

"As soon as the engagement shall be terminated, you will be free, either to remain in Bourbon, or to return to your country. The present contract is made and passed at the Court of the Sheik of the Matabane tribe, in the presence of the Sheik Ali, of the Agents Ali Mouro, Sidi Sidi, the interpreter of the ship, and the captain, and signed by witnesses in the presence of the above-hired labourers, after having been read by the interpreter."

You are aware that Her Majesty's Government have never altered their opinion as to the analogous nature of the French scheme for exporting negroes with that of avowed Slave Trade. It is not, however, with a view to support that opinion, fortified by the present case, that I address you, but in the hope that a suggestion may be accepted which may solve this question of national honour.

If the above statement is correct, it appears to Her Majesty's Government that Portugal, without any sacrifice of her dignity and rights, may admit that the French delegate and captain, when negotiating for labourers with the Sheik of Matabane, believed him to be an independent Chief, and were ignorant of his being a dependent subject of the Portuguese Government; for their contract speaks of him as of an independent Ruler, having a Court of his own. Should the Portuguese Government see the transaction in this light, it appears to Her Majesty's Government to be consistent with a wise indulgence to drop the prosecution of a case which originated in an error, and which might, if imprudently urged against France, be the cause of the gravest complications.

Such a course on the part of the Portuguese Government would be accompanied by a note distinctly recapitulating the details of the Municipal Law of Portugal on the Mozambique coast, and to what extent the Portuguese dependencies are claimed to extend.

You will take the earliest opportunity of expressing to the Portuguese Government the view which Her Majesty's Government take of this case, and urge upon them the policy and wisdom of accepting the advice which I have the honour to tender through Her Majesty's Minister at the Court of Lisbon.

I am, &c.
(Signed) MALMESBURY.

No. 42.

The Earl of Malmesbury to Earl Cowley.

My Lord,

Foreign Office, October 15, 1858.

HER Majesty's Government have read, with much concern, your Excellency's despatches referring to the dispute between France and Portugal, and cannot but regret that the French Government, without first attempting to obtain their object by diplomatic means, have, at once, sent an imposing force to menace the port of Lisbon.

As far as they are at present informed, it appears to Her Majesty's Government that, on the one hand, the French captain and delegate, on board the "Charles et Georges," violated the municipal law of Portugal by anchoring at a forbidden point within Portuguese waters, and being there found with a cargo of negroes, who had all the appearance of being slaves, and a portion of whom stated themselves to have been abducted from a dependency of Portugal; on the other hand, that the French captain and delegate had obtained from the Sheik of Matabane a permission to engage and export labourers of his tribe, and that in a document (which is published in the "Daily News" of the 12th instant) the contract declares itself "to have been made and passed at the Court of the said Sheik." The document runs thus:

"It is agreed and understood that you hire yourself for five years to go to the Isle of Bourbon, in the ship _____, Captain _____ You are hired at the rate of two piastres per month during the whole period of your engagement.

"As soon as the engagement shall be terminated, you will be free, either to remain in Bourbon, or to return to your country. The present contract is made and passed at the Court of the Sheik of the Matabane tribe, in the presence of the Sheik Ali, of the Agents Ali Mouro, Sidi Sidi, the interpreter of the ship, and the captain, and signed by witnesses in the presence of the above-hired labourers, after having been read by the interpreter."

Your Excellency is aware that Her Majesty's Government have never altered their opinion as to the analogous nature of the French scheme for exporting negroes with that of avowed Slave Trade. It is not, however, with a view to support that opinion, fortified by the present case, that I address your Excellency, but in the hope that a suggestion may be accepted which may solve this question of national honour.

If the above statement is correct, it appears to Her Majesty's Government that Portugal, without any sacrifice of her dignity and rights, may admit that the French delegate and captain, when negotiating for labourers with the Sheik of Matabane, believed him to be an independent Chief, and were ignorant of his being a dependent subject of the Portuguese Government, for their contract speaks of him as of an independent Ruler having a Court of his own. Should the Portuguese Government see the transaction in this light, it appears to Her Majesty's Government to be consistent with a wise indulgence to drop the prosecution of a case which originated in an error, and which might, if imprudently urged against France, be the cause of the gravest complications.

Such a course on the part of the Portuguese Government would be accompanied by a note distinctly recapitulating the details of the Municipal Law of Portugal on the Mozambique coast, and to what extent the Portuguese dependencies are claimed to extend.

Your Excellency will take the earliest opportunity of expressing to the French Government and the Portuguese Minister at Paris the view which Her Majesty's Government take of this case, and urge upon them the policy and wisdom of accepting the advice which I have had the honour to tender through Her Majesty's Minister at the Court of Lisbon.

I have, &c.
(Signed) MALMESBURY.

No. 43.

The Earl of Malmesbury to Mr. Howard.

Sir, *Foreign Office, October 16, 1858.*

I TRANSMIT to you herewith, for your information, copies of despatches, as noted in the margin,* from Her Majesty's Ambassador at Paris, relating to the case of the "Charles et Georges."

I am, &c.
(Signed) MALMESBURY.

No. 44.

Earl Cowley to the Earl of Malmesbury.

My Lord, *Paris, October 17, 1858.*

I MENTIONED yesterday to Count Walewski that the French agent on board the "Charles et Georges" had deposed at Mozambique, that the conditions prescribed by the French Government had not been observed in respect of the negroes bought by the captain on Portuguese territory, and his Excellency admitted the truth of this statement, though he would not allow that it touched the principle involved in this case, namely, that the ship could not be condemned as a slaver.

What had happened, his Excellency said, was this: The captain of the "Charles et Georges" had received orders from the Governor of Réunion to procure negroes under the emigration system; but he was expressly forbidden by his instructions to take any from Mozambique, the Portuguese Government having prohibited all emigration from thence. The captain, however, received information that this prohibition did not extend to the district of Matabane, the Sheik of which had authority from the Portuguese Government to furnish negroes for emigration. He went there accordingly, and the Sheik furnished a certain number.

Count Walewski has never attempted, in his conversations with me on this matter, to call in doubt the sovereignty of Portugal over the district of Matabane. I am afraid, therefore, that the mode of settling this misunderstanding between the French and Portuguese Governments, suggested by your Lordship, will not apply to the case. But I feel confident that if M. de Lisle will act up to the conciliatory instructions which were transmitted to him on the 12th instant, means will be found at Lisbon of settling the dispute.

Count Walewski repeated to me yesterday, that if the ship and captain were released, the mediation of a friendly Power might be employed for the adjustment of questions arising out of the seizure; and he assented to an observation which I made, that the fact of the captain having acted against the letter of his instructions, might then be urged. I should remark further, that in the first conversations which I had with Count Walewski on this matter, his Excellency asserted that the French Government had not been aware that emigration was prohibited from Mozam-

* Nos. 34, 35, 39, and 40.

bique, until after this occurrence; emigration having been formerly permitted, and the Portuguese Government having only changed their policy in regard to it in sending out lately a new Governor to Mozambique, who had not given notice of the change; whereas his Excellency now admits that the change (if change it was) was known to the Governor of Réunion.

I have, &c.
(Signed) COWLEY.

No. 45.

Earl Cowley to the Earl of Malmesbury.

(Extract.)

Paris, October 22, 1858.

MY previous correspondence with your Lordship on the subject of the "Charles et Georges" will have apprized you that before the receipt of your despatch of the 15th instant, suggesting an honourable mode of settling the difference which has arisen in this matter between the French and Portuguese Governments, a basis of arrangement had been confidentially laid between Count Walewski and M. de Paiva, the Portuguese Minister at this Court, and that the latter had gone to Lisbon to obtain the consent of his Government to its execution. Your Lordship will have been informed by my despatch of the 17th instant, that, as far as I am aware, the sovereignty of Portugal over the district of Matabane has never been called in question by the Government of France. The instructions, therefore, contained in your Lordship's above-mentioned despatch remain in abeyance, but I shall not fail to resort to them should the direct negotiation now pending between the Imperial and Portuguese Governments end in disappointment. It is, no doubt, greatly to be regretted that the French Government should have ordered some ships of war to proceed to Lisbon, because the presence of an armed force menacing the capital of Portugal must increase the difficulties of the Portuguese Government in making any concessions to France. I cannot, on the other hand, exonerate that Government from all blame, because I cannot divest myself of the opinion that the comity usually observed among friendly Powers should have induced the Portuguese Government to set free a ship, which it could not be doubted was acting under the orders of the French Government, although that ship had been seized while violating the laws of Portugal; the Portuguese Government reserving to itself the right of obtaining satisfaction through its Representative at Paris. Under these circumstances I have anticipated your Lordship's instructions in avoiding with Count Walewski the renewal of a discussion of the principle invoked in this question, and have only endeavoured to soothe that irritation against the Portuguese Government which, on account of this and other matters, was fast fanning into a flame. I do not, I think, err in stating that the French Government are now sincerely desirous of terminating this regrettable business in a manner which shall not wound the honour of either France or Portugal.

No. 46.

Mr. Howard to the Earl of Malmesbury.

(Extract.)

Lisbon, October 17, 1858.

I HAVE the honour of transmitting herewith to your Lordship translations of the following documents relative to the affair of the "Charles et Georges," which have been communicated to me by the Marquis de Loulé:—

A despatch of the Minister of Marine to the Marquis de Loulé of the 13th of October, and its inclosures, being, the one, a declaration made by the late Governor-General of Mozambique, Senhor Vasco Guedes de

Carvalho e Menezes, denying that he had given any authorisation to the Sheik of Matabane to supply negroes to the French vessels; the other, the conditions, as published in the official Boletim of Mozambique of the 12th of September, 1857, imposed upon that Sheik on his making his submission, one of which was that he should not trade elsewhere than at Mozambique; and, the deposition of the French delegate on board the "Charles et Georges," M. Carrel, made on the occasion of the trial at Mozambique, from which your Lordship will perceive that he stated that he had no authorisation from the Portuguese Government to engage colonists, that the conditions prescribed by the French Government had been fulfilled with regard to the colonists engaged at Comoro (who, I may observe, formed a part of the cargo of the "Charles et Georges"), but not so in respect to those bought by the captain on the coast of Quitangonha, a fact which he would bring to the knowledge of his Government as soon as he should arrive at the Island of Réunion, in the Report which he was bound to make.

I considered this deposition so important that I recommended the Marquis de Loulé to communicate it both to the French Minister here, the Marquis de Lisle, and to Viscount Paiva, the Portuguese Minister at Paris, to whom I also suggested that he should transmit its substance by telegraph. This his Excellency did on the 13th instant. My reason for attaching special importance to the communication of this document to the French Government was, because I thought that if their own agent admitted there had been informalities in the purchase of the negroes, they might be better disposed to come to an amicable arrangement with the Portuguese Government.

It was also on account of the view I thus took, that I likewise forwarded the substance of the deposition to your Lordship on the 14th instant.

The Marquis de Loulé was not, however, satisfied with communicating the document in question to the Marquis de Lisle, but he likewise transmitted to him the above-mentioned despatch of the Minister of Marine and its inclosures, although I had previously remarked to him that I considered the denegation of the late Governor-General of Mozambique of his having given authorisation to the Sheik of Matabane to supply the French with negroes, as entirely without value or credit, seeing that he had been recalled for having done the very thing which he now denied.

The consequence was, that the Marquis de Lisle, in the note of the 14th instant, in which he acknowledged the receipt of this communication, and stated that he would transmit the deposition of the Delegate Carrel to his Government, took occasion to inquire whether the Senhor Vasco Guedes de Carvalho e Menezes, who made the declaration in question, was the same individual who had been recalled for permitting the exportation of negroes from the Province of Mozambique.

I have further the honour of inclosing a translation of a despatch of the 4th instant, from Viscount Paiva to the Marquis de Loulé, reporting a conversation with Count Walewski on the case of the "Charles et Georges," as well as a copy of a memorandum addressed by him on the same date to the French Minister for Foreign Affairs, on the subject of the French demands in the matter of that case.

Inclosure 1 in No. 46.

Viscount Sá da Bandeira to the Marquis de Loulé.

(Translation.)

Illustrious and Excellent Sir,

*Marine and Colonial Department,
October 11, 1858.*

I HAVE the honour to place in your Excellency's hands the inclosed authentic copies of the despatch of the 6th instant, in which the Governor-General of Mozambique, Vasco Guedes de Carvalho e Menezes, in compliance with the orders which he received from this Department, to state whether he had or had not authorized the Sheik of Matabane to supply

negroes to the French vessels, denies having given such authorisation; and of the conditions to which the said Sheik bound himself, for a cessation of hostilities caused by his rebellion, one of these conditions, as published in the "Official Boletim" of the Province, No. 37 of the 12th of September of last year, being not to trade elsewhere but with Mozambique.

I beg of your Excellency to be pleased to cause these documents to be brought to the knowledge of the Government of His Majesty the Emperor of the French.

(Signed) SA DA BANDEIRA.

Inclosure 2 in No. 46.

The ex-Governor-General of Mozambique to the Commander of the First Division.
(Translation.)

Most Excellent Sir,

Lisbon, October 6, 1858.

I HAVE the honour to acknowledge the receipt of your Excellency's despatch of the 27th September, inclosing a copy of one from the Marine Department, instructing me to state whether I gave my authorisation to the Sheik of the tribe of Matibane, at Quitangonha, to supply French vessels with negroes; and in reply to your Excellency I have to state, that I never gave any such authorisation to the said Sheik, or to any other, to furnish, under any pretext whatsoever, negroes to any vessel; that, on the contrary, I made use of every means in my power for putting a stop to the traffic carried on at the port of Conducia with the connivance of the said Sheik, in spite of the orders and of repeated remonstrances of the Colonial Government; and in consequence of his disobedience I was forced to blockade that port, and to take a vessel that was leaving full of negroes; and I was further obliged, owing to his rebellion, to land a force there, which I only withdrew, upon the signing, by the Sheik and his officers, of a promise of full obedience to the orders of the Governor of the Province, containing a special Article, closing the port of Conducia to any trade excepting that carried on with the capital of the Province.

These conditions were published in the Official Boletim of the Colonial Government.

(Signed) VASCO GUEDES DE CARVALHO E MENEZES,
Major and ex-Governor-General of Mozambique.

Inclosure 3 in No. 46.

Conditions imposed upon the Sheik of Quitangonha on the 12th of September, 1857.

CONDITIONS to which Alli Erri, Sheik of Quitangonha, binds himself, and in virtue of which hostilities with that district ceased, and he was replaced in his post, being signed by him and by the principal men of that territory:—

1. To obey fully the orders of the Governor-General of Mozambique.
2. Not to carry on the slightest hostility against the lands, the property, and the persons subject to that Colonial Government.
3. Not to carry on hostilities with any neighbouring Sheik or Chief without the consent of said Government.
4. Only to trade with Mozambique.
5. Not to impose penalties upon the inhabitants of Quitangonha without first consulting the Captain-General of the mainland.
6. To cause to be delivered to the said Captain-General such slaves as may escape to Quitangonha.
7. To deliver up immediately the articles taken from the Captain-General, Abdule Raname, and place at liberty at once any persons of his family who may be detained.
8. To deliver up immediately to the inhabitants of Mozambique and of the continent the slaves detained at Quitangonha.
9. To make compensation to the proprietors who may have been

injured by the people of Quitangonha within lately, as soon as they prove their losses through the Courts of Justice.

Mozambique, September 12, 1857.

(Signed)

JOSE ANTONIO PEREIRA,
Lieutenant-Colonel and Captain-General.

Inclosure 4 in No. 46.

Answers given by the Delegate Carrel on the Inquiry, to the Questions put to him.
(Translation.)

HE replied that he had been told that he was arrested in consequence of anchoring of a vessel on the coast, and the carrying on of trade against the Portuguese orders; that he was aware that the French Government prohibited the Traffic of Slaves, as well as the Portuguese Government; at the same time the negroes found on board were free men; that he had no authorisation from the Portuguese Government to engage colonists. That the conditions pointed out by the French Government had been fulfilled with regard to the colonists engaged at Comoro, but not so with those bought by the captain on the coast of Quitangonha, a fact which he would bring to the knowledge of his Government as soon as he should arrive at the Island of Réunion, in the report which he was bound to draw up.

Inclosure 5 in No. 46.

The Viscount de Paiva to the Marquis de Loulé.

(Translation.)

(Extract.)

Paris, October 4, 1858.

I HAD the honour to receive, by the steamer that left Lisbon for Nantes on the 24th ultimo, your Excellency's despatch inclosing your Excellency's reply to the French Minister at that Court relative to the claim for the barque "Charles et Georges." In comparing that reply with the note which I here addressed to the Minister for Foreign Affairs upon the same subject, and which I brought to your Excellency's knowledge in my despatch of the 25th, to the Under-Secretary of that Department, I think that there was conformity between the arguments brought forward by your Excellency and those which I employed.

I, however, sought an interview with Count Walewski, which took place the day before yesterday, 2nd of October. I found the Emperor's Minister very much out of temper. He told me that, viewing the case in question, in its generality, France would not admit, as a principle, nor would England, the right of visiting a French vessel, on board of which was a Delegate of the Imperial Government in charge of watching and aiding the captain in the operation of engaging free labourers. That the presence of that Delegate afforded a sufficient guarantee that there was no question of slave-trading, and ought to have been enough to prevent the Portuguese cruiser from visiting her. That all the other incidents relative to this lamentable affair were merely secondary; but that, nevertheless, the French Government would enter into the discussion of them, in order to ascertain how far they might be entitled to claim compensation for the owners of the "Charles et Georges." The Count Walewski maintained that the visit was made outside of the waters of Portugal, and to prove this he showed me a map made according to the entries in the ship's books, which are admitted as evidence in maritime law. On this map was marked the distance at which the "Charles et Georges" was from the land, and the course taken by the cruiser in going to visit her.

Count Walewski said that a Portuguese authority had received dues for the granting of the pass or license for the shipping of slaves. That authority was the Sheik of Matabane, who held, according to the information received from the Marquis de Lisle, the rank of Lieutenant-Colonel. He further said that to the insult of the visit was added that of the capture, which was aggravated by the conduct of the Governor-General of Mozambique, who delivered up the vessel to the judicial power as implicated in an offence of which the presence of the French Delegate

ought to have removed all suspicion. That in such a case the amicable intercourse existing between allied and friendly Powers should have counselled the Governor-General of Mozambique to repair, instead of aggravating, those insults.

Such were the principal arguments of the Count Walewski, and his Excellency concluded by stating to me, in very precise terms, that the Imperial Government were so fully convinced of the justice of their cause that they would not desist from their claim, and that the Portuguese Government would do better to restore spontaneously the said vessel, than to oblige France to employ violent means for recovering her.

In order to abridge this despatch, and to avoid repetitions, allow me to refer your Excellency to the inclosed copy of a memorandum which I this day addressed to Count Walewski, in which I have more fully developed the reasons which I opposed to his arguments. I must not, however, conceal from your Excellency that I entertain no hopes of bringing the French Government to better terms.

France wishes to establish as a principle in her maritime law, that when once a French vessel has on board an official delegate to watch over and superintend the operations of such vessel, she will be placed beyond foreign jurisdiction; and no appeal can be had against any infractions committed by the said vessel, excepting to the Imperial Government itself.

Allow me to direct the most serious attention of His Majesty's Government to the pending question of the "Charles et Georges." I would beg your Excellency to observe that both the cruizer and the Governor-General of Mozambique treated that vessel *à priori* as a slaver, notwithstanding that the French Government had on board of her a delegate for the express purpose of guaranteeing that she would not be engaged in the Slave Trade; and as His Majesty's Government has granted to France, by the Convention of Madrid of the 30th of January, 1786, the power of engaging free labourers on a part of our African coast, your Excellency will perceive the necessity of regulating the exercise of that power, in order to avoid fresh difficulties, which almost always are prejudicial to the weakest party.

(Signed)

VISCT. DE PAIVA.

Inclosure 6 in No. 46.

Memorandum.

Paris, le 4 Octobre, 1858.

LE MINISTRE de Portugal demande la permission de rappeler et d'apprécier sommairement les points sur lesquels la France se fonde pour réclamer la restitution immédiate du "Charles et Georges," et la mise en liberté du capitaine de ce navire.

Aux yeux de la France, la présence à bord des navires de commerce d'un Délégué de l'autorité Française suffit à les mettre à l'abri de tout soupçon d'opération illégale, et la France a droit, en pareil cas, de considérer la visite des croiseurs étrangers comme une injure à son pavillon. Il n'entre certainement pas dans l'esprit du Gouvernement Portugais de méconnaître ce qu'une pareille susceptibilité a de légitime: mais il a la conviction que le principe invoqué ne saurait être aujourd'hui le cas actuel. Lorsqu'il a été abordé par le croiseur Portugais, le "Charles et Georges" se trouvait ancré dans des parages interdits. C'est seulement après avoir constaté ce délit que le dit croiseur a appris qu'il y avait à bord un Délégué de l'autorité Française; mais en sortant de son rôle, qui était de garantir la légalité des opérations du "Charles et Georges," celui-ci perdait évidemment son caractère; par sa présence à bord d'un navire en contravention, il s'associait à cette contravention, et l'aggravait de toute l'autorité de son mandat, bien loin de la couvrir. Il suffira à la France de peser dans sa loyauté ce simple fait pour comprendre qu'elle est placée ici dans l'alternative ou d'admettre que le Délégué cessait, dès ce moment, de représenter l'autorité Française, ou de prétendre que les principes d'équité internationale doivent s'effacer devant sa supériorité de puissance de première ordre, et que partout où apparaît un de ses agents, l'illégalité

devient un droit. Tout le passé de la France, à défaut même des sentiments d'amitié et d'estime mutuelles qui unissent les deux pays, repousse cette dernière hypothèse.

Il y a ici une remarque essentielle à faire. Le Délégué Français a tout le premier reconnu que sa présence à bord du "Charles et Georges" ne pouvait nullement, en pareil cas, donner à ce navire le privilège d'inviolabilité. Il n'a pas plus fait d'opposition que le capitaine à l'exercice des droits du croiseur Portugais. Non seulement celui-ci n'a pas eu à recourir à la force, mais il a pu même s'abstenir des réquisitions d'usage. Il lui a suffi de demander la permission de procéder à la visite du "Charles et Georges," pour que tout lui fût ouvert, et quand le procès-verbal est dressé, non seulement le Délégué et le capitaine s'abstiennent de toute protestation directe, mais ils ne recourent même pas à la protestation implicite d'un refus de signature. L'un et l'autre signent le procès-verbal sans hésitation et sans réserves. En face d'une menace aussi grave que celle de saisie, le capitaine et le Délégué auraient-ils été de si bonne composition, s'ils avaient entrevu la moindre possibilité, celui-ci d'invoquer son caractère officiel, celui-là de se retrancher derrière l'autorité d'un Agent officiel ?

La question de principe écartée restent les questions de fait.

La première est de savoir, si au moment de la visite du croiseur, le "Charles et Georges" stationnait dans de parages interdits ou non. A l'appui de la négative, le capitaine exhibe son livre de loch, mais, à l'appui de l'affirmative, le croiseur Portugais peut exhiber le sien.

Entre ces deux assertions, le Gouvernement Portugais laisse à la France à décider elle-même, dans son équité, si, en principe et en fait, la balance ne doit pas pencher du côté de l'affirmative : en principe, parce que la déclaration d'un officier de la Marine Royale fait partout plus autorité que la déclaration essentiellement intéressée d'un capitaine marchand ; en fait, parce qu'un croiseur est censé connaître les parages confiés à sa surveillance beaucoup mieux que ne pourrait les connaître un navire de commerce qui s'y est arrêté accidentellement.

La seconde question de fait est de savoir si l'embarquement de nègres à bord du "Charles et Georges" avait eu lieu en vertu d'un permis de l'autorité Portugaise. Le seul permis dont on ait pu parler jusqu'à présent émanerait du Sheik de Matabane. Or, une pareille autorité ne saurait pas plus engager le Gouvernement Portugais que n'engagerait, par exemple, le Gouvernement Français un Sheik Arabe d'Algérie délivrant de son propre Chef, et moyennant finance, un permis d'embarquement. Les quelques attributions de police intérieure accordées à des chefs de tribus soumises ne peuvent certainement s'étendre jusqu'à l'exercice d'un droit de souveraineté.

Reste la question de savoir si le Gouverneur de Moçambique a outre-passé ses pouvoirs en déferant le "Charles et Georges" aux tribunaux comme négrier. Ce fonctionnaire ne pouvait malheureusement pas agir autrement. Le "Charles et Georges" embarquait des noirs en destination des Colonies Françaises où l'esclavage est abolie, c'est vrai ; mais sa présence sur un point interdit, le manque de contrats d'engagement, et les déclarations des nègres interrogés, toutes ces circonstances rentrent dans la catégorie des faits prévus par les lois repressives de la Traite, et le Gouverneur, à qui n'appartient pas l'interprétation de la loi, n'a pu que remettre la question aux tribunaux, qui en sont encore saisis.

(Translation.)

Paris, October 4, 1858.

THE Portuguese Minister begs leave again to call attention to, and give a summary of, the points upon which France founds her claim to demand the immediate restitution of the "Charles et Georges," and the liberation of the captain of that vessel.

In the eyes of France, the presence of a French Government official on board merchant-vessels is sufficient to shelter them from all suspicion of illegal operations, and in such cases France has the right to look upon the visit of foreign cruisers as an insult offered to her flag.

It certainly does not occur to the Portuguese Government to misun-

derstand the legitimacy of such susceptibility; but it is convinced that the principle in question has no sort of bearing upon the case. When the "Charles et Georges" was boarded by the Portuguese cruiser, it was anchored in a forbidden spot; it was only after this violation of the law had been proved, that the said cruiser learnt that there was a French Government official on board. But when this officer departed from his duty, which was to guarantee the legality of the operations of the "Charles et Georges," he evidently lost his character; by his presence on board a vessel which was transgressing the law, he became a party to that transgression, and so far from sheltering it, he aggravated it by all the authority of his commission. It will be enough for France to weigh this simple fact in her justice, in order to see that she is here placed in the alternative of admitting that the officer ceased from that moment to represent the French Government, or of pretending that the principles of international equity must be effaced by her superiority as a Power of the first class, and that an illegal act becomes a right wherever one of her agents appears. The whole past history of France, even without the sentiments of friendship and mutual esteem which unite the two countries, refutes this last hypothesis.

Here there is an important remark to be made. The French official was the first to allow that his presence on board the "Charles et Georges" could in no way, in such a case, render that vessel inviolable. Neither he nor the captain resisted the exercise of the rights of the Portuguese cruiser. Not only was it unnecessary for the cruiser to use force, but it was even able to dispense with the usual requisitions. It had but to ask leave to visit the "Charles et Georges," for everything to be thrown open, and on the drawing up of the memorandum of the visit, not only do the delegate and the captain abstain from all direct protestation, but they do not even resort to the implied protestation of refusing to sign it. They both sign the protest without hesitation, and without reserve. With such a grave threat as that of seizure before them, would the captain and the delegate have shown such good-will, if they had seen the slightest possibility, the one of invoking his official character, the other of sheltering himself behind the authority of an official agent.

Apart from the question of principle, there remain the questions of fact.

The first of these is to ascertain whether, at the time of the visit of the cruiser, the "Charles et Georges" was stationed in a forbidden spot or not.

In support of the negative the captain shows his log-book; but in support of the affirmative, the Portuguese cruiser can show hers. The Portuguese Government leaves to France to decide whether, in principle and in fact, between these two assertions, the scale must not incline towards the affirmative: in principle, because the declaration of an officer of the Royal navy has everywhere greater weight than the essentially-interested declaration of a merchant captain; in fact, because a cruiser is supposed to know the waters which are intrusted to its guardianship much better than a merchant-vessel could, which has stopped there accidentally.

The second question of fact is to ascertain whether the embarkation of negroes on board the "Charles et Georges" had taken place in virtue of a permission from the Portuguese authorities. The only permission of which mention has been made hitherto, seems to have emanated from the Sheik of Matibano. Now such an authority could be no more binding on the Portuguese Government than that, for example, of an Algerian Sheik giving a permission of embarkation, for a remuneration, on his own responsibility, would be binding on the French Government.

The few powers regarding internal police which are granted to the Chiefs of subject-tribes, can certainly not extend to the exercise of a right of sovereignty.

It now remains to be seen whether the Government of Mozambique exceeded its power, in bringing the "Charles et Georges" before the Courts of Justice as a slaver. This officer could, unfortunately, not act otherwise. The "Charles et Georges" was embarking negroes destined

for the French colonies, where slavery is abolished, it is true; but her presence on a forbidden spot, the absence of contracts of engagement, and the declarations of the negroes who were interrogated, all the circumstances come within the category of the facts provided against by the laws for the suppression of the Slave Trade, and the Government, within whose province the interpretation of the law does not come, had no other alternative but to refer the question to the Courts of Law, which are still engaged upon it.

No. 47.

Mr. Howard to the Earl of Malmesbury.

(Extract.)

Lisbon, October 18, 1858.

IMMEDIATELY on receiving your Lordship's telegram, stating that Her Majesty's Government will gladly give their good offices to prevent a collision between France and Portugal, but adding that if there were informalities during or after the seizure of the "Charles et Georges," it would be better to drop the prosecution, I communicated it, by letter, to the Marquis de Loulé, and had an interview with him on the subject of it.

The Marquis, in the first place, requested me to convey to your Lordship the best thanks of the Portuguese Government for the promise of the good offices of Her Majesty's Government, and he again repeated this request, when, upon the receipt, on the 12th instant, of your Lordship's despatch of the 25th ultimo, I communicated to him its contents.

With regard to the question of any informalities, his Excellency remarked that the object of the Portuguese Government must be to find a means of getting out of the difficulty with honour. Although, at one time, he had entertained a doubt whether the Judge at Mozambique was competent to decide upon the case, yet since that he had received a high legal opinion in favour of his competency; and the only informality which there appeared to be on the trial, was that after the witnesses had separately made their depositions, they were not called upon to confirm them in open Court.

I have since frequently reverted to this point of informalities in my conversations with the Marquis; but he has remarked that it is, in fact, only the Court of Relação, to which the captain of the vessel has appealed, that can decide it, and that if informalities were discovered, a fresh trial would have to take place.

The united sections of the Administrative and "Contentieux" Departments of the Council of State were convoked for the purpose of considering the legality of the capture, and the other points bearing upon it, and met on the 14th instant, but did not make a report, as desired by the Government, because it was decided that they could not legally give a joint written opinion, and the matter was, consequently, referred to the Administrative Section, under whose consideration it now is, for a report; but his Excellency informs me that they nevertheless pronounced the opinion that the "Charles et Georges" was in Portuguese waters when she was visited and captured, and, consequently, within Portuguese jurisdiction; and that the Judge of Mozambique was competent to decide upon the case, because the vessel was prosecuted not only for an infraction of the laws against the Slave Trade, but likewise of the fiscal laws, having been found in a port not open to foreign commerce, and that the two questions could not be separated. His Excellency added, that this was likewise the opinion of the Attorney-General.

I remarked to the Marquis that I conceived that the King must have the right of pardoning in such cases; but his Excellency replied that he did not know how that right could be applied in such a matter, and that the case was complicated, on account of the rights of the captors. It must be observed that the present is not an appeal by the Crown from an acquittal, but an appeal by the captain from a condemnation, and that, pending this appeal, the action of the Government is legally paralyzed.

Subsequently, after the receipt on the 13th instant of your Lordship's despatch of the 8th, I acquainted his Excellency with the instruction which you had sent on the 6th to Her Majesty's Ambassador at Paris, to deprecate any hostile measure against Portugal.

In the meantime, on the 12th instant, the Marquis had received a telegram from Viscount Paiva, announcing the hope of a conciliatory solution.

In consequence of this message, and of a permission, which has been sent by telegraph to the Viscount, in answer to an open application of his for leave of absence, he is expected here by the packet from Nantes, due on the 19th instant.

I informed the Marquis de Loulé that your Lordship had directed me to recommend to the Portuguese Government to drop the prosecution, on the ground that the French captain believed the Sheik of Matabane to be an independent Chief, and although this recommendation was not quite applicable to the case, as the French captain was aware that Matabane was Portuguese territory, and grounds his defence of the legitimacy of his proceedings upon the fact of the Sheik having produced an authority, dated the 25th of September, 1856, from the late Governor-General of Mozambique, to supply the French vessels with negroes, I observed that although your Lordship's recommendation might not be applicable in the exact form in which it was made, yet I thought the Portuguese Government would be acting up to its spirit if they were to consent to give up the vessel on the ground that when the captain purchased the blacks, he did so under the persuasion, in consequence of the above-mentioned authority, produced by the Sheik from the late Governor-General, that their exportation was permitted by the Portuguese Government.

The Marquis, after saying that the captain admitted that Matabane was Portuguese territory, remarked that nothing could now be done until the French rejoinder arrived; that he had hopes, from Viscount Paiva's above-mentioned telegraphic message, that he might be the bearer of a basis of arrangement; that if Portugal had to make concessions, it was necessary that France should do so likewise; that if, however, France were not to concede anything, the Portuguese Government would think it more honourable to yield to superior force, than to be the only ceding party.

The French Minister is now in hourly expectation of receiving the instructions of his Government.

No. 48.

Earl Cowley to the Earl of Malmesbury.

My Lord,

Paris, October 25, 1858.

I HAVE the honour to inclose herewith to your Lordship, extracted from the "Moniteur" of this day, an official announcement that the "Charles et Georges" has been set at liberty by the Portuguese Government.

I have, &c.
(Signed) COWLEY.

Inclosure in No. 48.

Extract from the "Moniteur" of October 25, 1858.

Paris, le 24 Octobre, 1858.

LE Ministre des Affaires Etrangères a reçu, ce matin, une dépêche télégraphique, sous la date du 23 Octobre, du Ministre de l'Empereur à Lisbonne, annonçant que le Gouvernement Portugais s'est décidé à restituer le navire le "Charles et Georges," et à mettre le Cap'taine Rouxel en liberté.

No. 49.

The Earl of Malmesbury to Earl Cowley.

My Lord,

Foreign Office, October 26, 1858.

I INCLOSE, for your Excellency's information, copies of despatches, as noted in the margin,* which I have received from Mr. Howard, Her Majesty's Minister at Lisbon, relating to the case of the "Charles et Georges."

I am, &c.
(Signed) MALMESBURY.

No. 50.

The Earl of Malmesbury to Mr. Howard.

My Lord,

Foreign Office, October 26, 1858.

I INCLOSE, for your information, copies of despatches, as noted in the margin,† which I have received from Her Majesty's Ambassador at Paris, relating to the case of the "Charles et Georges."

I am, &c.
(Signed) MALMESBURY.

No. 51.

The Earl of Malmesbury to Earl Cowley.

My Lord,

Foreign Office, October 30, 1858.

WHILE in attendance upon Her Majesty at Windsor, I took the first opportunity which occurred, the day before yesterday, of addressing some observations to the Duke of Malakoff relative to the manner in which the Government of His Imperial Majesty had enforced their demands upon the Portuguese Government for the release of the "Charles et Georges" and her captain.

I began by expressing the satisfaction I felt that the dispute appeared to be terminated, and that Her Majesty's Government, not being in possession of all the facts of the case, it was not my intention, as, indeed, it was not my province, to enter into the contending views of the two parties.

At the same time I observed, that I should be wanting in that frankness which I had always shown, and received in return from his Excellency, were I to conceal from him the painful impression made upon Her Majesty's Government by the course which so great a country as France had thought fit to pursue in a dispute with a State so comparatively weak as Portugal.

The great power and military resources of France, I argued, placed her in a position above all possible suspicion of being indifferent or helpless to maintain her dignity and vindicate her honour. It was, therefore, with great concern that I had seen that, when, on the late occasion, Portugal requested Her Majesty's Government to use her good offices between the disputants,—and, by the authority of Her Majesty's Government, your Excellency proposed and earnestly advocated mediation,—the French Government refused the mediation of any third Power, and considered the question as a point of national honour which admitted of no friendly hand to assist in its settlement.

I pointed out to his Excellency how highly Her Majesty's Government valued the great principle established by the 23rd Protocol of Paris, which was signed by all the Plenipotentiaries on the 14th of April, 1856. We had always considered that act as one of the most important to civilization, and to the security of the peace of Europe; for although it left the propounders and adherents of that principle undoubtedly free to act with all the vigour of independent nations, it recognized and established the immortal truth that time, by giving place for reason to operate, is as much a preventive as a healer of hostilities.

* Nos. 46 and 47.

† Nos. 31, 44, and 45.

I reminded his Excellency that, in venturing to make these remarks, Her Majesty's Government did not give their opinion unsupported by example, and that the late case of the "Cagliari" was, as a point of honour, perfectly analogous.

Doubtless, it would have been easy for England and Sardinia to have sent ships-of-war into the Bay of Naples as a prelude to stronger acts, and, doubtless, their appearance would have at once obtained the release of the English prisoners, and the Sardinian vessel and her crew. But Count Cavour and Her Majesty's Government, mindful of the Protocol of Paris, acted strictly upon its spirit, and having first convinced themselves by the opinions of their legal advisers that justice was on their side, offered to the Sicilian Government a reference to another friendly Power.

I impressed upon the Duke the great dangers to which any State departing from the principle of the Protocol, and acting hastily against another Power on the impression of having been wronged, must expose the peace of Europe and the world; and I exemplified the truth of my statement, and justified my anxiety, by pointing out the possible effects of the proceedings of France at Lisbon.

Great Britain has, for two centuries, been in strict alliance with Portugal, and is bound, by Treaties, to come to her assistance in case of attack or aggression by foreign Powers.

It was needless to state that such assistance could only be granted if Portugal were completely in the right, and not herself an aggressor.

Nevertheless, it was evident that any hostile act on the part of the French Government, or of one of its officers, might have produced complications, and brought about results upon which I willingly avoided to dwell. Such fearful risks could never be encountered if time and reason, combined with the mediation of a friendly Power, were permitted to bear upon the angry passions of the disputants.

Our great value for the alliance of France, and the inestimable price which Her Majesty's Government placed upon the maintenance of the peace of Europe, must, I hoped, be sufficient to explain the frankness with which I addressed him on a subject with which British interests are not immediately concerned.

I understood his Excellency to say that he received my sentiments in the friendly sense in which they were offered, and that he would communicate them to his Government.

I must, however, request your Excellency to repeat them verbally to Count Walewski in language as nearly as you can identical with that of my conversation with the Duc de Malakoff.

It may be unwise, and I fear it would be useless at this moment, to represent, as your Lordship has so often done, to the French Government, the immorality and political dangers which must be caused by an adherence to their scheme of negro emigration. Experience will, doubtless, prove to them that it must give rise to international disputes, massacres of the French crews, retaliatory cruelties to the negroes, and a general encouragement to the illegal Slave Trade all over the world.

My predecessor in office has, as well as myself, constantly urged these certain perils on the French Government, and although the present opportunity may not appear to your Lordship to be the most favourable one to repeat these warnings, I must press upon your Lordship not to omit any which may offer itself to reiterate our sentiments and convictions.

I am, &c.

(Signed) MALMESBURY.

No. 52.

Mr. Howard to the Earl of Malmesbury.

(Extract.)

Lisbon, October 27, 1858.

IN the evening of the 19th instant, the Marquis de Piennes, one of the Secretaries of the French Legation at this Court, arrived at Lisbon, on board the

steamer of war "Coligny," bearing the final instructions of his Government to the French Minister, the Marquis de Lisle, in the affair of the "Charles et Georges," as contained in a despatch from Count Walewski, dated the 13th instant.

By this despatch, with reference to the demand made by Viscount Paiva, the Portuguese Minister at Paris, that the whole question should be submitted to the mediation of a friendly Power, and to the confidential suggestions of Count Lavradio, the Marquis de Lisle was directed to declare to the Marquis de Loulé that the French Government consented to accept the mediation of the King of the Netherlands concerning the indemnity due to the interested parties, and, moreover, to order Rear-Admiral Lavaud to quit Lisbon, if the Portuguese Government took the engagement to deliver up the vessel "Charles et Georges" to the Marquis de Lisle, and to restore Captain Rouxel to complete liberty, on the day following the departure of the French ships of the line. Count Walewski declared, in the same despatch, that the French Government would not admit of any modification on the question of principle.

Accordingly, on the following day, the 20th instant, the Marquis de Lisle communicated to the Marquis de Loulé the contents of this despatch, and left with him some extracts from it. Subsequently, however, he communicated the despatch itself to M. de Loulé.

The Marquis de Lisle, in the first instance, requested an answer to his communication by the morning of the 22nd instant, but in consequence of the delay in the arrival of the Viscount de Paiva, which, on account of stormy weather, only took place late in the night of the 21st instant, he afterwards consented to prolong the term, within which he required a reply, until the 23rd instant, at noon.

The Marquis de Lisle, whom I saw on the 20th instant, informed me, as he likewise did the Marquis de Loulé, that if the proposals contained in Count Walewski's despatch of the 13th instant were not accepted by the Portuguese Government, it would become his duty to present an ultimatum, with the details of which he did not, however, acquaint me, although he said it would not contain any proposal of mediation; and that if the terms of the ultimatum were rejected, he was directed to retire from Lisbon with all the members of his Legation, and of the French Consulate, and that the further conduct of the affair would be left in the hands of Rear-Admiral Lavaud.

Thinking it my duty to contribute, as far as I could, to an amicable settlement of the affair, I stated to the Marquis de Loulé, on the 20th instant, that I was without instructions from your Lordship respecting the particular proposals contained in Count Walewski's despatch of the 13th instant; but that, as he was aware, I had been directed by your Lordship to recommend to His Most Faithful Majesty's Government to drop the prosecution, if there were informalities during or after the seizure of the vessel: and that your Lordship had repeated this advice on somewhat different grounds in a further telegraphic despatch to me of the 16th instant. I said that I therefore considered that I should only be acting up to the spirit of your Lordship's instructions, in recommending to him the acceptance of the present proposals of the French Government, because it really did appear that there were informalities in the judicial proceedings; because the captain of the "Charles et Georges" had, according to the French allegations, reason to suppose, from the license from the late Governor-General of Mozambique to supply French vessels with negroes produced by the Arab Sheik of whom he purchased them, that the Portuguese authorities authorized their exportation; because the question had now been placed on the ground of an international one; and because, if the proposals in question were rejected, more serious demands might be put forward to which His Most Faithful Majesty's Government would, no doubt, eventually be obliged to yield.

The Marquis de Loulé having, on the following day, the 21st instant, requested me, in the note of which the inclosed is a translation, to give him, with reference to my above-mentioned verbal communications with him, my opinion concerning the best decision to be adopted, I repeated to him, in the note of the same date, of which I likewise annex a copy, the opinion which I had already given him in favour of the acceptance, by the Portuguese Government, of the French proposals of the 13th instant, stating, at the same time, that I had taken it upon my own responsibility thus to record it.

I was induced to comply with this request on the part of the Marquis de Loulé on account of the wish entertained by Her Majesty's Government for an amicable settlement of this affair, and because I feared lest some decision might be taken on the part of Portugal which would have placed the continuance of friendly relations between her and France in imminent danger, even if it had not led to a complete rupture of them.

The Council of State having been convoked for the purpose of giving its opinion on the course to be adopted, met in the evening of the 21st instant. Its opinion was, as I afterwards learnt, in favour of giving up the vessel, on the ground of the demonstration of force made by France, but to reject the partial mediation proposed by France, and to leave it to the latter to fix the indemnity to be paid by Portugal.

Viscount Paiva having arrived, as I have already reported, in the night of the 21st instant, was the bearer of a letter of the 13th instant from Count Lavradio to the Marquis de Loulé, reporting that Count Walewski had agreed to the proposal which he had made to him to order the French ships of the line to leave the Tagus, on the Portuguese Government engaging to release the vessel and the captain after their departure, "the definitive arrangement of the affair being subsequently submitted to the mediation of a third Power, in conformity with the Protocol of the Conferences of Paris of the 14th of April, 1856."

Moreover, Viscount Paiva had understood Count Walewski to agree to the principle of the indemnity entering into the mediation, by which the whole question would have been raised, inasmuch as the mediation was to be for the purpose of fixing, if there should be occasion for so doing, the indemnity to the interested parties.

The Marquis de Loulé communicated to the Marquis de Lisle on the 22nd instant the foregoing statement of Count Lavradio, concerning the assent of Count Walewski to his proposal that, after the release of the vessel and captain, the whole question should be submitted for arbitration, with a view to ascertain whether the Marquis de Lisle was disposed to agree to such an arrangement. But the French Minister replied that, notwithstanding his great wish to do what was in his power to facilitate a conciliatory settlement, he was precluded by the terms of his instructions, as contained in Count Walewski's despatch of the 13th instant, which limited the proposal of mediation to the question of the amount of the indemnity for the interested parties, from admitting it for the whole question.

As Earl Cowley had, in his despatch of the 13th instant (a copy of which was inclosed to me in your Lordship's despatch of the 16th instant, received on the 22nd), reported Count Lavradio's proposal, as learnt from him, as extending the mediation to the legality of the seizure of the vessel, and as his Lordship stated, in relating a conversation he had with Count Walewski on the subject, that he augured from his general tone that, provided the "Charles et Georges" were released, the legality of her capture, as well as the other questions arising out of it, might be the subject of a future mediation; and as his Lordship further stated in the same despatch that Count Walewski had remarked to him that the honour of France would be satisfied by the release of the ship and her captain, and a messenger would therefore be sent that night to Lisbon, giving full powers to M. de Lisle to enter into any arrangement for the future settlement of this affair, I called upon the Marquis de Lisle at once, and after taking it upon myself, in the interest of a conciliatory settlement, to show him that part of Lord Cowley's despatch which contained these statements, I urged him to agree to extend the proposed mediation to the whole question. M. de Lisle replied to me, as he had done to the Marquis de Loulé, that he was limited in his action by the terms of Count Walewski's despatch, and that he had no full powers such as Lord Cowley had understood were to be given to him.

Under these circumstances, the Portuguese Government decided upon yielding to the pressure exercised upon them by the French Government, upon releasing the vessel and the captain at once, without requiring or awaiting the departure from the Tagus of the two French ships of the line, and upon refusing the mediation for the pecuniary question, and leaving it to the French Government to fix, themselves, the amount of the indemnity to be paid by

Portugal. I should here repeat an observation I made in a previous despatch, that the captain has been at large since his arrival here.

Before the note in this sense was drawn up, I saw the Marquis de Loulé, and again represented to him the advantages which Portugal might gain from accepting the mediation on the question of the indemnity, saying that it would hardly be possible for the mediator not to touch upon the question of principle; that he might very likely decide that no indemnity was due; and that thus the position taken by Portugal would be strengthened in the eyes of Europe. But his Excellency replied, that the Portuguese Government were of opinion that they could not accept the partial mediation without placing themselves in contradiction with themselves, and without their acceptance of it implying a sacrifice of the principle for which they contended, and an abandonment of their rights. His Excellency said it was only on the ground of the compulsion under which they were acting, that the Portuguese Government could, after the refusal by France of a mediation such as they had proposed, justify, towards the country and Parliament, the surrender of the vessel, and the payment of an indemnity.

In the morning of the 23rd instant, shortly before the hour fixed for the interview which the Marquis de Lisle was to have with the Marquis de Loulé, for the purpose of receiving the answer of the Portuguese Government, the Marquis de Loulé sent to the French Minister a note, dated the 23rd instant.

In this note the Marquis de Loulé declares that the Portuguese Government, strong in the justice of their cause, and retaining the conviction of their right, but recognizing, at the same time, the impossibility of causing it to prevail in presence of the categorical verbal statements of the Marquis de Lisle, assume towards the country the grave responsibility of yielding to the peremptory demands of the French Government, by ordering the liberation of Captain Rouxel, and by giving up the captured vessel to the person authorized by the Marquis de Lisle to take charge of her.

With regard to the mediation suggested by the Imperial Government for fixing the sum to be demanded as compensation, the Marquis de Loulé says that, as the mediation was not accepted as proposed by His Most Faithful Majesty's Government, upon the question of right—the only one which affected the national honour and dignity—the Portuguese Government cannot accept mediation upon the pecuniary question, leaving it to the Imperial Government to proceed upon this point as they may think fit, and will cede to the resolutions taken by France for the same reasons which oblige them to cede to the other demands.

The Marquis de Lisle saw the Marquis de Loulé shortly after his reception of this note, and expressed his regret at the non-acceptation by Portugal of the proposed partial mediation. He produced, at the same time, the sketch of an arrangement, in three Articles, herewith inclosed, containing a wording on that subject slightly varying from the letter of Count Walewski's despatch of the 13th instant, and to which, as a proof of his anxiety to contribute to a conciliatory settlement, he said he would take it upon himself to agree.

The Marquis de Loulé replied, that the Portuguese Government had already taken their decision in this matter, and also declined M. de Lisle's offer to present him with the ultimatum of the French Government.

At this interview it was agreed that the "Charles et Georges" should be given up on the morning of the 25th instant.

The Marquis de Lisle afterwards spoke to me, in the same terms, of the alteration in the wording of the phrase concerning the partial mediation he had been prepared to consent to.

The Marquis de Loulé received, the same day (the 23rd instant), a note from the French Minister, acknowledging the receipt of his note of the 23rd instant, stating his intention to transmit it to his Government, and appointing Captain de Surville, of the "Requin" steamer, to receive the "Charles et Georges."

The delivery of the vessel to Captain de Surville took place on the morning of the 25th instant, as agreed upon, without any remarkable incident having occurred; and, the same day, there appeared in the "Diario do Governo," the statement (of which the annexed is a translation) relative to the case of the vessel, and to the circumstances under which the Portuguese Government had been forced to yield to the peremptory demands of France in respect of her.

On the 26th instant, in the middle of the day, the French men-of-war left the Tagus, namely, the ships of the line "Donawerth," bearing the flag of Rear-Admiral Lavaud, and "Austerlitz;" and the steamers "Requin" and "Coligny," the latter towing the "Charles et Georges."

Inclosure 1 in No. 52.

The Marquis de Loulé to Mr. Howard.

(Translation.)

Palace, October 21, 1858.

IN presence of the demands presented by the French Government for the release of the vessel "Charles et Georges," you will understand how great is the desire I have to hear the enlightened opinion of the Representative of the nation, our most ancient and faithful ally, on the subject.

I hope that you will not hesitate to give to the explanations which I have had the honour of hearing from you, the necessary complement, informing me what is, in your judgment, the best decision to adopt.

The good relations which have so long subsisted between the two countries make me hope that you will not hesitate to satisfy, in this respect, the wishes of the Portuguese Government.

I avail, &c.
(Signed) MARQUIS DE LOULE.

Inclosure 2 in No. 52.

Mr. Howard to the Marquis de Loulé.

(Extract.)

Lisbon, October 21, 1858.

I HAVE the honour to acknowledge the receipt of your Excellency's note of this day's date, expressing to me the wish to hear my opinion on the subject of the demands of the French Government, which were conveyed to your Excellency yesterday by the French Minister, as contained in a despatch from Count Walewski dated the 13th instant, and of which your Excellency was so good as to show me an extract, for the restitution of the vessel "Charles et Georges," and for the liberation of the captain.

In reply I beg to repeat what I already had the honour of stating verbally to your Excellency yesterday, that I am without instructions from my Government concerning the particular proposals in question, but that having already communicated to your Excellency a message of the 9th instant from the Earl of Malmesbury, by which, whilst announcing to me that Her Majesty's Government would gladly give their good offices to prevent a collision between France and Portugal, and stating that they had no decisive information on the subject, his Lordship directed me to recommend to His Most Faithful Majesty's Government to drop the prosecution, if there were informalities during or after the capture, I considered that I should be only acting up to the spirit of those instructions, in now giving my opinion in favour of the acceptance, by His Most Faithful Majesty's Government, of the present proposals of the French Government for an amicable settlement, which I know my Government to have so much at heart, of the unfortunate differences which have arisen between the French and Portuguese Governments on the subject of the above-mentioned vessel. I likewise referred your Excellency to a further message of the 16th instant from the Earl of Malmesbury, repeating his former advice to drop the prosecution.

My reasons for giving this opinion were, that it really does appear that there were informalities in the judicial proceedings at Mozambique, and that the French captain had reason to suppose that the Arab Sheik of Matibana had the authorisation of the Portuguese authorities to supply him with negroes: moreover, that the question has now been placed on the ground of an international one, and that if His Most Faithful Majesty's Government reject the present proposals of the French Minister, more serious demands may be put forward, to which His Most Faithful Majesty's Government will no doubt eventually be obliged to yield.

I also stated, in giving this opinion, that I thought His Most Faithful

Majesty's Government would be fully justified, if they thought proper to accede to the proposals in question, to ask of the Government of His Majesty the Emperor of the French the assurance, which I feel persuaded will be readily given, that stringent orders will be issued by the latter Government to prevent hereafter the infringement by French vessels of the legal prohibition of His Most Faithful Majesty's Government of the exportation of negroes from the recognized Portuguese colonial possessions.

In view, therefore, of the foregoing considerations, and of the importance for Portugal to maintain her amicable relations with France, and to avoid the grave complications which might result from the rejection of the proffered amicable settlement of the dispute, I cannot but declare that I still adhere to the opinion which I yesterday conveyed to your Excellency, and which I have thus taken it upon my own responsibility to record.

I beg to add that I consider an essential point would be gained by the acceptance of the present proposals, inasmuch as the French Government thereby consent so far to accede to the wishes of His Most Faithful Majesty's Government, as to agree to submit the question of indemnity to the mediation of a friendly Power.

I will further remark that I feel convinced that no better terms could have been obtained, because it is within my knowledge that Her Majesty's Ambassador at Paris has exerted his influence as much as was in his power to moderate the decisions of the French Government.

In conclusion, I am sure I need not repeat to your Excellency how deep an interest Her Majesty's Government feel in everything concerning the honour and welfare of Portugal.

Inclosure 3 in No. 52.

*Sketch of Agreement produced by the Marquis de Lisle to the Marquis de Loulé,
October 23, 1858.*

1. LES deux vaisseaux de Sa Majesté l'Empereur des Français mouillés en rade du Tage sous le commandement de M. le Contre-Amiral Lavaud, s'éloigneront de Lisbonne aussitôt que faire se pourra.

2. Vingt-quatre heures après leur départ le Capitaine Mathurin Rouxel sera mis en liberté et le navire Français "Charles et Georges" sera remis à la Légation de l'Empereur.

3. Les questions subsidiaires, c'est-à-dire, et principalement, celles relatives à l'indemnité réclamée par les intéressés et à la saisie de noirs engagés librement à Mayotte, possession Française, et aux Comores, pays indépendant, seront soumises à la médiation de Sa Majesté le Roi des Pays-Bas, conformément au vœu exprimé dans le Protocole 23 des Conférences de Paris.

Inclosure 4 in No. 52.

Extract from the "Diario do Governo" of October 25, 1858.

(Translation.)

Lisbon, October 24, 1858.

ON the 29th of November, 1857, the French barque "Charles et Georges" was captured by the commander of the naval station at Mozambique, in consequence of being found at anchor near the Island of Quitangonha, in the Bay of Conducia, this being a port not open to foreign trade, and of having on board 110 negroes, who stated that they had been shipped against their will, besides which, the vessel had on board articles which, according to the list annexed to the Decree of the 10th of December, 1836, are considered as indications of the Slave Trade.

The delegate of the law officer of the Crown and Treasury for Mozambique having instituted proceedings against the said barque on the 26th of December, 1857, in compliance with the provisions of the said Decree of the 10th of December, 1836, as well as against her captain and crew, for the violation of

the fiscal laws and the purchase of slaves, and these proceedings having followed the due course, judgment was given on the 8th of March, 1858, condemning the captain to public labour for a term of two years, and to a fine of 500 milreis (about 111*l.*); the barque, its appurtenances, and the money found on board being also condemned, and the crew acquitted. From this judgment appeal was made to the Lisbon Court of Relação by the public prosecutor and by the captain of the vessel.

The French Government having refused to recognize the legality of the capture and of the judgment by the Portuguese Courts, upon the pretext that the vessel was authorized to engage free labourers, and had on board a delegate appointed by the Governor of the Island of Réunion, to superintend such engagements, demanded of the Portuguese Government the restitution of the barque and the liberation of the captain.

The Government did not consider themselves empowered to interfere in an affair which was pending in the courts of justice, the independence of which they could not touch without violating the fundamental law of the State; the French Government, however, continuing to press their claims, more especially in the note addressed by the French Minister at this Court on the 14th ultimo to the Minister for Foreign Affairs, which he answered on the 18th of the same month, adding thereto all the documents elucidating this question, the Government instructed the Portuguese Minister in Paris, in their despatches of the 2nd and 6th instant, to propose to the Imperial Government the decision of the pending question by the mediation of a third Power, to be selected by His Majesty the Emperor of the French, in accordance with the principle established in the 23rd Protocol of the Paris Conferences of April 14, 1856. This proposition was immediately rejected.

By a despatch of the 13th instant, Count Walewski, the French Minister for Foreign Affairs, instructed the Marquis de Lisle de Siry, the French Minister at this Court, to make known to the Portuguese Government that the Imperial Government would accept an arrangement founded upon the following terms:—

The restitution of the captured vessel and liberation of the captain twenty-four hours after the departure from the Tagus of the French vessels.

The mediation of His Majesty the King of the Netherlands for fixing the compensation due to the parties interested, all idea of mediation upon the question of right being rejected by France.

Count Walewski added, that should this basis be not accepted, the French Minister was to proceed in accordance with the instructions he had already received. These instructions, as verbally stated by that Minister to the President of the Council, would lead ultimately to his Excellency's departure with all the members of the Legation, and to that of the French Consulate in Portugal, thus interrupting the diplomatic and commercial intercourse between the two countries, and leaving the termination of the pending question in charge to Admiral Lavaud, the Commander of the French naval force anchored in the Tagus.

Under these circumstances the Government, while retaining the conviction of their right, but recognising at the same time the impossibility of causing it to prevail, judged it their duty to assume towards the country the serious responsibility of ceding to the peremptory demands of France, in ordering the liberation of Captain Rouxel, and in making restitution of the captured vessel to the person appointed by the French Minister to receive her.

With regard to the mediation suggested by the Imperial Government for fixing the sum to be demanded as compensation, the Government considered that, as mediation was not accepted by the French Government, with reference to the question of right, the only one which affected the honour and dignity of this country, the Portuguese Government ought not to accept it upon a pecuniary question, leaving it to France to proceed on this point as she might think fit, and declaring that they would cede to the resolution adopted by France, for the same reasons which obliged them to cede to the other demands.

The note addressed on the 23rd instant by the Foreign Office to the Representative of the Imperial Government at this Court, was drawn up in this sense.

All the documents relating to this affair will be laid before Parliament at their approaching assembly.

No. 53.

The Earl of Malmesbury to Earl Cowley.

My Lord,

Foreign Office, November 3, 1858.

I HAVE received your Excellency's despatch of the 31st ultimo, inclosing a translation of an article from the "Diario do Governo," containing the Portuguese official version of the case of the "Charles et Georges;" and I have to call your Excellency's attention to the omission in this statement of any mention of the good offices offered by Her Majesty's Government in this matter.

I am, &c.
(Signed) MALMESBURY.

No. 54.

The Earl of Malmesbury to Earl Cowley.

(Extract.)

Foreign Office, November 3, 1858.

I TRANSMIT herewith, for your Excellency's information, copy of a despatch which I have received from Mr. Howard, relating to the case of the "Charles et Georges."*

No. 55.

The Earl of Malmesbury to Mr. Howard.

Sir,

Foreign Office, November 6, 1858.

WITH reference to the extract from the "Diario do Governo" of the 25th ultimo, of which a translation is inclosed in your despatch of the 27th ultimo, I have to instruct you to inquire of the Portuguese Government why, in this official statement of the case of the "Charles et Georges," no mention is made of the tender of the good offices of England which was acknowledged with thanks by the Portuguese Government.

I am, &c.
(Signed) MALMESBURY.

No. 56.

The Earl of Malmesbury to Mr. Howard.

Sir,

Foreign Office, November 6, 1858.

I HAVE to inform you that Her Majesty's Government have read with much interest your despatch of the 27th ultimo, and the succinct account which you have therein given of the occurrences immediately preceding the final reply of the Portuguese Government to the Marquis de Lisle in the case of the "Charles et Georges."

Her Majesty's Government entirely approve the judicious course which you pursued on your own responsibility on that occasion.

I am, &c.
(Signed) MALMESBURY.

The Earl of Malmesbury to Mr. Howard.

Sir,

Foreign Office, November 6, 1858.

I HAVE received your despatch of the 27th ultimo, reporting the recent communications which have passed between the French Minister at Lisbon and the Marquis de Loulé.

Although Her Majesty's Government have learnt with satisfaction that the dispute between the Portuguese and French Governments, in the case of the "Charles et Georges," has apparently been settled, Her Majesty's Government cannot but regret that when Portugal, acting the part of an independent Power, and maintaining her right of jurisdiction in the case under dispute, proposed to refer the matter to mediation, France should have unexpectedly limited her acceptance of that proposal to a part of the case only.

The good offices of Her Majesty's Government, which were tendered before Portugal requested them, were not spared on this occasion; but Lord Cowley endeavoured repeatedly to persuade Count Walewski to refer the dispute to the mediation of a third Power. Later, after the surrender of the "Charles et Georges," Her Majesty's Government expressed to the Duc de Malakoff, and again to Count Walewski, through Lord Cowley, the high value which they attached to the great principle established by the 23rd Protocol of Paris, which was signed by all the Plenipotentiaries, on the 14th of April, 1856, and the great dangers to which any State departing from the principle of that Protocol, and acting hastily against another Power, on the impression of having been wronged, must expose the peace of Europe and the world.

With regard to the future, Her Majesty's Government are of opinion that in order to prevent further complications, which may be caused by an adherence on the part of the French Government to their scheme of negro emigration, it will be desirable for the Portuguese Government to ascertain, as Her Majesty's Government have done, exactly under what forms and circumstances a French suspected ship may be visited to verify its nationality; also whether it is to be understood that the presence of a French delegate protects the ship, and justifies its proceedings, whatever they may be in respect of carrying negroes, in the eyes of the French Government, which is alone responsible for its acts, and against which any complaint must form the subject of diplomatic correspondence.

These are questions which the Portuguese Government should put without loss of time to the Government of France, and with regard to which they should come to a distinct understanding with the Imperial Government.

Without such a clear understanding, the operation of the French scheme will inevitably involve the Portuguese Government in serious embarrassments with France.

Her Majesty's Government sincerely trust that neither the unfortunate dispute which has just occurred, nor the apprehension of increasing difficulties for the future, will shake the constancy of the Portuguese Government in abiding by those Treaties which, in common with Great Britain and Spain, it has established for the suppression of the Slave Traffic. Doubtless the views adopted by France and the United States in respect to the right of search, and the emigration scheme of the former, must weaken our hands for that great and just object; but it is our duty, while submitting to a system which renders a moral principle subservient to a strict legality, to persist, as far as we are permitted by international law, in diminishing, if we cannot eradicate, a great public evil.

It is with these sentiments that Her Majesty's Government have ventured to advise the Portuguese Government what their future course should be, on a subject with which England and Portugal are intimately concerned.

I am, &c.

(Signed) MALMESBURY.

The Earl of Malmesbury to Mr. Howard.

(Extract.)

Foreign Office, November 6, 1858.

WITH reference to my despatches of this day's date, respecting the late transactions on the subject of the "Charles et Georges," I may add that Mr. Fitzgerald saw Count Lavradio on the 18th of October, before my return from Scotland, and Her Majesty's Government were led to think from his language that an arrangement had been come to that the French ships of war should be withdrawn; that Portugal should restore the "Charles et Georges," and that the whole matter should be referred to a third party.

That Count Lavradio was really convinced that such was the state of the case, is proved by Lord Cowley's despatch of the 13th of October, in which Count Lavradio's proposal is first mentioned; Lord Cowley himself being under the same impression.

Her Majesty's Government, therefore, had every reason to think that the proposal of mediation which they had so strongly supported, was substantially accepted, both in respect of the principle and the indemnity.

They are also of opinion that the advice ultimately given by you to M. de Loulé, to accept the French final proposal, was right and proper, as the whole question of principle during the elucidation of facts must have been touched and have been enlarged upon by the mediator.

I may further add that when Count Lavradio saw Mr. Fitzgerald, he said, alluding to the obligations of England towards Portugal, that the good offices of England were all that was required on this occasion in support of the mediation proposed by the Portuguese Government.

No. 59.

Earl Cowley to the Earl of Malmesbury.

My Lord,

Paris, November 8, 1858.

I HAVE the honour to inclose herewith to your Lordship, extracted from the "Moniteur" of this day, a letter from the Emperor to Prince Napoleon, on the subject of negro emigration to the French colonies.

I have, &c.
(Signed) COWLEY.

Inclosure in No. 59.

*Extract from the "Moniteur" of November 8, 1858.**Paris, le 7 Novembre, 1858.*

LEMPEREUR a écrit la lettre suivante à Son Altesse Impériale le Prince chargé du Ministère de l'Algérie et des Colonies :—

" Mon cher Cousin,

" St. Cloud, le 30 Octobre, 1858.

" Je désire vivement qu'au moment même où le différend avec le Portugal, à propos du 'Charles et Georges,' vient de se terminer, la question de l'engagement des travailleurs libres pris sur la côte d'Afrique soit définitivement examinée et résolue d'après les véritables principes du droit et de l'humanité. J'ai réclamé énergiquement auprès du Portugal la restitution du 'Charles et Georges,' parce que je maintiendrai toujours intacte l'indépendance du drapeau national; et il m'a fallu dans cette circonstance, la conviction profonde de mon bon droit pour risquer de rompre avec le Roi de Portugal, les relations amicales que je me plais à entretenir avec lui.

" Mais, quant au principe de l'engagement des noirs, mes idées sont loin d'être fixées. Si, en effet, des travailleurs recrutés sur la côte d'Afrique n'ont pas leur libre arbitre, et si cet enrôlement n'est autre chose qu'une Trait

déguisée, je n'en veux à aucun prix. Car ce n'est pas moi qui protégerai nulle part des entreprises contraires au progrès, à l'humanité, et à la civilisation.

"Je vous prie donc de rechercher la vérité avec le zèle et l'intelligence que vous apportez à toutes les affaires dont vous vous occupez; et comme la meilleure manière de mettre un terme à des causes continuelles de conflit serait de substituer le travail libre des coolies de l'Inde à celui des nègres, je vous invite à vous entendre avec le Ministre des Affaires Etrangères, pour reprendre, avec le Gouvernement Anglais, les négociations qui avaient été entamées il y a quelques mois. Sur ce, mon cher cousin, je prie Dieu qu'il vous ait en sa sainte garde.

(Signé) "NAPOLEON."

(Translation.)

Paris, November 7, 1858.

THE Emperor has written the following letter to His Imperial Highness the Prince charged with the Administration of Algeria and the colonies:—

"My dear Cousin,

St. Cloud, October 20, 1858.

"I EARNESTLY desire, at the very moment that the difference with Portugal relative to the "Charles et Georges" has just terminated, that the question of the engagement of free labourers, taken on the coast of Africa, should be definitely examined and decided in accordance with the true principles of right and humanity.

"I have strenuously claimed from Portugal the restitution of the 'Charles et Georges,' because I will always maintain intact the independence of the national flag; and it needed a profound conviction that I was in the right to induce me to risk rupturing those friendly relations which it is my pleasure to maintain with the King of Portugal.

"But as regards the principle of the engagement of blacks my ideas are far from being settled. If, in fact, the labourers recruited from the coast of Africa have not their free choice—if that recruitment is nothing else than disguised Slave Trade, I will have none of it at any price, for I will not protect in any way enterprises which are contrary to progress, humanity, and civilization.

"I pray you, then, to investigate the truth with the zeal and intelligence which you bring to bear upon everything in which you are engaged; and as the best manner of putting an end to the continual causes of conflict would be to substitute the free labour of Indian coolies for that of negroes, I beg that you will come to an understanding with the Minister of Foreign Affairs, in order to resume with the English Government the negotiations which were begun some months since.

"Upon this, my dear Cousin, I pray God to have you in his holy keeping.

(Signed) "NAPOLEON."

No. 60.

Earl Cowley to the Earl of Malmesbury.

(Extract.)

Paris, November 9, 1858.

I HAD the honour to receive, on the 4th instant, your Lordship's despatch of the 30th ultimo, in which, after giving me the details of a conversation which you had had with the Duke of Malakoff at Windsor, respecting the manner in which the French Government had enforced their demands on the Portuguese Government for the release of the "Charles et Georges" and her captain, your Lordship desires me to repeat, verbally, to Count Walewski the observations which you addressed to the French Ambassador at Her Majesty's Court.

I said I thought it so necessary that the French Government should not be in ignorance of the sentiments of Her Majesty's Government in this matter, that I would beg his Excellency to peruse the despatch in which your Lordship had informed me of what had passed on the occasion in question between yourself and the Duke of Malakoff.

Count Walewski took the despatch from my hands, and after looking through it, returned it to me, saying that the Duke of Malakoff had addressed him a report containing a similar statement.

His Excellency then said that in his desire to avoid an irritating and useless controversy with Her Majesty's Government, it had not been his intention to reply to the Duke of Malakoff's despatch. No good would, in his opinion, result from discussing a question of which the two Governments entertained opinions so diametrically opposite. He should have been satisfied, therefore, to have seen in the Duke of Malakoff's despatch an enunciation of the sentiments of Her Majesty's Government, of which it was not necessary for him to take any particular notice; but since I had repeated to him the remarks made by your Lordship to the Duke of Malakoff, he could not remain silent, and he would request me to represent faithfully the observations which he could no longer avoid making.

In the first place, observed Count Walewski, the British Government seem to forget that the measures to which they advert were not resorted to until friendly remonstrances had been exhausted. M. de Lisle had been for months in communication with the Portuguese Government on this matter; but his verbal expostulations were finally met by an official note, in which the Portuguese Minister for Foreign Affairs positively declared that neither the ship nor the captain would be released. But even then, the French Government, in order that there might not be a shadow of doubt as to their right, submitted the whole question to the examination of a Council of the most eminent jurists in France, and it was not until this Council, after three weeks' consideration of the matter, gave a solemn opinion that the seizure and condemnation of the ship and captain was illegal and unjust, that the French Government determined to enforce the demand for their release.

With regard to the refusal of the Imperial Government to accept the mediation proposed by the Portuguese Government, Count Walewski said that he must recall to your Lordship's recollection, that the declaration contained in the 23rd Protocol of the Congress of Paris was the simple expression of a wish. It was distinctly admitted, by the British as well as by the other Plenipotentiaries assembled on that occasion, that there was nothing obligatory in the declaration, and that the free action of the different Governments adhering to it, was in no way restricted by it. He could assure me, however, that the proposal of an amicable mediation had not been lightly rejected, and that it had been matter of great concern to the Imperial Government, when they had found themselves, under the circumstances of the case, precluded from agreeing to it.

"Neither can I admit," continued his Excellency, "that there is any parity whatever between the seizure of the 'Cagliari' and that of the 'Charles et Georges.' The 'Cagliari' had landed a band of armed marauders on the coast of Naples, and was liable to capture by Neapolitan cruizers wherever they might meet with her. Moreover she was a Sardinian, and not a British vessel, whereas the 'Charles et Georges' was a French ship, and freighted for Government purposes, with a Government agent on board. The French flag had been violently displaced for a Portuguese. In fact, the ship had been captured without a shadow of right on the part of the Portuguese authorities. The two cases will not bear a moment's comparison."

Lastly, Count Walewski adverted to the allusion made by your Lordship to the Treaties which bind Great Britain, in certain eventualities, to give assistance to Portugal against foreign aggression. He expressed regret that this allusion had been made. He did not exactly know the nature of the Treaties referred to, but he was convinced that they did not impose on Great Britain the obligation of giving assistance to Portugal, if Portugal was in the wrong; and as he could not for one moment put in doubt the justice of his own cause, he had never had the least anxiety lest the good understanding which exists between France and Great Britain should be imperilled by the proceedings of the Imperial Government. He was quite certain that, under similar circumstances, the British Government, whatever might be its composition, would take measures, at least as energetic as those on which they now animadverted. But be this as it might, no fear of consequences would prevent the French Government from doing what they thought right, and what the honour of France demanded.

I said that the 23rd Protocol was exactly framed to meet questions of this nature, where both parties claimed to be in the right; but Count Walewski

interrupted me by declaring that the French Government had never declined to submit the question of right to friendly mediation. What they had refused was mediation of any kind so long as the "Charles et Georges" was detained, but he could give me the positive assurance that if, even at the eleventh hour, the Portuguese Government had released the ship, and proposed to settle the question of right and wrong, through a mediator, the proposal would have met with the assent of the Imperial Government. But Portugal could not retain the ship and propose mediation at the same time; at all events, it was impossible for the Imperial Government to entertain such a proposition.

I remarked to Count Walewski that it was to be regretted that M. de Lisle had not better understood the sentiments of his Government, for that on inquiry being made of him, he had stated that the only point on which his instructions would permit him to accept the principle of mediation was that of the amount of the indemnity to be paid for the detention of the "Charles et Georges." Count Walewski replied that it was true that the instructions addressed to M. de Lisle only mentioned indemnity as the subject for mediation, but that it stood to reason that the question of indemnity carried with it the question of right, since before a mediator could say what amount of indemnity was due, he must satisfy himself that the right to receive an indemnity existed. I rejoined that although it was of little value now as regarded the main question, I rejoiced to receive this assurance from his Excellency, because it showed that I had faithfully reported his intentions to Her Majesty's Government, in saying, that if the ship was released the French Government would consent to submit all the questions arising out of it to friendly mediation.

"Beyond doubt," said Count Walewski, "such was our intention."

That Count Walewski said nearly as much to me as is implied in his present assurances, I can positively assert.

During the conversation which I have recounted, I availed myself, as occasion offered, of the observations contained in your Lordship's despatch, to show what were the opinions of Her Majesty's Government in regard to the doctrine of mediation, as laid down in the 23rd Protocol of the Treaty of Paris; and in that part of the conversation when Count Walewski alluded to the Treaties existing between Great Britain and Portugal, I observed that although delicacy had prevented me from referring to them in the course of the communications which I had had with him on this unfortunate matter, I had never felt so much anxiety for the safety of our amicable relations with France, as during the late presence of the French ships in the Tagus.

Before leaving Count Walewski, I touched on the question of the indemnity to be paid by Portugal, remarking that I trusted the Imperial Government would not insist upon it, since, whatever might be the merits of the rest of the case, it was clear that the "Charles et Georges" had violated the municipal law of Portugal. Count Walewski replied, that however much the French Government might have been disposed to let the matter rest with the release of the ship and her captain, such a course had been rendered impossible by the conduct of the Portuguese Government. The Portuguese official paper had replied to the moderate and friendly language of the "Moniteur" by a most offensive article, and had recorded the obligation of Portugal to pay an indemnity. The Imperial Government did not intend to take any notice of the article in question, but it made it incumbent on them to enforce the payment of the indemnity. With regard to the violation of the municipal law of Portugal imputed to the "Charles et Georges," that depended entirely, said his Excellency, on whether the ship had been anchored in Portuguese waters or not, and here the evidence was conflicting. But admitting the ship to have been in contravention of the law, the duty of the Portuguese authorities, before proceeding to extremities, was to have admonished her of the fault she was committing; and this was the more incumbent upon them, as the Governor-General of Mozambique had issued instructions warning the said authorities not to confound with slavers, ships sent by the French Government to obtain free negro labour.

The Earl of Malmesbury to Earl Cowley.

My Lord,

Foreign Office, November 11, 1858.

HER Majesty's Government entirely approve of the manner in which you expressed to Count Walewski, as reported in your Excellency's despatch of the 9th instant, the concern with which they had viewed the conduct of the French Government towards Portugal. After the sudden and unexpected refusal by the French Minister at Lisbon to entertain the mediation of a third Power, on the terms which your Excellency and Count Lavradio had both understood to have been agreed upon by Count Walewski, and upon which Her Majesty's Government had relied, it is a satisfaction to them, as it must be to your Lordship, to have heard from Count Walewski's own lips, that you had not misunderstood his words and intentions.

The apparent misapprehension which M. de Lisle has shown of his instructions, is to be much regretted; and I also think, that if the Portuguese Government had followed Mr. Howard's advice, and accepted the mediation nominally in respect of the "indemnity," they would inevitably have obtained an opinion on the question of "right" also, the two being inseparable after the elucidation of facts.

It is not desirable that you should at present revert to the conversation with Count Walewski, as reported in your despatch above-mentioned.

I must, however, protest against the Count's statement, that the cases of the "Cagliari" and of the "Charles et Georges" are not similar. In my opinion, they are strictly analogous.

In neither case was the dispute confined to the question of seizure, but in both it extended to rights of jurisdiction; and as Her Majesty's Government repudiated the right of Naples to try Her Majesty's subjects, and the Sardinian Government also denied it in respect of their vessel, so did France repudiate the competency of the Portuguese Courts to try her ship and its captain. As, therefore, we appealed in the case of the "Cagliari" to the 23rd Protocol of Paris, the French Government had a fair and recent precedent for following the same course.

I am, &c.
(Signed) MALMESBURY.

Mr. Howard to the Earl of Malmesbury.

(Extract.)

Lisbon, November 8, 1858.

I HAVE the honour of transmitting herewith to your Lordship a translation of that part of the King of Portugal's speech on opening the session of the Cortes on the 4th instant, which relates to the late difference with France on the subject of the seizure of the French vessel "Charles et Georges" in the Mozambique waters.

The wording of this paragraph appears to be generally approved of. In no case could a reference to the difference have been avoided, but in view of the article published in the French "Moniteur" of the 28th ultimo, implying that the Portuguese Government had finally yielded to the representations of the French Government from having acquired a conviction of their justice, it became the more necessary for the Portuguese Government, in order to justify their conduct in the eyes of the Parliament, to establish the fact that they had only yielded to force.

I understand that it is only in a few days that the French Minister here expects to receive the formal answer of his Government to the Marquis de Loulé's note of the 23rd ultimo, conveying the decision of the Portuguese Government in the matter.

Inclosure in No. 62.

Extract from the Speech of the King of Portugal on opening the Session of the Cortes.

(Translation.)

NO interruption has taken place in the friendly relations with the Powers allied to us. A serious misunderstanding, however, arose between my Government and that of His Majesty the Emperor of the French, on account of the capture of the French vessel the "Charles et Georges" in the waters of Mozambique. This question having been withdrawn from the domain of the law, in which my Government had endeavoured to maintain it, and the measures which the letter of existing Treaties authorized them to trust to having been exhausted, they were forced to cede to the peremptory demand for the restitution of that vessel, and for the liberation of her captain.

Shortly the whole of the papers relating to this deplorable conflict will be laid before you. When you have seen them, I trust that you will approve the conduct of my Government, and relieve them from the responsibility which they were forced to incur.

No. 63.

The Earl of Malmesbury to Mr. Howard.

Sir,

Foreign Office, November 16, 1858.

IN the Speech made by the King of Portugal on opening the session of the Cortes on the 4th instant, His Most Faithful Majesty is reported,* in all the English newspapers, to have said, with reference to the case of the "Charles et Georges:"

"My Government having exhausted the resources in which the letter of Treaties authorized it to have confidence, was obliged to cede to the peremptory exaction of the delivery of that vessel and the liberation of the captain."

The reference thus made to the "letter of Treaties," renders it incumbent on Her Majesty's Government to inquire what interpretation the words in italics are intended to bear.

Her Majesty's Government are not aware that any Treaty has been appealed to by Portugal in this case; and they can only suppose that Portugal referred to the Protocol of Paris of the 14th of April, 1856. That Protocol, however, only forms part of the proceedings consequent on the Treaty of Paris of the 30th of March, 1856, and is not embodied in any Treaty.

You will accordingly ask, confidentially, the Marquis de Loulé to favour Her Majesty's Government with the exact meaning of the words in question.

I am, &c.

(Signed) MALMESBURY.

No. 64.

Mr. Howard to the Earl of Malmesbury.

My Lord,

Lisbon, November 20, 1858.

IN order to complete the narrative contained in my despatch of the 27th ultimo, respecting the case of the "Charles et Georges," I beg to add that the period fixed by the French Government for the acceptation of their ultimatum by Portugal was forty-eight hours, at the expiration of which, unless that acceptation had taken place, the French Minister was directed to retire from Lisbon with all the members of the French Legation and Consulate, and to leave the further conduct of the affair in the hands of Rear-Admiral Lavaud.

Your Lordship is, however, aware that, in consequence of the decision

* See "Times" of November 13, 1858.

which the Portuguese Government took in respect to this affair, the French ultimatum was not presented.

The Marquis de Loulé informed me a few days ago that, from a recent letter which he had received from Count Lavradio, it appeared that the original proposal which the Count had made to Count Walewski, by way of a compromise, was, that the "Charles et Georges" should be placed in deposit pending the proposed mediation of the dispute; that Count Walewski had not accepted this suggestion; but that Count Lavradio had certainly understood him to agree to the whole question being submitted to mediation, if the Portuguese Government were to surrender the ship and release the captain.

I have, &c.

(Signed) HENRY F. HOWARD.

No. 65.

Mr. Howard to the Earl of Malmesbury.

My Lord,

Lisbon, November 20, 1858.

HAVING received, on the 14th instant, your Lordship's despatch to me of the 6th instant, containing the advice of Her Majesty's Government to the Portuguese Government as to what their future course should be in respect to the question of the French system of negro emigration, I waited upon the Marquis de Loulé on the 15th instant, and, after stating to him its substance, I read it to him, and afterwards, at his request, I gave him a copy of it.

His Excellency listened attentively whilst I was reading your Lordship's despatch; but, when I had concluded doing so, he begged to reserve the expression of an opinion upon it until a later day. He observed, however, that he was in hopes, from the letter of the Emperor of the French to Prince Napoleon of the 30th ultimo, which had been published in the "Moniteur," that the French Government would abandon their practice of exporting negroes from Africa to their colonial possessions.

On the 19th instant, at an interview which I had with the Marquis de Loulé, I again called his Excellency's attention to the various points of your Lordship's above-mentioned despatch, and urged the adoption of the recommendations it contained.

His Excellency observed, in reply, that the advice which your Lordship offered appeared to him to be reasonable; but that this was too serious an affair for him to be able to give an opinion upon it so soon, and without consulting his colleagues.

In the course of the conversation which ensued, his Excellency remarked that I would, no doubt, have seen from the newspapers that there had been another case of a French vessel, the "Alfred," having entered a Portuguese port under suspicious circumstances. This vessel had proceeded to Ibo, but having negroes on board, and the answers received by the Governor of that place not satisfying him as to her objects, she was sent by him to Mozambique, where she was subsequently released by the Governor-General of the province. His Excellency said that a remarkable circumstance was, that whereas the Delegate of the French Government on board the vessel had declared that the negroes had been engaged at the Comoro Islands, the negroes themselves asserted that they had been purchased on the coast of Mozambique, and several of them spoke Portuguese.

I replied, that the fact which his Excellency had just stated corroborated, in my opinion, the expediency of the Portuguese Government coming to an immediate understanding with the French Government on the subject of the treatment of French emigration ships.

His Excellency rejoined that he had received an assurance from the French Minister here, the Marquis de Lisle, that positive orders had been given by his Government to prevent, for the future, French vessels from seeking negroes in the Portuguese African provinces.

I have, &c.

(Signed) HENRY F. HOWARD.

Mr. Howard to the Earl of Malmesbury.

(Extract.)

Lisbon, November 22, 1858.

IN execution of the instructions contained in your Lordship's despatch to me of the 6th instant, received on the 14th instant, I inquired of the Marquis de Loulé why, in the official statement relative to the case of the "Charles et Georges," published in the "Diario do Governo" of the 25th ultimo, no mention is made of the tender of the good offices of England, and I recapitulated what had passed between his Excellency and myself on that subject.

His Excellency assured me that it was not from any want of appreciation on the part of the Portuguese Government of the friendly conduct of Her Majesty's Government, that they had omitted to make such mention, but because they had thought it desirable to make their statement as concise as possible, and to confine themselves in it to referring to the principal points of their discussions with France.

His Excellency readily confirmed the statements made in my communications to him, namely, that Her Majesty's Government had offered their good offices before they had even been requested by Portugal; that the only request for assistance which had been made by the Portuguese Government of Her Majesty's Government was for their good offices, in order to bring about an amicable settlement of the question, and that he had charged me to convey to your Lordship the thanks of the Portuguese Government for the tender and for the employment of the good offices of Her Majesty's Government, and likewise to Earl Cowley for his exertions to induce the French Government to consent to a mediation of the dispute.

No. 67.

Mr. Howard to the Earl of Malmesbury.

My Lord,

Lisbon, November 27, 1858.

IN compliance with the instructions contained in your Lordship's despatch of the 16th instant, I yesterday inquired of the Marquis de Loulé the meaning of the reference to the "letter of Treaties" made in that part of the King of Portugal's speech, on opening the session of the Cortes on the 4th instant, in which His Most Faithful Majesty says (according to the translation of it quoted by your Lordship):—

"My Government having exhausted the resources in which the letter of Treaties authorized it to have confidence, was obliged to cede to the peremptory exaction of the delivery of that vessel, and the liberation of the captain."

His Excellency at once replied, that the reference thus made was exclusively to the Protocol of Paris of the 14th April, 1856.

I beg to say that it was in this sense that, from the beginning, I understood the reference in question.

I have, &c.
(Signed) HENRY F. HOWARD.

