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SLAVE TRADE. No. 3 (1880).

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FURTHER CORRESPONDENCE

RESPECTING

SLAVERY IN CUBA.

[In continuation of "Slave Trade No. 2, 1879:" C. 2423.]

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*Presented to both Houses of Parliament by Command of Her Majesty.*  
1880.

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## Further Correspondence respecting Slavery in Cuba.

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### No. 1.

*The Marquis of Salisbury to Mr. West.*

(Extract.)

*Foreign Office, November 19, 1879.*

I TRANSMIT to you herewith a copy of a letter which I have received from the Committee of the British and Foreign Anti-Slavery Society on the subject of the emancipation of the slaves in Cuba.

I have informed the Society that, whilst I cannot concur in all the views of the Society on this subject, as laid down in their letter, I would nevertheless send a copy of it to you, with instructions to communicate a copy to the Spanish Minister, and to lose no opportunity for urging on the consideration of the Cabinet of Madrid the policy of emancipating the Cuban slaves.

You are well aware of the deep interest that is felt by parties of every denomination in this country in the cause of slave emancipation throughout the world, and as regards the Cuban slaves, there can be no doubt that fully three-fourths of those now existing in that island were imported in violation of the Treaty obligations of Spain towards this country, by which she engaged to put a stop to the Cuban Slave Traffic, and that therefore the slaves illegally imported are entitled to their freedom, and that Her Majesty's Government would be entitled to demand their emancipation.

The difficulty that would arise, however, in making this demand on the Spanish Government, would be the impossibility of distinguishing between those slaves who are and those who are not entitled to their freedom.

Her Majesty's Government trust that the question which is now under the consideration of the Spanish Cabinet will result in the immediate emancipation of the Cuban slaves.

I will only add that the immediate emancipation of the slaves in Cuba could not fail to remove a source of long-standing irritation which has existed in this country against the Government of Spain, on account of the non-fulfilment by that Government of their Treaty obligations in regard to the Slave Trade.

Take such opportunities of expressing yourself in this sense to the Spanish Government as may in your judgment be advantageous to the objects which Her Majesty's Government have in view.

I inclose a copy of my reply to the British and Foreign Anti-Slavery Society.

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### Inclosure 1 in No. 1.

*The Secretaries of the British and Foreign Anti-Slavery Society to the Marquis of Salisbury.*

My Lord,

*27, New Broad Street, London, E.C., November 3, 1879.*

THE Committee of the British and Foreign Anti-Slavery Society are impelled once more to address Her Majesty's Government on behalf of the Africans still held in a state of slavery in Cuba, on the ground that the question is now the foremost for discussion at Madrid, and that it stands in a critical position. Moreover, the measures which have been proposed for its solution are unjust to the enslaved, and incompatible with the obligations of Spain towards the British nation, whilst they must necessarily prove as subversive of the interests of the planters as they are of those of the slave.

The Committee venture very briefly to refer to the statement which they laid before your Lordship by deputation in February last, at the time when General Campos, having effected the pacification of Cuba, had removed the last plea that Spain could possibly urge for delaying to carry out a measure of complete emancipation. They then

stated to your Lordship that General Campos "will now have to arrange with the Government at Madrid those measures which shall determine not only the relations of Cuba with the mother-country, but its internal conditions, and its relations with the rest of the world. It is in this settlement that the British nation have an undoubted right to exercise a voice, and are under an obligation to use those Treaty rights which it possesses on behalf alike of the claims of humanity and of the interests of England and of other nations.

"The validity of the claim of England to the enfranchisement of the slave population of Cuba has never been contested, but it is, nevertheless, too often forgotten.

"In 1818 Great Britain paid to Spain the large sum of 400,000*l.* to compensate her for losses which she alleged she would sustain by the suppression of the Slave Trade, and which she pledged herself to abolish throughout all her possessions on the 30th May, 1820.

"Since 1820 the importations of negroes into Cuba have, at the lowest estimate, exceeded more than two-fold the number of slaves now officially reported as existing in that island; and as the whole of these have been introduced in violation of the Treaties and Conventions with Great Britain, Her Majesty's Government has an undoubted right to demand their immediate liberation."

As the Committee then fully anticipated, those wise concessions by which General Campos had effected the settlement of Cuba, including a measure for the prompt emancipation of the slaves, have met with a determined opposition from the powerful slave interest at Madrid. They learn from both public and private sources that every means will be resorted to in order to repudiate the compact of General Campos, more especially in respect to slave emancipation, which he formerly maintained to be essential if Cuba is to be retained as a Colony of Spain. Should this opposition unhappily prove successful, the Committee have good reason for believing that the insurrection in Cuba will be resumed on a more extended scale than before.

It is needless to advert to the futile and useless plans for a slow and gradual emancipation which have been put forth by a Commission, but it may suffice to say that they are such as to combine almost every element productive of mutual irritation and discontent, even should they not be met by a universal resistance, and a struggle which may engulf those very interests which they are designed to protect. Measures which give but the shadow of freedom, while its substance is indefinitely or remotely postponed, have in every instance proved more directly conducive to anarchy and revolt than even the ruthless régime of slavery itself.

The Committee have the satisfaction of believing that such were the views of the distinguished General who alone was able to bring to an end the bloody and disastrous civil war that has so long raged in Cuba, and who himself now occupies the foremost place in the Councils of Spain.

The efforts of the large and independent anti-slavery party in Spain to procure the carrying out of a measure which, whilst giving complete and absolute freedom to the enslaved Africans in Cuba, would at the same time enable Spain to fulfil her Treaty obligations to Great Britain, appear, however, to be in great danger at this juncture of being overborne and frustrated, not by the tactics of ordinary political warfare, but by the determined opposition of a small but wealthy and unscrupulous slave-holding clique, whose action, if successful, will postpone almost indefinitely the emancipation of the oppressed slaves. The Committee are able to state, on reliable information, that the proposal now announced as about to be presented to the Cortes is open to all the objections already urged, and would, whilst giving nominal freedom, actually result in maintaining a protracted state of slavery, as has already been the case with the unfortunate "emancipados."

These wretched beings, after having been declared free by the Mixed Commission Court, were, as is well known, more cruelly treated and more hopelessly enslaved than the slaves themselves; for their masters had not the same interest in the preservation of their unhappy lives.

The results which have attended slave emancipation, when it has been prompt and complete, enable the Committee to speak with confidence of this view. The protraction of slavery under the form of apprenticeship in the British Dependencies left behind it a disorganization of labour much to be deplored.

On the other hand, however—first, in the immediate emancipation in the French Colonies in 1848, and again, more recently, in that of the whole negro population of the Southern States of America—we have seen that the productive industries of those countries have been amply maintained.

It would scarcely have been possible to inaugurate a sudden emancipation under

more unpromising conditions than amidst the agonies of a sanguinary civil war, and yet we find that the cotton production of America is now very much larger than it was in the days of slavery.

(The quantity of cotton produced by America during the five years preceding the civil war was 18,759,077 bales. During the five years ending 1878 the quantity produced was 21,969,355.)

Later still, the complete emancipation which Spain herself effected in the Colony of Porto Rico—as peaceful as it has proved successful—would serve to show that, had a similar measure been effected in Cuba in 1868, Spain might have been spared that exhausting drain in blood and treasure which has so long contributed to impoverish and demoralize her people.

At this important crisis, therefore, the Committee of the Anti-Slavery Society beg respectfully, but earnestly, to submit to Her Majesty's Government that the honour and credit of England are alike concerned in securing to the enslaved Africans in Cuba that absolute and unconditional freedom which the Treaty obligations of Spain with this country imperatively demand.

On behalf of the Committee, we subscribe ourselves,

(Signed)

JOSEPH COOPER, } *Hon. Secs.*  
EDMD. STURGE, }  
CHAS. A. ALLEN, *Secretary.*

**Inclosure 2 in No. 1.**

*Sir J. Pauncefote to the Secretaries of the British and Foreign Anti-Slavery Society.*

Sir,

*Foreign Office, November 14, 1879.*

I AM directed by the Marquis of Salisbury to acknowledge the receipt of your letter of the 3rd instant, recapitulating the statement laid before his Lordship in the month of February last by the Committee of the British and Foreign Anti-Slavery Society on the subject of the emancipation of slaves in Cuba, and urging that the measures on this subject which have been recently submitted to the Cortes by the Government at Madrid are unjust, and incompatible with the Treaty obligations which Spain has contracted towards this country for the suppression of the Slave Trade.

Lord Salisbury does not think it necessary at present to express any opinion upon the construction which the Committee places upon the Treaty engagements contracted by Spain towards this country. In the object which the Committee have in view Her Majesty's Government heartily sympathize; but they will continue to pursue the course which appears to them best calculated to secure the accomplishment of that policy. Her Majesty's Minister at Madrid will receive instructions to avail himself of every favourable opportunity for that purpose.

I am, &c.

(Signed)

JULIAN PAUNCEFOTE.

**No. 2.**

*Mr. West to the Marquis of Salisbury.—(Received January 26.)*

My Lord,

*Madrid, January 22, 1880.*

I HAVE the honour to report to your Lordship that the law for the abolition of slavery in the Island of Cuba was finally passed yesterday in the Cortes by 231 votes against 10, the Opposition abstaining from voting.

I have, &c.

(Signed)

L. S. SACKVILLE WEST.

**No. 3.**

*Law for the Abolition of Slavery in the Island of Cuba.*

(Translation.)

DON ALFONSO XII, by the grace of God Constitutional King of Spain.

Know all men who shall see and hear these presents, that the Cortes have and we have sanctioned the following:—

[852]

Article 1. The state of slavery in the Island of Cuba ceases, in accordance with the prescriptions of the present law.

Art. 2. The persons who, without infraction of the Law of the 4th July, 1870, are inscribed as slaves in the census concluded in 1871, and remain in slavery at the promulgation of this law, shall continue under the patronage of their owners for the time determined herein.

The patronage shall be transferrable by all the means recognized in law, but it cannot be transferred without transferring to the new patron that of the children under 12 years, and that of their father or mother respectively. In no case can the persons who constitute a family be separated, whatever may be the origin thereof.

Art. 3. The patron shall retain the right to employ the labour of those who are under his patronage, and to represent them in all civil and judicial acts, in accordance with the laws.

Art. 4. The patron's obligations shall be—

- (1.) To maintain those under his patronage.
- (2.) To clothe them.
- (3.) To assist them when they are ill.
- (4.) To remunerate their labour with the monthly pay determined in this law.
- (5.) To give primary instruction to those who are minors, and the necessary education for the exercise of an art, business, or useful calling.
- (6.) To feed, clothe, and assist in sickness the children of those under patronage while in infancy and puberty, whether born before or since the patronage, with liberty to avail himself of their services without remuneration.

Art. 5. At the promulgation of this law those under patronage shall receive a ticket containing a statement of all the rights and duties of their new state.

Art. 6. The monthly pay referred to in paragraph 4 of Article 4 shall be from 1 dollar to 2 dollars for those who are more than 18 years of age, and have not reached majority. For those who are of age the pay shall be 3 dollars a-month.

In case those under patronage shall be unable to work from sickness or any other cause, the patron shall not be bound to pay the portion of the remuneration corresponding with the time that the said inability has lasted.

Art. 7. The patronage shall cease—

- (1.) Through extinction by gradual order of the ages of those under patronage from elder to younger in the manner determined in Article 8, so that it shall definitively terminate at the eight years from the promulgation of this law.
- (2.) By mutual agreement of the patron and the person under patronage, without external intervention, except that of the parents, if known, and in their default, that of the respective Local Boards, when the case relates to minors under 20 years, this age to be decided in the manner expressed in Article 13.
- (3.) By the patron's renunciation, unless those under patronage be minors, 60 years of age, or be sickly or incapable.
- (4.) By redemption of services, through payment to the patron of the sum of 30 to 50 dollars a-year, according to the sex, age, and condition of the person under patronage, for the time that the latter shall be deficient of the first five years of the patronage, and the mean term of the three remaining.
- (5.) By any of the causes of manumission established in the civil and penal laws, or by the patron's failure in the duties imposed on him in Article 4.

Art. 8. The extinction of the patronage by means of the order of the ages of those under patronage, which is referred to in the first paragraph of the preceding Article, shall take place by fourth parts of the number of persons under each patron, beginning at the close of the fifth year, and going on at the end of those succeeding, until it definitively ceases at the conclusion of the eighth.

The nomination of the persons who are to be freed from the patronage by reason of their age shall take place before the Local Boards, one month in anticipation of the close of the fifth year, and of the others in succession.

If there should be more persons of the same age than those who are to be freed from the patronage in one same year, lots shall be cast before the said Boards, and those who get the lowest number shall leave the patronage.

When the number of persons under patronage is more than four, and not divisible by this cipher, the excess shall add one person to each of the first nominations.

If the number of persons under patronage does not amount to four, the nomination shall be by third parts, by moiety, or at once; but the patron shall not be required to perform his obligation until the end of the sixth, seventh, or eighth year respectively.

The form and method of drawing up the registers and lists which are to serve for the nominations will be decided by the regulations.

Art. 9. Those who are freed from patronage in virtue of the provisions in Article 7 will enjoy their civil rights, but they will remain under the protection of the State, and be subject to the Laws and regulations which impose the necessity of proving the engagement of their labour, or a known business or calling. Those who are under 20 years of age and have no parents will remain under the immediate protection of the State.

Art. 10. The duty of proving the engagement of their labour for those who have been freed from patronage will last for four years, and those who fail according to the judgment of the assessing Government authority of the Local Boards, will be accounted vagrants for all legal purposes, and may be called upon to render paid service on the public works for such time as the Regulations shall determine, according to the cases. After the lapse of the four years specified in this Article, those who have been under patronage will enjoy all their political and civil rights.

Art. 11. The persons who, at the time of the promulgation of this law, had already made arrangements for their redemption, will retain in their new state of subjection to patronage the rights acquired under such arrangements. They may, moreover, avail themselves of the benefit stated in the fourth case of Article 7, by paying their patrons the difference between the amount they shall have given and that which is equivalent for redemption of services in accordance with the provision in the Article and case before mentioned.

Article 12. The persons who, in virtue of the provisions in the Law of the 4th July, 1870, are free because they were born since the 17th September, 1868, will be subject to the prescriptions of that law, excepting in all that may be more advantageous to them in the present one.

Those who are freed men in virtue of Article 19 of the aforesaid Law of 1870 will remain under the immediate protection of the State, and be bound to prove, until the expiration of four years, the engagement of their labour and the other conditions of their occupation, as referred to in Articles 9 and 10 of the present law.

Art. 13. It shall be understood that for the effects of this law those are minors who are not full 20 years of age, if their age can be proved, and if not, this shall be deduced by the Local Boards with reference to the physical circumstances of the minor, on a professional Report.

Art. 14. The patrons shall have no power to inflict on those under patronage the corporal punishment prohibited by the second paragraph of Article 21 of the Law of the 4th July, 1870, even though it be under pretext of maintaining the discipline of labour within the plantations. Nevertheless, they shall possess such powers of coercion and discipline as are determined by the regulations, which shall at the same time contain the necessary rules for enforcing labour and insuring the moderate exercise of those powers. The patrons may also reduce the monthly wages in proportion to the deficiency of work done by those who receive them, according to the cases and in the manner defined by the regulations.

Art. 15. In each province a Board shall be formed under the presidency of the Governor, and failing him, under that of the President of the provincial Deputation, consisting of a provincial Deputy, the Judge of First Instance, the Fiscal Promotor, the Syndic Procurator of the capital, and two taxpayers, one of whom shall be a patron.

In the municipal towns where, in the opinion of the respective Governors, it may be expedient, and with the previous approval of the Governor-General, Local Boards shall also be formed, with the Alcalde as President, and consisting of the Syndic Procurator, one of the principal tax-payers, and two respectable inhabitants. These Boards and the Public Prosecutor shall attend to the strict observance of this law, and besides the duties herein specified, they shall perform those which the regulations may impose upon them.

Art. 16. The persons under patronage will be subject to the ordinary Tribunals for the crimes and misdemeanours for which they shall be answerable according to the Penal Code, but from this rule are excepted the crimes and offences of rebellion, sedition, outrage, and public disorders, for which they will be tried by military jurisdiction.

Nevertheless, the patrons shall have a right to claim the assistance of the governing authority against those under patronage who disturb the regular course of labour, and the action of the patrons shall not be sufficient to prevent this, then the aforesaid authority may, on the third well-founded complaint, compel the person under



patronage to labour on the public works for the term fixed by the regulations, according to the cases, within the time that remains for the extinction of the patronage. If the person under patronage should offend again after having been once put upon the above-mentioned service, should forsake it or cause serious disturbance in the order thereof, the Governor-General may, on giving a report of the reason to the Government, direct his removal to the Spanish islands on the coast of Africa, there to remain, subject to the supervision prescribed by the regulations.

Art. 17. The regulations referred to in this law will be drawn up by the Governor-General of the island, on consultation with the Archbishop of Santiago de Cuba and the Bishop of Havanna, the Audience Court of the latter town and the Council of Administration, within sixty days from the reception of the law, and on the completion of this unalterable term the said authority shall simultaneously publish and establish the law and the regulations, without prejudice to the transmission of the latter by the first mail for the approval of the Government, which will definitively resolve what is fitting in the term of a month after hearing the Council of State.

Art. 18. All the laws, regulations, and provisions which are at variance with the present law are repealed without prejudice to the rights already acquired by the slaves and freedmen in conformity with the Law of the 4th July, 1870, in everything that is not expressly modified by the foregoing Articles.

Wherefore :

We command all the Tribunals, Justices, Chiefs, Governors, and other authorities, civil as well as military and ecclesiastical, of whatever class and dignity, to observe the present law and to cause it to be observed, fulfilled, and executed in all its parts.

Given at the Palace the 13th February, 1880.

I, the KING.

(Signed) JOSÉ ELDNAYEN,  
Colonial Minister.

No. 4.

*Acting Consul-General Carden to the Marquis of Salisbury.—(Received May 18.)*

(Extract.)

*Havana, April 29, 1880.*

BY the Decree of General Jovellar of the 15th February, 1876, a copy of which I have the honour to inclose, your Lordship will observe that all the "emancipados" were declared to be absolutely free, but if any of them were bound at the date of its publication by a proper legal contract, they would have to fulfil it. I do not myself believe that there are many blacks at the present day in the island in the position of "emancipados," at any rate nominally.

A considerable number without doubt have served out the contracts by which they were originally bound, and have gained their freedom, and it is also certain that many have, by connivance of the local authorities, been made to figure in the place of slaves who have died on the plantations where they were engaged, and, by the false registration of the death, and the substitution of the cedula of the slave for that of the "emancipado," have lost, beyond all possibility of recovery, both their identity and their freedom.

The excess, however, in the number of the slaves actually existing in the island over the number of those registered as such in the "Padrones" of 1867 and 1871 should, I think, account for the greater portion of these "emancipados."

As a matter of fact, it has been estimated by the "Junta de Libertos" and quoted in the public journals and the Spanish Cortes that there are to-day 70,000 slaves, not registered as such, in bondage in Cuba, who, in virtue of the Law of Registration, should have been free since 1871.

It is hard to conceive that planters should have ventured to risk the loss of so large a proportion of their slaves, solely with the object of saving the amount of the capitation tax, and I think it is not too much to suppose that a good many of these 70,000 may be "emancipados" who, originally contracted for a term of years, became practically slaves, but whom their masters, though anxious to retain as such, would not venture to commit themselves so far as to actually register as their own property.

This, it is true, is principally conjecture, but it affords a rational explanation for what would otherwise be almost inexplicable, namely, that, it having been formally ordered on two separate occasions that masters failing to register their slaves within a given time should, *de ipso facto*, lose them absolutely and immediately, out of a total of 270,000 slaves, 70,000 should be left unregistered, with no other apparent object than to save thereby the payment of the capitation tax, a trifle compared to the value of the slave.

The different respites granted to the planters since last year to enable them to make their claims for defective registration have at last come to an end; and I believe that the freedom of the unregistered slaves will take place simultaneously with the promulgation of the Law of Abolition.

The Commission appointed for this purpose is now at work, and his Excellency the Captain-General has informed me that it will publish the result of its labours without fail in the course of next month.

I am, therefore, of opinion that there is every reason to expect that those "emancipados" who, in defiance of the laws, have been retained in, or rather reduced to, slavery (since by the Law of 1870 they could not be reassigned, and all the assignments made previous to that date must necessarily have expired by now), will, whether specially provided for by the Law of Abolition or not, decidedly be benefited by it in so far as it will have the effect of hastening the carrying out of the Law of Registration.

I have, &c.  
(Signed) LIONEL CARDEN.

Inclosure in No. 4.

*Decree of February 15, 1876.*

(Translation.)

*Official Dispositions on the Law of "Emancipados."*

THE blacks called "emancipados," as the Law of the 4th July, 1870, directed in the second part of the 5th Article, remained assimilated to free men, and therefore have been and are able like these to make contracts respecting their persons in the way they like best, although those who may have contracted any legal engagement are obliged to fulfil it.

2. In consequence of the above declaration, "emancipados" cannot be sent to the deposits, in which alone those will remain who may be there waiting their identification for the time necessary to effect it.

3. Should the said "emancipados" consider themselves prejudiced, they may appear in demand of justice before the ordinary Tribunals, without depriving themselves of the right of soliciting the protection referred to in the 13th Article of the said law.

4. With the object of legalizing the position of the "emancipados" who are actually deprived of the enjoyment of the rights conceded to them, and it appearing in the registers of this Government-General that there are some in this case, from their masters not having notified the situation in which they are, or from their not having been presented to be provided with the documents they should have, reiterating what has been ordered, the holders of these negroes will continue paying to the Treasury the amount of hire appointed for all the time that they keep them in that state, without prejudice to the responsibility they incur for such conduct, leaving to the "emancipados" their right clear to reclaim against said holders that which corresponds to them.

The Governors and Lieutenant-Governors will make out free papers for the "emancipados" who may be without them, giving notice to this Government-General to scratch them off the register, and communicate to the Treasury for the necessary ends, taking special care to identify the persons before giving those documents, for which they will solicit from this Government the necessary data.

6. This disposition will be published in the "Official Gazette" for its required intelligence and punctual observation.

(Signed) JOAQUIN JOVELLAR.

Havana, February 15, 1876.

FURTHER CORRESPONDENCE respecting Slavery in  
Cuba.

[In continuation of "Slave Trade No. 2, 1879:"  
C. 2428.]

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*Presented to both Houses of Parliament by  
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