

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES,

COMMUNICATING,

In compliance with a resolution of the Senate, copies of correspondence, imputing malpractices to the American consul at Havana, in regard to granting papers to vessels engaged in the slave-trade.

JANUARY 20, 1841.

Read.

JANUARY 26, 1841.

Ordered to be printed.

To the Senate of the United States:

I herewith transmit to the Senate, in reply to their resolution of the 20th of July last, a report from the Secretary of State, with accompanying papers.

M. VAN BUREN.

WASHINGTON, January 18, 1841.

DEPARTMENT OF STATE,

Washington, January 18, 1841.

The Secretary of State, to whom has been referred the resolution of the Senate of the 20th of July last, requesting the President (if in his opinion not detrimental to the public interest) to lay before that House, at its next session, "copies of any correspondence, or documents, that may be under his control, from any of the British authorities, and especially from the British pro-consul for the Cape Verd Islands, imputing malpractices to Nicholas P. Trist, our consul at Havana, in regard to the granting of papers to vessels engaged in the slave-trade, together with any communications on the subject from the said consul; and, also, copies of any correspondence that has taken place between the said consul and any agents of the British Government residing at Havana, under the treaties between Great Britain and Spain, for the suppression of the slave-trade:" has the honor respectfully to report to the President, in answer to that resolution, the accompanying papers, of which a list is enclosed.

JOHN FORSYTH.

To the PRESIDENT of the United States.

LIST OF PAPERS TRANSMITTED.

Correspondence of the Consul of the United States at Havana.

Mr. Trist to Mr. Forsyth, with enclosures, dated November 29, 1836.—
Extract.

Same to same, with enclosures, dated January 12, 1839.—Extract.

Same to same, dated September 9, 1839.

Same to same, dated October 12, 1839.

Same to same, with enclosures, dated December 17, 1839.

Same to same, with enclosures, dated December 18, 1839.

Same to same, with enclosures Nos. 1 and 2, dated September 28, 1840.

Correspondence with the United States legation at London.

Mr. Stevenson to Mr. Forsyth, with enclosures, dated December 22,
1836.—Extract.

Mr. Forsyth to Mr. Stevenson, dated April 17, 1837.—Extract.

Mr. Stevenson to Mr. Forsyth, with enclosures, dated January 22, 1840.
—Extracts.

Mr. Forsyth to Mr. Stevenson, dated January 25, 1840.

Mr. Stevenson to Mr. Forsyth, with enclosure, dated February 29, 1840.
—Extract.

Same to same, with enclosure, dated April 13, 1840.—Extract.

Same to same, with enclosure, dated April 14, 1840.

Same to same, with enclosure, dated August 12, 1840.—Extract.

Correspondence with the British legation here.

Mr. Fox to Mr. Forsyth, with enclosures, October 30, 1839.

Mr. Forsyth to Mr. Fox, February 12, 1840.

Consul Trist to the Secretary of State.

[EXTRACT.]

[No. 27.]

CONSULATE OF THE UNITED STATES,
Havana, November 29, 1836.

I have the honor to enclose a copy of a letter (which, from my answer, also enclosed, it will be perceived that I have returned to the writers) addressed to me by the agents kept here by the British Government, under their conventions with Spain for the suppression of the slave-trade. The one, (Mr. Schenley,) with the title formerly of commissary judge, recently changed to that of judge simply, sits, conjointly with a commissioner of the same grade, (the Conde de Fernandina, a native,) as a prize court, to decide upon the captures made by the British cruisers under the treaties. The other (Dr. Madden) bears the title of arbitrator, recently substituted for that of commissioner of arbitrations; and when a difference occurs between the two judges, it is decided by lot whether the point shall be settled by the British arbitrator, or by a Spanish agent of the same character.

Hon. JOHN FORSYTH,
Secretary of State.

[Enclosure No. 1.]

HAVANA, October 17, 1836.

SIR: We have the honor to acquaint you with the following circumstances, as being intimately connected with your consulate and the flag of your nation, which it will be our painful duty to report to his Majesty's Government.

During the month of September, there arrived in this port, for sale, from the United States, four new schooners—we believe two from New York, and two from Baltimore—all, however, built at this latter place, viz: the "*Anaconda*," "*Viper*," "*Emanuel*" and "*Dolores*," expressly constructed and peculiarly fitted for carrying on the slave-trade; the two former of these vessels having received on board, from the French house of Forcado & Co., a cargo which, by the treaty of the 28th June, 1835, would have condemned as a slaver any vessel bearing Spanish colors, cleared out and sailed under the American flag—the *Anaconda* on the 6th, the *Viper* on the 10th instant, for the Cape de Verd islands; there to be transferred to a Portuguese subject, and to proceed, with the flag of that nation, to the coast of Africa, upon a slaving enterprise.

The protection which these schooners will receive from the American colors, both as regards their fitting and cargo, will effectually secure them against capture by his Majesty's cruisers until they arrive at the scene of their depredations. The *Emanuel* and *Dolores* have, we believe, left the port under the Spanish flag; but we have also to inform you that, some time since, the brig *Martha* of Portland, which arrived here from Matanzas, took on board in this harbor a cargo which would equally have confiscated as a slaver any Spanish vessel, and sailed direct for the coast of Africa, to

deliver it at some of the numerous factories or dens of infamy established there in connexion with the slave traders of Havana.

The facilities thus afforded by the flag of the United States for carrying on this inhuman traffic could never, we feel convinced, have been contemplated by your enlightened Government; especially as, during the period that these schooners were taking in their cargoes, the harbor was visited by American men of war, which, had any convention existed between the two Governments, such as has been acceded to by almost every other maritime Power, a seizure of the most important nature, as regards these iniquitous expeditions, must have been effected; however, we do not entertain the least doubt but that a knowledge of the above circumstances will instantly produce measures calculated to remedy so deplorable and flagrant a profanation of the American colors.

We have the honor to be, sir, your obedient servants,

EDWARD W. H. SCHENLEY.

RICHD. ROBT. MADDEN.

N. P. TRIST, Esq.,

Consul of the United States at Havana.

[Enclosure No. 2.]

CONSULATE OF THE UNITED STATES,
Havana, November 29, 1836.

GENTLEMEN: On my return to this city, a few days since, from the United States, I had the honor to receive your letter of the 17th ultimo; which would have been sooner acknowledged, had not matters of more immediate urgency prevented my bestowing upon it the full consideration which, at a glance, the importance of its bearings was seen to require.

It has probably escaped your attention, that overtures, previously made, for a convention of the character referred to in the closing paragraph of your letter, were more recently repeated by his Britannic Majesty's minister at Washington, and then declined by the Government of the United States, in a manner evincing the most decided disinclination to become a party to even any discussion whatever of the subject.

Had this been adverted to, you would have been sensible that, besides the general objection to my holding with any agent of a foreign Government any correspondence not warranted by the very limited official character with which I am invested, the occurrence to which I refer has rendered it particularly incumbent upon me to decline receiving any communication of the nature of that which I now beg leave to return.

I have the honor, gentlemen, to be your obedient servant,

N. P. TRIST.

To EDWARD W. H. SCHENLEY, and
RICHARD ROBERT MADDEN, Esqrs.

Consul Trist to the Secretary of State.

[EXTRACT.]

[No. 64.]

CONSULATE OF THE UNITED STATES OF AMERICA,
Havana, January 12, 1839.

SIR: I have the honor to enclose a copy (enclosures Nos. 1, 2, and 3) of a correspondence which has just been forced upon me by the gentlemen

resident here on the part of the British Government, as members of a mixed court for adjudicating upon vessels detained under the treaties between Great Britain and Spain for the suppression of the slave-trade. Here the correspondence closes, as their reply will not receive any from me; and the momentary departure from the line of duty dictated by first principles, upon which I have ventured, in receiving from them any communication whatever, will, I trust, find a sufficient apology in the circumstances of the case, when fully explained.

My letter contains allusions, which, when the many and urgent matters now pressing upon me shall have been disposed of, I will send you a full explanation of. * * * * *

Hon. JOHN FORSYTH, *Secretary of State.*

[Enclosure No. 1.]

HAVANA, *July 8, 1839.*

SIR: As it may possibly not have come to your knowledge, we think it right to make you acquainted with the report prevalent in this place respecting the ship "Venus," which arrived here the 4th August last, from Baltimore, and sailed shortly after for the coast of Africa.

This vessel, you will no doubt remember, arrived and sailed hence under American colors; under which, it is said, she took in a cargo of negro slaves, and has landed them, within the last few days, on this coast—about 860 in number.

The report further states there are several American citizens implicated in this flagrant violation of the laws of the United States; and, as the "Venus" may be hourly expected in this harbor, we would respectfully suggest that such immediate steps may be taken, on her arrival, as may lead to the punishment of such offenders.

The peculiar relationship in which the United States are placed with Great Britain induces us more anxiously to hope you will participate in the feelings with which this communication is made.

We have the honor to be, sir, your most obedient, humble servants,

J. KENNEDY.

CAMPBELL J. DALRYMPLE.

N. P. TRIST, Esq.

[Enclosure No. 2.]

CONSULATE OF THE UNITED STATES OF AMERICA,
Havana, January 8, 1839.

GENTLEMEN: I have received, at a late hour this evening, your letter addressed to "N. P. Trist, Esq.," and dated "Havana, 8th July, (intended, doubtless, for *January*,) 1839," which the presence of company in my parlor, where it was delivered, has prevented my opening until the night is too far advanced to permit me to engage in the task of a reply, without encroaching upon the rest which a long day of unremitted labor demands. Unfitted as this has rendered me for resuming my pen at this moment, I am, however, impelled to do so, by the desire to obtain, without delay, the important information which your letter affords ground for believing that it may be in your power to furnish.

Upon referring to the files of your predecessors in office, you will probably find there a letter addressed by them to me, towards the close of the year 1836 ; and by me returned, upon the ground that I deemed it incumbent upon me to decline receiving any communication of that nature.

Upon comparing the two, you will perhaps be sensible that the letter now before me, although differing from the other in one very material particular, is yet so far of the same nature as to come within the rule which, upon that occasion, I announced as that of my conduct ; and my conviction in regard to the indispensableness of which has since been fortified. Thus viewed by me, it would now impose again the unpleasant duty, then discharged, were it not that the essential difference just adverted to leaves me, to a certain extent, free in this instance to avail myself of the information of which you may be possessed, and at the same time to indulge the disposition towards British functionaries, which fixed sentiments for the people have long made a part of my character.

In thus departing from the course pursued towards your predecessors, it is necessary that, to preclude misapprehension, I should trouble you with an explanation which would have been made to them, had it not been prevented by the tenor of their communication.

This was of so extraordinary a character—indicating so utter an oblivion or innate ignorance of the simplest applications (until then deemed by me self-evident) of first truths in regard to international independence—that it left me no other alternative to the course of passing it over, as I did, without remark or notice, than that of facing it with a rebuke, such as my command of language would have been severely tried in making commensurate with my sense of the insult. It would have accorded as ill with the habitual tone of my feelings towards their nation, as the provocation did with a decent respect for the independence of mine. From this unwelcome necessity I was spared, by the relations (or rather the no relations) in which we stood ; a circumstance no sooner adverted to, than it stripped the communication of every attribute save naked absurdity ; rendering it a fit object of derision alone, until, upon the contemplation thus awakened, of what was going on around me here, and connected with it in Great Britain, that feeling gave way to the more serious mixture of sorrow and indignation at the spectacle of such prostitution of the energies of the British people, in theatrical playings off, to their delusion, and to the benefit of whomever it might concern, in a cause which, whatever differences of opinion may exist with respect to the justness or the immoderateness of the zeal displayed in it, is sanctified by a sincerity and a self-forgetfulness, in proportion to the intensity of which every empty show, got up by self-seekers turning it to profit, becomes intensely disgusting and hateful.

Had the case been different, through the existence of any tangible relations between us, as agents of the two countries, the necessity would have been forced upon me, and consequently upon the Government of the United States, to demand to know upon which of the principles that govern the relations of States, and in consequence of what event it might be, that any crimes or misdemeanors, real or assumed, committed by citizens of the United States in this port, or elsewhere, except on British territory, had become objects of cognizance to the British Government, so as to justify an agent of that Government, placed here in official relations with an agent of the Government of the United States, in supposing himself entitled to communicate, in formal manner, to the latter, the results of the supervision exer-

cised by him over the proceedings of American citizens and American vessels, (which proceedings, it may be remarked, were subjects of as little concealment here, and those results matters of as great notoriety, as the recent arrival of the French Prince from Vera Cruz,) accompanied with the information *that it would be his painful duty to report the same to his own Government!* Such a demand it would, under some circumstances, have been imperative upon me to make. But it was not so in the present; and, unpleasant as was the alternative which they presented, I deemed myself fortunate, even at that cost, to escape the obligation to be instrumental in forcing upon the British Government a question from which there was no escape but a direct disavowal of an indecency so gross, that its absurdity was the only palliation of which it could be susceptible; while, at the same time, the circumstances of the case were such as to obviate the necessity of such disavowal, precluding, as they did, unless by gross impeachment of its good faith, the supposition that the outrage upon the United States could have been intended by that Government. The persons from whom it had proceeded had, it was to be taken for granted, been sent here by their Government in no other capacity than that in which they had been recognised by the Spanish, under the treaty, which alone entitled them to be here at all: which capacity was purely judicial, or practically so, as part of a mixed court, whose functions consisted solely in bringing to adjudication, with the least delay and inconvenience, such vessels as, under the treaty between the two countries, might be detained for having been engaged in an illicit traffic of slaves. Such being the sole purpose for which they were permitted to have an official residence upon Spanish territory, and even the form of process for that limited purpose having been strictly and minutely defined by treaty, it could not be conceived that their Government had condescended to abuse the opportunity thus afforded, by sending them on any other errand; above all, was it not to be supposed that, openly trampling under foot the plainest rights of a nation, which, however unfortunate, is still recognised as one of the States of Europe, it had intended their conversion into organs for offering unprovoked insult, in the same breath, to that nation and to the foreign consuls holding exequaturs from her, and entitled, through decency to her, if no other motive, to be respected by all who accepted the right to official dwelling in her territory. The treaty which placed them here, and a decent respect for the good faith of their Government, absolutely precluded, then, the supposition that it could have been a party to the letter addressed by them to me; moreover, the functions assigned them were so very limited, and of a nature so extremely simple, as to afford an obvious apology against even the charge of having neglected so to instruct them in relation to their duties as to secure against all such abuses of their situation. Such instructions are requisite, and the duty to give them imperative, only in proportion as the complexity of the functions intrusted to a public agent, or the haste in which he may be called upon to act, is such as to expose him to doubts or oversights. A perusal of the treaty shows that it afforded neither of these grounds for precautionary instructions; never were duties, or one single duty rather, (for it consists of a mere decision upon a naked question of fact,) more simple in its nature or more clearly defined; and it almost transcends belief, that persons charged therewith should ever undesignedly—the only mode of transgression which a Government can anticipate on the part of those in whom it puts trust, or provides against by instructions—overlook the boundaries of the field assign-

ed to them, or fancy themselves placed in any official relations whatever towards foreign consuls resident here.

Such were the considerations which governed my course in regard to the communication from your predecessors; and which, unpleasant as was the task of returning it, reconciled me thereto, as being, however rude in outward semblance, at bottom by far the least objectionable, to all parties, of the alternatives forced upon me.

The present communication, as I was happy to see, is free from the offensive peculiarities of the former. Still, it is liable to the fundamental objections, inseparable from any communication which you could possibly address to me in regard to the conduct of citizens of the United States; one of which, indeed, applies to official communications on any subject whatever—this is, that there exists not any official relation of any kind between us. The other, that whatever relations might exist, and whatever might be my own functions in regard to offences committed by citizens of the United States against our laws, they could not be such as to allow me to recognise the right of any agent of any foreign Government to interfere, in any possible mode or degree, in the discharge of my duties, or to forbear repelling such interference if offered.

This is a necessary consequence of the independence of our two countries. You refer to "the peculiar relationship in which the United States are placed with Great Britain." Since the 4th of July, 1776, the only relation in which they stand to each other is that of two independent nations—"enemies in war, in peace friends." Of that independence, one of the vital parts consists in the exclusive execution, no less than the exclusive enactment, by each, of its own laws: rigorously excluding and repelling all interference in the one, no less than the other. If there be upon earth two nations from whom, above all others, their own welfare and that of the world demand the most scrupulous regard for, and watchful observance of, this principle, those nations are the two whom you have named. Mine is wedded to it in all its bearings; and if, as I trust, the harmony now happily subsisting between the two Governments is to endure, so as to allow to the elements comprised in the bosoms of the two nations a fair opportunity to work out their natural results, it can only be through the cultivation of the same sentiment by your Government towards ours, if no other.

So thoroughly imbued with it is the latter, that no consul or other functionary of the United States, at this place or elsewhere, however full and accurate the information which he might have acquired on the subject, and however sincere his zeal against the slave-trade, would ever dream of volunteering an official communication to a functionary of Great Britain, in regard to the amount of British fabrics made expressly for the coast of Africa, nor the number of casks of shackles (the distinctive instrument for carrying on the slave-trade) of British manufacture, annually exported to this island; some of which I have seen passing through the custom-house here, without attracting any more notice, from either officers or bystanders, than so many boxes of Dutch cheeses. He might, under instructions from his Government, have traced these things to their sources, so as to be able to designate every British manufacturer, merchant, and ship, from and through which they had reached thus far on their way to the coast of Africa; and, upon looking into the statutes of their Parliament, he might have discovered that they could not have got here without gross violations of British law. But, so great is the silent force of the general national sentiment upon this

point, it would never occur to him as a thing proper, or decent, or possible, that he should assume to take part in the administration of those laws, by addressing official communications, in regard to their violation, to British functionaries charged, or not charged, with preventing it. If such an American officer were to be found, he would be a very remarkable exception; and, whatever might be the force of the motives impelling him to a course so inconsistent with the general sentiment of his country, there is one particular in which his course would be sure to evince the utmost respect for, if not dread of it, if his object in thus trampling upon the principle of national independence were to play off before any portion of his countrymen. However insensible he might be to other things, the dread of their penetration would effectually deter him from attempting any such game, unless he had furnished himself with better materials for it than rumors.

If requested so to do, he would doubtless cheerfully comply; as I trust that you will with the request I now earnestly make of you, to oblige me, at the earliest possible moment, with all the information of any kind regarding persons, occurrences, or things, calculated to be of use to the Government of the United States in regard to the ship *Venus*, or any matter connected with her; and particularly the fact of her having taken in a cargo of negroes while under the American flag; and the other fact, that there are several American citizens implicated in this violation of our laws, and who those citizens are. One of you, gentlemen, has enjoyed the advantage of pursuing his studies at the Temple; and I need not tell you, therefore, that the great object is, to obtain such materials, in the shape of facts, or persons, or indications of either, as may be susceptible of use towards the conviction of every individual implicated. If materials of this kind cannot be furnished by you, I would thankfully receive any specific facts, although unconnected with names of persons, should you not be at liberty to divulge them, which your peculiar opportunities and command of time for the purpose may have brought to your knowledge.

I am, gentlemen, very respectfully, your obedient servant,

N. P. TRIST.

J. KENNEDY and C. J. DALRYMPLE, Esqrs.

[Enclosure No. 3.]

HAVANA, *January 10, 1839.*

SIR: We have to acknowledge the receipt of your answer of the 8th instant to our communication of the same date, respecting the ship "*Venus*;" which vessel, we have since heard, entered this harbor at a late hour the evening before.

In reply to your request to be furnished "with all the information regarding persons, occurrences, or things, calculated to be of use to the Government of the United States in regard to the ship '*Venus*,' or any matter connected with her; and particularly the fact of her having taken in a cargo of negroes whilst under the American flag; and the other fact, that there are several American citizens implicated in this violation of your laws, and who those citizens are;" we beg to say, that we have already communicated as much of the information we possessed as we felt ourselves at

liberty to do. We referred you to the reports prevalent in this city upon the subject, and we hoped (as no doubt is entertained of their truth) that you would have thought them deserving of your own immediate investigation, either through the Captain General of the island, or by your own authority and the intervention of the commander of the American vessel of war now in the harbor. Any such investigation on your part, by examination of the log-book and crew, could not have failed to elicit, much better than any information we could be expected to divulge, whether the following circumstances as reported are well founded or not :

1st. Whether there were any American citizens on board the "Venus," during her late voyage to the coast of Africa, and who those citizens are.

2d. Whether the "Venus" was visited on the coast of Africa by any British cruiser or cruisers, without being detained, in consequence of her bearing the American flag ; but one of which cruisers, having observed her take in some negroes under that flag, afterwards chased her, though without success.

3d. Whether any sale or transfer was made of the vessel after leaving this harbor, and where, so as to divest her of her American character.

The ship's articles, we have heard, provided that she was to be taken to Bahia, where the sale was to take place ; but the short time she has been absent (only four months) puts this out of the question. And whether transferred or not to any other flag, we fear it is indisputable that a gross abuse has been practised of the American flag.

It certainly is no part of our duties at this place to take any steps to vindicate such a violation of your laws ; nor have we any wish to interfere in any like cases, further than arises from an anxiety to put an end to all such nefarious infringements of the rights of humanity. Our objects are too high, and our conviction of their rectitude too strong, to allow us to be turned from our course by taunts of any kind. And with regard to the United States, in particular, we would wish to preserve unimpaired our respect for the laws which have declared the slave-trade piracy. But it is in proportion to the respect we would wish to entertain, that we should regret to find those laws a dead letter, and your professions not followed up and carried into effect.

We have the honor to be, sir, very respectfully, your most obedient humble servants,

J. KENNEDY,
CAMPBELL J. DALRYMPLE.

N. P. TRIST, Esq.,
Consul, &c., &c., &c.

Consul Trist to the Secretary of State.

[No. 94.]

CONSULATE OF THE UNITED STATES OF AMERICA,
Havana, September 9, 1839.

SIR: One of our merchants at this place, who takes Niles's Register, called my attention, a day or two since, to an article from the "Commercial Advertiser," under the caption "American Slavers," contained in the first-named paper of the 3d August, to which I beg leave to refer.

Whatever, to a reader unacquainted with the subject, the bearings of these statements upon myself may seem to be, there is one single point only in which, to a person by whom it is understood, they can appear entitled to notice. With this one exception, to render manifest to those least conversant with the matter of these allegations, that, as grounds of impeachment of my character, they are absolutely futile, nothing further is requisite than the substitution of an exact statement of precise facts, for the vague and loose terms whereby my name is connected with the slave-trade, in the mode so calculated to beget sinister surmises and calumnious imputations. This one point, however, is of a nature to impel me to request that it be made the ground of a demand upon the British Government.

But for the peculiar form in which these allegations here present themselves, this request would not be made; for it would be inconsistent with the principle which has heretofore governed me respecting the reception due from an officer of the United States of America to all manifestations toward himself, or his fellow-citizens, by any functionary of a foreign state, of that cosmopolitan zeal for which the Government just named is at the present day, as it ever has been, so highly distinguished: a zeal which doubtless would, with due encouragement, prove of a sufficiently expansible nature to envelope our navy itself in the folds of its charitable mantle, and have a corner to spare even for any of those *terra firma* concerns which constitute the debatable ground (in the eyes of *philanthropy*, no doubt, one the existence whereof is much to be deplored) of State rights. So long as its impulses had, with respect to myself, appeared only in the shape of proffers of friendly aid to supply my deficiencies, intellectual, moral, or physical, towards the fulfilment of whatever duties I may be intrusted with, in regard to the acts of my fellow-citizens, or even in the shape of similar boons to our Government, in regard to the discharge of its supervisory duties over American consuls, my view of the proper attitude to be maintained toward all such overflowings of international prodigality—inculcating, as it ever has done, the most guarded abstinence, on my part, from any act which could tend to confound our country among those which are now so unscrupulously profiting by this disposition to relieve them of the trouble and expense of self-government—would have forbidden my taking any step tending to a discussion with that Government, in regard to the nature of such of the fruits of its superior vigilance and power as might have been offered for the use of that to which I am responsible. In a word, so long as the friendly communications of its discoveries in regard to the acts and pursuits of American citizens and officers, accompanied with the no less friendly intimations of its hopes and wishes in regard to the proper course to be pursued upon the subject by the American Government, or its officers, had been addressed only to themselves, the alleged acts, supposing them real, not constituting a proper subject of discussion between the two Governments, or their officers, neither could their reality or fictitiousness, the sufficiency or the defectiveness, of the evidence on which the allegations might rest, become a subject of inquiry between them.

When, however, in place of such like manifestations of generous zeal, is substituted a denunciation of the Government thus sought to be patronized, through its citizens and officers; when the friendly and rejected boon is, by the alchemy of publication, converted into an accusation in the face of the world; the entire aspect of the subject becomes changed, and, with it, the course which its nature permits. The question presented by it is no

longer whether a right shall be recognised, expressly or impliedly, in a foreign Government, to take part, directly or indirectly, in the functions which belong exclusively to our own. The matter of allegation remains the same; but the principle of national independence ceases to be involved in any question that may arise concerning the proper course to be pursued with regard to it. Without the slightest concession of the right of self-government, that matter may now be considered, its grave character acknowledged, and the proof demanded of the party bringing the charge.

Under this aspect of the subject it is, that I now deem myself justifiable in requesting that one of these allegations against me be made the subject of a communication from our Government; of a demand, founded, not upon the allegation itself, but solely and exclusively upon the fact of its publication; that measure of the British Government whereby, from being one of a series of acts of impertinent, and, at worst, indecent intermeddling only, (to which, so long as it had retained that character, I should, however otherwise disposed on my own account, have deemed it inconsistent with just international principles to give even so much countenance as would be implied in making of its grounds a subject of inquiry addressed to that Government,) this allegation has been converted into an act of calumny the most reckless and flagitious.

The particular allegation to which these remarks have reference, is that wherein it is charged that "blank forms" have been "signed" by me for the use of persons in command of vessels about to be engaged in the slave-trade.

This allegation first appears in the following passage :

"Then a despatch from Lord Palmerston to Mr. Fox, dated March 22, 1839, including papers received at the Admiralty, showing that the American consul at Havana (Mr. Trist) had affixed his name to the papers of vessels about to be employed in the slave-trade, and had also *signed blank forms*, to be filled up at pleasure by the persons in command of those vessels."

In a subsequent part of the article it is repeated, in the specification of *one of "those vessels,"* to wit :

"The schooner *Constituição*, under Portuguese colors, from Havana, with papers signed by Mr. Trist, and also *blank papers* signed by him, to be filled up as occasion might require."

This vessel is stated to be among those "searched and *detained*" by British vessels on the African station, between October 1st and December 31st, 1838. Her papers, including these "*blank forms*," must, consequently, be at this moment in the possession of the British authorities; as probably are, also, the papers of those other "vessels" referred to in the despatch of Lord Palmerston, or in its enclosures from the Admiralty.

The demand which I beg leave to suggest is, of—

1st. One or more specimens of the blank forms secured on board the *Constituição*, and also of those found on board the other vessel or vessels referred to by the words "those vessels," in the despatch of Lord Palmerston, or its enclosures.

2d. A list, with all possible particulars of time and place, of "*those vessels*," whether "*detained*," or only searched, on board which any such "*blank forms*" have been found, together with the name and nation of each of "*the persons*" in whose possession they were found; and the further particular, whether it was or was not, in each instance, ascertained that this

person by whom, as is alleged, they were "to be filled up at pleasure," could write the English language, or was accompanied by any one who possessed that requisite for making use of them.

3d. A statement with regard to any of such "blank forms" as may have been seen, but cannot be supplied, of—first, their size and general appearance; secondly, their tenor; thirdly, whether they were *sealed*, as well as "signed;" and, fourthly, the uses to which they could have been put: that is to say, the possible "*occasions*" that "*might require*" them "*to be filled up*," the particular matter wherewith they might be filled up; and the particular benefit which, being thus filled up, they could secure to the holder.

A charge of a graver aspect can scarcely be conceived than that here published to the world against the American consul at Havana. While the deed imputed to him is not only of the deepest baseness, but such also as to betoken that degree of recklessness which belongs only to the most abandoned characters, the hand by which the imputation is cast is (to all appearance) a warrant that it has not been cast lightly; that this act has been preceded by all the consideration due to its nature, and has been done under a full sense of the responsibility which attaches to it when proceeding from a quarter where, the world is entitled to believe, none of the safeguards against the crime, or the impolicy of casting aspersions unwarranted by truth, can have failed to exercise its proper influence.

Had this imputation proceeded from the source whence (so far as may be judged from the one case specified in the article before us) it originally arose, or even from the quarter to which it was thence transmitted, the case would have been essentially different. Coming from such a source, unaccompanied with the glare of authority which now dazzles every eye that is turned upon it, the intrinsic improbability of the act charged could not have failed to be manifest to all, nor to exercise upon every judgment the influence belonging to it. Appearing merely in the report of a naval officer (probably of a very subordinate grade) engaged in the task of reporting the character of the documents taken possession of by him on the occasion of making a capture, or perhaps only seen in the course of a hasty search at sea, an imputation of this nature would at once direct the attention to all the probabilities of error on the part of such an agent, acting upon such a subject under circumstances of excitement and haste, the reverse of favorable to deliberate thought and scrupulous accuracy, even upon those matters which the course of his profession was likely to bring him most frequently into contact with, and to render most familiar. In the one case, would be seen to be the intrinsic improbability of the act charged; and, opposed to this, only the improbability of carelessness, or of mistake without carelessness, on the part of a naval lieutenant, in examining and reporting upon the nature of the papers found on board a vessel searched and detained by him; or rather upon the nature of a certain portion of those papers, manifestly of an altogether secondary importance, and to himself particularly, if not altogether devoid of interest, yet of a very inferior interest to that attaching to any other portion of the same papers which might exercise an influence upon the question as to the validity of the capture.

Such, however, is not the nature of this case. The imputation does not come from the hand of a lieutenant, nor from that of an admiral; nor is the authority upon which it rests that of the report of a lieutenant or of an ad-

miral, transmitted, in the ordinary course of business, from one functionary of the Government to another ; nor is it even a report of this nature, transmitted to the foreign Government, to whose officer this act is imputed. These are so many different forms in which the allegation might have appeared ; each transcending the other in importance, and carrying with it a weight of authority proportionate to the rank of the officer and to the degree of deliberateness implied in his action on the subject. But the form in which it does here appear, invests it with an importance infinitely beyond that which could have attached to it under any other circumstances. It is that of a formal charge, published to the world by the British Government, at the instigation of its principal minister, for the conduct of its relations with the other Governments of the world. Coming from the highest possible functionary, the act, too, is done under circumstances corroborating the assurance afforded by the rank of the actor, that the subject has received his most earnest and deliberate attention ; that the imputation is not lightly hazarded, but, on the contrary, its grounds have been carefully investigated, and been found such as to warrant a principal Minister of State in assuming, in the eyes of the world, the responsibility of calling upon his Government to make proclamation of the fact that the deed has been committed.

For these grounds it is—for the conclusive proof possessed by him of the guilt which he has proclaimed—that I beg to call upon her Majesty's principal Secretary of State for Foreign Affairs. Let the "blank forms" be forthcoming. Let the uses to which they could be put be specified and explained. Supposing both these things to be done, let the grounds be adduced which determined his lordship's judgment to adopt the belief that they had been signed and furnished by me, in preference to the alternative belief that they were forgeries. In a word, let any thing and every thing in the shape of fact, probability, or possibility, be adduced, which may in any manner serve to show that the fact asserted by Lord Palmerston, or a belief in which has been asserted by him, that the American consul at Havana had also "signed *blank forms*, to be filled up at pleasure by the persons in command of those vessels," is a fact, concerning which he possessed proof, or one a belief in which can possibly be entertained by any person of decent understanding, who shall bestow upon the subject ever so little of his attention.

And here might I rest my defence from this calumny, until my call should be answered. In proportion to the gravity of the accusation, must, according to the plainest dictate of justice, be the conclusiveness of the proof by which it comes supported ; and if this prove defective, in exact proportion to its defectiveness must be the force of recoil upon the accuser, and the weight of odium for indecent haste, if not reckless malevolence, which must rest upon his head.

To the operation of this plain truth might the vindication of my character be left ; and, seeing that in most cases of the same sort it must necessarily constitute the only resource of the accused, it might be relied upon in the present without fear as to the result. Fortunately, however, the case is marked by peculiarities which exempt me from all dependence upon this passive defence. I have called for the proof, because it was due to my character to give such a defiance, and because, also, it was only by so doing that I could place in the light, where it will be manifest to all eyes, the utter groundlessness, recklessness, and shamelessness of this accusation. But this

course was not requisite to my vindication. I possess abundant materials for one, of the most *positive* character.

The absolute disproof of the calumny is in my hands, and I will use it. The task must, however, be reserved for a future occasion.

I am, sir, very respectfully, your obedient servant,

N. P. TRIST.

HON. JOHN FORSYTH,
Secretary of State.

Consul Trist to the Secretary of State.

[No. 98.]

CONSULATE OF THE UNITED STATES OF AMERICA,
Havana, October 12, 1839.

SIR: Referring to my No. 95, I beg leave to embrace in the request therein contained for a call upon the British Government, another of the allegations against "the American consul at Havana," which her Britannic Majesty's principal Secretary of State for Foreign Affairs appears to have deemed it proper to father, by causing them to be published to the world under the sanction of the British Parliament.

The allegation in question is contained (with other matter of the same origin and complexion, but not requiring the same course on my part) in an article under the head "Consul Trist;" is copied from the "New York American" into the "Boston Daily Advertiser" of the 5th September, to which my attention was yesterday called by another of our merchants resident at this place.

The staple of this article consists of materials selected "from the documents lately published by the British Parliament;" and, among them, is a communication addressed to his Government, under date 31st December, 1838, by "Mr. Theophilus Barker, British consul for the Cape de Verd islands." It is as follows:

"I have heard from the last American vessel that arrived at this place, that the American consul, Nicholas P. Trist, will be removed from the consulate at Havana. He ought to be—*having granted, to my knowledge,* more than ten *false* bills of sale of vessels and passes to these islands."

The act which I here stand charged with having committed on "more than ten" different occasions, and which the world is given to understand is of such criminality as to constitute a sufficient ground for disgraceful expulsion from office, is the act of "*granting*" two certain documents, viz: 1st. "*False bills of sale*;" 2d. "*Passes*," (or "*false passes*," the structure of the sentence leaving it doubtful whether "*false*" were intended to qualify this word also) *to these islands.*"

The demand which I beg leave to suggest is of two distinct things, viz:

1st. A list of the vessels referred to; with dates and all other possible particulars.

2d. An explanation of the precise nature of the act charged; that is to say, of what is meant by—

1st. A "*false bill of sale.*"

2d. A "*pass to these islands*," or a "*false pass to these islands*," (according as the one or the other was intended.)

3d. " *Granting* a bill of sale."

4th. " *Granting* a pass."

With respect to the *list of vessels*, it is possible that the particulars desired by me may not yet be in the possession of the British Government; and that, consequently, the delay requisite for procuring them from the Cape Verd islands may be unavoidable.

With respect to the explanation, however, no such delay need be apprehended; as it would be highly injurious to the principal Secretary of State for Foreign Affairs of any Government to suppose him capable of taking such a step as that here deliberately taken by Lord Palmerston, without possessing a clear perception of the nature of the act imputed to the officer of the foreign Government. Even losing sight of the exalted official station of the accuser in this case, and of the other extraordinary features by which it is so strongly distinguished, the very least that can be expected of any one bringing or promulgating an accusation of such a nature is, that, if not fully prepared to *substantiate* it, he shall be so to *explain* it—to prove that, whatever vagueness the terms in which it is imputed may possess for other minds, they are, for his, charged with a precise significance—to show that the act imputed by him as an offence, is one of which he possessed a definite idea, and understood the criminality.

It cannot, therefore, happen otherwise than that the noble lord, who, in the present instance, is the promulgator of the accusation, shall be prepared to furnish, at once, without the necessity of a resort to the Cape Verd isles, or to any other quarter, all matter pertaining to the second of the two heads of demand; and this being the case, I beg that the distinction between the two may be pointed out, and his lordship be requested, in case of his not being prepared to furnish the *list of vessels* until he shall have communicated with the consul at the Cape Verd isles, not to allow this circumstance to delay for a moment the transmission of that *explanation* of the act charged against me, which he cannot but be prepared to give, and which his sense of justice will forbid him to withhold for an instant from one whose character is exposed to the serious detriment resulting from the weight of a mere accusation pressing from so elevated a source.

Having stated and explained the request from me which this accusation seems to call for, I will now beg leave to make it the subject of some remarks.

In the first place, the "*passes* to these islands," mentioned by the British consul at Cape Verd, are a pure fiction; having no other existence than that conferred by him in writing the words. A "*pass*" is an absolutely imaginary thing—a creation of his own, for which it would be difficult to conceive a motive, but that it serves the important purpose of rounding off the sentence; and the yet more substantial one, of ekeing out the writer's contribution for the year 1838, of that precious material, an offering whereof appears (as I shall hereafter endeavor to demonstrate, upon an enlarged view of the whole ground) to be the most acceptable (consequently the most important to him who renders it) service which can at this day be rendered by an agent of the British Government to his superiors; and the periodical transmission of a supply of which seems to be particularly important to her Britannic Majesty's principal Secretary of State for Foreign Affairs, as enabling him to satisfy the constantly pressing demand upon him for proofs that the agents under his direction are actuated by a becoming zeal in the abolition cause. These "*passes*," I repeat, are a pure fiction. No "*pass*"—nothing

in the nature of a pass—whether “false” or true—whether “for these islands,” or for any point on the globe—ever issues, or ever has issued, from this consulate. Misstatements of this kind have generally some show, at least, of truth in them: the thing which is affirmed to have happened, is commonly something which may have happened. If an officer is charged with having issued a document improperly, the document is generally one which is known to the law, and which might be properly issued by him. But, in the recklessness which prevails on the present subject—the shameless haste on the part of purveyors to share in those profits whereof every man is sure who can bring to market any of the commodity, however crude its shape, which the rage of the hour demands—there is an utter disregard of probability and plausibility, no less than of justice and decency. The document with which I am here charged with issuing is not only fictitious, but its very nature is unknown. Nothing like it—nothing of the sort—nothing bearing the remotest resemblance or analogy to it, is, or ever has been, in use at this consulate.

With respect to the other kind of document mentioned by this scrupulously nice purveyor for the head of the foreign office, of proofs of his sleepless vigilance over slave-trade proceedings, the case is different. A “bill of sale” is a thing which has a real existence; and I am, therefore, at no loss to know what he meant by “false bills of sale.” What he here intended, or might have intended, so far as may be judged from the nature of the subject upon which he spoke, was, to state a matter of fact; and one the truth of which is beyond dispute. That “bills of sale of vessels” have (and that in numerous instances) been passed at this consulate, wherein a purchaser was named who was not the real purchaser, but, on the contrary, a person having no interest whatever in the vessel, and only employed by the real buyer to act in that capacity, there can be no manner of doubt. So far as I have had opportunities of judging, the same thing is of not unfrequent occurrence at the custom-houses in the United States. I have myself been requested by an American citizen, (resident in this island, and on that account disqualified to be a ship-owner,) who wished to become the purchaser of an American vessel, to allow her to “be put in my name.” The employment which he had in contemplation for her was perfectly innocent as well as lawful; nor was he at all conscious of any thing wrong in his request. He was probably aware that I should have to make oath that the vessel belonged solely to me; but, from causes into which it is not necessary here to enter, what are called “custom-house oaths” have come to be considered, very generally, in a light so entirely their own, that there are few persons from whom the request to take one, without regard to its truth, could be justly viewed as indicative of insulting intention.

Be this as it may, there can be no doubt that the practice of holding a vessel in the name of some one who does not own a splinter or thread in her, is a not uncommon one; and that the bills of sale whereby effect is given to such arrangements, are, in this particular sense, “false.” In this particular sense, it cannot be doubted that “false bills of sale” have been executed in my office; and that vessels provided with such documents have gone to the Cape Verd isles.

But it would seem that the purposes for which information is desired at the foreign office, in regard to the doings of the American consulate at Havana, are such, that even this truth could not be stated, except in such a way as to convert it into a falsehood, and most flagitious calumny.

To "*grant*" a bill of sale! When a deed of this kind is executed, does common parlance say that it is "*granted*" by the notary, or the consul before whom the act is done? No! Why, then, is this extraordinary form of speech adopted in the present instance? Can it be through any other motive than the design that it should perform the function which it does discharge, to wit: that of conveying the belief that "bills of sale," "false" in some sense different from that above explained, (in which the falsity is, at a glance, seen to be beyond the consul's control,) have been "*granted*?" That the consul has "*granted*" "*false* bills of sale of vessels;" what can it mean, but that documents of this description, *purely fictitious*, (that is, reciting a sale which never took place,) have been supplied by him to vessels, for the purpose of enabling them to pass, as occasion might require, under the guise of American property?

This is the obvious sense of the words, as is shown by that in which they are taken by the writer in the "New York American," by whom they are quoted: for, in order that this practice of the American consul at Havana "may be understood," he forthwith enters upon an explanation (!) of the *modus operandi*; which, if it serve no other purpose, is sufficient for that of showing that the writer's mind is fully, if not very precisely, impressed with the notion of "a double set of papers," and of the process whereby these are obtained by "the American vessels engaged in the trade." These, he says, (that is, the vessels already "*American*") "resort in great numbers to the Cape de Verds, where they change their flag, and, by a fraudulent sale, are for the time converted into Portuguese or Spanish vessels." "Thus (says he) *they get a double set of papers.*" And he adds, "If overtaken by a British cruiser, they are American vessels, and cannot be searched; if, by any wonder, they should be spoken by an American cruiser, they are Spanish or Portuguese."

∴ And this lucid description of the process whereby "*American*" vessels "get a double set of papers," by being "for the time converted into Portuguese or Spanish," is what is given by way of explaining to the uninitiated in slave-trade mysteries, the passage in the British consul's letter imputing to the American consul at Havana the practice of supplying vessels engaged in the trade with "false bills of sale." At any rate, it serves the purpose of demonstrating that to his mind the accusation conveyed, however indistinctly, the idea that the American consul is in the practice of not merely allowing what he has not any control over—the sale of American vessels from one American citizen to another—but supplying to vessels *not* American "*false*" documents, in the shape of bills of sale, purporting that they are American.

This, however cloudily present to the newspaper writer, was what was put into his head by the terms in which the accusation is couched; and this is the *true meaning* of that accusation. It is its substance. *It is that which Lord Palmerston is bound to make good.*

∴ Most pitifully will he extricate himself from this dilemma. It will be seen that all that he can make good in support of the accusation is, the fact that "false bills of sale" (false in the sense above explained) have been executed in my office; a fact which, had it been honestly stated, no one would have dreamed of making the pretext for injurious imputation upon me. In exact proportion, therefore, to the distance in culpability between this absolutely innocent fact, and the absolutely damning fact imputed to me in his accusation, will be the load of odium upon his head as a wanton calumniator.

I have said that all that can be made good in support of this accusation is, the mere fact of bills of sale (over which the consul has no sort of control) having been executed in my office. I must add, that even this fact has, in consequence of views *peculiar to myself* and to *this* consulate, been narrowed down to vessels *already American* when they came here. No vessel has ever, through my agency, (or at all, at this port, since I have held the consulate,) been invested with the American character. The general—so far as I know, *universal*—opinion among our mariners, including ship-masters of the very highest class, is, that an American citizen has a right to buy a vessel wherever he pleases; that she thereupon becomes American property, and consequently entitled to navigate under the protection of the flag; and that the owner has a right to *demand* of an American consul, at his peril, to give his agency in all particulars requisite for securing that protection. Such is the prevalent doctrine; in support of which, no less an authority may be quoted than that of Chancellor Kent, who lays down that, “every vessel, wherever built, and owned by an American citizen, is entitled to a custom-house document for protection:” a proposition which is but an echo of the universal belief, and the principle of which is manifestly in a peculiar degree imperative upon consuls, who are placed at foreign ports, with scarcely any other dependence for the direction of their official course than the general sentiment, that it is specially their business to promote, in every way in their power, the interests of American merchants, ship-masters, and mariners. A practical illustration of its prevalence may be seen in the case of the brig “Paragon, of Philadelphia,” a vessel brought last year, under the American flag, to this port, from New Orleans, by the American consul at Vera Cruz, who had there, in conjunction with another American citizen, purchased her under the Mexican flag, and experienced no hesitation in placing her at once under that of the United States; his right to do which, he would have been surprised to hear called in question.

Had this doctrine been entertained by me, there is no doubt but that the British consul at Cape Verd would have had more than one occasion to report the arrival there of vessels which had actually *obtained* the American flag at this port by means of “bills of sale,” mostly, if not all, “false;” and occurrences of this kind would have afforded a somewhat more plausible pretext (though not a whit juster ground) for crimination of the “American consul at Havana.” As it has happened, the only vessels that have come under the ken of this Cape Verd “Argus,” provided with American papers from the consulate at Havana, have been vessels that possessed the American character at the time of their arrival; that entered (almost always direct from the United States) under the American flag, and carried documents as good as any Liverpool packet can show; and which, being sold at Havana, to (so far as the consul could officially know) American citizens, carried with them, on leaving, the bill of sale constituting the legal and proper document of transfer; embodying the register, as is required by American law; and proving the vessel’s retention of her original character. But suppose that his eyes had rested upon vessels known at the Cape Verds as Spanish or Portuguese, and now returning there from Havana, under the American flag, and provided with “bills of sale,” “false” or true! What language could he have found sufficiently strong for conveying this astounding intelligence to his noble patron at the head of the foreign office? And yet, if he has escaped the necessity of seeking for it, it has been for no

other reason than that the American consul at Havana is sufficiently of a "tyrant" to deny to his fellow-citizens the exercise of a right which none entertain any doubt of—not even those who are above abusing it, or have not so much as the slightest expectation that they will ever use it.

But I have unconsciously run into matters that I intended to reserve for the one entire and connected view, in which it has been my purpose to embrace all these slave-trade imputations against me.

I am, sir, very respectfully, your obedient servant,

N. P. TRIST.

Hon. JOHN FORSYTH,
Secretary of State.

Consul Trist to the Secretary of State.

[No. 107.]

CONSULATE OF THE U. S. OF AMERICA,
Havana, December 17, 1839.

SIR: I have pledged myself to a demonstration, which shall leave not a shadow of doubt upon any mind, of the *absurdity* of the imputations against me in regard to the slave-trade; and also, supposing them not to be absurd, of their *untruth*. This, however, is a task, the accomplishment of which is exposed to but one contingency—that of my ceasing to live before I can marshal in their proper order the *facts* which constitute the materials out of which that demonstration is to be constructed. These facts are placed beyond dispute, and, therefore, require not that I should engage, with respect to them, in the collecting of testimony; seeing that they already stand recorded in our custom-houses, or constitute a part of the (so far as I know) *universal* belief in our country, among its ship-masters, ship-owners, merchants, collectors, lawyers, and judges, in regard to one of the most important of the points involved.

The work, although, in truth, not requiring any other basis, would, however, have seemed to many eyes imperfect, unless seen to be supported externally by buttresses, consisting of the belief on the subject prevalent at this place among those under whose eyes my official life has passed. It was proper, therefore, that their testimony should be added to the proof which it was already in my power to adduce; or which, rather, already existed, and required only to be pointed out. To secure it against the casualties to which it was exposed, has, therefore, presented itself as the thing first to be done. The buttresses are erected, and although, in the estimation of the architect, not requisite to the support of his intended structure, they cannot but add to its security. By breaking the violence of the tempest that howls over the spot, they will serve, also, the immediate purpose of affording him some protection whilst engaged in his work.

The documents herewith transmitted consist of:

No. 1. A letter addressed by N. P. Trist, consul of the United States of America at Havana, severally, to George Knight, John Morland, Edward Spalding, and Daniel Osgood, the four American residents at Havana whose names are best known in their own country, and throughout the commercial world.—*November 4, 1839.*

No. 2. The questions enclosed in the foregoing letter.

No. 3. Reply of John Morland.—*November 11, 1839.*

No. 4. Reply of George Knight.—*November 15, 1839.*

No. 5. Reply of Daniel Osgood.—*November 18, 1839.*

No. 6. Reply of Edward Spalding.—*November 20, 1839.*

These documents require no remark from me, further than to call attention to the fact, that, although some of the queries relate to my general character, they are put solely on account of their special bearing upon points of character involved in the particular imputation in question. The error is to be avoided, of considering the design with which these interrogatories were drawn up to be the vindication of my general official course or character. For any such purpose, they would necessarily appear incomplete, and, to the same extent, unsatisfactory.

I am, sir, very respectfully, your obedient servant,

N. P. TRIST.

HON. JOHN FORSYTH,
Secretary of State.

P. S. It will be perceived that, with a view to meet objection on that score, the affidavits of these gentlemen have been obtained to their replies; with the exception only of that of Dr. Osgood, who had left the city for the interior before it occurred to me to do so.

I would beg leave to suggest, that inquiry be made in our commercial cities into the standing of these respondents (all New Englanders;) and also whether there be any *other* American merchants established at Havana, and, if so, *who they are.*

N. P. T.

[Enclosure No. 1.]

Letter addressed severally to the four American residents at Havana whose names are best known in their own country, and throughout the commercial world; to wit: George Knight, John Morland, Edward Spalding, merchants; Daniel Osgood, M. D.

CONSULATE OF THE UNITED STATES OF AMERICA,
Havana, November 4, 1839.

SIR: Through the press of our country, you have become apprized of the charge published to the world against "the American consul at Havana," that he "has affixed his name to the papers of vessels about to be engaged in the forbidden traffic in slaves; and has likewise SIGNED BLANK FORMS, to be filled up at pleasure by the persons in command of those vessels."

Coming from no less exalted a source than her Britannic Majesty's principal Secretary of State for Foreign Affairs,* this allegation brings with it a

* The quarter from which it ostensibly proceeds is more imposing still: being nothing less, apparently, than the "Imperial Parliament" itself. In truth, however, the agency of this "omnipotent" entity does not, in this case, extend beyond the mere act of receiving the documents "presented by command of her Majesty;" an act from which it is impossible that the contents of such documents can derive any additional weight in their logical or moral bearings. Whatever portion of this may be possessed by them, must be due solely to the head from which they are to be presumed to have received consideration. That head, in the present instance, is the head of her Majesty's principal Secretary of State for Foreign Affairs. To all logical and moral intents, the act of publication is his act. From him is all its weight derived; to him does all its responsibility—all moral responsibility, at

weight of authority, of itself amounting almost to proof, and demanding at my hands a course that shall correspond to the very extraordinary disadvantage at which alone it can be met.

An accuser of ordinary standing it might be sufficient to confront with a challenge to the proof; and, under cover of the plain axiom of justice by which this position is prescribed to the accused, I might quietly rest until he should have brought forward those evidences, of the existence of which his proclamation of belief in the truth of the charge is a recorded pledge. The present case, however, is one in which this course will not suffice. The official elevation of my accuser, affording, as it does, a guaranty of deliberateness and scrupulousness in all his acts—above all, in a proceeding of such delicacy and responsibility as that of bringing, in the face of the world, a charge at once so blasting and so intrinsically improbable against an officer of a foreign Government—forbids that I should allow its influences to work undisturbed, while awaiting to see what materials he may have it in his power to produce to justify the confidence which his word has awakened. It demands that the task of positive disproof, so far as the nature of the subject admits of it, be at once undertaken by me.

Of the matter of evidence which may be pertinent to a question of this kind, all that relates to *character* is of obvious and high importance. Of the acts which may be imputed to a man, some are of a nature to admit of absolute and specific disproof; while, in regard to others, the negative admits of no other support than that of probabilities. To the latter class, indeed, belongs every act with which a man can be charged, except when, by the specification of time and place, such individuality is given to it as brings within the bounds of possibility an absolute proof that it could never have occurred. In any other case, the negative can have no other support than such probabilities as, from the nature of the subject, may exist with regard to it.

To this class belongs the act of signing "blank forms," "to be filled up at pleasure by the persons" to whom they are supplied; which, in the allegation above quoted, is represented as being among my official practices.*

least—attach. The authority belonging to his official station—nothing more, nothing less—is what this accusation does in reality come supported by. This, to be sure, is imposing in a high degree; not, however, so high as would be that attaching to a deliberate act of the British Parliament.

* I confine myself here to this branch of the allegation; for the reason, that the other practice therein referred to is of a nature not to require the same sort of notice as that which I am taking of the mate to which it is here yoked.

Whilst, of the two acts thus coupled together, one is of a turpitude too flagrant to escape the dullest eye; the other is, by every one in the slightest degree acquainted with consular functions, or even possessing the most elementary notions regarding the essential rights of a ship-owner or his representative, the master, concerning the mode wherein he may see fit to employ his vessel, seen, at a glance, to afford no possible ground of imputation against a consul.

In regard to the one act, if the accusation attach to him, his character is irremediably blasted. Hence the necessity of seeking testimony that may have a bearing upon the point. In regard to the other act, no such necessity exists; because no one at all acquainted with the relation in which the consul stands towards vessels, can fail to be sensible that a more utterly and essentially futile charge cannot be conceived against any officer, than that against a consul of having "affixed his name to the papers of vessels about to be engaged in the forbidden traffic in slaves;" and that even if the charge were so modified as to impute to him the same act in regard to vessels *known*, or *notoriously known*, to be "about to be engaged in the forbidden traffic in slaves," it would still be utterly and essentially futile. No such person but is aware that, either to govern his conduct in regard to vessels by rumor concerning their contemplated employment, or to institute investigations on such subjects, is altogether beyond the province of a consul. Nor can any one fail to perceive that what is in this respect *right*; for the only possible alternative to it would consist in investing the consul with a degree of discretionary power far exceeding any that is possessed by the highest magistracy, whether executive or judicial, at home.

To it, few things in the shape of testimony can be more directly pertinent, whether for support or disproof, than the character which my acts and deportment, as an officer and as a man, may have established for me upon this theatre. The practice imputed to me is of the very deepest baseness; and not only does it imply turpitude and venality the most sordid, but the utter shamelessness and recklessness which belong to none but the most abandoned characters. The imputation, therefore, cannot fail to find either corroboration or contradiction in the estimation which my conduct may have affixed to me, in regard especially to those particular features of character which are particularly implicated in the charge.

For this reason, I have determined to seek, upon these points, the testimony of some of those under whose eyes my official existence has passed; beginning with those of my own countrymen whose names are most extensively known both at home and throughout the commercial world.

The best shape in which testimony, on such points, can be given, is that of specific replies to precise interrogatories. At the same time, this is the least inconvenient form in which the task of giving such testimony can be proposed to any one. The trouble is reduced to its minimum, when the questions are so drawn up as to require only a *yes* or *no* in reply. This will be found to be the character of those (fifty-two in number) herein enclosed; which I trust that you will deem the position wherein I am placed, by this wanton calumny, as sufficient apology for requesting you to take the trouble of carefully perusing, and giving written replies to.

I am, sir, very respectfully, your obedient servant.

[Enclosure No. 2]

We, George Knight, John Morland, and Edward Spalding, do hereby certify, that the fifty-two questions hereunto attached, by means of the seal of the consulate of the United States of America at this city, are an exact copy of those enclosed in the letter addressed to us severally by N. P. Trist, under date November 4, 1839; which questions have been answered by John Morland, in his letter, under date the 11th of the same; by George Knight, in his letter under date the 15th of the same; and by Edward Spalding, in his letter under date the 20th of the same: of which letters duplicates have been signed by us, respectively.

Witness our hands at Havana, this 14th day of December, 1839.

EDWARD SPALDING,
GEORGE KNIGHT,
JOHN MORLAND.

Questions.

1. Has any instance ever come to your knowledge of my having, to accommodate any person whatever, "signed a blank form," of any description whatsoever, "to be filled up" by such person, or by any one in his behalf?

2. Until the recent publication, referred to in my letter, had you ever heard of any act of the kind being imputed to me?

3. Had you ever heard of any act of the kind being imputed to the consulate of the United States of America at Havana, since it came into my charge?

4. Now that it is known to you that the imputation has been made, do you believe in its truth?
5. Do you positively disbelieve it?
6. Do you think that your opportunities have been good for forming a correct estimate of my character as an officer and as a man?
7. Has any thing whatever ever, to your knowledge, occurred, affording any ground whatever for distrusting my probity or trustworthiness, either as an officer or as a man?
8. Have you ever known any definite imputation to be cast upon me, either as an officer or as a man, in respect to probity or trustworthiness?
9. Have you ever heard of any such imputation from any quarter?
10. Have you ever heard of any such imputation from any quarter, which, supposing the same imputation, from the same quarter, to have been cast upon a person altogether unknown to you, would have been deemed by you entitled to any credit?
11. So far as my character is known to you, is it a mercenary one?
12. Do you consider it to be the reverse of mercenary?
13. Do you consider me to be eager after money?
14. Has any fact ever come to your knowledge evincing such eagerness?
15. Have you ever heard of any such fact?
16. Have you ever known any improper charge to be made at my office?
17. Have you ever heard of any such improper charge?
18. Have you ever heard of any contention whatever having arisen out of any charge or demand for money made at my office in my own behalf?
19. Have you ever known me to shrink from contention on other subjects presented by the official relations in which I am placed?
20. Have you ever heard of my so doing in any instance?
21. Is not the law of the United States, requiring the payment of three months' extra wages, upon the discharge of seamen, exceedingly hateful to all classes upon whom it bears, ship-masters, ship owners, and merchants?
22. Is there not a particular odium attached to the demand of those extra wages by the consul?
23. Is not this provision of the law such, that nothing is requisite for its successful evasion than the merest tacit connivance on the part of the consul?
24. Does not a general sentiment prevail on the subject, that the consul ought to connive at its evasion?
25. Have you ever heard of an instance in which such connivance was given by me?
26. Have you ever heard of an instance in which, knowing or hearing of any attempt or intention to evade this law, I have failed to take active measures to enforce its observance?
27. In the whole circle of consular duties, do you know of one in regard to which a consul, capable of sacrificing duty to personal considerations, would be so sure to evince such disposition?
28. Except in regard to the course pursued by me in cases wherein sailors or mariners of subordinate grade were parties against ship-masters, has any official act of mine ever come to your knowledge that was deemed by you objectionable?
29. With the exception just stated, have you ever heard of any official act being imputed to me which was deemed by you objectionable?
30. Have you ever heard of any such imputation, from any quarter, which,

supposing the same imputation from the same quarter to have been cast upon a person altogether unknown to you, would have been deemed by you entitled to any credit?

31. With regard to the cases excepted in question 28, wherein sailors or mariners of subordinate grade were parties against ship-masters, has not my course been the reverse of that which was recommended by considerations of personal convenience or interest?

32. In such cases, have you ever known an instance in which I failed to pursue the course dictated by my own judgment, or to prove utterly regardless of who the parties might be, or who might take an interest in the subject, or what opinion might be entertained as to the propriety of my course by my countrymen, whether friends or strangers to me?

33. From the knowledge which you possess of the mode in which slave-trade operations are conducted and talked of here, do you believe it possible that the consul of the United States at this place could be, in any way, directly or indirectly, concerned or interested in that business, without its coming to your ears?

34. Until the charges to that effect, recently made in the newspaper press of the United States, had you ever heard that the idea of my being in any way concerned or interested in the slave trade had ever entered the head of any one?

35. Has any ground whatever for any such belief ever presented itself to your mind?

36. Has any suspicion of the sort ever crossed your mind?

37. Now, that the charge has been made, do you attach any credit thereto?

38. Do you positively disbelieve it?

39. Have you ever known an instance of a "false bill of sale of a vessel," or of a fictitious document of any sort, having been granted by me, or having issued from my office?

40. Have you ever heard of any such instance?

41. Do you believe that any such instance ever occurred?

42. Since this consulate has been held by me, have you ever known an instance of a vessel, which had arrived at this port under a foreign flag, having exchanged it for the flag of the United States?

43. Have you ever heard of any such instance?

44. Do you believe that any such instance ever occurred?

45. Since this consulate has been held by me, have you ever known an instance of a vessel's leaving here under the American flag, whether for the coast of Africa or any other part of the world, which had not as absolute and perfect a right to leave, and to be exempt from all consular interference in so doing, as any packet that ever cleared for the port of New York, or any sugar-laden ship that ever cleared for "Cowes and a market?"

46. Have you ever heard of any such instance?

47. Do you believe that any such instance ever occurred?

48. Have you ever known an instance of any infraction or evasion of any law of the United States taking place through my connivance or with it?

49. Have you ever heard of any such instance?

50. Do you believe that any such instance ever occurred?

51. Suppose a vessel to leave Havana under the Portuguese, or any other flag, to be employed in the slave-trade; and suppose said vessel to be provided with a number of all the forms known to you as being used in the American consulate at this place, said forms being signed in blank by the

consul, and also sealed with the seal of the consulate, "to be filled up at pleasure by the person in command of that vessel:" can you conceive a single use that any of such blank forms could be put to?

52. Suppose an occasion to arise, in which it should be desirable to make such vessel pass for an American vessel: can you conceive any possible way in which any or all of said blank forms could be made to serve that purpose?

N. P. TRIST.

NOVEMBER 4, 1839.

Explanatory remarks on questions 8, 9, and 10.

1. These questions distinguish between *knowing* an imputation to be cast upon the probity or trustworthiness of an officer, and *hearing* of such an imputation. The nature and object of the distinction will be best explained by an example: A hears B charge the consul with having *demand- ed a higher fee than he was entitled to receive*; or with having *connived at the infraction of a law*; or with having *made out a false document*; or with having *received money on account of a sailor, and retained it*; or with any other such act. Or, in regard to his personal character, with having *acted in bad faith towards some person*; or with having *deviated from the truth*; or with having *lived beyond his means*; or with having *shown that he was indifferent or careless about contracting pecuniary obligations*. A hears B say that the consul has been charged with one of the foregoing acts. In the former case, A has *known* an imputation to be cast upon the consul's probity or trustworthiness; in the latter case, he has only *heard* of such an imputation. If either of these cases had happened to A, he would answer the corresponding question 8 or 9 in the affirmative; if neither had happened to him, he would answer both in the negative.

2. Another explanatory remark which these three questions call for, is this: The last of the three (No. 10) has been added to the other two, in order to preclude the necessity of any thing more than a *yes* or *no* in reply to each of them, without the addition of a word in regard to the character of the source whence the imputation may have come. Thus, both 8 and 9 may be answered in the affirmative, and the answer to 10 will convey the information whether the source or sources whence the imputation or imputations came were, or were not, deemed by the respondent to be deserving of credit. The answer to both 8 and 9, or to either of them, may be *yes*, and yet the answer to 10 be *no*; on the other hand, if the answer to both 8 and 9 be *no*, then it follows that the answer to 10 must also be *no*. In this case, the question becomes altogether unnecessary—the sole purpose for which it is put, being to meet the case of an affirmative answer to questions 8 and 9, or either of them. It is to be noted, too, that these questions relate to *definite* imputations—to the imputation of *acts* of misconduct, and not to *vague* imputations; such, for instance, as "*the consul is a rascal*," or "*the consul's motive for exacting the three months' extra wages, is to make money*."

[Enclosure No. 3.]

HAVANA, November 11, 1839.

SIR: In compliance with the request in your favor of the 4th instant, I give the following replies to the fifty two questions therein enclosed:

1. To the first, I reply : No.
2. To the second, I reply : No.
3. To the third, I reply : No.
4. To the fourth, I reply : No.
5. To the fifth, I reply : Yes ; most positively.
6. To the sixth, I reply : Yes.
7. To the seventh, I reply : No.
8. To the eighth, I reply : No ; never from persons to whom I gave credit.
9. To the ninth, I reply : Never ; except from persons to whom credit was not due.
10. To the tenth, I reply : Yes ; I have, as the imputations were made in ignorance, and for that reason were generally unworthy of credit.
11. To the eleventh, I reply : No.
12. To the twelfth, I reply : Yes ; just the reverse.
13. To the thirteenth, I reply : No.
14. To the fourteenth, I reply : No.
15. To the fifteenth, I reply : No.
16. To the sixteenth, I reply : Never.
17. To the seventeenth, I reply : No.
18. To the eighteenth, I reply : No.
19. To the nineteenth, I reply : No.
20. To the twentieth, I reply : No.
21. To the twenty first, I reply : Yes.
22. To the twenty-second, I reply : Yes.
23. To the twenty third, I reply : Yes.
24. To the twenty-fourth, I reply : Yes.
25. To the twenty-fifth, I reply : Never.
26. To the twenty-sixth, I reply : No.
27. To the twenty seventh, I reply : No.
28. To the twenty eighth, I reply : No.
29. To the twenty-ninth, I reply : No.
30. To the thirtieth, I reply : No.
31. To the thirty first, I reply : I believe it has.
32. To the thirty-second, I reply : No.
33. To the thirty third, I reply : No.
34. To the thirty-fourth, I reply : No.
35. To the thirty-fifth, I reply : No.
36. To the thirty-sixth, I reply : No.
37. To the thirty-seventh, I reply : Not the least.
38. To the thirty-eighth, I reply : I do.
39. To the thirty ninth, I reply : No.
40. To the fortieth, I reply : No.
41. To the forty first, I reply : No.
42. To the forty second, I reply : No ; never.
43. To the forty third, I reply : No.
44. To the forty fourth, I reply : No.
45. To the forty-fifth, I reply : No.
46. To the forty-sixth, I reply : No.
47. To the forty-seventh, I reply : No.
48. To the forty eighth, I reply : I do not.
49. To the forty ninth, I reply : No.
50. To the fiftieth, I reply : No.

51. To the fifty-first, I reply : No.

52. To the fifty-second, I reply : No ; although, at first, I was inclined to think it possible that a blank bill of sale might have had the consular certificate ; but when I recollected the consular seal was used to attach the certificate to the bill of sale, I became convinced to the contrary.

I am, your most obedient servant,

J. MORLAND.

NOTE.—Having been requested to state the imputations against Mr. Trist's probity or trustworthiness, which are referred to in my answers 8, 9, and 10, as having been known or heard of by me, I comply with that request by saying : The imputations alluded to in the 8, 9, and 10, were such as are made in the American papers, and which I knew to be false when applied to Mr. Trist. There were some of the persons to whom I should have given credit, if I had had no knowledge of the accused person.

J. MORLAND.

N. P. TRIST, Esq.,

Consul of the United States of America.

CONSULATE OF THE UNITED STATES OF AMERICA, *Havana* :

I, John A. Smith, vice-consul of the United States of America, do hereby certify, that, on the day of the date hereof, before me personally appeared John Morland, of this city, merchant, who, being duly sworn, did declare, that the letter hereunto attached, under date November 11, 1839, addressed to N. P. Trist, Esq., consul of the United States of America, contains the replies of him, the said Morland, to the fifty-two questions enclosed in the letter addressed to him by the said N. P. Trist, under date November 4, 1839 ; and the said Morland did further declare, that his said replies are, to the best of his knowledge and belief, true and correct.

In testimony whereof, I hereunto set my hand, and affix my seal of office,
 [L. s.] at Havana, this 14th day of December, in the year of our Lord one thousand eight hundred and thirty-nine, and of the independence of the United States the sixty-fourth.

J. A. SMITH.

JOHN MORLAND.

[Enclosure No. 4.]

HAVANA, *November* 15, 1839.

SIR : In compliance with the request in your favor of the 4th instant, give the following replies to the fifty-two questions therein enclosed :

1. To the first, I reply : No.
2. To the second, I reply : No.
3. To the third, I reply : No.
4. To the fourth, I reply : No.
5. To the fifth, I reply : Yes.
6. To the sixth, I reply : Yes.
7. To the seventh, I reply : No.
8. To the eighth, I reply : Never.

9. To the ninth, I reply : No.
10. To the tenth, I reply : No.
11. To the eleventh, I reply : No ; quite the reverse.
12. To the twelfth, I reply : Yes.
13. To the thirteenth, I reply : No.
14. To the fourteenth, I reply : Never.
15. To the fifteenth, I reply : Never.
16. To the sixteenth, I reply : Never.
17. To the seventeenth, I reply : No.
18. To the eighteenth, I reply : Never.
19. To the nineteenth, I reply : Never.
20. To the twentieth, I reply : Never.
21. To the twenty-first, I reply : Yes ; very.
22. To the twenty-second, I reply : Yes.
23. To the twenty-third, I reply : Yes.
24. To the twenty-fourth, I reply : Yes.
25. To the twenty-fifth, I reply : Never.
26. To the twenty-sixth, I reply : Never.
27. To the twenty seventh, I reply : No.
28. To the twenty eighth, I reply : No.
29. To the twenty-ninth, I reply : No.
30. To the thirtieth, I reply : No.
31. To the thirty-first, I reply : Yes.
32. To the thirty-second, I reply : Never.
33. To the thirty-third, I reply : No.
34. To the thirty-fourth, I reply : Never.
35. To the thirty-fifth, I reply : Never.
36. To the thirty-sixth, I reply : Never.
37. To the thirty-seventh, I reply : None.
38. To the thirty-eighth, I reply : Positively.
39. To the thirty-ninth, I reply : Never.
40. To the fortieth, I reply : Never.
41. To the forty-first, I reply : No.
42. To the forty-second, I reply : Never.
43. To the forty-third, I reply : Never.
44. To the forty-fourth, I reply : No.
45. To the forty fifth, I reply : No.
46. To the forty-sixth, I reply : Never.
47. To the forty-seventh, I reply : No.
48. To the forty eighth, I reply : Never.
49. To the forty ninth, I reply : Never.
50. To the fiftieth, I reply : No.
51. To the fifty-first, I reply : No.
52. To the fifty second, I reply : I do not see any.

I am, sir, respectfully, your obedient servant,

GEO. KNIGHT.

N. P. TRIST, Esq.,

Consul of the United States of America.

CONSULATE OF THE UNITED STATES OF AMERICA, *Havana :*

I, Nicholas P. Trist, consul of the United States of America, do hereby certify, that on the day of the date hereof, before me personally appeared

George Knight, of this city, merchant, who, being duly sworn, did declare that the letter hereunto attached, under date November 15, 1839, addressed to N. P. Trist, Esq., consul of the United States of America, contains the replies of him, the said Knight, to the fifty two questions enclosed in the letter addressed to him by the said N. P. Trist, under date the 4th November, 1839; and the said Knight did further declare, that his said replies are, to the best of his knowledge and belief, true and correct.

In testimony whereof, I hereunto set my hand, and affix my seal of office, at Havana, this 14th day of December, in the year of our Lord one [L. s.] thousand eight hundred and thirty-nine, and of the independence of the United States the sixty-fourth.

N. P. TRIST.

GEORGE KNIGHT.

[Enclosure No. 5.]

HAVANA, *November 18, 1839.*

SIR: In compliance with the request in your favor of the 4th instant, I give the following replies to the fifty-two questions therein enclosed:

1. To the first, I reply: No.
2. To the second, I reply: No.
3. To the third, I reply: No.
4. To the fourth, I reply: No.
5. To the fifth, I reply: Yes.
6. To the sixth, I reply: Yes.
7. To the seventh, I reply: No.
8. To the eighth, I reply: No.
9. To the ninth, I reply: No.
10. To the tenth, I reply: No.
11. To the eleventh, I reply: No.
12. To the twelfth, I reply: Yes.
13. To the thirteenth, I reply: No.
14. To the fourteenth, I reply: No.
15. To the fifteenth, I reply: No.
16. To the sixteenth, I reply: No.
17. To the seventeenth, I reply: No.
18. To the eighteenth, I reply: No.
19. To the nineteenth, I reply: No.
20. To the twentieth, I reply: No.
21. To the twenty first, I reply: Yes.
22. To the twenty-second, I reply: Yes.
23. To the twenty-third, I reply: Yes.
24. To the twenty-fourth, I reply: Yes.
25. To the twenty-fifth, I reply: No.
26. To the twenty-sixth, I reply: No.
27. To the twenty-seventh, I reply: No.
28. To the twenty-eighth, I reply: No.
29. To the twenty-ninth, I reply: No.
30. To the thirtieth, I reply: No.
31. To the thirty-first, I reply: Yes.
32. To the thirty-second, I reply: No.

33. To the thirty-third, I reply : No.
34. To the thirty-fourth, I reply : No.
35. To the thirty-fifth, I reply : No.
36. To the thirty-sixth, I reply : No.
37. To the thirty-seventh, I reply : No.
38. To the thirty-eighth, I reply : Yes.
39. To the thirty-ninth, I reply : No.
40. To the fortieth, I reply : No.
41. To the forty-first, I reply : No.
42. To the forty-second, I reply : No.
43. To the forty-third, I reply : No.
44. To the forty-fourth, I reply : No.
45. To the forty-fifth, I reply : No.
46. To the forty-sixth, I reply : No.
47. To the forty-seventh, I reply : No.
48. To the forty-eighth, I reply : No.
49. To the forty-ninth, I reply : No.
50. To the fiftieth, I reply : No.
51. To the fifty-first, I reply : No.
52. To the fifty-second, I reply : No.

I am, sir, respectfully, your obedient servant,

DANIEL OSGOOD, M. D.

N. P. TRIST, Esq.

Consul of the United States of America.

[Enclosure No. 6.]

HAVANA, *November 20, 1839.*

SIR: In compliance with the request in your favor of the 4th instant, I give the following replies to the fifty two questions therein enclosed :

1. To the first, I reply : No.
2. To the second, I reply : No.
3. To the third, I reply : No.
4. To the fourth, I reply : No.
5. To the fifth, I reply : Yes.
6. To the sixth, I reply : Yes.
7. To the seventh, I reply : No.
8. To the eighth, I reply : No.
9. To the ninth, I reply : No.
10. To the tenth, I reply : No.
11. To the eleventh, I reply : No.
12. To the twelfth, I reply : Yes.
13. To the thirteenth, I reply : No.
14. To the fourteenth, I reply : No.
15. To the fifteenth, I reply : No.
16. To the sixteenth, I reply : No.
17. To the seventeenth, I reply : No.
18. To the eighteenth, I reply : No.
19. To the nineteenth, I reply : No.
20. To the twentieth, I reply : No.
21. To the twenty-first, I reply : Yes.

22. To the twenty second, I reply: Yes.
23. To the twenty-third, I reply: Yes.
24. To the twenty-fourth, I reply: Yes.
25. To the twenty-fifth, I reply: No.
26. To the twenty sixth, I reply: No.
27. To the twenty-seventh, I reply: No.
28. To the twenty eighth, I reply: No.
29. To the twenty ninth, I reply: No.
30. To the thirtieth, I reply: No.
31. To the thirty-first, I reply: Yes.
32. To the thirty-second, I reply: No.
33. To the thirty third, I reply: No.
34. To the thirty-fourth, I reply: No.
35. To the thirty-fifth, I reply: Never.
36. To the thirty sixth, I reply: No.
37. To the thirty-seventh, I reply: No.
38. To the thirty-eighth, I reply: Yes.
39. To the thirty-ninth, I reply: No.
40. To the fortieth, I reply: No.
41. To the forty-first, I reply: No.
42. To the forty second, I reply: No.
43. To the forty third, I reply: No.
44. To the forty-fourth, I reply: No.
45. To the forty-fifth, I reply: No.
46. To the forty-sixth, I reply: No.
47. To the forty-seventh, I reply: No.
48. To the forty eighth, I reply: No.
49. To the forty-ninth, I reply: No.
50. To the fiftieth, I reply: No.
51. To the fifty first, I reply: No.
52. To the fifty-second, I reply: No.

I am, sir, respectfully, your obedient servant,

EDWARD SPALDING.

N. P. TRIST, Esq.,

Consul of the United States of America.

CONSULATE OF THE UNITED STATES OF AMERICA, *Havana* :

I, Nicholas P. Trist, consul of the United States of America, do hereby certify, that on the day of the date hereof, before me personally appeared Edward Spalding, of this city, merchant, who being duly sworn, did declare that the letter hereunto attached, under date November 20th, 1839, addressed to "N. P. Trist, Esq., consul of the United States of America," contains the replies of him, the said Spalding, to the fifty-two questions enclosed in the letter addressed to him by the said N. P. Trist, under date November 4, 1839; and the said Spalding did further declare that his said replies are, to the best of his knowledge and belief, true and correct.

In testimony whereof, I hereunto set my hand, and affix my seal of office,
 [L. s.] at Havana, this fourteenth day of November, in the year of our
 Lord one thousand eight hundred and thirty-nine, and of the independence of the United States the sixty-fourth.

N. P. TRIST.

EDWARD SPALDING.

Consul Trist to the Secretary of State.

[No. 108.]

CONSULATE OF THE UNITED STATES OF AMERICA,
Havana, December 18, 1839.

SIR: Referring to my No. 107, I have the honor to transmit three other documents relating to the same subject, to wit:

No. 1—Letter from N. P. Trist to C. D. Tolmé, Esq.—November 9, 1839.

No. 2—Questions enclosed in the foregoing letter.

No. 3—Reply of C. D. Tolmé.—November 15, 1839.

These documents require no remark from me, further than to call attention to the fact, that, although some of the queries relate to my general character, they are put solely on account of their special bearing upon points of character involved in the particular imputation in question. The error is to be avoided, of considering these interrogatories as drawn up with a view to the vindication of my general official course or character. This would have required a much wider scope of inquiry.

I am, sir, very respectfully, your obedient servant,

N. P. TRIST.

HON. JOHN FORSYTH,
Secretary of State.

[Enclosure No. 1.]

CONSULATE OF THE UNITED STATES OF AMERICA,
Havana, November 9, 1839.

SIR: Events having rendered it due to my character, both as a man and as an officer, that I should seek, in relation to a particular imputation upon it, such evidence as the nature of the subject admits of, my knowledge of you enables me at the same time to appreciate your value as a witness; and, notwithstanding the seeming delicacy of our official positions relatively to the subject, to appeal, without hesitation, to your sense of the obligation to bear testimony to the truth.

Had I to choose from all the persons known to me, whether personally or by name only, one in whom to put reliance as a source of information in regard to the slave trade, and all matters directly or indirectly connected therewith, the selection could fall upon none but you. Ever since I first formed your acquaintance, on my arrival here, nearly six years ago, it has, if I mistake not, constituted part of your official duty to collect information of this character; and in saying that, of all those who, on this theatre, during the period just stated, have participated in that duty, there is not one in behalf of whom the most distant pretension could be advanced to compare with you in any one of the qualifications for this or any other public trust, I do but give utterance to a conviction, which is not only mine, but, so far as I know or believe, that of all who have ever had any means to form an opinion on the subject. I entertain not a doubt that it is the common sentiment of this place—entertained by foreigners of all nations, as well as your own countrymen; and that it cannot fail to have penetrated at home, wherever the opportunity has been conjoined with the capacity to form an estimate of your character.

With regard to the fountains of information which may here exist upon this or any other subject, you possess the keys to them all, in your com-

mand of the four languages spoken here: an advantage that in you proves the more effective, from your strong taste and eminent talent for social converse. On the other hand, your understanding is known to be of an order to afford a security for the discrimination indispensable to a correct use of such powers and opportunities; whilst that security receives corroboration from the aversion of a moral nature such as yours, to both the deception and the injustice which are the natural fruits of the careless adoption and reckless propagation of untruth. In a word, your qualities of head and heart; your intelligence, penetration, and tact; your frank, cordial, and prepossessing manners; your conscientiousness and benevolence—all conspire to afford a security that the task of collecting information on the subject in question, as pursued by you, has been pursued in the way that such a task must be, to produce a result of any real value; that your aim has been to *do*, and not to *seem*; that you have deemed it your duty always first to satisfy your own mind upon a point, before stamping it as a thing which might be thrown into the currency of facts; that you have acted under that never-failing sense of obligation to truth, which is necessary to inspire the habitual earnestness after fact, so distinguishable from the reckless *ad captandum* spirit prevalent at this hour, that welcomes to its net any thing and every thing, however improbable, however untrue, however preposterous, which may suit the heated imaginations on whose excitement it profits, and thereby, obtaining acceptance as proof of high desert in the purveyor, answer the only purpose for which he cares.

This language, although merely the utterance of what every one here knows and feels—only more or less distinctly according to the opportunities he may have enjoyed—will, I am aware, be apt to subject the understandings of us both, if not my motives, to reproach. The semblance of flattery will, however, vanish before the truth, that these facts constitute the reason why value should be attached to your testimony. That testimony is sought, because it is valuable; and it is valuable, because of the qualifications which you have brought to the task of making yourself conversant with the slave-trade, and all things incident thereto. In speaking as I have done, therefore, I have merely given my reason for calling you as a witness.

Had your testimony been destined for use at this place, where a residence of many years has made you well known, or in your own country, where you must be better known still, it would have been superfluous to assign any reason of the kind for asking it. But it is intended for use in my country, where you are not known; and it was necessary, and therefore proper, that those upon whose minds it is designed to operate, should learn something of those qualities of its source, whereon its value so greatly depends. That information, in whatever shape produced, could come only from myself. It could consist only of statements made by me, or of statements procured by me; so that, whether under the one form or the other, the truth of the matter could not be adduced without exposing me to the imputation of offering flattery, and you to that of accepting it. This being the case, it could matter but little, in respect to this unavoidable semblance of flattery, whether it should appear in this letter or in some appendage to it; whilst, in other respects, the letter asking your testimony (in truth, addressed rather to the public in my country than to yourself; for, otherwise, the request might, with greater convenience, have been made orally) seemed the most appropriate place for declaring my reason for desiring it.

The best shape in which testimony of the nature of that which I am

seeking can be given, is, that of exact replies to precise interrogatories: for the reader can at once perceive whether these are so framed as fully to elicit whatever information the witness may possess. At the same time, this is the least troublesome form in which the task of giving testimony can be proposed to him. The trouble is brought within the narrowest compass possible, when the questions are so put as to require only a *yes* or *no* in reply. This will be found to be the character of those (fifty-nine in number) herein enclosed; which I trust that you will deem the necessity under which I am placed for the testimony of those here who have had the best opportunities to acquire a knowledge of my acts and character, a sufficient apology for requesting you to take the trouble of carefully perusing and giving written replies to.

I am, sir, very respectfully, your obedient servant,

N. P. TRIST.

C. D. TOLME, Esq.

[Enclosure No. 2.]

Questions.

1. Has any instance ever come to your knowledge of my having, to accommodate any person whatever, "signed a blank form" of any description whatsoever, "to be filled up by" such person, or by any one in his behalf?
2. Until very recently, had you ever heard of any act of the kind being imputed to me?
3. Had you ever heard of any act of the kind being imputed to the consulate of the United States of America at Havana, since it came into my charge?
4. Now, that it is known to you that the imputation has been made, do you believe in its truth?
5. Do you positively disbelieve it?
6. Do you think that your opportunities have been good for forming a correct estimate of my character as an officer and as a man?
7. Has any thing whatever ever, to your knowledge, occurred, affording any ground whatever for distrusting my probity or trustworthiness, either as an officer or as a man?
8. Have you ever known any definite imputation to be cast upon me, either as an officer or as a man, in respect to probity or trustworthiness?
9. Have you ever heard of any such imputation from any quarter?
10. Have you ever heard of any such imputation from any quarter which, supposing the same imputation from the same quarter to have been cast upon a person altogether unknown to you, would have been deemed by you entitled to any credit?
11. So far as my character is known to you, is it a mercenary one?
12. Do you consider it to be the reverse of mercenary?
13. Do you consider me to be eager after money?
14. Has any fact ever come to your knowledge evincing such eagerness?
15. Have you ever heard of any such fact?
16. Have you ever known any improper charge to be made at my office?
17. Have you ever heard of any such improper charge?
18. Have you ever heard of any contention whatever having arisen out of any charge or demand for money made at my office in my own behalf?
19. Have you ever known me to shrink from contention on other subjects, presented by the official relations in which I am placed?

20. Have you ever heard of my so doing in any instance ?

21. Is not the law of the United States, requiring the payment of three months' extra wages upon the discharge of seamen, exceedingly hateful to all classes upon whom it bears—ship-masters, ship-owners, and merchants ?

22. Is there not a particular odium attached to the demand of those extra wages by the consul ?

23. Is not this provision of the law such, that nothing is requisite for its successful evasion than the merest tacit connivance on the part of the consul ?

24. Does not a general sentiment prevail on the subject, that the consul ought to connive at its evasion ?

25. Have you ever heard of an instance in which such connivance was given by me ?

26. Have you ever heard of an instance in which, knowing or hearing of any attempt or intention to evade this law, I have failed to take active measures to enforce its observance ?

27. In the whole circle of consular duties, do you know of one, in regard to which a consul, capable of sacrificing duty to personal considerations, would be so sure to evince such disposition ?

28. The course pursued by me, on divers occasions, in cases wherein sailors or mariners of subordinate grade were parties against ship-masters, has it not, to the best of your knowledge and belief, come in direct conflict with the universal sentiment among American merchants and ship-masters at this place, and been deemed highly prejudicial to their interests ?

29. With the exception of the course pursued by me on the occasions referred to in the last question, have you ever heard of any official act being imputed to me, that, by any American merchant or ship-master of respectable character, was deemed to be objectionable ?

30. The nature and extent of your acquaintance and intercourse with American merchants and ship-masters, and with merchants and ship-masters of other nations associating with the former, being considered, is it or is it not in the highest degree improbable that a single imputation of the kind mentioned in the last question could have been brought against me without your hearing of it ?

31. With regard to the cases excepted in question 28, wherein sailors or mariners of subordinate grade were parties against ship-masters, has not my course been the reverse of that which was recommended by considerations of personal convenience or interest ?

32. In such cases, have you ever known an instance in which I failed to pursue the course dictated by my own judgment, or to prove utterly regardless of who the parties might be, or who might take an interest in the subject, or what opinion might be entertained as to the propriety of my course by my countrymen, whether friends or strangers to me ?

33. From the knowledge which you possess of the mode in which slave-trade operations are conducted and talked of here, do you believe it possible that the consul of the United States at this place should be, in any way, directly or indirectly, concerned or interested in that business, without its coming to your ears ?

34. Until the charges to that effect, recently made in the newspaper press of the United States, had you ever heard that the idea of my being in any way concerned or interested in the slave-trade had ever entered the head of any one ?

35. Has any ground whatever for any such belief ever presented itself to your mind?

36. Has any suspicion of the sort ever crossed your mind?

37. Now, that the charge has been made, do you attach any credit thereto?

38. Do you positively disbelieve it?

39. Have you ever known an instance of a "false bill of sale of a vessel," or of a fictitious document of any sort, having been granted by me, or having issued from my office?

40. Have you ever heard of any such instance?

41. Do you believe that any such instance ever occurred?

42. Since this consulate has been held by me, have you ever known an instance of a vessel, which had arrived at this port under a foreign flag, having exchanged it for the flag of the United States?

43. Have you ever heard of any such instance?

44. Do you believe that any such instance ever occurred?

45. Since this consulate has been held by me, have you ever known an instance of a vessel's leaving here under the American flag, whether for the coast of Africa or any other part of the world, which had not as absolute and perfect a right to leave, and to be exempt from all consular interference in so doing, as any packet that ever cleared for the port of New York, or any sugar-laden ship that ever cleared for "Cowes and a market?"

46. Have you ever heard of any such instance?

47. Do you believe that any such instance ever occurred?

48. Have you ever known an instance of any infraction or evasion of any law of the United States taking place through my connivance, or with it?

49. Have you ever heard of any such instance?

50. Do you believe that any such instance ever occurred?

51. Suppose a vessel to leave Havana under the Portuguese or any other flag, to be employed in the slave trade; and suppose said vessel to be provided with a number of all the forms known to you as being used in the American consulate at this place, said forms being signed in blank by the consul, and also sealed with the seal of the consulate, "to be filled up at pleasure by the person in command of that vessel:" can you conceive a single use that any of such blank forms could be put to?

52. Suppose an occasion to arise, in which it should be desirable to make such vessel pass for an American vessel: can you conceive any possible way in which any or all of said blank forms could be made to serve that purpose?

53. To the best of your knowledge and belief, has any vessel, under the flag of the United States, ever cleared from this port for the coast of Africa, or any other part of the world, which it was competent to the consul of the United States to refuse to deliver the papers of, upon the demand of the master, or to interpose any other hindrance to the departure of?

54. To the best of your knowledge and belief, has any vessel, under the flag of the United States, ever cleared from this port for the coast of Africa, or any other part of the world, which, had she been under the British flag, (all other circumstances being precisely the same,) it would have been competent to the British consul, under any British law, to refuse to deliver the papers of, upon the demand of the master, or to interpose any other hindrance to the departure of?

55. To the best of your knowledge and belief, has there ever been any

more mystery or concealment at the consulate of the United States, in regard to vessels destined to the coast of Africa, than in regard to those destined to New York or to "Cowe's and a market?"

56. To the best of your knowledge and belief, has there ever been the slightest hesitation on the part of the consul of the United States, or at his office, in answering any inquiry of yours concerning any occurrence that might there have taken place, or in imparting to you any information which might be there possessed in regard to the sale or destination of a vessel, or any other particular concerning her?

57. To the best of your knowledge and belief, did or did not the same utter want of reserve prevail at the consulate of the United States towards the British commissioners on the slave-trade and their secretary, until this state of things was reversed, with respect to them, in the month of November, 1836, in consequence of a communication which they addressed to the consul?

58. To the best of your knowledge and belief, was or was not the secretary to the commissioners in the habit of paying frequent visits to the American consulate, kept in the same house where they had their office?

59. To the best of your knowledge and belief, did or did not the said secretary ever fail to obtain from the vice-consul, as a thing of course, answers to any inquiries he might see fit to make?

N. P. TRIST.

NOVEMBER 9, 1839.

[Enclosure No. 3.]

HAVANA, *November 15, 1839.*

SIR: To the interrogatories contained in your letter of the 9th instant, I reply as follows:

1. To the first: Never.
2. To the second: Never.
3. To the third: Never; until such imputations appeared in the public papers.
4. To the fourth: I do not.
5. To the fifth: Most positively.
6. To the sixth: The very best; arising from our long official intercourse and private intimacy.
7. To the seventh: Nothing.
- 8, 9. To the eighth and ninth: Never; except by the journalists of the United States, and in papers presented to the British Parliament.
10. To the tenth: On account chiefly of the latter, viz: what is contained in the parliamentary papers, I probably should have deemed it deserving of sufficient credit to lead me to inquire into the truth of the imputation.
11. To the eleventh: Certainly not.
12. To the twelfth: The very reverse; perhaps, to a fault.
13. To the thirteenth: By no means.
14. To the fourteenth: None.
15. To the fifteenth: Never.

16, 17. To the sixteenth and seventeenth: From your general as well as your official character, I am convinced that you would spurn the idea of making, or suffering to be made, any overcharge in your consulate. Nay, I perfectly remember that, shortly after your arrival here to take possession of the consulate, certain fees then charged were reduced; and the excess

which had been received subsequent to your appointment, was returned to the houses by which it had been paid.

18. To the eighteenth, I reply : Never.

19. To the nineteenth : I have not ; on the contrary, I should say that, for the maintenance of the rights of your country and fellow-citizens, you were sometimes disposed to show fight a little more hastily than was required.

20. To the twentieth : I have heard Americans, who supposed themselves injured by the Government or individuals of this place, complain that you did not take up their cause ; but I am certain that you never refused to do so, when they had justice on their side. In fact, I remember instances in which Englishmen and Americans being jointly implicated, we have worked hand in hand to serve them ; and that your aid on such occasions, was most willingly and efficiently given.

21. To the twenty-first : Undoubtedly.

22. To the twenty-second : There is.

23. To the twenty-third, I answer : I should think so.

24. To the twenty-fourth : I conceive there does, except among those to whom connivance at any evasion of the laws is hateful.

25. To the twenty-fifth : Never.

26. To the twenty-sixth : No.

27. To the twenty-seventh : I do not.

28. To the twenty-eighth : It has. Your determination to establish equal justice between ship masters and their seamen, adopted from your very first arrival, I consider to be the foundation of all the clamors raised against you.

29. To the twenty-ninth : With that exception, I have not.

30. To the thirtieth : I do not think it could.

31. To the thirty-first : Undoubtedly.

32. To the thirty-second : Never. I consider you, in the administration of justice, to have pursued, without fear or favor, that course which, in your conscience, you believed right.

33. To the thirty-third, I reply : Utterly impossible.

34. To the thirty-fourth : Never, never. Had any one here started such an idea, he would have been laughed at by the respectable portion of the community, and by all your friends whose indignation was not raised by the iniquity of such an imputation.

35, 36, 37. To the thirty fifth, thirty-sixth, and thirty-seventh : Not the slightest.

38. To the thirty-eighth : I disbelieve it *in toto* : I know it is false.

39. To the thirty ninth : Never.

40. To the fortieth : I never heard it here ; but I have seen it stated in papers presented to the British Parliament, that you had granted " false bills of sale for vessels."

41. To the forty-first : I feel a delicacy in contradicting assertions thus put forward ; but I conceive there must be some misunderstanding in the matter, or that the bills of sale referred to were forged ; for I am sure that you never, in your life, executed a false document.

42, 43, 44. To the forty-second, forty third, and forty-fourth, I reply : that, so far from your having ever suffered a vessel under foreign colors being here transferred to the American flag, (as I have known to be done by consuls of the United States in other ports,) you have completely set your face against such transfers ; and, in some instances, parties requiring them have held you responsible for not agreeing thereto.

45, 46, 47. To the forty-fifth, forty-sixth, and forty-seventh: I am not sufficiently acquainted with the laws of the United States to say whether you could or could not, under the circumstances under which American vessels have left this port for Africa, have prevented their departure; but I presume not, as vessels under precisely similar circumstances have been suffered to depart direct from the United States for Africa.

48, 49, 50. To the forty-eighth, forty ninth, and fiftieth, I answer: I am convinced that you would not willingly do or suffer such a thing.

51, 52. To the fifty-first, and fifty-second: The forms used in the American consulate are known to me, and I am not aware that any of them could be filled up so as to be put to such a use as you allude to; certainly not to give an American character to the vessel of another nation: though, perhaps, the blank certificates might be so filled up as to deceive ignorant or inexperienced persons on these points.

53. To the fifty-third: I repeat, that I am not sufficiently acquainted with American law to answer the question; but my impression is, that an American consul has no legal authority to detain a ship's papers, or put obstacles in the way of her departure from the place of his residence, whatever her cargo or destination.

54. To the fifty-fourth: I know of no British law by which it would have been competent for a British consul to refuse to deliver the papers of a British vessel, when demanded by the master, or to interpose any other hindrance to her departure from the port of his residence to whatever place she might be bound, or whatever cargo she might have in; but, in the event of British vessels clearing out here for the coast of Africa, laden with articles usually shipped for the purpose of purchasing slaves, (as several American vessels have done,) it would be his duty, acting under instructions given by Mr. Canning to the British consul at Bahia, in the year 1825, "to discourage such undertakings, and report to the Secretary of State the names, together with a particular description of such Englishmen as might be engaged in them." It would also be his duty, I conceive, to do the same, if such vessels, though in ballast, appeared (like the Baltimore clippers that have gone from hence to Africa) to be of a class likely to be turned to ulterior slave-trading purposes.

55. To the fifty-fifth query, I reply: To the best of my knowledge and belief, there has not.

56. To the fifty-sixth: I have always found the utmost readiness on your part to answer my inquiry on the subject.

57. To the fifty-seventh: I have no means of answering this question positively: I should think not.

58. To the fifty-eighth: The British commissioners, at one time, had their office under the same roof as your own; and I then frequently saw their secretary conversing with your vice-consul.

59. To the fifty-ninth, I reply: I should think not; but I cannot speak positively to the point.

I have the honor to be, sir, your most obedient servant,

C. D. TOLMÉ.

N. P. TRIST, Esq.,

Consul of the United States, Havana.

HAVANA, November 25, 1839.

I certify that the above is a true copy.

C. D. TOLMÉ.

Consul Trist to the Secretary of State.

[No. 153.]

HAVANA CONSULATE,
Washington, September 28, 1840.

SIR: Having at length accomplished the task imposed by that branch of the labors of the conspiracy for the destruction of my character, the pretexts for which were found in alleged outrages upon American ship-masters and seamen, I now find time to bestow upon other subjects.

Referring to my No. 64, under date January 12, 1839, enclosing a copy of my correspondence at that period with the British agents resident at Havana under conventions with Spain, relative to the slave-trade, I now transmit (enclosures Nos. 1 and 2) a sequel to that correspondence, which occurred in July of the same year.

I had purposed to engage, on this occasion, in a full examination of the doings of these agents upon this theatre, and to present an array of facts that would leave no room for doubt in regard to the spirit of disingenuousness and deception towards their own country, and of insult towards ours, which prompted the attempt, so indecently persisted in, to increase their stock of occasions for display of hollow zeal, which could serve no possible purpose but that of imposing upon distant enthusiasts, and feeding the excitement which the actors find it so richly to their account to keep alive.

This purpose, however, want of time compels me to relinquish, (for the present at least,) except so far as to state a few facts, which will serve to open the view of the subject that I intended to present *in extenso*.

Stripped of what, (to borrow the expression of the Westminster Review, in a recent article on the subject,) may be termed "official cant," the sum and substance of the pretext seized upon by them for deriving from our own country materials for those "tubs for the whale," which it is their business to keep up the supply of, consists in the evasions of our laws, whereby vessels calculated for the slave-trade are built and furnished to the trader. Although, according to Mr. Buxton's recently published statistics of English manufactures made and calculated exclusively for the slave-trade, the annual amount is at least tenfold that of the vessels which, according to the British commissioners' returns, were furnished from our country to Havana in 1838; yet shipping does not constitute an item in Mr. Buxton's list, and it may be inferred, therefore, that no "clippers" are among the products of British industry for the traffic.

That the evasions of law by means of which they are furnished are, however, far from impracticable in the British dominions, and under the British flag, is proved by the two following cases, occurring in 1838, and, as will be seen, under circumstances peculiarly calculated to awaken suspicion, and peculiarly favorable to scrutiny.

In March, 1838, the Portuguese brig *Arrogante*, captured by her Britannic Majesty's brig *Sirake*, was condemned as a slaver by the mixed commission at Sierra Leone. At this British port she was sold, purchased for British account, (on the face of the proceedings,) sent to London, there obtained a British register, with which and under the British flag she made her appearance at Havana, and thence proceeded to Vera Cruz. On her return to Havana, early in 1839, she was sold, and put under Spanish colors, changing her name to *Iberia*; with which she sailed, and returned at the beginning of this year; after landing a cargo of slaves at Puerto Rico.

In November, 1838, the Portuguese slaver *Vetérano* was captured off *Galtinas* by a British cruiser. This vessel, also, had been condemned at *Sierra Leone*; and after condemnation had obtained a British register, with which she proceeded to London, where, after being registered *de novo*, in January, 1838, she cleared for Cadiz, and was subsequently put under the Portuguese flag.

There is every reason to believe—indeed, the circumstances are such as to leave no doubt on any mind at all acquainted with the state of things at *Havana*—that both these vessels, though carrying British registers, belonged, from the very first, (at the time of condemnation, and at the time of purchase under the condemnation,) to Don Pedro Martinez & Co, the greatest slave-trading house in *Havana*. No fact is more notorious there, nor at *Sierra Leone* itself, than that the principal slave-traders have agents at the latter place, and at London, to purchase and ship goods, (at *Sierra Leone the very goods sold under condemnation*, besides those imported without molestation under the protection of the British flag,) and do all other things needful for their interests.

I will now turn to a fact having the same bearing as the preceding, and which furthermore suggests the question, whether there be any considerations, of a *commercial* or *political* nature, that can afford a satisfactory explanation of the preference given to the island of *Cuba* as the country from which to cut off a supply of slaves, and at the same time as the chosen object to which specially to direct the morbid enthusiasm now raging in Great Britain, that renders those, who have suffered themselves to become possessed of it, deaf as adders to the yells and the moans arising from the frightful mass of human want, and human depravity, and human wo and anguish, in the midst of which they are rioting in the pains and pleasures of imagination upon a distant and unknown object of sympathy, heedless of the fearful elements of anarchy that are forming and commingling around them.

The writer in the *Westminster Review* above referred to—a truly enlightened and ingenuous one, who, in the cause of sobriety and truth, has not feared to attack the hydra of cant in its very fen—enumerating the sources from which light might have been elicited by a parliamentary investigation, says: “From the *West-India* interest, details might have been procured, showing *the interference of the foreign slave-trade with their prosperity.*” Here, then, we have an incidental recognition of the fact, that, among the evils incident to the slave-trade, a sense of which constitutes the basis of the public sentiment adverse to it, is the injury experienced by British colonial interests, in consequence of the colonies of other nations possessing a supply of labor from which they have been cut off.

Under this aspect of the subject, therefore, to break up the slave-trade from *Africa* to *Cuba*, would be to injuriously affect, at least in a commercial point of view, the prosperity of that island; whilst, to leave the same slave-trade free to flow from *Africa* to *Brazil*, would be to confer a benefit upon that portion of our continent.

Now, what has been the apportionment of slave-trade suppression zeal, vigilance, means, and efficiency, between these two countries? According to Mr. *Fowell Buxton's* recent work, “the most considerable of slave markets is *Brazil*; the annual import into which,” he says, “would be moderately rated at *one hundred thousand.*” The annual importation into the island of *Cuba* is estimated by him at *sixty thousand.* The mode in which he

contrives to run up the latter number so high, is a curious instance of the imposture which an ardent mind, intent upon reaching a particular result, may practise upon itself. He seizes upon a random assertion, made obviously in a spirit of great exaggeration, in a despatch from the Havana commissioner; and this assertion, manifestly intended by the writer to apply only to a particular period, is extended by the commentator over the whole subject! I entertain no doubt whatever, that by rating it at sixty thousand the true number is considerably more than trebled; and thus convinced in regard to Cuba, fairness requires that, in comparing her slave-trade with that of Brazil, I should suppose an equally preposterous exaggeration to have occurred in Mr. B.'s estimate concerning the latter.

Deducting two-thirds from each number, the ratio will remain the same; so that, whether we take Mr. Buxton's estimate to be correct, or to be two-thirds out of the way, the comparison is unaffected; the trade to Cuba is to that of Brazil as six to ten. For every six vessels captured on their way to Cuba, there ought, therefore, to be ten captured on their way to Brazil. What has been the actual result in this respect? The parliamentary papers on the slave-trade furnish the reply, down to the close of 1838. It will be there seen, that, of the slavers captured in the five preceding years, not quite *one-tenth* were destined to Brazil, or fitted out from thence! Nor is this all. The disparity, to be estimated at its full worth as an evidence on the point under consideration, must be viewed in connexion with the maritime features of the two countries, as bearing upon the question of the difficulty of intercepting communication with them. And what are the relations in which these two countries commercially stand towards the United States and Great Britain, respectively? How is the commerce of each shared between the two rivals? How would the commercial interests of each rival be affected by the "prosperity" of the two countries, as dependent upon the activity or the sluggishness of the slave-trade? Commercially speaking, Cuba is not more a dependency of the United States than Brazil is of Great Britain. "The imports," says McCulloch, speaking of Brazil, "are chiefly from Great Britain, consisting principally of our cotton, linen, woollen, hardware, and other manufactures, amounting annually to about £4,000,000," (\$20,000,000.) And it is but recently that the idea of stimulating Brazil, as a cotton-growing country, by means of British capital, into rivalry with the United States, has been relinquished for the plan of accomplishing the same end with the *free* labor of Hindostan. I must not close, without calling attention to the proof, afforded by variations between this correspondence, as it really occurred, and as it has been published by and transmitted from the British Secretary of State, of the necessity of caution in placing reliance upon the correctness of papers derived from that source.

It will be seen that my reply (now enclosed) to the British commissioners' last letter, commences with the correction of a mis-statement of fact therein contained, in regard to the character of a prior communication from them. This mis-statement would scarcely be worth advertising to here, but for its being of a piece with, and illustrative of, the disingenuousness of their whole proceedings, when *effect* might be thereby produced at home.

On examining the printed copy of that communication, in the parliamentary papers transmitted by Lord Palmerston to our minister at London, I find in it other traces of the same unscrupulousness, particularly in the alteration of a passage which will be seen to form the ground of remark in my reply. I therefore now enclose the originals, (enclosures No. 3 and 4,)

in which I have marked in red ink [*italic*] the variations which appear in the printed copies. I will add, that these are not the only indications of the same process afforded by papers from Havana published by order of Parliament.

It will be seen that, in my reply to the commissioners, I notified to them my determination to return, unopened, any communication they might address to me. This notification was carried into effect in regard to one which was brought to my office on the 6th of September, 1839, and was returned unopened, through the post office, as will appear from the certificate (enclosure No. 5) of a clerk in the counting-house of Messrs. George Knight & Co.

I am, sir, very respectfully, your obedient servant,

N. P. TRIST.

HON. JOHN FORSYTH,
Secretary of State.

[Enclosure No. 1.]

HAVANA, July 1, 1839.

SIR : With reference to the correspondence we had with you, in January last, respecting the slave-ship "Venus," which had about four months previously sailed from this place, under the flag of the United States, for the coast of Africa, and had returned with a cargo of eight hundred and sixty slaves on board, we have now the honor to inform you that we have received a despatch from her Britannic Majesty's principal Secretary of State, confirmatory of our assertion that her Majesty's Government will feel most sincerely obliged by your furnishing us at any time with any information which may, directly or indirectly, enable her Majesty's Government to enforce the penalties of the law against British subjects who may be concerned in promoting the slave-trade, either by furnishing British fabrics or shackles of British manufacture, or otherwise.

Her Majesty's Secretary of State observes, "that the two Governments having, by the 10th article of the treaty of Ghent, mutually engaged to each other 'to use their utmost endeavors to promote the entire abolition of the slave-trade,' it seems perfectly consistent with the respect which the agents of each country must feel for the other country, that they should not only themselves act in strict accordance with the spirit of the engagement which their own Government has contracted, but that they should furnish to the agents of the other Government any information which may be calculated to enable that other Government more effectually to accomplish the common purpose."

We have the honor to be, sir, your obedient servants,

J. KENNEDY,
CAMPBELL J. DALRYMPLE.

N. P. TRIST, Esq.,
United States Consul, Havana.

HAVANA CONSULATE, No. 153.—ENCLOSURE No. 2.

The American Consul to the British Commissioners, July 2, 1839.

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CONSULATE OF THE UNITED STATES OF AMERICA,
Havana, July 2, 1839.

SIRS: I was honored last evening with your letter of that date, and now engage in the reply which is to close the correspondence between us.

You inform me "that we have received a despatch from her Britannic Majesty's principal Secretary of State, *confirmatory of our assertion*, that her Majesty's Government will feel most sincerely obliged by your furnishing us at any time with any information which may directly or indirectly enable her Majesty's Government to enforce the penalties of the law against British subjects who may be concerned in promoting the slave-trade, either by furnishing British fabrics, or shackles of British manufacture, or otherwise."

Surprised that such an "assertion" on your part could at the time have escaped my notice—and this so entirely, that, even when reasserted, my effort at recollection in regard to it was baffled—I have turned to your last communication, wherein alone it could be contained. Its reperusal has dispelled the distrust thus awakened in my own attention and memory, by lodging the error with yours. Not only is this "assertion" not there, but no intimation of the kind; not a word on the subject can I find.

Relieved at this certitude that I am not chargeable with the remissness into which your error led me to suppose that I must have fallen, I proceed to respond now to this intimation, as I should have deemed it incumbent upon me to do then, had it been then conveyed.

In the first place, then, as the mode of conveying it gives it the air of an acceptance of a proffer from me, I must begin by correcting a misconstruction of my letter, whereat I cannot but experience some surprise. Seeing that its entire scope was so pointedly opposed to an interpretation of the kind, it does seem strange that any thing contained therein should have been construed into a proffer of my services to "her Majesty's Government," in the honorable capacity of informer general against British manufacturers, merchants, and mariners, to the end that they may be visited with the penalties of British law.

The letter in question does, it is true, contain the words "if requested to do so, he would doubtless cheerfully comply;" and these words refer to the supposed "American officer" previously spoken of as one who, although he might have acquired, in regard to British fabrics for the slave-trade, and to British laws on the subject of such supplies, a knowledge so complete as to enable him to specify every infraction of those laws, and to designate every individual concerned therein, would nevertheless be deterred by the silent force of the general sentiment of his country in regard to the principle that it exclusively belongs to every nation to execute, no less than to enact, its own laws, from ever dreaming to "*volunteer*" an official communication "on the subject to any functionary of Great Britain," or "to assume to take part in the administration of those laws." These words do certainly occur in my letter. So far, therefore, as it is consistent with sound logic to infer a writer's state of mind, disposition, and intention upon a particular point, from the mere correlation of two or three sentences, or parts of sentences, discarding all else contained in his discourse, so far may the imputation to me of this proffer be deemed logically and morally justifiable. He, however, whose logic is so stubborn as to refuse itself to this convenient process of elimination, and who consequently finds himself under the troublesome necessity to take facts as they are, and to keep their parts together, however

much some of them may incommode him, will scarcely require a second perusal of even this particular part of my letter, to satisfy him that the sentence in question, friendly though it be, does not warrant so heavy a draught upon the good nature with which it is pregnant, as this acceptance of its readiness to answer such calls would imply. He will see the true measure of the obligingness which it holds out, as determined by the general tone and views that pervade the letter in regard to the principle involved, and as illustrated by the particular request addressed to you, which immediately follows in the same sentence—to extend no further than a readiness to lend my aid, so far as the communication of facts might go, when called for by the British authorities in regard to any particular case of the violation of those laws of their own country which it is their proper business to protect against infringement. To this extent, I deem it the duty of every man, as a citizen of the world, to evince his interest in the maintenance of law, whether in his own particular country or in another. A murder, for instance, committed upon British soil, or under the British flag upon the high seas, and proofs in regard to which might chance to come to my knowledge, I should, although myself not within British jurisdiction, deem it my duty to bear witness to if called upon, and even to volunteer the information, if the circumstances were so extraordinary as to afford a ground for the presumption that information from me might be of avail to the appropriate guardians of British law. So, in regard to infractions of other laws: for instance, infractions by British subjects of British laws against the slave-trade. My recognition of this duty is restricted, however, to such laws as I may approve, because, from many causes—but above all, that radical and widely operating one, the detestable structure of governments—there is no foreign country whose laws, so far from yielding to them an indiscriminating respect in this particular, I would, while exempt from the duty arising from being in the country, hesitate to do all in my power to screen a fellow-man from the penalty of: in many cases, for instance, which might arise under the British law of treason, of libel, the corn laws, and others.

Forbidden as this construction so manifestly is, by the whole tone and drift of my letter, it seems particularly surprising that it should be hitched, as it is in your present letter, to this particular part of mine—to those *shackles* and other articles for the slave-trade, the far greater part of which comes (so at least says Havana rumor or notoriety) from England; of which shackles, and other articles, mention was made by me for the very reason that the facts connected with them afforded the most forcible illustration of the power of that principle, which the proffer construed by you, from my letter, is irreconcilably at war with. They were adverted to by me for the special purpose of illustration, in respect to *American* notions concerning the scrupulous regard for the principle of NATIONAL INDEPENDENCE, which, among us, is held to be the *first* of all international duties; not less from the habitual reverence arising from our deep conviction of its vital importance to the whole human family, as a general rule for the conduct of its members towards each other, than from the innate sentiment, springing from our knowledge of ourselves, that its punctual observance towards us is a condition absolutely indispensable to the maintenance of that peace, upon which the best hopes of humanity depend, and to which we are so pre-eminently inclined, through the force of those institutions, to whose results our brother-man in the old world is indebted for the demon-

stration which now cheers him—that the objects to which peace is important as a means of attainment, are objects worth caring for.

But it was not this principle alone that forbade the offer which has thus been imputed to me. Had no such preventive existed, the idea of making it would still have been altogether foreign from my thoughts; and had it accidentally been suggested, it could have been considered only to be dismissed as a proposal fraught with insult to yourselves, no less than your Government; by venturing to approach you with which, any officer of the American Government would richly earn the sharpest rebuke you could send, and could not fail to receive the severest reproof from those to whom I am amenable. On the one hand, the immense energies of the British people, devoted by the government under whose control those energies are to the extirpation of the slave-trade in any and every part of the world; its zeal so ardent as to spurn at all obstacles, not even excepting that “national independence,” the sacred inviolability of which her statesmen and philosophers are so anxious to guard, that scarcely a speech is uttered, or an Edinburgh or a Quarterly Review printed, that does not abound in the most impressive adjurations in regard thereto; overleaping all bounds, and passing from the narrow sphere of action appropriate to it, to fill all space, and “vindicate the rights of humanity,” wherever outraged in this particular; with numberless agents of all grades, civil and military, posted for this one object in all quarters of the globe; at this spot, a consul who must be known to his Government, as he is here, to be a man of high character, superior talent, great industry, and eminent effectiveness as a man of business and of the world; and, besides this officer, a numerous and costly establishment of commissioners, and their adjuncts, civil and military, stationed here for the one and only purpose of justifying the selection made of them by their devotion, body and soul, to the duties of the service in which they are enlisted! This is the picture on the one hand. On the other, one officer of the United States, burdened with the duties of the consular office in regard to upwards of one-half of the navigation resorting to this port, and contending single-handed with all the cares attending such a charge! With these two pictures before our eyes, and considering the contrast which they present in the one particular of command of time alone, could a greater impertinence be conceived on the part of the American consul? could he possibly be guilty of greater presumption, of a more indecent reflection upon the fitness, intellectual or moral, of all these agents; and not of them alone, but of the agents at home to whom they owe their employ, than such a proffer of his services to do their work?—and this, too, in regard to the particular which, from the very nature of things, must, more than any other, be subject to their sure means of cognisance and control?

These remarks will indicate in what light the subject will present itself to me, if, instead of the aspect under which it has just been considered, (given to it by the error into which you have fallen,) it be viewed under that of a proposal originating with your Government, that I should engage in the office of denouncer or informer against the residents of Manchester and Glasgow, Sheffield and Birmingham, who may engage in the weaving and forging of fabrics and shackles, and the residents of Havana, who may receive them for sale.

Correspondent to, if not identical with, the reasons which existed to prevent such a proffer from me, are the objections to my accepting the employment when tendered; and if, in regard to the latter point, the principle and

the considerations brought into view with respect to the former do not apply with precisely the same force, in exactly in the same direction, those considerations have here new bearings, upon which I cannot but remark.

Supposing a necessity really to exist for invoking aid to the official machinery now in operation here under the control of the British Government, it might still be questioned whether a proposal to an officer of that of the United States, to furnish such succor in the capacity of an informer, can be regarded as "perfectly consistent with the respect which the agents of" one sovereign ought to deport themselves with towards that of another. This, indeed, strikes me as so very questionable, that it is only by ascribing the act to the ardent zeal which burns on the subject, that it appears to me reconcilable with a disposition such as I believe, and very sincerely rejoice in believing, to be truly reciprocated towards my country by your Government, and, what is far better still, by the people.

This impression, with regard to the character of such a proposal, derives no little strength from the recollection of the view taken by your predecessors in office, on the occasion of an incident that arrested my attention on looking over, a year or two since, one of those collections of slave-trade documents, by the publication of which the British Government afford to all, who feel curiosity on the subject, materials for acquiring a definite idea of the nature of the occupation afforded to, and the results effected by, those costly establishments; whereby, if "operative" inconvenience from taxation be augmented in a but insensible degree, the same may, perhaps, not with truth be affirmed in regard to the convenience and effectiveness of ministerial patronage. The incident referred to occurred in a correspondence between your predecessors and the Captain General, brought on by their being compelled by their sense of duty to "acquaint" him with a certain "report" in relation to the slave-trade between Cuba and Texas. Of the specific allegations embraced in this report, one was, "that several cargoes have recently left this island." In the report to their Government of their doings on this subject, they state that their "*information*" was "*obtained*" through so authentic a channel, that they gave to it "*the fullest credence*." The communication to the Captain General being referred by his excellency to one of his official law advisers, (as, by the constitution of this Government, it was indispensable it should be before he could take any action upon it;) the opinion and advice given was, that, in order to obtain, in relation to this subject, such tangible matter as was legally indispensable, as a basis to any exercise of the authority vested in the Captain General to see the laws faithfully executed, his excellency should request of the British commissioners to "acquaint" him with certain particulars: such as the *names* of the *persons*, or of the vessels referred to—in what *part of the island* the occurrences had taken place. The letter, conveying this apparently very natural request, is replied to by one made up chiefly of matter responsive to matter *non-existent* in the letter replied to; and the request itself is responded to by—"it is no part of the duty of his Britannic Majesty's commissioners to bring before, or prosecute in, Spanish courts of justice, delinquents against Spanish laws;" to which is added a vindication of the step taken by them in making him "acquainted" with the "report;" which vindication consists of the conclusive proposition, that "it would be highly culpable in them, were they to neglect any opportunity so to act!"

In their report to the Secretary of State, this request is treated very disdainfully, as "the *attempt to impose*, if possible, upon the commissioners

the *odium of public accusers*." They add, too, that this "would not only be totally incompatible" with "their judicial capacity," (the incompatibility of what was proposed to them with *their* judicial capacity would be of difficult demonstration,) "but contrary to the instructions of his Majesty's Government upon this head."

How far the proposal now made, spontaneously, and without just provocation on his part, to the consul of the United States, bears resemblance to the "*attempt*," which, being made as an apparently natural consequence of their own proffer of service, was, nevertheless, deemed highly derogatory to the dignity of the British commissioners, and a compliance with which was forbidden by "the instructions" to officers existing for the sole purpose of devoting themselves to the extirpation of the slave-trade;—to what extent this present proposal possesses the obnoxious properties of that "*attempt*," it would, perhaps, prove a not easy matter to measure.

I began by considering the question under the favorable supposition that a necessity really existed for invoking my aid. But when this supposition is inadmissible; when the reality corresponds with the picture sketched above; when the facts of the case show that, so far as human instruments and appliances can be relied upon for any object to be here effected in relation to the slave trade, the people of Great Britain are paying for what strikes every beholder who bestows a moment's thought upon what is passing before him as a most wasteful superfluity;—when such is the truth of the matter, the only interpretation which the invocation seems to be susceptible of, is (with respect to those, at least, from whom it immediately proceeds) one that appears as little reconcileable with respect towards the foreign officer appealed to, as with candor, sincerity, and good faith towards their constituents and the world.

In such light does my poor judgment compel me to view this proposal as coming from you; and, in the spirit of frankness, which is due to every matter connected with the relations between the two nations, whose natural intimacy and good fellowship, while they afford demonstration of their own importance, involve, likewise, some elements of peril to their continuance, I feel bound to tell you so. My belief has, for some time past, been, that if our two nations are destined to become involved soon in a quarrel, the cause will be found in this subject; and its opportunity to become effective will be owing entirely to "the mother and the daughter," instead of coming to a clear, distinct, and positive understanding in regard to the matter, on the first symptom of motherly interference, or rather interference of the mother's servants having allowed themselves to become involved in entanglements presenting some Gordian knot that will defy all cunning but that of the sword-edge. If this calamity should befall, no part of the blame shall rest upon my shoulders.

In this spirit, then—the spirit of sincerest cordiality towards the people in whose name you act, and the most heartfelt wish that peace between us may be eternal, and our friendship ever waxing stronger—I speak my mind to you. I tell you that your proposal meets no sympathy in my bosom; that I consider it essentially disrespectful to my nation, and essentially wanting in good faith towards your own: a proposal, regarding which circumstances constrain me to believe that you were fully aware that it would not be acceded to, and that, if acceded to, still no useful result could by any possibility follow therefrom: that, therefore, it was not made in earnest; and that, if it were in the honestest earnest, still it would amount to nei-

ther more nor less than that I should take a part in that ringing of the changes upon "rights of humanity," "nefarious traffic," and those other worn-out, though still right profitably popular catches, with which every observer of what has been going on here for years, whose stomach is not so strong as to be proof against the powers of tartarized antimony, has long been sick, even unto nausea.

As a farce, it might be laughed at, (which, indeed, it is here, by all whose characters possess sufficient levity,) if, as a mockery—as an obscene desecration of a holy thing—it did not kindle indignation in every bosom where dwells any vestige of that love of truth which can alone dispute dominion with the father of lies.

"*It is,*" says Mr. Fowell Buxton—one of those of your countrymen whose anti-slaveryism is as distinguishable from that of another class, embracing men of both high and low degree, as virgin gold is distinguishable from stinking pinchbeck—" *It is superfluous to quote authority for the facts just enumerated, as they are notorious to commercial men.*" This, in a work but a few months ago published in Albemarle street; which, although it exhibits, in the readiness with which evidence is admitted, and in the hasty estimate made of its force, symptoms of the well-known bias of the author's mind, yet bears everywhere that impress of sincerity and honest conviction which, to a cool eye, if not to the heated optics of a brain-bubbling fanatic, it is so difficult for any false-coiner to counterfeit.

And what are these "*facts,*" which, in Great Britain—in the heart of England; at the very centre whence all these costly *seekers* of—"information" (!) are despatched—are so "*notorious* to commercial men," that, from the Albemarle-street press, it is proclaimed to be "*superfluous* to quote authority" in regard to them? What are they? Why, regular statistics—"ascertained"—founded upon "*returns,*" about the "correctness" of which, and the completeness of which, (in regard, at least, to the "*entire* quantity of cotton goods manufactured in Lancashire,") there can be no doubt. And to what subject do these *ascertained* statistics relate? To "*the amount of goods prepared for the slave-trade,* (and absolutely inapplicable to any other purpose except the slave trade,) *manufactured in this country!*"

Among these facts are the following: That the merchandise chiefly, if not exclusively, given in exchange for slaves, consists of cowries, Brazilian tobacco in rolls, spirits, and Manchester piece-goods; in the proportions of about one-third cowries, one-third tobacco and spirits, and one third Manchester cotton goods. That the value of Manchester goods manufactured in 1836, exclusively "for the African legitimate-trade," is £150,000—say \$750,000. (There is no definition given of the boundary which separates the goods prepared for the "legitimate," from goods prepared for the "illegitimate," African trade. A moment's reflection must satisfy any mind that the task of tracing it must present difficulties not less than those which inhere in that of reducing to perfect distinctness the territories of Maine and of New Brunswick. And if this be true in regard to the mere *tracing* of such a line, what must the task be of *maintaining* it! Goods "*manufactured exclusively* for the African legitimate trade!" Does there, or does there not, lurk here a wretched self-delusion? How long do the goods remain under the control of the "legitimate" traders? Into whose hands is that control to pass? For whose *use* and *purposes* is it that they are destined? Is it for the use and the purposes of the people, among one of the "more polished, and dignified, and orderly" tribes of which, accord-

ing to recent British authority, (Encyclopædia of Geography, by Hugh Murray, &c., &c., &c.) "there are *two annual customs*, as they are called, in which the king and chief men seek to propitiate the manes of their ancestors by a crowd of victims;" on which two annual occasions, foreigners "are selected in preference; but, as each seeks to multiply the number, unprotected persons cannot walk the streets without the hazard of being seized and immolated." "At the death of any of the royal family, victims *must* bleed in *thousands*; and the same is the case when the king seeks from the powers above favorable omens." "The legal allowance of wives for the king is upwards of three thousand, selected from the fairest damsels in his dominions;" who, "on any capricious disgust," are "often put to death." And "so natural did the king consider the slave-trade, that he could with difficulty be dissuaded from sending fifty boys, and as many girls, as a present to the King of England!" Is it for the use and the purposes of the people who, Mr. Buxton tells us, "worship the shark and the snake, and whose prince imagines the agency of an evil spirit in the loadstone;" among whom "the parent, debased and brutalized as he is, *barter his child!*" Is this the people to whom these "legitimate-trade" goods are bartered? If so, how far, in space or in time, must they travel before they become susceptible of being used to multiply those cases where the tempted parent "barter his child?" To resume the facts: That the value of goods manufactured in Lancashire, "adapted *only* to the slave-trade," is £250,000—say \$1,250,000. That goods suited to the slave-trade alone are manufactured not in Lancashire only, but at Glasgow likewise. That, besides loom fabrics, "ammunition and fire-arms to a large amount, and, like the goods, of a quality only fit for the slave-trade, are sent from this country to Africa. The annual amount of such exports is stated in the official tables (No. 6, of 1836, Tables of Revenue, &c., published by authority of Parliament) to be £137,698," say \$688,490.

These are some of the facts. Among the British manufactures therein particularized, I see not those *shackles* which have been fixed upon as the sure characteristic whereby a vessel may be infallibly assigned to the slave-trading class; casks of which, (rolling through the custom-house here, without attracting any more notice from any one; save myself, than if they had been so many boxes of "negro heads,") have elicited an inquiry, which, by the officer passing them, was evidently deemed as decisive an indication of my want of familiarity with the products of British Vulcan-industry, as a similar inquiry concerning negro-head cheeses would have been of ignorance in regard to the handicraft of Dutch dairy-maids. This omission in the commercial statistics of Mr. Buxton's work, of an article so important and so striking as shackles, cannot but be deemed evidentiary of great carelessness on his part, in making use of the materials which he had at hand; seeing that the sleepless vigilance, untiring zeal, indefatigable industry, and eminent ability, which the correspondence of his Britannic Majesty's commissioners, so far as it has come under my eye, proves that this place has been the theatre of, forbid the supposition, not only that their communications contain no information on a matter which is too entirely undisguised here to merit the epithet *notorious*; but that they have left any particle of such information to be desired, which human endeavor and human skill could accomplish the fishing up of.

Nor do the foregoing details upon this point exhaust the store supplied by parliamentary papers; they constitute but a specimen of the monstrous

multitude of indecent facts, in the presence of which this kindred proposal comes forth; and which, while they serve to keep its effrontery in countenance, make it, as a mockery, but the more flagrant. At the very same period—the same month of the same year—when your predecessors, availing themselves of evasions of American law committed by American vessels, as a convenient pretext for getting up a fresh display of philanthropic zeal, were opening against the slave-trade a new fire of “dens of infamy,” “inhuman traffic,” and all the other projectiles belonging to that peculiarly costly and efficient ordnance, for both the supply and the use of which you are at present the contractors; and were engaged in the further task of informing the American consul that it would be “the painful duty” of his Britannic Majesty’s commissioners “to report to his Majesty’s Government” these evasions of American law by American vessels!—at this same period, (the month of October, 1836,) another slave-trade scene was being enacted; or, as you would perhaps prefer it, was enacting, at Rio de Janeiro.

According to Mr. Fowell Buxton, “the most considerable of slave-markets” is *Brazil*, the capital of which is *Rio de Janeiro*. According to the same authority, the number of African slaves “brought annually into these five Brazilian ports would be moderately rated at 100,000—*one hundred thousand*.” From these two statements, showing the comparative rank of Brazil as a slave-market, and the “real amount” of slaves annually imported, it may be fairly conjectured that, of the amount of British merchandise manufactured *expressly for*, and adapted *solely to*, the illegitimate “African trade,” (*i. e.*, the slave-trade,) the portion which finds its way to Brazil is probably not altogether insignificant. Regarding that other amount of British products, which is “*manufactured exclusively for* (but which Mr. Buxton does *not* appear to have it in his power to assure us is also *adapted exclusively to*) the African legitimate trade,” materials for a like conjecture do not seem to be afforded by the work in question. From our general knowledge of the commercial wants and supplies of the two countries, respectively, it may be deemed probable that there are not very many articles supplied by “the African *legitimate* trade,” whereof Brazil is in want; and were these articles ever so numerous, it may, without any great hazard, be presumed that, in the teeth of the rivalry of “legitimate African traders,” direct from the mouth of the Thames, she could not well afford to pay for them in British manufactures, seasoned by twice crossing the line in the course of their to and fro across the Atlantic. The conclusion to which every consideration suggested by the subject concurs to point, is, that, of all English goods, *suitable for the African* market, which find their way to Brazil, and are there entered, *not* for consumption, but *in transitu*, a small portion only, if any, can be presumed to be *not* intended for the slave trade.

So it appears to have seemed to the Government of Brazil. In its ignorance of the laws of commerce, it appears also to have entertained the stupid notion, that, to enhance the cost of these goods to the slave-trader, would be to present a hindrance to his traffic. It might prove insufficient, and even altogether transitory; since similar goods, or goods answering the same purpose, might be supplied by some other country, at about the same price. Still it must necessarily be felt. So far as its efficacy might go, and so far as this might last, it would hinder the traffic; and, at any rate, if the result should be only to substitute other foreign goods for those in present use, at least would the products of British industry be rescued from the prostitution to which they were now condemned. Governed by such stupid notions,

or at least with the avowed design to fulfil its duty by doing something which might "operate as an *indirect* discouragement of that traffic in slaves" which baffled its direct efforts at suppression, the Brazilian Government passed, on the 26th of October, 1836, a law imposing a duty of 15 per cent. upon "all English goods *suitable for the African market*, which might arrive *in transitu* at any of the ports of Brazil."

This duty was formally protested against by the British diplomatic representative at Rio, "as opposed to the spirit of the compact between Great Britain and Brazil, and *highly injurious to the interests of British commerce!*" And this step on his part was approved by his Britannic Majesty's principal Secretary of State for Foreign Affairs!!

And it is with an overpowering array of effulgent facts like these, flaring, like an Havana noon-tide sun, in the face of all Christendom, that, upon a subject whereon the people of England have been brought to a state of mind bordering on that of phrensy, which, as it prevailed among our common ancestors in regard to the Holy Sepulchre, is now an object of special school-boy wonder to us, so long as we have not advanced far enough in the great volume of history to "wonder at nothing"—which man can do; a subject which, throughout England, Scotland, and Ireland, affords at this day, at once the favorite field for enthusiasm to gambol in, and the most profitable one for hypocrisy to vend those cunningly compounded cakes and cordials, whereof the raw material is so cheap. It is with this store of facts already collected—with these means and opportunities for exploring every region and diving into every depth where the promise of a fact may be—with the double certainty thus afforded by a legion of enthusiasts, attended by an army of sutlers, that, of all these means and opportunities, not one will remain unimproved—that the single-handed, toil-worn American consul at Havana has it gravely proposed to him to engage in the task of collecting information, in order that the British Government may be "*enabled!*" to accomplish the conviction of "British subjects who *MAY BE concerned in promoting* the slave-trade, by *FURNISHING BRITISH FABRICS!*"

Of a piece with this mockery, is every one of the steps to which, in the height of that infatuation naturally and inseparably attached to such a career, you have been tempted by the illusive hope that the American consul would be found ready to take a part in your game of deception; or, if he prove refractory, could, by tricks of stalest diplomacy, be entangled into giving it a reluctant co-operation. Of a piece with it, is every single step on the part of your commission, that has ever come under my notice, as laid down in such parts of the chart of its course as your Government have seen proper to publish to the world, or as constituting here the subject of local talk and criticism.

Those regarding myself I will now pass under review. The task is so irksome a one, and interferes so much with the pressing engagements from which I am never free, that these causes contributed in no slight degree to my determination, in January last, to allow your letter of the 10th of that month to remain unnoticed, although I was not unaware of the accumulation of inconvenience that might ultimately prove the consequence of my leaving undisturbed the self-complacency of which it bore such flourishing manifestations. This possibility has become realized. My self-indulgence on that occasion is rewarded by its natural fruit, in the shape of the same task which ought then to have been performed, magnified at an unconscionably usurious rate. Your *perseverance* in these

wanton displays of strategic skill is crowned with success—in one respect, at least. I confess myself forced one move from that position of inaction with regard to you, which was the dictate alike of duty and of inclination. Thus compelled, I will still struggle for free agency, so far as regards the nature of the part which I am to act. It shall not be that of your selection, but of my own. It shall consist of a renewed effort to accomplish the end at which my former endeavors have so ineffectually aimed—to carry home to your comprehensions the considerations which forbid my acting in concert with you, and to impress upon your judgments the conviction that the enterprise to weaken the controlling efficacy of those considerations is an utterly hopeless one.

The means to this end can consist only of a still further development of the views and reasons which compel my refusal.

I will, in the first place, repeat the truth which I have already endeavored to awaken you to a sense of, and which your last communication contains nothing to affect in the slightest degree the force of—that *we do not stand in any official relations towards each other*; that you do not belong to any class of officers, created as channels of communication between nation and nation, or by custom acting as such; you do not so much as belong to any class of officers common to all nations for the internal purposes of each, and who, by this common character alone, might seem justified, under some circumstances, in recognising each other as fit parties to official converse; you are agents, created for a definite special purpose, existing solely in consequence of precise treaty stipulations, and as instruments for their effectuation between particular members of the family of nations; that, consequently, it would be absurd (and, in one aware of the absurdity, wrong and criminal) in any officer of any nation, not one of the parties to those stipulations, to allow himself to be made an instrument for practically placing his country into the predicament of such a party. This would be true upon general principles, and in any case of the mere absence of consent of the nation represented by such officer. But in a case where there may have been a deliberate refusal of such consent, the force of the obligation becomes immeasurably magnified, and its violation by a conscious offender assumes the hue of treason itself.

Such a case is the present. So manifestly is it so—and so flagrant, therefore, the indecency of the pertinaciousness displayed by you, to make me relinquish the position which I should deserve the doom of a traitor for abandoning—that, with it alone for a ground of judgment, the most charitable eye could not fail to discern in this pertinacity a strong evidence of some latent spring of action, whereof, if a compound one, egregious folly and ignorance could not possibly be the only plates. To one placed in my position, it is but too manifest that the chiefly active principle from which your conduct proceeds is a sordid selfishness, as little worthy of the nation in whose name the position which you abuse allows you to act, as it is of the holy cause to which lip-service is, with such prodigal self-oblivion and waste of all that it costs, rendered by you.

To bring this with satisfactory force and clearness to the comprehension of others less advantageously situated for personal observation, nothing further is requisite than to lay before them a faithful sketch of the actually existent truth here in regard to the slave-trade;—here, on this theatre, where, to the disgust of every one—whether he were or were not alive to the importance to the human race of the principle of national independence

—that sacred article of the catholic cosmopolitan faith has been seen ruthlessly and wantonly trampled under foot, through the prostitution, by self-seeking place-holders countenanced by self-seeking patronage-holders, of the might of a powerful nation to the purpose of insulting, without so much as the possibility of good to the cause that furnished the pretext, or to any cause but that of their own game of deception, the defenceless subjects and abject authorities of that government which, of all existing in Christendom at the present day, is the most utterly impotent for good.

The truth of the existing state of things here, in relation to the slave-trade, can be condensed into one sentence. It is a pursuit denounced in every possible way by the LAW—by law FOREIGN *made* and FOREIGN *imposed*—and supported by an overwhelming PUBLIC OPINION. These few words express not only the fact in both its branches, but also the cause from which the second branch chiefly derives that vigor which makes it overtop and stifle the other. And is it not in the nature of man that such an effect should follow from such a cause?

Thank God! it is. Thank God! that there is implanted in the heart of man, in the shape of an instinct, a something whose impulses drive him in the same line of conduct that is enjoined by the most lofty and intellectual patriotism. Forbid it Heaven! that the spirit of nationality, which with the masses is the instinctive safeguard provided by the Great Architect for that self-government, which, as it affords to man his only hope of well-being, becomes, in exact proportion to his rise as an intellectual and moral being, enshrined amid those cherished convictions which fill the place of instinctive impulses;—Heaven forbid that this spirit should ever be found extinct in any people, be they ever so deeply plunged in ignorance, or debased by vice. God forbid that it should ever perish, or ever fall short of fulfilling the great purpose for which it was given—that of vindicating national independence; come the assault from whom it may, on whatever pretext, on whatever ground. God forbid that any reform, in religion, in morals, in law, or in government, be it ever so important or so urgent; that any question that can possibly be presented to the mind of man—if there be an attempt to decide it among any people through an invasion of their national independence—shall fail to be dismissed from their thoughts, never to be entertained again, until, acting as one man, they shall have repelled the invasion, and vindicated triumphantly this most sacred of all sacred causes.

But whether this effect of an assault upon a people's independence be desirable or not, it is a part of the truth which exists here with regard to the slave-trade. Here, that effect has been produced. The published correspondence of your commission bears (although this seems to have escaped the notice alike of those who, perhaps unconsciously, divulged the fact, and those upon whom it was thrown away) testimony to its existence; and if this had not so chanced, it would still be known, as it is known, to every man in Havana; unless, indeed, there should chance to be here some with powers of volition so strong as to close their minds at pleasure to conviction, and to render them insensible to the most salient of all the points of the public sentiment in which they move and have their being.

In one of those nostrum-doctor discourses, which, on the spot where they are concocted, and among those who know the true value of the ingredients which constitute the theme of the grandiloquence, prove a plentiful source of merriment, not undisturbed now and then by a flash of indignation, when thought is turned upon the motives to, and the conse-

quences of, this peculiar and stupendous quackery ;—in the despatch of the 2d of January, 1837, which forms a proem-invoice of sundry packages of precious matter, labelled “ returns of arrivals and departures,” are contained various remarks explanatory of the peculiar expenditure of toil and skill involved, on this particular occasion, in the task of collecting the ingredients. Hitherto, they had been so conveniently at hand, as to “ render the completion of the lists little more than matter of form.” Now, however, “ the case was materially altered ;” and circumstances are explained “ whereby your lordship will perceive it to be a matter of some difficulty to ascertain, with the same accuracy as formerly, the proceedings of these vessels.”

Besides this acknowledgment, that, hitherto, there had been not even so much as “ some difficulty” in ascertaining “ with accuracy” “ the proceedings of these vessels ;”—in other words, that their proceedings were known to everybody, and there was no wish or attempt at concealment ;—another truth is emitted, in the heat of the illustration bestowed upon this interesting circumstance : that, now, “ some” thing in the shape of a “ difficulty” had come into existence, to afford an antagonist more substantial than empty air for commissioner-zeal to grapple with. This other truth is thus expressed : “ *Whatever may at one time have been the feeling of some of the principal landed proprietors in favor of the suppression of the slave-trade of this island, we confidently believe that there scarcely exists at the present time, ANY individual who entertains such a wish—nay, who would not do his utmost to sustain it.*”

A truth ! in one sense at least, though not precisely, in the literal meaning of the words, a true picture. And a melancholy one it is, whether considered in itself, or in its cause. Not so, however, when considered as a result. Of what is it the result ? Of a wanton trampling upon the principle of national independence—and this, too, attended with peculiarly aggravating circumstances ; the most insupportable of which is, that the Government which should resent the indignity and repel the invasion has been made the instrument for inflicting them ; that the people feel that that Government which should perish rather than suffer its own free action with regard to its own subjects to be interfered with, is the abject slave of their oppressors. Then, to make the goading still more intolerable, comes the double conviction on their part, (than which none entertained by man was ever more sincere,) that the traffic in slaves is justifiable and right ; and that the contrary belief, now professed on the part of the English people, is a hollow profession, put forth to cover the utterly selfish and unprincipled desire and design to destroy countries whose rivalry in commerce or in power has become to them an object of dread.

This is the cause of that unanimity, which, as an evidence that their office had become “ some” thing less of a sinecure, was, by your predecessors, stated to exist upwards of two years and a half ago. This it is, which has rendered universal among the people the conviction and the feeling, that, abandoned and betrayed by their helpless Government, they are placed in that predicament where it is the right and the duty of every man to protect himself,—the general right and duty of all men individually to protect and sustain each other. It is not in regard to the slave-trade—to its impolicy, or its inhumanity, or its undesirableness in any respect—that such a change of opinion and of sentiment has, or could have, come over the land. Such a change was, in the nature of things, impossible. Of all the causes which might have conspired to create here, in a number of individ-

uals ever so small, an opinion and sentiment adverse to the traffic, not one but must necessarily have acquired greater force with every revolving year. The progress might have proved very tardy ; but there could not have been a retrograde. It is not the *slave-trade* that has become in itself so popular, that not "any individual" could be found in the island but would "do his utmost to sustain it." No such retrograde has taken place. On the contrary, the sentiment adverse to it has made progress ; although one that has been slackened by the operation of another sentiment, and is not easily discernible through its manifestations. This other sentiment is the sentiment of nationality. It is to its impulses that not an individual could be easily found, but would prove true,—not an individual but would "do his utmost to sustain," not "*it*"—not the *slave-trade*—but the individual carrying on the *slave-trade*. His own convictions upon the subject of the *slave-trade*, the feelings of his bosom towards any man capable of engaging therein, might prompt him to hang the offender. But he has had awakened in him a strong, overpowering sense of the fact, that this cannot be done without bowing his neck to foreign-made and foreign-imposed law. This comes over him ; and every duty becomes as nothing before the one duty of defiance,—every feeling is overwhelmed in its angry surges.

This result so naturally belongs to all such intermeddling, that it could scarcely have proved possible to avoid it, even had the British commissioners here confined themselves, with the most guarded circumspection and most refined delicacy, to the simple line of their duties as defined by the treaty stipulations. Had they—as they were bound to do by the plainest principles of international right, and would have been compelled to do by any government capable of an effort in defence of its own dignity or the rights of its subjects—contented themselves with the discharge of those functions for which alone they had been created, and for which alone they had obtained a residence upon Spanish territory ;—had they thus deported themselves, their mere presence here could not have failed to prove a cause of irritation to any man, whether friend or enemy to the *slave-trade*, capable of a feeling for his country. But when, instead of a course so enjoined by every consideration of policy, with regard to the professed object, no less than of international decency in a powerful nation (or any one allowed to act in her name) towards a helpless one, a course directly the reverse has been pursued ; when the attitudes in which they seemed to delight in seizing every occasion to exhibit were of a kind to impress upon the beholder that they belonged to a newly-invented class of plenipotentiaries, endowed with faculties of too transcendent an order to be confined within determinate boundaries ; and when, at the same time, these displays were seen by all to be of such a nature, that those making them could not possibly expect, and therefore could not possibly intend, any other effect from them—*here*, at least—than that of reminding the authorities, and through them the people, that they were bound to bow politely to insult ;—when such has been the course pursued, what must be the result ? What must be the intensity in which it prevails ?

That result is—the reawaking of the old guerilla spirit : that spirit which, when their national independence was suffering at the hand of Napoleon, was known by the French soldier to be near when he saw his comrade drop with the knife-handle projecting from his chest ;—which, noiseless and unseen, mowed a path for the angel of death through those serried ranks, in countless efforts to penetrate and to scatter which the Mameluke whirlwind had ineffectually spent itself.

Possibly I may have been led to form an exaggerated estimate of the intensity of this feeling, by what I know—and had rather die than doubt—would be kindled in my country by any, the remotest, approach to what I see inflicted upon this. There are things not a few in the United States, which are deemed by me to be crying evils, to remedy any one of which is a labor well worthy of exclusively occupying the patriotic ambition of a distinguished citizen. Not one of them, however—intent as I might be upon its extirpation, and near as I might have approached to the happiness of accomplishing it—but would be instantly laid aside, to await the return of times of *peace*, at the slightest indication of foreign interference. And the certainty and the promptness of my doing this, would be in exact proportion to the magnitude of the evil. To say nothing of slavery, (which—although I believe the condition of the slave in my native State to be incomparably better than that of the English operative—occupies nevertheless, in my estimation, by far the first place in our catalogue of evils,) there are, among others, the Bowie knives, of which you have perhaps read. So serious an evil do I consider the practice of carrying these murderous weapons, which prevails in one part of our country, that no effort to put an end to it, which I could make with any promise of success, would be omitted. Nor is there any severity of penalty that I would stop short of, if necessary, to accomplish this. But if this Bowie knife evil were to become an object of philanthropic zeal in your, or any other foreign country; and circumstances should be such as to impart to your government the wish and the power to interfere with ours in regard to this object of my abhorrence,—to dictate a law for its extirpation, and to take a hand in its execution;—that abhorrence would be laid aside, never again to occupy my thoughts until your law and your interference had been driven into the sea; and, if necessary to the accomplishment of this, every reaping-hook should be beat into a Bowie knife, and every maiden in the land should be taught to handle it.

Nay, there is one thing which would have the power to make me turn my arm against my own country; and that is, her proving herself capable of tolerating such an abuse of power by those intrusted with her Government. No radical now drawing breath in what I feel towards very much as my native county of Devon—for there my forefathers were born and died for many generations—can look forward with more heartfelt pleasure to the time when the people of England will be free. When the oppression under which, in every possible shape, their heads have been so long bowed into the very dust, shall have come to its end,—when the House of Lords shall exist only upon the page of history, and a real representation shall have taken the place of that detestable *simulacrum* by which, in their own name, they have been plundered, and the wealth and the power resulting from their toil and their ingenuity have been so shamelessly squandered, in every imaginable mode in which it could subserve the selfishness of a sordid few; when the skilful and industrious workingmen of Great Britain—the bone and sinew of the most affluent and potent state upon earth—shall no longer know as a reality, but look back upon as an absurd fable, that state of things, so incredible unless so substantiated, of which the appalling picture was unfolded by the Edinburgh trials in January of last year:—that picture of the industrious classes, self-organized for the purpose of protection against want; and as a means to this end, every man regularly contributing from the scanty remnant left him by that hateful system of robbery called parliamentary taxation, to supply a fund for the support of secret tribunals and officials, the object of whose existence is to doom him to death and to effect the murder,

if, maddened by the agonies of a starving wife or the cries of a famishing child, he shall prove so reckless in his desperation as to accept work at lower wages than those decreed by the unknown despots to whose mandates he owes implicit submission, or to accept of work at all, from an employer whom they may have deemed it necessary to put under the ban; when incredulity will be but strengthened by the tale, that under such a state of things—so shockingly unjust was the distribution of political power—the mountain of taxation was still further heaped up upon the agonized giant's chest, through the obedience yielded by place-holders to the necessity in which they found themselves, to abdicate their sinecures or conciliate the votes of a handful of hair-brained enthusiasts, governed by a fixed idea, and reckless of every other earthly consideration, pursuing, as the great paramount cause of humanity, and the only one deserving their regard, the object of their sofa-inspired visions: dreams, the downy current of which, the voice of reason, or the cries of famine issuing from myriads of their famished countrymen, were alike ineffectual to disturb!—the time when Ireland may write the epitaph of her Emmet; when the sense of governmental oppression shall have ceased to be so keen in the bosom of the “sans potato” O'Connell tribute-payer, as to make him insensible to all besides,—even to the true character of that Derrinane patriotism, whose cormorant scream, eternally vexing the ear of his country, makes her atmosphere alive with “rint.”

The time must come when all this shall have passed away, and become incredible to the common mind. It cannot be distant. Could it be hastened one single hour by any labor of my individual head or hand, there is not a man among the radicals of South Devon who would, with greater alacrity, buckle to the task; and yet, did my country at this moment possess—as possess she will, before many more lustres shall have passed over her—the power to interfere with the question, and to settle it; and did she prove herself capable of abandoning that majestic attitude towards other States, which distinguishes her from them, as her Washington is distinguished from their leaders, and in which she has influenced their destinies solely by the force of that example, under the efficacy of whose holy presence the thrones and the aristocracies, and the impostures and shams of the old world are so rapidly crumbling into dust, and vanishing forever from this earth;—could she prove thus recreant to the principle of national independence, one, at least, of her sons would prove true to the sacred cause, even to the length of taking part against her; and even although assured that the certain consequence of his doing so would be the reanimation of the cold dead embers of ancient toryism, and the revivification of the right divine, with its accursed brood of wrongs and oppressions, for years beyond that period when the coming struggle shall be over—when merry England, and Auld-lang-syne, and their sister isle, the land of the tear and the smile, quietly basking in the blessed light of Democracy, under institutions modelled after ours, shall unite in a hymn to the daughter-land that first taught the world how to reconcile liberty with law, the might of an empire nation with the freedom of a village republic.

Such being my own feelings on this topic, my judgment is perhaps not to be trusted in regard to the state of things which, upon this stage, has been produced and now exists.

So far, however, as that judgment can be relied upon, the picture is not highly charged. To all practical purposes, the slave-trade has become hallowed in all eyes here, as a consequence of the union which patriotism

has been forced into with it. They are now effectually wedded ; and they will continue to be one flesh, until the causes which have aroused the spirit of nationality, to impart to it so strange a *penchant*, shall have ceased to exist. Then, but not till then, may the divorce be hoped for.

With this result before us for a warning, it is proposed now to give patriotism in wedlock to piracy also. By the same foreign-made and foreign-imposed law, Spaniards are to be told that that piracy, which every man, and, above all, every mariner in the world, for countless generations back, has been taught from infancy to look upon as a crime—nay, to the mariner, *the crime of crimes* ;—that it is no worse than that slave-trade, which some now living may recollect to have seen most actively carried on by the mistress of the seas. Hereafter, the two shall go under one and the same name; and the man who believes, and whose *country* believes, it perfectly right, and even laudable, to pursue a business wherein, while his own end of gain is accomplished, he proves the instrument of snatching hundreds of negroes from famine on the coast of Africa, or from immolation in the hecatombs daily reeking either to Mumbo Jumbo, or to some inferior concentration of the divine essence, from a clay shark idol down to the airy ghost of any man who is entitled after death to the consideration due to the husband and lord of from thirty to three thousand wives ;—the mariner or merchant whose country's mind continues yet unenlightened in regard to the slave-trade, viewed in its ultimate consequences, and whose conscience can find therefore a sufficient sedative in the knowledge that he is bringing negroes from such a state of things in their own country, to one where they will have a chance of plenty and a long life—is to be told that if he be tempted to engage in this pursuit, he might as well add to it, whenever opportunity offers, the plunder of merchant-ships, and the murder of merchants and women and children who have adventured upon the great deep. This addition will not make his neck a whit the less safe : and this he is to be told—not by his own country ; not even by his own *jure divino* master ; not under the sanction of the faintest shade of rightful authority : but by a foreign Power, whose usurpations on this very subject have rendered itself the object of his deepest hate, and his own Government the object of ineffable contempt to him. What brood of horrors is to come of this new match, those who get it up can perhaps tell. They have shown such a reach of foresight in regard to the fruits of the first, that this is no unreasonable expectation to indulge in towards them.

Nor is the sentiment thus engendered here, with regard to the slave-trade, by these wanton exhibitions of contempt for the principle of national independence, confined to the Spanish population. Such a spectacle is not of a nature to be looked upon with composure by any man whose soul is not so sold to mammon as to forbid his seeing, or caring for, any thing save the to and fro of the money-bags. Every man with a spark of soul has experienced its influence ; and as the degree in which he has done so was necessarily proportionate to the interest he was capable of experiencing in matters not directly and individually concerning himself, so has it been felt the most strongly by those to whose nature and principles the slave-trade is most repugnant. This is no theoretic speculation. No man, at all conversant with the mechanism of which human opinion and sentiment are the products, could fail to perceive at a glance, that it must have so turned out. No man, placed upon this stage, with his five senses about him, could fail to become immediately aware of the fact, that it has so turned out : un-

less, indeed, the prospect of a snug pension, as a reward for patriotically and philanthropically bearing up against the tedium of a heavily charged West Indian sinecure, should constitute an "object too high" to permit him to be sensible of any thing passing around him; and, above all, of any such inconvenient circumstance as, if he possessed a conscience, might render it a troublesome hindrance to any display got up to show off to distant eyes the utility of his sinecure; by attaching a sting to the consciousness that it served only to render positively and actively detrimental to the service in which he was receiving pay, an office which, restricted to its assigned duties, might prove no worse than merely useless.

From the one truth, that *the slave-trade is a pursuit denounced in every way by the law*, and upheld by an overwhelming public opinion, it would be no difficult task for any one acquainted with Spanish character in all its bearings, social, legal, and political, to deduce every particular requisite to the composition of the most detailed picture of the existing state of things here in regard to this subject. Such a picture, Colonel Napier could paint with his eyes shut.

It would, for instance, be a waste of words to inform him that here *the trade is made no secret of, except towards the authorities*; and towards them *only* when acting in their official capacity—that, on all other occasions, it is spoken of with just as little reserve as any other pursuit; and every particular incident to it is as generally known as those that arise in any other branch of trade. Indeed, far more generally known: for it constitutes a pursuit in regard to which the people consider themselves *at war*; an unprovoked, one-sided war, to be sure, but this only serves to whet their spirit the sharper—and every incident of which, therefore, possesses a zest which cannot belong to those of any other branch of business, or even to any political subject. Every capture of a slaver is a wrong: to be talked of, to become known to all, to be stored up in the memory of each. Every arrival is an exploit—a victory over the common enemy: the news of which (that would be proclaimed by the church bells, but that the Government does not dare) runs like wildfire, to arouse exultation in every breast, and to kindle anew both the spirit of cupidity, and the flames of defiance.

It would, in like manner, be a waste of words to inform him of the other fact, that the man would awaken universal derision—and derision merely, only because no apprehension would exist of any thing to disturb that feeling, and to convert it into one more serious—who should gravely undertake to set on foot proceedings with a view to the judicial establishment of any one of the facts or incidents thus known to the whole city as the favorite part of the news of the day, on every day almost of the year. A shout of laughter would greet him at every street corner; and if he encountered there nothing more cutting than a laugh, it would only be because of the universal confidence that he was a harmless lunatic, who might, without danger to any one, be left free to follow his humor.

What individual on this spot, but knows this? In England itself, who can devote his understanding to the subject for a single hour, and not be fully aware that this must be the real state of the case? Why, the picture is ready drawn in this very work of Mr. Buxton. In the chapter entitled "*Failure of efforts already made for suppression of the slave-trade,*" which does that credit to his common-sense which I anticipated upon perusing, in the *introduction*, the following words: "*we attempt to put down the slave-trade by the strong hand alone; and this is, I apprehend, the cause*

of our failure. Our system, in many respects too feeble, is in one sense too bold;" in this chapter, which affords the first glimmering of sanity that has for a long time appeared upon the subject; at least in union with *sincerity*: for there is no lack of worldly wisdom in one of the parties—and may, I trust, be hailed as an earnest that reason is at no very remote day to assert her empire over it: Mr. Buxton, while endeavoring to enforce his position, (a most incontrovertible truth, to any mind that has enjoyed and used any opportunity to acquire definite notions on the subject,) that even a universal agreement among nations to declare the slave-trade piracy would prove inefficacious, adduces in support of it the experience of the "three nations who have already tried the experiment of declaring the slave trade to be piracy—Brazil, North America, and England."

"Brazilian subjects," he says, "from the time of passing the law, have been continually engaged in the slave-trade; indeed, we are informed that the whole population of certain districts are concerned in it, and *not one* has suffered under the law of piracy."

With regard to the United States, he observes, "It will not be denied that American citizens have been largely engaged in the traffic; but I have yet to learn that even one capital conviction has taken place during the eighteen years that have elapsed since the law was passed."

Not to break the thread of Mr. Buxton's illustration, I will merely observe here: that if, by the assertion which he says "will not be denied," he means merely that, in regard to the slave-trade, cases have occurred of the successful evasion, and consequently of the unpunished infraction, of the laws of their country by reckless desperadoes, who, either by birth or by adoption, were citizens of the United States, then the only point to be discussed between us would be the precise meaning here attached to the word "largely." But if the author meant to express his belief that there is a want of sincerity on this subject in the people of the United States—that there exists among them a disposition to countenance the violation of our laws against the slave trade—I can affirm that he is utterly misinformed. Not an American citizen could be found who does not know such an assertion to be untrue, with just the same certainty that an Englishman would know the untruth of a similar assertion if made with regard to the crime of infanticide in England.

The difference between the cases of Brazil and of the United States is one that no European, not even an enlightened Englishman, can realize and estimate at its full force. It is just as impossible for him to do so, as it is for an American *man* to realize those reciprocal feelings, condescension and deference—to call them by the mildest names, and to view them under their faintest aspects—which, in the atmosphere of England, are so naturally and unconsciously awakened when "My Lord" and "Mister" are so thrown out of their proper spheres as to come in contact. Brazil law is imposed by the Government upon the people; and, so far as an inference may be drawn from the relations existing between them, and the historical character of the stronger in regard to its proneness to make such use of its power, this particular law may be presumed to have been imposed upon the Government of Brazil by the Government of England. Hence it is the reverse of surprising that a Brazilian law—above all, that this law, should in "certain districts," or in all-districts, be set at defiance by "the whole population," and should be a by-word among them. Nor is it surprising that these violations should be rendered still easier than they otherwise might be, by the conni-

vance of the Government to which it has been dictated. In the United States, on the contrary, all this is clearly impossible. Not only is it impossible that the Government should have a law dictated to it by any foreign Power; but, on our side of the Atlantic, it ceases to be a fiction; it is literally true, to an extent absolutely inconceivable to a European bred mind, that the voice of the Government is nothing more than the concentrated voice of the people. Hence, such a state of conflict between the law and public sentiment as Mr. Buxton may be a believer in, the existence of in our country is an absolute impossibility. Had the law been a special one, enjoining or prohibiting a particular mode of conduct upon or to a particular and limited class of citizens, there might be a possibility of its necessity not being generally understood, and, consequently, of its being with a large class the object of a neutral sentiment generally, and of a hostile one whenever it might come up for enforcement. But, with regard to a general law, binding upon the whole nation, and, with regard to every individual in it, imposing an emphatic restriction upon that complete and absolute right—which nowhere else upon earth exists so untrammelled—of every man to apply his capital or his labor to such uses as he sees fit, with regard to a law of this kind, the supposition is altogether inadmissible.

To return from this unexpectedly long digression to Mr. Buxton's illustrations "of the inefficacy of such a law." He informs us that the most striking is that furnished by the experience of the British Government itself, in its sway over the Isle of France. (To estimate the comparative force of this fact with respect to any regarding the island of Cuba, it is necessary to advert to the circumstance, that the Isle of France is about 150 miles in circumference, and not distinguished by any thing like the countless multitude of ports, islets, and keys, which are so characteristic of the coasts of the island of Cuba, the sea-line of which is at least 1,500 miles.)

"For ten years," says Mr. Buxton, "*the slave trade prevailed at the Mauritius, to use the words of Captain Moresby before the committee of the House of Commons, 'as plain as the sun at noonday.'* Many were taken in the very act, and yet no conviction, I believe, took place." "I fear that such a law would be a dead letter, unless, at all events, we had the *bona fide* and cordial co-operation of the colonists. Were we able to obtain this in our own dominions? Our naval officers acted with their usual energy on the coast of the Mauritius. When General Hall was Governor there, and when Mr. Edward Byan was the head of the police, *every thing possible* was done to *suppress the traffic*, and to *bring the criminals to justice*. No persons could act with more meritorious fidelity, (and I grieve to say, poorly have they been rewarded by the Home Government;) it became, however, but too evident that the law was unavailing. *The populace would not betray the slave-trader; the agent of the police would not seize him; if captured by our officers, the prisons would not hold him, and the courts would not convict him.*"

This is the picture of a ten years' experience of the British Government, in a small field, of only twenty-five miles radius, under its own exclusive and absolute control; bounded by that mountain-wave on which her power is without limit, and which here enclosed a mere handful (some six or seven thousand) of the white race—and these, conquered subjects; to keep whom in subjection the British people were taxed at a rate which may be conjectured from the officially ascertained fact, that, in the course of fifteen years, "the *expenditure* of Government *in the island* exceeded the revenue

by no less than £1,026,208." Upwards of five million one hundred thousand dollars ! or, annually, at the rate of upwards of three hundred and sixty-six thousand dollars; were the productive classes of England, Scotland, and Ireland, taxed for that *part* alone of the cost, which was taken out of their pockets to be sent round the Cape of Good Hope to the Isle of France, to be there disbursed. With regard to the mode in which the absolute power possessed by the British Government over this handful of the white variety of the species, whom conquest and treaty had converted into free British subjects, each, of course, *ipso facto* encased in a suit of the invulnerable panoply whereof so exhaustless a supply is ever ready to issue, at the nod of Westminster wigs, from that magic armory which venerable tradition accustoms even us to believe in the reality of, and teaches our thoughts to connect with the words, "British constitution;" with regard to this point, an idea is afforded by the circumstance, which, however trivial it may seem, may be adduced upon the same principle that a feather may be used to show the direction of the wind—that the Governor of the Mauritius, satisfied that, against "offenders of this kind," no conviction could be obtained on the island, "was obliged to resort to the *strong expedient* of sending" them to England *for trial* at the Old Bailey ! A Governor selected to administer the British "constitution" to newly appointed "British subjects," "obliged to resort to the strong expedient of sending them *FOR TRIAL*," on a western voyage, from the remotest island of the Indian ocean, under the southern tropic, round the Cape of Good Hope, across the line, to "Old Bailey," in the 52d degree of north latitude ! and this, in regard to the very same "infamous practice," for denouncing the King of Great Britain's unblushing patronage of which, as shown by the tyrannical exercise of his royal negative upon the reiterated effort made by my native country to render practicable the "abolition of domestic slavery," by first "excluding all further importation from Africa," a Virginian was, in 1774, marked out for proscription ; and, had the power of the British Government proved commensurate with its law, would have been torn from the native land whose interests and rights he was thus vindicating, in connexion with those of humanity at large, to be sent "for trial" for high treason, on an eastern voyage across the Atlantic, to the same point.

This Mauritius experience of the British Government, in a little field, under its own absolute control, would have sufficed, one would suppose, if not fully to enlighten, yet sufficiently to prepare for readily receiving light, every mind really desirous to acquire a knowledge of Havana truth in regard to the same subject. So perfectly adapted, so irresistibly conducive to this end does it seem to be, that it is no easy matter to conceive (even after making allowance for all the fogs that could be kept heaped around the subject by individuals to whose present salaries and future pensions one fair glimpse at the reality might prove destruction) how any such mind can have failed to become, long ago, fully disenthralled from the dupery.

The particulars I have given sufficiently fill up the picture of the Havana reality, for the purpose, at least, of enabling a general estimate to be formed of the real character and merits of the communications which you saw fit to address to me in January last. No one need be told that in regard to a subject which, besides presenting an all-absorbing object of direct pecuniary interest to numerous individuals, and one of an interest less direct, but very sensible, to a far more numerous class, forms the favorite theme for gossip throughout the classes connected in any way with the commer-

cial movement, and the salient point for every *quidnunc's* attention—the only possible difficulty connected with the obtaining of information must consist, not in collecting a show of the materials, thus ever coming up and floating past every eye, but in winnowing the true from the false, and reducing facts to their true and exact shape and dimensions.

Under the general aspect belonging to the subject, then, any such proceeding on your part, as an offer to make me acquainted with a “rumor,” or a “report,” is, upon its very face, a manifest absurdity, if no worse. It would be the same, if the matter of your communication consisted of substantial *facts*, instead of “*reports* ;” unless, indeed, you were prepared to furnish, or to indicate, some portion or other of that matter of *evidence* or *proof* which can alone impart to facts a legal existence—which alone could “enable” (as the British Government desires to be, through my instrumentality, in regard to British merchants and manufacturers) the authorities of any country to use these facts, were they ever so *notorious*, as a basis of action. Without such preparation on your part, any such proceeding would be an absurd farce ; and, if the disposition were wanting, it would be a despicable mockery.

Now, it is a matter of fact, known to every man in Havana, and which defies contradiction, (for not one can be found bold enough to give it,) that no such disposition did exist, or could exist, on your part. If your facts were of the most conclusive kind, and you had a dozen respectable witnesses to each, you would not *dare* to name one of them. Nay, had the individual from whom your information was derived been known to me, (and circumstances so plainly pointed him out, that the presumption was too strong to permit a doubt to rest on the mind of a single individual acquainted with the parties,) and had he been summoned by me as a witness, he would have been sure, as such, to know nothing on the subject.

This is so notorious here, that no one having the least pretension to character for candor would venture to dispute it. The slave-trade is a matter which every one who feels any curiosity on the subject, knows all about. Nay, although destitute of such curiosity, he cannot, if he possess the use of his ears, and understand any language spoken at Havana, avoid hearing the news of the day or hour, of which it always constitutes the most piquant topic. To make sure of exact accuracy, is a task which, on this subject, as on every other, is attended with trouble and difficulty in various degrees. But the particulars no one can avoid hearing. And yet, although everybody knows all about the slave-trade, no one so knows any thing about it, that the testimony he could or would give in a court of justice, or for any judicial purpose, upon any point connected with it, would be worth a straw.

What, then, was the end which you had in view, in addressing to me your two communications of January last ?

The presumptions afforded in regard to this question, by the existing state of things here, clearly are :

1. That you could not expect to make known to me any particular, of which I was likely to be, or to remain, ignorant.

2. That, supposing you possessed grounds for such an expectation, you could not anticipate that any possible measure on my part, in regard to the subject of such information, could be attended with any useful result. In addition to these presumptions, resulting from the general state of the case, was a third, arising from the relation which I had assumed towards your

commission, by the act of returning its communication of the month of October, 1836, to wit :

3. That, supposing the latter of the foregoing presumptions to be so far reversed, that it was in my power to adopt some measure that would prove otherwise than futile, you could not anticipate that I could be moved thereto by your interference, but had every reason to believe the reverse ; that, so far as my disposition and my course in regard to the subject could possibly be influenced, in any way, by such interference, the only possible consequence of your venturing upon it would be decidedly adverse to the cause which you are paid to promote.

Such are the presumptions which arise from the mere general fact of your addressing to me a communication of this nature. They are not very favorable to the character of the end which you proposed to yourself. Let us now see what grounds of judgment are disclosed by the particular contents of your letters.

The end and aim of the first of the series (that of the 8th of January) is set forth in the opening paragraph, as follows :

"As it may possibly not have come to your knowledge, we think it right to make you acquainted with the report prevalent in this place," &c.

Here, so far as your proceedings could be presumed to be governed by a definite purpose, and so far as your assertion in regard to such purpose could be relied upon, we have the assurance, 1st. That the *end* and *aim* of your letter was *"to make you (me) acquainted with" a certain "report."* 2dly. That the motive which immediately determined your volition to the adoption of this object, as an end to be accomplished through your instrumentality, or your spontaneous exertions rather, was, the *conviction that it was right*. *"We think it right"*—that I should be made acquainted by you with this prevalent report. And, 3dly. That the motive which determined your judgment to this conviction—the reason why you thought it right that I should thus be made acquainted with this prevalent report—was, the *possibility that it might not have come to my knowledge* : *"as it may possibly not have come to your knowledge."*

Here we have, in perfectly logical completeness, the end and aim of your letter ; the conviction which induced you to adopt it as an end ; and the ground upon which that conviction rested. In point of form, a truly complete and satisfactory piece of logic ! If it were but correspondent in respect to substance, it would leave nothing to be desired. Unhappily, however, the strength of the material is in perfect contrast to the skill of the workmanship ; and the worthless chain serves only to make us deplore that so much precious labor should have been thrown away.

Not but that there is also some good stuff in it, too. The middle link has the sound of true metal. As a determining motive to the will, nothing can be better than, nothing else so good as, conviction of right. It is in exact proportion as our conduct is compared thereby, that we accomplish the approach to perfection of which, as moral agents, we are susceptible. Our moral nature can aim at nothing higher. The man who acts up to what he believes to be right, fills the measure of his duty as a morally accountable being. He may be an idiot, who thinks it right to plunge his noddle into melted lead, by way of experiment upon its refreshing properties ; or he may be a fanatic, who thinks it right to set the world on fire, in order to evade the flames of the judgment-day : and, as a consequence of these convictions, those to whom they are not imparted may think it right to

avail themselves of the properties of strait jackets. Still, not one of this unenlightened multitude, if he have satisfactory assurance of the sincerity of conviction in the opposite party, will, if he be himself under the dominion of reason, consider him a just object of resentment or blame. His own safety, or that of society, may render it indispensable that he be held to what may be termed physical accountability; and this may be painful and severe to the last degree: but, for moral accountability, the supposition leaves no room. Such is the advantage of acting up to what we think right; and such the immunity attending all error resulting from adherence to this golden rule. The condition upon which the granting of this immunity depends, is seldom, however, lost sight of. It presupposes, and imperatively requires, that the conviction be, not an affected belief put on for the occasion, nor even one carelessly taken up; but a real, sincere belief—the result of an honest, deliberate, and anxious exercise of our powers of reasoning, such as God may have made them. The immunity must therefore be withheld, when good grounds exist for believing the alleged conviction to be defective in any of these particulars.

Among the great number of grounds which may exist for a belief in the insincerity of an alleged conviction, and the still greater variety of possible combinations of such grounds, few can possess more inherent strength than the utter inadequacy of the logical motive to which the alleged conviction is ascribed by the man pretending to entertain it. So long as he merely affirms the conviction, without telling us any thing of the process in the hidden mechanism of his brain, whereby that conviction was evolved, he is comparatively safe. But the first step he takes in the way of assigning reasons, brings him upon perilous ground. If the reasons which he tells us that his conviction rests upon be clearly such as, according to human experience, no conviction of the sort can be supported by, in any mind not under some very extraordinary stimulus, we cannot, on our part, avoid the conviction that there is something wrong somewhere. And if, in addition to this, it be apparent, from the circumstances of the case, that the actor has inducements, independently of any conviction of right, for proposing to himself the same end, we are forced to the conclusion that his alleged conviction is a feigned one, and that his volition has been determined by another motive. The very least which our conclusion can involve is, that if the end aimed at by the actor was truly believed by him to be right, he thought it right also to conceal the true ground of his self-satisfactory conviction, and to feign a false one.

Few judgments are to be found endued with such powers of resistance, that they could resist for so much as half a minute the conviction that the present is a case of this kind.

According to your own statement, the "report" is already "*prevalent* in this place." You take the step of making me acquainted with it. The moral motive of this step is, (so you say,) the conviction that it is right. The logical motive to this conviction is, (so you say,) the possibility that the report may not have come to my knowledge!

What is this "report?" Why, an American vessel of such extraordinary beauty as to render her, and the purpose to which she is destined, the common talk of the whole city, is, through successful evasion of American law, brought to Havana, and sails for the coast of Africa: not a man in the place, who has bestowed a thought upon the subject, doubting that upon reaching that part of the world she will be divested of her American character, in order

that she may with impunity be employed in the traffic which, by the laws of the United States, would subject to the punishment of death every individual pursuing it under the American flag. Some months after, she returns to the island of Cuba ; successfully accomplishing the object for which she was sent, by bringing a large number of African slaves. Among the particulars relating to her voyage, one is, that she retained her American character and papers until the time arrived for taking the negroes on board ; and that while under their protection she was boarded by an officer from a British cruiser, to whom the American master—conscious though he was of a wicked evasion of the laws of his country—coolly pointed out her flag, fully confident in its efficacy to protect him, on the highway of nations, against any meddling on the part of any foreign Power.

This is the "report" which had become "prevalent" in this place. This report in regard to a most remarkable vessel, has already become *prevalent* in this city. There is a *possibility*, however, that it may not have come to the ears of the American consul. This possibility proves sufficient to force upon the minds of the British commissioners the conviction, that it is right for them to take the step of making him acquainted therewith ; and this conviction being thus produced, the step is taken by means of a letter !

Such is your own account of your proceeding ! Is there a man to be found, who, without any particular knowledge upon any part of the subject, and possessed of the merest general notion of our relations, would fail to perceive, at a glance, that the most absurd insincerity is stamped upon its very face ?

No, sirs ; this cannot go down ; nor was it expected to—it was a mere contrivance (and a wretchedly bungling one it is) to serve the purpose of a head-piece to your communication. The end and aim of that communication, and the spirit in which it was conceived, rendered it of no consequence how awkwardly botched its figure-head might be. Indeed, the more disgusting it should prove, the better ; for the more in harmony would it be with the great end and aim of the proceeding.

No, sirs ; you may have had some end in view, which you thought a "right" and just end ; and, for accomplishing it, you may have thought that communication a "right" and just means. But the end set forth at its beginning is one which you did not have in view. No one possessing the slightest general knowledge of the subject, or of our relations, could believe for an instant that you could really entertain the belief that the American consul was *un-*"acquainted with the report *prevalent* in this place respecting the ship *Venus* ;" or, supposing him to be so, that to change his state of ignorance on the subject of this "report" into one of acquaintance with it, could be an object of solicitude with the British commissioners.

Thus much regarding what was *not* the end which they had in view. With regard to the opposite question, I will hereafter adventure into a speculation, founded upon these same materials, which will *not*, I believe, be deemed very hazardous. For the present, it is proper to pursue the examination of your communications, for the purpose of ascertaining what sort of things they may contain, besides the logical chain of end, motive, and reason, which has been set down in the inventory.

In stating the particulars of this report, you unconsciously, as it were, run into a *respectful suggestion*—thus :

"The report further states there are several American citizens implicated in this flagrant violation of the laws of the United States ; and, as the *Venus*

may be hourly expected in this harbor, we would respectfully suggest that such immediate steps may be taken, on her arrival, as may lead to the punishment of such offenders."

This forcibly illustrates the danger of such interference. Moved by the mere possibility that a certain report might not have come to my ears, and setting out with the sole design of making me acquainted with it, you cannot accomplish the task of stating the particulars, before your disinterested zeal and generous ardor in the cause take such entire possession of your soul as to hurry you into the indiscretion of "respectfully" making to the officer of a foreign State, under circumstances which immeasurably magnified the indecency of such a step, a *suggestion* which no officer of your own Government, however subordinate his grade, could do otherwise than repel, if coming from any one not in immediate command over him, as a most impertinent *interference*; and, if coming from his immediate commander even, to resent as a most insulting imputation. Such would have been the character of this "respectful" proceeding, even had the object of it been an officer of your own Government, and under your own immediate orders. What, then, becomes its complexion when viewed in the light proper to it: as addressed to the officer of a sovereign State—to one for whom you really did not possess an official existence; and not only thus, but who had been placed under the necessity of declining, in the most peremptory manner, to recognise you in any way as persons with whom he could hold official converse; and who had based this determination upon the peremptory refusal finally given by his Government, in reply to the repeated importunities of yours, to even listen to any proposal for making of this subject a ground of agreement!

Such turned out to be, at the very first step you took, the consequence of your permitting yourself to commit this interference: so difficult is it to avoid losing sight entirely of the cold dictates of worldly propriety, when the impulses of so holy an enthusiasm as yours are once yielded to!

Nor can the force of this illustration of that peril be adequately appreciated, without adverting to a circumstance which places in the strongest possible point of view the utter gratuitousness and wantonness of the suggestion into which you were thus "respectfully" hurried. Had you, under precisely similar circumstances, made such a suggestion to a lieutenant placed under your orders, it could not have failed to be looked upon, by every eye endued with vision for such mundane considerations, as a prostitution of your influence at home to the indulgence of a disposition to wantonly inflict insult. Supposing you to have possessed authority to make "respectful" suggestions to me in regard to the discharge of my duties, this authority never could have been confided to you in the design that you should exercise it, except on fit occasions, and in a proper manner: that is to say, on occasions when you might have some ground at least for the belief that your suggestion would not prove altogether superfluous; and in a manner which would not, in the absence of all cause for it, convey the insulting imputation of neglect of duty. From such an imputation no suggestion is free, which, in general terms, merely suggests to an officer to do his duty: and this is the character of your suggestion. Conceiving it to be my duty (for, if you did not, the absurdity and grossness of your conduct in every way become but the more flagrant) to take "such immediate steps as may lead to the punishment of such offenders," you make to me the suggestion that these "steps" "may be taken."

Now, at the precise moment when this "respectful" suggestion was addressed to the consul of the United States, what were the particular circumstances of his position in regard to "American citizens implicated in" the class of violations and evasions of the laws of their country, to which this case belonged? These circumstances, to be sure, had never been communicated by him to you. He had even deemed it proper to meet, in a mode plainly signifying a determination not to be led into it, a proffer of conversation on the subject from one of you, (the judge commissioner :) for, towards you, and *because* of your preposterous pretensions, it is a topic upon which his lips have ever been sealed ; and, reversing the course which all acquainted with his character know to be natural to him on all subjects, he has ever maintained, with regard to this, a marked and significant reserve, in the design that you should not forget that it had become forbidden ground. Until their pretensions to interfere in the execution of the laws of his country, the subject was one on which the American consul was as ready to converse, with his usual want of reserve, with the British commissioners, as he always has been with the British consul. His natural disposition in this respect had not been altered, even by the somewhat curious and instructive lesson contained in the published correspondence of one of the predecessors of the present judge commissioner—a gentleman of well-known eminence in the science of entomology : among the fruits of whose eight years' exile in this land of (to him) good cheer, operas, and nobility *tertulias*, besides the invaluable contributions to the suppression of the slave trade, which have been attended with such notable effect, was a magnificent collection of insects, and a snug little fortune, estimated, in cash and retiring pension, at something over one hundred thousand dollars. Before this gentleman's return from the woful exile, his patriotic and philanthropic sacrifice in enduring which has been thus inadequately rewarded, and while the present republic of Texas constituted one of the States of Mexico, (by whose laws slavery was not recognised, although engagements to service for a term of years were :) at this period, a settler in Texas, from the United States, visited Havana, and here purchased a number of slaves, in the design, as he alleged, of transporting them to that part of the Mexican republic ; thereby changing the condition of slavery for life, in which he found them, into that of servants for seven years ; while, on his part, he acquired a legal right to their services for that term. From there not being here, at the time, any consul of Mexico, this person was under the necessity of applying at the consulate of some friendly Power for any consular service which he might need ; and his origin naturally directed him to that of the United States. There, at his request, his declaration under oath, to the effect above recited, was received ; and this declaration was *authenticated* under the consular seal and signature : that is to say, the consul gave a certificate, *not* that the negroes had been emancipated, nor of any other event in the case, but solely and simply that the individual, having appeared before him, had *declared* those facts. His *declaration* was received and certified to. Such, precisely, was the document delivered to him ; and, inasmuch as the occurrence connected itself obviously with the slave trade, it was naturally mentioned by the consul on occasions when the African traffic (which he might designate as the "*nefarious*" traffic, but for the habitual caution in regard to these epithets of zeal, inspired by the disgust awakened by witnessing their use as a stock in trade) came upon the carpet. Among the persons with whom it was thus made a subject of con-

versation, was the then judge commissioner, resident here, on the part of Great Britain.

After the measure of this gentleman's years of arduous toil in this yellow-fever atmosphere had been filled, and his own person, as well as his brilliant entomological collections, had been transferred to the salubrious air of England, the consul, upon looking over one of the slave-trade document volumes of Parliamentary Papers, perceived that the occurrence above related had been embalmed for the use of some future writer on that interesting branch of natural history (in the estimation of some, not inferior in interest to entomology itself) dedicated to the genus *homo* of the mammiferous class. So mutilated and altered, however, had this subject become, in the process of preserving it, that it could never be used in the composition of a work for rigorously scientific purposes; and would prove altogether valueless, except as affording the parent idea for an embellishment to some historical novel on the slave trade. Of the extent of this alteration, a conception can be formed only by comparing with the foregoing picture of the original subject, in its own shape and proportions, the same subject as embalmed in the collection of facts contained in the "report on the slave-trade for 1835," transmitted by "his Majesty's commissioners to Viscount Palmerston," from "Havana, 1st January, 1836."

"*In the spring of last year, an American agent from Texas purchased, in the Havana, two hundred and fifty newly imported Africans, at two hundred and seventy dollars per head, and carried them away with him to that district of Mexico; having first procured, from the American consul here, certificates of their freedom.*"

"Certificates of their freedom!" Most accurate "report!" And this is written by a gentleman whose philosophical habit of precision of thought and of language would doubtless have been ineffably shocked at any amateur-entomologist tourist who should have betrayed such looseness in either respect, as to confound a butterfly maggot of the Trojan with one of the Greek tribe, or to speak of a *Lepidopteron* of the *Fusicorn* family as a *Filicorn*.

With such a specimen before us of the scrupulous accuracy of official "reporters" of slave-trade facts, Mr. Fowell Buxton cannot but be exonerated from all blame for those exaggerations in regard to every particular connected with the subject, which produce at every page exclamations from every well-informed reader, but were to be anticipated from any man writing in his closet, under the smoke canopy of London, with materials of this description for his reliance.

The purchaser of these slaves appears before the consul, and declares, under oath, that he has emancipated them on the condition that they shall serve him for the term of seven years; and that he is about to embark them for Texas, to be there held under this contract and the laws of Mexico, which, by their own force, would make the negroes free so soon as they lauded there. A certificate of the fact, that this declaration has been made, is given by the consul. Two or three years after, the latter finds that the official collector of facts, stationed here by the British Government, with whom it had formed a topic of the same unreserved conversation which would have been held on the subject with any other gentleman, has, in the course of a statement, written a year after the occurrence, when the circumstances relating to the condition of Texas had become materially altered, and wherein this transportation of Africans from Cuba to that country is repre-

sented as a branch of the slave-trade—that this official “reporter” has introduced him (the consul) into the narrative, in the character of a person from whom this alleged slave-smuggler had “procured” “certificates of their freedom:” that is to say, certificates to the fact that *the Africans were free!* And this specimen of philosophical precision occurring, too, at Havana, in a British commissioner picture of the American consul, at the very period when, according to subsequent developements, (see Edinburgh Review for April, 1838,) Lord Glenelg, his Britannic Majesty’s Secretary for the Colonies, was engaged in drawing nice distinctions as a basis for instructions to the Governor of British Guiana, charging them that care must be taken to prevent *Africans* being imported, (say from the coast of Guinea, distant fifty or sixty days’ sail from Demerara,) under the order in council permitting the importation from India, at more than double the distance, and in any quantity in which they could be stowed on board of any craft, the industrious, the frugal, the delicately shaped, the gentle, the graceful, the refined, the engaging natives of Hindostan! Of these rice-eaters (*eaters* when philanthropy leaves them any of their rice to eat) who “have never seen the sea,” and could not be made “to comprehend the nature of the voyage,” ship off, under the British flag, or the Spanish, or the Portuguese, or any flag you please, to the Mauritius, or to the coast of Surinam, any quantity that can be kidnapped into an agreement, under which they fancy themselves about to be taken to “one of the company’s villages.” *Hindoos?* yes! in any quantity. But beware of touching an *African!* The former possess, to be sure, a fraction of the title which constitutes the only available passport to the consideration of the legitimate philanthropy of the hour; but their title is far from perfect. They have the black skin, but they want the woolly hair and the flat nose. They belong to the *Caucasian* variety of the human species—the *highest*; instead of belonging to the *Ethiopian*—the *lowest*: that race, which, according to the highest of modern authorities, in a British work belonging to the republic of science, and free alike from partisan exaggeration and from cant, whether of the Fire-faggot or of the Mawworm type, “has ever remained plunged in barbarism, with no higher idea of *law* than the despotic whim of the reigning chief; with no written language, nor even a code of hieroglyphics; which, “after centuries of intercourse with the most enlightened nations, has retained its character unchanged;” holding, by universal consent among naturalists, “the lowest station among the varieties of his species,” and exhibiting in some of its hordes “the lowest debasement of the human form, and the least capacity for mental improvement.” It was in enjoining upon British governors the proper discriminations between these two varieties of the species, that the colonial office was engaged at London, at the period when the British agent at Havana for collecting and reporting facts in relation to the slave-trade was erecting, at the expense of the American consul, so striking a monument of the habit of scrupulous accuracy resulting from his zoological pursuits!

When led into this digression, I was about to state, in regard to the particular circumstances of my position at the moment when your sense of right impelled you to “respectfully suggest” to me not to omit the discharge of my duty, that, although those circumstances had never been communicated by me to you, and although I had deemed it my duty to repulse advances from one of you (the judge commissioner) to make of them a topic of conversation, yet they were no secret. They had thrown the

whole port and city into an uproar—producing, among the class of people particularly sensitive on this subject, a greater commotion than, to my knowledge, has ever been produced here. This could not but have been known to you, even had your perceptions of what is passing around you been still less lively than they would seem to be; nor could the cause have been unknown to you. Even had it not formed the subject of town-talk, there was not a *guadano* in the harbor who could have refrained from giving all the particulars to any person understanding Spanish, who should have taken a seat in the stern of his boat.

It was the seizure of a vessel and crew in this port, within sight of the harbor-master's office, and at an hour when the quay there is most crowded, by an armed force from the United States sloop of war Ontario, then lying in the harbor. The character of the vessel, and the ground of her seizure, were equally notorious. She was a celebrated slaver belonging to this port, one of the fleetest vessels in the world, and the more remarkable from the not uninteresting historical association attached to her by tradition, that the vessel upon whose keel and model she was a new structure had been devised and built in France, for the express purpose of attempting the deliverance of Napoleon from the friendly guardianship of Sir Hudson Lowe. This well known vessel had but a short time previously left this port, and had returned to it under the American flag, procured by means of a bill of sale to the American captain, for the purpose of protecting her, not while carrying slaves, but while on her voyage to the coast of Africa. This was known, just as all such things are known here, as a matter of *notoriety*, but not as one in regard to which *judicial proof* could be hoped for. The documents carried by her, however, were of a nature that, in itself, afforded, in my opinion, sufficient ground for her seizure by a cruiser *only*. And owing to the hopelessness of this being accomplished at sea, except under such extraordinarily favorable circumstances as could [not] be anticipated, it was done in this port.

The American master who had brought her here was, at the time your communication was addressed to me, known to the whole city to have been already some weeks in prison, at my demand. And, not only was the case of a nature to occasion the more talk, from the accidental notoriety of the vessel, but there chanced also to be a corresponding circumstance connected with this captain, who, a native citizen of the United States, and one probably of very good connexions, was known here to the whole port, and all the surrounding grog-shops, as a most distinguished and sympathy-exciting victim of "consular persecution," under the pretext of protecting against, and rescuing from, brutal oppression on his part, the black crew whom he had brought from the United States.

The seizure of this vessel and crew in this port had been ventured upon, too, notwithstanding a strong doubt on my part as to the compatibility of such a proceeding with the principle of national independence; my respect for which had been rendered the more lively, and my disposition to avoid all infringement thereon the more scrupulous, from the anxiety here awakened in me, that, in regard to a helpless nation particularly, the conduct of a servant of the American people should exhibit the most pointed contrast to the course of the individuals whom circumstances allowed to act in the name of those trans-Atlantic brethren of ours, whose noble energies, calculated, from their own nature, to prove an almost unmixed benefaction to the whole world, have, to subserve the selfishness of the sordid few whose reign

of misrule has so nearly reached its end, been converted, for so many fair portions of man's globe, into the heaviest curse that weighed upon them.

With this train of recent events, bringing into such forcible relief to every eye my disposition in regard both to the black race in questions of justice between a black sailor and a white captain, and to the evasion of American laws against the slave trade, your "respectful" suggestion, in regard to a notorious case, presenting a "flagrant violation of the laws of the United States," that I would not omit to perform my duty, possessed in the highest perfection every element which, had it been made in the purest sincerity, and been addressed to a lieutenant or midshipman of the royal navy, placed under your special orders, could not have failed to subject you, from every candid man, to the imputation of either the extremest absence of mind, or the most ungenerous disregard of, the most brutal contempt for, the feelings of those subjected to the calamitous necessity of holding, at least as subordinates, or fancied subordinates, official intercourse with you. After this "respectful" suggestion, comes, as a finishing flourish, to set it off—"The peculiar relationship in which the United States are placed with Great Britain induces us more anxiously to hope you will participate in the feelings with which this communication is made." To this I replied, at the time, by a piece of information, which, to my regret, appears to have been thrown away: That, since the 4th of July, 1776, the only relation in which they stand to each other is, that of two independent nations—"enemies in war; in peace, friends;" that a vital part of national independence consists in the exclusive execution, no less than the exclusive enactment, by each, of its own laws; and it requires, in regard to the one, no less than the other, the vigorous repulse of every pretension at foreign interference; and that, if there be upon earth two nations from whom, above all others, their own welfare and that of the world demand the most scrupulous regard for, and punctilious observance of, this principle, these two nations are "the mother and the daughter."

I will now proceed to your second letter, of the 10th of January last, which was in reply to my answer to your first. Supposing it possible (although far from probable) that you might have both the ability and the will to put me in possession of some matter of evidence, or of some clew thereto—of something, in fine, which might avail towards the legal establishment of the fact, and that your communication, to "make" me "*acquainted* with the report *prevalent* in this place," and to "respectfully suggest" to me "such steps as may lead to the punishment of such offenders"—that is to say, "such steps" as might "suggest" *themselves* to me—might be looked upon as mere diplomatic verbiage, which, not being intended to have a meaning, must not be scrutinized for one, but be considered as a professional way of saying "I have something to tell you if you will let me." Supposing all this possible, though extremely improbable, I determined, for once, to overlook your impertinence, and see what would come of my encouraging you to open your budget. Nothing! not so much as a mouse would the mountain yield; and yet I made every disposition I could to facilitate the accouchment, and cheer you to the effort. In particular, you were reminded of the important distinction, which, although unprofessional men are apt to overlook it, cannot but have been rendered familiar by Temple lucubrations and circuit experience, and their daily contact with which renders gentlemen of the robe so inhumanly insensible to the weight of *rumored* facts and *notorious* facts,

that, in any coterie of tender-hearted old ladies, would, in the twinkling of an eye, send the "horrid wretch" who has committed the rape to the gallows.

Of the reality of this distinction, and of the respect paid to it wherever British law prevails, until British governors are "obliged to resort to the strong expedient" of brushing the inconvenient cobweb away, a strong example is afforded in the Mauritius experience of the British Government, already quoted from the recent work of Mr. Fowell Buxton. There, although the slave trade prevailed "for ten years," "as plain as the sun at noon day," not a single one of these tens of thousands of notorious facts, in flagrant—flagrant "as the sun at noon-day"—violation of the law, could the Governor get judicially established. "Offenders of this kind" had, by a "strong expedient," to be sent "*for trial*" on a four months' voyage.

Examples of the same kind might be indefinitely multiplied—I mean of the kind to illustrate the distinction between notorious facts, and facts in regard to which judicial proof may be obtained; not of the kind to illustrate the "strong expedients" of British governors, although even these pearls are not so rare but that, with a demand sufficient to justify the undertaking, a string or two might, with due industry of research, be obtained. But, of the former kind, the instances are so profusely scattered in every direction among the multifarious products of the press, that it is no longer necessary to be a gentleman of the robe to possess a perception of the truth which they illustrate. If it be not familiar to any old dame in the United States who solaces the hours of her son's absence by dipping into his Edinburgh Review, it must be because her thoughts are wandering too much after him, to be intent upon the meaning of what she reads. How else, than by a clear and perfect realization of this distinction, can she, for instance, comprehend the statements made by Mr. O'Connell, in a House of Commons speech, (February 14, 1838,) quoted in the Edinburgh Review for April, 1838? How else is it possible for her to realize the possibility of such facts in a country where any thing called a "Government" is in existence? or in any aggregation whatever of featherless bipeds, with or without government? But for the aid of this key, she must needs assign these statements also to that new class of truths which will be distinguished hereafter as the *Daniela*, and the type of which is exhibited in its highest perfection in the famous Virginia negro-breeding truth. The orator's theme is the state of things among the working classes of Great Britain and Ireland, already alluded to by me—one feature of which is the thrice-incredible fact to an American mind, that the operative in those countries compulsorily pays, not the Derrynane tribute-money, (this being peculiar to Erin Mavourneen,) but a far more considerable share of his weekly earnings, for the support of—*what?* Why, nothing more than the "*secret committee of assassination*," that is bound by oath to make away with him, or, by the efficacy of sulphuric acid upon his eyes and flesh, to convert him for life into a loathsome cripple, if, when Famine shall make his cold hearth her abode, and his wife and little ones her prey, he shall prove so insane as to forget the conditions on which alone, in that home of "the genius of universal emancipation," he has, *practically* speaking, (in contradistinction to *legally, theoretically, and oratorically*,) any right to use the head and hands which God gave him—one of which conditions is, that he shall not work for a farthing less than the price established by the secret committee; and another, that he shall not work, at any price, for any employer whom the committee may have put under the ban, even although the cause of this measure should be, that said em-

ployer, as a reward for a faithful service of "thirty years" in his factory, had granted to the veteran the boon of "taking his son as an apprentice" in the same establishment, while the arrangement conflicted with one of the laws which the secret committee were bound to enforce, having for its object to keep down the number of apprentices, in order that the wages of the "skilled workmen" may not be endangered.

Of the efficacy of the "sulphuric acid," which is one of the instruments, for keeping up the supply, and paying for the use of which upon his own person, the operative is compelled to contribute a portion of his weekly earnings, the following will afford an idea: it is taken from a certificate, "obtained in the course of judicial investigation," from James Corkindale, M. D., surgeon of the Royal Infirmary at Glasgow. "He (Charles Cairney, a cotton spinner) had, the evening before his admission, got a large quantity of sulphuric acid dashed in his face by a fellow-workman. The acid was spread over the whole right half of his head, from the nose to the nape of the neck. The effect produced was deep sloughing or mortification, by which the half of his face and the half of the scalp became an ulcerated surface; thick patches of mortified parts falling off in succession. The right eye was completely destroyed, and the right ear dropped off with the dressings, an entire putrid mass. He suffered great pain, and was several times in danger of his life. He remained five months in the infirmary, and was removed to the country because his general health was declining. Though the surface is now skinned over, yet the new formed skin is imperfect; it often becomes raw, and is so unseemly that he has always one-half of his head and face covered with a handkerchief." And this picture, be it borne in mind, presents the result, not of personal hate—of diabolical revenge in some demon under the human form—but of the regular operation of the regular systematic organization into which, for this express purpose, as in their opinion a necessary means to the end of securing themselves against starvation, the British industrious classes have been compelled by the force of circumstances! It is not a solitary individual case, *sui generis*, standing out by itself, as a counterpart to that world-renowned one of the Italian, who was considered to have brought revenge to the highest pitch of perfection by carrying some of the same liquid about him to squirt it into his enemy's eyes: it is a mere specimen of a large number of the same species, itself constituting but part of a genus, consisting, according to the Edinburgh Review, of "the innumerable crimes committed by combinations in different parts of the country."

Of these O'Connell facts—the *Irish*, not the *Virginian*—facts whereof the *venue* is laid in "Dublin and other places in Ireland," and not in those high-fenced "pens" used by Virginia negro-breeders for constraining individuals of the two sexes to the conjunction which is abhorrent to their nature,—the following are specimens, all culled from a single page:

"This system of combination was carried on by clubs, to which the workmen were called on to pay three shillings per week." "In the case of one man, who had worked thirty years in the factory, the employer asked the man how he could serve him. The man said he should be greatly benefited by having his son taken as an apprentice, and that it would be an act of charity. The boy was so taken; but the workmen turned out against it, and the boy was withdrawn." "One man, who had resisted the turn-out, was *assassinated* in the open day, in the presence of twenty persons."

“ This was before the repeal of the combination laws. After that repeal, the clubs lost much of their power.” Of which *improved* state of things, the following are specimens—(the clubs no longer having it in their power “to act as they did before,” and being under the necessity to do “by others what they did not wish to do by themselves:”) “ Four murders were committed, not by the clubs, but by men whom they paid for that purpose.” “ In Cork, within the last two or three years, no fewer than thirty-seven individuals had been burnt with vitriol; many of whom were deprived of sight. These were the results of the acts of the trades clubs.” “ In Dublin, four murders had been committed by similar agents.” “ The clubs did not themselves act openly, but they paid agents, whom they called *welters*. Those *welters* attacked any man who was pointed out to them, and murdered him when the opportunity offered.” “ He had strong evidence of the atrocity of the crimes committed by the *welters*, whose number amounted to about six thousand.” “ On Thursday last the premises of a timber merchant were set on fire immediately after his having been served with a notice.” “ These men were ready to execute any vengeance, *according to order*; and although the trade combiners did not commit actual offences themselves, they had *always a standing army in the welters*.” “ A fortnight previously to this last disgraceful crime, a *man and his wife having died of cholera*, the master, in whose employment they had been, with praiseworthy humanity took *two helpless orphans*, the children of these people, as apprentices. The combiners revolted at this, and *insisted on their immediate discharge*; to which the master *was obliged to accede*, having no power to resist their mandate.”

Such are the O’Connell illustrations of the difference between flagrant violations of law, which are notorious; nay, in regard to which even “*strong evidence*” exists, (for Mr. O’Connell says that he—*he*, the Curtius of the age—has “strong evidence of the atrocity of the crimes committed” by this welterian bi-legionary force,) and flagrant violations of law, in regard to which strong evidence “can be obtained,” or even be used after it is obtained.

These, however, are afforded by the state of the “operatives” in *Ireland*; and there may be some extraordinary peculiarity in her condition; which renders it unfair to adduce them in regard to this important difference, when considered in its general bearing upon human affairs. A peculiarity of this nature is, indeed, more than hinted at by Mr. O’Connell, in a sentence which would have constituted a forcible illustration of the views that I have endeavored to unfold in regard to the cause of the difficulty attending the execution, upon this stage, of the slave-trade laws. In regard to this regularly organized body of nineteenth century “free companions”—for the number, “six thousand,” is too high to permit us to associate with their occupation that idea of mystery which might justify us in calling them “bravos”—and their regularly organized employers, the orator says: “There was a *great difficulty* in getting *evidence* against those parties; *for*, unfortunately, so *little sympathy* existed in Ireland between the governors and the governed, that it was a matter of *great difficulty* to get the law enforced in any case.” Of this sentence the points are so arranged as to form a logical chain of the St. Patrick order; but it presents with sufficient distinctness, at least for general purposes, the difficulty of getting evidence as a *cause* (or as an *effect*, if you chose to insist upon taking “*for*” in its strict meaning) of the difficulty of getting the law enforced;

and the want of sympathy between those who make the law, and those who are called upon to conform to it, as a cause for both the recited difficulties, coupling them whichever way you will.

As, therefore, these are only Irish illustrations, it may not be amiss to contemplate one derived from the recent experience of British law, upon its own proper ground—within the “four seas,” which serve, instead of “towers along the steep,” to the ever-glorious little island whose grassy vales and rock-moss glens, so many of us on this side of the Atlantic have unconsciously learned to look towards with feelings of love and pride, as the land of our fathers, and of the fathers of our language.

For our present object, also, we have to look no further than the same article in the same number of the Edinburgh Review. A more striking illustration of the important difference in question could not be desired, than that afforded by the case of attempted murder upon a cotton-spinner named Graham, in which no fewer than *four hired* assassins were employed. In this case, three of the four murderers were arrested, and were, “in the hollow voice of the wounded man himself,” identified. They were “defended with the greatest ability by the first counsel at the bar;” but Keen was, nevertheless, “unanimously convicted.”

Lafferty and Orr, however, were convicted only of *assault*, (though it afterwards turned out that they were *hired* accomplices to murder.) With regard, however, to the fact, that these men acted as mere agents in the employ of the committee of the cotton-spinners’ union, there was “*no evidence*;” and, consequently, “though *no one* in that part of Scotland had *any doubt* that this really was the case, yet there was no proof of it *attempted* at the trial.”

Such was the judicial result, and to this was the judicial *attempt* even restricted, in a case wherein it afterwards appeared that, besides the man wounded by them, who was a “*nob*,” (that is to say, a workman who departed from the requirements of the committee,) Messrs. Wright, Dunlop, Lindsay, and Ewing, were particularly pointed out to them as persons *whose lives* should be taken as soon as possible;” with other details, which are thus summed up by the Edinburgh Review:

“It is now,” (after a lapse of thirteen years,) “proved by the concurring testimony of two witnesses—one of whom was the assassin hired to discharge the pistol, and the other a member of the *secret select committee*, by whom the assassins were to be paid—that four men were *hired* by the committee of the association to shoot a *nob*, by way of striking terror into the rest; that the persons engaged in the murder were four in number, and that they were to get £100 for it; that the expense of defending the assassins at their trial was borne by that body; that the wives of the transported assassins were maintained from its funds, and the one who was sentenced to Bridewell was sent, after his liberation, to America, at their expense. This is proved by the concurring testimony of two witnesses, at the distance of thirteen years from each other, and in totally different judicial investigations: the confession of the assassin emitted recently after his trial, being buried in the records of the parliamentary committee; that of Murdoch, the member of the secret select committee, obtained in the course of the trial for another murder perpetrated by a member of the association, in a subsequent strike, thirteen years after. And, as if to make the proofs of the guilt of the combination still more complete, the association, in the interim, little dreaming of the confession of their hired assassin, and of the testimony of

their own secret committee-man, had the hardihood to call a meeting, where they denied all connexion with the assassination, or knowledge of the persons who had instigated it; bringing forward, in an especial manner, an individual (Patterson) who denied their participation, but who has since been proved to have been *the very person who was present at the hiring, and who, by proving it before the secret select committee, obtained for one of the assassins his share of the promised reward.*"

No further illustration can be needed, in regard to either the reality of this difference, or the very marked, nay, absolutely controlling, influence which it exercises over human affairs in every country where the reign of the thing called law is established; and which it must continue to exercise so long as her Majesty shall not be deposed to make room for that Ashantee equivalent of "strong expedients," the strong predilection for, and exclusive use of which, has been particularly noticed by modern naturalists as constituting an essential part of the moral characteristic of the Ethiopian variety of the human species.

That the materials whereof you might be in possession, for a reply to an encouraging answer to your first communication, would prove such as to show that you were not altogether unmindful of this important difference, I deemed, as I have above stated, not altogether impossible; and, therefore, I determined to overlook, for this once, the considerations that forbade my recognising you as fit objects of official intercourse, and to give you the opportunity to tell me all you might have to reveal.

The event corresponded with the strong probabilities which the case presented. The supposed possibility which I had made the basis of my calculation, turned out to be an entirely imaginary quantity; and my condescension to have been altogether thrown away. Not even a mouse, as I before observed, did the mountain bring forth. Nothing so tangible even as a vapor, did the rumbling herald. With a proper apparatus, and due promptness, even a smoke might have been caught. But nothing came. The rumbling renewed itself; and lo! I was as empty-handed as before: for, unhappily, sound is a thing that modern science has not yet taught us to make a preserve of.

Throwing open the door to you as wide as it was possible to turn it, I begged you to bring in "all the information of any kind, regarding persons, occurrences, or things, calculated to be of use to the Government of the United States, in regard to the ship *Venus*, or any matter connected with her;" and lest this should be deemed so general as to be somewhat vague, I particularized as points in regard to which any thing in the shape of evidence, or a clew to evidence, would be most acceptable, the two facts—that she had "taken in a cargo of negroes whilst under the American flag; and that there are several American citizens implicated in this violation of our laws."

To this, you "beg to say that we have already communicated as much of the information we possessed as we felt ourselves at liberty to do." And what was the amount of "*information*" that had been thus "communicated" by you? Why, "the report prevalent in this place!"

But if your letter contained nothing in the nature of evidence or information, this was not the only particular in which it corresponded to its fore-runner; for, like it, it proved to be a cornucopia of other things.

First came the ground for *conjecture*; which, though you did not feel yourselves at liberty to go the length of giving me information, was so considerably and charitably attached to your reluctant denial of what I asked for—a denial which, while it fulfilled the duty that forbade your actually un-

locking the casket to me, generously went as near to a violation of it as honor would allow ; being so managed, as, by rattling the contents in my ear, to give me the assurance that it was not empty. Although you could not give me any more information, you so contrived your denial as to let me into the cause of it. It was not that, from having already given me all, you had no more to give. The loaf was not all disposed of ; but you were not " at liberty " to favor me with another slice.

This, although kindly meant, proved but one of the daily occurring instances of injudicious charity ; for its only effect was to throw me into perplexity. First, there was the possibility that this form of speech had been inadvertently used by you, as a diplomatic mode of saying merely that you could not give me any more information, without any intention to intimate that nevertheless you had possessed yourselves of a further supply. Then came up to the support of this conjecture the extreme improbability, resulting from the whole state of the case here in regard to the slave-trade, your means of information included, (so far as these could be judged of, either from my personal knowledge of persons and things, or from comparisons between the information contained in your published communications to Government, and that contained in the current reports of every day,) that it could be in your power to add a particle to the " report prevalent in this place," or to give me the slightest available clew to evidence. On the other hand, against the adoption of this conjecture, the manifest meaning of the sentence recurred ; tending to preclude the supposition that it could have been written in any other design than to convey that meaning. And in corroboration of the propriety of thus supposing you to mean what you said, came the not improbable conjecture, that, however accurate and full your information might be on any matter connected with the slave-trade, it must have been received under the seal of secrecy, and be now bound up by your pledge, express or plainly implied, not to bring your informant into difficulty. In regard to the necessity of faithfully adhering to this pledge, and cautiously avoiding to expose any one who might on any occasion have deemed " it right to make you acquainted with the report prevalent in this place," to being called upon by the authorities as a witness, or becoming known to the public as one who assumed the responsibility of interfering in the business, except for the innocent purpose of making people " acquainted with the report prevalent in this place ;"—in regard to this duty, there was likewise a strong probability of your being adequately impressed. It was possible even that you might have heard tell of the angry feeling, rising to open threats rung in his own ears, at that very period " prevalent in this place " against the American consul, for the course pursued by him in regard to the vessel already mentioned : a feeling which, as it had a real practical inconvenience, and the frustration of very extensive plans for its basis, rose to a pitch deemed by some to be not altogether void of danger ; although counteracted by the sentiment of justice awakened towards a foreign officer, who was seen to have pursued a very plain line of duty, restricted entirely to his own flag, without the least pretension on his part to interfere with any other. But, although you might not be " acquainted with " this " report prevalent " here, you could not but be supposed to be perfectly familiar with this aspect of the subject ; and, being no doubt readers of the Edinburgh Review, you had probably had your impressions in regard to it very recently refreshed by a passage so strikingly to the point, and so highly calculated to produce that effect, as the following picture of the difficulty experienced in

that country, whose claims to be considered as emphatically the *land of law* are so generally conceded, in regard to procuring witnesses on the subject of secret committee of assassination proceedings, in regard to protecting their lives after they are procured, and in regard to the requisite (merely "*exile for life*") to their personal safety, after their evidence is given.

"The proceedings at the late trial have rendered it too clear that the account of these combinations, given thirteen years ago, still applies to them. It is sufficient to observe, that in that trial the prisoners were charged with *eleven* different crimes committed during the continuance of a strike—including the murder of a spinner on the streets of Glasgow, and two attempts at fire-raising; and that, although the evidence, in the opinion of the jury, failed to connect *the prisoners* with the more aggravated of these charges, yet they were all *fully proved* to have been committed by *some person* connected with, and in the interest of, the combination.

"When such powerful means of intimidation are at the command of, and unscrupulously used by, the ruling committees of trades unions, it will not appear surprising that the *most unbounded terror* should prevail among the workmen who find themselves exposed to the assaults or violence of these formidable conspiracies. This, accordingly, is one of the most remarkable features of the case; and the one which is most alarming, both in a moral and legal point of view. It was stated on oath by the sheriff of Lanarkshire, at the late trial, 'that *it was with the utmost difficulty* that witnesses could be got to come forward to give evidence against the combination; and that *he was obliged to meet them in the night, at different obscure places*, in order to take their depositions; and that *as soon as these were delivered*, the witnesses were, *at their own request*, put in jail, to protect them from violence—in which five of them lay *for five months*, till the trial came on. They required to be assured of protection by the court, in the strongest and most solemn manner, before they could be *brought to speak out*; and the result has been, that they must all be sent into *exile for life*, as none of them *could remain with safety in this country*."

Such proved to be the ocean of conjecture into which I was launched, to be tossed about from one wave to another, by the mistaken though kindly-meant qualification of your denial of my request for information.

To make up for the lack of this object of my desire, you renewed your present of an article of which I was not particularly in want. Close upon the heels of your denial of the former, comes a largess of new "*respectful*" suggestions—or, more properly speaking, *reproachful* suggestions; for in this shape do they present themselves this time: thus furnishing a continuation of that chain of illustrations, commenced in your first letter, of the danger, already remarked upon by me with reference to it, which attends the first step in such a proceeding as yours. Your first letter begins only in the design to make me acquainted with a report; then comes a "*respectful*" suggestion; and now, at the very beginning, as it were, of your second letter, come suggestions, not of what I ought to do, but of what I ought to *have done*.

Bowing, as in duty bound, to censure cast by so legitimate a hand, I am nevertheless internally upheld by the secret consciousness that the step which I am thus charged with having omitted could not have been taken, even had my post been occupied by one more worthy of acting under your directions.

The step thus retrospectively suggested by you, in connexion with the

hope which, spontaneously kindled in your enthusiastic bosom, had expired in the cold presence of my inglorious inaction, was an "immediate investigation;" which investigation, more definitely expressed, meant an "examination of the log-book and crew;" and this examination was to be effected by me, in one of two ways, to wit: either "through the Captain General of the island," or "by" my "own authority, and the intervention of the commander of the American vessel of war now in the harbor."

All very simple and obvious! Quite after the fashion of the new Joe Miller instruction for filling a vessel to move by steam:—Big boiler in the inside, two big wheels on the outside; fit them together "by the intervention of" certain pistons, &c., &c.; kindle a fire under the boiler; and away she goes. Had this process for obtaining evidence against a slaver but been imparted to the world in time for the use of the Governor of Mauritius, he might have been induced thereby to flatter himself awhile longer than the "ten years" during which the slave-trade prevailed under his nose, "as plain as the sun at noon-day," that he might accomplish something, stopping short of the "strong expedient" of the Ashantee variety. But beautifully simple as the thing may appear upon paper, it would, like so many other instructions that have been drawn up, beginning with the celebrated pinch-of-salt method of fowling, prove, upon trial, to be of no practical value, owing to the want of sufficiently precise directions for the various intervening processes which are to establish the connexion between those prescribed by the instructor.

In the present case: how, for instance, was the boy to get near enough to the bird to deposite the salt upon its tail? How was the consul to get hold "of the log-book and crew," or of either of them?

Why, nothing simpler. There were two several processes, either of which could not fail: one is defined as "through the Captain General;" the other as "by the consul's own authority, and the intervention of the commander of the American vessel of war."

Of these two processes, let us pursue the details, step by step; this being the only way to ascertain whether any process can work at all in practice. We will begin with the last defined.

Supposing the jurisdiction of the American consul to be absolute in regard to every vessel entering the port of Havana under the American flag, it must evidently be restricted to them. As an officer, he has no right to set foot on board of another. The second process presupposes, therefore, that any vessel to which it may be proposed to apply it, has entered the port under the American flag. Had the "Venus" done so, the course of the consul would have been so plain, that perhaps no suggestions from his Britannic Majesty's commissioners would have been requisite to make him enter upon it. But what was the fact in regard to her flag? The possibility of his doing this was so obvious to those concerned, that, had his Britannic Majesty's commissioners brought with them to this place the betting propensity, (which is said to be even more common among their countrymen than it is among those of the consul,) they would have experienced no difficulty whatever in obtaining a wager, at any odds, that the "Venus" would *not* return to this port under the American flag. And so it happened; as, indeed, it was positively *known*—just as well known, and just as soon, as the fact of her return to this coast—that it would happen. It was known that she had returned under the Portuguese flag, and under the name of "*Duquesa de Braganza*." By a strange fatality, too, as if it had

been fated that no circumstance should be wanting which could possibly enhance the flagrancy of both the absurdity and the disingenuousness of this proceeding on the part of the British commissioners, one of them (the judge commissioner) happening to have honored the consul with a visit at his office, at the same time that he was receiving one from a British merchant (Mr. Morrison) of this city, (which time was about eight hours prior to the delivery of their first communication on the subject,) the latter mentioned the fact of the *Venus* having returned to this coast under the Portuguese flag, and also her new name. The effect produced by this disclosure upon the judge commissioner proved it to be an altogether unexpected and unwelcome one—a most vexatious slip of the tongue, on a subject upon which they had been conversing; and the feelings of awkwardness into an exhibition of which the surprise betrayed him, were but rendered the more distressingly potent by the mode adopted to conceal them.

This fact of the change of flag was *à priori* so extremely probable, from every circumstance bearing upon the question, that, in the opposite scale, nothing existed but the merest possibility—such as would not weigh a feather in the conduct of any man upon any subject. Unaccustomed as he is, however, to rely, even in a case affording a presumption of this sort, upon one hearsay merely, when opportunities exist for further inquiry, the consul availed himself of these; and the result was, to satisfy his mind as completely in regard to the fact of a change of flag, as in regard to that of the identity of the vessel. That the *Venus* was now under the Portuguese flag, and called *Duquesa de Braganza*, was not a bit less generally or less surely known, than that the *Venus* had got back from Africa. Officially speaking, however, there yet remained a possibility—for the contrary had not been officially ascertained—that the vessel was still under the American flag, and had been reported as American to the boarding officers. As she had entered in the night, this was the only way in which her national character could have been disclosed. In an unofficial way, this object presented no difficulty whatever. It was the simplest thing in the world to ask at the captain of the port's, and to receive the answer; which proved to correspond with the report, as it was sure to do. Still, this was not officially ascertaining the fact; and it was desirable that I should do so. But how was it to be done? Why, nothing simpler, you will think. A letter to the Captain General, demanding to know under what flag the *Venus* had returned to this port!

To this course, obvious as it may appear, there were, however, several objections. In the first place, it would, to this extent, have confounded the American consul with the British commissioners, in regard to the very particular in which he desired to keep himself in the most pointed contrast to them. I had been sent here, and recognised here, to act in regard to American vessels; but not to catechise the authorities in regard to any others—to a ship, for instance, which, for aught I knew or could know, (bearing in mind the important distinction which I have taken so much pains to illustrate, between notoriety and judicial proof,) might be enveloped in some vitally important state mystery. Had I written such a letter, and had it been replied to by the request that I would point out the provision or the principle which authorizes a consul to exercise a surveillance over any other vessels than those which show his flag, I should have been no less embarrassed than it would have chanced to your predecessors to be, had I inquired of them, on a certain occasion, how it had come to pass that the

proceedings of American vessels had got under the surveillance of British commissioners; so as to render it their duty to "report to his Majesty's Government" (advising the American consul of such report) any infractions or evasions actually committed by those vessels, or supposed to be so, against the laws of their country. In the second place, supposing this objection not to exist, or the Captain General to prove so indulgent as to overlook it; there lay a practical difficulty, which could not fail to arrest me at the very first step: for it is not easy to see how his law-advisers could have failed to point out to him the necessity of proceeding regularly to work in the matter, and precluding all mistake, by requesting me to designate the vessel to which I referred under the name *Venus*, and to indicate to him the witnesses who could establish her identity with the *Venus* that had sailed from this port under the American flag. In other words, what ground had I for asserting that the ship which had been reported to the boarding officers as the Portuguese *Duquesa de Braganza*, was the same American *Venus* that had been the talk and the admiration of the whole port a few months previously? Supposing this balk to have been effectually surmounted; it must still be apparent, (to any gentleman of the robe, particularly,) that so interminable a succession of mountains lay behind, that the only consequence of my getting over the first would be to render the difficulty of retreat the more remarkable. But it is needless to enter upon the consideration of these, seeing that the first balk could not be got over. And to this truth, you, gentlemen, could not have failed to advert, had not your attention been so engrossed, as it is known to be, by "objects too high," and "convictions of rectitude too strong, to allow" any share of it to be thrown away upon things so grovelling, and considerations so mundane. Had every effort been made to establish judicially the mere identity between the *Venus* and the *Duquesa de Braganza*; and had the Captain General lent himself to the task with all the ardor that commissioner-zeal could desire, what would have been the result? Utter discomfiture; unless, indeed, the parties interested should have seen clearly that they could safely venture to indulge in a little sport—just as the *Venus* was said to have done with the British cruisers that chased her on the coast of Africa, by taking in sail to let them come up a little, now and then. Without such a prospect before them, they would not have allowed so much as the identity of the vessel to be established. You felt sure of it; so did I. But not small would have been my embarrassment, had I been called upon to produce a good specific reason, or a good corporeal witness, to establish it. Such a request would have placed me in a position even more critical than that in which your predecessors found themselves some years ago, after making the Captain General "acquainted" with the "report" about the Texan slave-trade: for I should have had neither judicial incompatibility nor dignity to mount upon; nor so much even as the pretence to creep behind, that this was calling upon me "to bring before or prosecute in Spanish courts of justice delinquents against Spanish laws." Nor would the result have been very brilliant, had I, in my strait, essayed to call you down from your transcendental contemplations, by imploring you to supply me with a witness. However wide my invocation might have awakened you to terrestrial realities, the only one that it would have been in your power to discern, german to the question, would have been the fact, corresponding to that whereon rested the oath which, we have seen, was taken no longer ago than last year, by the Lanarkshire sheriff, "that it was with the utmost difficulty that wit-

nesses could be got to come forward to give evidence." If, indeed, my power had been such as to enable me to assure them, "in the strongest and most solemn manner," of protection within the walls of a strong jail, so long as their testimony should be wanted here; that not more than five or six months of this state of safety should elapse before the commencement of the trial; and that, so soon as this should be brought to a close, they should "all be sent into exile for life, as none of them could remain with safety in this country;—had it been in my power to give all these assurances, it is not impossible that a witness or two might have been "brought to speak out." But, even if my power had been adequate to the fulfilment of all these conditions, I am not certain (so liable am I to troublesome dubitations—all arising, no doubt, from my imperfect American education) that it would have seemed to me altogether reconcilable with received (perhaps, at this moment, exploded) axioms in penal jurisprudence. I do not see under what aspect such a mode of procuring witnesses against a man's life could be considered, so that it should seem beyond the ground covered by the prohibition of bribery as a means to such an end. To procure witnesses by the promise to keep them in jail for an indefinite number of months, and at the end of this keeping to send them "in exile for life"—all for the purpose of making their lives safe, and all, no doubt, at public expense!—in what light can it appear to be any thing else than a bribe? This proceeding does certainly, to me, appear to belong to the class of "strong expedients;" and although I do not by any means deny that the necessity of the case is rendered strong enough to fully justify it by the present state of things in the island of Great Britain, I am not satisfied that I could have reconciled it to myself to adopt it upon this theatre.

It is clear, then, that even this little point—the official ascertainment of the absolute truth in regard to the possibility that the Venus had returned as Venus still, and not as a terrestrial Duchess—was of a nature to present a difficulty not altogether beneath notice. As American consul, I could not, by my "own authority," whether exercised directly and alone, or conjointly with and through "the intervention of the commander of the American vessel of war," advance any pretension to engage in an "examination of the log-book and crew," until I had previously ascertained the fact, that, whether Venus or Hecate, she was under the American flag. Had I gone on board on any such errand, I should have most richly earned the reception which, on two occasions in this port, when an American ship-master came to ask my advice in regard to a threatened visit from a British man-of-war to take out one of his men, I have enjoined it upon him to bestow upon the commanding officer of the party, to wit: to forbid his setting foot on his deck; and if he persisted, then to knock him down, and to go on knocking down until he should have cleared his deck or been overpowered; and, in this latter case, to haul down his flag and come to me. Which injunction, allow me to add, was given, not through any hostile feeling—for I could most cordially have extended my hand to the officer at the very moment of despatching the captain in all haste to defend his ship; but because I was persuaded (and am still) that one such practical illustration from a Yankee hand, of the American notion of national independence, would be of greater service in attracting to the subject the attention of the whole world, and in fixing it upon its proper basis, so that, forever after, not a midshipman in any vessel of the royal navy that floats but would be required to understand it thoroughly before he was intrusted with the command of

a gig—than all the editions of Grotius and Vattel that all the press could send forth. Most richly, therefore, would I have earned a knocking down, had I proceeded on board the *incognita*, to inspect her log book—unless, indeed, I had ascended her side prepared to make a polite retiring bow upon being informed (as any man and every man on the wharf would have told me I should be) that she was not an American vessel. And, had I gone alongside to make the inquiry before ascending, the sailors might have taken into their heads to talk Portuguese at me, which I do not understand; or they might have asked me, in some language which I do understand, why I had not made the inquiry at the captain of the port's, and so saved boat-hire. The difficulty that presented itself to my addressing him, or any other of the authorities, on the subject of this vessel, has already been stated. Upon reflection, however, a mode occurred of effecting the object indirectly, and by a course which should bear no resemblance to British commissioner proceedings; which was, to address a note to Don Juan de Montano, post captain in the royal navy, and captain of the port of Havana, requesting him to communicate to me the name and class of every vessel reported to him, or to any boarding officer under his command, as an American vessel—that is, as navigating under the flag of the United States—which had entered port during a period which was so defined as to embrace the two days prior and the two days subsequent to the night on which the Duquesa de Braganza was known to have arrived; and thus effected my object, without advancing any pretension to obtrude myself upon the authorities for recognition as an accredited spy upon the movement of the port, or act in any other capacity than that in which it clearly belonged to me to act—as American consul.

Upon examination, therefore, the first of the two processes laid down by you for accomplishing the "examination of the log-book and crew," although it be evidently an ingenious one, proves not altogether suited to practical use. Like tail-salting, it is a beautiful abstraction; but the vulgar properties of organized matter forbid its application. With regard to the other of the two processes—that "through the Captain General"—it would be superfluous to enter here into a labored examination of its practical merits; seeing that, while considering the applicability of the one that was to proceed by my own authority, we were led to the necessity of my having recourse to the Captain General, and perceived what the result would be, it cannot be necessary to point out the mode in which the same result would follow from a dependence of exactly the same nature, only more entire, upon the same functionary.

Let us now resume the consideration of your letter. In addition to this reproachful suggestion of—1st. what I ought to have done, to wit: accomplish the "examination of the log-book and crew;" and, 2dly, the two processes whereby it might have been done; you favor me with the specification of three several points, in regard to which the said examination "could not have failed to elicit" much better information than any you "could be expected to divulge."

This part of your letter is proof against criticism. The proposition is a most logical deduction from the premises; quite as truly so, and quite as practically applicable, as the antique truth of Greek geometry—that if he had only been provided with a fulcrum firm enough, and a lever strong enough and long enough, Archimedes might have lifted up the earth; or,

as the comparatively modern discovery of French zoology—that “if my aunt had been born a male, she could not have failed to be my uncle.”

Your specification of these three heads of inquiry closes with a statement of reasons for believing that the ship's articles had provided that she should go to Bahia, and that she had never been there. After which, comes your “fear” that, whether transferred or not to any other flag, “it is indisputable that a gross abuse has been practised of the American flag.”

The only remark which I shall make upon this point, is, that if you only feared that such an abuse had been practised, circumstantial evidence has less power upon your minds than it has upon mine. I had no doubt whatever upon the subject; no more than Mr. Daniel O'Connell had, that “a gross abuse had been practised” of the right to walk the streets, in the case of the man who, “for agreeing to work at a lower rate of wages, was assassinated in the open day, in the presence of twenty persons.” But, *cui bono?* To judge from the way your last head of inquiry is put, and your remarks thereon, it would seem that you were under the impression that if the ship had cleared for Bahia, a sale or transfer could lawfully have taken place there only; and as she could not have been to Bahia, she consequently could not have been lawfully sold, nor have been divested of her American character. Supposing all this, premises as well as conclusion, to be true: where were the means judicially to establish the mere identity of the vessel even—the mere fact that this vessel, which had just entered the port of Havana, was the same vessel which had sailed from it about four months before? But where is it written that the sale or transfer of a vessel cannot lawfully take place at sea?

To my great relief, I now find myself so near the end of my toilsome journey—a most dusty and weary way it has proved—as the closing paragraph of this, your second and penultimate communication. It opens, too, in a tone that was quite exhilarating to hear; affording, as it did, encouragement to suppose that you had been refreshing your minds by a dip into the fountains of the law: “It is certainly no part of our duties at this place to take any steps to vindicate such a violation of your laws.” Nothing, certainly, could have been better conceived or expressed, barring a few superfluous words—*e. g.*, “at this place,” and “such a.” Striking these out, and substituting *any* in the place of the latter, so as to make it read, “it is certainly no part of our duties to take any steps to vindicate any violation of your laws,” the proposition would seem not unworthy to have been extracted almost verbatim from the note-book of the most attentive listener to Mackintosh's Lectures on the Law of Nations. Judge, then, my disappointment at perceiving that, instead of a full stop at “laws,” there was not so much as a comma; and that, in the very same breath, you went on, “nor have we any wish to interfere in any like cases, further than arises from an anxiety to put an end to all such nefarious infringements of the rights of humanity.”

If the art of diplomatic writing has been truly defined as the art of covering paper with sentences that, collectively, shall amount to nothing; and if that assemblage of words can be said to amount to nothing, in which the meaning of the latter half (so far as meaning can be found to it) is directly the reverse of that of the first, what a perfect specimen of the art have we here! A single sentence, comprising within its modest sphere two specimens of perfection: beginning with a proposition worthy of the luminous mind of Mackintosh; and this proposition run into another so skilfully, that

no mark is left at the line of junction ; and the whole taken together, is a production worthy of being the "couronne" prize production of the first "élève" of the most eminent professor that ever delivered a "*cours de style diplomatique*!"

You begin by making me believe that you have been brought to your senses, and become sensible that you have nothing to do with the execution of American laws. Not content with offering me this assurance as to your actual state of mind on the subject, you go on to present me with something else—in the shape of a sort of consequence from it, in regard to your future conduct ; which, of course, I took for granted, was to be in harmony with this beginning of the sentence—that is to say, in contrast with your previous conduct. Give the beginning of this sentence, down to the word "nor," inclusive, to any man in the world, save a professor of "*style diplomatique*," and ask him what must logically follow after "nor." What will be his answer? Why, "nor"—*shall we advance hereafter any pretension to do so.* According to the rules of logic, this was the inevitable termination of the sentence. But what was the appendage to this "nor," furnished by your guide-book on diplomatic style? Why, that you had not "any wish"—(used as synonymous with *purpose*, as appears from the sequel)—you had not "any wish to interfere in any like cases, further than" a certain extent! And what was this field, to which your interference was thus graciously to be restricted? Why, it was to extend no further than your "anxiety to put an end to all such nefarious infringements of the rights of humanity." And having thus defined your sphere of action, you add, as a discouragement to any further refusal on my part to recognise your right to gambol in it *ad libitum*, that "our objects are too high, and our conviction of their rectitude too strong, to allow us to be turned from our course by taunts of any kind."

But for the principle involved, this limitation of the field of your pretension, could it but have been accompanied by the certitude that it would be *bona fide* observed by you, would have been so satisfactory as to command my acquiescence. With such an assurance attached, the pretension would, to all practical intents, prove identical with no pretension at all ; and could it but have been thus accompanied, the principle alone would have been in the way of my desire to prove complacent on the occasion. But the stubborn case would not change its nature, to accommodate my wishes ; and then stood both the principle and the uncertainty, as insurmountable bars to them.

The former difficulty has already been sufficiently expatiated upon. The latter merits also a consideration of its particular nature and properties. The one belongs to the law of nations ; the other is of a less abstract and more practical type. Your "anxiety to put an end to all such nefarious infringements of the rights of humanity ;" this was to be the limit of your interference. Thus far, and no farther. Consequently, if there was no such anxiety, there was to be no such interference. This was to be the bargain. Who will doubt—that is, understanding by "*anxiety*," something *heartfelt*, something which impels one not "to the corners of the streets that he may be seen of men," but to "shut the door," that he may meditate effectually on the mission to which he is called—who will doubt that, taking "anxiety" to mean this, I might, without risk of any practical infraction of the principle which forbade your interference, consent to your interfering, as far as "anxiety" would carry you?

If there were any such doubter among those who might have followed me thus far, the following might, perhaps, be attended with the effect of suf-

ficiently corroborating previous impressions to convert the doubt into conviction.

“ The Factory Child.

“ Yes, our little factory girl is nine years old : she is no longer a child ; she is a dwarfed woman. Her infancy was passed in pining, puling want : from the first almost an untended thing—left days and days alone : the mother denied the enjoyment of maternal sympathies by sharpest penury, (the fiend that, at the hearths of the poor, now chills, now blights, and now makes stony-hard the human heart,) by keen necessity of out-door toil for the infant mouth at home. God knows how the child learned to walk. A short time, and another baby engrosses the few hours (nay, half-hours) stolen from work to lavish on the last born ; and then, another helpless squalid thing ; and then, another ; and then, our little factory girl becomes a nurse ; and, at six years old, hugs in her lean arms her half-naked tattered demalio brother. She has not strength to carry him, meagre as he is ; but shuffles and stumbles with him along the street : and now she sits in doorways : and now in lanes and alleys her infant mind receives the seeds of future things—if things of goodness, a blessed chance ; if otherwise, the unthinking virtuous throw up their eyes and marvel at the wrong ! And thus the child passes her first nine years of infant life. What an infancy ! Lean and withered, and careworn ! (yes, careworn !) her baby-countenance made dull and colorless, by the miserable aspects everywhere surrounding her, she seems as if she had never been younger ; nay, more, that years could hardly make her look more old : there is within her face of babyhood, so deep a stamp of sad maturity. All the better yearnings of the heart—the peace, the sportiveness, born and abounding at the hearths of competence—what has she known of these ? Life to her has been a joyless, selfish, hungry, peevish thing. Her home has been the home of grinding want. At her fireside, man, the lord of creation, has been a serf to the lowest necessities, and not always a silent and unrepining one. How often is the brutal husband and the reckless father the horrid handiwork of misery alone ! Of all the violence, the cruelty, inflicted on each other, by the miserably poor, how much of it is but the wild outburst of intolerable self-suffering ! And our little factory girl has seen this ; and the shadow of the evil has fallen upon her face.

“ Let us, however, accompany the child to the factory. What a bitter season ! how the wind howls ! with what a dash the sleet is flung against the windows ! the earth is frozen hard as iron ; and the wind cuts blightingly ! snow is on the ground. It is five o'clock on a January morning : the child is up ; and, with its scanty covering pulled about it, descends shivering, to the street. Poor little wench ! her blood is frozen under her very finger-nails ! her foot too (for her shoes have been patched past further patching, and yawn in half a dozen places) is galled with a nasty chilblain, and she limps most painfully. Her father, bound to the same factory, lifts her upon his back ; and, checking an oath, groans from between his teeth. The girl is nine years old ; and half clad, in a desolating January morning, is carried—through cold and darkness carried to work !

“ The girl is now in the factory. From this moment her childhood utterly ceases : she is bonds-woman to all the cares of mature life : nine hours a day is her allotted time for work ; the remainder of the twenty-four hours

to be passed—in what? In the sports of youth? in the happy, artless recreations of children, to whom even the consciousness of existence is, at times, a source of the keenest pleasure? An hour and a half is given to breakfast and dinner; and when we remember the wages earned by the factory girl, (sometimes as much as 4s. 6d. per week,) and the costliness of the luxury of bread, an hour and a half for two meals is surely time sufficient: they might, we have no doubt, be eaten (ay, both) in half the allotted time. There yet remain many hours—hours for what? for the merest rudiments of education. After nine hours' unceasing labor in the cotton factory, how elastic the mind! how apt for instruction! how strong to pore over a book! how fitted to receive any impressions that shall raise its possessor a degree above the beast slaughtered for the shambles! The factory girl returns home; and what can she do but sleep? what should she do, but seek oblivion from the noise, the racking noise of engines, the hell of sounds which she has all day suffered? Who would keep her one half hour from her miserable bed? Who would lessen the blessings of sleep, since sleep may sometimes bring to her at least dreams of quiet visions of happiness? What to her are reading and writing? Let her quaff forgetfulness."

Such is the picture sent to us on this side of the Atlantic by an English painter! Wretched little mortal! Shocking and revolting as is the bare thought of such a metamorphosis; horribly impious as would seem to be such a desecration of the noblest of God's works upon this earth, as the transformation of the little blue-eyed, flaxen-haired maiden, with her "expanded forehead, large and elevated cranium," the future seat of that inscrutable movement which shall prove that in "this race" the moral feelings and intellectual powers have been developed in the highest degree of perfection which human nature has ever exhibited, "into a being with a black skin," hair short, black, and woolly; skull compressed on the sides, and elongated towards the front; forehead low, narrow, and slanting; "of that variety of the species which 'it is fully granted' holds the lowest station;"—altogether ineffable as must be the disgust awakened by such a proposal, who that can dispassionately exercise his reason on the subject, will fail to be convinced that to snatch her from such a doom as awaits the English factory child, this metamorphosis (beastly as it might be) would be a work of mercy? Who shall deny that he would be doing a good act, who (could nothing else be done for her) should place her as a little woolly-headed Ethiop on the coast of Guinea, ready to be embarked in a slaver; and thus bless this living thing with a chance, on the one hand, of a speedy deliverance from this earthy coil; on the other, of continuing wrapped in it, where, whatever might be her appointed task, at least would the airs of heaven ever fan her cheek, the glories of God's creation forever beam in her eye; lighted up by that sun whose warmth, making her forever a stranger to the power of the cutting blast, would, at the same time, ripen that endless succession of fruits which was to preserve her forever from the pangs of hunger!

Who now can fail to be qualified for the task of appreciating the intensity of your "anxiety," proportionate as this must be to the quickness and the depth of your sympathies with human suffering? Who that adverts for an instant to this picture of "the factory child," and knows that she contributes her mite to pamper you in the luxurious sloth of a sinecure, as a fit preparation for the dignified ease of a pension, to pay which, also, her little frost-bitten fingers must be spry;—who that will

“ Look here upon this picture, and on this,”

but must be deeply penetrated with the intensity of that philanthropic “ anxiety,” which, if your heart

“ Be made of penetrable stuff—
 “ If damned custom have not brazed it so
 “ That it is proof and bulwark against sense,”

you must ever be tormented with, “ to put an end to all such nefarious infringements of the rights of humanity ?”

But, whether the nature of your “ anxiety” were such as to render the risk of interference on your part great, or to reduce it to nothing at all, the principle was still the same ; and that principle I could not consent to allow you to infringe. You give me to understand that you are not to be turned from your course in this respect. If this means that you are determined to persist in getting up, whenever occasion may offer, this wretched farce of addressing to me a communication to make me “ acquainted with a report prevalent in this place,” then I give you notice that my patience is exhausted, and that any and every communication from you shall be returned unopened ; or, if not at once perceived to be from you, then, so soon as it shall be discovered to be so, without my reading a word of it. This shall be *my* “ course.” You shall *not* interfere, in any mode, manner, or degree, in the execution of any law which it may have pleased my country to pass for the government of its citizens. So far as the principle of national independence is in my keeping, it shall not be invaded in any way, nor to any extent. Henry Brougham should not do it, were he here in proper person. William Wilberforce should not do it, could he rise from the dead to make the attempt. Think ye, then, that it shall prosper when coming from stipendiaries ? No ! not if war were to come of it. Dr. Channing is not a more sincere lover of peace than I am. Revenge, whether on the part of a nation or of a man, is abhorrent alike to my most settled convictions, and to my most cherished habits of feeling. Interest—that is, mere money, or property, or commercial gains, on however magnificent a scale—could never weigh with me against the miseries of war ; and yet, if I could read in the book of destiny that, by flinging your communications into your teeth, I should prove the author of the longest war that ever desolated Christendom, there would be no faltering on my part. No ! not if I foresaw that, in the defence of my country—of that part of it, I mean, which would be chiefly exposed to assault—every matron and every maid would have to arm. Before I would submit to your pretension, or would meet it when persisted in, in any other tone than that defiance which I now hurl, my daughter should make a bonfire of her books and her music ; and, bidding adieu to those pursuits which are to qualify her for the womanly employment which she has been taught to look forward to for support—that of training the minds and hearts of her young fellow-citizens of our magnificent republic in the same way that her mother, and her paternal grandmother’s countrywoman, (Maria Edgeworth,) have trained her own—she should dedicate herself to the *rifle*, until to her eye and her finger its cunning should be as obedient as it proved to the Tennessee man who drew the closest sight and touched the surest hair-spring trigger at New Orleans.

I will now pursue this paragraph of your letter to its close. Having apprized me that “ our objects are too high, and our conviction of their rectitude too strong, to be turned from our course by taunts of any kind,” you

go on, in the same breath : " and with regard to the United States, in particular, we would wish to preserve unimpaired our respect for the laws which have declared the slave-trade piracy. But it is in proportion to the respect we would wish to entertain, that we should regret to find those laws a dead letter, and your professions not followed up and carried into effect."

The utterly illogical connexion by which you string together the different phrases, or parts of phrases, of which your communications are made up, has already been the subject of remark. This defect in composition, if sometimes occasioned by the writer's not knowing how to express what he really wishes to say; is ever discernible in him who has an end in view which he dare not openly and plainly avow. To effect this end, being at bottom his only motive for writing, he cannot but say something which shall tend towards it; while, on the other hand, the fundamental rule which forbids an honest avowal as to what it is that he is driving at, imposes the necessity of his dovetailing these matters pertinent to his object into others that are not so, and are used for the very reason that they are not so. Sometimes, and for a very obvious cause, these pilot or file-leader parts are quite contradictory to those which they are designed to cover the entrance of: as, for example, your admission, above examined, that it is no part of your duties to interfere in the execution of American laws, used to begin an assertion of your determination to interfere. At other times their sense is not contradictory, but merely neutral: so that no one can discover any relation between the proposition that is pertinent to the disavowed or unavowed object of this discourse, and that which is used to usher it in. Of this latter kind are the two sentences now before us. The part of them which is pertinent to your object, is that which begins by informing me of the *wish* which you *would* indulge (if you could, understood) to preserve unimpaired your respect for the American laws which have declared the slave-trade piracy, and of the regret that you would experience at discovering that these laws were mere empty professions. This *wish* in the conditional mood, and this subjunctive *regret* by anticipation, are worn-out formulas for saying, indirectly, that the *hope* no longer exists, and that the *regret* has become a reality. In plain English, the meaning of these phrases is an assertion on your part that the American "laws which have declared the slave-trade piracy" are not entitled to respect, inasmuch as they are a mere profession; designed, of course, for the purpose of imposing on the world, and not intended to be obeyed by our citizens. This is the plain English of the matter. But how is it introduced? In a plain straight-forward English way? Not at all. It is awkwardly shuffled into the pack; stuck to a proposition, between which and itself there is not the remotest semblance of a logical connexion. Suppose the Grand Seigneur, after asserting his purpose to keep up the practice of throwing the handkerchief, to say "My objects are too high, and my conviction of their rectitude too strong, to allow me to be turned from my course by taunts of any kind; and with regard to Roxana, 'in particular,' I will indulge my caprice whenever it moves me." Such a sentence in Constantinople "familiar dialogues" would not present any very serious difficulty to the student. The order of ideas is natural; and the sense of the concluding proposition might almost be guessed at. The logical force of the phrase "in particular," would indicate that something of the sort must be the fate of Roxana. But suppose that, instead of "I will indulge my caprice," the phrase "in particular" were followed by the words "I would wish to preserve unimpaired" my admira-

tion of her grandmother's embroidery. Such a sentence would clearly present a puzzle that could be solved by nothing short of the most consummate Arabic scholarship; and even that could effect nothing more than its grammatical solution: for the highest logical acumen would be baffled in the attempt to discover the connecting thread between the high considerations which determined the Sultan to keep up handkerchief-throwing, and his wish, with respect to Roxana "in particular," not to lose his admiration for her grandmother's embroidery. The possible existence of a logical connexion between the two things could, at best, be matter of merest surmise; unless some *savant* in eastern manners and customs should be able to make us acquainted with some part of the boudoir mysteries of an oriental harem, an allusion to which was involved in the Sultan's speech, and which should serve to explain how "in particular" the wish to keep on admiring Roxana's grandmother's embroidery had something to do with the lofty motives on which rested his inexpugnable determination to keep on throwing the handkerchief.

Thus much with respect to the logical merits of the mode selected by you for giving utterance to this slander upon my country; merits which I should not have deemed it worth while to bestow a word upon, but for the evidence which they afford of consciousness of wrong on your part, in regard to both the end which you proposed to yourselves, and the means to which it obliged you to condescend. I will now bestow some consideration upon the slander itself.

This slander embodies two assertions; or, if you prefer it so, only insinuations: first, that the American laws against the slave-trade are a "dead letter;" second, that they are mere "professions," with which to cheat the world. The first of these assertions (or insinuations, as the case may be) has for its subject the actual state of things now existent, with respect to the observance of our slave-trade laws. The second has for its subject the existing frame of mind of the people of the United States in regard to that state of things.

That a law is a "dead letter," means that its influence is not at all felt, or but imperfectly felt, in the community upon whom it is nominally binding; and this may be true in two senses, which are the opposite of each other. One of these is, that the object of the law has been so perfectly fulfilled as to render a conformity with its provisions so much a matter of general habit, that no one thinks of departing from it. The other is, that the object aimed at by the law is not fulfilled at all: that it is not executed, no one minds it, and any one may break it who chooses.

But little reflection is requisite to perceive that the state of things corresponding to the first of these modes, in which a law may be said to be a "dead letter," is rather favorable than otherwise to occasional infractions of its provisions. If, for example, it were possible for the suppression of the slave-trade to be accomplished by the mode now pursuing by the British Government—the "strong-hand" mode, as Mr. Fowell Buxton calls it, in that glimmer of returning sanity which I have already greeted with due attention, (which expectation is, in my humble opinion, as rational quite as would be that of curing a human body covered with chronic ulcers, by searing them over so as to stop the issue;)—if this result could be brought about, what would be the consequence? Why, of course, the British people would be relieved from the charge of supporting the expensive machinery now at work, or, if not actually at work, at least kept up ready to go to work

whenever occasion offers. British commissioners would, of course, retire upon their pensions; and British sailors would no longer be sent to cruise on the coast of Africa, when the only thing remaining to be caught there would be the coast fever. Under such a state of things, all treaty stipulations for the right of search; all statute provisions awarding head-money to captors; and every part of the machinery, would become a "dead letter;" unless, indeed, with regard to the right of search, it should appear politically expedient to maintain it in healthy vigor, if for no other purpose than merely to keep other nations in mind that the British people were so free of the burden of taxation, that they could afford to maintain the police of the seas at their own sole charge. Under these circumstances, which presuppose the slave-trade to be entirely suppressed, and to be a business in which, as a general rule, no one thinks even of engaging; it is evident that, for this very reason, an occasional adventurer who should break in upon the general habit would experience still less difficulty in accomplishing his enterprise, than attends similar ventures at this moment; although, even now, with all the preventive service in full activity, the risks are so considerable that slaves sold here at \$250 to \$300, yield a profit sufficient to most rapidly enrich those who engage in the business.

In the sense of "dead letter," illustrated by this example, it is true that the laws of the United States are a "dead letter." But he who asserts or insinuates that they are so in any other sense, asserts or insinuates what every man, woman, and child in the United States—that is, every one who has ever had his or her attention awakened to the subject—for, generally, they are as little conversant with it as they are with the condition of the little factory girls, who help to pay British commissioners' salaries and pensions,) knows to be as stupid and flat a falsehood as the O'Connell Virginia "breeding-pen lie;" or, as any American stump-orator would utter, who, finding it to his account to pay that sham in the shape of a patriot—as like to one of the Emmet order, as a "stuffed Paddy" is to a genuine son of Erin—in his own coin; and having become sufficiently a blackguard for the exploit, (both which suppositions, being derogatory to my country, are ventured upon for the sake of illustration only,) should tell his hearers that Derrinane Abbey is a brothel, where a father prostitutes his daughter to any comer for half-a-crown.

On reaching the second branch of your slander, we quit the terra firma of material occurrences, (any assertion in regard to the existence of which admits of being proved or disproved through men's senses,) to mount into a sublimated region. We have now to deal with human motives. The question is, whether sufficient grounds are afforded upon this theatre, or can be collected from any and all the four quarters of the globe, to justify the imputation upon the people of the United States that their laws against the slave-trade are a mere "profession;" that they have enacted these laws, not with the purpose of causing them to be observed, but (for this, also, is expressed by the word *profession*) in the design of imposing on some other nation or nations.

In regard to the latter idea, I observe only, that, familiarized as your minds have become with it, in regard to those unfortunate nations where the people and the Government are different things, and to whom treaty-obligations might be dictated to pass laws which there was nowhere any power to carry into effect, and the passing of which, consequently, might perhaps be, in truth, a mere "profession," it is not very wonderful that the

force of habit in dealing with nations such as these should have led you so far to forget yourselves as to use the same word (flagrant as is the absurdity of the application) in speaking of the United States of America; where, compared with the condition of other States, the relations between the people and the Government present a contrast not more striking than the defiance which they have together ever hurled at the invader of their sovereignty. It is in the nature of things possible that such a republic should have once passed laws, concerning the enforcement of which she had now become indifferent, and which such indifference alone prevented the repeal of. But it is in the nature of things impossible, that, feeling herself, as she does feel, to be a match for the world, were it combined against her independence, she should either put or keep on her statute-book any law, as a mere "profession."

This, however, is a mere accident to the slander. Its substance consists essentially in the charge, that our laws against the slave-trade are not accompanied with the purpose and the wish that they should be observed.

In regard to a charge of this nature, be the Government against which it is brought as badly constituted as it may, as little in harmony with the people, or as traitorously subject to foreign dictation, as you please,—the test afforded by the mere fact of the extent to which the law is fulfilled, or falls short of fulfilment, is an exceedingly fallacious one. It may be received in evidence, and that is all. Its weight too must evidently diminish in exact proportion with the identity between the Government and the governed, and the freedom of the State from foreign dictation and foreign entanglements; for, in exact ratio with these, must be the improbability that any law would be enacted, except in the intention on the part of the people that it should be observed.

Of the insufficiency of this test, the cases already adverted to in the course of this letter, as illustrations upon other points, will serve for this also. Take for example the Mauritius case. How apt would a superficial thinker, or a person regardless of doing injustice, provided his turn could be served thereby, have been to consider, or to bring forward, the fact of the prevalence of the slave-trade during ten long years of British rule, all the while "as plain as the sun at noonday," as proof that the British Government was insincere in the "professions" so oft repeated to the world; or that it had found it impossible to procure officers who could be got to do their duty! And yet how unjust would have been the imputation! as Mr. Buxton so strongly testifies with regard to both branches of the united service.

But, strongly as this instance may exemplify the important truth, there is an illustration of it, in the presence of which a thousand such would only be as so many farthing candles in the presence of the sun.

It is furnished by the same article in the same number of the Edinburgh Review that has already supplied me with so many facts exactly to the points which I wished to enforce. The present is so striking, that, although afraid of exhausting your patience, and exceedingly anxious on my own account also to get out of this labyrinth in which I have found myself involved, while intent upon explicating the matters so skilfully condensed within the narrow compass of your communications, I cannot resist the temptation to dwell upon it.

Among the avowed ends of government, none is more generally professed than the protection of every man in the enjoyment of the fruits of his labor. This, it is true, is known to be a theoretic fiction; if not purely, yet

to so great an extent, that the practical operation of the least imperfect Governments is such as to present a lamentably long catalogue of exceptions to the rule : so that, judging from these results, particularly when collectively considered, the rule might be supposed the very reverse of that just expressed, and to be to rob every man of the largest possible share of the fruits of his labor. The extent, too, to which any given country will exhibit grounds for the supposition that the latter is the practical guide of its Government, seems to be regulated by some law of nature of very uniform operation, and to be everywhere dependent, in an inverse ratio, upon the diffusion of political power there prevailing. Wherever this is sufficiently concentrated, the principle will be found in sufficient intensity to have its efficacy attested by the taxation of the mass of the population² to within an inch of their lives. And so, in proportion, where circumstances are less favorable to its operation. So boundless is the field of public service; so innumerable the ways in which the State may be served, and a title be thereby acquired to a fair compensation for so doing ; and so manifest is this truth to those charged with the custody and management of that field, that the only possible objection that can ever be encountered from them, to the multiplication of the persons employed under their direction, consists in the difficulty of proportionably increasing the number of the fair compensations ; so that no one shall suffer in consequence of the admission of co-laborers. The consequence of this natural illimitableness of the field of public service is, that the aggregate fairly earned by exertion or residence therein will never fall short of the entire amount that may, by the most improved process of squeezing, be extracted from the rest of the community. This, however, applied after they shall have undergone an indefinite variety of minor or partial processes of the same general nature ; resulting from schemes for the regulation of individual pursuits, the encouragement of enterprise, and other similar useful objects, enforced upon the community at the suggestion of the philanthropic few blessed with a share of political influence. In Great Britain, for instance, where circumstances are supposed to be not the most favorable in the world to the operation of the principle, and where their merits in this respect have been diminished of late years, and threaten before long to become nearly, if not quite, extinct,—not a single man of the thousands who partake of “ Government money” ever touches a shilling that he is not—so boundless is the illusoriness of human convictions—believed by himself and by those who award it to be fairly entitled to ; and yet the result is such as “ The Factory Child,” the Edinburgh trial, Mr. O’Connell’s speech, and other corresponding pictures, afford a conception of.

But if this one among the avowed ends of government be everywhere a fiction, to the full extent that it may be in the power of the ruling few to render it so, it does not follow that all their professions must be equally empty in regard to others ; for instance, the protection of every man in the right to labor. To be truly stated as one of the ends of government, as government exists in England,—even this would require a great many qualifications ; for there is a vast difference between the right to employ one’s head and hands as God bestows it, and as it is recognised by the law of England. To a certain extent, however, it has, according to the latter, an actual existence—in a far less restricted shape, too, than in China ; and it would no doubt be recognised by English lawyers as part and parcel of that “ right of personal security,” which, as Blackstone informs us, “ consists in a person’s legal and uninterrupted enjoyment of his life, his limbs, his body,

his health, and his reputation ;” and is ranked by him as the first of the “ three principal or primary articles” of those rights which “ were formerly, either by inheritance or purchase, the rights of all mankind. But in most other countries of the world, being now more or less debased and destroyed, they at present may be said to remain, in a peculiar and emphatical manner, the rights of the people of England.” To determine the precise extent to which it is recognised as part of the “ rights and liberties of Englishmen,” would be an enterprise of no slight labor, and is not requisite to the present purpose. It is sufficient to know that something of the sort does actually exist ; that it constitutes part of “ that *residuum* of natural liberty which is not required by the laws of society to be sacrificed to public convenience,” and to maintain which is “ the first and primary end of human laws.” Nor can this part of the *residuum* be viewed as a fictitious quantity ; abstraction having already been made of all such portions of the “ power of nature,” as one thinks fit, without any restraint or control, unless by the law of nature,” as the Government could have any motive whatever for striking out. This being done to the fullest extent, some part must remain ; in regard to which it cannot but be the real, sincere, and earnest desire of Government to fulfil “ the first and primary end of human laws,” by affording to it the most perfect and absolute protection. After the bees have worked and produced, such a thing is inconceivable as to prevent their falling into the luxurious indolence which might be the consequence of leaving to them all their own honey. It is conceivable, too, that it might seem expedient to support bees of a particular class in their natural propensity, to make the others conform to certain regulations, whereby the public good should be promoted, and at the same time the particular convenience of the contrivers. But, to prevent the honey’s being made at all, whether by direct Government interference, or by allowing the workers to be stopped and killed by those who do not choose to work,—this is a design which it would be the height of absurdity to impute to the regulating power.

This proposition being, I think, clearly established, I will now introduce a case which will show that a belief in this utter impossibility would be forced upon any mind preoccupied with the notion that the non execution of a law justifies the imputation of insincerity upon the Government from which it emanates. It will be seen, that, if the slightest weight in this respect could belong to the mere facts that a law is infringed, and that the Government knows it to be so, the mass of testimony afforded by this case is so absolutely overwhelming, that no earthly escape would remain to the British Government from the stigma of wilful indifference to the utter inoperativeness of the laws for the protection of its own native subjects, on their own native soil, in that right, the maintenance of which is pronounced by Blackstone to be “ the first and primary end of human laws ;” nay, in the most vital of all the vital points of that right—one so sacred that it is not specially noticed by him, for the simple reason that an invasion of it is a thing the possibility of which has not occurred to the imagination even of one man in ten millions. To make a slave of a man ; to compel him to work for you, and not for himself : such a thing is, unhappily, too much in the way of man’s propensities, to be a stranger to the thoughts of many. But to obstruct a man in the exercise of his right to work—and this, not for the sake of preventing his employing himself upon this or that particular thing, or in this or that particular way, but to prevent him from working at all : who ever dreamed of the possibility of such a thing ? A by-law

binding the parties to starve ; to look on their wives and children, and listen to their expiring groans from famine, rather than—take work ! subjecting each to the penalty of death, if he falter ; and this penalty enforced with a certainty that fulfils to the utmost this difficult requisite to the efficacy of a penal law ! Such an *imperium in imperio* as this—such a hell upon earth—what raving bedlamite ever crouched before the picture of ?

And yet this is the picture of a reality ; of a reality which it was reserved to this present age of wonders to produce for the contemplation of man. It is the picture of Great Britain at this moment. Not a fancy sketch, generalizing a few particulars ferreted out in some obscure corner, which misery, and vice, and anarchy, had been allowed to make their own, and thus only snatched from the oblivion into which they were already sinking. Nor is it an historical painting after the style of Chateaubriand's *Atalæ*, whereby so true a conception of the manners and customs of Indian squaws is conveyed ; or of that modern improvement upon *Atalæ*, De Beaumont's *Marie*, which presents views so just and accurate, that the only shape in which they could be embodied was a romance, that, like Shakspeare's plays, proves its fidelity to nature by the contempt it shows for all such pedantic shackles as the unities of time and space, and corroborates this proof by a contempt which the Bard of Avon's courage was not equal to, for coherence or verisimilitude, in any of their modes. It is nothing of all this. It is a literal, prosaic, David Wilkie picture of a fact—of one vast, overwhelming fact ; its appalling magnitude covering the whole length and breadth of the land.

" *These associations,*" says the Edinburgh Review, "*have now become so universal, and are already so thoroughly organized, that their effects, be they for good or for evil, must be of the most extensive kind.*"

What are "these associations" which "have now become so universal?" Why, they constitute a *government*—the actual, existing Government of Great Britain and Ireland, so far as the "operative" class is concerned ; the Government which, except that it does not directly interfere with the processes of tax-extracting set in operation by the other Government consisting of king, lords, and commons, is the governing Government for cotton-spinners, and all such animals—the Government which regulates their conduct, and which executes them when they prove disobedient.

And of this Government, what are the avowed ends? How is it constituted? What are its laws? What are its powers? What means does it generally employ for maintaining the authority of its laws? How does the system work? All these questions are answered by the Edinburgh Review.

The great end of the institution is to give practical force to the doctrine, that "the laborer is worthy of his hire." It is to secure to the "operative" a fair compensation for his labor.

In the constitution of government adopted for this purpose, traces are not wanting of the influence of example. As might be anticipated, it exhibits, both in its distribution of political power, and in the use made of it, a family likeness to that "matchless" product of the "wisdom of ages" which is administered by the superior classes of the same community, (if community it may be called,) for their special benefit. This species of union is founded, originally, on the principle of "universal suffrage." So says the Edinburgh Review. Whereat the transatlantic democrat, into whose hands the number has come, cannot but prick his ears, and look with all

his might, to see how democracy turns out to work on this partial experimental scale, amid the corruptions and oppressions of the old world. But, alas! it is all a mistake. The "universal suffrage" is there, it is true; but so is it in the "House of Lords;" so was it among those "*very noble and approved good masters*," who erst did wield the trident. Every trade has a vote. "In some trades," pursues the Edinburgh Review, "the whole associated workmen form one body; by the votes of a majority of which, the office bearers and ruling committee are appointed. In others, each manufactory forms a meeting of its own, a majority of whom choose a delegate, and a majority of these delegates elect the ruling committee." All purely democratic, until we find out that these "*associated workmen*" are, with respect to the vulgar herd of workmen, a "select few;" that the association consists of those individuals who have acquired the right to discharge the functions of a workman of the "skilled or initiated class;" and that this skilled or initiated class, which is the constituent body of the ruling committee, forms but a part of a small fraction of those employed in all the branches of the same trade. For instance, "the number of *spinners* in Glasgow in April, 1837, was between eight and nine hundred; and the *piecers* and *pickers*, carders and reelers, dependent on their labor, about seven times as many."

One of the first cares of these peers is, of course, to guard against all inconvenient increase of their own body; for what more obvious, as a means of preventing the wages of a particular species of labor from falling, than to prevent the number of laborers from augmenting? The legal provisions for this object, although, with regard to the ultimate end of the government, they are like any other mere laws; yet are, with regard to their bearing upon the constituent body, to be viewed as supplemental to the organic laws, and ought to be considered in connexion with them, before descending to those divisions of the subject which are essentially subordinate.

"In order to effect this object," (that of "guarding against the influx of new hands into the trade;") "the trades unions have very generally laid heavy restrictions upon the admission of any persons to the benefits of their association. Very effectual methods, therefore, are taken to accomplish this object. A long period of apprenticeship is usually required before the young aspirants are admitted to the skilled or initiated class; during the whole of which time, the apprentice must pay a stated contribution to the funds of the association. A considerable sum, too, is generally required to be paid in the name of entry-money, by every apprentice or skilled hand, for admission, from any distant quarter." "In addition to this, several trades have a permanent system of offering *bounties* to such persons as will leave the trade and the country altogether." In the regulations of the Glasgow cotton-spinners, they observe that "another, and perhaps a greater, cause of the increase of hands in our trade, is the employing of boys as piecers. We have before our eyes many examples of other trades acting nobly to cure this evil of *apprentices*, and it is certainly our paramount duty to use every method we can suggest to stop the increase of boy piecers. We propose to embody this law in the obligation—that no man shall employ a boy as piecer, except according to the privilege long ago stated in our rules." In a word, no man not a member of the association, however great his skill, however urgent his necessities, is allowed to earn his bread by taking work; nor is any manufacturer at liberty to give employment to any

such man, or to take in an apprentice, except with the consent of the ruling committee.

One of the direct consequences resulting from this interference with both classes, masters and workmen, who are parties to the employment and disposal of labor, is, that "the current of labor is forcibly prevented from flowing out of those channels in which it is redundant;" and the country exhibits "that extraordinary diversity in the remuneration of different kinds of labor, which has long struck foreigners with such astonishment." "Remuneration, on the principle of competition in the labor market, is thwarted;" and the effect is to "depress, to a most undue and disastrous degree, the remuneration of the more unskilled, but numerous class of laborers in the community." "By forcibly elevating at times the wages of the skilled classes, they have compelled the masters to depress the wages of the more numerous unskilled class of persons in their employment; by debarring industry, in general, an access to the skilled trades, except under very heavy restrictions, they have thrown a vast multitude of their fellow-workmen back upon the unskilled departments, and have lowered the price of labor they receive, to an extent that has proved, in the highest degree, injurious both to the habits and welfare of the most numerous class in the community." In a word, the consequence of this annihilation of that "*residuum*" of a man's natural *right to work*, which, so far as the Government is concerned, is left him by the common and the statute law, and is by them also theoretically secured to him against assault by his fellow-subject—is the *starvation* of Britons by the thousand. For example: "While there has been no material diminution in the price of provisions from 1815 to 1832, the remuneration of the hand-loom weaver has fallen to *one-third of what it then was*. Indeed, it is *perfectly well known that they are generally and proverbially working at the starving point; that their earnings do not exceed from six to ten shillings a week; and that any considerable commercial crisis reduces them to starvation*. This deplorable reduction in the wages of this species of labor, (which, in comparison with that of the combined operatives, may be called unskilled, because it can be learned in a few months,) took place at the *very time when the cotton-spinners were making from twenty-five to thirty-five, and the colliers from thirty to forty shillings a week*." In one instance of the sort, "at Airdrie, in Lanarkshire, in 1837," being effectually protected by the power of Government in their right to labor, "the starving weavers were soon making thirty shillings a week by working in the coal-mines."

Of this description are the consequences of the fundamental rule so obviously requisite for preserving the purity of the ruling body—of that body which, from its own bosom, selects the few who are to hold in their hands the destinies of all—"skilled" patrician, no less than "unskilled" plebeian.

However it may be elected, "*the result is the same*. Chosen either by a single or double election of the whole associated workmen, the committee of management, originally selected by the equal suffrages of all, are, in the end, *invested with despotic power*. *To their decrees or regulations, all the members of the combination are bound—not merely by the obligation they come under on entering the association, but by the powers and terrors with which its office-bearers are invested—implicitly, and without hesitation, to submit*."

With regard to the code of laws of this extraordinary body-politic, we

will first consider what may be termed its *economical* part, consisting of the modes of conduct prescribed to its members or to strangers; and, afterwards, its *penal* part, or the punishments awarded, and the process for attaching them, to infractions of the former.

"The regulations laid down by this despotic body, as may naturally be supposed, are such as are calculated to elevate the price of their *skilled* labor—to prevent strangers from ever interfering with it, and to secure to the different members of the combination their due proportion of the employment to be obtained.

"It is generally a fixed principle, that no persons shall be permitted to work for any of the masters by whom they are employed, who do not belong to the association. If an uninitiated workman makes his appearance among them, and the master insists for his right to employ him if he chooses, the whole combined workmen in his employment immediately *strike*; and he is left, with his new hand, in the midst, perhaps, of some important operation. Till the obnoxious workman is dismissed, no other member of the combination is permitted to enter the master's employment. Thus the master finds himself unable to go on with his business, or execute his orders, while all his brethren in the same trade are getting successfully on with theirs; his capital remains unproductive; his workshop or manufactory is stopped; he becomes liable to heavy penalties and damages for breach of contract to the persons from whom he received his orders; and, in the end, wearied out by a fruitless resistance to a combined body of skilled workmen, whose assistance is essential to his operations, he is generally forced to submit, after having sustained a heavy loss, and, perhaps, incurred very serious responsibilities."

"In order to secure the monopoly of the skilled part of the trade, it is usually enacted, by the ruling committee, that no master shall employ more than a small proportion of apprentices to skilled workmen.* In some trades, he is only permitted to employ one for three skilled workmen; in some, one for four; in others, one for five. In all, however, the proportion of skilled to unskilled must be very large. If the master ventures to infringe upon this regulation, or to engage more than the prescribed number of apprentices, he receives a command from the committee of the union to dismiss immediately the extra hands; and, if he disobeys their orders, the whole combined workmen in his employment receive notice that they must forthwith strike; and *the trembling operatives, with a heavy heart, obey, and reduce themselves, by their obedience, to destitution.*"

"The ruling committees also take upon themselves to fix the number of *hours* which the men are to labor, and the *wages* they are to receive. It would be incredible *à priori* to what a length, in some trades, their laws carry this restriction, and how effectually, by a compact, well-organized combination, they can succeed in raising, for a long period, the price even of the most necessary articles of life. As an example: The colliers of Lanarkshire, taking advantage of the great demand for iron during the joint-stock mania of 1835 and 1836, issued a mandate that no collier should work more than three or four days in the week, and, at the utmost, five hours in each day. This order was implicitly obeyed by the whole of the combined colliers around Glasgow; and not only by them, but by the whole colliers in Renfrewshire, Dunbartonshire, and Stirlingshire—amounting, in all, to between two and three thousand.

"The wages which the men were to get for working between twelve

and fifteen hours *a week*, varied from thirty to thirty-five shillings." (The consequence was, that the price of fuel at Glasgow was exactly *doubled*, and so continued for upwards of eighteen months.)

"The *uniform* practice of the combined workmen is to fix a rate below which, not only no member of the union, *but no person whatever*, shall work to any master." "The variations in the price of manufactured produce, or the changes in the activity of commercial dealings, are not permitted to have any effect in lowering (whatever they may have in raising) the rate of wages. The master does not venture to give—the workmen to take—a lower rate of wages than that fixed on, even although the depression of trade compels the one to make a reduction, and the necessity of the other, from his situation, renders him willing to accept it. The despotic committee steps in, *even in the most secret agreement between man and man*, and says to the master: '*Whatever your necessities or circumstances may be, you shall not give less than a certain rate;*' and to the workman, '*though on the verge of starvation, you shall not engage yourself for one farthing less than the prices of the committee; and, if you cannot get them, you must remain without work altogether.*' If he attempts to take employment at a lower rate, and is discovered, he is instantly branded as a deserter from the union, or 'nob,' and exposed to persecution and violence in many different ways; and if he still continues to work at the reduced rate, the whole combined workmen are ordered immediately to leave the employment in which he is engaged, and the master finds himself under the necessity of either dismissing him, or submitting to the commands of the committee."

"Another principle which is very generally acted upon by these unions, is, *that the master is not allowed a choice of workmen, if he requires any additional hands*. He is not permitted to choose those whom he would prefer, but must go to a certain office, called among the tailors, 'a house of call,' and there take the first man who stands upon the list for employment. This principle is established, it is believed, in London, Dublin, Edinburgh, and Glasgow, both among tailors and many other trades. Its levelling and injurious effect upon the real interests of the workmen, and the free employment of labor, is sufficiently evident. One main inducement to increased industry, skill, or activity, is taken away, when idleness is in this manner put on a level with industry, talent with remissness, and skill with inattention."

"Another practice of the unions, often most distressing in its consequences both to the workmen and masters, is the rule generally acted upon—that no workman who does not pay his regular contribution, or who has proved himself at all refractory to the commands of the committee, *is permitted to work in any master's employment.*"

Thus much will suffice to convey an idea of the regulations prescribed; and to some extent, also, of the means of enforcement which are, by the reviewer, so blended with the rules, that it is not always easy to separate them. It is requisite, however, to bestow a further and separate consideration upon the penal part of this strange code.

In regard to it the reviewer says: "When a *plan* of combination, anxiously and *systematically* contrived to interfere, in so many particulars, with the free employment and disposal of labor, on the part both of masters and workmen, is *generally carried into effect, throughout the whole kingdom, in almost all the skilled trades*, it may readily be conceived that a

very powerful machinery must be required to enforce general obedience to its mandates. This, however, *is not wanting*; and the means employed with this view constitute, perhaps, the most dangerous and hidden parts of this system of confederacy. *Various methods are resorted to, in order to support the authority and enforce the commands of the ruling committees."*

Of these "various methods," he gives the three most important :

First. "A regular weekly contribution is levied from every member, according to the rate of wages he receives. That of the Glasgow cotton-spinners was proved, by the books of the union recovered at the late trial, to have been half a-crown a week; and on extraordinary emergencies, five shillings from each man. It may readily be conceived that the contributions from an association embracing several thousand persons, will soon amount, at this rate, to a very large sum."

Second. "In the next place, some of the trades unions have adopted the additional security of compelling all the members to take secret oaths; which bind them, first, to keep secret the taking of the oath, and, secondly, to obey in all matters, legal or illegal, the will of the majority, as expressed by the ruling committee." The form of the oath is: "I, A B, do voluntarily swear, in the awful presence of Almighty God, and before these witnesses, that I will execute with zeal and alacrity, as far as in me lies, every task or injunction which the majority of my brethren shall impose upon me in furtherance of our common welfare; as the *chastisement* of nobbs, the *assassination* of oppressive and tyrannical masters, or the *demolition* of shops that shall be deemed incorrigible; and, also, that I will cheerfully contribute to the support of such of my brethren as shall lose their work in consequence of their exertions against tyranny, or renounce it in resistance to a reduction of wages. And I do further swear, that I will *never divulge the above obligation*, unless I shall have been duly authorized and appointed to administer the same to persons making application for admission, or to persons constrained to become members of our fraternity."

The reviewer, after giving some striking illustrations of the efficacy of the oath in defeating all legal proceedings against "atrocious crimes connected with combination-conspiracies," proceeds to the *third*, "last, and most powerful engine for maintaining the authority and enforcing the commands of the ruling committee: *terror and intimidation*—the most effectual means of influencing mankind. This branch of the system consists of *two parts*. In the first place, the cajoling, molesting, threatening, and assaulting the new hands, or *nobbs*, who are in any manner acting contrary to the mandates of the committee; then getting up mobs to terrify the refractory hands, and strike a general terror into the whole community: and if all these methods fail of success, the *resource remains of appointing, by secret ballot, a SECRET SELECT COMMITTEE to organize the means of assassinating the refractory hands and masters, and setting fire to the mills of such employers as hold out against the desire of the association.* It fortunately happens that all the parts of this most nefarious system have been completely established by judicial evidence."

With regard to the practical working of this new form of government, the following instance conveys an idea of it under its Scottish modifications—a type which, the reviewer informs us, is comparatively a mild one. It is the Glasgow cotton-spinners' strike of 1837, which lasted "from April 5th to August 5th, being a period of 17 weeks and 5 days:"

"To those unacquainted with the details of this manufacture, it is proper to premise, that the spinners are the skilled operatives, who, by the aid of machinery, convert the raw cotton into threads; and that each of them gives employment to a certain number of women and girls, called piecers, carders, pickers, and reelers, who perform subsequent operations upon the cotton twist, and whose employment is entirely dependent upon the preparatory labor of the spinners. The number of these female operatives employed by each spinner, or to whom his operations furnish employment, varies from five to eight; and they are instantly thrown out of bread the moment that the spinners' operations terminate. The number of spinners in Glasgow in April, 1837, was between eight and nine hundred; and the piecers and pickers, carders and reelers, dependent on their labor, about seven times as many."

"It may readily be conceived what must have been the sufferings of the operatives during the latter weeks of this disastrous strike. The alimnt allowed by the association to each man, during the latter part of the strike, was only *eighteen pence* a week. Such was the deplorable pittance to which the deluded was reduced, who refused, or was compelled by the committee to refuse, during the whole time, from thirty to thirty-five shillings a week! The condition of the *female operatives*—the piecers, pickers, carders, and reelers—*was infinitely worse*; for there was *no fund whatever* provided for *their* maintenance; and, *from the commencement, they were thrown upon the streets, without either asylum, employment, or subsistence.* It may readily be conceived what must have been the consequence of six or seven thousand women being kept in a state of destitution and idleness for four months; especially when in close proximity to equal numbers of the other sex, always trained to disorderly habits by the habitual receipt of high wages and the habit of frequent intemperance. The necessary consequence was, that crime and immorality increased to a frightful degree; and the rapid progress of fever, as well as great increase in the rate of mortality, evinced, in an appalling manner, *how fatal such strikes are to the best interests of the laboring poor.*"

Upon concluding the details relating to Scotland, the reviewer prefaces others, elucidating the condition of the sister kingdoms, with the following remarks:

"The details which have now been given must, to persons not practically acquainted with these matters, *appear so extraordinary* that they *may fail* in obtaining general credit; and, being chiefly drawn from one district of the country, may be thought to be owing to some peculiar malignity which the principle of combination acquires when brought into connexion with the Scottish character. But, from the documents to which we are now about to refer, it will be seen that *the same evils exist to an equal, perhaps greater extent*, both in England and Ireland; and that, in the latter country in particular, *the system has acquired a degree of atrocity, and produced effects even more disastrous than have yet been experienced on this side of the channel.*"

After giving the details thus introduced, the reviewer comments upon them as follows:

"But the limits of this article forbid us to enter into further details of the facts connected with this important question. Enough has been stated to prove that the trades unions, as they are now *practically* in operation, have *established a despotism of the most universal and withering descrip-*

tion over the great body of the working classes—a despotism only the more severe and oppressive, that it arises from the tyranny of their own brethren. It was well observed by Sir Edward Sugden, in his speech in the House of Commons, on the 14th of February last, relative to the cotton-spinners' case, that no despotism is so severe and degrading as that which is inflicted by one section of the working classes over the other. Of the truth of this observation, the proceedings we have been investigating afford a memorable example. The Preston strike, it has been shown, threw at once eight thousand of the working classes out of employment. Including their families, it reduced *from twenty to thirty thousand human beings* at once to a state of starvation. The strike of the cotton-spinners and colliers in Lanarkshire, in 1837, threw at least two thousand five hundred skilled, and fifteen thousand unskilled, operatives into a state of entire idleness, in which they were kept, some for four, others for six months. Thus, including their families, it retained *at least forty thousand human beings*, during that long period, in a state of compulsory idleness and abject destitution.

“It may safely be affirmed, that there is no instance in the history of the world of such a tyrannical act as this being carried into effect by the authority of any Government, however despotic. If the Czar Peter, or the Sultan Mahmoud, had, in the plenitude of their authority, attempted such an exercise of power, they would have been instantly overthrown. Even the sanguinary Committee of Public Safety could never have ventured on such an arbitrary stretch of authority against the industrious population of the *Faubourg St. Antoine*; and the long columns of pikemen which issued from that dreaded quarter whenever the price of provisions, or the cessation of employment, had grown into an intolerable height, proved that how great soever their power was, it had not reached that pitch of being able to compel men to forego the staff of life. Lord Bacon long ago said that the worst rebellions are those which arise from the stomach; and it is recorded as one of the most singular instances of the power of Suwarrow over his fanatical soldiery, that he sometimes contrived to get through an extraordinary dearth of provisions in his camp, by proclaiming a fast for four-and-twenty hours. But what is that, to the power assumed by the committee of the trades unions? They proclaim a fast, not for a day, but for four months; compel thirty or forty thousand human beings to remain in idleness and starvation for that long period; and imperiously command, not only the members of their own combination, but all other workmen whatever, from any quarter, from infringing upon, or interfering with, that state of compulsory idleness. This deplorable state of matters, too, is not produced by a numerical majority of the whole human beings concerned. The skilled laborers—that is, a twentieth or thirtieth part of the mass—alone are consulted; and a majority of them, in the first instance, adopt the fatal step. After it is adopted, and the committee organized, the power even of that small majority is at an end. It in itself has fallen under the dominion of the committee of its own creating, which is in possession of the public funds; which feels none of the penury shared by the general body; which is invested with money to hire assassins, and armed with the terrors of murder, fire-raising, and vitriolic acid. For months before the strike terminates, the great majority even of the skilled workmen who authorized it, have come heartily to repent of their folly; they secretly lament their unhappy blindness, and execrate the leaders who advised them to the fatal step; but they dare not venture to give breath in public to these sentiments,

and, in sullen mournful silence, continue to yield unwilling obedience to the mandates of the secret ruling committee. Meanwhile, their families are reduced to the last stages of destitution; multitudes are perishing for want; licentiousness arises out of idleness; crime out of suffering; fever and pestilence make fearful inroads on a depressed and extenuated population; until, at length, the miseries and lamentations of the starving multitude compel the committee to abandon the contest, and permit the joyful sounds of industry and happiness again to be heard through the land."

Behold, then, the government which, while their "betters" were engaged in taxing them, to provide salaries and pensions for commissioners, to support a naval force, and to maintain the vast expenditure wasted in countless ways in the chimerical project of enforcing upon the subjects of foreign States the extorted concurrence of their Governments in a measure which, in England itself, had been carried only after a dubious contest of twenty years, conducted by "the single man of his age to whom it would have been possible to conduct such a struggle through all its ceaseless difficulties and disappointments:"—behold the government which the operatives of Great Britain, the "skilled" operatives, have established for themselves, and over *their* inferiors! Well might this reviewer, on presenting such a picture to the world, express doubt with regard to its "*obtaining general credit*" in the country even which it depicts; when, such has been the indulgence of its higher classes in what the biographer of Charles Lamb calls the "taste for oratorical philanthropy," they are reckless zealots in behalf of so monstrous a perversion of the governmental trust! With such a reality howling around them, what possible excuse for their course, but that in the pursuit of the preposterous schemes suggested by their sofa visions, they have become too wrapped to be conscious of what is passing around them; and that, if awakened to it, "the details *must* appear so *extraordinary* that they may fail in obtaining general credit?"

But, in adverting to this spectacle, my purpose was not to make any such comments upon it. It was simply to show that the infraction of a law is no proof of insincerity in the Government from which it proceeds. If such a theory were to be set up, where would, in the present case, be the escape of "King, Lords and Commons" from the charge of the most absolute indifference to the reign of murder in the place of law, so long as the authority of the former should be restricted to the inferior regions of society, and Blackstone's "first and primary end of human laws" should be as if it were not, in regard to vulgar operatives only?

It is clear, then, that, even admitting what, as I have already said, is known to every man, woman, and child in the United States to be untrue, to wit: that our laws against the slave-trade were inoperative,—the theory which alone could afford any countenance to your slander, as an inference from such a fact, is an altogether fallacious one. But if this theory were as sound as it is the reverse, still it could not in the present instance avail you. It could, at best, throw around the calumny a seeming of fairness, that could hide its brazen face and cheat the beholder so long only as it should not be dissipated by having turned upon it the flood of light which this melancholy volume of man's history sheds upon the question.

What says the history of the slave-trade in regard to my country?

"America," says Mr. McCulloch, in his Dictionary of Commerce, after giving a sketch of the twenty years' struggle "in the British Parliament," "*America abolished the slave-trade at the same time as England*"—the

daughter, doubtless, treading in the footsteps of the mother ! So, at least, will every British reader understand.

And who is it that thus summarily disposes of British-American history, and, with a single stroke of the pen, draws the parallel between it and that of the mother country ? Is it some stipendiary, paid to keep up a supply of the raw material suited to the purposes of Sergeant Talfourd's dealers in "oratorical philanthropy ?" No : it is a purely scientific writer, in a most elaborate and carefully digested work, devoted exclusively to commerce, and designed for the use of the whole English-speaking world. With such an illustration of the philosophic caution and scrupulousness that prevails in regard to America on this subject, who will wonder at the manifestations of these historic virtues, with which the transatlantic press teems at this day, no less than it did, on other points, in the by-gone ? Who, for instance, will experience any surprise at the contrast presented by the truth on the one hand, and the following picture on the other ?

It is of a man who, by a writer (see Ed. Rev. April, 1838,) peculiarly competent to enlighten the British public in regard to American affairs and men, is pronounced to have been "a mere shadow" "of JEFFERSON, one of the truly great intellects of America ;" while, had he only been qualified by the most cursory perusal of Jefferson's published writings to express an opinion of his intellect, he could not but have been aware that if there ever had been a living intellect to which that of THOMAS JEFFERSON actually *deferred*, it was the intellect of that friend, of whom, in the unfinished posthumous sketch of his own life, he expresses the opinion that he was the *first* man of every assembly in which, after his first youth, he ever sat ; and of whom he adds, "with these consummate powers was united a pure and spotless virtue, which no calumny has ever attempted to sully." Such, in the estimation of THOMAS JEFFERSON—and not of him alone, but, it is not risking much to affirm, of a host of others, with GEORGE WASHINGTON at their head—such was JAMES MADISON : he whose intellect is now, by universal consent, revered as the creative one of that model-constitution, the destined influences of which over the fate of the human race are already seen to be beyond calculation ; and the principles of which were so far beyond the depth of the contemporary "statesmen" of the old world, that, even after they had been for half a century in the operation contemplated by the designer, a European traveller has, by general acclamation, been elevated above his countryman MONTESQUIEU, for acquiring and imparting little beyond a decent understanding of them. Such was the man, whom this reviewer (whose lofty European pre-eminence could yet desport in a friendly parenthetical witticism upon the ignorance, so natural in an American lawyer and "President," as to make it doubtful whether it was *his* or "Miss Martineau's" betrayed by the one or the other, in "attributing unity to this bicomposite personage, Coke Littleton ;" which witticism, however, proves to be the fruit of the reviewer's learned inadvertence to the fact, that Coke Littleton being but an elliptical name for *Coke's Commentary upon Littleton*, it was not much more irregular, after mentioning the work, to speak of the writer as one man, than it would be, upon mentioning Blackstone's Commentaries, to "attribute unity" to the Venerian professor :)—such was the man, of whom this reviewer speaks, as "Miss Martineau's friend Madison ;" and tells his readers, "at the same time, it seems, he accounted for his selling *his own slaves*, by mentioning their horror of going to Liberia—a horror which he admitted to be prevalent among the blacks !"

Here we see "Miss Martineau's friend Madison" held up, as one of those nefarious "dealers in human flesh," to the generous indignation of all "oratorical philanthropists," and of all humane listeners, who, unlike Charles Lamb, are admirers of such philanthropy. He actually did commit the atrocity of "selling *his own slaves*;" and for this atrocity his apology was, that they had a horror of "going to Liberia!" But what were the facts of the case? How was it that this sale of "human flesh," came to be connected in the way of cause and effect with the said "human flesh's" horror for Liberia? Did Miss Martineau not take the trouble to inquire? or is it the reviewer who has not thought it worth while to explain?

And, in the first place, what sort of a country is this Liberia, for which Mr. Madison's slaves had a horror? What would have been their condition there, had they consented to the removal? Had these critics upon American morality but adverted to the fact, the prosecution of this inquiry might have shed some useful light to their minds upon the true nature of the condition which these pieces of "human flesh" refused to exchange for that of inhabitants of Liberia; preferring to be sold from hand to hand in the former, rather than to live as freemen in the latter.

Liberia is a settlement upon the coast of Africa, which, in Europe, so impossible is it for the genius of the American people and their institutions to be there understood, is honestly looked upon as an evidence of American ambition for colonial aggrandizement. However this may be, and whatever the ulterior designs to which it is to be subservient, the avowed object for which it has been formed is that of serving as a receptacle for such free negroes and mulattoes as may consent to accept a passage to and outfit in that country; such removal being, by the laws of the States where the institution of slavery unfortunately exists, a condition to liberation; which condition, barbarous and inhuman as it may be seen to be by the purer intellectual and moral vision of Europe, rests upon a deep-seated conviction in the American mind, on a subject that has for upwards of a century been uppermost in the thoughts of our best and greatest men. That this conviction must be erroneous, scarcely admits of a doubt: seeing that it is in conflict with what is absolutely self-evident to European judges; who, besides their superiority of intellect and of moral sentiment, possess in so vastly higher a degree the requisite opportunities for forming a correct estimate of the consequences that would ensue from the experiment of constituting a democratic state of the white man and the negro in about equal portions. But, although doubtless a fruit of barbarous ignorance and selfishness conjoined in men habituated from infancy to the horrible practice of "dealing in human flesh," yet the conviction is not the less strong and sincere; and this will, perhaps, give to the barbarous law of which it has been the parent some title to a mitigation of the execration that it so deservedly encounters. Of the intensity in which this conviction exists, the following passage from the posthumous autobiographical sketch left by JEFFERSON, affords a not inadequate idea. It will be borne in mind, that it is from the same pen which, in the year 1778,—the persistence of the British Government in forcing the slave-trade upon Virginia having been *ipso facto* arrested by the breaking out of the revolutionary war three years previously—drew the bill to prevent the further importation of slaves, which passed into a law "*without opposition*," (the King of Great Britain's power to negative being now extinct,) "and stopped the increase of the evil by importation, leaving to future efforts its final eradication." Giving, at the age of 77, an account

of the labors of himself and two other Virginians to whom, forty years previously, had been committed the task of preparing a code of laws for the new Commonwealth that had then just thrown off the transatlantic yoke, he says, in regard to "*the bill on the subject of slaves,*" that it "was a mere digest of the existing laws respecting them, *without any intimation of a plan for a future and general emancipation.*" It was thought better that *this* should be kept back, and attempted only by way of amendment, whenever the bill should be brought in. *The principles of the amendment, however, were agreed on; that is to say, the freedom of all born after a certain day, and deportation at a proper age.* But it was found that the public mind would not bear the proposition." Here it is seen that to the minds of these three Virginia abolitionists of the year 1778—long before William Wilberforce ever dreamed of becoming one—*deportation* appeared a natural consequence to *liberation*. Let us see, now, how it was with the survivor of the three, in the year 1821. Had his anxiety on the subject abated? Had his views about the natural connexion between abolition and deportation undergone any change? "*Nor,*" says he, speaking of their plan for the extinction of slavery, "*will the public mind bear it, even at this day. Yet the day is not distant when it must bear and adopt it, or worse will follow. Nothing is more certainly written in the book of fate, than that these people are to be free; nor is it less certain that the two races, equally free, cannot live in the same government. Nature, habit, opinion, have drawn indelible lines of distinction between them. It is still in our power to direct the process of emancipation and deportation, peaceably, and in such slow degree, as that the evil will wear off insensibly, and their place be, *pari passu*, filled up by free white laborers. If, on the contrary, it is left to force itself on, human nature must shudder at the prospect held up. We should in vain look for an example in the Spanish deportation or deletion of the Moors. This precedent would fall far short of our case.*"

This conviction, "*that the two races, equally free, cannot live in the same government,*" is the ground of, or the pretext for, (whichever may best suit European charity,) that law in the States of the Union that are cursed with the institution of slavery, which renders a colony such as Liberia indispensable as an auxiliary to the wish on the part of any citizen to convert into freemen the bondsmen whom the acts of past generations have forced upon him the care and the responsibility of providing for. How far the properties desirable in such a place of refuge are possessed by this particular colony, may, in some measure, be judged from the quotations contained in Mr. Buxton's recent work, already so often adduced: "Nothing can be more delightful than a stroll along the borders of the beautiful fields, winding occasionally along almost impervious clusters of young palms, whose spreading branches excluded every ray of the scorching sun, then opening suddenly on an immense rice-field of the most delicate pea-green, skirted by the beautiful broad-leaved plantain and banana, literally groaning under the immense masses of their golden fruit." "Ashmun," says Mr. Buxton, "who seems to have had a clear view of the interest of the Liberian settlers, writes to them thus: 'Suffer me to put down two or three remarks, of the truth and importance of which you cannot be too sensible. The first is, that the cultivation of your rich lands is the only way you will ever find out to independence, comfort, and wealth! You may, if you please, if God gives you health, become as independent, comfortable, and happy, as

you ought to be in this world. The flat lands around you, and particularly your farms, have as good a soil as can be met with in any country. They will produce two crops of corn, sweet potatoes, and several other vegetables, in the year. They will yield a larger crop than the best soils in America; and they will produce a number of very valuable articles, for which, in the United States, millions of money are every year paid away to foreigners. One acre of rich land, well tilled, will produce you three hundred dollars worth of indigo. Half an acre may be made to grow half a ton of arrow-root. Four acres laid out in coffee-plants, will, after the third year, produce you a clear income of two or three hundred dollars. Half an acre of cotton-trees will clothe your whole family; and, except a little hoeing, your wife and children can perform the whole labor of cropping and manufacturing it. One acre of canes will make you independent of all the world for the sugar you use in your family. One acre set in fruit-trees, and well attended, will furnish you, the year round, with more plain-tains, bananas, oranges, limes, guavas, papaws, and pine-apples, than you will ever gather. Nine months of the year, you may grow fresh vegetables every month, and some of you, who have lowland plantations, may do so throughout the year. Clear your lands, plant your crops, keep the weeds down; and the most favorable climate in the world, alone, under the direction of a bountiful Providence, will do more for you than all your toil and care could accomplish in America.”

This is Mr. Buxton's adopted account of the country, for going to which Madison's Virginia negro slaves indulged a horror! And no wonder! How frightful must their condition at home have been, to permit any one to entertain the idea that they could ever be brought to consent to a removal to such a place: let their passage thither, and their settlement there, be provided for with ever so much care! Deplorable as is the condition of factory girls and operatives in Great Britain, how vainly might the drum beat among them, from one end of the year to another, for recruits for such a colony! But, still, how is it that this horror of theirs for Liberia, could furnish to this “dealer in human flesh” a pretext for practising his nefarious trade upon them? What possible connexion is there between the two things? These connecting links happen to come under my notice.

They are such as Adam Smith could have given a very shrewd guess at, had the two extremes been put into his hands. He would have required no further assistance than is afforded by his own proposition, that a slave “can have no other interest, but to eat as much and to labor as little as possible.” Madison inherited a number of tracts of land, with slaves upon each. He lived long enough to see the daily increasing unprofitableness of these plantations reach the point of requiring the sale of part of his property, to make good the arrears of income. The negroes did not choose to change masters, and he was averse to selling them. The consequence was, that land was sold—first one piece, and then another; the slaves meanwhile retiring upon the part that was retained, until his estate finally exhibited the spectacle of an overpeopled country: the women all breeding, so soon as they reached the age of 14 or 15, and continuing to yield an active obedience to the precept “increase and multiply,” until the hand of time put a stop to it. The population no longer produced enough to support it. What kind of treatment it received at his hands, may be judged from one fact. His neighborhood, although a remarkably healthy one, was

visited by a fever of extraordinary malignity, which broke out among "his people," as a man's slaves are habitually termed in Virginia. Its nature was such as to require the free use of stimulants. Brandy and water, or whiskey and water, would answer; but rich old wine would be better still. Of this, a plentiful stock had been laid in, years before, at a period of greater plenty, to mellow, and correspond in flavor to Madison hospitality. It was such old madeira as, transatlantic epicures say, no man knows who has not crossed the ocean, and as makes a London alderman's mouth water to hear tell of it. Well: as this wine was thought by the doctor to be yet better for the pieces of "human flesh," than even good cognac and water, it was poured out to them like water. This will convey an idea of the treatment which the "human flesh" received at the hands of this dealer. But, such things could not last forever; loath as the master was to part with beings who, even during the eight years through which the voice of his country had kept him in the office of President, had never known any other title to call him by than the "master Jimmy" which dated as far back as he could recollect, something of the sort must be resolved upon: for when a population of a hundred souls, or more, with land a plenty to cultivate, although indeed not a little the worse for bad tillage, do not raise bread and meat enough for their own consumption, it requires a heavier purse than that of Madison's was when he had passed threescore and ten, to make up the deficit. What was to be done? Were they to be set free, and turned loose upon the parish? This had been a proceeding worthy of the practical wisdom of those who, from their London ottomans, would instruct the Virginians how to manage all such matters; but it accorded as little with Virginia notions in regard to "human flesh," as it did with Virginia law. What then? Why, Liberia! It was proposed to them. But no: the "amis des noirs," of the truly enlightened and truly philanthropic class, who, like Miss Martineau, are so clear-sighted as to see that colonization is a mere device of miscreants who would perpetuate "the traffic in human flesh," and, like her, commiserate the weakness of vision in such well-meaning men as Jefferson and Madison, which they betray, by not perceiving that 2,000 or 3,000 persons in eighteen years is not the rate at which to get rid of a population that increases 60,000 in one year: these true friends of the black man had set their faces against his going to Liberia. They had resolved that he should be free in America; and, to deter him from emigrating to the land of his forefathers, was therefore a purpose so holy, that no fraud conducive thereto but must be pious. Hence, the minds of the blacks were effectually poisoned against the land which, for their race, had been ascertained by Ashmun, and other such like instruments of the dealers in "human flesh," to be a terrestrial paradise. Madison's slaves, consequently, would not listen to such a proposition. Every time it was renewed, it found them but the more steeled against it. Finally, the alternative was presented to them, to consent to emigrate to Liberia as freemen, or to be transferred to another master. They with one voice elected the latter; and the sale of "human flesh" did accordingly take place, to a purchaser approved by themselves; a native of the same county in Virginia, who, having removed to the banks of the Mississippi, had there found a soil and a product which would bear what, in the days of Adam Smith, it seems, that there were already but two colonial products that could bear the expensiveness of—slave labor.

Such is the truth in regard to the little incident in the life of Madison, the trafficker in "human flesh," which is so delicately touched on by the

Edinburgh Reviewer!—whether in a manner so dextrous as to have unimpaired the truth of Jefferson's posthumous attestation, that, to the consummate intellectual powers of the father of the constitution, "was united a pure and spotless virtue *which no calumny has ever attempted to sully,*" I shall not pretend to decide.

Of a piece with the fidelity of this Edinburgh Review sketch of one of America's men, in the relations in which he stood towards the institution of slavery, is the political economist's historical sketch of America's course in regard to the abolition of the slave-trade—that traffic which, according to Mr. Pitt, whose oratory upon the subject appears to constitute Mr. Buxton's favorite reservoir of remarkable sayings, is "the greatest practical evil that ever afflicted mankind;" while, according to the Edinburgh Review, the death of that same minister (not his political, but his natural death—nothing short of that) must now, by "the most calm and impartial judgment," be regarded as "the necessary precursor" of any measure on the part of the Government which he swayed, to put an end to what was by far the most active branch of the traffic—that carried on by British capital and British sailors, under the British flag.

"America," says McCulloch, "abolished the slave-trade at the same time as England!" But how did this coincidence happen? How chanced it that the daughter did, on this particular subject, prove so conformable to the example set by the mother?

Her preparation for it had, it must be admitted, been not altogether bad. About the period in the world's history, (which, to this island in particular, is especially memorable,) when his Majesty the King of Great Britain was engaged in fulfilling that royal contract entered into early in the eighteenth century, with his Majesty the King of Spain, for a supply of 144,000 negroes, for this island, at the rate of 4,800 a year, which were to be "seven palms high, sound, and not aged;" and allowing "three to a ton," his Catholic Majesty was to pay for at the rate of "900 reals per ton;"—about this period, when the punctual performance of such royal engagements was deemed so nationally interesting, that, if Lord Howe's biographer can be relied upon, Parliament voted £10,000 for the "*support*" of the "*settlements*" on the coast of Africa, and Captain Howe (afterwards Admiral Lord Howe) was sent there "in the *Glory*, a frigate of the largest class," "*to protect the traders;*" then it was that Anthony Benezet, the Pennsylvania quaker, (one of those pure spirits to whom the corruptions and oppressions of the old world were insupportable, and whose natural field of action was therefore in the new,) was engaged in the task of enlightening the minds of his countrymen in regard to the nature of "the trade," and in sowing the seeds of that detestation for the institution of slavery, which fell in so congenial a soil that it required but a few years to make it the overwhelming public sentiment of the country.

This is what we see, upon casting a glance back as far as the early part of the last century. Coming down to the period of our Revolution—when, without ceasing to be of the same race, our fathers parted company with those who have remained under the rule of "King, Lords, and Commons"—we find that, in August, 1774, upwards of eight years before that Sunday in the month of November, 1782, when "Mr. Ramsay, a clergyman, who was the first, we believe, (says the London Quarterly,) to call public attention to the subject of *negro* slavery," happened to have among his auditory (and to plant in that listener's bosom "the germe of his future labors

in that cause") the particular individual, of whom the Edinburgh Review says: "The political position assigned to him by his constituency in Yorkshire, the multitude and intimacy of his personal friendships, the animal spirits which knew no ebb, the insinuating graces of his conversation, the graceful flow of his natural eloquence, and an address at once the gayest, the most winning, and the most affectionate, *marked him out*, as the *single man of his age*, to whom it would have been possible to conduct such a struggle through all its ceaseless difficulties and disappointments;"—upwards of eight years before the occurrence of this wonderful conjunction of the circumstances, from whose union alone, as thus declared by the highest British authority, it was within the range of human possibilities that the British Parliament should be induced, during the present age, to forbid the slave-trade to British merchants and ships,—a Virginian was proposing to his countrymen an address to King George III, setting forth their grievances, and entreating him, as he valued the integrity of the empire committed by Providence to his hands, "to deal out to all equal and impartial right." At the head of the grievances complained of, at the hands of his Majesty, as "holding the executive powers of the laws of these States," is the abuse of his power to negative the laws of the American Legislatures; and at the head of the instances of this "shameful abuse of a power trusted with his Majesty for other purposes," are placed those whereby the repeated endeavors of the colonists to arrest the slave-trade had been foiled: "For the most trifling reasons, and sometimes for no conceivable reason at all, his Majesty has rejected laws of the most salutary tendency. The abolition of domestic slavery is the great object of desire in those colonies, where it was, unhappily, introduced in their infant state. *But previous to the enfranchisement of the slaves we have, it is necessary to exclude all further importations from Africa. Yet our repeated attempts to effect this, by prohibitions, and by imposing duties which might amount to a prohibition, have been hitherto defeated by his Majesty's negative: thus preferring the immediate advantages of a few British corsairs, to the lasting interests of the American States, and to the rights of human nature, deeply wounded by this infamous practice.*"

This, in 1774, was already history in regard to that "unterrified commonwealth," which, in her earliest infancy, had not shrunk from the vindication of her right before the might of England, when ~~wielded~~ by the arm of Cromwell.

Not two years had passed over, when the following flowed from the same pen: "He (the King of Great Britain) has waged cruel war against human nature itself; violating its most sacred rights of life and liberty, in the persons of a distant people who never offended him; captivating and carrying them into slavery in another hemisphere, or to incur miserable death in their transportation thither. This piratical warfare, the opprobrium of *infidel* Powers, is the warfare of the *christian* King of Great Britain. Determined to keep open a market where men should be bought and sold, he has prostituted his negative for suppressing every legislative attempt to prohibit or to restrain this execrable commerce. And that his assemblage of horrors might want no fact of distinguished die, he is now exciting those very people to rise in arms among us, and to purchase that liberty of which he has deprived them, by murdering the people on whom he also obtruded them: thus paying off former crimes committed against the liberties of

one people, with crimes which he urges them to commit against the lives of another."

At this time the war of the Revolution was fairly begun, and the coasts were lined with King George's fleets, which put an end to trade of every sort, the slave trade included; except that new branch of it which consisted in stripping the estates of the attainted rebels of Virginia and the Carolinas and Georgia of their laborers, and transporting these to the West India islands, there to enjoy, upon the plantations of loyal officers, or those to whom loyal officers might dispose of them, that liberty which royal proclamations held out as the reward for cutting as many rebel throats as possible. Nevertheless, although thus suspended through the operation of war, the slave-trade was not left to the effect of its casualties solely. In 1778, (four years before Wilberforce heard that sermon from Ramsay, on the subject of negroes, which "planted the germe of his future labors in the cause," and nearly ten years before those labors commenced,) a bill to prevent all further importation of negroes was introduced into the Legislature of Virginia, and "passed without opposition;" thereby giving the force of law to the "resolution to discontinue the importation of slaves," which, four years before, amid the excitement caused by the Boston port bill, and the anxieties attendant upon the impending struggle, had signalized the first proceedings of that convention, which, upon the dissolution of the Legislative Assembly by the royal governor, was selected by the people of Virginia "to consider the state of the colony, and particularly to appoint delegates to a general congress of all the colonies"—that same Continental Congress which assembled at Philadelphia in 1774, and then, nearly two years before it threw off all allegiance to the British king, responded to the "resolution of the convention of Virginia," by the "resolution not to import, or purchase any slave imported, after the first day of December in this year, and wholly to discontinue the trade."

The year 1787, which was signalized by Mr. Wilberforce's undertaking that "cause, by his labors in which he is the most extensively and permanently known," is memorable also in world history, for the labors of that convention which resulted in the formation of the existing Union, and the establishment, by the free suffrages of the people of thirteen independent States, of a Government as essentially different from any of the chance-begotten institutions under which humanity had hitherto groaned, as MAN is different from the monsters that peopled the earth's primeval slime: that Government which is equally admirable and striking as an attestation of the improvement which our race had undergone, and must forever continue to exhibit, whether it be considered in the political wisdom evinced in its structure, or in the patriotic intelligence of which its adoption by the separate action of the people of thirteen distinct States was a manifestation, far surpassing any yet afforded by the annals of mankind.

In these thirteen States, the institution of domestic slavery had, during their colonial dependence, been generally recognised; and the efforts made to arrest the increase of that portion of the population had been defeated by the tyrannical prostitution of the King's negative to promote the temporary commercial profits of a few traders residing at Liverpool and other ports of England, at the expense of "the lasting interests of the American States." In the greater number of these, however, it fortunately remained inconsiderable. But five of them, at the head of which stood Virginia, with a population nearly doubling that of the next largest State, depended altogether

upon slave-labor for those agricultural products which constituted their only wealth, and the extended cultivation whereof could alone give value to that virgin soil, of which the boundless expanse invited the planter to make his children rich by sending them forth, each with a gang of new hands, which the liberality of transatlantic merchants would have supplied without stint.

The allurements, however, proved ineffectual; and the very year (1788) which, on one side of the Atlantic, witnessed Pitt and Sir William Dolben engaged, from the beginning of May till the 7th of July, "in their struggles to pass the bill for regulating the transport of slaves"—merely subjecting the English traders to "*regulating*" restrictions—when, such was the philosophical indifference to this subject among the Oxonian and Cantab statesmen of the old world, that, according to the London Quarterly, "Charles Fox went grouse-shooting, while Pitt," "in a House of forty one members, one more only than a quorum," was engaged in the strenuous exertions which were crowned by the passage of the bill "by only thirty-five votes in a sort of Rump Parliament;"—the very year which witnessed this contrast of apathy and zeal on one side of the ocean, saw, on the other, the planters of Virginia, and the Carolinas, and Georgia, making a voluntary offering upon the altar of their country, of a portion of that national independence which they prized so highly—deliberately surrendering, for the general welfare, a part of the right of self-government, of which each was so jealous, and subjecting themselves forever to an express inhibition to admit any more slaves after a limited period.

Already, for the period of ten years, had this inhibition been imposed upon Virginia by her own act. Nor would it now have been made prospective in this general law binding upon all the States, but through a concession, which, as a means to unanimity in the adoption of the Union, was made to the two southernmost States, which had suffered greatly from the incursions of loyal forces on the water side, and, on the other, of those scalping-knife allies, against the employment of whom the thunder of Chatham had vainly expended itself; and, in consequence of this double visitation, had suffered a double drain of that agricultural population on which the malignity of their climate to the white man renders them entirely dependent: one stream flowing to the Indian maize-grounds on their southern and western borders; the other to the scarcely more remote loyal sugar-colonies, to the population of which the Virginia tobacco-plantations, no less than the rice-swamps of Carolina and Georgia, continued throughout that war, as they were destined subsequently to do in that which is known among us as the "*second war of independence*," to contribute not unfrequent quotas.

Virginia had, so soon as her action on the subject was freed from the trammel of the royal negative, obeyed the dictates of her long-cherished convictions; barring, by a law of her own, the door against African importations, in long anticipation of the period when it might again be thrown open by the return of peace. But Carolina and Georgia thought it unwise, by binding themselves to the same interdict, to destroy the possibility of supplying the void thus produced in their agricultural laboring class.

In what light the subject presented itself at the time, is shown by the following remarks, made in the convention of the State of North Carolina to whom their fellow-citizens had confided the trust of deliberating upon the merits of the proposed union, and of the Government which it was to establish; and of deciding the momentous question, whether that State

should or should not become one of its members. These remarks were uttered in July, 1788, the very month of the very year, when, (so insignificant did the subject appear to the transatlantic public mind, even with regard to enactments for "regulating" the slave-trade,) "Fox and Burke, (so says the London Quarterly,) though they had originally *spoken* for the bill, (Talfourd's "oratorical philanthropy!") did not think it worth while to stay in town to *vote* for it;" and, consequently, Fox went his way a grouse-shooting, leaving the bill to be disposed of by a rump of forty-one members—at a time, too, when its fate there was so uncertain, as it may be presumed to have been from the indication afforded by the vote in the House of Lords, where the most strenuous exertions of the prime minister, who "kept Parliament sitting with no other business before it," had just been able to accomplish nothing more than the passage of the same bill "by a majority of two;" and this, after "many amendments," which "were technically fatal" to it.

At this very same time—one year before Wilberforce "first proposed the abolition of the slave-trade to the House of Commons"—in the little town of Hillsborough, in the State of North Carolina, the convention, deliberating upon the adoption of the present constitution of the United States of America, had under consideration that particular clause which conferred upon the General Government authority to prohibit the importation of slaves after the year 1807. Upon the demand of one of the members for an explanation of this restriction of that power to the period subsequent to the year 1807, Mr. Iredell said: "I rise to express sentiments similar to those of the gentleman from Craven. For my part, were it practicable to put an end to the importation of slaves immediately, it would give me the greatest pleasure; for it certainly is a trade utterly inconsistent with the rights of humanity, and under which great cruelties have been exercised. When the entire abolition of slavery takes place, it will be an event most pleasing to every generous mind, and every friend of human nature; but we often wish for things which are not attainable. It was the wish of a great majority of the convention to put an end to the trade immediately, but the States of South Carolina and Georgia would not agree to it. Consider, then, what would be the difference between our present situation in this respect, if we do not agree to the constitution, and what it will be if we do agree to it. If we do not agree to it, do we remedy the evil? No, sir, we do not. For, if the constitution be not adopted, it will be in the power of every State to continue it forever. They may or may not abolish it, at their discretion. But if we adopt the constitution, the trade must cease after twenty years, if Congress so declare, whether particular States please or not. Surely, then, we gain by it. This was the utmost that could be obtained. I heartily wish more could have been done. But as it is, this Government is nobly distinguished above others by that very provision. Where is there another country in which such a restriction prevails? We therefore, sir, set an example of humanity, by providing for the abolition of this inhuman traffic, though at a distant period. I hope, therefore, that this part of the constitution will not be condemned, because it has not stipulated for what it was impracticable to obtain."

Mr. Iredell added to what he had said before, that "the States of Georgia and South Carolina had lost a great many slaves *during the war*, and that they wished to supply the loss."

This limitation, to the end of the year 1807, of the restriction upon the

powers conferred on the General Government in regard to the slave-trade— which limitation formed part of the restriction, as it was imposed at the time the Government was originally devised in 1787 affords the explanation of that coincidence in point of time, between the legislation of Congress and that of the British Parliament, which is so stated by McCulloch, as to impress any reader with the notion that the former was the fruit of the latter—the result of the spirit of imitation on the part of the daughter, watchful of the struggle going on in the bosom of the parent, and yielding a conformity to her example.

“ America abolished the slave-trade at the same time as England !” Yes, the act of the British Parliament bears date the 25th of March, 1807 ; and that of the American Congress, on the 2d of the same month of the same year. But what reader of the above sentence, coming in at the close of a sketch of that twenty years’ struggle in the British Lords and Commons, which the Edinburgh Review pronounces Wilberforce to have been the only *man* of the age who could have brought it to a successful issue, would ever divine that, to all intents and purposes, (above all, when considered in its relations to a struggle of that nature,) the American law had passed—her measure of abolition had been agreed upon before Wilberforce had made the first move by which that twenty years’ struggle was brought on ?

But, although restricted in this one particular, the General Government of the Union was left free in all others regarding the slave-trade. Before the year 1808, it was precluded from interfering with the importation of slaves into such of the States as might see fit to allow it ; but, in all other respects, its power over the subject was as unlimited as that of the British Parliament, if it be allowable to compare two things—so entirely dissimilar as a government constituted in such a manner that its action must necessarily be a true exponent of the general sentiment of the nation, and one composed of a detestable sham, under the name of a representative body, tacked on as an appendage to another, consisting of hereditary wisdom and patriotism ; the general action of which could never have for its aim any other than that which is too well understood at the present day to require mention, and the particular action of which on any one subject might be determined in favor of any scheme, however wild or iniquitous, by the desire of the *ins* or the *outs* to conciliate the favor and purchase the votes of half a dozen “ members,” *representing* (!) perhaps not as many hundred electors.

The use made of the authority thus vested in the *truly* “ representative” government, which I have thus been led to compare with the transatlantic sham that passes under the same name, is seen upon our statute-book and in the decisions of our courts.

Simultaneously, almost, with the establishment of the American Government, was a measure on the part of Spain with regard to her colonies, which afforded a test to the sentiment of the people of the United States with regard to the slave-trade. To the contract between their two Majesties, whereby, in the early part of the century, his Britannic Majesty engaged to keep up the supply for his Catholic Majesty’s possessions, of Africans “ not less than seven palms in height,” succeeded other contracts in which the place of his Britannic Majesty was supplied by private individuals—among whom the most conspicuous place seems to have been occupied by the house of Baker & Dawson of Liverpool, within whose field of operations this island was placed by a royal order of 1786. Some years after this, however, although the negroes were delivered by these contractors at the

moderate price of 155 dollars, it was deemed advisable to abandon this system of privileged, for that of free, trade ; and, accordingly, the Canary islands, together with San Domingo, Cuba, and Puerto Rico, were thrown open to the vessels of all nations bringing slaves. Here was an inviting field to the enterprise of New England ship-owners and mariners ; and the commercial skill which has raised them to such eminence in other branches, would no doubt have rendered them formidable competitors of the Liverpool traders in this lucrative pursuit.

But this temptation proved as ineffectual to navigating New England, as that of obtaining for her emigrating sons to the rich alluvions of the west a plentiful supply of hands at 100 to 150 dollars a head had proved to planting Virginia. In March, 1794—not a year after the votes by which the House of Commons rejected, not only a proposal for abolishing the slave-trade, but one also for “restricting the number of slaves to be annually imported into our own colonies,” and then another “*for prohibiting the employment of British capital in the introduction of slaves into foreign settlements* ;”—nearly two years before the time when, the philosophical indifference to the subject still prevailing, “a body of Wilberforce’s supporters, sufficient to have carried the bill for abolition, were enticed from their places in the House by the new opera of the ‘Two Hunchbacks,’ in which a conspicuous part was assigned to the great vocalist of that day, Signor Portugalls ;”—three years before the period when he encountered “a defeat more signal than any of those which he had hitherto endured ;”—ten years before the Lords defeated, for the second time, the bill after it had passed the Commons ; and upwards of eleven years before “the House of Commons of 1805, receding from the former resolutions, rejected his bill,”—their own bill, twice sent by them to the Lords ;—on the 22d of March, 1794, a law, passed without opposition, went into effect, involving an exercise by the Government of the United States, of the whole authority vested in it with regard to the slave-trade. The American Congress did the very thing which the British Commons at the very same period refused to do ; they “prohibited the employment of” *American* “capital in the introduction of slaves into foreign settlements.” Nor was the prohibition confined to American capital ; it embraced all capital and labor whatsoever, whether American or foreign ; and forbade its employment for that purpose anywhere within the jurisdiction of the United States. This law is still in force ; and it would be difficult to find, in any code, one more anxiously or skilfully framed.

The prohibition established by it applies to “any citizen of the United States, or foreigner, or any other person coming into or residing within the same.”

It is, that no such person “shall, for himself, or any other person whatsoever, either as master, factor, or owner, build, fit, equip, load, or otherwise prepare any ship or vessel, within any port or place of the said United States, nor shall cause any ship or vessel to sail from any port or place within the same, *for the purpose* of carrying on any trade or traffic in slaves, to any foreign country ; or for the purpose of procuring from any foreign kingdom, place, or country, the inhabitants of such kingdom, place, or country, to be transported to any foreign country, port, or place whatever, to be sold or disposed of as slaves.”

To enforce this prohibition, it is provided—1st. That any vessel fitted out “for the said purpose” shall be forfeited to the United States ; 2d. That every person so building, fitting out, equipping, loading, or otherwise pre-

paring, or sending away, any ship or vessel, knowing or intending that the same shall be employed in such trade or business, contrary to the true intent and meaning of this act, or anyways aiding or abetting therein, shall severally forfeit and pay the sum of two thousand dollars—one moiety thereof to the use of the United States, and the other moiety thereof to the use of him or her who shall sue for and prosecute the same; and 3d. A penalty, to be sued for and distributed in the same way, of two hundred dollars for each and every person transported in violation of this prohibition.

The act contains a further provision, having for its object to prevent a violation of the prohibition on the part of foreign vessels, by retaining a control over their employment after they may have left the jurisdiction of the United States. It is: that in the case of suspicion, on the part of any citizen, that a foreign vessel is intended for the slave-trade, and the information on the subject being deemed satisfactory by the officers of the customs to whom it may be communicated, the vessel shall not be allowed to clear, until a satisfactory bond shall be given that none of the natives of Africa, or of any other foreign country, shall, within nine months, be taken on board, contrary to the true intent of the prohibition.

The questions of construction, arising in prosecutions under this act, have been decided in a manner evincing any thing but a bias towards parties acting contrary to its spirit. Thus, although the acts of preparing a vessel, and of causing her to sail, are essentially distinct, an information describing both acts in one count has been twice held to be sufficient. In another case, it has been decided that, to incur forfeiture, "it is not requisite that the vessel should be completely fitted and ready for sea; the right of seizure attaches as soon as the preparations have proceeded so far as clearly to manifest the intention." So with regard to the penalty of two thousand dollars, for building, fitting out, &c., any vessel, or anyways aiding or abetting therein, it has been decided that "the forfeiture attaches under the preceding article, where the *original voyage* is commenced in the United States, whether the vessel belonged to citizens or to foreigners, and whether the act is done *in jure*, or by an agent, for the benefit of another person, who is not a citizen or resident of the United States;" and further, that taking the vessel to a foreign port, and there making a sale to a foreigner, and commencing a new voyage from that port, "does not break the continuity of the original adventure," but leaves the party in the United States subject to the penalty, just the same as if the vessel had gone direct from the United States to the coast of Africa.

This is a fair specimen of the action of the Government of the United States, by laws and judicial decisions; the former of which succeeded each other from 1794 to 1800, 1803, 1807, 1818, 1819, and 1820, as experience suggested new provisions for the complete effectuation of the object of utterly disconnecting the country, its citizens, and its residents, in all possible modes, with the slave-trade. These laws bear upon their face the impress of that sincerity, and that directness of purpose, so naturally characteristic of the laws of a country where legislation on any subject of moment cannot be aught else than the expression of the general opinion and sentiment, adopted and formed with the deliberation which cannot but precede them in a community where every man has a voice; where the doctrine of passive obedience, whether to kings or to majorities, is unknown; and where the authority of the State itself, and the correlative duty of obedience or conformity on the part of the individual citizen, are understood

and felt to rest upon a compact to which every citizen is a party, with all the rights inseparable from that relation—a compact which enjoins it as the paramount duty of every citizen, that, in the exercise of his share of political power, he shall not aid in any unnecessary violence to the interests, the opinions, or the prejudices even, of any other ; and the practical influence of which is, that, in exact proportion to the interest which any question may excite in any portion of the community, is the consideration shown for it in the formation of that general sentiment,—a conformity to which, on the part of the minority, who may not concur in it, is universally understood and felt to be the necessary price of the harmony and peace of society under the least imperfect of the forms in which the imperfection of human nature allows it to exist. These laws every individual in the country is free to denounce any infraction of, to authorities that *dare* not, if they had the disposition, omit any step towards its punishment ; their pecuniary penalties are so heavy, and so distributed, as to afford the strongest incentive to vigilance, on the part of every individual capable of being quickened by the prospect of lucre in the discharge of the duty which every man in a republic owes to the law ; and the country is one, happily, where no man is afraid to speak out, and no necessity exists for bribing him with the promise of personal safety, within the walls of a prison, to be exchanged, at the expiration of an uncertain term of months, for the reward of “exile for life.”

Thus much in regard to the points presented by your two first communications. They might be dilated upon much further ; but want of time to spare to the subject admonishes me to dismiss them, and to proceed to your third and last communication ;—that which has led me to engage in a task which I should so willingly have avoided, and all necessity for which I had indulged the hope of having precluded, by the reception given to your first essays in this line.

In this third communication, besides the proposal, conveyed in your own language, which has already been the subject of comment, I am favored with an extract from the “Despatch from her Britannic Majesty’s principal Secretary of State,” in the following words : “The two Governments having, by the 10th article of the treaty of Ghent, mutually engaged to each other ‘to use their utmost endeavors to promote the entire abolition of the slave-trade,’ it seems perfectly consistent with the respect which the agents of each country must feel for the other country, that they should not only themselves act in strict accordance with the spirit of the engagement which their own Government has contracted, but that they should furnish to the agents of the other Government any information which may be calculated to enable that other Government more effectually to accomplish the common purpose.”

To judge from the juxtaposition in which you have placed this extract, with the proposal that I should accept the post of informer-general against British subjects, it would seem to have been intended as an argument to justify the proposal. If it is to be so considered, my answer to it is already given.

To judge of its meaning by its own terms, the design of the writer would seem, however, to have been somewhat different from the purpose to which you have applied the passage. It seems to have been intended as a vindication of the respectfulness of the step taken by you in addressing to me your communication of January last, upon the general ground that “it seems perfectly consistent with the respect which the agents of each

country must feel for the other country, that they should" "furnish to the agents of the other Government any information which may be calculated to enable that other Government more effectually to accomplish the common purpose." And this general proposition is presented as a logical inference from the stipulation contained in the treaty of Ghent, whereby, in regard to the "total abolition of the slave-trade," it was "agreed that both the contracting parties shall use their best endeavors to accomplish so desirable an object."

How far this stipulation warrants the deduction here made from it, I will now inquire; and then I will examine how far, supposing the general proposition to be a sound one, it can afford justification to that course on your part, in defence of which it is brought forward.

To any mind in the slightest degree conversant with the principle of national independence in its simplest applications, it is evident that this stipulation does not confer upon either party a shadow of right to interfere, in any mode, manner, or degree whatever, with the other, in the means which she may see fit to employ for fulfilling the object on her part; which proposition, however, requires one qualification,—that those means shall not be in violation of the received principles of international law. For instance: that, under the plea of "best endeavors to accomplish so desirable an object," one of the parties shall not effect the conquest of weaker States, or establish over their Governments a control irreconcilable with those fundamental principles, and with that state of things, the maintenance of which is of paramount importance to the world. But, with this one qualification only, the proposition is self-evident. The stipulation does not, in the slightest degree, abridge the independence of either party, in regard to her action upon the subject. It leaves her free to pass her own laws, and to provide for their execution, by her own exclusive action; and confers no right whatever upon the other party to interfere with that action.

One right it does confer upon both parties, and one right only, to wit: that the other "*shall* use its best endeavors." The only particular in which this right is susceptible of qualification, regards the precise nature and extent of the action thus made obligatory upon the several parties. Among the limitations in this respect, necessarily attaching to any covenant of the sort, between whatsoever two parties, (provided these had a title to be considered to be within the pale of civilization,) one obviously is, that the endeavors to which each should be deemed to be bound should not be of a character inconsistent with the general principles of civilized government; and the same protective limitation must evidently apply, also, to any particular principle that might be held sacred by one only of the parties. Hence, the obligation, although mutual, could not be absolutely identical in its details, as applicable to either party, unless they should chance to possess governments exactly alike; for, unless such an identity should exist, measures might be rightfully expected from the one, which it would be unjust to require of the other. For instance: the "expedient" adopted by the Governor of the Mauritius shows that, although "strong," it was not absolutely inconsistent with the principles prevailing in Great Britain with regard to the rightful exercise of authority over British subjects; it would, therefore, not be unreasonable in the Government of the United States to expect that, among the "best endeavors" to which that of Great Britain is bound, it should freely use, through her colonial Governors, the "expedient" of sending culprits to the Old Bailey "for trial." But it would be alto-

gether unreasonable in the latter to expect of the former to use any means of corresponding *strength*: seeing, that in the catalogue of acts of tyranny charged, in the declaration of independence, against the King of Great Britain, is that of having "combined with others" (the Lords and Commons) "for transporting us beyond seas to be tried for pretended offences;" and that this referred to an act of Parliament, which, two years before, by the same pen, had been thus commented upon in the proposed address to the King: "By the act for the suppression of riots and tumults in the town of Boston, passed also in the last session of Parliament, a murder committed there is, if the Governor pleases, to be tried in the court of King's Bench, in the island of Great Britain, by a jury of Middlesex. The witnesses too, on the receipt of such a sum as the Governor shall think it reasonable for them to expend, are to enter into recognizance to appear at the trial. This is, in other words, taxing them to the amount of their recognizance; and that amount may be whatever a Governor pleases. For who, does his Majesty think, can be prevailed on to cross the Atlantic, for the sole purpose of bearing evidence to a fact? His expenses are to be borne, indeed, as they shall be estimated by a Governor; but who are to feed the wife and children whom he leaves behind, and who have no other subsistence but his daily labor? Those epidemical disorders, too, so terrible in a foreign climate: is the cure of them to be estimated among the articles of expenses, and their danger to be warded off by the almighty power of a Parliament? And the wretched criminal, if he happen to have offended on the American side, stripped of his privilege of trial by peers of his vicinage—removed from the place where alone full evidence could be obtained—without money, without counsel, without friends, without exculpatory proof—is tried before judges predetermined to condemn. The cowards who would suffer a countryman to be torn from the bowels of their society, in order to be thus offered a sacrifice to parliamentary tyranny, would merit that everlasting infamy now fixed on the authors of the act!"

Nor is the difference in the details of this obligation, as it attaches to the parties respectively, necessarily confined to fundamental points, of the nature of that just adverted to. It may extend to others, such as the proper principles to be observed towards other nations; or to matters of secondary importance, such as the mere expenditure of money. In respect to the latter, for instance: our Government might, from its very constitution, be irresistibly predisposed on all occasions to a magnanimous prodigality; and have it in its power to indulge the propensity, without stopping to enter into a miserly comparison of the two sides of the account, for the purpose of ascertaining whether the resulting benefit was, in certainty and degree, commensurate with the inconvenience experienced by those who provided the means for the expenditure: while, on the contrary, the other party to the agreement might be constantly subject to an equally effective bias towards a vulgar parsimony, through the impossibility of its engaging in any expenditure of the substance of the people over whom it was intrusted with the power of taxation, without a rigid inquiry, justifying it under every aspect in which its rightfulness could come in question. In such case, it would clearly be no less unreasonable and inconsistent with the true spirit of the stipulation, for the liberal Government to require of the other to keep pace with its lavish expenditure, than it would be for the latter to insist upon the former's placing a curb upon its own generous spirit, in order that the penuriousness with which it was in contrast should not be put to shame.

A corresponding difference might be occasioned by the character of the two Governments, with reference to the rest of the world. One of them, for example, might be so constituted that its course towards foreign nations should naturally exhibit always a strict conformity to the maxim, "Peace and honest friendship with all nations, entangling alliances with none;" while a propensity directly the reverse of this might belong to the character of the other. The former might be known to be ever governed by the idea that its business was to attend to the concerns of its own people, and not of any other; that, if it regulated the conduct of its own citizens, and maintained their rights, its office was fulfilled; and that its duty, both to them and to the rest of mankind, alike dictated a total abstinence from all intermeddling in the concerns of other States, and that these should be left to manage their own affairs,—the Government dealing with its subjects, and the subjects with the Government, according to their respective notions of right and wrong, and their respective means of control. The latter, on the contrary, might be known to be confirmed in the habit of considering itself the ordained regulator of the affairs of humanity at large; so that, in the distribution of its attention over the vast sphere of action belonging to it, but a small share could be allotted to the condition of its own immediate subjects, so long as any topic connected with "the rights of humanity" should exist; in respect to which, the composition of other Governments might be beneficially modified, or their action advantageously influenced in any way; whether by directing and quickening it, or by assisting its operation, by taking part in the execution of the laws they might be prevailed upon to pass for the regulation of their subjects. It is undeniable that a difference of this kind would afford just ground for one between the exertions that the parties might severally be required to make towards the object in regard to which their best endeavors had been mutually pledged. The Government distinguished for its contracted views, might, without laying itself open to the charge of disappointing any expectation that could reasonably be entertained from one of such a character, limit its endeavors towards the abolition of the slave-trade by other Governments, to declarations of its own conviction and sentiments with respect to it upon all fit occasions; and to the influence of its example, in faithfully maintaining the authority of laws truly calculated to prevent its own citizens from taking part, directly or indirectly, in the traffic; or from facilitating it on the part of others. Moreover, as the maintenance of laws of this kind is particularly expensive, and as this expensiveness increases in a geometrical ratio with the distance of the theatre upon which infractions may be committed, it follows that their absolute maintenance, so that unpunished violations of them shall be altogether unknown—an impossibility to any Government, with regard to any law—cannot be reasonably counted upon: above all, from a Government which, besides being one of those to whom "strong expedients" are forbidden, belongs also to the parsimonious class, that are so cramped in regard to the faculty of disposing of the fruits of the people's industry, as to be under the necessity always of justifying any exercise of it, by showing that it has not been abused, either through the inherent worthlessness of the end, or through its being of too uncertain or too costly accomplishment. With regard to a Government of this restricted nature, all these considerations concur to set limits to its obligation, which have no existence for one whose nature impels and allows it to spurn at all such restraints; and whilst the former, through its considerateness of expense, and other causes, might, without criminality, fall somewhat short of

the utmost attainable perfection in the maintenance of its own laws, the latter might, without injustice, be expected to act a very different part, and not only to exercise all its influence in directing the legislation of other countries, but also to volunteer to enforce their laws : to this end, covering the sea with her cruisers, and the land with agents of all sorts, regardless of cost.

But, after making every such qualification of it, the right resulting from this stipulation still remains to each of the parties. It is a right that the other "shall use its best endeavors;" and although it does not by any means follow from this right, that either party should possess that of interfering in any manner with the other, by pretending to take part in either the enactment or the execution of her laws, it does follow that, if this obligation be unfulfilled by either party, a further right does thereupon attach to the other, to wit: the right to charge her with faithlessness, in the face of the world; and to resort to such other measures as the power of the aggrieved party may render practicable, and the extent of the injury may warrant.

This right, "the 10th article of the treaty of Ghent," quoted by her Majesty's principal Secretary of State, does confer upon the British with regard to the American Government, if the latter prove unfaithful to the obligation thereby incurred. But it confers no other. That stipulation does not, in any manner, affect the independence of the two parties. It leaves it absolute and intact as before; and confers upon neither the right to advance any pretension, or so much as propose even to take part, either in the making or in the executing of the laws of the other. Above all, does it not afford any ground for any proceeding of the sort on the part of subordinate agents residing in a foreign country, and accredited there for a special purpose only, towards other subordinate agents, who, although accredited to the same authorities, are not placed, and, from the special character of the former, cannot possibly be placed, in any official relationship with them.

But, admit for a moment this proposition of her Majesty's principal Secretary of State to be incontrovertible! Does it afford any justification of the course pursued by you? Not the slightest. Anxious as he appears to have been to cover your position, he could not venture upon a proposition broad enough to afford it even a shadow of protection. What he says amounts, in truth, to nothing but a disclaimer of intentional disrespect, thrown into the shape of an unsound argument that no disrespect was shown. The disclaimer may be accepted; but the fallacy relates to a point too important to allow it to pass unexposed.

What is it that to the principal Secretary "seems perfectly consistent with the respect which the agents of each country must feel for the other country?" Why, that they should, on either part, "furnish to the agents of the other Government any information which may be calculated to enable that other Government more effectually to accomplish the common purpose." Admitting this to be true, what is the thing to be furnished? It is "*information*;" and this information must be of a particular kind. Under this rule, even, you could not, consistently with the respect which the principal Secretary says you "must feel" for my country, offer to furnish me with any information, unless it were "calculated to enable the Government of the United States more effectually to accomplish the common purpose."

Manifestly fallacious as the Secretary's principle appears to me; and obvious as is, to my mind, the duty of denying to it all influence whatever, in any determination I might come to in a case of the kind; yet I can conceive cases in which the nature of the "information" communicated, and all the

circumstances attending the communication, would afford conclusive evidence of that sincerity of purpose, which, however misdirected it may be, ever carries with it its own title to a respectful and friendly reception. But the present case, unfortunately, is not of this class. To furnish the American consul at Havana with "*information*," which there might be a possibility of his not possessing, and truly "*calculated to enable*" his Government to make it a basis of action, would be one thing. To make that same officer "acquainted with the *report* prevalent in this place," is another, and a very different thing; so different, that, to be sensible of the difference, it fully suffices to bestow one's consideration upon the naked act itself, without advertng to the various adjuncts, in the shape of suggestions and hopes, with which you judged proper to garnish it. And this brings me to the speculation into which, upon the occasion of showing that your object in addressing these communications to me could not possibly be that which you avowed, I announced my intention to venture, with regard to what really was the object at which you were driving. The task is, indeed, a superfluous one; seeing that my opinion on the subject cannot but be already sufficiently disclosed. But, as the speculation has been promised, I will give it.

The belief, then, which every thing has conspired to force upon my mind—which no single circumstance exists to weaken—is, that your communication was addressed to me without the remotest expectation that your making me "acquainted with the report prevalent in this place" could, by any possibility, conduce to any useful end regarding the subject; and that the occasion was seized by you, to get up, for stage-effect at home, a display of zeal and efficiency, the hollowness of which could at that distance alone fail to be seen into, and to excite the contempt proper to such exhibitions. This, however, was a consideration which they could not be expected to be otherwise than regardless of, whether at home or on this remote theatre, whose bosoms could feel comfortable under such a burden as the consciousness of being parties to the little game of patronage here exhibited to admiring eyes. So long as the object of getting up a show of efficiency, to cover the sinecure reality, could be accomplished, it mattered little what people here might think. Nor, although the primary, was this the only end which the occasion might be made to serve. It was a favorable one to punish the United States for having so pertinaciously resisted the entreaties of the British Government to flatter and conciliate the influences which had acquired such predominance over the action of its own place-holders and place-seekers, by the one concession of giving its consent to the plan constituting its navy the grand high constable of the seas, and becoming a party to the grant to it of the right of search. This punishment might be inflicted in the shape of the calumnious imputation, which your diplomatic skill taught you "respectfully" to present in the friendly guise of suggestions, hopes, and regrets; and, besides the gratification of the feeling which prompted it, who could tell but that the chastisement might be attended with the further advantage and glory to the actors, of subduing the stubbornness upon which it was expended? It was accordingly ventured upon; and if you are not by this time satisfied that the act was one in which you displayed greater valor than discretion, it is because my humble powers do not correspond to the good-will which will ever animate me upon such an occasion, whether the slander cast at my country come from the hand of an underling sinecurist, or from that of the principal Secretary of State.

If, as circumstances would seem to indicate, you really did indulge, while hazarding this step, in the delusive notion that expedients of the sort could be attended with the effect of extorting from the Government of the United States the oft-denied privilege of searching the vessels of its citizens, this would only be an additional proof of the utter misconceptions which yet prevail with regard to us. Could the people of Great Britain but be as free from all iniquitous taxation, as they ever will remain from that for which a pretext would be afforded by the consent of the United States to place themselves under the pupillage of the British Government, and to have their laws, whether on land or at sea, executed by the agency of the British navy or of British commissioners, Mr. Hume's occupation (in one field, at least) would be gone; for the condition of his countrymen would, in that respect, leave nothing to be desired. The right of search! You do not understand us; this is but too plain. Why, if through some extraordinary combination of circumstances, the administration of the Government of the United States should chance to fall into the hands of a man disposed to enter into such an arrangement, it would still be as far as ever from its accomplishment. To present for the consideration of the Senate, a treaty subjecting American vessels to search by the officers of a foreign Power—and, above all others, of Great Britain—would transcend the daring of any man, unless he were so far insane as to covet the distinction of impeachment. Such an idea could find a harboring-place in no American brain but that of a lunatic; and that the reverse should be counted upon by a European, only proves how little Europe understands America. The truth to which I have pointed in regard to the cause of the impossibility of a conflict in the latter country between law and public opinion, applies with no less force to the subject of national independence. In European countries, this is (except when some very extraordinary crisis may have arisen to throw the people into unusual excitement) a vague abstraction, which, to the common mind, appears as far above its own proper region of thought and sentiment, as the King's judicial ubiquity, or his more general exemption from fallibility. Like these attributes of majesty, independence is something which concerns the *Government*, and with which the *subject* has nothing to do. Far different is the case in my country. There, national independence is an object familiar to the thoughts and dear to the heart of the citizen—a sacred heir-loom, handed down from the generation of '76; the history of the acquisition of which, and the duty of transmitting it unimpaired, is among the first lessons of the infant mind. It is seen to be a part of that self-government, which (the dearest inheritance of the people) belongs to them; cannot be invaded without grievously wronging them; cannot be alienated without enslaving them. Not a man in the country, however little he might have thought upon the subject, but would perceive, at a glance, that the most atrocious usurpation of which the public servants could be guilty, would be that of presuming to grant away to any foreign Government any right to take part in the exercise of the powers confided to them. Not one but would feel it as an injury to himself, personally—the attempted robbery of a treasure, whereof he knows and feels himself to be one of the rightful owners. How could this fail to be the case in a country where, instead of the King's birthday, or the Queen's birth-day, it is the birth-day of INDEPENDENCE that is celebrated; where every man's and every woman's earliest recollection of the discharge of artillery, or of martial music, or of the firing of crackers, exists in indissoluble association with the FOURTH OF JULY? The two

wars in which the nation has been engaged, (I say the *two*, because the war with France has left no national impression,)—how are they distinguished, think you? As the *first* war of INDEPENDENCE, and the *second* war of INDEPENDENCE! When we buried the hatchet at the close of the last, great were the rejoicings! At the return of blessed peace, no people ever showed more joy; and, amid the thousand ways in which this displayed itself, were heard congratulatory addresses to the Chief Magistrate of the Union, from the cities whose long silent wharves resounded once more with the hum of commerce. But even at that moment, INDEPENDENCE was not forgotten. Glad as they were to bury the hatchet, they were not unmindful of the duty of marking the spot, and of freshly inscribing the causes which might command it to be again dug up. Witness the following extract from the answer of the President—the same “dealer in human flesh” who, upwards of twenty years after, was guilty of the atrocity of “selling his own slaves”—to one of these addresses:

“A candid review of the trials to which our country has been exposed, and of its conduct previous and subsequent to the appeal to arms, will always do equal justice to its love of peace, and its energies in war; to the stability of its political institutions, and threatening shocks, and the public spirit which animated, and was in turn cherished by them; to its respect for the rights of other nations, and its firmness in asserting its own.

“The present generation, in disregarding temporary interests, when brought into competition with *essential rights* and *national character*, the *only* foundations of lasting prosperity, has emulated the wisdom and the virtue of that which bequeathed to it the blessings of FREEDOM and INDEPENDENCE; and it will have the happiness of handing down the precious trust, with additional security and lustre, to the generations which are to follow.”

By a singular coincidence it has happened, that, while engaged in writing these remarks, I have received a bundle of Washington newspapers; upon opening which, the first thing that has caught my eye is an article headed “*International law—Brazil*,” on the subject of an occurrence at Rio in April last; which has recalled to mind one of precisely the same nature, of which, in the same month of last year, the same place was the theatre. The first in order of time is thus narrated in an American paper of June 11, 1838, containing news from Brazil to the latter end of April, brought by the American ship *Mogul*: “A good deal of excitement had been created at Rio, in consequence of an outrage committed by the British corvette *Rover*, upon a Brazilian vessel, on board which were the inspector of the arsenal, the commandant of marine artillery, and two other Brazilian officers. The outrage consisted in first firing upon the Brazilian vessel, and then compelling the officers on board of her to go on board of the *Rover*. The difficulty grew out of an order given by the commander of the corvette to the commander of the Brazilian vessel, as the latter was passing the former, and to which no attention was paid by the Brazilian. The case had been represented to the British chargé d’affaires, and it was said he had promised to make reparation.” The more recent occurrence, (which, in one particular, will be seen not to admit of governmental “reparation,”) is thus related in the letter addressed upon the occasion by the British chargé to the British commodore in command on that station: “By representations made to me by the Government of his Imperial Majesty, I am informed that, on the 21st instant, the steamboat *Especuladora*, returning from the island of Paqueta to this city, was fired into by the *Ganges*, one of the vessels lately

captured with Africans on board; and that a Brazilian gentleman on board was mortally wounded. The communication of Senhor Oliveira does not suggest that there was the slightest provocation for this act, nor is it said that it was accidental."

In neither case are we furnished with the key to the outrage. Little doubt, however, can be entertained that in both instances it arose from officer-like zeal in discharge of the duty assigned to the British navy, of carrying into execution the laws of Brazil for the suppression of the slave-trade. Ardor in the exercise of the right of search affords so natural an explanation, and it seems so difficult to imagine any other, that, in the absence of a conflicting statement, it seems scarcely possible to reject it.

The last incident also "is represented to have caused great excitement in that city;" the more so, as the victim was a young gentleman of great worth, and held in general esteem, who had been married but a week or two. So much for a steamboat excursion in the very harbor of his native city, under the right of navigation left to Brazilian subjects, after the magnanimous concession by their Emperor of the right of search! Such scenes may happen in the port of Rio, "between the island of Paqueta and the city;" and the irritation yet find a cooling salve in diplomatic "reparation." But suppose any thing of the kind to occur in the waters of Massachusetts, between George's island and the "Tea"-wharf; or of New York, "between Staten island and the city;" or of Virginia, between "Craney island and Norfolk;" or of South Carolina, between the "Palmetto battery" and Charleston: what would be the consequences?

A few words more, and this task will have reached its close. While upon the subject of the prevailing public sentiment here, in regard to the slave-trade, I have adverted to the double conviction, whereby it is upheld in the minds of the Spanish population that the pursuit is in itself right, and that the present action of the British Government in regard to it is not the fruit of a contrary conviction, but springs solely from a desire to promote its own political and commercial power by inflicting injury upon other States. I have expressed, too, my own belief that this conviction is as honest a one as ever dwelt in the human mind. From this avowal, together with the general tone of my remarks, so strongly contrasting as it does with the formulas which constitute, at the present day, the only approved mode of speaking on the subject, it might be hastily inferred that the conviction is shared in by me. No greater error could, however, be committed; and although it is a matter of no moment what my individual opinions may be, on this or any other subject, yet it seems to be of some possible consequence that those of the writer of this letter be not the subject of such misconception. It possibly may come into the hands of some sincere inquirer, truly anxious for correct views in regard to this momentous topic; and the effect upon such a mind would be very different, according as it might have fallen into, or avoided, the error of regarding the writer as an advocate of the slave-trade.

Besides this inducement not to dismiss the subject without a short exposition of my own creed, I have another. Mr. Buxton's recent work affords to my mind, as I have already stated, a glimmering of returning reason; in a quarter, too, whence it is doubly welcome, from its being so entirely unexpected. His proposal, not to rely altogether upon "the strong hand" for the suppression of the slave-trade, and his remarks connected with that view of the subject, constitute one of the numberless encourage-

ments afforded by the history of human opinions, never to despair of the ultimate prevalence of truth over error, and of sober sense over distempered enthusiasm. They show that reason has already so far asserted her empire in this field, as to influence the judgments even of a mind possessed as that of Mr. B. has so long been; and such a phenomenon cannot but warrant high hopes that the time is not distant when the phantoms which for so long a period have peopled it shall be dispelled, and her sway shall be undisputed.

With regard to such a period, the present state of things affords abundant grounds for apprehending a most unfortunate revulsion of public sentiment upon the subject. That which now prevails, although sound in itself, has been built upon such a foundation, that unless one more substantial be timely provided, its fate, so soon as the sun of truth shall begin fairly to shine upon it, will be like that which has so often befallen religion, when reared upon a similar basis. By furnishing my own views upon the subject, and making known the grounds upon which my opposition to the slave-trade rests, I may perhaps, therefore, be rendering an essential service to the cause.

In the first place, then, I do not concur in the belief that the course pursued by the British Government in regard to this subject, since the period when it yielded to the sentiment which demanded a prohibition of the traffic to British merchants and ship-owners, is to be ascribed altogether to a deliberate design to inflict injury upon other nations. The springs of human action are naturally too complex to justify the ascription of such an effect to so simple a cause. That it is in the present case a compound, involving a vast variety of ingredients, the products no less of what is good than of what is evil in our nature, I entertain no doubt; and although, on perusing the eloquent burst of the enthusiasm kindled by one of its effects in the bosom of Channing, or the no less pleasing echo awakened by that burst on the opposite side of the Atlantic, in the pure strains of Rogers, I cannot divest my mind of a strong doubt whether the sober award of posterity is to correspond to the annunciation of it which these poetic prophets have ventured to record, yet am I not either insensible to the moral beauty of a portion of the motives, at least, from which it sprang. To those who are to come after us, however, am I content to leave the question in all its parts. To the next generation, probably, opinion upon the character of the experiment will have ceased to depend upon speculation. It will have become a simple question of fact, whether it was of a nature to be attended with any other result than that of hastening the day when the British colonies, on which the curse of slavery rested, should become uninhabitable to the white man, except while under the immediate protection of a portion of that immense military and naval establishment which the British people must, some day or other, tire of maintaining. And, with respect to the question of motives, it will belong to some future Hallam to trace the working and the natural fruits of that distribution of political power in Great Britain, under which it befell the people, whilst "loaded with an unprecedented debt, and with a grinding taxation,"* and engaged in establishing for themselves the sub government of secret select committees of assassination, and in maintaining armies of welters six thousand strong, to be taxed another round hundred millions of dollars, besides the various con-

*Channing's eulogy on this act of the British Parliament.

tingent small sums requisite for providing stipendiary magistrates, land force, and naval force, judge commissioners, and all the innumerable accessories, in order that that part of the nation whose imaginations had been plied with pictures of barbarities and miseries existing only in the brains of enthusiasts, or the lies of impostors, until they were worked up to the proper pitch, might be indulged with the experiment. He will perhaps also point out that such a thing could never come to pass under a truly representative government, such as that existing in Great Britain in his day: its democratized action showing, in every movement, a conformity to the vulgar injunction that charity should begin at home, and superseding all necessity for corps of welters and their secret employers.

But if I have not deemed it necessary to bring my mind to a state of absolute conviction in regard to the several shares of influence to be allotted to the various motives by which the action of the British Government has been determined, in regard to slavery and the slave-trade, the case is far different in regard to these subjects themselves. Upon both, my mind has, for a long period, known no other state than that of the most absolute conviction; and these convictions do not differ from those manifested by the Virginia convention of 1774, in their resolution against the further importation of slaves, and which, 33 years afterwards, obtained the ascendancy in the British Parliament.

With regard, however, to the grounds upon which they rest in different minds, there is a great difference; one which, as I have already stated, I consider to be attended with great peril to the good cause, and to be entitled, therefore, to the most earnest attention.

He in whose bosom enmity to the slave-trade rests upon no surer foundation than belief in the accuracy of such pictures as are presented in the work of Mr. Buxton, or sometimes find a place in the speeches of Lord Brougham, is in no small danger of becoming an infidel. At least is it exactly proportionate to his chance of ever seeing, in place of the preposterous creations built up by the most reckless generalization of a few selected facts, the plain, unvarnished reality. To judge from this class of representations, none can be engaged in the traffic but men or demons, whose mission upon this earth is to earn distinction as aids of the King of Terrors; and who never deem an "expedition" a happy one, unless attended with the most frightful destruction of human life. The truth, however, is, that these men are as true and devout worshippers of mammon as ever carried on trade in any of its shapes. Their object is money; and it may be doubted whether a money-making pursuit was ever followed upon this earth, in which a nicer adaptation prevailed of the means to the end—nicer calculations with regard to contingencies of every sort—nicer attention to every arrangement by which loss could be avoided. Whatever may have happened in one or two, or in any number of selected instances, the character of the traders affords a security that they do not incur the expense and risk of fitting out vessels for the coast, for the mere pleasure of cramming them with Africans, in the design that one-half may perish, or without especial regard to the number that may safely be embarked. It is not many months since I had a conversation with an American ship master—one of that class which has acquired for their flag a celebrity all over the globe, and than whom no better judges can be found of the qualities of a vessel, or of the arrangements for a voyage. Although as little connected with the trade as Mr. Buxton himself, he had, within a short period, enjoyed opportunities, in

this and other parts of the world, to indulge his curiosity by the inspection of slavers; and the result was, that even his New England experience and ingenuity had not protected him from admiration at the perfection exhibited by these vessels in every possible particular: in mould, in rigging, in fitting, in the manner in which every provision was made, both as to arrangements and as to supplies, that could tend to the success of the only object of all this trouble and expense—the transportation of the human cargo in safety and good health. True, the fruit, thus far, of the measures against the slave-trade, has been the substitution of small, sharp, wet clippers, for the large, clump, dry vessels, of double and treble the tonnage which would now be employed to transport the same number of persons; and there is no telling how far this process of reduction may be carried. This will depend altogether upon the point to which the necessity for it may be pushed by the multiplication and increased efficiency of British cruisers. If this should prove great enough, the size of the slavers will be brought down as low as ten tons, or thereabouts; and should these vessels be found still too large to escape, the probability is that the trade will be suspended until such time as a relaxation of vigilance shall enable it once more to break out. But, whatever the womb of time may be destined to bring forth, in regard to the aggravation of the horrors of the slave-trade, through the efforts for its suppression by “the strong hand,” the sober, unexaggerated truth in regard to it, as it now exists, is such that no one whose enmity to it rests upon a belief in those horrors, as depicted in the books and speeches of enthusiasts, or “oratorical philanthropists,” can fail to become a backslider upon acquiring correct information in regard to the matter. And even if the reality of those horrors should be found to correspond exactly with these pictures of them, dangerous consequences might still result to any such mind, from adding to its grounds of judgment a knowledge of the change of condition resulting from a transportation in a slave across the Atlantic. My own earliest recollection of a print is of that celebrated *section* of a slave ship, constituting, if I recollect right, the frontispiece to one of Wilberforce’s publications. There was something in it which excited my curiosity, and this was, by my grandmother, diverted from the engraving, which necessarily remained a puzzle to me, to the trade itself; with the horrors of which my infant mind was filled, and for which a hatred was inspired, correspondent to that which animated the bosom of my instructor, the most remarkably generous and benevolent person in a very large circle of acquaintance. Nor did my subsequent education at all disturb this first impression. The feeling grew with my growth, and strengthened with my strength. My preparation, upon coming to this country, had not, therefore, been of a character to predispose me to view the slave-trade with favor, and to form, upon what I saw, a judgment conflicting with that which had been the growth of my life. And yet it has so happened!—so far, at least, that I now entertain a deliberate and oft-revolved doubt, whether, *considered merely in itself*, the slave-trade be not a positive benefit to its supposed victims. Were the trade open, and regulated in the way that emigrant passenger-vessels are, I should entertain no doubt upon the subject. But even taking it as it is—nay, more, admitting Mr. Buxton’s generalizations to afford an unexaggerated picture of its horrors; and taking into view, also, the average condition of the slave in this island, as contrasted with what it was in his native country, as learned from himself, from travellers of all nations, and from sea captains who have visited the

coast, without being connected in any way with the traffic, I am strongly inclined to the belief that the purest, and most judicious philanthropist that ever lived, if called upon to decide the question for a cargo of slaves ready for embarkation on the coast of Guinea, and required to found his judgment solely upon the probable consequences to these particular individuals, would unhesitatingly pronounce in favor of their encountering all the perils and hardships of the voyage;—and this, although, from his birth and education, he should be totally without knowledge of the actual condition of the native African, in regard to morals, to intellect, and to the standard of physical comfort; and consequently prone to the utterly preposterous exaggeration of the horrors to be suffered by *him* on the voyage, resulting from an estimate of the circumstances with reference to his own feelings, or to those which would be experienced by an inferior class of his own civilized countrymen in the same situation: this being the ordinary mode of realizing the horrors of the voyage;—the compassionate reader, being perhaps a lady, who, from habit, would be rendered miserable by the necessity of dispensing for a day with her tepid bath, or the attendance of her maid, and the objects of her compassion human beings, with the attributes of humanity so dormant in them, that all ages and sexes will move about among each other stark naked, in the presence of clothed strangers, both white and black, utterly devoid of all sense of bodily exposure,—an insensibility which extends even to occasions whereon some of the lower animals never fail to manifest the reverse!

Such has been the result of the opportunities of personal observation and inquiry afforded by a residence upon this island. Nor has this effect been produced upon my mind alone. Upon my mentioning it last winter to a countrywoman of mine, who had recently visited Boston, she told me that a similar view of the subject had, within a year or two, been presented to the world by a distinguished New England divine; who, driven by ill-health to pass a winter at St. Jago de Cuba, had there availed himself of the opportunity to test the truth of his impressions, by comparison with the reality before him.

And such, I am satisfied, will be the result of the same opportunities upon every candid mind that takes sufficient interest in the subject to make use of them. He who cares nothing about it, may come, and stay ever so long, and go as he came; secure in his gratuitous and convenient creed. But let the honest inquirer after truth—he for whom every thing that concerns humanity has an interest—beware. Unless his enmity to the slave trade has some better basis than a shuddering at the horrors of the voyage, or sympathy with the “miserable victims” who have escaped them, he runs great risk of being made at heart a slave-trader in less than six months after he shall have begun to use his own eyes, ears, and understanding.

Fortunately, this has not been the case with me; nor with my countryman, the Boston divine. However unprepared a European mind may be apt to be for such a shock, that of an American is likely to be better armed. He will find a never-failing objection to the slave-trade in—SLAVERY. He will be under no necessity even of having recourse to the fact, that the slave-trade, although it may be attended with the effect of beneficially changing the condition of the individuals to whom it affords an escape from the horrors to which they were born, has nevertheless a tendency to perpetuate them, and to retard the period when this variety also of the species might emerge from the debasement in which it has remained through long ages

of intercourse with civilized man. As yet, unfortunately, all the importance of this fact rests upon a *hope*—a hope which, in its turn, rests chiefly upon what the negro has been made to become while the slave of the white man instead of the black; and consists in the inference thence deduced, that, when delivered from bondage, he may continue to manifest the same capacity for improvement, instead of yielding to the propensities which draw him downwards. This argument has more substance in it than the horrors of the voyage. But it, even, as yet, rests upon a hope; and the only one that can be urged, which presents an insurmountable objection to the traffic, is, *the nature of slavery itself*—the inherent evil nature of the institution, at least when planted in a society of freemen of the Anglo-American race.

What, then, is the objection to the institution of slavery? Is it that, as the African believes, it extends the range of cannibalism, and imparts to the white man the bad practice of feasting on “human flesh?” Is it that, as Daniel O’Connell believes, or affects to believe, it so depraves the master as to make of him an architect of breeding-pens, for keeping the sexes in forced conjunction? It is neither of these; nor is it that the black man is equal to the white—an absurdity belied alike by all history and the researches of every naturalist. Nor is it that, admitting him to be the equal of the white in every particular, this would constitute a sufficient reason for attempting to form a society by placing the two races in juxtaposition. Such a project might possibly prosper in a State acknowledging a distinction of ranks, where the gradation, beginning with a king, might end with the black; and the latter be habituated to regard the white man of the rank just above him, with the same deference that the latter would give him the example of, by showing it to the ranks to which he was subordinate. But to attempt to construct a democratic State with such materials, would be chimerical in the extreme, even upon the supposition that the black is morally and intellectually the equal of the white; for, admitting this equality, their homogeneity would be as far as ever from being a truth; there would still remain those physical differences, which create an insuperable bar to the accomplishment of any such project. This is a point which has ever exacted attention from those reasoners upon the subject who were most interested in it; whilst, by those least so, it has been utterly neglected. Hence the irreconcilable difference in their respective views; hence the difficulty on the part of a European in comprehending the full import of Madison’s patriotic wish, that he were endowed with the power of metamorphosing the black man into a white; hence the readiness with which Miss Martineau would pronounce in favor of instant emancipation *without* “deportation;” whilst Jefferson, at the close of a long life devoted to the welfare of man, and in nothing more distinguished than for his early, his ardent, his unflagging zeal on the subject of slavery,—in the very same breath which conveys his parting adjuration to his country, to make haste and rid herself of the institution, expresses also his conviction that it is not “*less certain* that the two races, equally free, *cannot* live in the same Government!” And why so? Because “nature, habit, opinion, have drawn indelible lines of distinction between them.” And what would be the consequence of these distinctions? What effects would they produce upon the feelings of the two races, if once placed in such a relation of equality? This question may present ground for dubitation to a European mind, impressed from earliest infancy with all the notions proper to a subordination of ranks, and insensibly confirmed in all the correspondent habits of

thought and of feeling. But an American could not fail to see at a glance the working of the whole scheme—that its certain and instant consequence would be aspirations on the part of the black to a *social* equality, to which nature interposes an insurmountable barrier; whilst the denial of it would inevitably prove a source of heart-burning and hatred, altogether inextinguishable, except in the last drop of the blood of one of the two races. The reality of this physical barrier to that amalgamation which would at once be pretended to by the black, constitutes the particular in regard to which European notions upon the subject seem most defective; although it is far from being the only one with respect to which ignorance the most profound is manifested: witness the Edinburgh Review's avowal, even after studying Miss Martineau's "six volumes,"—that it could not so much as "presume to guess the exact meaning" of the word "amalgamationist," which popular instinct in the United States has substituted for "abolitionist," as the proper designation of the man who would venture upon abolition without "deportation;" and the appropriateness of which any smart Philadelphia school-boy could, after five minutes reflection, have justified to the reviewer, by explaining to him that, if the black race were raised to political equality with the white, they would naturally and inevitably aspire to be received into white society, and to be accepted and sought by white maidens and youths as husbands and wives; that, if these claims should be denied, a worse state of feeling would arise than that which belonged to the relation of master and slave; and that, consequently, as it could not be supposed to be the design of the abolitionist to substitute this worse state of feelings for the other, he must contemplate with complacency that which could alone prevent it—the *amalgamation* of the two races. This is the rationale of the process whereby "amalgamationist" has become substituted for "abolitionist," since the zealots on this subject have avowed projects which every American school-boy can trace to their consequences—consequences, the contemplation of which would be awful indeed, were it not that the intelligence, the sobriety, and the experience of the American people, in discharging the high trust of self-government, interpose a barrier, against which all the zealots that Christendom can send forth upon this new crusade may harmlessly expend their fury. And it is in view of these consequences that the amalgamationist has awakened in the general bosom of the country a sentiment of disgust and loathing—the very reverse of that which, for several generations, had prevailed in regard to the abolition of slavery; and which, consequently, was felt to require a distinctive name. Its baptism followed; and, although it would perhaps be impossible to ascertain by what voice the name was first called out, it no sooner struck the public ear, than the popular instinct, alive with a true although a latent and perhaps unconscious knowledge of the subject, recognised it as the right one. It is now a word engrafted upon the language, to live as long as it shall, and to become conspicuous in the history of the race to which it belongs. Already potent to kindle indignation wherever an assemblage of American citizens has been gathered together, it is destined to manifest, through the whole length and breadth of our land, an intensity of power such as never belonged to word before, and which will inhere in it until all remembrance of the abhorrent proposal shall have died away. This "amalgamation," which the Edinburgh Review was so utterly at a loss for the meaning of, is fraught with significance for the American mind. To it, it means those particulars belonging to the

subject of the extinction of slavery, which present the great, indeed the only, obstacle to it : that obstacle, of which so beautiful and emphatic an expression was contained in the wish of one of America's patriot sages, that his fiat could make the black man white ; that obstacle, but for which slavery would, long ere now, have been known to the Anglo-American only as the power of king, lords, and commons, is known to him—a thing of history, to be looked upon, not in the future, but in the past alone ; and to be looked back upon with no other feelings than congratulation and honest pride. This, the very kernel of the matter, is the particular in regard to which European ignorance is most absolute, its temerity most conspicuous, the recklessness of its fanaticism most preposterous. This is the particular, therefore, in regard to which it most behooves every man who takes an interest in the subject, to acquire just conceptions. Amalgamation is an absolute impossibility. Nature has thus decreed it. The truth rests, not upon the *superiority* of the white man to the black, but upon the existence of *physical differences*, which create in the one a repugnance to amalgamation with the other. The moral and intellectual *superiority* of the white race, although a settled point in natural history, is yet, from its nature, a topic upon which ignorance may indulge forever in contentious pertinacity ; but the existence of *physical differences* is a simple matter of fact, which, both in itself, and in the repugnance affixed to it by nature, is placed, by the senses of sight and smell, beyond the reach of controversy ; and there it would still remain, even although the moral and intellectual superiority should be demonstrated to be on the side of the black. This is the foundation-truth of the American view of the subject. Let every European, who deems that subject of such paramount importance as to justify his turning a deaf ear to the appeals which the evils more immediately present to his view may make to his philanthropy—let him study the thing until his mind shall have become penetrated with this one truth ; and if he be honest and sincere, it can scarcely happen to him to become a mischief maker. Under the safeguard of this one monitor, he may, without great risk, give the reins to his zeal.

Nor will any person, whose frame of mind upon the subject stops short of that reckless fanaticism which obliterates all vestige of candor, experience any great difficulty in bringing his mind to a recognition of this all-important truth. Any one who has made the experiment, must be aware how readily the scales will drop from the eyes of the most self-deluding enthusiast, provided his mind be still capable of feeling and acknowledging the force of truths which it cannot controvert. Among the instances of this, which have come under my own notice, is one in which the convert was a British naval officer. He had distinguished himself in his profession by a remarkably bold and gallant exploit ; and his standing as a man and a christian was even higher than that which he had acquired as an officer. Among other details which I learned respecting him, one was, that he belonged to the evangelical party in England ; another, that he had a charming family, delightfully brought up, the daughters of which were remarkable for their loveliness. This last circumstance furnished me with the best possible touchstone of the sentiments which lay at the bottom of his heart in regard to the black man : for, in a conversation which took place on the subject, he averred that his feelings towards the two races were precisely the same,—that, with him, it made no difference whatever whether a man was black or white. There could be no manner of doubt that the assertion

was uttered in the most perfect sincerity ; but I nevertheless felt sure that even his comparatively slight means of personal observation and knowledge of the black man must have been attended with the effect of implanting in his bosom something which, unconscious as he might be of its existence, could be summoned up, to give the lie, practically, to what he had persuaded himself to regard as a truth. This was tested by the supposed case of the two suitors to one of his lovely daughters—a white man and a black man ; between whom, in point of education, character, talents, morals, manners, and fortune, there should not be the slightest shade of difference. Which would he prefer that his daughter should accept ? His candor would not allow him to pretend that he would not have a preference ; nor, had I pressed the point, could it have allowed him to say that he had not rather consign his daughter's corpse to the grave, than her living person to such a nuptial couch. And thus will it ever be with every person in whose bosom a respect for truth be not utterly obliterated. If he possess any, the slightest, personal knowledge of the black race,—if they be to him any thing else than creatures of the imagination purely,—he must have within him, however unconsciously, the germe of an invincible repugnance to “amalgamation ;” and this will, upon the first occasion, develop itself, with a vigor exactly proportionate to the knowledge he may have acquired of the physical differences which separate the two races, and will forever prove what Jefferson calls them—“indelible lines of distinction.” How truly they are so, can be fully known only to one born and bred among blacks : for he alone can know how they defy the influence of time, of habit, of opinion, of affection. I was born amidst black domestics ;—a black woman carried me in her arms, and the attachment between us was as strong as ever existed between a white child and a white nurse. So far from entertaining for those of her color the dislike and hatred which constitute the supposed attribute of a slave-owner, my feelings towards them are kindlier even than those which I entertain towards my own race ; for they are softened by the influence of a deep-rooted hatred for the condition in which the force of circumstances has placed them. I can take a black man by the hand as cordially as I can a white man of the same merit ; and I had rather shake hands with an honest black hack-driver in Pennsylvania Avenue, at Washington, than with any white scoundrel, however fashionable or titled, that could offer me that honor in Portland Place, London. I have travelled in the mail-coach in company with a mulatto man, who has fallen asleep with his head resting on my shoulder ; and I have submitted for hours to the inconvenience rather than disturb him, for the sole reason that he was a colored man ; for his deportment had strongly recommended him to my respect, and I feared that to notice this consequence of his drowsiness might be attended with the effect of mortifying him. Such, from the moment of my birth to the present hour, have been my intercourse with, and my feelings towards, the race : and yet, times without number, have I been made sick—has my stomach been actually turned—by the effluvia from the skins of two or three cleanly black domestics exerting themselves a little, in the apartment in which I was, in the removal of pieces of furniture ! And these are the people whom European enthusiasts work themselves into the belief that they look upon and feel towards exactly as they do towards their own species ! In introducing the incident of the British officer, I have called him a convert ; because, after having been thus made aware of the truth in regard to the effect produced upon himself by the physical

differences in question, nothing but reflection could be necessary to bring before him the consequences that must inevitably attend such discriminations as he would himself make upon the reciprocal feelings of the two races, if placed side by side upon a footing of civil and political equality. Nor could he fail to perceive, that the nearer their condition should approach to such equality, the more active and operative would necessarily become every cause calculated to bring into relief those "indelible lines of distinction" drawn by the hand of nature, and make them a source of endless heart-burnings and hate.

What, then, again, is the true objection to the institution of slavery? Is it, that in no stage of society, under no imaginable circumstances, it can be beneficial to the parties? Such is not my belief: for I entertain not a shade of doubt that there are in existence at this moment in England, and in Africa, thousands and hundreds of thousands of human beings, whose condition would, in every possible particular, be immensely benefitted—their own and that of their children for several generations—could they be set down in the woods of New Holland, in the relation of master and slave. Is it, even, that, in the state in which it exists at this day in the United States, it gives birth to the oppressions, brutalities, and horrors, with the glowing pictures of which the world is being entertained by the approved philanthropy of the hour? No! so far is the reality in this respect from constituting a valid objection to slavery,—so far is it from being true, that the condition of the slave in the United States affords a just theme for playing upon the sympathies of the toil-worn and tax-worn operative of England,—that not a citizen of the slaveholding States of America, who believes in the hundredth or thousandth part of the miseries and the vices of the British laboring classes, as depicted by British writers of the highest standing, but knows that the condition of the American negro slave is, under every aspect—the religious and the moral, no less than the physical—beyond all comparison better than that of the poorer classes in Great Britain; and as to the "sans potatoe" of poor old Ireland! why there is not a negro-cabin in all America, where "rint" for his succor might not be obtained from the inmates, unless they should drive the narrator of his condition from their door, through indignation at the attempt to make them believe that any sort of human beings could be so badly off; or, *more* incredible still, that there should be another set—their own countrymen, too!—with hearts strong enough to add to their miseries, even to the climax of selling the "*kish!*" Yet, I must not be understood to claim the superiority in all respects for the state of the negro slave over that of the "sans potatoe;" for, under the religious aspect, although recent statistical comparisons between the religious condition of the slave population of the United States, so far as a test is afforded by the number of churches and of communicants, is far better than that of the population of London itself, yet, in regard to the genuine sentiment of religion, the negro is doubtless far beneath the Irish peasant, who seems to be so thoroughly imbued by his Maker with the most earnest resignation and piety, that no degree of pressure has power to crush it out of him.

The true objection to slavery is one which has no existence, except with respect to American institutions, and the hopes which these, and these alone, justify, as to the possible condition of the species. It is in its irreconcilableness with the workings of the democratic principle—the great fountain of hope to the human race—and in that alone, that the institu-

tion of slavery finds its unavoidable and irrevocable condemnation. If the condition of society were destined to remain such as it is at the present day all over Europe,—nay, but for the positive assurance afforded by the democratic principle, that it must and shall change,—what man, truly informed in regard to the condition of the laboring classes on the two sides of the Atlantic, would dare to whisper a syllable in condemnation of domestic slavery? Not one! It is only in presence of democracy—of beautiful, lovely, glorious democracy—that it becomes hideous and hateful. It is not for what it in itself actually is, but for what it must become, and what it must hinder and prevent, that it deserves execration. The condition of the American slave is better, beyond comparison, than that of the European laborer. So far as an American may be allowed to judge from Miss Martineau, and other British authorities, the *state of feeling* between the slave and his master is, beyond comparison, better than that which exists at this moment between the “employer” and the “employed” in Great Britain. To judge, therefore, from this comparison, slavery is a blessed thing. And yet it is a hateful one! Why? Because, although the variety of our species which the naturalists of all nations place at the foot of the scale is not equal to that variety which is by all placed at the head; although the negro is decidedly, inherently, and irremediably inferior to the white man; although, possibly, he may not only be, as he is, comparatively inferior, but may further prove to be positively and incurably incapable of improvement, except when in contact with, and in subjection to, some higher variety of the species;—notwithstanding this truth and this possibility, yet he is too good to be a slave *in the presence of democratic institutions*. Under such as the old world is still groaning and gasping under, it is far from impossible that he might fit well into the lowest of the subdivisions into which the human cattle are parcelled; and there contentedly, because unprogressively, remain. But in the presence of democratic institutions, this is impossible, even to the Ethiopian man. There, as the slave of the white man, he does improve,—no one can fix a limit to his improvement; and as, in exact proportion as a man rises in the scale of humanity, he becomes unfit to be a slave, it is impossible but that the point of his absolute unfitness must be reached. Meanwhile, the institution cannot but prove the cause of an endless, ever-renewing struggle, in every thinking mind and every conscientious bosom, between its convictions of right, and its sentiment of justice, and the stern necessities which every revolving hour must disclose; each bringing with it a shock to both, which shall be severe in exact proportion to the fitness, moral and intellectual, which the master has attained to be a citizen of a democratic State.

This is the true objection to the institution of slavery. As yet, it applies to my country alone. But through the hopes which her example has long inspired, and daily infuses fresh vigor into, for the destiny of man in other countries, it becomes prospectively applicable to all, in regard to which the aspiration may be indulged—that their inhabitants, too, will one day prove themselves capable of self-government. With regard to others, it can matter but little, judging from the present condition of the world, whether their laboring class shall or shall not consist of Africans, under the name of slaves. But, for all such,—for every country which has the faintest hope of establishing and maintaining a democratic government,—nothing is more to be deprecated than this institution: for, unless the slaves should be of the same race as the masters, (thereby admitting of “amalgamation,”) or, if of a dif-

ferent one, should be so few in number as to present no serious obstacle to "deportation," their presence in the land cannot fail, sooner or later, to be felt as the deepest curse with which it could have been visited. And for every such country, therefore, must the slave-trade, the instrument for entailing that curse—however beneficial it may, at the moment, be to both parties—be looked upon as the greatest of all possible calamities.

Here, gentlemen, I must take leave of the subject—not, by any means, that it is exhausted, or that my interest in it flags; but that I have no more time, at present, to bestow upon it. It is one so fraught with importance, that there seems to be no end to the topics of which it is prolific. They rise up on all sides, and each appears so highly entitled to attention, that, greatly as this communication has swelled beyond any limits which, at the outset, I should have entertained the remotest thought of undertaking to fill, these are narrow to what they must have been, had full justice been done, even so far as I am capable of rendering it, to the few upon which I have touched. If, in the treatment of these, I should seem to have been not altogether observant of the approved style for diplomatic composition, this is to be ascribed, not to any want of the respect due to the sublime game of international push-pin, (whereof the Swedish chancellor betrayed so superficial and crude an estimate when he sent his son to take part in it, in order that he might see with how moderate an expenditure of wisdom the world's affairs are managed,) but, on the contrary, to my indisposition to profane it, by applying to illegitimate uses those high formularies which it belongs to none but its regularly ordained priests to hold converse in. Had we been placed in a diplomatic relation of any sort, the case would have been different; and I should have been studious to fulfil the duty of imitating, as closely as possible, the most approved specimens of the art of so stringing words together that no meaning shall attach to them. But, as I before attempted to make you sensible, we have been thrown here into positions the very reverse of this; and the consequence has been, so far to reverse the line of duty on my part, as to make it incumbent upon me to endeavor, as far as possible, to say something which should have a meaning. Not only were we not placed in any relation of any sort, but to this negation events had superadded a positive prohibition. Your credentials had never been exhibited to me, and were of a nature to make the idea of their being so the very height of absurdity. To me, you could be officially known only as the agents of a foreign Government, possessing existence and residence here, in consequence solely, and in pursuance solely, of an express and private stipulation between that Government and the one to whose authorities I was accredited in the precise and very limited capacity of consul. That a stipulation of this character must necessarily be restricted in its operation to the parties between whom it may exist, cannot fail to be, to any mind capable of a moment's thought, a self-evident proposition. The function, for the discharge of which you had been sent and admitted here, stood defined in the treaty, and was known to consist solely in adjudicating upon the simple question of fact, whether a vessel detained under the provisions of that treaty had been found under any of the categories which it forbade. That adjudication should follow the detention of a vessel "with as little delay and inconvenience as possible," was expressly declared by the treaty to be the sole object of the establishment of those "two mixed courts of justice;" of one of which you are members, and as such alone possess any official existence. How could this capacity place you in any relation of

any sort to the American consul resident here? Indeed, no capacity, having such an origin, of how complex a nature soever in itself, could possibly have been attended with any such effect. There is absurdity in the very idea. But that absurdity, which might have found some palliation in the complexity of functions extremely intricate and difficult in their nature, is heightened by the extreme simplicity and oneness of that with which you are charged. In what terms, then, seeing that the naked idea is preposterous in the extreme, shall it be spoken of, when considered in the precise shape and vesture given to it by your pretension, and the circumstances under which this has been advanced and persisted in? What shall be said of a pretension, on the part of the members of such a "mixed court of justice," to take part in the execution of the laws of the United States of America, by making to their consul at Havana "respectful" suggestions in regard to the line of his duty, real or supposed? And when a pretension, in itself so purely ridiculous, is advanced under the circumstances created by the deliberate, reiterated, and peremptory refusal of the Government of the United States to become a party to any arrangement whatever, of a nature similar to that between Great Britain and Spain, which alone confers upon these judges their Anglo-Spanish existence; and then pertinaciously persisted in, under such additional circumstances as those created by the course of the consul, in referring to that refusal of his Government, and pointing to the peculiar complexion imparted by it to the subject,—who can fail to perceive that for the extreme of preposterousness has been substituted the extreme of indecency?

I am, gentlemen, your obedient servant,

N. P. TRIST.

P. S. August 29, 1839.—The date under which this letter was begun is evidence of my wish to bring our correspondence to a close at the earliest possible moment, as the present date is of the hindrances which that wish has encountered. A long series of interruptions, beginning with the visit of the frigate *Constitution*, and the occurrence of the birth-day of independence, early in July, and involving a severe attack of the prevailing epidemic cough, has repeatedly compelled me to lay it aside; and, more recently, the departure of my vice-consul on a visit to the United States has been attended with the double effect of diminishing my command of time, and depriving me of that of my clerk's pen; thereby compelling me to make use of that of another copyist, whose want of familiarity with the language is but too apparent upon the slovenly face of his pages. This will, however, be excused, I hope, in consideration of his being the only person whose services I could, at this moment, obtain. He might have done better, upon a second attempt; but even this is rendered impossible by a permanent engagement contracted by him previously to his undertaking the present copy.

To J. KENNEDY and
CAMPBELL J. DALRYMPLE, Esqrs., &c.

Mr. Stevenson to Mr. Forsyth.

[EXTRACT.]

LEGATION OF UNITED STATES,
London, December 22, 1836.

SIR: I have the honor to transmit to you the copy of a communication, with the accompanying documents, which I received on the 17th instant from Lord Palmerston, in relation to the alleged employment of vessels, under the flag of the United States, to assist Spanish subjects in carrying on the slave trade.

Not feeling authorized to express any opinion on the subject, either on the part of my Government, or myself, I answered the note, simply acknowledging the receipt of the papers, with an assurance that the Government of the United States would omit nothing which was proper to be done for preventing the improper use of the flag of the Union in protecting the slave-trade. A copy of my note is herewith transmitted.

JOHN FORSYTH, Esq.,
Secretary of State, Washington.

Lord Palmerston to Mr. Stevenson.

FOREIGN OFFICE, *December 17, 1836.*

The undersigned, his Majesty's principal Secretary of State for Foreign Affairs, has the honor to transmit to Mr. Stevenson, envoy extraordinary and minister plenipotentiary from the United States, the enclosed extract of a despatch from his Majesty's commissioners at the Havana, together with a copy of a representation made by the commissioners to the consul of the United States in Cuba, relative to the alleged employment of vessels, under the flag of the Union, to assist Spanish subjects in carrying on the slave-trade.

His Majesty's Government cannot entertain a doubt that the Government of the United States, upon receiving this information, will feel anxious to take prompt and effectual measures for preventing the flag of the Union from being used for the protection of a traffic which has been denounced as a capital crime by the laws of the United States.

The undersigned avails himself of this occasion to renew to Mr. Stevenson the assurances of his high consideration.

PALMERSTON.

A. STEVENSON, Esq., &c., &c., &c.

"HAVANA, *October 25, 1836.*

"During the months of August and September, there arrived here, for sale, from the United States, several new schooners, some of which were already expressly fitted for the slave-trade.

"Amongst them, we have been able to ascertain the names of four, viz: 'Emanuel,' 'Dolores,' 'Anaconda,' and 'Viper.' They vary in size from 50 to 150 tons. Their construction is of the slightest possible description; their rig, that of the New York pilot-boats, and such as is very much in

use by the coasting traders of the ports of this island. They are furnished with 30 sweeps; are unarmed; of very light draught of water; and certainly a class of vessels admirably adapted for escaping from and deceiving his Majesty's cruisers.

"The 'Emanuel' and 'Dolores' were purchased, and have since left the port, (we believe with other names,) on slaving expeditions, under the Spanish flag.

"But, to our astonishment and regret, we have ascertained that the two latter vessels, (the 'Anaconda' and 'Viper,') the one on the 6th, the other on the 10th instant, cleared out, and sailed from hence, for the Cape de Verd islands, under the American flag.

"These two vessels arrived in the Havana fitted, in every particular, for the slave-trade; and took on board a cargo, which would at once have condemned, as a slaver, any vessels belonging to the nations that are parties to the equipment article.

"It is unnecessary for us to occupy your lordship's time with a recital of the various evils which will arise, should a continuance of this scandalous and open abuse of the American flag be countenanced by that Government.

"It is, nevertheless, our duty to state that the slave-dealers have conceived great hopes of being able to cover their nefarious speculations in this way, founded upon the definitive determination of the President not to make the United States a party to any convention on the subject of the slave trade; and, judging from the observable impetus which their view of the above declaration has given to the slave-trade, we fear that, before any representation can reach Washington, many similar enterprises will have been embarked in."

"Thus, my lord, so far as we are informed, or able to draw an inference from these distressing details, the expression of the above determination by the head of a free Government, upon a subject represented as being an object in which every branch of the Government, and the whole people of the United States, feel a deep solicitude, has been the means of inducing American citizens to build and fit in their own ports vessels only calculated for piracy or the slave-trade, to enter this harbor, and, in concert with the Havana slave-traders, take on board a prohibited cargo, manacles, &c., and proceed openly to that most notorious depot for this iniquitous traffic, the Cape de Verd islands, under the shelter of their national flag. As a further exemplification of the mistake which we consider that Government to have made in withholding its consent to the recent conventions, we may add, that, while these American slavers were making their final arrangements for departure, the Havana was visited, more than once, by American ships of war.

"His Majesty's commissioners, therefore, are not without a hope that a recital of the above facts, and the return thus made by some of the citizens of the United States to their Government for the jealous care with which it has sought to preserve their rights and dignity in refusing to accede to the only efficacious measures yet put into operation for the suppression of the slave-trade, viz: the mutual right of search, and the equipment articles, that Government will be induced to reconsider the consequences thus likely to ensue, should it permit the present facilities to exist.

"It is true that the mockery of a sale or transfer to a Portuguese subject is to be enacted when these vessels reach their present destination; but

such an excuse, if offered, can never be admitted in extenuation of the crime which we hold all concerned in the expedition to be guilty of.

"We also addressed a letter to the American consul, of which we beg leave to enclose a copy, together with the reply made by the American vice-consul; the consul being absent from his post, but expected to return in a few days.

"Since writing this despatch, we are enabled to add the names of two more American vessels, the 'Fanny Butler' and the 'Rosanna,' as having proceeded to the Cape de Verd islands, and the coast of Africa, under the flag of that nation, upon the same inhuman speculation.

"The subjoined list gives the date of clearance, and the names of the masters, from the books of the American consulate:

"Schooner Anaconda, W. Knight master, cleared on 4th instant.

"Schooner Viper, H. Galt master, cleared on 8th instant.

"Schooner Fanny Butler, A. Richard master, cleared on 22d instant.

"Ship (barque) Rosanna, George Chason master, cleared on 22d instant."

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HAVANA, October 17, 1836./

SIR: We have the honor to acquaint you with the following circumstances, as being intimately connected with your consulate and the flag of your nation, which it will be our painful duty to report to his Majesty's Government.

During the month of September, there arrived in this port, for sale, from the United States, four new schooners—we believe two from New York, and two from Baltimore; all, however, built at the latter place, viz: the "*Anaconda*," "*Viper*," "*Emanuel*," and "*Dolores*," expressly constructed, and peculiarly fitted, for carrying on the slave-trade. The two former of these vessels—having received on board, from the French house of Forcade & Co., a cargo, which, by the treaty of the 28th June, 1835, would have condemned as a slaver any vessel bearing Spanish colors, cleared out and sailed under the American flag—the "*Anaconda*" on the 6th, the "*Viper*" on the 10th instant—for the Cape de Verd islands; there to be transferred to a Portuguese subject, and to proceed, with the flag of that nation, to the coast of Africa, upon a slaving enterprise.

The protection which the schooners will receive from the American colors, both as regards their fitting and cargo, will effectually secure them against capture by his Majesty's cruisers, until they arrive at the scene of their depredations.

The "*Emanuel*" has, we believe, left the port under the Spanish flag. But we have also to inform you that, some short time since, the brig *Martha*, of Portland, which arrived here from Matanzas, took on board, in this harbor, a cargo which would equally have confiscated as a slaver any Spanish vessel, and sailed direct for the coast of Africa, to deliver it at some of the numerous factories or dens of infamy established there, in connexion with the slave-traders of Havana.

The facilities thus afforded by the flag of the United States for carrying on this inhuman traffic could never, we feel convinced, have been contemplated by your enlightened Government; especially as, during the period when these schooners were taking in their cargoes, the harbor was visited by American men-of-war, which, had any convention existed between the

two Governments, such as has been acceded to by almost every other maritime Power, a seizure of the most important nature, as regards these iniquitous expeditions, must have been effected. However, we do not entertain the least doubt but that a knowledge of the above circumstances will instantly produce measures calculated to remedy so deplorable and flagrant a profanation of the American colors.

We have, &c.,

E. W. H. SCHENLEY, }
R. R. MADDEN.

N. P. TRIST, Esq.,

Consul of the United States at Havana.

CONSULATE OF THE UNITED STATES,
Havana, October 19, 1836.

GENTLEMEN: I have the honor to acknowledge the receipt of your communication, under date of the 17th instant, addressed to N. P. Trist, Esq., consul of the United States.

Mr. Trist is now absent on a visit to the United States, and is expected to return here early the next month. I shall, on his arrival here, lay your communication before him.

I have, &c.,

J. A. SMITH, *Vice-Consul.*

H. B. M. COMMISSIONERS, &c., *Havana.*

23 PORTLAND PLACE, *December 19, 1836.*

The undersigned, envoy extraordinary and minister plenipotentiary from the United States, begs leave to inform Lord Palmerston, his Majesty's principal Secretary of State for Foreign Affairs, that he had the honor to receive, on the 17th instant, his lordship's note of that day, transmitting to the undersigned, for communication to his Government, an extract of a despatch from his Majesty's commissioners at Havana; together with a copy of a representation made by the commissioners to the consul of the United States at Cuba, relative to the alleged employment of vessels, under the flag of the Union, to assist Spanish subjects in carrying on the slave-trade.

The undersigned has the honor to acquaint Lord Palmerston that he will take great pleasure in communicating, without delay, for the information of his Government, his lordship's note and the accompanying papers; not doubting but that his Government will omit nothing which may be proper to be done for preventing the flag of the United States from being used for the protection of a traffic which has been denounced as piracy by its laws, and for the abolition of which the united efforts of both countries have been sincerely and honestly directed.

The undersigned avails himself of the occasion to tender to Lord Palmerston assurances of his high consideration and respect.

A. STEVENSON.

Mr. Forsyth to Mr. Stevenson.

[EXTRACT.]

DEPARTMENT OF STATE,
Washington, April 17, 1837.

* * * * *
 "Your communications to No. 19, inclusively, have been duly received. That dated the 22d of December last, with accompanying documents relative to the alleged use of the American flag to cover the slave-trade, ought, perhaps, to have been sooner acknowledged. The information comprised in those papers had, however, long since been in possession of this Government, through the agency of our consul at Havana."

Mr. Stevenson to Mr. Forsyth.

[EXTRACTS.]

"LEGATION OF THE UNITED STATES,
"London, January 22, 1840.

"A short time since, I received a despatch from Lord Palmerston, communicating sundry documents relative to the slave-trade, which had been received by this Government from their commissioners established at the Havana, under the treaties between Great Britain and Spain for the suppression of that trade." * * * * *

"I have therefore the honor to transmit to you copies of all these papers, and shall await the President's instructions on the subject."

Lord Palmerston to Mr. Stevenson.

FOREIGN OFFICE, December 31, 1839.

The undersigned, her Majesty's principal Secretary of State for Foreign Affairs, is desirous of communicating to Mr. Stevenson, envoy extraordinary and minister plenipotentiary of the United States of America, the accompanying despatch, and its enclosures, which have recently been received by the undersigned from her Majesty's commissioners established at the Havana, under the treaties between Great Britain and Spain for the suppression of the slave-trade.

These papers relate to a previous correspondence between the commissioners and Mr. Trist,* the United States consul at the Havana; a portion of which was contained in the papers upon slave-trade, laid before Parliament, by her Majesty's command, during the last session, and of which the undersigned encloses a copy.

And the undersigned encloses also a copy of that portion of the correspondence between the commissioners and Mr. Trist, which was not laid before Parliament.

The undersigned thinks it right to submit to some authority connected

* The whole of the correspondence between Consul Trist and the British commissioners, embracing the portion above referred to, will be found in a previous part of this document, with his despatches communicating it to the Department of State.

with the Government of the United States the letter from Mr. Trist, which forms one of the enclosures in the despatch of the 27th of October, 1839, from her Majesty's commissioners; but the gentlemen on the establishment of the Foreign Office have so much pressing business at this time to perform, that Mr. Trist's long letter could not be copied without delay and injury to the public service: and the undersigned is, therefore, obliged to send these papers to Mr. Stevenson in original; and he requests that Mr. Stevenson will have the goodness to return them to him when Mr. Stevenson shall have read them.

The undersigned avails himself of this occasion to renew to Mr. Stevenson the assurance of his distinguished consideration.

PALMERSTON.

Her Majesty's Commissioners to Viscount Palmerston.

[No. 35.]

HAVANA, October 27, 1839.

MY LORD: In our despatch No. 22 of 1839, dated 15th July last, we informed your lordship of our having written a letter to Mr. Trist, the United States consul at this place, in obedience to your lordship's directions, as given in the despatch No. 3, of 1839, dated the 16th April last. A copy of that letter we then enclosed, and stated that, in answer to it, we had not received any reply.

On the 30th August, however, a reply was delivered, of which we have now to transmit a copy; not having been able to have it made in time for the previous packet, on account of its exceeding, as your lordship will perceive, two hundred and sixty closely written pages. Of this extraordinary production, we can scarcely trust ourselves to express an opinion; but are glad to think our so doing of less consideration, inasmuch as the most cursory glance at it must make your lordship aware of its character, better than any opinion we could convey. We must, however, be allowed to make a few remarks; and, in the outset, to observe, that, offensive as Mr. Trist evidently desires to be to us personally, (pp. 58, and 84,) we have the less reason to complain, as he undistinguishingly inveighs against the conduct of our predecessors in the commission, as much as against what he imputes to us (p. 40) also; but that, with regard to our motives of action, and mode of carrying them into effect, we trust we may lay claim to at least as much right feeling, honesty of purpose, and courtesy of demeanor, as he can put forward for himself.

Mr. Trist's claim to be considered a person entitled to pass judgment on us, or, indeed, on any question relating to slavery or the slave-trade, we must at once and unhesitatingly dispute. Born, as he himself informs us, amidst black domestics (p. 140,) and brought up among slaves, the native of a slaveholding State, himself somewhat of a slaveholder, (*ibid.*) and having most of his connexions of that character, he cannot be supposed to have that freedom from improper bias on any such subject, which alone could make his judgment and opinions deserving of consideration. But when we find his public conduct in this place only the natural though lamentable consequence to be expected of such an origin, we must declare him the most unfit to be taken for our guide and instructor, in opinion or practice.

Preferring, as we do, facts to professions, we will put the latter, for the present, out of consideration, and give, as evidence of our assertions, the following circumstances: The office of Portuguese consul has been vacant now nearly two years; during which time we have not heard of any respectable person being a candidate for it, nor do we believe any respectable person would accept it, or we may be sure the Portuguese Government would have long since made the appointment. During this time, then, when no such person was found ready to undertake the disgrace of sharing its association with the slave trade;—when the only occupation and advantage it could give, proceeded from the slave dealers—proportioned, too, as the office-holder screened and aided them in their iniquities—the one person, above all others, they could find ready to become their instrument and assistant, was the American consul! and, as if the office of itself, on account of its only existing duties, had not been sufficiently disgraceful, he thus added the indecency of associating with it the compromising the flag and national character of his republic, the laws of which declared the severest penalties against the slave-trade, while its citizens were openly, and with impunity, furnishing it vessels, and giving it every assistance their ingenuity could devise. Mr. Trist might, perhaps, say that he undertook the office with a view to put down those abuses. This would be scarcely consistent with his duty to the Portuguese flag or nation; but, supposing it were so, how has he effected or attempted this object? Not a vessel has gone to the coast of Africa, under the American flag, but he must have been aware of the purpose for which it was despatched; and yet we have not heard of any denunciations he has made, or steps he has taken to defeat or punish the offenders—except in one solitary instance, to which we shall have immediately to call attention.

Meanwhile, as evidences of the contrary intention on his part, (namely, to assist the slave dealers,) we find the following facts alleged:

1. The pro-consul at the Cape de Verdes charges him with “having granted, (we presume allowed or authenticated,) to his knowledge, more than ten false bills of sale of vessels and papers to these islands.”—Parliamentary papers respecting slave trade 1839, class B, further series, p. 110.

2. We find him giving vessels, which he must have known were intended for the slave trade, irregular assistance in furnishing them with blank forms, to be filled up at their convenience.—Parliamentary papers, *ibid*, class D, further series, p. 25.

3. We find him giving such vessels certificates irregularly signed, as in two cases the day before the documents they purported to authenticate, (Parliamentary papers, *ibid*, class A, further series, pp. 53, 59,)—and those in relation to a remarkable vessel, found, when taken, to have twenty-one long guns on board, eighteen pounders, with a corresponding number and quantity of muskets, cutlasses, and ammunition stowed about the decks, and prepared for action!

The character of this piratical vessel could not have escaped his observation when he passed her papers, and, as sailing in breach of the laws of all nations, it was his duty to denounce her at least to the local Government, whose laws, more particularly, she was setting at defiance; but, instead of so doing, he appears to have even gone out of his regular course to facilitate her progress.

In one case, however, he did detain a vessel, as stated above, suspected of being engaged in the slave-trade—the American brig “Thomas;” of which fact, in our ignorance of his character and conduct, we made honor-

able mention at the time, (see despatch No. 52 of 1838, dated the 24th December.) In the missive before us, he refers to it, and shows that, unflinching advocate as he professes to be for national independence, the vessel was taken, by his direction, in this harbor, by an armed force from the American sloop-of-war "Ontario." Had an English vessel of war been committing such an act in a foreign port, we might, perhaps, have been fairly liable to all those charges here made against us, for a trampling upon, and contempt of, the rights of a powerless nation; but the American consul holds himself privileged to outrage those rights, and to commit an act which we may justly declare to have been perfectly wanton, because it was totally unnecessary. As an American vessel, the "Thomas" could not sail out of the harbor without the American consul's special permission; and, in fact, it was only taken to be delivered up to the Captain General of the island, who would unquestionably, as a matter of course, have ordered the vessel to be detained, upon an official demand from Mr. Trist, had he been pleased to make it. But this regular mode of proceeding did not comport with his temper or views. Without charging him with a vainglorious desire to make an exhibition of his power, or doubting his desire to defeat a slave-trading expedition, we must point out the fact confessed—that the captain of the "Thomas," who was also the owner, and acknowledged "a man of very good connexions," had unfortunately, upon some former occasion, had a quarrel with Mr. Trist, at whose "demand" he had been for some weeks in prison, and had thus become "a most distinguished and sympathy-exciting victim of consular persecution." (See MSS. p. 87.)

The force of this sneer your lordship will best understand, by perusing the proceedings at different meetings held at Boston and New York, for petitioning the United States Government to remove Mr. Trist from his office, for various acts of capricious tyranny and neglect of duty. Of one of these meetings we enclose an account; and your lordship will perceive from it, that Mr. Trist's own countrymen have just as much cause as we have to condemn him, for those perverted feelings and overweening notions of importance, which persons of weak minds are so apt to fall into when filling appointments (no matter what) beyond their capability or merit.

Had the case against the Thomas been undeniably a clear one, the step of so forcibly taking possession of her in a foreign port, unnecessarily, would still have been most unjustifiable; much more, then, when it was so doubtful that, upon investigation by the local authorities, (of which he makes no mention,) they at once ordered her release, censured the detention, and awarded the master damages; which he is now seeking to recover, we understand, from the captain of the Ontario.

From all these facts, we think it evident, that Mr. Trist's vaunted affection for national independence, and hatred of slavery, cannot be very deeply rooted; when he is found, by his writings, to be such an apologist for the slave-trade, such an abettor of slave-dealers, and so ready to violate the dearest provisions of respect for the rights of foreign nations, unnecessarily, and manifestly only to gratify his own petty resentments. Such a person should be the last to accuse others of unworthy actions or dishonorable motives; and certainly in this case the maxim seems as if it might be relied on—to estimate the solidity of a man's principles, and the truth of his professions, inversely to the intensity of the loudness with which they are so unnecessarily paraded.

Holding the very lucrative office of American consul, we cannot sup-

pose that the few dollars Mr. Trist may further gain as Portuguese consu. can be to him of any consideration. But surely it little becomes him to taunt us with being paid from the labors of the factory-girl, (pp. 94 and 98) when he is himself so ready to partake of the blood-money of the slave.

We write thus decidedly, because, as Mr. Trist has penned his invectives in that ridiculously inflated and theatrical style, so appropriate for his extravagant and delirious ideas of personal and national importance, with the evident expectation that they will be presented and printed among the papers laid before the House of Commons next session, we should feel unwilling, in case your lordship please to indulge him, that his own conduct should be left unexposed, or the indignities offered us unrepelled. Those indignities we had but one way of meeting, with regard to himself, personally; and, accordingly, in our acknowledgments of his papers, we expressed the fact of their being received, in the shortest terms of official courtesy. (Enclosure No. 2.) We feel assured that, in so doing, we shall receive your lordship's sanction, considering it all that was due to such an unbusiness-like collection of extravagances as that which Mr. Trist has here been so self-deluded as to put forth for arguments, opinions, and specimens of eloquence. That acknowledgment, however, in accordance with an intimation given in his voluminous letter, (p. 95,) Mr. Trist sent back unopened, (as we suppose, purposing an insult,) through the post office, in a large and thick envelope, so as to put us to the most expense of postage.

We ought, perhaps, to explain, with respect to his cavilling about the terms in which we communicated your lordship's message, that they were written with reference to a paragraph in our former letter, which, for conciseness' sake, had been afterwards struck out; and that we wrote the last, knowing the wild lengths which Mr. Trist is so apt to go, in terms expressly not to give him the opportunity of taking your lordship for a correspondent, instead of ourselves.

We have the honor to be, with the greatest respect, my lord, your lordship's most obedient, humble servants,

J. KENNEDY,
CAMPBELL J. DALRYMPLE.

The right hon. the VISCOUNT PALMERSTON, *G. C. B., &c. &c. &c.*

Her Majesty's Commissioners to the Consul of the United States at Havana.

HAVANA, September 5, 1839.

SIR: We beg to acknowledge having received your answer, bearing date the 2d July, with postscript of the 29th August last, in reply to our official communication of the 1st July, written in obedience to directions from her Britannic Majesty's Secretary of State for Foreign Affairs.

That answer of yours we will take the earliest means to forward to her Majesty's Government, though we regret to find it of a character only calculated to increase existing impressions.

We have, &c.,

J. KENNEDY,
CAMPBELL J. DALRYMPLE.

N. P. TRIST, Esq.,
United States Consul.

[NOTE.—This letter was returned unopened by Mr. Trist, as will appear from his letter to the department on the subject.]

Her Majesty's Commissioners to Viscount Palmerston.

[No. 22.]

HAVANA, *July 15, 1839.*

MY LORD: We have the honor to acknowledge having received your lordship's despatch No. 3, of 1839, dated the 16th April, on the subject of the correspondence we had, in January last, with Mr. Trist, the United States consul at this place, respecting the slave-ship "Venus."

In obedience to your lordship's directions, we addressed a letter to Mr. Trist, informing him "that her Majesty's Government would feel most sincerely obliged by his furnishing us, at any time, with any information in his power, which might enable her Majesty's Government to enforce the penalties of the law against British subjects concerned in slave-trade."

We also duly communicated your lordship's sentiments on the obligation arising from the engagements entered into between the two countries by the treaty of Ghent, for the entire abolition of the slave-trade, "that the agents of each Government should furnish to the agents of the other Government any information calculated to enable that other Government more effectually to accomplish the common purpose."

We beg to refer your lordship to the copy of the letter enclosed; to which we have not received any reply.

We have the honor to be, with the greatest respect, my lord, your lordship's most obedient humble servants,

J. KENNEDY,
CAMPBELL J. DALRYMPLE.

The right hon. the VISCOUNT PALMERSTON, *G. C. B., &c., &c., &c.*

Her Britannic Majesty's Commissioners to Viscount Palmerston.

[EXTRACT.]

HAVANA, *January 19, 1839.*

In the despatch dated the 22d August last, from her Majesty's commissioners at this place, your lordship was informed of the arrival here of the American ship, "Venus," (built at Baltimore, expressly for the slave-trade,) and of her departure shortly after for the coast of Africa. The "Venus" sailed hence under the American flag, with several American citizens on board; but in the ship's articles, of which a glance, in bravado, was afforded her Majesty's commissary judge, it was expressly stipulated that she was to be taken to Bahia, there to be transferred to the Portuguese flag. This, however, appears not to have been done; for, in the almost incredibly short period of four months, the ship has returned, and in the beginning of this month landed on the coast the extraordinary cargo of not fewer than 860 slaves. At this time the name was changed to the "Duquesa de Braganza," and she bore the Portuguese flag; but it was a matter of doubt whether a valid, if any, transfer of her had taken place; and it was currently believed that the American subjects who had sailed in her from this port, had been present at the time when the slaves were taken on board. Indeed, it was reported from the parties themselves, that they had been visited on the coast of Africa, when bearing the American flag, by the officers of a British cruiser; and, upon being asked what they were doing there, answered the

inquirers by saying "it was no business of theirs," and that "they were Americans." They boasted, also, that though one of the cruisers watched, and saw them take part of their cargo on board, and attempted afterwards to follow them, yet the chase was made in vain; and, undoubtedly, the wonderfully short time in which this unprecedentedly successful voyage has been made, fully warrants the character which the ship brought here with her for her fast-sailing qualities.

Under these circumstances, we felt it our duty to call the attention of the American consul, who is also acting as Portuguese consul, to so gross a violation of the laws, as well as of the flag of the United States.

To this communication of ours the answer was returned, of which we enclose your lordship a copy, stating, at very considerable length, the opinions which had actuated him (the consul) on the occasion just referred to, as well as his views in the present instance. The answer is worthy of consideration, as an evidence of the feelings held by certain classes of the American community with regard to the slave-trade, and the part taken by the British Government to suppress it. In our reply, we confined ourselves to a general assertion of our duties, and of the grounds on which we exercised them. As we hear the correspondence has been sent to the Government of the United States, we trust your lordship will consider the terms in which we addressed the consul, as well as those in which we answered his reply, to be deserving the support of her Majesty's Government.

With regard to the ship "*Venus*," otherwise the "*Duquesa de Braganza*," we should state that the original cost, we understand, was \$30,000; and that the fitting out, and expenses of every description for the voyage, including the value for the return cargo, was estimated at \$60,000 more—say, altogether, \$100,000. The number of negroes brought back, as has been before stated, was 860; and they are said to have sold at \$340 per head—producing the sum of nearly \$300,000; of which, therefore, two-thirds was net profit. So long as such returns can be effected, we fear that no efforts whatever will be effectual in suppressing the traffic, and certainly not while the dealers have only to meet such a system of corruption as pervades every department of the Government of the island.

We have only further to add, that the ship "*Duquesa de Braganza*" is principally owned by the slave dealer Mazorra, whom we have so often had occasion to name, and a Frenchman named Gautier; and that she is preparing again for another voyage.

—

Viscount Palmerston to her Majesty's Commissioners.

FOREIGN OFFICE, April 16, 1839.

GENTLEMEN: I have received your despatch of the 19th of January, 1839, containing copies of a correspondence which had taken place between yourselves and Mr. Trist, the United States consul at the Havana, on the occasion of your having communicated to that gentleman information respecting the vessel, the "*Venus*," which had sailed from the Havana for Africa, under the flag of the Union, with several American citizens on board, and had returned within four months, with a cargo of 860 slaves from Africa.

With reference to that part of Mr. Trist's letter to you, which relates to British fabrics made expressly for Africa, and to shackles of British manu-

facture intended for slave-trade, exported from England, and imported into Cuba, I have to desire that you will state to Mr. Trist, that, if he can at any time furnish her Majesty's Government, through you, with any information which may, directly or indirectly, enable her Majesty's Government to enforce the penalties of the law against British subjects who may be concerned in slave-trade, her Majesty's Government will feel most sincerely obliged to him.

You will observe to Mr. Trist, that the two Governments having, by the 10th article of the treaty of Ghent, mutually engaged to each other that they would "use their utmost endeavors to promote the entire abolition of the slave-trade," it seems to be perfectly consistent with the respect which the agents of each country must feel for the other country, that they should not only themselves act in strict accordance with the spirit of the engagement which their own Government has contracted, but that they should furnish to the agents of the other Government any information which may be calculated to enable that other Government more effectually to accomplish the common purpose.

I am, &c.,

PALMERSTON.

HER MAJESTY'S COMMISSIONERS, &c., &c., &c.

Mr. Stevenson to Lord Palmerston.

No. 32 UPPER GROSVENOR STREET,
January 18, 1840.

The undersigned, minister plenipotentiary from the United States, had the honor to receive, on the 2d instant, the note of Lord Palmerston, her Majesty's principal Secretary of State for Foreign Affairs, under date of December 31, with the accompanying despatch and its enclosures, received by her Majesty's Government, from its commissioners established at the Havana, under the treaties between Spain and Great Britain for the suppression of the slave-trade.

The undersigned will take the earliest opportunity of communicating to his Government copies of Lord Palmerston's note, with the papers accompanying it, including the letter of Mr. Trist, the American consul at the Havana; the original of which, having been sent to the undersigned, for the reasons stated in Lord Palmerston's communication, he has now the honor of returning to his lordship, together with the other documents of like character. This would have been done some days ago, but for the great length of Mr. Trist's letter, a copy of which the undersigned was desirous of placing in possession of his Government. As the subject to which these papers relate is one of great delicacy and interest, involving, as it does, the conduct of one of its public functionaries, it will rest alone with the President of the United States to decide upon the measures which it may be proper, under the circumstances, finally to adopt.

The undersigned has the honor to offer to Lord Palmerston reiterated assurances of his distinguished consideration.

A. STEVENSON.

Mr. Forsyth to Mr. Stevenson.

DEPARTMENT OF STATE,
Washington, January 25, 1840.

SIR: A note received some time ago at this department, from the British legation here, relating to a supposed abuse of the American flag by subjects of other Powers, to cover the illegal traffic in African slaves, contains, incidentally, a representation against the consul of the United States at Havana, who, it is stated, has, upon certain occasions, while acting for Portuguese subjects, in the absence of a consul of that nation, given to the owners or commanders of slave vessels, for them to fill up at pleasure, printed blank forms, to which his signature was affixed—a practice which her Majesty's Government supposes has contributed in affording material assistance to the masters of such vessels in the detested traffic.

The grave charge above alluded to having attracted the attention of Mr. Trist, in the public journals, some time during the last summer, he addressed a note to this department, (extracts from which are now transmitted to you in confidence,) requesting that a formal application might be made to the British Government for one or more specimens of the blank forms in question, and for all other specific information that it could furnish relative to the subject. But, as Mr. Fox, in a conversation with me soon after the receipt of Mr. Trist's letter, intimated that he was about to make a communication to this Government regarding the abuse of its flag, connected with a complaint against the American consul at Havana, it was presumed that one of those blank forms, (or at least a transcript of one of them,) would probably accompany his letter, and render unnecessary a demand on his Government. In this expectation I have, however, been disappointed. Mr. Fox's promised communication has been made, without enclosing the paper desired.

It is alike due to the source of these representations, and to the character of Mr. Trist, that a close inquiry should be instituted into his official conduct; but, before a full investigation of the truth of this charge against him can take place, it will be necessary that this department should be informed of the precise character of the signed blanks referred to, and, if to be had, be possessed of one of them for examination. For this purpose, the President directs that you apply to the British Government, without delay, to communicate to you one or more of the blank forms in question, bearing the signature of Mr. Trist, which, so soon as received, you will transmit to me.

I am, sir, your obedient servant,

JOHN FORSYTH.

ANDREW STEVENSON, Esq., &c. &c. &c.

Mr. Stevenson to Mr. Forsyth.

[EXTRACT.]

LEGATION OF THE UNITED STATES,
London, February 29, 1840.

SIR: I acknowledged, on the 25th instant, the receipt of your despatch, (No. 65,) with the accompanying extract from Mr. Trist's letter. I im-

mediately asked an interview with Lord Palmerston, for the purpose of fulfilling the President's wishes ; which took place the ensuing day, at the Foreign Office. After explaining the nature and object of the request which I had been instructed to make, Lord Palmerston at once said that he was not quite certain that any of the *printed forms* to which I had referred had ever been in possession of the Government ; but that, if they had, and could be found, they should be furnished with great pleasure. He, moreover, said that he would cause an immediate examination to be made, and, if it should turn out that these papers had not been forwarded to the department, orders should be sent out to the Havana to have them forwarded through their minister (Mr. Fox) in Washington.

As Lord Palmerston was in the act of going down to the House of Commons when I arrived, and our conversation of course very brief, I deemed it best, on getting home, to write an official note, to guard against any misunderstanding, and insure an early attention to the subject. I accordingly addressed to his lordship the note, of which a copy is herewith enclosed. No answer has yet been received ; but I shall keep this despatch open until the last moment to-night, to enable me, should one come, to forward it by the "British Queen," which sails to-morrow.

JOHN FORSYTH, Esq.,
Secretary of State, Washington.

—
Mr. Stevenson to Lord Palmerston.

32 UPPER GROSVENOR STREET,
February 27, 1840.

MY LORD: Since our conversation of yesterday, at the Foreign Office, I have deemed it best to put in an official form the explanations which I had the honor of giving to your lordship upon the subject of our interview.

It appears that, in one of the communications from your minister (Mr. Fox) to the Secretary of State, on the subject of the supposed abuse of the American flag by vessels of other Powers engaged in the slave-trade, a representation was incidentally made against Mr. Trist, the consul of the United States at the Havana, who, it was supposed, had (whilst acting for Portuguese subjects, in the absence of the consul of that nation) given to the owners or commandants of slave ships, to be filled up at pleasure, *printed blank forms*, to which his signature was attached, and which, in the opinion of her Majesty's Government, had contributed in affording essential aid to the masters of such vessels in their illegal and odious traffic. This charge, moreover, it is believed, has been made against Mr. Trist in communications to her Majesty's Government from its colonial authorities.

The President of the United States, feeling that it was due to her Majesty's Government, as well as to the character of the consul, that so grave a charge of official misconduct should be inquired into, has given directions that a strict investigation should take place. This, it appears, has also been asked on the part of Mr. Trist himself. Before, however, an inquiry into the truth of the charge can take place, it has been deemed best to ascertain the precise character of the blanks supposed to have been signed and given by the consul, and, if practicable, to have at least one of them placed in the possession of the American Government. Under this view, I have been instructed by the President to apply to her Majesty's Government on the

subject, and to ask that one or more of those printed papers, if in its possession, may be communicated to me with as little delay as possible, to be forwarded to Washington.

I beg leave, therefore, to request that your lordship will do me the honor to state whether there are any of those printed forms, purporting to have been signed by Mr. Trist, in possession of her Majesty's Government; and, if so, whether it will be their pleasure to furnish one or more of them, for the purposes indicated.

In the readiness with which the representations of her Majesty's Government upon this subject have been attended to, I flatter myself with the hope that your lordship will not fail to see a spirit of just conciliation on the part of my Government, and a prompt sensibility to a traffic alike in violation of the laws of humanity and those of the two countries.

I pray your lordship to accept assurances of my high consideration and respect.

A. STEVENSON.

Mr. Stevenson to Mr. Forsyth.

[EXTRACT.]

LEGATION OF THE UNITED STATES,
London, April 13, 1840.

* * * * *

I herewith enclose copies of two notes from Lord Palmerston, upon the subject of the documents desired by the State of Massachusetts, and the printed forms supposed to have been signed by Mr. Trist, our consul at the Havana, in relation to the slave-trade.

Lord Palmerston to Mr. Stevenson.

FOREIGN OFFICE, *March 17, 1840.*

The undersigned, her Majesty's principal Secretary of State for Foreign Affairs, has the honor to acknowledge the receipt of the note addressed to him, on the 27th ultimo, by Mr. Stevenson, envoy extraordinary and minister plenipotentiary from the United States of America, in which Mr. Stevenson requests to be furnished, for the use of his Government, with one, at least, of certain forms said to have been signed in blank by Mr. Trist, the United States consul at the Havana, and to have been furnished by him to the owners or commandants of vessels about to be engaged in slave-trade; and the undersigned has, in reply, to state to Mr. Stevenson that inquiries will be made whether any papers of this description are in the possession of the British authorities; and, if so, they shall be transmitted to Mr. Stevenson according to his desire.

The undersigned avails himself of this occasion to renew to Mr. Stevenson the assurance of his distinguished consideration.

PALMERSTON.

Mr. Stevenson to Mr. Forsyth.

LEGATION OF THE UNITED STATES,
London, April 14, 1840.

SIR: I have this moment received a letter from Lord Palmerston, in relation to the printed forms requested in your despatch of the 25th of January, of which I subjoin a copy; and am, sir, very respectfully, your obedient servant,

A. STEVENSON.

JOHN FORSYTH, Esq.,
Secretary of State, Washington.

FOREIGN OFFICE, *April 13, 1840.*

Lord Palmerston presents his compliments to Mr. Stevenson, and, in reply to that part of his note of the 11th instant which relates to the printed forms said to have been signed in blank by Mr. Trist, has to acquaint Mr. Stevenson that inquiries have been made whether any papers of this description are in the possession of British authorities; and that Lord Palmerston will acquaint Mr. Stevenson with the result of the inquiries, as soon as it shall have been made known to her Majesty's Government.

Mr. Stevenson to Mr. Forsyth.

[EXTRACT.]

LEGATION OF THE UNITED STATES,
London, August 12, 1840.

SIR: I herewith transmit the copy of another communication from Lord Palmerston, on the subject of the slave-trade, together with sundry original papers and printed forms which accompanied it, connected with the charges which have been made by his Government against Mr. Trist, our consul at the Havana. You will see, from Lord Palmerston's note, that I am particularly requested to draw the attention of the President to the observations contained in the despatch of the British commissioners at the Havana, upon the subject of these papers.

JOHN FORSYTH, Esq.,
Secretary of State, Washington.

Lord Palmerston to Mr. Stevenson.

FOREIGN OFFICE, *August 5, 1840.*

SIR: With reference to the desire, which you expressed in your letter of the 27th February, 1840, to be furnished with certain printed forms, which it was represented that Mr. Trist, United States consul at the Havana, had given, in blank, to the owners or commandants of slave-ships, to be filled up

by them at pleasure, I have now to transmit to you, for communication to the United States Government, the accompanying copy of a despatch from her Majesty's commissioners at Sierra Leone, together with the authenticated documents enclosed in that despatch, containing, in original—1st, the muster-roll of the slave-vessel "Constituição;" 2d, a certificate of the shipment of slave equipment for lawful purposes; and, furthermore, three certificates of the disembarcation of seamen from the vessel in question. And I have to request that you will draw the attention of the President of the United States to the observations contained in the despatch from her Majesty's commissioners at Sierra Leone, upon the subject of these papers.

I have the honor to be, sir, your most obedient, humble servant,

PALMERSTON.

A. STEVENSON, Esq, &c., &c., &c.

SIERRA LEONE, *May 12, 1840.*

MY LORD: We have the honor to acknowledge the receipt of your lordship's despatch, No. 6, of the 17th May last, respecting certain papers stated to have been furnished to the owners of vessels about to be engaged in the slave-trade, by Mr. Trist, the United States consul at Havana, who was lately acting as Portuguese consul in that city.

In compliance with your lordship's directions, we transmit, herewith, the two documents alluded to by her Majesty's commissioners in the report of the case of the Portuguese vessel *Constituição*, on the 20th October, 1838, and which are the muster-roll, and a custom-house certificate of the lawful objects with which an extraordinary number of water-casks, a boiler of large dimensions, and plank, had been embarked in that vessel. The former of these documents has been authenticated by Mr. Trist's certificate, dated the day previous to that on which the muster-roll itself bears date; whilst a similar paper from Mr. Trist, respecting the custom-house certificate, is wanting that gentleman's signature, though having his seal of office.

With respect to the blank forms bearing the signature of Mr. Trist, stated by Lieutenant Oliver, the captor of the abovementioned "*Constituição*," to have been found, at the time of her seizure, in the desk of a Spanish passenger, who represented himself to be the owner of that vessel and her cargo, we beg leave to state that we have not been able to discover any papers exactly answering the description in question among those lodged in the archives of the court.

In the papers of the *Constituição* we found the enclosed certificates for three sailors, said to have been disembarked from that vessel at Havana; in each of which the description of the man named has been omitted by Mr. Trist, and the space for this purpose left open. In handing these certificates to your lordship, we would beg to draw attention to the fact of the names of two only of the three seamen stated to have been landed from the "*Constituição*" being mentioned in the muster-roll, (enclosure No. 1,) although Mr. Trist granted the certificates in question on the day subsequent to that on which he had authenticated the muster-roll.

Should the certificates now transmitted to your lordship not be the papers mentioned by Lieutenant Oliver in his report to Admiral Elliot, and alluded to in your lordship's despatch to Mr. Fox of the 22d February, 1839, they cannot have been delivered into the court, as they should have been, when the "*Constituição*," was presented for adjudication.

We shall take the earliest opportunity of communicating to the senior naval officer on this station your lordship's wishes in respect to the blank forms mentioned by Lieutenant Oliver, or the naval commander-in-chief, that they may be at once transmitted to England for your lordship's information.

We have, &c.,

R. DOHERTY,
WALTER W. LEWIS.

The Rt. Hon. VISCOUNT PALMERSTON, G. C. B., &c., &c., &c.

No. 1.

Matricula e rol da equipagem da escuna Portuguesa denominada Constituição, de que he mestre Eduardo Roberto, a qual segue viagem para São Paulo de Luanda, com a tripulação abaixo mencionada, a saber :

Empregos.	Nomes.	Annos d'idade.	Naturalidade.	Estado.
Capitão	Eduardo Roberto	24	Lisboa	Solteiro.
Piloto	Diego Lopez	28	Cartagena	Do.
2d piloto	Ramão Quirzo	26	Cadiz	Do.
Contramestre	José Pinedo	28	Manilla	Cazado.
Carpinteiro	João São Martino	30	Cartagena d'Indias	Do.
Despenseiro	José Donorena	29	Do	Solteiro.
Cusineiro	Miguel Marguedal	28	Do	Do.
Marinheiros	Francisco de Goio	26	Portugal	Do.
Do	Vicente Planely	24	Do	Do.
Do	Antonio Silva	26	Figueira	Do.
Do	Antonio Preto	26	Porto	Do.
Do	Francisco do Rey	30	Do	Do.
Do	Modesto Antonio	24	Madeira	Do.
Do	Pedro Simão	28	Ilha Terceira	Do.
Do	João Baptista	34	Ilha do Maio	Do.
Do	Zeferino Fernandez	25	Porto	Cazado.
Do	Joaõ Company	30	Do	Do.
Do	Ignacio Laiolla	28	Lisboa	Solteiro.
Mocós	Eusebio Perez	24	Porto	Do.
Do	Miguel Martorany	24	Lisboa	Do.
Do	José Maria Martinez	24	Ilha do Faiar	Do.
Do	Joaquim Gomez	23	Do	Do.
Do	Aleixandre de Rozario	24	Manilla	Do.
Page	Gauthano Padrão	15	Do	Do.

Armamento.

Doze espingardas, doze fracos, huma colica, duaz gorrenas, e seis esmeriz.

HAVANA, 8 de Junho de 1838.

O capitão,

EDUARDO ROBERTO.

CONSULATE OF THE UNITED STATES, *Havana* :

I, Nicholas P. Trist, consul of the United States, do hereby certify, that, on the day of the date hereof, before me personally appeared Don Eduardo Roberto, master of the Portuguese schooner *Constituição*, and declared the document hereunto annexed to be a true and faithful list of the crew (consisting of twenty-four men, all told) and armament of said vessel; which declaration is received and certified to by me, because of there not being here at this time any consul or consular agent of Portugal to do such acts for vessels of that nation.

In testimony whereof, I hereunto set my hand, and affix my seal of office, at Havana, this seventh day of June, in the year of our Lord one [L. s.] thousand eight hundred and thirty-eight, and of the independence of the United States the sixty-second. N. P. TRIST.

CONSULATE OF THE UNITED STATES, *Havana* :

I, Nicholas P. Trist, consul of the United States, do hereby certify, that Don T. Estives, merchant of this city, has declared to me that, being thereunto authorized and empowered by Don Luis Carvalho, owner of the Portuguese schooner *Constituição*, he has appointed Eduardo Roberto as master thereof; in the place of Antonio Joaquim, late master; which declaration is received and certified to by me, in consequence of there not being here at this time any consul or consular agent of Portugal to do such acts for vessels of that nation.

In testimony whereof, I hereunto set my hand, and affix my seal of office, at Havana, this seventh day of June, in the year of our Lord one [L. s.] thousand eight hundred and thirty-eight, and of the independence of the United States the sixty-second. N. P. TRIST.

Don TOMAS RODRIGUEZ DE YURRE Y ECHAVARRI, contador de ejercito honorable, y principal de la aduana de este puerto por S. M.

Certifico : Que en el registro de la goleta Portuguesa *Constitucion* acierto con destino á San Pablo de Loando al cargo de su capitan Don Eduardo Roberto, existe una poliza con el No. 4, corrida por el propio capitan cuyo tenor es el siguiente : Ocho bocoyes de cuatro pipas ; diez y seis iden de tres ; doce de sesenta y de cien galones para la aguada y conduccion de aceite de palmas al r egreso ; un mil seis cientos pies de tablas ; trescientos sesenta y ocho pies de alfardas, todo para formar barraca ; un caldero grande para clarificar aceite ; y á los efectos consiguientes doy la presente, en virtud de decreto del se or administrador general del dia hoy, en la Habana, á nueve de Junio de mil ochocientos treinta y ocho.

TOMAS DE YURRE.

CONSULATE OF THE UNITED STATES, *Havana* :

I, Nicholas P. Trist, consul of the United States, do hereby certify that the signature to the document hereunto annexed is in the handwriting of Don Tomas de Yurre, contador of the royal customs of this place, to whose acts as such full faith and credit are due.

In testimony whereof, I hereunto set my hand, and affix my seal of office, at Havana, this eighth day of June, in the year of our Lord one [L. s.] thousand eight hundred and thirty-eight, and of the independence of the United States the sixty-second.

[Without signature.]

CONSULADO DE LOS ESTADOS UNIDOS DE AMERICA.

Filiacion.

Cuerpo
Carnes
Cabello
Ojos
Cara
Color
Boca
Barba
Nariz
Edad

El marinero José Maria Martinez, qui pertenecia á la goleta Portuguesa Constituição, ha sido desembarcado legalmente de dicho buque, y está ahora al cargo de este consulado.

Habaña, 8 de Junio de 18

N. P. TRIST.

No. 65.

Señales particulares.

CONSULADO DE LOS ESTADOS UNIDOS DE AMERICA.

Filiacion.

Cuerpo
Carnes
Cabello
Ojos
Cara
Color
Boca
Barba
Nariz
Edad

El marinero Miguel Maristany, qui pertenecia á la goleta Portuguesa Constituição, ha sido desembarcado legalmente de dicho buque, y está ahora al cargo de este consulado.

Habaña, 8 de Junio de 1838.

N. P. TRIST.

No. 62.

Señales particulares.

CONSULADO DE LOS ESTADOS UNIDOS DE AMERICA.

Filiacion.

Cuerpo
Carnes
Cabello
Ojos
Cara
Color
Boca
Barba
Nariz
Edad

El marinero Eusebio Perez, qui pertenecia á la goleta Portuguesa Constituição, ha sido desembarcado legalmente de dicho buque, y está ahora al cargo de este consulado.

Habaña, 8 de Junio de 1838.

N. P. TRIST.

No. 66

Señales particulares.

Mr. Stevenson to Lord Palmerston.

32 UPPER GROSVENOR STREET,
August 6, 1840.

MY LORD: I have the honor to acknowledge the receipt of your lordship's note of yesterday, enclosing the copy of a despatch from her Majesty's commissioners at Sierra Leone, on the subject of the slave-trade, together with certain authenticated documents therein enclosed, which I will take the earliest opportunity of communicating to my Government, and calling its attention to those parts of the commissioners' despatch which your lordship desires.

I have the honor to be, your lordship's obedient servant,

A. STEVENSON.

Rt. Hon. Lord VISCOUNT PALMERSTON,
&c., &c., &c.

Mr. Fox to Mr. Forsyth.

WASHINGTON, October 30, 1839.

The undersigned, her Britannic Majesty's envoy extraordinary and minister plenipotentiary, has been instructed by his Government to transmit to the Secretary of State of the United States the enclosed copies of papers, consisting of numerous official reports and despatches received by her Majesty's Government, which contain evidence of the surprising and deplorable extent to which the American flag is now employed for the protection of the inhuman traffic in African slaves. Her Majesty's Government are well persuaded that a knowledge of the frauds and evasions of the law which these papers disclose—frauds and evasions practised for the purpose of covering the most cruel and sordid acts of barbarity against a portion of the human race—will excite feelings of as deep sorrow and indignation in the Government of the United States, as the discovery of them has occasioned to her Majesty's Government; and that the Government of the United States will not delay to take resolute and effectual steps, either singly, or in concert with Great Britain, for suppressing this dreadful system of crime, and for rescuing the respected flag of the Republic from a reproach which the vilest crimes of mankind are seeking to cast upon it.

It was naturally to be expected that the first information upon facts relating to the African slave-trade, although connected with the flag of a foreign nation, should be conveyed through the officers of the British Government. The various and long-continued efforts of Great Britain for the suppression of the trade, the extensive control exerted through the conventions with foreign Powers, and the special courts of commission established in different quarters of the globe, have given to her Majesty's Government superior means of intelligence to what can be possessed by the Government of any other country.

It does not appear that the American flag began to be extensively employed for the protection of the slave-trade until between two and three years ago; but, from that time to this, the abuse has continued to increase in a regular and terrible proportion. Various circumstances, which are clearly pointed out in the enclosed papers, appear to have contributed to

produce this effect; but it is chiefly to be ascribed to the following cause: Through the persevering efforts of Great Britain, nearly all Christian nations, with the exception of the United States, have been induced to engage in a common league for the suppression of the trade. Most of the maritime Powers have now conceded the right of search, under due regulations, to her Majesty's cruisers; and new conventions negotiated with foreign Governments are every day adding to the extent of the combination. The miscreants who drive the detested traffic in human beings are thus gradually losing their former protections, and are betaking themselves to the remaining flag whose protection can avail them. It will be seen that Spanish, Portuguese, and Brazilian slave-traders, with outlaws and pirates of all nations, are now flocking under the cover of the American flag. The great bulk of the trade will soon be carried on under that protection alone; and, unless severe measures of repression be adopted, the astonishing sight will be shown to the world, of the flag of that nation which, to its great honor, was amongst the first to abolish the slave-trade, becoming its chief support and protection.

The undersigned will now proceed to point out to the Secretary of State of the United States some of the leading cases, of which the particulars are detailed in the enclosed papers.

In the year 1837, the attention of her Majesty's officers was excited by the discovery that various vessels intended for the African slave-trade were built and equipped in the ports of the United States, from whence they had proceeded, under the American flag, either to Havana, or to the Cape Verd islands, or direct to the slave coast of Africa; being there, for the first time, (and generally by fraudulent means,) transferred to some Spanish or Portuguese owner; and making the return voyage, with cargoes of slaves on board, under the Spanish or Portuguese flag.

It will be found by the enclosed reports, that, in the month of October, 1837, two vessels of the above description, named the "Washington" and the "Joseph Hand," sailed from Havana for the Cape Verd islands, under the flag of the United States; their ultimate destination being the coast of Africa, and their employment the illicit traffic in slaves. These vessels were followed, in the month of November of the same year, by the American schooner the "Cleopatra," whose destination and character, and the criminal objects of the voyage, proved to be the same as in the cases preceding.

But one of the earliest and most marked cases of illicit slave dealing, under the protection of the American flag, to which the undersigned is desirous of calling the attention of the United States Government, is the case of the "Venus," of Baltimore. This vessel was built at Baltimore in the beginning of 1838, destined, there is full reason to believe, expressly for the slave-trade. In July, 1838, she was despatched from Baltimore to Havana, consigned to a well-known and shameless slave-trader of that place, of the name of Mayona. On the 4th of August following, she again sailed from Havana, under the American flag, fully equipped for the slave-trade, and bound ostensibly to Bahia, in Brazil, where she was to be transferred to the Portuguese flag. Instead of proceeding, however, to Bahia, she sailed to the coast of Africa, and returning, in the short space of four months, to the coast of Cuba, landed a cargo of no less than 860 slaves in the immediate neighborhood of Havana. The name of the vessel had, in the mean time, been changed to the "Duquesa de Braganza," and, upon her return to Cuba,

she bore the Portuguese flag; but it does not appear that any valid or legal transfer had taken place: in any case, her outward voyage, with equipment for the slave-trade, was protected by her American character. The illegal objects for which this vessel was employed, and the fraudulent transfer of ownership and flag, were assisted, there is no doubt (though it is to be hoped unintentionally) by the circumstance of the United States consul at Havana exercising, at the period in question, the functions of Portuguese consul also.

The "Venus" was reported at the time to be one of the fastest sailing vessels ever built, and to be capable of conveying the enormous cargo of 1,100 slaves. The guilty partners in the voyage above recounted are believed to have made a clear profit, by that one voyage, of 200,000 dollars—the fruits of their inhuman crime. Most assuredly, as long as such amazing profit can be acquired, the same crimes will be committed, unless some means can be found to amend and strengthen the law, or unless far more vigilant and strenuous exertions be used to enforce the law as it exists. It will be found that all the above particulars, which were first reported by her Majesty's authorities at the Havana—namely, the slave-trading adventure of the "Venus" to the African coast; her protection on the outward voyage, though equipped for the slave-trade, under the American flag; the shipment of 1,100 slaves; and the fraudulent substitution of the Portuguese for the American flag, when the slaves were actually on board—are fully and remarkably confirmed by the statement of a British officer on the African station, (Lieutenant Popham, of her Majesty's sloop "Pelican,") which will be cited in a subsequent part of the present note.

By referring to the series of correspondence herewith enclosed, it will be seen that Lieutenant Kellet, commanding her Majesty's brig "Brisk," in a despatch, dated the 23d of October, 1838, calls the attention of Rear Admiral Elliot to the case of the United States schooner "Mary Hooper," Charles Bergstian master and owner, belonging to Philadelphia. This vessel sailed from Havana on the 28th of May, 1838, for Porto Praya, consigned to a notorious slave-dealer at the Gallinas. When last boarded by the "Brisk," she was lying off Tradetown, ready to take in a cargo of slaves. "This," observes Lieutenant Kellet, "is not the first instance in which the flag of the United States has been made use of for the purpose of screening offenders from her Majesty's ships. If this case is successful, I fear the difficulties of her Majesty's squadron, in suppressing the slave-trade on this coast, will be greatly increased; as I feel confident we shall, in the succeeding season, have numerous vessels carrying on the traffic in a similar manner, when it can be done with such impunity. I am satisfied she has also Portuguese papers, which the master partly admitted (when I first boarded her) he had received at Porto Praya. If she were to meet, on her arrival in the West Indies, a United States ship of war, she has Portuguese papers; and American papers for her Majesty's ships; which, in all probability, will be the means of her being successful."

It is to be observed, that the United States consul at Havana assisted in clearing out the "Mary Hooper" from that port, when bound upon the voyage of illicit slave-trade, above denounced.

In a further despatch, addressed to Rear Admiral Elliot, by Lieutenant Kellet, dated Sierra Leone, October 29th, 1838, that officer states as follows: "On the 27th instant, latitude 8° 32' N., longitude 13° 30' W., I boarded and seized the schooner 'Mary Anne Cassard,' under American colors. I have to state that this vessel was lately sold by Gilbert Cassard, of Baltimore,

by power of attorney, to Messrs. Hernandez & Basden, of Matanzas. The crew are composed of one British subject, (the master, who was formerly in her Majesty's brigantine 'Lynx' on this coast, and was paid off in her;) the remainder are all Spaniards. This vessel I have put into the Spanish mixed commission court for adjudication, being clearly of opinion that she is Spanish property, fitted and equipped for the slave-trade."

Rear Admiral Elliot, commanding her Majesty's naval forces on the African station, in a despatch dated 6th February, 1839, calls the attention of her Majesty's Government "to the protection which slave vessels receive from assuming the flag of the United States;" and in referring to the case of the "Mary Anne Cassard," reported by Lieutenant Kellet, in his despatch of the 29th October, 1838, Rear Admiral Elliot states as follows: "The seaman who passed for the American captain was, I believe, an American by birth, though, wishing to be received on board the 'Lynx,' he had passed himself as an Englishman in that vessel; the man was unable to navigate any vessel, and was merely engaged to pass himself as the American captain, when boarded by a British man of war. She (the 'Mary Anne Cassard') had her Portuguese colors on board all the time, as was proved when she was captured, a month afterwards, by the same vessel, ('Brisk,') which she mistook for a French brig cruising on the same part of the coast, and consequently assumed the Portuguese character, having her slaves then on board. Several of the slave-dealers have declared their intention to have an American sailingmaster in each vessel, and American colors; and some have had the impudence to assert that the Government of the United States would not discountenance such practices by any act or agreement which could prevent such gross abuse of the American flag, and such direct violation of their own laws. Her Majesty's sloop 'Lily' has sent in a Spanish vessel, under American colors, her whole crew Spanish, but with a pretended American captain on board. I was also informed by the American barque 'Active,' that the Saracen had detained a Spanish slave-vessel at the Gallinas, under American colors. The probable object of using the American flag will be to protect the vessels up to the time of the cargo being ready for shipment, then to go through the farce of selling the vessel to a Portuguese or Spaniard. The actual sale of nearly all the slave-vessels in question takes place at the Havana, where one man is engaged to personify an American captain; but they seem very indifferent as to having any American papers. The mere flag, in their opinion, is sufficient; and, as they are all provided also with their proper national flag, they are prepared, in case of meeting an American vessel of war. I must crave their lordships' early instructions on this growing evil and abuse, which I feel is much too disgraceful to meet with any countenance, direct or indirect, from the Government of the United States."

In a further despatch to her Majesty's Government, dated from the African station the 13th of February, 1839, Rear Admiral Elliot states: "I have the honor to forward the copy of a letter from Lieutenant J. L. R. Holt, commanding her Majesty's brigantine 'Bonetta,' from which, and my former letters, it will be observed that the use of the American flag is becoming rapidly more general in the protection of the Spanish slave-vessels. Of American flags used for this purpose, there are more than twice as many at present on the coast; and in so barefaced a manner do they proceed, that some have not even an American to personify the captain, but satisfy themselves with furnishing one of the crew with a certificate of naturalization for the

occasion. If her Majesty's ships were at liberty to send some of the pretended Americans to the United States, and the Government of that country were to uphold the honor of their flag, by subjecting such lawless felons to prosecution and punishment, it would soon put an end to the nefarious usurpations of their flag, by the most notorious slave-dealers belonging to Spain and Portugal."

It will now be seen that similar complaints have been offered, and that similar violations of the laws of the United States, with abuse of the American flag for the protection of illicit slave-trade, have been denounced by her Majesty's naval officers employed on the Brazilian station. Lieutenant Birch, commanding her Majesty's brig "Wizard," in a despatch addressed to Commodore Sullivan, senior naval officer at Rio Janeiro, dated off Bahia, November 12, 1838, makes a report to this effect: "I beg to submit to your notice the following statements relative to the extensive share the American flag has in forwarding and covering the traffic in slaves carried on by parties in the port of Bahia. 'The American brig 'Dido,' of Baltimore, her master Phillips, and Manuel, supercargo, when under American colors, and, *vice versa*, when under Portuguese colors, left the Havana about March, 1837, with a general slave cargo, consisting of arms, ammunition, spirits, tobacco, &c., &c., touched at Port-au-Prince, St. Domingo, also at Bonavista, Cape Verd islands, where it is probable she got Portuguese papers after the usual sham sale had been effected; from thence she proceeded to Oney river, Lagos, in the Bight of Benin, and, after leaving there, disposed of her cargo; visited Wydah, where she provisioned, returning to Lagos. She finally sailed with five hundred and seventy-five slaves on board: her crew consisting of Phillips, master; Manuel, supercargo; second mate, (a relation of Phillips,) an American mulatto, a Sicilian, (since murdered at Bahia,) a Norwegian, two Portuguese, and one Englishman. After a three weeks' passage, she made the sand-hills to windward of Bahia. On reconnoitring the port, her Majesty's sloop 'Sparrowhawk' was observed at anchor; upon which they hauled off—hoisting, however, their distinguishing flag forward, and American colors abaft, which was acknowledged from the village outside the bar. That same evening five hundred and seventy slaves (five having died on the passage) were landed close to the point Itaparica, at the village. During the night the 'Dido' was cleared out, and made her appearance in Bahia next day, under American colors. The above confirms what I had before learned from report off Bahia. The Englishman (James Fox) now serving on board the 'Wizard,' states that he would have no objection to make oath to the truth of the above statement, provided security was warranted against his being tried for a misdemeanor, or otherwise punished for his share in the transaction. James Fox received seventy-five dollars a month, as wages, and one hundred dollars bounty when slaves were landed. The 'Dido' was under Portuguese colors at Lagos. The 'Dido' left Bahia again on the 27th of July, with a general cargo, for the coast; and was reported by the 'Mary Cushing,' of Baltimore, as having been left by her, in September, in Lagos river, in the Bight of Benin."

In a despatch of the same date, also addressed to Commodore Sullivan, Lieutenant Birch further reports, as follows: "I boarded, on the 16th of September, off Point St. Antonio, (Bahia,) the 'Eagle,' of Baltimore, a two-topsail schooner of two hundred and ten tons, under American colors, J. Littig master, with crew and passengers, (in all, twenty-one men,) from St.

Thomas, on the line, in ballast. Her American papers were produced, and I did not conceive myself warranted in searching her. It was reported in Bahia that she had landed slaves to the northward; and her appearance, on boarding, warranted the suspicion."

The same officer, in a further despatch, dated off Bahia, December 20, 1838, addressed to Commodore Sullivan, states: "I have the honor to report that, on the 9th of November I boarded, off Bahia, the American schooner 'William Ridgway,' John Chase, jr., master and part owner, with flour for the market. After discharging, she was offered for sale; and would have been sold to parties for the slave-trade, but the bills tendered could not be negotiated; and she left Bahia on the 19th December, for Baltimore. John Chase, jr., last voyage, sold the 'Juliana' schooner, to parties in Bahia; she sailed for the coast of Africa about the 30th July, with a great cargo: it is said she will take slaves to Havana. John Chase, jr. told me he had on the stocks a vessel to be called the 'Mariana,' nearly ready, but built expressly for the slave-trade, and that by God he would build as long as he could find purchasers."

Again, in another despatch, dated off Bahia, December 20, 1838, the same officer makes the following report, with respect to the American schooner the *Mary Cushing*: "I boarded on the 10th of November, off Bahia, the 'Mary Cushing,' of Baltimore, schooner, of one hundred and forty tons, under American colors, Reynolds master, with a crew of ten men, all either Portuguese or Spaniards, from Lagos and Prince's Island, in ballast, bound to Bahia. Her master volunteered leave to inspect; between decks four leaguers and about twenty water casks were observed in her hold, and also a quantity of loose plank; her range and coppers were much larger than those generally used in merchant service. In Bahia it was known she had been sold to parties at the Havana, for the purpose of slaving; that the former American master remained on board with her register, that she might still bear the flag of the United States. From the Havana, she went to Oney river, Lagos, for the purpose of taking in slaves; but being closely watched by one of her Majesty's cruisers, she, after a stay of some weeks, sailed, and finally came to Bahia in ballast; she is expected shortly to sail for the coast with a general cargo, and, the first good opportunity that offers, will ship slaves; when the American master will leave with his register, and her first mate take charge, with the sale policy effected in the Havana. The master observed to the boarding officer, upon some allusion being made to the American colors he had flying, that, had he negroes on board, we should not see those colors up."

Upon referring once more to that portion of the enclosed correspondence which relates to the coast of Africa, it will be found that Captain Popham, commanding her Majesty's sloop "*Pelican*," in a despatch addressed to Rear Admiral Elliot, dated 24th December, 1838, states as follows: "The active and undisguised assistance given to the slave-trade by citizens of the United States of America, is as notorious as it is disgraceful. The American flag has, in several instances, given protection to Spanish and Portuguese traffickers in human beings. The last instance was too shameful to pass unnoticed. A ship called the '*Venus*,' of 450 tons, built at Baltimore, on the most approved model for swift sailing, arrived at Lagos from Baltimore on or about the 5th of November last. About the 24th of the same month she sailed from Lagos, with a very large cargo of slaves—said to amount to 1,150. The American flag and papers (in possession of Mr. Phillips, the

commander, of Baltimore) protected her until a few days before she sailed ; when he left, and the Portuguese flag was substituted for the American. It is therefore evident that, under the American flag, she was perfectly ready for the reception of slaves. On the 28th of November, about a hundred miles south of Lagos the 'Pelican' chased this ship, and at first gained on her ; but she was lightened, by throwing her deck cargo and spars overboard ; then sailed away from us with ease, although every effort was made to come up with her. On the 30th, somewhat southeast of where our chase commenced, we picked up two spare topmasts, a topsail-yard, and maintop-gallant-mast of very large dimensions, quite new, and evidently but a day or two in the water. This confirmed what I heard in Lagos about the 'Venus.' We boarded then a large American brigantine, discharging a cargo for the purchase of slaves. Mr. Littig, the *soi-disant* owner and commander, said the cargo was Portuguese property, and that he hoped the brigantine soon would be. This is the third vessel brought out (the first and second sold for the slave-trade) by the same individual. The Pelican sailed from West bay, Prince's Island, on Saturday, the 15th of December, for Ascension. On Monday, the 17th, at daybreak, a suspicious sail was reported as being very close to us. She immediately tacked ; we made all sail in chase, and at 7 P. M. detained the Portuguese slave-schooner 'Magdalena,' with a cargo of 320 slaves, from the river Brass, or Nun. Amongst her passengers was a citizen of the United States, (Mr. Huntingdon,) who had, on the 1st of December, made over to a Spaniard the schooner 'Ontario,' of Baltimore. Her sale was, no doubt, effected at Havana, although the bill of sale mentioned it to have taken place in Brass. In this instance the American flag gave unqualified protection to the slave-trade ; for the 'Ontario' was boarded by the boats of her Majesty's ship 'Viper,' in November, and she was then reported as preparing for the reception of slaves, but having American papers and colors. After a little conversation with the Portuguese commander of the 'Magdalena,' he informed me that the 'Ontario' was in company on Sunday afternoon. This information was taken immediate advantage of, and sail was made on a NW. by W. $\frac{1}{2}$ W. course. Tuesday, at daybreak, after a fine run, a sail was seen to the westward. The morning was thick and rainy ; but at 10 A. M. the weather cleared up, and I despatched Lieutenant Marsh with the two gigs to capture the 'Ontario.' This he did at 11h. 30m. with 220 slaves on board. She was under Spanish colors, but had no papers whatever. 'Ontario, of Baltimore,' was painted in large letters on her stern. Both these vessels I sent to Sierra Leone for adjudication, informing the British commissioners of my intention to detain the American (Huntingdon) until I received your orders respecting the disposal of him. However, on a careful perusal of the instructions in my possession, and of the correspondence between Great Britain and the United States of America on the subject of the slave-trade, I was induced to alter my intention, feeling that I should not be borne out in interfering with a citizen of the United States, which, it appears to me, the American Government evinced no disposition to tolerate, *even in very extreme cases*. I do not doubt, from all I hear, that the citizens of the United States (generally of Baltimore) are more deeply interested in the slave-trade to the Havana and Brazil than is generally supposed."

In a despatch addressed to her Majesty's Government by the British commissioners at Havana, on the 1st of January, 1839, of which an extract

is enclosed, it will be found reported, that in the year 1837 eleven American vessels, and that in the year 1838 no fewer than nineteen American vessels, were employed in the illicit slave-trade between Cuba and the African coast. It is also stated in the same despatch, (and the fact is deeply to be regretted,) that the demand for newly imported slaves from Africa had been enhanced, and the temptation to violate the law in like proportion heightened, by the large increase in the number of sugar-plantations which has recently taken place in the island of Cuba, chiefly through the investment therein of American capital and American industry. A due consideration of this fact will assuredly prompt the United States Government to exert unremitting efforts for preventing the abuse of the national flag; for it is impossible to suppose that any portion of the American people, who have so often and so solemnly pronounced their abhorrence of the slave-trade, should desire to be allowed, either directly or indirectly, to reap benefit from the continuance of it.

Some of the remaining cases to which the undersigned will now direct the attention of the United States Government, not only contain evidence of the audacious abuse of the American flag by reckless and unauthorized men, the outcasts of society, who follow the profession of the slave-trade after the manner of public robbers and pirates; but they disclose circumstances of a painfully suspicious character, with respect to the practices followed in the consulate of the United States at Havana—practices which have, no doubt, had the effect of affording material assistance to the detested traffic, and which have a moral tendency (still more deplorable) of inducing the world to believe that the authorities and Government of the Republic are not in earnest resolved to labor for its extinction. Her Majesty's Government are unwilling to believe that any authorized agent of the United States would intentionally aid or favor the prohibited African slave-trade; but, in cases like these, where the temptations that urge men to violate the law are so powerful, where the devices resorted to are so variously and artfully contrived, and where a system of crime is to be dealt with of such extreme and barbarous atrocity, it is clear that an habitual carelessness and want of vigilance on the part of public functionaries may produce nearly the same degree of mischief as the sin of actual connivance.

Rear Admiral Elliot, in a despatch dated from the island of Ascension, January 1, 1839, addresses the Lords Commissioners of the Admiralty as follows: "I beg leave to call their lordships' attention to the circumstance of the American consul at the Havana affixing his signature to the papers of vessels about to be engaged in the slave traffic, under the Portuguese flag, as stated by Lieutenant Kellet, of her Majesty's brig 'Brisk;' and in the report of Lieutenant Oliver, of the 'Fair Rosamond;' as well as to *the said consul signing blank forms*, to be filled up at the pleasure of persons in command of these vessels."

Lieutenant Kellet, in a despatch dated Sierra Leone, August 8, 1838, makes the following report to Rear Admiral Elliot: "I have to inform you that, during my late cruise to the Gambia, I boarded the Portuguese schooner 'Senhora de Bomviagem,' from the Havana, at which place she cleared out for Porto Praya, but did not call there, and was on her way to the island of St. Thomas. I beg to state that I examined her papers, and found that the American consul at the Havana had signed all her papers; his reason for so doing being expressed in them, namely: 'there being no Portuguese consul, or other authorized agent there, from the Portuguese Government to do so.'"

It will be further seen that Lieutenant Oliver, commanding her Majesty's sloop "Fair Rosamond," on the African coast, reports : "That on the 19th of July, 1838, he boarded the Portuguese slave-schooner, the 'Constituição,' lying in Acera roads, where the captain produced a Cape Verd Island paper, dated the 10th of December, stating the vessel to be American built ; in which the name of the captain differed from that on the muster-roll ; and there were likewise found Spanish custom-house clearances, to which were affixed the name of Mr. Trist, the American consul, there being no Portuguese at the Havana. Her passengers, eleven in number, had Spanish passports, and evidently held the highest offices on board. One stated himself to be the owner of both vessel and cargo. In his desk was found a certificate of his birth as a Spaniard, and several *printed forms, signed by Mr. Trist, left blank*, for them to fill up at pleasure."

Commander Reeve, of her Majesty's sloop "Lily," in a despatch to her Majesty's Government, dated Gambia, April 2, 1839, makes the following statement : "Having captured a vessel under American colors, lying at Lagos, called the 'Eagle,' the entire crew of which were Spaniards, with the exception of a man calling himself both master and owner, I sent her to Sierra Leone for adjudication ; but the mixed commission court have refused to decide, on the ground that the ship's papers produced set forth that she is an American vessel. When captured, she was last from Havana ; and answered the description sent by the Admiralty to the commander-in-chief, of a vessel employed in the slave-trade called the 'Tres Amigos,' under Portuguese colors, about to sail from Maranham. She was sold at the Havana ; and the American vice-consul attested the sale, and granted American papers. Three other vessels had been captured, under like circumstances, by the 'Brisk,' 'Saracen,' and 'Forester,' and the court has acted in like manner ; one of which was afterwards taken with slaves on board. She then hoisted Portuguese colors.

"I have to request you will be pleased to acquaint my Lords Commissioners of her Majesty's Admiralty with the circumstance, that immediate steps may be taken to check the protection of that flag to the slaver, or it will be useless for her Majesty's cruisers to be employed in the suppression of that inhuman traffic."

The case of the schooner "Florida," which occurred in the beginning of the present year, offers a glaring example of the systematic abuse of the American flag, and of the facilities which are afforded for the continuance of this scandal, by a want of proper caution in the office of the United States consulate at the Havana, where it might have been hoped that the utmost vigilance would be exercised to prevent the flag of the Republic from being lent to such vile and criminal purposes.

The "Florida" was visited in the river Gallinas, on the 13th of January, 1839, by Lieutenant Hill, of her Majesty's brig "Saracen," and found to be completely fitted up for the slave-trade. The papers which were found on board showed that an American register had been taken out for the vessel, at Baltimore, in June, 1838, by G. Elvear ; that she was despatched from Baltimore to the Havana, and made over to a partner of the notorious slave-trading firm of Manzaneda ; that a fictitious sale was executed at the Havana, to one Williamson, who was to assume the character of owner and the duties of master, and who was to receive a small monthly stipend for assisting, by his name and presence, in concealing a Spanish slave-trade adventure under an American cover. The British and Spanish mixed

commission at Sierra Leone declined to take cognizance of the case of the "Florida," because the papers, although upon the strongest grounds believed to be fictitious, gave an apparent American character to the vessel. The subsequent fate of the "Florida" is remarkable, and serves to confirm the suspicion of fraud. The reputed American master, (Williamson,) after soliciting and obtaining from the British captor personal protection against his own Spanish crew on board the "Florida," who had mutinied, determined, upon his arrival at Sierra Leone, to break up and abandon the "Florida" altogether. He accordingly removed on board an American merchant vessel lying in the port, and then caused the "Florida" to be hauled on shore, dismantled, broken up, and sold; declaring his intention to apply the proceeds, in the first instance, to pay himself the wages due to him, and then to hand over the balance to the real owners of the vessel, whenever he should meet with them.

The British commission at Sierra Leone, in reporting to her Majesty's Government the above case of the "Florida," in their despatch of the 31st January, 1839, offer the following important observations: "It will be seen that George Elvear, of Baltimore, took out an American register for his schooner 'Florida,' in June, 1838, and immediately despatched her to Havana, for sale, under the charge of the captain, (Matthew Kelly,) who was appointed the agent of the owner, with a power of substitution. Kelly appointed Don Juan Manzaneda, of the firm of Manzaneda & Abusqueta, his substitute; and within three months and a half from the date of the American register, a bill of sale of the 'Florida' was executed by Manzaneda to D. B. Williamson, the present master. Such are the representations of the ship's papers. Unfortunately, however, for the credit of the bill of sale, another paper was discovered, showing that Williamson, instead of being the owner, was to receive, from the well-known slave-trading firm of Manzaneda & Abusqueta, (who, if not themselves the owners of the 'Florida,' were at any rate the agents of the owners,) a small monthly stipend for assisting, by his name and presence, in concealing a Spanish slave-trade adventure under an American cover. The pay of this man was only to continue until the vessel should be ready to receive her return cargo, when (owing, we presume, to an intention to change the flag to Portuguese or Spanish,) his services would be no longer of use; but even then he was to be allowed his passage back to Havana free of expense.

"The equipment of the 'Florida' for the slave-trade was complete; and the captor would have possessed ample means of convicting his prize of being an essentially Spanish vessel, engaged in the illicit traffic, had he been permitted to take advantage of the information acquired by his unauthorized search. The aforesaid Williamson acknowledged that, so far as the bill of sale related to himself, it was false, and that he had no claim whatever to the character of owner; and he attempted to clear himself of being a party to the fraud, by declaring that he had not been aware of the existence of this false document until some time after he had left Havana. We have little doubt that the American register and muster-roll are as fictitious as the paper, the falsehood of which is admitted. They are, however, recognised by American authorities as true and valid, entitling the vessel which carries them to all the privileges of an American character; and, in our view of the matter, the fact of such a recognition is sufficient to protect from search and detention an apparent American vessel, so long as America persists in refusing to our cruisers the right of visitation. The

tenderness with which the independence of the flag of the United States has been treated, under so much provocation, will, we trust, have its proper effect. Of the actual existence of the evils which were anticipated from America's determined denial of the privilege of search, no doubt can now be entertained; and it is to be hoped that some remedial measures will, at any rate, be adopted by herself, to check and punish the abuse which has clearly resulted from her retention of a right which other nations have consented, under certain circumstances, and for a well-defined and humane object, to waive, without any injury to their national honor. We will here only recommend one measure, to which America can offer no reasonable objection: It is, that a force of small brigs, brigantines, or schooners of war, should be sent on this coast by the American Government; each of which should cruise and visit the slave-trading rivers and stations, in company with one of our own vessels. Cruising singly, would have comparatively little effect; as the same vessel which would show American colors and papers to a British officer, might show Portuguese or Spanish colors and papers to an American officer. The crews of such vessels are always composed of Spaniards, with the exception of one American, who, in the presence of the British cruiser, would figure as the American captain; and, before the cruiser of his own nation, would declare himself a passenger, and would probably produce a passenger's passport from Havana. Cruising in couples, on the contrary, would remove the possibility of such evasion. If the American flag and pass were assumed by a slaver, she would be taken charge of by the one; and if she declared herself, or if she could be proved to be, Spanish, Portuguese, or Brazilian, she would be a prize to the other man-of-war. At present, however, the coast swarms with vessels, apparently American; and a rich harvest of prizes would follow the arrival of a squadron of American cruisers, armed with authority to capture on the ground of equipment."

The undersigned earnestly invites the attention of the United States Government to the remarks and suggestions of the British commissioners above cited. Those gentlemen possess a thorough knowledge of the frauds and devices resorted to by the miscreants who now carry on the illicit slave-trade; and they are the best possible judges of the means which ought to be employed to counteract them. The earnest wish of her Majesty's Government to obtain the concurrence of the Government of the United States, is an agreement for the exercise of a mutual right of search, under proper regulations, sufficiently well known. If this concurrence cannot be obtained, the employment of a combined force of British and American cruisers along the slave-coast, upon the plan above suggested by the British commissioners, would, no doubt, effect a speedy and material diminution of the trade.

The undersigned, however, would respectfully suggest that no time ought to be lost in amending the United States law against slave-trade, to the extent of making that law applicable to vessels manifestly equipped for the slave-trade, even when no slaves are found actually on board. The addition of this clause to the British law, and the insertion of an analogous article in many of the recent slave-trade conventions concluded between Great Britain and foreign Powers, have been found of material service in repressing the trade. By means of the equipment article and law, not only are many slave-traders punished by the loss of their vessels, which they would otherwise save from condemnation, but, what is of far more importance to the cause of humanity, slave-trade adventures are thereby frustrated

before the fullness of the crime has been committed, and, consequently, before the unfortunate Africans, the destined victims of the crime, have been doomed to the horrors of embarkation as slaves, and to the chances of misery and destruction that follow.

The same despatch from the British commissioners contains also, with reference to the case of the "Florida," the following remarks upon the conduct of the United States vice-consul at Havana, as exhibited by the papers found on board the vessel :

"He (the American vice-consul) recognised as a valid document a register which had apparently been cancelled, and of which only the left half was produced to him; and he acknowledged Williamson as owner of the Florida, and the purchaser of that vessel, although no power of attorney, or power of substitution, was forthcoming to prove the right which either Kelly, the alleged agent, or Manzanedo, the alleged substitute and seller, had received from Elvear, the original named in the mutilated register, to dispose of the property in question. Nor does it seem to have excited any doubt in the mind of Mr. Smith, that a vessel, fully equipped for the slave-trade, and bound for the most notorious slave mart on the coast of Africa, should be cleared out from Havana by one of the most extensive slave merchants of Cuba, with a crew of which the captain of the flag was the only person who professed to be an American citizen."

A reference to the abstract of papers found on board the Florida, which is annexed to the despatch of the British commissioners, will satisfy the United States Government that the above remarks are neither unjust nor unnecessarily severe.

Another gross and flagrant instance of the abuse of the flag of the United States, for purposes of illicit slave-trade, is furnished by the case of the schooner "Hazard," of Baltimore, Russel Barber master; which vessel was fallen in with on the coast of Africa, under American colors, by her Majesty's brigantine "Forester," and detained on the ground that she was equipped for slave-trade, and that there were sufficient reasons for believing her to be a Spanish vessel. The "Hazard" was brought for trial before the British and Spanish mixed court of commission at Sierra Leone; but the fact of the vessel having been detained while sailing under the flag and pass of the United States, rendered it improper, in the opinion of the court, to sanction the prosecution. The British commissioners at Sierra Leone, in reporting this case to her Majesty's Government, in their despatch of the 31st of January, 1839, (to which despatch is annexed an abstract of the papers found on board the "Hazard,") make the following statement: "The 'Hazard' received an American register at Baltimore on the 11th of May, 1838, and on the following day she was despatched to Havana for sale. On the 19th of September, Don Francisco Montero, a merchant at Havana, who has since accompanied the vessel in the ostensible character of supercargo, received full power to dispose of the vessel when, where, and how he pleased. There is little doubt Montero had in fact become the owner of the property over which he possessed such absolute control, and that the power of attorney under which that control was exercised was a mere blind. Barber, the American, was also, it appears, only 'captain of the flag;' the real master, who cleared out the vessel from the Havana, and whose name was endorsed on the clearance as captain, being Don Benito Sandez, who is described on the muster-roll as first mate.

"Although cleared out for St. Thomas, the destination of the Hazard

was the slaving port of Lagos, in Africa, and she carried from Havana letters for various persons at that place; and the fittings of the vessel sufficiently demonstrated the illegal object of the voyage. The American captain died on his passage to this port, and the Hazard was thus left to navigate the seas without having on board one citizen of the nation to which she claimed to belong. The crew were all foreigners; a Spanish merchant exercised over her all the rights of ownership; and she received her outward cargo, and her slave-trading equipment, in a Spanish port, to which, according to the declaration of the late master, she intends to return, when her business on the coast is completed. There is nothing to connect her with America, but her Baltimore register, and the recognition of her American character by Mr. Smith, the United States vice-consul at the Havana. Nor could she ever have been intended to have been employed in the commerce of America, for, on the day after the American register was obtained, she sailed for Havana, with a power of attorney on board to sell her forthwith. Under these circumstances, all that the captor required to procure the condemnation of the 'Hazard' as a Spanish vessel engaged in the slave-trade, was the right to avail himself of discoveries produced by his visitation and search."

Annexed to the despatch of the British commissioners, from which the above is an extract, will be found an abstract of the various papers and letters discovered on board the "Hazard." The especial attention of the United States Government is invited to those papers, as not only containing evidence of the nefarious employment of the American flag in this one instance, but as throwing important light upon the constant and regular system of fraud which is now practised for the purpose of covering the African slave-trade by the use of the American flag, and for the prevention of which the United States consular agents at the Havana have certainly not exerted the necessary vigilance.

It will be seen, by reference to a correspondence which took place in the month of January last, between her Majesty's commissioners at the Havana and the United States consul at that port, copies of which correspondence are amongst the enclosed papers, that the United States consul at the Havana continues to receive with reluctance and ill-will, and with a singular want of courtesy, whatever useful evidence and information is tendered to him by her Majesty's commissioners respecting the invasions and violations of the American law for the suppression of the slave-trade. Her Majesty's Government have reason greatly to regret this disposition on the part of an authorized agent of the United States. It is to be remembered that the two Governments have mutually engaged to each other, by the 10th article of the treaty of Ghent, that they will "use their utmost endeavors to promote the entire abolition of the slave-trade;" and it would seem to be no more than was required by the respect which the agents of each country must feel for the other, that they should not only themselves act in strict accordance with the spirit of the engagement which their own Government has contracted, but that they should, with readiness and cordiality, furnish to, and receive from, the agents of the other Government, any evidence or information which may be calculated to enable that other Government more effectually to accomplish the common purpose.

It will likewise have been observed, that the United States consul at the Havana is reported to have been in the habit, during the absence of a regular Portuguese agent, of exercising the functions of Portuguese as well as

American consul for that port. The extreme imprudence of this arrangement will surely be acknowledged, when it is considered that the subjects of Portugal are the most inveterate and audacious slave dealers that infest the ocean, and that the port of Havana has long been one of the most notorious and offensive slave-marts on the globe.

It also appears, as will have been seen by the official reports above cited, that the United States consul at the Havana, when clearing out vessels notoriously about to be employed in the slave-trade, has followed the extraordinary practice of affixing his name to *blank forms*, to be filled up at pleasure by the persons in command of those vessels. Her Majesty's Government would deeply regret to discover that an authorized agent of the United States, possessing apparently the confidence of his Government, had directly and intentionally lent his assistance to the detested traffic in slaves; but the undersigned must repeat, that the extraordinary and unaccountable conduct here reported must inevitably produce the same effect as wilful and criminal connivance.

With reference to this part of the subject, the undersigned will next call the attention of the United States Government to certain facts connected with the conduct pursued in the American consulate at Havana, which transpired upon the trial of the Portuguese slave-vessel the "*Dulcinea*:" an official report of which trial, furnished by the British commissioners at Sierra Leone, and annexed to their despatch to her Majesty's Government of the 5th of December, 1838, is placed amongst the enclosed papers.

The "*Dulcinea*" was captured north of the line, under Portuguese colors, with 253 slaves on board, by Commander Popham, of her Majesty's sloop "*Pelican*," on the 31st of October, 1838, and, being brought for adjudication before the British and Portuguese court of mixed commission at Sierra Leone, was condemned as a good and lawful prize on the 3d of December, of the same year. The papers found on board the vessel showed that she had wrongfully assumed the Portuguese flag, and that the illegal adventure, in the course of which she was captured, was in its character essentially Spanish. Two certificates signed by Mr. Trist, United States consul at the Havana, acting apparently in the character of Portuguese consul also, were attached to the matricula, or muster-roll, of the crew of the "*Dulcinea*." One of these certificates declared that the individual who acted as master of the vessel had received his appointment to that office from the agent of Mr. Caldas, the person who was named in the register of the "*Dulcinea*" as Portuguese owner of the vessel; and the other certificate stated that the schooner "*Dulcinea*" carried a crew of 16 men. In contradiction to the first mentioned certificate, the master himself declared that he had received his appointment from Mr. Silva, a Brazilian subject settled at the Havana; and the master declared further, that Mr. Silva was sole owner of the vessel, and owner of the greater part of the cargo. The other certificate seems to have been framed for the purpose of supporting the matricula or muster-roll; but that document was very irregular and suspicious, since it was drawn up according to the form of the muster-rolls of slave-vessels, without mentioning the name of a single officer of the vessel; and it bore no marks of having been submitted to the Spanish authorities of the port from whence the vessel sailed. It is possible that both the declarations, (the one attested in the certificates; and the one sworn to by the master,) were equally false: but, in any case, it appears upon the face of these documents, that the seal and signature of the United States' consulate was lent to attest gross inac-

curacies, and to sanction fraudulent practices devised for covering illicit slave-trade. Her Majesty's Government earnestly hope that the Government of the United States will order a strict investigation to be made into the facts here denounced, and will cause such strict regulations to be enforced for the future as may prevent a repetition of such culpable practices.

The undersigned regrets to add, that the case of the "Victoria," a vessel condemned at Sierra Leone in the month of January last, as a Spanish slaver, although wrongfully and fraudulently assuming the Portuguese flag, furnishes still further and more recent evidence of the extraordinary practices followed in the consulate of the United States at Havana, tending to afford the sanction of the seal and signature of that consulate to notorious and almost avowed undertakings of slave-trade and piracy.

The details of this case are given in full, amongst the enclosed papers, in a despatch from her Majesty's commissioners at Sierra Leone, dated the 31st of January, 1839, with a report of the trial annexed.

With reference to the case of the slave-trading vessel the "Eagle" of Baltimore, which was recently brought into the harbor of New York, in charge of a British officer and prize-crew, and which has finally been delivered back into the hands of the captor, as Spanish property, by the decision of the judicial authorities of the United States: some important additional information respecting the character of that vessel, and respecting her previous slave-trading voyages between Africa and Brazil, under the protection of the American flag, is furnished by the British commissioners at Sierra Leone, in a despatch to her Majesty's Government of the 12th of February, 1839. Before being finally captured by her Majesty's ship "Buzzard," the "Eagle" had already, as has been stated in a former part of this note, been visited and detained in Lagos roads, on the coast of Africa, by her Majesty's ship "Lily," Captain Reeve, commander, upon suspicion of being employed in illicit slave-trade on Spanish account. Her protection under the American flag constrained the British and Spanish mixed commission to decline entertaining the case. In transmitting to her Majesty's Government an abstract of the papers found on board the "Eagle," the British commissioners offer the following statement: "The 'Eagle' obtained an American register, at Baltimore, on the 1st of December, 1837; and on the same day her owner took measures to effect a sale of her. Being built and intended for the slave-trade, she was at once despatched to Havana, where she was soon after disposed of. Who became the real owner, it is difficult to say; but the ostensible owner was the present master, Joshua W. Littig, to whom every assistance for clearing his vessel for the coast was rendered by the consul and vice-consul of the United States at Havana. On the 9th of May, 1838, the 'Eagle' was cleared out at the Havana, with a regular slave equipment, for the island of St. Thomas, although Mr. Consul Trist, in a certificate on the following day, declares that she was bound to Whydah, and the log shows that her real destination was Lagos. The crew shipped at Havana, with the sanction of the American consul, were all Spaniards, and agreed to serve under the American Littig, 'or whoever should go for master,' on a voyage to Whydah, or 'wherever the master may direct.' Accordingly, having reached this coast, and having been loaded at Lagos, they proceeded to Brazil, and entered into the port of Bahia on the 15th of September, 1838, after having landed, as there is every reason to believe, a cargo of slaves somewhere in the immediate neighborhood. Mr. Foster, the American consul at Bahia,

disregarded the absence of any clearance or authority which would justify the 'Eagle's' appearance at Bahia, as if it were allowable for a vessel to wander over the world from one quarter of the globe to another, in defiance of her papers: he overlooked the complete slaving equipment which she carried, and the Spanish crew by which she was navigated: indeed, he added 12 Spanish seamen to her muster-roll; and then despatched her to the coast of Africa, ballasted with slave leaguers, and with a cargo of tobacco worth \$20,000, shipped by the oldest slave-dealer in Brazil, and consigned to the order of an Havana merchant at Lagos. In addition to the 12 Spaniards added to the former Spanish crew at Bahia, six other Spaniards were there shipped, furnished with passports as passengers bound to the coast of Africa. These persons were, however, in like manner, seamen, and were still on board the 'Eagle' when detained by her Majesty's sloop 'Lily,' two months after their arrival on the coast. A crew of 27 Spaniards and one American on board a vessel so furnished, both from its composition and numbers, sufficiently showed the real character of the expedition for which they were engaged. From some amongst the papers which relate to another American brig the 'Teazer,' we discover that Joshua W. Littig is no novice in the art of making the American flag subservient to the slave-trading adventures of Spanish and Brazilian merchants. We have been more particular in detailing the facts of these American cases, from the belief that they would be made the subject of representations to the American Government. Although the flag of the United States has been so extensively employed in the slave trade, that it is now met with in every slave haunt on the coast, it is only lately that such has been the case. The immediate causes which have led the slave dealers to invoke its assistance, were, first, the expressed determination of America not to be a party to any convention on the subject of the slave trade; secondly, the concession of an equipment article by Spain; and, thirdly, the practical adoption of the principle, that in cases where the right of visitation and search exists, the national character of a vessel may be fixed by the residence of her merchant owner, and by the course of trade in which she is engaged, in opposition to the presumption arising from her flag and register. Three years ago, the abuse which now so universally prevails as to be a matter of every-day occurrence, was only a subject of anxiety and apprehension. In a despatch which we had the honor to address to your lordship on the 2d of January, 1836, speaking of the various means which in our opinion would be used to escape from the operation of the new Spanish treaty, the commissioners remarked: 'It seems probable that the flag of the United States may be made use of for the same purpose, particularly by those vessels intending to trade north of the line;' and again, in the same despatch, 'American vessels will, we have no doubt, be employed in assisting slave adventures, by conveying to the coast, without fear of detention, all the articles necessary for the outfit of a vessel on her return voyage, and which, if found on board one of the vessels for whose use they are intended, would at once lead to her condemnation.' At the very same time that the above despatch was written, the commissioners at the Havana expressed, in their despatches to your lordship, similar opinions and apprehensions. Since then, the unfavorable anticipations, which our experience had taught us on both sides of the Atlantic to form, have been too fully realized."

The above extracts sufficiently denounce the open and audacious manner in which the flag of the United States is now assumed by the slave-

traders of Spain and Brazil; and it is also evident therefrom, that the United States consuls at Havana and at Bahia have not interfered to prevent it.

Mr. Bartlett, British consul-general in the Canary islands, states, in a despatch to her Majesty's Government of the 31st of July, 1839, that, on the 15th of that month, a vessel, under the American flag, called the "Two Friends," suspected on very strong grounds to be engaged in the slave-trade, arrived at the port of Santa Cruz, in Teneriffe. It appears from the evidence contained in the documents annexed to Mr. Bartlett's despatch, that the said vessel (the "Two Friends") left the Havana, bound for New Orleans, with a Spanish captain, and a crew of eleven men, and with a Spanish flag flying; that, at New Orleans, American papers were procured, an American flag hoisted, and a new crew of sixteen men entered as Americans, although none of them were natives of the United States; and the Spanish captain and crew were then, as is customary on slave-trading voyages, entered on the papers of the vessel as passengers. The vessel was navigated under a bill of sale and a custom-house clearance from New Orleans; but she had no log-book on board. From New Orleans she proceeded to Cabañas, in Cuba; and shipped at that place leg-irons, coppers, bags of rice, and other articles belonging to the notorious equipment of slave-traders. She then sailed for Africa, and landed the above slave-trading articles at Gallinas; and thence, lastly, proceeded, in the month of July of this year, to Santa Cruz, in Teneriffe; where some of her crew, having found that the vessel was engaged in the slave-trade, left her.

The above is a summary of the evidence regarding the voyage of the "Two Friends," of which the details will be found in the documents annexed to Mr. Consul Bartlett's despatch, which are placed amongst the enclosed papers.

One other important point to which the undersigned is desirous of calling the attention of the United States Government, is the fact of foreign vessels, fully equipped for slave-trade, and notoriously destined for that illegal pursuit, being permitted to enter ports of the United States, refit, and again clear out for the prosecution of their criminal enterprise.

It will be seen by referring to a despatch, herewith enclosed, from her Majesty's commissioners at Sierra Leone, dated July 31, 1838, that after reporting the case of the Portuguese slave vessel the "Prova," a short while before captured on the African coast, with a cargo of 225 slaves on board, and condemned by the mixed commission, those gentlemen state as follows: "Stress of weather, and damage received at sea, compelled the 'Prova,' soon after she left the Havana, to put into Charleston to refit; and she remained there for nearly three months. The outward appearance alone of this vessel would, it might be supposed, have excited suspicion as to the real object of her voyage; but it is surprising that, fitted and equipped as she was for the slave-trade, and with her leaguers and slave-deck on board, she should have been permitted to clear out from an American port for the coast of Africa. Francisco José Dias, the master of the 'Prova,' deposed that the voyage commenced, and was to have ended, at Havana; that the last clearing port was Charleston; that the vessel was proceeding on her voyage from Havana to the African coast, when she carried away her jib-boom, and received other considerable damage, which compelled her to go to Charleston, where she remained about *three months refitting*, and thence sailed direct to the Calabar, where her slaves were shipped."

Her Majesty's Government entertain a confident hope that the Govern-

ment of the United States will adopt such measures as may be calculated to preclude, for the future, the possibility of vessels evidently employed in illicit slave-trade refitting at their leisure, and again publicly clearing out from a port of the United States.

With a desire to avoid carrying the present note to an inconvenient length, the undersigned has limited himself to a consideration of the leading points contained in the enclosed papers. A number of further details will be found in those papers, well deserving the attention of the United States Government.

It would also be a superfluous duty for the undersigned to offer any lengthened observations on the remarkable manner in which the statements and arguments above recapitulated have been recently confirmed by the cases of the four vessels (the "Eagle," "Clara," "Wyoming," and "Catharine") captured under American colors, while engaged in illicit slave-trade, and brought into the harbor of New York in charge of British officers and prize crews. The whole details relating to these cases are already in the possession of the Government of the United States.

In conclusion, the undersigned has to state, that it remains the settled opinion of her Majesty's Government that the most sure and effectual means of checking the African slave-trade would be afforded by a conventional agreement between Great Britain and the United States, for the mutual exercise of the right of search, under due regulations, by the cruisers of the two nations. And the undersigned is instructed once more to urge this proposal upon the serious attention of the President of the United States. The regular, rapid, and frightful increase of the African slave-trade under the abuse of the American flag, which has been observed to take place since the period when the above proposal was last discussed, appears to her Majesty's Government to offer a very strong argument in favor of a reconsideration, by the United States, of the decision then formed. If obstacles, which her Majesty's Government are unwilling to anticipate, should still prevent the concurrence of the United States in such an agreement, her Majesty's Government have only to express their anxious hope that the Government of the United States may be able to devise some other effectual method, either singly, or in concert with Great Britain, for arresting the progress of a guilty and sinful traffic, which her Majesty's Government are well convinced the Government of the United States do, equally with the Government of Great Britain, abhor, reprobate, and detest.

The undersigned avails himself of this occasion to renew to the Secretary of State of the United States the assurance of his distinguished consideration.

H. S. FOX.

HON. JOHN FORSYTH,

Secretary of State of the United States.

Schedule of Documents.

- No. 1. Her Majesty's Commissioners to Viscount Palmerston. Havana, October 31, 1837.
- No. 2. Her Majesty's Commissioners to Viscount Palmerston. December 20, 1837.
- No. 3. Extract from a despatch from her Majesty's judge at the Havana, dated August 22, 1838.
- No. 4. Lieut. Kellett, R. N., to Rear Admiral Elliot. H. M. brig Brisk, at sea, October 23, 1838.
- No. 5. Lieut. Kellett to Rear Admiral Elliot. H. M. brig Brisk, Sierra Leone, October 29, 1838.
- No. 6. Rear Admiral Elliot to Charles Wood, Esq. Melville, at sea, February 6, 1839.
- No. 7. Rear Admiral Elliot to Charles Wood, Esq. Melville, at sea, February 13, 1839.
- No. 8. Extract from a despatch of Lieut. Holt, R. N., to Rear Admiral Elliot. H. M. brig Bonetta, Prince's Island, February 11, 1839.
- No. 9. Lieut. Birch, R. N., to Commodore Sullivan, C. B. H. M. brig Wizard, off Bahia, November 12, 1838.
- No. 10. Lieut. Birch, R. N., to Commodore Sullivan, C. B. H. M. brig Wizard, off Bahia, November 12, 1838.
- No. 11. Lieut. Birch, R. N., to Commodore Sullivan, C. B. H. M. brig Wizard, off Bahia, December 20, 1838.
- No. 12. Extract from a despatch of Captain Popham, R. N., to Rear Admiral Elliot. H. M. sloop Pelican, at sea, December 24, 1838.
- No. 13. Extract from a despatch from Her Majesty's Commissioners at Havana. January 1, 1839.
- No. 14. Extract from a despatch from Rear Admiral Elliot to Mr. Wood; dated Melville, Ascension, January 1, 1839.
- No. 15. Lieut. Kellett, R. N., to Rear Admiral Elliot. H. M. brig Brisk, at Sierra Leone, August 8, 1838.
- No. 16. A return of vessels engaged in the slave-trade, searched and detained by her Majesty's ships and vessels, under the orders of Rear Admiral the honorable George Elliot, C. E., on the Cape and African station, between October 1 and December 31, 1838.
- No. 17. Commander Reeve to Charles Wood, Esq. H. M. sloop Lily, Gambia, April 2, 1839.
- No. 18. Her Majesty's Commissioners at Sierra Leone, to Viscount Palmerston. Sierra Leone, January 31, 1839. Two enclosures—case of the Florida.
- No. 19. Her Majesty's Commissioners at Sierra Leone to Viscount Palmerston. Sierra Leone, January 31, 1839. One enclosure—case of the Hazard.
- No. 20. Her Majesty's Commissioners at Havana to Viscount Palmerston. Havana, January 19, 1839. Four enclosures—correspondence between the British Commissioners and Mr. Consul Trist.
- No. 21. Her Majesty's Commissioners at Sierra Leone to Viscount Palmerston. Sierra Leone, December 5, 1839. One enclosure—case of the Dulcinea.
- No. 22. Her Majesty's Commissioners at Sierra Leone to Viscount Palmerston. Sierra Leone, January 31, 1839. One enclosure—case of the brig Victoria.

No. 23. Abstract of the papers found on board the brig *Eagle*, J. W. Littig master.

No. 24. Mr. Consul Bartlett to Viscount Palmerston. Santa Cruz, July 31, 1839. Three enclosures—case of the Two Friends.

No. 25. Her Majesty's Commissioners at Sierra Leone to Viscount Palmerston. Sierra Leone, July 31, 1839. One enclosure—case of the Prova.

No. 1.

HAVANA, *October 31, 1837.*

MY LORD: The following is the list of vessels that have cleared from this port, during the past month, for the coast of Africa, viz:

2d October, Portuguese schooner "*Felicidad*," for San Tomé

3d October, American schooner "*Washington*," for Buena Vista.

18th October, Spanish schooner "*Union*," for Santiago de Praya.

19th October, Portuguese schooner "*Estela*," do.

20th October, American schooner "*Joseph Hand*," for Cape de Verds.

Of the arrivals during the same period, we are only able to name two vessels—the Portuguese schooner "*Francisca*," from San Pablo de Loando, and the "*Ligera*," from the island of Principe; though we have heard circumstances particularized, which left no doubt in our minds of one or two others. It is, however, worthy of remark, that much more caution is now observed respecting vessels from the coast of Africa, as the signals for them at the Moro Castle have ceased to be made, and also the entries in the books of the coffee-houses where the merchants resort.

Of the vessels cleared at the custom-house from the coast of Africa, your lordship will perceive there are two Americans.

We have, &c.,

J. KENNEDY,
ED. W. H. SCHENLEY.

Viscount PALMERSTON,
G. C. B. &c. &c.

No. 2.

HAVANA, *December 20, 1837.*

MY LORD: The following is a list of the vessels that have cleared out from this port, for the coast of Africa, during the last month:

2d November, Portuguese schooner "*Ligera*," for Isla de Principe.

7th November, Swedish brig "*Victoria*," for Cape de Verds.

18th November, Portuguese schooner "*Vigilante*," for Loando.

25th November, American schooner "*Cleopatra*," for Cape de Verds.

25th November, Portuguese schooner "*Sies Igual*," for Cape de Verds.

30th November, Portuguese brig "*Triunfo de Loando*," for San Tomé.

Of these, the "*Cleopatra*" and the "*Sies Igual*," are entered in the names of the great slave-dealers, P. Martinez & Co. During the month, the following vessels have arrived from the coast of Africa:

November —, Portuguese schooner "Manuelita."

November —, Portuguese schooner "Dos Hermanos."

November 16th, Portuguese schooner "Olympia," Sylva master.

November 25th, Portuguese schooner—name unknown.

November 28th, Portuguese schooner "Velez," Leusa master.

November 30th, Portuguese schooner "Maria Teresa," Malho master.

Your lordship will perceive that all these vessels sail now under the Portuguese flag, though there is no doubt that most, if not all, are manned and owned by Spaniards. In addition to these, it ought to be added, that Lieutenant Jauney, now here in charge of the Spanish schooner "Matilda," has brought information of the "Arrogante," a vessel manned entirely by Spaniards, but under the Portuguese flag, having been captured with four hundred and nine negroes on board, off Cape Antonio, by H. M. sloop Snake; and it is further reported here, that the "Unuea," also under Portuguese colors, has been taken by H. M. sloop Ringdove, with five hundred and eighteen negroes on board, and sent to Sierra Leone.

We have, &c.,

J. KENNEDY,

E. W. H. SCHENLEY.

VISCOUNT PALMERSTON,

G. C. B. &c. &c. &c.

No. 3.

Extract from a despatch from her Majesty's Judge at the Havana, dated August 22, 1838.

Another vessel, of the like character, arrived here the 4th instant, and is thus reported in the Diario of the 5th :

"From Baltimore, in 24 days, the American ship 'Venus,' Captain Wallace, tons 460, with bricks, to Don José Mazorra; passengers 2." Of this vessel there is the following notice in a Baltimore paper—the American, of the 4th July: "A noble corvette ship, the Venus, Captain Wallace, pierced for 18 guns, built in this city on foreign account, is also ready for sea. She is, we learn, the sharpest clipper-built vessel ever constructed here, and, according to the opinion of nautical men, must outsail any thing that floats." The consignee's name, Mazorra, your lordship will remember to have had reported several times; and it is said he is half owner of the Venus. I have not learned whether she is actually to sail with long guns; but I have heard reports of two other vessels having been prepared, during last month, with 6 guns each; and that one was to sail equipped to cope with any cruiser on the coast.

The Venus is destined for Mozambique, and is arranged to bring as many even as 1,000 negroes; in which case, it is said, she would clear to the speculators from \$100,000 to \$200,000 in her first voyage—her cash-price being estimated at \$50,000, and the expenses of cargo and slaves at another \$50,000.

On the subject of vessels going equipped under the American flag to the coast of Africa, there to be pretended to be transferred for the first time to some Portuguese or Spanish owner, I have had several conversations with

the American consul at this place, a gentleman of high character and of considerable reading and observation. I regret, however, to say that I have received only the most discouraging replies on every point relating to the prohibited traffic; and to add, that this seems the general feeling here of the American community. They all seem to declare that it would be a question not to be entered on, of inquiring into their equipments, as interfering with their trade, not knowing how far such interferences might be led to extend; and that England may as well think of closing up the work-shops of Birmingham, where they say the bolts and shackles are manufactured, as call on America to forbid the sailing of vessels equipped with them. In answer, I have not hesitated to express my disbelief of the shackles coming from Birmingham, and to declare my full conviction that at no port whatever, in England, would they allow any such articles to be shipped, had they any idea of their being intended for such a purpose.

I regret to have also to inform your lordship that, during the suspension of the Portuguese consul, as I have previously stated, the American consul has been acting *pro tempore* in that character; thus unquestionably giving a certain degree of effect to the abuse of the flag of his Republic, under its association with the slave-trade, and the pretended transfers to other owners on the coast of Africa.

No. 4.

Lieutenant Kellett to Rear Admiral Elliot.

HER MAJESTY'S BRIG "BRISK," AT SEA,
October 23, 1838.

SIR: I have the honor to call your attention to the case of the brig "Diligente," condemned in the Spanish mixed commission court to her Majesty's brig "Brisk," under my command. This vessel was condemned at Sierra Leone, in December, 1836, as the "Paqueta de la Boverde," sold to a Mr. Lake, and transferred, by bill of sale of the 2d of January, 1837, to Miguel Bentinotte, (a Spanish slave-dealer at the Gallinas,) for £1,000. This notorious character arrived at Sierra Leone for the above purpose, and cleared out, under Spanish colors, for the Havana, in April 1837. She then visited several ports in Old Spain, and ultimately arrived at Cadiz on the 30th September, 1837. It would appear, from a fictitious bill of sale, dated the 2d of January, 1837, at Cadiz, that the vessel was sold as the "Ferroz Africano," to Gabriel Lopez, attorney to Francisco Cordova de Mello, of Cape de Verd islands, who is the nominal owner of all Spanish vessels which, since the treaty with Spain in 1835, have been transferred to the Portuguese flag. It will appear that this vessel, after a sham bill of sale, received a passport from the Portuguese consul-general at Cadiz, dated 5th January, 1837, and her name changed to the "Diligente," at the very time that the vessel and owner were at Sierra Leone, and then only two days in his possession. It has appeared that the master and mate are on the roll dated 5th January, 1837, and the master's name in the passport of the same date; though, in evidence given before the court of mixed commission, they swear they never saw the vessel until 1838.

I beg leave to call your attention to the conduct of the consul of her most

Faithful Majesty aiding and assisting in carrying on the slave-trade, contrary to the solemn treaty entered into by her Government. This most glaring case of fraud could not have been completed, without the assistance and connivance of the authorities of her most Christian Majesty at the port of Cadiz.

I beg leave also to call your attention to the case of the American schooner "Mary Hooper," Charles M. Bergstiaud master and owner, belonging to Philadelphia. She sailed from Havana the 28th May, 1838, for Port Praya, and was consigned to a notorious slave dealer at the Gallinas. This vessel, when last boarded by the "Brisk," was lying off Tradetown, ready to take on board a cargo of slaves. This, I believe, is not the first instance in which the American flag has been made use of for the purpose of screening offenders from her Majesty's ships. If this case is successful, I fear the difficulties of her Majesty's squadron in suppressing the slave-trade on this coast will be multiplied, as I feel confident we shall in the succeeding season have numerous vessels carrying on this abominable traffic in a similar manner, when it can be done with such impunity. I am satisfied she has also Portuguese papers, which the master partly admitted, when I first boarded her, he had received at Port Praya. Does she, on her arrival in the West Indies, meet a United States ship of war, she has Portuguese papers, and American for her Majesty's ships; which will, in all probability, be the means of her being successful. The consul of the United States at the Havana has assisted in clearing this vessel out.

I have, &c.,

A. KELLETT,
Lieutenant Commandant.

To Rear Admiral the Hon. GEORGE ELLIOT, *C. B. &c.*

No. 5.

Lieutenant Kellett to Admiral Elliot, Rear Admiral and Commander-in-chief.

H. M. BRIG BRISK,
Sierra Leone, October 29, 1838.

SIR: I have the honor to inform you that on the 27th instant, in latitude 8° 32' N. and longitude 13° 30' W., I boarded and seized the schooner Mary Ann Cassard, under American colors. I have to state, that this vessel was lately sold by Gilbert Cassard, of Baltimore, by power of attorney, to Messrs. Hernandez & Basden, of Matanzas, and received her cargo there. When sold, the register of the vessel was cancelled. She had no American papers, but the roll, which was signed by the United States consul at Matanzas. The crew are composed of one British subject, the master, (who was formerly in H. M. brigantine the Lynx, on this coast, and was paid off in her,) the remainder are all Spaniards. This vessel I have put into the Spanish mixed commission court for adjudication, being clearly of opinion that she is Spanish property, fitted and equipped for the slave-trade.

I have little doubt that, when at Bonavista, on her voyage to the coast, she received Portuguese papers. She has also a Portuguese flag. I pro-

pose, when the examinations of the master are taken, to lodge information against, and commit him for trial, as a British subject engaged in the slave-trade.

I have on board the *Brisk* an armorer's mate, who formerly served in the *Lynx*, and was a messmate of the individual from fifteen to eighteen months.

I think, sir, the case of this vessel will have this good result—that it will prove to the individuals carrying on the nefarious slave traffic that fraud and deception will not always be successful.

I purpose proceeding, to-day, to the rivers to the northward, having received information that there are slave vessels there.

I have, &c.

ARTHUR KELLETT,
Lieutenant and Commander.

Rear Admiral Hon. GEORGE ELLIOT, *C. B.*,
&c. &c. &c.

No. 6.

Rear Admiral Elliot to Mr. Wood.

MELVILLE, AT SEA,
February 6, 1839.

SIR: I beg leave to enclose, for the information of my Lords Commissioners, an extract of a letter from Captain Popham, of H. M. sloop *Pelican*, under date the 24th of December last, and three letters from Lieutenant Arthur Kellett, commanding the *Brisk*; by which their lordships will see the protection which slave-vessels receive from assuming the Portuguese and American flags.

The seaman on board the *Mary Ann Cassard*, alluded to in Lieut. A. Kellett's letter of the 20th of October, 1838, who passed for the American captain, was, I believe, an American by birth, though, wishing to be received on board the *Lynx*, he passed himself as an Englishman in that vessel. The man was unable to navigate any vessel, and was merely engaged to pass as the American captain, when boarded by a British man-of-war. She had her Portuguese papers and colors on board all the time, as was proved when she was captured, a month afterwards, by the same vessel, (*Brisk*), which she mistook for a French brig cruising on the same part of the coast, and consequently assumed the Portuguese character, having her slaves then on board.

Several of the slave-dealers have declared their intention to have an American sailing-master in each vessel, and American colors; and some have had the impudence to assert that the Government of the United States would not discountenance such practices by any *act* or agreement which could prevent such gross abuse of the American flag, and such direct violation of their own laws.

H. M. sloop *Lily* has sent in a Spanish vessel under American colors; her whole crew Spanish, but with a pretended American captain on board. I was also informed, by the American barque *Active*, (and where they seemed

delighted at the occurrence,) that the Saracen had detained a Spanish slave-vessel at the Gallinas, under American colors.

The probable object of using the American flag will be to protect the vessels up to the time of the cargo being ready for shipment; then to go through the farce of selling the vessel to a Portuguese or Spaniard.

But, in case of the capture of vessels with *slaves on board, under the American flag*, I should beg to know what is to be done with the man passing for the American captain?

The actual sale of nearly all the slave-vessels in question takes place at the Havana, where one man is engaged to personify an American captain. But they seem very indifferent as to having any American papers; the mere flag, in their opinion, is sufficient; and as they are all provided also with their proper national flag, they are prepared in case of meeting an American vessel of war.

I must crave their lordships' early instructions on this growing evil and abuse, which I feel is much too disgraceful to meet with any countenance, direct or indirect, from the United States.

I have, &c.

GEO. ELLIOT,

Rear Admiral and Commander-in-Chief.

CHARLES WOOD, Esq., &c. &c., &c.,

No. 7.

Extract of a letter from Admiral Elliot to Mr. Wood.

MELVILLE, AT SEA, *February 13, 1839.*

SIR: I have the honor to forward, for the information of my Lords Commissioners of the Admiralty, copy of a letter from Lieutenant J. L. R. Holt, commanding her Majesty's brigantine "Bonetta," by which, and my former letters, it will be observed that the use of the American flag is becoming rapidly more general in the protection of the Spanish slave-vessels.

Of American flags used for this purpose, there are more than twice as many at present on the coast; and in so barefaced a manner do they proceed, that some have not even one American to personate the captain, but satisfy themselves with furnishing one of the crew with a certificate of naturalization for the occasion.

If her Majesty's ships were at liberty to send some of these pretended Americans to the United States, and the Government of that country were to uphold the honor of their flag, by subjecting such lawless felons to prosecution and punishment, it would soon put an end to the nefarious usurpations of their flag by the most notorious slave-dealers belonging to Spain and Portugal.

GEO. ELLIOT,

Rear Admiral and Commander-in-chief.

CHARLES WOOD, Esq., &c.,
Admiralty.

No. 8.

Extract of a letter from Lieutenant J. L. R. Holt to Admiral Elliot.

HER MAJESTY'S BRIG "BONETTA,"
Prince's Island, February 11, 1839.

"On my passage to Accoa with the prize crews of her Majesty's sloop "Pelican," I boarded, on the 23d day of January, a very fast, new American Baltimore schooner, in ballast, evidently intended for the slave-trade; all his crew Spanish, and her master, I believe, a Frenchman, but declaring himself a naturalized American: papers correct."

J. L. R. HOLT,
Lieutenant Commanding.

Rear Admiral the Hon. GEO. ELLIOT, C. B., &c.

No. 9.

Lieutenant Birch to Commodore Sullivan.

HER MAJESTY'S BRIG "WIZARD,"
Off Bahia, November 12, 1838,

SIR: I beg to submit to your notice the following statements relative to the extensive share the American flag has, in forwarding and covering the traffic in slaves carried on by parties in the port of Bahia.

The American brig "Dido," of Baltimore, her master Phillips, and Manuel supercargo, when under American colors, and, *vice versa*, when under the Portuguese colors, left the Havana about March, 1837, with a general slave cargo, consisting of arms, ammunition, spirits, tobacco, &c. &c.; touched at Port-au-Prince, St. Domingo; also, at Bonavista, Cape Verd islands, where it is probable she got Portuguese papers, after the usual sham sale was effected; from thence she proceeded to Orey, river Lagos, in the Bight of Benin; and, after having there disposed of her cargo, visited Whydah, where she provisioned; returning to Lagos, she finally sailed with 575 slaves on board: her crew consisting of Phillips, master; Manuel supercargo; second mate, a relation of Phillips; an American mulatto; a Sicilian, (since murdered at Bahia;) a Norwegian; two Portuguese; and an Englishman, James Fox.

After a three weeks' passage, she made the sand hills to windward of Bahia. On reconnoitring the port, her Majesty's sloop "Sparrowhawk" was observed at anchor; upon which they hauled off, hoisting, however, their distinguishing flag forward, and American colors abaft, which was acknowledged from the village outside the bar. That same evening 570 slaves (five having died on the passage) were landed close to the point Itaparica, at the village; during the night, the "Dido" was cleared out, and made her appearance in Bahia next day, under American colors.

The above confirms what I had before learned from report off Bahia.

James Fox, now serving in the "Wizard," states that he would have no objection to make oath to the truth of the above statement, provided security was warranted against his being tried for a misdemeanor, or otherwise punished for his share in the transaction.

James Fox received seventy-five dollars a month as wages, and one hundred dollars bounty when slaves were landed.

The "Dido" was under Portuguese colors at Lagos.

The "Dido" left Bahia again on the 27th of July, with a general cargo for the coast; and was reported by the "Mary Cushing," of Baltimore, as having been left by her, in September, in Lagos river, in the Bight of Benin.

I have, &c.,

THOMAS F. BIRCH,
Lieutenant and Commander.

Commodore *SULIVAN, C. B., &c.*

No. 10.

Lieutenant Birch to Commodore Sullivan.

HER MAJESTY'S BRIG "WIZARD,"
Off Bahia, November 12, 1838.

SIR: I have the honor to report that we boarded, on the 16th of September, off Point St. Antonio, (Bahia,) the "Eagle," of Baltimore, a two top-sail schooner of 210 tons, under American colors, John Littig master, with crew and passengers, (in all twenty-one men,) from St. Thomas, on the line, in ballast. Her American papers were produced, and I did not conceive myself warranted in searching her. It was reported in Bahia that she had landed slaves to the northward, and her appearance on boarding warranted the suspicion.

The Brazilian authorities appear to have been satisfied, as, on the 19th of October, she sailed, with a general cargo, for the coast of Africa.

I have, &c.

T. F. BIRCH,
Lieutenant Commanding.

Commodore *SULIVAN, C. B., &c.*

HER MAJESTY'S BRIG "WIZARD,"
Off Bahia, December 20, 1838.

SIR: I have the honor to report that, on the 9th of November, I boarded, off Bahia, the American schooner "William Ridgway," John Chase, jr., master and part owner, with flour for the market. After discharging, she was offered for sale; and would have been sold to parties for the slave-trade, but the bills tendered could not be negotiated; and she left Bahia on the 19th December for Baltimore.

John Chase, jr., last voyage, sold "Juliana" schooner to parties in Bahia. She sailed for the coast of Africa, about the 30th of July, with a great cargo. It is said she will take slaves to the Havana.

John Chase, jr., told me he had on the stocks a vessel, to be called the "Mariana," nearly ready, but built expressly for the slave-trade; and that, by God, he would build as long as he could find purchasers.

I have, &c.,

T. F. BIRCH,
Lieutenant Commanding.

Commodore *SULIVAN, C. B., &c.*

No. 11.

Lieutenant Birch to Commodore Sullivan.

HER MAJESTY'S BRIG "WIZARD,"
Off Bahia, December 20, 1838.

SIR: I have the honor to report that her Majesty's brig boarded, on the 10th of November, off Bahia, the "Mary Cushing" of Baltimore, schooner of 140 tons, under American colors, Reynolds master, with a crew of 10 men, all either Portuguese or Spaniards, from Lagos and Prince's island, in ballast, bound to Bahia.

Her master volunteered leave to inspect between decks; 4 leaguers and about 20 water-casks were observed in her hold, and also a quantity of loose planks. Her range and coppers were much larger than those generally used in merchant vessels.

In Bahia it was known she had been sold to parties at the Havana for the purpose of slaving; that the former American master remained on board with her register, that she might still bear the flag of the United States.

From the Havana she went to Orey, river Lagos, for the purpose of taking in slaves; but, being closely watched by one of her Majesty's cruisers, she, after a stay of some weeks, sailed, and finally came to Bahia in ballast. She is expected shortly to sail for the coast with a general cargo, and the first good opportunity that offers will ship slaves; when the American master will leave with his register, and her first mate will take charge with the sale policy effected in the Havana.

The master observed to the boarding-officer, upon some allusion being made to the American colors he had flying, that had he negroes on board we should not see those colors up.

I have, &c.

THO. F. BIRCH,
Lieutenant and Commander.

Commodore SULLIVAN, C. B., &c., &c.

No. 12.

Captain Popham to Admiral Elliot.

HER MAJESTY'S SLOOP "PELICAN," AT SEA,
December 24, 1838.

"The active and undisguised assistance given to the slave-trade by citizens of the United States of America, is as notorious as it is disgraceful. The American flag has, in several instances, given protection to Spanish and Portuguese traffickers in human beings. The last instance was too shameful to pass unnoticed.

"A ship called the 'Venus,' of 450 tons, built at Baltimore, on the most approved model for swift sailing, arrived at Lagos from Boston on or about the 5th of November last; about the 24th of the same month, she sailed from Lagos, with a very large cargo of slaves, said to amount to 1,150. The American flag and papers (in possession of Mr. Phillips, the commander, of Baltimore,) protected her until a few days before she sailed, when

he left; and the Portuguese flag was substituted for the American. It is therefore evident that, under the American flag, she was perfectly ready for the reception of slaves.

On the 28th November, about a hundred miles south of Lagos, the "Pelican" chased this ship, and at first gained on her; but she was lightened, by throwing her deck cargo and spars overboard, then sailed away from us with ease, although every effort was made to come up with her. On the 30th, somewhat southeast of where our chase commenced, we picked up two spare topmasts, a topsail yard, and maintop-gallant mast of very large dimensions, quite new, and evidently but a day or two in the water; this confirmed what I heard in Lagos respecting the Venus.

We boarded then a large American brigantine, discharging a cargo for the purchase of slaves. Mr. Littig, the *soi-disant* owner and commander, said the cargo was Portuguese property, and that he hoped the brigantine, soon would be. This is the third vessel brought out (the first and second sold for the slave-trade) by the same individual.

Lieutenant Holland, of the Dolphin, could give you the fullest information respecting the "Venus," as he often boarded her at Lagos.

The "Pelican" sailed from West Bay, Prince's Island, on Saturday, the 15th of December, for Ascension: on Monday, the 17th, at daybreak, a suspicious sail was reported as being very close to us. She immediately tacked; we made all sail in chase, and at 7 A. M. detained the Portuguese slave schooner "Magdalena," with a cargo of 320 slaves from the river Brass, or Nun. Among her passengers was a citizen of the United States, (Mr. Huntingdon,) who had on the 1st of December made over to a Spaniard the schooner "Ontario," of Baltimore. Her sale was no doubt effected at Havana, although the bill of sale mentioned it to have taken place in Brass.

In this instance, the American flag gave unqualified protection to the slave-trade, for the "Ontario" was boarded by the boats of her Majesty's ship "Viper," in November, and she was then reported as preparing for the reception of slaves, but having American papers and colors. After a little conversation with the Portuguese commander of the "Magdalena," he informed me that the "Ontario" was in company on Sunday afternoon: this information was taken immediate advantage of, and sail made on a NW. by W. $\frac{1}{2}$ W. course. Tuesday at daybreak (after a fine run) a sail was seen to the westward; the morning was thick and rainy, but at 10 A. M. the weather cleared up, and I despatched Lieutenant Marsh, with the two gigs, to capture the "Ontario." This he did at 11 hours 30 minutes A. M. with 220 slaves on board.

She was under Spanish colors, but had no papers whatever. "Ontario of Baltimore," was painted in large letters on her stern. Both these vessels I sent to Sierra Leone for adjudication, informing the British commissioners of my intention to detain the American, (Huntingdon,) until I received your orders respecting the disposal of him; however, on a careful perusal of the instructions in my possession, and of the correspondence between Great Britain and the United States of America on the subject of the slave-trade, I was induced to alter my intention, feeling that I should not be borne out, in interfering with a citizen of the United States; of which, it appeared to me, the American Government evinced no disposition to tolerate, *even in very extreme cases.*

It has been mentioned by Spaniards and Portuguese slaving on this coast, that, were it not for the very active co-operation of the Americans, the

So that, while your lordship's efforts have been successful in inducing the Spanish Government to deter their subjects from adventuring under their flag in this traffic, and may be equally successful with the Portuguese, it appears that the American flag will be at the command of whoever chooses to embark in such inhuman speculations.

We have only further to add, (and it is with great regret,) that, on account of the new plantations, the demand for negroes in the market is as high as ever, and the price, therefore, remains proportionally high also; consequently, the inducement to prosecute the trade will continue the same, so long as those inclined to engage in it may find protection from the Governments which refuse the only co-operation that would be effective to control them.

No. 14.

Extract from a despatch from Admiral Elliot to Mr. Wood, dated

"MELVILLE," ASCENSION, January 1, 1839.

I beg leave again to call their lordships' attention to the circumstance of the American consul at the Havana affixing his signature to the papers of vessels about to be engaged in the detestable traffic alluded to, under the Portuguese flag, as stated by Lieutenant Arthur Kellett, of her Majesty's brig "Brisk," and in the report of Lieutenant Oliver, of the "Fair Rosamond," as well as the said consul signing *blank forms*, to be filled up at the pleasure of the persons in command of these vessels.

No. 15.

HER MAJESTY'S BRIG BRISK,
At Sierra Leone, August 8, 1838.

SIR: I have the honor to inform you that I arrived here this day from the river Gambia, where I had been, in obedience to your orders, to put myself in communication with the Governor of that settlement. I remained there 12 hours, and have called in here for information which I expect to receive relative to the sailing of slaves from the Sherbro and Callinas, for which cruising I proceed to-morrow. I have to inform you that, during my late cruise to the Gambia, I boarded the Portuguese schooner "Senhora de Bom Viagem," from the Havana, at which place she cleared out for Port Praya, but did not call there, and was on her way to the island of St. Thomas. I beg to state that I examined her papers, and found that the American consul at the Havana had signed all her papers; his reason for so doing being expressed in them, viz: "there being no Portuguese consul or other authorized agent there, from the Portuguese Government, to do so."

I have, &c.,

ARTHUR KELLETT.

Lieut. Commanding.

REAR Admiral Hon. GEORGE ELLIOT,
&c., &c., &c.

No. 16.

A return of vessels engaged in the slave-trade, searched and detained by her Majesty's ships and vessels under the orders of Rear Admiral Honorable George Elliot, C. B., on the Cape and African station, between the 1st of October and the 31st of December, 1838.

Name of prize.	Under what colors.	How rigged.	No. of men.	No. of guns.	No. of tons.	No. of slaves on board.	When and where taken; if at sea, latitude & longitude.	Whence.	Whither bound.	No. of days out.	Remarks.
Paquete— 1. "Felis"	Portuguese	Two-topsail brig.	28	—	115	196	July 19, 1838, lat. 4° 15' N., long. 7° 30' E.	Bonny	St. Jago de Cuba.	1	
2. "Constituçao"	Portuguese	Two-topsail schooner.	24	4	115	none	Accoa Roads	Havana	St. Paul de Loando & Matanzas.	64 from Havana.	She produced a Cape Verd island paper, dated 10th December, 1837, stating her to be American built, in which the name of the captain differs from that on the muster-roll; found Spanish custom-house clearances, to which are affixed the name of Mr. Trist, as American consul, there being no Portuguese at the Havana; all 11 passengers had Spanish passports, and evidently held the highest offices on board; one stated himself to be the owner of both vessel and cargo: found in his desk certificate of his birth as a Spaniard, and several printed forms signed by Mr. Trist, left blank for them to fill up at pleasure; found a Spanish log in the main-hold, and a Spanish <i>ensign secreted</i> . She had 4 men, neither accounted for by muster-roll nor passports, making a total of 39. Her cargo is rich, consisting of powder, spirits, silks, Manchester goods, and tobacco; has slave irons, plank for deck, large coppers, and leaguers.
3. "Dolcinea" detained by Pelican.	Portuguese	Schooner	16	—	80	253	31st October, lat. 4° 16' N., long. 3° 44' E.	Lagcs	Havana	—	Six slaves had died; the remainder were healthy; the vessel in good order, her sails new.

MELVILLE, Ascension, January 1, 1839.

No. 17.

Commander Reeve to Mr. Wood.

H. M. SLOOP LILY,
Gambia, April 2, 1839.

SIR: Having captured a vessel under American colors, lying at Lagos, called the "Eagle," (the entire crew of which were Spaniards, with the exception of a man calling himself both master and owner,) I sent her to Sierra Leone for adjudication; but the mixed commission court have refused to decide, on the ground that the ship's papers produced set forth that she is an American vessel. When captured, she was last from Havana, and answered the description sent by the admiralty to the commander-in-chief, of a vessel employed in the slave-trade, called the "Tres Amigos," under Portuguese colors, about to sail from Maranham. She was sold at the Havana, and the American vice-consul attested the sale, and granted American papers. Three other vessels had been captured under like circumstances, by the "Brisk," "Saracen," and "Forester;" and the court has acted in like manner; one of which was afterwards taken with slaves on board; she then hoisted Portuguese colors.

I have to request you will be pleased to acquaint my Lords Commissioners of the Admiralty with the circumstance, that immediate steps may be taken to check the protection of that flag to the slaver, or it will be useless for her Majesty's cruisers to be employed in the suppression of that inhuman traffic.

A day before I left Sierra Leone, a vessel arrived under American colors, captured by the "Termagant;" she will, of course, be released. No other flag will be seen on the coast in a short time, for it affords all the protection a slaver can require, under the existing laws.

I have, &c.,

JOHN REEVE,
Commander.

CHARLES WOOD, Esq.,
&c. &c. &c.

No. 18.

SIERRA LEONE, February 12, 1839.

MY LORD: With reference to our despatch marked "separate," of the 31st ultimo, on the subject of the detention of the American schooner "Florida," D. B. Williamson master, we have now the pleasure to inform you that the object of Lieutenant Hill, the captor, has been fully accomplished, by the total destruction of that vessel.

The assertion of the ship's papers, that Williamson was the owner of the "Florida," coupled with the anxiety of that person to obtain the amount due to him for his services on board, and then to free himself from all further connexion with the vessel, induced Mr. Macaulay to suggest to Lieutenant Hill that Williamson's object might be attained if, as the acknowledged owner of the "Florida," he would direct her to be treated in all respects as a condemned Spanish vessel, and to be sold at public auction.

The suggestion was approved of by Lieutenant Hill, and was immediately acted upon by Williamson, who had previously removed from the protection of her Majesty's brig "Saracen," to that of an American merchant vessel lying in the harbor. Accordingly, without the intervention of Lieutenant Hill, who sailed on a cruise, or of Her Majesty's commissioners, who had no communication whatever with Williamson, but with the assistance of a mercantile agent employed by Williamson for the purpose, the "Florida" was dismantled; her stores, spars, sails, and cargo, were landed; and she was then conveyed to destruction bay, where the hull was beached, and cut into four parts.

The whole was soon sold by public auction, and the proceeds handed over to Williamson, who declared his intention of paying himself therefrom in the first instance, and of handing over the balance to the real owner of the vessel, whenever he might chance to meet with him.

While the process of dismantling and cutting up the "Florida" was going on, the rage and astonishment of the Spanish officers belonging to her, may be imagined. Application was made by them to the principal lawyer of the place, for advice and assistance; and a large sum of money was offered to him, if he would save this new and beautiful vessel from destruction. They declared she was owned by merchants of Havana, and that Williamson was only a seaman on board. But all was in vain. The papers under which the "Florida" sailed, verified and attested as they were by the American vice-consul at Havana, proclaimed Williamson to be the true, lawful, and sole owner. He followed his own inclinations with respect to the disposal of his own property, and, having realized the sum which its sale in detached portions produced, he sailed on the following morning for New York, in the American brig, which had, for some time previous, afforded him shelter and protection from the vengeance of his late messmates.

We have, &c.,

H. W. MACAULAY,
R. DOHERTY.

Viscount PALMERSTON, G. C. B.

§c. §c. §c.

[1st sub-enclosure in No. 18.]

Abstract of the papers of the schooner "Florida," David Bell Williamson master.

No. 1. Part of an American register, which has been cut diagonally from the left corner at the top to the right corner at the bottom. Only the left side is produced; which, however, contains the endorsement, "Permanent register No. 50, schooner 'Florida,' of Baltimore, 19th June, 1838: tons 38½." Beyond this, little information can be obtained, as the absence of the right half of the document prevents our ascertaining its contents.

No. 2. A bill of sale, by which Don Juan M. Manzanedo, a merchant of Havana, in virtue of a power of substitution granted by Matthew Kelly, attorney of George Elvear, of Baltimore, sole owner of the schooner "Florida," transfers all right and title in the said vessel to David Bell Williamson, for the sum of \$6,200. To this document is attached a certificate from the

American vice-consul, Mr. Smith, on the 4th October, 1838, that Manzanedo had appeared before him and acknowledged the transfer as his act and deed. A second certificate, by the same functionary, on the same day, declares that "David B. Williamson has taken the oath required by law, and is at present master of the schooner 'Florida,' in place of Matthew Kelly, the late master."

No. 3. The muster-roll of the crew, signed by the master, D. B. Williamson, and certified by the American vice-consul.

No. 4. The custom-house clearance from Havana, dated on the 9th October, 1838, stating that the American schooner "Florida" was bound to the Cape Verds and Gallinas.

No. 5. There is another paper, dated two days before the bill of sale was executed, which proves the latter document to be fictitious.

It is a formal agreement between Messrs. Manzanedo and Abrisqueta, who have lately been so deeply engaged in the Havana slave-trade; and the master (Williamson) stipulates that the latter, although the ostensible owner, shall receive \$70 a month during the outward voyage, and until the "Florida" be ready to take on board her return cargo, when his services shall cease; and that a passage back to Havana shall be found for him, free of expense, in the same vessel.

SIERRA LEONE, *January 31, 1839.*

[EXTRACT.]

SIERRA LEONE, *January 31, 1839.*

MY LORD: We have the honor to enclose an abstract of the papers of the schooner "Florida," David Bell Williamson master; which vessel was presented to us for admission into the British and Spanish mixed court of justice on the 26th instant, by Lieutenant Worsley Hill, of her Majesty's brig "Saracen." We declined to accede to the captor's application in this respect, on the ground that all the papers of the detained schooner set forth that she was an American vessel.

The reasons for the course which we have thought it our duty to pursue with regard to such seizures, have been so fully stated in our despatch (No. 87) of the 30th of November, 1838, that it will be needless now to repeat them; and incompetent as we feel ourselves to deal with cases of this description, we are proportionally anxious that measures should be taken in the proper quarters to rectify the scandalous and increasing abuse of the flag of the United States.

From the enclosed abstract, hastily made, of the "Florida's" papers, before they were returned to the captor, on his petition being rejected, it will be seen that George Elvear, of Baltimore, took out an American register for his schooner "Florida," in June, 1838, and immediately despatched her to Havana, for sale, under the charge of the captain, Matthew Kelly, who was appointed the agent of the owner with a power of substitution. Kelly appointed Don Juan M. Manzanedo and Abrisqueta his substitutes; and within three months and a half from the date of the American register, a bill of sale of the "Florida" was executed by Manzanedo to D. B. Williamson, the present master.

Such are the representations of the ship's papers. Unfortunately, however, for the credit of the bill of sale, another paper was discovered, showing that Williamson, instead of being the owner, was to receive from the well-known slave-trading firm of Manzanedo and Abrisqueta (who, if not themselves the owners of the "Florida," were at any rate the agents of the owners) a small monthly stipend for assisting, by his name and presence, in concealing a Spanish slave-trade adventure under an American cover. The pay of this man was only to continue until the vessel should be ready to receive her return cargo; when, owing, we presume, to an intention to change the flag to Portuguese or Spanish, his services would be no longer of use; but even then he was to be allowed his passage back to Havana free of expense. The equipment of the "Florida" for the slave-trade was complete; and the captor would thus have possessed ample means of convicting his prize of being an essentially Spanish vessel engaged in the illicit traffic, had he been permitted to take advantage of the information acquired by his unauthorized search.

The declaration of Lieutenant Hill states, that he boarded the "Florida" on the 13th instant, in the river Gallinas, in his boat, her Majesty's brig "Saracen" lying at anchor off the bar; no colors were hoisted at the time, and Williamson was on board another vessel lying close by; but, on being hailed, he immediately returned to his own schooner, declaring himself master, and that it was an American vessel. Two days afterwards, Captain Williamson, who appears to have been a silly, timid man, applied to Lieutenant Hill for protection against his own crew, who were all Spaniards, and had threatened his life. He is then represented to have stated that he would not venture again on board the "Florida," which he would abandon altogether, if he could only procure payment of his wages on the outward voyage from the agent of the vessel at the Gallinas, through Lieutenant Hill's interference.

He further acknowledged that, so far as the bill of sale related to himself, it was false, and that he had no claim whatever to the character of the owner; and he attempted to clear himself of being a party to the fraud, by declaring that he had not been aware of the existence of this false document until some time after he left Havana. We have little doubt that the American register and muster-roll are as fictitious as the paper the falsehood of which is admitted; they are, however, recognised by American authorities as true and valid, entitling the vessel which carries them to all the privileges of an American character; and, in our view of the matter, the fact of such a recognition is sufficient to protect from search and detention an apparent American vessel, so long as America persists in refusing to our cruisers the right of visitation.

The tenderness with which the independence of the flag of the United States has been treated under so much provocation, will, we trust, have its proper effect. Of the actual existence of the evils which were anticipated from America's determined denial of the privilege of search, no doubt can now be entertained; and it is to be hoped that some remedial measures will, at any rate, be adopted by herself, to check and punish the abuse which has clearly resulted from her obstinate retention of a right, which other nations less jealous and exclusive have consented, under certain circumstances, and for a well defined and humane object, to waive, without any injury to their national honor.

We will here only recommend one measure, to which America can offer

no reasonable objection. It is, that a force of small brigs, brigantines, or schooners of war, should be sent on this coast by the American Government; each of which should cruise and visit the slave-trading rivers and stations, in company with one of our own vessels. Cruising singly, would have comparatively little effect, as the same vessel which would show American colors and papers to a British officer, might show Portuguese or Spanish colors and papers to an American officer. The crews of such vessels are always composed of Spaniards, with the exception of one American, who, in the presence of the British cruiser, would figure as the American captain; and before the cruiser of his own nation, would declare himself a passenger, and would probably produce a passenger's passport from Havana. Cruising in couples, on the contrary, would remove the possibility of such evasion. If the American flag and pass were assumed by a slaver, she would be taken charge of by the one; and if she declared herself, or if she could be proved to be, Spanish, Portuguese, or Brazilian, she would be a prize to the other man-of-war. At present, however, the coast swarms with vessels apparently American, and a rich harvest of prizes would follow the immediate arrival of a squadron of American cruisers, armed with authority to capture on the ground of equipment.

The United States consul at the Havana recognised as a valid document a register which had apparently been cancelled, and of which only the left half was produced to him; and he acknowledged Williamson as owner of the "Florida," and the purchaser of that vessel, although no power of attorney or power of substitution was forthcoming to prove the right which either Kelly, the alleged agent, or Manzanedo, the alleged substitute and seller, had received from Elvear, the original named in the mutilated register, to dispose of the property in question. Nor does it seem to have excited any doubt in the unsuspecting mind of Mr. J. A. Smith, that a vessel fully equipped for the slave-trade, and bound for the most notorious slave-mart on the coast of Africa, should be cleared out from Havana by one of the most extensive slave-merchants in Cuba, with a crew of which the captain of the flag was the only person who professed to be an American citizen.

We have, &c.,

H. W. MACAULAY,
R. DOHERTY.

Viscount PALMERSTON, G. C. B., &c. &c. &c.

No. 19.

Abstract of the papers found on board the schooner "Hazard," Russell Barker master.

No. 1. A permanent American register, No. 40, dated and signed at Baltimore on the 11th of May, 1838, setting forth that James Frazier, of Baltimore, in the State of Maryland, had taken the required oath, and was sole owner of the schooner "Hazard," of Baltimore, built during the year 1838, and measuring 120 $\frac{2}{5}$ tons; and that Edwin Bailey was the master of the vessel.

An endorsement by Mr. J. A. Smith, the American vice-consul at Havana, on the 24th September, 1838, states that Russell Barker was master on that date, and had taken the proper oath as such.

No. 2. On the day after the above American register was granted, a power of attorney was prepared by John Gill, a notary public of Baltimore, by which the owner, James Frazier, authorizes the captain, Edwin Bailey, to sell the "Hazard," or to appoint a substitute for that purpose.

No. 3. Annexed to the last paper is a power of substitution, executed at Havana, by Bailey, on the 19th of September, 1838, which empowers "Don Francisco Montero, of Havana, and supercargo of the 'Hazard,' to dispose of the schooner at his own discretion."

The witness to the execution of this deed was Mr. Smith, the vice-consul, who afterwards, in his official capacity, attested its correctness.

No. 4 is a muster-roll of the crew, certified, in like manner, by the American vice-consul, on the 11th October, 1838. Montero, the supercargo intrusted with the disposal of the vessel, is not mentioned at all; but Russell Barker is named as master, and Benito Sandes and William Pons as first and second mates; the one being called a Portuguese, and the other a Frenchman.

No. 5. The clearance from the Havana shows the following endorsement on the sealed envelope: "The American schooner Hazard, Captain Don Benito Sandes, bound from Havana to St. Thomas, despatched the 12th October, 1838."

In the enclosure, also, although Barker is there styled the captain, Don Benito Sandes is again named as the shipper of all those articles of slaving equipment, slave-deck, water casks, &c.; the shipment of which is, in these documents, usually assigned to the master.

Nos. 6 to 10 are five private letters, of which one is addressed to Gerónimo Villar, captain of the brigantine "Ligeiro," at Onim; another to Francisco Gallardo, mate of the same vessel, but here called by her Spanish name of "Galgo;" and a third to Don Mathias Baptista de Carvalho, who, it will be recollected, was the consignee at Onim of the "Ligeiro," reported in our despatch of the date marked Spain No. 9. The two former gentlemen, being at Sierra Leone, received their letters much earlier than they would otherwise have done. The two other letters are addressed to Don Antonio de la Peña and Don Estevão del Castillo. The name of the former of the persons is well known to us in connexion with the slave-trade.

Nos. 11 to 14. Four log-books were found on board relating to the present and former voyages made by the persons who kept them. They are all written in Spanish or Portuguese.

SIERRA LEONE, *January 31, 1839.*

[EXTRACT.]

SIERRA LEONE, *January 31, 1839.*

MY LORD: We have the honor to enclose to your lordship, herewith, an abstract of the papers found on board the schooner "Hazard," Russell Barker master, which was fallen in with on the 4th instant in 5° 43' north latitude, sailing under American colors, by her Majesty's brigantine "For-

ester," Lieutenant Colin Yorke Campbell commanding, and detained on the ground that she was equipped for the slave-trade, and that there were "reasons for supposing her to be a Spanish vessel."

On the 29th instant an attempt was made to bring the "Hazard" before the British and Spanish mixed commission court of justice; but the fact of the vessel having been taken whilst sailing under the flag and pass of the United States—a fact which is necessarily stated in the preliminary declaration of the captor—rendered it improper, in our opinion, to sanction the prosecution of the vessel in any of the courts of mixed commission.

The "Hazard" received an American register at Baltimore on the 11th May, 1838, and on the following day she was despatched to Havana for sale. On the 19th September Don Francisco Montero, a merchant at Havana, who has since accompanied the vessel in the ostensible character of supercargo, received full power to dispose of the vessel when, and where, and how, he pleased. There is little doubt Montero had become the owner of the property over which he possessed such absolute control; and the power of attorney, under which that control was exercised was a mere blind. Barker, the American, was also, it appears, only "*captain of the flag*," the real master, who cleared out the vessel from Havana, and whose name was endorsed on the clearance as captain, being Don Benito Sandes, who is described on the muster-roll as first mate.

Although cleared out for St. Thomas, the destination of the "Hazard" was the slaving port of Lagos, as she carried from Havana letters for various persons at that place; and the fittings of the vessel sufficiently demonstrated the illegal object of the voyage. The American captain died on his passage to this port; and the "Hazard" was thus left to navigate the seas, without having on board one citizen of the nation to which she claimed to belong. Her crew were all foreigners. A Spanish merchant exercised over her all the rights of ownership; and she received her outward cargo, and her slave-trading equipment, in a Spanish port, to which, according to the declaration of the late master, she intends to return when her business on the coast is completed. There is nothing to connect her with America, but her Baltimore register, and the recognition of her American character by Mr. Vice-consul Smith. Nor could she ever have been intended to have been employed in the commerce of America; for on the day after the American register was obtained, she sailed for Havana, with a power of attorney on board to sell her forthwith. Under these circumstances, all that the captor required to procure the condemnation of the "Hazard" as a Spanish vessel engaged in the slave-trade, was the right to avail himself of discoveries produced by his visitation and search.

In reporting the cases of the "Mary Ann Cassard" and the "Florida," we remarked that their registers appeared to have been cancelled, being cut through diagonally, and only one-half of each being produced. The "Hazard," on the contrary, was supplied with an entire document. This difference gives an appearance of probability to our conjecture respecting the invalidity of registers so mutilated.

We have the honor to be, &c., &c.,
H. W. MACAULAY,
R. DOHERTY.

Right Hon. Lord Viscount PALMERSTON,

G. C. B., &c. &c.

No. 20.

FOREIGN OFFICE, April 16, 1839.

GENTLEMEN : I have received your despatch (No. 5) of the 19th of January, 1839, containing copies of a correspondence which had taken place between yourselves and Mr. Trist, the United States consul at the Havana, on the occasion of your having communicated to that gentleman information respecting the vessel (the "Venus") which had sailed from the Havana for Africa, under the flag of the Union, with several American citizens on board, and had returned within four months, with a cargo of eight hundred and sixty slaves, from Africa.

With reference to that part of Mr. Trist's letter to you which relates to British fabrics made expressly for Africa, and to shackles of British manufacture, intended for slave-trade, exported from England and imported into Cuba, I have to desire that you will state to Mr. Trist, that, if he can at any time furnish her Majesty's Government, through you, with any information which may directly or indirectly enable her Majesty's Government to enforce the penalties of the law against British subjects who may be concerned in slave-trade, her Majesty's Government will feel most sincerely obliged to him.

You will observe to Mr. Trist that the two Governments having, by the 10th article of the treaty of Ghent, mutually engaged to each other that they would "use their utmost endeavors to promote the entire abolition of the slave trade," it seems to be perfectly consistent with the respect which the agents of each country must feel for the other country, that they should not only themselves act in strict accordance with the spirit of the engagement which their own Government has contracted, but that they should furnish to the agents of the other Government any information which may be calculated to enable that other Government more effectually to accomplish the common purpose.

I am, &c.,

PALMERSTON.

HER MAJESTY'S COMMISSIONERS, *Havana*.

HAVANA, January 8, 1839.

SIR : As it may possibly not have come to your knowledge, we think it right to make you acquainted with the report prevalent in this place respecting the ship "Venus," which arrived here the 4th August last, from Baltimore, and sailed shortly after for the coast of Africa. This vessel, you will no doubt remember, arrived and sailed hence under American colors; under which, it is said, she took in a cargo of negro slaves, and has landed them, within the last few days, on this coast—about 860 in number. The report further states, there are several American citizens implicated in this flagrant violation of the laws of the United States; and as the "Venus" may be hourly expected in the harbor, we would respectfully suggest to you that such immediate steps may be taken, on her arrival, as may lead to the punishment of such offenders. The peculiar relationship in which the United States are placed with Great Britain induces us more anxiously to hope

you will participate in the feelings with which this communication is made.

We have, &c.,

J. KENNEDY,
CAMPBELL J. DALRYMPLE.

N. P. TRIST, Esq., &c.

CONSULATE OF THE UNITED STATES OF AMERICA,
Havana, January 8, 1839.

GENTLEMEN: I have received, at a late hour this evening, your letter addressed to N. P. Trist, Esq., and dated Havana, January 8, 1839, which the presence of company in my parlor, where it was delivered, has prevented my opening until the night is too far advanced to permit me to engage in the task of reply, without encroaching on the rest which a long day of unremitted labor demands. Unfitted as this has rendered me for resuming my pen at this moment, I am, however, impelled to do so by the desire to obtain, without delay, the important information which your letter affords ground for believing that it may be in your power to furnish.

Upon referring to the files of your predecessors in office, you will probably find there a letter addressed by them to me, towards the close of the year 1836, and by me returned, upon the ground that I deemed it incumbent upon me to decline receiving any communication of that nature.

Upon comparing the two, you will perhaps be sensible that the letter now before me, although differing from the other in one material particular, is yet so far of the same nature as to come within the rule which, upon that occasion, I announced as that of my conduct; and my conviction in regard to the indispensableness of which has since been fortified.

This viewed by me, it would now impose again the unpleasant duty then discharged, were it not that the essential duty just adverted to leaves me, to a certain extent, free, in this instance, to avail myself of the information of which you may be possessed, and at the same time to indulge the disposition towards British functionaries which fixed sentiments for the people have long made a part of my character.

In thus departing from the course pursued towards your predecessors, it is necessary that, to preclude misapprehension, I should trouble you with an explanation which would have been made to them, had it not been prevented by the tenor of their communication.

This was of so extraordinary a character, indicating so utter an oblivion, or innate ignorance, of the simplest applications (until then deemed by me self-evident) of first truths in regard to international independence, that it left me no other alternative to the course of passing it over, as I did, without remark or notice, than that of facing it with a rebuke such as my command of language would have been severely tried in making commensurate with my sense of the insult. It would have accorded as ill with the habitual tone of my feelings towards their nation, as the provocation did with a decent respect for the independence of mine.

From this unwelcome necessity I was spared, by the relations, or rather the no-relations, in which we stood; a circumstance no sooner adverted to, than it stripped the communication of every attribute save naked absurdity,

rendering it a fit object of derision alone, until, upon the contemplation thus awakened, of what was going on around us here, and connected with it in Great Britain, that feeling gave way to the more serious mixture of sorrow and indignation at the spectacle of such prostitution of the energies of the British people, in theatrical playings off, to their delusion, and to the benefit of whomever it might concern, in a cause which, whatever differences of opinion may exist with regard to the justness or the immoderateness of the zeal displayed in it, is sanctified by a sincerity and a self-forgetfulness, in proportion to the intensity of which every empty show got up by self-seekers, turning it to profit, becomes intensely disgusting and hateful.

Had the case been different, through the existence of any tangible relations between us, as agents of the two countries, the necessity would have been forced upon me, and consequently upon the Government of the United States, to demand to know upon which of the principles that govern the relations of States, and in consequence of what event, it might be, that any crimes or misdemeanors, real or assumed, committed by citizens of the United States in this port, or elsewhere, except in British territory, had become objects of cognizance to the British Government, so as to justify an agent of that Government, placed here in official relations with an agent of the Government of the United States, in supposing himself entitled to communicate in formal manner to the latter the results of the supervision exercised by him over the proceedings of American citizens and American vessels, (which proceedings, it may be remarked, were subjects of as little concealment here, and those results matters of as great notoriety, as the recent arrival of the French Prince from Vera Cruz,) accompanied with the information *that it would be his painful duty to report the same to his own Government!*

Such a demand, it would, under some circumstances, have been imperative in me to make. But it was not so in the present; and, unpleasant as was the alternative which they presented, I deemed myself fortunate, even at that cost, to escape the obligation to be instrumental in forcing upon the British Government a question from which there was no escape, but a direct disavowal of an indecency so gross that its absurdity was the only palliation of which it could be susceptible; while, at the same time, the circumstances of the case were such as to obviate the necessity of such disavowal; precluding, as they did, unless by gross impeachment of its good faith, the supposition that the outrage upon the United States could have been intended by that Government. The persons from whom it had proceeded had, it was to be taken for granted, been sent here by their Government in no other capacity than that in which they had been recognised by the Spanish, under the treaty which alone entitled them to be here at all: which capacity was purely judicial, or practically so, as part of a mixed court, whose functions consisted solely in bringing to adjudication, with the least delay and inconvenience, such vessels as, under the treaty between the two countries, might be detained for having been engaged in an illicit traffic in slaves. Such being the sole purpose for which they were permitted to have an official residence upon Spanish territory, and even the form of process for that limited purpose having been strictly and minutely defined by treaty, it could not be conceived that their Government had condescended to abuse the opportunity thus afforded, by sending them on any other errand. Above all, was it not to be supposed that, openly trampling under foot the plainest rights of a nation, which, however un-

fortunate, is still recognised as one of the States of Europe, it had intended their conversion into organs for offering unprovoked insult, in the same breath, to that nation, and to the foreign consuls holding exequaturs from her, and entitled, through decency to her, if no other motive, to be respected by all who accepted the right to official dwelling in her territory. The treaty which placed them here, and a decent respect for the good faith of their Government, absolutely precluded, then, the supposition that it could have been a party to the letter addressed to them by me. Moreover, the functions assigned them were so very limited, and of a nature so extremely simple, as to afford an obvious apology against even the charge of having neglected so to instruct them in relation to their duties as to secure against all such abuses of their situation. Such instructions are requisite, and the duty to give them imperative, only in proportion as the complexity of the functions intrusted to a public agent, or the haste in which he may be called upon to act, is such as to expose him to doubt or oversights. A perusal of the treaty shows that it afforded neither of these grounds for precautionary instructions. Never were duties, or one single duty, rather, (for it consists of a mere decision upon a naked question of fact,) more simple in its nature, or more clearly defined; and it almost transcends belief, that persons charged therewith should ever undesignedly (the only mode of transgression which a Government can anticipate on the part of those in whom it puts trust, or provide against by instructions,) overlook the boundaries of the field assigned to them, or fancy themselves placed in any official relations whatever towards foreign consuls resident here.

Such were the considerations which governed my course in regard to the communication from your predecessors, and which, unpleasant as was the task of returning, reconciled me thereto, as being, however rude in outward semblance, at bottom by far the least objectionable to all parties of the alternatives forced upon me.

The present communication, as I was happy to see, is free from the offensive peculiarities of the former. Still it is liable to the fundamental objections inseparable from any communication which you could possibly address to me in regard to the conduct of citizens of the United States; one of which, indeed, applies to official communications on any subject whatever. This is, that there exists not any official relation of any kind between us. The other, that, whatever relations might exist, and whatever might be my own functions in regard to offences committed by citizens of the United States against our laws, they could not be such as to allow me to recognise the right of any agent of any foreign Government to interfere, in any possible mode or degree, in the discharge of my duties, or to forbear repelling such interference if offered.

This is a necessary consequence of the independence of our two countries. You refer to the peculiar relationship in which "the United States are placed with Great Britain." Since the 4th of July, 1776, the only relation in which they stand to each other is that of two independent nations—"enemies in war, in peace friends." Of that independence, one of the vital parts consists in the exclusive execution, no less than the exclusive enactment, by each, of its own laws; rigorously excluding and repelling all interference in the one, no less than the other. If there be upon earth two nations for whom, above all others, their own welfare and that of the world demand the most scrupulous regard for, and watchful observance of, this principle, those nations are the two whom you have named.

Mine is wedded to it in all its bearings ; and if, as I trust, the harmony now happily subsisting between the two Governments is to endure, so as to allow the elements comprised in the bosoms of the two nations a fair opportunity to work out their natural results, it can only be through the cultivation of the same sentiment by your Government towards ours, if no other.

So thoroughly imbued with it is the latter, that no consul or other functionary of the United States at this place, or elsewhere, however full and accurate the information which he might have acquired on the subject, and however sincere his zeal against the slave-trade, would ever dream of volunteering an official communication to a functionary of Great Britain, in regard to the amount of British fabrics made expressly for the coast of Africa, nor of the number of casks of shackles, (the distinctive instrument for carrying on the slave-trade,) of British manufacture, annually exported to this island,—some of which I have seen passing through the custom-house here, without attracting any more notice, from either officers or bystanders, than so many boxes of Dutch cheeses. He might, under instructions from his Government, have traced these things to their sources, so as to be able to designate every British manufacturer, merchant, and ship, from and through which they had reached thus far on their way to the coast of Africa. And upon looking into the statutes of their Parliament, he might have discovered that they could not have got here without gross violation of British law. But, so great is the silent force of the general national sentiment upon this point, it would never occur to him as a thing proper, or decent, or possible, that he should assume to take part in the administration of those laws, by addressing official communications in regard to their violation, to British functionaries, charged, or not charged, with preventing it. If such an American officer were to be found, he would be a very remarkable exception ; and whatever might be the force of the motives impelling him to a course so inconsistent with the general sentiment of his country, there is one particular in which that course would be seen to evince the utmost respect for, if not dread of, it, if his object, in thus trampling upon the principles of national independence were to play off before any portion of his countrymen. However insensible he might be to other things, the dread of their penetration would effectually deter him from attempting any such game, unless he had furnished himself with better materials for it than rumors.

If requested to do so, he would, doubtless, cheerfully comply ; as I trust that you will, with the request I now earnestly make to you—to oblige me, at the earliest possible moment, with all the information of any kind, regarding persons, occurrences, or things, calculated to be of use to the Government of the United States, in regard to the ship *Venus*, or any matter connected with her ; and particularly the fact of her having taken in a cargo of negroes, whilst under the American flag ; and the other fact, that there are several American citizens implicated in this violation of our laws, and who those citizens are. One of you, gentlemen, has had the advantage of pursuing his studies at the Temple ; and I need not tell you, therefore, that the great object is to obtain such materials, in the shape of facts, or persons, or indications of either, as may be susceptible of use towards the conviction of every individual implicated. If materials of this kind cannot be furnished by you, I would thankfully receive any specific facts, although unconnected with names of persons, should you not be at liberty to di-

vulge them, which your peculiar opportunities and command of time for the purpose may have brought to your knowledge.

I am, &c.

N. P. TRIST.

J. KENNEDY and
CAMPBELL J. DALRYMPLE, Esqs.
&c, &c., &c.

HAVANA, *January 10, 1839.*

SIR: We have the honor to acknowledge the receipt of your answer, of the 8th instant, to our communication of the same date, respecting the ship "Venus;" which vessel, we have since heard, entered this harbor at a late hour the evening before.

In reply to your request to be furnished "with all the information regarding persons, occurrences, or things calculated to be of use to the Government of the United States, in regard to the ship 'Venus,' or any matter connected with her, and particularly the fact of her having taken in a cargo of negroes whilst under the American flag; and the other fact, that there are several American citizens implicated in this violation of your laws, and who those citizens are;" we beg to say, we have already communicated as much of the information we possessed as we felt ourselves at liberty to do. We referred you to the reports, prevalent in this city, upon the subject; and we hoped, as no doubt is entertained of their truth, that you would have thought them deserving of your own immediate investigation, either through the Captain-General of the island, or by your own authority, and the intervention of the commander of the American vessel of war now in the harbor. Any such investigation on your part, by examination of the log-book and crew, could not have failed to elicit, much better than any information we could be expected to divulge, whether the following circumstances, as reported, are well founded or not:

1. Whether there were any American citizens on board the "Venus," during her late voyage to the coast of Africa; and who those citizens are.

2. Whether the "Venus" was visited, on the coast of Africa, by any British cruiser or cruisers, without being detained in consequence of her bearing the American flag; but one of which cruisers, having observed her take in some negroes under that flag, afterwards chased her, though without success.

3. Whether any sale or transfer was made of the vessel after leaving this harbor, and when, so as to divest her of her American character.

The ship's articles, we have heard, provided that she was to be taken to Bahia, where the sale was to take place. But the short time she has been absent (only four months) puts this out of the question; and whether transferred or not to any other flag, we fear it is indisputable that a gross abuse has been practised of the American flag.

It certainly forms no part of our duties at this place to take any steps to vindicate such a violation of your laws; nor have we any wish to interfere in any such cases, further than arises from an anxiety to suppress, if possible, all similar infringements of the rights of humanity. Our objects are too high, and our conviction of their rectitude too strong, to allow us to be turned from our course by taunts of any kind; and with regard to the Uni-

ted States, in particular, we would wish to preserve unimpaired our respect for the laws which have declared the slave-trade piracy.

But it is in proportion to the respect we would wish to entertain, that we should regret to find those laws a dead letter, and your professions not followed up and carried into effect.

We have, &c.

J. KENNEDY,
CAMPBELL J. DALRYMPLE.

N. P. TRIST, Esq., &c., &c., &c.

HAVANA, *January 19, 1839.*

MY LORD: In the despatch No. 39 of 1838, dated the 22d August last, from her Majesty's commissioners at this place, your lordship was informed of the arrival here of the American slave-ship "Venus," built at Baltimore expressly for the slave-trade, and of her departure shortly after for the coast of Africa. The "Venus" sailed hence under the American flag, with several American citizens on board; but in the ship's articles, of which a glance in bravado was afforded her Majesty's commissary judge, it was expressly stipulated that she was to be taken to Bahia, there to be transferred to the Portuguese flag. This, however, appears not to have been done; for, in the almost incredibly short period of five months, the ship has returned, and, in the beginning of this month, landed on the coast the extraordinary cargo of not fewer than 860 slaves. At this time, the name was changed to the "Duqueza de Braganza," and she bore the Portuguese flag. But it was a matter of doubt whether a valid (if any) transfer of her had taken place; and it was currently believed that the American subjects who had sailed in her from this port had been present at the time when the slaves were taken on board. Indeed, it was reported from the parties themselves, that they had been visited on the coast of Africa, when bearing the American flag, by the officers of a British cruiser; and, upon being asked what they were doing there, answered the inquiries by saying "it was no business of theirs, and that they were Americans." They boasted, also, that, though one of the cruisers watched and saw them take part of their cargo on board, and attempted afterwards to follow them, yet the chase was made in vain; and, undoubtedly, the wonderfully short time in which this unprecedentedly successful voyage has been made fully warrants the character which the ship brought here with her for her fast-sailing qualities.

Under these circumstances, we felt it our duty to call the attention of the American consul (who is also acting as Portuguese consul) to so gross a violation of the laws, as well as of the flag of the United States; bearing in mind the ungracious reception he gave to a former like communication to him from the British commissioners at this place. (See Parliamentary Papers for 1836, A, pp. 193 and 212.) To this communication of ours, the answer was returned, of which we enclose your lordship a copy, stating, at very considerable length, the opinions which had actuated him (the consul) on the occasion just referred to, as well as his views in the present instance. The answer is worthy of consideration, as an evidence of the feelings held by certain classes of the American community with regard to the slave-trade, and the part taken by the British Government to suppress it; and characterized by all the sensitiveness, the concomitant of weakness. Altogether

whether clear or obscure, it appears a paper calculated, if not intended, to excite an angry correspondence; but the irritating points of which we carefully forbore to notice in our reply, contenting ourselves with generally asserting our duties, and the grounds on which we exercised them. As we hear the correspondence has been sent to the Government of the United States, we trust your lordship will consider the terms in which we addressed the consul, as well as those in which we answered his reply, to be deserving the support of her Majesty's Government.

With regard to the ship "Venus," otherwise the "Duqueza de Braganza," we should state that the original cost, we understood, was \$30,000; and that the fitting out, and expenses of every description for the voyage, including the value for the return cargo, was estimated at \$60,000 more—say, altogether, \$100,000. The number of negroes brought back, as has been before stated, was 860, and they are said to have been sold at \$240 a head, producing the sum of nearly \$300,000; of which, therefore, two-thirds was net profit. So long as such return can be effected, we fear that no efforts whatever will be effectual in suppressing the traffic; and certainly not, while the dealers have only to meet such a system of corruption as pervades every department of the Government of the island.

We have only further to add, that the ship "Duqueza de Braganza" is principally owned by the slave-dealer Mazorra, (whom we have so often had occasion to name, and a Frenchman named Gautier;) and that she is preparing again for another voyage.

We have, &c.,

J. KENNEDY,

CAMPBELL J. DALRYMPLE.

The Viscount PALMERSTON, *G. C. B., &c.*

No. 21.

Report of the case of the Portuguese schooner "Dolcinea," José da Luz Cavalko master.

This vessel was furnished with a Portuguese passport, from the provisional government of the islands of Prince and St. Thomas, dated at St. Antonio, Prince's Island, on the 28th October, 1836, authorizing her to proceed on a voyage of lawful commerce to the Havana, by way of the coast of Africa. The owner of the vessel, who was master also, is said to have been Francisco Elisbao Correa Caldas.

Three weeks after this time, an endorsement was made on the passport, to the following effect: "Boarded by her Majesty's brig Charybdis, November 21st, 1836, lying at Lagos. "Signed E. B. Power, mate." The "Dolcinea," however, succeeded, both on this and a subsequent voyage, in escaping her Majesty's cruisers on this coast, and on the West India station, and safely landed a cargo of slaves on the island of Cuba.

The next endorsement on the register is made by Fernandez, the Portuguese consul at Havana, on the 20th of April, 1837, on occasion of the "Dolcinea" clearing out again for the coast of Africa, under the command of a new captain, named Fernando Rus Peres.

The only other paper of which the captain could obtain possession, was a matrícula, dated at Havana, on the 23d of May last, (1836,) and to which two certificates of Mr. Trist, the American consul, are attached: the one

declaring the appointment of the present master by Don José Mazorra, a merchant of Havana, the empowered agent of Caldas, the Portuguese owner named in the register; and the other declaring that the schooner carried a crew of sixteen men. We have no doubt that the "Dolcinea" cleared out from Havana in May last, under another name, and as a Spanish vessel. No clearance from the Havana custom-house was produced; and neither of the papers which we have noticed, and in which alone the "Dolcinea" is mentioned as a Portuguese vessel, was submitted, in any way, to the Spanish authorities. It is impossible not to believe that this fact was well known to the American consul, who attested the matrícula of the vessel. The matrícula, besides, does not contain the name of a single officer; because the Spanish captain and mates embarked, no doubt, according to the general custom, with passports as passengers, bound to the same destination as the vessel.

It would appear that Mr. Trist, and his subordinate Mr. Smith, are willing enough to be deceived on these occasions; otherwise, the prudent and easy course might be followed, of requiring the production of the clearance from the custom-house at the Havana, before they grant their official seal and signature to verify muster-rolls of crews, the falsehood of which is evident on the face of them.

The "Dolcinea" having been captured with slaves on board, north of the line, and her condemnation being therefore certain, whether as a Portuguese or Spanish vessel, it was deemed advisable by the captors' proctor to prosecute her under that character which she professed to bear. Accordingly, on the arrival of the "Dolcinea" in this harbor, she was brought into the court of the British and Portuguese mixed commission. The marshal reported that only four of the slaves had died on their passage to this port, and the surgeon stated their general appearance to be healthy, although several of the number required hospital treatment for dysentery and wounds. No time was lost in landing the unfortunate creatures; and we are happy to say that none subsequently died, during the time they were under the superintendance of the court.

On the 26th ultimo, the captors' declaration, and the affidavit of Mr. William Rolland, mate of the capturing ship, and prize-master, verifying the ship's papers, were received and filed; a monition was published by the marshal, citing all interested parties, and the witnesses in preparatory were examined on the standing interrogatories.

The captors' declaration of capture is to the following effect: I, Brunswick Popham, commander of her Britannic Majesty's sloop of war "Pelican," hereby declare that, on this 31st day of October, 1836, being in or about latitude 4° 16' N., longitude 3° 44' E., I detained the schooner named "Dolcinea," sailing under Portuguese colors, commanded by José da Luz Cavalho, who declared her to be bound from Lagos to Havana, and having on board 253 slaves, said to have been taken on board at Lagos, on the 27th of October, 1838. Amongst the passengers on board the "Dolcinea," appears the name of Edouardo Roberto, who commanded the schooner "Constituição," the condemnation of which we reported in our despatch No. 71, of the 20th of October, 1838.

The master, José da Luz Cavalho, deposed, that he was born at Lisbon; has lived a year and a half at Havana; is a subject of Portugal; is married; and his wife and family reside with him at Havana; that he was appointed to the command of the detained vessel, and possession of her was given to him by Joaquim José Duante Silva, a Portuguese resident at Havana; that

the first saw the vessel there about seven months ago; that she is Mexican built; that he was present when the vessel was seized for having slaves on board; that she sailed under Portuguese colors, and had no others; that all the crew were hired and shipped six months and a half ago, at Havana, by Duante Silva; that the last clearing port was Havana, where the voyage began, and where it was to have ended; and whence he came direct to Lagos, for a cargo of slaves, and, having obtained it, he was returning direct to Havana, at the time of capture; that he was captured on the 31st of last month, after a chase of thirty-two hours; that the owner of the vessel was Joaquim Duante Silva, who has lived eight or nine months at Havana, but previously resided at Bahia; that he saw the said Duante Silva buy her; that the price of the vessel was \$6,000 or \$7,000, which was paid, but witness knows nothing of any bill of sale; that the owner of the vessel was the lader and principal owner of the cargo; part of which was, however, owned by other merchants.

The second witness, who was a seaman of the detained vessel, pretended ignorance on almost every point involved in the standing interrogatories; and, in other respects, his evidence is of small importance.

The captors' case having closed with an affidavit from the prize-master, accounting for the four deaths which had occurred on board the "Dolcinea," on her passage to the port, publication of the evidence in preparatory was decreed; and the monition being returnable into the registry on the 3d inst., the court assembled on that day, and condemned the schooner "Dolcinea," as good and lawful prize to the Crowns of Great Britain and Portugal.

It was further decreed, that there were on board the said vessel, at the time of her capture by her Britannic Majesty's sloop "Pelican," Brunswick Popham, Esq. commander, two hundred and fifty-three slaves; of whom four had died previously to the arrival of the vessel in this harbor, and none subsequently; and that the survivors, two hundred and forty-nine in number, should be emancipated from slavery.

H. W. MACAULAY,
R. DOHERTY.

SIERRA LEONE, *December 5, 1838.*

SIERRA LEONE, *December 5, 1838.*

MY LORD: We have the honor to forward, enclosed, our report of the case of the Portuguese schooner "Dolcinea," captured on the 31st October, by her Majesty's sloop "Pelican," Brunswick Popham, Esq., commander, in latitude 4° 16' N., long. 3° 44' E., with 253 slaves on board, who had been embarked at Lagos three days previously, and were then on their way to the island of Cuba.

In this, as in every other Portuguese case which has lately come before us, it would not have been difficult, even from the evidence of the offending parties, to show that the illegal adventure, in prosecuting which, capture and condemnation took place, was essentially Spanish.

The Portuguese master denies altogether the truth of the representations contained in his register and matricula, (the only two papers which he produced to the captors,) although the aid of the American consul was, as usual, called in to support the credit of those fraudulent documents. In opposition to these papers, and to the American consul's certificate, which states that a Portuguese subject, named Francisco Caldas, is the owner of the "Dolci-

nea;" and that the agent of Caldas at the Havana, José Mazorra, appointed the present master to the command of the vessel; the master, himself, declares that he was appointed captain by the notorious Joaquim José Duante Silva, of Bahia, but who has lately settled at Havana, and who is the sole owner of the detained vessel, and also of the greater part of her outward cargo. It is, however, only fair to both parties to state, that we attach no credit to either statement.

The fact of the "Dolcinea's" capture to the north of the line, with a cargo of slaves on board, having been fully proved, a sentence of condemnation was pronounced against the vessel and cargo on the 3d instant; and the survivors of the slaves were at the same time emancipated.

We have, &c.,

J. W. MACAULAY,
R. DOHERTY.

VISCOUNT PALMERSTON, *G. C. B., &c., &c., &c.*

No. 22.

Report of the case of the brig "Victoria," Antonio José Alfonso master.

This vessel sailed under a Portuguese passport, obtained at Lisbon, from the Condé de Lumieres, Secretary at War and Foreign Secretary *ad interim*, and dated on the 31st of October, 1836. In this paper the owner is said to be Matheas de Silva Louro, and the master José Lopez Ferreira, both Portuguese subjects. The vessel is authorized to make a voyage from Lisbon to Cadiz, thence to Prince's island, and other ports in Africa; to return to Lisbon. No intention, however, existed, either on the first, the second, or the present voyage, of returning to Lisbon; Havana being the port where her real owners resided, and where her subsequent voyages began and ended. The passport was visaed on the 18th of April, 1837, at Prince's island, and was endorsed by her Majesty's ship "*Union*" *K. D.*, off Lagos, on the 22d of May, 1837. She was met with again in the same place seven months afterwards, (in December, 1837,) by her Majesty's brig "*Saracen*;" Cuba having been visited in the mean time.

2. A second successful trip to the island of Cuba was then made, as we find her on the 30th of June, 1838, clearing out from Havana for the island of St. Thomas. In her clearance, signed by Don Tomas Yurre, contador of the royal customs, the water-casks, slave-boilers, and slave-deck, are cleared out as articles employed in lawful traffic; and to the document is attached a certificate, under the hand and seal of Mr. Trist, the American consul, that to these acts of Don Tomas de Yurre "*full faith and credit are due.*"

3. is the muster-roll of the crew, to which two certificates of the American consul (Trist) are attached; one setting forth that Don Tomas de la Peña, the agent at the Havana of the owner, (Louro,) had appointed Don Antonio José Alfonso, the present master, in place of José Lopez Ferreira, the master named in the passport; and the other declaring that Alfonso had appeared and verified the matricula.

This document shows a very large armament, and a crew of 34 men, although the master, it will be observed, subsequently stated that there were

thirty-seven persons on board besides himself. Mr. Trist could not but have known that a small vessel, so manned, must be intended for a slaver or a pirate.

From the papers found on board, it is discovered that the real master of the vessel was a Spaniard named Juan Baptista de Zavala, who was generally addressed as the captain of the brig "Victoria," and occasionally as the captain of the brig "Potento;" for, in this case, as in that of the "Ligeiro," alias "Galgo," the former Spanish name of the vessel was considered the true one. Zavala's name does not appear on the muster-roll; but it is admitted by the witnesses that he directed all the proceedings of the voyage.

This fact will more fully appear from the translated copies of some of the papers which accompany this report, and which, if they do not convey any new information respecting the plans of slave-dealers, serve to show the regularity and system with which the slave-trade of Spain, under the flag of Portugal, is now pursued. We learn from them, also, that, as the voyage of the "Victoria" commenced at Havana, so it was to have ended at the same port; that the vessel was to carry slaves on the return voyage; that she had fetters and slave-boilers on board, the latter of which she was directed to attach to a buoy and sink; and that the late captures of empty slavers, sailing under Portuguese colors, had filled the slave-traders with doubt and dismay. Of the six vessels referred to in these papers, as consigned to Don Emilio Martin, at Lagos, two (the "Dolcinéa" and "Liberal") have been condemned as Spanish vessels illegally equipped; and the two others (the "Josefina" and "Catalina") have got away from the coast in safety, with their human cargoes.

4. The log-book states that the "Victoria" left Havana on the 1st of July, 1838, arrived at Gallinas on the 11th of August, and left it again on the 25th of the same month. She reached Lagos on the 4th of September; and, after discharging her cargo there, she cruised up and down the coast for rice and provisions, returning to Lagos about the 10th of November. Capture took place on the 16th of that month.

The "Victoria" was accompanied to Sierra Leone by the capturing ship, her Majesty's brigantine "Dolphin," commanded by Lieutenant Edward Holland, and on the 24th ultimo was presented to the British and Spanish court, as a Spanish vessel violating the 10th article of the treaty of June, 1835.

The captor's proctor petitioned that the declaration of the facts of capture and the ship's papers, verified by affidavit, might be received and filed; that a monition against all interested parties might be issued, and a commission of inspection be directed to the surveyors of the court; and that the witnesses in preparatory might be examined on the standing interrogatories.

Antonio José Alfonso, the captain of the flag, deposed that he was born at Oporto, where he has generally lived till within the last two years, during which he has had no fixed residence on shore; that he is a subject of Portugal, and never has been a subject of any other State; that he was appointed to the command of the detained vessel at Havana, in the month of June, 1838, by José Silva, a former master, a Portuguese, whose residence is not known; that he was present at the capture, but does not know on what account it took place; that the vessel was sailing under Portuguese colors, and there were no others on board; that the vessel is

called "Victoria," and he has never heard of her bearing any other name ; that she is about 280 tons burden ; that there were thirty-seven officers and mariners, besides witness—ten of whom were Spaniards, and the rest Portuguese ; that neither he, nor any of the other officers or mariners, had any interest in either the vessel or cargo ; that he was master on board ; that there were no passengers ; that Havana was the last clearing port, where the voyage began, which was to end at Bahia ; that the vessel touched, during the voyage, at Gallinas, where part of the cargo was discharged, and then went to Lagos, where the remainder of the cargo was landed ; that capture took place on the 16th of November, whilst the "Victoria" was still at anchor at Lagos ; that the papers of the vessel were for Prince's island, and the coast of Africa ; that the sole owner of the vessel was a Portuguese merchant, named Matheas de Silva Louro, who was born, and has resided all his life, at Lisbon, where he is married, and where his wife and family (Portuguese, like himself) reside with him ; that the sole owner, lader, and consignee of the cargo, is João Baptista Zavala, a Biscayan, who is also supercargo on board, and with whom rested "the sole direction of the vessel with regard to her employment in trade."

The evidence of the other witness, Juan Alexandre Garay, is only worthy of mention for the contradiction which it contains to Alfonso's assertion, that the "Victoria" was, at the time of capture, on the point of commencing a voyage to Bahia. Garay declares that Lisbon was the place to which she was destined. The two statements are equally false. The surveyors stated, in their report, that they found a slave deck, measuring 1,228 feet, fitted, laid, and numbered, water-casks capable of containing upwards of twenty thousand gallons, all filled with fresh water ; and a regular slaver's caboose, fitted to receive four small boilers, each capable of containing sixteen gallons of water. The case for the prosecution being closed, publication of the evidence was decreed on the 27th ultimo ; and the monition, issued on the 24th, was returned into the registry on the 31st ultimo, with the certificate of the marshal that it had been properly served.

It became necessary, however, to defer the adjudication for some time, to enable the registrar to complete the yearly and quarterly returns and accounts, which were due on the day the monition was returned, but which had not been completed, in consequence of the mass of court business which had constantly required his attention.

The case was finally disposed of on the 28th instant ; and the proof of Spanish ownership and course of trade, in conjunction with equipment for slave-trade, being deemed conclusive, a sentence of condemnation was pronounced upon the "Victoria" and her cargo.

H. W. MACAULAY,
R. DOHERTY.

SIERRA LEONE, *January 31, 1839.*

SIERRA LEONE, *January 31, 1839.*

MY LORD : Herewith we have the honor to transmit to your lordship, our report of the case of the brig "Victoria," Antonio José Alfonso, master, captured under Portuguese colors, on the 16th of November, 1838, at anchor in Lagos roads, by her Majesty's brigantine "Dolphin," Lieutenant Edward

Holland, commanding, and condemned on the 28th instant, in the British and Spanish mixed court of justice as a Spanish vessel, illegally equipped for the slave-trade. The ostensible, but pretended, owner of the "Victoria," was the Portuguese merchant, Matheas de Louro Silva, who, the witnesses state, "was born, and has resided all his life at Lisbon, where he is married, and where his family (Portuguese, like himself) resided with him." This gentleman should be made to feel the consequences of thus lending his name to further a smuggling adventure.

It would also be desirable that the Government of the United States should discountenance the proceedings of their agents at Havana, Mr. N. P. Trist and Mr. J. A. Smith, who openly assist in the despatch of vessels which, from their armament and force, they are perfectly well aware are intended to act either as slavers or pirates, or both.

We beg leave, also, to enclose for your lordship's information, a copy of the translations of some of the letters found on board the "Victoria."

We have, &c.,

H. W. MACAULAY,
R. DOHERTY.

VISCOUNT PALMERSTON,

G. C. B., &c. &c. &c.

No. 23.

Abstract of the papers found on board the brig "Eagle," J. W. Littig master.

No. 1.—A bill of sale, showing that a permanent American register, No. 118, was granted at Baltimore, on the 1st of December, 1837, to the brig "Eagle," of 205 tons, and which had been built at Baltimore during the same year. The original owners are declared to have been W. G. Harrison and W. Price, both resident at Baltimore.

On the same day that the above-named owners obtained an American register for the "Eagle," they executed a power of attorney in favor of Thomas T. Wingate, the master, by which that person was empowered to sell the vessel, and to grant a proper transfer to the purchaser.

Acting on this power of attorney, Wingate sold the "Eagle" at Havana, on the 10th of March, 1838, to the present owner and master, Joshua W. Littig; and the completion of the transfer was witnessed by Mr. J. A. Smith, the American vice-consul. To give authenticity to Littig's title, the power of attorney from the original owner to Wingate, and the bill of sale from Wingate to Littig, were both verified by Mr. N. P. Trist, the American consul, under his hand and seal of office. He also certified "that the original register was deposited at the American consulate, to be sent to the collector of customs at Baltimore."

But, it is remarkable, that while the bill of sale is attested by the American consul, on the 10th of March, 1838, the power of attorney, in virtue of which alone the bill of sale could have been executed, was not attested by the same party till the 10th of May following.

No. 2.—The heading of this paper is as follows: "It is agreed between the master, and seamen, and mariners of the American brig 'Eagle,' of Baltimore, whereof J. W. Littig is at present master, or whoever shall go for master, now bound from the port of Havana to Whydah, a port on the coast of Africa, or wherever the master may direct, not exceeding ten months," &c.

The names of Littig and nine Spaniards are appended to the agreement, which is dated on the 5th of May, 1838, and to which Mr. Trist's certificate is added on the 10th of the same month.

At Bahia, on the 13th of October last, twelve more men were entered on the list, increasing the crew to more than double its former number; and of these twelve, there is only one more which appears to belong to an American citizen; but it is impossible to pronounce positively, as the usual practice of mentioning the birthplaces of the men was not followed. A certificate from Mr. George R. Foster, American vice-consul *pro tempore*, dated at Bahia on the 15th of October, 1838, and affixed to the original muster-roll taken out at Havana, states that the crew of the "Eagle" consisted of twenty-two men—all told.

No. 3.—On the 9th May, 1838, the "Eagle" was cleared out by the custom-house at the Havana, for the island of St. Thomas, with a regular slave-trading cargo and equipment, shipped by Don J. Morales.

No 4.—The log-book, in English, shows that on the 14th of May, 1838, the "Eagle" left Havana for the coast of Africa, reaching the Cape de Verds on the 14th June, and then running south. She was off Cape Palmas on the 28th June, anchored off St. Paul's on the 1st of July, arrived in Lagos roads on the 5th, and there commenced discharging her cargo on the 7th of July.

Here there is a break in the log until the 30th of August, on which day the sea-log states the "Eagle" got under way for Bahia; and then nothing material is noticed until the 18th of September, when the vessel arrived at her destined port in Brazil.

No. 5 is a certificate from Mr. George R. Foster, American vice-consul at Bahia, that the "Eagle," which had arrived shortly before from the coast of Africa, was about to sail again for the same quarter. This, we presume, to be a notice to the Bahia custom-house—it is dated on the 15th of September, 1838.

No. 6, another certificate from Mr. Foster, on the same day, states that he had given back to Captain Littig the bill of sale which had been left in his hands.

No. 7.—A list of the crew of the "Eagle," independent of, and additional to, the paper No. 2; but an exact copy of it, certified by Mr. Foster, and dated on the same day as the last two papers.

No. 8.—A bill for ship's stores supplied by Messrs. Wilson, brothers, to the brig "Eagle," dated Bahia, October 16, 1838.

No. 9 is an invoice of tobacco, amounting to \$20,000, shipped by the well-known Joaquim José Duante Silva, on account of Don Joaquim Andreo, of Havana, on board the American brig "Eagle," bound to Lagos.

Nos. 10 to 15 are passports for six Spaniards, making a passage to the coast of Africa from Bahia, dated on the 17th October, 1838.

No. 16.—On the 19th of October, 1838, Mr. Foster furnished Captain Littig with a certificate that the latter had been forced to receive on board

the "Eagle" five African convicts, and to give bond that they should be landed on the coast of Africa, before the authorities would allow of the departure of the vessel.

No. 17 is a bill, without date, for the services rendered by the American vice-consul at Bahia, in the following words.

Brig "Eagle," Captain J. W. Littig,

	To consulate,	Dr.
Doposite and delivery of vessel's papers,	- - -	\$4 00
Certificate attached to shipping articles,	- - -	2 00
Two certificates to clear vessel out,	- - -	4 00
Recording the bill of sale,	- - -	2 00
		<hr/>
		\$12 00

Received payment, for George R. Foster, vice-consul,
CHARLES GREAVES.

No. 18 is a bill for anchorage during 32 days.

Nos. 19 and 20.—One a fort-pass, and a custom-house clearance, dated at Bahia on the 19th of October, 1838.

Continuation of log-book (No. 4.)

On the 20th of October, begins the sea-log; written in English, of a voyage from Bahia to the coast of Africa. The "Eagle" came to anchor in Elmina roads on the 13th of November, 1838, and, after purchasing beans and corn on the coast, she pursued her route to Lagos, where she arrived about the 26th. On the 28th and 29th of the same month, she was boarded by her Majesty's sloop "Pelican," and on the 9th of December by her Majesty's sloop "Pylades," but was detained by neither. The "Dido," belonging to Pedro Martinez and Company, is mentioned as having sailed from Lagos on the 23d of December. The "Eagle" was a third time boarded, in the middle of the night of the 1st ultimo, by an officer from her Majesty's brigantine "Buzzard," but was relieved on the following morning by the commander of that cruiser. A long and circumstantial account of this affair is given by Littig, and signed by three of the persons on board. The log continues from this time to the 13th ultimo. Capture took place on the following day.

No. 21.—An imperfect log-book for part of the month of November, written in Spanish.

No. 22 is an agreement, dated on the 23d of December, 1838, between Captain Littig and Isadora Miguel Braza, for the freight of some articles to be shipped on board the "Eagle," at Lagos; but their place of destination is not mentioned.

No. 23 relates to the brig "Dos Amigos," condemned in the British and Spanish mixed court of justice, on the 28th ultimo, and reported in our despatch marked Spain No. 10. The paper in question is the list of the crew of the American brig "Two Friends," John B. Conner master, bound to Havana, from New York; the list being dated at the latter place, on the 21st January, 1837. It is endorsed by Mr. Woodbridge Odlin, the American consul at Bahia, on the 27th April, 1837, who stated that the "Two Friends" had shortly before been sold in that port. In the voyage from

Havana to Bahia, it would appear that Conner acted as "captain of the flag," **Careira**, being the real master of the vessel. Our statement of the character originally borne by the "Dos Amigos" is thus completely confirmed.

The next three papers relate to the American brig "Teazer," mentioned in a despatch of her Majesty's commissioners, dated 31st August, 1837, class A, 1837, page 130, as having cleared out for this coast on the 21st of that month. In that case, as in the present, J. W. Littig appeared as owner and master; and so continued until it became necessary to change the colors of the "Teazer" to Spanish, or to Portuguese, on the eve of the shipment of a return cargo of slaves, when both he, and such portion of the crew as were Americans, were discharged from further service.

No. 24.—The *first* paper is an American bill of sale for the "Teazer," of Baltimore, transferred to J. W. Littig by Robert A. Taylor, on the 18th of July, 1837; but the place where the deed was executed is not mentioned.

No. 25.—The *second* paper is the muster-roll of crew, consisting of 18 persons, shipped in the American schooner "Teazer," Joshua W. Littig master, bound to Lagos and Prince's Island; and it is certified by Mr. Vice-consul Smith, at Havana, on the 22d August, 1837.

No. 26.—The *third* paper contains on one sheet the receipts of Royal Pond, John Moore, John Wilson, John Shields, and Joseph Brumwell, for their wages for 2 months and 26 days' service on board the American brig "Teazer," Captain Littig. The document is dated at Prince's island, on the 19th of November, 1837, when these five American seamen were *apparently* paid off on the vessel being prepared for her human cargo. It is most probably a colorable paper, intended for use in the event of the "Eagle," under her new name and colors, being boarded on her homeward voyage; and by no means necessarily implies that Littig and the other Americans actually left the vessel at Prince's island in November; but only that from that time they wished to have some-ground for claiming to be considered as passengers on all necessary occasions.

Nos. 27 to 40, are 14 unimportant papers.

SIERRA LEONE, February 12, 1839.

No. 24.

John Maguire, native of Liverpool, states that his father was a custom-house officer in Liverpool, and died about six years ago; and a few days before his death he obtained the appointment of landing-waiter. The said J. Maguire says, that, being in New Orleans, he went to the office of an agent for ships, named Gibbs, and asked for a ship; that Gibbs told him he had a very good ship, called the "Dos Amigos;" that he shipped at once, without further inquiry; and that he went on board, and, seeing the Spanish crew, he asked who they were, and was told they were passengers; that he (Maguire) shipped in the name of George Anderson, that being the name of a sailor belonging to the American frigate "United States," who, when that ship was paid off, gave him (Maguire) his discharge; and that he has no other American protection; that, when the American ship "Two Friends" arrived at Cabanas, in Cuba, he asked the captain for his discharge, and was told he might go on shore; and when preparing to do so, the mate called him back, and said "Jack, you had better go with us." He told him

"no;" and the mate then said, "how are you to get on shore?" and there being no means of doing so, he proceeded on the voyage; that, before the ship arrived at Gallinas, the men's names were changed, except some of those that had American protections; and that the deponent was called Samuel O'Niel.

The circumstances of the voyage, as stated by Cassedy, the deponent confirms. He objects to serve in the "Two Friends."

JOHN MAGUIRE.

SANTA CRUZ, July 26, 1839.

Memorandum respecting the sailors on board the brig "Two Friends," under American colors, as stated by Francis Cassedy and Joseph Oliver.

American crew, 13.—Two Englishmen, two Prussians, three Frenchmen, two Italians, one Norwegian, one Portuguese, one Spaniard, one American.

NOTE.—Two Englishmen and one Russian went on shore at Cabanas, in Cuba.

Spanish crew, 11.—Six Portuguese, five Spaniards.

Francis Cassedy, native of Newry, in Ireland, shipped at Liverpool on board the "Edward Bonnyfied," of Philadelphia, for New Orleans, John Durkey master. Joseph Oliver, native of St. Ubes, in Portugal, left London in the ship "Portsea," for New York, and from thence went to New Orleans.

They state that the brig "Two Friends" left Havana with a Spanish captain and crew, and Spanish flag, bound to New Orleans. There (J. Oliver says) the brig arrived about the 31st March or 1st April. He went on board two days afterward, and there were no Americans on board.

The deponents say, at New Orleans American papers and flag were obtained, and a crew of sixteen men were shipped as Americans, but are all foreigners except one. The deponents say that they signed articles to go to a port in Cuba, from thence to port or ports in Europe, thence to the coast of Africa, and from thence to a port of discharge in the West Indies.

The "Two Friends" sailed from New Orleans to Cabanas, in the island of Cuba; and thence shipped small irons for the legs, coppers, and about fifty or sixty bags of rice, which were landed at Gallinas, on the coast of Africa, (and Cassedy says, also, two Portuguese flags and two French flags,) where the ship proceeded from Cabanas, and remained 24 hours only, and arrived at Santa Cruz, Teneriffe, on Monday, the 15th July, after a passage of 30 days.

Francis Cassedy states, that on his arrival at Cabanas he asked for his discharge, when he found out the destination of the ship, which was denied; and he is now desirous of leaving the ship, as he does not wish to be employed in the slave-trade, which he has no doubt is the object of the voyage. Joseph Oliver states that he also wishes to leave the ship, and refuses to continue the voyage. He (Cassedy) is serving on board the American ship

"Two Friends," under the name of Robert Dashiell. A protection for a man of that name was given to him by William Rogers, a seaman on board.

FRANCIS CASSEDY,

his

JOSEPH x OLIVER.

mark.

SANTA CRUZ, July 22, 1839.

SANTA CRUZ, July 31, 1839.

MY LORD: On the 15th instant, a brig called the "Two Friends," under American colors, anchored in this bay. On the 22d, two seamen, named Francis Cassedy and Joseph Oliver, came to her Majesty's consular office, and said that they belonged to the brig, and that they did not wish to serve on board any longer. In answer to my inquiries as to their motives, they made a statement, which I took down in writing and they signed. The enclosure (marked No. 1) is a copy. I immediately went to the Marquis of Concordia, the Commandant General, and communicated the facts to him; and afterwards sent an official note, dated the 22d of July: a copy contained in enclosure No. 2.

On the 26th of July, another seaman (John Maguire) came to the office. I wrote down his statement, which he signed. The enclosure (No. 3) is a copy; and I, in consequence, wrote another letter to the Marquis, dated July 26th; copy contained in enclosure No. 2.

Since the date of the Marquis Concordia's answer to my letter, dated July 23d, the sails of the brig have been brought on shore, and also the arms that were on board. An official communication also has been made to the General, by the Swedish consul, in consequence of a representation from a Norwegian sailor, one of the crew of the "Two Friends." Mr. Cullen, the American consul, who usually resides at Port Orotava, has come to Santa Cruz.

There cannot be the slightest doubt that the "Two Friends" was engaged in a slaving voyage; and, in my opinion, after what has occurred, if the vessel should be allowed to go to sea, either with the Spanish or American crew, now belonging to the ship, (the Spanish crew are borne as passengers, and the Spanish captain as supercargo,) it is probable that they will become pirates; and so I told the General.

I understand the brig is navigating under the authority of a bill of sale, and a custom-house clearance from New Orleans. There is no log-book on board.

In my official letter to the General, I entered into details, and stated minute facts, that he might have grounds for ordering a strict investigation of the circumstances of the fitting of the brig, the ownership, and objects of the voyage, if so disposed.

I am, &c.,

R. BARTLETT, *Consul*.

VISCOUNT PALMERSTON, *G. C. B., &c. &c. &c.*

I enclose a memorandum respecting the sailors on board the brig "Two Friends," as stated by Francis Cassedy and Joseph Oliver.

No. 25.

Report of the case of the Portuguese schooner "Prova," Francisco José Dias master.

This vessel was furnished with a commercial passport, or register, from the Government of the Cape de Verd islands, dated at Villa de Praia, in the island of St. Iago, on the 29th of December, 1835. She is therein stated to be of American build, to be owned by the notorious Luis Pereira de Mello, and to be commanded by Libano Agostinho de Campo. It does not appear that this passport was made use of for a long period after it was obtained; and the first endorsement upon it is made by Fernandez, the Portuguese consul at Havana, on the 27th of July, 1837, when she cleared out from that place for the island of St. Thomas, under the command of Francisco José Dias, the present master. The passport is again endorsed by the Portuguese vice-consul at Charleston, on the 13th November last; the vessel having been obliged to put into that port in distress, a few days after leaving the Havana. The only other endorsement is in the following words: "Boarded by her Majesty's brig *G. N. W.*, after a long chase, in latitude 4° N., long. 3° 30'. He had his guns and muskets loaded, and states he is going to Calabar to land a passenger." This memorandum is without any date; but we have reasons to think that the initials, or number, is that of her Majesty's schooner "*Fair Rosamond*." The passenger, on account of whom it was pretended by the "*Prova*" that she was running into the Calabar, is presumed to be a person of the name of Andres Cibras, by whom a passport for St. Thomas, which is among the ship's papers, was obtained from Tacon, the Captain General of Havana, on the 26th of July last year.

In the official manifest and clearance from Havana, twenty bundles of shaken casks, for bringing back palm oil, and 2,000 feet of boards, are mentioned as part of the legitimate cargo; and it is remarkable, as a proof of the utter disregard of even ordinary forms by the authorities at Havana, in despatching slave vessels, that, while the custom-house clears out the "*Prova*" solely for the river Calabar, on the 26th of July, the Portuguese consul certifies, on the following day, that she was cleared out solely for the island of St. Thomas. From the 24th of August to the 16th of November, the "*Prova*" was detained in Charleston. It does seem somewhat extraordinary that a vessel, both in appearance and fittings obviously destined for the slave-trade, should have been allowed quietly to leave a port of the United States, with her slave-trade equipment on board, after such ample opportunity had been afforded of ascertaining the real object of her voyage. In the documents signed by the American custom-house officers, it is stated that the "*Prova*" put into Charleston in distress, and that no part of her cargo was landed there. The cargo which she had on board is, however, described, and "twenty bundles of shooks" are included in the description. This circumstance was, alone, it would be supposed, calculated to cause suspicion. From two log books found on board the prize, it appears that she came direct from Charleston, which she left on the 16th of November, 1837, bound to the river Calabar; which she did not reach until the 22d of January, 1838, having been much impeded by calms.

After a lapse of rather more than four months, the guilty intention of the "*Prova's*" voyage was carried into effect, and a cargo of slaves was taken on board, on the morning of 3d ultimo; immediately after which, she was

boarded and taken possession of by the boats of her Majesty's sloop "Py-lades," W. S. Castle, Esq., commanding. A midshipman and prize-crew were then placed on board the prize, and she was despatched to this place for trial.

On the 23d ultimo the "Prova" came to anchor in this harbor; and the clean and comparatively comfortable condition of the slaves and the vessel reflect great credit on Mr. W. G. Macpherson, the officer who commanded her. The marshal's report stated that 225 slaves had been on board the detained vessel at the time of capture, and that only 20 had died during the passage up. The surgeon represented that the slaves, generally, were thin and squalid, owing, as was represented to him, to their having been confined in barracoons for several months before their embarkation; the dysentery was prevalent among them; and that 54 cases of that disease would require to be treated in hospital; that the size of the vessel was quite inadequate to the numbers on board; and that it was desirable that the whole of the slaves should be landed as soon as possible. This recommendation was carried into effect on Monday morning, the 25th ultimo, the "Prova" having only arrived on Saturday evening; and it being therefore impossible to receive her into court, or to present a petition for the landing of the slaves, until the following Monday morning.

The vessel was libelled in the British and Portuguese court, in the usual manner; and, on the petition of the captors' proctor, the affidavit of the prize-master, verifying the facts of seizure, and the authority of the seizor, and authenticating the ship's papers, was received; together with the captor's declaration and inventory of stores found on board the detained vessel. A monition was issued to the marshal, summoning all interested parties to appear on or before the 2d instant; and the witnesses in preparatory, produced by the captors' proctor, were ordered to give immediate attendance, for the purpose of their being examined on the standing interrogatories.

On this occasion, Francisco José Dias, the master of the detained vessel, deposed that he was born in Lisbon, and has lived there till within the last two years; and that he now resides at Boa Vista, in the Cape de Verd islands; that he has never served any State but Portugal; that he was recently married at Matanzas, where his wife now is, but only temporarily, as witness's house is at Boa Vista; that he was appointed to the command of the detained vessel, and possession of her was given to him at Havana, about twelve months since, by Don Gregorio Menendez, a resident in Havana—but whether a Spaniard or Portuguese, witness is ignorant; that witness first saw the vessel there about a month previously, and believes she is Brazilian built; that he was present when the vessel was seized for having slaves on board; that she had no colors but Portuguese; that she is 91½ tons burden, and had a crew of twenty-three officers and mariners, exclusive of witness, all of whom, except two Spaniards, were Portuguese subjects, and all were hired and shipped at Havana, by witness, in July last; that neither he, nor any other of the officers or mariners, had any interest in either vessel or cargo; that he was master on board; that there was one passenger, a Spaniard, named Pedro Cibras, who was a clerk at Havana, and was taken on board there for a passage to St. Thomas; that witness knows nothing further about him; that he was not taken to St. Thomas, because his health would not permit of it, and that he had no interest or authority respecting the vessel or cargo; that the voyage commenced and

was to have ended at Havana; that the last clearing port was Charleston; that the vessel was proceeding on her voyage from Havana to the coast, when she carried away her jib-boom, and received other considerable damage, which compelled her to go to Charleston, where she remained about two months refitting, and thence sailed direct to the Calabar, where her slaves were shipped; that the capturing vessel was first seen outside the Calabar, on the day after the seizure of the "Prova," by her boats; that the capture took place within the bar of that river, on the 3d of June; that the name of the owner of the vessel is in the passport, but witness does not recollect it, being personally unacquainted with him; that the owner resides at St. Iago, Cape Verd, and is a Portuguese by birth; that witness is ignorant of the existence of any bill of sale; that he believes the vessel, if restored, will belong to the party named in the passport, and to no other person; that the consignee of the vessel at Havana, and the lader of the cargo there, was Don Gregorio Menendes, a resident merchant in that place; that witness was the purchaser and lader of the slaves shipped in the Calabar, and who were bought by order of Menendes, with the goods shipped by that person at Havana; that the slaves were to have been landed at Havana, on account and risk of Menendes, and will belong to that person if restored; that the vessel was under witness's management with regard to her trade, and he corresponds with Menendes only; that he knows nothing of the former voyage of the vessel; that the cargo shipped at Havana was a general trade one; that the present cargo is slaves, of whom 225 were shipped altogether, all from the shore in the old Calabar river; that, after capture, the vessel was taken to Sierra Leone.

Ramon Peña, the cook of the "Prova," was the other witness examined; but his deposition is of no consequence, as he pretended ignorance on every point respecting which he was questioned. The publication of the above evidence was decreed on the 26th ultimo; and, on the same day, the prize-master was allowed to file an affidavit, accounting for the deaths which had occurred amongst the slaves. By this document it appeared that 24 slaves had died between the 3d ultimo and the landing of the survivors on the 25th ultimo, notwithstanding every care and attention on the part of the officer and seamen composing the prize-crew.

A petition for a day of trial was then presented, which was answered by appointing Monday, the 2d instant, for the purpose; the monition issued on the 25th ultimo being made returnable on that day.

When the court met, a return from the liberated African department was presented by the marshal, showing that seven slaves had died in the interval between their landing and the sitting of the court. The evidence taken in the case, of which an abstract has been given above, was read; and the illegal employment of the detained vessel at the moment of her capture being fully admitted by all parties, the "Prova" was pronounced a good and lawful prize to the Crowns of Great Britain and Portugal; and the survivors of the slaves captured on board of her, 194 in number, were decreed to be emancipated from slavery. It was also declared that sufficient proof had been produced that 225 slaves had been on board the detained vessel when taken possession of by the captors, of whom 24 had died before the vessel could land her slaves in this colony, and 7 subsequently.

H. W. MACAULAY,
R. DOHERTY.

SIERRA LEONE, July 31, 1838.

SIERRA LEONE, *July 31, 1839.*

MY LORD: We have the honor to inform your lordship, that, on the 2d instant, the British and Portuguese court of mixed commission condemned the Portuguese schooner "Prova," Francisco José Dias master, for being engaged in the illicit traffic in slaves, and emancipated the survivors of the slaves found on board of her at the time of her capture by her Majesty's sloop "Pylades," William Langford Castle, Esquire, commanding. The "Prova" was captured on the 3d ultimo, whilst lying at anchor in the Calabar river, having just before taken on board a cargo of 225 slaves, and being on the point of getting under way, for the purpose of conveying those slaves to Havana. She arrived in this harbor on the evening of Saturday, the 23d ultimo; and proceedings, in the usual form, were commenced against her on the following Monday; which were closed on the 2d inst., when she was adjudged to be a good and lawful prize.

Our report in this case we have now the honor to enclose; from which your lordship will perceive that this is one of the ordinary cases of slave-traders, owned and freighted at Havana, but sailing under the Portuguese papers obtained at the Cape de Verd islands. The water-casks and slave-deck were, as usual, cleared out as part of the lawful cargo of the vessel.

Stress of weather, and damage received at sea, compelled the "Prova," soon after she left the Havana, to put into Charleston to refit; and she remained there for nearly three months. The outward appearance alone of this vessel, would, it might be supposed, have excited suspicion as to the real object of her voyage; but it is surprising that, fitted and equipped as she was, for the slave-trade, and with her leaguers (shaken) and slave-deck on board, she should have been permitted to clear out from an American port for the coast of Africa.

We have, &c.,

H. W. MACAULAY,
R. DOHERTY.

VISCOUNT PALMERSTON, *G. C. B., &c., &c., &c.*

Mr. Forsyth to Mr. Fox.

DEPARTMENT OF STATE,
Washington, February 12, 1840.

The President has directed the undersigned, Secretary of State of the United States, to reply to the note of Mr. Fox, her Britannic Majesty's envoy extraordinary and minister plenipotentiary, of the 30th of October last, on the subject of the African slave-trade.

The Government of the United States is animated by as sincere and strong a desire to see the African slave-trade annihilated, as can possibly actuate that of her Britannic Majesty; and has, from its foundation to the present hour, pursued a uniform and consistent course for the accomplishment of that end. Its duty to the world, in that respect, has been faithfully performed; and if the traffic still exists as a disgrace to humanity, it is to be imputed to nations with whom her Majesty's Government has formed and maintained the most intimate connexions, and to whose Governments Great Britain has paid for the right of active intervention in order to its complete extirpation. It is not, therefore, deemed at all necessary to take a more ex-

tended notice of Mr. Fox's general denunciation of the criminality of the traffic, or of the opinion expressed by him that it is the duty of civilized nations to unite in its destruction. The Government of the United States, having taken the steps which it deemed to be the proper ones on its part, leaves to others to imitate or avoid the example it offers, without pretending further to interfere with their right to decide, or with their decision when made. It is not forgotten that this Government at one time contemplated conventional arrangements with other powers, and that one negotiated with the Government of Great Britain was not ratified, in consequence of an irreconcilable difference of opinion in the two branches of the treaty-making power in this country. The opposition then manifested, and which compelled great caution and reserve in future dealings with the subject, has, it must be admitted, been strongly fortified by recent events, and especially by the present state of the relations between the different powers who have entered into conventional arrangements upon the subject.

That a fraudulent use of the American flag has been made by foreigners, was made known to the President by the consul of the United States at Havana, who has pointed the attention of this Government to the defects of the laws regulating the transfer of vessels sold abroad, under which those frauds have been attempted or perpetrated. The President has lost no time in calling the attention of Congress to the subject, by whom it will, without doubt, be fully considered, with a view to the adoption of all necessary amendments.

The state of things on the coast of Africa, as disclosed by Mr. Fox's communication, has rendered necessary there the presence, for some time, of an American naval force, as a measure of precaution, to protect American vessels from improper molestation in that quarter of the globe; and, also, to detect those foreigners who may be found carrying, without proper authority, the flag of the United States.

Mr. Fox suggests, under the instructions of her Britannic Majesty's Government, that the laws of the United States against the slave-trade are insufficient; but, in the several cases detailed by him, there is nothing to sustain a presumption that any practicable change in those laws could reach the persons who are at the present day engaged in the trade. The United States have no authority to punish the subjects or citizens of other nations, for offences committed against the laws of their own country, on the high seas, or within a foreign jurisdiction; and the President does not understand upon what principle her Majesty's Government can expect that that of the United States will either refuse admission to the vessel of a friendly nation, which seeks refuge in distress, or establish a scrutiny into the business in which such vessel may be engaged, with a design to deny succor or a clearance; if found to be destined for a trade hateful to the United States, or forbidden by the laws of the country to which she belongs. Her Majesty's Government, no doubt, inadvertently overlooked the essential difference in the relative situation towards Portugal, Spain, and Brazil, of the two Governments of Great Britain and the United States. With Spanish, Portuguese, or Brazilian vessels, forced into our ports by misfortune, although engaged in the slave trade, the officers of the customs have no right to interfere. It is the business of the consuls of foreign powers within the United States to watch over the interests of their countrymen, and to enforce an observance of the laws of their respective nations; and the Government of the United States does not interfere with any supposed infractions of them, except on

official application in behalf of the Governments of those nations in each particular case.

The President sees, with regret, by the contents of Mr. Fox's note, that her Britannic Majesty's Government continues to think it important that the United States should become a party to a convention yielding the mutual right of search to the armed vessels of each other, with a view to detect persons engaged in the slave-trade. Her Majesty's Government considers such convention as the most sure and effectual mode of checking that trade. After the determination which the position and policy of the United States have required this Government to make, the President would regret extremely to be convinced, that, in this regard, her Majesty's Government, judges correctly. He cannot but think, on a careful examination of the evidence exhibited with Mr. Fox's note, that her Britannic Majesty's Government has overlooked both the causes of the present shocking condition of the slave-trade, and the remedies which are demanded to correct the evil.

To do justice to his opinions on this subject, it would be necessary for the undersigned to institute a scrutiny into the proceedings of other friendly nations, which might justly be considered uncalled for and invidious. It will be sufficient to appeal to a few broad facts well known to her Majesty's Government, and to apply to them the well-established rules of trade and of criminal law. There are slave-markets. In these slave-markets, if they can be reached before detection, the profits of the trade are certain and enormous; and impunity is, in that event, (unfortunately for the true interests of humanity,) quite as certain as profit. Destroy the market, and there is no slave-trade. Pursue the criminal into the places where his profit is derived; render punishment there as certain as detection, and detection as certain as just vigilance can make it; and the fear of punishment will be strong enough to overcome the love of gain—the great stimulant under which the laws of humanity are every day violated by worthless members of all human societies. In the largest and most profitable of these markets, her Britannic Majesty's commissioners of the mixed commission have named vessels employed in the slave-trade; mercantile houses as notoriously dealing in that traffic; the number of Africans brought in, contrary to legal enactments and treaty stipulations. Like statements are made by her Britannic Majesty's naval officers, and the commissioners of the mixed commission in Sierra Leone. All the evidence furnished points to the source of the mischief, and indicates the only effectual corrective.

The President, from all that Mr. Fox has presented, and that which has been furnished through the officers of the United States, sincerely believes that the complete extirpation of the slave-trade depends not so much upon the formation of the new convention desired by Mr. Fox, as on the faithful execution of those already existing. But little can be expected from the promulgation of new laws, while those already adopted are treated as dead letters in the criminal code.

The unfavorable constructions placed upon the conduct of the consul of the United States at Havana, by the officers of the mixed commission, and communicated to this Government by Mr. Fox, have received from the President the consideration which is due to their character and to the importance of the subject to which they relate. Fully informed, as is her Majesty's Government, of the opinions and wishes of that of the United States upon the subject of the slave-trade, it can scarcely be necessary to say:

that no officer of the United States, who is amenable to the President, would be allowed by him to remain in office for a single day after it was made to appear that he was so recreant to his duty as to countenance, in any way, a traffic in itself so odious, and which is so severely denounced by the laws of his country. The conduct of the United States consul at Havana, in this respect, will necessarily undergo investigation, after what has been said of it by her Majesty's Government; but the President would be unjust to the known reputation of Mr. Trist, if he did not express his confident hope that the result will be such as to satisfy all that great injustice has been done to him upon this subject, and that his public and private character are without reproach. It is very plain, that the inferences and suspicions of the officers of the mixed commission, derogatory to the official fidelity of Mr. Trist, have chiefly had their origin in the displeasure which was manifested by him at receiving from them information which they believed calculated to advance the known views of his own Government relative to the slave-trade. The excited feelings of Mr. Trist, on the occasion referred to, might, unexplained, give cause for unfavorable inferences. But this circumstance loses all its force, when it is considered that the displeasure of the American consul arose, not from the fact that the communications were made to him, but from the estimate which he formed of the motives by which those who made them were influenced. Their avowed object was to induce him to take steps, at Havana, to prevent vessels which had once been American from further prosecution of the slave-trade, and to bring to punishment certain alleged American citizens, for having been parties to it. In the case of the "Venus," it was a prominent point to prevent her leaving the port of Havana; and Mr. Trist was advised to make application, to that end, to the Captain General. Mr. Trist, it appears, regarded himself not only utterly powerless in respect to the accomplishment of either of the objects proposed to him, but also considered the office which the commissioners undertook to assign to him, to be that of arraigning the local authorities of Havana, from the Captain General down, for failing to detect or notice a notorious infraction of laws, to the strictest enforcement of which they are bound, not in the ordinary degree, but in the especial manner arising from the treaty obligations of their Government to that of Great Britain. Regarding the matter in this light, assuming that the officers of the mixed commission so understood it themselves, and believing an application to the Captain General for his interference, by the commissioners themselves, to be not only the appropriate, but the only one which could promise success, Mr. Trist became impressed with a belief that the commissioners, in making their communication to him, did so under a full conviction that its only effect would be to attach to the Government of the United States a portion of the odium justly due to others, for the disreputable scenes which were every day passing under their eyes, without a well-grounded expectation that his interference would be at all useful in arresting them. The President does not allow himself to believe that such was their object; but it is certain, as well from the correspondence itself, as from the communications of Mr. Trist to his own Government, that he so understood it. Constituting, as this belief undoubtedly did, the paramount motive for his conduct upon the occasion, it effectually repels the construction attempted to be placed upon it by the commissioners. A correspondence between the subordinate officers of the two Governments, in situations like the present, is always permitted for the interchange of reciprocal civilities, and, in

some cases, tolerated upon subjects properly belonging to the Governments themselves; but should never be persisted in, when objected to on either side; and more especially when the ground of that objection is, that the correspondence is designed to call in question the acts or good faith of the Government of the objecting officer. It is, therefore, to be regretted that the officers of the mixed commission did not, after the emphatic refusal of the consul of the United States at Havana to correspond with them upon the subject of the slave trade, in 1838, adopt, on a late occasion, the course now pursued in communicating with this Government through their own. Much excitement and misconstruction would certainly have been prevented by it, and probably without prejudice to the objects in view. Her Majesty's Government does not appear to be aware of the nature and extent of the services performed by Mr. Trist for the subjects of Portugal. There being no Portuguese consul at Havana, he did, for some time, what had for many years been done by his predecessor, Mr. Shaler, and is now understood to be done by the Tuscan consul, at the instance of the Captain General himself—and what was supposed to be due by national comity from the consul of one friendly nation to the subjects of another, who had no consul of their own to call upon—he certified to the execution of the ordinary documents connected with their maritime transactions. He could not be aware that his authentication of the execution of a deed of sale, or of the signature to a protest, or affidavit to a manifest, or list of crew, was to be taken as higher proof than if given by any other consul, or that he was responsible for the truth of the contents of either of those documents; and the undersigned feels himself bound to say, that he cannot comprehend how it could be so regarded by any unprejudiced mind. It is due to the subject farther to state, that the moment Mr. Trist found there was reason to apprehend that his so acting was thought capable of being construed to be inconsistent with the duties expected of him by his Government, he at once refused his further agency in the matter, and the Tuscan consul began to act, as has been stated. Since December, 1838, he has performed no services for the Portuguese consulship—a fact which could not but be known to her Majesty's commissioners, and which they ought, in justice to Mr. Trist, to have communicated to her Majesty's Government. Prior to the receipt of Mr. Fox's note of the 30th of October, imputations against Mr. Trist appeared in the public journals; and he was immediately induced, upon seeing an article in one of them, purporting to be a compendium of British Parliamentary papers, which contained grave charges against him, in his official character, to address a letter to the undersigned, requesting that a formal demand might be made on her Majesty's Government for one or more specimens of certain blank forms signed by him, to be filled up as occasion might require, which were alleged to have been found on board of vessels engaged in the slave-trade, and for all other specific information that could be furnished relative to this matter. Mr. Trist preferred this request, with a view to meet the charges; and a compliance with his wish was only postponed because Mr. Fox had, in conversation, intimated his intention of making a communication to this Government regarding the abuse of its flag, connected with a complaint against the American consul at Havana, which it was supposed would probably be accompanied by one of the blanks referred to—an expectation which was not realized. With a view to a perfect understanding of the charge against Mr. Trist, and to enable him fairly to meet it, Mr.

Stevenson has been instructed to apply to her Britannic Majesty's Government, in conformity with the wish of the United States consul at Havana.

In closing this answer, the undersigned is instructed to give to Mr. Fox the most explicit assurances that the whole subject will be carefully and deliberately weighed, and the most decisive measures within the competency of the Executive, and in accordance with the principles herein explained, to reach the evil, will be taken, and continued, until the necessity for their continuance shall no longer exist.

Availing himself of this occasion, the undersigned renews to Mr. Fox the expressions of his great consideration and respect.

JOHN FORSYTH.

HENRY S. FOX, Esq., &c., &c., &c.