

Class B.

CORRESPONDENCE

WITH

FOREIGN POWERS,

RELATIVE TO

THE SLAVE TRADE.

1830.

Presented to both Houses of Parliament, by Command of His Majesty,
1831.

LONDON :

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Class B.

CORRESPONDENCE

WITH

FOREIGN POWERS.

SPAIN.

No. 1.

G. Bosanquet, Esq. to the Earl of Aberdeen — (Received Jan. 13, 1830.)

MY LORD,

Madrid, December 28, 1829.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch, marked slave-trade, of the 5th instant, communicating to me the information received from the Havana, respecting a Spanish vessel, named the "*Elena*," or "*La Paz*," lately fitted out at Cadiz, and suspected of being engaged in the slave-trade.

I have in consequence addressed to the Spanish Minister the note, of which a copy is enclosed.

I have, &c.

(Signed)

GEORGE BOSANQUET.

The Right Hon. the Earl of Aberdeen, K. T.

&c.

&c.

&c.

Enclosure in No. 1.

George Bosanquet, Esq. to the Chevalier de Salmon.

Madrid, December 27, 1829.

THE Undersigned has the honour to communicate to his Excellency the Chevalier de Salmon, by order of his Government, an extract of a despatch from the British Commissioners at the Havana, respecting a vessel, named the "*Elena*," or "*La Paz*," lately fitted out at Cadiz, and about which a correspondence took place between Mr. Salmon and the Undersigned, early a year ago.

It will be seen by this communication, that the suspicions entertained at the time, that this vessel was destined to be employed in the African slave-trade, have been fully and painfully confirmed, by her arrival at the Havana in ballast, after having landed a cargo of slaves on the coast; and the Undersigned is, therefore, directed to express the hope of his Government, that due care will be taken in future, that vessels shall not be fitted out in the ports of the mother country for undertakings in a traffick, solemnly prohibited by the Treaties between His Majesty and the King of Spain.

The Undersigned, &c.

(Signed)

G. BOSANQUET.

His Excellency the Chevalier de Salmon,

&c.

&c.

&c.

No. 2.

The Earl of Aberdeen to H. U. Addington, Esq.

SIR,

Foreign Office, April 6, 1830.

WITH reference to Mr. Bosanquet's despatch to me, marked *slave-trade*, of the 30th of July 1829, on the subject of the schooner "*Maria*," which was fitting out at Cadiz, suspected to be intended for the illicit traffick in slaves, I now enclose to you, for your information, a copy of a despatch,* and of its enclosures, from His Majesty's Commissioner at the Havana, relating to the arrival, from the Coast of Africa, of a vessel named "*Maria*," which he supposes to be the same as that referred to in the above despatch from Mr. Bosanquet.

I am, &c.

H. U. Addington, Esq.

(Signed) ABERDEEN.

§c. §c. §c.

* December 30, 1829.—See Class A.—No. 65.

No. 3.

H. U. Addington, Esq. to the Earl of Aberdeen.—(Received April 8.)

MY LORD,

Madrid, March 8, 1830.

I HAVE the honour to enclose, herewith, a letter which I have recently received from M. de Salmon, accompanying an Ordinance of His Catholic Majesty, dated the 4th instant, and addressed to the Captains-General of Cuba and Porto Rico, which has for its object the more rigorous application and enforcement of preceding Royal Decrees for the suppression of slave-trade in those colonies.

M. de Salmon informs me, in his letter, that His Catholic Majesty having submitted the question to the Supreme Council of the Indies, and having also taken the advice of His Ministers of State thereupon, has not seen proper to accede to the proposition submitted to this Government, on the 9th February 1820, by Sir Frederick Lamb, for framing an Additional Article to the Slave-trade Abolition Treaty of 1817, nor to other suggestions, put forward at various times by the British Government, such, for instance, as that for treating as pirates persons engaged in that odious traffick; but that His Majesty has, in their place, issued the "new and energetic orders" contained in the Ordinance above alluded to.

Of the efficacy of such an order it may be permitted, without calling in question the sincerity of the Spanish Government, to entertain some doubts, after what has notoriously taken place under preceding decrees of nearly the same tenour.

I have, &c.

(Signed)

H. U. ADDINGTON.

The Right Hon. the Earl of Aberdeen, K. T.

§c.

§c.

§c.

First Enclosure in No. 3.

(Translation.)

The Chevalier de Salmon to H. U. Addington, Esq.

SIR,

Palace, March 4, 1830.

YOUR predecessor, Mr. Lamb, addressed a note to this Department, dated February 9, 1826, proposing an Additional Article to the Treaty for the abolition of the slave-trade, concluded between our august Sovereigns in 1817. The Chargé d'Affaires, Mr. Bosanquet, wrote another note on the 3d of April,

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1828, expressing the wish of his Government, that some Articles, similar to those agreed on between Great Britain and the Pays Bas, might be added to the above-mentioned Treaty; and the Chargé d'Affaires wrote to me on the 9th of January and 7th of April, 1829, complaining of the insufficiency of the Royal Decree to suppress the said traffick, and of the freedom from punishment of the sailors, who are taken on board vessels engaged in that traffick.

All those notes, and others upon the same subject, affording fresh matter, or bringing forward fresh reclamations, or proposing new measures; as, for example, that slave-vessels should be treated as pirates, that an extensive and discretionary power should be given to the Captain-General of the Havana; have been successively laid before the King.

Before coming to any determination, the King required to hear the decision of the Supreme Council of the Indies on some points, on others that of His Council of State, and on all that of persons in whose experience His Majesty has confidence, which circumstance has unavoidably delayed the answer which was due to the British Legation, and hindered its being carried into effect.

This having been rendered consequently embarrassing and voluminous, His Majesty ordered that the Council of His Ministers should consider it attentively and conscientiously; who, in the presence of the persons to whom I have drawn your attention, and of their predecessors, proposed to His Majesty what seemed to them most suitable and just.

His Majesty, having again considered the business, has resolved, announcing the same to you, that it is not necessary to add the proposed Articles to the Treaty of 1817, nor is there any necessity for altering the law which proceeds from it; but being at the same time prompted by his humane heart, to show his determination to observe faithfully the agreements entered into with His Allies, and most particularly with His Britannick Majesty, whose friendship and good opinion he holds in great esteem, His Majesty commanded me to issue fresh and energetic orders (you may see the order has been issued by the enclosed copy of it) for the abolition of a traffick, which, from its description, is no less repugnant to the feelings of His Majesty, than to the wishes of His Ministers.

I have, &c.

MANOEL GONZALEZ SALMON.

(Signed)

H. U. Addington, Esq.

§c. §c. §c.

Second Enclosure in No. 3.

(Translation.)

Copy of a Royal Order, March 4, 1830, sent in Duplicate to the Captains-General of Cuba and Puerto Rico.

THE repeated remonstrances of the British Legation at this Court, respecting the impunity with which the slave-trade is carried on, and of the inefficiency of the Royal Order of January 2, 1826, have rendered it necessary to provide a preventive to this practice, which has been examined by the Council of State, by that of the Indies, by His Majesty's Ministers, and by persons whom the King honours with his confidence.

His Majesty having taken all the opinions of the above-mentioned persons, and having fully examined the business, has commanded, that the Articles of the Treaty of 1817 shall be rigorously observed; for it is His Sovereign Will, that all agreements entered into with Foreign Sovereigns shall be fulfilled, and most especially those with the King of Great Britain; at the same time I charge your Excellency with the Royal Order, and finally to observe and fulfil, with the greatest accuracy, the orders therein contained.

His Majesty is desirous, that so severe a fine should be imposed, by these means, upon so inhuman a traffick, which is so repugnant to the generous feelings of his benificent heart, that it may put an end to the impunity, with which it is carried on, in despite of the laws and penalties imposed upon the offenders.

No. 4.

The Earl of Aberdeen to H. U. Addington, Esq.

SIR, Foreign Office, April 23, 1830.

I HERewith transmit to you the copy of a communication, which has been received at this Office from the Admiralty, upon the subject of a practice, said to exist in the foreign West India Islands, of giving with too much facility the national character to vessels, which are subsequently employed in illegal slave-trade, the penalties of which they escape, through the facilities thus afforded.

The proceedings of the Mixed Commission Court at Sierra Leone furnish numerous instances, in corroboration of the statement, made by Vice-Admiral Fleeming, as to the prevalence, in many of the foreign West India Islands, of the practice which forms the subject of his report to the Admiralty, and as to the undue facilities which are thereby afforded to the carrying on of an illicit traffick in slaves.

You will represent these circumstances to the Government of His Most Catholic Majesty, by whom, His Majesty's Government feel confident, such measures will hereupon be adopted, as may be necessary effectually to prevent a system of abuse, which throws the greatest difficulties in the way of His Majesty's efforts, for the suppression of illicit slave-trade, and tends to frustrate the humane objects of the Convention of the 23d of September, 1817, between His Majesty and the King of Spain.

I am, &c.

H. U. Addington, Esq.

(Signed)

ABERDEEN.

§c. §c. §c.

Enclosure in No. 4.

J. Barrow, Esq. to J. Backhouse, Esq.

SIR, Admiralty Office, December 8, 1829.

I AM commanded by my Lords Commissioners of the Admiralty to transmit to you, for the information of the Earl of Aberdeen, copies of a letter, and its enclosure, from the Vice-Admiral Fleeming, relative to the irregular practices which prevail in the foreign West India Islands, in regard to vessels employed in the slave-trade, and by which piratical outrages are committed.

I am, &c.

(Signed) JOHN BARROW.

J. Backhouse, Esq.

§c. §c. §c.

Sub-Enclosure (A.) in No. 4.

Vice-Admiral C. E. Fleeming to J. Barrow, Esq.

SIR, Barham, Caraçou, September 7, 1829.

IN obedience to the commands of my Lords Commissioners of the Admiralty, signified to me by your letter of the 9th of June last, I directed Acting Commander Mayne, of His Majesty's sloop "Icarus," to proceed to St. Thomas's, and make the enquiry therein directed; and I have the honour to enclose his report, by which it appears, that Mr. Ranken is mistaken in the name of the Vessel and Commander, which he describes in his letter of June 8; a circumstance by no means extra-ordinary, as from the frequent change of colours, names, and masters, it becomes extremely difficult to identify individuals and vessels of this description.

The case of the "Nersée," alias "Edafette," is already before their Lordships, and affords a very striking illustration of this remark. She fitted out at Martinique under French colours, procured Dutch at St. Eustatius;

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on her return, she proceeded to St. Bartholomew's, where she procured Swedish; from that she went to Hayana, where she obtained Spanish; and now, under all these colours, is probably on her way, on another voyage, to the Coast of Africa.

So long as such facility for changing colours is given, in the foreign islands, the seas can never be safe for defenceless merchant ships. But the chief evil under which all the pirates now cloke themselves, is the open manner in which the slave-trade is carried on between the French possessions in the West Indies and the Coast of Africa, under their flag; and it is undeniable that the outrage committed on the "Benbow," was perpetrated by one of these vessels; and I have reason to believe that the guilty vessel has returned to Guadaloupe, with a cargo of slaves, and has since proceeded to Puerto Rico. The usual course of those vessels is to fit out at Martinique, or Guadaloupe; they are principally American built, having been privateers under various flags. From one of these islands they proceed to St. Thomas's, and purchase the requisite goods for the coast, clear out for Cuba, and, under pretence of protection from pirates, get permission to arm; but lately the Danish Authorities have been more circumspect, and this part of their equipment has generally been done at St. Bartholomew's, where a depôt of seamen of all nations has hitherto been kept, on pretence of their being in debt, as already stated in my letter of 25th March last, and having Danish, Dutch, or Swedish subjects on board, as Supercargoes, Surgeons, or Stewards; they act, occasionally, as the Masters of the colours they think proper to display.

The remedy for these evils can only come from Europe. The Dutch, Danish, and Swedish Governments have instructed their Authorities in the West Indies not to be too strict, under a false notion of encouraging trade, and getting back to the islands that which is irrecoverably lost, since the revolution which has taken place in Spanish America, and in which the Islands of Jamaica and Trinidad have borne their full share. The establishment of free ports here, at St. Bartholomew's, and at St. Thomas's, all originate from the same desire; but, instead of being beneficial to their own Governments, with the exception of St. Thomas's, they are only useful to individuals of all nations, of the worst possible description, ready to enter into any desperate undertakings; and thus may be found, in this island, Corsicans, Genoese, Sardinians, French, English, Americans, Brabanters, &c. &c. outlaws of their own country, and of many others; but here, from the false grounds above stated, they find protection.

Since I have been in this port, vessels have arrived under the Columbian flag, sailed again under Dutch colours, and returned under Spanish. Americans likewise have become Danes, and Columbian Spaniards. A privateer, which appears here with a prize, has only to complain that she requires some repair, when she is immediately permitted to sell her, without condemnation, to pay the expenses; the remainder is deposited for 6, sometimes for 12, months, for claims; and none being lodged, (the Owners being ignorant of the fate of their vessels), the balance is paid over to the Captain of the Privateer, and thus he is enabled to cheat the crew, and appropriate to himself property, which never would have been condemned to him in a regular court.

Soon after my arrival at Curaçoa, I found a vessel, called the "Cubana," from Cuba and Jamaica, under Spanish colours, had been taken by the noted Bernard Ferrero, who, instead of sending her over to Columbia, sent her to Amba, where she was permitted to change her colours to Dutch, and under which she arrived here with the Columbian crew still in possession. Under a supposition that there might be British property on board, I applied to the Government to have his vessel detained, and wrote to Jamaica for information, but none having been obtained, after a delay of 6 weeks, the Governor sent the crew over in a Dutch man-of-war to Puerto Caballo. Soon afterwards Bernard arrived, claimed the vessel, and she sailed from this under Columbian colours. But I have strong reason to believe, that the Dutch would be used as a protection to some other port, and thus a vessel, without any legal condemnation, fills a sacrifice to persons who are literally pirates.

During the last year, a person, calling himself Fournier, arrived at St. Eustatius from Boston, in a vessel called "*The Twenty-fifth of May*," said to be a Buenos Ayrean man-of-war, having on board a quantity of blank commissions from that Government, dated January 1st, 1828, to be in force for one year, which were disposed of to all persons who chose to become purchasers, the Colonel, by authority which he pretended to have, extended the time from the day on which they were bought. This person got possession of a vessel which had been under the Buenos Ayrean flag, and had been seized at St. Thomas's for some irregularity: he brought her over to St. Eustatius, and there fitted her out as a privateer, putting on board a person in possession of a very old Buenos Ayrean Commission, with a crew of all nations. She proceeded to the Coast of Africa, and on the 5th of February last, captured a large Portuguese ship, which had sailed from Rio de Janeiro in the month of December: after the time allowed by the Treaty between Brazil and Buenos Ayres had elapsed, she returned to St. Eustatius with this vessel, and off the little Island of Saba disposed of all the cargo. Soon after this, His Netherland Majesty's ship "*Falcon*," Captain Van Ness, arrived, and detained both vessels; they have been carried up to Surinam, where they are still under litigation, and I understand very likely to be liberated.

In consequence of the failure of many of the foreign speculators in Cuba, the price of slaves has fallen very considerably in that island; and as that race do not decrease in the Spanish Islands, as is the case of those of France, there appears no doubt, that if the French Government would honestly and seriously put down the slave-trade, it would fall altogether in a few years.

I have, &c.

(Signed)

C. E. FLEEMING, Vice-Admiral,

J. Barrow, Esq.

&c. &c. &c.

Sub-Enclosure B. in No. 4.

Mr. Molyneux to Vice-Admiral C. E. Fleming.

Sir,

H. M. Sloop "Icarus," Curaçoa, August 25, 1829.

IN pursuance of your order to me of the 14th instant, I proceeded in His Majesty's sloop under my command to St. Thomas's, where I arrived on the 21st; the result of my enquiries, respecting the vessels mentioned in the said order, I beg to communicate to you.

On a minute observation of all the vessels in the harbour, I could see no schooner answering the description of that which boarded the "*Benbow*," nor could I, after the strictest enquiries, both at the Custom-house (where I had the register of vessels that had cleared out in July, August, and September, 1828, examined), and from private information, ascertain, that any vessel named "*Revenge*" had sailed from St. Thomas's at the time stated in Mr. Ranken's letter to the Right Hon. J. W. Croker. I could obtain no information of Baker, he not being known to any one there, or ever heard of. The house of Sanbot and Co. is known to fit out vessels for the slave-trade; but it appears, from what I could learn, that they would not sanction any act of piracy on the high seas.

It is acknowledged, that vessels frequently arrive at St. Thomas's from Guadaloupe, and take in all sorts of goods, sending a list to the Custom-house, but which list, as the Captain of the port told me, might or might not be correct; as, from its being a free port, the vessels were never examined, to see if they had on board what they professed to have.

I could not ascertain any thing relative to any particular vessels, that had fitted out in December and January last, nor was there any certain information of slaves having been lately landed at Guadaloupe; I was told that it frequently happens, that vessels full of slaves, on their return from the coast, heave to off St. Thomas's, until they receive orders from their owners, how the cargo is to be disposed of.

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I heard from very good authority, that there was not a single vessel in the harbour fitting for the slave-trade, and from the description of those I saw there, I am inclined to believe it to be a fact; but a fine French brig had sailed, destined for that trade, a few days before the arrival of the "Icarus."

I have, &c.

(Signed) D. MAYNE, Commander.

Vice-Admiral the Hon. Charles Fleming.

No. 5.

H. U. Addington, Esq. to the Earl of Aberdeen.—(Received May 20.)

MY LORD,

Aranjuez, May 10, 1830.

I HAVE the honour to transmit, herewith, copies of a communication, with enclosures, which I have this day made to M. de Salmon, conformably to the tenour of your Lordship's despatch, marked slave-trade, of the 6th April, respecting the abuses either permitted, or winked at, at the Havana, in regard to that traffic.

Those abuses are so glaring, that I have thought it a fit occasion for addressing myself to the Spanish Government on that subject, in a tone of more than usual earnestness.

A letter which I had recently received from His Majesty's Consul at Cadiz, and which is hereto annexed, came very opportunely to my aid, in corroborating some parts of the report made to your Lordship by His Majesty's Commissioner of Arbitration at the Havana, and I have accordingly turned it to account by transmitting an extract from it to M. de Salmon.

I have, &c.

(Signed) H. U. ADDINGTON.

The Right Hon. the Earl of Aberdeen, K. T.

§c.

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First Enclosure in No. 5.

H. U. Addington Esq. to the Chevalier de Salmon.

SIR,

Aranjuez, May 10, 1830.

I HAVE lately received, from His Majesty's Secretary of State, directions to call your Excellency's serious attention once more to the subject of the African slave-trade, as carried on at the Havana in defiance of the Treaties existing between Great Britain and Spain, for the final abolition of that odious traffic.

I have the honour herewith to lay before your Excellency some extracts of a despatch,* addressed by the British Commissioner of Arbitration at the Havana to His Majesty's Secretary of State, by which you will perceive, that vessels are perpetually arriving in the Island of Cuba with cargoes of slaves, and clearing out again for the Coast of Africa, without the smallest restraint or concealment.

To a representation made by His Majesty's Commissioner to the Captain-General on this subject, in the case of a schooner called the "Maria," notoriously employed in slave-trade, he received for answer, that no proof existed of that vessel having been so engaged.

I enclose herewith copies† of the letter and of the reply.

I have the honour to enclose also a copy of a letter, which I have recently received from His Majesty's Consul at Cadiz, in which he states, that that very vessel "Maria," which he had already denounced last year, as fitting out at Cadiz for a slave voyage, has again returned to that port, and is again fitting out for the same object. He also mentions another vessel, called the

* See Class A.—No. 65.

† See Class A.—Second and Fourth Enclosures in No. 65.

"*William Gardner*," (also adverted to in the despatch of His Majesty's Commissioner above cited) as having returned from the Havana to Cadiz, and being once more destined for the same purpose.

I make no comment on these proceedings, but appeal to the honour and good faith of the Spanish Government to take such measures, as shall compel those persons, however high their station, who now wilfully shut their eyes to these disgraceful abuses, to do at length their duty towards their Government, and rescue it from the reproach of laxity and indifference, which must necessarily attach to it, if such abuses are longer suffered to exist.

I have, &c.

(Signed)

H. U. ADDINGTON.

His Excellency the Chevalier de Salomon.

§c.

§c.

§c.

Sub-Enclosure in No. 5.

J. Brackenbury, Esq. to H. U. Addington, Esq.

SIR,

British Consulate, Cadiz, April 29, 1830.

I APPRIZED Mr. Bosanquet, on the 9th of June, and 18th July 1829, of the sailing of 2 vessels from hence, which I had every reason to believe were destined to the Coast of Africa, for a cargo of slaves for the Havana, named the "*Maria*," and "*El Marinero*;" they have returned hither to be employed again in the same service, having safely landed their cargoes of slaves in the Havana, without having fallen in with any ship-of-war under British colours.

These vessels are consigned to, and I believe are owned by, Messrs. Campo Labigretta y Martinez, of this city.

There is likewise another schooner, which, like the former vessels, arrived here under American colours, and was purchased by the Spaniards, and is now fitting out for the Coast of Guinea,—no doubt for slaves,—her American name is "*William Gardner*," her Spanish name not yet known.

During my 6 years' residence in Cadiz, I have never succeeded, from any representation of mine, in causing a single slave-vessel, notwithstanding the various remonstrances made by our Legation, to be diverted from her purpose, the Owners having always contrived, by means better understood than described, to elude the efforts of this Government to restrain their undertakings.

I have, &c.

(Signed)

J. M. BRACKENBURY.

H. U. Addington, Esq.

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No. 6.

The Earl of Aberdeen to H. U. Addington, Esq.

SIR,

Foreign Office, June 29, 1830.

IN acknowledging the receipt of your despatch, marked slave-trade, of the 8th of March, 1830, I will not conceal from you the feeling of disappointment, which has been excited by the perusal of the note enclosed in your despatch, in which the Government of His Catholic Majesty have declined to make any of the additions proposed to the Treaty of 1817, or to amend the laws for carrying it into effect, and have confined themselves to the promulgation of a document in the shape of a Royal Order, so loose and ineffectual, as to be calculated only to confirm the Spanish Colonial Authorities in the belief, that their Government is determined still to wink at the continuance of those evasions of the Treaty of 1817, which are not denied even in the document in question, and which have been the subject of the repeated and fruitless remonstrances of each of His Majesty's Ministers at Madrid, ever since the Treaty was concluded.

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I have His Majesty's commands to enjoin you to renew, in an urgent manner, to the Government of the Catholick King, a proposition for the conclusion of an Article, additional to the Treaty of 1817, whereby vessels, which, upon inspection, shall be proved to be fitted up expressly for the purposes of illegal slave-trade, shall be rendered liable to capture and condemnation under the Treaty.

The accompanying communication, recently received from the Admiralty, adds one more to the numerous proofs already existing, how nugatory all efforts for putting down illegal slave-trade must be, without the aid of the proposed measure.

Collecting, therefore, from the correspondence which you will find in the archives of the mission, the whole circumstances of the case of the "*Fama*," alias "*Nueva Diana*," of Cadiz, you will found upon that case a renewed representation to the Spanish Government, with a view of inducing them at length to do justice, by the proposed Additional Article to the Stipulations of the Treaty of 1817, and you will particularly remind the Spanish Minister, that His Catholick Majesty not only engaged, by the 1st Article of that Treaty, "that the slave-trade should be abolished throughout the entire dominions of Spain, on the 30th day of May 1820, and that from and after that period, it should not be lawful for any of the subjects of the Crown of Spain to purchase slaves, or to carry on the slave-trade, on any part of the Coast of Africa, upon any pretext, or in any manner whatsoever;" but that he furthermore bound himself, by the 6th Article, "to adopt, in conformity to the spirit of this Treaty, the measures which are best calculated to give full and complete effect to the laudable objects, which the High Contracting Parties have in view.

I am, &c.

(Signed) ABERDEEN.

H. U. Addington, Esq.

Esq. Esq. Esq.

P. S. The accompanying despatch* which has recently been received from His Majesty's Commissioners at the Havana, giving an account of the slave-trade at that place during the year 1829, serves to confirm, but too strongly, the reports previously received, that the orders issued by the Spanish Government to the Colonial Authorities, for the ostensible purpose of suppressing illegal slave-trade, have never been really carried into effect in Cuba.

(Signed) ABERDEEN.

* Havana Commissioner, January 1, 1830. See Class A.—No. 79.

Enclosure in No. 6.

J. Barrow, Esq. to J. Backhouse, Esq.

Sir,

Admiralty Office, February 2, 1830.

I AM commanded by my Lords Commissioners of the Admiralty to transmit to you, for the information of the Earl of Aberdeen, extracts of 2 letters from Captain Owen, of His Majesty's ship "*Eden*," respecting the Spanish slave-vessel "*Fama*," or "*Nueva Diana*."

John Backhouse, Esq.

Esq. Esq. Esq.

I am, &c.

(Signed) JOHN BARROW.

Sub-Enclosure (A.) in No. 6.

Extract of a Letter from Captain Owen, of His Majesty's Ship "*Eden*," to Mr. Croker, dated Clarence Cove, March 28, 1829.

ON Sunday the 8th instant, the "*Cornelia*," my tender, was hailed by a corvette under French ensign and pendant; Lieutenant Kellet went on

board to pay his respects to her Commander, who informed him it was His Most Christian Majesty's ship "*Amphitrite*;" although Mr. Kellet could not speak French, he was convinced that she had assumed a false character, and he remained in company with her 2 days, the ship anchored off Bonny Bar, and sent her boats into the river; and Lieutenant Kellet came to me on the 11th with the information.—The "*Eden*" was lying here with her bowsprit out, we had a new one in hand, and 2 lower caps; being convinced that the vessel in question was one of those pirates which infest these coasts, I equipped the "*Eden*" immediately, and dispatched her and the tender, on the 13th instant, to bring the suspicious ship to me. Acting Commander Badgeley, to whom I confided the execution of this service, executed it faithfully. Light winds and easterly currents prevented his reaching Bonny Bar before the 18th instant, but the "*Cornelia's*" superior sailing enabled her to attain that point on the 16th instant.

They found the said corvette on the bar, where the "*Eden*," had left her on the 10th, and she then shewed Spanish royal colours.

On seeing the "*Eden*," she weighed and stood to sea, and from her superior sailing, would have escaped the "*Eden*," but the "*Cornelia*," who had been watching her until the "*Eden's*" arrival, brought her to, to await the "*Eden*."

She was fully prepared for action, as was the "*Eden*," Acting Commander Badgeley being within a boat-hook's length of her, ordered her Master and his papers on board; the Chief Mate came, and when desired to hail his ship, and order all the officers on board, he said, he might order them, but he was sure they would resist. The "*Eden*," therefore, ranged up alongside her, and hailed that all the officers had 2 minutes allowed them to come on board in their own boat. She was then perfectly prepared for battle, her officers and men at their quarters, guns loaded, matches alight, &c., so was the "*Eden*." The Spanish officers, however, were all on board within twice the time prescribed, and she was taken possession of, and brought for my examination on the 20th. She proved to be the "*Diana*," of Cadiz, alias "*La Fuma*," the same that took off a cargo of 500 or 600 slaves last year from Whydah; she had a letter of marque from Havana; as I could find no manifest of cargo, nor indeed any account of, nor any cargo except provisions, it appeared to me that she trusted to her guns only, to effect the purposes of her voyage. I detained her on examination until the 26th instant. Her Master was at Bonny, and on the day mentioned, her Mate produced me vouchers, to shew that a considerable cargo had been landed.

Notwithstanding the very suspicious character which she had assumed, and the certificate that her examination furnished, that she was equipped for the illicit purpose of slaving; yet, as she had not had a slave on board on her present voyage, she could not be condemned under the Treaties; I therefore liberated her on that day, and allowed all the Spanish captives in my possession to depart in her.

She is a deep-waisted corvette of upwards of 500 tons, mounts 18 long 12-pounders, but has 11 ports on each side. She was manned with 140 men, and had double sets of officers, viz: 2 Chief Mates, 2 Second ditto, 2 Boatwains, 2 Masters at Arms, 2 Surgeons, &c.

Sub-Enclosure (B.) in No. 6.

Extract of a Letter from Captain Owen, of His Majesty's Ship "Eden," to Mr. Croker, dated Cape Coast, November 1, 1829.

THE correspondence of His Majesty's Ministers, relative to the slave-trade with Foreign Powers, has very lately fallen into my hands, where I observe, by letters from Mr. Bosanquet, from Madrid, of the 15th and 16th of January, and 10th of April, 1828, mention made of the outfit of the "*Fuma*," or "*Nueva Diana*."

Conceiving the further history of that vessel may be desired, I take leave to

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refer you to my letter of the 28th March last, where it will be seen she succeeded in the voyage for slaves, mentioned by Mr. Bosanquet, and by the account of her officers and crew, landed 700 at Cuba.

She has also succeeded in her last voyage, and escaped with a full cargo from Bonny in May last, accompanied by 2 schooners, having on board a total of not less than 1,000 slaves.

No. 7.

H. U. Addington, Esq. to the Earl of Aberdeen.—(Received Aug. 25.)

MY LORD,

Madrid, July 31, 1830.

YOUR Lordship's despatch, marked slave-trade, of the 29th ultimo, reached me by the ordinary post, on the 27th instant only, several days later than other despatches of a later date, which had been delivered to me by the Messenger Holmes.

I have not yet had time to prepare in writing such a communication, as your Lordship instructs me to make to M. Salmon, respecting the Additional Article which you desire to have annexed to our Slave-trade Treaty with Spain, but I have taken an opportunity of speaking on the subject with M. Salmon, and informing him, in urgent terms, of the expectation entertained by His Majesty's Government, that that of His Catholic Majesty will no longer hesitate to accede to a proposition, which has for its sole object to give real effect to the Treaties already in existence, the provisions of which have been constantly to this moment evaded, and rendered null by the culpable negligence or fraud of the Authorities in Cuba.

M. Salmon, in reply, did not positively reject the notion of an Additional Article to the Treaty, such as your Lordship desires, but mildly observed, that the objection, which was felt to the admission of such a provision, arose from the apprehended abuses which might result from it, in the undue detention of Spanish vessels by English cruisers, which, he said, might seize lawful traders, on the plea of their being fitted up as slave-vessels.

I combated this notion as one of too extreme apprehension to bear argument, since, I observed, it was quite impossible, that any ordinary merchantship *could* be mistaken for a slaver, so totally different was the fitting-up of the one, compared with that of the other. Besides, I observed, so strict were the instructions now given to English Commanders, that none would dare to go so manifestly beyond the line of his duty, as in such an instance as M. Salmon had suggested.

M. Salmon assured me, that further orders had been sent out to the Havana, respecting the mode of information taken by the Captain of the Port, on board ships accused by His Majesty's Commissioners of slave-trading. The Captain was henceforward to proceed in person on board, and investigate each case in the strictest and most impartial manner. This order M. Salmon said he should communicate to me in a short time.

I expressed satisfaction at hearing, that the Spanish Government had turned their attention further, to the mode of correcting the shameful abuses and neglect which existed at the Havana, but informed his Excellency, that I did not see any effectual mode of preventing fraud and evasion, but by the mode pointed out by your Lordship; and that I should accordingly submit to the Spanish Government a proposition to that effect, in writing.

I propose, however, to wait a short time for the communication promised me by M. Salmon, in order to see whether I can not collect from it materials for pressing, with still greater effect, the necessity of acceding to your Lordship's demand.

I have the honour, &c.

(Signed) H. U. ADDINGTON.

The Right Hon. the Earl of Aberdeen, K. T.

&c. &c. &c.

*The Earl of Aberdeen to the Chevalier de Zea Bermudez.**Foreign Office, October 28, 1830.*

THE Undersigned, &c. with reference to former correspondence, between His Majesty's Government and the Government of His Catholic Majesty, upon the subject of a proposal for the removal of the Mixed Slave-trade Restriction Commissions, from the Colony of Sierra Leone, where they are now established, unto the Island of Fernando Po, has to acquaint the Chevalier de Zea Bermudez, &c., that His Majesty's Government, for the purpose of doing away any difficulties on the part of Spain, to the proposed measure, are disposed to meet the wishes of His Catholic Majesty on the point in question, by plainly and positively recognizing, on the part of England, the rights of Spain to Sovereignty, Property, and Possession, over that island; and by engaging, in the most ample and unequivocal manner, as the Undersigned accordingly engages on the part of his Government, that no danger, wrong, or impediment, will ever result to the Sovereign Rights, Power, and Authority of His Catholic Majesty over Fernando Po, from the establishment forming in that island for the simple object, of executing the existing Treaties for the suppression of the slave-trade.

The Superintendent, who has been sent out to prepare the way for the Members of the Court of Mixed Commission, is directed to limit his operations to that object alone, and to provide for the future disposal of such of the captured Africans, as may be liberated by the adjudication of the Court. He is furnished with no powers of command, beyond what are absolutely necessary for the maintenance of good order, within the precincts of the establishment which he is to form, and to preserve those who are employed under him from the attacks of the natives; and he is invested with no authority, nor is it intended to supply him with any, which can, in any way, interfere with the Rights of the Sovereignty of His Catholic Majesty.

The Undersigned has further to add to this plain statement, the declaration, that Great Britain has no private object in view in the proposed measure, either against the Rights of Sovereignty of Spain, or against the full and most ample exercise thereof by His Catholic Majesty.

The Undersigned, in conclusion, has only to express the hope of His Majesty's Government, that the acquiescence of His Catholic Majesty, in the proposed removal of the Slave Commissions to Fernando Po, will now be formally announced by the Chevalier de Zea Bermudez, on the part of his Court, conformably with the expectations held out, in the note from the Count de Olalla, of the 8th of December, 1828, upon this subject.

The Undersigned avails himself, &c.
(Signed) ABERDEEN.

The Chevalier de Zea Bermudez,
&c. &c. &c.

No. 9.

*The Chevalier de Zea Bermudez to the Earl of Aberdeen.—(Received Oct. 30.)**Londres, 30 de Octubre, 1830.*

EL Infraserito, &c. tiene la honra de acusar el recibo de la nota del Escelesitimo Señor Conde de Aberdeen, &c. fecha 28 de este mes, que contiene el reconocimiento claro, y positivo, por parte de la Inglaterra, de los derechos de la España á la Soberanía, Propiedad y Posesion de la Isla de Fernando Po, y una declaracion formal del Gobierno de la Gran Bretaña, de que el establecimiento que se está formando en aquella isla, se dirige al sencillo objeto de cgecutar los tratados existentes para la supresion del comercio de esclavos, y de que la autoridad conferida al Superintendente Ingles de aquel estableci-

miento debe ceñirse á lo que sea absolutamente necesario para la conservación del orden en su recinto, y para poner á cubierto á sus subalternos, de las hostilidades de los naturales de la isla: sin perjuicio de los Soberanos Derechos, Dominio, y Autoridad de S. M. Católica sobre aquella posesion suya, ni del pleno y amplio ejercicio en ella de dichos derechos.

El Infrascrito, en vista de este reconocimiento y declaracion por parte del Gobierno de S. M. Británica, que satisfacen los reparos que el de S. M. Católica deseaba se satisficiesen, antes de prestar el consentimiento de la España á la propuesta traslacion del Tribunal de las Comisiones Mistas á la isla de Fernando Pó, se halla completamente autorizado á manifestar al Excelentísimo Señor Conde de Aberdeen, como lo verificó en contestacion á su citada nota, que el Rey, su Augusto Amo, deseando cada dia dar nuevas pruebas de sus deseos de estrechar las amistosas relaciones, que existen entre su Gobierno y el de S. M. Británica, consiente muy gustoso en la traslacion de las Comisiones Mistas contra el comercio de negros, desde la Colonia Inglesa de Sierra Leone á la Isla Española de Fernando Pó, bajo los términos expresados en la mencionada nota, fecha 28 del corriente mes.

El Infrascrito tiene la mayor satisfacion en poder añadir, que enterado su Gobierno de las declaraciones verbales que el Excelentísimo Señor Conde de Aberdeen tubo abien hacer al Infrascrito, conformes á las que se contienen en la precitada comunicacion oficial, el Rey su Augusto amo, ansioso de manifestar el solicito interés, con que acude á satisfacer los deseos de S. M. Británica, desde luego espidio en 24 de Agosto último, un Real Decreto, por el cual, acordando S. M. el referido consentimiento, manda á su consejo de Indias, que espida la correspondiente Real Cédula, y que se espresé en ella, que la Isla de Fernando Pó queda dependiente de las Islas Canarias.

El Infrascrito, &c.

(Signed) FRAN^{CO}. DE ZEA BERMUDEZ.

Al Excelentísimo Señor Conde de Aberdeen,

&c.

&c.

&c.

(Translation.)

London, October 30, 1830.

THE Undersigned, &c. has the honour to acknowledge the receipt of the note of his Excellency the Earl of Aberdeen, &c. dated the 28th instant, which contains the clear and positive recognition, on the part of England, of the rights of Spain to the Sovereignty, Property, and Possession of the Island of Fernando Pó, and a formal declaration of the Government of Great Britain, that the establishment forming in that island, has merely for its object, the execution of the Treaties subsisting for the suppression of the slave-trade, and that the authority conferred on the English Superintendent of that Establishment, is restricted to what is absolutely necessary for the preservation of order within its precincts, and for the protection of his subalterns against the hostilities of the natives of the island, without prejudice to the Sovereign Rights, Dominion, and Authority of His Catholick Majesty over that possession of his, or to the full and ample exercise in it of the said rights.

The Undersigned, in consideration of this recognition and declaration, on the part of the Government of His Britannick Majesty, which remove the scruples which His Catholick Majesty desired to have satisfied, ere he would yield the consent of Spain to the proposed transfer of the Courts of Mixed Commission to the Isle of Fernando Pó, is fully authorized to make known to his Excellency the Earl of Aberdeen, as he does in answer to his Excellency's note above-mentioned, that the King, his august Master, solicitous to afford every day fresh proofs of his wish to draw closer the amicable relations, subsisting between his Government and that of His Britannick Majesty, is most happy to consent to the removal of the Mixed Commissions against the Slave-trade, from the English Colony of Sierra Leone to the Spanish Island of Fernando Pó, on the terms stated in the note above referred to, of the 28th instant.

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October 28, 1830.

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Received Oct. 30.)

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It affords the greatest satisfaction to the Undersigned to be able to add, that, as soon as his Government was informed of the verbal declarations which his Excellency the Earl of Aberdeen was pleased to make to the Undersigned, tallying with those contained in the above mentioned official communication, the King, his august Master, anxious to manifest the solicitude with which he hastens to gratify the wishes of His Britannick Majesty, issued immediately, on the 24th of August last, a Royal Order, giving the above consent. He directs His Council of the Indies to put forth the corresponding Royal Cedula, and to express in it, that the Island of Fernando Po continues a dependency of the Canary Islands.

The Undersigned, &c.

(Signed) FRAN^{co}. DE ZEA BERMUDEZ.

The Right Hon. the Earl of Aberdeen, K. T.

§c.

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No. 10.

Viscount Palmerston to H. U. Addington, Esq.

SIR,

Foreign Office, December 24, 1850.

YOUR despatches, marked slave-trade, of this year, have been received up to that of the 31st of July last.

That despatch appears to have been written in answer to an instruction to you, under date of the 29th of June last, signifying His Majesty's commands to you "to renew in an urgent manner," to the Government of His Catholic Majesty, a proposition for the conclusion of an Article, additional to the Treaty of 1817, whereby vessels, which, upon inspection, shall be proved to be fitted up expressly for the purposes of illegal slave-trade, shall be rendered liable to capture and condemnation under the Treaty.

I perceive that you state in your despatch, (No. 7.) that you had not yet had time to prepare in writing the communication which you were instructed to make; that you, however, had spoken to Mr. Salmon upon the subject, and that you proposed to wait a short time for a communication, which that Minister had promised to make to you, to ascertain whether you could not collect from it sufficient grounds for pressing, with still greater effect, the necessity of acceding to the demand of this Government.

In the meantime some months have elapsed, and His Majesty's Government has not heard further from you upon the subject.

Every arrival from the Havana brings fresh testimony of the impunity and the activity, with which the slave-trade is carried on upon the Coast of Cuba: I send to you, herewith, copies of 2 despatches* upon this point received but a few days ago; and I send to you likewise a copy of a despatch,† which I have just received from His Majesty's Commissioners at Sierra Leone, stating the increase of illegal slave-trade in the rivers in the neighbourhood of Sierra Leone, and their conviction that, if such an article as that which you were instructed to propose, were agreed to by all the Powers, who have entered into Treaties with Great Britain for the suppression of illegal slave-trade, the effect would be most material in reducing that illegal traffic.

I have to desire, therefore, that you will lose no time in carrying into effect the instructions, which you have already received, to press, in the most urgent manner, upon the Government of His Most Catholic Majesty, the conclusion of the article in question, in proof of their real intentions to give due effect to the stipulations of the Treaty, concluded in the year 1817, whereby Spain pledged herself to the complete abolition of the African slave-trade on the part of the subjects of His Catholic Majesty.

I am, &c.

(Signed) PALMERSTON.

H. U. Addington, Esq.

§c.

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* See Class A.—No. 105 and No. 106

† See Class A.—No. 14.

No. 11.

H. U. Addington, Esq. to Viscount Palmerston—(Received December 27.)

MY LORD,

Madrid, December 12, 1830.

IN my despatch, marked slave-trade, of the 31st July last, in reply to the Earl of Aberdeen's despatch, which, although dated the 29th of July, reached me only on the 27th of July, I stated that, in conferring on the subject of that despatch with the Spanish Secretary of State, his Excellency informed me, that he was preparing to make a communication to me, by which it would be seen, that further orders of an imperative nature had been given by His Catholic Majesty to the Spanish Authorities at the Havana, for the more effectual prevention of the traffick in slaves still carrying on there.

This communication was accordingly made to me on the 4th of August, and was most completely null, as your Lordship will perceive by the copy of Mr. Salmon's letter, which I herewith enclose.

I accordingly prepared to lay before the Spanish Secretary of State, in an official note, the desire and expectation of His Majesty's Government, that His Catholic Majesty would, at length, agree to the adoption of such measures, as should finally have the effect of exterminating the slave-trade in all his dominions.

I have now executed the orders which I received from the Earl of Aberdeen, in calling the attention of the Spanish Government, in an earnest and serious tone, to the continued abuses respecting the slave-trade, which are practised in Cuba, and to the insufficiency of existing Treaty provisions, and the inefficacy of the measures hitherto adopted by His Catholic Majesty, for the extinction of that inhuman traffick in his dominions.

Those abuses, and that inefficacy, I have demonstrated by the evidence conveyed to me in the Earl of Aberdeen's above cited despatch; and I have concluded by submitting a fresh, and in an urgent manner, to the Spanish Government, conformably to the instructions therein contained, the proposition which has been already made, but rejected by them, for the annexation to the Slave-trade Treaties already in force, of an Additional Article similar to that which is appended to the Treaties between Great Britain and the Netherlands.

I have the honour to enclose, herewith, a copy of the letter addressed by me on this subject to the Spanish Secretary of State.

Although I have conversed with his Excellency more than once on these points, I cannot venture yet to predict what is likely to be the fate of the proposition submitted by me. I can only say, that Mr. Salmon himself does not appear personally opposed to its acceptance.

I have the honour to be, &c.

(Signed) H. U. ADDINGTON.

The Right Hon. Viscount Palmerston,

§c.

§c.

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First Enclosure in No. 11.

(Translation.)

Chevalier de Salmon to H. U. Addington, Esq.

SIR,

Palace, August 2, 1830.

THE King, my august Master, being made acquainted with the contents of the notes of your predecessor, of the 14th and 15th of December 1828, and of the 25th of the same month of last year, respecting the slave-trade carried on by the Spanish schooner "*Fleeta*" or "*La Paz*," has been pleased to command, after having heard the judgment pronounced in this case by the Supreme Council of the Indies, that more decisive orders should again be sent, as is already done, to the Captain-General of the Island of Cuba, to allow in no

manner the provisions of the Treaty for the abolition of the slave-trade to be evaded.

I communicate to you this order of the King, my august Master, for your information; seizing this occasion to renew, &c.

(Signed) MANUEL GONZALEZ SALMON.

H. U. Addington, Esq.

Sec. Sec. Sec.

Second Enclosure in No. 11.

H. U. Addington, Esq. to the Chevalier de Salmon.

SIR,

Madrid, December 8, 1830.

THE difficult position in which the circumstances of the last 4 months had placed this country, and the very natural anxiety which those circumstances occasioned to His Catholick Majesty and His Ministers, induced me to forbear, during that period of embarrassment, from pressing upon the attention of the Spanish Government, further than by occasional and verbal communications with your Excellency, a subject upon which I received, some time since, express instructions to address you. That subject is the slave-trade, as still perseveringly carried on at the Havana, in spite of whatever measures may have been hitherto applied by His Catholick Majesty for its suppression.

The cause, which induced my silence hitherto, has now happily ceased to operate; and I proceed, therefore, to execute the task which has been enjoined me.

It is unnecessary for me to recall to your Excellency's recollection, the unceasing reclamations made by my predecessors, for a long series of years, against the continued abuses practised at the Havana, in respect to the trade in slaves, notwithstanding those solemn engagements, by which His Catholick Majesty has bound himself to Great Britain, to effect the extirpation of that odious traffick in every part of his dominions.

In continuation of those representations, I have myself had occasion to address your Excellency, more than once, in order to shew you, on undeniable evidence, that vessels are still constantly fitting up at Cadiz for the conveyance of slaves; that slaves are still constantly landed in the Island of Cuba; and that vessels are still constantly clearing out at the Havana for the Coast of Africa, to take in fresh cargoes.

In further proof, if further proof can be required of these facts, I herewith lay before your Excellency the copy of a letter,* addressed, on the 1st of January last, to the Earl of Aberdeen, by the British Commissioner at the Havana, together with 3 statements, therein enclosed, in which is displayed the state of the traffick in slaves carried on in Cuba, in the years 1828 and 1829.

By the statement, No. 1, it appears, that, in 1828, 63 vessels cleared out from the Havana for the Coast of Africa; that 2 alone returned with lawful cargoes; and that 35 are known to have landed slaves in Cuba.

By the statement, No. 2, it is shewn, that, in 1829, 45 vessels cleared out from the same place, for the Coast of Africa, being less than the number of the preceding year; but the number of arrivals, during the same respective period, was greater than in 1828, as will be seen in statement No. 3. Of the above-mentioned 45 vessels, 9 had already returned to Cuba by the 1st of January 1830, and 1 had been captured by a British cruiser.

The letter of the British Commissioner accompanying those statements, shews clearly, that if there had been any diminution in the trade for 1829, as compared with that for 1828, that diminution is attributable to extraneous circumstances, and not to the efficacy of the measures hitherto adopted for the suppression of the trade, or to an increase of vigilance or goodwill on the part of the Spanish Authorities at the Havana.

The total inefficiency of those measures is clearly established by 2 letters,† which I annex hereto, and which have been addressed to the Admiralty, by Captain Owen, of His Majesty's ship "Eden," a British Officer entrusted

* See Class A.—No. 70.

† See Enclosure in No. 6.

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with a command on the African Coast for the prevention of the slave-trade. In the first of these letters, dated the 28th of March 1829, Captain Owen states, that he had fallen in with a Spanish vessel, called the "*Fama*," or "*Nueva Diana*," navigating under French colours, which had already taken off a cargo of 500 or 600 slaves from Whydah, on the Coast of Africa, in the preceding year. But he adds, that, notwithstanding the certainty of her intention to repeat the same process, presumable as well by analogy, as by the fact of her being fitted up in every point as a slave-trader, he could not touch her, because she had no slave actually on board.

By Captain Owen's second letter, dated the 1st of November of the same year, it will be seen, that the same vessel did actually take in a cargo of slaves in that voyage, and nearly at the time at which he fell in with her; and that she made good her departure from the Coast of Africa. By referring to the statement No. 3, already adverted to, it will further be seen, that the "*Fama*," or "*Nueva Diana*," arrived at the Havana, on the 22d July, 1829.

I apprehend that your Excellency will hardly require further proof of the utter inadequacy of the measures now in force, for the suppression of the slave-trade in the Spanish colonies, or of the insufficiency of the provisions of existing Treaties, framed for the accomplishment of that object.

Taking, therefore, that inadequacy as a demonstrated fact, and considering as solemn, and not to be treated as a dead letter, the obligations by which His Catholic Majesty has bound himself "to co-operate with His Britannick Majesty in the cause of humanity, by adopting, in concert with His said Majesty, efficacious means for bringing about the abolition of the slave-trade; for effectually suppressing illicit traffick in slaves on the part of their respective subjects;" and further "to adopt, in conformity with the spirit of the Treaty, the measures which are best calculated to give full and complete effect to the laudable objects which the High Contracting Parties have in view," I am directed by His Majesty's Secretary of State once more to propose to the Spanish Government, and in the most urgent manner, the annexation of an Additional Article to the already existing Treaties for the abolition of the slave-trade, similar to those acceded to by the King of the Netherlands. I have the honour to submit to your Excellency herewith a copy of that article. From those provisions no practical evil has been found to flow to the Netherlands; nor will any evil ever be found to flow from them, if admitted, as I confidently hope they will be, to the lawful trade of Spain.

In submitting afresh this proposition to your Excellency, I cannot conceal from you the deep disappointment which was experienced by His Majesty's Government on the perusal of the note, which your Excellency did me the honour to address me on the 4th of March last, in which your announced to me, that all the just and well founded desires, which His Majesty's Government had so frequently and earnestly expressed on a subject, in which they take the deepest interest, had been rejected by His Catholic Majesty, and that, in the place of the proposed provisions, a Royal Order to the Authorities at the Havana had been substituted, which antecedent circumstances give His Majesty's Government just right to consider as likely to be totally unavailing.

I have the honour, &c.

(Signed)

H. U. ADDINGTON.

His Excellency the Chevalier de Salmon,

&c.

&c.

&c.

BRAZIL.

No. 12.

A. Aston, Esq. to the Earl of Aberdeen.—(Received Feb. 7, 1830.)

MY LORD,

Rio de Janeiro, November 28, 1829.

I HAVE the honour to forward to your Lordship, a copy and translation of the official notification, published by the Brazilian Minister for Foreign Affairs, respecting the construction, which His Majesty's Government have consented should be adopted upon that stipulation of the Convention of 1826 with Brazil, which regulates the period for the abolition of Brazilian slave-trade; according to which construction, Brazilian slave-ships, which shall be proved to have finally quitted the African Coast on or before the 13th of March 1830, may be permitted to prosecute and finish their *bond fide* voyages, direct from Africa to a port in Brazil, without incurring the liability of being treated as pirates.

I have, &c.

(Signed) A. ASTON.

The Right Hon. the Earl of Aberdeen K. T.
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Enclosure in No. 12.

(Translation.)

Notice to the Assembly of Commerce, Agriculture, Manufactures, and Navigation of the Empire of Brazil, by a Portaria, of the following tenour.

THE Chargé d'Affaires of this Empire, near the Government of His Britannick Majesty, having succeeded in the measures, which had been most earnestly recommended to him by this Secretary of State's Office for Foreign Affairs, in order to obtain a reasonable term for settling the affairs on the Coast of Africa, which are still pending, relating to the lawful traffick in slaves; the said Chargé d'Affaires has obtained, by a note of September 16 last, from the competent Minister and Secretary of State, the Earl of Aberdeen, the assurance, that the British Government was about to issue instructions to the Commanders of Naval Forces, and to the respective Authorities, informing them, that the slave-trade, conformably to the agreements existing between Great Britain and Brazil, shall be lawfully continued by the subjects of this Empire on the Coast of Africa, until March 13, 1830; and, consequently, that those Brazilian vessels, employed in that traffick, which can prove that they have finally left the Coast of Africa, on or before that period, shall prosecute and finish their *bond fide* voyages, direct from Africa to any port in Brazil, without incurring the liability of being treated as pirates, according to the Convention, notwithstanding their being met with at sea after the said period of the 13th of March 1830.

His Majesty the Emperor ordains, that this notice be communicated, by the said Secretary of State's Office for Foreign Affairs, to the Assembly of Commerce, Agriculture, &c. &c. in order to give it due publicity.

(Signed) MARQUIS OF ARACATY.

Rio de Janeiro, November 4, 1829.

The Chevalier de Mattos to the Earl of Aberdeen.—(Received April 6.)

Wimpole-Street, ce 3 Avril, 1830.

LE Soussigné, Chargé d'Affaires de Sa Majesté l'Empereur du Brésil, a l'honneur de repliquer à la note adressée à M. le Vicomte d'Itabayana le 19 Mars 1829, par son Excellence M. le Comte d'Aberdeen, Principal Secrétaire d'Etat de Sa Majesté Britannique au Département des Affaires Etrangères. Dans cette note le Soussigné voit exprimée la résolution, où était le Gouvernement du Roi, de ne pas accorder les indemnités réclamées en faveur des propriétaires du bâtiment Brésilien "*Tres Amigos*," injustement condamné par la Commission Mixte de Sierra Leone, résolution fondée sur ce que l'Article 4^{me} du Règlement Additionnel à la Convention du 28 Juillet 1817, et l'Article 1^{er} des Instructions annexées à la même Convention, cités par M. d'Itabayana à l'appui de cette réclamation, se rapportant à des bâtiments munis de passeports pour faire la traite, ne pouvaient pas être appliqués au cas du "*Tres Amigos*," qui n'était point pourvu d'un pareil document.

La question, par conséquent, se réduit à savoir si le Capitaine du "*Tres Amigos*," par le seul fait d'avoir à bord trois petites négresses, achetées dans un port d'Afrique au sud de l'Equinoxiale, et destinées à son service particulier, devait être considéré et puni comme infraacteur des Conventions existantes.

D'abord c'est un fait constant, que tous les bâtiments, destinés à traite des négres, étaient disposés intérieurement d'une manière particulière, et ne pouvaient pas se passer d'un grand nombre de tonneaux, chaudères, chaînes, et autres utensiles, qui ne sont point nécessaires à d'autres navires de commerce. Or rien de tous ces préparatifs ne fut trouvé à bord du "*Tres Amigos*," ni aucun autre indice qui pût le faire soupçonner d'y avoir eu des esclaves destinés à la traite, ou de l'intention d'aller les prendre dans quelque port de l'Afrique. Cette vérité devient encore plus palpable en réfléchissant, que si l'intention ou la conduite du Capitaine eussent été celles que lui ont été attribuées, il ne serait certainement pas entré, et resté pendant plusieurs jours, dans le port même, où résidait l'autorité chargée de punir les violations des traités respectifs: au surplus il n'aurait pas trouvé la moindre difficulté à se munir d'un passeport pour la traite licite, à fin de mieux cacher ses vues criminelles. D'ailleurs, comment est-il possible de croire, qu'un armateur aurait voulu préparer son navire pour un voyage de cet ordre, et courir le risque de le voir confisquer, ou de payer au Gouvernement Impérial la forte somme de quatre centos de reis, pour laquelle il avait donné caution avant son départ de Rio de Janeiro, et tout cela uniquement pour le misérable profit, que pourraient lui procurer trois petites négresses?

La Commission était tellement persuadée de l'insuffisance de la circonstance du passeport pour justifier un jugement condamnatoire, qu'elle s'abstint même d'en faire mention, et tâcha de colorer l'acte arbitraire du dit jugement en déclarant très vaguement, que le bâtiment faisait le commerce illicite d'esclaves au moment de sa capture. Or le faisait-il, c'est ce que ne dit point le sentence.

Mais on sait, qu'il resta plusieurs jours à Freetown pour s'y ravitailler, et que quelques heures après en avoir mis à la voile, il fut capturé par la frégate "*North Star*." Donc pour que le motif, sur lequel a été fondée la sentence, ait quelque apparence de vérité, on doit supposer que le bâtiment faisait la traite dans le port même de Freetown, sous les yeux de la Commission, ou bien à la haute mer. Or la première de ces hypothèses, naturellement inadmissible, devient aussi absurde que la seconde; quand on lit dans la sentence, que la totalité des esclaves trouvés à bord se composait de trois petites négresses, achetées à Angola et destinées au service domestique du Capitaine.

Le Soussigné passera à présent à examiner, si, en conformité des Conventions existantes, ce dernier fait par lui seul pourrait être considéré comme motif suffisant pour justifier la capture du navire "*Tres Amigos*."

quoique l'Article Additionnel à la Convention, signée à Vienne le 22 Janvier 1813, ne traite pas exactement le point en question; cependant les circon-

ived Feb. 7, 1830.)

November 28, 1829.

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A. ASTON.

(Translation.)

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UIS OF ARACATY.

stances y mentionnées sont si analogues, qu'il peut être cité à l'appui de la présente réclamation. Il y est déclaré, que si un Portugais voulait passer de quelque établissement de la Couronne de Portugal en Afrique à toute autre partie de la Monarchie Portugaise avec des nègres *bona-fide* ses domestiques, il pourrait le faire librement, excepté sur un bâtiment négrier. Or dans le cas en question le navire n'était pas négrier, et les trois négresses, qui s'y trouvaient, étaient précisément des domestiques, que le Capitaine emmenait avec lui au Brésil.

L'Article 6^{me} de la Convention du 28 Juillet, 1817, est encore plus précis, et plus clair, s'il est possible; "In order to render lawful the detention of any ship, whether British or Portuguese, the slaves found on board such vessel must have been brought there for the express purpose of the traffick, and those on board Portuguese ships must have been taken from that part of the Coast of Africa, where the slave-trade was prohibited by the Treaty of the 22d of January 1815." Les mots, "for the express purpose of the traffick," et la phrase qui termine l'Article ci-dessus, sont entièrement applicables au cas du navire "*Tres Amigos*," comme le Soussigné vient d'avoir l'honneur de le démontrer.

En fin l'Article 1^{er} des Instructions, annexées à la Convention mentionnée, établit le même principe. Et si cet Article n'a de rapport qu'aux bâtimens munis de passeports pour faire la traite, comme le pretend M. le Comte d'Aberdeen, à plus fort raison doit-il être appliqué à ceux, qui, n'ayant pas de semblables documents, ne pouvaient être si facilement soupçonnés d'avoir violé les Conventions en faisant la traite illicite, car la présomption était entièrement en leur faveur. Cet argument devient encore plus conclusif, quand on considère que les Hautes Parties Contractantes, loin d'avoir l'intention de protéger exclusivement les bâtimens négriers par l'Article, qui vient d'être cité, se proposaient plutôt de mettre à l'abri de captures arbitraires ceux que ne l'étaient point; mais dont les équipages, presque toujours composés en totalité, ou en grande partie, d'esclaves, pouvaient donner lieu à des contestations très répétées.

D'après les considérations, que le Soussigné vient d'exposer, il lui semble démontré que le bâtiment "*Tres Amigos*," loin d'avoir violé en aucune manière les Traités subsistans entre le Brésil et la Grande Bretagne, à l'égard de la traite des nègres, a été lui même le victime d'une des plus criantes infractions de ces actes, de la part des croiseurs de Sa Majesté Britannique et de la Commission de Sierra Leone.

Le Soussigné, en terminant cette note, ne peut pas se dispenser d'observer aussi, que des injustices si frappants n'aurait certainement pas eû lieu, si la Commission, au lieu de consister seulement du Gouverneur de la colonie, eût été composée de Commissaires des deux nations.

Cependant telle est la confiance, que le Soussigné place dans l'impartialité du Gouvernement Britannique, qu'il ne peut nullement douter du bon resultat de ses représentations en faveur des propriétaires du navire "*Tres Amigos*," et que les indemnités, auxquelles ils ont un droit incontestable, leur seront enfin accordées.

Dans cette juste esperance le Soussigné à l'honneur de renouveler, &c.

(Signé)

LE CHEVALIER DE MATTOS.

Son Excellence Monsieur le Comte d'Aberdeen.

§c.

§c.

§c.

(Translation.)

Wimpole-Street, April 3, 1850.

THE Undersigned, Chargé d'Affaires of His Majesty the Emperor of Brazil, has the honour of replying to the note addressed to the Viscount Itabayana, on the 10th of March 1829, by his Excellency the Earl of Aberdeen, His Britannick Majesty's Principal Secretary of State for Foreign Affairs. From that note the Undersigned finds, that the King's Government has resolved not to grant the indemnities claimed in favour of the Owners of the Brazilian vessel "*Tres Amigos*," unjustly condemned by the

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LIER DE MATIOS.

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Mixed Commission at Sierra Leone, founding its resolution on the circum-
stance, that the 4th Article of the Regulations annexed to the Convention of
the 28th July 1817, and the 1st Article of the Instructions subjoined to the same,
quoted by M. d'Itabayana in support of that claim, related to vessels pro-
vided with passports for carrying on the trade, and was, therefore, inappli-
cable to the case of the "*Tres Amigos*," a vessel not supplied with such a
document.

Consequently the question amounts to no more than this, whether the Cap-
tain of the "*Tres Amigos*," for the only circumstance of having on board
3 young negroes, purchased in an African port South of the Equator, and
destined to his private service, was to be considered and punished as an
infringer of subsisting Conventions.

In the first place, it is a constant fact, that all vessels intended for the slave-
trade are fitted up in a particular manner, and cannot dispense with a great
number of casks, coppers, chains, and other utensils, not required by other
merchant vessels. Now, not one of all these accommodations was found on
board the "*Tres Amigos*," nor any other sign that could make her suspected
that slaves had been there, designed for the trade, or that she had an inten-
tion of going to receive any in some African port. This truth becomes still
more palpable, when it is reflected, that, if the intention or conduct of the
Captain had been such as have been attributed to him, he would certainly not
have put into, and remained for several days in, the very port in which re-
sided the authority empowered to punish the violations of the respective
Treaties. Besides, he would not have found the least difficulty in procuring a
passport for the lawful trade, in order the better to conceal his criminal views.
And how can it possibly be believed, that a Captain would have been disposed
to prepare his vessel for a voyage of this description, and to run the risk of
having her confiscated, or of paying to the Imperial Government the large
sum of 4,000,000 reis, for which he had given security previous to his de-
parture from Rio de Janeiro, and all this merely for the pitiful profit that
could accrue to him from 3 negroes?

The Commission was so persuaded of the inefficiency of the circumstance
relating to the passport, for justifying a sentence of condemnation, as to re-
frain even from mentioning it, and to endeavour to colour the arbitrary act
of the said sentence, by very vaguely declaring, that the vessel was carrying on
the illicit slave-trade at the moment of her capture. Where she was doing
so, is not stated in the sentence. But she notoriously continued 3 days
at Freetown, for the purpose of taking in provisions; and, a few hours after
sailing from thence, she was captured by the "*North Star*," frigate. To give,
therefore, to the motive, on which the sentence has been grounded, some ap-
pearance of truth, it must be supposed, that the ship carried on the slave-
trade in the port of Freetown itself, under the eyes of the Commission, or on
the high seas. The first of these suppositions, of itself inadmissible, becomes
as absurd as the second, when we read in the sentence,—that the whole of the
slaves found on board consisted of 3 young negroes, bought at Angola, and
intended for the household service of the Captain.

The Undersigned now goes on to examine, whether, in conformity with
the subsisting Conventions, the last mentioned circumstance alone could have
been considered as a sufficient motive to justify the taking of the "*Tres
Amigos*."

Though the Additional Article to the Convention, signed at Vienna the
22d January 1815, does not allude precisely to the point in question, yet the
circumstances there mentioned are so analogous, that it may be quoted in
support of the present reclamation. It is there declared, that if a Portuguese
wished to go from an establishment of the Crown of Portugal in Africa, to
any other portion of the Portuguese Monarchy, with blacks, *bona fide* his
menials, he might freely do so, except on board a slave-vessel. Now, in the
case under consideration, the vessel was no slave-ship, and the 3 black
fellows were actually menials whom the Captain took with him to Brazil.

The 6th Article of the Convention of the 28th July 1817 is, if possible,
yet more explicit and more clear:—"In order to render lawful the detention
of any ship, whether British or Portuguese, the slaves found on board such

vessel must have been brought there for the express purpose of the traffick : and those on board Portuguese ships, must have been taken from that part of the Coast of Africa, where the slave-trade was prohibited by the Treaty of the 22d of January 1815." The words, "for the express purpose of the traffick," and the paragraph terminating the above article, are directly applicable to the case of the ship "*Tres Amigos*," as the Undersigned has had the honour to shew.

Finally, the 1st Article of the Instructions, annexed to the Convention, establishes the same principle. And if that Article refers only to vessels violated with passports for carrying on the trade, as the Earl of Aberdeen contends, then it must, for a much stronger reason, be applied to those which, being without such documents, could not so easily be suspected to have violated the Conventions, by carrying on the illicit trade, for the presumption was entirely in their favour. This argument becomes still more conclusive, when it is considered, that the High Contracting Parties, so far from intending to protect exclusively the negro vessels by the Article just quoted, designed rather to secure from arbitrary captures those that were not such, but whose crews being almost always composed, either wholly or for the most part, of slaves, might afford occasion for very frequent disputes.

From the considerations just stated by the Undersigned, it seems to him to be demonstrated, that the "*Tres Amigos*," so far from having violated at all the Treaties subsisting between Brazil and Great Britain, in regard to the slave-trade, has herself been the victim of one of the most crying infractions of these acts on the part of His Britannick Majesty's cruisers, and of the Commission of Sierra Leone.

The Undersigned, in concluding this note, cannot neglect also to observe, that such striking acts of injustice would certainly not have occurred, if the Commission, instead of consisting solely of the Governor of the Colony, had been composed of Commissioners of both Nations.

The confidence, however, which the Undersigned reposes in the impartiality of the British Government, is such, that he cannot doubt of the successful issue of his representations in favour of the Owners of the "*Tres Amigos*," and that the indemnities, to which they have an incontestible right, will at length be granted them.

In this just hope, the Undersigned has the honour to repeat, &c.

(Signed) THE CHEVALIER DE MATTOS.

His Excellency the Earl of Aberdeen,
 &c. &c. &c.

No. 14.

The Chevalier de Mattos to the Earl of Aberdeen.—(Received April 6.)

Wimpole-Street, ce Avril 6, 1830.

EN réplique à la note, que son Excellence Monsieur le Comte d'Aberdeen, &c. voulut bien adresser à M. le Vicomte d'Itabayana, le 10 Mars 1829, pour lui déclarer que les réclamations des bâtimens Brésiliens, "*Le Bahia*," "*Le Carlota*," "*Le Trojano*," et "*L'Independencia*," condamnés par la Commission Mixte de Sierra Leone, avaient été trouvées aussi inadmissibles, que celle brie "*Heraina*," et que tout ce, que contenait la note son Excellence du 2 Décembre 1828, par rapport à ce dernier, devait être appliqué aux cas en question, le Soussigné Chargé d'Affaires de Sa Majesté L'Empereur de Brésil, ayant eu déjà l'honneur de répondre, le 2 Octobre 1829, à tous les argumens compris dans la note citée par Monsieur le Comte d'Aberdeen, se bornera maintenant à relever quelques circonstances, qui semblent avoir échappé à la considération de son Excellence, et qui néanmoins par elles seules mettent en évidence l'illégalité des jugemens, contre les quels le Soussigné s'acquitte du devoir de réclamer aujourd'hui.

La Commission même, qui à condamné les bâtimens susmentionné

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(Received April 6.)

Street, ce Avril 6, 1830.

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reconnut, qu'au moment de leur capture, il ne fût trouvé à bord d'aucun d'eux des esclaves destinés à la traite. Il n'y aurait donc qu'un seul cas, dans lequel ces bâtimens pourraient être regardés saisissables, aux termes de l'Article 1^{er} de la Convention Additionnelle, faite à Lisbonne le 15 Mars 1823. Cet Article, tout en ayant pour but de prévenir les fraudes de la part des Capitaines des navires négriers, n'a cependant pas méconnu la possibilité des abus de force tels que ceux qui ont donné motif aux réclamation, et pour mettre des bornes aux unes et aux autres, il y a été stipulé bien expressément, que les condamnations ne pourraient avoir lieu, à moins qu'on ne prouvât d'une manière claire et incontestable (clear and undeniable proof) que si les navires capturés n'avaient pas effectivement des esclaves à bord destinés au trafic illicite, c'est parce qu'ils les avaient mis à terre auparavant, pour rendre illusoires les Conventions existantes contre ce trafic.

Mais les captureurs ne produisirent pas la moindre preuve, pour établir qu'une pareille fraude avait été pratiquée par aucun des navires en question; tandis que de l'autre côté les parties intéressées dans cette affaire, non obstant leur ignorance de la langue du tribunal où ne siègeait alors pas un seul Commissaire Brésilien, n'ayant pu trouver un procureur qui voulût se charger de leur défense, et même, ce qui est pis encore, étant entièrement considérés comme des vrais criminels par le seul fait d'être engagés dans le commerce d'esclaves, ont, cependant, mis hors de toute espèce de doute la véracité des causes majeures, qui les forcèrent à relâcher dans des ports Africains au nord de l'Equinoxiale.

Rien ne peut donc justifier les captures, et moins encore les condamnations, de ces bâtimens, d'après les Conventions existantes. Quant aux particularités qui accompagneront la saisie du navire " *Trojano*," effectuée sous les batières du Fort Portugais d'Ajuda, en contravention de l'Article 2^{es} des Instructions, que font partie intégrante de la Convention 28 Juillet 1817, Monsieur le Comte d'Aberdeen a prétendu, que ce fort étant occupé par un individu bien connu par la Commission Mixte de Sierra Leone pour être engagé dans la traite des nègres, devait être considéré dans un des cas prévus par l'Article 3^{es} des sus-dites Instructions, c'est à dire, comme entièrement abandonné et sans aucune autorité, à laquelle on pût avoir recours. Mais le Fort d'Ajuda, qui ne cessa jamais d'être compté parmi les possessions Portugaises en Afrique, ne pouvait non plus être regardé comme un point abandonné, tant qu'il était occupé par un individu. Si celui-ci faisait la traite illicite, des représentations convenables en auroient dû être adressées au Gouvernement respectif. Les croiseurs Britanniques, aussi peu que la Commission Mixte de Sierra Leone, n'avaient nullement le droit de juger la conduite de l'individu en question, et encore moins d'en rendre responsables les propriétaires du navire " *Trojano*."

Le Soussigné ne peut pas se dispenser d'observer en outre, qu'en accordant à une force étrangère la faculté de s'installer juge des autorités d'une nation amie, ce serait la même chose, que méconnaître son indépendance et sa souveraineté, et du moment qu'un pareil principe serait admis, l'acte d'hostilité, le moins d'accord avec le droit des gens, serait considéré légitime ou excusable.

Pour justifier la capture du " *Trojano*," son Excellence Monsieur le Comte d'Aberdeen a dit, que le Fort d'Ajuda était en possession d'un homme qui violait lui même les Conventions en faisant la traite illicite. Mais le navire " *Independencia*," en danger de couler à fond, faisant un pied d'eau par heure, n'alla pas se mettre sous la protection du fort occupé par cet individu. Il chercha son salut sous le canon du Fort Anglais l'Accara, afin d'y être radoubé et réparé, et néanmoins son sort a été le même; il fût capturé, et la commission l'a condamné.

Si l'on n'avait pas d'autres faits, celui-ci suffirait pour faire voir que les croiseurs Britanniques et la Commission de Sierra Leone ne cherchaient qu'à molester et opprimer les sujets Brésiliens engagés à la traite licite. Plus on examine la matière, et plus on a droit de se convaincre, que les premiers ont été les seuls infracteurs des Conventions existantes, et cela non seulement en ce qui regarde les quatre bâtimens dont il s'agit à présent.

En fin, son Excellence Monsieur le Comte d'Aberdeen ayant déclaré qu'en conséquence des perquisitions, auxquelles la Commission avait procédé

sur la nature des causes alléguées en preuve de la nécessité de la relâche de ces bâtimens dans des ports de l'Afrique, au nord de l'Equinoxiale, on est venu à même de démontrer clairement leur futilité, le Soussigné s'est crû dans le devoir d'examiner, le plus minutieusement possible, leurs procès respectifs ; et le résultat de cet examen lui permet d'avancer, que les Capitaines et les intérêts de ces navires ne méritent point le reproche, qu'on leur a fait sur leur manque de vérité.

On voit, parmi les preuves produites par eux, toutes les pièces généralement requises par le droit maritime de toutes les nations en justification des mesures, qu'ils furent forcés de prendre dans les circonstances où ils se trouvaient.

Au reste, supposant que les preuves en question n'étaient pas satisfaisantes le Soussigné ne craint point d'affirmer, que le point de droit et important à décider, n'étant pas, d'après les Conventions, si ces bâtimens ont été trouvés dans des Ports Africains au nord de la Ligue, mais s'ils y faisaient effectivement la traite, il devient inutile de discuter les causes, qui les ont forcé à y relâcher. C'est la traite des nègres, et non les autres relations commerciales entre le Brésil et les Ports d'Afrique au nord de l'Equinoxiale, que les Hautes Parties Contractantes se proposèrent de prohiber.

Pour prouver donc, que les propriétaires des navires en question n'ont pas droit à recevoir l'indemnisation des pertes qu'ils ont souffertes, il est indispensable d'établir, qu'ils ont effectivement fait la traite dans un des ports susmentionnés, ou bien indiquer l'Article des Conventions que leur interdisait d'y relâcher, et même d'y faire tout autre commerce.

Le Soussigné, considérant ceci comme impossible, et reposant toute confiance dans la rectitude du Gouvernement du Roi, espère qu'il ne manquera pas de rendre justice aux réclamations qui font le sujet de la présente note.

Le Soussigné a l'honneur, &c.

(Signé) LE CHEV. DE MATTOS.

Son Excellence Monsieur le Comte d'Aberdeen,
 &c. &c. &c.

(Translation.)

Wimpole-Street, April 6, 1830.

IN reply to the note which his Excellency the Earl of Aberdeen, His Britannick Majesty's Principal Secretary of State for Foreign Affairs, was pleased to address to Viscount Itabayana, on the 10th March 1829, in order to declare to him, that the reclamations of the Brazilian vessels "*Bahia*," "*Carlota*," "*Trajano*," and "*Independencia*," condemned by the Mixed Commission at Sierra Leone, had been found as inadmissible as that of the brig "*Heroïna*," and that the whole contents of his Excellency's note of the 2d of December 1828, respecting the latter, must be applied to the cases in question, the Undersigned, Chargé d'Affaires of His Majesty the Emperor of Brazil, having already had the honour of answering, on the 2d of October 1829, to all the arguments employed in the note which the Earl of Aberdeen quotes, now confines himself to the pointing out of some circumstances which seem to have escaped his Excellency's consideration, and which, nevertheless, of themselves, evidently shew the illegality of the adjudications against which the Undersigned, in discharge of his duty, now makes reclamation.

The Commission itself which condemned the above vessels, acknowledged that, at the moment of their capture, there were not found on board any of them slaves destined for the trade. There would then be only one case in which these vessels could be considered as liable to be seized, according to the 1st Article of the Additional Convention, concluded at Lisbon the 13th March 1823. That article, though intended to prevent frauds on the part of the Captains of negro ships, has not overlooked the possibility of abuses of force, such as those which have given occasion for the present reclamations; and in order to guard against the one and the other, it has been expressly

écussité de la relâche de l'équinoxiale, on est venu assigné s'est crû dans les procès respectifs; et les Capitaines et les intéressés ont leur fait sur leur

es les pièces générales en justification des instances où ils se trou-

étaient pas satisfaisantes le droit et important à être trouvés ils y faisaient effective-ment, qui les ont forcés à y relations commerciales inoixiale, que les Hautes

es en question n'ont pas souffertes, il est indispensable un des ports susmen-és leur interdisait d'y

et reposant toute conspère qu'il ne manquera de la présente note.

CHEV. DE MATTOS.

le-Street, April 6, 1830.

l of Aberdeen, His Britannic Majesty's Consul, was pleased to declare that the vessels "Bahia," "Carlota," and "Independencia," were the property of the Mixed Commission at Sierra Leone, and that the capture of the brig "Heroína," on the 2d of December 1829, was in violation of the Convention of Brazil, having been effected on the 10th of October 1829, to all the

Aberdeen quotes, nor does it mention any other instances which seem to be the case, which, nevertheless, of the Mixed Commission at Sierra Leone, in justification of which the present reclamations;

ve vessels, acknowledged to be found on board any of them by only one case in which, nevertheless, of the Mixed Commission at Sierra Leone, in justification of which the present reclamations; r, it has been expressly

stipulated there, that condemnations could not take place unless upon clear and undeniable proofs that the ships captured had not actually on board slaves designed for the illicit traffick, it was because they had landed them previously, to render the subsisting Conventions against this traffick illusory.

But the Captors did not produce any the least proof to show, that such a fraud had been practised by any of the vessels in question; while, on the other hand, the parties interested on this occasion, notwithstanding their ignorance of the language of the tribunal, in which at that period there was not a single Brazilian Commissioner present, not having been able to procure a Counsel disposed to undertake their defence, and, what is still worse, having been unquestionably considered as really criminal, by reason of the only circumstance of being engaged in the slave-trade, have, nevertheless, placed beyond all doubt the fact of having been forced, by causes above their controul, to put into African ports north of the Equator.

Nothing, therefore, can justify the capture, and much less the condemnation, of these vessels, according to subsisting Conventions. As to the particular circumstances, which accompanied the seizure of the ship "Trajano," effected under the batteries of the Portuguese Fort (Ajuda,) in contravention of Article 2 of the Instructions, constituting an integral part of the Convention of the 28th July 1817, the Earl of Aberdeen has alleged, that as that fort was occupied by an individual well known to the Mixed Commission at Sierra Leone, as being engaged in the slave-trade, it was to be considered as within one of the cases anticipated by Article 3 of the above Instructions, that is to say, as entirely abandoned and without any authority to which recourse could be had. But the Fort of Ajuda, which has never ceased to be numbered among the Portuguese possessions in Africa, could not be regarded either as a point abandoned, so long as it was occupied by an individual. If the latter was engaged in the illicit slave-trade, proper representations on the subject ought to have been addressed to the respective Governments. Neither the British cruisers, nor the Mixed Commission at Sierra Leone, possessed the right of taking cognizance of the conduct of the individual in question, and still less of making the owners of the ship "Trajano" responsible for it.

Neither can the Undersigned help observing, that to allow an armed force the power of sitting in judgment on the authorities of a friendly nation, would be the same thing as to disown her independence and her sovereignty, and the moment that such a principle were admitted, the act of hostility, which least accords with the law of nations, would be considered as legitimate and excusable.

To justify the capture of the "Trajano," his Excellency the Earl of Aberdeen has stated, that the Fort of Ajuda was in the possession of a man, who himself violated the Conventions, by carrying on the illicit trade. But the "Independencia," being in danger of foundering, as her leaks let in every hour one foot of water, had no intention to put herself under the protection of the fort occupied by that individual. She took refuge under the cannon of the English Fort Accara, where she wished to be careened and repaired. Her fate, nevertheless, has been the same; she was taken, and the Commission condemned her.

If there were no other fact, the one just mentioned would suffice to shew, that the British cruisers, and the Commission at Sierra Leone, had no other object, than that of annoying and oppressing the Brazilian subjects engaged in the lawful slave-trade. The more the matter is examined, the stronger will be the conviction, that the former have been the only infringers of the subsisting Conventions, and that not alone in respect of the 4 vessels now under consideration.

Finally, his Excellency the Earl of Aberdeen, having declared, that in consequence of the investigation set on foot by the Commission, respecting the nature of the causes alleged by these vessels, in proof of the necessity of putting into the African ports north of the Line, it had not been difficult to demonstrate clearly their futility, the Undersigned has deemed it his duty to examine their respective trials as minutely as possible, and the result of this examination enables him to assert, that the Captains of, and persons con-

cerned in, these ships, do not deserve the reproach made them of a departure from truth.

Among the proofs produced by them, there appear all the documents generally required by all nations, in justification of the measures, which they were compelled to take in the circumstances to which they were reduced.

For the rest, supposing that the proofs in question were not satisfactory, the Undersigned has no fear to affirm, that, as the point of law, and the question of importance to be decided, is not, according to the Conventions, whether these vessels have been found in African ports north of the Line; but, whether they were actually carrying on the slave-trade, it becomes useless to discuss the causes which forced them to touch there. It is the slave-trade, and not the other commercial relations between Brazil and the African ports north of the Equator, which the High Contracting Parties designed to prohibit.

To prove, therefore, that the owners of the ships in question have no right to receive an indemnity for the losses they have sustained, it is indispensable to establish, that they have actually carried on the slave-trade in the above-mentioned ports, or to point out the Article of the Conventions, which forbade them to put into, and even to carry on any other commerce in, those ports.

The Undersigned, considering this as impossible, and reposing every confidence in the rectitude of the King's Government, hopes that it will not fail to do justice to the reclamations, which form the subject of the present note.

The Undersigned has the honour, &c.

(Signed)

THE CHEVALIER DE MATTOS.

His Excellency the Earl of Aberdeen, K. T.

§c.

§c.

§c.

No. 15.

A. Aston, Esq. to the Earl of Aberdeen.—(Received April 29.)

MY LORD,

Rio de Janeiro, February 19, 1830.

I HAVE the honour to forward to your Lordship the copy of a note, which, conformably to the instructions contained in your Lordship's despatch, marked Slave-trade, of December 3, 1829, I have addressed to the Brazilian Minister, and also of his Excellency's answer.

I have the honour, &c.

(Signed)

ARTHUR ASTON.

The Right Hon. the Earl of Aberdeen, K. T.

§c.

§c.

§c.

First Enclosure in No. 15.

A. Aston, Esq. to Señor Calmon.

Rio de Janeiro, February 5, 1830.

IN pursuance of instructions from His Majesty's Government, the Undersigned, &c., has the honour to inform Señor Miguel Calmon du Pin e Almeida, &c. that in accordance with the purport of the note addressed by the Earl of Aberdeen to the Chevalier de Mattos, on the 16th September last, relative to the construction to be given to that stipulation of the Convention of the 20th November 1826, with Brazil, which regulates the period for the abolition of the African slave-trade of Brazil, the requisite instructions have been issued to the Commanders of His Majesty's ships and vessels, instructing that Brazilian slave-ships, which shall have finally quitted the African Coast on or before the 13th March 1830, shall not be held to have incurred the liability of being treated as pirates under the Convention with Brazil, in

consequence of being found at sea after the said period, in the *bond fide* prosecution of that particular homeward voyage, which had commenced on or before the 13th of March 1830.

The Undersigned, &c.

The Señor Calmon du Pin e Almeida.
 &c. &c. &c.

(Signed)

ARTHUR ASTON.

Second Enclosure in No. 15.

(Translation.)

Señor Calmon to A. Aston, Esq.

Rio de Janeiro, February 9, 1830.

IN acknowledging the receipt of the note, which Mr. Aston, &c. addressed to me, on the 5th instant, communicating that his Government had issued proper instructions respecting the treatment of national vessels employed in the slave-trade on their return homewards, after the term stipulated for its abolition; I have to inform Mr. Aston, that the Imperial Legation in London has already made me a similar communication, to which due publicity has been given at this Court.

On this occasion I have, &c.

(Signed)

MIGUEL CALMON DU PIN E ALMEIDA.

A. Aston, Esq.
 &c. &c. &c.

No. 16.

The Chevalier de Mattos to the Earl of Aberdeen—(Received May 18.)

Wimpole-Street, ce 17 Mai, 1830.

LE Soussigné, &c. a l'honneur de repliquer à la note que son Excellence Monsieur le Comte d'Aberdeen, &c. voulait bien adresser au Vicomte d'Itabayana le 10 Mars 1829, pour lui faire connaître que le Gouvernement du Roi, ayant trouvé la capture et la condamnation des navires Brésiliens "*Tenadora*," "*Eclipse*," et "*Fenuroso*," parfaitement conforme aux Traités subsistants entre les deux Pays, ne pouvait pas en admettre les réclamations, et que cette résolution était appuyée sur les mêmes motifs consignés dans la note de son Excellence du 2 Décembre 1828, par rapport au brick "*Hevoina*."

Quoique le Soussigné ait eu déjà l'honneur de répondre à cette dernière note, en date du 2 Octobre 1829, il ne peut cependant pas s'abstenir d'y ajouter encore quelques considérations qui lui semblaient mettre hors de toute espèce de doute la justice des réclamations qu'il soutient.

D'abord il est expressément déclaré dans l'article 1^{er} de la Convention du 28 Juillet 1817, que l'intention des Hautes Parties Contractantes était seulement de prohiber le commerce d'esclaves dans les ports d'Afrique au nord de l'Equinoxiale. The object of this Convention is, on the part of the two Governments, mutually to prevent their respective subjects from carrying on an illicit slave-trade. Ainsi le Gouvernement Impériale, n'ayant pris l'engagement de défendre à ses sujets toute communication avec le nord de l'Afrique, avait indubitablement le droit d'accorder aux bâtimens Brésiliens, que se destinaient au commerce licite d'esclaves, la permission de toucher dans les ports où les Traités leur interdisaient uniquement le susdit commerce. Cette permission pouvait donc être très légalement insérée dans les passeports respectifs et les bâtimens qui, en seraient munis, n'auraient jamais dû être regardés et punis par cette seule circonstance, comme infractions aux Traités.

On voit d'ailleurs mentionnées dans l'Article 5^{me} des Instructions annexées à la même Conventions de 1817, parmi les causes légitimes qui peuvent attirer les navires négriers dans des parages au nord de la Ligne, la pratique

suivie par les Portugais de naviguer toujours quelques degrés de ce côté là pour trouver des vents favorables. Or, si une telle dégression leur était permise seulement pour mieux effectuer leur traversées, à plus forte raison encore serait il le comble de l'injustice de confisquer ceux des dits bâtimens, qui battus de tempêtes ou réduits par quelque autre cause inévitable à ne pas pouvoir continuer leurs voyages, auraient cherché de l'abri dans le port le plus prochain.

Afin de mettre des bornes aux zèle mal entendu et oppressif, si ordinaire en ceux qui disposent de la force, les Hautes Parties Contractantes ont spécifié en autre dans l'Article 6^{me} de la Convention qui vient d'être citée, le seul cas où les navires nègriers seraient jugés saisissables, c'est à dire, quand ils auraient effectivement des esclaves à bord, destinés au trafic illicite. "No British or Portuguese cruizer shall detain any slave-ship not having slaves actually on board, brought there for the express purpose of the traffick, and taken from that part of the Coast of Africa where the slave-trade was prohibited by the Treaty of the 22d of January 1815." Cet Article fait voir bien clairement quelle était la volonté des deux Gouvernements, et quoique l'Article 1^{er} de la Convention du 15 Mars, 1823, soit venu le modifier, cependant il y a été déclaré qu'aucun bâtiment, n'ayant pas des esclaves à bord destinés à la traite illicite, ne pourrait être detenu que sur la preuve claire et indubitable (clear and undeniable proof) de les avoir débarqué pour se soustraire à la rigueur des Conventions. Si cette preuve manque, la prise est illégale, et la sentence, qui l'adjuge au capteur, devient une contravention manifeste aux Traités, qu'il s'agit de maintenir dans toute leur force.

En prescense de stipulations aussi positives et solennelles, on ne s'attendrait certainement pas à la condamnation du navire "*Tentadora*," qui, au moment de son arrestation, n'avait pas des esclaves à bord, ni le moindre indice de les avoir débarqué avant d'être visité par le capteur; et seulement, ainsi que l'avoue la sentence respective, parce qu'on lisait dans son passeport la permission de toucher, en cas de besoin, dans des ports situés au nord de la Ligne.

La condamnation de "*l'Eclipse*" n'est pas moins contraire aux mêmes stipulations. Ce navire, après 25 jours de voyage, se trouvant faire 52 pouces d'eau par heure, et ne pouvant pas aller plus loin, fut forcé de relâcher dans le port d'Adjuda. Tout de cela a été constaté par les papiers de bord, et par d'autres preuves produites devant la Commission Mixte de Sierra Leone; et la sentence reconnaît aussi qu'on n'y a rien rencontré de ce qui, d'après la Convention de 1823, le rendrait saisissable.

"*La Venturoso*," enfin s'est trouvé à peu de chose près dans une situation analogue à celle des deux précédents. Une circonstance cependant demande à être mentionnée: ce navire était à la veille de quitter Badagre, quand il fut visité par le croiseur que le capteur; tout y était prêt pour mettre à la voile, et malgré cela, pas un esclave n'y fut rencontré, pas un seul motif qui put raisonnablement le faire soupçonner d'en avoir eu auparavant.

Quant aux preuves avancées par les Capitaines de ces navires à fin de justifier leurs relâches dans les ports où ils furent capturés, la Commission Mixte les a trouvés toutes frauduleuses, et dec-lant la plus grande mauvaise foi de la part des mêmes Capitaines. Mais la simple lecture des procès en question porte une conclusion tout à fait différente, dès qu'on y voit toutes les pièces de bord parfaitement d'accord avec les dépositions des équipages sur l'inévitable nécessité des susdites relâches. On ne saurait pas dire que ce preuves sont insuffisantes ou susceptibles d'être révoquées en doute; d'autres n'ont pas été jusqu'à présent exigées par les tribunaux d'aucune nation civilisée pour averer les faits, sur les quels doit être basée la décision de causes maritimes de cette nature.

Les dépositions des équipages, qui sont les seuls temoins de ce qui s'est passé en mer, font toujours foi dans la verification de la route tenue par les navires respectifs, des hasard qu'ils ont couru, et en général, de toutes les circonstances remarquables de leurs voyages. Jamais le capteur n'est admis à chercher des preuves contraire hors de ces dépositions, et de ce qui ressort des papiers de bord.

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Le Soussigné se permettra de citer ici, à l'appui de ce qu'il vient d'exposer, les propres mots de M. Chitty, en parlant de l'évidence requise dans ces cas pareils devant le Tribunal de l'Amirauté d'Angleterre (Law of Commerce, Vol. 3 page 613.) With respect to the evidences, it is a general rule, that no claim shall be admitted in opposition to the depositions and the ship's papers. The Court of Admiralty is at all times studious to preserve the simplicity of prize proceedings, and therefore, a prayer to admit extraneous evidence on the part of the Captor, to show an illegal course of trade, was refused, there being nothing in the original evidence pointing to such suspicion, because, if remote suggestions were allowed, the practice of the Court would be led away from the simplicity of prize proceedings, and there would be no end to the accumulation of proofs, that would be introduced in order to support arbitrary suggestions.

Rien donc ne pouvant être exigé de plus, afin d'établir la légalité des motifs par lesquels ces bâtimens furent forcés de relâcher dans des ports Africains au nord de la Ligue, et, en même temps, combien ils étaient loin d'y faire la traite, le Soussigné se flatte que le Gouvernement du Roi ne manquera pas de faire droit à la présente réclamation, en accordant enfin aux parties intéressées les indemnités, que leur sont dues pour les pertes énormes qu'elles ont souffert.

Dans cette juste espérance le Soussigné a l'honneur de reiterer, &c.
(Signé) LE CHEVALIER DE MATTOS.
Son Excellence Monsieur le Comte d'Aberdeen.

§c. §c. §c.

(Translation.)

Wimpole-Street, May 17, 1850.

THE Undersigned, Chargé d'Affaires of His Majesty the Emperor of Brazil, has the honour to reply to the note, which his Excellency the Earl of Aberdeen His Britannick Majesty's Principal Secretary of State for Foreign Affairs, was pleased to address to Viscount Itabayana, to acquaint him, that the King's Government, having found the capture and condemnation of the Brazilian vessels "Tentadora," "Eclipse," and "Venturoso," perfectly conformable to the Treaties subsisting between the two Countries, could not admit of reclamation against them, and that this resolution rested on the reasons stated in his Excellency's note of the 2d December 1828, concerning the brig "Hercina."

Though the Undersigned has already had the honour to reply to this last note, under date of the 2d October 1829, he cannot refrain from adding a few more observations, which appear to him to place the justice of the reclamations sustained by him beyond all manner of doubt.

In the first place, it is expressly declared, in Article 1 of the Convention of the 28th July 1817, that the intention of the High Contracting Parties was only to prohibit the slave-trade in the Ports of Africa, north of the Line. "The object of this Convention is, on the part of the two Governments, mutually to prevent their respective subjects from carrying on an illicit slave-trade." Thus the Imperial Government, not having engaged to forbid its subjects every communication with the North of Africa, had undoubtedly the right of giving to such Brazilian ships, as devoted themselves to the lawful slave-trade, the permission of touching at the ports, where the Treaties prohibited them only to engage in the said traffick. This permission might, therefore, very lawfully be inserted in the respective passports, and the vessels furnished with them ought not, for that circumstance alone, to have been considered and punished as infringers of the Treaties.

Besides, in the 8th Article of the Instructions annexed to the same Convention of 1817, there is mentioned, among the legitimate causes that may attract negro vessels into latitudes north of the Line, the practice, followed by the Portuguese, of navigating always some degrees beyond it, in order to

meet with favourable winds. Now, if such a digression was permitted them only to facilitate their passages, it would, for a much stronger reason, be the height of injustice to confiscate such of the said vessels, as should, prevented either by stress of weather or some other inevitable cause from prosecuting their voyages, have sought shelter in the nearest port.

To set bounds to the ill-judged and oppressive zeal, so common in those who are armed with force, the High Contracting Parties have further specified, in the 6th Article of the Convention just mentioned, the only case in which negro vessels would be allowed to be taken, that is to say, when they should actually have on board slaves intended for the unlawful trade. "No British or Portuguese cruiser shall detain any slave-ship, not having slaves actually on board, brought there for the express purpose of the traffick, and taken from that part of the Coast of Africa, where the slave-trade was prohibited by the Treaty of the 22d of January 1815." This Article very clearly shews the intention of the two Governments, and though the 1st Article of the Convention of the 13th March 1823 did afterwards modify it, yet it has been declared, that no ship, not having slaves on board destined for the illicit traffick, could be detained, but on clear and indubitable proof of having landed them with the view of escaping the rigour of the Conventions. If this proof be wanting, the capture is unlawful, and the sentence, which adjudges it to the Captor, becomes a manifest contravention of the Treaties, which ought to be maintained in all their force.

In the presence of such positive and solemn Stipulations, it was certainly not expected, that the condemnation of the ship "*Tentadora*" would have taken place, when, at the moment of her detention, she had neither slaves on board, nor bore the least trace of having landed any, prior to being searched by the Captor, and only, as the respective sentence avows, because it was mentioned in her passport, that she should have permission to touch, if there should be occasion, in the ports situated North of the Line.

The condemnation of the "*Eclipse*" is no less contrary to the same Stipulations, it being discovered that this ship, after 25 days' voyage, made 52 inches of water every hour, and could not proceed farther, but was obliged to put into the Port of Ajuda. All this appeared from the ship's papers, and from other proofs produced before the Mixed Commission at Sierra Leone; and the sentence also acknowledged, that nothing had been met with which, agreeably to the Convention of 1823, could have warranted her being detained.

Lastly, the "*Venturoso*" has been found nearly in a similar situation with that of the two preceding. One circumstance, however, requires to be mentioned. This ship, when on the point of sailing from Badagre, was boarded by the cruiser that captured her. Every thing was ready for putting to sea; still, however, not a single slave was found there, nor any thing discovered, which could have reasonably made her suspected of having had any there previously.

As to the proofs advanced by the Captains of these ships, in order to justify their having put into the ports where they were taken, the Mixed Commission has pronounced them all fraudulent, and displaying the most signal bad faith on the part of those Captains. But the mere perusal of the proceedings in question leads to a very different conclusion; when it appears, that all the ship's papers perfectly agree with the depositions of the crews, respecting the necessity of their making for the ports in question. It cannot be alleged, that these proofs are insufficient or liable to be called in question, inasmuch as others have hitherto never been required by the Courts of Justice of any civilized nation, to establish the facts, on which to ground the decision of maritime causes of this nature. The depositions of crews, who are the only witnesses of what has occurred at sea, are always admitted as evidence in ascertaining the course steered by the respective ships, the risks which they have run, and in general the remarkable circumstances of their voyages. The Captor is never admitted to have recourse for contrary proofs to any quarter, other than these depositions, and what can be collected from the ship's papers.

The Undersigned here takes leave to quote, in support of what he has stated, the words of Mr. Chitty, in speaking of the evidence required in similar cases, before the English Court of Admiralty. (Law of Commerce, vol. iii. p. 613) "With respect to the evidence, it is a general rule that no claim shall be admitted in opposition to the depositions and the ship papers. The Court of Admiralty is, at all times, studious to preserve the simplicity of prize proceedings; and, therefore, a prayer to admit extraneous evidence on the part of the Captor, to show an illegal course of trade, was refused, there being nothing in the original evidence pointing to such suspicion; because, if remote suggestions were allowed, the practice of the Court would be led away from the simplicity of the prize proceedings, and there would be no end to the accumulation of proofs, that would be introduced, in order to support arbitrary suggestions."

Since, therefore, nothing further can be required to establish the legality of the motives, by which these ships were forced to touch at the African ports north of the Line, and at the same time how far they were from carrying on the slave-trade there, the Undersigned flatters himself, that the King's Government will not fail to do justice to the present reclamation in granting at last to the parties concerned, such indemnities, as are due to them for the enormous losses which they have suffered.

In this just hope, the Undersigned has the honour, &c. &c.

(Signed) THE CHEVALIER DE MATTOS.

His Excellency the Earl of Aberdeen, K. T.

§c.

§c.

§c.

No. 17.

The Chevalier de Mattos to the Earl of Aberdeen.—(Received May 19.)

Wimpole-Street, ce 17 Mai, 1830.

LE Soussigné, Chargé d'Affaires de Sa Majesté l'Empereur du Brésil, ayant reçu l'ordre de son Gouvernement pour se plaindre à celui du Roi de l'arbitrarité pratiquée par la frégate Britannique "Sibilla," commandée par le Capitaine F. A. Collier, dans la saisie du navire Brésilien "Esperança," et pour réclamer, en faveur des propriétaires de ce navire, l'indemnisation qui leur est due, conformément à l'Article 5 de la Convention du 28 Juillet, 1817, a l'honneur de s'adresser à Son Excellence Monsieur le Comte d'Aberdeen, Principal Secrétaire d'Etat de Sa Majesté Britannique au Département des Affaires Etrangères, pour s'acquitter de ce devoir.

Le bric "Esperança" sortit de Bahia pour faire le commerce des esclaves dans le Port de Cabinda. Au huitième jour de son voyage, il fut poursuivi par un corsair de Buenos Ayres, duquel il ne put se débarrasser qu'après 5 jours de chasse.

Continuant alors vers sa destination, il lui survint une forte tempête dont les résultats furent d'avoir le grand mat cassé, et d'ouvrir une voie d'eau à la proue. Dans cet état il fut forcé de demander le port de Lagos, qui était le plus prochain de l'endroit où il se trouvait, comme il a été plinement prouvé devant la Commission Mixte de Sierra Leone.

Se trouvant donc en vue de ce port, encore à la voile, le bric "Esperança" fut visité par la frégate ci-dessus mentionnée, qui l'ayant jugé en ordre au premier abord, changea d'avis dans peu d'instants, l'arrêta et l'envoya à Sierra Leone, où il fut condamné.

Non seulement le capteur, mais aussi la Commission Mixte de cette Colonie ont avoué qu'un seul esclave ne fût point trouvé à bord de "l'Esperança," ni le moindre indice d'en avoir débarqué avant la visite, et la sentence de condamnation est fondée sur ce que le navire était au nord de l'Équinoxiale, à la

hauteur d'un port que n'était pas nommé dans son passeport, et faisant la traite des nègres en contravention des Traités de 1813, 1817, et 1826.

La seule exposition des circonstances dont cette capture fut accompagnée, même sans avoir recours à d'autres arguments, est plus que suffisante pour démontrer combien la conduite du croiseur a été arbitraire et oppressive, et il est difficile de s'imaginer comment la Commission de Sierra Leone a pu la sanctionner. Outre la violation manifeste des Traités, qui autorisent seulement la saisie des navires rencontrés avec des esclaves pris au nord de l'Équinoxiale, ou de ceux qui les auront débarqué à fin de tromper les croiseurs, il est encore à remarquer dans le cas en question l'assertion extravagante de la sentence condamnatrice, d'où il résulte que le navire "*Esperança*" se trouvait engagé à la traite illicite au milieu de l'océan, et qu'il a eu moyen de cacher tellement les nègres pendant la visite, et durant le voyage pour Sierra Leone, que ni le croiseur ni la Commission n'ont jamais été à même de les découvrir.

Quant à l'autre fondement de la sentence, savoir, que le Port de Lagos n'était point nommé dans le passeport du bric "*Esperança*," le Soussigné n'a rien à ajouter à ce qu'il a eu déjà l'honneur de soumettre à la considération de son Excellence dans ses notes du 3 Octobre 1829, et du 17 du mois courant, sur la question des passeports et des relâches forcées dans des ports Africains au nord de la Ligue, et se contentera de citer les susdites notes, à l'appui de celle-ci pour éviter d'inutiles répétitions.

Cependant, il ne peut pas se dispenser d'exprimer combien il regrette de voir l'abus que l'on a fait si souvent, et d'après les circonstances de chacun des navires capturés de la teneur de leurs passeports.

Quelque-fois le Gouvernement Imperial est accusé de permettre, dans ces documens, l'entrée des ports où la traite a été abolie.

Dans d'autres occasions ce sont les bâtimens négriers, qu'on accuse de ne pas avoir obtenu cette permission, et d'une ou d'autre manière la conséquence en est presque toujours la confiscation de ceux des mêmes bâtimens, qui ont le malheur d'être traduits devant la Commission de Sierra Leone.

Le Soussigné pleinement convaincu de l'inutilité de faire des traités, si l'interprétation des obligations qui en résultent, était abandonnée à ceux qui ont le plus grand intérêt à les expliquer en leur faveur, ne peut nullement douter qu'à la vue de cet exposé la présente réclamation ne soit accueillie par le Gouvernement de Sa Majesté Britannique de la manière, que son impartialité et sa justice donnent droit à espérer. Laisant donc à une Commission spéciale la vérification des pertes éprouvées par les propriétaires du bric "*Esperança*," il ne reste à Soussigné qu'à réitérer, &c.

(Signé)

LE CHEV. DE MATTOS,

Son Excellence le Comte d'Aberdeen,

§c. §c. §c.

(Translation.)

Wimpole-Street, May 18, 1830.

THE Undersigned, &c. having been directed by his Government to complain to that of the King, of the arbitrary manner with which the British frigate "*Sybill*," commanded by Captain P. Collier, proceeded in taking possession of the Brazilian ship "*Esperança*," and to claim in favour of the Owners of that ship, the indemnity due to them, in conformity with Article 5 of the Convention of the 28th of July 1817, has the honour to address himself to his Excellency the Earl of Aberdeen, &c. in compliance with his duty.

The brig "*Esperança*" sailed from Bahia, to pursue the slave-trade in the Port of Cabinda. On the eighth day of her voyage she was chased by

n passeport, et faisant la
15, 1817, et 1826.

capture fût accompagnée,
plus que suffisante pour
brutaire et oppressive, et
de Sierra Leone a pu la
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tromper les croiseurs, il
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"Esperanza" se trou-
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"Esperanza," le Soussigné n'a
mètre à la considération
et du 17 du mois courant,
dans des ports Africains au
édites notes, à l'appui de

er combien il regrette de
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osé de permettre, dans ces

griers, qu'on accuse de ne
re manière la conséquence
mêmes bâtimens, qui ont le
Sierra Leone.

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ne peut nullement douter
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ère, que son impartialité et
une Commission spéciale
aires du bric "Esperanza,"

CHEV. DE MATTOS.

le-Street, May 18, 1830.

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pursue the slave-trade in
voyage she was chased by

a Buenos Ayres privateer, from which she was unable to disengage herself, till after 5 days' pursuit.

Hereupon, when proceeding to the place of her destination, she was overtaken by a heavy squall, in consequence of which she carried away her main-mast, and sprung a leak in the prow. In this predicament, she was obliged to make for the Port of Lagos, the nearest to the place where she happened to be, as has been fully proved before the Mixed Commission at Sierra Leone.

When the "Esperanza," therefore, was in sight of that port, and under sail, she was boarded by the above frigate, which, though she thought her at first quite regular, changed her opinion in a few moments, and detained and sent her to Sierra Leone, where she was condemned.

Not only the Captor, but also the Mixed Commission in that colony, have owned, that there was not a single slave found on board the "Esperanza," nor the least trace of her having landed any before the visit, and the sentence of condemnation was founded on the vessel having been met with to the North of the Equator, off a port not stated in her passport, and carrying on the slave-trade, in contravention of the Treaties of 1813, 1817, and 1826.

The simple statement of the circumstances, under which this capture was made, independently of any other arguments, is more than sufficient to demonstrate, how very arbitrary and oppressive the conduct of the cruiser has been, inasmuch that it is difficult to imagine how the Commission at Sierra Leone could sanction it. Over and above the manifest violation of the Treaties, which solely authorise the seizure of ships encountered with slaves on board, obtained to the North of the Line, or of such as shall have landed them in order to deceive the cruisers, there must be further observed in the case alluded to, the extravagant assertion of the condemnatory sentence, whereby it would appear that the "Esperanza" was carrying on the slave-trade out at sea, and that she contrived to conceal the negroes during the search, and during the voyage for Sierra Leone, so that neither the cruiser nor the Commission were ever capable of discovering them.

As to the other ground of the sentence, namely, that the Port of Lagos was not specified in the pass of the brig "Esperanza," the Undersigned has nothing to add to what he had already had the honour of submitting to the consideration of his Excellency, in his notes of the 3d of October 1829, and of the 17th instant, respecting the question of passports and ports touched at by compulsion on the African Coast, North of the Equator, and will only refer to the above notes in support of the present, for the purpose of avoiding useless repetitions. He can, however, not help expressing how sorry he is to find the frequency of the abuse practised, according to the circumstances of each of the captured vessels, in respect of the tenour of their passports. The Imperial Government is sometimes accused of permitting in the documents the entrance into ports, where the slave-trade has been abolished. On other occasions, it is the negro vessels that are charged with having failed to apply for such permission, and in either case the consequence is almost always the confiscation of the slave-ships, that have the misfortune of being brought before the Commissions of Sierra Leone.

The Undersigned, fully convinced of the inutility of concluding Treaties, if the interpretation of the duties resulting from them were left to those, who are most interested in explaining them in their favour, entertains no doubt whatever, that, in consideration of the above statement, the present reclamation will be received by the Government of His Britannick Majesty in the manner, which its impartiality and justice warrant him to hope for. Leaving, therefore, to a Special Commission the task of ascertaining the damages sustained by the Owners of the brig "Esperanza," the Undersigned, in conclusion, repeats, &c.

(Signed)

THE CHEVALIER DE MATTOS.

His Excellency the Earl of Aberdeen,

§c. §c. §c.

The Chevalier de Mattos to the Earl of Aberdeen.—(Received May 18.)

Wimpole-Street, ce 18 Mai, 1830.

LE Soussigné, &c. fondé sur les Conventions existantes entre le Brésil et la Grande Bretagne, a l'honneur de porter à la connaissance de son Excellence Monsieur le Comte d'Aberdeen, &c. l'attendat commis dans le Port d'Olemy par le brie de guerre Anglais "Clinker," commandé par le Capitaine G. W. Matson, sur le navire Brésilien "Voador," dont il se saisit en violation manifeste de l'esprit et de la lettre des susdites Conventions, après avoir tué 13 hommes de son équipage, de la manière que le Soussigné passe à exposer.

Le brie "Voador" sortit de Rio de Janeiro le 25 Avril 1828, pour faire le commerce d'esclaves dans le Ports de Cabinda et Zaïre au sud de l'Équinoxiale, et rencontra quelque tems après des bâtimens suspects, que dans le fait étaient des corsaires de Buenos Ayres, il chercha un asyle dans l'Île de Principe, et y resta deux jours. Au sortir de cette île, les courants contraires et les tempêtes, qu'il eut à essayer, le mirent dans un tel état de détresse, qu'il fut encore forcé de relâcher dans le port plus prochain, qui se trouva être celui d'Olemy. Ici le Capitaine se vit obligé de disposer d'une partie de sa cargaison, afin de subvenir aux dépenses, requises pour les réparations et le ravitaillement du navire. Tout étant remis en ordre, à la veille même de son départ, le 18 Août, il découvrit à quelque distance, venant vers lui, sans aucun signe que put indiquer leur nation, deux chaloupes appartenant à un brie, qui se trouvaient dans la baie, et les soupçonnant d'être pirates, il arbora le pavillon Brésilien, en faisant tirer en même tems un coup de canon. Dans ce moment les chaloupes, étant tout près, arborèrent le pavillon Britannique et mirent ainsi un terme aux alarmes du capitaine, qui les reçut avec toute la joie propre d'une personne, qui tantôt craignait de tomber entre les mains de quelque corsaire ou pirate; et se voyait alors sous la protection de la marine d'une nation amie et la première des alliées de l'Empire. Mais au lieu d'éprouver le bienfait de cette protection, le brie "Voador" fut victime de la cruauté la plus inattendue. A peine l'Officier Anglais et ses gens furent arrivés sur le pont, un coup de pistolet fut tiré contre le Capitaine Brésilien. Celui-ci se trouvant blessé, et voyant son équipage assailli de toute côté, se défendit courageusement, jusqu'à ce que couvert de blessures, et entouré des cadavres de 13 de ses compagnons, il se jeta à la mer, et perit de cette manière. C'est ainsi que le Capitaine Matson a observé les instructions données aux croiseurs de la côte d'Afrique. Telles ont été les circonstances, qui précédèrent la saisie et l'adjudication du brie "Voador."

Le Soussigné s'abstient de faire la moindre remarque sur un fait aussi inouï, et aussi contraire au droit des gens qu'il l'est à tous les principes d'humanité, qui ont toujours noblement caractérisé la valeur des Officiers de la Marine Britannique. Il se bornera donc à prier son Excellence Monsieur le Comte d'Aberdeen de vouloir bien observer, que la sentence, qui condamna le brie en question, ne fait aucun mention des horreurs commises dans sa capture, et qui, si on eut pu le faire au détriment du condamné, on n'aurait pas manqué de s'en prévaloir. D'un autre côté on voit expressément déclaré dans ce même document, qu'il n'y avait pas d'esclaves à bord du "Voador," au moment de sa capture, ni le moindre indice, qui pût le faire soupçonner de les avoir débarqué auparavant, "and also that it had been proved, that at the time of passing the said sentence, no slaves were, nor had been, on board during the voyage."

Sur cet exposé le Soussigné réclame du Gouvernement de Sa Majesté Britannique la satisfaction et les indemnités, que l'atrocité et l'illégalité du fait exigent, en conformité des Articles 5 et 6 de la Convention du 28 Juillet 1817, de l'Article 7 des Instructions annexées à la même Convention, et finalement, de l'Article 13 du Règlement de la Commission Mixte de Sierra Leone, dont voici les termes; "In the case of a vessel detained unjustly, under pretence of the stipulations of the Additional Convention of this date, and in which the Captor should neither be authorized by the tenour of the above-

—(Received May 18.)

—Street, ce 18 Mai, 1830.

assistances entre le Brésil et la naissance de son Excellence mis dans le Port d'Olembly par le Capitaine G. W. Matson en violation manifeste après avoir tué 13 hommes assés à exposer.

le 15 Avril 1828, pour faire le libre au sud de l'Equinoxiale, et, que dans le fait étaient dans l'He de Principe, et y courants contraires et les l'état de détresse, qu'il fut in, qui se trouva être celui ser d'une partie de sa carène et les réparations et le ravir à la veille même de son venant vers lui, sans aucun rpes appartenant à un bric, ces pirates, il arbora le pa-coup de canon. Dans ce le pavillon Britannique et les reçut avec toute la joie per entre les mains de quel-otestation de la marine d'une

Mais au lieu d'éprouver etime de la cruauté la plus furent arrivés sur le pont, résiliens. Celui-ci se trouva coté, se défendit coue et entouré des cadavres de t de cette manière. C'est tions données aux croiseurs tances, qui précéderent la

que sur un fait aussi inoui, s les principes d'humanité, des Officiers de la Marine ellence Monsieur le Comte rnce, qui condamna le bric ommisses dans sa capture, ndammé, on n'aurait pas xpressément déclaré dans bord du "Foador," au mo- le faire soupçonner de les en proved, that at the time had been, on board during

nement de Sa Majesté Bri- roité et l'illégalité du fait onvention du 28 Juillet à la même Convention, et mission Mixte de Sierra en détenued unjustly, under ention of this date, and in y le tenour of the above-

mentioned Convention, nor of the Instructions annexed to it, the Government, to which the detained vessel may belong, shall be entitled to demand reparation, and in such case, the Government, to which the Captor may belong, binds itself to cause the subject of complaint to be fully examined, and to inflict upon the Captor, if he be found to have deserved it, a punishment proportioned to the transgression which may have been committed."

Quant à ce qui régarde l'évaluation des pertes éprouvées par les propriétaires du bric "Foador," le Soussigné croit qu'elle doit être laissée aux soins d'une Commission nommée par les deux Gouvernements.

Le Soussigné profite de cette occasion pour renouveler, &c. &c.

(Signed)

LE CHEVALIER DE MATTOS.

Son Excellence M. le Comte d'Aberdeen,
 &c. &c. &c.

(Translation.)

Wimpole-Street, May 18, 1830.

THE Undersigned, &c. relying upon the Conventions subsisting between Brazil and Great Britain, has the honour to lay before his Excellency the Earl of Aberdeen, &c. the particulars of an outrage committed in the Port of Olembly, by the English brig "Clinker," commanded by Captain G. W. Matson, against the Brazilian ship "Foador," which he seized, in manifest violation of the spirit and letter of the above Conventions, after killing 13 men of her crew, in the manner about to be stated by the Undersigned.

The "Foador" sailed from Rio de Janeiro on the 25th of April, 1828, to traffick in negroes in the Ports of Cabinda and Zaire, south of the Equator, and meeting some time after with suspicious vessels, which in fact were Buenos Ayreau privateers, she sought an asylum in Prince's Island, and remained there 2 days; after quitting that island, the contrary currents and the storms which she had to encounter, reduced her to such a state of distress, that she was once more forced to put into the nearest port, which chanced to be that of Olembly. There the Captain was obliged to dispose of a part of his cargo to meet the expenses required on account of the repairs of, and the fresh supply of provisions for the ship. When every thing was completed, on the very day previous to his departure, the 18th of August, he discovered at some distance, coming towards him, without any sign indicative of their nation, 2 boats belonging to a brig in the bay, and as he suspected them to be pirates, he hoisted Brazilian colours, and, at the same time, fired a gun. At that moment the boats, being very near, hoisted the British flag, and thus put an end to the alarm of the Captain, who received them with all the joy natural for a person, who had just before been afraid of falling into the hands of some privateer or pirate, and then found himself under the protection of the navy of a friendly nation, the principal of those allied to the empire. But instead of reaping the benefit of this protection, the "Foador" became a victim of the most sanguinary and most unexpected cruelty. The English Officer and his men had scarcely set foot on deck, when a pistol shot was fired at the Brazilian Captain. The latter finding himself wounded, and seeing his crew assailed in every quarter, defended himself courageously, till covered with wounds and surrounded with the dead bodies of 13 of his companions, he threw himself into the sea, and thus perished. In this manner it was that Captain Matson observed the Instructions given to those who cruise on the Coast of Africa. Such are the circumstances which preceded the seizure and adjudication of the "Foador."

The Undersigned refrains from any remark upon an occurrence as unheard of, and as contrary to the law of nations, as it is to all the principles of humanity, which have always so nobly characterized the Officers of the British navy. He only begs his Excellency the Earl of Aberdeen to be pleased to observe, that the sentence, which condemned the brig in question, makes no

mention whatever of the horrors committed in her capture, of which mention the sentence would certainly have availed itself, if it could have been done to the prejudice of the party condemned. On the other hand, it is expressly declared in the same document, that there was not a single slave on board the "*Voador*" at the time of her capture, nor the least sign, which could have led to the suspicion of any having been landed previously, "and also that it had been proved, that, at the time of passing the said sentence, no slaves were, nor had been, on board during the voyage."

In reference to this statement, the Undersigned demands, from the Government of His Britannick Majesty, such satisfaction and such indemnities as the atrocity and the illegality of the act require, according to Article 5 and 6 of the Convention of the 28th July, 1817; to Article 7 of the Instructions annexed to that Convention, and, finally, to Article 13 of the Regulations of the Mixed Commission of Sierra Leone, which latter runs thus:—"In the case of a vessel detained unjustly, under pretence of the stipulations of the Additional Convention of this date, and in which the Captor should neither be authorized by the tenour of the above-mentioned Convention, nor the Instructions, the Government, to which the detained vessel may belong, shall be entitled to demand reparation; and in such case the Government, to which the Captor may belong, binds itself to cause the subject of complaint to be fully examined, and to inflict upon the Captor, if he be found to have deserved it, a punishment, proportioned to the transgression which may have been committed."

As to the valuation of the losses sustained by the Owners of the "*Voador*," the Undersigned is of opinion, that it ought to be left to a Commission appointed by both Governments.

The Undersigned avails himself, &c.

(Signed) THE CHEVALIER DE MATTOS.

His Excellency Lord Aberdeen,
 &c. &c. &c.

No. 19.

The Chevalier de Mattos to the Earl of Aberdeen.—(Received May 19.)

Wimpole-Street, ce 18 Mai, 1830.

LE Soussigné &c. a l'honneur de s'adresser à son Excellence Monsieur le Comte d'Aberdeen, &c. afin de réclamer, en faveur des propriétaires du navire Brésilien "*Vencedora*," illégalement saisi dans le Port d'Ajuda par la frégate Britannique "*Eden*," commandée par le Capitaine W. F. W. Owen, la juste indemnisation que leur est due, en conformité des Traités, qui prohibèrent le trafic des nègres dans les Ports d'Afrique, au nord de l'Equinoxiale.

Cette capture n'ayant point été trouvée légale par la Commission de Sierra Leone, le Soussigné se bornera donc à contester uniquement la partie de la sentence, respective à la compensation des pertes éprouvées par les propriétaires du navire "*Vencedora*," en conséquence du procédé arbitraire du capteur; et pour le faire d'une manière claire et convenable, il se permettra d'abord d'exposer les circonstances dans les quelles ce bâtiment se trouvait, et la manière dont il a été arrêté et conduit à Sierra Leone.

N'étant point destiné à la traite des nègres, mais au commerce d'huile, de draps, d'ivoire et autres Articles de la Côte d'Afrique, ce navire entra dans le Port d'Ajuda. et après y avoir débarqué une partie de sa cargaison et commencé son négoce, il fut visité et pris par la frégate de Sa Majesté Britannique ci-dessus mentionnée. Ce qui se trouvait déjà à terre de sa cargaison, une partie de son équipage, le pilote compris, enfin tout fut abandonné aux gens du pays, et le navire conduit à l'Île de Fernando Po, où il resta dix-huit jours au

service particulier de la dite frégate, contre la disposition expresse de l'Article premier des Instructions annexées à la Convention de 1817.

En conséquence du service, dans lequel il fût employé à l'île de Fernando Po et de l'accident qui lui arriva au sortir de cette île, en touchant un rocher, le "*Vencedora*" vint à faire un voie d'eau de plus de 30 pouces par heure, tandis que précédemment il n'en faisait pas au delà de 5 à 6 pouces-circonstances qui ont été prouvées par le serment du Capitaine et de l'équipage de ce navire. Au surplus, les vivres, qui se trouvaient à bord, en furent tirés pour l'usage de la frégate, et le restant de sa cargaison de tabac en fût entièrement détruit et perdu.

Dans cet état le "*Vencedora*" arriva à Sierra Leone, où la capture fût jugée arbitraire; et la Commission Mixte, tout en reconnaissant la nécessité de dédommager les parties intéressées des immenses pertes occasionnées par une détention aussi illégale, leur accorda seulement £36. 9s. pour frais de procès £185. 15s. à titre d'indemnisation, et £62. 10s. pour le fret de 260 rouleaux de tabac, déclarant en outre, quant aux *staries* (demurrages) qu'elles ne leur étaient pas dues, parceque le capteur avait été induit en erreur par la faute volontaire et reprochable du capturé, sans toute fois expliquer, pas plus que ne le font le procès et les dépositions des témoins, en quoi consistait cette faute, ou de quelle manière le capteur avait été induit en erreur.

Si ce principe était une fois admis, il n'y aurait pas de détention, même la plus illégale, qui ne pût être excusée par quelque faute attribuable au capturé.

La décision de la Commission est apparemment fondée sur le sec. 7 de l'Article 8^{me} de son Règlement. Mais outre que cette disposition se réfère expressément à ceux qui n'ayant aucun rapport à pareil trafic, ne fournissaient point le moindre sujet de doute sur la légalité de leurs voyages, il est encore à remarquer, que d'après le même Article, la sentence devait être passée sans le concours d'un Commissaire d'arbitrage, "without having recourse to the decision of a Commissioner of Arbitration." Ce qui n'a pas été le cas dans le jugement en question, qui contient la phrase suivante, "the Commissary Judge and Commissioner of Arbitration having heard the same claim."

Sur cette simple exposition et en vertu de l'Article 5^{me} de la Convention du 28 Juillet, 1817, et de l'Article 8^{me} du Règlement annexé à la même Convention, le Soussigné ose espérer de la rectitude du Gouvernement de Sa Majesté Britannique que justice sera faite à la présente réclamation, et que les propriétaires du navire "*Vencedora*" obtiendront une indemnisation équivalente aux pertes qu'ils ont éprouvées, non seulement par la conduite arbitraire du Capitaine Owen, en détachant leur bâtiment sans y trouver le plus léger indice de prétendre faire le trafic illicite, ou de l'avoir jamais fait; mais aussi par sa négligence coupable en abandonnant une partie de la cargaison et de l'équipage qui se trouvait à terre, et en ne pas conduisant la prise de suite au lieu, où on devait prendre connaissance de la légalité de son voyage.

Le Soussigné n'entre pas à présent dans le détail de ces pertes, parcequ'il trouve plus convenable que leur évaluation soit faite par une Commission, nommée conjointement par les deux Gouvernements.

Le Soussigné reiterra, &c. &c.

(Signé)

LE CHEV. DE MATTOS.

Son Excellence M. le Comte d'Aberdeen,

&c. &c. &c.

(Translation.)

Wimpole-Street, May 18, 1830.

THE Undersigned, &c. has the honour to address himself to his Excellency the Earl of Aberdeen, &c. in order to claim, on behalf of the Owners of the Brazilian vessel the "*Vencedora*," which was illegally seized in the Port of Ajuda, by the "*Eden*," British frigate, commanded by Captain W. Fitzwilliam Owen, such a fair indemnity as is due to them by virtue of the

Treaties prohibiting the slave-trade in the African ports, situated north of the Equator.

This capture having been declared illegal by the Commission at Sierra Leone, the Undersigned only disputes that portion of the sentence, which relates to the compensation to be given for the losses suffered by the Owners of the "*Vencedora*," in consequence of the arbitrary proceeding of the Captor, and in order to do so, in a clear and proper manner, he takes leave, first, to state the circumstances in which this vessel was placed, and how she was stopt and conducted to Sierra Leone.

Not having been intended for the slave-trade, but for the traffick in oil, cloth, ivory, and other articles of the Coast of Africa, this vessel put into the Port of Ajuda, and after having landed there a part of her cargo, and begun business, she was boarded, and taken by His Britannick Majesty's frigate above-mentioned. The portion of her cargo already landed, some of her crew, inclusive of the pilot, in short every thing was left at the mercy of the inhabitants of the country, and the vessel carried to the Isle of Fernando Po, where she was for 18 days employed in the private service of the frigate alluded to, contrary to the express provision of the 1st Article of the Instructions annexed to the Convention of 1817.

In consequence of the service in which she was engaged at the Isle of Fernando Po, and owing to the accident she met with, on quitting that island, in striking against a rock, the "*Vencedora*" sprung a leak which let in upwards of 30 inches of water every hour, whereas previously she made no more than from 5 to 6 inches, which circumstances have been proved on oath by the Captain and crew of this vessel. Besides, the provisions on board were transferred from thence for the use of the frigate, and what remained of her cargo of tobacco was entirely destroyed and lost.

In this state the "*Vencedora*" arrived at Sierra Leone, where the capture was declared to be arbitrary; and the Mixed Commission, though acknowledging the necessity of indemnifying the parties interested for the immense losses occasioned by so illegal a detention, awarded them only £36. 9s. for costs of proceedings, £185. 13s. by way of indemnity, and £62. 10s. freight for 260 rolls of tobacco; declaring also, that as to demurrage, it was not due to them, because the Captor had been led into error by the voluntary and reprehensible fault of the party captured, without, however, explaining, any more than is done by the proceedings and the depositions of witnesses, wherein that fault consisted, or how the Captor had been led into error.

If this principle were once admitted, there would be no detention, however unlawful, but what could be exculpated by imputing some fault to the captured.

The decision of the Commission apparently rests on section 7 of Article 8 of its Regulations. But laying out of view that that provision relates expressly and distinctly to vessels destined for the slave trade, and not to those which, having no connexion with that traffick, do not afford the least occasion for doubt respecting the legality of their voyages: it is also observable, that, according to the Article in question, the sentence was to have been pronounced "without having recourse to the decision of a Commissioner of Arbitration," which was not the case of the judgment referred to, in which occurs the following paragraph "the Commissary Judge and Commissioner of Arbitration having heard the same claim."

On this simple statement, and in virtue of Article 5 of the Convention of the 28th July 1817, and of Article 8 of the Regulations annexed to that Convention, the Undersigned ventures to hope of the rectitude of the Government of His Britannick Majesty, that justice will be done to the present claim, and that the Owners of the "*Vencedora*" will obtain an indemnity equivalent to the losses they have sustained, not only by the arbitrary conduct of Captain Owen, in detaining their vessel, without finding on board of her any the least sign of an intention to carry on the illicit traffick, or of ever having carried it on, but also by his culpable negligence in abandoning part of the cargo and of the crew that were on shore, and in not conducting the prize immediately to the place, where cognizance was to be taken of the legality of her voyage.

The Undersigned does not at present enter into the particulars of these losses, because he is of opinion, that it will be more proper to have them valued by a Commission, appointed with the concurrence of both Governments.

The Undersigned repeats, &c.

(Signed) THE CHEVALIER DE MATTOS.

His Excellency the Earl of Aberdeen,
§c. §c. §c.

No. 20.

A. Aston, Esq. to the Earl of Aberdeen.—(Received June 14.)

MY LORD,

Rio de Janeiro, March 27, 1830.

WITH reference to your Lordship's despatch, marked slave-trade, of the 7th of December last, in which mention is made of a report having reached England, of its being the intention of the Brazilian merchants to bring negroes from the Coast of Africa, after the period stipulated by the Treaty for the abolition of the Brazilian slave-trade, on the plea of the blacks being colonists or servants; I have the honour to inform your Lordship, that, having ascertained that there existed grounds for believing that such a project had been seriously entertained, I took an early opportunity of communicating the sentiments of His Majesty's Government upon this subject to the Brazilian Minister.

His Excellency denied any knowledge of such an intention on the part of His Imperial Majesty's subjects, nor did he believe there was any foundation for the report; but his Excellency assured me, that he would cause enquiry to be made; and as such a plan, supposing it even were permitted by Treaty, must previously obtain the concurrence of the Imperial Government, any attempt to carry it into execution would consequently be frustrated.

I mentioned to Mr. de Calmon, that another report was in circulation, tending to excite suspicions of the intentions of the Brazilian merchants. It related to a project, supposed to be in contemplation, for fitting out armed vessels, ostensibly for the purpose of trading in produce, but, in reality, in the hopes of being enabled to carry on more securely a contraband traffic in slaves; and I called his Excellency's attention to a circumstance which had recently come to my knowledge, of a vessel having left this port of Rio de Janeiro, bound to the Coast of Africa, mounting 12 guns, and with a crew of 120 men.

The Brazilian Minister, in reply, stated, that the Imperial Government were aware, that many absurd projects were entertained by the merchants interested in the slave-trade; that orders had, however, been dispatched not only to the principal ports of the Empire, but likewise to those where no Custom-houses were established, directing the Authorities to exert their utmost vigilance, and he, therefore, trusted, that, by these precautionary measures, any attempt to evade the stipulations of the Treaty would be timely prevented.

I have, &c.

(Signed)

ARTHUR ASTON.

The Right Hon the Earl of Aberdeen, K.T.
§c. §c. §c.

No. 21.

A. Aston, Esq. to the Earl of Aberdeen.—(Received June 14.)

MY LORD,

Rio de Janeiro, March 27, 1830.

I HAVE the honour to forward to your Lordship the copy of a note, which I have addressed to the Brazilian Minister, respecting certain vessels at Bahia, which, after having been furnished with passports for a licit slave-trade to the Coast of Africa, have, nevertheless, not yet left that port. As this circumstance, joined to the fact of some other Brazilian ships having sailed for the

same destination, their original names having been changed, afforded strong ground for believing that some illicit transaction, connected with the slave-trade, was in contemplation, I conceived it right to demand a strict investigation of the matter.

His Excellency, in his answer, a copy of which is likewise enclosed, states, that orders to that effect have been issued to the Authorities at Bahia, with directions, also, to prevent the fitting out of ships, whose object may be suspected to be the prosecution of the slave-trade.

I have also forwarded to Rear-Admiral Baker lists of the names of these vessels.

I have, &c.

(Signed)

ARTHUR ASTON.

The Right Hon. the Earl of Aberdeen, K. T.

§c.

§c.

§c.

First Enclosure in No. 21.

A. Aston, Esq. to Señor Calmon.

Rio, March 3, 1830.

INFORMATION having been received by the Undersigned, &c. from Bahia, respecting certain vessels, which, after having obtained passports for a licit trade to the Coast of Africa, have, nevertheless, not left that port, and circumstances having transpired which afford strong ground for suspicion, that these passports have been procured for illegal purposes, connected with the African slave-trade, it becomes the duty of the Undersigned to call the attention of the Imperial Government to the subject.

The singularity of the fact of these vessels, (amounting to 28 in number) remaining in harbour many months, after having been cleared out ostensibly for the purpose of trading in produce to the Coast of Africa, induced His Majesty's Consul at Bahia to represent the case to the President; but it appears, however, that his Excellency has not been able to give any satisfactory explanation.

From the enclosed list it will be seen, that some of the above vessels received passports so far back as the 28th of last July, whilst 2, the schooner "Gallega" and brig "Furão," have obtained the requisite permission so late as the 28th November, and 12th December 1829, and consequently, subsequent to the period fixed by the Imperial Decree for the issuing of passports.

It is well known to have been long the practice of the Brazilian merchants, engaged in the slave-trade at Bahia, to procure 2 passports for every vessel sent to the Coast of Africa, one containing a licence to traffick in slaves, designating the real name of the ship, and the other purporting to trade in produce only, but under another name; and there are sufficient reasons for believing, that the passports for the 28 vessels, mentioned in this note, have been obtained under similar false pretexts, and with fraudulent intentions.

In corroboration of the above statement, the Undersigned begs leave to enclose a list of ships which have lately left Bahia, their original names having been changed.

It has been stated by the Intendant of Marine, and the Chief Officer of the Customs at Bahia, that the 28 vessels detained in port had been properly examined and duly licensed; but these assurances ought rather to be considered as additional motives for a strict investigation on the part of the Imperial Government, than as affording a satisfactory elucidation of the suspicious circumstances attached to them.

The Undersigned has, therefore, to request, that his Excellency Señor M. Calmon du Pin e Almeida, &c. will be pleased to cause the necessary steps to be forthwith taken, to bring the facts, detailed in this note, under a due course of investigation, in order that any fraudulent attempt to carry on an illicit commerce in slaves may be frustrated, and the bad consequences, which must necessarily ensue therefrom, be timely averted.

The Undersigned, &c.

The Señor Calmon du Pin e Almeida, (Signed)

ARTHUR ASTON.

§c.

§c.

§c.

BRAZIL.

First Enclosure (A.) in No. 21.

List of Vessels which have not yet sailed from Bahia, although having obtained Passports for a licit Trade to Africa.

Date of Despatch.	Description.	Name of Vessel.	Name of Master.
1829.			
July 18	Schooner	Bom Fim	João Fe ^o . dos Santos.
" 18	Brig	Leal Portucuse	Fe ^o . Theodoro.
" 22	Schooner	Maria Rosa	Isidoro Mansel.
" 24	Schooner	Felicidade	José Barbosa Nunes.
" 30	Ditto	Carlotia	João da Silveira de Villas-bons.
" 31	Brig	Africano	José Fe ^o . Carneiro.
August 11	Ship	Felicidade	Man ^o . Ant. Neto.
" 12	Schooner	Barbosa	Jacinto Pereira Camero.
" 12	Ditto	Aurelia	José Claudio dos Santos.
" 48	Brig	Agua	Ignacio Man ^o . d'Alveira.
September 5	Schooner	Francisca	Ant ^o . Vicia Velasco.
" 5	Ditto	Trahira	Honorio Machado de Morcia.
" 19	Ditto	Carolina	Mmanuel Pera. dos Santos.
October 1	Ditto	Providencia	João dos Santos.
" 8	Ditto	Amazona	José los Reyes.
" 10	Ditto	Nova Providencia	José Maria dos Santos.
" 20	Ditto	Maria Theresia 2da.	João Lourenço Fe ^o . Alcinco.
" 21	Ditto	Independencia	José Rebello.
" 30	Brig Schooner	Triumpho	Fe ^o . Lopes.
November 3	Patask	Feliz	Sinao José Pereira.
" 6	Schooner	Heroína	Bernardo José.
" 13	Ditto	Victoria	José Maria dos Santos.
" 28	Ditto	Galega	Schastiao Teixeira Cavalro.
December 12	Brig	Furao	José Márcia.
			Fe ^o . Theodorop Arrala.

Bahia, January 7, 1830.

First Enclosure (B.) in No. 21.

List of Vessels which have left the Port of Bahia, their original names having been changed.

DESCRIPTION OF VESSEL.	ORIGINAL NAMES.	LEFT BAHIA UNDER FOLLOWING NAMES.
Brig	Fortuna	No. 422 Espenança.
Schooner	St. Antonio	431 Rosalia.
Ditto	Providencia	253 Deligencia.
Ditto	Leal Portucuse	450 Furao.
Ditto	Maria Rosa	451 Bahiana.

Second Enclosure in No. 21.

(Translation.)

Señor Calmon to A. Aston, Esq.

Rio, March 6, 1830.

THE Undersigned, &c. acknowledges the receipt of the note, which Mr. A. Aston, &c. addressed to him on the 3d instant, in which he represents

that certain merchants of the Town of Bahia having obtained passports for their vessels, with the intention of proceeding to the Coast of Africa, to carry on a licit commerce, the same vessels, nevertheless, still remain at anchor in the above port, and it is suspected that these are to be employed in the slave-trade, which is now prohibited.

The Undersigned can assure Mr. Aston, that the Imperial Government, equally interested with that of His Britannick Majesty in the fulfilment of their agreements, has issued orders to the President of the Province of Bahia, that, after having instituted an examination of the facts mentioned by Mr. Aston, and given a detailed account of the result, he shall forthwith put a stop to the fitting out of vessels whose object may be suspected to be the traffick in slaves.

The Undersigned, &c.

(Signed) MIGUEL CALMON DU PIN E ALMEIDA.
Arthur Aston, Esq.
&c. &c. &c.

No. 22.

A. Aston Esq. to the Earl of Aberdeen.—(Received July 6.)

MY LORD,

Rio de Janeiro, May 5, 1830.

I HAVE the honour to forward to your Lordship the translation of a despatch, which has been addressed by the Brazilian Minister for Foreign Affairs to the President of the Province of Bahia, in consequence of my representation to his Excellency (enclosed in my despatch of the 27th of March) respecting certain vessels at Bahia, whose detention in that port, after having obtained passports to trade in produce to the Coast of Africa, had afforded grounds for suspicion, that these passports had been fraudulently obtained for purposes connected with the slave-trade.

The Brazilian Minister enjoins enquiries to be made into the facts stated in my note, and directs the President to prevent the further fitting out of vessels, whose object may be suspected to be the prosecution of that traffick.

I have the honour, &c.

(Signed) ARTHUR ASTON.

The Right Hon. the Earl of Aberdeen, K. T.
&c. &c. &c.

Enclosure in No. 22.

(Translation.)

Señor Calmon to the President of Bahia.

Palace of Rio de Janeiro, March 15, 1830.

MOST ILLUSTRIOUS AND EXCELLENT SIR,

THE Chargé d'Affaires of His Britannick Majesty having represented, that certain merchants of that city * having obtained passports for their vessels, for the purpose of carrying on a licit trade to the Coast of Africa, those same vessels have remained a considerable time at anchor in that harbour; and that he suspected they were employed in the slave-trade (as appears in a more detailed manner in the translation of the note herewith enclosed); His Majesty the Emperor has determined, that your Excellency should immediately proceed, by legal measures, to the examination of the facts therein set forth, and that you should make a circumstantial report to the Imperial Government of the result of this affair, which, from its importance, deserves all your Excellency's zeal.

* Bahia.

His Majesty the Emperor also commands, that your Excellency should forthwith take those measures, which you may conceive most efficacious, to put a stop to the fitting out of vessels, whose destination may reasonably be suspected to be the traffick in slaves, contrary to the Treaty by which it is put an end to; for His Imperial Majesty would sooner prefer preventing than lamenting those losses, to which the thirst of so immoderate, as well as illicit and immoral gains, may expose some of his subjects.

God preserve your Excellency.

(Signed) MIGUEL CALMON DU PIN E ALMEIDA.

His Excellency the President of the Province of Bahia,
§c. §c. §c.

No. 23.

The Chevalier de Mattos to the Earl of Aberdeen.—(Received Sept. 6.)

Wimpole-Street, ce 4 Septembre, 1830.

CHARGE de réclamer du Gouvernement de Sa Majesté Britannique l'indemnisation des pertes éprouvés par le propriétaire du bric Brésilien, "*Des de Fevereiro*," illégalement capturé par un des croiseurs Britanniques, sur la Côte d'Afrique, le Soussigné a l'honneur de s'adresser à son Excellence Monsieur le Comte d'Aberdeen, pour s'acquitter de ce devoir.

Le bric en question partit de Bahia, pour la Côte d'Afrique, le 19 Novembre, 1821, destiné au commerce d'or, d'ivoire, de draps, et d'huile, et se trouvait dans le Port d'Apam, occupé de l'objet de son voyage, sans le moindre intention d'acheter des nègres, lorsque le 28 Mars 1822 il y fût pris par la frégate Britannique "*Iphigenia*" sous les ordres de Sir Robert Mends, qui le conduisit à Sierra Leone, ou la Commission Mixte, malgré la circonstance prouvée, et admise par le capteur même, qu'un seul esclave destiné à la traite n'avait point été trouvé à bord au moment de sa capture, toute fois la condamner sur la simple déposition d'un esclave, appartenant à son équipage, lequel par ce moyen voulut obtenir sa liberté.

Les actes arbitraires pratiqués par les croiseurs Britanniques sur la Côte d'Afrique ont été si fréquens et le Soussigné s'est en conséquence trouvé si souvent dans la nécessité de citer à son Excellence Monsieur le Comte d'Aberdeen les Articles des Traités, qui défontent expressément la détention de tout navire à bord duquel il ne se trouverait pas d'esclaves acquies par un trafic illicite, qu'il paraît inutile de repeter l'énumération de ces Articles. Le Soussigné se bornera donc à observer que le bric "*Des de Fevereiro*," ne peut pas être compris dans les dispositions de la Convention du 13 Mars 1823, attendu que sa capture a eù lieu antérieurement à la ratification de la dite Convention, qui amplifia et interpreta celle du 28 Juillet 1817.

Quant au procedé de la Commission Mixte de Sierra Leone, en admettant la déposition d'un esclave comme seule evidence contre son propre maître, et en fondant sa sentence sur une telle déposition, le Soussigné ne croit nécessaire de réinajouter à la simple exposition de ce fait, pour en démonstre sa reprehensible irregularité dès qu'il n'y a pas de crime dont un esclave ne soit capable d'accuser son maître, lorsque sa propre liberté en depend.

Le Soussigné vein sur de la justice qui caracterise le Gouvernement de Sa Majesté Britannique, se flatte du parfait succès de cette réclamation, et à l'honneur de reitérer, &c.

(Signé) LE CHEVALIER DE MATTOS.

Son Excellence M. le Comte d'Aberdeen,
§c. §c. §c.

Translation.

Wimpole-Street, September 4, 1830.

BEING instructed to claim from the Government of His Britannick Majesty, an indemnity for the losses sustained by the Owner of the Brazilian brig "*Des de Feveiro*," which was unlawfully captured by one of the British cruizers on the Coast of Africa, the Undersigned has the honour of addressing himself to his Excellency the Earl of Aberdeen, in compliance with this duty.

The above brig sailed from Bahia for the Coast of Africa, on the 19th November 1821, with the view of trading in gold, ivory, cloth, and oil, and was in the Port of Apam engaged in the object of her voyage, without the least intention of buying negroes, when, on the 28th March 1822, she was there taken by the British frigate, the "*Iphigenia*," commanded by Sir Robert Mends, who carried her to Sierra Leone, where the Mixed Commission, notwithstanding that it was proved, and admitted by the Captor himself, that not a single slave designed for the trade, had been found on board at the moment of her capture, condemned her on the simple deposition of a slave among her crew, who by that means sought to obtain his liberty.

The arbitrary acts committed by the British cruizers on the Coast of Africa, have been so frequent, and the Undersigned has in consequence been so often under the necessity of quoting to his Excellency the Earl of Aberdeen, the Articles of the Treaties, which prohibit expressly the detention of any vessel not having on board slaves acquired by an illicit traffick, that it would be useless again to enumerate those Articles. The Undersigned, therefore, has only to observe, that the brig "*Des de Feveiro*," does not come within the provisions of the Convention of the 15th March 1823, inasmuch as her capture took place previous to the ratification of that Convention, which extended and explained that of the 28th July 1817.

As to the procedure of the Mixed Commission at Sierra Leone, which admitted the deposition of a slave, as sole witness against his own master, and which grounded its sentence upon such a deposition, the Undersigned does not deem it necessary to add any thing to the mere statement of the fact, in order to point out its censurable irregularity, as there is no crime of which a slave is not capable of accusing his master, when his own liberty is at stake.

The Undersigned, fully persuaded of the justice which characterizes the Government of His Britannick Majesty, flatters himself with the perfect success of the present reclamation, and has the honour to repeat, &c. &c.

(Signed)

THE CHEVALIER DE MATTOS.

His Excellency the Earl of Aberdeen,
&c. &c. &c.

No. 24.

*The Chevalier de Mattos to the Earl of Aberdeen.—(Received September 6.)**Wimpole-Street, ce Septembre 4, 1830.*

LE Soussigné, &c. a l'honneur, de s'adresser à son Excellence M. le Comte d'Aberdeen, &c., en faveur des propriétaires du navire Brésilien "*João Voador*," illégalement saisi par le Capitaine W. Fitzwilliam Owen, commandant de la frégate Britannique "*Eden*."

Le susdit navire partit de Bahia pour la Côte d'Afrique, destiné à y faire le commerce d'huile, de draps, d'ivoire, et autres articles du pays. Après avoir terminé son négoce dans les Ports d'Axuda et Popo, manquant de vivres, et ne pouvant en obtenir dans aucun de ces ports, il se dirigeait vers celui d'Aquitar, quand il fut rencontré, et visité par le bateau à vapeur "*Africana*" que le conduisit à l'Île de Fernando Po, où se trouvait la frégate ci-dessous mentionnée.

Le Capitaine Owen prit alors possession du navire Brésilien, contre toutes les stipulations des Traités existantes, et par un autre acte d'arbitrairie aussi révoltant que le premier il en dispersa l'équipage, le faisant remplacer par

quelques personnes de sa frégate, et dans cet état l'envoya à Sierra Leone, où il mouilla le 26 Décembre 1827.

La Commission Mixte de cette colonie, après avoir jugé la prise illégale, et tout en reconnaissant qu'il fallait dédommager les parties intéressées des immenses pertes, occasionées par une détention si arbitraire, leur accorda uniquement £21. pour frais de procès; et £27. 5s. 5½d. à titre d'indemnisation.

Le cas de ce navire étant donc essentiellement le même que celui du "*Vencedora*," exposé dans la note du Soussigné du 18 Mai dernier, il se bornera aussi à contester la partie de jugement, que se rapporte à la compensation des pertes respectives; et pour ne pas répéter les argumens déjà produits à l'égard du premier, et qui sont tout à fait applicables au cas en question, il se contentera de citer la note mentionnée à l'appui de la présente réclamation.

Une circonstance, cependant, demande à y être ajoutée. Le "*S. João Fodor*," de son arrivée à Popo, fut visité par le Commodore F. A. Collier, commandant la frégate Britannique "*Sibylle*." Tous ses papiers de bord, ainsi que son arrangement intérieur, ayant subi le plus rigoureux examen de la part de ce croiseur, ne fournirent pas alors le plus léger motif pour son appréhension, et il lui fut permis de continuer librement l'échange de sa cargaison pour les denrées du pays. Quelque tems après un autre croiseur le visita et le saisit. La sentence dit, que celui-ci avait été induit en erreur par la faute volontaire et répréhensible du capturé. Mais si le Commodore Collier n'avait pas pu être induit en pareille erreur, comment est-il possible de s'imaginer que le Capitaine Owen le fût, en présence de preuves telles que la disposition intérieure du navire, la cargaison qu'il avait déjà à bord, les papiers qui constataient la nécessité où il se trouvait d'aller prendre des vivres dans le port le plus prochain, et finalement, la circonstance d'avoir été auparavant visité et trouvé en règle d'après les mêmes instructions, dont bientôt après on s'est prévalu pour l'arrêter? Cette faute donc ni devant être attribuable qu'au seul capteur, le Soussigné espère, que le Gouvernement du Roi n'hésitera pas à accorder aux propriétaires du navire "*S. João Fodor*" une indemnisation équivalente aux pertes qu'ils ont éprouvées et dont l'évaluation peut être laissée aux soins d'une Commission Spéciale, nommée à cet effet par les deux Gouvernemens.

Le Soussigné profite, &c.

(Signé) LE CHEVALIER DE MATTOS.

Son Excellence M. le Comte d'Aberdeen,
§c. §c. §c.

(Translation.)

Wimpole-Street, September 4, 1830.

THE Undersigned, &c. has the honour to address himself to his Excellency the Earl of Aberdeen, &c. on behalf of the Owners of the Brazilian vessel "*St. João Fodor*," illegally detained by Captain W. Fitzwilliam Owen, commander of the British Frigate "*Eden*."

The above vessel sailed from Bahia for the Coast of Africa, on purpose to trade there in oil, cloth, ivory, and other articles of the country. After having concluded her transactions in the Ports of Ajuda and Popo, and not being able to procure, in either of those ports, a supply of provisions, which she wanted, she made for that of Aquitar, when she was met and boarded by the "*African*" steam-vessel, which conducted her to the Isle of Fernando Po, where the above frigate happened to be. Captain Owen took immediately possession of the Brazilian vessel, against every stipulation of subsisting Treaties, and by another arbitrary act, as revolting as the first, turned off her crew, which he ordered to be replaced by some persons of his frigate, and in this state he sent her to Sierra Leone, where she cast anchor the 26th December 1827.

The Mixed Commission of that colony adjudged the prize to be illegal, but though aware of the necessity of indemnifying the parties interested for the

immense losses occasioned by such an arbitrary detention, awarded them only £21. for costs of suit, and £27. 5s. 5½d. as indemnity.

The case of this vessel being, therefore, essentially the same as that of the "*Fencedora*," stated in the note of the Undersigned, dated the 15th May last, he will only call in question so much of the sentence, as relates to the compensation for the respective losses; and in order not to repeat the arguments already adduced, with regard to the former, and which are quite applicable to the case under consideration, he deems it sufficient, for the support of the present reclamation, to refer to the above note.

Yet there is one circumstance, which requires to be added thereto. The "*St. João Voador*," on her arrival at Popo, was visited by Commodore F. A. Collier, Commander of the British frigate "*Sibylle*." All her ship's papers, as well as her interior arrangement, having undergone the most rigorous examination from that Captain, afforded not the least motive for her seizure, and she was allowed to continue without interruption the exchange of her cargo for the produce of the country. Some time after, the Captain of another cruiser comes on board of, and seizes her. The sentence purports, that the latter had been led into error by the spontaneous and reprehensible fault of the captured. But, if Commodore Collier could not be led into a similar error, how can it possibly be imagined that Captain Owen was so, in the presence of such proofs as the accommodations of the vessel, the cargo which she had already on board, the papers which bore testimony to her being necessitated to go in quest of provisions into the nearest port, and finally, the circumstance of having been before examined, and found in order, according to the same instructions that were afterwards appealed to for the purpose of detaining her? Since then this fault cannot be ascribed to any one but the Captor alone, the Undersigned hopes that the King's Government will not hesitate to allow, to the Owners of the "*St. João Voador*," an indemnity equivalent to the losses which they have sustained, and whose valuation may be left to the care of a Special Commission appointed to that effect by the two Governments.

The Undersigned avails himself, &c.,

(Signed) THE CHEVALIER DE MATTOS.

His Excellency the Earl of Aberdeen,
 &c. &c. &c.

No. 25.

The Chevalier de Mattos to the Earl of Aberdeen.—(Received September 6.)

Wimpole-Street, 4 Septembre, 18.

AFIN de compléter la réponse due aux notes que son Excellence M. le Comte d'Aberdeen, &c., voulut bien adresser au Vicomte d'Itabayana en date du 10 Mars 1829, il ne reste au Soussigné, &c. qu'à s'occuper de celle qui a pour objet les réclamations du dit Vicomte en faveur des propriétaires des navires Brésiliens "*Minerva*," "*Ceryqueira*," et "*Croala*."

Dans la note de son Excellence M. le Comte d'Aberdeen, il est énoncé que ces navires furent saisis avec des passeports qui leur fournissaient les moyens de faire la traite illicite des nègres; que la Commission Mixte de Sierra Leone, ne se considérant pas autorisée par le Traité alors existant à condamner le "*Minerva*," à bord duquel il ne se trouva pas un seul esclave au moment de sa capture, accorda pour cela au capteur de se desister du procès intenté contre ce navire; que les cas du "*Ceryqueira*" et "*Croala*" étant parfaitement analogues au précédent, il ne parut pas nécessaire d'instruire leurs procès respectifs, et finalement, que les préjudicés dans tous ces cas possédant le droit d'obliger les capteurs à poursuivre jusqu'à l'adjudication des prises, et n'en ayant pas profité, le Gouvernement du Roi considérait l'affaire terminée, et ne pouvait donc pas consentir aux indemnités demandées par le Vicomte d'Itabayana.

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Quant au premier point, le Soussigné croit superflu d'ajouter la moindre observation à celles, qu'il a eu déjà l'honneur de soumettre à son Excellence dans ses notes du 3 Octobre 1829, 17 et 18 Mai dernier, sur la question des passeports, et se bornera à se référer aux susdites notes.

Relativement aux autres, le Soussigné se fonde sur la lettre et l'esprit des Traités pour soutenir, que la Commission Mixte de Sierra Leone n'avait pas le droit de suspendre la marche d'un procès quelconque à la demande des parties intéressées, bien moins encore du capteur seulement, auquel il ne pouvait jamais être permis de relâcher sa prise, avant que le procès respectif eût été commencé et définitivement jugé ; et que l'illégalité d'une capture une fois reconnue, on ne peut avancer aucune raison pour priver les préjudiciés de l'indemnisation compétente.

L'article 5^{me} de la Convention du 28 Juillet, 1817, est bien explicite sur la désignation du cas, dans lequel les croiseurs d'une des Hautes Parties Contractantes pourraient detenir les navires appartenants aux sujets de l'autre, et les conduire pour être mis en procès devant les Commissions Mixtes instituées à cet effet. Cet Article même porte encore les mots suivants. "The two High Contracting Parties engage mutually to make good any losses, which their respective subjects may incur by the arbitrary and illegal detention of their vessels."

Dans l'Article 1^{er} des Instructions annexées à la susdite Convention, il est positivement ordonné aux croiseurs des deux nations de conduire tout navire detenu immédiatement, ou avec le moindre délai possible, afin d'être jugé par la Commission Mixte siégeant à l'endroit le plus proche de celui, où la capture aurait eu lieu.

Les Articles 1^{er}, 3^{me}, 6^{me}, 8^{me}, et 13^{me} du Règlement des mêmes Commissions ne sont pas moins clairs; et le Soussigné, en se prévalant de la teneur de tous, se contentera toutefois de citer uniquement celle de l'Article 1^{er}. "The Mixed Commissions are appointed to decide upon the legality of the detention of such slave-vessels, as the cruisers of both nations shall detain. The Commissions shall give sentence as summarily as possible, 1st, upon the legality of the capture; 2dly, in the case in which the captured vessel shall have been liberated, as to the indemnification which she is to receive."

Il est donc évident, que les trois navires en question une fois saisis et conduits à Sierra Leone, leurs capteurs n'avaient pas la liberté d'empêcher l'instruction de leurs procès, ou d'en arrêter la marche. La Commission était tenue de s'acquitter de son devoir, en jugeant définitivement, et avec les formalités indispensables, les cas soumis à sa juridiction, afin de prononcer une sentence contre le capturé, la justice de sa détention étant prouvée; ou contre le capteur dans l'autre alternative. Le seul cas, où elle aurait pu se prêter à la requête d'une des parties, était celui où une prolongation du terme, fixé pour prononcer son jugement final, serait demandée.

S'il n'en était pas ainsi, les croiseurs pourraient enfreindre librement les stipulations des Traités par des détentions injustes, et courir la chance d'en profiter, dès qu'il dépendrait d'eux de trouver quelque moyen pour ne pas intenter les procès de leurs prises, ou pour les faire cesser aussitôt qu'ils enussent à craindre un résultat défavorable.

La propriété Brésilienne serait exposée de cette manière à des arbitrariedades continuelles, et les victimes de pareilles violences n'obtiendraient jamais la moindre réparation, en même tems que la cause de l'humanité, seul objet des vues et intentions des Hautes Parties Contractantes, n'y gagnerait rien.

Le Soussigné ne peut pas s'abstenir de remarquer une contradiction singulière dans la conduite de la Commission, à l'égard du "*Minerva*." Elle reconnut, que ce navire ne pouvait pas être condamné c'après le Traité existant, et en même tems lui refusa l'indemnisation des pertes résultantes de sa détention illégale, lui infligeant de cette manière une punition, et commettant un acte, pour lequel le Traité en vigueur ne l'autorisait nullement. Il est également à observer, que les cas du "*Ceryreira*" et "*Croala*" ayant été considérés analogues à celui du "*Minerva*," sans qu'une sentence légale les eût prononcés tels. Il parut d'ailleurs que les juges dans les premiers

ont été les captureurs eux-mêmes, qui de leur propre chef les relâchèrent avec la même arbitrarité qu'ils avaient mis à la saisir.

La justice de cette réclamation étant donc basée sur des principes incontestables, le Soussigné se persuade, qu'elle sera enfin accueillie par le Gouvernement de Sa Majesté Britannique, et dans cette espérance il a l'honneur de reitérer, &c. &c.

(Signé)

LE CHEVALIER DE MATTOS.

Son Excellence M. le Comte d'Aberdeen.

&c.

&c.

&c.

(Translation.)

Wimpole-Street, September 4, 1830.

TO complete the answer due to the notes, which his Excellency the Earl of Aberdeen, &c., had the goodness to address to the Viscount d'Itabayana, on the 10th of March 1829, the Undersigned, &c., need only attend to that, which relates to the reclamations of that Viscount in favour of the Owners of the Brazilian vessels, the "*Minerva*," "*Cerqueira*," and "*Crcola*."

In the note of his Excellency the Earl of Aberdeen it is set forth, that these vessels were seized with passports, which afforded them the means of carrying on the illicit slave-trade; that the Mixed Commission at Sierra Leone, not considering itself authorized by the Treaty then subsisting to condemn the "*Minerva*," on board of which there was not found a single slave at the time of her capture, on that account allowed the Captor to stay the proceedings commenced against this vessel; that the cases of the "*Cerqueira*" and "*Crcola*" being perfectly analogous to the preceding, it did not appear necessary to institute proceedings against them respectively; and, finally, that, as the parties prejudiced in all these cases possessed the right of obliging the Captors to prosecute till the adjudication of the prizes, and had not availed themselves of it, the King's Government considered the business as concluded, and could, therefore, not consent to the indemnities demanded by the Viscount d'Itabayana.

As to the first point, the Undersigned deems it superfluous to add any observation to those, which he had already the honour to communicate to his Excellency, in his notes of the 3d of October 1829, and the 17th and 18th of May last, respecting the question of passports, and has only to refer to those notes.

In regard to the others, the Undersigned, appealing to both the letter and spirit of the Treaties, maintains, that the Mixed Commission at Sierra Leone had not the right to suspend the progress of any suit at the requisition of the parties interested, and much less of the Captor alone, who could never be permitted to release his prize, ere the respective process had been set on foot, and definitively adjudicated; and that, when the illegality of a capture is once acknowledged, it is impossible to advance any reason for depriving the parties prejudiced of a competent indemnity.

The 5th Article of the Convention of the 28th of July, 1817, is very explicit in particularizing the case, in which the cruisers of either of the High Contracting Parties may lawfully detain vessels belonging to the subjects of the other, and carry them to be proceeded against before the Mixed Commissions, established for that purpose. That Article, moreover, contains the following paragraph, "The two High Contracting Parties engage mutually to make good any losses, which their respective subjects may incur for the arbitrary and illegal detention of their vessels."

In the 1st Article of the Instructions annexed to the above Convention, the cruisers of both nations are absolutely enjoined to conduct every detained vessel, either immediately, or with the least possible delay, to be adjudged by the Mixed Commission sitting at the place nearest that where the capture may have been made.

Articles 1, 3, 6, 8, and 13, of the Regulations of those Commissions are not

ess clear; and the Undersigned, while he avails himself of the contents of all of them, contents himself, however, in this place, with quoting only the tenour of Article 1. "The Mixed Commissions are appointed to *decide upon the legality of the detention of such slave-vessels, as the cruisers of both nations shall detain. The Commissions shall give sentence as summarily as possible: 1st, upon the legality of the capture; 2dly, in the case in which the captured vessel shall have been liberated, as to the indemnification which she is to receive.*"

It is, therefore, evident, that since the 3 vessels in question had been once seized, and conducted to Sierra Leone, their Captors were not at liberty to prevent proceedings being had against them, or to stay the progress of the proceedings. The Commission was bound to discharge its duty, by judging definitively, and with the indispensable forms, such cases as were brought before it, in order to pronounce a sentence either against the party captured, if the justice of its detention should be proved, or against the Captor in the other alternative. The only case, in which it would have been warranted to yield to the instance of either of the parties, was that, in which an extension of the term, fixed for pronouncing its final judgment, had been demanded.

Were it not thus, the cruisers might, at their pleasure, infringe the stipulations of the Treaties, by unjust detentions, and seek to benefit by them, if it depended only on them to discover some method for being exempted from instituting proceedings against their prizes, or for putting a stop to them the moment that they had reason to fear any unfavourable result.

Brazilian property would then be exposed to arbitrary acts without intermission, and the victims of such violence would never obtain the least reparation, while the cause of humanity, the only object of the views and intentions of the High Contracting Parties, would gain nothing by it.

The Undersigned cannot refrain from pointing out a strange inconsistency in the conduct of the Mixed Commission in respect of the "*Minerva*." It admitted that this vessel could not be condemned according to the subsisting Treaty, yet, at the same time, refused her an indemnity for the losses resulting from her illegal detention; whereby it inflicted upon her a punishment, and committed an act, which the Treaty in force by no means authorized. It is likewise observable, that the cases of the "*Cerqueira*" and "*Creola*" have been considered as analagous to that of the "*Minerva*," though no legal sentence has declared them such. It also would appear, that the Judges in the former were the Captors themselves, who, of their own authority, released them from the same arbitrary motive which impelled them to seize the vessels.

The justice of this reclamation resting, therefore, upon incontestible principles, the Undersigned is persuaded, that it will at length be admitted by the Government of His Britannick Majesty; and in this hope he has the honour to repeat, &c. &c.

(Signed)

THE CHEVALIER DE MATTOS.

His Excellency the Earl of Aberdeen,

&c.

&c.

&c.

No. 26.

The Chevalier de Mattos to the Earl of Aberdeen.—(Received October 2.)

Wimpole-Street, ce 2 Octobre, 1830.

LE Soussigné, &c., est encore obligé d'adresser à son Excellence Monsieur le Comte d'Aberdeen, &c., une nouvelle réclamation en faveur du propriétaire du bric Brésilien, "*Principe de Guinée*," illégalement capturé sur la Côte d'Afrique par la goëlette "*Hope*," et condamné par la Commission Mixte de Sierra Leone.

La goëlette "*Hope*," n'appartenant pas à la Marine Royale Britannique, puisqu'elle était la propriété du Commodore Bullen, et celui, qui la commandait, n'ayant point au moins le grade de Lieutenant, ni des instructions du Gouvernement du Roi, qui l'autorisassent à croiser sur la Côte d'Afrique,

il suffirait au Soussigné d'invoquer les Articles 5^m and 7^m de la Convention du 28 Juillet 1817, l'Article 7^m des instructions annexées à la même Convention, et l'Article 13^m du Règlement des Commissions Mixtes, pour établir d'une manière incontestable la justice de cette réclamation. Mais outre la violation des Articles cités, plusieurs autres irrégularités précéderent la condamnation du bric "*Principe de Guinée*," que le Soussigné ne peut pas se dispenser de relever.

D'abord le Capteur, au lieu de conduire la prise tout droit à la Colonie de Sierra Leone, où résidait la Commission Mixte la plus prochaine, comme il est expressément recommandé dans l'Article 1^{er} des Instructions susmentionnées, s'est dirigé à l'Île du Prince, où il resta pendant quelque jours, ayant auparavant fait passer à bord de la goelette tout l'équipage du bric capturé, contre la lettre de l'Article 8^m des mêmes instructions.

Ensuite la Commission Mixte de Sierra Leone, ne se contentant pas d'opposer tous les obstacles possibles à ce que le Maître du bric préparât les moyens de sa défense, allant même jusqu'à ne pas lui permettre de débarquer pendant que le capteur poursuivait le procès, a entièrement invalidé l'Article 3^m de son Règlement, qui lui enjoit de procéder toujours à l'interrogatoire au moins de 2 ou 3 des principaux individus de tout navire capturé, en condamnant le bric en question sans que personne fût entendue excepté le Maître.

Au surplus le capteur même evoa, comme il est constant du procès, que la goelette avait été achetée par le Commodore Bullen, et qu'il n'agissait que d'après les instructions particulières du dit Commodore.

En présence de telles infractions des Traités, le Soussigné se flatte de l'heureux résultat de la présente réclamation; et dans cette espérance il a l'honneur de réitérer, &c.

(Signé) LE CHEVALIER DE MATTOS.

Son Excellence M. le Comte d'Aberdeen,
 &c. &c. &c.

(Translation.)

Wimpole-Street, October 2, 1830.

THE Undersigned, &c., is once more under the necessity of addressing to his Excellency the Earl of Aberdeen, &c., a fresh reclamation in favour of the Owner of the Brazilian brig "*Principe de Guinée*," which was illegally captured on the Coast of Africa, by the schooner "*Hope*," and condemned by the Mixed Commission of Sierra Leone.

As the schooner "*Hope*" did not belong to the Royal Navy of Great Britain, inasmuch as she was the property of Commodore Bullen, and as her Commander had not even the rank of Lieutenant, nor the instructions of the King's Government to authorise him to cruise on the Coast of Africa, it would be sufficient for the Undersigned to refer to Articles 3 and 7 of the Convention of the 28th of July 1817; to Article 7 of the Instructions annexed to that Convention; and to Article 13 of the Regulations for the Mixed Commission, in order irrefragably to demonstrate the justice of the present reclamation. But, independent of the Articles just mentioned, several other irregularities preceded the condemnation of the brig "*Principe de Guinée*," which the Undersigned cannot refrain from stating.

In the first place, the Captor, instead of carrying the prize straightway to the Colony of Sierra Leone, where the nearest Mixed Commission resided, as it is expressly recommended in Article 1 of the Instructions above referred to, proceeded to Prince's Island, where he remained for some days, after transferring on board the schooner all the crew of the captured brig, contrary to the letter of Article 8 of the same Instructions.

In the next place, the Mixed Commission of Sierra Leone, not content with throwing every possible obstacle in the way of the Owner of the brig, to prevent him from preparing his defence, and even to refuse him permission for landing while the Captor was prosecuting his suit, did entirely set at

nought Article 5 of its Regulations, which enjoins the Commission to proceed always to interrogate at least 2 or 3 of the principal persons of every captured vessel, in condemning the brig in question without hearing any one except the Owner.

Besides, the Captor himself owned, as appears from the proceedings, that the schooner had been purchased by Commodore Bullen, and that he acted only on the private instructions of that Commodore.

In consideration of such infractions of the Treaties, the Undersigned flatters himself with the happy issue of the present reclamation, and in this hope has the honour to repeat, &c.

(Signed)

THE CHEVALIER DE MATTOS.

His Excellency the Earl of Aberdeen,

§c. §c. §c.

No. 27.

*The Chevalier de Mattos to the Earl of Aberdeen.—(Received October 4.)**Wimpole-Street, ce 4 Octobre, 1830.*

LE commerce d'esclaves dans la Côte d'Afrique étant absolument interdit aux sujets Brésiliens depuis le 13 Mars dernier, et ceux qui l'entreprendront à l'avenir devant être punis, d'après les stipulations du Traité du 23 Novembre 1826, par les Tribunaux ordinaires des deux Hautes Parties Contractantes, le Soussigné, &c., a reçu l'ordre de son Gouvernement, pour concerter avec celui du Roi la dissolution des Commissions Mixtes, établies à Sierra Leone et à Rio de Janeiro, maintenant tout à fait superflus. En conséquence de quoi le Soussigné a l'honneur de prier son Excellence M. le Comte d'Aberdeen, &c., de vouloir bien prendre les mesures convenables, pour que la susdite dissolution puisse se vérifier, quant à la Commission de Rio de Janeiro jusqu'à la fin du prochain mois de Décembre, et relativement à l'autre, jusqu'à 30 Juin 1831, époque à laquelle doivent être complètement décidées toutes les causes pendantes à la Commission de Sierra Leone.

Le Soussigné, &c.

(Signé)

LE CHEVALIER DE MATTOS.

Son Excellence le Comte d'Aberdeen.

§c. §c. §c.

(Translation.)

Wimpole Street, October 4, 1830.

THE slave-trade on the Coast of Africa being totally forbidden to Brazilian subjects from the 13th of March last, and those who shall hereafter engage in it being liable to punishment, in virtue of the stipulations of the Treaty of the 23d of November 1826, by the ordinary Tribunals of the two High Contracting Parties, the Undersigned, &c., has been directed by his Government, to concert with that of the King, the dissolution of the Mixed Commissions established at Sierra Leone and Rio de Janeiro, now entirely superfluous. In consequence of which the Undersigned has the honour to request his Excellency the Earl of Aberdeen, &c., to be pleased to take the proper measures for carrying the above resolution into effect, with regard to the Commission of Rio de Janeiro, at the end of the next month of December; and in respect of the other, to the 30th of June 1831, the term at which all the causes pending in the Commission of Sierra Leone must be completely decided.

The Undersigned avails himself, &c.

(Signed)

THE CHEVALIER DE MATTOS.

His Excellency the Earl of Aberdeen,

§c. §c. §c.

No. 28.

The Earl of Aberdeen to A. Aston, Esq.

SIR,

Foreign Office, October 31, 1830.

HIS Majesty's Consul at Maranham has transmitted to me the copies of several communications, which he has made to you in the course of this year, and from which it would appear, that circumstances had occurred at Maranham of a nature so very suspicious, in respect to their character of illegal slave-trade, as to render it evidently desirable, that representations should have been addressed by His Majesty's Representative at Rio de Janeiro, to the Government of Brazil, upon the subject in question.

I have not, however, heard from you upon these points, and I have, therefore, to desire, that you will furnish me, for the information of His Majesty's Government, with copies of the representations, which you have made to the Brazilian Ministers, and of the answers which you have received from them, relating to the transactions above referred to.

I am, &c.

(Signed) ABERDEEN.

Arthur Aston, Esq.

§c. §c. §c.

No. 29.

A. Aston, Esq. to the Earl of Aberdeen.—(Received November 2.)

MY LORD,

Rio de Janeiro, August 31, 1830.

I HAVE the honour to your Lordship a copy of a note, which I have received from the Brazilian Minister, enclosing a petition addressed to His Imperial Majesty by a Brazilian Merchant engaged in the slave-trade, representing, that having left the Coast of Africa, on his voyage homewards to Brazil, with a cargo of slaves, previous to the period fixed for the final abolition of that traffick, he had been obliged, in consequence of shipwreck, to land the slaves at the Portuguese Settlement in the Bay of Lourenço Marquez, and soliciting this Government to grant the necessary permission to dispatch a vessel to the above place, for the purpose of transporting the slaves to Rio de Janeiro.

The Minister states in his note, that the Imperial Government has declined to deliver the required passport, without having previously informed His Majesty's Government of the details of this case, which His Excellency, therefore, requests me to transmit to your Lordship, in order that the return of the vessel may not be impeded by His Majesty's Cruizers.

In complying with the Minister's wishes, I have in my reply avoided pronouncing any opinion, which could be construed into an acknowledgement, on my part, of the probable acquiescence of His Majesty's Government in this request.

I have, &c.

(Signed)

ARTHUR ASTON.

The Right Hon. the Earl of Aberdeen, K. T.

§c.

§c.

§c.

First Enclosure in No. 29.

Señor Calmon to A. Aston, Esq.

Rio de Janeiro, August 20, 1830.

THE Emperor, my august Master, has just been petitioned by Thomas Vincent Dos Santos, a merchant of this city, to grant the assistance of a ves-

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THUR ASTON.

August 20, 1830.

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sel, in order to fetch 691 slaves bought by him in the Bay of Lourenço Marquez; from whence his ship, bearing the same name, having sailed, *bona fide*, on the 11th day of March, of the present year, and consequently previous to the term, marked in the Instructions given to the British cruisers not to impede the return to Brazil of the ships employed in this traffick, it happened that she was wrecked, and that the crew and said slaves were alone saved, who have been deposited in the Portuguese territory, in the said bay, there not having been any vessel to transport them, and are remaining there, maintained at the cost of the petitioner.

The Government of His Imperial Majesty, finding the representation of the petitioner well founded, in consequence of the weighty reasons detailed in the petition, and documents herewith enclosed, has not, however, considered it proper to grant a passport to the ship which is destined to transport the said slaves, without previously giving information of this affair to the British Government, in order to prevent the risk which the said vessel might run, were she to be met with by the British cruisers on the Coast of Africa.

The Undersigned, &c., limits himself to the communication of the above-mentioned affair to Mr. Aston, &c., in the hopes that he will take on his part the necessary steps, in order that the request of the petitioner be attended to, and avails himself, &c. &c.

(Signed)

M. CALMON DU PIN E ALMEIDA.

Arthur Aston, Esq.

&c. &c. &c.

Second Enclosure in No. 29.

(Translation.)

M. Dos Santos's Memorial to the Emperor of Brazil.

SIRE,

TRUSTING to the goodness, with which your Imperial Majesty is wont to protect and advance the interests of your subjects, Vicente Thomas dos Santos, a merchant of this city, approaches the foot of your throne, to endeavour to obtain the high support of your Imperial Majesty, in providing a remedy for the fatal occurrence which he is about to state, and which threatens to reduce your Memorialist to the brink of ruin, if your Imperial Majesty's grandeur and benignity do not extend their assistance to him.

This melancholy event is fully proved in the annexed documents, from which it appears that your Memorialist was Owner and Freighter of the galley "*Lourenço Marques*," which on sailing from the bay of the same name, on the 11th March last, with a cargo of 691 slaves, destined for this port, was lost just when she was standing out to sea, and that nothing was saved, but the crew and the slaves just mentioned. It will also be found, that, as at that time, no vessel was in the port alluded to capable of receiving the slaves, and of carrying them to their place of destination, they were lodged in the Portuguese factory of that port, where they are maintained now at the charge of the Memorialist.

It being impossible to sell the slaves in a place so wretched and ill-peopled, or to send them anywhere else, your Memorialist continues supporting them; so that the losses sustained by him are now increased by this considerable expenditure, without any hope of re-imbusement, and on this continuance depends, in the mean time, not only the existence of those negroes, but even that of the people of that establishment and factory, inasmuch as it is feared that the slaves would mutiny, if they were to be kept short of food.

From this plain and irrefragable statement, which your Memorialist humbly offers to your Imperial Majesty's consideration, may be inferred the great and incurable prejudice, which your Memorialist suffers in his fortune, through the miscarriage of his speculation, the loss which falls on three Insurance Companies in this metropolis, obliged to make good bottom and cargo, a loss that may prove fatal, as well to them as to all the commercialists of the city, from the extent of their transactions, and, lastly, the dangerous consequences, above referred to, which will unavoidably ensue if some measure be not in-

mediately taken respecting the negroes deposited in the Bay of Lourenço Marquez.

There is no other measure suited to the rights of your Memorialist, and capable of remedying all the evils alluded to, but that of your Memorialist's dispatching hence a vessel for bringing away the deposited slaves.

To this expedient your Memorialist would have resorted forthwith, were he not prevented by the literal tenour of the Treaty, concluded between your Imperial Majesty and His Majesty the King of Great Britain, for the cessation of the slave-trade, which prohibits the sailing of any vessel laden with slaves, from the ports of the Coast of Africa, after the 13th of March of this year.

But your Memorialist ventures to submit, with every humility and respect due to so sovereign a determination, that the August and High Contracting Parties could not mean to apply it so as to deprive him of his right; and he trusts, that your Imperial Majesty will deign to grant him a dispensation from the same for his behalf, since the above stated proofs manifestly show, that the negotiation was concluded and the voyage begun within the above previously fixed period, in which the traffick was legal; and that, of consequence, the slaves were and are the property of your Memorialist. His right being legal in its origin, and not having been deteriorated in any way, inasmuch as the slaves were safe and are still maintained at your Memorialist's expense, it is unquestionable, that he could not justly be prohibited to have them conducted from another port, in which they were kept deposited; but as the nature of the transaction is not changed by the accidental circumstance, which your Memorialist could not avoid, of the port nearest to the place of shipwreck, happening to be on the Coast of Africa, it is fully consistent with justice, that your Memorialist should be authorized to go in quest of his said slaves.

Assuredly, in no tribunal or court of appeal, governing itself by the spirit and not by the letter of the law, which letter, when strictly applied, is for the most part destructive of the spirit, would your Memorialist be condemned for availing himself of such an expedient; it being, therefore, evident that the object of the Convention and Treaty was to put an end to the slave-trade on the Coast of Africa, and to allow a reasonable period for concluding the negotiations, and the calling in of the funds employed in them, such favour ought not to be denied your Memorialist, who completed his venture within this period; and as the Treaty could not anticipate all accidents and risks of the sea, such as the striking and foundering of your Memorialist's vessel, which occasioned her total and fortuitous loss, it became necessary to subject the stipulated term to a liberal construction, consistent with that candour which springs from the principles of natural equity analogous to those which have been made the basis of numerous decisions reported in books on the public law.

Impressed with this persuasion, your Memorialist deems it more respectful to implore such construction from your Imperial Majesty as an especial favour; and he hopes that your Imperial Majesty will be pleased to grant him an individual and exclusive order, such as cannot be drawn into a precedent, for freighting either a Merchant ship, or one belonging to the Imperial and National Navy, to conduct to this port the 691 slaves deposited in the Bay of Lourenço Marquez, on such conditions, provisos, and precautions as shall appear either necessary or expedient for preventing every abuse or fraud. And as there is no time left for soliciting the same favour of exemption from the other Contracting Party, a request to which your Memorialist would, perhaps not even be competent; your Memorialist supplicates your Imperial Majesty, with the most profound respect, to be pleased to order the Office of the Secretary of State for Foreign Affairs to inform the Chargé d'Affaires of His Britannick Majesty of the permission, which your Imperial Majesty had given to your Memorialist, and of the exception to the letter of the Treaty demanded by those principles of justice and humanity, which are applied to all stipulations whatsoever.

And he will receive favour.

Third Enclosure in No. 29.

(Translation.)

*Protest concerning the "Lourenço Marquez," lost in the Bay of that name.**Rio de Janeiro, June 2, 1830.*

KNOW all, to whom this public instrument of protest shall come, that in the year of the birth of our Lord Jesus Christ, 1830, on the 2d of June, in this Capital and City of Rio de Janeiro, in my office, there appeared Vicente Thomas dos Santos, and said before me, and the witnesses signed underneath, that it had come to his knowledge, on Saturday the 29th of May last, through the Captain, Officers and Passengers of the vessel called "*Fluminense*," arrived on that day, that the galley named "*Lourenço Marquez*," on sailing out of the bay of the same name, on the East Coast of Africa, the 11th of March of the current year, in order to proceed directly to this Port of Rio de Janeiro, where she was to land 691 slaves, whom she had taken on board in the said Bay of Lourenço Marquez, and at Mozambique, they being partly for account of him the deponent, and partly for that of several other Owners, had, by mere accident of the sea, and stress of weather, chanced to be driven on shore and wrecked, while she was still within the said bay, in consequence of which foundering she could no longer be navigated; and having also sprung large leaks, both in her bottom and sides, was completely lost; nor was there time for saving any more than the slaves and the crew, by means of the boats coming to their assistance from the vessels in the port, and slaves and crew came safely on shore with their lives, while all the remainder belonging to the ship and cargo was lost, in consequence of the total destruction and ruin of the ship; all which happened on the 11th of March.

Deponent is also cognizant, that as there was not in the said Bay of Lourenço Marquez, at the time of the above disaster, any vessel capable of receiving and carrying to Brazil the slaves reserved, to the number of 691, that is, those who actually were so, the shipwrecked Captain, Charles Adriaõ de Salles, in concurrence with his Officers and crew, took the resolution to leave in the custody and keeping of the Portuguese factory, established in that bay, the slaves belonging to the principal cargo, and also those of the other Owners, who did not appear to receive them; seeing that it was impracticable either to carry them to Brazil, or to sell them publicly, by reason of the want of buyers, in a place so ill-peopled, whence it was impossible to pursue any other course for the interests of humanity, and of the individuals affected by the event in question. And, finally, he, deponent, has been informed, that the said Captain Charles Adriaõ de Salles having determined to go to Rio de Janeiro, with the view of soliciting the Imperial Government to take some measure for remedying so melancholy and unexpected a misfortune, actually took his passage on board the vessel called the "*Fluminense*," which sailed from Lourenço Marquez on the day after the shipwreck, where he sickened, and at last died the 23d of last April. That under these untoward circumstances, while not only the Captain of the lost ship was dead, but also no one could be found capable to replace him, he, Vicente Thomas dos Santos, came before me, to protest, as he actually does protest, against the above-mentioned calamity of ship and cargo, and against all and any consequences therefrom ensuing, whether mediate or immediate, near at hand or remote, past, present, and future, such as the death, mutiny, and abandonment of the slaves, seeing that the calamity has happened without the direct or indirect participation or criminality of him, the author of this protest, or of his superiors and agents, but solely from an occurrence incident to navigation, from the uncertainty of the sea, and from stress of weather, so that the calamity in question can neither itself nor its consequences prejudice the right of him, the protester, and of whosoever may, or ought to have, such right to indemnification for injuries, from him who is to afford it, which protest, deponent says, he made in the best form of law, and that it may be beneficial, general, and appertaining without distinction, to all persons interested in the lost ship and her cargo; it being understood that there are in this place, to be considered as expressed, though they be not so, any clauses required to be specially mentioned for giving to the protest the greater validity and force. And as he is

now within the 24 legal hours from the arrival of the intelligence respecting the above calamity, because of the days elapsed from the 29th of May, on which that intelligence was received from and circulated by the ship "Fluminense," that day, having been holidays, and that the Captain who ought to have made the protest is dead, as has already been stated, deponent requested me to take and receive from him this protest of his, in the manner just mentioned, it being, with regard to the particulars of the disaster, drawn up as they were related to him and as they are generally known in this city, and he also requested me to give him as many copies of this protest as he might want; all which I did, in compliance with the duties of my office, in the presence of the witnesses, Narcizo Jozé da Silva, Francisco Antonio Barboza, Jozé Narcizo Coelho, Tolentino Van Deck, and I, Joaquim Jozé de Castro, subscribed my signature publickly and without the impression of a seal. In testimony of the truth, (*here the publick sent.*)

(Signed) VICENTE THOMAS DOS SANTOS.
JOZE NARCIZO COELHO.
TOLENTINO VAN DECK.
NARCIZO JOZE COELHO.
FRANCISCO ANTONIO BARBOZA.

(Signed) JOAQUIM JOZE DE CASTRO.

Fourth Enclosure in No. 29.

A. Aston, Esq. to Señor Calmon.

Rio de Janeiro, August 22, 1830.

THE Undersigned, &c. has had the honour to receive the note which his Excellency Señor Calmon, &c., addressed to him on the 20th instant, representing that the Brazilian merchant, Vicente Thomas Dos Santos, having left the Coast of Africa, on his return to Brazil, with 691 slaves on board his vessel, on the 11th of March of the present year, has been obliged, in consequence of shipwreck, to land the slaves at the Portuguese settlement in the Bay of Lourenço Marquez; that the said individual has subsequently applied to the Government of His Imperial Majesty, for permission to dispatch a vessel to the abovementioned place, for the purpose of transporting the slaves from thence to Rio de Janeiro; and finally, that the Brazilian Government has declined to grant the required passport, without having previously informed His Majesty's Government of the facts of this case, in order that no impediment might be offered by His Majesty's cruisers to the return of the said vessel.

In reply to this communication, the Undersigned has the honour to observe, that he cannot undertake to pronounce any opinion as to the view which His Majesty's Government may take of the case in question, as being entitled, under the peculiar circumstances detailed in his Excellency's note, to a relaxation of the regulations and penalties at present in force by the Convention of 1826, for the abolition of the African slave-trade.

The Undersigned begs, however, to assure his Excellency, that he will immediately transmit His Excellency's note and the accompanying documents to His Majesty's Government.

He avails himself, &c.

(Signed)

ARTHUR ASTON.

His Excellency Señor Calmon da Pin e Almeida,
&c. &c. &c.

No. 30.

A. Aston, Esq. to the Earl of Aberdeen.—(Received November 15.)

MY LORD.

Rio de Janeiro, September 14, 1830.

I HAVE the honour to enclose copies of a correspondence, which has taken place with the Brazilian Minister for Foreign Affairs, upon the subject of the

arrival in this port of 2 vessels, one a Brazilian and the other under Portuguese colours, with cargoes of slaves on board.

His Excellency states, that the necessary measures have been adopted by the Imperial Government to bring these transactions under a strict legal investigation, in order that due effect may be given to the stipulations of the Convention of 1826.

After the preliminary forms have been observed, I shall require that both these cases, which are notoriously illegal, be submitted to the decision of the Mixed Commission Court.

I have, &c.

(Signed)

ARTHUR ASTON.

The Right Hon. the Earl of Aberdeen, K. T.
&c. &c. &c.

First Enclosure in No. 30.

A. Aston Esq. to Señor Calmon.

Rio de Janeiro, September 6, 1830.

THE Undersigned, &c., has just received information of the arrival this morning, of a Brazilian vessel (the name of which he has not as yet been able to ascertain) after a voyage of 42 days, from Mosambique, with a numerous cargo of slaves on board.

He loses no time in communicating this fact to his Excellency Señor Calmon, &c., in the confident expectation that his Excellency will immediately cause the strictest enquiry to be instituted with respect to a transaction, which, there are well-founded reasons for believing, amounts to a direct infraction of the stipulations of the Convention of 1826.

The Undersigned has likewise to request that, pending the investigation, his Excellency will be pleased to direct the vessel to be placed under the superintendance of the proper Authorities, and to prohibit the disembarkation of the slaves.

The Undersigned, &c.

(Signed)

ARTHUR ASTON.

His Excellency Señor Calmon du Pin e Almeida,
&c. &c. &c.

Second Enclosure in No. 30.

A. Aston, Esq. to Señor Calmon.

Rio de Janeiro, September 8, 1830.

WITH reference to the note, which the Undersigned, &c. had the honour to address to his Excellency Mr. Calmon, &c. dated 6th instant, he has now to inform his Excellency, that the name of the vessel, on board of which a cargo of slaves has been imported into this harbour, is "Elica," a Brazilian barque, consigned to an individual of the name of J. A. da Silva Porto.

Information has also reached the Undersigned of the arrival of another vessel, called "Feliz Marianna," under Portuguese colours, likewise with slaves on board.

Both these cases call for the prompt and rigorous interference of the Imperial Government, and the Undersigned, in making the present representation to his Excellency, feels confident that no efforts will be wanting on the part of his Excellency's Government to give effect to the investigation, which it is the duty of the Undersigned to demand.

The Undersigned avails himself, &c.

(Signed)

ARTHUR ASTON.

His Excellency Señor Calmon du Pin e Almeida,
&c. &c. &c.

Third Enclosure in No. 30. (Translation.)

Señor Calmon to A. Aston, Esq.

Rio de Janeiro, September 8, 1830.

THE Undersigned, &c. has the honour to acknowledge the receipt of the note, which Mr. Aston, &c. addressed to him on the 6th instant, informing him, that a Brazilian vessel, with whose name he was unacquainted, had arrived in this port from Moçambique, in 40 days, with a cargo of slaves, and requiring for that reason the intervention of the Brazilian Government to proceed to a rigorous investigation of the affair. The Undersigned has the satisfaction of informing Mr. Aston, that, previous to the receipt of his above-mentioned note, the Imperial Government had already issued the necessary orders, through the Departments of Finance and Justice, in order to prevent the landing of the slaves, and the dispatch not only of the vessel above-mentioned, but also of another, which arrived on the same occasion, under the Portuguese colours; against the Consignees of which proceedings were about to be instituted, according to law and the Convention of the 23d of November, 1826; Mr. Aston being assured, that the Government of His Imperial Majesty will not fail to employ every means in their power to put a stop to so abominable a trade, under whatever pretext or form it may be.

The Undersigned, &c.

(Signed) MIGUEL CALMON DU PIN E ALMEIDA.

Arthur Aston, Esq.
&c. &c. &c.

Fourth Enclosure in No. 30. (Translation.)

Señor Calmon to A. Aston, Esq.

Rio de Janeiro, September 9, 1830.

THE Undersigned, &c. hastens to acknowledge the receipt of the note, which Mr. Aston, &c. addressed to him yesterday, informing him, that the vessel, mentioned in his former note of the 6th instant, was the Brazilian barque, called "*Eliza*," consigned to João Alvez da Silva Porto, and adding that the arrival of another ship, called the "*Feliz Marianna*," under Portuguese colours, and with a similar cargo of slaves, had come to his knowledge.

The Undersigned having communicated to Mr. Aston, in his note of the 5th of September, the measures which the Government, on the first rumour of the arrival of these vessels, had taken upon the subject; it only remains for him to refer Mr. Aston to the contents of the above-mentioned answer of the Undersigned.

The Undersigned, &c. &c.

(Signed) MIGUEL CALMON DU PIN E ALMEIDA.

Arthur Aston, Esq.
&c. &c. &c.

No. 31.

Viscount Palmerston to A. Aston, Esq.

SIR,

Foreign Office, December 10, 1830.

HIS Majesty's Government have taken into consideration the correspondence annexed to your despatch of the 31st of August, respecting the petition of Vincent Thomas dos Santos to the Government of Brazil, for permission to bring from Lourenço Marquez to Rio de Janeiro, 691 slaves, stated

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September 9, 1830.

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to have been embarked from Africa previously to the time fixed by Treaty for the abolition of the Brazilian slave-trade, but to have been relanded in consequence of the wreck of the vessel on her passage; and they are of opinion, that, assuming the averments in Vincent Thomas dos Santos's petition to be true, there can be no objection to a compliance with his demand.

I have, therefore, to desire, that you will immediately institute a further enquiry into this case, and if, upon such enquiry, you find the facts verified by proof, you will then be at liberty to communicate to the Government of Brazil the acquiescence of His Majesty's Government in the proposed arrangement.

In doing so, however, you will be careful at the same time to adopt every possible precaution, to prevent this acquiescence on the part of His Majesty's Government from being made the ground-work of future applications.

I am, &c.

Arthur Aston Esq.
§c. §c. §c.

(Signed) PALMERSTON.

No. 32.

*Viscount Palmerston to the Chevalier de Mattos.**Foreign Office, December 10, 1830.*

THE Undersigned, &c. has to acquaint the Chevalier de Mattos, &c. that His Majesty's Government have had under consideration the note which was addressed, on the 3d of April last, by the Chevalier de Mattos to His Majesty's Secretary of State, renewing the claim for indemnification, which was brought forward by the Viscount d'Itabayana, in favour of the Owners of the "*Tres Amigos*," detained and condemned at Sierra Leone, on a charge of having been concerned in illegal slave-trade.

The arguments now adduced by the Chevalier de Mattos against the sentence condemning the ship and cargo, appear, in substance and effect, to be the same as those which were formerly urged by the Viscount d'Itabayana, and to which His Majesty's Secretary of State replied, in his note of the 10th of March 1829, upon this subject.

To that note the Undersigned has the honour to refer the Chevalier de Mattos, acquainting him at the same time, that His Majesty's Government does not see any reason to differ from the opinion therein expressed.

The Undersigned avails himself, &c.

(Signed) PALMERSTON.

The Chevalier de Mattos,
§c. §c. §c.

No. 33.

*Viscount Palmerston to the Chevalier de Mattos.**Foreign Office, December 10, 1830.*

THE Undersigned, &c. has the honour to acquaint the Chevalier de Mattos, &c. that His Majesty's Government have had under their consideration the notes which were addressed, on the 3d of October 1829, and the 13th of May 1830, by the Chevalier de Mattos to His Majesty's Secretary of State, urging again the claim of the Owners of the Brazilian vessels, "*Heronina*," "*Tentador*," "*Eclipse*," and "*Entravao*," to an indemnity for the losses which they had sustained by the condemnation of those vessels, in the Mixed Commission Court at Sierra Leone.

These cases, it appears, have already been the subject of representations from the Government of Brazil, to His Majesty's Government; and the Earl of Aberdeen, in his notes of the 2d of December 1828, and 10th of March

1829, addressed to the Viscount d'Itabayana, fully stated and explained the grounds upon which His Majesty's Government maintained and supported, and still maintain and support, the propriety of the sentences pronounced by the Mixed Commission Court at Sierra Leone, in these as well as in other cases, which were determined upon the same principles.

The note from M. de Mattos, of the 3d of October 1829, relating to the "*Heronina*," is almost entirely confined to the subject of passports, permitting Brazilian slave-vessels to touch at ports on the Coast of Africa, where the slave-trade was prohibited, and to the right, claimed by His Majesty's Government, to capture such vessels, to the north of the Line, although they might not actually have slaves on board.

The Undersigned has to observe to the Chevalier de Mattos, that, as the correspondence, which has already passed on this point, embraces all the arguments which can be brought to bear upon it, the Undersigned has no other task left, in this respect, than to refer the Chevalier de Mattos to the correspondence already mentioned, as containing the reasons which induced His Majesty's Government to adopt, and subsequently to express their determination to adhere to, the measures now complained of.

The note, however, of the 17th of May 1830, purports to contain some additional arguments in support of the claim of the Owners of the "*Tentadora*," "*Eclipse*," and "*Venturano*," to indemnity.

The Chevalier de Mattos, in the first place, contends in his note, that as the Brazilian Government had not engaged to prohibit the subjects of Brazil from having any communication with the North of Africa, that Government had an undoubted right to grant permission to Brazilian vessels, employed in the lawful slave-trade, to touch at ports in which the trade in slaves was prohibited by Treaty; that passports containing such permission were, therefore, lawful, and that the fact of their having such passport ought not to subject the vessel to condemnation, as having violated the Treaty.

This argument, however, appears to have been founded on wrong principles, since the 4th Article of the Convention of 1817 expressly provides, that every Portuguese slave-vessel shall be provided with a passport conformable to a model annexed. The model declares, that the Master and Owner are under an obligation to enter such ports only, on the Coast of Africa, where the slave-trade is permitted to the subjects of Brazil; and this model is declared to form an integral part of the Treaty.

The Treaty, therefore, is violated when the model is altered; and it never can be admitted, that, when the Treaty has prescribed a particular form of passport, either of the parties shall be at liberty to substitute another; the necessary effect of which would be, to afford those facilities for the evasion of the Treaty, which it was the object of the particular stipulation to prevent.

The practice, therefore, of granting such passports as those, under which these three ships were navigating, was not only an infraction of the Treaty, by the Brazilian Government, but an infraction of it in a most important particular.

The Chevalier de Mattos argues, however, and justly, that it would be the height of injustice to confiscate vessels, which, being prevented by storms or other inevitable causes from pursuing their voyage, should seek shelter in the nearest port.

His Majesty's Government do not object to this position; such cases are indeed specially provided for by the 5th Article of the Instructions annexed to the Treaty, and all that is requisite is, that the causes and purpose of the deviation should be legitimate and duly proved; and the question, therefore, simply is, whether the proof produced in these cases was satisfactory upon those points. The Commissioners at Sierra Leone were clearly of opinion, for the reasons stated in the judgment, that it was not.

They judged, that the vessels, under the false pretence of having encountered tempestuous weather, and upon unfounded allegation of other accidents, were found in prohibited places, under such circumstances as left no doubt, that the parties were engaged in carrying on the illicit trade in slaves; and on that ground mainly, and substantially, sentence of condemnation was passed on the vessels, a sentence in which, under the circumstances shewn,

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the concurrence of His Majesty's Government has already been signified to the Brazilian Government, and there does not appear, in the statement of the Chevalier de Mattos, any thing which would furnish sufficient reason for departing from that sentence.

The Chevalier de Mattos, however, urges still, as a further objection against the legality of the proceedings in respect to the vessel, that the Captors were allowed to produce evidence to contradict the depositions of the witnesses and the ship's papers; and M. de Mattos, in support of his objection, cites a passage from Mr. Chitty's work on the Law of Nations: now, without attempting to controvert the general correctness of this principle, as there laid down, it may be sufficient here to observe, that this is not a proceeding under the general Law of Nations, but under a specific Treaty, entered into for a particular purpose, and that, by the 3d Article of the Regulations for the Mixed Commission Court, annexed to that Treaty, the Judges are directed, in the first place, "to proceed to the examination of the papers of the vessel, and to receive the depositions, on oath, of the Captain, and 2 or 3, at least, of the principal individuals on board of the detained vessel, as well as the declaration, on oath, of the Captor, should it appear necessary in order to judge and pronounce if the vessel had been justly detained, or not, according to the stipulations of the Additional Convention of this date (July, 1817), and in order, that, according to this judgment, it may be condemned or liberated;" so that the Court have a discretionary power, in every case, to admit the Captor's evidence, if they think the circumstances are such as to require it.

Upon a consideration, therefore, of the whole of the statement of the Chevalier de Mattos, together with a perusal of the papers which have previously been produced in these cases, the Undersigned has only to repeat to the Chevalier de Mattos, that His Majesty's Government cannot admit that the Owners of the "Heroina," "Tentadora," "Eclipse," and "Venturoso," are entitled to claim any indemnity from His Majesty's Government, for the losses which have been occasioned by the condemnation of those vessels.

The Undersigned avails himself, &c.

(Signed) PALMERSTON.

The Chevalier de Mattos,
&c. &c. &c.

No. 34.

Viscount Palmerston to the Chevalier de Mattos.

Foreign Office, December 10, 1830.

THE Undersigned, &c. has to acquaint the Chevalier de Mattos, &c. that the note, which was addressed on the 18th of May 1830, to His Majesty's Secretary of State, by the Chevalier de Mattos, respecting the alleged illegality of the detention and condemnation of the Brazilian vessel "Esperanza," has been referred for the opinion of the proper Law Officer of the Crown.

That Officer has reported, that the "Esperanza," having, according to her passport, been destined to Cabinda for a cargo of slaves, was, within a month of the date of that passport, found in latitude 6° N., in sight of the Port of Lagos, and there captured.

That a strict investigation having been entered into, of the causes adduced for the deviation of the vessel so far to the northward of her proper course, the falshood of the story set up by the Master, to account for his situation at the time of capture, was clearly detected, and the Commissioners at Sierra Leone came to the conclusion, that he was approaching the Coast of Africa, to the northward of the Line, for the purpose of engaging in the traffick in slaves, in places where that trade was not permitted, in violation of the Treaties subsisting between this Country and Brazil, and they accordingly proceeded to condemn the ship and cargo.

On the trial of the case, the Master swore, that he did not know what cargo was necessary to trade in slaves to the north of the Line, as he had only been

engaged in voyages to the southward. This averment was proved to be wholly false, as the very year before he had been found trading in the Bight of Benin to the northward, in a ship, called the "*Trojano*," which had been detained and condemned. And it is now stated by the Chevalier de Mattos, that it was the intention of the Master to enter the Port of Lagos, although he had sworn at Sierra Leone, that he intended to proceed to Prince's Island, for the purpose of repairing the alleged damage of the mast, and was actually steering for that place, when he was captured. Additional proofs have been thus afforded, if any were wanting, of the bad faith with which the transaction has been altogether conducted.

Upon a review of the whole of the circumstances of this case, there can be no doubt, that the object of the voyage was the illicit traffick in slaves to the northward of the Line; and the Undersigned has accordingly to state to the Chevalier de Mattos, that, with reference to the principles which have been acted upon in other cases, and for the reasons stated in the correspondence which has already passed upon that subject, His Majesty's Government, although they must remind the Chevalier de Mattos, that, according to the Treaty, the decision of the Commission is final, with an exception which does not apply to this case, are furthermore of opinion, that, according to the evidence stated, the sentence condemning the ship and cargo, was correct and proper, and that the Owners are not entitled to compensation for the loss occasioned by the capture and condemnation of the "*Esperanza*," and of her cargo.

The Undersigned avails himself, &c. &c.

The Chevalier de Mattos,
&c. &c. &c.

(Signed) PALMERSTON.

No. 35.

Viscount Palmerston to the Chevalier de Mattos.

Foreign Office, December 10, 1830.

THE Undersigned, &c. has the honour to acknowledge the receipt of the note, which, under date of the 28th of May last, was addressed to His Majesty's Principal Secretary of State for Foreign Affairs, by the Chevalier de Mattos, &c. complaining of the illegal capture and condemnation of the Brazilian vessel "*Voador*," and of the cruel conduct of the Captor, Mr. G. W. Matson, of His Majesty's ship "*Clinker*," and urging that compensation should be made to the Owners of the "*Voador*," under a Commission to be named by the two Governments.

The correspondence upon this case having been submitted to His Majesty's Advocate-General, the Undersigned has to acquaint the Chevalier de Mattos, in accordance with his report, that the vessel was found fitted up as a slave-ship; that the avowed object of her voyage was a trade in slaves; and that she was evidently pursuing that object to the northward of the Equator, contrary to the Treaty and her Passport, at the time of her capture.

Under these circumstances, the sentence, condemning the ship and goods, would be defensible even upon its own merits, as being in entire accordance with the principles already explained in detail in the correspondence which has past between the British and Portuguese, and Brazilian Governments on other cases of the same nature. But, independently of this, the Undersigned begs to recall to M. de Mattos's recollection, that the condemnation of the ship "*Voador*" was pronounced by a tribunal, whose decisions are declared, by the 8th Article of the Additional Convention of the 28th of July 1817, between Great Britain and Portugal, to be without appeal, with an exception not applicable to the present case.

Under these circumstances His Majesty's Government feel it impossible

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to admit the claim of the Owners of the "*Foador*" to indemnity for the losses occasioned to them by the capture; but they will not fail to cause further enquiry to be made into the circumstances, which led to the engagement, in which the lives of so many individuals were sacrificed, and acquaint the Chevalier de Mattos with the result of that enquiry, so soon as an answer shall have been returned to it.

The Undersigned, &c.

The Chevalier de Mattos,
§c. §c. §c.

(Signed) PALMERSTON.

No. 36.

Viscount Palmerston to the Chevalier de Mattos.

Foreign Office, December 10, 1830.

THE Undersigned, &c. has the honour to acknowledge the receipt of the note, which, under date of the 18th of May 1830, was addressed to His Majesty's Secretary of State for Foreign Affairs by the Chevalier de Mattos, &c., urging the appointment of a Special Commission, for ascertaining what amount of damages, beyond those already awarded by His Majesty's Commissioners at Sierra Leone, should be further awarded to the Owners of the Brazilian vessel "*Vencedora*," for her illegal detention by Captain Owen, of His Majesty's ship "*Eden*."

This case having been submitted to the proper Law Officer of the Crown, the Undersigned, in accordance with the opinion expressed by that Officer, has to refer the Chevalier de Mattos, on the subject, to the 8th Article of the Additional Convention of the 28th of July 1817, in which it is expressly stipulated, that the decisions of the Commissioners shall be without appeal, excepting only under circumstances not applicable to the present case.

Referring to this Article, the Chevalier de Mattos will at once perceive, that His Majesty's Government have no choice, but to decline compliance with this request.

The Undersigned, &c.

The Chevalier de Mattos,
§c. §c. §c.

(Signed) PALMERSTON.

No. 37.

Viscount Palmerston to the Chevalier de Mattos.

Foreign Office, December 10, 1830.

HIS Majesty's Government have had under their consideration the note which was addressed, on the 4th of September 1830, to His Majesty's Secretary of State, by the Chevalier de Mattos, &c., claiming indemnification for the Owners of the vessel "*Des de Feveiro*," condemned by the Mixed Commission at Sierra Leone, upon a charge of illegal slave-trade.

The letter addressed by Mr. Secretary Canning, on the 28th of April 1825, to M. de Villa Real, on the subject of a claim to indemnity, at that time preferred on behalf of the Owners of the "*Des de Feveiro*," and cargo, appears to His Majesty's Government to contain a complete answer to the demand; and the Undersigned, &c. has only, therefore, to refer the Chevalier de Mattos to that letter, of which he encloses a copy, in reply to the demand again urged by the Chevalier de Mattos upon this case.

The Undersigned avails himself, &c.

(Signed) PALMERSTON.

The Chevalier de Mattos,
§c. §c. §c.

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NO. 40.

Viscount Palmerston to the Chevalier de Mattos.

Foreign Office, December 10, 1830.

THE Undersigned, &c. has to acknowledge to the Chevalier de Mattos, &c. the receipt of the note which was addressed by him, on the 4th of October, to His Majesty's Principal Secretary of State for Foreign Affairs, requesting that the Mixed British and Brazilian Court of Commission established at Rio de Janeiro, under the Slave-trade Convention of the 23d of November 1826, may be dissolved by the end of December 1830, and that the Mixed Commission established at Sierra Leone may be dissolved by the 30th of June 1831.

The subject of this note has been taken into consideration by His Majesty's Government.

It appears, however, that the dissolution of British and Brazilian Mixed Commission Courts, at the periods suggested by the Chevalier de Mattos, would necessarily be productive of much and serious inconvenience.

The open trade in slaves being now no longer permitted to the subjects of Brazil, it is to be expected that, for some time to come, recourse will be had by illegal slave-traders to every species of stratagem, for the purpose of securing to themselves a continuance of so lucrative a traffick. Many captures, therefore, of Brazilian slave-ships may probably take place. Some considerable time will still elapse before arrangements can finally be made for the constitution of tribunals, for exercising criminal jurisdiction on cases of piracy under the provisions of the Treaty, and it is absolutely necessary that, in the mean time, some Courts should be in existence, with power to decide upon the cases of such Brazilian ships as may be captured in the interval, otherwise the unfortunate individuals on board may remain for an indefinite period uncertain of their fate.

Under these circumstances, His Majesty's Government feel it impossible, as yet, to fix the period, at which it may be expedient to dissolve the Mixed Commission Courts at present subsisting under the Convention with Brazil, of November, 1826.

The Undersigned avails himself, &c.

(Signed) PALMERSTON.

The Chevalier de Mattos,

§c. §c. §c.

NO. 41.

A. Aston, Esq. to the Earl of Aberdeen.—(Received December 16.)

MY LORD,

Rio de Janeiro, October 9, 1830.

I HAVE the honour to transmit to your Lordship copies of a correspondence which has taken place with Mr. Consul-General Pennell, acting as British Commissary Judge, relative to the case of the Brazilian slave-vessel "Eliza," now before the Mixed Commission.

The circumstance of the departure of the "Eliza" from Pernambuco, on the 5th of February of the present year, which is stated in the Register of the British Consul at that port, joined to the facts contained in the deposition of the British sailor, at present on board His Majesty's ship "Volage," appear to afford sufficient proof of the illegality of the transaction.

The proceedings of the Mixed Commission have lately been suspended, in consequence of the resignation of the Brazilian Commissary Judge. The nomination of his successor has not as yet been officially announced, but I understand it will take place in the course of a few days.

I have, &c.

(Signed)

ARTHUR ASTON.

The Right Hon. the Earl of Aberdeen, K. T.

§c. §c. §c.

First Enclosure in No. 41.

W. Pennell, Esq. to A. Aston, Esq.

SIR,

Rio de Janeiro, September 17, 1830.

WITH reference to our conversation respecting the cases of the 2 vessels named in the margin ("*Eliza*" and "*Feliz Marianna*"), seized in this harbour with slaves on board, and referred, by order of the Brazilian Government, to the Judge of Contraband, I have the honour to inform you, that, on the 14th instant, when I attended at the Mixed Commission, I found a petition from the Owner and Consignee of the above-named vessels, addressed to the Judges thereof, praying that the case might be tried by that tribunal, in place of its being tried by the Judge of the Contraband.

My Brazilian Colleague recommended that we should address ourselves to the Government in the first instance, with a view to its sanction and support. My opinion was, that we should accede to the petition in the usual form, grounding it on Article 4 of the Alvará of January, 1818. My Colleague acquiesced in this opinion, and the prayer of the petitioner was immediately granted in the usual Brazilian form.

I shall be very desirous, before the merits of the case come before me as Judge, to receive your opinion touching any anterior proceedings that my position may require, with a view to their propriety and legality.

I have, &c.

(Signed) W. PENNELL, Consul-General and
Acting Commissary Judge.*A. Aston, Esq.*
&c. &c. &c.

Second Enclosure in No. 41.

A. Aston, Esq. to W. Pennell, Esq.

SIR,

Rio de Janeiro, September 28, 1830.

UNDERSTANDING that the case of the Brazilian vessel "*Eliza*," detained by order of this Government, under suspicion of an illicit traffick in slaves, has been submitted to the consideration of the Mixed Commission as established by Treaty, I think it right to put you in possession of certain facts connected with the case which have come to my knowledge, and which, if substantiated, must have a material influence upon your final decision.

It appears that a Brazilian barque, of about 220 tons burthen, called "*Eliza*," arrived at Pernambuco, from the Bay of Lourenço Marquez, on the 3d of January 1830, and that she again sailed from that port for Mozambique, on the 5th of February following, commanded by Antonio José d'Oliveira.

By a portaria of the Brazilian Minister of Marine, dated October 1, 1829, it was publickly made known, that no passport would be granted by the Government to vessels employed in the slave-trade, subsequent to the 15th of November of the same year. It appears, therefore, that the "*Eliza*" must have sailed from Pernambuco without the necessary license, or that the Owners have fraudulently availed themselves of the passport obtained for the previous voyage.

Moreover it is scarcely possible, that the vessel could have reached Mozambique upon the 13th of March, much less have sailed again with a cargo within that period.

I have likewise been informed, and upon such authority as induces me to credit the correctness of the statement, that the "*Eliza*," upon arriving, in the first instance, on the Coast of Africa, received a part of her cargo from another Brazilian vessel, the "*Lavinia*," and afterwards ran down the coast, in order to complete her cargo.

The circumstance also of the "*Eliza*," which sailed from Mozambique on the 5th of February, not having returned to that port on the 9th of July,

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affords an additional reason for suspecting that the vessel, whose case is now under examination, will prove to be the same.

In submitting these remarks to your consideration, I have to add, that, if necessary, evidence can be produced in corroboration of the above facts.

I have, &c.

W. Pennell, Esq.
Esq. Esq. Esq.

(Signed) ARTHUR ASTON.

Third Enclosure in No. 41.

W. Pennell, Esq. to A. Aston, Esq.

SIR,

Rio de Janeiro, October 2, 1830.

I HAVE the honour to acknowledge the receipt of your despatch of the 28th ultimo, communicating most essential facts, respecting the case of the barque "Eliza," detained under suspicion of illegal traffic in slaves, and which is now before the Mixed Commission for adjudication, and I have to request that you will have the goodness to furnish me with such documents as you may possess, or can obtain, touching those alleged facts, in order that I may communicate with the Brazilian Commissary Judge, as to any measures which the existence or production of such documents may require us to adopt.

I have, &c.

A. Aston, Esq.
Esq. Esq. Esq.

(Signed) W. PENNELL.

Fourth Enclosure in No. 41.

A. Aston, Esq. to W. Pennell, Esq.

SIR,

Rio de Janeiro, October 5, 1830.

IN acknowledging the receipt of your letter of the 2d instant, I have the honour to transmit to you, herewith enclosed: 1st the deposition of a sailor now on board His Majesty's ship "Vulgate," wherein he makes oath, that the bark "Eliza" was lying in the Harbour of Mozambique about the end of last May, taking in a cargo of slaves; 2dly, an extract from the register of the British Consul at Pernambuco, containing the dates of the arrival at that port of the "Eliza," and her subsequent departure, Feb. 3, of the present year, together with the names of the Commanders on both those occasions.

I have, &c.

W. Pennell, Esq.
Esq. Esq. Esq.

(Signed) ARTHUR ASTON.

Fourth Enclosure (A.) in No. 41.

Deposition of William Dunlop.

I, WILLIAM DUNLOP, an English seaman, belonging to His Majesty's ship "Vulgate," now at anchor in the Port of Rio de Janeiro, do voluntarily make oath, that I sailed from the Port of Mozambique in the brig "Esperanza," about the end of the month of May last, at which time the bark "Eliza," which arrived at this port on the 6th of last month, with a cargo of slaves, was lying in the harbour of Mozambique lashed along-side a ship under Brazilian colours, taking on board a cargo of slaves.

His
WILLIAM × DUNLOP.

Mark

Sworn before me, at Rio de Janeiro, this 2d day of October, 1830.

(Signed) R. PENNELL, Vice-Consul.

Fourth Enclosure (B.) in No. 41.

*Extract from the Register of His Majesty's Consul at Pernambuco.
Slave-trade.*

ARRIVED.

Date of Arrival.	Description. Brazilian Flag.	Name of Vessel.	Name of Commander.	Where from.	Slaves Embarked.	Slaves Died.	Slaves Arrived at Port.
1830. Jan. 3.	Bark.	Eliza.	{ José da Silva { Uzequia -	{ Bahia de { Lourenço { Marquez. }	534	11	523

SAILED.

Date of Sailing.	Description. Brazilian Flag.	Name of Vessel.	Name of Commander.	Where bound to.	Slaves Embarked.	Slaves Died.	Slaves Arrived at Port.
1830. Feb. 5.	Bark.	Eliza.	{ Antonio José { D'Oliveira. }	Mozambique.	"	"	"

A true Copy.

(Signed) ARTHUR ASTON.

No. 42.

A. Aston Esq. to the Earl of Aberdeen.—(Received December 16.)

My Lord,

Rio de Janeiro, October 30, 1830.

HAVING been informed that the Brazilian merchants engaged in the slave-trade, had it in serious contemplation to attempt to carry on that traffic under the flag of the Argentine Republic, as a means of evading, if captured, the penalty of piracy, I mentioned the subject to General Guido, and suggested the propriety of some measures being adopted by his Government, in order to prevent this project from being carried into effect.

General Guido readily undertook to urge his Government to issue a declaration, prohibiting the use of the national flag for purposes connected with the commerce in slaves, and I have now the honour to enclose to your Lordship extracts of 2 despatches, which that Minister has in consequence addressed to the Government of Buenos Ayres.

I have, &c.

(Signed)

ARTHUR ASTON.

The Right Hon. the Earl of Aberdeen, K. T.

&c.

&c.

&c.

BRAZIL.

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First Enclosure in No. 42.

(Translation.)

General Guide to the Minister for Foreign Affairs of the Government of Buenos Ayres.

(Extract.)

Rio de Janeiro, June 15, 1830.

THE expiration of the term stipulated by the Treaty of England with Brazil, for the traffick of negroes of the Coast of Africa, has awakened the ambition of some speculators, who are preparing to continue it, by availing themselves of means not prohibited, nor comprised in the agreements made between the nations which have co-operated towards the extinction of this abominable commerce.

Amongst the plans about to be put into practice, one is to nationalize some vessels in the Argentine Republic, and make use of them in getting Negroes from Africa, and conveying them to this market, where their price is much increased, or to any other of the colonies where the speculation would be profitable.

Those who have thus calculated consider themselves secure under the Republican flag, or at least safe from incurring the punishment of piracy awarded against this traffick, in consequence of there existing no Treaty whatever between the Empire and the Republick, which might prevent it; but as the flag of the Republick, under whose protection numerous countries of the new continent have shaken off the yoke of slavery, ought not to afford a shelter to a traffick so inhuman and opposed to Christianity; the Undersigned hastens to communicate the same to his Government, through his Excellency the Minister, in order that a solemn declaration (if it be thought proper) may completely frustrate the projected plan, and prove to the world, that the Argentine Republick, united to refined nations by the elementary principles of civilisation, considers itself bound to abolish the slave-trade, no less by them than by the formality of Treaties.

The Undersigned, &c.

(Signed) TOMAS GUIDO.

*His Excellency the Minister for Foreign Affairs
of the Government of Buenos Ayres.*

Second Enclosure in No. 42.

(Translation.)

General Guide to the Minister for Foreign Affairs of the Government of Buenos Ayres.

(Extract.)

Argentine Legation, Rio de Janeiro, June 17, 1830.

THE Undersigned had the honour to communicate to his Excellency the Minister, on the 15th instant, and in No 11, that certain merchants of this city were preparing to continue the slave-trade on the Coast of Africa, in ships bearing the colours of the Argentine Republick. The Undersigned is since convinced, that notwithstanding the express text of the 14th Article of the Treaty of the 2d of February 1825, between His Britannick Majesty and the United Provinces, the same idea is insisted upon, in the hopes of being able to elude its effects, in the same manner in which the privateers eluded it during the late war under the Republican flag; and as the consequences of such an abuse would be prejudicial to the interests of the State, the Undersigned renews this advice, in order that his Government may adopt that measure which it may consider requisite, without preventing the Undersigned from making known by those means which are within his reach, the error upon which such a speculation is founded.

The Undersigned, &c.

(Signed)

TOMAS GUIDO.

*His Excellency the Minister for Foreign Affairs
of the Government of Buenos Ayres.*

Pernambuco.

Ships Embarked.	Ships Dock.	Ships Arrived at Port.
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ARTHUR ASTON.

December 16.)

October 30, 1830.

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ARTHUR ASTON.

*Viscount Palmerston to the Chevalier de Mattos.**Foreign Office, December 22, 1830.*

THE Undersigned, &c. has the honour to acquaint the Chevalier de Mattos, &c. that His Majesty's Government have had under consideration the note addressed by the Chevalier de Mattos, on the 6th of April 1830, to His Majesty's Secretary of State, adducing fresh arguments in support of the claim for indemnification, which had already been brought by the Viscount d'Itabayana in favour of the Owners of the "*Bahia*" "*Carlota*," "*Trojano*," and "*Independencia*," detained and condemned at Sierra Leone, and which claim was negatived by the Earl of Aberdeen in his note of the 10th of March 1829, addressed to the Viscount d'Itabayana.

The Undersigned has the honour to acquaint the Chevalier de Mattos, that the arguments now adduced by M. de Mattos do not appear in any degree to vary the case, and, therefore, do not allow His Majesty's Government to take any other course, than that of referring him to the previous correspondence which has passed on this subject between the Governments of Great Britain and Brazil, and to add, that His Majesty's Government do not see any reason to differ from the opinion expressed by the Earl of Aberdeen on these cases, in his letter to M. d'Itabayana of the 10th of March 1829.

The Undersigned avails himself, &c.

The Chevalier de Mattos,

(Signed) PALMERSTON.

§c. §c. §c.

No. 44.

*Viscount Palmerston to the Chevalier de Mattos.**Foreign Office, December 28, 1830.*

THE Undersigned, &c. has the honour to acquaint the Chevalier de Mattos, Chargé d'Affaires from His Majesty the Emperor of Brazil, that His Majesty's Government have had under their consideration the note which was addressed, on the 2d of October, 1830, by the Chevalier de Mattos to His Majesty's Secretary of State, urging the claim of the Owner of the Brazilian vessel "*Principe de Guine*," to an indemnity for the losses which he had sustained by the capture and condemnation of that vessel in the Mixed Commission Court at Sierra Leone.

In reply, the Undersigned begs to recall to the recollection of the Chevalier de Mattos, that the vessel, of the capture of which he complains, was, as he himself admits, condemned by the Commissioners appointed under the Convention of the 28th of July 1817, between Great Britain and Portugal, confirmed by the Convention of the 23d of November 1826, between Great Britain and Brazil.

The Undersigned begs also to remind the Chevalier de Mattos, that, by the 8th Article of the same Convention, the decisions of those Commissioners are declared to be final.

Under these circumstances the Undersigned is compelled to state, in reply to the Chevalier de Mattos, that he does not feel himself justified in attempting to disturb the decree, of which the Chevalier de Mattos complains; and still more is he discouraged from the attempt, by the fact, that, whether or not, there was any informality in the instructions under which the Commander of the capturing vessel acted, the vessel captured was not only employed for the illicit conveyance of slaves, but that, at the time of capture, 608 of these unhappy beings were actually on board.

The Undersigned, &c.

The Chevalier de Mattos,

(Signed)

PALMERSTON.

§c. §c. §c.

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BRAZIL. (Consular).—Rio de Janeiro.

No. 45

W. Pennell, Esq. to the Earl of Aberdeen.—(Received March 24.)

MY LORD,

Rio de Janeiro, January 25, 1830.

I HAVE the honour to enclose you a return of the number of slaves imported into this city, from July 1st to December 31st, 1829.

I have, &c.

(Signed) WM. PENNELL, Consul-General.

The Right Hon. the Earl of Aberdeen, K. T.

&c. &c.

Enclosure in No. 45.

Return of the Number of Slaves Imported into this City of Rio de Janeiro, from July 1st to December 31st, 1829.

NAME OF VESSEL.	Country.	NAME OF COMMANDERS.	Whence from.	Number of Slaves shipped.	Number of Slaves died en Sea.	Place from whence the Voyage began.
Dessengano -	Brazilian	João Viana - - -	Benguelia -	520	49	Rio de Janeiro.
Seis de Fevereiro -	"	José Fro. dos Santos -	Angola -	279	33	"
Torcatto -	"	Vicente Roberto -	Cabinda -	277	5	"
Restaurador -	"	Luiz de C. Ferreira -	Ditto -	564	66	"
Isencia -	"	João A. de Silva -	Molambo -	250	5	"
Economia -	"	F. E. C. Caldas -	Benguelia -	371	39	"
Ulisses -	"	Jos. de S. Araújo -	Angola -	647	67	"
Julia -	"	Jos. de Souza Neves -	Molambo -	207	"	"
Penha -	"	Anto. F. d'Oliveira -	Anhriz -	208	18	"
Maria Thereza -	"	" - - - - -	{ Lourenço }	282	45	"
Seis de Fevereiro -	"	Jos. Lou. Branco -	{ Marquês }	203	10	"
Velha de Dio -	"	J. Ao. Texeira -	Ditto -	324	2	"
General Rego -	"	A. T. de Azevedo -	Anhriz -	49	4	"
Suzana -	"	J. F. de Cunha -	Angola -	420	30	"
Dois Immos -	"	B. J. Maria -	Zaire -	300	23	"
Urania -	"	J. M. Ferreira -	Angola -	327	30	"
Primavera -	"	Germão L. de Silva -	Benguelia -	286	13	"
Anitade -	"	F. Anto. de Medeiros -	Angola -	544	36	"
Loteria -	"	Anto. Jos. Soares -	Molambo -	139	"	"
Invenctvel -	"	J. M. da Conceição -	Anhriz -	317	33	"
Imperador do } Brazil - - - }	"	João Gomes - - -	Cabinda -	468	8	"
Mercantil -	"	Luiz José Maria -	Molambo -	180	8	"
Enilla -	"	G. J. de Faria -	Angola -	403	44	"
Estrela do Rio -	"	Anto. Gomez da Rosa -	Cabinda -	297	10	"
Dumense -	"	" - - - - -	{ Lourenço }	674	3	"
Imperador Feliz -	"	Mateo. José Baptista -	{ Marquês }	430	11	"
Altivo -	"	Mãe. Ribes do Amaral -	Cabinda -	645	43	"
Tojo -	"	L. de Q. Monteiro -	Anhriz -	566	30	"
Dido -	"	Mãe. de Jesus Faria -	Benguelia -	428	5	"
Marianna -	"	J. A. G. Perfeito -	Cabinda -	428	5	"
General Saldenha -	"	" - - - - -	{ Lourenço }	568	20	"
Amazona -	"	F. P. Carneiro -	{ Marquês }	385	80	"
Paula -	"	José Rodriguez -	{ Cabinda & }	390	34	"
Hermelinda -	"	Anto. Theo. dos Santos -	Molambo -	551	30	"
Feliz Uniao -	"	Catos. Dias da Silva -	Ditto -	334	47	"
Capador -	"	Trancos dos Santos -	Rio Zaire -	473	10	"
L'Espido -	"	Napol. J. de Cruz -	Anhriz -	308	5	"
Primoso Divino -	"	Henryes José Pestana -	Benguelia -	441	34	"
Poliphemo -	"	José F. de Oliveira -	Angola -	455	37	"
Novo Commer- } ciante - - - }	"	Jos. Gervazio -	Mozambique -	430	34	"
		João Militao Henriques	Quillimane	550	76	"

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December 22, 1830.

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PALMERSTON.

Mattos.

December 28, 1830.

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PALMERSTON.

Enclosure in No. 45, continued.

NAME or VESSEL.	Country.	NAME or COMMANDERS.	Where from.	Number of Slaves shipped.	Number of Slaves died at sea.	Place from whence the Voy- age began.
Industria - -	Brazilian	José Simões da Fonseca	Mozambique	600	33	Rio de Janeiro.
Amalia - - -	"	José Ferrs Mala -	{ Lourenço } { Marquês }	800	17	"
Carolina - -	"	M. José de Barros	Anobrix	306	10	"
Amizada de } Santos - - }	"	José Pedro dos Santos	Cabinda	324	4	"
Desanove de } Moryo - - }	"	José Maria Falcao	Mozambique	638	97	"
Ligeiro - - -	"	Ant. Jo. de Oliveira	Cabinda	375	4	"
Tinta de Moryo	"	Lt. José Soares Pinheiro	Quillimane	692	33	"
Maravilha - -	"	Fco. da Paula Nery	Cabinda	245	4	"
Maria Segunda	"	{ Fco. Peres Nunez } { Madruga - - }	Mozambique	297	87	"
Formosura - -	"	Ant. José Bendito	Quillimane	658	71	"
Pudrosco - - -	"	Gasper Francisco	Carando	528	28	"
Brilhante - -	"	Fco. de Paula Ferreira	Cabinda	443	2	"
Ozires - - - -	"	- - - - -	Angola	331	55	"
Cometa - - - -	"	José de Moraes	Cabinda	494	11	"
Santa Rosa - -	"	José M. de Costa	Dito	430	2	"
Total				22,813	1,557	

Rio de Janeiro, January 2, 1830.

(Signed) WM. PENNELL, Consul-General.

No. 46.

W. Pennell, Esq. to the Earl of Aberdeen.—(Received June 14.)

MY LORD,

Rio de Janeiro, April 6, 1830.

THE importance, attached by His Majesty's Government to any thing connected with the slave-trade, induces me to enclose copies of my correspondence respecting the English barque "Numa," the Captain of which was condemned at the Cape of Good Hope in a penalty of £500; to pay this penalty he was obliged to sell part of his cargo. These facts having come to the knowledge of the Judge of the Custom-House, he appears disposed to treat the Captain with great severity; double duties are demanded on that part of his cargo, which was sold at the Cape of Good Hope, and the delay, which this demand has already produced, has been tantamount to the imposition of another penalty.

The "Sir Francis Burton," Captain A. Reid, lately arrived here from Bombay and Goa, had also on board 5 domestick blacks, belonging to passengers. This, I believe, is a similar case to that of the "Numa;" but, as I have no conclusive proof, I have only admonished the Captain (who professes ignorance) of the penalty, to which the conveyance of slaves, even under such extenuating circumstances, makes him liable. The law on this subject appears to me too severe, and the separation, to which it tends, of domestick slaves from their Masters, injurious to both; it is also detrimental to our shipping interest, and may often cause the loss of a charter to the British flag. As the legal importation of slaves into this country will soon cease, it may be worthy your Lordship's consideration, whether that event may not afford an opportunity of mitigating the present law, with regard to domestick slaves, who accompany their Masters solely for domestick purposes.

This suggestion arises not only from these two cases, but also from the

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inconvenience, which frequently occurs from the present restriction, as applicable to the intercourse in British vessels between this port, Bahia, Pernambuco, &c. &c., a restriction, I believe, not necessary for the main object contemplated by His Majesty's Government.

I have, &c.

(Signed) W. PENNELL, Consul-General.

The Right Hon. the Earl of Aberdeen, K.T.
§c. §c. §c.

First Enclosure in No. 46.

W. Pennell, Esq. to the Judge of the Custom-House.

SIR,

Rio de Janeiro, March 31, 1830.

I HAVE the honour to inform your Excellency, that the English barque "Numa" was in a state of distress at the Cape of Good Hope, and that, in order to obtain money for the purpose of pursuing her voyage, the Captain was obliged to sell part of his cargo, consisting of rice. He now represents to me, that he is detained in this harbour at a great expense, in consequence of a claim for double duties (amounting to R^s 3,596²/400) on the quantity of rice so sold, under the operation of a law intended to prevent a fraudulent evasion of the Custom-house duties.

Being persuaded, that this is a *bond fide* case of distress, and that no fraud has been in contemplation, I take the liberty of recommending it to your favourable consideration, persuaded also, that it does not come within the true meaning of any penal law, still less within the intention of His Imperial Majesty's Government, to inflict a penalty, if the truth of what I have represented be proved to the satisfaction of your Excellency.

I avail myself of this occasion, &c.

(Signed) WM. PENNELL, Consul-General.

His Excellency the Counsellor Lucio Soares Teixeira de Gounea,
§c. §c. §c.

Second Enclosure in No. 46.

(Translation.)

The Judge of the Custom-House to W. Pennell, Esq.

Rio de Janeiro April 1, 1830.

I HAVE the honour to acknowledge the receipt of your letter of the 31st of March last, regarding the barque "Numa," and I hasten to inform you, that I decided upon that business in the light in which it struck me was correct; but it is not unknown, that this vessel entered the Cape of Good Hope in distress, and that a great portion of the sum received there was applied to pay the fine, in consequence of slaves for illicit commerce having been found on board. This business is, however, before His Imperial Majesty's Government, to whom it has been represented by the Captain.

I am, therefore, waiting orders from the Government respecting it; which is all the information I can now give you.

I am, &c.

(Signed) LUCIO SOARES TEIXEIRA DE GOUNEA.

Wm. Pennell, Esq.
§c. §c. §c.

Third Enclosure in No. 46.

W. Pennell, Esq. to the Judge of the Custom-House.

SIR,

Rio de Janeiro, April 2, 1830.

I HAVE the honour to acknowledge the receipt of your Excellency's despatch of yesterday's date, respecting the English barque "Numa." Your

Excellency having adverted to the fine imposed on this barque at the Cape of Good Hope, for having slaves on board, makes me apprehend, that this acknowledged fact may have influenced your Excellency to regard the Captain's present position with unusual severity. I take the liberty, therefore, of stating, that he (the Captain) without the intention of violating any law, took on board several gentlemen as passengers, with their black domesticks, and conveyed them from Macao to the Cape of Good Hope; where, on a minute investigation, it was proved, that 5 of these black domesticks were slaves, and in consequence the penalty of the law was inflicted, amounting to £300., which fine, with incidental expenses and demurrage, involved a loss of £1,300.

The Captain, therefore, representing the Owners of the barque, may be considered as a victim, almost as an innocent victim, to the severity of the English laws touching the slave-trade, and of their strict execution; but it surely ought not to operate to his prejudice as regards the payment of Custom-house duties in this country.

In giving this additional explanation, I beg leave to assure your Excellency, that had the Captain's conduct, as regards the slave-trade, been such as ought to have weighed with the Imperial Government, in the present question, I should not have deemed it my duty to have requested your Excellency's favourable consideration of his case.

I have, &c.

(Signed) WM. PENNELL, Consul-General.
His Excellency the Counsellor Lucio Soares Teixeira de Gouvea.
§c. §c. §c.

Fourth Enclosure in No. 46.

W. Pennell, Esq. to A. Aston, Esq.

SIR,

Rio de Janeiro, April 2, 1830.

I HAVE the honour to enclose copies of my correspondence with the Judge of the Custom-house, respecting the demand on the Captain of the British barque "Numa," of 30 per cent. duties on rice, which he was obliged to sell at the Cape of Good Hope, and to request your good offices with the Brazilian Government in his behalf. I beg to call your attention to the allusion made by the Judge of the Custom-house to the slave-trade, and to the fine paid by the Captain at the Cape of Good Hope. If the allusion be not totally irrelevant, it may be urged in his favour, in as much as his pecuniary punishment has already been greater than the law intended, and more than commensurate to the crime—a crime in the eye of the law, but which almost loses its name amidst so many extenuating circumstances.

I have, &c.

(Signed) WM. PENNELL, Consul-General.
Arthur Aston, Esq.
§c. §c. §c.

No. 47.

W. Pennell, Esq. to the Earl of Aberdeen.—(Received July 6.)

MY LORD,

Rio de Janeiro, April 20, 1830.

TWO Brazilian vessels of war have recently arrived here from the Coast of Africa, having under their convoy 4 slave-vessels with 1,734 slaves; other slave-vessels are also arriving without convoy.

Advices of March 6th from Cabinda state, that the price of slaves had fallen within a short period, in the proportion of 120 to 30, and that after the 13th March they would be almost valueless. This fall makes the abolition

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and the abolitionists very unpopular amongst the chiefs, and the traffickers on the coast. The apprehension of pirates (and perhaps of detention by English cruisers at a period of suspicion) made the Slave Captains very anxious to leave the coast under convoy. The price of slaves is advancing in this market.

These facts indicate, that the trade will be immediately and generally abandoned by those who are at present engaged in it; but anticipations are entertained, that the abandonment will not be permanent, and that devices will be successfully employed, principally by new speculators, to evade the law, as well as to frustrate the precautions of His Majesty's Government.

I have, &c.

(Signed) WM. PENNELL, Consul-General.
The Right Hon. the Earl of Aberdeen, K.T.
§c. §c. §c.

No. 48.

The Right Hon. the Earl of Aberdeen to W. Pennell, Esq.

SIR,

Foreign Office, August 31, 1830.

I RECEIVED and transmitted, for the consideration of the Lords of His Majesty's Treasury, your communication of the 6th of April, containing observations on the legislative enactments, at present in force respecting domestick slaves, and suggesting that alterations should be made therein, in conformity with the tenour of your observations.

I have now to transmit to you the copy of the answer, which has been returned by His Majesty's Treasury to the observations contained in your letter.

From this answer you will perceive, that, in the opinion of His Majesty's Treasury, it would be inexpedient to relax, by any legislative enactment, the present regulations in regard to the removal of domestick slaves; that these regulations, and perhaps some further additional safeguards, are necessary to prevent the illegal traffick in slaves, and the unlawful removal of them; and, that if the present regulations were relaxed, and British vessels allowed to convey them from Rio de Janeiro, Bahia and Pernambuco, as suggested by you, the intention of the legislature would be defeated, and an opening be made for abuses of the most flagrant nature.

I am, &c.

William Pennell, Esq. (Signed) ABERDEEN.
§c. §c. §c.

Enclosure in No. 48.

The Hon. J. Stewart to J. Backhouse, Esq.

SIR,

Treasury Chambers, August 27, 1830.

I AM commanded by the Lords Commissioners of His Majesty's Treasury to transmit to you the enclosed copy of a letter from Mr. Rothery, dated 19th instant, respecting the legislative enactments in regard to domestick slaves; and I am to request you to lay the same before the Earl of Aberdeen, for his Lordship's information.

I am, &c.

(Signed) J. STEWART.

John Backhouse, Esq.
§c. §c. §c.

Sub-Enclosure in No. 48.

Mr. Rothery to the Right Hon. the Lords Commissioners of His Majesty's Treasury.

MAY IT PLEASE YOUR LORDSHIPS,

IN obedience to your Lordships' commands, I have perused and considered the letter from Mr. Backhouse, together with its enclosures, consisting of the

copy of a letter from Mr. Pennell, His Majesty's Consul-General at Rio de Janeiro, and sundry documents therein referred to, respecting the British ships "Numa" and "Sir Francis Burton." Mr. Backhouse observes, that these documents are transmitted for your Lordships' information, as to the effect of an Act of the British Legislature, in rendering vessels liable to a heavy penalty, for the conveyance, as passengers, of slaves who are domesticks.

It appears, from Mr. Pennell's letter, that the Captain of the English bark "Numa" had been condemned at the Cape of Good Hope in a penalty of £500, to pay which he was obliged to sell part of his cargo; and Mr. Pennell further states, that these facts having come to the knowledge of the Judge of the Custom-house at Rio de Janeiro, he appeared disposed to treat the Captain with great severity; that double duties were demanded on that part of the cargo, which was sold at the Cape of Good Hope, and that the delay, which this demand had already produced, had been tantamount to the imposition of another penalty.

Mr. Pennell proceeds to observe, that the ship "Sir Francis Burton" had lately arrived from Bombay and Goa, and that she had on board 5 domestick blacks, belonging to passengers, and that he believed it to be a similar case to that of the "Numa"; but, as he had no conclusive proof, he had admonished the Captain (who professed ignorance) of the penalty, to which the conveyance of slaves under such extenuating circumstances made him liable; and he says "the law on this subject is too severe, and the separation, to which it tends, of domestick slaves from their Masters, injurious to both; it is also detrimental to our shipping interest, and may often cause the loss of a charter to the British flag." Mr. Pennell then suggests, that it may be worthy of consideration to mitigate the present law with regard to domestick slaves, who accompany their Masters solely for domestick purposes; and Mr. Pennell concludes by observing, that his suggestion arises not only from the two cases of the "Numa" and "Sir Francis Burton," but also from the inconvenience which frequently occurs from the present restriction, as applicable to the intercourse in British vessels between Rio de Janeiro, Bahia, and Pernambuco.

I do most humbly report to your Lordships, that there is not any Act of the British Legislature, which renders vessels liable to penalties for the conveyance of any number of domestick slaves attending his or their Owner or Master, or part of his or their family, to any place whatever, provided the slaves are shipped from places where they may be legally exported, and the regulations for the conveyance of domestick slaves are observed; and the 17th section of 5th Geo. IV. c. 113, points out those regulations, which are as follows, viz.

1st.—The name and occupation of every domestick slave is to be inserted in, or endorsed upon, the clearance or permit, allowing the departure of the vessel.

2dly.—The Master or Owner of the domestick slave is to obtain from the registry of the colony, to which such domestick slave shall belong, an extract certified by the Registrar, shewing such domestick slave to have been duly entered in the slave registry of the colony, which extract and certificate is to be on board the ship or vessel in which such domestick slave or slaves are to be carried; and upon their being landed in any British colony, the extract of such registration and certificate before mentioned is to be produced to the Collector or principal Officer of the Customs, and a copy thereof to be by him delivered to the Registrar of Slaves in that Colony; and if such domestick slaves shall be again removed from the colony, into which they have been so brought, previous to the next period for making returns of slaves therein, the Collector shall, previous to their being embarked, return the original extract and certificate so delivered into his office, to be kept on board the vessel in which such domestick slaves are to be conveyed.

In the event of these regulations not being complied with, the Owners of such domestick slaves, and the Master or other person having charge of the vessel, are each liable to the forfeiture of £100, for every domestick slave so unlawfully taken on board.

With regard to the observation of the Consul-General, that the law on this subject is too severe, I do, with great deference, submit, that it would be very

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Francis Burton" had board 5 domestick be a similar case to he had admonished which the conveyance liable; and he says to which it tends, of it is also detrimental a charter to the Bri-worthly of considera-slaves, who accomr. Pennell concludes the two cases of the inconvenience which ble to the intercourse nambuco.

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inexpedient to relax, by any legislative enactment, the present regulations in regard to the removal of domestick slaves. These regulations, and perhaps some additional safeguards, are indispensably necessary, to prevent the illegal traffick in slaves, and the unlawful removal of them;—any relaxation would give parties the opportunity of conveying slaves of other descriptions, thereby committing the greater offence of carrying on the slave-trade, and lessening the means of its detection.

I beg further to observe, that it never has, at any time since the abolition laws have passed, been competent to British vessels to convey slaves from a place, where slavery is not permitted by the laws of this country, and the regulations which it is necessary to comply with, on the removal of domestick slaves, are not adopted with the view of preventing such slaves from accompanying their Owners, but to guard against the improper and fraudulent conveyance of other slaves, who may not be domestick. The present regulations, as I understand, are not sufficiently stringent to prevent their being abused, and instead of relaxing them, as suggested by Mr. Pennell, the Secretary of State for the Colonies, in the bill which he brought into Parliament last Session, (but which did not pass into a law) proposed making further restrictions, in regard to the conveyance of domestick slaves.

Mr. Pennell states the "Sir Francis Burton" to have lately arrived at Rio de Janeiro from Bombay and Goa, with 5 domestick blacks on board, and he believes it to be a similar case to that of the "Numa;" if so, and these persons are slaves, I apprehend there would have been a sufficient breach of the abolition laws to have incurred the penalties, which appear to have been inflicted by the Vice-Admiralty Court at the Cape in the case of the "Numa." Indeed it is difficult for me to comprehend how any slaves could be brought from Bombay, where I apprehend slavery does not exist by law; and if they were taken on board at the Portuguese settlement of Goa, it is one of those cases which, in my humble judgment, the abolition laws were framed to prevent. I further most humbly submit, that if the present regulations for the conveyance of domestick slaves were relaxed, and British vessels allowed to convey them from Rio de Janeiro, Bahia, and Pernambuco, as suggested by Mr. Pennell, the intention of the Legislature, as hitherto manifested, would be defeated, and an opening made for abuses of the most flagrant nature.

With regard to the double duties, which appear to have been demanded by the Brazilian Government for goods sold from the "Numa," at the Cape of Good Hope, in consequence of the vessel having committed a breach of one of the British Acts of Parliament, I am utterly unable to comprehend the grounds, on which such a demand is made or justified, and Mr. Pennell's communications afford no sufficient explanation on this subject.

All which, &c. &c.

(Signed) WM. ROTHERY.

No. 49.

W. Pennell, Esq. to the Earl of Aberdeen.—(Received September 27.)

MY LORD,

Rio de Janeiro, July 15, 1830.

I HAVE the honour to enclose a return of the number of slaves imported into this city, from the 1st January to the 30th June last.

I have, &c.

(Signed) W. PENNELL,

Consul-General.

The Right Hon. the Earl of Aberdeen, K. T.

&c.

&c.

&c.

Enclosure in No. 49.

Return of the Number of Slaves imported into this City of Rio de Janeiro,
from the 1st of January to the 30th of June 1830.

NAME of VESSEL.	Country.	NAME of MASTER.	Where from.	Number of Slaves shipped.	Number of Slaves died at Sea.	Place from whence the voyage began.	REMARKS.
Eclipse - -	Brazilian	José Jo. da Silva -	Benguella -	254	22	Rio de Janeiro.	
Constante - -	"	{ João José de Arbo. } { e Mello - - - }	Rio Zaire -	339	1	"	
Borboleta - -	"	José C. Gomes - -	{ Molem- } { bo and } { Bahia }	303	2	"	
D. Manoel de Portugal - -	Portuguese	Jm. de Salles - -	Quillimane -	505	9	"	
Volcano - -	Brazilian	José de Freitas Chaves	Ditto - -	634	14	"	
Luiz de Camoës	"	Domg. Fes. Lemos -	Benguella -	670	26	"	
Seis de Fevereiro	"	Fco. de Assis Mendonça	Quillimane -	480	17	"	
Tres Corações	"	Dis. Jo. Bernardo -	Angola - -	880	65	"	
Camadã - -	"	Ml. Ants. Vieira - -	Ditto - -	519	62	"	
Novo Activo	"	José Fco. George - -	Ambriz - -	244	7	"	
Vinte-e-óite de Março - -}	"	{ José Lopes de Cs. } { Moreira - - }	Mocambique	517	137	"	
Virgínio - -	"	Ml. Isadora Corrêa	{ Congoçy } { and Ba. } { his * }	66	"	"	
Novo Industria	"	Januario Fco. Martins	Inhambane -	594	23	"	
Lucrecia - -	"	Faustino José de Barros	Ambriz - -	162	21	"	
Novo Albatroz	"	Jo. Res. Feire - -	Ditto - -	323	10	"	
Ulysses - -	"	José Ants. Fco. Lisboa	Cabinda - -	553	3	"	
Amizade - -	"	Jm. Martins - -	Quillimane -	636	11	"	
Novo Paquete	"	Jm. de Souza Fontes	Inhambane -	623	37	"	
Conde Souza	"	Alexis. C. A. Monteiro	Mocambique	1,166	123	"	
Triumpho - -	"	Ants. P. Nunes - -	Bahia - -	166	2	"	
Emilia - -	"	José Pa. Barros - -	Ditto - -	409	8	"	
Golfinho - -	"	José Leite de Silva	Cabinda - -	386	7	"	
Zarro - -	"	João José - -	Quillimane -	559	99	"	
Seis de Fevereiro	"	Jo. L. Branco - -	Rio Zaire -	163	"	"	
Victoria - -	"	Ventura Jo. d'Oliveira	Quillimane -	426	152	"	
Henriqueta - -	"	{ Fco. Cs. da Ss. } { Cavalho - - }	Cabinda - -	362	23	"	
União - -	"	José de Costa - -	Paranaguá -	39	"	"	
Quatro de Abril	"	Rafael J. da F. Louren	Mocambique	933	162	"	
Minerva - -	"	Jm. José Machado	Bahia - -	46	"	"	
Desengeno Feliz	"	João Vianna - -	Benguella -	537	50	"	
Tres Amigos	"	M. José d'As Neves	Cabinda - -	558	37	"	
Providencia - -	"	Ml. José Madeira	Ambriz - -	191	21	"	Robbed by a Pirate when at anchor of 74 slaves.
Novo Jupiter	"	Fco. Ants. de Silva -	Rio Zaire -	524	19	"	
Ceres - -	"	Ml. dos Santos Leva	Ambriz - -	418	16	"	Robbed by a Pirate when at anchor of 61 slaves.
Bella Americana	"	{ Candido Emilio de } { Avellar - - - }	Cabinda - -	360	24	"	
Estrella do Calé	"	José Victorino dos Santos	Ditto - -	304	16	"	Robbed by a Pirate at Cabinda of 132 slaves.
General Rego	"	Ants. Daes. de Azevedo	Ambriz - -	345	"	"	
Galiana - -	"	Fco. de Paula Coelho	Angola - -	418	25	"	
Minerva - -	"	{ Ants. de Olive. } { Barreiros - - }	Quillimane -	431	30	"	
Novo Amizade	"	Ants. José Ribeiro -	Campo - -	120	"	"	
Esperança - -	"	{ Ml. dos Santos de } { Andrade - - }	Ambriz - -	147	1	"	
Economia - -	"	Fco. e Corrêa Cabdas	Benguella -	279	6	"	

(continued.)

NAME of VESSEL.
Primavera - -
Marques de } Pombal - }
Martial - -
Lobo - - -
D. Anna - -
Bella Brasileira
Expulsario -
Amizade Feliz
Velha de Dio
Bozo União -
Andas - - -
Leopardo - -
Emilia - - -
Conde do Rio
Pardo - - -
Independente
Activo - - -
Flor do Rio -
Trajano - - -
Urania - - -
Esperança - -
Quatro Amigos
Imperio do Braz
Suzana - - -
Incomparavel
Nova Carolina
Astrá - - -
Novo Triumpho
Mariana - -
Raymudo - -
Maria - - -
Caçador - -
Fênix - - -
Aurora - - -
Tres Corações
Aquia do Brazil
Esperança - -
Aviao Oriental
Fluminense -
St. Antonio -
Zephiro - - -
Diplone - - -
Total - - - 81

Rio de Janeiro, J.

Enclosure in No. 49, continued.

Rio de Janeiro,
30.

from whence
voyage began.

de Janeiro.

REMARKS.

NAME of VESSEL.	Country.	NAME of MASTER.	Where from.	Number of Slaves shipped.	Number of Slaves on board.	Place from whence the voyage began.	REMARKS.
Primavera -	Brazilian	Jm. M. Pereira -	Benguela -	256	35	Rio de Janeiro.	
Marquez de Pombal -	"	M. Joze de Cunha -	Ambriz -	163	"	"	
Martial -	"	Joao Luiz da Rosa -	Cabinda -	447	30	"	
Lobo -	"	Luiz C. Postieres -	Costa de Leste (occident.) -	79	"	"	
D. Anna -	"	Dgs. Pires Castilhos -	Angola -	337	11	"	
Bella Brasileira -	"	Joze Anto. dos Santos -	Cabinda -	486	10	"	
Espadarte -	"	Luiz de Costa Pereira -	Ditto -	236	3	"	
Amizade Felix -	"	Joa. Xavier de Moraes -	Ditto -	252	"	"	
Vilha de Dio -	"	Jozé Anto. Teixeira -	Ditto -	189	"	"	
Boao Uniao -	"	Casiano Dias de Silva -	Ditto -	288	26	"	
Andas -	"	Jacob Maria Mairuty -	Ditto -	512	"	"	
Leopardo -	"	" -	Benguela -	339	43	"	
Emilia -	"	Gregorio Joze de Faria -	Angola -	508	60	"	
Conde do Rio Pardo -	"	Fco. de Paulo Fidalgo -	Mocambique -	572	131	"	
Independente -	"	Anto. de C. Pereira -	Cabinda -	416	6	"	
Activo -	"	Miguel Res. do Amaral -	Angola -	562	32	"	
Flor do Rio -	"	Jozé Dias Cupertino -	Ditto -	514	17	"	
Trajano -	"	M. Fco. de Aranjy -	Benguela -	364	34	"	
Urania -	"	{ Luiz de Queiroz - Monteiro - }	Ditto -	236	14	"	
Eperanca -	"	{ M. dos Santos - de Andrade - }	Ambriz -	147	1	"	
Quatro Amigos -	"	{ Pava - - - - }	Benguela -	445	9	"	
Imperio do Brazil -	"	{ Jm. de Santa A. - Garcia - - - }	Quilimane -	425	63	"	
Suzana -	"	Anto. Jozé Teixeira -	Angola -	417	2	"	
Incomparavel -	"	L. Alves - - - -	{ Goa and - Mocambique - }	440	46	"	
Nova Carolina -	"	Jono Corrés de Barros -	Angola -	365	53	"	
Asitica -	"	Anto. Fco. Alves -	Mocambique -	864	259	"	
Novo Triumpho -	"	{ Anto. José Fco. - Guimaraes - }	Angola -	471	63	"	
Marianna -	"	Jozé Carvo. Bastos -	Ditto -	303	19	"	
Raymudo -	"	M. Jozé M. Rodriguez -	Cabinda -	296	29	"	
Maria -	"	M. Jozé dos Santos -	Benguela -	346	31	"	
Caçador -	"	M. Jo. da Cruz -	Angola -	741	62	"	
Penha -	"	Anto. Fco. de Oliveira -	Ditto -	352	28	"	
Antora -	"	Henrique R. Motta -	Molembo -	187	61	"	
Tres Corações -	"	" -	Angola -	568	74	"	
Aguia do Brazil -	"	M. Dgs. Bastos -	{ Louren- ço Mar- quez - }	599	8	"	
Eperanca -	"	Jm. Ms. Pereira -	Angola -	540	75	"	
Aviao Oriental -	"	Jozé P. R. Lima -	Mocambique -	233	29	"	
Fluminense -	"	Fco. Dias Machado -	Ditto -	678	178	"	
St. Antonio -	"	Jozé Caes. Malho -	Inhambane -	288	5	"	
Zephuro -	"	Luiz Jozé Maria -	Ditto -	867	190	"	
Daphne -	"	Jozé M. de Moura -	Mocambique -	289	101	"	
Total - - - 82				Total - - - 33,964	3,125		

Robbed by a
Pirate when
at anchor of
74 slaves.

Robbed by a
Pirate when
at anchor of
61 slaves.

Robbed by a
Pirate at Ca-
binda of 132
slaves.

Rio de Janeiro, July 15, 1833.

(Signed) W. PENNELL, Consul-General.

(continued.)

No. 50.

W. Pennell, Esq. to the Earl of Aberdeen.—(Received December 16.)

MY LORD,

British Consulate, Rio de Janeiro, Oct. 15, 1830.

I HAVE the honour to inform your Lordship, that one of the publick newspapers (the "Aurora,") has lately called the attention of this Government to the departure of some vessels for Africa, and to the purchase of others, at high prices, for the same destination, and pointing out the impossibility of the speculation being for the purchase of ivory or other legal objects, and the great probability, if not the moral certainty, that they have no other object than the traffick in slaves.

The Article then reminds the Government of the Treaty with England, the dishonour attendant on this inhuman commerce, and the atrocities with which it is likely to be accompanied, adverting particularly to the throwing slaves overboard, in order to destroy the proof of piracy, when in danger of being captured by an English Cruiser. It calls on Government to guard against these contingencies, and warns them of their responsibility, should the nation be degraded by the success of such infamous speculations.

I read the Article with great satisfaction, and the more so, as I believe the sentiments, which it expresses, are gaining ground in this country: the recent slave cases of the "*Africano Oriental*" and "*Elisa*," brought before the Mixed Commission, tend to confirm this opinion, showing that the Government was not neglectful of its duties, and that the Owner, in appealing to the Mixed Commission, cannot count on impunity from the ordinary tribunals.

I have the honour, &c.

(Signed) WM. PENNELL,

Consul-General.

The Right Hon. the Earl of Aberdeen, K. T.

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BRAZIL. (Consular).—Bahia.

No. 51.

Mr. Acting-Consul Weiss to the Earl of Aberdeen.—(Received April 22.)

MY LORD,

British Consulate, Bahia, Jan. 25, 1830.

HEREWITH I have the honour to transmit to your Lordship, copy of a correspondence between myself and the President of this Province, respecting the Portuguese four-masted ship "*Sophia*," which has been engaged in the slave-trade; along with some other documents, and a copy of my report to His Majesty's Consul-General at Rio de Janeiro, on this subject. This is the same vessel which I reported as suspected of going on an illegal voyage from this port, in my despatch of 7th February, directed to His Majesty's Ambassador at Rio de Janeiro, a copy of which I had the honour to transmit to your Lordship on the same day.

I have the honour, &c.

(Signed)

CHARLES G. WEISS,

The Right Hon. the Earl of Aberdeen, K. T.

Acting-Consul.

&c.

&c.

&c.

First Enclosure in No. 51.

Mr. Acting-Consul Weiss to the President of Bahia.

MY LORD,

British Consulate, Bahia, Dec. 28, 1829.

THE Portuguese four-masted ship "*Sophia*," of Lisbon, having arrived at this port the day before yesterday, from the Coast of Africa, with an unusual large number of slaves on board, under Brazilian colours, and under a different name, I have the honour to offer to your Lordship the following observations.

This ship obtained a license from your Lordship, on the 3th September last, being then under Portuguese colours, for a voyage to Kacongo and other ports in Africa, for the purpose of trading in African produce (generos do paiz) only; she sailed from this port under Portuguese colours.

Previous to her departure for the coast, application was made at the Arsenal for a regular role of equipage (matricula) as a Brazilian; but this, as I am credibly informed, was very properly refused. Accounts have been received since that this ship had been seen at the Port of Onin, a noted place of resort for vessels carrying on the illicit traffick of slaves from the northward of the Line, and under Brazilian colours, although she had, as already observed, sailed from this port under the Portuguese flag.

These circumstances, taken all together, certainly form very strong presumptive proof, that the ship in question has not only been sailing under false papers, but also that she has been engaged in the illicit traffick of slaves from the north of the Line; and at any rate her voyage is a fit subject for the strictest investigations.

I have, therefore, to request, that your Lordship will be pleased to take, without loss of time, such steps as may be necessary for the purpose of such investigation, according to the existing Treaties.

I have the honour, &c.

(Signed)

CHARLES G. WEISS,

His Excellency the President of Bahia.

Acting Consul.

Second Enclosure in No. 51. (Translation.)

The President of Bahia to Mr. Acting Consul Weiss.

*Palace of the Government of Bahia,
December 30, 1829.*

MOST ILLUSTRIOUS SIR,

I HAVE received your despatch, dated the 28th instant, on what has occurred respecting the voyage of the ship "*Sophia*," of four-masts, and having given orders to proceed to make the necessary investigation, I shall reply to you on the subject in due time.

God preserve you.

(Signed)

VISCONDE DE CAMAMU.

Mr. Charles G. Weiss, Acting English Consul.

Third Enclosure in No. 51. (Translation.)

The President of Bahia to Mr. Acting Consul Weiss.

*Palace of the Government of Bahia,
January 2, 1830.*

MOST ILLUSTRIOUS SIR,

THE investigation which I ordered to be gone into, in consequence of the despatch which you wrote to me, on the 28th December last year, respecting the voyage of the ship "*Sophia*," has been transmitted to me by the Provedor (Collector) of the Custom-house, in a despatch, of which I annex a copy, and in virtue of which I have, through the Counsellor Chancellor of the Relação, ordered that judicial cognizance is to be taken of the business in question, as may be convenient; this being the most legal way to proceed in such cases, of which I now give you notice.

God preserve you.

(Signed)

VISCONDE DE CAMAMU.

Mr. Charles G. Weiss, Acting English Consul.

Third Enclosure (A.) in No. 51. (Translation.)

The Collector of Customs to the President of Bahia.

Bahia, January 2, 1830.

MOST ILLUSTRIOUS AND MOST EXCELLENT SIR,

THE note from the British Consul, of which your Excellency has sent me a copy, founded on the hypothesis of an offence against the existing Treaties, with the English Nation, respecting the slave-trade, of 22d January 1817, all the stipulations of which were confirmed by the Convention of João November 1826, applied to the arrival in this port of the four-masted vessel with a cargo of slaves, from the Coast of Africa, under Brazilian colours, having sailed from here under the Portuguese flag, and stating that she had trafficked to the north of the Line, is not conceived in justice; for supposing that vessel to leave this port for that of Kacongo, or any other similar port of the south of the Line on the Coast of Africa, under the Portuguese flag, her departure took place exactly at the time when she still belonged to João Baptista Honorato Arelio, a subject of Portugal, who, since then, and on the 4th September last year, sold her by publick contract to José Francisco Moreira, to be delivered up in the Port of Molembo, or that of the Kacongo, to his Agent, Claudio Tiburcio Moreira, it is clear that, after the delivery to the Agent, the possession, which the Owner who sold her had of her, would immediately cease, and that in consequence the vessel would cease to be Portuguese, and that being in possession of a Brazilian subject, she must cease to carry the colours which she had been until then entitled to; further, by trading in slaves in ports not prohibited, she did not offend any stipula-

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(Translation.)

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tion of Treaties, nor can it be conceived, that in these transactions, the vessel has been navigated under false colours, nor can it be presumed that the Authorities to which it belongs to watch over such transactions, would consent to an infraction of existing Treaties, and allow her to come to an entry, having illegal papers.

The assertion, that this vessel has been trading at Onim, is also erroneous, for the qualities of the slaves can prove the contrary; and even had she been there, it belongs to the cruizers alone to investigate her case, seizing her in case slaves from prohibited ports were found on board, and it does not appear to me, that the stipulations of the Treaties give any authority to Consuls to make reclamations after the return of vessels, and when in the port of their destination, in such cases.

This is what I have to mention to your Excellency, on the statement made in the Consul's note; and taking my opinion into consideration, your Excellency will determine according to pleasure.

God preserve your Excellency.

The Provodor of the Custom-house,

(Signed) JOAQUIM CARNEIRO DE CAMPOS.

A true copy. (Signed) The Secretary,
 ANTONIO JOAQUIM ALVAREZ DE AMIRAL.

The Viscount de Camamu, President of this Province,
 &c. &c. &c.

Fourth Enclosure in No. 51.

Mr. Acting Consul Weiss to the President of Bahia.

MY LORD,

British Consulate, Bahia, Jan. 5, 1830.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 2d instant, respecting the Portuguese ship "*Sophia*," with the opinion of the Collector of the Customs of this Port on the subject. The arguments, made use of by that functionary, are certainly unworthy of any attention, inasmuch as, even supposing the alleged sale and transfer of the "*Sophia*" to Brazilian subjects to be perfectly true and legal, this circumstance by itself would by no means entitle her to navigate the high seas under Brazilian colours, without being at the same time authorized to do so by a register or passport from a competent authority. Any British, American, or any other foreign vessel might, if such doctrine could stand good, be navigated contrary to all the laws of their original countries, and might commit even piracy with impunity. Considering the nature of her cargo, it becomes still more evident, that her voyage has been contrary to law. Such a voyage requires a specific licence, to obtain which the vessel must have been previously measured, in order to ascertain the number of slaves she is allowed to carry. This is stipulated by the Treaty of the 28th of July, 1817, and in conformity to the Alvará of 24th of November 1813, and consequently practised at this and other ports of the Brazilian Empire, with vessels sent out for slaves. Not one of these formalities, which are most essential to make her voyage legal, have been observed. The slaves imported were bought and shipped at the Port of Bonny, a well-known port to the northward of the Island of Fernando Po, (and not at Onim, as stated by an error of the person who copied my despatch.) The slaves she has brought will prove this, and other evidence to that effect can be brought forward if necessary.

The fact of the vessel in question having been admitted to an entry at the Custom-house in this port, proves nothing in her favour, considering that the Collector of the Customs, who thus admitted her, is evidently as ignorant of the first principles of maritime laws and regulations, as he is of the stipulations of the Treaties between Great Britain and Brazil, and regarding his assertion,—that the Consul has no right to interfere in this case, because the vessel has escaped the vigilance of the British cruizers, he ought to know, that it is both matter of right and of duty, that the Consul should interfere in

any case, where he cannot but conceive, that the stipulations of the existing Treaties have been infringed in a most palpable manner; the safe arrival of the vessel at this port cannot screen her, her owners and crew, from such penalties, as the law against illegal traffick in slaves inflicts upon them.

Weighing maturely all the circumstances of the case, I have the honour to suggest to your Lordship's consideration, the propriety of referring this case to the decision of the Mixed Commission at Rio, expressly appointed to decide such questions, and to direct consequently such measures to be taken as the nature of the case requires, in order that full justice may be done; and if found that the laws have been transgressed in the present instance, that it may be made manifest that such a nefarious traffick henceforth is not to be carried on with impunity.

I have, &c.
(Signed) CHARLES G. WEISS,
His Excellency the President of Bahia, Acting Consul.
&c. &c. &c.

Fifth Enclosure in No. 51. (Translation.)

The President of Bahia to Mr. Acting Consul Weiss.

Palace of the Government of Bahia,
January 9, 1830.

MOST ILLUSTRIOUS SIR,
FINDING that I ought to give due importance to the observations, which you made to me in your despatch of the 5th instant, and which I received yesterday, respecting what has occurred relative to the ship "*Sophia*," I have to acquaint you, that I am about to transmit the above-mentioned despatch to the Judge of the Civil Court, as the Magistrate charged with taking judicial cognizance of the case of the ship, in order that he may proceed to take the proper investigation.

God preserve you.
(Signed) VISCONDE DE CAMAMU.
The Acting English Consul, Bahia.

Sixth Enclosure in No 51.

Mr. Acting Consul Weiss to the President of Bahia.

MY LORD, *British Consulate, Bahia, Jan. 7, 1830.*

HAVING been credibly informed, that the ship "*Sophia*" is about to leave this port, with a part of the slaves imported, I must not omit to point out to your Lordship the necessity of not allowing her to depart before her case is properly investigated, and that I am under the obligation to protest against your Lordship's sanction to her leaving this port, without, at least, taking ample security for making effective any decision, that may be given against her and her cargo. I also claim to be heard and be allowed to bring forward further proofs of the illegality of her last voyage.

I have the honour, &c.
(Signed) C. G. WEISS,
His Excellency the President of Bahia, Acting Consul.
&c. &c. &c.

Seventh Enclosure in No. 51. (Translation.)

The President of Bahia to Mr. Acting-Consul Weiss.

Palace of the Government of Bahia,
January 9, 1830.

MOST ILLUSTRIOUS SIR,
PREVIOUS to receiving your despatch of the 7th instant, respecting the case of the ship "*Sophia*," and that she should not obtain a passport to

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leave this port, I have already issued orders to the Provedor (Collector) of the Custom-house, that he should not allow the usual despatches to be given to that vessel, without her being declared in due order by the proper Judge, to whom I have thought proper to transmit your despatch, in order that due consideration should be given to your requisition.

God preserve you, &c.

(Signed) VISCONDE DE CAMAMU.

The English Acting Consul.

Eighth Enclosure in No. 51.

Mr. Acting Consul Weiss to the President of Bahia.

MY LORD,

British Consulate, Bahia, Jan. 14, 1830.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 9th, in reply to mine of the 5th instant, respecting the Portuguese ship "*Sophia*."

In consequence of a letter sent to me by the Escrivão d' Afandega, I have been present at the depositions of witnesses, produced, as I was told, by the Owner or Owners of the "*Sophia*," those witnesses being, with one exception only, part of her crew, or at least representing themselves to be such. I have since been informed, that the Magistrate, who took the depositions, considers himself authorised to decide on the legality or illegality of the "*Sophia's*" voyage from Africa to this port, although from the tenour of your Lordship's despatches of the 30th of December last, and of the 2d and 9th instant, I could not but conceive that an investigation, or taking depositions of witnesses only, was intended.

According to the express terms of the Treaty of the 28th of July 1817, the decision of this, or any similar case, belongs to another tribunal, as I have already had the honour to represent to your Lordship in the course of this correspondence, namely, in my despatch of the 5th instant, and according to the same Treaty, the voyage is most unquestionably illegal.

I must now, therefore, most formally decline to exhibit witnesses or documents before a tribunal, which I cannot consider otherwise than quite incompetent to decide on the case, and I protest most solemnly against any decision of the Magistrate in question, or against that of any other, as null and void to all intents and purposes.

It only remains for me now to remit all the documents in my possession, relating to the ship "*Sophia*," to His Britannick Majesty's Consul-General at Rio de Janeiro, in order that he may take such steps as he may deem most proper.

I have the honour, &c.

(Signed) CHARLES G. WEISS,

Acting-Consul.

His Excellency the President of Bahia,

&c. &c. &c.

Ninth Enclosure in No. 51.

(Translation.)

The President of Bahia to Mr. Acting-Consul Weiss.

MOST ILLUSTRIOUS SIR,

*Palace of the Government of Bahia,
January 16, 1830.*

I TAKE due notice of what you state in your despatch of the 14th instant, and received yesterday, respecting the competency of the Magistrate who has been appointed to take judicial cognizance of the voyage of the ship "*Sophia*,"

and it only remains for me to reply, that this Government is of opinion that it has proceeded correctly in the determination it has taken on the subject in question.

God preserve you.

(Signed) VISCONDE DE CAMAMU.

The English Acting-Consul,

Tenth Enclosure in No. 51.

Mr. Acting-Consul Weiss to J. P. Leite, Esq.

MOST ILLUSTRIOUS SIR, *British Consulate, at Bahia, Jan. 7, 1830.*

THE Portuguese ship "*Sophia*" having arrived at this port on the 26th ult., with a considerable number of slaves on board, under Brazilian colours, without it appearing where she obtained her passport, to authorize her to carry that flag, I have to request of you the favour (as you must needs be acquainted with the particulars of this transaction) to give me information on this subject, and principally as relates to the time previous to her sailing from this port, in order to serve for my Government, as to the representation which I shall be under the necessity of making on this subject.

God preserve you.

(Signed) CHARLES G. WEISS,

J. P. Leite, Esq. Portuguese Consul, Bahia. Acting Consul.

Eleventh Enclosure in No. 51.

(Translation.)

J. P. Leite, Esq. to Mr. Acting-Consul Weiss.

*Portuguese Consulate, at Bahia,
January 8, 1830.*

MOST ILLUSTRIOUS SIR,

IN reply to your despatch of yesterday, requiring information on the sailing and entering of the Portuguese ship "*Sophia*," I have to reply, that the said ship became Brazilian property; in consequence of which her register and papers were returned to this Consulate in due time, and sent on to where they belong to, conformably to my instructions; this being all I know on the subject, and if you want more ample elucidations, no one is more able to furnish them than the Government of this Province.

God preserve you.

(Signed) JOAO PEREIRA LEITE.

Charles G. Weiss, Esq. Acting-Consul to Portuguese Consul.
His Britannick Majesty at Bahia.

Twelfth Enclosure in No. 51.

(Translation.)

Instrument of Sale and Bargain made by Joao Baptista Honorato Aurelio, of the Portuguese Barque "Sophia," and José Francisco Moreira, for the Sum and Amount of 6,000,000 in the following manner:

BE it known to all who may see this publick instrument of sale and bargain, or whatever name or description in law it may bear, that in the year of our Lord Jesus Christ of 1829, and on the 4th day of September of that year, in this City of St. Salvador, Bahia of All Saints, and in my office of Notary Publick, appeared as contracting parties, namely, on one side as seller, João Baptista Honorato Aurelio, and on the other side as buyer, José Francisco Moreira, these persons being known to me, the Notary, as being the same they represent themselves to be, and which I name, and by the said seller it was declared to me, in the presence of the witnesses undersigned, that amongst other property which he possesses free and disembarassed of any hypothecation or lien, is also the barque "*Sophia*," anchored in this port, which

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barque he sells, and effectually has sold, from this day for ever, to the buyer, José Francisco Moreira, for the amount of 6 contos of reis, 3 contos of reis being to be paid in one year, and the other 3 contos to be paid in 2 years from the date of this instrument; the voyage which he intends to make from this city to the Coast of Africa, belonging to the said seller, where in the Port of Molembó, he, the said seller, binds himself to deliver the said vessel to the buyer, or to his agent, who shall have his authority to receive her, and especially to Claudio Tiburcio Moreira, with all her appurtenances, so that she may immediately be navigated from the said port in the name and for account and risk of the buyer, according to such orders as he, the buyer, shall give to his agent, remaining until her departure disembarassed and not responsible for the said barque, and on possession, and on the falling due of the payments, the buyer is to be bound to pay the duty on the sale, and that in this manner he holds her, the said barque, properly sold to the buyer under the conditions declared, that the said buyer may hold and use her in his peaceable possession, of which he is not to be deprived by him, the seller, or any other person, since he from this takes away and dismisses from himself all right, act, or pretension which he held, or might have held, in the said barque, for himself, his heirs and successors, so that possession may be taken, and taking or not taking, he the seller in the person of the buyer, gives entirely possession real, actual, civil, and natural, and that when in possession, no person or persons who might put doubts or embargoes, he the seller binds himself to appear as party complaining or defending at his expense and risk, until all is settled and decided, and the buyer to continue in possession of his money, and if the contrary should happen, to return and make restitution of his money, and pay all improvements which have been made. And by the buyer it was also declared, in the presence of the said witnesses, that he accepted, and now effectually accepts, this present instrument, with all its conditions and clauses, and consequently constitutes himself legitimate owner and debtor to the seller for the amount of 6 contos of reis, which are to be paid in the manner stipulated, and for the payment of which he pledges the said barque and her appurtenances especially, besides his other property, moveable and not moveable, the best and most eligible, present and future, the seller being obliged to deliver the said barque to whatever agent he, the buyer, may appoint. Finally, both remain bound, as far as may regard each, and it was further declared, that they personally bind themselves to maintain and uphold this present instrument in such manner as therein expressed, and not to revoke, reclaim, nor contradict the same in their own or other names, and without embargo whatever, but rather to uphold its validity. In witness of having thus concluded, they have required the usual copies of this instrument, and I, the Notary Publick, have written the present, signed by the parties in presence of the witnesses. I, Manoel Pinto da Cunha, wrote it.

(Signed) MANOEL PINTO DA CUNHA.

(Signed) OREILLE JOZE FRANCISCO MOREIRA.
DE CONSTANTINE FAVARES DE MAURO.
CONSTANTINE JOZE D'OLIVEIRA.

Thirteenth Enclosure in No. 51.

Mr. Acting-Consul Weiss to W. Pennell, Esq.

SIR,

British Consulate, Bahia, January 25, 1830.

ENCLOSED I have the honour to transmit to you copies of a correspondence I have had with his Excellency the President of this Province, on the subject of the four-masted ship "*Sophia*," arrived in this port on the 26th of December last, with an unusual large number of slaves, said to be 1,504, but only 764 reported, accompanied by some documents relative to that vessel.

The "*Sophia*" is stated to have been disposed of or sold at this port to one José Francisco Moreira, on the 4th of September last, that person being a Brazilian subject. On the 5th of the same month of September, she took out a license from this Government, as a Portuguese, to go to the coast, and trade

in African produce only. She sailed on the 12th following, still under Portuguese colours, ostensibly for the Port of Kacongo (a port where, by the bye, never any trade in African produce has been carried on), returning to this port on the 26th of December last, with a cargo of slaves, and under Brazilian colours. It must be observed, that she had never been measured here, nor obtained a license agreeably to the stipulation of the Treaty of the 28th of July 1817.

The President, to whom I made a representation on the subject (it appearing to me that this case was one of those contemplated by you in your despatch of the 27th of October, respecting the slave-trade), first obtained the opinion of the Collector of the Customs of this port; but that appearing to him too absurd, he remitted the papers to the Chancellor of the Relação, in order, as he then writes to me, to institute a judicial enquiry.

A few days after I received a written notice, on the part of the Desembargador, Juiz do Cível, that certain witnesses were going to be examined before him, relating to the voyage of the "*Sophia*," and that I might be present at such examination if I thought proper. These witnesses were, or pretended to be, of the crew of the "*Sophia*," and their testimony was taken without at all making enquiries into their real situation in life. They all swore, that the vessel had only been to Kacongo, and that there she had changed colours. On this occasion I was given to understand, by the Magistrate just mentioned, that he had not only been commissioned to take the depositions of the witnesses, but also to decide of the legality or illegality of the "*Sophia*'s" voyage. To this I have thought proper to formally protest, on the grounds stated in my despatch of the 14th instant, addressed to the President, but which only produced, in reply, his despatch of the 16th instant.

It is evident, that the voyage of the "*Sophia*" has been an illegal one, inasmuch as she never had complied with the stipulations of the Treaty of July, 1817; and further, because the alleged sale and transfer of the vessel to J. Moreira is false. The person stated as the Owner and Vender of the bill of sale enclosed, to be one João Baptista Honorato Aurelio, is no other than a Frenchman, who never possessed any legal title to the vessel, who went out and came back in her, and who is the real, or at least the principal, Owner of the whole concern. The vessel had been to the vessel, and endorsement made on her register by the Commander of one of His Britannick Majesty's cruisers at the Port of Bouny, on the Coast of Africa, at the time when she was ready to take in her cargo of slaves; but the Portuguese Consul refused to produce this paper, for reasons best known to himself. Other proof, however, of illegality of the voyage might have been produced; but such has been the determination of the Local Authorities to decide on the case in favour of the parties concerned, that the Magistrate, who took the depositions, declared the voyage to be legal, without giving me even a hearing, as I had demanded. The ship "*Sophia*" is still in this port, and the slaves are selling, but owing to there being no less than 8,000 of these poor creatures exposed for sale at this moment, the sale is going on but slowly.

I have been thus particular in bringing this case under your notice, as it will, in all probability not be the last, and as the endeavours of slave-dealers to deceive the Local Authorities are redoubling, in proportion as the term of their direct traffick is drawing to a close.

I have the honour, &c.

(Signed) CHARLES G. WEISS, Acting Consul.

William Pennell, Esq. His Britannick Majesty's
Consul-General, Rio de Janeiro.

No. 52.

Mr. Acting Consul Weiss to the Earl of Aberdeen.—(Received April 22.)

My LORD,

British Consulate, Bahia, February 6, 1830.

I HAVE the honour to transmit to your Lordship, enclosed, an account of vessels arrived from the Coast of Africa at this port, with slaves, for the half year ending December 31, last.

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Date of Entry.	NAMES of
1829.	
July 6	Felicidade
" "	Tentador
" "	N. S. da
August 4	Lobo -
" "	St-Ther
" "	Agula -
Sept. 16	Diligencia
" "	Temeraria
Oct. 3	Fior d'Edi
" "	Prins Re
" "	Tras-Bo
" "	Esperanc
Nov. 6	Furao -
" "	Felicidade
" "	Carlota
" "	Veloz -
" "	Bom Suc
" "	Umbellia
Dec. 2	Virginia
" "	Fortuna
" "	Diligencia
" "	Borboleta
" "	Bahiana
" "	Emilia
" "	Dr. Barba
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It has been out of my power to ascertain, accurately, what part of Africa these vessels actually come from; but I can state that they are chiefly from the Ports of Onim, Bonny, and New Calabar, and that all, with only one or two exceptions, are from prohibited ports.

I have, &c.

(Signed)

CHAS. G. WEISS,

The Right Hon. the Earl of Aberdeen, K. T.
 &c. &c. &c.

Acting Consul.

Enclosure in No. 52.

Return of the Importation of Slaves in the Port of Bahia, during the Half-Year ending December 31, 1829.

Date of Entry.	NAMES of VESSELS.	Country.	NAMES of MASTERS.	Names of Places of Origin.	Names of Ports from whence their Goods were produced.	Number of Slaves.		
						Female.	Male or Mixed.	Total.
1829.								
July 6	Felicidade	Brazil	Antonio Vieira dos Santos	Bahia	Molambo	336	4	336
" 10	Tortadana	"	João Diego da Silva Porto	"	Ditto	250	42	338
" 11	N. S. da Guia	"	João Fernando Soares	"	Cabinda	294	294	294
August 4	Lobo	"	Luiz Clemente Pontifex	"	De Nazaré	86	86	86
" 6	M. Theresia	"	Thomé Joaquim Holz Palara	"	Molambo	333	11	324
" 24	Agua	"	Luiz Ernesto Nunez	"	Cabinda	131	8	128
Sept. 16	Diligencia	"	João Antonio	"	Kacongo	465	8	258
" 27	Tenerario	"	João Maria dos Santos Saphalio	"	Cabinda	413	8	413
Oct. 3	Flor d' Etiopia	"	Manoel Correa	"	Ditto	271	1	270
" 4	Prima Rosalia	"	João Sabino	"	Ditto	149	25	493
" 12	Terc. Rosalia	"	Joaquim Vieira dos Santos	"	Ditto	283	22	260
" "	Esperança	"	João da Silva Rios	"	Ditto	411	3	498
Nov. 6	Fluro	"	João Ferreira de Barros	"	Ditto	283	17	568
" 12	Felicidade	"	Antonio Vieira dos Santos	"	Molambo	459	4	435
" 14	Carlota	"	João Francisco da Costa	"	Ditto	377	9	368
" "	Veloz	"	João Barbosa	"	Cabinda	570	33	537
" 15	Bom Succeso	"	João Vieira de Faria	"	Ditto	233	8	223
" 20	Umbelina	"	João Cardozo dos Santos	"	Ditto	376	8	376
Dec. 2	Virginia	"	Domingos Lourenço Sobral	"	Kacongo	292	33	229
" 4	Fortuna	"	Jacinto Antonio Pereira	"	Cabinda	567	39	647
" 11	Bahia	"	João Antonio	"	Kacongo	466	4	492
" 24	Bahiana	"	João Claudio Gomez	"	Molambo	345	5	343
" 26	Emilia	"	Manoel Isidoro Carneira	"	Kacongo	187	7	180
" 27	Do Barba	"	Claudio Tiburcio Moreira	"	Ditto	768	4	764
" "	N. S. da Gloria	"	João Rodriguez Pereira	"	Molambo	231	8	231
" 29	Africano	"	Antonio Francisco da Costa	"	Monahique	239	31	258
" "		"	Francisco Barbosa d' Oliveira	"	Cabinda	160	8	160
					Total	9,716	263	8,453

(Signed)

CHARLES G. WEISS, Acting Consul.

No. 53.

Mr. Acting Consul Weiss to the Earl of Aberdeen.—(Received April 22.)

My LORD,

British Consulate, Bahia, February 8, 1830.

ENCLOSED I have the honour to transmit to your Lordship, four accounts of vessels entered into and sailed from this port, from and to the Coast of Africa, accompanied by a copy of my correspondence with the President of this Province on the subject, and of my report of the case to His Majesty's Consul-General at Rio de Janeiro, which will explain the motives which induced me to obtain these accounts; and it is, therefore, not necessary to revert to them here again. There can be no doubt that the system of obtaining 2

passports, under 2 different names, for the vessels dispatched to the coast, has been resorted to by the slave-merchants here, for a considerable time, for the purpose of deceiving the cruisers on the coast, and also, in case of capture, for that of obtaining indemnisation from His Majesty's Government, in case of capture without slaves on board, and that in both respects the slave-merchants have been frequently successful. I have, &c.

(Signed) CHARLES G. WEISS,
The Right Hon. the Earl of Aberdeen, K. T. Acting-Consul.
§c. §c. §c.

First Enclosure in No. 53. (Translation.)

An Account of Brazilian Vessels, to which this Government has granted Passports for Africa, with liberty to import Slaves, from the 30th September 1829, to the 15th November of the same Year.

(No. 43.)—On the 1st of October a passport was given to the schooner "*Diligente*," of 192 tons, for Kacongo, Owner Ignacio Garcea Roza, and Master José Antonio; to return to ports in Brazil, with liberty to touch at this port; allowed to carry any number of slaves not exceeding that of 412.

(No. 46.)—On the same day, to the schooner "*Campeadora*," Owner Antonio Pedrozo d'Albuquerque, and Master Joaquim Luiz Croze, for Kacongo, with liberty to touch at Bonny; to return to Santos, with liberty to touch at Rio de Janeiro; allowed to carry not exceeding 328 slaves.

(No. 47.)—On the 13th, to the sumac "*Nova Resolucao*," of 72½ tons, Owner Antonio Florindo da Silva Chaves, Master Januario José da Cruz, for Cabinda, with liberty to touch at the Coast of the Mina, St. Thomas and Prince's Islands; allowed to carry not exceeding 169 slaves.

(No. 48.)—On the 16th, to the schooner "*Orfaa*" of 192½ tons, Owner Ignacio Garcia Roza, and Master José da Silva, for Cabinda; to return to ports in Brazil, with liberty to touch at this port; allowed to carry not exceeding 411 slaves.

(No. 49.)—On the same day, to the schooner "*Trinidade*" of 189½ tons, Owner Antonio José Manteiro, and Master Joao Moreira de Lima, for Cabinda; to return to this port; allowed to carry not exceeding 409 slaves.

(No. 50.)—On the 17th, to the schooner "*Maria Theresa Primeira*," of 157 tons, Owner José de Cerqueira Lima, and Master Thomé Joaquim Rodriguez Palavra, for Molembo; to return to Rio de Janeiro, with liberty to touch at this port; allowed to carry not exceeding 335 slaves.

(No. 51.)—On the same day, to the schooner "*Tercera Rosalia*," of 188½ tons, Owner Manoel Francisco Moreira, Master Joaquim Vieira dos Santos, for Cabinda; to return to this port; allowed to carry not exceeding 408 slaves.

(No. 52.)—On the 20th October, to the schooner "*Constitucao*," of 174½ tons, Owner José de Cerqueira Lima, and Master Francisco Nunez Lopez, for Molembo; to return to Rio de Janeiro, with liberty to touch at this port; allowed to carry not exceeding 495 slaves.

(No. 53.)—On the 21st, to the patash "*Primeira Rosalia*," of 197½ tons, Owner Manoel Francisco Moreira, and Master João Sabino, for Cabinda; to return to this port; allowed to carry not exceeding 424 slaves.

(No. 54.)—On the 27th, to the brig "*Esperança*," of 196½ tons, Owner José Alves da Cruz Rios, Master José da Silva Rios, for Cabinda; to return to ports in Brazil, with liberty to touch at this port; allowed to carry not exceeding 422 slaves.

(No. 55.)—On the 29th, to the ship "*S. Benedito*," of 251 tons, Owner Joaquim José d'Oliveira, and Master José Antonio do Socorro, for Cabinda; to return to this port; allowed to carry not exceeding 627 slaves.

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(No. 56.)—On the 30th, to the schooner "*Vingadora*," of 122½ tons, Owner Miguel Luiz Vianna, and Master Lorenzo Nunez, for Cabinda; to return this port; allowed to carry not exceeding 230 slaves.

(No. 57.)—On the 30th October, to the schooner "*Cothia*," Owner Antonio Francisco Bahia, Master Simão Pereira, for Kaongo; to return to ports in Brazil; allowed to carry not exceeding 408 slaves.

(No. 58.)—On the same day, to the schooner "*Flor da Etiopia*," of 189 tons, Owner Antonio Pedrozo d'Albuquerque, and Master José Martins Vianna, for Kaongo, with liberty to touch at Bonny; to return to Rio de Janeiro; allowed to carry not exceeding 405 slaves.

(No. 59.)—On the 31st, to the schooner "*Temerario*," of 191½ tons, Owner José de Cerqueira Lima, and Master José M^o Saphalio, for Cabinda; to return to Rio de Janeiro, with liberty to touch at this port; allowed to carry not exceeding 413 slaves.

(No. 60.)—On the 11th of November, to the patach "*Maria*," of 154½ tons, Owner José Alz. da Cruz Rios, and Master Francisco de Souza, in ballast, for Cabinda; to return to this port; allowed to carry not exceeding 350 slaves.

(No. 61.)—On the 13th of November, to the schooner "*Carlota*," of 175½ tons, Owner José de Cerqueira Lima, Master José Francisco da Costa, for Molembo; to return to Rio de Janeiro, with liberty to touch at this port; allowed to carry not exceeding 377 slaves.

(No. 62.)—On the same day, to the brig "*Felicidade*," of 206½ tons, Owner Wenceslao Miguel d'Almeida, and Master Antonio Vieira dos Santos, for Molembo; to return to Rio de Janeiro, with liberty to touch at this port; allowed to carry not exceeding 444 slaves.

(No. 63.)—On the same day, to the schooner "*Donna Barbara*," of 163 tons, Owner Wenceslao Miguel de Almeida, and Master José Roiz Teixeira, for Molembo; to return to Rio de Janeiro, with liberty to touch at this port; allowed to carry not exceeding 352 slaves.

(No. 64.)—On the same day, to the schooner, "*Bahianna*," of 85 tons, Owner João Francisco de Souza Paratizo, and Master José da Roza, junior, for Kaongo; to return to ports in Brazil, with liberty to touch at this port; allowed to carry not exceeding 196 slaves.

(No. 65.)—On the same day, to the brig "*Bom Amigo*," of 288 tons, Owner Vicente Gilz. Rio Tinto, Master Francisco Theodora Arraia, for Cabinda, with liberty to touch at Onin; to return to ports in Brazil, with liberty to touch at this port; allowed to carry not exceeding 618 slaves.

(No. 66.)—On the same day, to the schooner "*Umbelina*," of 160½ tons, Owner and Master João Cardozo dos Santos, for Cabinda; to return to ports in Brazil, with liberty to touch at this port; allowed to carry not exceeding 350 slaves.

(No. 67.)—On the same day, to the ship "*Fortuna*," of 232 tons, Owner Lourenço Antonio do Rego, of Rio de Janeiro, Master Jacintho Antonio Pereira Carneiro, for Cabinda; to return to ports in Brazil, with liberty to touch at this port; allowed to carry not exceeding 625 slaves.

(No. 68.)—On the 14th, to the barque "*Felicidade*," of 261½ tons, Owner João Victor Moreira, Master José Barboza, for Cabinda; to return to this port; allowed to carry not exceeding 561 slaves.

(No. 69.)—On the same day, to the schooner "*Tentadora*," of 167½ tons, Owner João da Costa, junior, Master Ignacio Manoel d'Oliveira, for Cabinda; to return to this port; allowed to carry not exceeding 360 slaves.

A True Copy.

(Signed)

The Secretary,
ANTONIO JOAQUIM ALVARES DO AMARAL.

Second Enclosure in No. 53.

An Account of Vessels, which obtained Passports from this Government for the Coast of Africa, for trading in African produce only, from 30th of September to 14th December of this Year.

(No. 585.)—On the 1st October, a passport was given to the schooner "*Providence*," Joseph dos Reys Master, and Owner Joaquim Carvalho da Fonseca, for the Coast of the Mina, and return to Ports in Brazil with liberty to touch here; to trade in African produce only.

(No. 588.)—In the same day, to the American brig "*Trafalgar*," C. W. Humkly Master, and Consigners John Gilmer and Co., for the Coast of the Mina; to trade in African produce only.

(No. 594.)—On the 6th, to the American brig "*Burton*," Wm. H. H. Nille Master, and Consigners Elridge and Nickerson, for the Coast of Africa; to trade in African produce only.

(No. 600.)—On the 8th of the same month, to the schooner "*Amazona*," Joaquim Luiz da Cruz Master, and Owner Antonio Pedrozo de Albuquerque, for the Coast of Africa, and to return to this town; to trade in African produce only.

(No. 604.)—On the 10th, to the Portuguese schooner "*Nova Providencia*," Lourenço Francisco Aleixo Master, and Owner Francisco José da Cunha and Co., for the Coast of the Mina, and to return for this town; to trade in African produce only.

(No. 618.)—On the 20th, to the schooner "*Maria Theresa*," José Rabello Master, and Owner José de Cerqueira Lima, for the Coast of the Mina, and to return for this port; to trade in African produce only.

(No. 644.)—On the 30th of the same month of October, to the brig-schooner "*Triumph*," Simeao José Pereira Master, and Owner Antonio Francisco Bahia, for the Coast of the Mina, and to return to ports in Brazil, with liberty to touch here; to trade in African produce only.

(No. 654.)—On the 31st to the brig "*Lobo*," Clement Pouthier Master, and Owner José Geraldo Soares Lobo, having called at this port from Rio de Janeiro, where she had obtained her despatches.

(No. 657.)—On the 3d of November, to the patash "*Feliz*," Bernardo José Master, and Owner Manoel Francisco Moreira, to return to this port; to trade in African produce only.

(No. 663.)—On the 6th to the schooner "*Heroína*," José Maria dos Santos Master, and Owner José de Cerqueira Lima, for the Coast of Mina, and to return here; to trade in African produce only.

(No. 669.)—On the 10th of the same month, to the brig "*Fortuna*," João Pinto da Souza Master, and Owner José Alvarez da Cruz Rios, for the Coast of the Mina, and to return here; to trade in African produce only.

(No. 675.)—On the 15th, to the schooner "*Victoria*," Sebastiano Teixeira Carvalheiro Master, and Owner José de Cerqueira Lima, for the Coast of the Mina, and to return here; to trade in African produce only.

(No. 699.)—On the 19th, to the brig "*Orizonte*," Corne José Rodriguez Master, and Owner José Pereira d'Azambuja, for the Coast of the Mina, and to return here; to trade in African produce only.

(No. 725.)—On the 28th, to the schooner "*Galega*," José Martins Master, and Owner Antonio Pedrozo de Albuquerque, for the Coast of the Mina, and to return to ports in Brazil, with liberty to touch here; to trade in African produce only.

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(No. 726.)—On the same day, 28th November, a passport was given to the schooner "*Clara*," Francisco de Souza Master, and Owner José Alvarez da Cruz Rios, for the Coast of the Mina, and to return to ports in Brazil, with liberty to touch here; to trade in African produce only.

(No. 744.)—On the 12th December, to the brig "*Furao*," Francisco Theodoro Arraia Master, and Owner Anacleto José Barboza, for the Coast of the Mina, and to return here; to trade in African produce only.

(No. 749.)—On the 14th, to the schooner "*Bom Sucesso*," José Vieira de Faria Master, and Owner Joaquim José d'Oliveira, for the Coast of the Mina, and to return for this port; to trade in African produce only.

(Signed) The Secretary,

ANTONIO JOAQUIM ALVARES DO AMARAL.

Third Enclosure in No. 53.

An Account of Vessels, which sailed from this Port with a Passport from the Government for the Coast of Africa, as well for the Traffick in Slaves as for African Produce, from the 1st of July to the 30th September of the same Year.

(No. 27.)—On the 4th July, 1829, a passport was given to the brig "*Victoria*," of 1914 tons, Honorio Machado de Andrade Master, and Owner Manoel dos Santos Correa, for Cabinda, with liberty to touch at the Coast of the Mina, St. Thomas, and Prince's Islands, for carrying slaves to the number of 478.

(No. 422.)—On the 9th, to the brig "*Fortuna*," João Pinto de Souza Master, and Owner José Alvares da Cruz Rios, for the Coast of the Mina, and to return to ports in Brazil, with liberty to touch here; to trade in African produce.

(No. 431.)—On the 11th of the same month, to the schooner "*Santo Antonio*," Joaquim Preira dos Santos Master, and Owner Manoel Francisco Moreira, for the Coast of the Mina, and to return for here, to trade in African produce only.

(No. 438.)—On the 13th, to the American schooner "*Exchange*," Henry Parker Master, and Consigners Eldridge and Nickerson, for the Coast of the Mina, to trade in African produce only.

(No. 28.)—On the 17th, to the brig "*Paquete Africano*," of 156 tons, Miguel Antonio Netto Master, and Owner Joaquim José Teixeira, for Cabinda, with liberty to touch at St. Thomé and St. Principe's Islands, returning to this port; carrying slaves not exceeding the number of 346.

(No. 449.)—On the 18th, to the schooner "*Bom Fim*," João Francisco dos Santos Master, and Owner Antonio José Pereira Arouca, for the Coast of the Mina, and to return to this port, to trade in African produce only.

(No. 450.)—On the same day, 18th July, a passport was given to the brig "*Leul Portense*," Francisco Theodora Master, and Owner Anacleto José Barboza, for the Coast of the Mina, and to return here or to some of the ports in Brazil, to trade in African produce only.

(No. 451.)—On the same day, to the schooner "*Maria Rosa*," Izidoro Manoel Master, and Owner João José de Freitas, for the Coast of the Mina, and to return to ports in Brazil, to trade in African produce only.

(No. 29.)—On the same day, to the schooner "*Bahiana*," of 864 tons, Manoel Izidoro Master, and Owner João Francisco de Souza Pariaro, for Kacongo, and to return to ports in Brazil, with liberty to touch here; carrying slaves not exceeding the number of 206.

(No. 30.)—On the same day, 18th July, to the brig "*Furao*," of 277

tons, José Ferreira de Barros Master, and Owner Anacleto Jozé Barboza, for Cabinda, with liberty to touch at St. Thomas and Prince's Islands, and to return to ports in Brazil, with liberty to touch here; carrying slaves not exceeding the number of 389.

(No. 31.)—On the same day, to the schooner "*Santa Cruz*," of 183½ tons, João Francisco Carneiro Master, and Owner Antonio Jozé Pereira Aronca, for Molembo, and to return to Rio de Janeiro, with liberty to touch here; to carry slaves not exceeding the number of 294.

(No. 462.)—On the 22d, to the barque "*Felicidade*," Jozé Barboza Nunez Master, and Owner Jozé Pedro de Madureira, for the Coast of the Mina, and to return to this port, to trade in African produce only.

(No. 469.)—On the 24th of the same month of July, to the Portuguese schooner "*Providencia*," João de Silveira Villas Boas Master, and Owner Joaquim Jozé d'Oliveira, for the Coast of the Mina, and to return here, to trade in African produce only.

(No. 32.)—On the same day, to the schooner "*Bom Sucesso*," of 143½ tons, Jozé Vieira de Faria Master, and Owner Joaquim Jozé d'Oliveira, for Cabinda, with liberty to touch at the Coast of Mina, St. Thomas, and Prince's Islands, and returning here with slaves not exceeding the number of 307.

(No. 33.)—On the 29th, to the "*Lugar Feloz*," of 261½ tons, Jozé Barboza Master, and Owner João Victor Moreira, for Cabinda, and to return to ports in Brazil, with liberty to touch here; carrying slaves not exceeding the number of 361.

(No. 34.)—On the same day, 29th July, a passport was given to the schooner "*Carlota*" of 173½ tons, Jozé Francisco da Costa Master, and Owner Jozé de Cerqueira Lima, for Molembo, and to return to Rio de Janeiro, with liberty to touch here; carrying slaves not exceeding the number of 377.

(No. 479.)—On the 30th to the schooner "*Carlota*," Jozé Francisco Carreirão Master, and Owner Jozé de Cerqueira Lima, for the coast of the Mina, and to return to this port, to trade in African produce only.

(No. 482.) On the 31st, to the brig "*African*," Manoel Antonio Netto Master, and Owner Jozé Francisco Gonçalves, for the Coast of the Mina, and to return to this port, to trade in African produce only.

(No. 35.)—On the 5th August, to the schooner "*Tentadora*" of 167½ tons, Ignacio Manoel de Oliveira Master, and Owner Jozé da Costa, jun. for Molembo, and to return to this port; carrying slaves not exceeding the number of 360.

(No. 495.)—On the 7th to the schooner "*Borbolita*," Jozé Claudio Gomez Master and Owner, for Molembo, to trade in slaves, having called at this port from Pernambuco, where she had obtained her despatches.

(No. 500.)—On the 11th to the ship "*Felicidade*," Jacintho Pereira Carneiro Master, and Owner Manoel Cardozo dos Santos, for the Coast of the Mina, and to return to Rio de Janeiro, with liberty to touch here, to trade in African produce only.

(No. 501.)—On the same day, to the ship "*Fortuna*," Jacintho Antonio Pereira Carneiro Master, and Owner Lourenço Antonio do Rego, for Cabinda, to trade in slaves, having called at this port from Rio de Janeiro, where she had obtained her despatches.

(No. 503.)—On the 12th to the schooner "*Barboza*," Jozé Claudio dos Santos Master, and Owner Joaquim Jozé Teixeira, for the Coast of the Mina, with liberty to touch at St. Thomas's and Prince's Islands, and to return to this port, to trade in African produce only.

No. 504.)—On the same day to the schooner "*Aurelia*," Ignacio Manoel d'Oliveira Master, and Owner João da Costa, jun., for the Coast of the Mina, and to return to this port, to trade in African produce only.

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No. 36.—On the 14th, to the brig "*Felicidade*," of 206½ tons, Antonio Vieira dos Santos Master, and Owner Wenceslão Miguel de Almeida, for Molembo, and to return to Rio de Janeiro, with liberty to touch here; carrying slaves not exceeding the number of 444.

(No. 37.)—On the same day, to the schooner "*Barbara*," of 163½ tons, José Rodriguez Ferreira Master, and Owner Wenceslão Miguel d'Almeida, for Molembo, and to return to Rio de Janeiro, with liberty to touch here; carrying slaves not exceeding the number of 332.

(No. 510.)—On the 18th of the same month, to the brig "*Agua*," Antonio Vieira Velasco Master, and Owner Wenceslão Miguel d'Almeida, for the Coast of the Mina, and to return to this port, to trade in African produce only.

(No. 38.)—On the 20th, to the schooner "*Nau Lendia*," of 114½ tons, Pedro José Uruga Master, and Owner Joaquim José d'Oliveira, for Cabinda, with liberty to touch at Molembo, and to return to ports in Brazil; carrying slaves not exceeding the number of 251.

(No. 511.)—On the 18th of the same month, to the schooner "*Aurelia*," José Rodriguez Pereira Master, and Owner Wenceslão Miguel d'Almeida, for the Coast of the Mina, and to return to this port, to trade in African produce only.

(No. 518.)—On the 21st of the same month, to the schooner "*Triunpho*," Pedro José Master, and Owner Joaquim José d'Oliveira, for the Coast of the Mina, and to return to this port, to trade in African produce only.

(No. 39.)—On the same day, to the schooner "*Nossa Senhora da Guia*," of 147½ tons, José Fernandez Soares Master, and Owner Joaquim José d'Oliveira, for Cabinda, with liberty to touch at Pernambuco, and to return to this port, carrying slaves not exceeding the number of 297.

(No. 524.)—On the 25th, to the brig "*Campeiro*," Gaspar Bertrand Master, and Owner Antonio Pedroso d'Albuquerque, for the Coast of Africa, and to return to ports in Brazil, with liberty to touch here, to trade in African produce only.

(No. 40.)—On the 26th August, a passport was given to the brig "*Poderoso*," of 223½ tons, Gaspar Francisco Master, and Owner Antonio Pedroso Albuquerque, for Kacongo, with liberty to touch at the Coast of the Mina, St. Thomas's and Prince's Islands, and to return to Rio de Janeiro, with liberty to touch here; carrying slaves not exceeding the number of 477.

(No. 41.)—On the 1st of September, to the schooner "*Ligeira*," of 167½ tons, Manoel Pereira Sarmiento Master, and Owner José de Cerqueira Lima, for Molembo, and to return to Rio de Janeiro, with liberty to touch here; carrying slaves not exceeding the number of 418.

(No. 544.)—On the 5th, to the schooner "*Francisca*," Honorio Machado de Andrade Master, and Owner Francisco d'Oliveira Nogueira, for the Coast of the Mina, and to return to this port, to trade in African produce only.

(No. 545.)—On the same day, 5th September, to the schooner "*Trahira*," Manoel Pereira dos Santos Master, and Owner José de Cerqueira Lima, for the Coast of the Mina, and to return to this port; to trade in African produce only.

(No. 548.)—On the same day, to the Portuguese ship "*Sophia*," Joaquim Ignacio do Livramento Master, and Consigner Antonio José da Costa, for Kacongo, and other ports in Africa, to trade in African produce only.

(No. 42.)—On the same day, to the schooner "*Santa Antonio*," of 99½ tons, José Moreira de Lima Master, and Owner Luiz Manoel de Freitas, for Cabinda, and to return to this port, carrying slaves not exceeding the number of 210.

(No. 550.)—On the 10th, to the ship "*S. Benedito*," José Antonio do Socorro Master, and Owner Joaquim José d'Oliveira, for the Coast of the Mina, and to return to this port, to trade in African produce only.

(No. 43.)—On the same day, 10th September, to the schooner "*Umbelina*," of 170½ tons, José Cardozo dos Santos Owner and Master, for Cabinda, and to return to ports in Brazil, with liberty to touch here, carrying slaves not exceeding the number of 338.

(No. 563.)—On the 19th, to the schooner "*Carolina*," João dos Santos Master, and Owner Manoel Cardozo dos Santos, for the Coast of the Mina, and to return to ports in Brazil, with liberty to touch here, to trade in African produce only.

(No. 573.)—On the 25th, to the sumac, "*S. João Segunda Rosalia*," Prudencio Nogueira Master, and Owner Manoel Francisco Moreira, for the Coast of the Mina, and to return to this port, to trade in African produce only.

(No. 44.)—On the 28th of the same month of September, a passport was given to the schooner "*Aguia*," of 151½ tons, Francisco Pinto d'Aranjo Viana Master, and Owner José Maria Henriques Ferreira, for Molembo, and to return to this port; carrying slaves not exceeding the number of 325.

(Signed) The Secretary,

ANTONIO JOAQUIM ALVARES DO AMARAL.

Fourth Enclosure in No. 53.

(Translation.)

Order for and Return of Departures for the Coast of Africa, from July to December, 1829.

Certify what may appear. (Signed) VISCONDE DE CAMAMU.

MOST EXCELLENT SIR,

Bahia, December 23, 1829.

CHARLES G. WEISS, His Britannick Majesty's Acting Consul, says, that it is necessary that your Excellency gives orders, that a certificate may be passed from the competent Register of the departure of all vessels for the Coast of Africa, since 1st of July, of this year, until this day; and as he cannot obtain it without such order, he requests your Excellency may be pleased to grant some such order, &c. &c.

(Signed) CHARLES G. WEISS.

In obedience to the above order of the most illustrious and most excellent Viscount Camamú, President of this Province, I certify, that by the register of despatches, by order of the Government, in a book which begins on the 8th of March, 1828, and in which are entered the official reports of this port, and where the departures of the vessels mentioned in the above petition are registered, I find the following.—On the 5th of July, 1829, Brazilian brig "*Victoria*," of 191½ tons, Honorio Maxado de Andrade, Master, and crew 15, for Cabinda, with liberty to touch at the Coast of the Mina, St. Thomas, and Prince's Islands.—On the 7th of the same month, and year, brig-schooner "*Tenerario*," 191½ tons, José Maria dos Santos Sephalo Master, and crew 27, for Cabinda.—On the 12th of the same month and year, brig "*Fortuna*," João Pinto de Souza Master, for the Coast of Mina, crew 30, and tons 126.—On the 14th of the same month and year, American schooner "*Exchange*," Henry Parker Master, and crew 8, tons 109.—On the 15th of the same month and year, Brazilian ship "*Conde de Souzel*," Alexandre Correia Cardozo Monteiro Master, for Mozambique, with liberty to touch at Quillimane, crew 63, and tons 800.—On the 18th of the same month and year, Brazilian schooner "*Santo Antonio*," Joaquim Vieira dos Santos Master, for the Coast of the Mina, crew 16, and tons 60.—On the same day, Brazilian brig "*Furao*," José Ferreira de Barros Master, for Cabinda, crew 41, and tons 289.—On the 19th of the same month and year,

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Brazilian schooner "*Santa Cruz*," of 138½ tons, João Francisco Cardozo Master, crew 22, for Molembo.—On the same day, Brazilian schooner "*Bahianna*," of 86½ tons, Manuel Izidoro Correia Master, crew 19, for Kaongo.—On the 30th of the said month, Brazilian schooner "*Bom Sucesso*," José Vieira de Faria Master, for Cabinda, with liberty to touch at the Coast of the Mina, crew 15, and tons 143.—On the 31st of the same month, Brazilian schooner "*Santo Antonio*," Joaquim Vieira dos Santos Master, for the Coast of the Mina, crew 10, and tons 60.—On the 3d August of the same year, Brazilian schooner "*Carlota*," 165½ tons, Francisco da Costa Master, crew 24, for Molembo.—On the 5th of the same, Brazilian lugger "*Veloz*," of 26½ tons, José Barboza Master, crew 33, for Cabinda.—On the 9th of the same, Brazilian brig "*Paquete Africano*," Miguel Antonio Netto Master, for Cabinda, with liberty to touch at St. Thomas and Prince's Islands, crew 25, and tons 156.—On the 13th of the same, Brazilian schooner "*Barbolita*," Claudio Gomes Master, for Molembo, crew 27, and tons 189.—On the 14th, Brazilian ship "*Fortuna*," Jacintho Antonio Pereira Carneiro, Master, for Cabinda, crew 43, and tons 292.—On the 16th of the same, Brazilian schooner "*Tentadora*," of 167½ tons, Ignacio Manoel d'Oliveira Master, crew 23, for Molembo.—On the 20th of the said month, Brazilian brig "*Felicidade*," of 206½ tons, Antonio Vieira dos Santos Master, crew 25, for Molembo.—On the 21st, Brazilian schooner "*Donna Barbara*," of 163½ tons, José Rodriguez Ferreira Master, crew 26, for Molembo.—On the 26th, Brazilian schooner "*Nao Lendia*," of 114½ tons, Pedro José Uruga Master, crew 16, for Cabinda, with liberty to touch at Pernambuco.—On the same day, Brazilian schooner "*N. S. da Guia*," of 147½ tons, José Fernandez Soares Master, crew 17, for Cabinda, with liberty to touch at Pernambuco.—On the 29th, Brazilian brig "*Pole-raao*," of 323½ tons, Gaspar Francisco, Master, crew 43, for Kaongo.—On the 8th of September, the same year, Brazilian schooner "*Ligeiro*," of 167 tons, Manoel Pereira Sarmento Master, crew 29, for Molembo.—On the 9th, Portuguese ship "*Sophia*," of 293 tons, Joaquim Ignacio do Livramento crew 47, for Kaongo, with liberty to touch at ports in Africa.—On the 12th of the same, Brazilian ship "*S. Benedicto*," of 243 tons, José Antonio do Socorro Master, crew 27, for the Coast of the Mina.—On the 19th, Brazilian schooner "*Umbelina*," João Cardozo dos Santos Master, for Cabinda, crew 21, and tons 162.—On the 30th, Brazilian sumac "*S. Joao Segunda Rosalia*," of 71 tons, Prudencio Nogueira Master, crew 18, for the Coast of the Mina.—On 1st October, Brazilian schooner "*Diligencia*," of 192 tons, José Antonio Master, crew 24, for Kaongo.—On the 2d of the said month, American brig "*Trafalgar*," of 133 tons, E. N. Thineckley Master, crew 10, for the Coast of the Mina.—On the 8th of the same, Brazilian schooner "*Agulha*," Francisco Pinto de Araujo Vianna Master, for Molembo, crew 20, and 151½ tons.—On the 9th, American patach "*Bratan*," U. H. M. Niel Master, for the Coast of Africa, crew 10, and tons 160.—On the 13th, Brazilian sumac "*Nava Resolucão*," of 72½ tons, Januario José da Cruz Master, crew 16, for Cabinda.—On the 19th, Brazilian schooner "*Campeadora*," of 152½ tons, Joaquim Luiz Croze Master, crew 21, for Kaongo.—On the same day, Brazilian schooner "*Trinidade*," of 189½ tons, José Morcira de Lima Master, crew 18, for Cabinda.—On the 22d, Brazilian schooner "*Terceira Rosalia*," of 188½ tons, Joaquim Vieira dos Santos Master, crew 19, for Cabinda.—On the same day, Brazilian schooner "*Maria Theresia Princesa*," of 137 tons, Thomé Joaquim Rodriguez Palavra Master, crew 25, for Molembo.—On the 31st, Brazilian schooner "*Constituição*," Francisco Nunes Lopes Master, for Molembo, crew 19, and 167½ tons.—On the same day, Brazilian brig-schooner "*Cutia*," Simão Pereira Master, for Kaongo, crew 26, and 190½ tons. On the 3d of November, the same year, Brazilian brig "*Lobo*," of 137 tons, Louis Clement Pothier Master, crew 38, for the Coast of Africa.—On the same day, Brazilian schooner "*Agua*," of 151½ tons, Francisco Pinto d'Araujo Vianna, crew 18, for Molembo.—On the 9th of the same, Brazilian patach "*Princesa Rosalia*," of 193½ tons, João Sabino, Master, crew 23, for Cabinda.—On the 16th, Brazilian brig "*Fortuna*," João Pinto de Souza, Master, for the Coast of the Mina, crew 30, tons 126.—On the 20th, Brazilian schooner "*Vingadora*," Lourenço Nunes Master, for Cabinda, crew 31, and tons 122.—

On the 22d, Brazilian brig schooner "*Temerario*," of 191½ tons, José Maria dos Santos Sephalio Master, crew 29, for Cabinda.—On the 25th, Brazilian brig "*Orizonte*," of 113 tons, Cosme José Rodrigues Master, crew 24, for the Coast of the Mina.—On the 28th, Brazilian brig "*Felicidade*," of 206½ tons, Antonio Vieira dos Santos Master, crew 23, for Molembo.—On the same day, Brazilian bark "*Felicidade*," of 261½ tons, José Barbosa Master, crew 34, for Cabinda.—On the 29th, Brazilian schooner "*Flor d'Etiopia*," of 189 tons, José Martins Vianna Master, crew 24, for Kacongo.—On the same day, Brazilian schooner "*Umbelina*," of 170½ tons, João Cardozo dos Santos Master, crew 20, for Cabinda.—On the 5th December of the same year, Brazilian schooner "*Clara*," of 103 tons, Francisco de Souza Master, crew 20, for the Coast of Africa.—On the 14th, Brazilian brig "*Bom Amigo*," of 331 tons, Francisco Theodoro Arraia Master, crew 24, for Cabinda.—On the 17th, Brazilian schooner "*Bom Sucesso*," of 65 tons, José Vieira de Faria Master, crew 14, for the Coast of the Mina.—On the same day, Brazilian schooner "*Providencia*," of 109 tons, José dos Reis Master, crew 23, for the Coast of the Mina.—On the 20th, Portuguese ship "*Fortuna*," of 292 tons, Jacintho Antonio Pereira Carneiro Master, crew 40, for Cabinda.—On the 21st, Brazilian schooner "*Carlota*," of 175½ tons, José Francisco da Costa Master, crew 24, for Molembo.

And that thus may be manifest, wherever it may be convenient, I have passed the present.

Palace of the Government of Bahia, this 29th day of December, 1829.

(Signed) FRANCISCO JOAQUIM ALVARES BRANCO MONIZ BARRO,
Lieutenant-Colonel,
At the orders of the Government.

Fifth Enclosure in No. 53.

Mr. Acting-Consul Weiss to the President of Bahia.

MY LORD, *British Consulate, Bahia, Nov. 24, 1829.*

I HAVE the honour to request that your Lordship will be pleased to favour me with a list of Brazilian vessels, which have obtained passports at this Port for Africa, with license to import slaves, from the 30th September to the 13th instant, inclusive, the day on which, agreeably to His Imperial Majesty's Decree of the 1st October last, no further clearancy for vessels engaged in that traffick was to be granted.

I have, &c.

(Signed) CHARLES G. WEISS, Acting-Consul.
His Excellency the President of Bahia,
&c. &c. &c.

Sixth Enclosure in No. 53.

Mr. Acting-Consul Weiss to the President of Bahia.

MY LORD, *British Consulate, Bahia, December 14, 1829.*

I HAVE the honour to acknowledge the receipt of your Lordship's despatch, dated 9th November (by mistake as it was in answer to mine of 24th November), with a list of such vessels as have obtained licenses of passports to trade on the Coast of Africa in slaves, from 30th September to 15th November instant.

On further consideration, and reference to the instructions received from His Britannick Majesty's Government, I have to request of your Lordship another list, stating the names of all vessels which have left this port for the Coast of Africa, from the 1st July last to this day, with the dates of their

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passports, distinguishing such as have received passports for the purpose of trading in slaves, from those that have taken out passports merely for the purpose of trading in African produce or merchandize.

The list, which I have already received of vessels licensed for the slave-trade at this port, from 30th September to the 15th November, supersedes the necessity of furnishing again that part of the information now requested. I have, &c.

(Signed)

CHARLES G. WEISS, Acting Consul.

His Excellency the President of Bahia.

§c. §c. §c.

Seventh Enclosure in No. 53.

(Translation.)

*The President of Bahia to Mr. Acting Consul Weiss.**Palace of the Government of Bahia,**December 17, 1829.*

MOST ILLUSTRIOUS SIR,

IN consequence of what you state to me, in your despatch of 15th instant, I herewith transmit an account of such vessels as obtained passports from this Government for the Coast of Africa, both for the traffick in slaves, and for that in merchandize, from 1st July this year to the 14th instant, which has been drawn out in the manner pointed out by you.

God preserve you.

(Signed)

VISCOUNT DE CAMAMU.

The Acting English Consul,

§c. §c. §c.

Eighth Enclosure in No. 53.

Mr. Acting Consul Weiss to the President of Bahia.

MY LORD,

British Consulate, Bahia, January 7, 1830.

I HAVE the honour to return thanks for the promptness, with which the lists of such vessels, as obtained licenses from this Government for the African trade, have been furnished to me.

On comparing these lists with an authentick statement of vessels which have actually sailed from this port for the Coast of Africa, it appears certainly extremely singular, that none of the vessels as mentioned in the enclosed list, licensed for carrying African produce only (*generos do paiz*), have ever left this port.

I am very unwilling to suppose, that the passports and licenses thus taken out for a licit commerce for vessels, which it appears never intended to sail, since some of the passports were taken out as far back as the 18th of July last, have been obtained under false pretences, and merely for the purpose of cloaking illicit voyages, or perhaps with a view of fraudulently obtaining indemnification from His Britannick Majesty's Government in case of capture.

It appears, therefore, proper, before I transmit to His Britannick Majesty's Government the papers relating to the African trade, obtained from your Lordship, I should first endeavour to obtain information, how this singular circumstance may be reasonably accounted for, and I have now the honour to request of your Lordship such explanation, as may be necessary for that purpose.

I have, &c.

(Signed)

CHARLES G. WEISS, Acting-Consul.

His Excellency the President of Bahia,

§c. §c. §c.

Eighth Enclosure (A.) in No. 53.

A List of Vessels which, having obtained Passports for a Licit Trade to Africa, have never sailed from this Port.

Date of Despatch.	Description.	Names of Vessels.	Names of Masters.	
1829.				
July	18	Schooner -	Bom Fin - - -	João Franc. dos Santos.
"	"	Brig - -	Leal Português -	Franc. Theodoro.
"	"	Schooner -	Maria Rosa - -	Irislro Manoel.
"	22	Barque -	Felicidade - -	José Barbosa Nunez.
"	24	Schooner -	Providencia - -	João da Silveira Vilalobos.
"	30	Ditto - -	Carlota - - -	José Franc. Carneiro.
"	31	Brig - -	Africano - - -	Manoel Ant. Neto.
August	11	Ship - -	Felicidade - -	Jacinto Pereira Carneiro.
"	12	Schooner -	Barbosa - - -	José Claudio dos Santos.
"	"	Ditto - -	Aurelia - - -	Ignacio Manoel d'Oliveira.
"	18	Brig - -	Agua - - -	Ant. Vieira Veloso.
"	"	Schooner -	Aurelia - - -	José Rodriguez Pereira.
"	21	Ditto - -	Triumpho - - -	Pedro José.
"	23	Brig - -	Campeiro - - -	Gaspard Dupuy.
September	5	Schooner -	Francisca - - -	Honorio Machado d'André.
"	"	Ditto - -	Trabiira - - -	Manoel dos Santos.
"	19	Ditto - -	Carlota - - -	João das Santos.
October	1	Ditto - -	Providencia - -	José de Res.
"	8	Ditto - -	Annoza - - -	Josaphim Luiz da Cruz.
"	10	Ditto - -	Nova Providencia -	Lourenço Franc. Alcino.
"	20	Ditto - -	Maria Theresia Seg.	José Rabello.
"	21	Ditto - -	Independencia - -	Francisco Lopez.
"	30	Brig Schooner	Triumpho - - -	Simeão José Pereira.
November	3	Patash - -	Felix - - -	Bernardo José.
"	6	Schooner -	Hermina - - -	José Maria dos Santos.
"	13	Ditto - -	Victoria - - -	Sebastião Teis. Carvalheiro.
"	28	Ditto - -	Galega - - -	José Martins.
December	12	Brig - -	Furao - - -	Franc. Theodoro Arrais.

Bahia, January 7, 1830.

Ninth Enclosure in No. 53.

The President of Bahia to Mr. Acting-Consul Weiss.

*Palace of the Government of Bahia,
January 18, 1830.*

MOST ILLUSTRIOUS SIR,

THE information, which I obtained from the Intendant of Marine and the Collector of the Customs, with respect to vessels which, having obtained passports for a licit trade to the Coast of Africa, never sailed from this port, and a list of which is annexed to your despatch of 7th instant, those two Authorities assert, that the said vessels were no doubt licensed, having been visited and undergone all legal forms according to custom, and in conformity to the Treaties confirmed by that of 1826; in consequence of which, having obtained the needful certificates of the local Authorities, they obtained, on production thereof, the competent passports from the Secretary of this Government. The reason why the Owners did not send the above-mentioned vessels to sea being unknown, and certainly, as you mention, it is not to be supposed that it was thereby intended to deceive, on any occasion, His Britannick Majesty's Government being sufficiently clear sighted, so as not to be misled under any pretext whatever. And this is what I have to reply to the despatch you directed to me on the 7th of this month.

May God preserve you,

(Signed)

VISCOUNT DE CAMAMU.

C. G. Weiss, Esq. His Britannick Majesty's Consul.

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Tenth Enclosure in No 53.

Mr. Acting-Consul Weiss to W. Pennell, Esq.

SIR,

British Consulate, Bahia, February 8, 1830.

ENCLOSED I have the honour to transmit to you copies of lists of vessels, which have obtained licenses from the Government of this Province, to proceed to the Coast of Africa for slaves, as well as for trading in produce, from 1st of July to 31st December last. To this I have added an account of such vessels, as have actually left this port, during the same period, and copies of correspondence which I have had with the President on that subject.

From these papers it is evident, that not less than 28 vessels, ostensibly cleared out for the purpose of trading in produce, have never left this port at all; and from the copies of my correspondence with the President, you will observe, that he does not know how to account for this singularity. The fact is this, that, with a view of deceiving the British cruisers on the Coast of Africa, it has become a regular practice with the slave-merchants here, to take out 2 passports for every vessel sent to the coast, one with a license to deal in slaves, designating the real name, and another with a license to trade in produce only, under another name; thus the brig "Fortuna," No. 422, left this port under the name of the "Esperanza;" the schooner "Santo Antonio," No. 431, under the name of "Tercera Rosalia;" the schooner "Providencia," No. 585, under that of "Diligencia;" the "Leal Portuense," No. 450, under that of "Furno;" and the schooner "Maria Rosa," No. 451, under that of "Bahiana."

These are the vessels, respecting which I have been able to obtain the most positive informations, and I have no doubt that all the rest have managed in the same way. My motives for taking such pains to ascertain the above facts, was to prevent the enormous frauds which have been practised, and will no doubt be tried again, on the British Government, by the slave-merchants soliciting, and in most instances obtaining, compensation for vessels captured by British cruisers on the Coast of Africa, vessels which have been sent out on illicit voyages by producing a register and license for a licit trade, obtained fraudulently, when their real object was nothing else but a slave voyage to and from a prohibited port. I trust, that before compensation in damages are allowed in future by the British Government to individuals claiming for vessels and cargoes taken on the Coast of Africa, it will be easy to ascertain whether such vessels have actually sailed from this port or not, if the plan I have adopted is approved of and followed up, and I have little or no doubt that the result of such an enquiry will save to His Majesty's Government all future compensations, that may be claimed by the unprincipled people concerned in this odious traffick.

I have, &c.

(Signed)

CHARLES G. WEISS, Acting-Consul.

W. Pennell, Esq. His Majesty's Consul-General,
Rio de Janeiro.

No. 54.

Mr. Acting-Consul Weiss to the Earl of Aberdeen.—(Received April 22.)

MY LORD,

British Consulate, Bahia, February 8, 1830.

ENCLOSED I have the honour to transmit to your Lordship, copy of my despatch, dated this day, to His Majesty's Consul-General at Rio de Janeiro, respecting the Portuguese slave-ship "Sophia."

I have, &c.

(Signed)

CHARLES G. WEISS, Acting-Consul.

The Right Hon. the Earl of Aberdeen, K. T.

&c.

&c.

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Enclosure in No. 54.

Mr. Acting-Consul Weiss to W. Pennell, Esq.

SIR,

British Consulate, Bahia, February 6, 1830.

HAVING omitted to transmit to you, in my despatch 25th January last, a copy of the sentence given by the Judge on the case of the ship "*Sophia*," I have now the honour to enclose the same. This ship is now ready for sea, and, it is said, about to proceed to Rio de Janeiro, with part of the slaves she brought to this port; she is at present called "*Emilia*."

I have, &c.

(Signed)

CHARLES G. WEISS, Acting-Consul.

*W. Pennell, Esq. His Majesty's Consul-General,
Rio de Janeiro.*

Sub-Enclosure in No. 54.

(Translation.)

IN consideration of the depositions of witnesses, fol. 12, documents, fol. 21 and 22, and the annexed instruments, fol. 9, and informations from the respective Authorities, fol. 6 to fol. 8, which confirm the legality of the voyage of the vessel in question, and the purchase of the slaves having been effected at Kaongo to the south of the Line, not prohibited by the Treaty of the 28th of July, 1817, I adjudge the Act contained in fol. 1, to be irrelevant to this object, and to be separate and without suspension, on account of the infallible prejudice which must result from a delay of decision, slaves being perishable, and in consideration of what the publick revenue may suffer by the non-payment of duties, and in this manner the petition, fol. 34, is admitted.

(Signed)

AZEVEDO.

Bahia, January 14, 1830.

No. 55.

Mr. Acting-Consul Weiss to the Earl of Aberdeen.—(Received April 22.)

MY LORD,

British Consulate, Bahia, February 25, 1830.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 7th of December last, respecting the manner in which the Brazilian merchants intend to carry on in future the slave-trade, by importing them as colonists or servants, for a certain term of years, in consideration of money or goods lent to them, and with which they are to purchase their freedom.

I had been informed, long ago, that, shortly after the first discovery of this country, and the first settlements made here by the Portuguese, a Royal Decree was issued by the Portuguese Government, allowing blacks to be imported into this country from the Coast of Africa, such blacks to be bound to serve their Importers or Owners for the term of 10 years, and no longer; during that term to be taught some trade, so as to enable them to provide for themselves at the expiration of the same, and then to be free; and the teaching of them of such trade, and the benefit of Christianity conferred on them by baptism and religious instruction, to be considered as an adequate remuneration for the 10 years' services. Since the receipt of your Lordship's despatch, I have endeavoured to find that statute, but hitherto without success.

I entertain no doubt, however, that it exists; it certainly has now, and for a long time past, become quite obsolete.

May I be allowed to presume, that the existence of this law may have given rise to the report, that blacks are intended to be imported in future in the manner described in your Lordship's despatch. Should such a measure ac-

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tually be resorted to, it must be intended to resort to the Cape de Verd Islands ; for there only exist Authorities that could sanction contracts between master and apprentices, or servants, so as to give the transaction a colouring of legality.

On the other hand, it is quite evident, that the traffick in slaves is still intended to be carried on from Africa, but clandestinely, and to a less amount. I have been credibly informed, that it is the plan of the Importers to obtain French passports, by applying to accredited Agents of the French Government abroad, as at Gibraltar, &c., who, it seems, are authorized to grant licenses to carry the French flag, under certain circumstances and conditions ; and it is believed, that, under that flag, the vessels employed will be much less liable to obstructions in their operations on the Coast of Africa.

Having escaped thence, their next point in view is, to reach any one of the numberless small ports on this coast, in many of which no Local Authorities exist, and where, even if there should be any, such transactions would not only be winked at, but would receive every assistance and encouragement.

In the opinion of those best informed on the subject, it will be impossible to destroy and abolish the African slave-trade effectually, unless such measures are agreed upon or resorted to, as will unavoidably expose the Owners and Importers residing in this country to the heaviest penalties.

I have, &c.

(Signed) CHAS. G. WEISS, Acting Consul.

The Right Hon. the Earl of Aberdeen, K. T.

8c. 8c. 8c.

No. 56.

The Earl of Aberdeen to Mr. Acting Consul Weiss.

SIR,

Foreign Office, May 4, 1830.

I HAVE received your despatches of this year's series of the slave-trade up to that of the 25th of February.

I am glad to be able to express to you my satisfaction with the zeal and activity, which you have manifested in your communications on this subject.

I am, &c.

Mr. Acting Consul Weiss, Bahia.

(Signed) ABERDEEN.

No. 57.

Mr. Acting Consul Weiss to the Earl of Aberdeen.—(Received July 6.)

MY LORD,

British Consulate, Bahia, May 17, 1830.

SINCE I had the honour to address to your Lordship my despatch of 25th February, several vessels have left this port for the Coast of Africa, for the purpose, as it is stated, of trading in legal produce. There are 2 of them, however, which are strongly suspected of having gone on slaving voyages, namely, the schooner "*Angelica*," Joaquim Ignacio do Livramento Master, apparently owned by Antonio Francisco de Lacerda, a merchant of this place, but the real Owner and Captain is Joze Baptista Oreille, a native of France or Flanders, who formerly owned and sailed in the four-masted ship "*Sophia*," and who has already been frequently engaged and concerned, and, in fact, been the principal in similar transactions.

This individual is gone in the "*Angelica*," and has cleared out for the Cape de Verde Islands, taking a cargo of tobacco, and other articles, such as are generally carried for the purpose of purchasing slaves. The other vessel is called the "*Dons d'Octobre*," Manoel Pereira Silva, Master, and she also cleared out for the Cape de Verde Islands.

From such private information as I have been able to obtain, it appears, that these vessels intend to bring slaves in the manner pointed out in your Lordship's despatch of 7th of December last, namely, in the shape of apprentices, colonists, or servants, under indentures or contracts; and that they were going to try, if this object could be accomplished at the Cape de Verde Islands, and if they should fail there, then to try the Islands of St. Thomas and Principe; and in case of being unable to arrange matters there, to purchase at the former island, St. Thomas's, a Spanish flag, which it is reported may be easily obtained there at the price of about 600 Spanish dollars, and which flag they consider would at all events secure them from the punishment of piracy incurred under the Brazilian flag.

Besides these 2 vessels, 8 others have sailed for the coast with the usual cargoes; but I have not been able to ascertain, with any degree of accuracy, what their ulterior object may be; but as it would be a very difficult matter for them to obtain any other returns but slaves, for the amount of their cargoes, it is more than probable that they will attempt, by some means or other, to obtain such.

I have, &c.

(Signed) CHARLES G. WEISS, Acting Consul.

The Right Hon. the Earl of Aberdeen, K.T.

§c. §c. §c.

No. 58.

Mr. Consul Parkinson to the Earl of Aberdeen.—(Received Sept. 15.)

MY LORD,

British Consulate, Bahia, July 22, 1830.

I HAVE the honour to transmit, for your Lordship's information, a copy of a letter, addressed by me to His Excellency the President of this Province, regarding the Brazilian schooner "*Bahiana*," and I further transmit His Excellency's reply to my representation.

His Excellency, relying on information derived from the Judge of the Customs, is pleased to pronounce the transaction regular and founded in good faith. Such, however, is not the opinion of persons well acquainted with the acts and deceptions practiced by the parties engaged in the forbidden traffick.

Unfortunately for the ends of justice, the difficulty in obtaining direct evidence is so very great, as to give little hope of my being able to establish in proof the vehement suspicions attending this vessel.

Copies of the correspondence I have forwarded to His Majesty's Consul-General, and I now await his instructions with regard to ulterior representation or proceedings.

I have, &c.

(Signed) JOHN PARKINSON.

The Right Hon. the Earl of Aberdeen, K. T.

§c. §c. §c.

First Enclosure in No. 58.

Mr. Consul Parkinson to the President of Bahia.

SIR,

British Consulate, Bahia, June 15, 1830.

I BEG respectfully to call your Excellency's attention to the Brazilian schooner "*Bahiana*," which entered this port on the 9th instant, with a cargo of slaves.

She is stated to have had a passage of 93 days from Kaongo. This statement is utterly incredible, and must have been put forward for the pur-

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pose of deception, and to screen the parties concerned from the penalties attendant on carrying on the forbidden traffick, subsequent to the period limited by the Convention for its final abolition.

I cannot entertain a doubt, that your Excellency will concur with me in judging this a case requiring immediate and minute enquiry, and that you will be pleased to furnish me with the particulars resulting from such investigation.

I have, &c.

(Signed) JOHN PARKINSON, Consul.

His Excellency the President of Bahia,
 &c. &c. &c.

Second Enclosure in No. 58. (Translation.)

The President of Bahia to Mr. Consul Parkinson.

SIR,

Bahia, June 23, 1830.

I RECEIVED the official note, which you addressed to me on the 15th instant, calling my attention to the arrival of the schooner "*Bahiana*," in this harbour, with a cargo of slaves from Kacoongo, after 93 days' passage, which appears to you to be fallacious, and put forth in order to evade the provisions of the Treaty, by which traffick in slaves was terminated.

In order to give you a satisfactory reply, I directed myself to the Collector of the Customs of this City, and according to his report, as well in conformity with the declarations to this Government, I can assure you the best good faith has been practised; that it was not by an arbitrary authority that the slaves were allowed to land, but that they were landed in deposit, as humanity required, until the Owners should lawfully and clearly prove the legality of the voyage, which accordingly they have done before the Judge of the Custom-house.

They have given evidence of the clearance of the schooner from the before named port, on the 8th of March of the present year, and that the extraordinary delay of 93 days at sea, was occasioned by the death of the Master, whilst the Mate was incompetent to navigate the vessel properly. Thus the want of an Officer competently informed in navigation, left the vessel without the needful guide.

These various reasons have occasioned the order for the delivery of the slaves to their Owner, without at all infringing the Treaty and Conventions, which I shall religiously observe as leading objects of zeal and support.

God preserve you,

(Signed) LUIS PAULO D'ARANJO BARTO.

His Britannick Majesty's Consul, Bahia,
 &c. &c. &c.

No. 59.

Mr. Consul Parkinson to the Earl of Aberdeen.—(Received November 30.)

MY LORD,

British Consulate, Bahia, September 25, 1830.

I HAVE the honour to transmit, for your Lordship's information, the copy of a correspondence between myself and the President of this Province, respecting the Spanish brig "*Almirante*," which "*cleared out*" from this port for the Coast of Africa, and the report I made thereon to His Majesty's Chargé d'Affaires at Rio de Janeiro.

I have, &c.

(Signed) JOHN PARKINSON,
 Consul.

The Right Hon. the Earl of Aberdeen, K. T.
 &c. &c. &c.

First Enclosure in No. 59.

Mr. Consul Parkinson to the President of Bahia.

SIR,

British Consulate, Bahia, July 13, 1830.

I HAVE the honour to represent to your Excellency, that very serious doubts are entertained regarding the character and purposes of a brig, which entered this harbour on Sunday the 11th instant.

I will not, in the present state of the case, pronounce a decided opinion on the degree of weight to which these doubts are entitled, but I hold it to be my imperative duty to bring it officially to your Excellency's earliest attention, in order that strict enquiry may be instituted into her real character and destination.

The brig bears, or assumes, the name of "*Almirante*," is said to be under Spanish colours. She is evidently built for fast sailing, carries 14 guns, is described to have a crew of from 50 to 70 men, as well as to be otherwise fitted and appointed for services little allied to lawful commerce. Her declared voyage is from the Havana to Rio de Janeiro. With the recent intelligence derived from Rear-Admiral Sir Thomas Baker, C. B. commanding His Britannick Majesty's squadron at Rio de Janeiro, that a daring piracy has been committed on a British vessel in these latitudes; the utmost watchfulness is needed with regard to suspicious vessels.

I am fully persuaded, that these united facts and considerations will have due weight with your Excellency, and that the enquiry you were pleased to assure me verbally should be instituted, will be carried forward with all the speed and energy suited to the occasion.

I have, &c.

(Signed) JOHN PARKINSON, Consul.

*His Excellency the President of this Province,
Bahia.*

Second Enclosure in No. 59.

(Translation.)

*The President of Bahia to Mr. Consul Parkinson.**Palace of the Government of Bahia,
July 15, 1830.*

SIR,

I HAVE sent to the Dr. Juiz de Fora do Civel of this City the despatch you addressed to me, dated the 13th instant, regarding the brig "*Almirante*," in order to its being joined to the process, which, on that same day, was instituted by an order from this Government, and to be pursued as the Laws direct.

God preserve you.

(Signed) LUIZ PAULO D'ARANJO BARTO.

The British Consul in this City.

Third Enclosure in No. 59.

(Translation.)

*J. J. da Silva to Mr. Consul Parkinson.**Bahia, July 17, 1830.*

HAVING been charged, by the Government of this Province, to proceed judicially and according to law, against the Spanish brig "*Almirante*," in

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consequence of the strong suspicions occasioned by her being armed, and having a numerous crew, and it being necessary for the legitimate investigation, that I should exhibit at the British Consulate the papers belonging to the brig, which is at this moment in my possession, for the purpose of their being scrutinized in a regular manner; I pray you to be pleased to attend at the Consulate this forenoon, where I will wait on you.

(Signed) The Judge de Fora do Civel,

JOAO JOAQUIM DA SILVA.

His Britannick Majesty's Consul,

§c. §c. §c.

Fourth Enclosure in No. 59.

Mr. Consul Parkinson to J. J. da Silva.

Sir,

British Consulate, Bahia, July 17, 1830.

I HAVE the honour to acknowledge the receipt of your letter of to-day's date, signifying your intention to produce, for my inspection, certain papers belonging to the Spanish brig "*Almirante*," in order to their being duly verified, under the circumstances of suspicion attending that vessel.

I have further to express to you my thanks for your readiness in carrying into effect this your intention, and I now have the honour to submit to you the following remarks, arising from a careful perusal of the said documents, or ship's papers:—the first and most important fact is, that the document, produced as a license for carrying arms, has no pretension to the character of a lawful document; it bears no seal of office, and it has no signature whatever.

The bill of lading is equally without signature, and makes no mention of the cannon-balls, which form part of her lading.

The ship's articles describe the numerous men of her crew as Spaniards: your own personal observation is evidence of inaccuracy in this point.

The Master, on entering this port, gave out that he was bound to Rio: his ship's articles declare Bahia and St. Thomé.

The bill of lading expresses for Bahia and Lagos, and enumerates articles forming a valuable cargo. Could it be allowed to clear the Custom-house of the Havana without a regular manifest? He has none;—this circumstance in itself affords ground for suspicion that the cargo may have been gathered together in an irregular way. The bill of lading, moreover, refers to a Charter Party which is not forthcoming.

Having thus complied with your request, in offering my observations on the papers you were pleased to place before me, I beg to add, that I shall hold myself at your command, should you require me to be present on any future examination.

I have, &c.

(Signed) JOHN PARKINSON, Consul.

João Joaquim da Silva, Esq.

Juíz de Fora do Civel.

Fifth Enclosure in No. 59.

J. J. da Silva to Mr. Consul Parkinson.

Sir,

Bahia, August 4, 1830.

I HAVE just received your despatch of yesterday's date, to which I am bound to answer, that all the proceedings I instituted, regarding the Spanish brig "*Almirante*," grounded upon your remarks and compared with the examination of her hold made in the hatches, induce me to believe and judge the said brig to come under the suspicion of being destined for the contra-

Finally, you are incorrect in asserting, that the traffick in slaves should be condemned, and treated as piracy, in the subjects of the Brazil, the subjects of Great Britain, and of the very nation to which the brig in question belongs; for, by the Convention between His Imperial Majesty and His Britannic Majesty, it is stipulated, by the 1st Article, that the continuation of the slave-trade, practised after the expiration of the stipulated 3 years, by any person whatever, a subject of His Imperial Majesty, shall be considered and treated as piracy; but this Article relates solely to the two High Contracting Parties; it gives no right to other nations, and much less does it bind them; it being a principle of right that contracts are obligatory only on the Contracting Parties. Viewing all these reasons, founded on the recognised laws of evidence, you must see that the ports of the Brazil cannot adopt any other measures against the before-named brig, without violation of the laws of nations.

If the brig go out in order to carry on the traffick in question, and shall do any act proving her purpose, then the protectors of humanity may proceed as the laws allow, and as circumstances may permit.

I have the pleasure to express to you the assurance of my extreme consideration, and to promise you my co-operation whenever it may be needed, and the laws admit of its exercise. God preserve you.

(Signed) JUIZ PAULO D'ARANJO BARTO.

The British Consul in this City.

Eighth Enclosure in No. 29.

Mr. Consul Parkinson to the President of Bahia.

British Consulate, Bahia, August 17, 1830.

SIR,

I HAVE the honour to acknowledge the receipt of your Excellency's despatch of the 12th instant, conveying your opinion regarding the Spanish armed brig "*Almirante*." The enquiry, in every point of view, is so important, and may lead to such serious responsibility, that I need offer no apology for requesting your renewed attention to the real objects at issue.

The "*Almirante's*" papers are undeniably irregular; she has neither manifest nor port clearance, nor a valid license to carry arms, and her "*passeo parte*," or certificate of registry, is dated 5 years back; whilst it is notorious (I state it on authority) that this very same vessel was captured, condemned by the Mixed Commission at Sierra Leone, and there sold as lawful prize. This operation of necessity invalidated her original certificate of registry, and it is not too much to assert, that its production, in the present instance, is a matter of serious suspicion. If vessels, under such equivocal circumstances, be entitled to fit out, and to enjoy the protection of this port, it becomes an important question for determination, to what vessels such protection can or will be refused. Is it only to such as have consummated the crime of piracy?

The opinion, that the "*Almirante*" is fitting out for the traffick in slaves, is derived from the Judge appointed by your Excellency, to ascertain the real character of the vessel. It is not for me to question the accuracy of his opinion, founded on actual survey.

Your Excellency, however, if I mistake not your meaning, deems this of small or no significance, and you are pleased to inform me, that even were there documents in proof that such suspicion was well founded, the Empire of Brazil is not bound by any Treaty to watch over the conduct of other nations in the traffick, made contraband to the subjects of the Brazils and Great Britain. I will not pretend to answer this argument, but I will ask permission to draw your Excellency's attention to the *Avizo*, or Royal Order, dated Rio de Janeiro, 17th February, 1817, being one of the explanatory Articles alluded to, and confirmed by the 2d Article of the Convention of the 23d November, 1826.

The fitting out of Spanish vessels for the slave-trade, as therein expressed, is forbidden in the ports of the Brazil.

Your Excellency will admit, I doubt not, that I have reason to look for the co-operation of His Imperial Majesty's Authorities, supposing the object of the "*Amirante*" to be a mercantile speculation, which, in every sense of the word, is contraband, and I venture to hope that your Excellency will agree with me in thinking it expedient, for the interest of lawful commerce, to impose some restraint on suspicious vessels, over-manned, and over-armed, and calculated to pursue with success the increasing practice of piracy.

As my letter of the 5th instant does not state that the traffick in slaves is made piracy in Spanish subjects by the Convention of the 23d November, 1826, I am to presume that your Excellency's misapprehension on that head, may arise from an error in the translation.

I beg to assure your Excellency that I am, &c.

(Signed) JOHN PARKINSON,
His Excellency the President of this Province, Consul.
Bahia.

Ninth Enclosure in No. 59.

(Translation.)

The President of Bahia to Mr. Consul Parkinson.

SIR, *Palace of the Government of Bahia, August 18, 1830.*

I HAVE received your despatch of the 17th instant, in which you claim my attention to the Spanish brig "*Amirante*." In reply I have to inform you, that, according to the laws of the Empire, this affair was brought before Judicial Authority, where the competent Judge decided the said brig to be free, as he made known to you, and consequently the President of the Province possesses no faculty to interfere in the matter. My detention of the brig after she has been judged, would be arbitrary and contrary to the rights of nations.

You persist in suspecting this brig to be destined to the commerce or traffick in slaves. As to this matter, I have already told you, and I repeat it, that the Brazil is not obliged to fiscalize the conduct of other nations in such cases, and never on suspicion can she proceed to acts so serious and of such responsibility against the subjects of a friendly and allied nation. Nevertheless, the Brazil lends no aid or favour towards such traffick, and thus she literally carries into execution the Avizo of the 17th of February 1817, which prohibits the fitting out in the ports of the Brazil, of Spanish vessels destined to carry on the traffick in slaves, by which is meant, warlike armament, or the appointments and needful utensils for such commerce; but to deny to a vessel, already in the port, free egress, when she possesses and has presented her respective passports, judged to be legal by the competent authority, and to refuse permission to her to carry on lawful trade with the productions of the country, is not an act that justice or the rights of nations can at all authorize for a mere suspicion of future illegality. In such a case the means are different.

If I stated to you in my despatch of the 12th instant, that Brazil is subjected to the heavy penalty of piracy for trafficking in slaves, according to the Convention of the 23d of November 1826, (Art. 1st) and consequently that from this Article, no rights or obligations result, as against other nations, for it would be against all right, that a contract should be obligatory on those who are not parties to the contract, it was because in your letter of the 5th instant, to which mine was an answer, you stated that the traffick in slaves was to be deemed and treated as piracy in the subjects of the Brazil, the subjects of Great Britain, and the subjects of the very nation, to which the brig in question belongs.

Finally, I have to inform you, that I have given an account of the whole of this business to His Majesty the Emperor, whose approbation I hope to receive, as well as his orders for future cases.

God preserve you.

(Signed) LUIS PAULO D'ARANJO BARTO.

His Britannick Majesty's Consul, Bahia.

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Tenth Enclosure in No 59.

Mr. Consul Parkinson to the President of Bahia.

SIR,

British Consulate, Bahia, August 23, 1830.

I FIND myself honoured by your Excellency's despatch of the 18th instant, in reply to mine of the 17th, regarding the suspicious Spanish vessel "*Almirante*."

It is not a little remarkable in this enquiry, that the opinion I have conveyed, regarding this armed vessel's being fitted out in this port, for the purpose of carrying on the prohibited traffick in slaves, is derived from the very Functionary, the Juiz de Fora do Civel, whose report to yourself would seem to impress your Excellency with the conviction that she is a legitimate trader.

Whatever sentence that Judge may have given, his letter to me is undeniable evidence of what I have stated; nevertheless, I shall be much obliged if your Excellency will communicate the particulars of the judicial enquiry, and the sentence to which you refer, and on which you so rely, as they may abate the suspicions excited, which I confess, are far from moderated by the reference you are pleased to make to general principles of national law and policy, principles in themselves indisputable, but having little or no bearing on the case of the "*Almirante*," provided the Juiz de Fora's surmises be well founded, that she is fitting out for the slave-trade; a violation of the Avizo of the 17th of February 1817, which he declares himself incompetent to restrain.

I am sorry to observe, that your Excellency continues to labour under misapprehension, as to the meaning of the final phrase in my letter of the 5th instant.

The Convention of the 23d of November, 1826, fixes and defines the period for the total abolition of the African slave-trade, so far as relates to the *dominions* and subjects of the Brazilian Empire. That period was the 13th of March last, after which it become unlawful for the subjects of the Emperor of Brazil, to be concerned in the carrying on of the African slave-trade, under any pretext, or in any manner whatever, and the carrying on of such trade after that period by any person, subject of His Imperial Majesty, is declared to be deemed and treated as piracy.

The penalty against British subjects so offending is to be found, *not* in the Convention, as your Excellency imagines me to mean, but in the Act of the British Parliament, (5 Geo. IV. cap. 113.) wherein the King's subjects, so offending, are deemed and adjudged guilty of piracy, felony, and robbery, and being convicted, shall suffer death.

Finally, the penalty on Spanish subjects (without resting on the 273d Art. of the Penal Code) is not to be sought in the Convention between Brazil and Great Britain, but in its legitimate place, the Royal Orders of His Most Catholic Majesty.

I trust, that this explanation will relieve your Excellency from further doubts regarding the true meaning of my words.

I have, &c.

(Signed)

JOHN PARKINSON, Consul.

His Excellency the President of this Province, Bahia,

&c.

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Eleventh Enclosure in No. 59.

(Translation.)

The President of Bahia to Mr. Consul Parkinson.

SIR,

Palace of the Government of Bahia, August 26, 1830.

IN my despatch of the 18th instant, I have already told you, that I had submitted to His Imperial Majesty the affair of the Spanish brig "*Almirante*." This is all I have to say to you, in reply to your dispatch of the current month, without a date.—(23d August.)

God preserve you.

(Signed)

LUIS PAULO D'ARANJO BARTO.

The British Consul in this City.

Twelfth Enclosure in No. 59.

Mr. Consul Parkinson to A. Aston, Esq.

SIR,

British Consulate, Bahia, Sept. 4, 1830.

I HAVE the honour to transmit to you the copy of a correspondence between the President of this Province and myself, regarding a suspicious vessel which recently entered this port. The enclosures record the object I had in view, and they may enable you to determine whether I was justified in looking for greater alacrity on the part of the President, and expecting from him the particulars and sentence on which his reasoning rests.

The "*Amirante*" happening to be in port during the time that His Majesty's ships "*Druid*" and "*Volage*" were here, I am enabled to say, that both Captain Hamilton and Captain Lord Colchester expressed their opinion, that she had every appearance of a piratical vessel. I have, moreover, the express assurance of Mr. Kirby, (invalided from His Majesty's ship "*Sybilie*,") that the "*Amirante*" is the identical vessel captured by His Majesty's ship "*Black Joke*," and condemned and sold under the authority of the Mixed Commission at Sierra Leone. Her Consignee here is Joaquim Goncalvez Rapozo, who completed her cargo with tobacco. Gunpowder and tobacco constitute the great bulk of her lading, and they pretty sufficiently bespeak the nature of her intended commerce. During her stay here she was joined by a large American vessel "*Latona*," pierced for 18 guns. She likewise loaded tobacco. The "*Amirante*" sailed 48 hours after the departure of His Majesty's ships "*Druid*" and "*Volage*," and shortly afterwards the American followed, after which they were seen in company, and bore down on an English vessel (the "*Margaret*,") bound from Liverpool to this port.

I have reason to believe that the Juiz de Fora, João Joaquim da Silva, is considered to have been too communicative in his conversation and correspondence with me; and I cannot but attribute the President's withholding the sentence of this Judge to some awkward diversity between it and his conversation, and his official letters to me.

I am, &c.

Arthur Aston, Esq.

(Signed)

JOHN PARKINSON, Consul.

&c. &c. &c.

No. 60.

Mr. Consul Parkinson to the Earl of Aberdeen.—(Received Nov. 30.)

MY LORD,

British Consulate, Bahia, September 26, 1830.

I HAVE the honour to inform your Lordship, that 2 Brazilian brigschooners sailed from this port yesterday for the Coast of Africa, both fine fast sailing vessels, which heretofore have been successfully employed as slavers by the same Owner, Señor José de Squiera Lima.

They carry the usual cargo of tobacco, rum, and other merchandize, suited to the African markets.

The first is named "*Carlotta*," Antonio Lacerda Peixoto Master, crew 32 men, tonnage stated to be 160. She returned from her last voyage to Africa on the 29th of March last, with a cargo of 279 slaves, and then stood rated at 175½ tons.

The second bears the name of "*Constituição*." She returned from the Coast on the 2d of April last, with a declared cargo of 28 bales of cloth. Her present Master is João Francisco Carneiro, her crew 32 men, and stated tonnage 180. In the official returns I find her rated at 174½ tons.

I have no authority to state, that these vessels are intended for the slave-trade; nor have I any reason to believe that they have undergone such change of construction, as to unfit them for their original purpose.

I have, &c.

(Signed)

JOHN PARKINSON, Consul.

The Right Hon. the Earl of Aberdeen, K. T.

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Mr. Consul

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No. 61.

Mr. Consul Parkinson to the Earl of Aberdeen.—(Received November 30.)

MY LORD,

British Consulate, Bahia, October 4, 1830.

I HAVE again had occasion to call the attention of this Government to the case of a vessel, which is vehemently suspected to be destined to carry on the traffick in slaves.

The main facts appear in my despatch to the President of Bahia. His Excellency's reply is given in Enclosure No. 2.

That the brig was a Brazilian slave-ship, is admitted. She was built expressly for the trade, and provided with the needful apparatus.

I apprehended that, under these circumstances, it was the duty of the Authorities, on her return under a new, and that a *Spanish*, flag, to fiscalize her scrupulously.

This not having been done, it may be reasonably inferred, that the Spanish brig "*Joven Maria*," retains the fittings and appointments which she possessed under her Brazilian character and name of "*Felicidade*." Here she is to take in water, provisions, and merchandize, which, if I mistake not, is "fitting out."

His Excellency the President professes to think otherwise, and appears to imply that fitting out "is arming."

I shall most gladly avail myself of the earliest occasion to inform your Lordship, that the President has given proof of the sincerity of his professions to repress the slave-trade.

I am, &c.

(Signed)

JOHN PARKINSON, Consul.

The Right Hon. the Earl of Aberdeen, K. T.

&c.

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First Enclosure in No. 61.

Mr. Consul Parkinson to the President of Bahia.

SIR,

British Consulate, Bahia, September 20, 1830.

I REGRET to be again under the necessity to call your Excellency's attention to a vessel, which has recently entered this port.

On the 16th instant a rakish brig, pierced for 18 guns, entered this port, under Spanish colours. She is declared to be the "*Joven Maria*," of 114 tons, Antonio Gonçalvez Carvajal, Master, with a crew of 26 men, José Jorge Ribiero, passenger, with a slave married, "Symphonio Maria."

It is matter of perfect notoriety, that this brig, originally a French slave-vessel, has long been engaged in the slave-trade, as Brazilian, from this port, under the name of "*Felicidade*." Regarding the purpose, for which she is constructed, there can be no doubt. Nor is there any doubt that the so-called passenger, José Jorge Ribiero, was Master of her, when, on the 29th of May last, she cleared out for Pará (Havana), her tonnage being rated 206½ tons.

Whatever weight your Excellency may attach to these facts, I cannot but look on them as affording presumptive evidence of her being intended to load and victual, or, in other words, "*fit out*," in this port, for the forbidden traffick in slaves, which would be a manifest infraction of the Royal Order, dated Rio de Janeiro, 17th February, 1817, prohibiting all Spanish vessels from fitting out in the ports of the Brazils, for the purpose of trading in slaves; and declaring it necessary for the Authorities to whom it belongs to fiscalize the cargo and preparations of such vessels, and to take every measure they may judge necessary to secure the full effect of the prohibition.

I am, &c.

(Signed)

JOHN PARKINSON, Consul.

His Excellency the President of this Province, Bahia,

&c.

&c.

&c.

Second Enclosure in No. 61.

(Translation.)

*The President of Bahia to Mr. Consul Parkinson.**Palace of the Government of this Province,
Bahia, September 28, 1830.*

SIR,

I HAVE now occasion to give you a full answer regarding the contents of your despatch of the 20th instant, in which you express the suspicions you entertain, respecting the Spanish brig "*Josen Maria*," which you imagine to be destined for the slave-trade, and claiming my attention to the Aviso of the 17th of February 1817; on which subject I must tell you, that, in consequence of the information which has reached me from the Collector of the Customs, I am fully satisfied that the said brig was formerly employed as Brazilian in the traffick in slaves, under the name of "*Felicidade*," her Owner, after the abolition of that trade, having sent her to Pará, from which place she went to the Havana, and was there sold, together with her cargo, all which might be done by the said Owner, because every one is free to dispose of his own property, and consequently her entering this port on the 17th instant as Spanish property, accompanied by a passport and legal papers, gives her a right to enjoy the guarantee to which she is entitled. Therefore, to this vessel the Aviso of the 17th of February, cited by you, is not applicable, as she does not come hither to arm in this port, which never would be consented to by me. Certain it is that she loads goods for the consumption of Europe, and intends to sail for Cadiz. No reason exists to entertain suspicions of a vessel having a crew of scarcely 20 men, including the Master, with which number it is certainly impossible to carry 18 guns; and it would be hard, and against the rights of nations, thereupon, to entertain any proceeding which might incommode the commerce of a foreign vessel, which is entitled to full protection in a free country, whose laws are its greatest strength. Rely upon the good faith of this Government, which has the most positive orders to obstruct measures intended to elude the Treaty for the suppression of the slave-trade, and it will be the first to guard against its being violated in any manner whatever.

God preserve you,

(Signed) LUIS PAULO D'ARANJO BARTO.

*John Parkinson, Esq.**His Britannick Majesty's Consul, Bahia.*

No. 62.

Mr. Consul Parkinson to the Earl of Aberdeen.—(Received December 16.)

MY LORD,

British Consulate, Bahia, October 13, 1830.

I HAVE the honour to transmit to your Lordship the enclosed account of vessels, which have arrived with slaves from the Coast of Africa, at this port, within the half-year ending June last.

It has been out of my power to ascertain accurately, what part of Africa these vessels actually came from, but I can state that they are chiefly from the Ports of Onim, Bonny, New Calabar, &c., and that all are from prohibited ports.

I have, &c.

(Signed) JOHN PARKINSON, Consul.

The Right Hon. the Earl of Aberdeen, K. T.

&c.

&c.

&c.

Enclosure in No. 62.

Return of Slaves imported into Bahia, from January to June, 1830.

(Jan. 1.)—Brig-schooner Brazilian "*Conceicao*," Antonio Jozè Pereira Master, from Cabinda, in 23 days; with 163 slaves, tonnage 78½.

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(Jan. 4.)—Schooner "*Primeira Estrela*," of 94 $\frac{7}{10}$ tons, Jozé dos Santos Ferreira Master, from Molembo in 33 days; cargo 107 slaves; passenger, Angelo Custodio Ribiero, Brazilian.

(Jan. 7.)—Schooner "*Santa Cruz*," of 138 $\frac{1}{2}$ tons, Joao Francisco Carneiro Master, from Molembo in 35 days, cargo 128 slaves, of whom 2 died on the passage.

(Jan. 14.)—Brig "*Dous Amigos*," of 145 $\frac{77}{100}$ tons, João Msuricio Belem Master, from Angola in 26 days, cargo 278 slaves, besides 9 died on the voyage.

(Jan. 14.)—Brig "*Feliz Bahiano*," of 347 tons, Izidoro Martins Braga Master, from Ambriz in 25 days; cargo 557 slaves, besides 75 who died on the passage.

(Jan. 14.)—Brig "*Sem Igual*," of 117 tons, João Garcia Master, from Ajuda, having touched at Prince's Island, in 23 days, cargo palm-oil, and other produce; passengers, Francisco Furtado de Novau, of St. Thomas' Island, with a servant, Fortuna Manuel; Jozé Gervasio de Carvalho, and Marcelino Francisco das Chargas, nauticals; Jozé Martins of Portugal, employed in commerce; and also 4 white seamen, and 4 others, black, who had been captured by a British cruiser; Lauriano Luiz Leuca, and Thomé, servants belonging to the Major Manoel Gomes da Silva; Manoel and Antonio, to Thomas de Souza Mendez; Valentin, Francisco, Ligeiro, João Calisto, Manoel, Antonio, Secundino, Joaquim, Jozé, Lazaro, Gregorio, Francisco, Alexander, Manoel, and Anastasio, to the Colonel Jozé Ferreiro Gomes; Agostenbro, João, João Maria, Manoel, Manoel Jozé, and Garcia, to the Colonel Jozé Ribiero d'Assa Gastao, all being black men, coming hither to *learn different trades*, bearing with them their respective passports.

(Jan. 17.)—Schooner "*Ligeira*," of 169 $\frac{1}{2}$ tons, Manoel Pereira Sarmento Master, crew 25, from Molembo in 35 days; cargo 392 slaves, besides 5 who died on the passage.

(Jan. 17.)—Brig "*Bom Fim*," of 275 tons, João Jozé da Fonseca Master, from Ambriz in 21 days; cargo 438 slaves, besides 42 who died on the passage.

(Jan. 20.)—Brig "*Paquete Africano*," of 136 tons, Miguel Antonio Netto Master, from Cabinda in 23 days; cargo 340 slaves, besides 6 who died on the passage.

(Jan. 23.)—Schooner "*Terceira Rosalia*," Joaquim Vieira dos Santos Master from Cabinda in 24 days; cargo 253 slaves, besides 24 who died on the voyage.

(Jan. 25.)—Brig "*Triumpho da Inveja*," of 186 $\frac{1}{2}$ tons, Miguel Jozé Neves Master, from Molembo, in 31 days; cargo 185 slaves, besides 4 who died on the voyage.

(Jan. 27.)—Brig "*Esperanca*," of 196 $\frac{1}{2}$ tons, Jozé da Silva Rios Master, from Cabinda in 21 days; cargo 422 slaves.

(Jan. 31.)—Schooner "*Maria Theresa*," of 180 tons, Thomé Joaquim Roiz Palavra Master, from Molembo in 28 days; cargo 315 slaves, besides 20 who died on the passage; passenger, Jozé Maria da Costa Pimental, seaman.

(Feb. 20.)—Schooner "*Orpha*," of 192 $\frac{1}{2}$ tons, Jozé da Silva Master, from Cabinda in 22 days; cargo 236 slaves, besides 1 who died on the passage; Jeronimo da Rocha, passenger free, and Victorini Carneiro, black slave.

(Feb. 24.)—Brig-schooner "*Triumpho*," Simão Pereira Master, from the Coast of Mina in 28 days, in ballast; passengers, Bernardo Jozé Pinto, Mate of the schooner "*Umbelina*," captured by a British cruiser, and 18 other persons belonging to the crew of the same schooner Jozé Antonio Goncalves, Mate of the schooner "*Primeira Rosalia*," and 23 other persons belonging to the same, who also had been captured; Joaquim 'apistas Imbruan, and 2 slaves

named Miguel and Joaquim; Luiz de Matos Guimaraes, Francisco Antonio Pinto, Severo Leandro de Arango Franco, Luiz Cardozo de Freitas, and Jozé dos Santos Ferreira; Brazilian, Simphronio Domingo Olimpio dos Martinez.

(Feb. 24.)—Barque "*Felicidade*," of 261 tons, Jozé Barbosa Master, from Cabinda in 27 days; cargo 258 slaves, besides 1 who died on the passage.

(Feb. 28.)—Schooner "*Maria*," of 114 tons, Francisco de Souza Master, from Cabinda in 28 days; cargo 309 slaves, besides 21 who died on the passage.

(March 4.)—Ship "*Fortuna*," of 282 tons, Jacintho Antonio d'Oliveira Carneiro Master, from Cabinda in 33 days; cargo 268 slaves; passengers, Eloi Francisco do Espirito Santo, and Jozé Marques d'Oliveira, with his son Jozé Nicolão, and a servant, Henrique de Carvalho, all being free black men, merchants; Manuel Joaquim and Lino, children who came for the purpose of being educated.

(March 5.)—Brig schooner "*Temerario*," of 191½ tons, Jozé Maria dos Santos, Master, from Cabinda in 30 days; cargo 320 slaves, besides 23 who died on the passage.

(March 9.)—Brig "*Felicidade*," Antonio Vieira dos Santos, from Molembo in 26 days, cargo 490 slaves, besides 9 who died on the passage; of 206½ tons.

(March 15.)—Schooner "*Campeadora*," Joaquim Luiz Crose, from Kaconga in 41 days; cargo 240 slaves.

(March 17.)—Schooner "*Aguia*," of 50 tons, Francisco Pinto de Arango Master, from Molembo in 35 days; cargo 4 bags of cloths, 2 barrels of palm-oil, and 2 others of soap.

(March 29.)—American brig "*Trafalgar*," of 133 tons, E. W. Hinckley Master, from Unim in 35 days; cargo palm-oil and cloth; passengers, André Estacio de Souza, Lieut. of Militia; Jozé Leal Bahia, André Gomes de Vasconcellos, Domingo Gomez Villaca, Manoel Ignacio de Conceição, merchants; João Pereira de Castro, Jozé Ferreira da Maia, Eustaquio Joaquim da Silva, João Celho da Silva, Mathias Baptista de Carvalho, Joaquim Telles Menezes, Severino da Silva Torres, Jozé Machado and Joaquim Jozé Perreira de Alres, with two slaves, all seamen; Simão George, Cook; Manoel Jozé de Santabana, Surgeon; Marcellino de Matos Silva, Feliciano Jozé de Barros, Joaquim de Santa Anna, Gabriel Auchengo de St. John, Tailors; all Brazilian;—Bernardo Meirelles, Felipe Serra, Domingos Gomes, Barbers; Manoel Guilermo and Francisco Simoes, Jeronimo Antonio, Ventura Ferreira Milles, Pedro Ferreira, João Luiz Ferreira, and 1 slave, Joaquim das Neves, cooks; Bento Gomes de Souza and Jeronimo Jozé de Souza, seamen; Domingos Joaquim and Manuel Francisco do Nascimento, tailors; Jozé de Andrade, Benedicto Guerin, Joaquim Duarte, Caetano Manoel Dias, Belisario Jozé da Maia, Bento Rodriguez, Marcellino Manoel Francisco Ernesto Moniz Barreto, and Ignacio Carneiro de Campos, merchants; Firmino Alvarez Guimaraes silk thrower; Jozé Correa and Francisco Perreira, masons; Alexandre Lopes and Bento Simão, calkers; Lourenço Antonio, rocket-maker; Luiz de Souza and João Procopio, coopers; all being free black men, natives of the Coast of Mina. It brings also 5 slaves belonging to different Owners.

(March 29.)—Schooner "*Flor de Ethiopia*," of 189 tons, Joaquim dos Anjoo e Mattos Master, from Kacongo in 49 days; cargo 129 slaves; Simão Soares de Magalhães, Jozé Catisto, and Jozé da Costa, passengers.

(March 29.)—Schooner "*Carlota*," of 175½ tons, Jozé Francisco da Costa Master, from Molembo in 27 days; cargo 279 slaves, besides 6 who died on the passage; passengers, 2 seamen belonging to the crew of the schooner "*Gaia*," captured by a British cruiser.

(April 2.)—Schooner "*Constituição*," Francisco Nunes Lopes Master, of 17½ tons, from Molembo in 31 days; cargo 28 bales of Coast cloth; passenger, André Rodriguez Ranna, a sick Portuguese.

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(April 5.)—Schooner "*Trinidad*," of 189 tons, João Moreira de Lima Master, from Cabinda in 37 days; cargo 116 slaves.

(April 8.)—Brig "*Bous Amigos*," Francisco Theodoro Arraia Master; tons 531; from Cabinda in 43 days; cargo 457 slaves.

(April 8.)—Sumac "*S. João Segunda Rosalia*," of 71 tons, João Antonio Nogueira Master, from the Coast of Africa in 41 days; cargo 16 bales of merchandize, and 6 others of Coast cloth, and 6 barrels of palm-oil; Antonio Francisco da Costa, passenger.

(April 17.)—Schooner "*Fingadora*," of 122 tons, Lourenço Nunes Master; from Cabinda in 36 days; cargo 180 slaves, besides 14 who died on the passage.

(April 17.)—American pinnace "*Burton*," of 180 tons, — M^r Neille Master; from the Coast of Africa; cargo, palm-oil and other goods; passengers, Manoel Francisco, Firmino Rodrigues Nunes, and Manoel Pinto Bahia, seamen; Bento d'Oliveira, merchant; and 7 free black men, who were at the Coast.

(May 22.)—Schooner "*Bom Sucesso*," of 63 tons, Jozé Vieira de Faria Master; from Ajuda in 26 days; cargo, ballast.

(June 10.)—Schooner "*Bahianna*," of 92 tons, Manoel Jozé Ribeiro Master; from Kacongo in 93 days; cargo, 185 slaves, besides 21 who died on the passage.

(June 18.)—Ship "*S. Benedicto*," of 245 tons, Jozé Antonio de Socorro Master; from Ajuda in 23 days; cargo, palm-oil and other goods; passengers, Pedro Jozé de Uruga and Francisco Guerra, Spanish men; Jozé da Rosa Ferreira, Venancio Antonio da Rosa, Tiburcio Vianna, and Ignacio d'Oliveira, all nautical men; Manoel Jozé Teixeira, Jozé Pedro Marques de Lis, and a slave, Angelo, Brazilian merchants; the black men, Joaquim de Meirilles, João Nunes de Barros, Manoel Correa da Costa, and Jozé Ignacio, without employment; Candido Fernandez das Mercês, carpenter; Innocencio de Etrango de Santa Anna, barber; Euzebio de Jesus Maria, cooper; Bento Martins da Costa Guimaraes and Luiz Ferreira dos Santos cooks; Manuel Lourenço, Antonio dos Anjos, Elias Pinheiro, Joaquim Martins, Domingos Maia, Jozé Roiz, Jozé Pires, Antonio Jozé da Cunha, and Luiz de Cerqueira, seamen; Lourenço Roque carpenter; Miguel da Silva caulker; and João Vieira silk-thrower; and also the following slaves — Felix, of Francisco Nicolao; Jozé, of Innocencio d'Etrango; Roberto and Rafael d'Oliveira, of Joaquim Jozé d'Oliveira.

(Signed) LADISLAO DOS SANTOS TITARA.

Register of the Port of Bahia,
July 10, 1830.

BRAZIL. (Consular.)—Pernambuco.

No. 63.

Mr. Consul Parkinson to the Earl of Aberdeen.—(Received March 22.)

MY LORD,

Pernambuco, January 20, 1830.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch, dated December 7, 1829, communicating the opinion of the King's Advocate on the hypothetical case of Brazilian subjects, after the period stipulated by Treaty for the abolition of Brazilian slave-trade, bringing negroes from the Coast of Africa, on the plea of the blacks being colonists or servants, who have entered into contracts to serve their Importers, or Agents, during a term of years, in consideration of certain monies or goods lent to them, with which they are to purchase their freedom.

I beg to acquaint your Lordship, that I shall pay the strictest attention to the subject, and give your Lordship immediate information, in the event of any such attempt being carried into execution.

I have, &c.

(Signed) JOHN PARKINSON, Consul.

The Right Hon. the Earl of Aberdeen, K. T.
 &c. &c. &c.

No. 64.

Mr. Consul Parkinson to the Earl of Aberdeen.—(Received April 22.)

MY LORD,

Pernambuco, February 13, 1830.

IN conformity with your Lordship's instructions, I have the honour to transmit a return of the importation of slaves within this Consulate, during the half-year ending 31st December 1829. The number lauded within this period is more than double that reported in my return for the preceding half-year.

The rising of the slaves on board the "*Dois Irmãos*" (No. 13.) is believed to have been attended with circumstances of great horror. The captives on deck being compelled to assist in the work of destruction, by pouring boiling water on their fellow-captives in revolt between decks.

I have, &c.

(Signed) JOHN PARKINSON, Consul.

The Right Hon. the Earl of Aberdeen, K. T.
 &c. &c. &c.

Enclosure in No. 64.

A Return of the Importation of Slaves within the Consulate of Pernambuco, during the Half-Year ending 31st December, 1829.

BRAZIL. (Consular.)—Pernambuco.

Enclosure in No. 64. A Return of the Importation of Slaves within the Consulate of Pernambuco, during the Half-Year ending 31st December, 1830.

No.	Date of Arrival.	Description. Brazilian Flag.	NAME OF VESSEL.	NAME OF COMMANDER.	Tons.	Where contracted.	To what Port belonging.	Where from.	When taken the Slaves were supposed to have been taken.	Numbers embarked.	Portion that died in Passage.	Numbers who died in Passage.	NAMES OF OWNERS CONSORCEES.	
1	1830													
1	Aug. 20	Ship	Toucan	Mari. de Aguiar	250	America	Liabon	Angola	Angola	466	12	207	Anto. José de Amorim	
2	Aug. 21	Schooner	Sa. Rosa. de Guis	José Ferraz Soares	140	Ditto	Bahia	Bahia	"	299	"	209	Anto. da Silva and Co.	
3	Sept. 1	Ditto	Nao Lemita	Pedro José de Biago	130	Brazil	Ditto	Ditto	"	110	"	110	"	
4	" 8	Brig	Imperador do Brasil	José Agos. Correa	200	America	"	Angola	Angola	461	35	426	Franc. Anto. de Oliveira.	
5	" 11	Schooner	Margaria de Portugal	Anto. de G. L. L. Magalho	150	Angola	Angola	Ditto	Angola	297	7	290	Franc. Anto. de Oliveira.	
6	" 12	Brig	General Silveira	Anto. José de Biago	150	Portugal	Portugal	Angola	Ditto	297	31	266	Elisa Cecilia Chaves.	
7	Oct. 11	Brig	Trujano	Anto. José de Biago	280	Portugal	Ditto	Angola	Ditto	506	11	493	Ditto.	
8	" 22	Ditto	Trojano	Mari. Frs. de Araújo	220	Brazil	Bengalla	Ditto	Ditto	215	4	251	{ Anto. Luis Gonçalves A. Ferraz.	
9	" 24	Ship	Maria da Glória	José Ignazio Ribeiro	212	America	Bahia	Ditto	Ditto	393	15	60	Franc. Anto. de Oliveira.	
10	" 25	Schooner	Maria Geometrica	Marcello José de St. Anna	120	Ditto	Pernambuco	Ditto	Ditto	293	8	285	Franc. Anto. de Oliveira.	
11	Nov. 17	Schooner	Leão	Ricardo Xc. de Cunha	130	Portugal	Oporto	Ditto	Ditto	307	3	304	José Ignazio Xavier.	
12	" 22	Ditto	Triunpho do Brazil	Gabriel Antonio	220	Brazil	Pernambuco	Ditto	Ditto	527	20	507	to the Captain.	
13	" 8	Ditto	Dona Immac.	Gil Thomas dos Santos	200	Ditto	{ Rio de Janeiro { Pernambuco	Mozambique	Mozambique	359	78	281	Anto. da Silva and Co.	
14	" 29	Ditto	Protector	Anto. Felix dos Santos	180	Ditto	Pernambuco	Angola	Angola	430	10	420	{ Anto. de Queiroz, Mo- { cito Regalado.	
										Total	4,745	234	3,516	

No. 1.—Landed 207 in this port, and proceeded with 212 to Mozambique.
 No. 9.—Landed 60 in this port, having previously landed 318 in Bahia.
 No. 13.—The number shipped is doubtful, not on the death on the passage be exactly ascertained. During the passage the slaves rose on the crew, and with difficulty were repulsed, with the loss of about 64 lives.
 Pernambuco, February 13, 1830.
 (Signed) JOHN PARKINSON, Consul.

No. 65.

Mr. Consul Parkinson to the Earl of Aberdeen.—(Received September 15.)

Sir, British Consulate, Pernambuco, July 31, 1830.

ACCOMPANYING this despatch, I have the honour to forward, for the information of the Earl of Aberdeen, the return, No. 1, of the importation of slaves at this port for the half year ending 30th June, 1830.

There will appear but a trifling diminution of this traffick in tonnage and importation, but you will not fail to remark, that from the 19th of March, there has been no importation, which must be attributed to the operation of the Treaty for the final abolition. I have, &c.

John Bidwell, Esq. (Signed) HENRY COWPER, Consul.

&c. &c. &c.

Enclosure in No. 65.
A Return of the Importation of Slaves within the Consulate of Pernambuco, during the Half-Year ending 30th June, 1830.

No.	Date of Arrival.	Description of the Vessel.	NAME of VESSEL.	NAME of CO-MANAGER.	Tonnage.	Where contracted.	To what Port belonging.	Where from.	Place where the Slaves were imported into the Kingdom.	Numbers embarked.	Persons that died on the Passage.	Numbers arrived at the Port of destination.	NAMES of OWNERS and CONSIGNEES.
1	1830. Jan. 3	Barque	Eliza	{ José da Silva Ezequias }	256	{ United States }	Bahia	{ Bahia de Camoury Marquez }	Bahia de Camoury Marquez	534	11	523	{ Antonio José de Amorim }
2	" Feb. 20	Boig	Alfama	{ Manoel da Silva Santos }	123	Ditto	Ditto	Bahia	Cabulha	"	"	24	{ Francisco Antonio de Oliveira }
3	" 2	Schooner	Maria Gertrude	{ Marcelino José de S. Justo }	120	Ditto	Pernam.	Angola	Angola	252	4	248	{ Joga Jos- epim José Gontalves }
4	Mar. 6	Boig	{ Sacramento & Princesa }	{ José Rodrigues da Remissão }	110	{ Angola in Brazil }	Ditto	Ditto	Ditto	355	13	342	{ José Ramos de Oliveira }
5	" 9	Smack	{ Conceição de Matos }	{ Joaquim José dos Santos }	98	Brazil	—	—	—	"	"	176	{ Francisco Ribeiro de Almeida }
6	" 19	Boig	Alfama	{ Francisco José Cortez }	122	Pernamb.	Pernam.	Angola	Angola	208	12	196	{ Francisco Ribeiro de Almeida }
Total										339	40	309	
Tons										581			

No. 1.—One hundred and seventy-six slaves of the smack "Conceição de Matos," were disembarked on the 4th of March at a place in the southeast of this port called Cabulha, amounting about 3 leagues.
Pernambuco, July 31, 1830.

(Signed)

HENRY COWPER, Consul.

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Enclosure in No. 65.

An Account of Slaves imported into the Port of Maranhão, during the Half-Year ending 31st Dec. 1829.

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BRAZIL. (Consular.)—Maranham.

No. 66.

Mr. Deputy-Consul Hesketh to the Earl of Aberdeen.—(Received March 22.)

My LORD, *Consul's Office, Maranham, January 22, 1830.*

I HAVE the honour to transmit an account of all the Slaves, which were imported into Maranham from 1st of July to the 31st of December 1829.

I have, &c.

(Signed) WILLIAM HESKETH.

His Britannick Majesty's Deputy Consul.

The Right Hon. the Earl of Aberdeen, K.T.

&c. &c. &c.

No. 3.—One hundred and seventy-six slaves of the smack "Cacique de Maria," were disembarked on the 4th of March at a place to the southward of this port, called Camba, distant about 2 leagues. *Perambuco, July 31, 1830.*

Total 219 40 1,309

(Signed) HENRY COWPER, Consul.

Enclosure in No. 65.

An Account of Slaves imported into the Port of Maranham, during the Half-Year ending 31st Dec. 1829.

Date of Arrival.	Description of Vessel.	Name of Vessel.	Name of Masters.	Where Laden.	Slaves Received.	Slaves Died.	Slaves Landd.	OBSERVATIONS.	
1829, July 13	Brazilian Sloop	Elen	Joaõ Rodrigues	Rio de Janeiro	130	0	122	All new negroes, originally imported from Mozambique, as appears from the documents dated Rio de Janeiro, 1829.	
July 13	{ Ditto "Packet" } { Schooner }	Novo de Janeiro	{ Antonio Loucaldo } { Camo }	Perambuco	50	0	50	These were negroes of the "Angola Nation," but arrived here without regular clearances, from Pernambuco. Bonaes given by the Consignee to the Captain, but they have not yet arrived.	
Aug. 17	Ditto Schooner	Amizade	Christovão H. Andreo	Ditto	1	0	1	Tought negro, with regular passport.	
Aug. 17	Ditto Ship	Tuangy	Masael de Aguiar	Angola	227	23	204	All new negroes with clearances, dated Lourenço, 22d and 27th June 1829.	
Sept. 3	Ditto Brig	Tizario	{ J. G. dos Santos } { Senae }	Bahia	117	0	117	New negroes, with clearances, from Bahia, dated 13th August 1829. All these negroes had not been imported in the schooner "Cacique de Maria," in May last, but amongst them there were negroes that originated from the Coast of Guinea, and came from the Coast of Angola.	
Sept. 10	{ Ditto "Packet" } { Schooner }	Amazara	{ Manoel Pello dos } { Reys }	{ Pernambuco } { Ceara }	0	0	0	Tought negroes, with regular passports.	
					Total	139	23	122	

Mr. Deputy-Consul Hesketh to the Earl of Aberdeen.—(Received April 27.)

MY LORD,

*Consul's Office, Maranhã,
February 19, 1830.*

BEING without any immediate opportunity of communicating with His Majesty's Envoy at Rio de Janeiro, I avail myself of the present conveyance to acquaint your Lordship of the arrival at this port from the Cape Verd Islands, on the 4th instant, of the ship "*Voadora*," José Fernandes do Pinho Master; which vessel I have great reason to suspect has been engaged in the illicit traffick in negroes.

She was seen on this coast 2 days previous to her arrival, by an English brig under very suspicious circumstances; however, I have been unable to discover in what number, or on what part of the coast she landed her negroes. From the following particulars I am inclined to think, that she must have been engaged in the trade. In the first place, she is an American built ship, and was purchased by the Captain at the Cape Verd Islands, where she remained 8 months, for the purpose, I conclude, of procuring a cargo of negroes. Secondly, her principal papers are dated from Boa Vista, the Capitão Mor of which island, I am informed, is in the habit of clandestinely supplying vessels with negroes for the fee of R-12,500 each; and thirdly, the only cargo she brought consisted of 40 asses, evidently to disguise the extra quantity of water-casks she was obliged to carry.

On the 10th instant, the schooner "*Uniao*," Joaquim Ferreira Leite, Master, again arrived at this port, as I had previously anticipated. She reported from Martinique and the Cape Verd Islands, with a cargo of beans and 20 asses. This vessel was likewise seen 2 days previous to her arrival at anchor close under the land of Itaculmi, where I presume she landed part of her negroes.

Owing to these events, I addressed a note to his Excellency the President, a copy of which, with his answer, I herewith beg to transmit. My object in so doing, was principally to bring to his Excellency's recollection the unlawful proceedings of her former voyage.

I regret, however, to add, that I have lately been informed that the "*Uniao*" entered the harbour with negroes on board, and that they were hid in the fore and after part of the vessel under the cargo, and the asses in the centre, but what number, and where sent, I have been unable to ascertain.

I have also heard it mentioned, that the "*Voadora*" landed 200 negroes on the coast, but I have not been able to trace the truth of this assertion with any degree of accuracy.

I shall apprise His Majesty's Envoy, by the first departure for Rio de Janeiro, of the forementioned occurrences, obtaining, in the mean time, every further particular.

I have, &c.

(Signed) W. HESKETH.

His Britannick Majesty's Deputy-Consul.

The Right Hon. the Earl of Aberdeen, K. T.
&c. &c.

P.S.—Both the "Voadora" and "Uniao" are under the Portuguese flag; the latter vessel is owned by naturalized natives of Portugal resident in this place.
(Signed) W. H.

First Enclosure in No. 67.

Mr. Deputy Consul Hesketh to the President of Maranhã.

*Consul's Office, Maranhã,
February 13, 1830.*

MOST ILLUSTRIOUS AND EXCELLENT SIR,
I BEG leave to inform your Excellency, that the ship "*Voadora*," from the Cape Verd Islands, was seen by the British brig "*Favourite*," off this

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coast, on the 31st January, being 2 days previous to her arrival at this port. Also a vessel was seen by His Imperial Majesty's packet "Alcantra," on the 10th instant, at anchor close under the land of Itacolumi, which must have been the "Uniao," that came into this port on the 12th instant, and likewise reported from the Cape Verde Islands.

Owing to the circumstances that took place on her previous voyage, there is every reason to suspect, that she has again been engaged in the illegal traffic in negroes.

Trusting that your Excellency will adopt such measures as will prevent the infraction of existing Treaties,

I have, &c.
(Signed) WILLIAM HESKETH,

His Britannick Majesty's Deputy Consul.

His Excellency Candido José de Aranje Viana,
 &c. &c. &c.

Second Enclosure in No. 67. (Translation.)

The President of Bahia to Mr. Deputy-Consul Hesketh.

Maranham, Government-House, February 16, 1830.

I HAVE the satisfaction to acknowledge the receipt of the note you addressed me, under date of the 13th instant, respecting the ship "Foadora," and schooner "Uniao," lately arrived at this port from the Cape Verde Islands, which may be suspected as employed in the illegal traffic in slaves.

I have to inform you, that I have given the necessary orders to examine this business.

God preserve you.

(Signed) CANDIDO JOZE D'ARANJO VIANA.

Mr. Hesketh,
 His Britannick Majesty's Deputy-Consul.

No. 68.

Mr. Deputy-Consul Hesketh to the Earl of Aberdeen.—(Received April 27.)

MY LORD, Consul's Office, Maranham, March 6, 1830.

I HAVE the honour to transmit a copy of my despatch to His Majesty's Envoy at Rio de Janeiro, under this day's date.

Also a copy of a note I addressed his Excellency the President, Candido José de Aranje Viana, under date of the 2d instant, relative to the illegal introduction of negroes into this port, together with his Excellency's answer thereto.

I have, &c.
(Signed) WILLIAM HESKETH,

H. B. M. Deputy-Consul.

The Right Hon. the Earl of Aberdeen, K.T.
 &c. &c. &c.

First Enclosure in No. 68.

Mr. Deputy-Consul Hesketh to Lord Ponsonby.

MY LORD, Consul's Office, Maranham, March 6, 1830.

I HAVE the honour to transmit a statement of the importation of slaves into this port, for the half year ending December 31, 1829.

I have also to acquaint your Lordship of the arrival at this port, from the Cape Verde Islands, on the 4th February, of the Portuguese ship "Foadora," José Fernandes do Pinho, Master, which vessel, I have great reason to suspect, has been engaged in the illicit traffic in negroes. She was seen on the

coast 2 days previous to her arrival by an English brig, under very suspicious circumstances; however, I have been unable to discover in what number, or on what part of the coast she landed her negroes. From the following particulars I am inclined to think that she must have been engaged in the trade. In the first place, she is an American built ship, and was purchased by the Captain at the Cape Verd Islands, where she remained 8 months, for the purpose, I conclude, of procuring a cargo of negroes. Secondly, her principal papers are dated from Boa Vista, the Capitão Mor of which island, I am informed, is in the habit of clandestinely supplying vessels with negroes for the fee of R^{rs} 125,000 each; and thirdly, the only cargo she brought consisted of 40 asses, evidently to disguise the extra quantity of water-casks she was obliged to carry.

On the 12th February, the schooner "*União*," Joaquim Ferreira Leite, Master, again arrived at this port, as I had previously anticipated. She reported from Martinique and the Cape Verd Islands, with a cargo of beans and 20 asses. This vessel was likewise seen, 2 days previous to her arrival, at anchor close under the land of Itacolumi, where I presume she landed part of her negroes. Owing to these events, I addressed a note to his Excellency the President, a copy of which, with his answer, I herewith enclose. My object in so doing was principally to bring to his Excellency's recollection the unlawful proceedings of the "*União's*" former voyage.

I regret to add, that I have recently been informed of the following particulars, viz.—That the Portuguese brig "*Harmonia*," Joaquim Alves da Silva Master, which arrived here on the 24th December, and reported from Lisbon and Boa Vista, brought 6 negroes from that island: That the schooner "*União*," when she entered this port had negroes concealed under her cargo, but what number or where sent I have been hitherto unable to ascertain: That the Brazilian schooner "*Conceição*," Antonio José Pereira Master, arrived here on the 25th February from Bahia, with 90 slaves, part of which slaves are Cacheo negroes, and are carefully kept from general observation. These negroes were imported direct from Cacheo to Bahia, and there mixed with Mina slaves from Cabinda, for the purpose of deception, as they are all denominated Minas from Cabinda in the Custom-house "guias," or certificates of having paid duty at Bahia. On the 21st February, the Brazilian schooner "*Maria*," Antonio da Silva Ribeiro Master, arrived here from Bahia, with a cargo of 157 negroes, but as they are under quarantine, I have been unable to ascertain whether they agree with the description given in the "guias." I fear, however, that the cause of this seclusion is a mere pretence for affording greater facility in disposing of illegal negroes, and keeping them from general observation, especially as the vessel and crew were only 3 days under quarantine. Owing to the foregoing information, I addressed a note to his Excellency the President, relating the occurrences that have come to my knowledge. I am, however, prevented disclosing the sources from whence I derive my information, as the parties are extremely timid of the revengeful consequences they would be exposed to from these illegal slave-dealers, should they be known to have made the above disclosures.

But it may perhaps be proper to state here, the manner in which these facts have come to my knowledge, which have in a great measure been corroborated by subsequent events.

In the case of the "*Harmonia*," I obtained my information from a negro sailor, who spoke some English, and from a personal interview with 2 negroes, that were brought in the same vessel, and understood Portuguese. In the case of the "*União*," from one of the crew; and in that of the schooner "*Conceição*," from the negroes themselves, through the means of interpreters.

I have, &c.

(Signed) WILLIAM HESKETH,

His Britannick Majesty's Deputy-Consul.

The Right Hon. Lord Ponsonby,
 &c. &c.

P.S.—I beg also to enclose a copy of his Excellency's answer to my note of the 2d instant, by which your Lordship will perceive, that no allusion is made to the Brazilian schooner "*Conceição*."—I therefore conclude that the Authorities will rest satisfied of the legality of slaves, by the documents produced from Bahia.

(Signed) W. H.

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Second Enclosure in No. 68.

Mr. Deputy Consul Hesketh to the President of Maranham.

*Consul's Office, Maranham,
March 2, 1830.*

MOST ILLUSTRIOUS AND EXCELLENT SIR,

I BEG leave to acquaint your Excellency of having received intelligence, that the brig "*Harmonia*," which arrived on the 24th December, and reported from Lisbon and Boa Vista, brought 6 negroes from the Cape Verd Islands; also that the schooner "*Uniao*," which arrived from the Cape Verd Islands on the 12th ultimo, had negroes concealed on board when she entered this port; and likewise that part of the cargo of the schooner "*Conceicao*," which arrived on the 25th February, consists of Cacheo negroes, that were imported direct from the Coast to Bahia, and there mixed with Mina negroes from Cabinda, for the purpose of facilitating their introduction into this port.

Hoping that, through your Excellency's means, the truth of these assertions may be thoroughly investigated,

I have, &c.

(Signed)

WM. HESKETH,

H. B. M.'s Deputy Consul.

*Señor Candido José d'Arango Viana,
&c. &c. &c.*

Third Enclosure in No. 68.

(Translation.)

The President of Maranham to Mr. Deputy-Consul Hesketh.

Maranham, Government House, March 3, 1830.

IN answer to your despatch of yesterday, I have to inform you, that till now I have not had any information, of the result of the investigation, that I ordered to be made to know, if the brig "*Harmonia*" and the schooner "*Uniao*" brought negroes for sale.

I am going to communicate to the respective Officers the circumstances added by you, in order to facilitate the enquiry.

God preserve you.

(Signed)

CANDIDO JOZE D'ARANJO VIANA.

Mr. Wm. Hesketh,

His Britannick Majesty's Deputy-Consul.

No. 69.

Mr. Deputy-Consul Hesketh to the Earl of Aberdeen.—(Received April 20.)

MY LORD,

Consul's Office, Maranham, March 8, 1830.

I HAVE to transmit a copy of a despatch I addressed His Majesty's Envoy at Rio de Janeiro, under yesterday's date, apprising him of the departure of the schooner "*Conceicao*," for the Cape Verd Islands; and also informing him of the intended departure of the schooner "*Uniao*," for Dominica and the Cape Verd Islands.

I have, &c.

Signed

WILLIAM HESKETH,

The Right Hon. the Earl of Aberdeen, K.T.

Deputy-Consul.

&c.

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&c.

Enclosure in No. 63.

Mr. Deputy-Consul Hesketh to Lord Ponsanby.

MY LORD,

Consul's Office, Maranham, March 7, 1830.

I BEG leave to inform your Lordship, that the schooner "*Conceicao*," Antonio José Pereira Master, sailed this morning for the Cape Verd Islands, but I am ignorant whether she returns to Bahia or this port.

The schooner "Uniao," Joaquim Ferreira Leite Master, is to sail in a day or two for Dominica, with a cargo of farinha and from thence she proceeds to the Cape Verd Islands.

I have, &c.

Signed

WM. HESKETH, Deputy-Consul.

The Right Hon. Lord Ponsonby,
 &c. &c. &c.

No. 70.

Mr. Deputy-Consul Hesketh to the Earl of Aberdeen.—(Received May 27.)

MY LORD,

Consul's Office, Maranhã, April 5, 1830.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch, (marked slave-trade,) dated 7th December last, communicating the opinion of His Majesty's Advocate-General, regarding the introduction of negroes on the plea of their being colonists or servants; which shall have my strict attention, in the event of the facts contemplated occurring.

I now beg to transmit a copy of my despatch to His Majesty's Envoy at Rio de Janeiro, dated the 31st March, relative to the illegal introduction of slaves by the "Voadora," "Uniao," "Conceicao," and "Harmonia," and reporting the arrival of the schooner "Flora" off this coast, with a cargo of negroes. I likewise enclose copies of my correspondence with his Excellency the President, respecting the first-mentioned vessels.

I have, &c.

(Signed)

WM. HESKETH, Deputy-Consul.

The Right Hon. the Earl of Aberdeen K. T.
 &c. &c. &c.

First Enclosure in No. 70.

Mr. Deputy-Consul Hesketh to Lord Ponsonby.

MY LORD,

Consul's Office, Maranhã, March 31, 1830.

I HAVE the honour to transmit my correspondence with his Excellency the President, respecting the ship "Voadora," schooners "Uniao" and "Conceicao," and brig "Harmonia," charged with the illegal introduction of negroes into this port. With regard to my representations on this head, I regret to state, that hitherto they have been entirely unavailing.

I beg leave to enclose a copy of his Excellency's note addressed to me, under date of the 20th instant, transmitting a copy of the Ouvidor do Crime's despatch, relative to the proceedings pending, together with a copy of my answer. And notwithstanding the application made on the part of the Ouvidor do Crime, the schooner "Uniao" was allowed to sail on the 22d, and the brig "Harmonia," on the 27th of this month. The former proceeded to Martinique, Dominica, and the Cape Verd Islands, and the latter to Lisbon, but up to this date not any further investigation has been made relative to the negroes landed from the aforementioned vessels. I have also to acquaint your Lordship of having recently received information, that the schooner "Flora," Joak Thomas Goncalvez Master, which I mentioned having sailed from hence on the 10th October for the Cape Verd Islands, in my despatch of 30th November last, has been off this coast with a cargo of negroes. These negroes were to be transhipped at sea into a coaster, that sailed from hence on the 30th instant, and to be taken to the District of Terri: it was also the intention of the parties that the schooner should proceed to Para after the transfer of her cargo, where no doubt she would report from some indirect port. I, however, conceive that she will return again to the Coast of Africa for another cargo of negroes, in order to import the same

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into this place, under her previous clearances from those ports. in consequence of the Government here having issued an edict, declaring, that vessels will be admitted with slaves from Africa, provided they cleared from such ports previous to the 13th March, even should their voyages be prolonged 6 months after the date fixed for the final abolition of the trade. This schooner is the same vessel I described in my despatch, dated the 10th August last, and there is little doubt, that the negroes she has now brought are from prohibited ports north of the Equator. Should she arrive at Pará, I have directed the Vice-Consul to make application to the President of that Province for her detention. I have not communicated this intelligence to his Excellency the President, being fearful, that the parties might discover that their transactions were known, and elude the possibility of obtaining further proof.

I have, &c.

(Signed) WM. HESKETH, Deputy-Consul.

The Right Hon. Lord Ponsanby,
 &c. &c. &c.

Second Enclosure in No. 70.

(Translation.)

The President of Maranhão to Mr. Deputy-Consul Hesketh.

Maranhão Government-House, March 20, 1830.

I SEND you enclosed a copy of a despatch from the Dezembargador Ovidor Geral do Crime, requiring certain elucidations on your part, in order to obtain some satisfactory result in the proceedings that are pending relative to the negroes, which are supposed to have come in the vessels therein declared. I hope you will afford the said information as far as lies in your power.

God preserve you.

(Signed) CANDIDO JOZE D'ARANJO VIANA.

Mr. William Hesketh,
His Britannick Majesty's Deputy-Consul.

Second Enclosure (A.) in No. 70.

(Translation.)

The Ovidor do Crime to the President of Maranhão.

Maranhão, March 17, 1830.

MOST ILLUSTRIOUS AND EXCELLENT SIR,

HAVING commenced summary proceedings relative to the Cacheo slaves, which are said to have come from the Cape Verd Islands, in the ship "*Voadora*" and schooner "*União*," referred to in your Excellency's despatch of the 16th ultimo, and lately in the brig "*Harmonia*" and schooner "*Conceição*," referred to in the information given by His Britannick Majesty's Deputy-Consul, transmitted with a despatch of the 4th instant, I have not been able to examine more than 16 individuals of the crews of the three first; because, owing to the time already elapsed when I received your Excellency's despatch, the rest were no longer on board the above vessels, nor is their destination known. In like manner, it is impossible to examine any person belonging to the last, because, having been occupied in the *Relação* and Council of Justice on the 5th and 6th instant, the abovementioned schooner "*Conceição*" sailed early on the morning of the 7th. For this reason, and because I have been unable to collect any thing from the other witnesses, which I have examined, I beg your Excellency will be pleased to require of the aforesaid Deputy-Consul the necessary explanation, as to the persons through whom he received his information, relative to the introduction and landing of the above mentioned slaves, of which he makes mention, to the end that the examination may not be frustrated. I hope, likewise, that your Excellency

will be pleased to order, that for the future vessels, against which proceedings have been commenced, be not allowed to sail until they are concluded.
God preserve your Excellency.

The Dezbargador Ouvidor do Crime,
(Signed) DOMINGOS NUNES RAMOS FERREIRA.

A true Copy. (Signed) MANOEL MONTEIRO DE BARROS,
Government Secretary.

The Most Illustrious and Excellent Senhor Candido José d'Aranjo Viana,
President of the Province.

Third Enclosure in No. 70.

Mr. Deputy-Consul Hesketh to His Excellency the President of Maranhã.

Consul's Office, Maranhã,
March 20, 1830.

MOST ILLUSTRIOUS AND EXCELLENT SIR,
I HAVE the honour to acknowledge the receipt of your Excellency's note of to-day's date, handing me a copy of a despatch from the Ouvidor do Crime, addressed to your Excellency, respecting the vessels "Voadora" "Uniao," "Harmonia," and "Conceicao," charged with the illegal introduction of negroes; also requesting of me that I should furnish your Excellency with all the particulars that lay in my power, for the purpose of forwarding the proceedings. In conformity with your Excellency's request, I beg leave to state, that I have recently received information, that the "Voadora" brought 3 negroes from the Cape Verd Islands, which I believe are still on board said vessel. I have also heard it reported, that she brought a greater number, but I have been unable to trace the truth of this report with any degree of accuracy.

With respect to the "Uniao," I received my information from an eye witness, but where he is at present I cannot ascertain; I am, however, ignorant of the number or where they were sent. As to the "Harmonia," your Excellency will find 2 of the negroes on board, one of which is named Luiz, and understands English. He alleges himself to have been a free negro belonging to Goree, and enticed to go to the Cape Verd Islands, where he was made a slave and brought here.

The Cacheo negroes, belonging to the "Conceicao," were purposely secluded in a store in the Praia do Desterrô, and if not already removed or disposed of, every particular may be readily elucidated from them.

Recommending to your Excellency's protection those negroes on board the "Harmonia," from any improper treatment they may be subject to, in consequence of the disclosures they have made,

I have, &c.

(Signed) WM. HESKETH, Deputy-Consul.

His Excellency Senhor Candido José d'Aranjo Viana,
&c. &c.

No. 71.

Mr. Deputy-Consul Hesketh to the Earl of Aberdeen.—(Received June 14.)

MY LORD

Consul's Office, Maranhã, May 1, 1830.

I HAVE the honour to transmit a copy of my last despatch to His Majesty's Envoy at Rio de Janeiro, relative to the illegal introduction of negroes into this province.

I have, &c.

(Signed) WM. HESKETH, Deputy-Consul.

The Right Hon. the Earl of Aberdeen, K. T.
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Enclosure in No. 71.

Mr. Deputy-Consul Hesketh to Lord Ponsonby.

MY LORD,

Consul's Office, Maranhã, April 24, 1830.

I HAVE recently received intelligence of the arrival of the schooner "Flora" at Pará, but am hitherto ignorant of the result of the Vice-Consul's application to the President of that Province for her detention. I understand that she was again preparing for another voyage to the Cape Verd Islands.

I have, &c.

(Signed)

WILLIAM HESKETH, Deputy-Consul.

The Right Hon Lord Ponsonby,
 &c. &c. &c.

No. 72.

Mr. Deputy-Consul Hesketh to the Earl of Aberdeen.—(Received Aug. 20.)

MY LORD,

Consul's Office, Maranhã, July 3, 1830.

IT is with regret I have to inform your Lordship, that the Authorities at Pará have refused to detain the schooner "Flora," notwithstanding the representations of the Vice-Consul, as to the very suspicious circumstances of her having landed negroes on this coast. The schooner "Prudencia" again entered this port on the 3d of June, from the Cape Verd Islands, in ballast, and I strongly suspect she has landed negroes on the coast; but up to the present period I have been unable to obtain any information on this head.

The schooner "União" also arrived here on the 1st instant, from the Cape Verd Islands, with only 30 asses on board; from which circumstance I conclude, that she has likewise been engaged in similar illegal transactions. Both these vessels have been regularly admitted to entry by the Authorities, and not any notice taken of their previous illicit voyages.

The "União" reports, that the schooner "Conceição," on her return to Bahia, was captured with a cargo of negroes by one of His Majesty's cruizers. She sailed from hence on the 7th of March last, for the Cape Verd Islands.

I beg leave to apprise your Lordship of a current opinion amongst the slave-traders of this place, viz: that vessels, taken under the Portuguese flag, are not liable to such severe penalties as those under the Brazilian; therefore, these smugglers generally sail under the former flag, though owned by resident naturalized Brazilians.

Enclosed I transmit an account of the import of negroes into Maranhã, for the half-year, ending June 30, 1830.

(Signed)

WILLIAM HESKETH,

Deputy-Consul.

The Right Hon. the Earl of Aberdeen, K.T.
 &c. &c. &c.

Enclosure in No. 72.
*An Account of Slaves imported into the Port of Maranham, during the Half Year ending 30th of
 June, 1830.*

Date of Arrival.	Description of Vessels.		Name of Vessels.	Name of Masters.	Where Laden.	Number of Slaves			OBSERVATIONS.
						Embarked.	Disch.	Landed.	
1830.									
Jan. 7	Brazilian	{ Packet Schooner }	{ Nove de Janeiro }	{ Antonio Leal Costa }	Pernambuco			22	Bought negroes, with regular pas- port, and 90 new negroes, with clear- ances from Bahia, dated 21st Janu- ary, 1830. The latter appear to have been imported from Congo; but these negroes were all of the Mina and Cahoon, and not of the Cabinda nation, as stated in said clearances. { All new negroes, with regular clear- ances from Bahia in the Brazilian names Alikona, and being Portuguese Africans as appears from the clearances, dated Bahia, 25th and 27th Jan. 1830. } { One tawny negro, with regular pas- port, and 90 new negroes, with clear- ances from Bahia, dated 21st Janu- ary, 1830. The latter appear to have been imported from Congo; but these negroes were all of the Mina and Cahoon, and not of the Cabinda nation, as stated in said clearances. } { All new negroes, with regular clear- ances from Leonora, dated 23d and 24th February, 1830. }
Feb. 21	Ditto	Schooner	Maria	{ Antonio da Silva Rib- eiro }	Bahia	168	11	137	
Feb. 23	Ditto	Ditto	Concepcion	{ Antonio Jose Pereira }	Ditto	91		91	
April 14	Ditto	Brig	{ San Jose Grande }	{ Ignacio Gon- calves Lima }	Angola	389	47	342	
					Total	650	58	592	

No. 73.

Mr. Deputy-Consul Hesketh to the Earl of Aberdeen.—(Received Sept. 28.)

MY LORD,

Consul's Office, Maranham, August 16, 1830.

I HAVE the honour to transmit copies of my despatches to His Majesty's Chargé d'Affaires at Rio de Janeiro, dated the 24th July and 16th instant, relative to the illicit introduction of negroes into this province; likewise copies of my correspondence with his Excellency the President on the above-mentioned subjects.

(Signed)

I have, &c.

WILLIAM HESKETH, Deputy-Consul.

The Right Hon. the Earl of Aberdeen, K.T.

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		389	47
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BRAZIL. (Consular.) — Maranham.

First Enclosure in No. 73.

Mr. Deputy-Consul Hesketh to A. Aston, Esq.

SIR, *Consul's Office, Maranham, July 24, 1830.*

IN reference to my last despatch, (marked slave-trade,) addressed to His Majesty's Envoy, under date of the 24th April, I beg leave to state, that the Authorities at Pará refused to detain the schooner "Flora," notwithstanding the Vice-Consul's representations to the President of the Province respecting her illegal proceedings. The particulars of these circumstances have already been forwarded to you by the Vice-Consul of that place.

I have again to report the arrival of the schooner "Prudencia" at this port, on the 3d June, in ballast, from the Cape Verd Islands, and there is reason to suppose, that she has landed negroes on this coast, though, up to the present date, I have not been able to obtain any information on this head. She is now about sailing for Gibraltar.

The schooner "Uniao" likewise arrived here on the 1st July, from the Cape Verd Islands, with only 30 asses on board; and in consequence of information I have received, I strongly suspect she has landed negroes on this coast. She is also preparing for another voyage, but hitherto I have been unable to discover her intended destination with accuracy.

Owing to these circumstances, I addressed a despatch, on the 19th of July, to his Excellency the President Candido José d'Aranjo Viana, stating my reasons for suspecting these vessels of having been engaged in the illicit traffic in slaves, a copy of which, together with his answer, I herewith transmit.

I understand that the "Uniao," on her last voyage to Martinique, took 6 negroes from hence, which were sold at that place. On her arrival she reported, that the schooner "Conceição," on her return to Bahia, was captured, with a cargo of negroes, off the Cape Verd Islands, by one of His Majesty's cruizers. Both the "Prudencia" and "Uniao" were regularly admitted to entry by the Authorities, without the least remark on their previous illicit voyages.

Enclosed I beg leave to transmit a statement of the import of slaves into this province for the half year ending the 30th of June.

I have, &c.
 (Signed) WILLIAM HESKETH,
 Deputy-Consul.

Arthur Aston, Esq.,
 His Majesty's Chargé d'Affaires,
 &c. &c. &c.

Second Enclosure in No. 73.

Mr. Deputy-Consul Hesketh to A. Aston, Esq.

SIR, *Consul's Office, Maranham, August 16, 1830.*

I BEG to inform you, that the schooner "Prudencia" was permitted to sail on the 26th of July for Gibraltar. The schooner "Uniao" is also to sail in a few days, and I understand that she will again proceed to Martinique, from thence to the Azores, and afterwards to the Cape Verd Islands. But I am not aware, that his Excellency the President has hitherto made any strict enquiry into the recent illegal introduction of negroes into this province.

I have, &c.
 (Signed) WILLIAM HESKETH,
 Deputy-Consul.

Arthur Aston, Esq.,
 His Majesty's Chargé d'Affaires,
 &c. &c. &c.

Third inclosure in No. 73.

Mr. Deputy-Consul Hesketh to the President of Maranham.

MOST ILLUSTRIOUS AND EXCELLENT SIR,

*Consul's Office, Maranham,
July 19, 1830.*

IT is with regret, that I have again to address your Excellency on the subject of the illegal introduction of negroes into this province; but having recently received information of certain facts, I conceive it to be my duty to lay them before your Excellency, as well as my reasons for suspecting the vessels concerned in these proceedings.

I understand, that, about the middle of May last, a small schooner arrived with slaves off the Island of Orumari, situated between the Island of Sam João Merim and the land; that she was furnished with provisions and other necessaries, by a person of the name of Felisberto Pimentel, who has a small cattle estate on that island; that on the 9th of June, 2 purchasers arrived from Turi-assir, and it was reported that they proceeded with the negroes and schooner to Turi.

As the "*Uniao*" arrived here on the 1st July, and as her Captain and Mate have since left this port, I have strong suspicions she has been the vessel employed in the above transactions. I cannot help remarking to your Excellency the similarity of the occurrences between this and her former voyage.

The schooner "*Flora*," commanded by the same person who had the "*Joaõ Cabeça*," likewise landed negroes on the coast about the 24th March last, and afterwards proceeded to Pará.

It is also generally supposed, that the schooner "*Prudencia*" has landed negroes on the coast, though I have not any information on the subject; but as she arrived here on the 3d June, she could not be the same vessel that sailed from Orumari on the 9th of said month.

I have, &c.

(Signed)

WM. HESKETH,
Deputy-Consul.*His Excellency Candido Joze d'Arango Viana,*
&c. &c. &c.

Fourth Enclosure in No. 73.

(Translation.)

*The President of Maranham to Mr Deputy-Consul Hesketh.**Maranham, Government-House, July 20, 1830.*

I HAVE to acknowledge the receipt of your note of yesterday, addressed to me, containing the reasons for suspecting that some vessels, which have arrived at this port, are concerned in the illegal traffick of negroes. I have long since given decisive orders to prevent such scandalous transactions, and I am going now to give new orders, and to examine the facts pointed out by you, that, in the event of their being true, the perpetrators may be punished with all the rigour of the law.

God preserve you.

(Signed)

CANDIDO JOZE D'ARANJO VIANA.

*Mr. William Hesketh,
His Britannick Majesty's Deputy Consul.**Mr. Dep*

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BRAZIL. (Consular.)—Maranham.

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No. 73.

Mr. Deputy-Consul Hesketh to the Earl of Aberdeen.—(Received Oct. 22.)

MY LORD,

Consul's Office, Maranham, August 31, 1830.

I HAVE the honour to transmit a copy of my despatch to His Majesty's Chargé d'Affaires at Rio de Janeiro, dated the 28th instant, advising the departure of the schooner "*Uniao*."

I beg leave to inform your Lordship, that little enquiry has been made into the suspicious circumstances of the schooners "*Prudencia*" and "*Uniao*," having been engaged in the illicit introduction of negroes into this province; and notwithstanding the repeated professions of his Excellency the President, that a strict investigation should take place, the "*Prudencia*" was permitted to sail on the 26th July for Gibraltar. The "*Uniao*" was also allowed to depart on the 22d instant for Martinique, from whence she will proceed to the Azores and the Cape Verd Islands, for the purpose, I conclude, of again effecting a similar voyage.

I have, &c.

(Signed) WILLIAM HESKETH,

Deputy-Consul.

The Right Hon. the Earl of Aberdeen, K. T.

&c.

&c.

&c.

Enclosure in No. 74.

Mr. Deputy-Consul Hesketh to A. Aston, Esq.

SIR,

Consul's Office, Maranham, August 28, 1830.

IN my despatch, dated the 24th July, marked "Slave-trade," I had the honour to inform you of the arrival at this port of the schooners "*Prudencia*" and "*Uniao*," which were again suspected of having been engaged in the illicit traffick in slaves. I also transmitted, therewith, copies of my correspondence with his Excellency the President on that subject.

On the 16th instant, I advised the departure of the "*Prudencia*" for Gibraltar; and now beg to acquaint you, that the "*Uniao*" was likewise permitted to sail, on the 22d of this month, for Martinique, notwithstanding his Excellency's professions, that strict enquiry should be made into the suspicious circumstances of her voyage.

I have, &c.

(Signed) WILLIAM HESKETH,

Deputy-Consul.

Arthur Aston, Esq.

&c. &c. &c.

BRAZIL. (Consular.)—Pará.

No. 75.

Mr. Vice-Consul J. Hesketh to the Earl of Aberdeen.—(Received Feb. 12, 1830.)

MY LORD, *Vice-Consul's Office, Pará, November 10, 1829.*

IN conformity to your Lordship's instructions, transmitted to me through His Majesty's Consul-General, I have the honour to enclose a return of the slaves imported into this port, from the 1st January to the 30th June, 1829. I have, &c.

(Signed) JOHN HESKETH,
The Right Hon. the Earl of Aberdeen, K. T. British Vice-Consul.
&c. &c. &c.

Enclosure in No. 75.

Account of Slaves imported into the Port of Pará, from 1st January to 30th June, 1829.

Date of Arrival.	Description of Vessel.	Name of Vessel.	Name of Master.	Where from	Tons.	Days Passage.	Stores Embarcated.	Slaves Died.	Slaves Landd.	REMARKS.
1829.										
Feb. 24	{ Brazilian } { Ship. }	Maria	{ Sebastiao } { Alvez }	Loanda	359	37	270	4	266	

(Signed) JOHN HESKETH,
British Vice-Consul.

No. 76.

Mr. Vice-Consul J. Hesketh to the Earl of Aberdeen.—(Received April 6.)

MY LORD, *Vice-Consul's Office, Pará, Feb. 15, 1830.*

IN conformity to your Lordship's instructions, transmitted to me through His Majesty's Consul-General, I have the honour to enclose a return of the slaves imported into this port, from the 1st July to 31st December 1829.

I have the honour, &c.

(Signed) JOHN HESKETH,
The Right Hon. the Earl of Aberdeen, K. T. British Vice-Consul.
&c. &c. &c.

Enclosure in No. 76.

Account of Slaves imported into the Port of Pará, from 1st July to 31st December, 1829.

Date of Arrival.	Description of Vessel.	Name of Vessel.	Name of Master.	Where from.	Tonnage.	Days Passage.	Slaves embarked.	Slaves Deed.	Slaves Landd.	REMARKS.
1829.	{ Brazilian Schooner }	Amizade	{ Cristóvão II. Andres }	{ Maranhão }	59	4	98	"	98	{ With Guia and Pass-ports }
Nov. 26										

(Signed) JOHN HESKETH,
British Vice-Consul.

No. 77.

Mr. Vice-Consul J. Hesketh to the Earl of Aberdeen—(Received Aug. 20.)

MY LORD,

Pará, June 22, 1830.

I HAVE the honour to transmit, for your Lordship's information, a copy of my despatch, dated the 20th instant, to His Majesty's Chargé d'Affaires at Rio de Janeiro, with its enclosures, transmitting copy of correspondence with the President of Pará, relative to the Brazilian schooner "Flora," suspected of being concerned in the illegal traffick in slaves.

I have, &c.

(Signed)

JOHN HESKETH, British Vice-Consul.

The Right Hon. the Earl of Aberdeen, K.T.

&c.

&c.

&c.

Enclosure in No. 77.

Mr. Vice-Consul J. Hesketh to A. Aston, Esq.

SIR,

Pará, June 20, 1830.

I HAVE the honour to transmit to you the enclosed copies of my correspondence with the President of this Province, relative to the Brazilian schooner "Flora," José Thomaz Gonsalvez, Master, which vessel arrived here from the Cape de Verd Islands on the 25th of March last, under highly suspicious circumstances, inasmuch as to leave little doubt of her being concerned in the illegal traffick in slaves. You will observe, that, owing to want of direct evidence, the President cannot legally detain said vessel. And it is to be feared, that the successful issue of this adventure, will only prove a temptation for a recurrence of similar ones, to the complete evasion of the laws.

I have, &c.

(Signed)

JOHN HESKETH, British Vice-Consul.

Arthur Aston, Esq.

&c. &c. &c.

Sub-Enclosure (A.) in No. 77.

Mr. Vice-Consul J. Hesketh to the President of Pará.

MOST EXCELLENT AND ILLUSTRIOUS SIR,

*Vice-Consul's Office, Pará,
April 14, 1830.*

IN calling your Excellency's attention to the case of the Brazilian schooner "Flora," José Thomaz Gonsalves Master, which was the subject of my verbal communication to your Excellency on the 10th instant, it is needful for me here to premise, that, taking into consideration the extent of coast between this and Maranham, and the facilities which the same affords for the illegal disembarkation of slaves without detection, your Excellency must feel convinced, that, in the absence of positive evidence as to facts, concurrent reports as to their existence must have due weight.

Such is the point in question with regard to the schooner "Flora."

She arrived here on the 25th ultimo, from the Cape de Verd Islands, in ballast, having gone into the Bay of St. Marcos for orders. On her arrival here the general suspicion was, that she was a slave-vessel; indeed her filthy appearance, to those who had an opportunity of witnessing her on board, strongly corroborated the idea; however, as nothing tangible could be obtained, which might lead to a discovery, I declined noticing the same to your Excellency, in the hopes that something might shortly transpire, which would throw further light upon the subject.

Accordingly I received, on the 10th instant, a despatch from His Majesty's Deputy-Consul at Maranham, in which he requests me to make application to your Excellency for the detention of the schooner "Flora," stating that a vessel had sailed from Maranham, on the 30th ultimo, for the purpose of boarding her at sea, off the Coast, and transhipping and conveying the cargo of negroes she had on board to Turi, and that it was also afterwards intended that the said schooner should proceed to this place.

In confirmation of the above, William Brown, the Master of the British brig the "Favourite" arrived here on the 10th instant, asserts, that the pilot, by name "Domingos," who piloted him out from Maranham, assured him, that the "Flora" had landed a cargo of slaves at the Island of St. João, and that the said Master would find her here, as this was her destination.

Fully aware of the delicacy which your Excellency feels for the rights and privileges of His Imperial Majesty's subjects, still I should hope, that your Excellency would be pleased to direct, that such a suspicious case as this should not pass unnoticed; and that in the event of justifiable grounds appearing, your Excellency will order her immediate detention.

I have, &c.

(Signed)

JOHN HESKETH,
British Vice-Consul.*His Excellency the Barão de Bage,
President of the Province of Pará.*

Sub-Enclosure (B.) in No. 77.

(Translation.)

*The President of Pará to Mr. Vice-Consul J. Hesketh.**Pará, Government House, April 15, 1830.*

IN reply to your despatch, dated the 14th instant, in which you inform me, that the schooner "Flora," at anchor in this port, having arrived from the Cape de Verd Islands in ballast, had slaves on board, which she landed clandestinely in the Island of St. John, in the district of the Province of Maranham, as you were informed by His Britannick Majesty's Consul in that province, and requesting of me an enquiry into the fact, and the de-

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attention of the said schooner, in case it should prove true, it is my duty to acquaint you, that on the same date of your despatch, I issued orders to the Chief Magistrate of the district, to commence immediately with the requisite examinations as to the facts stated in your despatch, and which I expect will be carried into effect with the most scrupulous exactness.

God preserve you.

(Signed) BARAO DE BAGE.

Mr. John Hesketh,
British Vice-Consul.

Sub-Enclosure (C.) in No. 77. (Translation.)

The President of Bahia to Mr. Deputy-Consul J. Hesketh.

Pard, Government House, May 15, 1830.

IT is my duty to acquaint you, that the judicial act, which I ordered to be commenced, relative to the schooner "*Flora*," in consequence of your despatch, dated 14th April last, being concluded, I am informed by the Minister who was intrusted with that investigation, that from the deposition of the witnesses who were examined, and who had better means of being acquainted with the fact denounced by you in your said despatch, nothing can be inferred as to the veracity of the denunciation, by which an indirect case can be made out.

In consequence, therefore, of what is above stated, and since the Judge cannot find any criminality which may be proceeded against, I, of my own part, do not think myself authorized to impede the departure of said vessel, which is loaded, application having been made to me for her passport in the usual form.

If, nevertheless, you have sufficient reasons, by which you can legally prevent the said departure, taking upon yourself the responsibility which is the necessary consequence, in that case you may apply in time to the proper judicial Authority, as it is only in this way, and at the requisition in form from the said Authority, that I can act in a manner contrary to that which I have determined on.

God preserve you.

(Signed) BARAO DE BAGE.

Mr. John Hesketh,
British Vice-Consul.

Sub-Enclosure (D.) in No. 77.

Mr. Vice-Consul J. Hesketh to the President of Pard.

MOST EXCELLENT AND ILLUSTRIOUS SIR,
*Vice-Consul's Office, Pard,
May 15, 1830.*

I HAVE the honour to acknowledge the receipt of your Excellency's despatch of this date, in which your Excellency is pleased to acquaint me, that, after due enquiry into the case of the schooner "*Flora*," no just grounds have appeared for the detention of said vessel.

I have, &c.

(Signed) JOHN HESKETH,
British Vice-Consul.

*His Excellency the Barao de Bage,
President of the Province of Pard.*

No. 78.

*Mr. Vice-Consul J. Hesketh to the Earl of Aberdeen.—(Received Sept. 28.)*My Lord, *Vice-Consul's Office, Pará, August 14, 1830.*

IN conformity to your Lordship's instructions, I have the honour to transmit the enclosed return of the slaves imported into this port, during the half-year ending the 30th June last.

I have, &c.

(Signed)

JOHN HESKETH,

British Vice-Consul.

The Right Hon. the Earl of Aberdeen, K. T.

&c.

&c.

&c.

Enclosure in No. 78.

Account of Slaves imported into the Port of Pará, during the Half-Year ending 30th June, 1830.

Date of Arrival.	Description of Vessel.	Name of Vessel.	Name of Masters.	Where from.	Tonnage.	Days Passage.			REMARKS.
						Days	Hours	Minutes	
1830.									
Jan. 16	{ Brazilian Schooner }	Emilia	{ Manoel Antonio Ferreira }	{ Maranhau }	Tons 100	7	46	" 46	{ With Guia and Pass-ports. }
April 6	{ Brazilian Schooner }	Dido	{ Antonio Joaquim }	{ Rio de Janeiro }	100	31	81	4 77	Ditto
" 7	{ Brazilian Ship }	Maria	{ Antonio José Vas Fernandez }	Loanda	339	34	303	22 281	—
June 17	{ Brazilian Schooner }	Amizade	C. H. Andriez	{ Maranhau }	59	5	1	" 1	{ With Guia and Pass-ports. }
			Total	4 Vessels	598	"	431	26 405	

(Signed)

JOHN HESKETH,
British Vice-Consul.*Mr.*

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HESKETH,
British Vice-Consul.

PORTUGAL.

No. 79.

Mr. Consul Goodwin to J. Bidwell, Esq.—(Received February 6, 1830.)

SIR,

*British Consulate, St Jago,
Cape Verde Islands, August 1, 1829.*

I HAVE the honour to acquaint you, for the information of the Earl of Aberdeen, that a large Spanish schooner, bound for the coast, has arrived at Boa Vista from the Havanah, and that a smaller one is daily expected at the same place from the same quarter, and with the same destination.

The slave-trade is unusually brisk. Upwards of 30 Guineamen are said to be hovering about us, whereof 9 or 10 belong to one house at Havanah.

I have, &c.

John Bidwell, Esq.

Esq. Esq. Esq.

(Signed) JOHN GOODWIN.

No. 80.

Mr. Consul Goodwin to J. Bidwell, Esq.—(Received May 27.)

SIR,

British Consulate, Cape Verde Islands, Feb. 4, 1830.

I HAVE the honour to acquaint you, for the information of the Earl of Aberdeen, that on the 30th ult. there arrived in this port the Spanish brig "Vingador." Don Jozé ———, Master, of the burthen of 200 tons and upwards, first from the Havanah, but last from the Coast of Africa, whereto she will return. There are now lying here 3 Spanish Guineamen, viz: the "Vingador" above-mentioned, the "Primeira Galega," and the "Barbarina," 2 schooners of 80 and 90 tons respectively. The 2 latter were overhauled last month by His Majesty's ship "Undaunted," but nothing was found on board of them sufficient to warrant their detention. The "Vingador" is said to be manned with 40 hands, and to be powerfully armed. The "Vingador" and "Primeira Galega" are said to belong to Don Pedro Martins at Havana. It is understood that all these vessels have bespoken their cargoes on the coast, and are only staying here to refresh, whilst their agents are collecting their cargoes, and getting them ready to be shipped. The protection afforded to commerce, and the warning held out to Guineamen by the visits of His Majesty's ship "Undaunted," have called forth the warmest acknowledgments from the Merchants and Ship-masters residing at and frequenting this port.

I am, &c.

John Bidwell, Esq.

Esq. Esq. Esq.

(Signed) JOHN GOODWIN.

No. 81.

Mr. Consul Goodwin to J. Bidwell, Esq.—(Received May 21.)

SIR,

British Consulate, Cape Verde Islands, Feb. 6, 1830.

I HAVE the honour to enclose to you a protest respecting the abduction of a slave belonging to Mr. Ferdinand Gardner, of this town, by one Grey, the Master of the "Renard," a British Whaler.

Mr. Gardner possesses strong and peculiar claims to the attention of His Majesty's Government, having held the situation of British Vice-Consul at Mayo, under my predecessor Mr. Clarke, and having on all occasions entertained our countrymen with kindness and hospitality, but particularly on the melancholy occasion of the loss of the "Letitia," in August, 1827, when he received into his house 64 of the passengers and crew, and shewed them every attention and civility in his power.

For the truth of the protest I have the voucher and authority of Mr. William G. Merrill, Consul for the United States of America in the Cape Verde Islands. Upon these grounds I beg leave to recommend Mr. Gardner's case to the notice and attention of the Earl of Aberdeen.

I have the honour, &c.

John Bidwell, Esq.
 &c. &c. &c.

(Signed) JOHN GOODWIN.

Enclosure in No. 81.

Mr. Gardner's Protest respecting the Abduction of his Slave.

British Consulate, Cape Verde Islands.—(Seal.)

BEFORE me, John Goodwin, His Britannick Majesty's Consul for the Cape Verde Islands, this 5th day of February, 1830, personally appeared Ferdinand Gardner, of Villa da Praia, St. Jago, Merchant, who, upon solemn oath on the Holy Evangelists, before me taken and sworn, did say and affirm, in extension of a protest, noted and entered in the office of the said Consul, on the 21st day of October last past, that he, the deponent, did in the year 1823 purchase a certain negro, called Felipe, a description whereof is hereunto annexed, who did abide in the house and service of the said deponent, until the 20th day of October last past, when a certain British barque, of the burden of 230 tons, called the "Renard," whereof one Grey was Master, and one Alexander Birnie, of Great St. Helens, London, was, as deponent, was informed, Owner, or part Owner, having touched at St. Jago aforesaid to refresh, the said Grey came unto the dwelling-house of said deponent, and purchased sundry articles, to convey which to his boat he took with him the said Felipe, who thereafter never more appeared in St. Jago, and the said deponent saith further, that he having made diligent but ineffectual search and enquiry after the said Felipe, doth infer, as he reasonably might, that the said Felipe was trepanned and spirited away by the said Grey, and put on board the said barque. Wherefore the said Ferdinand did protest against the said Birnie and the said Grey, jointly and severally, and against all other persons concerned, for the said kidnapping; and did declare that whereas the market-price for the said Felipe was not less than 300 mil reis in metal, the same ought to be paid unto him, the deponent, by the said Birnie and Grey, by way of indemnity for the loss he had met with.

In witness whereof he hath hereunto set his hand and seal the day and year first above written.

(Seal.) (Signed) F. GARDNER.

Done at Villa da Praia aforesaid, the day and year first above-written, in my presence.

(Signed) JOHN GOODWIN,
 His Britannick Majesty's Consul.

The above-mentioned Felipe was about 25 years of age, clean made, and about 5 feet 7 inches high.

(Signed) JOHN GOODWIN,
 His Britannick Majesty's Consul.

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PORTUGAL.

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No. 82.

Mr. Consul Goodwin to J. Bidwell, Esq.—(Received May 27.)

*British Consulate, Cape Verd Islands,
 February 27, 1830.*

SIR,

I HAVE the honour to acquaint you, for the information of the Earl of Aberdeen, that an account having reached St. Jago of the piracy committed on the American ship "*Cunhae*," on the 13th of November last, in lat. 9° N. and Long. 24° W., enquiries have been made in Praia, with a view of identifying the brig which committed the piracy, with a certain Spanish Guineaman, which touched at St. Jago in the course of last autumn. The result is as follows.

It appears by the Custom-house books, that a Spanish hermaphrodite brig, called the "*Mançanares*," commanded by one Manoel de Alcântara, manned with more than 40 seamen, and mounting 3 guns, (one of which was on a pivot,) arrived at the port from Havana, on the 6th November last, and sailed again on the 9th for the Island of St. Thomé, Coast of Africa. The vessel being said to have sailed from Havana with a cargo valued at 30,000 dollars; and the Master being well known in this port, from having formerly lived here, no suspicion was entertained of his real character, and he was allowed to depart unexamined. Since his departure, however, intelligence has reached us, that, in his passage from the Havana, he had murdered the lawful Master of the vessel, and also the Supercargo; that on his arrival at St. Vincent's, one of the Cape Verd Islands, he had added the Boatswain to the number of his victims, for having signified his wish to go on shore, and finally, that off St. Vincent's, he had had a running action with a British or French man-of-war, in which engagement 2 of his people were slain.

The interval, between his departure from Praia and the date of the robbery, being about 4 days; the distance between Praia and the scene of action being about 5 degrees of latitude, and the description of his vessel corresponding with that of the pirate's, are circumstances which, combined together, create a general belief that the author of the piracy was the person above-mentioned.

I have, &c.

(Signed) JOHN GOODWIN.

John Bidwell, Esq.

§c. §c. §c.

No. 83.

Mr. Consul Goodwin to J. Bidwell, Esq.—(Received May 27.)

*British Consulate, Cape Verd Islands,
 March 22, 1830.*

SIR,

I HAVE the honour to acquaint you, for the information of the Earl of Aberdeen, that a Spanish hermaphrodite brig is just coming into port. She is known to be a slaver, and to belong to the Owner of 2 other Spanish brigs that are lying in the roads. One of them, the "*Pingador*," mounts 12 guns, and is calculated for 600 negroes; the other, the "*Negrata*," has 16 guns below, and is calculated for 500 negroes.

Having received information last night, that M. A. Martins, of Boa Vista, has obtained permission from the Portuguese Government to import 150 negroes per annum. I shall take an early opportunity of sending information to Sierra Leone.

I have, &c.

(Signed) JOHN GOODWIN.

John Bidwell, Esq.

§c. §c. §c.

P. S.—Another Spanish schooner has just hove in sight.

No 84.

Lord Dunglas to Mr. Consul Goodwin.

SIR,

Foreign Office, August 25, 1830.

I RECEIVED, and referred to His Majesty's Treasury, the letter which you addressed to Mr. J. Bidwell, under date of the 6th of February last, respecting the alleged abduction of a slave belonging to Mr. Ferdinand Gardner, of the Cape de Verdes, by one Grey, the Master of a British whaler.

You will perceive by the accompanying report from the Commissioners of the Customs, that the Master of the "Renard" is not held to have committed any offence against the laws of British revenue, or the laws relating to slave-trade, by the abduction of the slave alluded to.

I am, &c.

(Signed) DUNGLAS.

John Goodwin, Esq.
 &c. &c. &c.

Enclosure in No. 84.

J. Planta, Esq. to J. Backhouse, Esq.

SIR,

Treasury Chambers, August 10, 1830.

I AM commanded by the Lords Commissioners of His Majesty's Treasury to transmit to you, for the information of the Earl of Aberdeen, the enclosed copy of a report from the Commissioners of Customs, dated the 3d instant, relative to the abduction of a slave, named Felipe, from St. Jago, by the Master of the "Renard," British whaler, referred to in your letter of the 29th of June last.

I am, &c.

(Signed) JOSEPH PLANTA.

John Backhouse, Esq.
 &c. &c. &c.

Sub-Enclosure in No. 84.

*Report from the Commissioners of Customs.*MAY IT PLEASE YOUR LORDSHIPS, *Custom-House, August 3, 1830.*

MR. STEWART having, in his letter of the 7th ultimo, transmitted, by command of your Lordships, for our information, and in order that we might take such measures in the case as we might deem necessary, copy of a letter from Mr. Backhouse, enclosing a copy of one from Mr. Goodwin at the Cape de Verd Islands, relative to the abduction of a slave, named Felipe, from St. Jago, by the Master of the "Renard," British whaler;

We beg to state to your Lordships that we have made enquiry into this matter, and it appears in the result, that the Master of the "Renard" has not committed any offence against the laws of this revenue, or the laws relating to the slave-trade, by the abduction of the slave alluded to.

(Signed)

B. B. DEAN. H. S. BOUVERIE.
 G. H. VILLIERS. A. G. STAPLETON.

PORTUGAL.

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No. 85.

Mr. Consul Goodwin to J. Bidwell, Esq.—(Received September 3.)

SIR,

London, September 2, 1830.

I HAVE the honour to acquaint you, for the information of the Earl of Aberdeen, that I have received his Lordship's despatch, dated Foreign Office, 25th August 1830, enclosing 2 letters, from the Commissioners of His Majesty's Customs, and the Lords of His Majesty's Treasury, relative to the abduction of a slave; and acquainting me that the Master of the "Renard" is not held to have committed any offence against the laws of British revenue, or the laws relative to the slave-trade, by the abduction alluded to.

I have, &c.

(Signed) JOHN GOODWIN.

John Bidwell, Esq.
 &c. &c. &c.

DUNGLAS.

No. 86.

Lord Douglas to Mr. Consul Goodwin.

SIR,

Foreign Office, October 22, 1830.

HIS Majesty's Commissioners at Sierra Leone having transmitted to this Office a copy of the letter which you addressed to Mr. Jackson, on the 26th of March last, stating, that Mr. A. Martins, of Boa Vista, had obtained leave to import 150 negroes per annum, from Bissao and Cacheo, into the Cape de Verdes; I am directed by the Earl of Aberdeen to desire, that you will be pleased to state to me, for his Lordship's information, the grounds on which your information rests, with respect to the permission thus reported to have been granted to Mr. Martins.

I am, &c.

(Signed) DUNGLAS.

John Goodwin, Esq.
 &c. &c. &c.

August 3, 1830.

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NETHERLANDS.

No. 87.

The Earl of Aberdeen to Sir Charles Bagot.

SIR,

Foreign Office April 23, 1830.

I HEREWITH transmit to your Excellency the copy of a communication,* which has been received at this Office from the Admiralty, upon the subject of a practice, said to exist in the Foreign West India Islands, of giving, with too much facility, the national character to vessels, which are subsequently employed in illegal slave-trade, the penalties of which they escape through the facilities thus afforded.

The proceedings of the Mixed Commission Court at Sierra Leone, furnish numerous instances in which corroboration of the statement made by Vice-Admiral Fleeming, as to the prevalence, in many of the Foreign West India Islands, of the practice, which forms the subject of his report to the Admiralty, and as to the undue facilities, which are thereby afforded to the carrying on of an illegal traffick in slaves.

You will represent these circumstances to the Government of His Netherlands Majesty, by whom His Majesty's Government feels confident such measures will hereupon be adopted, as may be necessary effectually to prevent a system of abuse, which throws the greatest difficulties in the way of His Majesty's efforts for the suppression of illicit slave-trade, and tends to frustrate the humane objects of the Convention of 4th May, 1818, between His Majesty and the King of the Netherlands.

I am, &c.

His Excellency Sir Charles Bagot,

(Signed) ABERBEEN.

&c. &c.

* See Enclosures in No. 4.

No. 88.

Sir Charles Bagot to the Earl of Aberdeen.—(Received May 3.)

MY LORD,

The Hague, April 30, 1830.

I HAD this morning the honour to receive your Lordship's despatch marked "Slave-trade," of the 23d instant, transmitting to me the copy of a communication made to your Lordship by the Admiralty, upon the subject of the facility, with which a national character is given, in several of the Foreign West India Islands, to vessels which are known to be subsequently employed in the illicit traffick in slaves.

I shall take an immediate opportunity of making the Netherland Government acquainted with the circumstances, which are stated, in proof of this facility, in the papers enclosed in your Lordship's despatch.

I have, &c.

(Signed)

CHARLES BAGOT.

The Right Hon. the Earl of Aberdeen, K. T.

&c. &c. &c.

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No. 89.

Sir Charles Bagot to the Earl of Aberdeen.—(Received August 30.)

MY LORD

The Hague, August 21, 1830.

WITH reference to Mr. Cartwright's despatch to your Lordship, marked "Slave-trade," of the 9th of October last, I have herewith the honour to enclose to you the copy of a note, which I have this morning received from the Minister of Foreign Affairs, transmitting to me the reports made by Captain Lucas of the Netherland Navy, and Lieutenant-Colonel Last, the Commandant of the Netherland Possessions on the Coast of Guinea, respecting the traffick in slaves, carried on at the Netherland Settlement of Accra on that coast.

I have, &c.

(Signed)

CHARLES BAGOT.

The Right Hon. the Earl of Aberdeen, K. T.

§c.

§c.

§c.

Enclosure in No. 89.

*Baron Verstolk de Soelen to Sir Charles Bagot.**La Haye, le 21 Août, 1830.*

LE Soussigné, Ministre des Affaires Etrangères a eu l'honneur de porter par sa réponse préalable du 5 Octobre, 1829, à la connaissance de l'Ambassade Britannique que le Capitaine de vaisseau Luocs, commandant la frégate royale "Sumatra," serait chargé de constater sur les lieux les faits, que la dite Ambassade avait bien voulu communiquer au Soussigné, par sa note du 21 Septembre, 1829, touchant la traite de nègres, qui se ferait à Accra des Pays-Bas sur la Côte de Guinée.

M. le Capitaine Lucas s'étant acquitté de sa commission, le Soussigné s'empresse de communiquer à son Excellence Sir Charles Bagot, &c. un extrait tant du rapport, qui a été présenté par cet officier à son retour, que de celui de M. le Lieutenant-Colonel Last, Commandant les Possessions des Pays-Bas sur la Côte de Guinée.

Le Soussigné se flatte, que l'examen de ces pièces donnera la conviction à son Excellence, que, si les localités de la Côte de Guinée rendent en général la répression de la traite difficile, les Autorités des Pays-Bas sont animées de la meilleure volonté pour y parvenir, et agir à cet égard de concert avec les Autorités Européennes, Britanniques et autres, établies sur la cote, tandis que l'apparition de M. le Capitaine de vaisseau Lucas, accompagné du Commandant "d'Elmina" dans les parages soumises à la domination des Pays-Bas, ainsi que les mesures prises par eux, permettent de se livrer à l'espoir, qu'elles auront faite une impression salutaire sur les peuplades de ces contrées, et que désormais la conduite des habitans d'Accra des Pays-Bas, ne donnera plus lieu à des plaintes.

Le Soussigné prie son Excellence Monsieur l'Envoyé de Sa Majesté Britannique, de mettre cette communication sous les yeux de son Gouvernement, et d'acquiescer, &c.

(Signé)

VERSTOLK DE SOELEN.

Son Excellence Sir Charles Bagot,

§c.

§c.

§c.

(Translation.)

The Hague, August 21, 1830.

THE Undersigned, Minister for Foreign Affairs, had the honour, under date of the 5th October 1829, to reply to the British Embassy, that Captain Lucas, of the Royal frigate "Sumatra," would be instructed to make enquiries on the spot, respecting the occurrences which the Embassy in question had been pleased to communicate to the Undersigned, in its note of the 21st Sep-

tember 1829, relative to the slave-trade, alleged to be carried on at Dutch Accra, a Netherlands Settlement on the Coast of Guinea.

Captain Lucas having complied with the above directions, the Undersigned loses no time in transmitting to his Excellency Sir Charles Bagot, &c. extracts as well of the report made by that Officer on his return, as of that of Lieutenant-Colonel Last, Commandant of the Netherlands Possessions on the Coast of Guinea.

The Undersigned flatters himself, that the perusal of these enclosures will convince his Excellency, that if the position of the Coast of Guinea throws difficulties in the way of repressing the slave-trade, the Netherlands Authorities are animated with the best wishes to attain that object, and to act, for this purpose, in concert with the European Authorities of Great Britain and other nations, established on that coast, while the appearance of Captain Lucas, accompanied by the Commander of the "*Elmina*," off the points under the jurisdiction of the Netherlands, no less than the measures adopted by them, afford reason for hoping, that they will have made a wholesome impression on the tribes inhabiting those countries, and that the conduct of the inhabitants of the Netherlands Settlement of Dutch Accra, will henceforth not furnish any more grounds for complaint.

The Undersigned requests his Excellency the British Ambassador to communicate this note to his Government, and to accept, &c.

(Signed)

VERSTOLK DE SOELEN.

His Excellency Sir Charles Bagot,

Sc. Sc. Sc.

Sub-Enclosure (A.) in No. 89.

(Translation.)

Report of Captain E. Lucas, Commander of a Ship-of-War, respecting the Slave-trade at Accra, a Netherlands Settlement on the Coast of Guinea, drawn up in compliance with Instructions of the 7th of October, 1829.

ON my arrival at St. George's d'Elmina last December, I delivered to the Commandant all the papers entrusted to me for that purpose, and was informed by him, that, having received from Commodore Collier a letter, dated the 5th of April, he had deemed it the most advisable step to request that Commodore to adopt all the means which he might judge the most efficacious, for repressing the slave-trade in the Netherlands Possession at Accra. Accordingly, by his letter of the 22d April 1829, of which a copy is annexed, he intimated this to Commodore Collier, who seems to have assented to it, as may be seen by his answer to Mr. Last, of which likewise a copy is subjoined to this report.

Having repaired with Mr. Commandant Last to Accra, where, according to Commodore Collier in his report to Mr. Croker, Secretary of the English Admiralty, to use his own expressions, "The slave-trade is carried on under the cloak of the Dutch flag to a most alarming extent," I made, on the very spot, to the best of my ability, a very strict enquiry into the subject, and concerted such measures, as appeared the most proper for checking the slave-trade at Accra.

In the presence of Mr. Commandant Last and the Superintendent of Provisions, Mr. S. Prince, I assembled the King, and the Grandes belonging to the District of Accra, in Fort Creveccœur; Accra, however, did not attend, as he happened to be in the interior, on a hostile expedition against the Crepes. I rebuked them, on account of their irregularities in presuming to trade in slaves, against the express pleasure of His Majesty, our King. They replied, that Commodore Collier's complaint against them was not very fair; for, though they would freely and unreservedly confess that they had some hand in this traffick, yet the same trade was also carried on in the English Settlements along the coast, to the same extent as in the District of Accra belonging to the Netherlands, and was tacitly tolerated, because the war between England and the Ashantes deprived them of every other means of subsistence but that arising from the slave-trade. They, however, promised not to en-

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(Translation.)

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gave any more in that prohibited trade. I then enquired, how that trade was carried on in the English and Danish portions of Accra, and found that the expression of its going on "under the cloak of the Dutch flag" was not very exact, for the 2 gentlemen of the "Sybille" merely say, that they had seen slaves "in the rear of Dutch Accra." It also appears, from that letter, that, among these slaves, there was one who lived at Cape Coast, of the name of Cutgar Oterbak, and who, though an English subject, has not been claimed. Another reason which induces me to believe that the slave-trade is not very alarming at Dutch Accra, is, that though one of the English men-of-war, stationed on the Coast of Guinea, occasionally stops for a couple of days at Accra, those ships cruise chiefly from Prince's Island, along Fernando Po, the Bays of Biafra and Benin, as far as St. Paul.

According to the Commodore's letter to Mr. Secretary Croker, the slave-trade was carried on, in broad day, in Dutch Accra; the English fort is not distant from the Dutch more than a quarter of an English mile, that is about 5 minutes, and there was not so much as a serjeant or corporal to exercise any authority in the Dutch fort, which is said to be deserted by the Dutch, who have only left their flag there.

To these observations it may be permitted to reply:—1. As the English and Dutch forts are seated on the beach of an uninterrupted line of coast, very near each other, and at from 60 to 80 feet above the level of the sea, so that no very distinct limit seems to exist between the roadsteads of the 2 forts, it would be so much the more easy for the English fort to prevent the putting off of canoes attempted to be employed for taking slaves on board of ships, as the usual anchoring place of Dutch Accra is between the 2 forts.

2. Serjeant Koning has, for several consecutive years, been placed in the Dutch Fort at Accra, where, during the 3 voyages I have had occasion to make thither, I have always found him wearing the national uniform.

3. The Dutch flag, as stated above, is occasionally hoisted on the fort, and the enquiries, which might have been made of the individual whose duty it is to plant it, would have afforded a conclusive proof that the fort is not abandoned by the Dutch.

Serjeant Koning, however, who, in my opinion, ought to have informed Commandant Last that slaves were embarking at Accra, having, by this dereliction of duty, incurred the charge of negligence, is, in consequence of my agreement with the Commandant, to be superseded by one of the assistants at St. George's d'Elmina. Still I do not believe that all this will prevent the slave-trade, though it probably will cease at Accra.

From Sierra Leone, not to mention the places situated more to the northward, down to the Bay of Biafra, an extent of coast of some hundreds of miles, the slave-trade is carried on, more or less, at several points; but the negroes are, for the most part, shipped lower down the coast.

There is no hamlet belonging to England, the Netherlands, or Denmark, but has, from time to time, some negroes carried away from it; to prevent which entirely, would perhaps require more men than the war with the Ashantes has cost the English.

The blacks are not by any means so much under the controul of Europeans as it may be supposed in Europe. This may be inferred, among other proofs, from the fact, that the Commandant of Cape Coast was unable, in 1828, to prevent the negroes, under the jurisdiction of the English Government, from attempting to seize upon the principal Dutch fort on the coast, namely, St. George d'Elmina, and Fort Koenraadsburg, any more than from waging open war, till the losses which they were put to compelled them to retreat.

Rarely a week, not to say a day, passes, but the Governments receive complaints of negroes having been carried off from such or such a village. If it be ascertained in whose hands they are, they are demanded back, and the negro is conducted to the principal fortress, or other fortified place, if any such there be, near the village; but should the village chance to be at some distance from them, the inhabitants content themselves with sending excuses, or even an insolent answer, with which the Governments are obliged to put up, because the forces at their disposal are too insignificant to allow them to dispatch troops thither, unless a ship-of-war, by the imposing spectacle of some pieces

of ordsance, reduce for a moment the guilty to reason; and even then it frequently happens, that the blacks are not restored, and that it is pretended, by way of excuse, that they have run away.

When closely pressed, they make fair promises, but the instant they can breathe freely, they perform no more than suits them. It also happens, that when a man-of-war anchors in front of a village, as has been my case with the "Sumatra" before Ahan, and when the inhabitants have not a clear conscience, that they skulk in the woods, with their canoes, and some goats, their hammocks, and a little maize, which constitutes their whole property. You may burn their huts, if you please, but this remedy is insufficient to put a stop to the grand evil. Indeed, you might lay the whole Dutch Settlement of Accra in ashes; it would have no other effect than to force the inhabitants to take refuge in the woods, whence, to revenge themselves, they would still sally forth, to kidnap negroes from the neighbouring villages, and dispose of them just as theretofore.

As boats may approach the whole of this coast with equal ease, the slave-vessels cast anchor there before the villages, and buy and embark negroes; so that while the blacks of the Coast of Guinea are willing to carry on this traffick, and find that they can gain so much by it, there is nothing to hinder them.

If England could make peace with the Ashantees, this event, to which the attention of the English Government seems not to have been sufficiently directed, might benefit the good cause, and I think this might be brought about by the Governments of England, Holland, and Denmark, sending out impartial Commissioners.

It would also be highly important to endeavour to prevent, by measures of severity, the importations of slaves into the West Indies and America, and to try to prevail on the negroes to hire their labour of their own free will for a certain period; for should this expedient succeed, it would enable the planters to cultivate their grounds, whereas in the present state of affairs they suffer, though the philanthropic views of the Governments desirous of repressing the slave-trade, are not realised.

Sub-Enclosure (B.) in No. 89.

(Translation.)

Report of the Lieutenant-Colonel-Commandant of the Dutch Possessions on the Coast of Guinea.

St. George del Mina, January 3, 1830.

I HAVE, to the best of my ability, persevered in opposing the slave-trade by sea, principally at Accra, and after my correspondence with Commodore Collier, in April and June 1829, and the orders issued to the Serjeant stationed at Accra, as well as the pressing exhortations addressed to the Government and the negro population of this district, all that remained for me to do, was to wait the arrival of one of the King's ships, for the purpose of adopting such measures of greater rigour, as circumstances might require.

When, on the 16th December last, the Royal frigate "Sumatra" arrived in this road, I apprized her Captain, Colonel Lucas, how matters were situated, and after he had communicated to me part of his instructions concerning the slave-trade at Accra, I made no hesitation in demanding, on the 20th of the same month, a passage in that ship, with the view of examining the lower portion of the coast, which demand was granted the same day.

When, on the 22d December I repaired on board, without stating my destination, in order not to awake any suspicion at the places where I wished His Majesty's frigate might arrive quite unexpectedly, I intimated to Colonel Lucas my desire to visit, previous to proceeding to Accra, some Dutch individuals residing on the lower coast, whose want of subordination had afforded me reasons for being dissatisfied with them ever since the war of General Macarthy, in 1824 and 1826, and against whom my own means of controul had proved of no avail. Among these individuals, I included chiefly those of Cormantin and Apam, who both thought themselves under

no obligation of recognizing the jurisdiction of the Netherlands Government, and who had on that account taken the liberty of detaining more than once some inhabitants of Elmina, and of exacting large ransoms from them without possessing any the least right so to do. At that very time there were yet detained in the former of these places 2 females, for whose release I had exerted myself in all manner of ways.

On the morning of the 23d the frigate put to sea, and in the afternoon, we came to an anchor before Cormantin.

The messenger, whom I immediately on my arrival sent with the baton of command, to the Negro Government and to the principal people of the village, with the view of summoning some before me, and obtaining the restitution of the female prisoners in question, as well as of many other individuals detained in the most illegal manner and destined for slavery, brought me back no other reply, than that they considered themselves as Fantins, and had no concern whatever with the Government of Elmina.

After some deliberations I ordered the launch to be armed, and the other boats to be manned with sailors, and provided with carronades, and then went on shore myself at the head of these troops, and of the detachment of the garrison of Elmina, which I had brought with me.

Having caused to be set on fire some 80 or 100 canoes that were along the coast, near Little Cormantin, I marched with my troops up the hill that leads to Great Cormantin, where almost all the people, who are very numerous, were under arms to repulse us. We nevertheless succeeded in getting into our possession the 2 just-mentioned females, natives of Elmina, who, in the most cruel manner, were tied to a wooden post. We also seized 2 members of the Negro Government, and took away a musket; when, it being near night fall, I deemed it prudent to return on board.

Meanwhile Mr. Hutchinson, the English resident of the neighbouring Fort Annemaboe, came to see the Colonel, and at his invitation we next morning paid him a visit at Annemaboe.

Speaking of what had happened the day before at Cormantin, Mr. Hutchinson observed, that such measures were not only beneficial, but even indispensable for the preservation of good order and of the personal safety of the natives. He added, that, as to the continuance of the slave-trade, rumours had a long time been current, that not only the Dutch subjects at Accra, but also the English and Danish were much engaged in it, and that sometimes conversations were repeated, held in the presence of Commodore Collier, or in that of his Officers, whence it would appear that English functionaries, or at least English subjects, had declared, that they had no other means of subsistence left than the slave-trade. It would perhaps not be denied, that Dutch Accra had, for want of a garrison, been sometimes fixed on for a place to embark at; but it is remarkable, that when Fernandez, the Spanish merchant, who is alluded to in Commodore Collier's letter of the 15th June last, had, in consequence of my order, received from Serjeant Koning an injunction to quit the Dutch Territory at Accra, he chose a retreat with Mr. Fry, the Commandant of the English portion, situated at a small distance from thence. Mr. Hutchinson informed us also of the occurrence at Apam, some natives of which had not long ago sold at Accra a negro of Cormantin, called Atta, to the Caboccer Ahio, and that the family of the sold negro had bought him back, by his, Mr. Hutchinson's, intervention, and by that of Mr. Bannerman at Accra, who had put a young negro in his place, and had paid 2 Spanish dollars.

Upon hearing this account, we took the negro, who had been re-bought, on board with us, that he might serve as evidence at Accra.

After a short stay at Annemaboe, we sailed along the coast to Little Cormantin, where we also sent for the Negro Government to confer with me.

They obeyed the summons, and brought along with them a negress of Elmina, having already, the evening before, very late, sent on board a female that had several times been claimed to no purpose.

I then sent a message to the king of the place, that I should keep as hostages the 2 inhabitants I had taken the day before, till he should restore all the inhabitants of Elmina still in his power.

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Dutch Possessions

January 3, 1830.

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When off Apam, I dispatched, as I had done at Cormantin, a canoe with a messenger bearing the baton, to invite the king and some of the inhabitants of note, to come on board. The canoe soon returned, accompanied with another vessel, containing the king's son, and 4 of the principal inhabitants, instructed to apologize for the king, who was prevented by illness from repairing personally on board. When asked by us respecting the Tapoyers (sic) Thomas Liffing, and Bart Frederic Plange, known for a long time as the brokers of A nera for the purchase of slaves, they assured us, that these two persons had proceeded with merchandize to Fantuon Queory, an English Settlement in the environs, in order to carry on their traffick there, and that most assuredly they would not re-appear at Apam, as they had refused to pay to the Negro Government some local imposts. We then conversed with the deputation, on the reprehensible conduct of the Government in question, as well in refusing to recognize the authority of the Netherlands, as in regard to the slave-trade; and we seriously exhorted them to abstain from it for the future, if they would not expose themselves to a punishment similar to that of the Cormantins. They instantly promised to obey my orders, and pledged themselves to it by taking their usual oaths.

As soon as we were returned on board, we put to sea again, and in the afternoon cast anchor in the roadstead of Dutch Accra, where Colonel Lucas sent forthwith an armed boat, with one of the officers, and Serjeant Barends of the detachment of Elmina, to ascertain whether there were any slaves at the house of A nera, the well-known merchant; but none were found.

Having gone on shore myself, I sent the same evening the baton of command to the chief inhabitants of the village, to give them notice to repair next morning at 8 o'clock, to Fort Creveceur. They came on the 26th.

When Colonel Lucas had arrived in the morning with the First Clerk and Superintendent of Provision, we remonstrated with the negroes on their delinquency, in persisting to carry on the slave-trade, and we insisted upon their pointing out to us those of the inhabitants who principally favoured it, inasmuch as they had been accused by the English Government, but that Ankrate was particularly exculpated.

We expected that they would employ every artifice to deny the charge, or clear themselves of it; but when they heard that some Cormantin hostages, and Atta, the Anemaboe negro, were on board the frigate, they, probably fearing the same fate, for some time consulted together, and then declared:

1. That though they had been engaged in the prohibited slave-trade, it was only imputable to their having been drawn into it by the offers of some Englishmen and Danes.

2. That they could not, indeed, designate any particular individual who particularly countenanced this trade, but that, likening themselves to a woman deserted by her husband, and tempted by various persons, they alleged that a state of destitution, and want of all the necessaries of life, had driven them to it.

3. Lastly, that A nera had been for some time with their army in the field, combating the Crepes, with whom they were at war. The abovementioned Liffing and Plange, who came with them, protested, that they had never had any hand in this prohibited traffick, but were residing in the English Territory of Whennebali, for the sole purpose of selling popoanbanjes, that is to say, articles of wearing apparel for negroes.

Finally, we demanded and obtained from the Caboccer Abir the restitution of the slave, and of the 10 Spanish dollars that had been given him by Mr. Bannerman, as a ransom for the Coromantine negro Atta, of Anemaboe, and we referred him, for an indemnity, to the King of Apam, who had sold him that negro. They also restored to me another debtor of Elmina, of the name of Kivassie Mysang, who had come himself in quest of an asylum at Accra, and surrendered himself as a hostage for 2 ounces of gold.

Colonel Lucas and I having taken these circumstances into mature consideration, we were of opinion, that the Dutch subjects were not those who in this settlement favoured the slave trade the most, at least we could not discover any proof of their having engaged in it since the last voyage of Commodore Collier last June; and having recollected that this gentleman, in his letter

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of the 11th June, declares that he conversed with Anera, who has been for a length of time both known and suspected, without having secured his person, in order to give him up to the Netherlands Government, who had several times demanded him from the English squadron; we preferred keeping the people of Accra in their present favourable disposition, and contented ourselves this time merely with severe exhortations and serious cautions for the time to come, without prejudice to any ulterior measures which we might think proper to adopt hereafter.

I have therefore discharged from His Majesty's service Serjeant Koning, who was stationed at Accra with a private, and have provisionally replaced him by a corporal and 6 rank and file of the detachment of Elmina, who happened to be on board.

We then ordered the house of Ankra, the slave-merchant, to be searched for the second time, and having discovered nothing, we applied to his brother the Caboccer Ahir, in order to obtain from him more positive information respecting the rumours, which the Colonel and I had heard during our stay at Accra, on the subject of the authority of the Danish Possessions of this Coast; after some hesitation that negro assured us, that some time ago 100 slaves, belonging to his brother Ankra, had been sent to the lower coast to be there embarked; that in sailing past a Danish Settlement, probably Ningo, the vessel had been stopped by order of the Functionary of the place and conveyed to Christiaanburg, the Governor of which had levied a mulct of 10*l*. a head for her having engaged in the forbidden slave-trade; but that as the Captain had been unable to furnish the money, the Governor had taken in payment 3 of the slaves, and warned the merchant not to approach any more the Danish Possessions with slaves on board, or the same proceeding would be adopted every time he should return.

These circumstances were so generally known among the people, that we had no reason to doubt their reality; but having understood that the Danish Governor was absent from Christiaanburg, and on a visit at Fuida to a slave-merchant, well known under the name of Jounas, and likewise of Chichat, we could not call at Danish Accra, and I must defer acquainting Mr. Lint, on my return, with what we had been told, and requesting him to stop hereafter, all Dutch subjects engaged in the slave-trade, who may be found with slaves on Danish ground, to enable me to visit them with the punishment directed by my Government.

As the object of my voyage appeared now to have been sufficiently attained, and as we intended to embark the same day on board the Colonel's ship, for the purpose of going to Axim, on the upper coast, we once more exhorted the Negro Government, and the respectable inhabitants of the village, to refrain hereafter from the prohibited slave-trade, adding, that probably I should send them a Functionary to reside among them.

They again promised to comply with my orders, and with this assurance we returned on board and put to sea the same day.

Sub-Enclosure (C.) in No. 89.

Colonel Laet to Commodore Collier.

SIR,

Elmina Castle, April 22, 1829.

I BEG leave to acknowledge the receipt of your letter of the 5th instaut, including copy of a report made to you by the Officers of His Britannick Majesty's ship under your command, concerning the detention of a number of slaves in the house of a native of Dutch Accra, named Anera, the said slaves linked in irons for the purpose of illicit traffick.

By returning you my sincerest thanks for these informations, I beg to add, that, until now, I was under conviction, that the measures I had taken a long time since, and renewed only a few months ago, would have prevented any of the natives residing under Dutch flag to indulge themselves in this horrid and inhuman trade; all my attempts, however, to secure Anera, of whose guilt

in this matter I was well aware, have been unsuccessful, and the only punishment it has as yet been possible to inflict upon him, has been the destruction and demolishing of his house and property, which was twice done by British forces. As all this appears by your statement to have been of no avail, I must confess, that unless any of His Netherland Majesty's ships arrive at this moment, I have not sufficient means to prevent by violence, the proceedings of the principal actor, Anera, and I shall also consider it as the surest obligation you can impose upon me, by using the forces under your command for the purpose of putting an end to a traffick held in abhorrence by our respective Governments.

I have, &c.

(Signed) F. LAST.

His Excellency Commodore Collier,
 &c. &c. &c.

Sub-Enclosure (D.) in No. 89.

Commodore Collier to Colonel Last.

SIR,

His Majesty's Ship "Sibille," Accra, June 15, 1829.

I HAVE the honour to acknowledge the receipt of your letter of the 22d April, and in reply have to inform you, that having learnt that a Spanish armed brig had landed a cargo at Dutch Accra, for the purpose of procuring a number of slaves, I proceeded to this anchorage and found that my information had been correct.

I in consequence requested the Caboccers of Dutch Accra to meet me on the subject, which they did. I shewed them your letter and assured them, that if they persisted in the traffick they were now embarked in, in supplying these Spaniards with slaves, that I would in conjunction with you, and at your desire, destroy their town.

I was aware that many innocent might suffer with the guilty; it, therefore, became all their duty to prevent slave-dealing being carried on. I told Anera, I was quite aware that he was the principal. He even acknowledged having the Spanish brig's cargo, and asked what he was to do with it.

At last they have all promised, that there shall be no more slave-dealing there. Would you, Sir, were to let them know you are aware of this Spanish brig having landed her cargo, &c., and that a Mr. Fernandez, a Spanish subject from Whydah, was residing at Dutch Accra for the purpose of purchasing slaves, and assure them, if they permit such traffick in future to go on there, and not send the Spaniards away, that you will in conjunction with the British squadron destroy them.

I am, &c.

(Signed) F. A. COLLIER, Commander.

Colonel Sir Frederick Last,
 &c. &c. &c.

No. 90.

Viscount Palmerston to Sir Charles Bagot.

SIR,

Foreign Office, December 10, 1830.

I HEREWITH transmit to your Excellency the copy of a despatch,* and of its enclosure, from His Majesty's Commissioners at Surinam, stating, with reference to former reports of the absence from that station of ships destined to repress the illegal traffick in slaves, that there is now always one, and there are frequently three, ships of war stationed in the harbour of Surinam.

* See Class A.—No. 117.

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d) F. LAST.

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The Commissioners state, that from the time of the arrival to the time of the departure of a ship of war, it appears to be a settled rule, that she should never take a cruise; and they truly observe, that if, instead of the practice of lying constantly in the river, the ships of war were in the habit of cruising off the coast, opportunities, which now exist for the introduction of African slaves into the colony, and the subsequent escape of the vessel by which they are introduced, as happened in a recent instance, would be prevented.

Your Excellency will take an opportunity of placing these observations, in a way not calculated to give offence, before the Netherlands Government, of the sincerity of whose desire effectually to put down all attempts at illegal slave-trade, His Majesty's Government are entirely satisfied.

I am, &c.

(Signed) PALMERSTON.

His Excellency Sir Charles Bagot,
 &c. &c. &c.

No. 9L.

Sir C. Bagot to Viscount Palmerston.—(Received December 28.)

MY LORD,

The Hague, December 23, 1830.

I HAD yesterday the honour to receive your Lordship's despatch, marked "Slave-trade," of the 10th instant, transmitting to me the copy of a despatch from His Majesty's Commissioner at Surinam, representing that, although the Netherland Government had of late regularly sent ships of war to that station for the purpose of repressing the illegal traffick in slaves, these ships were in the practice of lying constantly in the river, instead of cruising off the coast for the better interception of any vessels engaged in the slave-trade in that quarter.

I have this morning spoken to Monsieur de Verstolk upon the matter, and as he has readily undertaken to make, in the proper quarter, immediate representations in regard to it, I have not thought it necessary to make it the subject of a written communication.

I have, &c.

(Signed)

CHARLES BAGOT.

The Right Hon. Viscount Palmerston,
 &c. &c. &c.

LIER, Commander.

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December 10, 1830.

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FRANCE.

No. 92.

Lord Stuart de Rothesay to the Earl of Aberdeen.—(Received March 4.)

MY LORD,

Paris, March 1, 1830.

THE accompanying account of infractions of the regulations for prohibiting the slave-trade in the territories of His Most Christian Majesty, have appeared in a journal, which is published at Paris.

The difficulty of ascertaining, how far the statements are correct, induces me not to submit the subject to the consideration of the French Ministers, until I hear that they have been corroborated by the reports, which reach His Majesty's Government through other channels.

I have the honour, &c.

(Signed)

STUART DE ROTHESAY.

The Right Hon. the Earl of Aberdeen, K. T.

&c.

&c.

&c.

Enclosure in No. 92.

(Extract.)

Courier Français. February 26, 1830.

ON nous donne la liste de 11 bâtimens nègriers entrés dans la colonie,* pendant la saison l'hivernage; on indique les habitations où les ventes devaient se faire presque publiquement, et les autorités le savent. Dans les premiers jours de Décembre, on a trouvé sur la rivage de la commune du Robert les cadavres d'un assez grand nombre de ces infortunés, qui avaient été jetés à la mer. On croit qu'il en a péri une centaine. Une seule maison au Robert a reçu 460 nègres de traite; au quartier de François, 125; au Gallion, 132; au Prêcheur, 260.

* Martinique.

(Translation.)

WE have received the list of 11 slave vessels, which have entered the colony,* during the winter season; the houses in which the sales will be almost publicly made are pointed out, and of this the authorities are aware. In the beginning of December there were found, in the river of the commune Robert, the dead bodies of a great number of these poor creatures, who had been thrown into the sea. It is believed that 100 of them have perished. One single house at Robert has received 460 trade negroes: the Quarter François, 125; that of Gallion, 132; and that of Prêcheur, 260.

* Martinique.

FRANCE.

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No. 93.

The Earl of Aberdeen to Lord Stuart de Rothesay.

MY LORD,

Foreign Office, April 23, 1830.

I HEREWITH transmit to your Lordship the copy of a communication* which has been received at this Office from the Admiralty, upon the subject of a practice, said to exist in the Foreign West India Islands, of giving, with too much facility, the national character to vessels, which are subsequently employed in illegal slave-trade, the penalties of which they escape, through the facilities thus afforded.

The proceedings of the Mixed Commission Court at Sierra Leone furnish numerous instances, in corroboration of the statement made by Vice-Admiral Fleeming, as to the prevalence, in many of the Foreign West India Islands, of the practice which forms the subject of his report to the Admiralty, and as to the undue facilities, which are thereby afforded to the carrying on of an illegal traffick in slaves.

You will represent these circumstances to the Government of His Most Christian Majesty, by whom His Majesty's Government feels confident such measures will hereupon be adopted, as may be necessary effectually to prevent a system of abuse, which throws the greatest difficulties in the way of His Majesty's efforts for the suppression of illicit slave-trade, and tends to frustrate the humane objects of the Convention of the 30th of May, 1814, between His Majesty and the King of France.

I am, &c.

(Signed) ABERDEEN.

His Excellency Lord Stuart de Rothesay.

§c. §c. §c.

* See Enclosure in No. 4.

No. 94.

The Earl of Aberdeen to Lord Stuart de Rothesay.

MY LORD,

Foreign Office, April 30, 1830.

WITH reference to my former despatches on the subject of the slave-trade, carried on under the flag of France on the Western Coast of Africa, I transmit to your Excellency, for communication to the French Government, the accompanying copy of a paper, received at this Office from the Admiralty, containing a return of French slave-vessels spoken with by His Majesty's squadron on the Western Coast of Africa, between the 1st of July and the 31st of December, 1829.

I am, &c.

(Signed) ABERDEEN.

His Excellency Lord Stuart de Rothesay.

§c. §c. §c.

entered the colonies will be almost aware. In of the commune creatures, who have perished. the Quarter 260.

Enclosure in No. 94.
Return of Vessels, under the French Flag, spoken with by the Squadron on the Western Coast of Africa, under the orders of Commodore Collier, C. B.
1st July to 31st December 1829.

Date.	By what Vessel.	Ports.	Vessel.	Master.	Owner.	How rigged.	Number of		Where			Cargo.	REMARKS.	
							Men.	Guns.	Tons.	From.	Bound.			Belonging.
1829 Aug. 7	Sybillé	Acra	Virginie	Isaoul	Cherougé	Brig	16	2	132	Bibbia	Lagos	Martinique	Tobacco, Rum, &c.	
Nov. 19	Dito	Off Fernando Po	Elisa	Constant Herpin	{ Constant Herpin }	Dito	33	4	151	Old Calabar	Martinique	Dito	400 Slaves	{ Formerly L'Amable France; in 1828, took 150 slaves from the River Benin, in L'Hercule, a schooner under French colours.
Oct. 23	Atoll	Off Cape Mount	Jeanne	"	"	Schooner	19	4	120	Nantz	Africa	Nantz	None	Fitted for slaves.
" 1	Dito	{ Lat. 9° 20' N.; Long. 16° 50' W. }	Louise	L. V. Jastran	"	Dito	38	6	160	Shebar	Martinique	Martinique	372 Slaves	{ Having on board 120 slaves belonging to a Spaniard, was detained and sent to Sterra Leone.
Sep. 30	Plumper	{ Off the River } Cavalry	Jenny	{ Jean Baptiste Chevalier }	Talva	Dito	14	2	102	Nantz	Africa	Nantz	General Cargo	{ Is reported to have sailed 2 days before her arrival, and under Brazilian colours.
" 30	Dito	"	Leonarda	A. Boudon	Clarendonaux	Brig	31	4	183	"	"	"	Dito	{ Her papers stated her to have cleared out for Bizenze Ayres.
" 3	Clinker	River Gabon	Adolphe	G. Dupin	"	Dito	26	4	237	Gaundelope	Gaundelope	Dito	Dito	Bizenze Ayres.
" 22	Dito	Off Fernando Po	Félicité	De Fons	De Fons	Dito	20	2	131	{ Old Calabar River }	Porto Rico	Nantz	250 Slaves	{ Showed parchment title- bet from Nantz, dated 1824.
Oct. 2	Dito	River Gabon	Mouche	A. Drouet	{ Messrs. Graisson }	Schooner	16	2	93	Gaundelope	Gaundelope	General Cargo	Dito	Explicitly for Slaves.
" 16	Dito	Old Calabar River	Julian	"	"	Dito	"	"	"	Calabar	Porto Rico	Martinique	280 Slaves	{ Declined in consequence of Messrs. and Mice, being to her being a Dutch ves- sel.
Dec. 30	Aboll	{ Lat. 6° 9' N.; Long. 8° 27' E. }	La Louise	Eves Perrane	Van Bureaux	Brig	16	2	141	{ River Old Calabar }	Martinique	St. Martin	225 Slaves	

(Signed) E. A. COLLIER, Commodore.

Shewed a parchment register from Nantes, dated 1824, Evidently for Slaves. Detained in consequence of Master and Mate depositing to her being a Dutch vessel.

250 Slaves	Nantz	280 Slaves	Porto Rico	211	131	20	Ditto	De Foux	De Foux	Félicité	OE Fernando	Dito	Oct. 2	16	Dec-30
General Cargo	Gaudeloupe	Martinique	Gaudeloupe	Calabar River	Gaudeloupe	Schooner	Ditto	Messrs. Gallant	A. Drouot	Mouche	River Gabon	Dito	16	16	30
	St. Martin	St. Martin	Calabar River	Old Calabar	Old Calabar River	Boig	Van Brounax	Van Brounax	Evex Perreac	Julian	Lat. 6° 9' N. Long. 8° 27' E.	Abdell			

(Signed) F. A. COLLIER, Commodore.

FRANCE.

No. 95.

Lord Stuart de Rothesay to the Earl of Aberdeen.—(Received May 24.)

MY LORD,

Paris, May 21, 1830.

IN obedience to the instructions contained in your Lordship's despatch, marked "Slave-trade," of the 30th April, 1830, I have transmitted to Monsieur de Polignac, the list of vessels engaged in the slave-trade, which have been met by His Majesty's ships-of-war, cruising on the Coast of Africa, together with the accompanying note.

I enclose a copy of the answer I have received.

I have, &c.

(Signed) STUART DE ROTHESAY,

The Right Hon. the Earl of Aberdeen, K. T.
 &c. &c. &c.

First Enclosure in No. 95.

Lord Stuart de Rothesay to the Prince de Polignac.

SIR,

Paris, May 10, 1830.

THE vessels named in the accompanying list, having been encountered by His Britannick Majesty's ships, cruising on the West Coast of Africa, between the months of July and December, under circumstances which leave no doubt that they had been engaged in the slave-trade, the Undersigned is again compelled to call the attention of His Excellency the Prince de Polignac to the subject, and to express the hope, that the measures will be adopted, which appear necessary to remedy so flagrant an infraction of the regulations of France, for the abolition of that trade by French subjects.

(Signed) STUART DE ROTHESAY.

His Excellency the Prince de Polignac,
 &c. &c. &c.

Second Enclosure in No. 95.

The Prince de Polignac to Lord Stuart de Rothesay.

MONSIEUR L'AMBASSEUR,

Paris, le 17 Mai, 1830.

J'AI reçu avec la lettre, que votre Excellence m'a fait l'honneur de m'écrire le 10 de ce mois, une liste de bâtimens, sous pavillon Française, signalés comme faisant la traite des noirs sur la Côte d'Afrique.

Je prie votre Excellence de recevoir mes remerciemens de cette communication, dont le Gouvernement du Roi s'empressera de faire usage.

J'ai l'honneur, &c.

(Signé) LE PRINCE DE POLIGNAC.

Son Excellence Lord Stuart de Rothesay,
 &c. &c. &c.

(Translation.)

MONSIEUR L'AMBASSEUR,

Paris, May 17, 1830.

I HAVE received, with the note which your Excellency did me the
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honour to address to me on the 10th instant, a list of vessels, under the French flag, reported as trading for negroes on the Coast of Africa.

I beg your Excellency to accept my thanks for this communication, of which His Majesty's Government will hasten to avail themselves.

I have, &c.

(Signed) LE PRINCE DE POLIGNAC.

His Excellency Lord Stuart of Rothesay,
 &c. &c. &c.

No. 96.

The Duc de Laval Montmorency to the Earl of Aberdeen—(Received June 4.)

MY LORD,

London, 4 Juin, 1830.

J'ai l'honneur d'informer votre Excellence, que le pavillon du Roi vient d'être l'objet d'une nouvelle violation, de la part de la croisière Anglaise sur la Côte Occidentale d'Afrique.

Les bries négriers "*La Laure*" et "*La Louise*" ont été arrêtés par le Capitaine Alexander Gordon, du bâtiment de Sa Majesté Britannique "*L'Atholl*," et conduits à Sierra Leone, où un jugement de la Commission Mixte a déclaré illégale leur arrestation. Mais le premier de ces navires, "*La Laure*," s'étant trouvé sans défenseur, par suite des mesures prises contre lui, a été définitivement confisqué par le Collector de la Colonie, en vertu d'un Acte du Parlement, qui ordonne la confiscation de tout bâtiment négrier, arrêté dans les eaux sous la domination de Sa Majesté Britannique.

Le second navire "*La Louise*," ayant conservé son Commandant et une partie de son équipage, quitta Sierra Leone aussitôt après le jugement de la Commission Mixte.

Ces actes non seulement constituent une violation du pavillon Français, et me atteinte au droit des gens, mais ils contraient encore l'action confiée aux croisières Françaises, pour assurer l'application des lois relatifs à la traite des noirs. Sous ce double rapport, le Gouvernement de Sa Majesté Très-Chrétienne, a cru devoir faire des représentations sérieuses au Cabinet Britannique, et réclamer de lui des instructions, qui prescrivent aux Commandants des croisières Anglaises, plus de réserve dans l'exercice de leurs fonctions, et qui soient, en même tems, de nature à prévenir le retour d'actes, dont la répétition compromettrait la bonne intelligence que, dans l'intérêt des lois sur la traite, il convient de maintenir entre les croisières des deux nations.

J'ai l'honneur de prier votre Excellence de vouloir bien m'informer des résolutions, qui seront prises à cet égard par le Gouvernement de Sa Majesté Britannique.

J'ai l'honneur d'être, &c.

(Signed) MONTMORENCY LAVAL.

Son Excellence M. le Comte d'Aberdeen,
 &c. &c. &c.

(Translation.)

MY LORD,

London, June 4, 1830.

I HAVE the honour to inform your Excellency, that the French flag has become the object of a new violation, on the part of the English cruisers on the Western Coast of Africa.

The slave brigs "*La Laure*" and "*La Louise*" have been seized by Captain Gordon of His Britannick Majesty's ship "*Atholl*," and taken to Sierra Leone, where a decision of the Mixed Commission has declared their seizure illegal.—But the former of these vessels, "*La Laure*," being left without a

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DE POLIGNAC.

(Received June 4.)

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on Mixte a déclaré
La Laure," s'étant
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ndant et une partie
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Sa Majesté Très
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ENCY LAVAL.

, June 4, 1830.

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protector, in consequence of the measures taken against her, has been definitively confiscated by the Collector of the Colony, by virtue of an Act of Parliament, which orders the confiscation of every slave-vessel, seized in the waters under the dominion of His Britannick Majesty.

The second vessel, "La Louise," having retained her Commander and a part of her crew, left Sierra Leone immediately after the decision of the Mixed Commission.

These acts constitute not only a violation of the French flag, and an infringement of the law of nations, but they also fetter the operations entrusted to the French cruisers to ensure the fulfilment of the laws relating to the slave-trade. On both these accounts the Government of His Most Christian Majesty has thought it right to make serious representations to the British Cabinet, and to demand from it instructions which shall prescribe to the British cruisers more circumspection in the exercise of their functions, and shall, at the same time, be of such a nature, as to prevent their again committing acts, a repetition of which will compromise the good understanding which, for the advantage of the laws on slave-trade, it is right should be maintained between the cruising stations of the two nations.

I have the honour to request that your Excellency will have the goodness to inform me of the determinations, which may be taken on this subject by the Government of His Britannick Majesty.

I have, &c.

(Signed)

MONTMORENCY LAVAL.

His Excellency the Earl of Aberdeen,
&c. &c. &c.

No. 97.

Lord Stuart de Rothesay to the Earl of Aberdeen.—(Received June 21.)

MY LORD,

Paris, June 18, 1830.

IN obedience to your Lordship's directions, I presented to Prince Polignac the note I have the honour to enclose, containing the substance of the information which has reached His Majesty's Government, respecting the continuation of the slave-trade in the West Indies.

I yesterday received the enclosed answer, in which the information I had transmitted is contested, upon grounds which his Excellency has by no means proved to be worthy of credit.

I have, &c.

(Signed)

STUART DE ROTHESAY.

The Right Hon. the Earl of Aberdeen, K.T.

&c. &c. &c.

First Enclosure in No. 97.

Lord Stuart de Rothesay to the Prince de Polignac.

SIR,

Paris, May 5, 1830.

THE proceedings of the Mixed Commissions at Sierra Leone, and the reports of the Officers commanding His Majesty's ships in the West Indies, and on the African Coast, concur in representing the mischief, which results from the facilities, with which the change of national character and colours is afforded to vessels in those seas.

The accompanying statement,* in particular, shews that this practice is resorted to for the purpose of committing piracy, and evading the penalty attached to the illegal traffick in slaves.

The humane objects of the Convention of May 8, 1814, between the two

* See Sub-Enclosure (A.) in No. 4.

Governments, being therefore defeated, I must express to your Excellency the hope of my Court, that the measures will be adopted, which appear necessary to prevent the continuance of such abuses.

I avail myself, &c.

(Signed) STUART DE ROTHESAY.

His Excellency the Prince de Polignac,
 &c. &c. &c.

Second Enclosure in No. 97.

The Prince de Polignac to Lord Stuart de Rothesay.

MONSIEUR L'AMBASSADEUR,

Paris, 12 Juin, 1830.

VOTRE Excellence m'a annoncé le 5 Mai dernier, qu'elle était chargée par sa Cour de réclamer dans l'intérêt de l'abolition de la piraterie, et de celle de la traite, contre les facilités que les bâtimens, naviguant dans les mers des Antilles, et dans les parages de la Côte Occidentale d'Afrique, obtiennent pour changer leur nationalité.

La lettre de votre Excellence était accompagnée d'un rapport de Monsieur l'Amiral Fleeming, contenant des allegations, qui tendent à imputer au Gouvernement du Roi la continuation d'un trafic, qu'il a jusqu'à ce jour ostensiblement et effectivement poursuivi, à l'aide des mesures les plus persévérantes et les plus rigoureuses.

Votre Excellence s'étant abstenue de reproduire ces allegations, je dois me borner à lui témoigner le regret, de voir les Agens de son Gouvernement manifester et communiquer des soupçons, où se montre une appréciation, au moins irréfléchie, des causes, qui entretiennent encore le commerce des noirs.

La Surveillance, que le Gouvernement du Roi a recommandée, tant dans les Ports de France que dans ceux de ses colonies, y a rendu, en quelque sorte, impossible l'armement des navires que peuvent être destinés à cet odieux trafic. Les faits les plus notoires attestent, et Monsieur l'Amiral Fleeming le reconnaît lui même, que le plupart des bâtimens équipés à la Martinique et à la Guadeloupe, avec destination ultérieure pour la traite, et dont presque tous son Américains, sont obligés, afin d'éviter les poursuites, auxquelles ils seraient infailliblement exposés dans ces colonies, de se rendre à l'Isle de St. Thomas, pour y obtenir la permission de s'armer, et pour y recevoir leurs cargaisons.

Quant aux opérations de traite, qui ont lieu sur la Côte d'Afrique, l'exactitude, avec laquelle la station Française dans ces parages, remplit le service que lui est confié, est prouvée par les soins que prennent les Capitaines des navires négriers, pour se couvrir en sa présence d'une nationalité étrangère, au moyen de papiers de mer, obtenus dans les Isle Danoises, Espagnoles, ou Suédoises. Il est dès lors évident, que les Agens du Roi sont étrangers aux facilités, que de coupables spéculateurs trouvent encore pour se livrer à la traite.

Le Gouvernement du Roi regrette, Monsieur l'Ambassadeur, de se trouver dans l'impossibilité d'adopter de nouvelles mesures contre ce trafic; il a pris, ses actes le témoignent hautement, toutes celles qui devaient le rendre impraticable à ses propres sujets, mais il n'a ni la mission ni le pouvoir, de l'interdire aux sujets des Puissances étrangères.

J'ai l'honneur, &c.

(Signé)

LE PRINCE DE POLIGNAC.

Son Excellence Lord Stuart de Rothesay,
 &c. &c. &c.

(Translation.)

MONSIEUR L'AMBASSADEUR,

Paris, June 12, 1830.

YOUR Excellency announced to me, on the 5th ultimo, that you were

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charged by your Court, to protest, in behalf of the abolition of piracy and of the slave-trade, against the facilities which vessels, navigating the seas of the Antilles, and the parts of the Western Coast of Africa, obtain for changing their national character.

Your Excellency's letter was accompanied by a report from Admiral Fleeming, containing allegations, tending to impute to His Majesty's Government the continuation of a traffick, which it has to this day openly and effectually persecuted, by measures the most persevering and rigorous.

Your Excellency having abstained from renewing these allegations, I confine myself to the expression to you of my regret, at seeing the Agents of your Government manifest and communicate suspicions, in which is shewn an appreciation, at the least inconsiderate, of the causes which yet keep up the trade in negroes.

The watchfulness which His Majesty's Government has recommended, as well in the Ports of France as in those of her colonies, has rendered the equipment of vessels destined for this odious traffick, in some sort impossible at those places. The most notorious facts bear witness, and Admiral Fleeming himself knows, that the greater part of the vessels fitted out at Martinique and Guadaloupe, ultimately intended for the trade, and nearly all of which are American, are obliged, in order to avoid the prosecutions, to which they would be infallibly exposed in these colonies, to go to St. Thomas, there to obtain permission to equip themselves, and to receive their cargoes there. As to the trading transactions, which take place on the Coast of Africa, the exactitude with which the French station in those parts performs the service confided to it, is proved by the care which the Captains of slave-vessels take to cover themselves, in its presence, under a foreign national character, by means of papers obtained at the Danish, Spanish, and Swedish Islands. It is, therefore, evident that the Agents of the King are strangers to the facilities, which the criminal speculators yet find for engaging in the trade.

His Majesty's Government regrets, that it finds it impossible to adopt new measures against this traffick; it has taken, as its acts plainly testify, all those which must render it impracticable to its own subjects, but it has neither the right nor the power, to forbid it to those of other nations.

I have, &c.

(Signed) LE PRINCE DE POLIGNAC.

His Excellency Lord Stuart de Rothesay,
§c. §c. §c.

No. 98.

The Earl of Aberdeen to the Duke de Laval Montmorency

Foreign Office, July 6, 1830.

THE Undersigned, &c., had the honour to receive the letter, which was addressed to him on the 4th ultimo, by his Excellency the Duke de Laval Montmorency, &c., on the subject of the slave-vessels "*La Laure*" and "*La Louise*," said to have been detained by one of His Majesty's cruizers, the "*Atholl*," and carried to Sierra Leone, where the Mixed Commission Court declined to proceed upon either of them, but the Collector of the Colony prosecuted one of them, "*La Laure*," under an Act of Parliament, which renders liable to confiscation slave-vessels, detained in waters under the dominion of His Majesty.

The Undersigned has lost no time in directing the necessary enquiries to be made into the cases of these vessels, the result of which he will have the honour to communicate without delay to the Duke de Laval Montmorency.

The Undersigned, &c.

(Signed)

ABERDEEN.

His Excellency the Duke de Laval Montmorency,
§c. §c. §c.

Lord Stuart de Rothesay to the Earl of Aberdeen.—(Received August 5.)

MY LORD,

Paris, August 2, 1830.

HAVING received information, that 2 vessels have been equipped for the especial purpose of trading in slaves from the Coast of Africa, I enclose the copy of a note I addressed the French Minister on that subject, on the 24th of July.

I have, &c.

(Signed) STUART DE ROTHESAY.

The Right Hon. the Earl of Aberdeen, K. T.

&c.

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&c.

Enclosure in No. 99.

Lord Stuart de Rothesay to the Prince de Polignac.

SIR,

Paris, July 24, 1830.

I HAVE the honour to transmit to your Excellency, the particulars of the equipment of 2 vessels in the Port of Nantes, for the obvious purpose of trading in slaves.

The repeated manifestation of an anxious wish, on the part of the French Government, to prevent the infractions of the regulations, which tend to check this traffick, encourages me to hope that this statement will give rise to investigation.

(Signed)

STUART DE ROTHESAY.

His Excellency the Prince de Polignac,

&c.

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Sub-Enclosure in No. 99.

Mr. Consul Newman to His Majesty's Consul-General at Paris.

SIR,

Nantes, July 5, 1830.

ALTHOUGH the Portuguese and Brazilian flags can no longer protect vessels engaged in the slave-trade, there are two now fitting out in this port, and, I have been informed, with the intention of running all risks; they are brigs that have been employed in that traffick, in fact are of that model, which is only used for vessels intended for such trade or for privateers; one of them the "*Alcide*," is ready to sail, but there is not yet a single article on board of her that can justify the suspicion of her being fitted out for the slave-trade. She has lately been purchased by two persons, of the names of Paynes and Thibaud, who intend to go in her, and to carry the slaves to St. Jago de Cuba, but she will appear to be, I imagine, the property of an old retired shipmaster, when she clears out.

The second is the "*Pierre*," of 180 tons, commanded by Le Blanc, or Le Blond, and belongs to Messrs. Petit, Pierre, and Co.; she is nearly ready for sea.

D. R. Morier, Esq.

&c. &c. &c.

(Signed)

HENRY NEWMAN.

FRANCE.

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No. 100.

Lord Stuart de Rothesay to the Earl of Aberdeen.—(Received Sept. 30.)

MY LORD,

THE presentation of a petition, on behalf of the proprietors of St. Domingo, to the Chamber of Deputies, having enabled the Minister of the Colonial Department, and M. de Lafayette, to make known the intentions of the Government, and their own sentiments, respecting the abolition of the slave-trade, and the extinction of slavery, I have the honour to transmit to your Lordship the accompanying paper, containing their several discourses upon these subjects.

I have, &c.

(Signed)

STUART DE ROTHESAY.

The Right Hon. the Earl of Aberdeen, K. T.

&c.

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Enclosure in No. 100.

Extract from the Courrier Français of the 26th September, 1830.

UN grand nombre de Colons de Saint-Domingue réclament, 1^o, le versement des trois derniers cinquièmes échus et non versés par le Gouvernement d'Haïti à la caisse des dépôts et consignations; 2^o, le dernier cinquième de l'indemnité fixée par la Loi du 30 Avril, 1826; 3^o, les intérêts, à 3 olo à chaque paiement successif, des sommes qui seront payées.

M. le rapporteur conclut au renvoi au Ministère de la Marine.

M. LE GENERAL LAFAYETTE: Je me joindrai toujours à ce, qui peut soulager l'infortune des anciens et malheureux Colons de Saint Domingue; mais après la discussion qui vient d'être portée à cette tribune, la chambre ne trouvera pas sans doute de l'inconvenance, à ce que je passe de la question actuelle, à la situation des colonies qui nous restent. Je regrettaï fort à l'époque de l'assemblée constituante, qu'on eut pas persisté dans les résolutions, qui unissaient les hommes de couleur libres aux autres colons, en les déclarant susceptibles des mêmes droits. J'aurais souhaité aussi, qu'on n'eût sévèrement interdit la traite des noirs, et qu'une loi sur l'affranchissement graduel des esclaves eut prévenu les malheurs, occasionnés par un affranchissement imprudent et subit; et depuis n'avons-nous pas eu à déplorer ce système consulaire et impérial, qui envoya nos meilleures troupes, se perdre dans la funeste expédition de Saint-Domingue, et qui commit le double attentat de rétablir l'esclavage et la traite des noirs à une époque où même aucun Capitaine Français n'était engagé dans cet infâme trafic? Aujourd'hui, Messieurs, après tant des sacrifices et de malheurs, nous nous trouvons en arrière de quelques autres nations, et pour ne parler que de la traite, les Etats-Unis d'abord, les Anglais ensuite, l'ont assimilée à la piraterie, seul moyen de répression, lorsque les coupables peuvent obtenir des dédommagemens pécuniaires de ceux qui les ont employés, qui, par exemple, enverraient des bâtimens à Saint-Thomas, pour exploiter ensuite la traite des noirs. C'est pour éviter des longueurs, des propositions spéciales de renvoi dans les bureaux, que je prie M. le Ministre de la Marine, ici présent, dont je connais les bonnes intentions à cet égard, de vouloir bien nous dire positivement, quelle est la détermination du Gouvernement sur la question de la traite des noirs, et sur l'état des hommes de couleur libres dans nos colonies.

M. SEBASTIANI: Je me félicite d'avoir à déclarer à la chambre, que je me suis rencontré avec l'illustre général, qui descend de la tribune, au sujet des vœux philanthropiques dont il vient de nous entretenir. Je me propose de présenter à la chambre une loi, qui prononcera les peines de la piraterie contre ceux, qui se livrent à l'infâme trafic des nègres.

Il faut le reconnaître, malgré les précautions du Gouvernement, la traite n'a pas cessé d'exister, quoiqu'elle ait diminué; une chose honorable pour

Received August 5.)

August 2, 1830.

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pendant vous être dite, c'est, que la France est de toutes les nations qui ont un commerce maritime, celle qui s'est le moins livrée à ce trafic.

A l'égard des hommes libres des colonies, la France reconnaît qu'il ne peut exister d'hommes libres à des conditions différentes; ainsi la loi annoncée reconnaît, que tous les hommes libres, de quelque couleur qu'ils soient, sont égaux devant la loi.

La pétition est renvoyée au Ministre de la Marine.

(Translation)

From the "Courrier François" of September 20, 1850.

A GREAT number of the colonists of St. Domingo demand—1. That the 3 last fifths which are due, and which have not been discharged by the Government of Haiti, may be paid into the fund of the *Dépôts et Consignations*.—2. The last fifth of the indemnity fixed by the law of the 30th April, 1826.—3. The interest of 3 per cent. on every successive payment of the sums that shall be paid.

The Member who brought up the report proposed, that it should be referred to the Office of the Ministry of the Marine.

GENERAL LAFAYETTE: I shall always be friendly to whatever can relieve the misfortune of the ancient and unhappy colonists of St. Domingo; but after the discussion which has just been opened, the Chamber will doubtless not deem it irrelevant for me, to pass from the question before it, to the situation of the colonies which are still left us. I was very sorry, during the time of the Constituent Assembly, that no further notice should have been taken of the resolutions, which united the freemen of colour to the other colonists, by declaring them susceptible of the same rights. I could also have wished that the slave-trade should not have been prohibited with severity, and that a law on the gradual manumission of slaves might have prevented the misfortunes occasioned by an imprudent and sudden liberation. And have we not had since that time to deplore that consular and imperial system, which sent our best troops to be destroyed in the fatal expedition of St. Domingo, and which committed the two-fold outrage of re-establishing both slavery and the slave-trade at an epoch, when not even a single French Captain was engaged in that infamous traffick? At this day, gentlemen, after so many sacrifices and calamities, we find ourselves behind some other nations; and, to speak only of the slave-trade, the United States in the first place, and next the English, have put it on the same footing with piracy, which is the only means of repression, when the guilty can obtain pecuniary indemnities from those who have employed them, who, for instance, would send vessels to St. Thomas's, with the view of carrying on afterwards the slave-trade. In order to avoid delays, and special propositions for reference to various offices, I request the Minister of the Marine, who is now in his place, and whose good intentions in this respect I know, to be pleased to tell us positively what is the intention of Government on the question of the slave-trade, and on the state of the freemen of colour in our colonies.

M. SEBASTIANI: I am happy in being able to declare to the Chamber, that I concur with the illustrious General who is quitting the tribune, on the subject of the philanthropic views on which he has addressed you. It is my intention to lay before the Chamber a law, which will inflict the penalties of piracy on those who carry on the infamous slave-trade.

It must be owned, that, notwithstanding the precautions of Government, the slave-trade has not ceased, though it has abated. There is, however, one honourable circumstance which may be stated to you, that, of all the seafaring nations, France is that which has the least been engaged in it.

In respect of the freemen in the colonies, France is aware, that no freemen can exist on different conditions; hence the promised law will lay it down, that all freemen, of whatever colour, are equal in the eyes of the law.

The petition is referred to the Minister of the Marine.

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No. 101.

Lord Stewart de Rothesay to Viscount Palmerston.—(Received Nov. 29.)

MY LORD,

Paris, November 26, 1830.

I HAVE the honour to enclose an extract from the *Moniteur*, stating the substance of a judgment pronounced by the Colonial Tribunal of Guadeloupe, against Edmé Baury, merchant at Point à Pitre, for carrying on illegal commerce in slaves.

I have, &c.

(Signed)

STUART DE ROTHESAY.

The Right Hon. Viscount Palmerston,

&c.

&c.

&c.

Enclosure in No. 101.

(Extract.)

"*Moniteur*," November 24, 1830.

PAR arrêt de la Cour d'Assizes de l'Arrondissement de la Basse-Terre (Ile Guadeloupe,) rendu le 21 Juillet, 1830, et par application de la loi du 23 Avril, 1827, relative à la répression de la traite des noirs,

Le Sieur Edmé Baury, negociant à la Pointe à Pitre, et armateur de la goelette la "*Pauline*," a été condamné, par contumace, à 10 ans de bannissement, à l'amende de 40,800 francs, et aux frais du procès.

[*Nota.*—Extrait de l'arrêt du 25 Février, 1830, qui a condamné pour le même fait de traite le Capitaine et les matelots de la "*Pauline*," a été inséré au *Moniteur* du 8 Mai suivant.]

(Translation.)

BY decree of the Court of Assize of the Arrondissement of Basse-Terre (Guadeloupe,) delivered July 21, 1830, and in accordance with the law of April 25, 1827, relative to the repression of the slave-trade,

M. Edmé Baury, merchant, of Pointe à Pitre, and fitter out of the goelette "*Pauline*," has been condemned, for non-appearance, to 10 years' banishment, to a fine of 40,800 francs, and costs of suit.

[*Note.*—An extract of the Decree of February 25, 1830, which condemned the Captain and sailors of the "*Pauline*," on the same charge of slave-trade, was inserted in the *Moniteur*, of the 8th of May following.]

No. 102.

Lord Stuart de Rothesay to Viscount Palmerston.—(Received Dec. 27.)

MY LORD,

Paris, December 17, 1830.

THE repeated representations I have addressed to the several Members of the French Government, that the promise I have received, to give effect to the regulations for the abolition of the slave-trade, cannot lead to satisfactory results, if they are not made good by a complete change in the French Legislation upon that subject, have long induced me to expect, that they would consent to bring a bill for that purpose into the Chamber.

These expectations have, I am happy to say, been at length realized, and the Minister of the Marine brought forward the proposal I have the honour

to enclose, on Tuesday, in the Chamber of Peers; and, although your Lordship will no doubt find the provisions it contains to be susceptible of improvement, the measure offers the best proof, I have yet seen, of a serious determination, on the part of the Government, to put an end to that traffic.

I have, &c.

(Signed) STUART DE ROTHSAY.

The Right Hon. Viscount Palmerston,
Sec. Sec. Sec.

Enclosure in No. 102.

(Extract.)

Moniteur, December 14, 1830.

M. LE COMTE D'ARGOUT, Ministre de la Marine :

Messieurs,

LE Gouvernement du Roi vient réaliser la promesse, qu'il a faite, de soumettre aux chambres un projet de loi, sur la répression de la traite de nègres.

L'ère nouvelle, qui vient de s'ouvrir pour la France, doit être signalée par des mesures, qui répriment efficacement un commerce odieux, et qui fait la honte de l'humanité.

Toutefois, il serait injuste de ne pas reconnaître, que depuis quelques années, ce trafic abominable semble avoir perdu quelque chose de son activité.

En effet, les progrès de la civilisation, sensibles jusque dans les colonies; la réprobation publique qui flétrit aujourd'hui, en France, les armateurs et les capitalistes, instigateurs de ce commerce; la vigilance de nos croisières; les condamnations prononcées par les tribunaux; et enfin, les intérêts des planteurs eux-mêmes, dont les ateliers ont été décimés, par d'affreuses maladies, que la traite avait importés; toutes ces circonstances, disons-nous, ont concouru à restreindre la traite, mais elles ne l'ont point anéantie, et l'heure est venue où elle doit totalement disparaître.

L'insuffisance des peines portées par la loi du 25 Avril 1827, les lacunes que présentent ses dispositions, expliquent pourquoi la répression a été jusqu'à présent inefficace. Nous avons pensé que nous atteindrions un meilleur résultat, en établissant un système de mesures préventives, et de pénalités, embrassant à la fois tous les faits relatifs à la traite, et qui s'accomplissent, soit avant le départ bâtimens destinés à ce commerce, soit pendant leur trajet en mer, soit enfin dans l'intérieur des colonies, après le débarquement des esclaves.

Poursuivi dans tous ses périodes, soumis à divers contrôles pour la répression, puni par des peines redoutables et infamantes, ce crime, désormais, ne pourra plus espérer l'impunité.

D'après ce système de répression, des pénalités diverses doivent être appliquées :

- 1^o Aux actes qui constituent la préparation à la traite, avant la mise en mer des mêmes navires négriers;
- 2^o Aux actes qui constituent la tentative de la traite après la mise en mer des navires;
- 3^o A l'accomplissement du crime de la traite;
- 4^o Aux actes relatifs à l'achat, dans les colonies, des esclaves provenant de la traite.

La loi nouvelle doit pareillement déterminer, devant quels tribunaux la répression de ces crimes et de ces délits sera poursuivie; et finalement, elle à régler le sort des esclaves délivrés de la traite. L'examen des dispositions de la loi doit suivre naturellement ce même ordre.

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1^o Des délits relatifs à la préparation de la traite.

upréparatifs de la traite, le Gouvernement n'a en, jusqu'aujourd'hui, aucun moyen légal de répression. A la vérité, quelques instructions ministérielles ont, de loin en loin, prescrit aux agens de la marine de vérifier l'état des bâtimens, partant pour des destinations suspects, et de retenir dans le port ceux, qui présenteraient des agencemens révélaus une destination coupable. Mais cette mesure, quoique provoquée par de louables intentions, était, il faut l'avouer, arbitraire, et l'arbitraire ne doit plus prendre place dans les actes de l'administration. Le projet de loi autorise, consacre, cette précaution; il en fait un devoir aux agens du Gouvernement; il fait plus encore; il qualifie ces préparatifs de *tentative de traite*, et leur attache une pénalité, la réclusion contre l'armateur, et la confiscation du bâtiment. La prévoyance du projet va même jusqu'à prohiber, et à punir en France la fabrication des ferremens particuliers, destinés à enchaîner des esclaves.

2^o De la tentative de la traite après la mise en mer.

Mais ce n'est pas toujours dans les ports de France, ni dans ceux de nos colonies, que les navires destinés à la traite reçoivent l'agencement intérieur, et se procurent les instrumens nécessaires à ce commerce. C'est quelquefois aux îles du Cap-Vert, que s'approvisionnent les bâtimens négriers, partis des ports de France. Les navires expédiés des colonies trouvent, dit-on, des facilités analogues dans les îles de St. Thomas, et de St. Barthélemy. Si la surveillance se bornait à nos ports, elle serait insuffisante.

Le remède se trouvera dans la surveillance, que nos croisières exerceront sur les bâtimens Français, et dans les pénalités très-sévères, que la loi prononce contre la tentative de traite, alors même qu'elle n'aurait été suivie d'aucun effet, et que l'arrestation aurait précédé l'arrivage aux côtes d'Afrique.

Le bâtiment sera confisqué; une amende considérable sera prononcée, et l'armateur sera puni comme si la traite avait eu lieu réellement.

En effet, si quelques criminalistes ont trouvé trop rigoureuse cette règle du code pénal, qui punit la tentative comme le crime lui-même, certes, il n'y aurait eu ni justice ni utilité à s'écarter de ce principe, à l'égard de l'armateur, qui, du moment où il a expédié le navire négrier, a accompli, autant qu'il dépendait de lui, le fait qui constitue le crime de la traite.

3^o Pénalités appliquées aux peines de la traite.

La loi du 25 Avril, 1827, n'appliquant que le bannissement à l'armateur, aux capitalistes, au capitaine, au subrécargue et aux autres officiers de l'équipage; l'équipage lui-même n'était puni que d'un emprisonnement, de 3 mois à 5 ans, enfin, le navire était confisqué, et une amende, égale à la valeur de ce même navire, était prononcée aux dépens des propriétaires.

Toutefois, la loi de 1827 exemptait de pénalité, ceux des membres de l'équipage, qui, dans les quinze jours de l'arrivée du navire, avaient déclaré volontairement, aux administrateurs ou aux magistrats, les faits relatifs à ce trafic, dont ils pouvaient avoir eu connaissance.

La loi nouvelle maintient cette exemption de peines, qui tourne au profit d'une plus sûre répression; mais en même tems, elle punit l'armateur, les capitalistes, le capitaine, le subrécargue, et l'équipage de la peine des travaux forcés à tems. Cette peine, en frappant d'épouvante les hommes qui, jusqu'aujourd'hui, ont bravé l'animadversion publique, dispensera, il faut l'espérer, d'en faire l'application.

4^o De l'achat et du recélé des esclaves de traite.

Puisque la traite a été rangée parmi les crimes, puisque l'enlèvement des nègres est maintenant réputé un véritable vol, celui qui achète un nègre de traite se rend, en quelque sorte, complice de ce crime, et devient coupable de recélé.

Or, d'après un usage, qui a acquis la force de loi aux colonies, tout esclave de traite qui, en débarquant sur le sol, franchit cent toises du littoral de la mer,

ne peut être considéré comme nègre de traite, et il devient insaisissable; le planteur qui, l'a acheté, ne peut être actionné en justice et n'est passible d'aucune peine.

Cependant, c'est en poursuivant la traite dans l'intérieur même des colonies; c'est en rendant périlleuse la possession d'un esclave de traite, que l'on parviendra à réprimer complètement ce commerce: car, des qu'il cessera d'y avoir des acheteurs, il ne se trouvera plus d'armateurs.

Le projet de loi a donc rétabli, dans la classe des délits l'achat et le recel des esclaves, provenant d'introduction frauduleuse; mais il punit ces actes de la peine beaucoup plus douce, d'un an à cinq ans d'emprisonnement.

Cette peine, comme il est juste, n'aura pas d'effet rétroactif. Elle ne sera applicable qu'aux introductions postérieures à la promulgation de la loi. Quant au mode d'après lequel les recherches devront être opérées, on comprendra qu'il est nécessaire d'user, sur ce point, de ménagemens, afin qu'elles ne dégénèrent pas en inquisition. Provisoirement, le projet de loi s'en remet à cet égard à la prudence de l'administration, et des magistrats. Au surplus, la législation coloniale, que l'on prépare actuellement, en érigeant un état civil pour les esclaves, et en établissant l'obligation des recensemens, fournira des moyens de contrôle, qui seront à la fois et efficaces, et exempts de vexation.

5^e De la poursuite de la traite.

Lorsque les navires négriers seront conduits dans les ports Français, les prévenus seront jugés par la cour d'assises: rien de plus simple. Mais lorsque le bâtiment capturé sera conduit dans les colonies, comment et par qui les prévenus seront-ils jugés?

L'Ordonnance du 30 Septembre 1827, concernant l'organisation de l'ordre judiciaire et l'administration de la justice à l'île de Bourbon (ordonnance qui a été successivement appliquée aux autres colonies), a créé des cours d'assises composées de trois conseillers des cours royales, et de quatre membres du collège des assesseurs (art. 58). Ces assesseurs, tirés au sort pour le service de chaque assise, sont choisis parmi les habitans et les négocians, éligibles au conseil-général, les fonctionnaires publics, et les employés du Gouvernement, les juges de paix en retraite, les licenciés en droit, les professeurs de sciences et belles-lettres, les médecins, les notaires et les avoués retirés, (art. 164 et 166). Les membres de la cour royale, et les assesseurs prononcent en commun sur la position des questions, sur toutes les questions posées, et sur l'application de la peine.

Cette combinaison judiciaire, peut être appropriée à la situation particulière des colonies, et nous n'entendons, ni l'approuver, ni la blâmer, jusqu'à ce qu'une plus longue expérience, ou un plus mûr examen en ait fait reconnaître les avantages, ou les inconvéniens. Mais, et relativement à la poursuite les délits de la traite, ne serait-il pas à craindre que, si le sort désignait exclusivement des colons pour assesseurs, une cour ainsi composée ne se trouvât dans une situation embarrassante, qui rendrait incertaine la sévérité de la répression.

C'est pourquoi le projet de loi propose, de substituer aux assesseurs ordinaires, quatre fonctionnaires publics tirés au sort sur la liste des vingt fonctionnaires de l'ordre le plus élevé. Il n'est pas à craindre que ces adjonctions spéciales entraînent la cour d'assises à s'écarter des règles de l'impartialité; car, si la tendance naturelle des fonctionnaires publics les porte à une répression, quelquefois rigide, de tous les délits, d'une autre part, l'influence des mœurs et les habitudes coloniales protégeront assez les prévenus, pour avoir la certitude, qu'une justice exacte sera rendue par la cour.

6^e Des esclaves provenant de la traite.

Mais que faire des noirs provenant de la traite, et qui auront été délivrés d'esclavage? Cette question, souvent agitée, n'a pas encore reçu de solution parfaitement satisfaisante. Faut-il reconduire ces noirs en Afrique? Mais qu'y deviendraient-ils? Jetés sur la côte, peut-être seraient-ils exposés à mourir de faim? Ou bien ne seraient-ils pas arrêtés de nouveau et revendus à d'autres traficans d'esclaves? Voudrait on les reconduire dans l'intérieur des

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terres, jusqu'aux peuplades dont ils faisaient auparavant partie? La chose serait impraticable. En les amenant en France, on les condamnerait à une mort presque certaine; car tout nègre transporté directement d'Afrique en Europe, sans avoir été acclimaté aux colonies, résiste difficilement au premier hiver. Devrait-on enfin les confisquer au profit de l'Etat, comme cela s'est fait jusqu'aujourd'hui? Ce serait en réalité perpétuer l'esclavage, et rendre le Gouvernement complice d'un crime qu'il veut anéantir.

Il a semblé que les nègres de traite devaient être déclarés libres, immédiatement après leur délivrance; mais comme cette liberté ne leur procurerait aucun moyen d'existence, le projet de loi propose de les attacher, pendant dix ans, aux établissemens agricoles ou industriels qui appartiennent à l'Etat, soumis, pendant cette période d'années, à un régime particulier, ils apprendront une industrie, et le prix de leur travail, converti en une pécule dont on opérera la réserve, leur serait remis, à l'expiration de ce terme, et servirait à leur former un établissement.

Mais le Gouvernement possède un assez grand nombre de nègres qui proviennent, en majeure partie, de la même origine; il paraîtrait juste de leur accorder les mêmes avantages.

Enfin, la loi propose d'affecter aux frais d'entretien de ces noirs, et à leur amélioration morale, le produit des confiscations, et des amendes prononcées contre les délinquant en matière de traite. Ces produits ne sauraient recevoir une destination plus humaine et plus utile.

Il n'y aurait pas la création d'une spécialité, ni infraction aux règles générales de la centralisation des recettes publiques, mais analogie à ce qui se pratique en France, où certaines amendes sont affectées, soit aux hospices, soit à des établissemens charitables.

Telles sont, Messieurs, les diverses combinaisons du projet de loi. Nous souhaitons qu'elles obtiennent votre approbation. Le Gouvernement accueillera avec empressement toutes les améliorations dont il paraîtrait susceptible; car son desir, ainsi que le vôtre, est de parvenir, par les mesures les plus sages et les plus efficaces, à la répression complète d'un trafic que nous abhorrons également.

Projet de Loi.

LOUIS PHILIPPE, Roi des Français,

Nous avons ordonné et ordonnons, que le projet de loi, dont la teneur suit, sera présenté à la chambre des Pairs, par notre Ministre Secrétaire-d'Etat au Département de la Marine et des Colonies, que nous chargeons d'en développer les motifs, et d'en soutenir la discussion.

Art. 1^{er}. Quiconque aura armé ou fait armer un bâtiment, dans le but de se livrer au trafic, connu sous le nom de "traite des noirs," sera puni d'un emprisonnement de deux à cinq ans, si le bâtiment est saisi dans le port d'armement, avant le départ.

La preuve de la destination résultera, soit des dispositions faites à bord, soit de la nature du chargement.

2. Les bailleurs de fonds, assureurs, capitaine et subrécargue du dit navire, seront punis de la même peine.

3. Si le bâtiment est saisi en mer, avant qu'aucun fait de traite ait été effectué, les armateurs seront punis de dix à vingt ans de travaux forcés.

Les bailleurs de fonds et assureurs seront punis de la réclusion.

Le capitaine, et le subrécargue, seront punis de cinq ans à dix ans de travaux forcés.

Les officiers, et les hommes de l'équipage, seront punis de la réclusion.

4. Si le crime de la traite a été commis, le capitaine, et le subrécargue du bâtiment, seront punis de 10 à 20 ans de travaux forcés.

Les officiers, les hommes de l'équipage, et tous autres individus qui auront sciemment participé, aidé, ou assisté au trafic, seront punis de 5 à 10 ans de travaux forcés; le tout sans préjudice des peines portées contre les armateurs, bailleurs de fonds, et assureurs, par l'article précédent.

5. Dans tous les cas ci-dessus, le bâtiment et la cargaison seront saisis et confisqués, et les coupables condamnés solidairement à une amende, qui ne pourra excéder le double de la valeur du bâtiment et de la cargaison, ni être moindre de la dite valeur.

6. Ne seront passibles d'aucune peine les hommes de l'équipage, autres que les commandans, officiers ou subrécargues, qui, avant toute poursuite connue d'eux, et au plus tard dans les quinze jours de leur débarquement, auront déclaré aux agens de l'autorité, soit dans les ports de France ou des colonies, soit dans les pays étrangers, les faits relatifs à la traite dont ils auraient eu connaissance.

7. Les crimes et délits, non prévus par la présente loi, qui auraient été commis à bord des navires employés à la traite, seront punis conformément au code pénal.

8. Sont interdits, la fabrication, la vente, et l'achat des fers spécialement employés à la traite des noirs.

Quiconque posséderait des fers de cette nature, sera tenu d'en faire la déclaration dans le délai de quinze jours, et de les dénaturer dans le délai de trois mois, à dater de la promulgation de la présente loi, sous peine de six mois d'emprisonnement.

A dater de la même époque, quiconque fabriquera, achètera ou vendra des fers de traite, sera puni d'un emprisonnement d'un an à deux ans.

9. Sont interdits le recel, la vente, et l'achat des noirs de traite.

Sera réputé noir de traite, tout noir transporté d'Afrique, et introduit dans la colonie, depuis moins de deux ans, à dater de la promulgation de la présente loi.

A dater de la même époque, quiconque recèlera sciemment un ou plusieurs noirs de traite, sera puni d'un emprisonnement de six mois à deux ans; quiconque achètera, ou vendra, sciemment un ou plusieurs noirs de traite, sera puni d'un emprisonnement d'un an à cinq ans.

10. Les noirs de traite, qui seront saisis, soit à bord des bâtimens négriers, soit dans les colonies, seront sur-le-champ déclarés libres. Acte authentique de leur libération sera dressé, et inscrit sur un registre spécial, déposé au greffe de la cour royale.

Les noirs ainsi libérés, seront soumis toutefois à un engagement de dix ans envers le Gouvernement, et employés, pendant cet espace de tems, dans les ateliers publics.

11. Les dispositions de l'article précédent seront appliquées aux noirs de traite, provenant de saisies, et existant actuellement dans nos colonies; l'engagement de dix ans courra pour ceux-ci du jour de la promulgation de la présente loi.

12. La connaissance des crimes ou délits prévus par la présente loi, sera attribuée au jury, lorsque le jugement aura lieu sur le territoire Européen du royaume.

13. Lorsque le bâtiment aura été saisi, ou conduit dans un des ports des colonies Françaises, ou lorsque le crime ou délit aura été commis dans ces colonies, la connaissance en sera déferée à la cour d'assises, composée conformément aux ordonnances royales du 30 Septembre 1827, 24 Septembre 1828 et 21 Décembre 1828.

Les quatre assureurs seront tirés au sort par le Gouverneur, en séance publique, parmi les douze fonctionnaires les plus élevés en grade de la colonie.

La liste de ces fonctionnaires sera, à cet effet, arrêtée, par le Gouverneur, et publiée au commencement de chaque année.

Au Sénégal, les crimes et délits, en matière de traite des noirs, continueront d'être déferés au conseil d'appel de la colonie.

14. Lorsque le Gouverneur de la colonie jugera convenable, pour des causes graves, de réclamer un règlement de juges, il chargera le Procureur-Général de se pourvoir, à cet effet, devant la cour de cassation, et suspendra la poursuite.

15. Les fonds provenant de la confiscation des bâtimens et cargaisons, seront affectés, ainsi que le produit des amendes, à l'amélioration du sort des noirs libérés, et versés dans la caisse coloniale, d'après les règles générales prescrites à cet égard (sauf les droits qui seront attribués aux capteurs, conformément aux lois et réglemens sur les prises maritimes.)

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16. Les arrêts et jugemens de condamnation, en matière de traite des noirs, seront insérés dans la partie officielle du *Moniteur*, et dans le *Bulletin officiel de la colonie*, par extraits contenant les noms des individus condamnés, ceux des navires et des ports d'expédition. Cette insertion sera ordonnée par les cours et tribunaux, indépendamment des publications prescrites par l'art. 36 du code pénal.

17. La loi du 25 Avril 1827, est abrogée. (Signé) LOUIS PHILIPPE.
Par le Roi.

Le Ministre Secrétaire-d'Etat au Département de la Marine,
(Signé) C. D'ARGOUT.

(La chambre donne acte au Ministre du Roi de la remise du projet de loi, ainsi que de l'exposé des motifs, et en ordonne l'impression et la distribution.)
La séance est levée à quatre heures.

(Translation.)

COUNT D'ARGOUT, Minister of the Marine:

Gentlemen,

THE King's Government has fulfilled the promise which it had made, of submitting to the Chambers the project of a law on the repression of the slave-trade.

The new era, which has lately commenced for France, ought to be signalized by measures for efficaciously repressing an odious traffick, which reflects disgrace upon mankind.

Still, however, it would be unjust not to acknowledge, that, for some years past, this abominable trade has somewhat abated.

In fact, the progress of civilization which is perceptible even in the colonies; the publick reprobation which now throws a stigma, in France, on those ship-owners and capitalists who encourage this traffick; the vigilance of our cruizing stations; the sentences of condemnation pronounced by the courts of law; and, finally, the interests of the planters themselves, whose establishments have been thinned by horrible diseases, imported through the medium of the slave-trade; all these circumstances have, in our opinion, conspired towards checking this traffick, though they have not extinguished it, and the time is now arrived for extirpating it entirely.

The insufficiency of the penalties denounced by the law, enacted the 25th of April 1827, and the omissions apparent in its provisions, account for the repression having hitherto been without effect. We have considered that we should be more successful by laying down a system of preventive measures, and of penalties, comprehending at once all the particulars relating to the slave-trade, and coming into operation, partly previously to the departure of the vessels intended for this commerce, partly during their voyage, and ultimately in the interior of the colonies, after the landing of the slaves.

This crime, when watched in every stage, curbed by a variety of restraints tending to its repression, and visited with formidable and degrading punishments, will henceforth no longer be able to hope for impunity.

According to this system of repression, different penalties are to be annexed.

1. To facts constituting preparations for the slave-trade, before the slave vessels put to sea.
2. To facts evincing an attempt at the slave-trade, after these vessels have sailed.
3. To the perpetration of the crime of trafficking in slaves.
4. To acts relative to the purchase, in the colonies, of slaves procured by means of this traffick.

The law shall likewise determine in which tribunals the repression of these crimes, and these delinquencies shall be prosecuted; and, finally, it is

to regulate the lot of such slaves as have been rescued from the trade. The discussion of the provisions of the law must, of course, follow the same order.

1.—*Of offences relative to a preparation for the slave-trade.*

With regard to the steps preparatory to this trade, Government has hitherto had no legal means of repression. Some instructions, issued by Ministers, have, it is true, at great intervals, directed the agents for the navy to examine into the situation of vessels sailing to suspicious latitudes, and to stop in port those which should present arrangements revealing a culpable destination. But this measure, though arising from laudable intentions, was, it must be owned, arbitrary, and whatever is arbitrary ought not to be allowed any place in the acts of the administration. The law-project authorises and establishes this precaution; and enjoins it to the agents of the Government as a duty; it goes even farther, by designating these preparations as *attempts at the slave-trade*, and attaches a penalty to them, namely confinement, against the owner, and confiscation of the vessel. The foresight of the project goes even to the prohibiting and punishing, in France, of the fabrication of particular irons designed for putting the slaves in chains.

2.—*Of the attempt at the slave-trade after putting to sea.*

But it is not always in the ports of France, or in those of our colonies, that the ships, intended for the slave-trade, receive the interior accommodations, and procure the implements necessary for this traffick. Negro-vessels sailing from French ports sometimes take in their provisions at the Cape Verde Islands. Ships clearing out from the colonies meet, it is said, with similar facilities at the Islands of St. Thomas and St. Bartholomew. If watchfulness confined itself to our ports, it would be insufficient.

The remedy will be found in the vigilance to be exercised by our cruising stations on French vessels, and in the very severe penalties denounced by the law against an attempt at the slave-trade, even if it should not be attended with any effect, and if the detention should have preceded the arrival on the African Coasts.

The ship shall be confiscated, a considerable fine shall be exacted, and the owner shall be punished as if the traffick had actually taken place.

In fact, if some criminalists have found too much rigour in that rule of the penal code, which punishes the attempt as the crime itself, it would, assuredly, not have been either just or useful to depart from this principle with regard to the owner, who, from the moment that he has dispatched the slave-vessel, has been guilty, as much as in him lay, of the fact which constitutes the crime of trading in slaves.

3.—*Penalties incurred by the slave-trade.*

The law of the 23th April, 1827, only sentenced to banishment the owner, the capitalists, the captain, the supercargo, and the other officers of the crew; the crew was punished only with imprisonment, for from 3 months to 5 years; and, finally, the ship was confiscated, and a fine equal to the value of the ship was levied on the owners.

The law of 1827, however, exempted from penalty those individuals of the crew who, within a fortnight after the ship's arrival, should have voluntarily declared to the administrators or magistrates, such facts relative to this traffick, as might have come to their knowledge.

The new law confirms this exemption from punishment, as the repression is thereby rendered more sure; but, at the same time, it punishes the owner, the capitalists, the captain, the supercargo, and the crew, with hard labour for a certain period. This punishment strikes such terror into those who hitherto have braved the public animadversions, that there is reason to hope, it will never require to be put in practice.

4.—*Of buying and concealing slaves for the trade.*

Since the slave-trade is classed among crimes, and since the abduction of

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negroes is now considered as a real theft, he who purchases a negro for the trade, renders himself in some manner an accomplice in this crime, and becomes guilty of concealment.

But, as by a custom, which in the colonies has acquired the force of law, every slave obtained in the way of trade, who, after setting foot on shore, proceeds 100 fathoms from thence, cannot any more be considered as a negro obtained in the way of trade, and cannot be seized, so neither can the planter that has purchased him be prosecuted, or be liable to any punishment.

Yet we must pursue the slave-trader into the very heart of the colonies; we must make it dangerous for any one to have in his possession a slave procured from a trader, if we would succeed in repressing this traffick completely; for the instant there shall be no more purchasers in the colonies, there will be no longer any person willing to fit out ships for the slave-trade.

The project of the law has, therefore, again rendered it criminal to buy and conceal fraudulently imported slaves; but it attaches to these acts a much more lenient punishment, that is, from 1 to 5 years' imprisonment.

This punishment will, as is but just, have no retrospective effect. It will be applicable only to importations made after the promulgation of the law. As to the manner of conducting the search, it is obviously necessary to employ caution and address, to prevent its degenerating into inquisition. The project of the law relies, in this respect, provisionally, on the prudence of the administration, and of the magistrates. Besides, as the colonial legislation now preparing will place the slaves under the publick authority, and require lists of them to be given in from time to time, this will furnish means of controul, at once efficacious and unattended with vexation.

5.—Of prosecutions on account of the slave-trade.

When slave-vessels shall have been brought into French ports, those persons, who are accused, shall be tried by the Court of Assize; nothing can be more simple. But when the captured vessel shall have been conducted into the colonies, how, and by whom shall cognizance be taken of the accused?

The Ordinance of the 30th September, 1827, concerning the organization of the order of judicial proceedings and of the administration of justice in the Isle of Bourbon (an Ordinance successively applied to the other colonies,) has established Courts of Assize composed of 3 Councillors of the Courts Royal, and of 4 Members of the College of Assessors, (Art. 58.) These Assessors, drawn by lot for the service of each Assize, are chosen from among the inhabitants and the merchants eligible to the Council General, the Publick Functionaries and those employed under Government, the retired Justices of the Peace, the Licenciates of Law, the Professors of Sciences and Polite Literature, the Physicians, the Notaries Publick, and the retired Attornies (Art. 164 and 166.) The members of the Court Royal deliver their opinions in common on the position of the questions, on all doubtful cases, and on the application of the punishment.

This judiciary combination may be applied to the particular situation of the colonies, and we do not mean either to approve of, or blame it, until a longer experience, or a more mature examination shall have discovered its advantages or inconveniences. But, in regard to the proceedings instituted for offences arising out of the slave-trade, would there not be ground for apprehension, that, if the lot appointed exclusively colonists as Assessors, a court so composed might be reduced to an embarrassing situation, which would render the severity of repression uncertain?

On this account, the law-project proposes to substitute in the place of the ordinary Assessors, 4 Publick Functionaries, drawn by lot from a list of 20 Functionaries of the highest class. No fear need be entertained, that these special associations may tempt the Court of Assize to deviate from the rules of impartiality, for if the natural tendency of Publick Functionaries leads them to a some times rigorous repression of all offences, on the other hand, the influence of colonial manners and habits will sufficiently protect the persons accused, to satisfy them that exact justice will be done them by the court.

6.—*Of slaves acquired by means of the slave-trade.*

But what is to be done with the blacks procured in the way of trade, and who shall have been released from slavery? This question, so frequently agitated, has not yet been sufficiently cleared up. Are these negroes to be taken back to Africa? If so, what would become of them there? Thrown on the coast, might they not perhaps be liable to die of hunger? Or, might they not perchance be seized again and re-sold to other slave-dealers? Can it be wished, that they should be re-conducted into the interior, and among the very tribes of whom they formerly constituted a part? The thing would be impracticable. Were they carried to France, they would be condemned to an almost certain death; for every negro transferred from Africa into Europe direct, without having been seasoned in the colonies, can scarcely stand the first winter. Finally, should they be confiscated for the profit of the state, as has hitherto been done? This would, in fact, be perpetuating slavery and rendering the Government an accomplice in the crime, which it is desirous of annihilating.

It has been held, that the blacks obtained by trade should be declared free immediately on their being released. But as this freedom would not procure them any means of subsistence, the law-project proposes to send them, for 10 years, either to agricultural or manufacturing establishments belonging to the state. If subjected, during this period, to a particular regimen, they would learn some branch of industry, and their earnings accumulating to a property which will be kept safe, would, at the expiration of this term, be restored to them and serve to form them an establishment.

But the Government possesses already a considerable number of blacks, derived mostly from the same origin, to whom, in justice, the same advantages should be granted.

Finally, the law proposes to defray the support of the blacks and their moral improvement, by appropriating to it the proceeds of the confiscation, and mulcts awarded against those who shall transgress in respect of the slave-trade. These proceeds cannot be applied more humanely and more usefully.

This would not be considered as tending to establish an exception or to infringe the general rules laid down for the centralization of publick receipts, but would be analogous to the practice of France, where certain fines are applied either to hospitals or charitable institutions.

Such, gentlemen, are the various combinations of the law-project. We wish they may meet with your approbation. The Government will most cheerfully receive the suggestion of any improvement of which it may seem susceptible; for, it desires, in common with you, to attain, by the most wise and most efficacious measures, the complete repression of a trade, which we abhor all alike.

Law-Project.

LOUIS-PHILIPPE, King of the French.

We have ordained, and do ordain, that the project of the law, set forth hereinafter, shall be presented to the Chamber of Peers by our Minister Secretary of State for the Department of the Marine and of the Colonies, whom we direct to explain its motives, and conduct its discussion.

Art. 1.—Whoever shall have fitted out, or cause to be fitted out, a vessel, with the view of engaging in the traffick, known by the name of the slave-trade, shall be punished with imprisonment for from 2 to 5 years, if the vessel be seized in the port where it has been fitted out, previous to putting to sea.

The proof of its destination will depend, either on the fittings up on board, or on the description of the cargo.

2. The lenders, the insurers, the captain, and the supercargo of the said ship, shall be liable to the same punishment.

3. If the vessel be seized at sea, before any fact demonstrative of the slave-trade has taken place, the owners shall be punished with from 10 to 20 years' hard labour.

The lenders and insurers shall be punished with imprisonment.

The captain, and supercargo shall be punished with from 5 to 10 years' hard labour.

The officers, and the crew shall be punished with imprisonment.

4. If the crime of the slave-trade has been committed, the captain and the supercargo of the vessel shall be punished with from 10 to 20 years' hard labour.

The officers, the crew, and all the other individuals who shall have knowingly been parties to, aided in, or attended at, the slave-trade, shall be punished with from 5 to 10 years' hard labour; and that without prejudice to the punishments inflicted by the preceding article on the owners, lenders, and insurers.

5. In all the above cases, the vessel and the cargo shall be seized and confiscated, and all the guilty parties shall, without exception, be sentenced to a fine not exceeding double the value of the vessel and cargo, nor less than the said value.

6. No other individuals of the crew than the commanders, officers, or supercargoes, shall be liable to punishment, who, prior to any known prosecution of them, and at farthest within a fortnight after their landing, shall have declared to the agents constituted by authority, either in the Ports of France, of the colonies, or of foreign countries, such facts relative to the slave-trade as may have come to their knowledge.

7. Any crimes and misdemeanours not embraced, by the present law, which may have been committed on board the vessels employed in the slave-trade, shall be punished according to the penal code.

8. The fabrication, sale, and purchase of the irons exclusively used in the slave-trade are prohibited.

Whoever shall possess the like irons, shall be bound to declare it within a fortnight, and to dispose of them within 3 months, to reckon from the promulgation of the present law, under pain of 6 months' imprisonment.

Whoever, dating from the same epoch, shall fabricate, buy, or sell irons appropriate to the slave-trade, shall be punished with imprisonment for 1 or 2 years.

9. The concealment, the sale, and the purchase of blacks obtained in the way of trade, are prohibited.

Every negro shall be considered as a black obtained in the way of trade, who shall have been brought from Africa, and imported into the colony, within less than 2 years, dating from the promulgation of the present law.

To date from the same epoch, whoever shall knowingly conceal 1 or more blacks, obtained through the medium of the slave-trade, shall be punished with imprisonment for from 6 months to 2 years; and whoever shall deliberately buy or sell 1 or several negroes procured by the traffick, shall be punished with imprisonment for from 1 to 5 years.

10. Blacks procured by trading, when seized either on board the slave-vessels, or in the colonies, shall be forthwith declared free. An authentic act of their liberation shall be drawn up, and entered into a special register lodged at the office of the Royal Court.

The blacks thus set free shall, nevertheless, be subject to a 10 years' engagement with Government, and be employed, for that space of time, in the public workshops.

11. The provisions of the preceding article shall be applied to such blacks, procured by trading, as shall have been seized, and shall actually exist in our colonies; and the 10 years' engagement shall be reckoned for them, from the day of promulgation of the present law.

12. The cognizance of the crimes or misdemeanours embraced by the present law, shall be committed to a jury, whenever the judgment takes place in the European territory of the kingdom.

13. When the vessel shall have been seized or conducted into one of the ports of the French colonies, or when the crime or misdemeanour shall have been committed in these colonies, then the cognizance of them shall be transferred to the Court of Assize, composed as is directed by the Royal Ordi-

nances of the 30th September, 1827, the 24th September, 1828, and the 21st December, 1828.

The 4 insurers shall be drawn by lot by the Governor, in publick assembly, from among the 12 functionaries who are the highest in rank in the colony.

The list of these functionaries shall, for this purpose, be decreed by the Governor, and published at the beginning of each year.

In Senegal, the crimes and misdemeanours arising out of the slave-trade, shall continue to be brought before the Council of Appeal of the Colony.

14. When the Governor of the Colony shall deem it proper, for important reasons, to demand the choice of special Judges, he shall direct the Attorney-General to make application, for this purpose, to the Court of Cassation, and shall suspend the prosecution.

15. The sums of money, obtained from the confiscation of vessels and cargoes, shall be applied, as well as the proceeds of fines, to the bettering of the situation of the liberated blacks, and shall be lodged in the chest of the colony, agreeably to the general rules prescribed in this respect (without trenching on the rights of captors laid down by the laws and regulations respecting maritime prizes).

16. The decrees and judgments of condemnation, relative to the slave-trade, shall be inserted in the official part of the "*Moniteur*," and in the *Official Bulletin of the Colony*, in the way of extracts containing the names of the condemned individuals and those of the ships and of the ports whence they sailed. This insertion shall be ordered by the Courts and Tribunals, independently of the publications prescribed by Art. 36 of the Penal Code.

17. The Law of the 25th April, 1827, is repealed.

(By order of the King.)

(Signed)

LOUIS PHILIPPE.

The Minister Secretary of State for the Department of the Marine,

(Signed)

COUNT D'ARGOUT.

DENMARK.

No. 103.

The Earl of Aberdeen to H. W. Wynn, Esq.

SIR,

Foreign Office, April 23, 1830.

I HEREWITH transmit to you the copy of a communication* which has been received at this Office from the Admiralty, upon the subject of a practice, said to exist in the Foreign West India Islands, of giving with too much facility, the national character to vessels, which are subsequently employed in illegal slave-trade, the penalties of which they escape, through the facilities thus afforded.

The proceedings of the Mixed Commission Court at Sierra Leone, furnish numerous instances, in corroboration of the statement made by Vice-Admiral Fleming, as to the prevalence, in many of the Foreign West India Islands, of the practice which forms the subject of his report to the Admiralty; and as to the undue facilities, which are thereby afforded to the carrying on of an illegal traffick in slaves.

You will represent these circumstances to the Government of His Danish Majesty, by whom, His Majesty's Government feels confident, such measures will hereupon be adopted as may be necessary effectually to prevent a system of abuse, which throws the greatest difficulties in the way of His Majesty's efforts for the suppression of illicit slave-trade, and tends to frustrate the humane objects of the Convention of the 14th of January, 1814, between His Majesty and the King of Denmark.

I am &c.

(Signed) ABERDEEN.

The Hon. H. W. Wynn,
&c. &c. &c.

* See Enclosure in No. 4.

No. 104.

H. W. Wynn, Esq. to the Earl of Aberdeen.—(Received June 3.)

MY LORD,

Copenhagen, May 23, 1830.

IN consequence of Count Schimmelmann's illness, I had not, until a few days ago, an opportunity of conversing with him on the subject of your Lordship's despatch, marked "Slave-trade," of April 23, relating to the facility, which vessels employed in that commerce have of changing their national flag, in some of the foreign West India Islands.

I have now the honour of enclosing a copy of the written complaint, which I delivered to the Danish Minister on the occasion.

It does not appear from the report made to Vice-Admiral Fleming, that there is any actual proof of the Danish flag having been improperly assumed; but if it has happened, Count Schimmelmann assured me, that the most positive orders would be sent to the Governors of the Danish West India Islands, to prevent the recurrence of any practice which tends to impede the laudable efforts of His Majesty's naval force in that quarter, to repress the illegal traffick in slaves.

I have, &c.

(Signed)

H. W. WYNN.

The Right Hon. the Earl of Aberdeen, K. T.

&c. &c. &c.

Enclosure in No. 104.

*H. W. W. Wynn, Esq. to Count Schimmelmann.*MONSIEUR LE COMTE, *Copenhagen, ce 13 Mai, 1830.*

D'APRES des rapports faits à l'Amirauté par l'Amiral Fleeming, Commandant de nos Forces Maritimes aux Isles, confirmés par ceux de la Commission Mixte de Sierra Leone, il paroît, que les mesures, prises contre le commerce illégal des nègres, sont contraires par la facilité qu'ont les vaisseaux employés dans ce commerce, de changer de pavillon national, aussitôt qu'ils arrivent dans les parages ou ports des Isles, et de prendre, pour de moment, celui qui paroît leur prêter le plus de sécurité contre les recherches de nos croisières.

Les sentimens du Gouvernement Danois sont trop bien connus, pour pouvoir douter, que les ordres ne soient expédiés pour mettre fin, dans les Isles qui dependent de sa Majesté Danois, à un abus qui frustre les objets humains des la Convention du 14 Janvier, 1814.

(Signed) H. W. W. WYNN.

Son Excellence le Comte de Schimmelmann,
 &c. &c. &c.

(Translation.)

MONSIEUR LE COMTE, *Copenhagen, May 13, 1830.*

FROM the reports made to the Admiralty by Admiral Fleeming, the Commander of our naval force stationed at the Islands, confirmed by those sent home by the Mixed Commission at Sierra Leone, it appears that the measures, taken against the illegal trade in slaves, are thwarted by the facility with which the vessels employed in this trade can change their national flag, as soon as they arrive in the latitude or ports of the islands, and take, for the time, that which appears to afford them the greatest security against the search of our cruizers.

The sentiments of the Danish Government are too well known to allow of a doubt, but that orders will be issued for putting an end, in the islands which depend on His Danish Majesty, to an abuse which frustrates the humane objects of the Convention of January 14, 1814.

(Signed) H. W. W. WYNN.

His Excellency Count Schimmelmann,
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SWEDEN.

No. 105.

The Earl of Aberdeen to Lord Bloomfield.

MY LORD,

Foreign Office, April 23, 1830.

I HEREWITH transmit to your Lordship the copy of a communication,* which has been received at this Office from the Admiralty, upon the subject of a practice, said to exist in the Foreign West India Islands, of giving, with too much facility, the national character to vessels, which are subsequently employed in illegal slave trade, the penalties of which they escape through the facilities thus afforded.

The proceedings of the Mixed Commission Court at Seirra Leone, furnish numerous instances, in corroboration of the statement made by Vice Admiral Fleeming, as to the prevalence, in many of the Foreign West India Islands, of the practice which forms the subject of his report to the Admiralty, and as to the undue facilities, which are thereby afforded to the carrying on of an illegal traffick in slaves.

You will represent these circumstances to the Government of His Swedish Majesty, by whom His Majesty's Government feels confident such measures will hereupon be adopted, as may be necessary effectually to prevent a system of abuse, which throws the greatest difficulties in the way of His Majesty's efforts for the suppression of illicit slave-trade, and tends to frustrate the humane objects of the Convention of the 21st of July, 1825, between His Majesty and the King of Sweden.

I am, &c.

(Signed) ABERDEEN.

His Excellency Lord Bloomfield.

&c. &c. &c.

* See Enclosure in No. 4.

No. 106.

Lord Bloomfield to the Earl of Aberdeen.—(Received May 27.)

MY LORD,

Stockholm, May 14, 1830.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch marked "Slave-trade," of the 23d of April, 1830.

I availed myself of an early opportunity to confer with the Count de Weterstedt, on the matter contained in the enclosures, governing myself by the instructions in your Lordship's despatch. To-morrow I am to meet his Excellency again, when I shall urge the necessity of adopting such measures, as may effectually prevent the system of abuse practised in St. Bartholomew's, by withholding the facilities now afforded, which gave the national character to vessels employed in illegal slave-trade.

I have, &c.

(Signed)

BLOOMFIELD.

The Right Hon. the Earl of Aberdeen, K. T.

&c. &c. &c.

No. 107.

Lord Bloomfield to the Earl of Aberdeen.—(Received July 8.)

MY LORD,

Stockholm, June 25, 1830.

I BEG leave to transmit the copy of a letter handed to me by the Count de Wetterstedt, in explanation, and, as the writer assumes, in refutation of the charges made by Admiral Fleeming against the Authorities of St. Bartholomew.

As this paper is confined to a defence of past proceedings, and as Mr. Morsing is about to resume his functions as one of the Government, charged, in conjunction with Major Haasum, with the administration of the island, I thought the occasion a fitting one to press upon his Excellency, not only the expediency, but the necessity, of more precise and positive instructions being prepared for that gentlemen, and dwelt particularly on the indispensableness of interdicting the Authorities from granting papers to any vessels, that were not actually Swedish property. To this his Excellency acceded, and assured me, that nothing should be neglected to secure against any, the slightest, irregularity, on the part of these Functionaries.

I am, &c.

(Signed)

BLOOMFIELD.

The Right Hon. the Earl of Aberdeen, K T.

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Enclosure in No. 107.

(Translation.)

M. Morsing to Count Wetterstedt.

Stockholm, May 14, 1830.

I HASTEN to have the honour of returning the papers, on which your Excellency has been pleased to require that I should furnish any remarks I was able, as far as regards the Island of St. Bartholomew.

To the observation made by Admiral Fleeming on the case of the brig "Nierzé," I have already had the honour to reply, that if this vessel was really furnished with passports at St. Bartholomew's, those documents ought to have been sent back immediately after the change of flag, which it is pretended was effected at Hayana, to the office of the Justicier, by the fitter out or the Captain, who were, at the time of the issue of those documents, bound by oath so to do, at the risk of being prosecuted for perjury.

The Government of St. Bartholomew's has already declared, as well in their very humble reports, as in their correspondence with Admiral Fleeming and Captain Deare, that no vessel of the name of "Nierzé" or "Estafette," has arrived there, and that the Dutch brig, the "Twee Gebroeders," which the Captain declared was the same vessel, did not receive her papers at the Island of St. Eustache, as Admiral Fleeming would indicate, but had them of the Dutch Government at the Island of St. Martin.

Of late years but few ship's papers have been granted at St. Bartholomew's, and those for the most part to small vessels belonging for many years to the inhabitants of the island, which fact will be attested by the lists returned every 6 months to the Collège du Commerce. The number of ship's papers granted in the course of the year 1828 was about 12, and, if I recollect rightly, 9 during the first 6 months of 1829. It has never come to my knowledge that use has been made of any vessel furnished with papers from the Government of the Island, for such a transgression as that which appears to have given rise to the complaints of the Admiral; and his assertion, respecting the brig "Twee Gebroeders," appears to be only founded on supposition.

As to the sailors, who, according to Admiral Fleeming's account, are detained at St. Bartholomew's, under the pretext of being in debt, with a view to the formation of the crews of vessels employed in the slave-trade, the Go-

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(Translation.)

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vernment has already explained this matter sufficiently at length: in referring to the very humble reports thereof relating, I only take the liberty to add, that a sailor, no matter of what nation, who conducts himself well, has never had need of such a pretext to enable him to stay in the island. Conformably to the custom of the place, a creditor certainly can prevent the issue of a passport to his debtor, by a demand made on the subject to the Secretary to the Government; but such a prohibition has never been prolonged beyond the next sitting of the Court. I venture also to assert, that during the whole time I was employed at St. Bartholomew's, no sailor preferred a complaint, either before me, or before the court, of having, for such a reason, been prevented from quitting the island, or even of having been forced to accept conditions, which but for it, he should have thought it right to refuse. On the contrary, I well remember the readiness with which the Government favoured the project of Captain Clement to embark on board the English frigate, the "Shannon," the sailors who might desire to quit the Island of St. Bartholomew's; and certainly Admiral Fleeming cannot be ignorant, that, notwithstanding these efforts, not one offered.

As to the assertion, that some of the vessels that have arrived at St. Bartholomew's, have proceeded from thence, or from a third Port, to Africa, to embark slaves there, I am not able to controvert it. Now, if it is not certain, it is at least not impossible, that some sailors may have been engaged at St. Bartholomew's on board of vessels, which carried on the trade in slaves too late; but this circumstance does not appear to me to give Admiral Fleeming the right to accuse the Authorities of that Island, whose duty is limited to taking care that sailors are not engaged, except on board vessels whose papers are regular, or rather that the vessels whose papers are not so, should be sent away from the island; and I am firmly persuaded, that no case can be mentioned, in which the Government has failed in it's duty on this point.

Admiral Fleeming, who has been in error from the beginning, and who has confounded the Island of St. Bartholomew, where he has never been, with the Dutch Colonies, which he seems to be better acquainted with, has confined himself on this occasion, as in most others, to general charges against a Government, which, from the consciousness of having acted rightly, has not had recourse to language, which would perhaps have been more favourable to it.

Not having been in need of indulgence, it has neither asked nor merited the testimony of redoubled zeal, as will be given to the Government of St. Thomas's. It has never given to the privileges of the island that stretch, which the Governments of the Danish and Dutch Islands appear to give to those of their islands, under pretext of their character of free ports. The Custom-house of St. Bartholomew's has always been accounted to take care, that the cargo was conformable to the bill of lading; and the merchandize, the list of which has been found to be false, has been confiscated.

The Government has always regarded the arming of vessels, under whatever pretext, as forbidden, not only by the law of nations, but also by strict ordinances; and the vessel, which should be employed in such a transgression of the law, would have been infallibly confiscated. The declaration on this point, by Admiral Fleeming, has no foundation, unless the Admiral by arming means the case of a merchant vessel, which, furnished with papers in legal form, is laden with powder, or manned with sailors.

The above-mentioned Admiral presumes, that the Government of St. Bartholomew, like those of the Danish and Dutch Islands, has received an instruction, directing them, as it is expressed in his despatch, "not to be too strict." I have only on this point to declare, that the Government, in the measures it has taken, in regard to vessels, has only had in view the principles, of which it has given an account in its very humble reports; and your Excellency having approved these principles, I cannot but consider them to be in every respect conformable to the treaties, to the laws, and to the rights of nations. It is then superfluous to prove, that these principles differ essentially from those, which are followed by the Government of Curaçoa. I dare to hope, that it is already proved, that it is against the Dutch and Danish Island that he ought to direct the accusations, which have been put forward against St.

Bartholomew's. The Governments of these islands are little able to controvert them: and, knowing well that it was not a difficult task, they have sought excuses, partly in false accusations against St. Bartholomew's, and partly in the pretence of the controul, to which they are subjected by the ships of war of their nations, which frequent those places. For the rest, the unfavourable reports, which were spread last year concerning the Island of St. Bartholomew's, appear to have originated not only from the prejudices of Admiral Fleeming, and the enmity of Mr. Harrison, but also from the desire of the governments and inhabitants of the neighbouring islands, to hurt the reputation of St. Bartholomew's, the commerce of which, under a just Government, has begun to flourish by means of moderate duties, partly at the expense of those islands.

M. le Comte de Wetterstedt,
Sc. Sc. Sc.

(Signed)

M. MORSING.

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COLOMBIA.

No. 108.

Colonel Campbell to the Earl of Aberdeen.—(Received February 11, 1830.)

MY LORD,

British Legation, Bogota, December 2, 1829.

I HAVE the honour to forward, for your Lordship's information, a translation, of the 18th Article of the Treaty of Peace, between Colombia and Peru, signed at Guayaquil, on the 22d of September last, and ratified at the same place on the 28th of the following month.

According to this Article, the dealers in slaves, together with their vessels proceeding with slaves from the Coast of Africa, under the flag of either country, are made amenable to the laws on piracy, and, as such, subject to the jurisdiction of the tribunals of the Captor, whether Colombian or Peruvian.

I think I can safely assert, that this Government acts with the most sincere good faith in its desire for the abolition of the slave-trade; and every enquiry made by me leads to the persuasion, that not any Colombian is engaged, either directly or indirectly, in this nefarious traffick, and the contravention of the existing laws on this subject would, I am convinced, be visited with the full force of the penalty awarded for the infringement of them.

I have, &c.

(Signed)

PATRICK CAMBELL.

The Right Hon. the Earl of Aberdeen, K.T.

&c.

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Enclosure in No. 108.

(Translation.)

Extract from the Treaty of Peace between Colombia and Peru, signed in Guayaquil, on the 22d September, 1829.

ARTICLE 18.—The Contracting Parties oblige and bind themselves to co-operate in the complete abolition and extirpation of the African slave-trade, maintaining the actual prohibitions in their full force and vigour; and, in order that no time may be lost in the accomplishment of so salutary an object, they moreover agree to declare, as they hereby do declare, among themselves, that the dealers in slaves, together with their vessels laden with slaves, proceeding from the Coast of Africa, under the flag of either of the said Parties, shall incur the penalties of the crime of piracy, and, as such, shall be subject to the competent tribunal of the Captor, whether Colombian or Peruvian, to be judged and punished according to the laws.