

Microfilm Documents - Main points

2.5.1863: Domingo Valle R ? to Ministry of F.A.

Passed on the order received in Minister's note of yesterday to Captain of the Port to put all ships with Polynesians aboard incommunicado. Also ordered him, the Captain of the Port of Huacho and all other ports to place the Spanish Barque "Rosa y Carmen" incomm.

Sent Dumian and Carr to identify (?) Engelhart and Desert.

All papers relevant to the case have been passed to Provincial Judge D.D. Agustín de la ? Chaves.

29.4.63: Juan J ? of Navy Command, Callao, to Minister of the Navy.

It came to the notice of the Command that Dumian and Carr had been abandoned on an island, and that wife of Dumian made statement which was passed to the Auditor-General of the Navy.

30.4.63: Navy Command to Ministry of the Navy

Engelhart of the "Empresa" is to be found in Huacho, and Capt Desert in Lima.

Lima 2.5.63: Ribeyro to Min. of Govt.

The French Legation delivered to the Ministry D. Enrique Henry and Don Luis Kuhne so they could take the launch leaving for Huacho to-day in order to assist the authorities there in the apprehension of Mr Engelhart.

If there still remain Polys in hands of Engelhart whose contracts have not been passed to third persons it would be wise to give them to the commissioners so that as soon as either Polys or Capt arrive in port they can be put at the disposition of the judge of the case.

Please issue the necessary orders to effect this, recommending the two men Henry and Kuhne to the captain of the launch and the authorities with whom they will come in contact.

Goa & Teresa - 6, 41

Teresa - 22, 41

Microfilm Documents

Callao, 3.5.63: ? to Minister of F.A. (Rough trans.)

The French Consul in Callao sent to the Prefectura a note on 29th April stating that some Polynesians had asked for his protection, and requesting that the owners of the "Adelante" comply with all the terms of the contracts entered into with them when they embarked on her.

The Consul also requested the delivery to him of two other Polys aboard the "Jorge Zahara".

The Prefectura sought clarification of case from the Captain of the Port, which is attached. It appears that the 5 sailors in question were 'contracted' at Nukahiva in July 1862 for 4 or 5 months to serve as seamen aboard the "Adelante" (a Peruvian ship) for a wage of 8 pesos per month. The contracts were signed before the French missionary living at Nukahiva, leaving a copy of the contract with him, the other in the hands of the shipowners.

The seamen were paid until the day they left this port for the second time for Panry Island in the ship "Jorge Zahara" to which they had been transferred from the "Adelante", both ships belonging to the same owners.

The seamen should have been paid also on the return of the ship as soon as the perishable cargo aboard was discharged, the payment being further delayed by the fact that three of them were detained on the wharf, on the night of 28th April by the boat in which the French Consul was (sailing), who sent them aboard the Corvette "Galathea". It is true that the Polys had fulfilled the terms of their contract, and if the shipowners have not repatriated them to their place of birth, it is because news was received that the French Government of Tahiti had ordered the pursuit and capture of all ships found in Poly engaged in embarking immigrants; but that they were ready to pay their wages due, without omitting the payment also of their passage to Nukahiva.

But one must wonder at the conduct of the French Consul in this matter: to take so abruptly the three Poly seamen from the boat in which they were at the quay, in the darkness of the night, take them aboard and send them on to the corvette "Galathea" in a French boat, are actions unworthy of a representative of a civilized nation.

The Consul claims in his note that the Polys had requested his protection and thus were sent from the wharf to the "Galathea" and the following day ... he advised me of his action, at the same time requesting the delivery of the two other seamen [names illegible] aboard the "Jorge Zahara".

In order to avoid [trouble] I ordered the Captain of the Port to remove the two Polys from the ship and place them aboard the frigate "Amazonas" until declarations are taken, which I shall have to put at the disposition of the Consulate.

M.F. Docs Callao 3.5.63 ? to M.F.A. (2)

The shipowners are willing to pay the Polys their wages plus their passages to Nukahiva [illegible],.... They are of good reputation [i.e. the shipowners]

As the French Consul not only is claiming the wages and passages but also indemnities on behalf of the Polys, the Prefecture is sending all the papers relative to the case to the M.F.A.

[SIGNED] [illegible - official in the Callao Prefecture]

Callao, 30.4.63: Domingo Valle R..... to the Provincial Prefect [re the Poly seamen]

The Captain of the "J.Z." stated that the seamen went ashore and were taken from the wharf by the French Consul together with an official (Mr Ridell), and sent aboard a French warship.

Callao, 30.4.63: Pedro Jose Carrino(?) to Commander of the Navy [Encl?]

Reporting that the Capt of the "J.Z." Don Jose Maria Perez Saul declared that on the night of 28th 3 sailors were taken from a ship's boat by the French Consul in Callao and a businessman resident in the Province named Ridell, and handed over to an official of the French corvette "Galathea" where they remain

"J.Z." at anchor, Callao 29.4.63: Jose Perez Saul to Capt of Port [Encl?]

Had assumed command of the "J.Z." on 27th from previous captain Davis. The only crewmembers not paid off were the cook who wished to remain on board and 5 Poly seamen. They received some advance from the supercargo, but the Capt was awaiting the arrival from Lima of Juan Manuel de Ugarte who, in the presence of a French official, would pay off the seamen who were under contract. The 5 were serving as boat's crew and went to await the embarkation of the Capt at the wharf. When he arrived the crew were not visible and he learnt they had been taken off to the "Galathea" by the French Consul and Ridell. The two other ~~seamen~~ seamen remain aboard.

Callao, 3.5.63: Medina (note)

The two seamen were put at the disposition of the French Consul. The Govt should be informed.

Callao, 2.5.63: Pedro Jose Carreno to Prefect of Callao

Was not possible to obtain statements of the 2 seamen aboard the "Amazonas" because of lack of interpreter. Asks for one to be appointed.

Callao, 30.4.63. ? to Capt of Port

Re the order to take statements of the two seamen

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Callao, 30.4.63: Carreno to Capt of Port

Named the official (del Valle) who will take the statements aboard "Amazonas"

Callao, 1.5.63: del Valle to Capt of Port

Impossible to take statements

Callao, 2.5.63: Note

Seaman to be put ashore and a French official to interpret.

Del Valle (note)

On 3rd May the two seamen were questioned by the ~~Carreno~~ Command with a French midshipman from "Galathea" as interpreter. In reply to questions said had not received any wages, only a few pieces of clothing, but that had been well-treated aboard. Asked if knew why their ~~2~~ companions went aboard the "G" replied that they did not know, but wished to join them there. They wanted to be paid the wages due them and sent back ~~to~~ home. They added that their return home was a part of their contract.

29.4.63: French Consul to Prefect of Callao (initiating this case) [Encl?]

Claims on behalf of seamen their wages, indemnity for time in port and repatriation costs.

[A translation of the letter into Spanish follows]

Lima, 5.5.63: Ribeyro to Prefect of Callao

Compliments him on action taken in "J.Z." case. The shipowners will pay the seamen ~~and~~ and the French Consul will then assume responsibility for them.

Callao, 6.5.63: Carreno to Cmdr of Navy

Reports the arrival from Valparaiso of the Tahitian schooner, ^[name illegible] Capt. Hart. It disembarked the Cmdr of the "Galathea", the Capt., Dumian, Carr and the cook of the "Empresa"

Lima, 6.5.63: Henry to French Chargé d'Affaires

Reports on his and Kuhnes' mission to assist in the apprehension of Engelhart.

"Empresa" arrived Huacho with 36 natives aboard without having touched at ~~a~~ Callao. Engelhart disembarked immediately on anchoring despite the opposition of the Customs agent. She put in because of damage to the ship and lack of provisions. After inspection the ship was declared capable of continuing to Callao but the disembarkation ~~of~~ of Engelhart constituted an infringement

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of the maritime law and a fine of 1,000 pesos was payable. Engelhart remained at Huacho and the "Empresa" proceeded to Callao. Huacho Customs advised Callao Customs of the occurrence.

However on arrival at Callao the "Empresa" remained standing a long way offshore and clandestinely during the night the natives were transferred to the schooner "Paquete de Huacho" whose presence was probably arranged by the shipwright (?) Mr Canevaro, Jr.

By not ~~enforcing~~ pursuing the fine the authorities allowed the "Empresa" to get away with discharging her cargo.

Lima, 7.5.63: Ribeyro to Min of Justice

Reports the arrival of Duménil and Carr at Callao by the "Avrai"

[There follow two letters unrelated to the labour trade - about the death of a captain of a vessel, the "Enriqueta".]

Callao, 11.5.63: ? to Ribeyro

The seamen of "J.Z." have been paid to their satisfaction and that of the French Consulate. The Action taken by the Consul would appear to be an over-reaction.

[There follows] a translation of the receipt signed by the French Consul for payment of wages and passages to the seamen of Nukahiva -

Received \$485 (pesos) of which 260 pesos were wages of the 5 seamen for 6½ months, 150 pesos passage money Callao-Tahiti, 75 pesos repatriation indemnity (?) from Tahiti to Nukahiva.

Callao, 11.5.63: ? to Minister of Justice

Reporting on the "Empresa" case which he began on 6th May and of which will send daily accounts (Has ordered the detention of the accused; and the retention of a 'deposit' said by the French Consul to be held in the Casa de Gildemestre [name not completely clear] and Co respecting the Doctor of the ship; has taken 8 statements from the only sailors located, etc.)

Lima, 11.5.63: Ministry of Govt., Police and Pub. Works to M.F.A.

Passes on a note from Prefect of Callao reporting the return from Huacho of Cuscher, Henry and Kuhne.

Lima, 11.5.63: Ribeyro to Min of Govt etc

The Vice-Consul of Italy informed M.F.A. that the Capt of "Empresa" was

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apprehended by police. If true wd the Minister order his detentiOn and that he appear before the judge of the case in Callao.

Lima, 12.5.63: Ribeyro to French Chargé

Asking to be informed of whereabouts of Dumian, Carr and Cook of "Empresa" if known.

"At Lima, 13 May 1863 the resident Diplomatic and consular corps present declare:"

1. That the dip and cons corps deplore, together with the Govt of Peru, the abusive and horrible acts which have taken place in the Poly Islands to obtain colonists in contravention of the laws and licences awarded, to bring them to the Republic.
2. That it expresses it s satisfaction at the measures takenby the Govt to prohibit the traffic which has violated the law and the licences granted.
3. That thus they are pleased to advise their respective Govts that in consequence of the measures which the Govt of Peru has adopted morality, justice and humanity have been vindicated.

Decided that the resolution be copied in the Dip Corps book and a copy be presented to H.E. the Minister of F.A. of Peru by the Chargé d'Affaires and Cons Gens of France and Colombia: and that a copy be sent by each member to his respective Government.

[signed]

Cristoval Robinson	Amb of the U.S.A.
Tomas R. Eldredge	C d'A and Cons Gen of Hawaii
Edmundo ^P de Lesseps	" " France
Guillermo Stafford Jerningham	" " Britain
Juan Duarte de Ponte Ribeyro	" " Brazil
Prospero Perreyra Gamba	" " Colombia
Celedonia Urrea	" Ecuador
Jose Canevaro	Cons Gen of Italy
Guillermo Brauns	" Hamburg
Gregorio Escardo	" Argentine Confed,
Antonio Evaristo d'Ornellas	" Portugal
Juan Gildemeister	" Bremen
Jose Vincent Oyague	" Belgium
Adam Greulich	Consul of Frankfurt
Teodoro Muller	" Hanover
" "	" Prussia
Francisco Oyague	" Venezuela

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Lima, 13.5.63: Ribeyro to Peruvian Amb to France

~~Adixi~~ Advising him of the abolition of the trade and the follow-up measures viz. the placing incomm. of all ships arriving from Poly to determine if the natives came of their own free will etc.

Relates the part the French Legation took in denouncing the "Empresa" Capt and Doctor (both they and the crew are Europeans) by alleging that they took natives of Poly Islands (not French) by force and trickery, killed several, threw a woman into the sea, and abandoned Dumian and Carr on a desert island. The Govt pronounced the "E" incomm. in Callao, the imprisonment of Capt Decker and Dr Ingelhart and the preparation of a trial to determine guilt. The Capt had been captured but ~~x~~ until now the Doctor has not.

The Govt has taken these and many other actions to show that it is fulfilling its duty

The Peruvian flag is used by other ships in the Islands which are no better than pirates and for which the Govt cannot be held responsible.

I am advising you of the details (1) in case M. Drouin de l'Huis speaks to you of the matter (2) so that you may answer any attacks by the French press.

Lima, 15.5.63: de Lesseps to Ribeyro

[Long letter in French following the decision to abolish the trade. Quality of film excellent].

TYPED DOCS

Vol.930A. Copybook of M.F.A. General Correspondence 1863 and 1864
 (cont'd)

8.10.63: Ribeyro to Pres of Sup. Ct

Requesting details of state of "E" Case.

12.12.63: Ribeyro to Prefect of Piura

Acknowledging note of 2 Dec. Prefect's note no.10 to Ribeyro of 14 Nov. made it's way to the Min of Govt - it advises R. of what occurred to the Polys who were returning to their homes on the "Adelante"

Vol.70A. Copybook of M.F.A. notes sent to European and Hawaiian Legations in Peru 1863-4

16.3.63: Jose G. Paz Soldan to ?

As a result of complaints from owners of Peruvian ships of seizure by French authorities in Poly waters, and obstruction, contrary to the treaty between the two countries, requests any info the [French Emb?] has on the matter.

14.4.63: Ribeyro to French C.d'A

Recently assumed office of Minister of F.A. Apologising for tardiness in replying to note of 28 Mar. due to matters attendant on the death of former President.

Has ordered the publication of the note and the cited documents, as requested by de L

28.4.63: Ribeyro to ?

Ack. receipt of note of same date re the abuses committed by the Capts of Peruvian ships "Cora" and "E" in Polynesia.

[Intervening letters already translated]

29.5.63: Ribeyro to ?

Passing on decision of Vice Pres. that Polys wishing to return home and not under contract could do so, because there may be French subjects among them. Govt will pay costs of repat.

12.6.63: Ribeyro to ? [de L.]

A trial immigration of Polys made clear to speculators and landholders that there was a great need of agricultural labourers, but unfortunately it has proved prejudicial to the country and the colonists. Neither the climate or the food has agreed with them. Govt has abolished the traffic and given orders to rectify any abuse and has not ignored any complaint or any claim. Many have proved unfounded e.g. the Oaca case which was investigated by the judicial authorities despite obstruction by French officials, and charges of maltreatment not proven.

Convinced that most employers wish to relieve selves of Polys, the Govt decided to return them to homes. Has done all it should and could do. 'You must acknowledge that'.

It appears that the Govt's actions aren't sufficient to placate the Legation [details case of "Jorge Zahara"] R. abstained from asking for the warranted explanation only advising the Amb in France so that he could inform M. Drowin de L^huis
Later

~~Later~~/the M.F.A. received complaints that M. Euscher Henry was trying to carry off natives under legal contract, and not only French subjects. The M.F.A. kept silence but the desired result was not obtained.

The abuses committed in the rounding up of Polys are too numerous to mention. In Espiritu Santo St opposite the church of that name several French subjects acting on your authority entered the house of Sra Alvarado and forcibly removed a native despite floods of tears and her desire to stay. The same occurred in Bejarano St. 'I shall never finish if I stop to cite them all'.

This day the Govt heard that de L had gone by warship and visited some haciendas removing Polys, thus exercising perogatives as much poliëtcal as judicial. Requests clarification 'rather than adopting the indirect methods available to the Govt' The good relations between the countries threatened - won't permit the usurpation of authority or lessening of the independence and sovereignty of the country.

Orders will be given to the Police to stop such acts by people commissioned by you, because they are contrary to t he law and dignity of the country and have alarmed the people.

19.6.63: Ribeyro to [de L?]

Ack. receipt of advice of 12 June urging the repat of all Polys
The Govt will continue to improve the conditions of the colonists

9.7.63: Ribeyro to ?

Min of Govt informed M.F.A. that this month the "Barbara Gomez" would sail for Poly.

As it is understood that some natives are under protection of [de L?] the information is furnished so they can be embarked immediately as it is known that the islanders 'enjoy better health at sea than on land'.

Typed Docs (Vol 70-A contd)

11.2.1864: Ribeyro to [deL]

Ack note of 28.12.63

.... although there have been abuses it is not true that the Polys were brought [to Peru] by force. The French authorities in Poly would not have allowed it. There has been much exaggeration in the complaints. The immigration was conducted under legal contracts - thus the Govt compensated the employers when repatriating the natives. But if there are any who are found in good conditions, if they enjoy good health, are well-treated ~~and above all if they wish to stay in the haciendas~~ and above all if they wish to stay in the haciendas or houses the Govt cannot force them to leave, nor deliver them to you nor to anyone, without violating the guarantee given them, the laws which protect everyone who lives in the territory and the rights of the employers/owners. The Govt will determine whether the natives wish to remain where they are, and on this will depend the answer to your request.

Will not and cannot consider the 'reconstitution' of the Mixed Commission - partly because there never has been one. ... Also will not authorize the repayment ~~and~~ to the Legation of the costs of the commission, whose ~~costs~~ ^{spending} were never authorized by the Govt. Nor can see the possibility of the Govt ~~accepting~~ paying compensation to the families of the deceased 'because it is not founded on any principle of justice'. The Govt has done what it can to improve the condition of the natives and to punish those guilty of maltreating them - the Capt of the "E" has been tried; and the Capt of the "Cora" [?] is being sought - 'it ~~would~~ won't surprise you that he has not been apprehended if he escaped from Papeete where it is to be assumed there is great interest in trying him and where there exists a police force similar to that which exists in France.' [!]

R. hopes that this will persuade de L to the Govt's way of thinking, but if not, that at least in reporting to France, he will state the case so that it reflects well on the intentions of the Peruvian Govt.

1.4.64: Ribeyro to [de L]

Ack note of 30.3.64 The Govt authorities have not yet determined if the 11 polys referred to in de L's note of 28.12.63 remain in Peru voluntarily, or if belong to islands under French protectorate.

Typed Docs

Finance ✓

Vol 861-C. M.F.A. Correspondence sent to Ministers of ~~Exterior~~, Govt and War 1855-1862

30.10.62: Jose Paz Soldan to Min of Govt

Because of complaints received from the C d'A and Cons Gen of Hawaii about the licences granted to persons to introduce Polys into Peru, requests information re such ~~contrabando~~ licences.

14.11.62: Jose Paz Soldan to Min of Govt ✓

Refs to the complaints of the Cs d'A of Hawaii and France re the licences granted for immigration because they threaten the sovereignty of their countries, and his reply. However, in order to avoid further complaints and possible charges of abuse, ~~these~~ measures should be taken now to cover these possibilities and to protect the rights of the emigrants.

Vol 863-C. M.F.A. Corresp with Ministers of State 1863-415.7.63: Ribeyro to Min of ~~Exterior~~ Finance

On 8th July Manuel Palacios was appointed Cons Gen in Polynesia and Antonio B. Carrasco, Chancellor. [C arrasco an official in the M.F.A. - Continental Section]

Typed Docs

Vol 74-A. Letterbook (M.F.A.) of notes sent to Peruvian diplomatic representatives in France, England, Italy and Belgium 1863-4

To the Legation in France

13.5.63 [already trans - see p.7 of notes on M.F. Docs]

18.5.63: Ribeyro to [Fr Legation in Peru]?

Ack receipt of letter of 16th containing the home address of the agent, supercargo and cook of the "E". Info been passed to Prefect of Callao for the Judge of the case ag Capt and crew of the "E".

28.5.63: Ribeyro to ?

An attachment is written by Alfredo Lecombe, a native of Lausanne, a maker of confectionary, ~~from~~^{of} whom the addressee asked for information through the Swiss Minister in Peru.

Lecombe arrived recently as cook on the "E" from Poly. The two are certainly one and the same.

[Letters of 29.5.63 and 13.6.63 already trans - Notes on M.F. Docs pp 12,13,15.]

27.6.63: Ribeyro to *And to France*

..... You have been ~~ix~~ kept informed of the origin and progress of the different questions raised by the Poly immigration. Generally the word immig cannot be said in countries of such small population as ours without awakening the desire to increase the manpower of which our industries have such great need, especially our agriculture. This inclination and the humanitarian idea to introduce to the Polys the advantages of a more advanced civilization, motivated the Govt to issue permits to bring to Peru such immigrants. Because of circumstances unable to be foreseen the introduction of the Polys did not result in the way the speculators anticipated. The climate which, considering the latitude of their country and ours, should have been ~~ix~~ beneficial, proved injurious; the food proved unpalatable; and something which could not have been foreseen - the natives arrived in the country in exceptionally bad health. The ^{latest} statistics present this phenomenon. The monthly mortality which scarcely reaches 300 in Lima, has been in those months in which the Polys began to arrive, more than 800. It isn't strange that our climate which isn't healthy for our own people should prove worse for immigrants [already unhealthy]

As soon as the Govt saw the problem it resolved to do something about it. The invitation to the local authorities to collect up those Polys whose masters wished to release them ~~ix~~ has produced ~~ix~~ very good results. The representatives of the Govt have gone wherever required and have attended to all ~~protest~~

complaints and claims. Moreover the Govt undertook to return to their homes the recently-arrived Polys, and entered into negotiations with the employers, not counting the cost. The orders given by the Govt appear in the "Peruano" of the 24th June. These measures have put the Govt in a good light, but it will not rest until the whole question of the introduction of the natives is finalised.

The acknowledgement given to the Govt by the Dip and Cons Corps resident in Lima, ~~of~~ its actions is the most impartial approbation possible. It was presented to me by the Cs d'A of France and Columbia, and my reply occasioned further congratulation from the Dip and Cons Corps repres by the C d'A of Hawaii and the Italian Cons Gen.

The presence of several French subjects among the Polys has enabled the C d'A of France to enter in the matter. M. de L has always been treated in this Ministry with the ~~utmost~~ utmost consideration. The doors have always been open to him..... You have a copy of ~~my reply to~~ the correspondence re the Mixed Commission proposal. de L's silence seems to indicate ~~that~~ his acceptance of my arguments opposing it. However having ~~agreed~~ ^{hinted} verbally and confidentially [that Permission would be given] to persons selected by him to go with the authorities' representatives as interpreters, he not only formed a commission but also accorded discretionary powers to some French subjects. Homes were 'violated' by them and many natives removed against their will. The Ministry holds proof of this and has seen receipts issued by Henri, naming himself ^{as} Commissioner ~~of~~ ^{by} the Legation to collect natives and even leaving with the interested parties his [derecho a salvo] so they could make ~~the~~ reclamation, thus burdening the Govt with a responsibility which no-one had authorised him to exercise. You will be sent a copy of the summary made before a judge concerning these and other grave acts which amount to violation of the sovereignty of the country and of the rights of its citizens.

[Refers to "Jorge Zahara" incident]

The results of the enquiry into the charge of maltreatment of Tomas Oaca has proved it to be unfounded. The Fr Cons in Callao did not agree with the finding, and sent a note to the Judge accusing him of misrepresentation, saying that the laws are made in the country for the individual and not for the crime.

Another incident took place in this case. It was ~~concluded~~ except for the statement of Oaca, who was on a French warship and not permitted to make a statement ~~not~~ have any contact with the Judge. I [R.] wrote to de L on 30th ~~May~~ March pointing out that if the Legation did not act to allow Oaca to make his statement the Govt could not be held responsible; that it would be to Oaca's advantage to make a statement etc de L. did not reply. Following the complaints of the accused Captain and the requests of the tribunal I wrote again to de L. asking that he act in the matter. Did not reply. Finally the statement was made but de L. did not inform me [R.] of it. Still has not replied to the notes, and owes me other courtesies. [To be continued]

This series of incidents has convinced me that the M.F.A. hasn't inspired the confidence of M. de L. in the handling of the Poly question which the sincerity of its actions should produce, and which the Legation ostensibly shows.

In the interests of good relations I kept silence but the abuses committed by those commissioned by de L., the complaints of those involved, the alarm of the people and the demands of public opinion forced me to seek an explanation: in a note of 12th June delivered on 13th (because of additions due to communic. recd from the Min of Govt), of which I sent you a copy. de L. attributes an intention to the delay totally unfounded - because the steamer sailed the same day as my note was sent.

de L. was in the M.F.A. for about 2 hours discussing it with [Barranechea] - the note being en route, B. gave a verbal résumé and de L. returned home and read it. V. shortly after a clerk - with no official status - from the Legation came to the M.F.A. wishing to speak to me. Didn't receive him but understand that he wished to arrange a call on me by ~~the~~ de L. before the departure of the steamer [for Europe]. It was then about 4 p.m. and I was very busy signing the corresp for Europe. I finished about 5 and set out for home, when de L. and his "Canciller" [senior Emb, officer] stopped me in the street. I had the "excessive condescension" to return to Govt House ~~offices~~ with him, and there left him with the Oficial Mayor, to ~~me~~ make a call on the Vice Pres, which is what he requested. Wanted an immed audience with the V. P. before the sailing of the steamer. He was admitted to V.P. rooms but the V.P. was visiting Gen Guada, the Min of War, who was very ill. de L. then asked that the V.P. be informed of his visit and an aide was instructed to this effect. The aide confirmed the absence of the V.P. and de L. asked that he call the V.P. ^[by way of] from Gen Guada's house informing him of ~~the~~ de L.'s presence in Govt House. The aide showed the greatest courtesy possible: de L. insisted, but ~~the~~ the aide could not conform with his wished. Therefore de L. asked the aide to inform the Chief of State of his visit when he returned, and that he wished to have an audience with him before the departure of the steamer (it leaves Callao at 6 p.m.) The V.P. ret at dinner time and with "Exquisite amiability" sent an aide to de L. saying that he would receive him then or whenever de L. found convenient. De L. replied that as the steamer had left ~~he~~ he would call next day (Sun) de L. called and wished to discuss the Poly question and my note of previous day with the V.P., Chief of State. The V.P. insisted that these questions be handled by the Minister of F.A. de L. tried repeatedly to discuss it saying that he had ceased to be my friend and wishing to show the note. The V.P. ~~RE~~ refused. de L. and his canceller then engaged in conversation in French, which the V.P. does not speak, which put the ^{who recounted this to me} V.P. in an impossible position. Repeated his refusal and terminated the call. The V.P. has no cause to be pleased with the manners of de L. and his officer, who then withdrew.

Since then de L. has not replied to any notes sent him by me nor spoken to me at all, thus cutting all communication. I acted on a request from him passed thro the British C.d'A that some natives be picked up at Chancay. I have not suspended relations with de L. and he didn't inform me that he was going to ^{appar. not official}

However recd note from Brit C d'A encl one from de L. ack my note.

Meanwhile ~~the preparations are being made~~ a conclusion is being reached on the question of the abuse of authority by the Fr Legation. [?]

22.7.63: R. to Amb.

Ref to court cases dealing with Poly trade.

Also to N'paper reports of Govt's actions in matter, which enclosed.

22.7.63: R. to Amb. [dup of above]

25.7.63: R. to Amb.

Reporting the departure of Palacios for Poly where will fulfil his ~~mission~~ mission in a territory embracing different allegiances. Sending copy of credentials for processing by French ^(i.e. obtaining the Exequatur) as France is one of the sovereign powers in Poly. To be sent afterwards directly to Palacios in Tahiti, his residential base.

29.7.63: R. to Amb

Sending copy of summary of reasons for differences between M.F.A. AND Fr ~~Legation~~ C d'A over gathering up of Polys.

R. at present reest^{ab}lishing harmony in his rels with de L. and is not to use matter contained in summary unless authorized. Rels improving - de L. greeted him by means of a card etc.

The Anniversary ~~passed~~ celebrations went off splendidly with the Govt making every effort not to offend anyone, etc.

13.8.63: R. to Amb.

Rels with de L. seem to be improving, but hasn't replied to the circular sent to Dip Corps advising them of the elevation of Gen. Pezet to the Presidency of the Rep. and of R.'s continuation as Minister of F.A.

[Gives further details of moves to normalize rels between de L. and R., which were never officially suspended]

The "B.G." hasn't yet sailed because more Polys have wished to repat than orig. thought incl those recently arrived and about to arrive. Thus the contract with the ship had to be altered - each native is to be returned to his native island or the place from which engaged. The ship is not only going to Easter Is as was intended. [?] V. few of those to be repat. are Fr Subjects.

Rels with de L. gradually returning to normal, but with much diplomatic fencing, esp. over the question of the Mixed Commission.

On 10th July de L. passed on a message from Fr Min of F.A. re the lowering of differential discounts[?] of guano carried by foreign ships. Negotiations can be held in Lima ~~or~~ or in France.

Further proof of the intractibility of de L. - applied directly to [an officer]

This is the bare bones only of the story. The Govt has done more than need in Poly matter, accepting responsibilities which rightly belong to those exercising sovereignty over the islands from whence the natives came ,,, it is not the role of the Govt of Peru to enforce compliance with the law in countries prohibiting the departure of immigrants. ... N'paper report that the Fr Govt has signed a contract with the same person authorized by Peru to seek immigrants from Poly. The Govt however will continue to spend a great deal of money to repat. those unfortunated who suffer from the climate. ~~The~~ Criminal proceedings have been instituted whenever a punishable offence has been reported. Govt has sent a Cons Gen to Poly to find out, amg other things, exactly what occurred there [resp the trade]; it has always worked in harmony with de L. and perhaps agreed to more than he had a right to expect. For the sake of good rels Govt did not take the steps it was entitled to over the usurpation of authority by the French Cons a t Callao. It has tolerated from this functionary, whose job it is to look after ~~h~~ his country's commercial interests, an act difficult to qualify. - a note sent to the Judge of Callao; it deferred as long as possible asking for explanations of de L.'s agents' behaviour in seeking out natives; has refused all demands for explanation by Peruvians over their treatment by French authorities in Poly, and of whose legality the M.F.A. is not entirely convinced. When finally a "moderate" note was sent to de L. he responded in the manner [explained at beg. of despatch].

Amb is to ask for an appointment with M. Drowin de L' ~~Huis~~ Huis and acquaint him with all that has passed. To show the Govt's sincerity the note can be read to the Min if it seems necessary, altho it is for the Amb's perusal only.

29.6.63: Ribeyro to Amb to France

After sealing the above letter, recd letter from de L. of wh copy attached. Does not change tone of above which has been approved by the Vice Pres and the Council of Ministers.

29/6/63: R. to Amb

If Peru is attacked in the French press Amb is to do what can to defend her. If not possible make use of the C. d'A in Brussels for the purpose

13.7.63: R. to Amb

R. delayed replying to de L.'s note of 29th June ~~for~~ many reasons not least because of the meeting of the Emperor and the Peruvian Chief of State Gen. Pezet. Despite the fact that de L. wrote that note he continues to otherwise communicate thro the C.d'A of Britain.

The Govt continues to collect Polys and probably the expedition ~~which~~ will sail from Callao during the month. De L. not replied to note of wh copy sent to Amb.

of the Police, who complied with his request to imprison a Fr subject Daguilar. He was later released by Judge's order. de L. sought his extradition, which was clearly impossible. Subsequently has not referred to question when meeting R. Amb to refer to case if and when appears opportune.

29.9.63: R. to Amb

After various skirmishes rels now normal with de L. R. will propose to the Pres and the Councili that all Fr Polys be repat and so that none be missed, will request from the Fr Leg. 2 people to act as interpreters and to work with the National Commission in examining contracts and verifying nationality. This will bring the matter to an honorable conclusion in everybody's ~~eyes~~ eyes. This week 2 ships sail to repatriate Polys , one of them carrying the Canciller of the Cons in Poly.

The courtcases against crimes committed in the trade continue, the sentence in the "Empresa" case has been given.

13.10.63: R. to Amb.

Ack receipt of copy no.1070, vol.42 of "Illustration de Paris" in wh appezred an article signed L. Mannoury putting the Peruvian Labour trade in a very unfavourable light. Given the material the Amb has to hand this should not have occurred. All such articles must be replied to, this probably being the first of several.

13.10.63: R. to Amb

The ~~xxx~~ termination of the "E" case expected in a couple of days. The judges are hearing the lawyers arguments.

13.10.63: R. to Amb.

Sending copies of notes from Min of Govt re the repat of Polys

29,10.63: R. to Amb.

R. just received news of the sentence passed by the Court of Lima revoking the decision of the Court of Ist Instance. Sending copy.

29.10.63: R. to Amb.

Cons Gen sent to Poly to represent Peru in the French, ~~En~~ British and Hawaiian possessions, thus requiring agreement from the 3 governments. Only by error could the copy of the letters addressed to Hawaii have been sent to France.

Typed Docs

29.10.63: Ribeyro to Amb to France

Sending new letter for approval by Fr Govt of the appointment of Cans Gen to Poly, to be sent on to Palacios in Tahiti. Trusts that any difficulties can be ironed out - other Powers have reps there and what is granted others 'cannot be refused us'. Is necessary that Cons be recog because of the idea of the Govt to send a sort of Commission invested with some public character [to the islands].

24.11.63.: Ribeyro to Amb

In reply - that had sent a copy of letter from Min of Govt regarding arrangements made for the repat of Polys , on 13 Oct.

27.1.64: Ribeyro to Amb

Peru's rels with European govts are improved and will expand as much as possible according to reciprocal interests. Rel's with Fr good altho some ^{small difference} questions exist, but not sufficient to cause problems.

However de L. renewed the request for a Mixed Commission, altho the Poly question is already terminated, to seek indemnity for the families of the natives who died, and ~~in~~ other matters not specified. Volume of other work not yet permitted R/ to reply to de L. If questions asked of Amb he will be fully briefed by next steamer. ~~if~~ Only if pressed is Amb to touch on matter. |||

12.2.64: R. to Amb.

Enclosing letter from de L. and R.'s reply, from which stem the instructions sent to Amb.

The Govt cannot deliver Polys remaining vol. in Peru under legal contract and in good working conditions without violating the laws and general principles of justice and diminishing the sovereignty and dignity of the country.

de L.'s calling for reconstitution of the Mixed Commission imposs, illegal and useless, because far from ever having existed, the Govt constantly refused to form one, it being contrary to the law, as explained to de L., and also, there being so few natives left in the country the Commission wd have no purpose.

The Govt will not consider indemnisation of the families of the natives. There is no principle of justice or ~~in~~ historical precedent to support it. If the Polys died because of the unhealthy climate of the Peruvian coast it is not Peru's responsibility. . . . Nor can the Govt reimburse de L. for the expenses he incurred in aiding and repat. Polys, because it was done without Govt's ~~knowledge~~ authorization. The Govt does not admit either its necessity, its legitimacy of its importance. Govt spent a lot in prosecuting the guilty and searching out and repat Polys - going further than most other govts would.

Amb is to explain to F. Minister why the Peruvian Govt cannot comply with de L.'s request.

25.2.64: Ribeyro to Amb to Fr

The Polytraffic put Peru in bad light with friendly govts. Amb knows the attempts made to maintain friendly relations with Fr.

Because of her actions Peru is justified in expecting some reciprocity from the Fr in the matter of Peruvians condemned unjustifiably by Fr authorities in the Pacific. Among those who suffered is the company of Bernales y Saco ruined because of it, having lost a clipper "Serpiente Marina" engaged in the trade. The copy of the document sent to Amb shows clearly the hostilities suffered by the ship, her captain and crew without their having done anything to warrant them. The company is feeling the consequences of the means employed against its property - without being at fault they suffer not only from violation of the laws of Fr, which so carefully protect the rights of foreigners, but also despite a treaty in force with Peru and disregarding the general principles of law.

The Supreme Court has indicated the reasons favouring the presentation of a claims case. The Amb is asked to study and comment on ~~ix~~ it. What is a fact is that all who were aboard the "S.M." were prisoners, the boat having been seized, a situation still in force without there having been a hearing or these involved having been allowed to defend themselves. All the relevant documents are included for the Amb's perusal.

Attempts were made to clarify the details of the case through the Consul in Poly, but he still cannot perform his full function, for unavoidable reasons, the Govt has prepared a claim, in response to the request of Bernales y Saco, because existing proof is sufficient to support it, with the moderation which will lead to a satisfactory result.

[?]
The orders of ~~the~~ de L. that the ship be released will greatly help the case but the Amb is to lose no opportunity in pushing it and seeking to avoid new complications and delays. It is not only concerned with the return of the "S.M." but repair of damages and rectification of the wrongs suffered.

Docs sent to Ministry by Palacios relevant to his investigations will be sent by next boat.

27.3.64: Rib. to Amb to Fr

de L. continuing to be difficult re Polys. The Peruvian Govt only wishes to strengthen its relations with Fr esp. mercantile

The Govt has been demanding discounts again. R. already given reasons in letter of 12th Feb why cannot pay indemnity to families of dead Polys [reiteration of Peru's attitude on this and de L.'s expenses incurred in repatriation].

The question can no longer be treated in Lima now that it is seen as a financial one. Amb to continue the case in France, in order to avoid clashes with de L. Refers to the Alexandre claim.

Important that the Amb. realize that some of the natives who died on ships

chartered by the Govt to repat them, did not die from lack of care as has been suggersted, but from illness and other causes unforseeable. Peru fulfilled her obligations simply by attempting to save the colonists who could not [survive]in Peru.

Another aspect to the claim of de L. for compensation of expenses - it is not known if all the natives he collected together wære Fr Subjects.

M.F. Docs

Lima 9.6.63: Ribeyro to Min of Govt

Sr Abraham Wendell produced in the Ministry a receipt signed by Henry at the Hacienda de Copacabana for 4 men and 4 women received from Guillermo Kandrup and Guillermo Henrieta, but belonging to Wendell.

According to the Govt only natives in complete liberty may be picked up by the commission, or those whose owners surrender them without compensation.

Please act.

[Follows on] Lima 10.6.63: Prefecture of ? to Ministry?

Reporting on Henry's activities in Chillon and Chancay. Expresses surprise at the way Henry seemed to exceed his ~~mk~~ authority.

Callao 11.6.63: les Noyes to Prefect of Callao (in French)

Re the brig "Barbara Gomez" just arrived with apparently 23 natives. The ship had been arrested in Tahiti before. It would seem that the natives have been tricked into coming like all the rest.

Asks for an enquiry into their origin and the circumstances under which embarked ~~offered to send~~ before anyone allowed to disembark. Offered 2 interpreters.

The steamer "Diamant" arrived from Chancay on 10th with 34 natives, of whom 8 were women, collected by the mixed commission. The state of health of several deplorable, one died before their departure, another died aboard.

Callao, 11.6.63: J.M. Medina to Fr Consul at Callao

The Min of Govt had placed the "Baraba Gomez" incommunicado on her arrival

Lima 12.6.63: de Lesspps to Ribeyro (In French)

Two reports from Henry persuaded de L to go to Ancon to receive and take to Callao the sick Polys collected in Chancay. Already spoken to Minister about the awful state in which the unfortunates were found. de L describes them as 'human skeletons dried up by hunger, illness, running sores and abuse' scarcely alive. Several were found in pigsties or half buried under the piles of rubbish of a charnel house. Everyone - officers and soldiers - went to their aid and assisted them as best they could until embarkation on the "Diamant", which de L acknowledges with gratitude.

Of the 18 sick gathered at Ancon 2 died just after boarding, and another is moribund. de L himself sent the 15 others to the hospices of St Andre and St Anne in ? [de cette ville] but several are in a desperate state.

The commission continues its work at Chancay

It appeared that the situation was far worse than anticipated and was impossible of rectification. Thus de L found it impossible to wait until the owners of the natives voluntarily gave them up. Urged the Govt to make just restitution. Appealed to humanity, law and morals, and for the vindication of society.

M.F. Docs

Lima 12.5.63: Manuel [Freyre?] (of Min of Govt) to Min of F.A.

Refs to Wendell case.

Notes that has heard that the commission including Henry and a Poly interpreter, had gathered up some Polys who were not wandering about in the Chillon Valley but had known employers. Is not known if were surrendered voluntarily.

Writer had been informed that the French C d'A went by warship to Chancay, and in the ports of Chancay and Ancon took aboard some of the Polys in question. Will inform Minister as soon as commission returns - it had gone to Huacho.

Lima 13.6.63: Freyre to Min of F.A.

Written to Prefect of ? so that he prevent by medium of the police abuses committed by Frenchman protected [?] by the C d'A and accompanying the party sent to Chillon and Chancay.

Lima 13.6.63: Ribeyro to Prefect of Callao

Comments on "Barbara Gomez"

Corrects misconception of Prefect that there is a mixed commission to enquire into the Poly question. A party of police, with unofficial Frenchmen as interpreters, are co,,action together wandering Polys. Also the Govt has acted to prevent abuses by French subjects who removed natives unlawfully.

Prefect is to inform the French Consul of the above and stress that only Peruvian authorities can exercise jurisdiction in Peru.

Lima 13.6.63: Ribeyro to Peruvian Amb to France

Encl copy of letter sent to de Lesseps for info. Should speak to M. Drouin de L'huis as soon as possible on subject.

The Govt resolved to send a Cons Gen to Polynesia and to resolve the all done by the immigration, but will not tolerate infringement of the law or the undermining of the independence of the country.

Lima 13.6.63: Ribeyro to Min of Govt

Informing him of coercion used by French to remove Polys from Haciendas. Requesting his action to stop abuse.

Lima 13.6.63: Ribeyro to Min of Justice

Informing him that a group of Frenchmen by order of the C d'A in Lima is going around town searching for contracted natives and thus exercising a jurisdiction totally outside the bounds of his office.

Minister requests that a member of the judiciary investigate

M.F. Docs

Lima 13.6.63: Ribeyro to Min of Justice

Providing names of 4 men able to make contributions to investigation of Judge Mariano Dorado [REF^d previous letter]

Lima 13.6.63, that ? to ?

Report/~~of~~ meeting held on Sat 13.6.63 in M.F.A. between French C d'A and [a senior official] Dr Barrenechea about Polys. At 4 p.m. after having received the notes from the Ministry, de L returned to the M.F.A. and demanded an audience with Ribeyro who was busy signing correspondence. de L very insistent, and when ~~left~~ he left he came across Ribeyro in the street and demanded confirmation of the requested meeting. Ribeyro replied that diplomatic calls were requested by note and that he had nominated Monday for de L.

de L appeared immediately in [^{S.G.}Ribeyro's] office begging Barrenechea to announce his visit to Gen Canseco^{V. Pres?} [?], because the steamer was waiting. B enquired of the Cabinet meeting but he had gone to call on the Min of War., and that he would only return very late.

de L asked B to inform [Gen C.] where he was that he had something extremely important to impart. B. stalled. de L asked to speak to one of the Gen.'s aides. Spoke to Major Don Manuel Delgado de la Flor, requesting him to advise de L at the Fr Chantry when Gen. Canseco returned. Which he did at 6 p.m, when de L said the call not so urgent because he'd let the steamer go. However de L and M. Vion (Chancellor) called at the ? at about 8, when Gen C had already left

Yesterday, Sunday, de L returned at 6.30p.m. and was received by Gen C. de L said the visit was purely friendly then spoke of the disagreeable matter of the note he had in his pocket. Gen C. said that de L should speak to the Min if wanted to discuss matters of importance. de L said he'd withdraw but attempted again to discuss the note which Gen C. refused to do. The French appeared irritated but the parties parted amicably. [dated 1? June 1863]

Lima 18.6.63: Ribeyro to Manuel Palacios [Translated from typed docs where dated 15.6.63]

Lima 15.6.63: Ribeyro to Pres of Sup Ct.

Asking that the papers[?] in the case of Oaca be passed to the M.F.A. for verification of maltreatment or otherwise.

Lima 15.6.63: Ribeyro to Canasco

Advising him that on the 8th the Vice Pres had named him Chancellor at the Consulate General in Polynesia

Lima 19.6.63: Ribeyro to Palacios [Already trans - Typed docs]

Lima 19.6.63: Ribeyro to Chavez

For 50 consecutive days had not received the daily account of proceedings in "E" case.

M.F. Docs

Lima 19.6.63: Ribeyro to de L [Already trans - Typed docs]

Lima 20.6.63: ? [in Min of Govt] to Ribeyro

Advising that had given orders that a ship take to Callao the natives collected in Chancay by the commission

Callao 20.6.63: Chavez to Ribeyro [Almost impossible to read]

Trial began 44 days ago

Appeal by Capt against prison sentence

Many reasons for delay in finishing case, esp. the difficulty of contacting all the witnesses to obtain statements.

Yesterday the Prefect of the Prov. presented new evidence supplied by Fr Consul

Asks that Gildermeister & Cia be requested to make themselves available to court.

? Capt D. in prison and 8 crewmen???

Ref to owner of the ship - Canevaro ?

[Rest totally illegible]

Lima 20.6.63 - Ribeyro to Min of Govt

In Chancay are 20 natives surrendered to policeman (Guevara) freely by owners. Health not good and a journey by land to Callao may be too much. Requests a ship to be sent by the State to pick them up and take them to Callao, where to be placed in custody of the Prefect, and from whence can return to homes.

Lima 22.6.63: M Ribeyro to Criminal Judge, Mariano Dorado

The owner of the hacienda Huando had delivered some Polys to commission

Lima 23.6.63: Juse Guevara to Police Supt? at Lima

In response to orders of 4th June, with ~~M. Mancha~~, the French interpreter, Henry and ^{a native} ~~ano.~~, went to Chancay Prov. and en route collected 8 natives from Hacienda de Chillon, 2 from Pampa Sirve and 1 from Chanquillo - all from the "E". All handed over voluntarily.

At Hacienda Candivilla picked up 5 natives, Hacienda Huranga [?], Pueblo Viejo and ano. collected 14. At H. Copacobaba 4, and ano 2 surrendered there by a foreigner, a maker of saltpetre.

In the Chancay Valley only 18 were surrendered vol. by 6 owners, of whom 16 were from H. Huando and 2 from Palpa. In total collected 54, of whom 4 died. 34 were put aboard the Fr warship "Diamante" by Henry at Callao, and 16 Guevara gave into hands of Cmdt of warship "Loa".

When owners didn't want to surrender natives desp te the menaces of Henry, Guevara fell back on the orders given him that only those surr. voluntarily were to be gathered up.

Callao 27.6.63: Medina to Min of Govt

Reporting the presence aboard the "Barbara Gomez" of 2 Polys of Mangaraguara, Fr Poly, who were on the Hacienda Palpa, owner ~~is~~ unknown, the name of the ship which brought them to Peru also unknown. Want ~~to~~ to go aboard the Fr Ship "Galathée" and if Fr Cons gets wind of this he may make a claim. Requests instructions to order them to stay aboard "B.G." or to allow them to change to "G" before the Fr Cons makes a move

Lima 27.6.63: de L to Ribeyro (in French)

Version of events detailed in letter of 17.6.63 [p.16 of these notes]

On the basis of contents of note of 12.6. from Ribeyro ~~is~~ de L wishes to lodge a complaint. The attitude taken by R. and Min of Interior over de L's trip to Ancon is repugnant to de L. Has been the victim of ill-informed reports, and totally refutes the charges in the note of 12 June.

Defends reputation and good name. Will always uphold the personal security and property of French nationals.

Until Fr Govt decides how it will ^{re}act, de L will act through his British colleague in all matters in which France should be represented.

Lima 30.6.63: Min of Govt/Interior? to Min F.A.

Govt chartered "Barbara Gomez" to return Polys voluntarily released by employers (as per decree of 27 March), which anchored at Callao and has the capacity to accommodate comfortably up to 200. Will sail at end of July. Until then the Polys can live aboard, as they do better there than on land where they run greater risk of ill-health.

Accord to Prefect of Chancay 34 embarked on French "Damante", and together with others are now aboard the "Empresa" [?] at disposition of Fr Consul at Callao. Are also some women in good health in Hospital Santa Ana.

Should all these be surrendered to the Govt for return to their homeland?

Lima 23,6,63: Jose Guevara to Sub-Prefect etc (already trans)

Lima 4.7.63: Freyre (Min of Govt) to Ribeyro

The warship "Tumbes" ready to sail for Pisco and will call at all intermediate ports to receive Polys vol. released in Valleys of Pisco and Cañete. Who is to be commissioned to receive them aboard? Are there instructions to be given to Cmdr?

Lima 4.7.63: Ribeyro to Min of Govt

Names Don Juan Silva as the only person authorized by M.F.A. to receive Polys aboard "Tumbes". Silva carries letters to various individuals

see R-244, 2.10.63 (25)

Lima 10.7.63: de L to Jerningham (in French)

The Peruvian Govt responding finally to representations of deL, now asks him to hand over those under his protection to embark on the "B.G." where they will enjoy better health! J. will understand how pleased de L is that at last Ribeyro thus is acting with reason and humanity. de L was going to release immediately the natives in his hands, when read recent letters from Cmdt de la Richerie, Imperial Commissioner to the Society Islands, and other French officials in Fr protected territories. de L struck as well as alarmed by the unanimity of their conclusions.

Accord to them and particularly to Cmdt Latouche-Tréville the islanders will attack and kill the crews of any ship of Spanish/Latin Am origin.

The "Diamant" is making ready to put to sea. It would seem appropriate to suggest to Ribeyro that she sail in company with the "B.G." which is in greater danger from the islanders because she was actively engaged in the labour trade.

Refers to the admission of R. that the natives live better on sea than land, which should logically lead him to conclude that all the Polys should be repatriated. Requests that J. assure R. that de L. supports this course, that he will do all in power to assist in saving any Polys who remain.

Owing to what has stated previously de L. feels cannot agree to the sailing of the natives on the "B.G." which also he understands needs major repairs before she is seaworthy.

14.7.63, Lima: Ribeyro to Min of Govt

Persons inspiring confidence, incl C d'A of France believe the "B.G." unseaworthy. R. knows however that the ^{Min} Min wd not permit the sailing without a thorough inspection.

Lima, 11.7.63: Carrillo to Prefect [of Lima?]

Reporting on French 'commissioners'' behaviour.

c. 1 month previously de L. wrote asking for the release of natives in C.'s control. C. replied that de L. hadn't the power to make such a request, and refused, saying he should apply to the ~~FR~~ appropriate national auths. de L.'s ~~at~~ "petulant" agent reacted by talking for 3/4 hour and finished by threatneing C. with the Police. C. finished the meeting by stating that [Peru] is not a colony of the French Emperor and de L. had no power to give orders there, etc.

About 12 days after this 3 of the natives contracted by the Hospital Santa Ana where de L. then was, were removed by force or ? . de L. spoke to them by interpreter and sent the 2 women to Belen College and the man aboard a ship.

C. prepared to attempt to have them returned to his custody. Meanwhile de L. had the Cons Gen of Italy call on C. and say on his (de L.'s) behalf that he was soon going to hand over the Polys, and expected C. to return them when the Govt so ordered. C. then dropped the claim, but a fortnight later the Polys had still not been ~~xxx~~ returned to him - de L. thus broke his word.

Requests that order be given that the Police remove the Polys from the College and place them under C.'s control; and that the Sisters of Charity be notified thah they should deliver the man, at present in their Hospital San And~~as~~, when he recovers from the illness contracted on board the ship. And in case he dies that a certificate of death be issued to C. to present to de L.

Lima, 22.7.63: Ribeyro to Min of Govt

Consul to Polynesia at Paita and cannot obtain passage to preceed to post as there are no ships. Instructed to remain there until 15th Aug. when a ship en route to P^{ly} will call.

As this delay is prejudicial to mission, suggs that the "B.G." (or whatever ship Govt sends) touch at Paita to Palacios aboard, when she sails.

Lima 25.7.63: Ribeyro to Amb to France [Illegible - Cont. in Typed Docs]

Lima 28.7.63: Ribeyro to Min of Govt

Puts case for repat of all Polys - to fihalize the sad episode in Peru's history - except those who want to remain and are adapting to the way of life. The Govt shd appoint a commission which, tog with their owners and the shippers of the few remaining ships involved, shd "put a price" on the Polys, which shouldn't be high as there is now no demand for them, nor will be. Like "depræciated articles". They

should be repat. because of no use to 'decadent agriculture of Peru' and if not repat. will surely die. Morally and philosophically imperative.

Funds for the repat can be withdrawn from 'Extraordinary expenditure' vote.

[Engages in rhetoric re Peru's noble motives etc.]

Measure he advocates is necessary to remove the country from its "painful position".

Lima, 13.8.63: Ribeyro to Amb to France - See Typed Docs

Paris, 14.8.63: P. Galvez to Ribeyro

Reporting on his efforts to inform the Fr Govt of the displeasure of the Peruvian Govt re the actions of the C.d'A. de L. Has passed on full details of behaviour to whoever in the Imperial & Cabinet can influence the orders and instructions sent to de L. in an attempt to have him moderate his zeal [distrust?] and also to sustain the harmonious relations between Peru and Fr. de L. obviously kept his Ministry informed because no-one was surprised at anything the Amb brought up. The Minister appears less concerned with the behaviour of de L. than with the protection of the Polys from French possessions, victims of acts committed by individuals who are subject only to Peruvian jurisdiction. European opinion likewise considers this the most grave aspect. Amb. pointed out the conciliatory attitude of Peru, but all ~~are~~ are more concerned with the unpunished guilty and the appalling mortality of the Polys. Amb wd have liked to counter by referring to the "Teresa" case - that it was found according to the contracts that no abuse existed or that the guilty were being punished. However the case was concerned with a secondary matter between the captain of the ship and Oaca. The claims of Oaca have proved unfounded while the question of contracts has still to be clarified.

Amb. tried to put Peru's case but with little evidence at hand has found it difficult. ... It is obvious that confidence is not felt in the proceedings of Peruvian admin, It is believed that the guilty will go unpunished and the (Polys) will be victims of [indecision.] [Does this imply vested interests??]

Peru must provide proof to the contrary if this belief is to be scotched. Two possibilities exist - to exhibit the contracts finalized in the islands to show the good faith in which they were made, or to punish those who brought Polys to Peru removing freemen from their homes by fraud and violence to be sold [as slaves] for many years. The horror with which in Europe anything smacking of a slave trade is regarded removes any possibility of indulgence for the guilty. Due as much to this as to the fact that Peru granted the licences, Peru is held responsible, rather than the real culprits, who have not been subject to severe punishment. It is also felt that the judicial proceedings disregard the contracts, as occurred in the "Teresa" case.

Unless it can be demonstrated that Peru has got to the bottom of the question, and taken strict measures, no notice will be taken of the abolition of the traffic, of the costly voyage of repat., of other major sacrifices, nor the [tolerance] shown to those meddling in the matter. The possibility of humiliating reparations and huge indemnization is to be feared.

Lima, 16.9.63: Protocol

The undersigned Rib. and Barrenechea (chief admin officer of M.F.A.) on the one part and de L. and ? , Cancellor, on the other, met in the M.F.A. to continue in the same manner as in the meetings of 16, 18 and 26 July and the notes exchanged on those days to determine the form of the Protocol to resume relations suspended due to the notes of 12 and 28 ~~July~~ June.

R. professed the highest esteem for both de L. and his Govt and cordiality towards them. Regretted the delay in the delivery of the note of 12 June so that it arrived almost as the ship for Europe was leaving, and the lack of reply to the note of de L. because of several offensive words it contained.

de L. declared his satisfaction at the attitude of R. and that perhaps his language had been a little sharp. Considered the personal matter closed.

de L. requested ~~that~~ the inclusion in the record of (1) That neither in Callao or Ancon had any French officials obstructed the admin of Peruvian justice, and (2) that Henry's mission had been fulfilled according to the precise terms of the instructions given by the Min of Govt and the Prefectura of the Departamento.

R. carefully studied the documents and asked again for a frank explanation of the acts enumerated in the note of 12 June.

de L. expressed satis. in the measures taken by the Peruvian Govt to ameliorate the condition of the Polys, and to repat them. Felt however that the radical step, whose consideration the Min of Govt had disclosed to him in meeting of 26 July, applied only to labour ships arriving at Callao after the decree of prohibition ^{was} ~~was~~ in effect.

This measure deserved acknowledgement, but could it be applied to Polys under the protection of the Fr Empire? de L. thought not. ? repressive measures adopted by the Imperial authority in Papeete. While the decree did not apply to all Polys in Peru, the Fr Govt cd not believe in a total surrender of all Fr Polys removed from native soil. In order to comply with instructions received from ~~the~~ France, de L. requested the formation of a mixed commission to search for Polys of established Fr nationality.

[Document terminated without ceremony]

Callao, 16.9.63: [Copy of table]

Polynesians in the Bay of Callao

Ship	Men	Women	Children	Total	Sailed	Returned	Days
General Prin[?]	58	75	41	174	2.3.63	Edgaria 19.7.63	67
Delores Carolina	55	43	32	130	25.1.63	Repulle 14.8.63	105
Adelante	129	25	18	172	1-3.63	Peru 16.8.63	72
Polinesia	63	40	10	113	14.2.63	Rotua 16.8.63	74
				589			
Honorio	32	40	38	110	1.3.63	Edgaria 27.7.63	65

(not in above list)

Lima, 26.9.63: Rib. to Min of Govt.

Asking that orders be given the 'Adelante' to take Don Antonio Buenaventura Carrasco to Tahiti.

Lima, 29.9.63: Rib. to Amb to Fr [see Typed Docs]

Lima, 1.10.63: Min of Govt/Interior to Rib.

Having passed the accounts for 408 Polys over the age of 12 years, at 50 pesos each not incl 45 under 12 years old, the Ministry has ordered the return of 513 to their homelands by the 'Adelante' and 'Rosa y Carmen' chartered for the purpose paying the shipowners 32 pesos for each individual: because the transfer of contracts and the passage of each native reaches 82 pesos. The attached shows the total no. of Polys whose contracts have been transferred and who will be returned to their home islands.

To guarantee the return home of the natives a naval officer will travel aboard each ship with instructions to this end. Orders have also been given that a doctor be carried to attend to the health of the natives.

Statement of Polys on board ships chartered to repatriate them

In the Peruvian barque 'Adelante'	Men	Women	Child.	Total
Originally aboard	117	42	6	165
Transferred from barque 'Polinesia'	58	42	3	103
Total	175	84	9	268

In the Spanish barque 'Rosa y Carmen'	Men	Women	Child.	Total
Transferred from ship 'Delores Carolina'	39	51	18	108
" " " 'General Prim'	59	60	18	137
Total	98	111	36	245

Resumé	Men	273
	Women	195
		<hr/> 468
	Children	45
	Total	<hr/> 513

Five hundred and thirteen Polynesians.

Callao 27.9.63

[sgd]Medina

see L-3 10.7.63 (19)

Lima, 2.10.63: Rib to Min of Govt

There is good reason to believe that the crews and others involved in repat natives will be attacked in the islands.

It wd seem wise for all ships to be advised to call first at Papeete where the capt etc of the ships could obtain the necessary advice[?] and safe conduct to avoid trouble in the other islands.

Lima, 2.10.63: Min of Govt to Rib.

Instructions have been given that all ships engaged in repat call first at Papeete to obtain safe conducts.

Lima, 6.10.63: Min of Govt to Rib.

Prefect of Callao reported that on 2nd of Oct. the 'Adelante' sailed with 429[sic.] Polys abd incl 49 children and also that Capt (of corvettes) Gaspar Escurra ^{who} was charged with overseeing the disembarkation of the natives at their respective islands.

Carrasco did not embark because did not turn up.

Lima, 8.10.63: Ribeyro to Pres of Sup Ct.

Requesting a report on the "E" case. Very powerful considerations accord it all possible precedence.

Lima, 9.10.63: Matias Villara[?] to ? [Letter v. diffic. to read]

Reporting on "E" case - opened on ? of Sept in he Criminal Court to consider the sentence given by the Judge of the Court of Ist Instance ... Chavez who sentenced the Capt, Enrique Detert, to first degree[?] imprisonment with the consequent "accessories", and indemnization corresponding to the costs of the repat of the 36 natives; and the sailor William Cole to the average[?] first degree imprisonment with the attendant "accessories", absolving the other sailors present Lorenzo Silva, Francisco de Paula, Simon Ione[?], Carlos Brown, ? ? , ? Ventura, Roberto Walker, and Pedro Figueroa, and lifting the embargo on the vessel, which will be placed at the disposition of her owner Don Francisco Carnevaro.

The Capt appealed, requesting 6 years imprisonment. The first on the [judicial] list was named Procurador for the case and Manuel Perez his advocate. The Proc. removed the documents and retained them longer than the term allowed by law, claiming their volume ~~as~~ as excuse. Now returned them and the case been placed on the list for the following day.

? 10.10.63: Supreme Ct to ?

Covering note, signed by 5 individuals, to explanation ~~of~~ of the state of the "E" case by the Secretary of the Court. [to follow]

Additions to "Conclusion of the last document microfilmed on roll 13" translated some time ago.

Supreme Court.

In the "E" case - Procurador: Don Pablo Mora

Considering: that Don Manuel Maria Reyes, L. Engelhardt and Luis F. Kuhne operating on the authority issued by the Govt to introduce [continues as already trans]

[Section not trans]..Article 26 of the same code. For these reasons and others which have been brought We find that we must revoke and we do revoke the sentence of Ist Instance, on page 203

Supreme Court [extremely difficult to read and impossible in places]

[Begins apparently by detailing some of the charges in "E" case]

.....Considering ~~th~~ 1st That by decree of 30 April the case against them be heard 2nd That ~~from~~ ^{from} the ? of the mate and other individuals [it appears] that the ? of the 36 natives who arrived at Huacho were taken violentlyafter having given them liquor 3rd That because the majority of the crew did not obey the orders given by the Capt and Dr to close the hatches[?] at the second island [100?] natives managed to jump ashore, .. who had brought on board fruit and fowls, only the mate and the two seamen named ...Cole, having been proved by statements of several natives aboard, had employed force and violence to retain on board 36 who ... contracted voluntarily - 4th That it also is proven that the Capt and Dr took four women by force from their husbands' sides and kept them in the cabin during the voyage 5th That the Capt in his [deposition] on pages ... denies having used force in obtaining natives, denying also in his second [deposition] on p.85 the acts regarding the women 6th Thatas one of the natives on p.103 confesses that the Capt had had use of her ... which was denied 7th That abandoned Dumian and Carr Resulted ... refused to obey the Capt ...was surprised ina bottle .. to contain poison, which ... that they be left ashorebeing verified by himself, Dumian, to be effective, he had a bottle with his ... but it did not contain poison ^{Simple} but rubber. 8th That from all the preceding statements it is proved that the Capt, Dr and sailor Cole are guilty of using force and violence to retain on board 36 natives from Poly and that the Capt and Dr used the same force on four women for their own use. 9th That having been tried, the Capt, Dr, supercargo and crew of the "E", and the summary completed... against the prisoners present Capt Detert ...mate of the ship [lists all the crew][illegible] 10th That stand ~~may~~ proven against the Capt acts referred to in 8 above, and against the sailor Cole of having helped in applying force in recruiting natives, it also being proven that the following sailors far from accepting a bribe to help [Capt and Cole] refused to obey the order to ~~close~~ ^{close} the hatches 11th That the crime committed by Detert

and accomplices cannot be termed piracy according to the Naval [Ordinances] since his papers state that he was sent to Poly to contract natives in ~~fx~~ conformity with the authorization of the Govt. , nor being able to consider it as kidnapping which is covered by Penal Law, it must be considered as coming under attacks against liberty to which article of the Penal Code refers. 12th That the owner, in chartering her["E"] gave orders that natives be recruited according to the law allowing recruitment, for which reason the ship is exonerated from blame, having been held since the beginning of the case.

For these reasons I find - that I must sentence and do sentence the Capt of the "E" [first degree] ~~pr~~ imprisonment for the maximum term under article [300?] of the Penal Code, and to las accessorias consignadas ..., first and second of article 37 and the indemnity ... costs of repa~~t~~ of the 36 natives to their islands; and to the sailor Wm Cole the same [first degree] impris., half term, and the same accessorias imposed on the former, absolving the remaining sailors present [gives names]; that the ship be released to owner Carnevaro. This is my sentence arrived at in Ist Instance, thus I give it, hand it down, and sign it. Advise the Superior Tribunal in case there is an appeal. Callao 17th Sept. 1863. Agustin de la Fuente^s y Chavez. The foregoing sentence was delivered by Sr Dr Don " " " " , Judge of the First Instance of this Province, and Auditor Gen. of the Navy, in public audience in his office[?] and by custom at 4 in the afternoon of the above date. Witnesses ... Judgement of the Attorney-General. The Attorney-General says - That the crimes committed by the Capt are most grave. He and mates responded very badly to the confidence placed in them to bring Poly immigrants to Peru, the permission being given [by Govt] to various concerns, believing that such immig. wd produce advantageous results for the agr. and indus. of the country, [but it] has been by abuse, outrages, and excesses of all kinds, which unworthy speculators have committed themselves or through their representatives to achieve their ends.... A ~~fx~~ glaring example of this is offered by this case. Capt Detert and his cronies obtained immigs by ~~de~~ seduction and force. The first not proving sufficient they [compounded the abuse] by employing the second ... and menacing all those who ... and unfortunately fell into their net [enticed by] [drink???] ... gifts and even parties. Most of them preferred to throw themselves into the sea and [free themselves] from their prison which treacherously and unjustly had been prepared for them. This iniquitous undertaking produced [nothing?] for those who employed the 36 Polys who were the only ones who arrived on our shores. More iniquitously still Detert committed aboard scandalously immoral and corrupt acts, together with the Dr, Eng., removing married ~~fx~~ women from their ~~wisba~~ husbands by force to keep them in their cabins, satisfying their lust. They made the unfortunate prisoners suffer this outrage which ..., even more when it is carried out on people in a miserable condition. In criminal the sentence of the Ist Instance only imposed [first degree] imprisonment, without ~~fx~~ taking the gravity of it

into account and that it was committed before the new penal laws will come into force. Law 22 [sec.]14 [part]7 condemned [to death?] kidnappers, among whom are numbered those who deliver or receive, sell or buy free men, knowing them to be free, intending to use them as slaves or to sell them. Law 8, [sec]10 of the same part imposed perpetual banishment to an island, and other penalties on those using force of arms, among those cited by law 1, of the same head, are those like Detert, who being taken, lock themselves and another person in their house, or other place, or are taken and are made to take part against their will. ? ? The stealing [sic] of an honest woman whether [married], unmarried or widow to seduce her is termed kidnapping and is punished by law 3 sec 20 part 7 with the death penalty. These are the laws which should have been considered by the judge of the 1st Instance to punish the crimes of Detert which were proven in the trial. So even if it is true that they haven't been in use very long, it is also [true] that the practice always followed by our courts has been that of applying in its place the sentence of imprisonment for more or less years. The defendant can avail himself of article 26 of the Criminal Law ... the most that can be done in his case, being guilty of various crimes, is the heavy penalty as in article 45. This penalty is for 6 years in the Penetenciary designated in art.269 and is the ultimate which this Ministry will request, as appellant, of the sentence ~~heard~~. That contained in art.278 is not applicable in the present case because the crime was committed before the new laws will come into force, and while heeding the sad condition of the [victims], it cannot, because of it, indict. The A.G. hopes that [you] will revoke the sentence in the part ref to Capt Detert, and approve it otherwise, saving your most illustrious agreement. Lima, 23 Sept 1863. Morales. Lima 29 Oct. 1863. Approved: in conformity with that expressed by the A.G. and considering: that Don Manuel Maria Reyes, Don L. Engelhard, and Don Luis F. K... using [it is here that the typed doc carries on] [There is also a copy of this latter part of the judgement dated 29 Oct. 1863 (Lima) and signed Matias Villaran whereas the one already trans is dated from 9 Nov and finally 24/28 Dec 1863]

[This is the end of the MS documents as such. Newspaper articles and pamphlets follow]

M.F. Docs - Printed"El Comercio", Tues. 11.3.1862: Letter to Ed?*Relevant?*

The agrarian assn sees no advantage to the country in the agreement reached with France re immigration - it will be a financial burden on Peruvian Govt.

The [shipper] is only obliged to bring the emigrants to Callao, the Govt undertaking to maintain them for 6 weeks, after which they must seek means of subsistence... The Govt is also underwriting the passages and set aside 50,000 pesos - the 'organisation' has undertaken to send 1,000 at 50 pesos each.

Lima, 5.3.62: Jose G. Paz Soldan to ?

The Govt u.takes to guarantee the rights of the immigs by special laws. Objects to this as indicates privelege/monopoly.

No immig until now has proved advantageous to Peru - cites the experience of several promoters esp Antolin Rudolfo's German immig. Most abandon contracts or return home which means enormous cost to the country. Instead shd allow free entry to any foreign immig which contains no elements of fraud, avarice, etc. If assisted immig is to benefit the country must be v. well controlled.

Lima, 5.3.62: Paz Soldan to Prefect

Peruvian law does not prohibit immig. Thus J.C. Byrne may be given permission to intro. workers but with no privelege of monopoly. The arguments of the Agricultural Soc. are so "absurd and fearful".

"El Comercio", Sat. 18.9.62

Shipping News. Port of Callao. Arrivals from Huacho. .. Peruvian barque 'Adelante' of 151 tons, coming from Tangariba (Polynesia) in 48 days. Capt. Gol...n, in ballast, J. Ugate.

The barque carries 83 women, 83 men, 30 boys, 10 girls and 19 children or equal numbers of women amongst which are 56 couples. During the voyage 1 woman died and 4 [babies] were born. Came by contract 206 [people]

Callao News. New colonists. This morning the "Adelante" anchored. Brings colonists from Penrhyn Is (Tongariba[sic]). All in perfect health.

This is the first voyage made under the right granted by the Govt to Sr Byrne for 5 years. Juan Manuel Ugarte directs the enterprise on behalf of the investors.

The new emigrants' race is infinitely superior, physically and morally, to the Chinese. Have nothing of the oblique look and brutal appearance - appear very like the chino-cholos of Peru. Have large eyes and v. white teeth. Appearance of candour and humility.

Travelled in complete freedom, not guarded as are coolies, which indicates their good character

The islands (situated about $9^{\circ}0^{\prime}$ Lat S. , $158^{\circ}0^{\prime}$ Long. W of Greenwich) are so close to Peru that the Adelante made the round trip in less than 3 months.

As for the disposition or sale of the new colonists, couples and families will not be separated.

"El Comercio" 18.9.62

Letter signed Many landowners: Sr Vives presented request to Congress to bring domestics from ~~Rex~~ the Pacific. "The means and conditions under which these people enter the country merits the sympathy of men of heart ... far from imposing temporary slavery, directly benefit them, opening the doors of civilization, of a career, and are given the chance of honest employment without extortion or trickery".

Don't need to pay 300 or 400 pesos for them as for Asiatics, only need pay the 100 pesos for the trip and can then arrange a contract for [any length of time]. Sr Vives' system is the fairest for both parties.

VIVES

Points out the advantages to accrue to agr. and domestic service from such immig.

Letter from "Impartial" with nothing of importance.

"El Comercio", 26.9.62

Colonos de Polinesia - Letter from J.M. de Ugarte, Lima 24.9.62: Recounting the reaction of Prefect of Callao to notes of 15th and 17th from Min of Govt re the legality of the manner in which the Polys off the "A delante" were being contracted. Set up ad hoc investigation which reported to Prefect in 2 docs. Why was only the first published in "El Peruano" which cited only the charges and not the clearing of them? The natives of Tongariva were recruited voluntarily and no scandalous abuses were committed nor were attacks against individual liberty.

Doc.1: Report of Enquiry by Sub-Prefect, Capt of Port, Fiscal Agent and an interpreter, and Inspection of the Adelante to examine the state, means, and form in which the colonists from Tongariva arrived. Thus Capt Guinsam[?] produced 206 persons of both sexes and 38 small children, 244 in all, in good health thanks to the good food and medical treatment received aboard. They embarked vol. to work in Peru according to terms of contract.

Doc.2: Callao, Sept 18, 1962: Jose de Amatto Prefect. In conformity with order the investigation was made Appar. Ugarte controls the transfer of contracts scrupulously so that families are not separated. They are real emigrants, having engaged voluntarily. The company has acted according to the laws regulating emig.

"El Comercio", 10.10.62

'Ya no habra Emigracion' - Lima, 10.10.62: The new law concerning emig debated in the House of Deputies 9.10.62.

Seems to favour the landowner - to obtain a man for 4 years for 50 pesos seemd extremely good business. But on reflection no worthwhile people wd risk lives onn the voyage from Poly plus 4 years of labour for only that sum. Only if the risks of loss are great will the scheme be successful.

However 4 years seems a more acceptable term - the colonist can defray the expenses incurred by his employer in that time.

Proposes 120 pesos as the contract figure.

"El Comercio", 13.10.62

'Colonos de Polinesia', sgd 'Un chalaco': Opposing the view of Srs Pena and Bicytes re the new law. The trade shd be open to competition. It wd ensure value for money.

"El Comercio", 22.11.62

Translation of letter of 9.10.62 from Tomas R. Eldridge to Minister of F.A., Ribeyro: The Con. Gen. surprised that the Govt of Peru indiscriminately awards licences for the intro of Polys for some years of service.

The King of Hawaii possesses other islands than Hawaii of which the Minister was advised by note of 30.11.58.

While the traffic, if in the hands of 2 or 3 knowledgeable individuals, wd probably not infringe sovereignty, the margin for error is much increased with the involvement of large numbers,

No people in the islands under Hawaiian jurisdic. are permitted to leave for more than a short time and on promise to return and with the consent of the authorities.

Protests at the intro of any Hawaiian subjects to Peru and demands their return immediately and free of cost to their homeland, with compensation for losses incurred.

Lima, 2.11.62: Jose G. Paz Soldán to C.d'A and Consul of King of Hawaii - 'The undersigned neither accepts the said protest, nor considers it well-founded, nor that the Govt is responsible for outside acts, contracts and undertakings'.

In giving permission to intro colonists the Govt has done no more than comply with the laws of the Repub. and respect the established rules concerning the freedom of trade allowing, world-wide, the intro to Peru of artisans, engineers, industrial workers or agriculturalists, according to the agreements between immigrants and shippers. In 1849 permission was given to Don Domingo Elias to intro Asiatics. Several shipments arrived before the permission expired. By the law of 5.3.56 the Govt prohibited this traffic, and altho subsequent shipments arrived it was humanitarian considerations which prevailed. ??

Other govts have not protested thus against the subsequent immig of Irish, Germans, Spanish and others, who were conceded their passages, land, freedom from taxes and other benefits. If their govts prohibit the departure of their subjects, or consuls,

them not to leave, ~~if~~ ... the Govt respects this. Those brought to Peru are regarded simply as people with rights. No-one is brought to Peru to be enslaved and her ports, since independence, have been open to trade with all nations. When in need of particular skills the Govt has sought them ^(many rents) ~~from the jurisdiction of their own govts or from their~~ wherever, without wishing to remove them from the jurisdiction of their own govts or from their natural and social obligations, and when their contracts have expired they have either remained in Peru or returned to their own country in complete liberty.

The Govt has only ever ~~intervened~~ intervened to protect the industries themselves, leaving the details of the contracts to the two parties involved. This applies to the case of the Polys and if anyone of them were brought by violence or fraud the Hon C.d'A of Hawaii can rest assured that the Govt will punish abuses denounced and will apply the appropriate punishment to those who violate public or private rights'.

Before receiving the C.d'A's letter the Govt had given orders to further protect the Poly immigrants, who come freely - the Govt cannot order them to abandon their own country.

If the Govt of Hawaii only allows its subjects to leave temporarily and with permission, the Peruvian Govt has neither the power nor the right to make them leave. It is only obliged to allow them free entry and afford them protections according to Peruvian law. It is a tenet of international law that the laws of one country have no force in another ... that the obligations of a subject do not apply when in another country ... It is an established rule in Britain and the U.S. that a nation is not obliged to [abide by] the commercial and fiscal laws of the other, thus the protection of the laws is not refused to the contracts relative to the trade of citizens with subjects of other powers, altho in the actual contracts it is [obvious] that they deal with a type of commerce which the laws of these powers prohibit.

Since the power of the Peruvian Govt to allow the entry of immigs is absolute, it has laid down the necessary rules, as the C.d'A. has seen in the licences granted and the precautions contained in the law of 15.1.61 re Asiatics, and by the Min of Govt in his orders to the Gov of Callao on 15 and 19 of Sept, re the intro of Polys by Byrne, published in no.22, vol.43 of the official journal

The facts will show that the Govt has proceeded strictly according to the principles of justice and equality, to open the ports of the Repub to all emig, and thus cannot recognise the right to protest, nor ~~the~~ accept the protest of the Hawaiian C.d'A.

Nor is it possible for the undersigned to accept some of the words in the note which seem to imply an unfavorable appreciation of the licences awarded to some individuals whom he describes with the epithets "indiscreet and ignorant crowd" assuming that they have been granted licences [in great numbers], rebukes which the Peruvian Govt neither merits nor accepts and which call for an explanation from the C.d'A. - taken literally they express a bitter censure.

In order to avoid abuses in the intro of colonists the U.signed has aroused the 'zeal' of the Min of Govt who has taken the precautions considered necessary to stamp out irregularities, defects and vices which the traffic may allow.

As this matter compromises the interests of several Peruvian citizens and other foreign subjects who have obtained licences to bring voluntary colonists, for whose admission they must abide by certain rules protecting liberty, the u.signed has deemed it necessary to publicize the matter, the knowledge of which will ~~g~~ guide their later conduct.

The u.signed concludes by reiterating his respect and consideration

Translation of de L. to Ribeyro, Lima, 15.10.62: By authority of the Govt given to an Irish subject, the Peruvian barque 'Adelante' sailed thro' several groups of Poly islands gathering therefrom some 250 natives. Brought to Callao with an agreement for 5 years these immigrants were quickly snapped up by the public, satisfied in obtaining under the same conditions stipulated for the Chinese coolies, the services of a more vigorous and moral people.

*See SMH 24.6.63: 5
El Peruano 27.3.63*

Wishing no doubt to aid the country by such a useful immig the Govt has lately acceded to the requests for licences by speculators. Without going into the rumours concerning the 'Adelante's' voyage, and without worsening the report of the Commission of Inspection constituted aboard in Sept, it is my duty to draw the attention of Your Excellency to the abuses which such concessions can bring.

In effect nothing guarantees that [those licenced] have any knowledge of the political constitution of the places they go to exercise their trade, [incl] islands within the territory of the French Empire.

Y.E. will acknowledge that in such an eventuality I protest against these operations, in so far as they affect the sovereignty of my country, and in the event, that I reserve a right of inspection of ships bringing Poly immigs to Peru, or compensation for those who, coming under the jurisdiction of the Empire, have not left their country voluntarily and with the consent of the governing authorities...

Lima, 5.11.62: Paz Soldán to Fr C.d'A.

In reply to note of 15.10

Peruvian Govt in issuing a permit to Byrne ~~never~~ ^{never} thought to limit or diminish in any way the sovereignty of any govt exercising authority over islands in the Pacific, nor induce their subjects to leave their country, and thus does not accept the protest nor recognize the rights the C. d'A. attempts to claim. The promoter and not the Govt is ~~the~~ who must solve any difficulties standing in the way of the success of his venture. Thus he is bound by the fourth condition by which in order to enter into a contract with the 'workers' in the islands one or more agents are named who will be paid by Byrne and authorized by the Govt, to witness the signetures or marks which each one places at the foot of his contract.

*See SMH 24.6.63: 6
El Peruano 27.3.63*

Because this condition and those contracts must be imposed and agreed in the islands themselves, those who govern there can legitimately intervene, prohibit them, limit or ~~modify~~ modify them, according to their laws. If they do not, and allow their subjects to leave, whether they be contracted to their greater or lesser advantage or not, they have already renounced their rights over such contracts, not being able to judge them in foreign territory, nor exercise a jurisdiction in it which is deemed inappropriate in one's own. If the subjects leave their country in violation of the laws, they expose themselves to the loss of their govt's protection, or the responsibility for their when they return. If it does not lose its rights over its citizens, it suspends them [for] it cannot exercise them in fact, while [its people] are under the local jurisdiction of another govt. Thus the laws of the first hold no value other than that allowed them by the second, which probably ignores them, without being obliged to enforce them. The Imperial Govt ~~cannot~~ could legitimately forbid its islanders to leave Poly, and advise its governors accordingly, but it wd not be right to place responsibility on the Peruvian Govt because it allows the protection of its laws to free men with or without the consent of their govt.

It wd appear that a protest shd be supported by an act committed, or an inferred offence, or actual unrepaired damage, but not made on the basis of an eventuality or conjecture. If amg the 250 colonists carried on the 'A' were some subjects of His Imperial Majesty, torn from their homes by force or fraud, and the Hon C.d'A. had informed the Govt, it wd have reprimanded the ^{ri}criminals or abductors. The fact that repression [was not used] means that the [majestic rights of H.I.M. were not violated]. The Hon C.d'A. in honesty must appreciate this simple consideration, and even more so if he considers that the P. Govt only wishes freemen of good will to come, and that ~~it~~ to agree to their introduction it was never the intention to violate the sovereign rights ~~of~~ H.I.M. exercises over those islands, which come within the Fr Empire.

In admitting new immigs the P. Govt determined the degree of liberty with which they arrived and the treatment which they ~~have~~ received on the voyage, and all appears satisfactory, as is proved by the official documents printed in the officila journal, which the u.sgd encloses.

The u.sgd urged the Min of Interior to issue precise orders governing the intro of colonists in order to avoid abuses.

The u.sgd considered it wise to publish this correspondence to make those engaged in the immig aware of the turn the matter has taken.

Lima, 6.11.62 - Antonio ? to Min of Govt

All permits issued on the understanding that strict adherence be made to the law of 30.4.61 which allowed the entry of Asian colonists.

Lima, 11,11,62:-Paz Soldán to Min of Govt

Requesting the implementation of measures to avoid possibility of claims ag the Govt

"El Comercio" 2.12.62

Polinesios The monopoly to import has expired, unfortunately not in order to prevent the traffic but to open it to free competition. Thus freedom of trade is promoted but it dealt with trade in human flesh and success wd be to have it cease, not just changed.

A ship arrived a few days ago bringing a large number of Polys. 12 remain cruising the islands looking for their 'cargoes'. New expeditions will be prepared and new loads will ~~be~~ keep arriving. Thus it now [assumes considerable importance in the country's life].

Not sufficient thought has been given to the effect the traffic will have on Peru. Govts need to take steps sometimes to increase the workforce. But not all are of equal value - the Asiatics and Polys don't render the same service as the Eurs.

Altho disguised, slavery arrives with the Asiatics and Polys.
Degrades all humanity.

Concentrates wealth in the hands of the few to the detriment of the many.

Slavery abolished in Peru but still one feels its effects.

Peru doesn't need people ~~of this kind~~ such as the Asiatics and Polys.

Advocates Eur. migration - suggests that returning guano ships offer cheap passages.

Man's productive power is in relation to his level of culture

Honour, justice and duty demand that energetic measures be taken against possible abuses of the trade.

The POLys are attracted aboard the ships by hunger and curiosity and they are sold when they arrive here for whatever prices and periods [offered] without the unfortunates [understanding] the odious contract which decides their future.

While the law further regulating the traffic is being passed much time will elapse and many abuses will be committed.

The Polys are legally disqualified from negotiating, and consequently all contracts completed in their name ~~are~~ are null; the prohibition doesn't need to be proved, it is obvious. And why is it that no-one helps and protects them?

"El Comercio" 24.12.62

Polynesians at 4 reals: 2 were sold, a man and a woman. The woman is old, has false [?] teeth, dead looking hair and.,., her mouth, making a sound like cui. The man is a real dope, little chupista [colloquial - I don't know the meaning. M.J.D.] and one can [do anything one wishes with him].

Informants' whereabouts cited.

"El Comercio" 29.12.62

First col., cont'd from previous page thus no heading: As soon as the Govt heard that some Polys complained that promises made them hadn't been fulfilled the Min o Govt issued the following order -

Lima, 4.12.62: Antonio Arenas to Prefect of Callao

The Govt understands that a Poly named Corique brought to Peru on the "Margaritas" was engaged by Don Juan N. Delgado, who used trickery to take x him from his home, telling him that the only reason for it was so that he could take back/foodstuffs^{to his home} in abundance.

It seems that others are in the same situation. The Govt cannot allow this criminal conduct which breaks the law by which these people are to be brought to Peru only on their own volition. Please investigate and if proven, arrange that the natives be returned home and the guilty sent for trial.

*El Comercio Monday
26.1.63*

"El Comercio" - date cut off

Callao shipping - Departures: 26th Jan. Peruvian ship "Dolores" of 220 tons for Poly in ballast, Capt Altuna[?]

*El Comercio
26.1.63*

h. MT 28.4.63: 88

Callao Report/ Cronica del Callao: Polys - Ships despatched in search of agricultural colonists continue to arrive one after the other.

On Saturday ^{24.1.63} the 'Adelante' arrived from Penrhyn in 50 days bringing 202 persons incl. 77 men, 78 women, 15 boys ^{and girls?} and 33 babies

Two arrived yesterday ^{25.1.63}, one the Peruvian barquentine 'Carolina' from Oroa Is in 28 days, bringing 122 colonists, and the other the Peruvian schooner 'Hermosa Dolores' from Easter Is in 29 days with 160 ~~men~~ Polys - 138 men 22 women.

The colonists carried by the 'H.D.' come as passengers; 15 sent by the Capt of the 'Guillermo', 28 by the Capt of the 'Micaela Miranda' and 45 by the Capt of the 'Rosa Patricia'. The remainder are from the 'Jose Castro', 'Rosa y Carmen' and 'Cora' which were anchored off Easter Is when the 'H.D.' sailed.

It seems that the inhabitants of E. Is refuse to embark, intimidated by the tricks concocted by the speculators who exploited them; such is the fear of these natives that not only do they not visit the ships, but they have retired to the interior of the island, burning the scrub along the shore. This is the reason why the 6 ships mentioned above were forced to abandon the Island and continue their voyages.

"El Comercio", 3.3.63

Advertisement - "To landowners and householders" Contracts of Polys aboard the Peruvian ship 'Rosa[lina?]' will be transferred. Apply to Sr D. José Bianchi, Union St Lima or to Sr M. Pedro Solig..., Constitution St, Callao, or to the Capt aboard.

"El Comercio"., Fri 13.3.63

Advertisement - "Polynesians" - Landowners and others are advised that all sales made by D. Juan [Dockendorff ??] or any other person, of those recently arrived on the 'Genara' are invalid, as are all contracts for the cargo not signed by the undersigned Tomas [Kane ?]. Lima, 12.3.63

"El Comercio", Sat.21.3.63

Report from the Capital: Bringing to the attention of all the notice [immediately above].

How is it possible in this day and age to publish openly an ad. referring to the sale of men and of them as the cargo of a ~~schonner~~ schonner. How! The blood shed in torrents in a popular revolution to restore the jurisdiction of national sovereignty duly exercised; to break the chains of slavery and the shameful servitude of the Indian, wasn't enough to put an end to the base, degrading traffic in men.

How! Still the public is advised of the sale of human flesh, and there is no-one to hurl a ~~si~~ powerful ^{rejoinder to} ~~reprimand against~~ this mud flung in the face of our country, against this insult directed at our culture and civilization, against this flagrant breach of our laws and of the national will, spoken of on more than one solemn occasion. Is there proof of the existence of this sale? There is the ad. to which we referred. Are there laws condemning this traffic? There are officials whose duty it is to see to the proper observance of the constitution and the law. The reply is obvious; all are doing their duty.

We have always deemed the sale of men a crime; but to go to remote lands, to wrest from them 'savages' who in their wandering life and in their simplicity and ignorance don't understand the way of life of civilized countries, to throw them in the midst of ~~these~~ this civilization, but imprisoned by the harsh chains of slavery, so that in comparing their previous free existence with their present life subject to a master ..., is a crime that humanity condemns, and carries with it the shameful stigma of ~~popprobrium~~ and ~~ignomy~~ ignominy.

From all sides calls for a means to save the honour of Peru are raised - that it be not stained by the traffic, more or less disguised, that today is made public by the press.

"El Peruano", Sat. 3.2.63 (Vol. 44, no. 1)

(Council of Mins resolved that 1. The Peruano, the Official Publication, be pub. each Mon., Wed, and Fri., and was to include laws and resolutions of the Congress, decrees and resolutions of the Govt, public treaties, diplomatic corresp. deemed necessary, and all govtal acts; 2. A special section be devoted to the daily proceedings of the Courts ...)

Ministry of Govt, Police and Public Works. Govt Section. Lima, 20.12.62: The orders of 17 June, 15 Sept and 16 Nov having proved ineffective in fulfilling the objects of the law of 14 March 1861 for the intro of Polys; it is resolved that a Commission composed of the Prefect, the Mayor and the [Official Trustee] of the Province of Cañlao verify the examination which, in conformity with the resol. of 10 June last, should be made to determine if the formalities laid down in article 1 of the said law, have been fulfilled or not; extending this resolution to all other ports, in which the Commission will be composed ~~by~~ of the Subprefect and the other two public officials mentioned above.... [Sgd] Arenas.

"El Peruano"

p.98 Lima, 20;2.63: It being necessary to avoid the abuse of licences granted for the introduction of Polys of both sexes to Peru, ... the Executive Power resolves: 1st, That the captains of ships which carry colonists from the S.W. Pacific, or any other place, present to the Commissions estab. by the decree of 20 Dec.1862, a detailed report of the said colonists, and the legal document authorizing the contracting of their services; 2nd, That if the latter document is not in the form laid down by article 810 of the Criminal Code, or is not recognized by the Republic's judicial authorities, the colonists will be protected in the right to dispose of their persons, as they deem fit, without prejudice to the fact that the captains or impresarios who have used violence or trickery to make them leave their homelands, be criminally tried, according to the law; 3rd, That the above-mentioned Commissions will supervise the first contracts completed with private individuals for the services of the colonists, the judicial and police authorities making certain, in the relevant areas, of the strict observance of articles 813 of the Criminal Code and 1632, 1635 and 1639 of the Civil Code; 4th, That the captains of the ships which carry colonists do not disembark them in any port without having observed the requirements of article 1 of the present decree. To be communicated and published. [Sgd] Arenas.

"El Peruano", Vol.44, n0.37, Fri.27.3.63

For: Translation of Eldredge to Ribeyro, 9.10.62

Paz Soldán to Eldredge, 2.11.62

Trans. of de L. to Ribeyro, 15.10.62

Paz Soldán to de L., 5.11.62

see pp.31-34 of these notes.

p.160, col.3 - Lima, 20.3.63: de L. to Paz Soldán
 Refs to letter of 15.10.62 to " 's predecessor, restating main points.
 On 12.11.62 Y.E. explained why you cd not admit my protest, but wd issue orders to remove abuses etc.

I shall not reproduce here the arguments of the Minister of F.A. re colonists other than Polys; I realize that it is [reasonable] and that a foreign representative cannot interfere nor seek verification of contracts ~~expersonal~~, legally proposed by one side and freely accepted by the other.

The question was not that of determining whether the contracts were legally completed, and thus deduce that if their governing authorities hadn't intervened to prevent them, restrain them or alter them according to their laws, it is because they hadn't wished or been able to assert their right of investigation, without being able to judge the acts in a foreign country, nor exercise a jurisdiction which hasn't been invoked in theirs

see also p. 64 for El Casco reproduction

Reproduced in Col Paper 1864, p.17

Y.E., in expressing yourself thus, admitted as a watertight fact that which ~~is~~ will not be nor was from the beginning, a matter of doubt, namely: that a contract existed in the moral, practical and legal sense of the word. Your faith in this respect rests in article 4 of Byrne's concession, and in the satisfactory verification of each point by the authorities at Callao. I shall allow myself to discuss only one of the two points, since the other is the result of a confidence, whose merit and origin I can only appreciate.

What does article 4 say? Literally translated it stipulates the undertaking contracted by Byrne by which one or ^{more} ~~many~~ agents are named, to be paid by him, and whom the Govt will authorize to verify the signatures or signs made by the colonists at the feet of their contracts.

It will not escape the President of the Council that this clause links/embraces two completely incompatible ideas. On the one hand I see these agents charged by the Govt with a mission of the most sacred character, with its object not only to verify the legality of all acts relative to this immig., if not also to promote its development, covering it with the guarantee of Peruvian morality; and I see on the other hand these same agents paid and rewarded by the impresario, i.e. placed in a position of failing in their duty or ignoring their own interests.

Without wishing to incriminate any one ~~to~~ of those agents I declare that their certificates and reports are almost all void and your Govt could not invoke them in its defence, and even less answer representations and scruples of a foreign Minister speaking in the name of humanity and of his own nationals.

.... Hopes that since 12.11.62 the Minister's opinion of the traffic has changed and he has realized ... the extent of this scandalous trade in human flesh.

[Refers to the lives of the natives in Peru]..... unfortunates taken by force ... apprehended by the police and their masters when they try to flee ... ~~and their~~ ~~masters~~ die demotated by nostalgia, sickness and ill-treatment. It .. demands energetic means of repression.

The appalling statistics, attempts at evasion, longings for their homeland deep enough to cause death, demonstrate absolutely the lack of contracts legally offered and accepted and the shamelessness of the speculation, the ethnological incapacity of the Polys in the matter of immig. Hopes the Govt will listen to the reasoning of a friend.

Hoped to end there, but on orders from France ... and with knowledge of acts committed it is necessary to continue.

This knowledge removes the Poly question from the purely diplomatic field to that of crime.

The capture of the Peruvian vessels "Serpiente Marina" and "Mercedes A. Wholey" ~~was~~ made completely legally, and is public knowledge, ... and the

documents were sent me by the Imperial Commissioner at Papeete, and I wish that the details be made known to the Govt and speculators who are operating on the edge of a fatal abyss, and also to the people of Peru.

I am sending these 11 documents without appealing for their publication in the official journal I am hoping they will be.

I believe I must add relevant extracts from our corresp. with the French Consul in Callao no. 12, re ~~that~~ the natives in the "Eliza Mason", "Rosalia" and "Teresa" at anchor in Callao waiting to commit the ultimate sacrifice. ???

Docs 13,14,15 detail the measures taken by the Consul through Rear Admiral Valle-Riestra to obtain punishment by disciplinary and administrative means of the Captain of the "Teresa" who recruited at Paita Tomas Ocoa[sic], not only broke the contract, forcing him to come to Peru, but also submitted him to the worst treatment during the voyage. Abusing his position as Captain, he forced Ocoa to steal and trick the natives carried to Callao. The facts exposed by O. were confirmed by one Hawisellass, a Dutch carpenter who disembarked from the same ship, who swore them to be the truth before the Consul. The costs of repat. of this French Poly must be paid by the Capt, and to them must be added compensation for the crime of kidnapping/seizure and for the bad treatment suffered.

The Commandant General of the Navy has deemed that the complaint of Mr Desnoyer be submitted to the common courts. There is nothing to object to in this if it is according to the law of the land. But in the present case Y.E. will permit me to find it strange that, without intervention of the territorial judge, the maritime authority working in a disciplinary and admin. fashion, can, on the request of a captain at anchor in the roads, put O. in prison in the Arsenal for 3 days, and submit Hawysellass to the treatment and the penalties mentioned in his statement.

..... It wd seem that there has been summary justice against a sailor accused by his captain ^{but} and not against the captain accused by an inferior.

... Whatever the reason given by the Rear Admiral I feel obliged to make the claim ~~to~~ of indemnity and reparation

Once returned home O. will have to answer to the authorities in Tahiti for having left.

But in that which concerns your Govt it is without doubt [necessary] to make an example of the promptitude of the reparation which appears to me so necessary. It is in Peru's own interests the position she has attained in the civilized world ;... in the name of humanity ...

The last document, no.16, is a statement ~~of~~ made by Sr Pablo Gamero before the Chilean Consul in Callao.

It is interesting in that it demonstrates the ~~x~~ uniformity of the methods used by the speculators in attracting Polys aboard ship. The promise is always, no matter

which Peruvian ship it is, to go to work on a neighbouring island for money, and be returned later to their home island....

In conclusion I must disclose an operation of recruitment last July at the Pearnghu[sic] Islands en route to Tahiti .. details passed on by the Fr. F.M. for obvious reasons ... [details operation undertaken according to the rules and with due respect for the rights of the natives, the operation being in the hands of a trader in Tahiti with whome the admin. had concluded a contract].

Papeete, 4.12.62: Eg. de la Richerie, [Head] of the French Oceanic Territories and Imperial Commissioner in the Society Islands, to de L.

Reporting the activities of Peruvian ships fitted out in Callao apparently by a relatively large organisation whose aim it is to snatch natives of Oceania from their islands and to carry them to Peru where they will be sold.

Since the beginning of last month the passage through the Islands of 3 ships from Peru fitted[?] appropriate to the trade of dealing in men, has been the cause of public comment

1. The American schooner "General Hornet". During her voyage the Capt attempted to sell at the lowest price a cargo of coffee which he cd have sold easily if it hadn't been for the lack of confidence he inspired.

2. The Peruvian barque "Serpiente Marina" in ballast.

3. The Peruvian Barquentine "Barbara y Gomez", in ballast.

The "S.M." is detained now in Papeete until the [enquiry] has heard the details of the attempts to recruit by the Capt in the Gambiers. The other two left Papeete on 11th and 19th November.

p.162 The 24th Nov. after a summing up which left grave ~~and~~ doubts about activities of her crew in the G mbiers I gave the order to allow the frigate to continue her voyage, never imagining that anyone wd dare attack natives under our authority; but during the day of the 24th I received a word that a barquentine was in the midst of the Tuamotus Archipelago and that the Capt of the ship, aided by a Frenchman named Grandet, resident in the Islands, had already embarked 30 natives and counted on completing a complement of 200 or 250.

At daybreak of the 25th the "Latouche Tréville" was sailing for the archipelago, with the order to operate according to maritime law; I don't know yet the result. Probably the Captain will obtain facts re the Peruvian organisation's objects and methods. I thought in sending the "L.T." to the Tuamotus that the "S.M." shd be detained. Because the reported ship, although showing no flag or name asterh, was recog. as being crewed by men who spoke the same language as those of the "S.M." and of the "B.y Gomez"; it was obvious that the "S.M." was engaged in operations directed against our Islands - and it was important that the murky business be clarified.

In fact a Chilean frigate the 'Matias Salvinus' had entered Papeete on the 29th Nov. after having called at the Gambiers and the Marquesas. Letters received from those two archipelagoes are of such a nature as to confirm my misgivings that the Callao expedition, inspired by a firm desire to recruit islanders, has no respect for those who for 20 years have been placed ~~at~~ under our protection and benevolent authority.

I append some copies of docs which explain how urgent was the need for my prompt intervention to stop treacherous acts, dangerous to the liberty of the people of the Protectorate and other islands in our Oceanic territories.

Having read the Treaty of Friendship, Trade and Navigation published in the Monitor of 13 March 1862 it seems to me that when news of what has just happened reaches the Peruvian Govt, they will hasten to prohibit that which is a shameful act, whose only motive is greed, carried out under the shadow of her flag.

.....

I shall advise you of the sequel to these events, which are not without interest. I shall proceed with the utmost moderation in ~~the~~ regard to the citizens and ships of Peru [although there be reason to use harsh measures against them which they deserve] - for infringing our laws in the islands under our jurisdiction.

"El Peruano", 30 March, 1863

Ministry of Foreign Affairs. Continuation of the documents from the previous issue.

No. 2: Copy of a letter from the President of the Marquesas to the Imperial Commissioner, Taiohae, 18.11.62. - I pass on to you some facts given me by a Portuguese, Antonio Guerra, off a Peruvian Barquentine 'Manuelita Fernandez', which was at Hatihue on 18th and 21st October; and an Englishman, Lawson, arrived from the Magdalena [?] on the 15th Nov.; I append to them the contract concerning the 5 natives who embarked on the Barquentine and which the missionary holds. In the last few days I have written to Sr Fréchen for information regarding this document; he came himself the following day and gave it to me together with a letter from the women of the place, which he gave me open, pleading that I hand/over/^{it} to the natives ~~xxxx~~ if I had the chance: I send it to you because it may serve as information. The contract contains two signatures, that of the Englishman who died, and ~~whxxx~~ which I couldn't read, and that of Antonio Olano, present commander of one of the ships.

The Portuguese Guerra was on board the 'Matias Silvinus' in order to get to Tahiti. I gave him 50 francs as via de socorro on his departure.

When I knew that a barquentine was at Hatihue I sent the Ballenera with the pilot who was to offer ~~me~~ his services to the Captain in coming to Taiohae; the barquentine had left, carrying the Portuguese, who said ^{that} these ships which had no ~~destination~~ work in Callao, came to make exchanges in the Islands, and they took aboard coconuts. A few days later he gave me the facts that I am sending and told me that he had left the ship because he didn't dare stay aboard.

He had at first tricked me regarding the destination of the ships, because of an arrangement with deserters from the two whalers which were ~~ix~~ at Taiohae from the 25th Spt to 14th Oct.

The whalers had four deserters, two of whom were at Akapa in the missionary's house, eight days later they were with Fr Pedro at ^{Haitheu} Atiheu, and tried to embark on the barquentine, but the capt threw them off. 6 natives ~~were~~ arrived to take them to Taiohae, but ^{the} Padre at Haitheu prevented them, probably in ~~barvado~~, and he boasted of it in front of the pilot I sent to Haitheu; on the other hand the whalers had left; also the passage of those ships thro Puarnau and Haitheu[sic], the 5 natives taken aboard belonging to the mission of Haitheu, and the ~~circumstances~~ fact that the captains and several others took part in the Mass, led me to believe, to start with, that the ships were in part sent by the Missions; but no-one could tell me if they were Peruvian or Chilean.

I am etc.

Resident Lieutenant ~~mf~~ [sgd] - de Kermes.

This ~~x~~ is a true copy. Ed. de Lesseps.

No.3.; Copy of letter from the Provicario apostolico to the Imperial Procurador(Attorney), Papeete, 2.10.62. - In reply to yours of yesterday afternoon, I have the honour to send you, attached, ~~the~~ an extract from the letters which I received from the Gambier Islands.

I can only offer this extract as mere data and with great reservation; since the letters which have been sent me have no official character.

They are only in the form of local news given by one friend to another in their correspondence.

[Sgd] N. Pougne

No.4. Extract from letters from the Gambiers and sent to the Superior of the Mission by the "Serpiente Marina".

A ship came into view from the Gambiers on the 26th Oct. of 1862 and held off for the two following days altho the wind was favourable. On the arrival of the pilot aboard they were informed of the number of the ^{archipelago's} ~~islands~~ inhabitants and if there were any Frenchmen. On coming ashore the Captain said that he was making a scientific voyage to Polynesia; a Frenchman J. Guillon who was asked aboard, and 6 men from Maareba [who went] on the pretext of giving the crew water, noted that the barquentine 'Serpiente Marina' was ^{fitted} ~~armed~~ liked a slaver, and came to inform the authorities. ~~The~~ ^{Messrs} Pignon and Marion went aboard and said that nothing seemed suspect. Mr Pignon was seen later to talk secretly with the Capt and the supercargo in a secluded spot. After this the Capt wanted to change anchorage to be closer to the open sea. As soon as the ship was at her new anchorage the supercargo said; Now it is I who am in charge, and announced his wish to take on natives, whom he

promised to pay well. Many Mangareguians told him that they needed the permission of the regent; when he supercargo insisted that there was no necessity to ~~say~~ anything to the authorities of the country, he was told that the authorities wd come and reclaim those he wished to take away. In that case, he said, ~~will~~^{we}/will ~~fight~~^{stab} them , and one of the men aboard showed the natives a case full of such instruments [daggers]. The natives ran to inform the local authorities. The Capt, the doctor and the supercargo came ashore and were surrounded by police and disarmed as they were taking out their arms. Padre^(Fr) Laval arrived in time to remove the supercargo's dagger. He said later that he had come to terms with his soul because the authorities had decided that the men of the 'S.M.' be put in prison until the arrival of a warship which would decide their fate. ~~xx~~ Later the Capt and his men were allowed to return aboard if they ~~left~~^{set sail}/immediately and left the archipelago. The Capt accepted this proposition and set sail.

no.5. Copy of a letter written by Marquesan women. [no date]

I am Erihita, I greet Kanuto; I cry for you very much; four months have passed since the Captain said that he would bring you here; at that time he lied to us as he did to you; When will you be coming? They have written to Tahiti fo say hello ot the Spanish Captain Andres Garcia.

I greet you Pota, my son; I also greet you Teoturo my son; When will you return to Haiteu? We are upset because we don't see you returning.

I am Toture. I greet you Manuto, come back because I haven't stopped crying since you left.

I am Pohusika; I greet you brother-in-law.

[5 more members of family send messages and pleas to return]

No.6. Names of 5 natives who were taken on board at Hatiheu, bay to the North of the island of Nukahiva.

Hokeueto Andrea

Hermeitu

Peodora

Pin

Petero

Punilete

} Aboard the 'Adelante ~~Suete~~ Suerte', departed 13.7.72
 } Peruvian flag.

} ^{Costas} Aboard the 'Manuelita Palida' the 21st Oct.

No.7. Copy of a translation made in Papeete 29.11.62 relative to labour contracts.

We the undersigned agree to receive aboard (5 names follow) to do the work which we order for 4 months more or less, paying them a wage of 8 pesos a month each. They undertake to do their work with submission and honesty; and in fulfillment

of the above we place at the foot our names and signatures,

As supercargo of the Peruvian bark 'Adelante Suerte' anchored in this port of the island of Naukiva to-day ~~13 July~~ 13 July of 1862.

And the contractors signed. - It is an authentic copy - ~~Taj~~ Ordenador -
[sgd] Trastour

No.8. Declaration made at the beginning of Nov. of 1862 by the Portuguese Antonio Guerra of the ship 'Manuelita Fernandez' who left this ship in Oct. of 1862 in the Marquesas.

In Callao 9 ships were prepared, of which 7 were ready to go and seek natives in the ~~uncivilized~~ uncivilized islands, these ships were prepared [under?] the treaty and held papers in order from the Peruvian Govt; but the owners advised the captains to by-pass places where there were authorities ^{or} of missionaries.

Spanish shipowners in Callao.

Diego - two ships.

Santiago Ugarte, chief owner of these ^{west} others.

The first ship leaving Callao the 15th June was the Adelante (which spent the 10th of July at ^{on Naukiva} Hatiheu, stayed three days, and left the 13th for the North). Five natives of Hatiheu came aboard and were to be brought back in 4 or 5 months. Before arriving at Hatiheu it went to Puaman. ^{or on 14 June}

Returned to Callao the 17 Dec., ^{west} three months two days after departure; had aboard 250 natives at least, perhaps more; the men embarked at Hatiheu had to serve as interpreters, but were of little use. An Englishman who had lived in Tahiti for a long time, and knew the islands, was aboard; he said to Fr Freaken that he had an authority from the King of Holland to seek men in the islands. This Englishman died on the ~~xxx~~ crossing from Hatiheu. ^{west}

The second ship which left Callao the 22nd of Sept at about 9 in the morning was the ^{Jay's name} 'Jorge Rara' Barquentine; the 5 natives from Hatiheu were aboard.

The third ship ^{Manuelita Costa} 'Manuelita Fernandez Costa' Barquentine, left the ^{23rd} same day at about ~~six~~ midday; arrived at Pauman the 17th Oct. where it stayed 3 hours. The missionary was aboard and dissuaded them from staying there to take on water; the following day 18th it was at Hatiheu, where it stayed 3 days. It left the 21st Oct., and sailed to the E.S.W. [?] Took on a native, and a crew member named Antonio Guerra ^{Guerra} left the ship. This barquentine carries 2 small cannon, an espingada, 14 rifles, cutlasses and pistols, 11 men of whom 4 are forward crew and 7 stern crew who are: the captain Garcia, Spaniard, the second Federico, French, a surgeon, the pilot, the boatswain, carpenter and steward. There are grilles [irons?] aboard.

Signals from the 'Matian Salvinus'. A brig 'Barca Peruana' went through the Gambiers two days before the arrival of the Salvinus. The capt excused himself from

showing him papers and wanted to contract men; ~~he~~ was given notice by the pilot that he saw irons aboard, the capt was ashore with amny of his armed men . and there having been a scuffle on the patio of the queen's the men were disarmed.

Signs [?] made by Mr Lawson on the 15th Nov.

~~Mr~~ A barge with 20 men of the crew were at Tahuaca (at Santo de la Dominica) at the end of Oct; the capt asked for men to work, and went to a chief of ^{Hiraoa} Magdalena who received ^{Fatuhiva} gifts; this chief offered him 300 natives from Magdalena, where this ship was at anchor in Ornoa Bay, but the men from Sandwich say that they saw ~~grilles~~ ^{irons} aboard.

When the capt said to the chief that he wd keep his promise the chief replied that the men wd be there soon, but that it was necessary to go to Nahiva for written contracts. The capt said that he didn't need to go to Teai-o-Hac, and got ready to depart; Mr Lawson didn't see the departure of this ship, but saw written on the salvage [?] register 'Elisa Mazon'. This brig came from Callao in 24 days, and at the same time there was a schooner ~~in~~ at Toahuha taking on water, from Pisco (Peru) in 22 days. The members of the crew had deserted, leaving the ship, which was claimed from the natives in vain. This ship also had been at Magdalena, but it didn't seem to be of the same type as the other; it was carrying cargo and said it was going to Tahiti.

The President at Tai-o-ack (signed) de Kermell.

True copy.

No.9. French Legation in Peru. French Establishments in Oceania and Protectorate of the Society Islands.

Today the 2nd of Dec of 1862, at 8 in the morning, according to the orders of the Imperial Commissioner and by virtue of ~~the~~ ^{its calling being called} establishment by the Ordenador:

A commission composed of Señores Suc, the Deputy Commissioner of the Navy, President de Fouquières, chief of the Customs service,

Bonet, Naval Cadet, Captain of the Port, met aboard the Peruvian brig 'Serpiente Marina' to examine the ship's papers, the provisions she is carrying, and the arms, tools [or irons] and munitions she might have.

The Captain of the ship, Francisco Martinez, Spanish subject, born in Malaga (Spain) according to his statement, ^{correct} not a naturalized Peruvian; according to ~~the~~ his replies to the questions put by the President has shown:

1st. The crew list comprising 15 men and the capt on leaving Callao, with the addition of a carpenter and 4 sailors embarked during the stay in Tahiti.

2nd A licence to sail to the Poly islands, issued in Callao on the 23rd Sept 1862.

3rd A navigation licence or certificate of ownership [?] stating that the ship, built in New York, is of 198 ~~tons~~ Spanish tons; is 103 ft long and 24 wide,

and 12 deep; belongs to Señores Bernales and Saco, Peruvian citizens resident in Lima; the nationality of the capt was not shown and the space left blank.

4th A certificate of registration of the ship 'S.M.' issued by the Dept of the Navy on 22nd Sept 1862 in the same port of Callao.

Total - 4 genuine documents.

Proceeding immediately to the examination of the tools[fittings?] the commission declares that the false deck of the Serpiente is flying [?]. It is composed of planks superimposed and resting on ~~beams~~ external beams about 1m.50 below the deck.

At the foot it is filled to 3 or 4 metres in front of where it falls to about 0, 5[?]; the compartment in this form must serve as accommodation for the crew.

Around the interior of the hull above this deck are two rows of camp[?] beds suitable for passengers. Amidships the main hatch and the ? hatch have the same arrangements of beds as in the poop.

The saloon on/above the deck is between the mizzenmast and the hatch, and contains a galley forward and the actual crew's accommodation aft. It is of recent construction and the lack of paint allows the completely new wood to be seen.

The galley has two stoves, one of iron destined without doubt to ^{the preparation of} ~~provide~~ food for the captain and crew, and the other of manposteria[??] recently made available to serve the passengers of the tweendecks whom the ship takes on. This stove consists of two ^{round} ~~burners~~ [?] boilers, each one with a capacity of 75 litres. According to the capt there are aboard between 16 and 18,000 gallons of water which is equivalent to 60 or 61 tons.

Everything was inspected and noted between 8 and 10 in the morning; the visit was only made in a superficial fashion. As the ship was not ~~desarrimado~~ the commission had made its investigations after having studied the ship's disposition, adequate for the reception of natives from the Pacific islands; and the unfinished work appeared to have been undertaken during the voyage and after the departure of the 'S' from port; the workmen were working still on the mast and in painting when the commission arrived.

As for the documents, none indicated the legitimacy of the expedition and the commission believes this calls for comment, repeating that the capt is Spanish, born in Malaga, and not a naturalized Peruvian; ~~in~~ and that the expedition altho ostensibly making for the Poly islands, had no declared destination.

Re the arms, irons etc the capt declared that there were only 2/^{long} cannons of 4 [?], 8 rifles, 2 lances and few munitions.

As a result of the preceding the commission closed the proces verbal on the day, month and year noted above.

The members of the Commission (signed) - Ch. Suc. de Fougieres. Bonet.

No.10. Extract from the Attorney or Imperial Procurador.

To-day 1st Dec, 1862, at 2 p.m., we continued the enquiry concerning Peruvian ships, syndicated to carry off natives of the Pacific Islands, and especially those under the French Protectorate. - A sailor from the Peruvian schooner 'Manuelita ^{Costas} Hernandez' who calls himself Antonio Guerra, ^{of} Portuguese birth, replied thus to the following questions:

Q. From where did the Peruvian schooner 'Manuelita Hernandez' sail?

R. From the main port, Callao.

Q. What sort of trade was she going to do in the ~~Islands~~ Islands?

R. I was told, on our departure, that she had French Govt authorization to take on natives.

Q. Where did you touch first after leaving Callao?

R. 'Dominica' Island, here we lay to, to determine if there were any Europeans on the island; the capt Andres Garcia ~~had~~ ^{seeing} a missionary come on board, rushed to hide in the hold anything which could give an idea of the object of our voyage (e.g. irons, and arms of all sorts). In a word he ~~had~~ [took the role] of a whaler - our stay had been about 2 hours.

Q. Where did you go after leaving Dominica?

R. We went to Nukahiva, and we anchored in Hatiheu Bay.

Q. When you were at anchor, what relations did you have with the inhabitants?

R. We said to a missionary who came aboard, that we came to take on water to continue our fishing.

Q. What happened after?

R. When we heard the capt's reply to the Missionary's question 4 men deserted, and I am the only one who was not captured.

Q. Who is the owner for whom you work?

R. It is a company of 7 [members?], and the principle owner is named Diego.

Q. Has this company many ships?

R. It has 2 that I know of.

Q. What was the day you arrived at Nukahiva and when did you desert?

R. I don't recall the date of our arrival, but I know that ~~the~~ I deserted ship on the fourth day of our stay.

Q. During your stay in that bay, what did your capt do? Did he try to recruit natives.

R. He had exchanged some planks with the missionary for a bull, some vegetables and coconuts, and I hadn't yet fled the ship when two or three natives who had come aboard, and, happy with the presents from the capt, stayed aboard and left with the ship; ~~we~~ also ^{there tried} ~~arranged~~ to embark as interpreter the woman Cristina, but finding her too old and irritable, he did not agree; more so when the sailor Felipe told her that she wd never see her home again and that they wd sell her in Peru.

Q. Of how many tons is the ship?

R. 150 tons and was built according to the model of the "Serpiente Marina"

Q. Do you know that ship?

R. Yes, she was equipped at the same time as our schooner and belongs to Don Santiago Ugarte, of Callao.

Q. Do you know anyone aboard the 'S.M.'?

R. I know all the sailors and I think I know all the officers.

Q. Do you know where she could have gone?

R. I don't know, but it is possible that she went to ~~the~~ ^{Penahya} Penehin Island, which has already supplied ~~a~~ ... 350 natives who ~~have~~ arrived at Callao, two days before our departure, among them were 5 Nukahivans, who were ~~painte~~^{tattooed} [sic], and a Chilean, taken at Nukahiva to serve as interpreter.

Q. Where did they stay?

R. During the short time I was in Callao I went aboard a ship called the 'Adelante Suerte' and there I saw dealers/merchants selecting natives and pay^{ing} 3,000, 2,000 and 1,500 francs for them according to the sex, age and strength.

Q. Tell us all you know about these ships and this traffic.

R. The 5 Nukahivans weren't sold; they were transhipped to the schooner 'Jorge Sand'^{zahn} which left 2 hours before us, and was to repatriate them. that ship belongs to Santiago Ugarte also and was fitted for the same type of trade.

The pilot of the 'Manuelita Hernandez' is a Frenchman from near Bordeaux, and is called Santiago Federico.

When we sailed from Callao, the Capt told us that the Peruvian warship 'Tumbes' had to leave at the same time to protect us.

After having read his statement and explanation to the witness, he stated that they were true and signed together with the notary and the interpreter.

Signed

Information from Mr Yver regarding that which cd have occurred between the natives of the Gambier Islands and the 'Serpiente Marina'.

In conformity with the instructions of the Head of the Judicial Service, Nos Esnot, Captain of Marine Infantry [?], carrying out the functions of the Imperial Procurador, before the Courts of the Protectorate, we questioned Mr Yver, merchant, who appeared to-day 1st Dec. 1862, called by Nos, in this court of the Palace of Justice.

Mr Yver replied to the following questions:

Q. What have you known in Valparaiso about certain ships with the Peruvian flag, which will leave or have left Callao, to go to the Pacific Islands in order to remove natives from there and transport them to Peru?

R. A few days before leaving Valparaiso, (towards the end of ~~Sept~~ last) a Mr Watson, former resident of Papeete, asked me if I could give him information about 150 to 200

natives, which a Peruvian ship whose name I don't remember, must have taken in the Pomotus Islands, to take them to Peru and sell them to the mines.

I replied that I did not know anything about it, and that at the time of my departure from Tahiti, there was no news of it.

Q. You passed through the Gambiers; what had been told you about the fracas that had taken place between the Mangarevians and the 'Serpiente M.' on the 30th Oct. and what caused it?

R. When I was at Mangareva, I learnt the following:

A Peruvian ship had left the port 3 or 4 days previously, this ship having stopped there several days; I was told that during her stay the men from the ship had [sent messages to the natives] inviting them to embark, that these moves had been reported to the missionaries, that Mr Santiago Guillon, French colonist resident in the Gambiers, having gone on board, saw in the hold irons and fittings such as ships of the slave trade carry. That according to ~~the~~ ^{Guillon's} story of ~~the~~, he asked the capt about what he had seen, and if he had the normal ~~papers~~ ship's papers required, and asked to be shown them; that the capt replied that he had the papers and wd bring them ashore, that not having done so he reminded him of it, and that then [the capt] told him that he didn'r have any; that these evasive replies made him think that the ship was suspect; he warned the natives so that they couldn't be surpris'd, that he didn't believe the promises of such people, that they were concealing their plan to capture them, to treat them later as slaves, that because of this warning, the capt and supercargo and doctor having returned ashore from the ship, the capt armed with a revolver and the others with daggers, the natives disarmed them and they seemed ready still to make use of their lances; that the missionaries had intervened; that they had invited the 3 officers of the 'S.M.' to return on board and asil immediately, which they did saying that they were going to go to Tahiti to present their complaint.

Q. Have you touched at the Marquesas? What have you heard about a Peruvian ship which tried to remove, and that did remove some natives from those Islands?

R. On our arrival at Nukahiva we knew that a schooner had snatched 6 individuals from a neighbouring island. The French Governor had instituted an enquiry into the matter.

Q. Who are the people who can give us more information about all this?

R. There is aboard a Portuguese sailor, a passenger, named Antonio who ~~is~~ left the ship at Nukahiva, and who in my opinion cd furnish more presise details.

Having read his statement, to Mr Iver, he affirmed that they were true
Signed ...

To-day 2nd Dec, following our summons the capt of the 'Matias Salvinius' appeared in our court in the Palace of Justice, at 1 p.m. and volunteered the following info:

I knew from a Frenchman, called Santiago[James], from Sr Pignon and several natives that a Peruvian ship had arrived several days before me, that she had changed Peruvian money for that used in the Islands, that she had bought pearls; that the doctor of that ship whose name I do not know had given his help to the Queen, that there had been a revolution in the country, that several natives had removed a revolver from the captain's hand, and a knife from the doctor; that later these officers had rounded up their men and got everything ready and left; I received ~~these~~ this news from Pignon, Santiago Guillon, Maria and Daniel Guillon, who told me they'd had it from their father and Pignon.

Q. Are there any other details you can give about the happenings in the Gambiers?

R. On my last trip to Valparaiso, I touched at the Gambiers; I went to show my papers to the Queen accompanied by the pilot Daniel; the Queen had part of her face covered by a handkerchief; Daniel told me that she had a sore nose, I asked her to show it to me wishing to offer help she showed it to me; and the following day I went with my No.2 who had some medical knowledge, to offer some medicine we had aboard which might be of help; she told us that she could accept nothing without first having spoken with the priest; she couldn't take anything without his [permission?]; with that I retired wishing her good day. Now I can add that on our ~~arrival~~ arrival ashore, in the Gambiers, two natives followed us to cut us off, since at sunset and at the sound of the bell it is necessary for us all to retire aboard except Mr Yver, the only one who had got the priest's permission to stay until 7 or 8, having business to attend to ashore.

Q. Did you know anything about some ships which had called at the Marquesas?

R. I didn't know anything; a sailor from a Peruvian ship came aboard, and ~~is~~ because of the ^{request ? from} invitation ~~of~~ the Governor of the Marquesas which was sent me ~~thru~~ through the captain of the port, with 25 francs for food costs, I undertook to take him to Papeete.

Q. This ~~sailor~~ sailor said nothing to you of desertion?

R. No.

Jorge Schmit, native of Denmark, Captain ~~of~~ ^{of} the 'Matias Salvinius' affirmed that his statement was the truth after it was read to him

No. 11. Copy of a despatch sent to the C.d'A. of France in Peru, by the Commander of the French Oceanic Territories, Imperial Commissioner in the Society Islands.

French Oceanic Territories and the Protectorate of the Society Islands - Imperial Commissioner. - No.70.- Papeete, 31 Dec. 1862.

To Sr ~~Mr~~ Edmundo de Lesseps, Consul Gen C.d'A. in Peru; I wish to advise you ~~of~~ further concerning that of which I wrote in my letter of the 4th Dec.

The ship the natives of the Tuamotus informed us of was taken on the 3rd Dec in flagrante delicto ~~while robbing the natives~~ of stealing natives, and brought to Papeete. The '^{Messenger}Mensagero' in the number for 14th Dec., gives an exact account ~~of the~~ of the occurrence.

Having ~~having~~ carefully read all the documents submitted to me by officials and functionaries charged with investigating the operations of the Peruvian ship 'Mercedes A. Wholey', I referred the case to the common justice of the Protectorate.

The case is being handled by these entrusted with infringements, offences and crimes against the laws of the country. On the other hand, the victims of these shameful speculations are regarded as civil parties in the action which will be taken before the criminal court, so that Just claims may be exercised against those who practice veritable banditry on our natives, without prejudice however to the punishments the court may apply for the other acts.

I believe that my decision to refer all this to the common courts did not please the Capt of the 'Mercedes A. Wholey' who wd have preferred to have been regarded as a pirate and his conduct judged by the marine court at Brest, because he and his accomplices were counting on the distance and hardships of the trip as certain obstacles to justice re events occurring previously.

I do not claim that the operation of the 'Mercedes' was worse than that of a pirate, but it seemed clear to me, that this enterprise conceived and organized in Callao, does not come within the meaning of piracy as defined by ^{the} French law of 10th April 1825, or at least as regards the doings of the Peruvian ship detained in the Juanaotu[sic] Islands.

A Mr Lee Knapk^(sic), an American by origin, it is believed, and who had lived in Tahiti and the Hawaiian Islands, was one ~~the~~ of the most energetic ~~members of the operation~~ operators. When the 'Mercedes' was taken, this individual, busy recruiting natives in the boat, escaped and hasn't yet been captured. Another American who acts as the doctor aboard appears to have great interest in the business.

My intention is to have published in the 'Mensagero' all the proceedings and details of the case so that the world will be made aware of the infamy of the enterprise of the 'Mercedes A. Wholey' and the 'Serpiente Marina' and the 'Barbara Gomez' etc, all fitted out in Callao: if I'm not mistaken such ships number ~~seven~~ 14.

The serious questions of the Rights of Man and of the security of general shipping which will be raised without doubt by the measures adopted for the repression of the guilty and shameful speculation directed against the natives, still savages, of the Pacific Islands, are not in my view involved in the activities of the 'Mercedes'. This ship was taken in French waters, ^{between two} ~~among the~~ islands of the archipelago, under our protection, by one of the captains of the fleet which is under my orders; just when in violation of the laws of the country, she was taking on a large number of natives and preparing to flee, taking with her her human cargo.

There is a plot between the Captain of the 'Mercedes', his officers and some people who live in the islands, to steal the natives by trickery; the repression of these acts belongs by right of the justice of the country in which it has been committed.

But perhaps the matter wd have been even mote delicate if the 'Latouche Tréville' hadn't escorted the Peruvian ship to Papeete, but had entered Callao with 200 of our protected subjects. ...

Would the Emperor, our almighty and noble sovereign ~~had~~ have suffered these poor islanders placed under his protection, to be tricked thus, stolen from their islands and left to the mercy of greedy speculators, men without conscience? Certainly not. And wd I have been able to warn you in time for the Peruvian authorities ~~ad~~ have prevented the dispersal of these so-called emigrants? and thus how wd we have managed to find our natives scattered in Peru? Some of them are still very wild.

Thus I pride myself in advising you of a situation without any of these difficulties, and you will pardon my hypothetical reasoning: I believe that the Govt of Peru will be happy to know that it is in the common courts that the case of some of the members of an operation which it cd never condone, of which it was probably ignorant, and to which my initiative will put an end, will be handled. But public opinion will be the best and most powerful obstacle I believe, to the continuation of similar enterprises, when the details of the case become known. I hope and believe that you will not be indifferent to what I have told you and which ~~are~~ ^{is} of such interest to our oceanic colony. As regards the brig 'Serpiente Marina', of which I wrote in my previous note, the supercargo Sr Saco (Alejandro) left on the 26th of Dec. in the 'Latouche T.' ~~xxxxxxrdanexxwotjxtjexfferx~~ in accordance with the offer I made him to accompany the magistrate charged with clarifying the happenings at the Gambiers during the ship's retention, to those islands.. If the 'Serpiente Marina' suffers a ^{considerable} delay in her voyage it is sufficient and ~~I~~ nothing more can be decided until the return of the 'L.T.' to Papeete; otherwise the fleet's boat which is going to patrol the Empire's Archipelago may encounter another of these ships, and then new incidents will occur. But I think that the detention and the trial of the 'Mercedes A. W.' will be sufficient to stop these enterprises.

.....

(Sgd) - De la Racherie [sic]

P.S. Just as I was signing this note I was advised that the boat of the 'Mercedes' is entering port, having been taken by the natives.

Mr Lee ~~Knappxxxx~~ Knapp is aboard.

.....

"El Peruano", 30.3.63 (cont'd) p.166
No.12. French Legation in Peru.

Statement of the second in command of the 'Novateur' made to the French Consul, Callao:

I the undersigned C. Machara, who exercise the functions of the 2nd in command of the French ship 'Novateur', of the port of Bordeaux, anchored at present in Callao Harbour; declare that on 17th Oct at about 4 p.m., a ship ~~with~~^{flying} the Chilean flag and loaded with natives (canacas) passed near us in entering the anchorage, and just as she was closest the passengers gathered at one place and saluted our national colours, indicating their happiness by gestures and acclamation. We then ^{was} members of the crew armed with sticks vigorously establishing silence by means of blows rained on all sides.

Declaration ...

Signed aboard 20.1.1863 ...

After the word 'acclamation' the Captain of the 'N' added in revising it (signed J. Martin) that which follows

'That is to say, raising their hats and shouting 'hurrah'.'

M. des Noyers. /^{French} Consulate in Callao,

On 7.2.1863 at midday

Before me the Fr Consul at Callao

Appeared

Mr Aristides Celestino Montier, capt of the French ship 'Guatemala' and the shipowners of ~~the Havre~~^{Le Havre} Messrs Barbey and Co,
Who made the following declaration:

I left my anchorage yesterday to look for one in the roads, with my flag flying, when, in passing the poop of the Peruvian ship 'Rosalia' of Lima, I heard someone from the ship speak to me in French: 'Captain the canacas wish to salute you'. Then one of the natives dressed as a European and painted as a savage took off his hat and made a sign to the others: the men were in front and the women behind them.

Given the signal all of them began to sing and dance, making the movements they usually do at such times.

I saluted ~~them~~ with my flag and took off my hat, as did Mr Darré, the capt of the 'Copiapó' who was then aboard.

The 'Rosalia' replied with her flag, at which the natives increased their demonstration of happiness, taking baskets, hats, pieces of clothing and whatever they could find and throwing them in the air and catching them without stopping dancing. This continued for 10 minutes and only stopped on the order of the old chief who had ~~me~~ started it, and he obeyed also the person who had addressed me [??]
I continued ~~on~~ my way and anchored.

I cannot give any other information about the destination of the origin of those people.

Mr Francisco Felix Darré, capt of the 'Copiapó' followed

belonging to the same company

He concurred exactly ~~in~~ ^{with} the preceding statement and added that he understood the natives to say 'Good morning our French friends'.

French Consulate at Callao. - Copy of a letter from the Sub-Lieutenant of the 'Euphrate' to his captain.

Captain: I am sending you some details of the visit I ~~made~~ ^{received} on Sunday night on board the 'Euphrate'. You will recall the thick fog which covered the roads during the day; at about 7.30 a vessel approached us and her commander came aboard asking me for permission for his men to do so so that they could rest a little; as soon as I gave permission I saw five whites, among them a Frenchman, and 8 canacas approaching the bridge. The officer told me they hadn't eaten since 6 a.m., so I had them served biscuit, and invited the commander to dine with us. At table, he told me he was from the Peruvian ship 'Teresa', arrived from Pomoton with canacas, which had anchored about 2 miles further off than ourselves, and that having seen a steamer coming in search of her they decided to free the chain and abandon the anchor. That same morning he had come in a launch with the boatswain, four men and 8 canacas to retrieve the anchor; after having lifted it, he returned aboard, but when surprised by the fog he was forced to anchor the launch with the anchor aboard, and it was thus that they came aboard the first ship they could see. As we began to eat the fog lifted and he set off again with his men, thanking us; the following day we saw the ship return to look for the launch which they'd left afloat, and return with it aboard.

..... (Sgd) Berthemé Duchesne. Callao, 26.2.1863.

[At the foot of this letter there is a note to the effect that the publication of this correspondence will be continued. If it was it hasn't been copied for you.]

i.e. no Exco 13-16.

'EL Peruano'; 2.5.1863, p.199.

Lima, 27.4.1863: Juan Antonio Ribeyro to Minister of Govt - ^{Ua} The commendable desire to effectively contribute to the improvement of agriculture, one of the more important branches of the public wealth, and the necessity to favor a useful immigration in the circumstances ⁱⁿ which the country finds itself at the moment, the Govt resolved to grant permits for the introduction of freely contracted men from the archipelagos of Oceania. Such a highly noble ~~aim~~ and civilized aim didn't correspond with the hopes the national admin proposed, because far from bringing to the Repub. strong arms to fruitfully cultivate our land, which wd awaken ^{the} healthy ~~work~~ habit of work, and aid our landowners in the development of the agric. ~~in~~ industry, we have seen, with no little regret, people who, on stepping onto the beaches of Peru, have succumbed for different reasons.

For some time, and not without reason, a cry has arisen to remedy the ~~things~~

problems our sparse population brings; and to this end, of such great social importance, appeals have been made to introduce sometimes Europeans and sometimes Asiatics, without being able to secure an immigration which can cope with the climatic peculiarities of the country. But if it is difficult to estimate the advantages ~~of~~ produced by the immigrants referred to, the contracting of Polys, as well as bringing us no advantage, has aroused the feelings of the public because of the ~~disgrace~~ misfortune it has brought. All, ^{or} of a great majority of these unfortunates, without any knowledge of our customs, with the bad habits of a wandering and inactive life, without the need to use physical strength, and without awareness of their moral being, ^{came} arrived to ~~surrender~~ ^{surrender} their lives in a strange land, victims either of a fatal nostalgia or of other griefs which had as their origin that same absence from their native soil. Neither the careful treatment given them, the attempt made by many employers to give them congenial ~~employment~~ work, nor the relief given them from the tasks for which they were destined, nor many other means tried to interest them or to improve their harmful habits have been able to save them. Nothing has worked, nothing has produced the desired effect; and the mortality statistics of these ~~unfortunate~~ unfortunate islanders had risen to a figure which causes as much compassion as amazement.

To limit these sad occurrences ~~and~~ which grieve the spirits of our people, and also to stop the abuses which may be committed in the shadow of the licences, it is necessary to stop the introduction of Polys from now on. When the measure was adopted, which contains nothing contrary to the principles of justice, or the rules of morality, or the rules of humanity to which the most advanced men of our time have devoted themselves, the Govt made use of an imminent right, of a right which until now no nation has disputed. To allow the arrival of free men, contracted without violence to improve their situation, and with personal guarantees, and guarantees of their rights as men, and in the products of their work, is something which doesn't offend the rules of international law, nor attacks outside interests, nor gives an example of corruption as perhaps may be supposed. Also the Govt of Peru which always attempts to fulfill the high office which it carries out to the honour of the country and the applause of civilized nations, must prohibit the internment of colonists from Oceania, since ~~is~~ the contrary, as well as the problems referred to, could raise questions of great consequence which must be prevented at all costs.

Wd you please advise/^{H. F.} the Vice President, representing the Executive Power, of the contents of this note, so that it ^(i.e. the question) may be resolved as I suggest

Lima, 28.4.1863.- [Official announcement signed by] Freyre.

Taking into consideration the serious matters referred to by the Minister of F.A., which agree with other information available to the Govt, and the ^{proved} ineffectiveness of the different orders and rules laid down to prevent the grave excesses which are committed,

in abuse of the laws protecting immigration; the Govt suspends completely the granting of licences for the introduction of Poly colonists; and resolves, at the same time, ~~xxx~~ that when the captains of ships which previously obtained such permits present themselves at our ports in compliance with all the formalities required by the decrees of 20th Dec. and 20 Feb last, the ships will remain incommunicado and disembarkation will not be permitted, either of crews or colonists, without the relevant Ministry's knowledge so that, after satisfying itself that the immigrants were contracted, and that during the voyage no crime was committed, it may grant the ship special ~~authority~~ permission.

May 22 Ribeyro to French Legation? *Chargé d'Affaires*

On the 20th of this month I had the honour of acknowledging receipt of the official communication U.S. sent me on the 15th, which reached me on the 18th, and which suggested that the government should get involved in (to pay attention to) the question of the Polynesians. I offered to give U.S. a reply, which is what I shall proceed to do now, having received the orders given by H.E. the Vice President.

After doing justice to the Government procedured to forbid the traffic of Polynesians completely, U.S. describes the sad state in which many of those migrants are, and not trusting the slow and prudently combined ways of ordinary justice, concludes by beginning to set up an international mixed commission invested with a discretional power, which, leaving aside the criminal question, which is exclusively in the hands of the Executive Power, the public ministry and the territorial courts, would have to obtain from the shipbuilders as well as from the present owners all the Polynesian contracts in order to subject them to severe control, would have to constitute itself in the main centres of agricultural export, and on ~~the~~ board the ships expected to arrive, to question the victims, to hear their complaints and to ensure their maintenance by third parties and that they be repatriated. U.S. believes that neither the Ministry nor the Magistracy can find in this project anything that is ~~not~~ opposed to the Republic's basic instutions and the precepts which constitute its independence and sovereignty; and remembering that the principle of mixed commissions has produced the most favourable results in purely material cases and as concerns damages that affect private fortunes, so U.S. believes that there is ~~every~~ even more reason and basis for the Government to invoke and apply it when it is concerned with a great act of rehabilitation and national justice, and the endangered existence of more than a thousand Christians.

I don't believe that it is necessary for me to assure U.S. that the Government of Peru, conscious of its duties and in accordance with the line of conduct it has adopted in this business, will take all necessary measures and will listen to all the suggestions what U.S. may wish to present in order to avoid the evils that U.S. mentions and in order to achieve speedy and complete justice: But, is the establishment of a mixed commission juridically and constitutionally possible? U.S. will probably not believe it following the appeal ~~remarks~~ which I am going to make to your notable reason and undoubted impartiality. Without taking into consideration the origin, the real application and the results obtained by the very few mixed commissions that have existed in Peru, it is necessary before anything, to determine their characteristics and objectives precisely. They have been established in order to end any controversy ~~on which a direct responsibility or irresponsibility~~ in which a direct responsibility or irresponsibility

May 22 Ribeyro to ? cont'd

on the part of the Peruvian Government had to be decided, the payment of certain indemnity; but their objective has never been to decide on private matters and matters which could affect the fortunes of private individuals, while a mixed commission set up under the terms and for the objective stated by U.S. would carry out truly judicial functions which is directly in opposition to Article 124 of the Constitution according to which justice will be dispensed by Tribunals and Courts in the manner and form provided by the laws, ~~with~~ with (Art.) 128 where all trials by a commission are banned; and even more so in the present state of affairs, with (Art.) 129 which reads ... no other Power or Authority may undertake cases pending before another Power or Authority, nor can it substantiate them nor revive dead (?) suits. These provisions are not regulatory or secondary but fundamental. They are specified in all the Constitutions of Peru and has had since its independence, they are the basis of Public law not only in Peru but in all constitutional countries and it might be said that they are considered principles of ~~unlike~~ Universal legislation. The decisions of the extraordinary Tribunal which would be ^{erected} made over the ruins of the Constitution would not be obligatory for the citizens; and the Government after having violated its most sacred duties would not reap any positive result other than the most tremendous of all responsibilities.

Also is it possible in principle and in fact to separate the criminal from the civil judgment which U.S. propose as the character of the commission? U.S. cannot believe it (possible). The civil responsibility emanates directly and irrevocably from the criminal responsibility.

If the innocence of the shipbuilders and 'owners' of the Polynesians were declared by the Criminal Judge and they were sentenced at the same time by the mixed commission as civilly responsible; if on the contrary, the guilt were declared by the Judge and the lack of it by the extraordinary commission, the unity of justice would stand broken and all the principles of legislation would be upset. But even supposing that the commission were permitted and that the situation made necessary an extraordinary commission reason would not allow that this commission should be mixed rather than purely national.

The jurisdiction of the Tribunals is a direct derivation of sovereignty and national independence; and the slightest attack directed against it produces without any exaggeration the total abdication of these.

The previous considerations are so grave and I have such confidence that they will reach deeply into the spirit of U.S. that I am certain that the Legation will not find in this refusal any other basis than the firm purpose which the Government has to comply with the fundamental laws of the Republic, and the conviction that the extraordinary tribunal which is proposed will not fulfill the object desired by the Legation.

My 22 Ribeyro to ? (3)

As the Ministry and U.S. are agreed as to the end, I hope that the difference in the choice of the means necessary to achieve it will disappear and that, through the sincerity of our proceedings, the objective the extraordinary commission would not be able to reach may be achieved in ways that the laws permit.

I take advantage of this opportunity to ~~reiterate~~ reiterate to U.S. the security of my distinguished consideration and to subscribe U.S. your most attentive and obedient servant

Juan Antonio Ribeyro

M.F. Docs

"El Peruano" 2.5.63, p.202

Editorial, Peru, which like all countries born of the earth needs the help of immigration, especially for rural work, so much depressed by the lack of workers, has existed constantly under the influence of the most difficult trials after an immigration which unites the attributes of industry and intelligence which was made/done en todo sentido proficua.

European immigration, which flows continually to America, could make great strides in [this] country. There was a time of great hopes in northern Europe, where convenient and advantageous contracts were concluded, which wd have been able to assure us of a considerable number of workers, and later colonists capable of ploughing those lands thirsty for tillage and to remove from the earth all the product which she contains, and which wd propogate skill and industry.

Unfortunately the difference in temperature which the ^[South]/American soil offers compared with that of the icy climate of the north, the shock to the habits and the customs of those contracted, while the protection afforded the European by this country, going so far as to reject domestic service to compensate them with types of work equivalent to mobile capital, brought about the complete extinction of this hope.

The Asiatic immigration followed, and with it, unfortunately, all the horrors of soft living, intemperance, and of those radical vices which like other such germs of dissoluteness are found in their traditional behaviour, and in their actual state of eccentricity and isolation in the face of the civilized world.

A cultured society which understands the moral transcendence of immigrants whose difference of race, language, religion and customs, forms the most perceptible contrast to the philosopher's eyes, has never been able to be happy when faced with paganism and witnessing the overflow of a multitude worn out by the most pernicious habits, ignorant and stubborn in their work, especially in agriculture.

From all these aspects the immig. of coolies is odious, the country ~~is~~ needed to try again, and it was indispensible to make new studies in this area, until the increasing need for manpower was filled.

The farmer, tired by the struggle that he maintains with ^{the}/refractory nature of the Asiatic, needed to look in other directions in pursuit of that desire to work, which alone is able to develop production; and combining his interest with that of the shipowners, announced a short [while ago] a new immig. with better conditions with regard to the type and physical organisation of the individual. The Poly islands whose proximity to ourselves made the business more accessible and convenient, were the spots from which the country could supply itself with the manpower it needs.

The holders of rural funds hastened to fulfil their contracts, under the most advantageous conditions of service, which in its turn found paternal protection in the public authority, to the point where in a supreme resolution the measures were laid down for reclothing the human personality with all the rights with which nature

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endows it and which the laws of society always have consecrated to it.

But the Poly immig. was weakened by a radical defect. There is not one constituted authority in the whole of the archipelago of Oceania, nor was it possible amongst nomad peoples to find the means of formalizing a contract, either because of the total absence of any notion of law, or for the lack of a mutually intelligible language, and also because in the final analysis, in the jungles it isn't possible to reconcile the practice of the principles which the civilized world follows, not was there a way of having the native declare his willingness to leave his homeland.

Here arose the fact that this immig. was even less disposed and less suitable for rural work. Born in places where they live in a state of nature, and where the needs of the simple life, which they lead in idleness, are a long way from being compatible with industry, lacking sufficient moral [strength] to dedicate themselves to work, because they haven't come to understand that this is the fated law of man in society, and that apart from work, there is no property, there are no virtues, no religion.

The resistance of the Polys to all work foreign to their forest wanderings they lived all their lives, the stubbornness of their kind, the total predisposition to all kinds of illness, for which it appears they harbour an inextinguishable [weakness], and that nostalgia which attacks de facto anyone who leaves a country void of civilized aspects, unknown to the rest of the world and in consequence without demands of any sort; to move to the bosom of an organized society with duties and rights, whose importance they are not yet able to understand, has been not only impossible, but insupportable the weight of this latest immig.

If the society in general has lost by the influx of this type of resident, without skill, without industry or the habits of work, the landowners have suffered considerable losses by the contracts which they entered into with shipowners or their agents in order to acquire manpower. The mortality which occurred amongst the unfortunates has exceeded all estimates, including times of epidemic; and because a repetition of this event would begin to weigh on agricultural capital, and as much because there is no cure for the causes of morbidity that this race has within it, the country must refuse a similar immig. and the Govt must prevent it by the use of its legal powers.

This was the true state of the Poly immig. when the French Legation presented serious protests and claims to the Cabinet, more or less founded on a right, which Peru cannot accept, of the Fr Govt over the place where the emigration took place. And without renouncing that inalienable right of the nation to freely admit into its ports individuals from any other part of the world, without any other condition than those she wishes to impose according to her laws, the Govt has bowed to a public demand of great force, under the weight of the reasons cited by the President of the Council of Ministers [Ribeyro]. In acting thus it has been taken into account

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that the advantages of this immig. are in no way healthy, and that from every point of view any benefits to society and landowners wd be negative, so long as the conditions under which they live/^[i.e. in the Islands]are not sufficiently satisfactory nor at the [high] level of our social order.

Fortunately for Peru in this case the country's interests concur with diplomatic demands. The Govt has issued a decree of felt and demonstrated necessity, as we have [explained], and diplomacy need not broadcast in the future in grave tones about a matter in which the Govt has been far from protecting an evil slave trade, a commerce in men opposed to the dogma of liberty which today reigns in the civilized world, or any [other] act which is not based on the eternal principles of absolute justice.

El Peruano Wed. 27.5.63

Dip and Cons Corps declaration regarding the Poly immig., Lima, 13.5.63 [Already trans. See M.F. Docs p.6]

22.5.63: Ribeyro's reply, and acknowledgement

"El Peruano" 30.5.63

26.5.63: Rib to Min of Govt [see M.F. Docs p.12 for trans]

28.5.63: Freyre (Min of Govt) to Rib. [2" "]

"El Peruano" 10.6.63

10.6.63: Report of call of Eldridge and Canevaro (It.) on Ribeyro to acknowledge the note from Rib. in reply to Dip Corps note to him.

"El Peruano" 13.6.63

13.6.63: Freyre to Prefect of ? Dept transcribing Rib's letter [already noted - see M.F. Docs p.15]

"El Peruano" 24.6.63

20.6.63: Freyre to Prefect of Callao Province. Gives reasons for Govt's decision to repat Polys. ... Accordingly the Vice Pres intends to return to their country the Polys who are aboard the 'Barbara Gomez'; to which end you are to arrange with the contractor who brought them to Callao on what terms he will cede the right he holds to their services, according to the contracts concluded with them.

20.6.63: Freyre to Prefect of Callao Province. It having been decided to repat not only the natives aboard the 'B.G.' but all those surrendered by their employers, the Vice Pres orders that you contract a comfortable and safe ship to return them to their islands. This ship which must ~~have~~ have a capacity for 200 emigrants, will be put at the disposition of the Govt, so that those aboard

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the 'B.G.' may be transferred to her, where they will be joined by those surrendered by their employers, and those who will be surrendered, all of whom will be maintained by the State until the ship sails; thus you should stipulate that during the voyage the owner of the ship must maintain them.

"El Peruano" 27.6.63

Callao, 20.6.63: Arthur M. Wohley and M.H.Penny to Prefect of Callao Prov. - having read the Govt decree inviting persons holding canacas to deliver them to the authorities without asking remuneration for their contracts. and having 33 colonists aboard a ship in this bay, we wish to advise you that we place said colonists at the disposition of the Govt, without asking anything for the transfer of their contracts.

Callao, 20.6.63: Prefect of Callao, J.Miguel Medina, to Min of Govt. Passing on the note from the contractors Wohley and Penny of the 'Barbara Gomez'.

"El Peruano" 1.7.63

Lima, 22.6.63: Francisco Diez Canseco, Prefect of Lima to Min of Govt. Advising that received word from Inspector José Guevara that on 21st he delivered to the Cmdr of the ship Loa 16 natives, which, with 3 others who died naturally, were the only ones he could gather together.

Henry and the native interpreter also returned the same day, and Guevara asked whether he shd return. It seeming useless for him to remain in that town permission asked to allow him to relinquish his commission.

Callao, 22.6.63: Medina to ~~Prefect~~ Min. of Govt. Advising that José Gabriel Mur, acting for M.Don José Boza, delivered 14 Polys belonging to the latter; and altho ~~the case~~ ^{the case} re the transfer of ^{original} contracts is still to be decided, requests advice about what shd be done with the Polys

Lima, 23.6.63: Freyre to Prefect. Is to accept the Polys without in any way the Govt being responsible for the results of ~~the case~~ Boza's case for the rescission of the natives' contracts. The natives are to be put aboard the 'Barbara Gomez'.

Ministry decisions: Approving the ^{charter/}contract made in the name of the Govt by the Prefect of Callao with the ~~ship~~ owners of the Peruvian barque 'Barbara Gomez', by which the ship should return up to 200 Polys brought into the country as immigrants, to their homes.

"El Peruano" Sat 16.2.61

Lima, 29.1.61: Presidential Resolution - by which the disembarkation of 800 Asiatic colonists is allowed (despite the fact that 2 ~~Res~~ Decrees prohibited the

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contracting of Asiatics viz. 5th March and 13 Oct.1856), but the internment [?] by means of contract is prohibited in the future.

"El Peruano" 23/3/61

Copy of the law passed by the Congress on 15th Jan.1861 and signed by the President, Ramon Castilla, on 14th March[?], 1861, permitting the introduction of Asian colonists, and repealing the decree of 5th March 1856.

[wd you like me to translate it?]

"El Peruano" 12.4.62

Govt Section. J.C. Byrne, having requested permission to bring in colonists from the SW Pacific Islands, the President has issued the following decree:

Lima, 1.4.1862: D.J.C. Byrne is granted the permission requested, to bring into Peru, during the next 5 years and according to the terms stated, colonists of both sexes, natives of the South West Pacific Islands, to undertake agricultural work and domestic service, subject to the formalities prescribed by the law of 15th ~~March~~ January 1861

"El Peruano" 25.6.62

Lima, 10.6.62: Notice sgd by Morales. There being no ^{Peruvian} Consular Agents in the places where the colonists which Byrne proposes to bring to Peru will be contracted, it is resolved that the examination which must be made so that the Govt may ascertain if the formalities prescribed by article 1 of the law of 14th May last have been fulfilled, will be made by the port authorities in Peru, where they will be interned[?], without ~~which~~ requirement ^{dis-}embarkation will not be permitted.

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"El Comercio", 24.2.63 [Beginning of article missing]

... Place their persons, as convenient, without prejudice to the fact that the captains or promoters who used trickery or violence to remove them from their homes, be criminally tried, as the law disposes.

3rd. The commissions referred to will intervene/mediate on the first contracts completed with individuals for the colonists' services, the judicial and police authorities taking care to observe the articles of the [Trial] Code and 1632, 1636 and 1639 of the Civil Code where they apply.

4th The capts of the ships which are carrying colonists, will not disembark them in any port of the nation, without having fulfilled the requirements of article 1 of the present decree. [sgc] Arenas

[The complete document is trans on p.39 of the M.F. Docs: "El Peruano" 20; 2.63]

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15.5.63; de Lesseps to Ribeyro

Commenting on the revelations concerning the labour trade and appealing to the Govt to do what it can to alleviate the situation of the survivors (death has reduced by more than 2/3 the number of immigrants), and make amends.

Calls for an international commission to investigate, with discretionary powers because of the inadequacy of the law to deal with the problem. The commission to leave aside the criminal ~~as~~ aspects (which are reserved to the Executive Power, the Ministry and the Courts) and to demand from both the shippers and the present owners [of the Polys] the contracts for investigation, to hear evidence throughout the country, on board ship also, and to question the victims and place them in care of those who would look after them until repatriation.

'According to my sources about 2150 islanders have entered the country since last October. Only about 800 survive'. It is obviously impossible for the normal resources of the law to cope with an enquiry so vast so that "humanity be satisfied" by the redemption of the victim, and that the Christian and political views of the Peruvian Govt be as energetically understood as promptly realized.

Believes that commission will not interfere with the fundamental institutions of the Republic, ^{with} ~~to~~ its independence or its sovereignty.

[This is the letter to which Ribeyro replied on the 22nd May and of which you have a full translation].

Callao, 14.5.63: Des Noyes [of French Consulate] to Prefect of Callao (in French)

Reporting the departure of the 5 natives from the "Jorge Zahara" for Tahiti aboard the "Avrai". At Tahiti the Captain is to give the Governor funds for their repatriation to Nukahiva.

Expresses thanks for the Prefect's intervention.

Others however await such a happy outcome viz. Oaca, and 16 natives, men women and children, of Nukahiva from the "Dominique" who requested refuge yesterday after arriving from Huacho. They seem ill[?] Were brought by the "Empresa" to Huacho where ~~are~~ there are some more of their countrymen.

Having in mind the case proceeding at present they can be made available so that they can relate their account to Prefect.

They also have a right to payment of wages according to their contracts and of "indemnité de séjour" and of repatriation, for which he requests the Prefect's support.

Callao 18.5.63: Copy of José Miguel Medina [Prefect of Callao] to French Consul
In acknowledgement of letter of [14th]. Has requested information from

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Port authorities re the 16 at present in Consulate, and recommended to judge that their statements be taken relative to the "E" case, because they must be able to throw a great deal of light on the matter.

Has also asked for details of the Oaca case which is totally unknown to him.

Lima, 18.5.63: de Lesseps to Ribeyro (in French)

Attaching the report (attachment no. 1) of the mission of Henry and Kuhne on 2nd May to attempt to locate Engelhart and any natives from the "E" not sold.

Engelhart was not located nor ^{of the} any Polynesians abandoned on the beach were given into the hands of those instructed to bring them back to Callao. (e.H.K.) The local authorities alleged lack of ~~in~~ ministerial direction in the matter. Why were't they urged to co-operate?

Refers to the 16 (8 men, 8 women) who took refuge in the Consulate at Callao who have worked to make enough money to pay their passage home in the "Inca". They say their 20 companions are in a state of total misery. The 8 men have been put aboard the two French warships of the station (at Callao) ~~and~~ and the 8 women are being looked after in the Hospice of St Anne.

Asks that the 20 natives at Huacho be given into his care. The attitude of the authorities at Callao, despite the Minister's efforts on behalf of the natives [is evidence that the mixed commission is necessary].

Henry was able to gather some data regarding the activities of the "E" in Peruvian waters (attachment no.2). It is apparent that she broke the law.

Copy of Attachment No.1 (in French).

The undersigned Louis Kuhne, trader resident of Callao, and Eucher Henry engineer, resident of Lima, charged with a special commission with reference to Dr Engelhart and natives of the ship "Empresa", ^[taken] ~~brought~~ to Huacho and ~~are~~ armed with orders to this effect given by the Supreme Government of Peru make the following declaration:

Report on the non-co-operation of the port authorities - would not surrender the natives to them. Sub-Prefect absent on arrival. Governor was called and stated that Engelhart left Huacho the previous day. Henry and Kuhne did not believe this and gave their reasons at length, including the fact that their assistants had seen him later that day. Sub-Prefect and Governor's stories both suspect - Governor refused to allow a search of the house Engelhart known to live in because he said it was certain that E. had left Huacho and also because he lacked an order from a judge or sub-Prefect to that effect. What conclusion could be drawn? Remarked on the indifference with which the local authorities proceeded in the fulfillment of orders given by the Supreme Government of Peru.

The question of the natives: On the arrival at Huacho of K and H all the natives were on the beach. They knew (i.e. K. and H. knew) that all had been sold; that Engelhart ~~re~~ refused to feed them, having demanded of the military police (des soldats de police) to move them by force to the nearby haciendas to clear the port, and so that they could win their food by working. This trip was made on Thursday 30th April with the aid of armed force, Engelhart menacing them with a drawn pistol.

During Sunday the natives who had been sold during the interval to Mr Suluoga returned to Huacho. They had to go by sea that day to Supe[?] to the property of their new master. Thanks to their total refusal to embark and the absence of Engelhart, departed of in hiding, ~~was found~~ K. and H found them on the beach and made contact with one of them named John who spoke English, born at Napou of which he said he was the chief. Not having been able to embark on the Sunday they had to do so on Monday and thus were there at 6 a.m. The arrival of H. and K. (on Monday) encouraged them to refuse anew. Their owner complained to Capt of Port who replied that he had no advice to give, that the orders ~~we~~ brought by H. and K. had nothing to do with the natives, so he could do what he wished with them. He thought that the natives would be very soon reclaimed.

The owner left without making a decision. This occurred before the return of the sub Prefect from Lima on the "Incas" at 11 a.m. He told the natives that they were henceforth free and that they could leave, or so it seemed.

H. and K. repeated to him at their meeting that Engelhart be pursued and he said the Governor was charged with that task. They also objected to the sub-Prefect's freeing of the natives saying that it would be more difficult to locate them later and that it would have been better to gather them together on one of the haciendas they'd previously been on, ~~and~~ where they could earn enough to subsist on and their whereabouts be known when required. The sub-Prefect replied that he had no written order, had only received verbal instructions; H and K. then declared that he would be held responsible for all the natives who might disappear, when the time came to reclaim them.

In conversation with John, H. and K. told him that they were French and had come to "save" them, and that he should urge his companions to disperse and ?

H. and K. read John the names in the message from Tahiti[?] which, together with their signs, were well-known to him, and he showed them to his companions. H. and K. emphasised the repugnance John showed to embark, fearing he would make another mistake and be taken to another place to be brutally sold.

Lima 6 May 1863. Signed [L. Kuhne and ~~Henry Eucher~~ Eucher Henry]
[Attachment n.2 does not appear].

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Lima, 20.5.63: Ribeyro to Prefect of Callao

Re the 16 in the French Consulate.

The proposition put by the French Consul is of a judicial character and must be examined by the Judge; if the case is removed from ordinary jurisdiction it can only be handled diplomatically i.e. in Lima between the M.F.A. and the representative of the French Govt.

Asks the Prefect to reply in this vein to the French Consul

Lima, 22.5.63: Ribeyro to French Consul (already translated).

Lima, 23.5.63: Ribeyro to Minister of Govt etc.

The French Legation has sent the Ministry the report of Kuhne's and Henry's mission. It maintains that, due to lack of ministerial direction, they were not able to achieve their second object i.e. that of collecting the Polys not yet contracted and wishing to return.

R. says that he wishes to reply fully to de Lesseps, and, as Col Velarde, sub-Prefect of ~~XXXXXX~~ Huacho is at present in Lima, he asked him for a detailed account of the means taken to capture the Dr [Engelhart] and to bring the Polys to Callao, and the reasons against it.

Lima, 23.5.63: Ribeyro to Minister of Govt. etc.

As the M.F.A. knows that Dr Engelhart, principal accused in the "E" case, has been hidden in Huacho, ~~and~~ Ribeyro requests that the Minister order the sub-Prefect to apprehend Engelhart, making him [the sub-P] fully ~~respon~~ responsible for the effecting of the order, not only because of its necessity to the continuance of the case, but also to guarantee the loyalty with which the officials of the Republic act.

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Lima, 27.5.63: ? to Min of State for War

Accompanying Ribeyro's letter of 23.5 re Velarde, who is under the direct control of th Min of War.

Marginal note: Advise Velarde

Lima 28.5.63: Velarde to ?

Account of incident as requested. While resting in Lima received orders to apprehend Engelhart and send the natives he'd taken to Huacho back to Lima, uncontracted. V. arrived there to find the natives on the beach ready to embark for the Hacienda de Galpon. Ordered them not to embark. Maintained them from his savings until the second day then they began work as day labourers on the wharf.

Eng. fled the day before the arrival of the steamer

Marginal note: 28.5.63 To be sent to Min of Govt

Lima 26.5.63: Ribeyro to Min of Govt

Noting that the Poly immigration had been of very little value to the country, that many die/suffer miserably and others are of so little use to their masters that they prefer to get rid of them without compensation.

"I believe that the Government will fulfill a debt to humanity" if, through the Prefecture, the natives are told they are at liberty and that the owners are to deliver them voluntarily without compensation, so that they can present themselves and be returned to their country on one of the ships of the national fleet.

Requests agreement and that the necessary orders be given to set plan in train.

Lima, 28.5.63: [Min of Govt ?] to Ribeyro

The Vice-President had ordered the carrying out of the suggestions in Ribeyro's letter of 26th. The Min of War and Navy asked to provide a comfortable and safe ship to effect the plan.

Lima 29.5.63: Ribeyro to French Amb ^{also} (appears in typed docs)

Sending copies of corresp re the mixed commission whose establishment the Govt had to refuse.

Copies of other corresp indicate the means adopted by the Govt to alleviate the conditions of the Polys

Protests at the conduct of the Fr consul at Callao which violated the laws of the country. Did not make much of the case because of the conciliatory attitude the Govt is taking in the matter [of the trade], but asks that the Minister [presumably in France] be fully informed of the Consul's conduct which showed an unwarranted lack of confidence in the authorities

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Lima 29.5.63: Ribeyro to Fr Amb (incl in typed docs)

Attaching a copy of the report in the "Peruano" of the Dip and Cons Corps submission to the Govt re the Polys

Callao 29/5.63: Medina to Ribeyro

On the 29th seven Polys (names supplied) arrived from place unknown. Ordered them examined by Sub-Prefect. Come from Dominica Is belonging to France. Sent them to Fr Consul. Advised Judge Chavez because they could ~~be~~ form part of crew of "E".

Lima 1.6.63: [Ribeyro?] to Min of Govt [almost illegible]

A trustworthy source informed that in the woods of the hacienda "Chillon" are 8 Poly fugitives, apparently companions of the 7 who ~~came~~^{came} to ? from Huacho, and who arrived on the "E".

Requests that the 8 be located and if fugitives put at the disposition of the Govt. [letter incomplete]

Lima 2.6.63: Ribeyro to C d'A of France

Demanding that Oaca make a statement required according to the law otherwise his case cannot be heard. Complaining that his letter of 5th May re the case was not acknowledged.

Lima 3.6.63: Manuel Freyre (of Ministry of Govt) to Prefect [of Lima?]

The order given for a party of gendarmes led by an Inspector of the Guard[?] to search for the 8 Polys at "Chillon" extended to cover a search of Chancay and Huacho to round up any natives roaming there. So that they come without force the French C d'A commissioned M. Eucher Henry and an interpreter to travel with the party.

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'El Comercio', 3.3.63

Callao, 2.3.63 - Letter to the Editor, unsigned. In the overseas edition of 'El C' I see that you say that "several Peruvian ships engaged in carrying emigrants from Poly to Callao were detained by the French authorities, and that almost all the ships were released on condition that they abandon the traffic: I cannot let ^{a statement} ~~any~~ of this type pass when one of the most scandalous possible crimes has just been committed.

About the middle of November last year the Peruvian ship "Serpiente Marina" touched at Tahiti to take on water which they did in 5 days, requested permission to sail and it being given immediately the pilot was embarked to take the ship out, but it couldn't be done that day because of the contrary winds, the pilot disembarked promising to return early, but instead of him came a launch with an armed party, boarded the ship and completely searched it, causing great confusion; on the 10th Nov. another Peruvian ship the "B.G." arrived and after having suffered all kinds of difficulties and insults left on the 19th Nov. The 24th Nov it was reported that a Peruvian ship was taking colonists aboard in the archipelago and the French warship "Latouche Treville" left in search of it, and returned in a few days towing the Peruvian brig "Mercedes A. de Wholey" of Callao, with the French flag flying, and a few days later they captured the schooner "Lahora" belonging to the same expedition. The captain of the brig "M.W.", the doctor, officers and crew were detained aboard the ship as prisoners until the Dr claimed the protection of his consul (who is the American consul) who arranged that he be set at liberty. When the "M.W." arrived in Tahiti the authorities accused her of piracy and nothing else was talked about but the sale of the "M." and the schooner, but within a few days the Imperial Attorney (Procurador Imperial) dropped the charge of piracy and entered that of breaking the civil law.

The captains of the Peruvian ships which are held have no help whatever, the French authorities take no notice of their submissions and protests, they have no consul to advise them and are treated with the greatest contempt.

Intercepting all communications ~~with~~ the captains send to their ship-owners, not making any notice of the documents they present, stopping them from making a legal defence, demonstrating thus the bad case they claim to uphold, and blocking all documentary evidence.

The captain ^{and} ~~the~~ supercargo of the "S.M." had to pay \$100 a day to the "L.T." to go to an island to gather evidence to obtain the release of the ship, which wasn't effected because the French had taken a liking to her because she ^{sails very well} ~~is a very good sailer~~ and, needing ships to carry mail from Tahiti to Valparaiso because 2 of their packet boats sank, one can well understand the motive of the long trial of the ship and now it seems certain to be put up for auction very soon

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'El Comercio', 13.7.63

Polynesians. Dear Sir, Bernales and Saco, businessmen/traders of this city, respectfully submit: That on the 11th Feb and the 27th April of this year we sent two submissions to you regarding the attacks suffered by our property the ship "Serpiente Marina" at Papeete point. In them we put a strong case for a Peruvian Govt protection, and in making the appropriate protest, we claimed indemnity for the grave and enormous damages we have suffered, and which have placed us in the most painful and difficult situation, to the point where our mercantile credit is gravely compromised.

Our first request was returned to us by the Prosecutor of the Supreme Ct, who suggested that course when we were presenting the evidence of what took place at Papeete. In our application of 27th April we stated that the same difficulties which confronted us in obtaining the said proof, forces us to insist that the Govt give us its protection, ~~since~~ ^{since}, because of the way things were, it was almost impossible for us to obtain those documents, thanks to the detention of people and goods in Papeete, and to the inquisitorial vigilance to which the first were subject ...

It is most regrettable for us, Your Excellency, to find ourselves having to declare that the Peruvian Govt has done nothing for us, and we can do nothing in defence of the right which attends us, if a measure ordained by the Govt of Tahiti which, let it be said in passing, is a new proof of the senselessness and injustice with which he has acted, doesn't afford us the satisfaction of attaching the legalized copies and the original documents which relate to the "S.M." case.

From among those documents we bring to your attention that of the Imperial Commerce [Minister?] dated 25th Nov., since the tone corroborates that which we expressed in our first appeal of the 11th February, That official says in it that, despite the grave presumptions which were held against the Captain, for the part he took in the fracas at the Gambiers, in the relevant summary of the case, and despite also the suspicious acts the ship appeared to be engaged in, he gave an order authorizing the continuation of the voyage, with the requisite precautions; but the previous day the Gov. had known that a ship, rigged like the "S" had anchored needlessly in the Tuamotus ports, which are not open to trade; that that ship flew no flag, had no name on its stern and was engaged in criminal recruiting in the islands of the Protectorate, with the help of a Frenchman resident there; that in view of the unexplained conduct of the capt of the "S" in the Gambiers, which resulted in a rising by the natives, about which only the capt could explain, the Gov. ~~will~~ ^{will} require new and more detailed evidence about it, and because of that he detained the "S" once more, until the Courts should find on the fracas, in which the capt took part, etc.

From the Gov of Tahiti's own admission it can be inferred that, an enquiry having been instituted about what occurred in the Gambiers, certain presumptions emerged

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against the capt, and altho classified as grave, they weren't however of such a nature that they prevented the giving of the order to allow the "S" to continue her voyage. Those who were conversant with the detail which the Fr officials conveyed to the enquiries will believe at first sight that the case against the "S" did not warrant a formal trial, since, when it was concluded, orders were given to set the ship free.

And was there sufficient reason for revoking that order simply because another ship had appeared in the ports of the Tuamotus?

Taking for granted the guilt of that ship, was the "Serpiente" deemed guilty because of it? ,.....

Nor is it less strange that after the issue of the order, in view of that which threw out the indictment, thus rendering it dead, the trial was opened anew to give judgement on the same case, which previously had been the subject of that same indictment. ~~It~~ Undoubtedly the special jurisprudence of the Protectorate had introduced the beneficial reform of judging a case twice, when the political authorities decided to do so.

Did ~~me~~ the trial take place? This is what we don't know, but it is certain that, despite the offer~~ing~~^{by} of the colonial authorities for the supercargo and two other members of the crew of the "S" to be present at the enquiry that was going to be taken in the Gambiers, whence the "Latouche T." wd sail, the voyage, set for the 18th Dec. and which was delayed ~~until~~ intentionally until the 27th, neither the supercargo nor his companions were allowed disembark in the islands, and much less witness the enquiry.

On the return to Papeete on the 18th February, having taken 54 days on a voyage which cd have been ~~in~~ made in 15, the colonial authorities justified the case by making some of the sailors from the "S" appear from time to time to furnish trifling statements. In the end, themselves tired of the comedy, they decided to free the capt, supercargo and the rest of the "S"'s complement, but retain the ship.

And now I call to Y.E.'s attention the note the Gov. sent the capt dated 26th March. This is what it says

'I have the honour to confirm in writing the verbal order I gave to Sr Saco your supercargo, when he returned from the Gambiers so that he can leave the port of Papeete, as well as any other members of the crew you see fit to take with you. I must warn you that the "S.M." must remain in custody in Tahiti, until H.E. the Minister of the Navy and the Colonies instructs me how to proceed ~~in~~ given the many complications which have occurred between last Nov. and now, in the waters of the archipelagoes which are Fr dependencies.'

The Gov concludes by stressing the moderation and magnanimity of the colonial authorities.

According to the note of 25th Nov. the "S" was held for the second time until the Courts should reach a verdict on the occurrences in the Gambiers. Where then is

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this ruling, so solemnly promised? The first matter for the second trial was the new enquiry in the Gambiers, that which undoubtedly, and despite its being taken in secret, brought no charge against the sailors of the "S" given that the Gov. confessed that, on his return from those islands, he verbally authorized the supercargo, Saco, to leave Papeete.

We can't determine Y.E. the puerile and specious motives which are alleged for not verifying in writing that verbal permission until 28th March. Thus we come to the written permission.

On what is the third detention of the "S" based? Only that the Gov needed instructions from his Minister. Is it that to which the Gov committed himself in his note of 25th Nov? What he said in it was that the verdict of the courts was what shd decide the fate of the "S". And if the second trial confirmed what emerged from the first up to the extreme point of inducing the Gov to give the verbal authorization of what is justified, is it not evident that the inevitable consequence was the immediate freeing of the ship. What have the orders of the Minister of the Colonies to do with it? Without doubt, thanks to a new system unknown until now, the verdict of the Courts of justice is subject to ministerial decisions. But the crux of the matter is that the capt, supercargo and the rest of the "S" crew were set free and were allowed to leave Papeete. This cd not have happened unless it was recognized that they were all innocent: why then have they retained the ship? If a crime were committed, only the people aboard cd have been guilty, but not the ship itself. If they were innocent the ship shouldn't and couldn't be detained; ~~and~~ but ... it was deemed necessary.

Never (we say with pride) has such a violation occurred in Peru even approaching that which occurred with Peruvian ships in Papeete; never has such a mockery been made of justice, converting it into a hollow sham; and despite this we have ~~seen~~ frequently seen ~~menaced~~ our ports menaced by strong squadrons to force amazing claims. If as we hope, the Fr Govt proceeds with impartiality and only according to law, we can promise ourselves that the Peruvian Govt ~~will receive~~ which acts for us, will receive the indemnity, now that ~~the~~ abuses ~~in~~/^{of} which we have been victims are ~~so~~ so obvious. And we base our claim not only on the present submission, but also on the facts enumerated in these of the 11th Feb and 27 April ...

Y.E. will find attached the account ~~of the~~ we have incurred for the damages, losses and impairments we have suffered, the principal of them being the [undermining] of our mercantile credit; since, thanks to what happened to the "SM", we have been forced to negotiate with our creditors in order to prevent ~~our~~ imminent ruin. Y.E. knows how delicate ~~is~~ this is in the mercantile world, the ~~smallest~~ slightest rumour being sufficient to ~~frighten~~ ^{frighten} off the strongest credit. Ours has been seriously compromised, perhaps forever. ...

We ask Y.E. to support our submission [it being strictly just.]

[sgd] Bernales and Saco

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'El Comercio', 19.8.63

News from Callao. Polynesians. Yesterday afternoon the Peruvian brig Barbara Gomez sailed for the islands of Oceania.

She carries 318 of the natives the Govt has redeemed for 50 pesos a head who are going to be returned to their respective islands also at Govt expense.

The naval 2nd Lt, Guillermo Black, sails in the ship with a commission to witness the final completion of the contract: apparently the 'Gomez' has to call at Paita to collect Sr Palacios, named Peruvian Consul in the Tahitian Islands, who is at present in that port.

The Polys of the 'B.G.' won't be the last to be sent away by the Govt: there still remain 589 in the bay, split up between the ships 'General Prim' (arrived 19th July), 'Delores Carolina' (14th Aug.) and 'Adelante' and ^{Pol-}~~Pol-~~ 'Indonesia' which have now been there for 3 days. The first of them brought 174, the second 130, 172 the third and the last 113.

We ask the reader to 'tie the knots' - that he add the cost of the passage of these unfortunates to their homelands in ships like the 'B.G.', chartered for the purpose, and the sum which of course compensates the farmers who put them in the hands of the authorities, obeying express orders - and he will arrive at an understanding of what this joke of a Poly question has ~~cost~~ cost the nation.

We are speaking of the material, and as regards the moral, the [public voice] has made mention of the moves supported by our Govt and bad precedents which make manifest the way, as weak as ^{it is} inept, with which this miserable question has been handled by it since its beginning.

'El Comercio', 3.3.63

Polynesians. Several ships of those which went in quest of Polys have been detained by the French authorities. The foreign press regards the Poly trade as a new slave trade, and the country's credit suffers greatly because of it, all of which makes us fear that this business will cause Peru serious trouble.

Altho the entry of Polys may be very useful, it would be better to put an end to it to avoid the international complications which it cd bring and the antipathies which cd occur; it will be no loss to Peru to close her doors to those colonists [who are completely unused to the kind of work required].

As only ^{the}manpower of the savages is of use why go to Oceania for it when there is plenty in our country.... The Morocochos and those who live along the Amazon are in no sense inferior to the Polys.

These are not the colonists we need Will not benefit from the fruits of civilization We can't even civilize the natives within our country and we go looking for more trouble ...

*Reproduced in GBP 1864: 20-22
& see also GBP: 19 by Peru*

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.... Their mortality is high. There are many in hospital and few will be cured despite the conscientious care given them.

Is it possible that the Govt will continue to consent to these unfortunates being taken from their islands ~~and~~ to be carried to an almost certain death? Our ~~inhuman~~ ^{inhuman} /heedlessness could bring upon us an epidemic which wd deprive us of thousands of really useful settlers.

Given that the Govt cannot simply end the trade like that [it shd institute measures to end it in 6 months]

Don't try to say that the Polys are free to dispose of their persons and that they can arrange to work under certain conditions for a number of years; any contract which is contrary to the law is null, and the law has prohibited slavery temporary or permanent.

[Do you believe] that the Polys understand the obligations imposed by the contracts, true or false, which in their country or in ours they are made to sign or are forged? Do they know what forced labour for 4, 6 or 8 years implies? Can they have any idea how much their passage is worth, how much they have ^{been charged} /~~paid~~ ^{for it} and how they must pay?

All the Polys who are in Peru are free because they cannot be ^{bound} /~~obligated~~ by the real or suspect contracts. No judge, without committing the most odious of prevarications, could recognize the right of the owners; if they have been harmed to a certain extent they deserve it, but perhaps they cd be given back what they paid for [the Polys].

Perhaps we deceive ourselves but we believe that the first Poly who appeared before a competent judge claiming the nullity of his contract, would not only obtain a favourable verdict for himself, but also for all those who found themselves in the same situation.

We hope that this reaches the ears of the Polys and that they can understand it, for an excellent complement to the measures we propose wd be the emancipation of all those unfortunate ~~beings~~ ^{beings} sould who have the good fortune to escape from the illnesses which are devouring them.

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'El Comercio', 17.3.63 ✓

Polynesians. We have previously requested that all landowners who hve obtained Polys for their haciendas be obliged to vaccinate them because the smallpox wreaks havoc among the unfortunates. [Despite this the authorities have done nothing to prevent an epidemic].

It wd also be opportune that th^ey curb the excessive severity with which some landowners treat their labourers, since they have no right to severely punish freedmen who work of their own free will to win a salary, often a miserable one.

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[The legal status of foreigners in Peru]

Zegarra, Félix Cipriano C. La Condición jurídica de los extranjeros en el Peru, Santiago, Libertad, 1872, p.32

Appendix XVII - To the Prefect of Callao Province- Lima, 17th Sept. 1862 -

Yesterday I advised you of [the measures to be taken] to suppress the scandalous abuse which is being committed in that port, to sell as if they were slaves, the colonists brought from the islands of Oceania. Today the Govt has received new info. which affirms that minors and even adults are sold publicly for 200 or 300 pesos; and as this traffic is an offence against individual liberty and the worst outrage that can be done to the dignity of man, the honour of the Govt and of the authorities of that port in whose presence such appalling crimes are committed, demand that strong and effective measures be brought down to suppress it, and that the guilty be brought to trial so that they may be punished with the full force of the law.

You should be careful that the requirements of the law of 14th May [1861] are strictly complied with by the importers of colonists and to this end you must ascertain - yourself - if the colonists were contracted freely with particular persons and in a form which is not opposed to the laws of the country, and absolutely prohibit the transfer of these contracts to other persons without the express agreement of the colonists.

You as the person in charge of the observance of the supreme laws and measures in the province under your control are responsible for ~~the~~ complete compliance with these precautions - [sgd] Manuel Morales.

del Rio, Mario E. La inmigración y su desarrollo en el Peru [^{Immigration and its} ~~The~~ development of ~~immig.~~ in Peru], Lima, Sanmarti & Co., 1929. p.50

Before turning to the ... Eur. immig, we shall say a few words about the most disgraceful and ridiculous of all: we refer to the immig of natives of the Hawaiian Islands and other Polys, promoted solely by the business interests of those favoured with licences and concessions, and which began under such sad auspices in 1862. The first Polys, who [were immediately] ridiculed, being nicknamed 'canacas', were victims, because of their uncivilized state and weakness of character, of all kinds of deceptions and abuse. They didn't even become accustomed to our food, being used to eat only raw fish, and to live in a primitive and semi-aquatic manner. For these biological reasons, and other sentimental and nostalgic ones, they died in terrifying numbers, thus of 750 [sic] Polys who entered the country the majority died. This disastrous situation, together with the general state of the unfortunates, led to the furious protest on 9th Oct, 1862 of Mr Eldredge, the Hawaiian Chargé d'Affaires to whom our Minister of F.A. Dr José Gregorio Paz Soldan brilliantly replied.

Problems also arose with the French C.d'A. regarding the transporting of Polys arriving in Peru and, what was more serious, the claim of indemnity for immigs who, being under Fr jurisdiction, had not left home freely nor with the relevant authorities' approval. As was to be expected our Minister dotted the i's and

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didn't accept the protest and argument of the Fr. Diplomat, basing his case on the fact that the authorities in the islands hadn't prevented the departure of their subjects, a fact which was publicly verified. Despite this, and in view of the new abuses committed with the immigs, the Govt decided to enforce certain measures (1862) which wd put a stop to this state of affairs, creating in effect, in the ports of disembarkation, committees formed by local representatives to [police] compliance with the law. Then, as the situation didn't improve, the Govt passed a supreme resolution, on the 28th April 1863, prohibiting the Poly traffic, and undertaking to repatriate them at their expense, reimbursing the relevant individuals 50 pesos per head. As can be seen, [there couldn't have been a worse mess].

'Revista Americana' (allied to the 'Comercio' of Lima) ...Organ of American republican interests ...

20.3.63, p.141 - The expeditions organised in Peru to bring in Poly colonists are beginning to produce their unfortunate effects. Only a short time ago our Govt had to reply to diplomatic representations and formulate ^{quite severe} measures to prevent the alleged immig from becoming in fact a real traffic in human souls. ~~The~~ Public opinion has been profoundly impressed by the miserable situation ~~in which~~ ^{of} many of the colonists, ~~and~~ ... they have been offended by ~~the~~ some brutal acts by Polys, who being ~~such~~ uncivilized, behave often with the innocent impudence of brutes. Finally the detention of the Peruvian ship (the Wholey) by the French authorities, found in Poly waters with a cargo of natives of those islands, resulted in a formal protest by the owners who appealed to the Peruvian Govt to request reparation from France. What turn will this matter take? We don't know. For the moment it isn't possible to judge of the detention and its consequences because there are not sufficient details available. But if it is proved that the carrying of Polys is a real traffic in men, as we are inclined to believe, it seems that France is in the right, [and not those] who carry on the slave trade in violation of express treaties, or in prejudice to a country subject to its authority.

Only a few days ago a ship arrived at Callao bringing 651 Chinese embarked in Macao and engaged legitimately as emigrants. .. Will it be satisfactory in the social context? We cannot understand the furour for Polys and Chinese which has overpowered many people here. No worse immig cd have been chosen for the coast of Peru. Those who aren't savages, like the Polys, and because of little use, as well as being ugly and with little to recommend them, are Chinese of the worst class. It is enough to look at the streets of Lima, Callao, Chorrillos, etc to recognize that the Chinese are distinguished, almost all of them, by their disgusting dirtiness, debility and ugliness. What can Peru gain by ~~introducing~~ adding to its ^{population} ~~people~~ this element of a degenerate people, stagnant, without the slightest initiative and with a language, religion, customs and qualities entirely different to the Peruvian? Why a hypocritical people, repugnant, ugly and inept ~~under~~ in certain respects?

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If labour is needed for the coast why not bring it from the interior of Peru where it abounds? Or if there are problems there why not bring it from Ireland, Germany, Spain or other civilized Christian and fruitful countries? It will perhaps be said that such an immig would be very costly and find acclimitazion to the coast difficult. ... the higher cost doesn't signify if by it is obtained an intelligent race, civilized and compatible. But those immigrants wd want to be free in Peru, and that is not what is wanted by those who ask for manpower. We will frankly tell the truth; what they want is a sort of slave bought for a low price, because they still haven't forgotten the bad habits engendered by slavery.

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'Revista Americana', 5.4.63, p.163.

The very disagreeable and difficult question of Poly immig. has definitely moved into the diplomatic field, becoming quite considerable an issue. The diplomatic notes and documents which the Peruano ... has recently published and the Comercio reprinted show the full gravity of the matter, and the determination of the representatives of France in Peru and in the Tahitian islands, not only to oppose the continuation of the traffic but also to claim indemnity from the P. Govt.

The notes of 9 Oct. and 2 Nov. of 1862, between the Hawaiian Legation and the P. Cabinet as well as those of 15 Oct. and 5 Nov between the French Legn and the Cabinet, are of themselves very important and significant. [see pp.31-34 of M.F. Docs]

The two legations protested immediately against the fact that the P. Govt had authorized some expeditions to bring in Poly colonists, and for having allowed later voyages because the colonisation movement was in fact, in their view, a traffic very similar in character to the negro slave trade. Also the C. d'A. of France claimed the right of inspection of P. ships which arrive loaded with colonists, and announced his intention to claim further indemnities.

Impartially we can say that until 6 Nov. appearances favoured the P. Cabinet, since until then there was no proof of the reproachable nature of the trade, nor was it possible to know ... that the immigration hadn't been voluntary ... As well as the dip. protests being premature, the claimed right of inspection cannot be ~~reconciled~~ reconciled with the rights inherent to the sovereignty of Peru. Thus the reasons given so ably by the Minister of F.A. in his notes of 2 and 5 Nov. appear to us irrefutable.

But matters took a different and much more serious turn later. Facts proved that it was imposs. to obtain a free immig. of almost savage men completely ignorant of their fate and who couldn't be engaged with certainty.

The miserable state of many, or the majority, if not all, of the Polys who have come to Peru has moved everyone, and the moral and even material evidence of the slave trade, has aroused the public conscience, as M. de Lesseps so rightly says in his skilfull and eloquent note of 20 March last, written with notable moderation.

What will the P. Govt do about the indemnity claims made, especially the most recent? We believe it must add diplomatic frankness to the sincerity and healthy motives with which it has proceeded so far. Not knowing (since they had no means of knowing) that the Polys were unsuitable for a free and useful immig, it authorized the colonisation concerns, as it had other irreproachable ones - European and ~~Sax~~ Asiatic - without thinking of anything but the good of the country. Even so they took measures to prevent abuse. When the first clamour against the sailings were heard the authorities took all possible measures, and strove to ascertain the character of the sailings and to protect the colonists.

But light has dawned, and today everyone believes that which is occurring is a trade in men, taken by force, trickery or fear for the most part. The Govt, which isn't responsible and has done everything possible to prevent it, must recognize that it was

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mistaken in its confidence, and consequently must completely prohibit other sailings, and see that a thorough investigation be made of the facts. The Fr Legn, still acting with moderation, and realizing the innocence of the P. Govt. in the matter, wd then desist (at least that's what is to be hoped) from ~~the~~^{its} claims and the matter ~~will~~^{wd} be settled in a conciliatory manner.

If it is not so, there's no doubt that the P. Govt will find itself in a difficult dilemma: either to leave unprotected the P. ships which go to Poly in quest of colonists, leaving them open to the actions taken by the authorities of the French Protectorate; or in order to continue its protection, to accept not only the right of inspection claimed, but also the international responsibility for abuses committed by enterprises engaged in immigration in the future.

'Revista Americana', 20.5.63, p.236

The serious and delicate question of the Polys seems to be completely solved, after having caused very disagreeable incidents. Since we probably won't have to refer to it again, we will make a few remarks about it from its origin to the present.

Why was it necessary to bring in Poly colonists? There was a great lack of manpower on the Peruvian coast and to obtain it one of 3 ^courses was necessary: either raise the salaries on the haciendas to attract workers ... or seek colonists in Europe who wd come as small landholders or tenants (since they wouldn't come as simple labourers); or finally, if what was sought was cheap labour, or serfs without chains, to bring them from China and Poly.

The first alternative didn't attract many landowners, as their wish was to speculate with their profits, without paying salaries applicable to the economic condition of the coast. The second recommended itself even less, because their customs and way of thinking make them look with repugnance on the system of tenants or distribution of land in small parcels, and they preferred ~~the~~ direct exploitation on the grand scale, such as existed during the era of slavery. Used to exploiting their properties with the cruel and very badly paid work of slaves, and not being men of conscience and good will, many wanted to call on a system of dissimulated slavery, without calling it so but with all its consequences.

Thus the third alternative was chosen: expeditions in quest of Chinese and Polys, disguised as colonists. There was no greater lie than that term, since colonization supposes freedom of the individual in his contract, and a system of work which of course renders him a property owner, or at least tenant of a piece of land, with the hope and security that he wd come to be ~~owner~~ owner of it, under certain circumstances. They wanted to have low-paid ^{peons} labourers, and with the certainty of being able to count on them for a very long time, which is obviously a sort of slavery. And as there was a demand, no less was there an offer, since things and services don't do well except where required.

A general cry of disapproval was raised against the shipowners and captains who

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brought to P. almost 1,000 Polys by means of fear if not force. But they didn't want to remember that there wouldn't've been hunters and sellers of this new type of slave if the merchandise hadn't been requested by buyers who offered a secure market. Those who went to Poly aren't ^{any} more guilty than those who sought to profit by the hunt.

The matter was taken to the Govt, asking for its authorization of the expeditions - Why, if ~~the~~ colonization is an innocent act and permitted under our laws? - Because a priori the inevitable guilt of the enterprise was understood, since already it was known that the colonists had to be sold, in fact, altho it appeared that only their services wd be sold. And also because they wished to hold a monopoly even in that hunt for ~~slaves~~ savages. Men (even those of public note) who ~~had~~ ^{have} protested against the expeditions since they became general, had ~~not~~ been among the first to initiate them and organize them with the hope ~~that~~ of doing business without competition.

If at first more than 800 canacas were brought in (of whom almost all have died miserably in P., especially in the haciendas and farms) and were sold shamelessly and bought without concealment, later the speculation was spoilt. The Fr aut orities of the Sandwich Is began to take serious measures to stop the traffic, ~~and~~ the canacas were understanding what awaited them, and later resisted or avoided capture; the first speculators became irritated with the competition; the picture the Polys made here alarmed public opinion and opened the eyes of the Govt and its agents, and several foreign consuls made strong complaints. It was necessary to put an end to a scandalous situation which ~~had~~ ... had dishonoured Peru.

Luckily, in this matter, ~~we~~ ^{though} many sin by malice, the Govt and pub. opinion had sinned simply by simplicity, or lack of thought, or excessive innocence. Everyone, judging ~~not~~ with very little insight it is true, had seen the apparently good side of the expeditions. It was believed that they wd improve the state of the country, increasing the population of the coast ~~and~~ ^{and} developing its agriculture. Our Govt lacked foresight but acted with sincerity and honorable intention. The best proof of the honour of the country and its Govt was the cry of indignation and horror which was raised, and the interest taken by the authorities, when the enormity and nature of the facts was understood.

According to what we understand the Govt has agreed on certain measures which will ~~we~~ end the trade, and attempt to right as much as possible the wrong ~~caused~~ ^{done}, by making the guilty responsible for the ills they caused. But at what price has this vexing and sad Poly question been terminated? Violations ^{ations} and disrespect by consuls and French representatives ~~had~~ ^{have} occurred - who in effect acted as protectors of the canacas - ~~violence~~ violations and disrespect which our Govt had to accept with the dual resignation of the weak - who offends one who has a squadron at ~~hand~~ ^{hand} - and of one who, not maliciously but by lack of foresight brought about difficulties and complications. The many and utterly deplorable incidents of this whole business will serve as a singular lesson. One does not play with impunity with the laws of divine and social justice; those ^{who wished to} play ~~and~~ purely for speculation, ~~and~~ forgot that one of the glories of Peru

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as a Republic and thanks to its revolution of 1854, has been and is that of having abolished slavery and the infamous slave trade, under any guise or form

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Diario de los Debates del Congreso Ordinario del año 1862. Lima, Tipografía del "Comercio" por José Maria Monterola, 1862. p.324

[NO date of sitting recorded]

The next opinion was read and its article 1 was opened to debate

Sir

The industry commission has examined the request of Don Juan C. Vives to be allowed to bring in colonists from one of the archipelagoes of the Pacific, requiring of those who engage them, 100 pesos passage money, noting also the formalities to be adhered to in the transportation of such individuals.

The law of 18 ~~Jan.~~^{Jan.} 1861^[sic] allows the free intro. of colonists, and the petitioner has been able to make his request to the Govt under its terms offering to bring in colonists who show aptitude for agriculture and domestic service, subject to the requirements of that law; and he wd have obtained the permission which he seeks to-day as it was granted to Don J.C. Vives by the decree of 1 April of this year, which the committee was considering; and because it appears that he wished to obtain it from the Congress, and that it is opportune to prescribe certain formalities for the intro of those colonists, ^{in addition to} ~~as well as~~ those the law cites, the commission considers that it can approve the following resolution

The Congress &

Considering:

1st That by the law of 15 Jan. 1861 the entry of colonists was permitted in accordance with the formalities laid down

2nd That according to the request of Don J.C. Vives those who are charged with bringing colonists to the country from the archipelagoes of the ~~Refinex~~ Pacific are sufficiently compensated with the sum of 100 pesos, at which ^{price} he offers to bring them

Resolves:

Article 1 All those who wish to bring into the country colonists from the .. Pacific or other neighbouring islands, whose authorities don't oppose it may freely do so, under the terms of the law of 15. Jan. 1861

Article 2 Those who bring in such colonists may not demand of those who engage them, more than 100 pesos transport costs for each individual; and where more is asked for food costs from the time of arrival until engaged, ~~mf~~ or for clothes, they will not exceed two reals per day per person, they being of ten pesos [value].

Article 3 The consuls if ~~at~~^{at} located near the colonists, or if not, the nearest one, will be responsible for examining the contracts concluded; taking particular care that such are completely freely agreed to; also, ^{if possible} being able to conclude them in the Peruvian port where the colonists disembark, between the patron and colonists directly, with the participation of the local authority, in order to allow the

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the greatest^{freedom} in the making of such contracts; the Govt being able above all to take such steps as appear necessary to see that the trips are made according to the law, and that the colonists are healthy and suitable for agricultural work.

To be noted. - Commission Chamber - Lima, 20 Sept 1862

José Boza - Francisco Javier de Odiaga - Ambrosio Becerril [Members of the Commission ???]

Passed unanimously and without debate.

Article 2 was also passed in the same way.

Article 3 was opened to debate

Sr Santisteban

~~can~~ If it can be said that the Govt will send relevant orders to consuls to observe the Article; ... the Article can be approved as altered

The President

Specifying that it applies only to Peruvian consuls

Sr Becerril

As a member of the Commission I accept the suggestion made by the Hon. Sr Santisteban

The Article was immediately passed, there being only 3 opposing votes

x

The various crimes committed by the "Empresa" captain and ^{some} crew members were punishable by different sentences under different codes. Thus it was determined that both Captain Desert and the sailor William Cole be imprisoned for 6 years and 4 years respectively in the penitentiary, with total ~~loss~~ ^{disqualification} of civil rights(?); and a further 3 years and 2 years respectively subject to the vigilance of the authorities (including food).

Jorge Sumari (DOMINAN) was ~~not~~ not to lose his right to the civil indemnity he had claimed.

9-11-1863 ^{Hina} On appeal from the sentence of the Court of 1st Instance, the Superior Court of the District on 29 October 1863 condemned Enrique Desert to 6 years imprisonment in jail with the same limitations as under the former sentence.

Whole document is
Dated 24-28 December 1863.

24-28.12.63

Katie

Carlo's address

Desert (after) and others did not comply with the terms of the contracts made with the labour

Verbal deluged to Don Jose Francisco Canavaro (CANAVARO).

Verbal of not complying with contract & did not uphold the requirements of the Government and expressed the refusal of being the return aboard by desert and hiding them by force to take them by force to Peru.

For this crime bandwidth to an island is presented.

Also the after referred did not committed of being being abandoned in the island of NAPONI Yana and Can see abandoned in the island to the request of the Pilgrims' escorted by the trustee which had been vested out to their caregivers.

After had also committed violent acts in relation to the man stated a board but was not charged with this.

6 years for being out of years for not abiding to the rules

In the lower court judgment had been given with minor rules, different penalties, see appropriate. The case went to the Higher Court (on appeal?) on appeal

x see Verbal's in

i.e. after got 6 years + solitary forced

5.5.63.

From Relojero to the Prefect of Callao

Refers to the Prefect for his intercession in the case of the Polytechnic school in the Jorge Zaldana. The opponents are ready to pay the school they are the in salary and the cost of reconstruction ~~so~~ this being the basis to a happy conclusion. The Fiscal Council will take responsibility of looking after the

12.5.63

Relojero to the Prefect of Callao

Esperanza

Refers to a note from the Prefect in which he says he is trying to get the depositaries for Don Juan Cam & the cash & that Relojero has issued orders to effect that the 3 should present themselves before the Judge.

20.5.63.

Relojero to Prefect of Callao

Refers to Prefect's letter to the Fiscal Council re the 16. Polytechnic today repress in the house of the Fiscal Council in Callao. This case is a judicial case which must be settled before a Judge. If the Council is not happy with notes to take it better it can only be handled with a duplicate level ⁱⁿ between Lima & the Rep. of the Fiscal Gen.

19. 6. 63 Pelajo to Judge of Law Court of Callao - J. Chery

Decree of 30. 4. 63 ordering the trial of the captain, doctor, and
 steward and various other members of the crew of the Esperanza with the
 object of determining what happened in the Poby islands. The Judge
 had been asked to submit a daily account of the proceedings to keep the Quinte
 informed but for the intervening 50 days he hadn't received anything. This
 was a reminder.

22. 6. 63 Pelajo to Mariscal Desiderio

Warning to a rebel since the owner of the schooner 'Heredero'
~~had departed~~ Pae Nator had departed and Polygamous to the
 Commission who had passed through the valley

30. 6. 63

Pelajo to Judge of District of Callao

Get marked rapid action of case Esperanza case stating that justice
 should be served and the national honor should not suffer the least
 damage.

15.6.63

Relay to Samuel Polanco

Advise him that he has made him Consul-General of Peru in Polynesia.
(Heavily he never set there).

19.6.63

Relay to Polanco

To be C-G to the principal islands of Polynesia & put out feeling of
the mission.

To hunt his credentials to the different island authorities & investigate what has
passed with regard to the Poly migration. To advise Govt whether the
facts are as hunted.

Also to determine what is happening re status in the islands & to ascertain if
they have not been subjected to any legal proceedings & if so whether
they are in accordance with the law & to intervene on behalf of the
Peruvian ships where just & right & if case merits it & if it does not
cooperate relations with the countries.

To note the status of other national flags which have called at these to
or - migrants (9 P) - need & successful & anything else.

14 Sept 63

Pearl Alexander to France & Polynesia

) had → difficulties - → s. r. Fr Gov. accepted r. off. of
a C-G - Poly (s. r. of credentials) addressed r. King of
Hawaii, ~~the~~ i. a. l. g.) French terms.

4 r. unite - French into r. → 9 (C-G) r. under treaty
- Poly.

6 r. of my → decide 9 r. terms → v. r. jurisdiction
r. a. libel r. r. treaty / - (bundle of letters)
r. treaty of my → i. 2 → r. Gov. of the Fr. territories.
anyone will try to do) best.

8 10.63 Pulley v Puz. v. Salford Court

Re case of the left & can of Espresso v S Salford Court
note v v of case stands (3)) final review require greater
before be given v case.

Englehart +

12.12.63 Pulley v Prefect v Püzza.

He has rec'd a letter from Prefect dated 14.11.63 advising him of
what happened v Polymeric who were rec'd v v v Adelante.

16.3.63 Puz Soldan

repts that he rec'd from owners of Pemina ships has copied that
the Fz authorities have obstructed them in Polymeric matters & seized some
of them in violation of the articles of the Treaty between the 2 countries.
Asks for details that the addressee (the Fz Minister?) has replied thereto.

Apr 24 4.63 From Carlos F. Costa, ^{captain,} Ministry of Foreign Affairs

Left of Cora 9 arrived - inspection, 0 of 2 2 1 1 1
v Tahiti 9 - passage - American soldier, at Oahu en route to Tahiti
she 1 but was taken & remained 5 kids 5 F2 authorities
o o o o - colonists aboard & that o 2 majority seized 1 1
o abandoned 1 ship -

1 1 Penni ship Sapiente Rosai & Receles de la arriving in Tahiti
1 ship offered 1 (enlarged 1 captain's note previous by 1 1 1
o colonists aboard

1 1 parts of Lot-a and Tomé about 8 leagues 2 1 city (captain?)

(Costa no city friendly because 1 1 - Canal at Captain)

30 4 63. Religion 1 (?) kindly the French Consul Chge' d'Affaires

Francis Tava Oaca of the bank Tassa said to be committed since but the captain
1 French ship on which he 1 has refused to allow him to go ashore on
contact the authorities, being 1 instructions within a 1 1 1 F2 Consul - Callao -

The apt of port at the Omba Islands give this information.

There 1 entry to private and international laws -

30 4 63 Catlett Tchitara (ellegille)

From Domingo Vollen to

30.4.63 Fz Burt C-G, Pam, to Min of Foreign Affairs.

(12 English - landing despatch for Message de Taite)

23.3.63 From Inge's Willa Wyatt Gill

12 English (re Dardo)

Copy with re?

21.4.63 Willa of JW to Coral Miller

12 English (re his visit to Pitha Cooks)

Copy with re?

30.4.63 Miller to Scrymgeour

Ask his letter of 27th Febury in which he advises his that his letter re Pennon's migrant ships had been sent on to Russell (S.O.S.?) & letter read by Gill in newspaper (copy in an in copy). The letter in 25.1.63 of a Pennon ship at that island - offered by King

Please to read in copy of Gill's letter to Russell.
also read copy of letter from Capt of J.W. re Atee.

30.4.63

Refugee to Ministry of Justice

Re report about Express trial diary

Employment references and representation of owners also doctor had
run away & appears to be resident in Haacha.

30.4.63

Refugee to Ministry of Government

Irregularities have occurred in the instruction of Polytechnic.
President of College to be informed of council & to refer him of
Govt. so that a decision can be made as to whether
inquiries can voluntarily & completely not letting during the
voyage

6.4.63

To the Post of Chiracha

For left of the French
ship or ship Oaca 100.

Oaca had been put aboard a French ship by order of the
French Council. Not allowed unless in any defect unless forced by
authorities.

12.4.63

Capt Dignan to Capt. of Chiracha post

Ask letter of 11th regarding the Oaca case before Justice or to allow
Justice allowed to take declaration from him. This man is allowed with protection
of French flag & cannot communicate with anyone.

April 27 1863. From Minister of Foreign Affairs
Rebeyron Soldier

to
Minister of State in charge of Government.
Hoped that these people would care to see the report in 'aggravated and admitted'
acts but in fact he not recognized them.

133.63

6 March 1863 message of the Legation.
From
Officer of Legation General of the Navy
to the French Chief d'affaires (?)
Refers to the French charges about the cases committed in regard the Texas

to the French 'charge'.

28 March 1863 Paye Soliman
cause of the violations

to which only to make
at 4 pages a day.

I have heard that would have to write a report and only in out
to make

1.30 Monday

27. 4. 63 To Minster of Foreign Affairs.

from (?) not stated.

List of arrival and departures of ships from Callao to Polyzona.
Minster the only one known to be set left for Callao - she sailed
for Valparaiso.

Dom^o Valle (?)

To the Minster of Foreign Affairs

From Minster of the Navy

29. 4. 63

On the 24th of April there arrived the two boxes put under in the
Imperator for the Esperanza and the wife of Doria put in deposit
during the matter so that an adjudication can be made.
He is with to the Minster

On 1 May 1863 they also advised the Minster of Foreign Affairs.

29. 4. 63.
Said to the Minster of the Navy a breve amazonas ad the
commissioner for the Comandante of the Comette Comette Francisca Valatea
says that several dead natives were thrown into the sea from
the Esperanza on the 28th April. Some were dead and some moribund.
and the port authority direct that a report should be submitted in writing.
although the Esperanza is held incommunicado it does not prevent others being given
to the sick, and they set a Real Surgeon on board to attend to the sick.

Minster in Lsa 30. 4. 63

say to the Minster of Foreign Affairs.

L no 30th April From Ministry of Foreign Affairs.
to Chie d'Affaires of France

Captain, ~~shango~~ and crew are going to be tried. (Same date)

Minist of Justice

Minist to French Authorities) to expedite inquiries.

Letter to the Prefect of Colmar just received by P. Espresso &

14 P January 5 21 (?) Polytechnic - crew had left - captain &
doctor did not arrive at Colmar

only found 5 men of those in ^{the} boat who had taken sea ashore and
those had made statements.

a Commission is being established to enquire into the conditions of the capture and
of their passage. Riley

27.4.63

From Lereaga to Pelayo

Don't want to involve himself again in the Paganini question but
best evidence of ineptitude being caused he must request
nothing be done

Can & Estacion

7.5.63.

Pelayo to Min. of Justice

Referring to articles in El Comercio since has caused for Vallejos
& on head and Dmas & Lora & definitions are to be taken for
the for use in trials.

11.5.63

Pelayo to Min. of Government,

Vice-Minister of Justice advised & Min. of Justice of Exp. 1
of Police

12.5.63

Pelayo to Fr. Casado

Does he know what can & Dmas are.

30.4.63

Uncle z Ramos left 1.2.63 and now returned

1.5.63. Bz Carl explains about Espera & other ships
and refers to Pera z Cara is expected to arrive soon

Letter to all ports advising that in conformity with the Decree
the Pera z Cara should be held immovable

1.5.63 / From Ribeira z Min. of II

Fz Lezeta Francis Leri (a sailor) knows Engelant (the doctor) and has
evidence in the cases against the Polymerian & Ribeira says the sailor
the sailor should (2) a Honor (available) z Sub-Prefect see
P o r identify Engelant 9 9 arrested

1.5.63 / From Domingo Valles (?) z Min. of War z Navy

~~During the voyage~~
During the voyage / e co 2 3 ^{sick} fit people - the ship 536
on for the Espera / loaded - Honor - and therefore no
one died aboard (Espera)

29.4.63

Danger Volles (?) or Capt J shot put at Collar

Thought like

retires

Some dead & mangled, thrown into the water for the Espresso.

Capt to water greeted rightly
re that ship & other ships engaged
in the water trade.

How say how the Espresso discharged
How say me on board & how say he died.

29.4.63

a 2nd lieutenant. has gone on board the Espresso and has made a
summary report. The 2nd Lt is ~~no~~
Alex Judge goes aboard.

Judge & others aboard found no retires & no survivors
CONTRA MAESTRO
put a oath of the Judge.

(Prisoners)
Lorenzo P. Silva (Carthage)

Enlisted as a sailor but later promoted to master (note?)

Didn't know the name of the island where retires were checked but
there were 36 and among the very few.

only 2 or 3 sail and they remained - no one died.

During the 2 days they were in port the captain sent among the 36 in 2 boats
to a ~~place~~ ^{split} for which no one has returned aboard.

During the 2 days they remained on board no sickness or death
& that was not seen before had occurred.

Charles Brown - a Frenchman (a native of France)
22 sailors - sailors - Catholics.

He had been aboard the Espérance for about 5 months & he wished to go to
Polynesia.

1st they set to work to make a boat & took from there one woman who spoke
English. Then to several other islands where sickness he
doesn't know & took in a few natives until they had 36 when
they brought to the boat.

1 - 2 - all during the voyage & recovered - no one died during the
voyage - 5 feet - 36 were aboard less than 2 days and the
captain set the off in 2 launches & the schooner PAQUETE
DE HUACHO. No one is on board now. Said he couldn't write
or make his mark.

Sailed from San Jose for the Azores & on board 5 months
1st island took in 1 man who understood English.
altogether for all islands 36.

Judge's summary of says that according to the declaration taken 2
was 1 officer of 36 colonists e on; P / r
voyage 9 - e e e 4 men more (3 d = died -
e (witnesses of 36 colonists e on 2 s ship
9 2 P s part of sailor Brown of P r colonists
e 2 about (Poquette de Hancor such assertion)
verified because s part records of sailor v ship v 20.4.63
) P s sailor only P Hancor of 36 into prisoners.

Left Naravayner took charge of Esperance e 23.4.63, i.e. 5
P 9 e arrival s part. Declared e P date e colonists
e r e b s o her P 36 e transferred to P de H.