



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: 526777d7-1722-4a9f-b629-88c27a2e74c5

Range: Scans 001 - 016

Downloaded on: 2022-05-25 14:08:58

SLAVE TRADE. No. 3 (1883).

REPORTS

BY

CONSUL-GENERAL CROWE AND VICE-CONSULS IN CUBA

ON THE

NUMBER AND CONDITION OF THE SLAVES

IN

C U B A .

[In continuation of "Slave Trade No. 3 (1882)."]

Presented to both Houses of Parliament by Command of Her Majesty.
1883.

L O N D O N :

PRINTED BY HARRISON AND SONS.

To be purchased, either directly or through any Bookseller, from any of the following Agents, viz.,
Messrs. HANSARD, 32, Abingdon Street, Westminster, and 6, Great Turnstile, Holborn ;
Messrs. EYRE and SPOTTISWOODE, East Harding Street, Fleet Street, and Sale Office, House of Lords ;
Messrs. ADAM and CHARLES BLACK, of Edinburgh ;
Messrs. ALEXANDER THOM and Co., or Messrs. HODGES, FIGGIS, and Co., of Dublin.

[C.—3627.] *Price 2d.*

Reports by Consul-General Crowe and Vice-Consuls in Cuba on the Number and Condition of Slaves in Cuba.

[In continuation of "Slave Trade No. 3 (1882)."]

No. 1.

Consul-General Crowe to Earl Granville.—(Received April 26.)

(Extract.)

Havana, April 6, 1883.

REFERRING to the alleged extensive evasions in Cuba of the Moret Law of 1870, I have the honour to say that, at the risk of disagreeing with the "Standard's" Madrid correspondent, I have little to add to or correct in Vice-Consul Carden's Report of August last,* which, so far as it goes, appears to me to be a correct and impartial relation of the state of things.

In an extensive and sparsely populated island like this, which has recently been disorganized and impoverished by a long and cruel civil war, it is difficult to obtain precise or reliable information on any subject, more especially on such a delicate and vital one as slavery, about which each party have their own view of things, and exaggerate or extenuate as their interest or sympathy prompts: information obtained from any one of them will be coloured accordingly and impugned by the others.

This Colony is going through a serious social and financial crisis, the consequence of this war and emancipation, and the want of money is everywhere felt, as much by the State as the individual.

Statistics of all kinds, official or private, are few, defective and mostly unattainable, and when available are too old and inaccurate to be of much practical value.

Feeling therefore the difficulty of ascertaining the truth on the spot, it would be interesting to know from what more reliable source the "Standard's" correspondent has learned it at Madrid.

It would be unjust to judge this emancipation question from a purely English point of view, or to measure its progress by an English standard.

Large allowances must be made for the great difficulties the Spanish Government have had to contend with in freeing their slaves.

They have had to deal with a heterogeneous population, not only without national habits and political education, but without that moral sense which forms public opinion and public order.

They had during a period of civil war to give effect to an obnoxious and sweeping enactment, believed to be ruinous to the interests of the island, and certain to be so to the individual; it is not surprising therefore if procrastination on the one side and opposition on the other should at times have paralyzed the action of the law and allowed abuses to crop up.

Besides the serious opposition met with, many and intricate legal actions grew out of it. Disputes and differences of opinion as to its interpretation and application arose, and not only individuals, but the Cuban Governors, had frequently to refer to Madrid for instructions and decisions, and long delays in its enforcement have doubtless occurred.

As, however, it can serve no useful purpose to report on what has occurred, further than to illustrate the difficulties which have hitherto impeded a frank and consistent action on the part of the governing powers, and to show the abnormal position in which an uninterested person is placed as regards the collection of facts and figures, I will limit myself to stating what I believe to be the present position and aspect of emancipation.

Affirmation is not proof; and, although I have little doubt that evasions did take place, as asserted, to avoid the capitation tax, and restrict emancipation, it would be impossible to fix the extent.

* See "Slave Trade No. 3 (1882)."

Census Papers of 1867 (not 1866), as well as numerous other archives, were either destroyed or abstracted, and it would have been a hopeless task to have endeavoured, under these and other circumstances above described, to establish a case with every one but a few powerless abolitionists against one; neither was it to be expected that the Government, at a time when its very existence was at stake, should have been willing to increase its difficulties.

Now, however, the Civil War is ended; the Colony has been declared a province of Spain, with the Spanish Constitution.

Three years of peace have enabled the State to replace military by civil government, introduce many liberal measures, and give their serious attention to the completion of slave emancipation.

The "Standard's" telegram states that "the Governor of Cuba had been instructed to enforce the Law of 1870, which prescribed the emancipation of all slaves not included in the Census of 1866, amounting to 70,000."

This is not exact. The Law referred to makes no mention of the Census in question. What happened, was, that the King in Council, and in virtue of Article 2 of the Law of 1880, declared that it was not necessary that slaves should have been included in the Census of 1867 to become "patrocinados;" and a Royal Order was issued in consequence, giving freedom to all such Africans, whose number, I believe, has been much exaggerated.

This Order was made public in the official Gazette of Havana on the 20th March last, a copy of which I now forward, as it gives much detail and information on the subject.

Regarding the assertion, that "the Law freed all the children of slaves born after 1870, but that the planters, with the connivance of the authorities, have evaded the rule," I beg to observe that the children of slaves born after the 17th September, 1868, are free, but must remain and continue under the "patronato" of the former owners of the mothers in virtue of Article 6 of the Law of July 1870 and Article 12 of that of February 1880; subject, however, to the limitations specified in Articles 10 and 11 of the former and 7 of the latter Law.

It is not quite correct that the liberated negroes are bound to serve four years after their liberation.

They are bound to pay to their former owners during this period the value of their labour, but they may work how and where they please.

Flogging and all corporal punishments are forbidden by law, and breaches of it can be, and are, brought before the local Courts and punished.

The use of irons and stocks is authorized by Article 36 of the Regulation of May 1880, but rarely had recourse to.

From the nature of things and circumstances described, it may be assumed that flogging and other abuses have at times taken place and gone unpunished, but my conviction, based upon local information and experience, is that such cases are rare, and no longer occur.

The opposition press, in my time, when treating these matters, has only employed generalities; neither have my agents or acquaintances ever reported to me facts sufficient to prove a clear case: the abolitionists, free negroes, and police are always on the look-out for infractions of the law or alleged abuses, in order either to attack the Government or blackmail individuals.

Moreover, the present Captain, General Prendergast, is a humane man with liberal views, and has, since his arrival, impartially enforced the laws relating to slavery, and whenever they have left a doubt he has decided in favour of the slave.

The Royal Order referred to will strengthen his hands, and I do not doubt that he will loyally give effect to it.

Although definite abolition will not be a legal fact till 1888, I have little doubt that slavery will have ceased to exist in 1885.

In that year the value of a slave will be so small, and the obligations still resting on the owner comparatively so heavy, that he will find free labour cheaper and more convenient and slavery an encumbrance. We have, then, a period of three years to pass, during which it will remain a source of agitation to some, of anxiety and trouble to others, but it can evidently no longer be the interest of any one to suppress or ill-treat the negro.

That he is not always the interesting, patient, willing worker home philanthropists picture him those who live with and by him best know; but beyond the necessary amount of reasonable coercion required to make him perform a modicum of work, I do not think any one in the island is inclined to go.

In conclusion, I beg to add that I have requested such of our Vice-Consuls whose opinion is of value to report to me on this subject, and I will forward their Reports as soon as received. In the meanwhile, I thought it my duty to lose no time in sending in my own view of it, which is that the authorities are at present frankly and fairly enforcing the Emancipation Law, in further proof of which I can add that they have freed 6,366 negroes ("patrocinados") in 1880, 10,249 in 1881, 11,440 in the first eight months of 1882; and of this total of 28,055 about 950 were compulsorily liberated by the Captain-General, owing to infractions of the law by their owners.

Inclosure in No. 1.

Extract from the "Havana Gazette," March 20, 1883.

BY the Minister for Foreign Affairs is communicated, under date of the 9th February last, to his Excellency the Governor-General, as follows:—

There having been forwarded, for the opinion of the Council of State in full, together with the general regulation of slavery, the official letters of your Excellency of the 3rd and 10th June, 5th and 27th November and 27th December, 1881, and 12th January, 1882, and also that of the 25th May, 1880, in which your Excellency asks if the Regulations of 1867 respecting the Census of slaves are still in force; if it is the duty of patrons to afford the means of transfer of those under patronage in the cases to which Article 19 of the Regulation of the 27th June, 1880, refers; if the law imposes upon freed men the obligation of contracting themselves in the manner of former Asiatics and slaves; if those who are free, because not found to be inscribed in the Censuses of 1867 and 1870, are compelled to contract their work according to Article 9 of the Law; if the patron must pay to a person under coercion who has become useless for work the wages or salaries which by that understanding would be due to him, what sum the patron should pay to the person under patronage as indemnity for work during six years and a-half; if the obligation to give instruction to minors includes all those under patronage under 20 years of age; if, as regards those under patronage who work on their own account, the patrons are released from the obligations imposed upon them by Article 4 of the Law; if the patronage of a person may be transferred without transferring at the same time the mother of the same, when she gives her consent thereto; and, lastly, if the number of voters of the Associations of Patronage may be increased, the Council has given the following decision:—

Most Excellent Seigneur,—With Royal Order of the 19th April, communicated by the Ministry under your Excellency's worthy care, the General Regulation of Slavery was remitted to this Council that it might give immediate information respecting the measures dictated by the Governor-General of Cuba, expressed in sundry official letters and opinions stated by the same in certain communications. The Governor says: That according to Article 2 of the Law of the 13th February, 1880, the individuals who at the time of its promulgation were found inscribed, without infraction of the Law of the 4th July, 1870, in the Census closed on the 15th January, 1871, and who should remain in slavery, should continue subject to patronage.

According to the said authority, the Governor-General was solicited to declare the Regulations relative to the Census of 1867 null and void, leaving the Decrees in which the old Associations of freed men had accorded liberty, founded upon these Regulations, without effect.

The Governor, having heard the Council of Administration, gave a provisional order to suspend every Resolution conferring the right of exemption from patronage upon former slaves included in the said Census, adding that the suspension applies to the Resolutions already issued and awaiting execution, and that the Associations must continue transmitting claims though countersigning the Decrees, that their effects should for the present remain suspended.

The Governor adds that the Decree of the 29th September, 1866, put an end to the negro traffic; but the Census remained omitted because the Registrars to whom Articles 65 and 66 of the Regulation of the 18th June, 1867, referred had not been named, to which Regulation also the loss of the archives was referred, all which caused the Council of State to believe itself bound to have the opinion of the legislative power upon the subject. The Law of the Abolition of Slavery, continued the Governor-General, declared the said slaves subject to patronage, without mentioning

the patron of 1867, which was the cause of so much perturbation. As little does the Law of the 4th July, 1870, mention it, although the Regulation of the 5th August, 1872, does so. From all this the Governor-General deduces, in harmony with the majority of the Council of Administration, that the spirit of Article 2 of the Law of the 13th February, 1880, was to rescind the Regulations concerning the Census of 1767 [*sic, i.e., 1867*]. It would be suitable to declare it so, and that the Association of Freed-men should cease from its functions. In another advice he declared that the Society of Patronage of Santa Clara having solicited that to Article 19 of the Regulation of the 8th May, 1880, should be added the clause, that when the patron, within fifteen days of receiving notice, does not afford the means of transfer to [da=from, misprint for á?] one under patronage to the desired point, he should be considered to renounce the patronage. The Council of Administration was consulted, which opposed a Royal Order in this acceptance, increasing the space to thirty days whenever patrons do not fulfil the obligations imposed upon them by Articles 17 and 19.

In another official letter he says: That the law of the abolition of slavery with its Regulation having been instituted a year ago, a good result is to be hoped for; that although there were cases of resistance in Pinar del Rio, and crime was increased in Matanzas, those were isolated cases; that at present there are 116 Patronage Associations, the expenses of which weigh heavily upon the Deputations and Corporations; that in one year 6,336 freed-men have issued from the state of patronage, many of whom contract their free labour with their former masters, to which good result the instruction as to the form of compelling freed-men to work, issued in completion of Article 9 of the Law of 1880, contributes. Upon the first opinion the Department of your Ministry declared that the Regulations issued by the Governor-General in contravention of the Law of the 29th September, 1866 (17th May, 1867), and the others opposed thereto, should remain null and void, ordering that without further delay the men of colour, not born from the date of the termination of the Census of 1867 to the 17th December, 1868, should be declared free and exempt from patronage; being consequently subject to patronage if not inscribed in the Census of 1867. The Department points out that only thus is fulfilled the Law of the 29th September, 1866, and the Royal Orders of the 25th March, 1868, 26th February, 1869, 24th March, 1873, and others issued, except the first, in conformity with the Council of State in full; that the Law cited declares in Article 38 that the men of colour, without patrons, and inscribed in the Census, should be on that account alone considered free, without the admission of proof to the contrary, and therefore only those born of slaves after the 17th September, 1868, should be excepted, having in view above all that the right of liberty once acquired cannot be lost by any legislative Regulation; that the Regulation of the 4th July, 1870, confirms that precept, as do also many Royal Orders which hitherto have not been fulfilled. The Department adds that the reality of the Census of 1867 is proved by the communications of the 15th December, 1867, and others from the higher authority of Cuba; that afterwards an additional list was made; that on the 27th March, 1870, the Census was sent to the Ministry, there having figured in the additional Census more than 40,000 slaves. The Department says that in the General Government that Census existed in two books, one of which has disappeared, and that in the other those of five jurisdictions are wanting, and that there are very numerous errors and falsifications. The Department takes account of these defects, and says: That if the data of the Census of 1867 are nowhere preserved, if the owners do not exhibit the schedule corresponding to the list, their slaves must be declared free and exempt from patronage, not being inscribed. According to the calculations of the Department, liberty is unjustly denied to more than 40,000 slaves. It adds that the Law of 1880 in its 2nd Article has not annulled that liberty, already declared, since, by its very nature, such Declaration is irrevocable. Respecting the second question, the Department considers that the proposition of the Governor-General must be acceded to, reducing the space to fifteen days, since it believes that to be sufficient for the patron to fulfil the charges imposed upon him by Article 19 of the Regulation of 1880. The Department then treats of another statement, in which it is shown that some persons find defects in cap. 4 of the same Regulation as regards rendering effective the obligation imposed upon freed-men of registering during four years the contract of their labours or recognized trade, whilst others believe that the Law subjects them to make their contracts in the same manner as Asiatics and emancipated slaves. The Governor-General believed that the Law does not prescribe time or form for the said contract; that this is not the obligation to work at the order of a certain person or undertaking; that it is no more than the prestation of work as a day labourer; that the legal precept is fulfilled by working in either way, it being

the duty of the Governors and their Delegates to see that such work is performed. The Department believed that, according to Articles 9 and 10 of the Law and cap. 4 of the Regulation, it is sufficient that the freed-men should register the contract of their work or business in any form whatever, and that the said Articles do not prescribe or permit any pressure to be exercised to make them contract their work with any given person or undertaking, or under fixed conditions.

Respecting the other question, the Department also gives its opinion, in the question whether those who acquired liberty, through not being inscribed in the Censuses of 1867 and 1870, are subject to the obligation declared in Article 9 of the Law. According to the Department, they are absolutely free and under no obligation whatever. The Sub-Secretariat agreed with the extracted note, but thought that question No. 1 should not have been sent to the Council of State, since this corporation has always expressed a decision favourable to the liberty of the slaves in question, not included in the Census of 1867. The Decree of 1866 was explicit upon this point. According to the Sub-Secretariat, the Census was made without any one being able to allege ignorance, but yet the halting-place of 20,000 emancipated persons, existing at the formation of the Census, is unknown. After these reports, the Governor-General questioned: If, as regards those who cease to be under patronage in virtue of Article 7 of the Law of the 13th February, 1880, and those comprehended in Article 19 of the Law of the 4th July, 1870, the obligation of registering their work during four years imposed by Articles 9 and 12 of the former, applies to those who may have obtained the exemption from patronage through not being included in the Census of 1867 and to those not included in 1871, although they were considered as slaves when the latter was promulgated. The Department of your Ministry proposes to reply that men of color not included in the Census of 1870 (January 1871) are free and not obliged to register the contract of their work according to Article 19 of the Law of the 4th June, 1870; and those not included in the Census of 1867 are also free by Law of the 27th September, 1866, whereto paragraph 2 of Article 12 of that of 1880 especially refers, since the concession of the said benefit cannot be disannulled. Also the Governor-General of Cuba questions: If, when a person under coercion, is useless for work, the patron must continue paying the usual wages? The Department considers that he must, since Article 11 preserves to all coerced persons under patronage the rights they acquired by coercion, and because the wages they receive are the interest of the sum paid as the price thereof. What sum must the person under patronage pay to his patron as indemnity for work for six years and a-half? The Department replies that it must be that which proportionally corresponds to the value of the person under patronage and the length of patronage remaining. If the obligation to give primary education to minors applies to all those under patronage who are not 20 years of age, although the patrons were not under this obligation regarding former slaves of 18 and 19 years of age, to whom by the Law in force a salary was paid? The Department believed that to all under 20 years of age the patrons must give primary education, and that of a trade, according to Articles 4 and 13 of the Law. If, respecting those under patronage who work for their own account (Article 59 of the Regulation of the 27th July, 1870), the patrons are free from the obligations prescribed by Article 4 of the Law? In the opinion of the Department the obligation remains, since, if it did not suit the patrons that those under patronage should work for their own account, they might refuse them authority thereto. If the patronage of a person can be transferred without transferring to the new patron that of the mother of the same, when she should give her consent thereto? The Department considered that this transfer is prohibited by paragraph 3 of Article 2 of the Law, which does not allow the individuals of a family to be separated, since the consent of the mother does not suppose that of the child, and since neither the one nor the other would suffice to oppose moral principle and the precept of the Law. The Council, in issuing the Report which your Excellency has been pleased to solicit respecting the questions of the Governor-General of the Isle of Cuba concerning the right understanding of various Articles of the Law of Abolition of Slavery and the Regulation issued for its execution, as the basis of its opinion, will point out to your Excellency that our legislation upon this matter, essentially progressive, although it reckons few Regulations, is inspired by the design of reducing slavery in Cuba as much as possible, so that by means of its transference into patronage, and thence into complete liberty, it may disappear in a short time. It would inspire also, as was natural in the principle recognized from the earliest times, and raised to a judicial axiom by the Romans themselves, that liberty once given cannot be revoked; that patronage

is an institution which must approach liberty as much as depart from slavery, to which it would succeed; and, lastly, that whatever is doubtful in this legislation must always be understood to the advantage of former slaves now under patronage. Taking its stand upon these principles, the Council goes on to deliver its opinion upon each of the questions submitted to it. The first is the object of a resolution of the Governor-General, by which the said authority suspended the procedure of the expedients agreed upon by the Corporation of Freed-men and the effects of the Census of 1867, prescribed by the Law and carried out by the authorities of the Island of Cuba, are also suspended. The Governor, misunderstanding the legislation prior to 1880, thought that the said Census should reckon for nothing, since Article 2 thereof does not mention it, and limits its Regulations to individuals who, without infraction of the Law of the 4th July, 1870, should be found inscribed as slaves in the last Census of 1871, and that they should continue in slavery at the promulgation of the Law, respecting whom he says that during the time which is appointed they shall remain under the patronage of their possessors. The fact that in that Article of the Law of Patronage the Census of 1867 is not mentioned does not invalidate it; neither can it be considered a fact that it would not have been taken in account, since the new right never invalidates the Laws, and the benefit of liberty already acquired, as has been before shown, cannot be lost. Neither are the circumstances mentioned by the superior authority of Cuba any obstacle to the validity of the said Census or to its legal effects, since those favoured by the Law cannot suffer the loss of liberty, because the data which figured in the Census have disappeared. From which will be deduced the responsibility of whosoever has contracted it, but no unfavourable consequence for former slaves already free by express will of the legislator. The Law of 1880 amplified the former ones, declared the freedom of the slaves mentioned in Article 2, leaving in full force the Laws already promulgated, the Census, and all its consequences favourable to those not inscribed therein as slaves. The Council considers that the acts committed respecting the disappearance of very important data of the Census deserve a very severe and sustained investigation to discover upon whom should fall the responsibility of that error which has deprived of liberty many thousands of men already qualified with all that is requisite to obtain it. And, as far as those acts may be verified, the Council cannot do less than maintain that the Census in that part which is preserved must produce all its effects, and that if a slave-owner cannot show the schedule corresponding to the Census in respect of any slave, such slave must be declared free conformably to the legislation prior to 1880. Hence the resolution taken as provisional by the former authority of Cuba is not in a condition to receive your Excellency's approbation.

Respecting the second question, the Council considers that the explanation is correct, and the claim suitable as made by the Governor-General, as also the Department of your Ministry expresses it. Concerning the setting a limit to the effects of the negligence or avarice of patrons who often detain those under patronage in a municipal depository instead of transferring them to their point of destination. It is just and natural that failure to fulfil its obligations should be considered a renunciation of patronage, and that, after the lapse of fifteen days, being sufficient thereto, those who fail in their obligation to afford to the person under patronage the means of transfer to his point of destination should incur that penalty. The design of patronage is to accustom former slaves to work, performed under the conditions, and with the rights and duties of persons in the enjoyment of liberty. The freed-men must register their contracts of work for four years; but this does not mean to say that this contract must be like that of the former Asiatics, nor that they have to offer and engage those works in favour of any given undertaking; the Law is not laid down to serve particular interests, but for the whole of humanity, and for the emancipation of the freed-man, and the legal regulation is perfectly fulfilled, by work being contracted for without limitations, by which this obligation may be rendered more onerous.

The fourth question refers to former slaves, who acquired liberty through not being found inscribed in the Censuses of 1867 and 1870, and it was asked by the Governor-General if they remained subject to the obligation laid down in Article 9 of the Law of the Abolition of Slavery; that is the obligation of being subject, though under the protection of the State, to all the Laws and Regulations which impose the necessity of registering the contract of their work, trade, or recognized occupation. This question would have been avoided if it had been observed that Article 9 refers to Article 7, in which are enumerated the cases in which patronage ceases or becomes extinct. Those who were declared free by the said Censuses acquired liberty without

that limitation, and therefore are not subject to the obligations which Article 9 appoints under limitations for those who may be in different situations. Article 11 of the Law of 1880 says thus: "Those individuals who may be under coarctation at the promulgation of this Law shall preserve in their new condition of persons under patronage the rights acquired by coarctation. They may further use the benefit provided in the case 4 of Article 7, delivering to their patrons the difference between the quantity they may have given, and that equivalent to their indemnification of service conformably to the Regulation in the Article and case aforesaid." The Council considers that the mere reading of the Article in question suffices to answer the sixth question affirmatively; that is, that the patron must continue paying the customary wages to the person under coarctation, even when he is useless for work, and not only because the debt equivalent to the services which every slave who may be in a condition for coarctation performed for his master thus prescribes it, but because the wages are, strictly speaking, an interest upon the sum, by means of which the coarctation is verified. In the seventh question is asked what sum the person under patronage shall pay to the patron as indemnity for his work for six years and a-half. The Council considers that it is not easy, nor would perhaps be equitable, to fix forthwith the amount which the said indemnity represents, but that according to principles of justice, it must be in proportion to the value of the services and position of those under patronage, and the length of patronage which remains to them. The eighth question relates to the obligation of giving primary education to those under age, and it is asked if the said obligation includes all those under 20 years of age, though the patrons were not under this obligation in respect of former slaves of 18 and 19 years old, to whom by the law in force a salary was paid. Paragraph 5 of Article 3 imposes upon patrons the obligation of giving minors primary instruction and the education necessary for the exercise of some art, trade, or useful occupation. Article 13 says thus: "For the purposes of this Law, those shall be considered minors who have not completed 20 years, if the age can be proved, and in the contrary case it shall be determined by the local authorities, in view of the physical conditions of the minor, professional report being sent in beforehand." From the contents of both Articles of this is deduced, that patrons are obliged to afford, not only the proper elements of primary education, but also those of a useful trade, in which those minors under patronage who are less than 20 years of age may be able to obtain their future subsistence. Patronage must include the greater number of results favourable to those under patronage, since this new legal situation or civil condition has been introduced in their favour; and as one of the greatest benefits is that of education, this must be extended to the greatest possible number of freed-men, such has been the spirit and letter of the Law. In another question, the Governor-General asks if the patrons are obliged to grant the services and aids laid down in Article 4 of the Law to those under patronage who work on their own account. Article 3 says: "The patron shall preserve the right of using the work of those under his patronage, and that of representing them in all the civil and judicial acts conformably to the Law." It is clear that the person under patronage could not, without permission from his patron, lend his labour to any person, and that the patron, when permitting it, deprives himself of his benefits, that is, of his rights; but he does not exempt himself from his duties, which he could not legally renounce. Lastly, it being asked by the superior authority of the Island of Cuba if the patronage of a person can be transferred without also transferring to the new patron that of the mother of the same, when she should give her consent to the said act. To reply to this question, the Council will recall that already by our ancient Legislature, which, without abolishing slavery, mitigated a great part of its vicious effect, it was forbidden to separate husband and wife, parents and children, thus watching for the morality of families and the fulfilment of domestic duties which no Law could disregard. The second paragraph of Article 2 of the Law says: "Patronage shall be transferable by all the means known in law, but it cannot be transferred without transferring to the new patron that of the children under 12 years of age, and that of the father or mother respectively. In no case shall it be allowable to separate the individuals constituting a family, whatever may have been its origin." The circumstance of the mother giving her assent to the transfer of the patronage of the child can be no sufficient reason that in such case the final and general precept of the Law should vary. Such is the opinion of the Council upon the different points which this Report includes. Your Excellency nevertheless, with His Majesty, will decide as you think best. And His Majesty the King (whom God preserve) having agreed in the foregoing opinion, I communicate it to your Excellency by his Royal Order, advising the immediate

fulfilment of the Decree, which by order of his Excellency is published for general information.

(Signed) M. DIAZ DE LA QUINTANA.

Havana, March 19, 1883.

No. 2.

Consul-General Crowe to Earl Granville.—(Received May 7.)

My Lord,

Havana, April 20, 1883.

REFERRING to my despatch to your Lordship of the 6th instant relative to the alleged evasions of the Moret (Emancipation) Law of 1870 in Cuba, I have to-day the honour to forward herewith two original Reports on that subject addressed to me by the British Vice-Consuls at Sagua la Grande and Cienfuegos.

The writers are Englishmen, with much local experience. They were ignorant of what I have already reported, and your Lordship may safely rely on their independent testimony, which agrees with what I have written, and confirms my view of the exaggerated nature of the "Standard" correspondent's statements.

I take advantage of this opportunity to correct a small mistake, and add a few remarks in continuation of my previous despatch above referred to.

I committed an error in stating that liberated negroes are bound during four years to pay to their former owners the produce of their labour.

This is not so—they are allowed to keep it; the only obligation resting on them is that of proving that they have employment during this period.

The parties interested in the slavery question may be classed as follows:—1. The rich slave-owners. 2. The poorer creole slave-owner. 3. The autonomists, abolitionists, and opposition press. 4. The Government and Spanish party.

The few rich plantation owners accepted the inevitable in time, sold their slaves, some their estates. Being the possessors of capital, they were able to procure free labour and modern appliances, and adapt themselves to the new order of things, which no longer works well with the old one. Their interest in slavery has ceased.

The poorer creole planters, less lucky and less provident, with small or no capital, put off the evil day, while death, desertion, the usurer, and enfranchisement steadily reduced their resources; for them abolition meant ruin; their interest, then, was to retard emancipation and get the most out of their slaves.

The autonomists and general opponents of Spanish rule find slavery a fertile source of attack on the Government, and lose no opportunity of bringing to light any real or alleged case of abuse or excess of power.

The Government and Spanish party have no longer any direct interest in the institution. It is irrevocably doomed, and they wish to see the end of it; and were it not for the complicated and serious social question of what to do with a great and sudden influx of idle blacks, with their attendant flock of unprovided, old, infirm, and juvenile belongings, they would gladly anticipate the law; but this social problem has to be solved, and a gain of time renders the solution easier.

In judging how far it is the interest of these parties to retard emancipation, one may at once eliminate the first and third; there remain, then, the poorer creole planters and the Government, whose interests run parallel to a certain point, but only so far as it is the interest and duty of the latter to treat a large and suffering class of the community with leniency and consideration, and gain time for amalgamating with the population the dangerous and embarrassing elements to be thrown on their hands; but their tendencies in this excusable direction are so well tempered and kept in check by the provincial Juntas, the press, and their political opponents, that even had they the desire to violate the law, as alleged, it would at present be neither profitable nor sagacious for them to act otherwise than strictly within its lines.

I have stated that the number of slaves liberated in the first eight months of 1882 was 11,440; the number freed in the last four months will probably have exceeded 5,000; making the total liberation for that year about 17,000!

Any fairly-proved case of excessive or illegal punishment or general ill-treatment secures the slave his liberty; and he has many friends, especially among the free blacks (who are very generous towards their brethren in bondage), ready to bring such cases before the local Courts.

Bruises are accepted by them as evidence of ill-treatment; and cases have occurred where, freedom having been decreed on this ground, it was subsequently

found that the marks were cleverly simulated by means of vegetable juices rubbed into the skin.

Since the Emancipation Law came into operation in 1881, and up to the present time, as many as 1,350 slaves have been liberated from general infractions of it on the part of owners, and many appeals have in consequence been lodged by these latter against the liberation orders of the present Captain-General.

Two slaves of presumed British nationality have been liberated on my request alone.

I have, &c.
(Signed) A. DE C. CROWE.

Inclosure 1 in No. 2.

Vice-Consul Harris to Consul-General Crowe.

Sir,

Sagua la Grande, April 2, 1883.

I WOULD say that the correspondent of the "Standard" has not been well informed either in the Law of 1870 for the emancipation of Cuban slaves, nor the manner in which the same is executed by the authorities of this island, as it is not a fact that the Law of 1870 declared free all negroes of African birth. It only declared free those negroes which were not included in the Census of 1866, or, rather, 1867, because it was in January 1867 that the Census was closed; and as the law against the introduction of negroes from Africa was at that time, and to my own personal knowledge for twelve years previous, so openly disregarded, there was no necessity of the owners of negroes concealing the place of birth of their slaves in that Census, and, in support of what I state, I have now before me the Government certificate of this Census for one of the sugar estates in this district, in which I find one-half of the whole dotation of slaves marked as natives of Congo, Lucumi, Macuá, Gangá, and Arará. At that time there was no difficulty in getting the newly-arrived African registered as the slave property of the owner, as it could be done at from 7*l.* to 10*l.* a-head, and the above sums were paid without a grudge, as the market price of a negro fresh from the ship's side was 220*l.* each, the purchaser taking all risks, and this was the time (1866 and twelve years previous) when all the wealth of those now rich was made in this district, and in the district of my former residence—Matanzas; consequently, there was not, nor is there now, any secrecy about this matter with the Government.

The Law of 1870 made free all children born of slave mothers after that date; also, all born after September of 1868 (the date of the revolution in Spain) were to be set free by the Government. This part of the Law has been most religiously adhered to, but under the condition that the owner of the mother is to have a right as master and owner of the child until it is 18 years of age. In no case has there been any evasion of this last rule. Now the Law of 1880 declares all slaves free, but they have to serve their masters or owners for eight years at 12*s.* per month; and in 1885 one-fourth are to be set free by lottery, and one-fourth each of the three following years; and through purchase the maximum price of freedom is fixed at 10*l.* per year; but the eight years are only called six years in the calculation of the price, on account of the lottery during the last three years. Now nearly three years of this time has expired, and to-day the maximum price for the freedom of a first-class man or woman is 36*l.*, and many thousands of the former slaves have already purchased their freedom. I do not believe there will be one single slave remaining on the expiry of the eight years, for very soon they will be able to purchase their freedom for the price of their fattened pig, as all the slaves are allowed to keep pigs if they are not too lazy to feed them.

In no district, as far as I know, has the law been put in force compelling them when free to contract for other four years.

The punishment by flogging, irons, and the stocks is entirely abolished, and is evaded only by some extraordinary bad characters; the police negroes and neighbours are continually on the look-out to find any infraction of the law, so that they may black-mail the owner or overseer, because any infraction of this part of the law is punished by the freedom of the negro so punished.

I must say that the majority of the planters would be more satisfied if all the slaves were declared free at once, except some of the large owners, as they

find already that slavery without the whip is a mockery, as, no matter what petty crime the negro may commit, he or she laughs at the owner when he threatens punishment, and tells him to his face that he dare not lift a hand upon him, or he would report him to the authorities: of course, with such provocation the law is sometimes broken, but the owner or overseer has to pay a high bribe to the police who investigate the case. Upon the whole, I don't know any Spanish law that is carried out or executed so near to the letter of the law as this Emancipation Act of 1880.

I am, &c.
(Signed) JOHN S. HARRIS.

Inclosure 2 in No. 2.

Vice-Consul Fowler to Consul-General Crowe.

Dear Sir,

Cienfuegos, April 9, 1883.

AS regards the carrying out of the provisions of the Moret Law of 1870 by the Island Government, I beg to submit the following observations for your consideration:—

The "Diario de la Marina" of the 5th instant gives the official Return of slaves or patrocinos freed under its provisions to the close of last year, since it went into operation on the 7th May, 1880, as follows:—

During the year 1880-81	..	..	..	..	..	..	6,366
" 1881-82	..	..	..	..	..	..	10,249
First eight months of 1882-83	..	..	..	..	..	..	11,440
Making a total of .	..	..	..	..	..	..	<u>28,055</u>

in two years and eight months, which would lead to the inference that it is being fairly carried out by the several provincial Juntas and numerous sub-municipal Juntas established for this purpose throughout the island.

No Return has yet been published that I am aware of of the number of slaves excluded from, or not appearing on, the Census lists of 1867, but as the insurrection broke out on the island towards the close of 1868 before it was officially terminated, and it is known that many of the archives of the "Capitanias de Partido," through the eastern section, nearly the whole of the Principe district, and many of those of the Cinco Villos, when the local lists still existed, were totally or partially destroyed, my impression is that the bulk of the omissions that may appear would arise from the loss of such official documents, and cannot by any means be attributed to connivance on the part of Government officials and planters, or other owners of slaves, to evade the capitation tax (which I don't think was then promulgated), or to dissimulate the origin of the negroes, many of whom must certainly appear on the registry as of African birth.

As far as I can investigate, the Juntas in this section carry out the provisions of the Emancipation Act strictly, and generally incline to the patrocinos; of 2,500 registered in Cienfuegos and the country attached to it, 657 have been freed to the close of last month, which is a large percentage in so short a time, and the opinion generally prevails that all able-bodied slaves, males and females, will have obtained their freedom by purchase or otherwise by the close of 1885. The yearly reduction of 50 fl. from their fixed value, their general thrift and the facility they have to accumulate small amounts by breeding pigs and extra labour, point to this issue and to the almost complete extinction of slavery some time in advance of the date assigned by law. Several instances are cited and known to me where planters have arranged with their hands to give them their freedom in the course of two years if they perform their work steadily during that time, allowing them an increase on the wages fixed by the Act; others have freed their people voluntarily already, and as I don't hear of any opposition to the Decree, it is but fair to grant that it is progressing steadily and even rapidly to the desired end.

As regards corporal punishment on the estates, it is apparent the correspondent of the "Standard" has been misinformed; flogging is totally abolished, and any one resorting to it would be exposed to the full penalty of the law; individual cases of brutality may occur, but I am sure they are rare and exceptional in these days, and would not be cloaked by the Juntas if brought under their notice; the stocks appear

to be the only instrument of punishment still tolerated for offenders; but as it is contrary to the planters' interest to keep men locked up whose services are required and are paid for in money, food, and clothing, the punishment, when resorted to, is more for sake of example than for any special object of cruelty.

Children born since the promulgation of the Law in 1870 have always been baptized as free by the clergy; they are, however, subject to service with their masters under certain stipulations until they attain a given age; on the withdrawal, however, or freedom of the mother, she has the right of taking them with her by paying a small amount assigned yearly to their master for maintenance and clothing.

Those becoming free are provided at once with free cedulas; a note upon these documents stipulates that they must prove to the authorities during a term of four consecutive years that they are engaged to work in some capacity or other with responsible parties: I do not hear, however, that this is being enforced, as they go about with the same liberty of action as other people.

I don't know that I could add anything further of interest to you on the subject, and hoping the preceding remarks may be of some service in framing your Report, I remain, &c.

(Signed) GEO. M. FOWLER.

No. 3.

Consul-General Crowe to Earl Granville.—(Received May 24.)

My Lord,

Havana, May 10, 1883.

REFERRING to my despatches to your Lordship of the 6th and 20th ultimo, relative to the alleged evasions of the Moret Law in Cuba, I have to-day the honour to forward herewith a Report on this subject from Vice-Consul Ramsden, of Santiago de Cuba, which, like those I have already transmitted, corroborates my statements that no evasions are taking place, and that slavery is disappearing from this island quicker than the Law anticipated.

In fact, my belief is that at present it is enforced more strictly as regards owners than slaves, for I hear frequent complaints that, while the former are kept closely to its letter, the latter are practically uncontrolled, and, once freed, in spite of the four years clause, roam at will over the country; an impression borne out by the inclosed letter I have received from the Vice-Consul at Nuevitas.

Some owners, on this account, in order to encourage their slaves to steady work, bargain with them to shorten their servitude in proportion to their good conduct, and many negroes are liberating themselves in this manner.

I have nothing more of practical value to communicate to your Lordship, and in concluding my Reports on this question I have no hesitation in affirming that, whatever may have taken place in the past, the present working of the Emancipation Law is satisfactory and in favour of the slave, and that, apart from isolated instances of injustice and brutality, the detractors of the Colonial Government would find it difficult to make out a case against them.

I have, &c.
(Signed) A. DE C. CROWE.

P.S.—Just as I was closing this despatch I saw an article in the "New York Herald," which I think it well to send, as it will further show your Lordship how uncontrolled the negroes really are.

If things are so bad in the capital, under the direct control of the Central Authority, it can easily be imagined what they are likely to be in the interior, when so many thousands more are let loose; and how desirous the Government must be, in the interest of the slaves themselves, not to precipitate emancipation.

The "Nañigos" is a secret society something like the Indian Thugs, whose object is assassination; and such is its hold on the negro that the severest measures on the part of the authorities have failed to break it up.

A. DE C. C.

Inclosure 1 in No. 3.

Report by Vice-Consul Ramsden as to whether the Provisions of the Moret Law are being evaded in Cuba, as stated by the "Standard's" Madrid Correspondent.

THE Moret Law, or that of the 4th July, 1870, enacts that all children born of female slaves posterior to its publication be declared free; that all slaves born since the 17th September, 1868, are acquired by the State, and that all slaves belonging to the State be free; that all slaves that have reached 60 years of age on the publication of the Law be free, as also those that have served in the Spanish army. Cruelty by master also involves the liberty of the slave; and further, those slaves not included in the Census of 1870 are free. Said Law moreover enacts that those liberated, owing to their having been born posterior to the 17th September, 1868, shall be apprenticed to their former masters, and it further provides for the care, by their former masters of those who have reached 60 years. There is, besides, a "Regulation," dated the 5th August, 1872, for the fulfilment of the Moret Law, which Regulation enters more into details, and refers, among other things, to the Census of 1866, as mentioned by the "Standard," which the Law itself does not. This circumstance, added to the fact that the Abolition Law of the 13th February, 1880, in its second Article, only refers to the Census of 1870, and not to that of 1866, gave rise to a doubt as to whether the Census of 1866 was to be taken into account or not, although several slaves had already been declared free under the provisions of 1867 referring to the Census of 1866, and the Governor-General consulted the Home Government on this point; it has since been declared by said Home Government that slaves have to be included in both the Census of 1866 and that of 1870.

The Secretary of the "Junta de Patrocinados" here assures me that since the establishment of said body the practice here with regard to Censi has been that which has subsequently been confirmed by the Home Government, and that slaves not enrolled both in 1866 and in 1870 are declared free; several instances of freedom having been obtained from this cause have also come to my personal knowledge. A pamphlet published in Havana in 1880, entitled, "Ley y Reglamento de la Abolicion de la Esclavitud de 13 Febrero y 8 de Mayo, 1880, &c," with commentaries, contains a note at the foot of p. 4, which distinctly explains that the Census of 1866 cannot be considered as null. As far as I have been able to judge personally, the "Junta de Patrocinados" in this province has interpreted the legislation on the subject in the sense now confirmed, by the Madrid Government, and when a doubt has arisen it has been resolved in favour of the slave.

The following figures speak for themselves:—

Slaves in this Province or Jurisdiction of Santiago de Cuba in 1867, 51,041; ditto in 1871, 29,961; ditto in 1883, 5,485; the difference between the years 1867 and 1871 proceeds in a great measure from the fact that after the commencement of the insurrection in 1868 a large number of slaves were sold away by their owners to the Havana district; a part of the difference since 1871 is also attributable to the same cause, but the principal one since 1871 has been the working of the Abolition Laws.

To-day the slaves in this district are being liberated at the rate of 150 per month, and as the liberty price of a negro is reduced each year, the rate will tend to increase, and it is probable that within two years there will be no slaves remaining in this part of Cuba.

The "Standard" mentions two motives as those which have induced planters to omit slaves in the Census of 1866, viz., to escape the capitation tax and to conceal the fact that about 70,000 slaves were African born, and entitled to their freedom. In this province the capitation tax may have been the cause in a few instances, but the principal one has been inadvertence, and the apathy belonging to the country; there would have been no notice here for omitting them in order to conceal their being African born, as since 1863 no slaves have been landed in this part of Cuba, and the African slaves that were previously illegally introduced were provided with cédulas in apparently legal form. I am of course only able to judge as to events in this province, and am unable to say what may have happened in the other parts of the island. Be it as it may, the planters who have omitted to include their slaves in the 1866 Census have suffered already, or will suffer, the consequence of such omission.

I should mention, as indeed may be deduced from the figures I have quoted, that the reduced number of slaves to-day remaining in this province no longer makes it an object to the general body of planters to wish to preserve the slaves here,

accustomed, as they are becoming, to use either free hands entirely, or a large number of free hands along with their slaves, such free hands being principally derived from former slaves. Many planters that I am acquainted with would even prefer that slavery should now become extinct as soon as possible in the whole island, as the system of free labour would then be better organized than it is in the present transition state, and probably all the slaves that were previously sold from here to the other end of the island, being then free, would return here to work, as has happened with many of them that have already obtained their freedom. In the Western Department I believe the planters are more dependent on slave labour than those here.

I have treated the question of Census only as regarding this Department of Cuba, but I understand that in Havana, where the General Census of Slaves in Cuba is kept, the Government have formed three divisions:—

No. 1. To contain slaves appearing in 1866 and in 1870;

No. 2. Those that appear in 1866, but not in 1870;

No. 3. Those enrolled in 1870, and not in 1866;

that they have been and are still confronting the two Censi, so as to form a correct list of Division No. 1, after which all slaves not appearing in No. 1 will be declared free.

The "Standard" proceeds to say that "the remaining 170,000 will be emancipated in four batches in 1885 and the three following years, under the second Emancipation Bill of 1880, but all negroes thus becoming free men are bound by law to serve four years, and are still subject frequently to corporal punishment, irons, stocks, and flogging," &c.

It is correct as regards the emancipation in four batches, but not so in saying that those so freed have to serve for four years; nor is it correct in stating that the Law still makes them subject to corporal punishment, *i.e.*, flogging. Articles 9 and 10 of the Law of 1880 enact that during four years the freed slaves will have to prove that they have contracted work; the interpretation given to this is that they must show that they have employment, or, in other words, not become vagrants, but so far no freed slave has ever been asked for proof of such work, and in all probability never will be. The prohibition of corporal punishment, enacted first by Article 21 of the Law of 1870, is expressly confirmed by Article 35 of the Regulation of the Law of 1880, where it is again prohibited under any pretext whatever; the slaves know full well that if chastised corporally they have only to present themselves to the proper authority in order to obtain their freedom, as has already happened in several instances. By the same Law the owner is allowed to punish certain specified faults with irons and stocks, but the time limit for the gravest offence is twelve days, unless the slave does not mend, in which case the owner may double the period.

(Signed)

FRED. W. RAMSDEN, *Vice-Consul*.

British Vice-Consulate, St. Jago de Cuba,
April 30, 1883.

Inclosure 2 in No. 3.

Vice-Consul Adan to Consul-General Crowe.

Sir,

Nuevitas, March 31, 1883.

IN answer to your communication dated the 27th instant, I have the honour to state that, in regard to the Moret Law in this Department, there are not above 200 patrocinos, and they are not looked on as such by their patrons, since they cannot have any control over them. All labour here at present is based on free principle.

I remain, &c.

(Signed)

B. SANCHEZ ADAN.

Inclosure 3 in No. 3.

Extract from the "New York Herald" of May 3, 1883.

Havana, May 2, 1883.

CRIME IN CUBA.—Highway robberies and murders, the perpetrators of which are usually negroes, are again of daily occurrence in Havana. The entire rabble of the city are said to be armed with knives and revolvers, yet no step is taken to disarm them. The murderous Society of the Nañigos, formerly composed wholly of negroes, is now recruited from the criminal classes of whites. The police recently surprised a meeting of twenty whites, evidently in the act of swearing in a new member. The party fled, but an altar and a coffin, with all the machinery used in swearing in Nañigos, were found. By a Royal Order of March 14, the Governor-General was instructed to send to Spain a plan for the judicial division of the island, so as to establish as soon as possible the system of public and oral Tribunals for criminal offences, as it now exists in Spain, and to abolish the old and vicious system still prevalent in Cuba.

REPORTS by Consul - General Crowe and Vice-
Consuls in Cuba on the Number and Condition
of the Slaves in Cuba.

[In continuation of "Slave Trade No. 3 (1882)."]

*Presented to both Houses of Parliament by Com-
mand of Her Majesty. 1883.*

LONDON :
PRINTED BY HARRISON AND SONS.