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Class A.

CORRESPONDENCE

WITH

THE BRITISH COMMISSIONERS,

AT

SIERRA LEONE, THE HAVANNAH,

RIO DE JANEIRO, AND SURINAM,

RELATING TO

THE SLAVE TRADE.

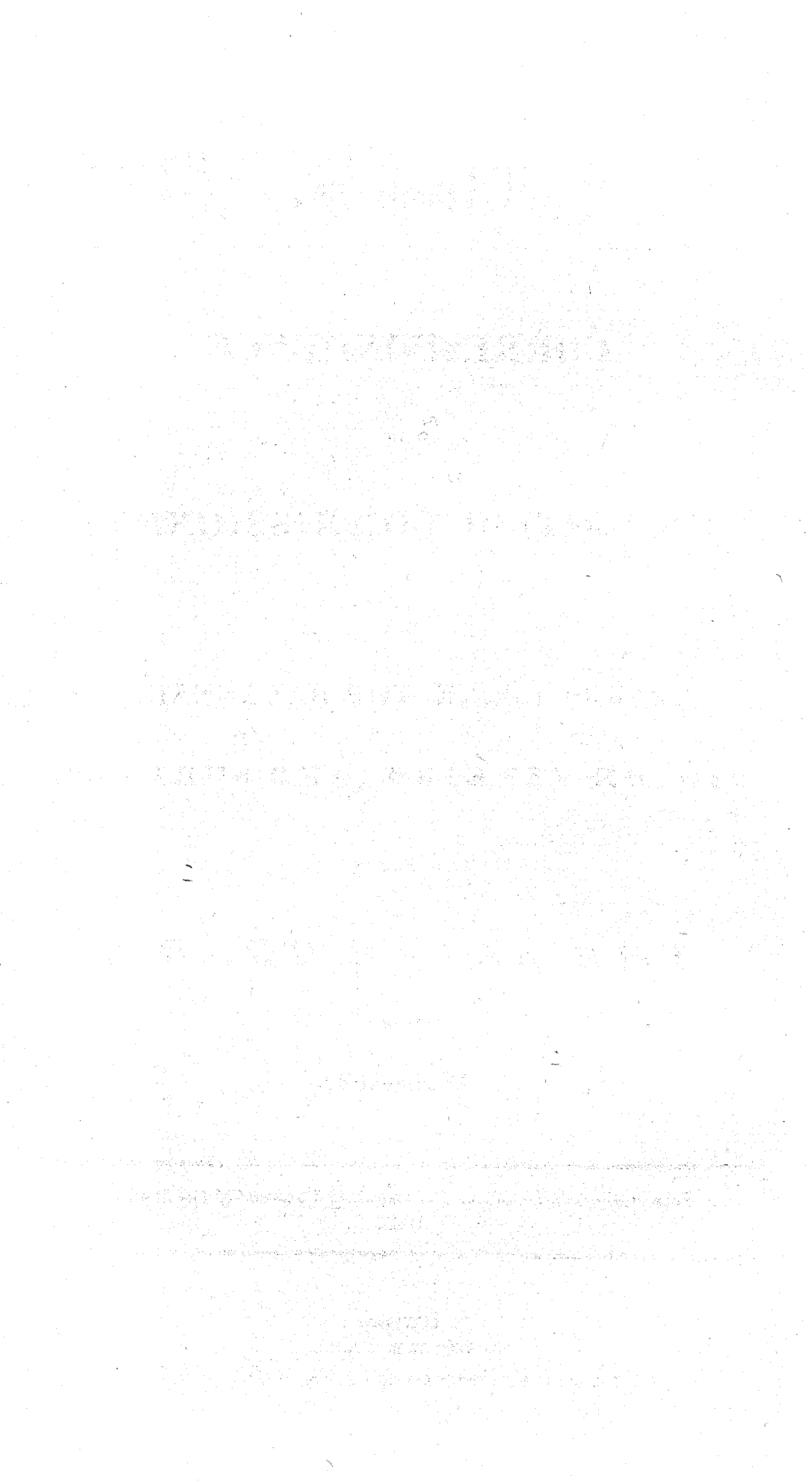
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1824—1825.

Presented to both Houses of Parliament, by Command of His Majesty,
1825.

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Memorandum. The Despatches received in this country are placed according to the date of their receipt. The Despatches sent from hence are placed according to the date which they bear.

Class A.

CORRESPONDENCE

WITH THE

BRITISH COMMISSIONERS.

SIERRA LEONE. (*General.*)

No. 1.

Mr. Secretary Canning to His Majesty's Commissioners.

GENTLEMEN,

Foreign Office, June 9, 1824.

IN reference to my Despatch to you, of the 7th of May last, I send to you, for your information, the Copy of a Letter from the Admiralty, stating that Orders have been given for enjoining the Officers employed under the Slave-trade Restriction Treaties, to attend to the purport of the suggestions which you had submitted in regard to obtaining evidence, as to the number of Slaves that may be on board of captured Slave-trading Vessels at the time of their detention.

I am, &c.

(Signed)

GEORGE CANNING.

His Majesty's Commissioners, Sierra Leone.

Enclosure in No. 1.

John Barrow, Esq. to Joseph Planta, Jun. Esq.

SIR,

Admiralty Office, May 13, 1824.

HAVING laid before My Lords Commissioners of the Admiralty your Letter of the 7th Instant, enclosing a Copy of a Despatch from His Majesty's Commissioners at Sierra Leone, in which they suggest that some directions should be given to His Majesty's Naval Officers, acting under the Treaties for the Prevention of the Slave-trade, in regard to the obtaining evidence as to the number of Slaves that may be on board captured Slave Vessels, at the time of their detention;—I am commanded by My Lords to acquaint you, for the information of Mr. Secretary Canning, that they have given Orders for enjoining the Officers employed in the Service alluded to, to attend to the suggestion of the Commissioners upon that point.

I am, &c.

(Signed)

JOHN BARROW.

Joseph Planta, Jun. Esq.
 &c. &c. &c.

No. 2.

Mr. Secretary Canning to His Majesty's Commissioners at Sierra Leone,
The Havannah, Rio de Janeiro and Surinam.

GENTLEMEN,

Foreign Office, June 19, 1824.

I HEREWITH transmit to you, for your information, six copies of Papers marked A. and B. relative to the Slave-trade, which have been presented to both Houses of Parliament, by His Majesty's Command, in the course of the present Session.

I am, &c.

(Signed)

GEORGE CANNING.

His Majesty's Commissioners.

No. 3.

His Majesty's Commissioners to Mr. Secretary Canning.—(Received July 14.)

SIR,

Sierra Leone, May 15, 1824.

WE have the honour to report to you such information as we have been enabled to collect and such observations as we have been enabled to make upon the state of the Slave-trade on the *Western Coast of Africa*, since the last Report made to you on this subject by His Majesty's Commissioners on the 29th of April, 1823.

The arrival of a new Governor-General from *Portugal* at the *Cape de Verd Islands* with a body of European Soldiers, about the commencement of last year, gave hopes that a system of restraint would be commenced in those Islands, by the Government against the illicit traders in Slaves. It has indeed been said that soon after the Governor-General's arrival, some Slaves were seized by his orders that were to have been shipped off the Island of *Saint Jago* for the purposes of traffic. But we have not heard that this seizure was followed by any other act of vigour on the part of the Government against the illicit Slave-traders. We fear that the Government may have relapsed into its former supineness with regard to those traders, as reports have been very prevalent that the conveyance of Slaves from the *Portuguese* Settlements of *Bissao*, and *Cacheo*, and from the River *Cazamansa* to the Islands of the *Cape de Verd* still continues to exist. The Slaves from those Places are conveyed in small vessels to the Islands, are landed at some convenient place not far from the principal towns into which they are subsequently conveyed, and kept in depôt until an opportunity occurs for their being taken off the Islands by Slave Ships.

The persons employed in this sort of traffic reside mostly at *Porto Praya*, the chief town of the Island of *Saint Jago*. And, no doubt, they and their pursuits must be very well known to the Government of that Island. The former master of the *Portuguese* Schooner "*Conde de Villa Flor*," that was taken off *Bissao*, laden with Slaves in the month of February 1822, by the boats of His Majesty's ship *Iphigenia*, is very much concerned in this carrying Slave-trade betwixt *Bissao*, *Cacheo*, and the *Cape de Verd Islands*. This man is stated to be extremely active in the trade. Irritated at the loss of his vessel, the "*Conde de villa Flor*," he is said to have declared his determination not to relinquish the traffic. It is stated that he had intimated that the voyage of the "*Conde de Villa Flor*" in which she was captured, was to have been her last, and that it was his intention to have retired from the trade, but that he is determined now, out of a spirit of defiance, to pursue the Slave-trade with all the means in his power. This man is described as being intelligent, and as possessing some influence at *Bissao*, *Cacheo*, and the *Cape de Verd Islands*: his

removal from these places would be beneficial, and we hope that he may yet be removed under the provisions of the *Portuguese Alvara* relating to the illicit Slave-trade, the penalties of which might justly be applied to him for the share which he had in the affair of the "*Conde de Villa Flor*." Another carrier of Slaves betwixt *Bissao* and the *Cape de Verd Islands* is a Frenchman named *Antoine Leger*. This person was also concerned in the affair of the "*Conde de Villa Flor*."

This carrying Slave-trade can only be entirely suppressed by the Local Governments of the places from whence and to which the Slaves are carried. And it will only be suppressed when a moral feeling shall have arisen amongst the *Portuguese* people which shall cause the trade to be held in reprehension, by those Governments. It must be confessed that at present no such feeling seems to exist.

Some of the *Cape de Verd Islands* are described as being capable of producing coffee, sugar, cotton, and most tropical fruits. The attention of the inhabitants, it appears is but little turned to the cultivation of these articles. Some wine is produced in the island of *Saint Jago* of a tolerably good quality.

The rearing of stock, it is said, is attended to in the Island of *Saint Jago*. A great proportion of the ships of all nations bound to the *East Indies*, or to places in *Africa*, or *America*, south of that Island, put into *Porto Praya* harbour for refreshments. The sale of these, however, is monopolized, it is asserted, by the principal persons of the Island. The rearers of stock do not, therefore, dispose of it to the best advantage, and have not, in consequence, all the encouragement that they would have, if permitted to sell their stock directly to the Ships. This circumstance is to be regretted, as it checks, in some degree, the industry in a laudable employment of that class of people.

Some cotton cloths of their own manufacture, finely dyed by themselves, and handsomely worked with silk of various colours, which they obtain from European traders, are sold by the inhabitants of the Islands, generally at a high price.

The *British* settlement of *Bathurst* in the *River Gambia*, as it increases in prosperity, will, in time, be the means of checking the Slave-trade, so far, at least, as the influence of that prosperity may extend. The exports from that settlement are now considerable and consist chiefly of wax, hides, ivory and gold.

To the southward of the *British* settlement in the *Gambia*, are situated the *Portuguese* settlements of *Bissao* and *Cacheo*.

The Papers of the "*Conde de Villa Flor*" have shewn that it is not a single chance trader, who engages at *Bissao* and *Cacheo* in the traffic in Slaves, but that that traffic is regularly and systematically carried on by the Governors and subordinate Officers of those places.

If we may credit reports that have prevailed from time to time, vessels have sailed within this last year from *Bissao* with Slaves directly to the *Brazils*. We see no reason to doubt the truth of such reports, well knowing the pertinacity with which the illegal Slave-traders adhere to their nefarious pursuits, and the great want of proper feeling on the part of the persons in authority at *Bissao*, and *Cacheo*, in regard to the humane objects contemplated by the Convention with their Government.

In the seventh year after the conclusion of the Convention to prevent illicit traffic in Slaves, it must be matter of great indignation, that a people owing obedience to the laws of *Portugal* should pursue the Slave-trade in the very worst of its abominable ways.

It is the practice of the people at *Bissao*, it is confidently asserted, to send armed boats, or canoes, about the Coasts and Islands in their vicinity, to surprise their inhabitants and to carry them off to supply the wants of their Slave Market. This practice is, no doubt, often resorted to where the Slave-

trade is legally pursued,—but it may be thought that where the trade is proscribed it would not be dared to be carried on by *Portuguese* subjects.

In the course of the last year some boats from *Bissao*, it is said, landed at the mouth of the *Rio Nunez*; sacked some of the villages there, and carried off to *Bissao* to be sold into Slavery as many of their inhabitants as they could take.

Besides the barbarity of this practice, its consequence is, that the natives within the reach of such kidnapping expeditions, are rendered savage and untractable, so much so that they are always disposed to deal harshly with such Europeans as may fall into their hands. The natives of one of the *Bisago Islands*, which lie about the mouth of the River on which *Bissao* is situated, possessed themselves of a boat with its crew belonging to the *Spanish* Schooner “*Joseph*,” condemned in the Mixed Court in the year 1822, which had incautiously approached the Island to obtain information as to the proper course to be pursued by the “*Joseph*” in order to reach *Bissao*. The boat’s crew were, with some difficulty, after suffering great hardships, ransomed through the interference of the Governor of *Bissao*. Although this interference was in the end successful, we should think that the natives were more swayed by interest in liberating the Europeans of the “*Joseph*” who were in their possession, than by a friendly regard for the Governor of *Bissao*; the difficulty with which the ransom was effected shews this to have been the case.

It may be said by the *Portuguese* Authorities at *Bissao*, if they do not deny the fact, that it is not they nor those under their control who pursue the system of kidnapping that has been mentioned, but that that system is pursued by the Natives near *Bissao*, over whom those Authorities have no power. Even should this be asserted, and the assertion be true, it is the demand for Slaves for exportation, which induces these independent Natives to pursue such a mode of supplying that demand. If the Authorities at *Bissao* did not themselves export Slaves, or allow them to be exported within the extent of their influence by others, these Natives would not have sufficient inducement to attack their neighbours for the purpose of enslaving them. We think that if the influence of the Authorities of *Bissao* and *Cacheo* were exerted to discountenance that Trade, as it is now exerted to encourage it, the Trade would not be pursued on the Coast in the vicinity of these places, as that Coast is described as being difficult of access from the intricacies and dangers of the navigation about it.

The Country about *Bissao* is said to be very fertile, and capable of producing most tropical fruits. A little wax and ivory is at times exported from *Bissao* by the Slave Ships, but we believe that Slaves form the chief *article* of export from thence.

Occasionally, about the months of May and June, a few Sloops come to Sierra Leone from *Bissao* laden with stock for this market, which is generally sold to advantage.

In the *Rio Nunez* there has not been any Slave Ship for a considerable time past. Formerly this River was frequented by Slave Ships from *The Havannah* and other places. The Natives of the River are now beginning to turn their exclusive attention to another and better sort of commerce than that of Slaves, so as to make it worth the while of respectable mercantile people at *Sierra Leone* and at the *Isle de Los*, to enter into dealings with them.

Some time ago, even when some few Slave Ships entered the River for Slaves, small vessels from the *Isle de Los* occasionally traded in the River for different articles, but their trade was subject to interruption, as the Natives attended more to supplying the demands of the Slave Ships.

Some mercantile establishments have recently been formed at the head of the River. We trust that these establishments will eventually be productive

of much benefit to their founders, and to the Natives with whom they would traffic. If the exportation of Slaves directly from the River should not again be resumed, benefit to both parties must be produced.

It is said that some Slaves are sent in canoes from the *Rio Nunez* to *Bissao* to be sold there. We would not disbelieve this assertion; yet we would hope that this kind of traffic is very limited. Our hope on this point seems to be realized, by the fact that one of the old Slave Traders of the River, named *Bateman*, an Englishman we are sorry to say, is now in a state of poverty, although formerly a successful Slave Trader. This man, averse as he is represented to be to engage in any other traffic than the traffic in Slaves, would, since Slave Ships ceased to enter the *Rio Nunez*, have employed to advantage, it may be presumed, whatever capital he might have possessed at that time in the Slave Traffic betwixt that River and *Bissao*, if such a traffic were extensive.

A Coffee plantation is proposed to be established in the *Rio Nunez* by one of the *white* traders of the River.

No Slave Ship has been in the *Rio Pongos* since the month of January, 1822, when the Spanish Schooner "*Rosalia*" was brought to *Sierra Leone* from thence.

Francisco Freire, the late pilot of the "*Rosalia*," has left the *Rio Pongos*; he only had the opportunity of leaving the River a few months since, in the American Schooner "*Dolphin*," mentioned in the last Report of the Commissioners. The "*Dolphin*" was bound for *The Havannah* and *Charleston*. It is said that *Freire* left with *John Ormond*, his friend in the *Rio Pongos*, the sixty Slaves (not having had an opportunity of disposing of them) that had been kept back from *Lieutenant Hagan*, when *Lieutenant Hagan* made the demand of *John Ormond*, of the whole of the Slaves that had been purchased for the Schooner "*Rosalia*." It is reported that *Freire* proposed, on his return to *The Havannah*, to pay himself the value of these sixty Slaves, as well as the value of the same number of Slaves that *John Ormond* delivered up to *Lieutenant Hagan*, by attaching some property that *Ormond* possessed at *The Havannah*.

We trust that the Slave Trade will not be renewed in the *Rio Pongos*, but that River and the *Rio Nunez* require to be occasionally visited by the Cruizers, to shew to the Natives that a vigilant eye is kept over their proceedings. These Rivers have not been visited by the Cruizers since the month of March, 1823, when some of the boats of His Majesty's Ship *Owen Glendower* went up their streams, and searched them strictly, but did not find any Slave Ship.

We understand that most of the old Slave Traders of the *Rio Pongos* are employed in the collection of the produce of the surrounding country, to dispose of it to the British traders of the *Isles de Los*, or to those of this Colony.

In the last Report of the Commissioners, it was stated that *John Ormond* was unwilling to relinquish the hope of being again enabled to carry on the traffic in Slaves. He, however, has been obliged to follow the example of the other Traders in the River, and to turn his attention to a better traffic. The Schooner that was mentioned in the last Report of the Commissioners as having been built by *John Ormond*, or under his direction, in the *Rio Pongos*, was recently despatched by him to *Sierra Leone* with a cargo of rice, for the account of a merchant of this place. The Schooner, a few days after her arrival at *Sierra Leone*, was seized by the Collector of the Customs, for a breach of the British Navigation laws, she not being British built nor owned by a British subject. On the direction of the Colonial Government, the Schooner was released by the Collector. It was conceived, that to have applied the strictness of the Navigation laws to this vessel, would have

materially checked the desire of *Ormond* in particular, and of the Natives in general, to engage in commerce with this Colony.

Along the Coast from the *Rio Pongos* to *Sierra Leone*, the foreign Slave Trade has ceased. The Natives of this Coast are in constant intercourse with the Colony of *Sierra Leone*. This intercourse is highly beneficial to the Natives and to the Colony. The Natives bring hither supplies of rice, cattle, poultry, and vegetables, for the Colonial market; they also bring some coffee, which is said to be of an excellent quality; some ivory is also, at times, brought by them, which they procure from the interior. European goods are taken in return by these traders. We wish we could add, that the visits of these Natives to *Sierra Leone* made a visible improvement in their moral condition; but they are so wedded to their own particular customs that time only can effect a change in that condition, but that change, we are sure, must be sooner or later effected through the influence of the Colony of *Sierra Leone*.

Disturbances have lately existed in the tract of Country of which we have just made mention. These disturbances were caused chiefly by the jealousies of Chiefs of different districts. They have been, in some measure, removed by the friendly interference of the Colonial Government between the contending parties.

We are happy to be enabled to say, that the trade of *Sierra Leone* has increased since the date of the last Report of the Commissioners. This increase we ascribe principally to the great influx of traders into the Colony, which has taken place within this last year, and to the demand for African timber within the same period.

The traders from the interior consisted of the Natives of *Foutah Jallon* and of the Natives of more distant Countries.

The Natives of *Foutah Jallon*, or *Foulahs* as they are termed, brought hither great numbers of large and small cattle with a considerable quantity of gold; considerable, we mean, in comparison with the quantity brought to the Colony in former years. The Natives of Countries more distant than *Foutah Jallon*, brought mostly gold. It was a singular circumstance that the influx of Native traders into the Colony, was greatest in the months of August and September, when the rains yet fell in the tract of Country around *Sierra Leone*, and at *Sierra Leone* with considerable violence. This circumstance shews the eagerness with which the Natives were possessed to exchange their articles of commerce for the European goods to be found at *Sierra Leone*, and shews that energy is not wanting amongst the Natives to make them engage in a commerce of a different nature from the commerce in Slaves. The rainy Season in the tropical parts of *Africa* is so inclement, that it is a matter of surprise that these people should expose themselves to it, in a journey of several hundreds of miles for the sake of what a European would consider trifling gain.

It is not possible to estimate the quantity of cattle that was brought into the Colony by the *Foulahs*, but that quantity must have been very great; so great, indeed, that although the daily consumption of meat by the Colonists is, at all times, considerable, it was apprehended that the traders would overstock the market, and that they would not obtain a price for their cattle sufficient to remunerate them for their trouble and expense of bringing them hither. We understand, however, that in general these traders in cattle were very well satisfied with their journey to *Sierra Leone*.

The traders in gold were eagerly sought after by the Merchants of the Colony, who treated them liberally in every respect, even to maintaining them on their own premises to their personal inconvenience. These traders must have been very well satisfied with their expedition to this Colony, and it is to be expected, that the favourable reports of this Colony which they will be

likely to spread in the interior Countries, will induce the visits of other and more distant traders.

By far the greater part of these traders came to *Sierra Leone* from the interior by the way of *Port Logo*, a small Native town, situated at the head of one of the principal branches of the *Sierra Leone River*, about fifty miles from *Freetown*.

Formerly the greater part of the traders from the interior came to this Colony by the way of the *Scarcies River*, which enters the Sea at about twenty miles to the north of the River *Sierra Leone*.

The way to *Sierra Leone* from *Foutah Jallon* by *Port Logo* is more direct than by that of the *Scarcies*, and preferable, it would seem, in every respect, as the *Foulahs* prefer to take it, when they are free to travel by it without being vexatiously interrupted by the Natives of the Chieftainships which intervene betwixt *Port Logo* and *Foutah Jallon*.

The way, or path as it is more emphatically termed, of *Port Logo* was quite open last year to the *Foulah* traders, and to the Natives of the Countries beyond them.

In the Report of the Commissioners of the 5th of January, and 16th of April, 1821, it was mentioned that the Colonial Government had sent a Mission under the charge of *Mr. O'Beirne* of the Medical Staff to the King of *Foutah Jallon*, at his residence at *Teembo*, with the view to open a direct intercourse with the *Foulahs* by *Port Logo*. That Mission, it was said, succeeded in its object, and *Mr. O'Beirne* brought with him, on his return to *Sierra Leone*, a number of *Foulah* traders accompanied by a Nephew of the King of *Foutah Jallon* who was sent as a sort of Envoy by the King to the Governor of *Sierra Leone*.

Since the period of the return of the Envoy to his country, in 1821, to the months of May or June, 1823, very little intercourse was kept up betwixt *Foutah Jallon* and *Sierra Leone* by the *Port Logo* path. Among the *Foulahs*, civil commotions arose in that period. The King who had received the Mission was deposed by his subjects, and another was appointed to govern in his stead. We believe, also, that obstacles were thrown in the way of the march of the *Foulah* traders to *Port Logo* by Chiefs who were interested in their proceeding to *Sierra Leone* by the old path of the *Scarcies*.

Some time in the course of last year, the deposed King of the *Foulahs* was reinstated in his authority, by his former subjects, who preferred his milder virtues to the arbitrary disposition of the person whom they had recently elevated to power, and the commotions of the country subsided.

The *Foulah* traders who were brought to *Sierra Leone* by *Mr. O'Beirne* spread, it is understood, on their return to *Foutah Jallon* the most favourable reports of *Sierra Leone*, its inhabitants and its wealth.

These reports were circulated in *Foutah Jallon*, and in the surrounding countries, and contributed, with the favourable impressions of *Sierra Leone*, which the King had received from the Mission under *Mr. O'Beirne*, to the great influx of traders into the Colony within this last year.

The obstacles that had been thrown in the way of the *Foulah* traders on the *Port Logo* path by the jealousies of some Chiefs were, in some measure, removed and the *Foulah* traders and their neighbours were free to come to *Sierra Leone*, as they did, by that path.

The services rendered to the merchants of the Colony by the effects of *Mr. O'Beirne's* Mission have recently been handsomely acknowledged by them.

At the close of the past year, a messenger arrived at *Sierra Leone* from the King of *Foutah Jallon* bringing a letter from the King to the Governor of *Sierra Leone* expressive of the King's friendly regard for the Colony, and of his wish that the Governor would send to him some munitions and other articles. A friendly answer was returned to this letter by the Colonial Government, and a present, conformable to his wish, was sent to the King.

It is to be hoped that this recent advantageous intercourse of the Colony with the *Foulahs*, and their neighbours will tend to the prosperity of *Sierra Leone*. We confess that we think that to commerce only with the neighbouring African Nations, and with the Nations more distantly situated, must the Colony look for the means of acquiring wealth for some years to come. Agriculture does not afford within the limits of the Colony any article which may be given for exportation to the merchant in exchange for his European commodities.

The timber trade has lately given much employment to many of the Natives of the *Port Logo* River, about which river the timber is mostly cut, and of the country adjacent thereto, who during the latter part of the year 1821, and during the year 1822, had been languishing in poverty for want of sufficient employment in that trade.

The quantity of timber exported from *Sierra Leone*, from the 1st of May, 1823, to the 1st of May, 1824, was 9646 logs. Only 1975 logs were exported from *Sierra Leone* between the 1st of May, 1822, and the 1st of May, 1823.

The Chiefs, or Headmen, of the *Port Logo* River on the arrival of the first timber-ships, in the months of April and May, 1823, availed themselves of the sudden demand for timber at that time, to make exactions upon the European timber-merchants, and to raise the price of the timber. This was done in a manner that made the merchants suffer at that time, but they have since then, with some variation in the price, been regularly supplied with timber.

There are now several European timber establishments, on different islands up the river, between twenty and thirty miles distance from *Freetown*. Most of these establishments employ a considerable number of black persons, natives of the river, and *Kroomen*, Africans whose country is situated on the Western Coast about the fifth degree of latitude, in the different labours attendant on the trade, such as squaring the timber and putting it in a shape proper to be shipped, rafting the timber to the timber-ships, and working in boats and canoes. On board of the timber-ships, employment is also found for many Natives and *Kroomen*, but *Kroomen* are mostly employed to assist the Sailors in the labour of taking in the timber.

The timber establishments hire their labourers at the rate of from four to five dollars per month. This rate of pay is sufficient to diffuse comfort and happiness amongst the labourers and their families, and happiness, according to their own manners, appears to be diffused amongst them.

The Natives generally unite in parties to fell the timber, to prepare it and to raft it down for sale to the different establishments. Sometimes a dozen Natives will unite themselves for these purposes. At other times a Chief, or Headman, will direct as many dependants and domestic Slaves as he may have to fell timber. Of the timber felled in this manner, a part is reserved for the Dependants and Slaves, and sold for their benefit; the most considerable part, of course, is reserved for the Chief. Single families, residing near the water-side, will employ themselves in felling timber. Often Natives who reside at some distance from the river come to the river-side; obtain permission of its Chiefs, for which permission they pay a trifling sum, and engage in large parties in the business of cutting timber.

The innumerable Creeks of the River afford great facilities for this trade. The trouble of transporting the timber from the place where it is felled to the main stream of the River, is comparatively but little.

When timber is in demand many villages are to be seen on the main stream of the *Port Logo* River, and it is said that many of the Creeks, which, but for the trade, would be left to their native solitude, have habitations of industrious wood-cutters scattered on their banks.

The timber-trade is the only trade which can at present give sufficient

employment to the Natives of the upper part of the River ; it is of the utmost consequence, therefore, that every possible encouragement should be given to the trade, that by the pursuit of it the Natives may have effaced from their minds every remembrance of the Slave Trade.

In the last Report of the Commissioners it was respectfully stated that the best means of encouraging the trade, would be by employing the timber, or a certain quantity of it, in the construction of Ships, in His Majesty's Dock-yards, for which service it was particularly adapted. And that it was naturally supposed that if the timber should once be known to be employed and approved in that service, it would grow into general estimation, and be introduced into general use

We may be permitted to add to this, that the timber is admirably fit, from its durable qualities, to be employed in the construction of public edifices.

The timber-merchants are very desirous to be secured from a return of vexatious interruptions in their trade, on the part of the Natives, and to be secured in the possession of the lands on which their establishments are founded. These lands are held by them from the Natives, at a yearly rent. Considerable sums of money have been laid out on the timber establishments, such sums as have made them valuable and worthy of being placed beyond the caprice of the Natives. The merchants would wish that the Colonial Government should by Treaty, obtain the sovereignty of the lands which they occupy, and establish a station at *Port Logo*, which should serve to protect the interests of their trade.

On the other branch of the *Sierra Leone* River, the *Rokelle* branch, as it is called, very little timber is cut. Some cam-wood and ivory is brought from the interior down this branch of the river to *Sierra Leone*.

It was reported some time since that a path had been opened from *Rokon*, a Native town on the *Rokelle*, to the *Gallinas* River for the passage of slaves from the adjacent country to the *Gallinas*. We do not disbelieve this report, but we would be inclined to hope that by the revival of the timber trade, and the encouragement that has been given to the gold and other trade of the interior, fewer inducements are now held out to the Natives about this river to engage in the traffic in Slaves with the *Gallinas* Slave-dealers.

The *Gallinas* River is the only notorious haunt of Slave-ships betwixt *Sierra Leone* and *Cape Coast*. It will be in vain to expect that this haunt shall be destroyed so long as a *French* character shall protect a Slave-ship from molestation. We have been constantly given to understand that *French* vessels, or vessels well protected by a *French* mask, are almost the only vessels which frequent this place. It is said that two or three vessels under the *French* flag are constantly to be seen at the *Gallinas*. The *British* Cruizers do, when passing by the *Gallinas*, visit vessels which shew a *French* flag, but the papers which are produced by the people of such vessels are generally of a kind to induce the Cruizers not to molest them.

We understand that a *French* Frigate named the ——— has recently been cruising off the *Gallinas* and that she has made prize of one or two Slave Vessels. It is said that the Commander of the *French* Frigate remonstrated with the Commander of His Majesty's Ship *Driver*, that lately visited the *Gallinas* upon his having searched some vessels under the *French* flag.

Some months since, a Slave Schooner, under the *Spanish* flag, was accidentally blown up, near the *Gallinas*, while a party of native Slave Traders was in the act of negotiating on board with the European Slave Dealers, for the goods for which slaves were to be exchanged. The Slave Traders, Native and Foreign, were destroyed with the vessel.

A few days ago, a Schooner named the *Saint George*, John Minshull Griffith, Master, belonging to a *British* subject, arrived hither from Leeward with a cargo of rice. The master has given us some information of Slave Ships seen or heard of by himself in the course of recent trading voyages, betwixt

the *Gallinas* and *Cape Palmas*. He said that on the 8th of February last, he saw one Brig and four Schooners at anchor off the *Gallinas* and two Schooners under weigh, all bearing the *French* flag. On the night of the 8th of February, being off *Cape Mount*, he was desired to heave to, by a Schooner, or his vessel would be fired into: *Mr. Griffith* accordingly hove to, but was not further molested. On the 12th of March, he was informed by some of the natives, that two Schooners under the *French* flag, in quest of Slaves, stood off the coast, on perceiving the *Saint George*. On the 20th of March, *Mr. Griffith* observed a Schooner standing off and on, which he considered to be a Slave Trader. On the 2nd of April, he saw a Schooner which he was informed was trafficking in slaves, and had a few slaves on board, taken at *Piccaniny Sesters*; on the same day, also, *Mr. Griffith* was informed by the natives of *Grand Sesters*, that a Brig and a Schooner under the *Spanish* flag, had been three or four days at anchor, off *Piccaniny Sesters*, purchasing rice for their Slaves.

The master of the *Saint George* also related to us the particulars of his meeting with a *French* Brig of War on the 17th of February last; he said that he was proceeding in the Schooner, with a number of black persons on board, some of them forming part of his crew, others being labourers to assist the crew, to a place a little to the Eastward of *Cape Palmas* to fulfil some object of a trading voyage. Being off *Garraway*, Latitude 4° 40' North, he saw a Brig at a distance. The Schooner pursued her course; the Brig made sail after her, and when near, the Brig hoisted *French* colours; the *Saint George* upon this hoisted the *English* flag, but still kept on her course, the Master being anxious to arrive at the place of his destination before it grew dark, it being then late in the day and the navigation about *Cape Palmas* which the vessels were approaching, being dangerous. The Brig finding that the Schooner still made sail from her, and being come within distance, fired a shot at the *Saint George*, although she had her *English* colours displayed. The *Saint George*, notwithstanding, continued to keep on her course until her Master perceiving that the Brig was about to fire another shot at his vessel, stopped her way, and waited until the Brig came up. The Master informed us, that he was hailed from the Brig, and asked what the Schooner was, and whence she came; that he was ordered to lower his boat, and *come on board of the Brig*; but this the Master told them that he could not do, as he had no boat to convey him thither, they then told him to come in a Canoe which the Schooner possessed; but the Master informed them that he could not trust himself in it, as squally weather seemed to be coming on; with this reply the *French* seemed to be satisfied. They did not choose to go on board of the Schooner and visit her, but they asked her Master many questions from their own deck. Observing the number of black persons that were on the deck of the Schooner they said that the Schooner was going to carry off from the Coast a cargo of Slaves; they desired the Master to count the number of black persons that were on board of the Schooner; the Master did so, but they did not seem to be satisfied with his reckoning; he was told he must certainly have more people in the hold, which the Master says was not the case; they were very particular in obtaining the name of the Master; they even required him to spell his name several times, until they were perfectly satisfied they could write it properly. The Master understood this Brig, to be the *French* Brig of War the *Dragon*, and he supposed that she was cruising on the coast.

We have only detailed these facts, as they were related to us by the Master of the *Saint George*, to shew that the mere hoisting of a flag, is not in all cases sufficient to satisfy a *French* Officer of the character of a vessel; were it otherwise, the Schooner would not have been fired at, and obliged to conform to the pleasure of those of the Brig.

Some intercourse is kept up betwixt *Sierra Leone*, by means of its small craft, and the neighbourhood of the *Gallinas*, but the people about the latter

place, are so much engaged with the traffic in slaves, that this intercourse is not so great nor so advantageous as it would be, if that traffic were discontinued.

The *American* settlement at *Cape Mesurado*, to the Southward of the *Galinas*, is, we understand, in rather a languishing state; but it is to be hoped that it will yet prosper and be, what *Sierra Leone* now is, a noble monument of the beneficence of the people by whom it was founded.

Some miles to the Southward of the *American* Settlement, is the small establishment of *Captain Spence*, the enterprising individual mentioned in the Report of the 29th of April 1823. *Captain Spence* is the owner of the Schooner *Saint George*, of which we have made mention; we have reason to believe that his establishment prospers, and that it operates beneficially upon the natives with whom it is immediately in connexion. We have been informed that the quantity of ivory and of palm oil obtained at the settlement, in traffic with the natives was much increased in the year 1823. *Captain Spence* expects this year a greater increase of these articles.

We have only occasionally, since the last Report of the Commissioners, received some slight information of the state of the Slave Trade betwixt *Cape Coast* and the *Equator*, we have been given to understand that during the greater part of last year very little Slave Trade was carried on at the usual Slave haunts in the Bights of *Benin* and *Biafra*.

From the date of the Report of the 29th of April, 1823, to the present period, only seven slave vessels have been taken in those Bights. But we are disposed to infer that the Slave Trade would have been carried on to a greater extent than it is said to have been, if the disturbances in the *Brazils*, but more particularly at *Bahia*, had not prevented the *Brazilians* from actively engaging in it. After the surrender of *Bahia* to the *Brazilian* forces, and the restoration of tranquillity there, it would appear, from information that we have received, that Slave Ships again made their appearance in the Bight of *Benin*. In the Bight of *Biafra*, we have not heard that any Slave Ship has lately been seen. None were seen as we have been informed, by His Majesty's Ship, *Bann*, which lately visited that Bight.

The state of affairs on the *Gold Coast* has, within this last year, taken up much of the attention of the Cruizers, and has not left them much time to search for Slave Ships. This fact, as well as that of the disturbances in the *Brazils*, may account in some degree, for the circumstance of so few Slave Ships being taken, since the date of the last Report of the Commissioners.

His Majesty's Ship *Owen Glendower*, on leaving *Sierra Leone*, at the end of the month of March 1823, proceeded to *Cape Coast*, and afterwards made a cruize down the Coast as far as *Molembo*, which is situated to the South of the *Equator*. She did not take any Slave Vessel in that cruize. If we were rightly informed, she did not see any Slave Vessel until she came to *Molembo*; where she found a *Portuguese* trader, engaged in the legal traffic in Slaves, and a *Spanish* schooner that was just leaving the coast laden with Slaves and ivory. To this schooner the boats of the *Owen Glendower*, which had been despatched from her, gave chase, but the schooner escaped from them. The *Owen Glendower* afterwards returned to *Cape Coast*, and remained there a considerable time; she took, by means of her boats, the *Spanish* schooner "*Maria la Luz*," in the *New Calabar* River; the "*Conchita*" in the *Old Calabar* River; and the "*Fabiana*" in the *Bonny* River. The *Owen Glendower* came to *Sierra Leone* in the month of December last, and returned to the *Gold Coast* soon after.

His Majesty's ship "*Driver*" left *Sierra Leone* about the same time as the *Owen Glendower* in 1823; she proceeded to the *Island of Ascension*, and afterwards to *Cape Coast*, where she remained for the protection of the Castle. She was afterwards obliged to proceed to *Rio de Janeiro* to repair some damage which she had sustained. She returned to *Sierra Leone* in the

month of March last, and is again gone down to *Cape Coast* to assist in the defence made there against the *Ashantees*.

His Majesty's ship *Bann* also left *Sierra Leone* in the month of March, 1823, and proceeded to the *Island of Ascension*; she was, soon after her arrival at that island, driven out of the African seas by a severe sickness which spread itself amongst her crew, and caused considerable mortality amongst them. She was obliged to proceed to the *Brazils*, from whence she returned to *Cape Coast* in the month of September. At *Cape Coast* she remained a considerable time to assist in the defence of the Castle. At the close of January last she cruized in the Bights of *Benin* and *Biafra*. Off the *River Lagos*, in the Bight of *Benin*, she took three *Brazilian Slave Vessels*, the "*Minerva*," the "*Cerqueira*," and the "*Creola*," and afterwards, near the *Island of Saint Thomas*, she took the *Brazilian brig* "*Bom Caminho*."

His Majesty's ship *Cyrene* proceeded from hence to *Cape Coast* in March, 1823, for the purpose of bringing the late Governor *Sir Charles M'Carthy* to *Sierra Leone*. She returned hither with *Sir Charles M'Carthy* in July; proceeded afterwards to the *Cape de Verd Islands*, and came back to *Sierra Leone* in September. From *Sierra Leone* the *Cyrene* proceeded to *Cape Coast*, and from thence to *England*. We did not hear that the *Cyrene* met with any *Slave Ship* in her passages to and from the different places which we have mentioned.

We have not heard that His Majesty's ships *Victor* and *Swinger* have taken any *Slave Ship* since their late arrival on the coast.

We have not, since the date of the Report of the 29th of April, 1823, had proof that the *Slave Trade* has been carried on betwixt *Princes Island* and the *African Rivers* in its neighbourhood; but we have been informed that the trade is still kept up by small boats belonging to *Princes Island*. It will be as difficult to put a stop to this traffic betwixt those two places, as it will be to stop the trade that is carried on in *Slaves* betwixt *Bissao* and the *Cape de Verd Islands*. The effectual remedy for the evil in both places will only be produced by a change of sentiment in regard to the trade on the part of the *Governors* of those places.

We are not enabled to give any particular information of the state of the legitimate commerce on the *Gold Coast*, but we apprehend that it cannot have been promising of late on account of the *Ashantee* war which prevails there. The *Ashantees* have stopped the direct trade with the interior country. Below the *Gold Coast* we hope that legitimate commerce improved during the past year in proportion as the *Slave Trade* declined in that period.

From the foregoing statements it will appear that, since the date of the last Report of the Commissioners, the *Slave Trade* has only existed at the *Cape de Verd Islands*, and at *Bissao* and *Cacheo*, to the Northward of *Sierra Leone*. That betwixt *Sierra Leone* and *Cape Coast*, the trade has only been carried on at the *Gallinas*, and at some places in its vicinity. And that to the Southward of *Cape Coast* a decrease of the trade has occurred.

The recent addition to the *Slave Trade Restriction Treaty* with *The Netherlands*, declaring the condemnation of ships if fitted out for the *Slave Trade*, must be beneficial to the cause of the abolition of that Trade. When the same addition shall be made to the Treaties with *Spain* and *Portugal*, we shall hope to see the *Spanish* and *Portuguese Slave Traders* swept from the coast, but not till then.

We have the honour to be &c.

(Signed)

E. GREGORY.

D. M. HAMILTON.

P. S. May 28th, 1824. We have been informed by a person who is established in trade at the *Isles de Los*, that when he was in the *Rio Nunex* a short time since, he was positively informed that two vessels were, in the month of January last, at *Bissao* waiting for a cargo of *Slaves*. We have

been also informed by the same person, that parties of negroes from *Bissao* have lately actually been in the *Rio Nunez* to carry off such of its natives as they could seize. A pretence is set up that these kidnapping excursions are made in retaliation for injuries received; but we are persuaded, as is also our informant, that they would not take place if Slaves ceased to be exported from *Bissao*.

The Right Hon. George Canning,
 &c. &c. &c.

E. G.
 D. M. H.

No. 4.

Edward Gregory, Esq. to Mr. Secretary Canning.—(Received Oct. 2.)

SIR,

Sierra Leone, August 4, 1824.

MR. HAMILTON and myself had the honour to receive, on the 19th of June, your Despatch of the 8th April, 1824, acquainting us, in reference to the subject of our despatch of the 5th of January last, that it appeared to be expedient that we should, in the absence of *Spanish* Commissioners, pay into the Military Chest the Spanish moiety of the nett proceeds of the sales of prizes, and that we should continue to pay into the same Chest the *British* moiety of the nett proceeds of the sales of prizes.

We shall, Sir, conform to these instructions, as well as to the instructions that you are pleased to give us at the same time, that we should send the accounts of the sales of prizes in duplicate to His Majesty's Secretary of State for Foreign Affairs.

I have the honour to be &c.

(Signed) E. GREGORY.

The Right Hon. George Canning,
 &c. &c. &c.

No. 5.

Edward Gregory, Esq. to Mr. Secretary Canning.—(Received Oct. 2.)

SIR,

Sierra Leone, August 4, 1824.

MR. HAMILTON and myself were honoured, on the 1st ultimo, with your Despatch, acquainting us that *Mr. W. P. Worrall*, *Mr. S. M. Magnus*, and *Mr. Samuel Bidwell*, had been selected by you, Sir, for the situation of Clerks under the Commission, the two first Gentlemen to assist His Majesty's Commissioners in the despatch of their Correspondence with His Majesty's Secretary of State for Foreign Affairs, the third Gentleman to take the place of *Mr. Hodder* in the Registry Office of the Mixed Commissions.

The instructions which you have been pleased to give us in regard to these Gentlemen will be obeyed.

Mr. Hamilton and myself beg leave, Sir, to express to you our grateful sense of your attention in this instance: and we trust, Sir, that the particular part of our duty in which these Gentlemen are to render their assistance, will be executed with as much satisfaction to yourself as it will be with pleasure to us.

I have the honour to be, &c.

(Signed) E. GREGORY.

The Right Hon. George Canning,
 &c. &c. &c.

No. 6.

Edward Gregory, Esq. to Mr. Secretary Canning.—(Received Oct. 2.)

SIR,

Sierra Leone, August 4, 1824.

MR. HAMILTON and myself had the honour to receive, on the 1st ultimo, your Despatch, of the 7th of May, 1824, furnishing us, for our information, with the copy of an Instruction which had been given to *Mr. I. P. Clarke* on proceeding to his post as His Majesty's Consul General, at the *Cape de Verd Isles*, directing him to collect and transmit to His Majesty's Secretary of State for Foreign Affairs, to the Commanders of His Majesty's Ships upon the Coast, and to His Majesty's Commissioners, whatever intelligence he might be able to procure for facilitating the execution of the Treaties and Acts of Parliament, and of His Majesty's Instructions thereupon, respecting the Slave Trade.

I have the honour to be, &c.

(Signed) E. GREGORY.

The Right Hon. George Canning,
 &c. &c. &c.

No. 7.

Edward Gregory, Esq. to Mr. Secretary Canning.—(Received Nov. 11.)

SIR,

Sierra Leone, August 31, 1824.

HIS Majesty's Commissioners had the honour to receive, on the 19th inst. your Despatch, of the 7th of May, 1824, furnishing them for their information, with the copy of a letter addressed, under your directions, by *Mr. Planta* to the Secretary to the Admiralty, recommending the adoption of the suggestion which the Commissioners had made, that His Majesty's *Naval Officers* might be specially instructed upon points having for their object the obtaining of evidence as to the *number of Slaves* who may be on board of Slave-trading vessels at the time of their detention.

His Majesty's Commissioners had also the honour to receive, at the same time, your despatch of the 9th of June, 1824, enclosing a copy of the answer of the Secretary to the Admiralty to *Mr. Planta's* letter to him of the 7th of May.

Mr. Hamilton and myself beg leave, Sir, respectfully to express to you our acknowledgments for these communications, and I have the honour to remain, &c.

(Signed) E. GREGORY.

The Right Hon. George Canning,
 &c. &c. &c.

No. 8.

Edward Gregory, Esq. to Mr. Secretary Canning.—(Received Nov. 11, 1824.)

(Extract)

Sierra Leone, August 31, 1824.

HIS Majesty's Commissioners had the honour to receive, on the 19th instant, your Despatch, of the 19th of June, 1824, with copies of papers marked A. and B., relative to the Slave Trade, which had been presented to both Houses of Parliament by His Majesty's command, in the course of this year's Session.

(Signed) E. GREGORY.

The Right Hon. George Canning,
 &c. &c. &c.

No. 9.

*Mr. Secretary Canning to His Majesty's Commissioners at Sierra Leone, The
Havannah, Rio de Janeiro, and Surinam.*

GENTLEMEN,

Foreign Office, Nov. 20, 1824.

I SEND to you, for your information and guidance,—Copies of the Act passed in the last Session of the Parliament of the United Kingdom, (Cap. 113.) for amending and consolidating the Laws of this Country, relating to the Abolition of the Slave Trade; and, for your further information and guidance, in respect to the 73d Clause of that Act, I send to you the Copies of a Correspondence which has passed between this Office and His Majesty's Treasury, upon the subject of the enactment therein contained, for the transmission of certain *Lists* and *Returns* to His Majesty's Treasury.

I am, &c.

His Majesty's Commissioners. (Signed) GEORGE CANNING.

First Enclosure in No. 9.

George Harrison, Esq. to Joseph Planta, Jun. Esq.

SIR,

Treasury Chambers, 1st July, 1824.

THE Lords Commissioners of His Majesty's Treasury having had under their consideration the Act recently passed for amending and consolidating the Laws relating to the abolition of the Slave Trade, I have it in command to acquaint you, that they have directed Copies thereof to be transmitted to the Judges and Registrars of the respective Vice-Admiralty Courts abroad, for their information and guidance; and I am at the same time to request that you will submit to the consideration of Mr. Secretary Canning, whether he would not deem it expedient to direct that Copies of the said Act should also be transmitted to the Commissary Judges, Commissioners of Arbitration, and Secretaries or Registrars of the several Mixed Commission Courts abroad, for their information and guidance respectively.

I am, &c.

Joseph Planta, Jun. Esq.

(Signed) GEO. HARRISON.

&c. &c. &c.

Second Enclosure in No. 9.

Joseph Planta, Jun. Esq. to the Secretary to His Majesty's Treasury.

SIR,

Foreign Office, October 22, 1824.

HAVING laid before Mr. Secretary Canning your Letter of the 1st. of July last, I am directed by Mr. Canning to acquaint you, that, concurring in the recommendation of the Lords of His Majesty's Treasury, he has directed, that Copies of the Act for consolidating the Laws respecting the Abolition of the Slave Trade should be transmitted to His Majesty's Commissioners in the several Mixed Commissions abroad, instituted under the Treaties with Foreign Powers, upon this subject.

Mr. Canning, however, previously to the transmission of this Document, directs me to state to you, that he observes, in the 75th Clause of the Act, that the Commissary Judges and Commissioners of Arbitration are to transmit, from time to time, to the Lords of His Majesty's Treasury, a *List or Return* of all *Cases* which shall have been *adjudged* in their Courts, together with the Names of the Seizors, the Dates of the Seizures and Sentences, and an Account of the state of the Property.

On this point, Mr. Canning directs me to request you to call the attention of their Lordships to that part of my Letter to you, of the 17th of November, 1823, suggesting that the information upon these Cases which their Lordships should wish to possess, should be transmitted through the Department of His Majesty's Secretary of State for Foreign Affairs, with whom alone the Commissioners had been directed to correspond on the subject of their official duties.

I am also to refer you to the Letter marked No. 24, (Class B.) in the Slave Trade Papers laid before Parliament in the course of the last Session, containing an Instruction to the Commissioners to send the *Accounts of Sales*, in duplicate, to His Majesty's Secretary of State for Foreign Affairs, who would transmit to His Majesty's Treasury such papers as it might be necessary to furnish to that Department upon the subject.

As it is understood, that the Act of Parliament referred to was drawn up on communication with His Majesty's Treasury,—Mr. Canning desires me to request that their Lordships will be pleased to acquaint him, whether the Clause in question was meant to convey an Instruction to the Commissioners to send *direct* to His Majesty's Treasury the information there detailed, or whether the purport of the Clause would not be answered, and the objects of His Majesty's Treasury accomplished, by their Lordships receiving, through this Office, such Accounts and Statements as they shall desire, upon points connected with the official duties of the Commissioners; it being very essential to the convenience of public business, that the Commissioners should keep to the Instruction which they have already received, "to address to this Department *alone* all despatches reporting their "proceedings, or requesting Instructions;"—which Instructions should, according to the same principle, be conveyed to them only through the Foreign Department.

I am, &c.

(Signed) JOSEPH PLANTA, JUN.

The Secretary to His Majesty's Treasury
&c. &c. &c.

Third Enclosure in No. 9.

George Harrison, Esq. to Joseph Planta, Jun. Esq.

SIR,

Treasury Chambers, November 15, 1824.

HAVING laid before the Lords Commissioners of His Majesty's Treasury your Letter of the 22d ultimo, relative to the 75th Section of the Act 5th Geo. IV. Cap. 113, directing that the Commissary Judges and Commissioners of Arbitration under the Acts respecting the Abolition of the Slave Trade, are to transmit, from time to time, to this Board, a *List* or Return of all *Cases* which shall have been *adjudged* in their respective Courts; I have it in command to acquaint you, for the information of Mr. Secretary Canning, that their Lordships concur in opinion with him, that it will be expedient that all communications between the Members of the Mixed Commission Courts, and the Government of this Country, should be made through the Secretary of State; and their Lordships therefore request Mr. Canning will instruct them to transmit to him the Accounts required by the 75th Section of the Act above referred to, in order that he may forward them to this Board; My Lords being of opinion that the Accounts in question, should be sent home by the Commissioners, at the periods prescribed by the Act of Parliament.

I am, &c.

(Signed) GEO. HARRISON.

Joseph Planta, Jun. Esq.
&c. &c. &c.

Fourth Enclosure in No. 9.

Joseph Planta, Jun. Esq. to the Secretary to His Majesty's Treasury.

SIR,

Foreign Office, November 20, 1824.

I HAVE received and laid before Mr. Secretary Canning, your Letter of the 15th instant, relating to the 75th Section of the Act of the 5th George IV., Cap. 113; and I am directed by Mr. Canning to acquaint you, for the information of the Lords Commissioners of His Majesty's Treasury, that he has instructed His Majesty's Commissioners under the Treaties for the Suppression of illegal Slave-trade, to the effect recommended in your Letter above referred to.

I am, &c.

(Signed) JOSEPH PLANTA, JUN.

The Secretary to His Majesty's Treasury.
&c. &c. &c.

No. 10.

His Majesty's Commissioners to Mr. Secretary Canning.—(Received March 7, 1825.)

(Extract.)

Sierra Leone, December 30, 1824.

WE beg leave to acknowledge the receipt, on the 26th instant, of your Despatch dated November 20th, 1824; enclosing three copies of an Act passed in the last Session of the Parliament of the United Kingdom, for amending and consolidating the English Laws, relating to the abolition of the Slave-trade; enclosing also, for our further information and guidance, in respect to the 75th Clause of that Act, the Copies of a Correspondence which had passed between the Office for Foreign Affairs and His Majesty's Treasury.

We shall not fail to pay due attention to the Clauses of the Act of Parliament, which you have done us the honour to send to us, that may relate to our Situations, bearing in mind that we are to address our Correspondence to the Department alone over which you, Sir, preside.

(Signed)

E. GREGORY.

D. M. HAMILTON.

The Right Hon. George Canning,
&c. &c. &c.

No. 11.

D. M. Hamilton, Esq., to Mr. Secretary Canning.—(Received March 7.)

(Extract.)

Freetown, Sierra Leone, January 15, 1825.

WITH extreme regret I perform the melancholy duty of communicating to you the death of my Colleague *Mr. Gregory*, His Majesty's Commissary Judge; this most unhappy event took place on Sunday evening last, after his having suffered a protracted illness during the last five weeks, from the endemic fever of this country; which unfortunately has generally assumed with those it has attacked more than usual severity during the last three months.—His Majesty has been deprived, by the death of this gentleman, of a valuable officer, whose study and attention was solely directed to a faithful and impartial discharge of the official duties of the important station to which he was appointed.

In consequence of the death of *Mr. Gregory*, I have, in the capacity of Governor and Principal Magistrate of the Colony, assumed the office of Commissary Judge, *ad interim*.

I can assure you, Sir, that it causes me much regret, that under the present unfortunate circumstances, I am not able to withdraw my request for leave of absence which I made to you under date of the 1st of November last. I have only about fourteen days since become convalescent from another very dangerous attack of the endemic fever of this country; these frequent attacks have left me no other chance of recovery, than a change of climate for some months.

(Signed)

D. M. HAMILTON.

The Right Hon. George Canning,
&c. &c. &c.

No. 12.

Mr. Secretary Canning to Daniel Molloy Hamilton, Esq.

SIR,

Foreign Office, April 4, 1825

THE Despatches of His Majesty's Commissioners at Sierra Leone, marked and numbered as in the margin of this Despatch, have been duly received and laid before the King.

I have to express to you His Majesty's Approbation of the zeal and diligence, with which the Commissioners have executed the duties committed to their charge, since the date of those despatches, the receipt of which I acknowledged in my despatch to them, of the 6th of April 1824.

I am, &c.

(Signed)

GEORGE CANNING.

Daniel Molloy Hamilton, Esq.

No. 13.

Mr. Secretary Canning to D. M. Hamilton Esq.

(Extract.)

Foreign Office, April 5, 1825.

I HAVE received your Despatch (marked General) of the 15th of January 1825.

I regret to learn the death of *Mr. Edward Gregory*, His Majesty's Commissary Judge at Sierra Leone.

The public service has lost in *Mr. Gregory*, an Officer whose conduct was marked by an earnest and unremitting desire to do his duty.

His Majesty's Government will lose no time in the selection of an Individual to fill the situation vacant by the death of *Mr. Gregory*.

(Signed)

GEORGE CANNING.

D. M. Hamilton, Esq.

SIERRA LEONE. (*Separate.*)

No. 14.

D. M. Hamilton, Esq., to Joseph Planta Jun., Esq.—(Received June 21, 1824.)

SIR,

Sierra Leone, March 1, 1824.

I HAVE the honour to acknowledge the receipt of your Letter of the 18th of October last, acquainting me, that Mr. Secretary Canning had determined to recommend to His Majesty, my confirmation in the Office of His Majesty's Commissioner of Arbitration in the Mixed Commission Courts at this Place, vacant by the death of *Mr. Fitzgerald*: for this intention of Mr. Secretary Canning towards me, I beg most respectfully to request of you the favour, to return him my most grateful acknowledgments.

I have the honour to be, &c.

(Signed) D. M. HAMILTON.

Joseph Planta Jun., Esq.
&c. &c. &c.

No. 15.

His Majesty's Commissioners to Mr. Secretary Canning.—(Received June 20.)

SIR,

Sierra Leone, March 22, 1824.

WE beg leave to inform you, that we yesterday received your circular Despatch of the 31st of January last, reminding us, by His Majesty's command, that in the computation of the period of service, after which a *pension* may be granted to us, that period only can reckon during which we are upon service at our post; and stating, further, that one half only of the *salary* attached to our present situation, can be granted to us during the period at which we may be *absent* from our post.

We beg leave, Sir, respectfully to offer our thanks for this communication, and we have the honour to remain, &c.

(Signed)

E. GREGORY.
D. M. HAMILTON.

The Right Hon. George Canning,
&c. &c. &c.

No. 16.

Edward Gregory, Esq., to Mr. Secretary Canning.—(Received June 21.)

SIR,

Sierra Leone, April 12, 1824.

I HAD the honour to receive yesterday your Despatch (marked *Separate*) of the 6th of February 1824, in which you condescendingly inform me, that His Majesty had been graciously pleased to appoint *Daniel*

Molloy Hamilton, Esq., to be His Majesty's Commissioner of arbitration, and *James Woods, Esq.*, to be Registrar in the Courts of Mixed Commission at Sierra Leone, for preventing illegal traffic in Slaves.

I had the honour to receive with your Despatch, His Majesty's Commissions, appointing Mr. Hamilton and Mr. Woods to these situations.

I have delivered these Commissions to Mr. Hamilton.

Mr. Hamilton and myself will concert the mode of his entering regularly upon his appointment.

I have unreservedly communicated to Mr. Hamilton, for his information and guidance, the Instructions which were addressed by His Majesty's Secretary of State to Mr. Fitzgerald and myself.

I have the honour to be, &c.

(Signed) E. GREGORY.

The Right Hon. George Canning,
&c. &c. &c.

No. 17.

Edward Gregory, Esq., to Mr. Secretary Canning.—(Received June 21.)

(Extract.)

Sierra Leone, April 19, 1824.

MR. HAMILTON proposes to have the honour of informing you that, by the unhappy event of the death of *Sir Charles Mac Carthy*, he has assumed the government of this colony.

Mr. Hamilton has done me the honour to offer to appoint me to the situation of a *Member of His Majesty's Council* in this Colony. As I have not apprehended that this appointment will interfere with my functions, under the Treaties for preventing illegal Slave Trade, I have deemed it to be my duty to His Majesty to accept the appointment.

I beg leave, Sir, respectfully to state that, should it meet with your approbation, I should feel highly honoured, if His Majesty should graciously be pleased to confirm me in my seat in the Council.

(Signed) E. GREGORY.

The Right Hon. George Canning,
&c. &c. &c.

No. 18.

Lord Howard de Walden to Edward Gregory, Esq.

SIR,

Foreign Office, August 6, 1824.

I AM directed by Mr. Secretary Canning to send to you, for your information, the Copies of two Letters which have passed between the Colonial Department and this Office, by which you will perceive, that the necessary directions have been given, in compliance with the request expressed in your Letter of the 19th of April last, addressed to Mr. Canning, for confirming you in the *Seat in the Council* at Sierra Leone, to which you had been appointed by the Acting Governor of that Colony.

I am, &c.

(Signed)

Edward Gregory, Esq.

HOWARD DE WALDEN.

First Enclosure in No. 18.

Joseph Planta, Jun. Esq. to R. Wilmot Horton, Esq.

SIR,

Foreign Office, July 3, 1824.

AM directed by Mr. Secretary Canning to send to you the accompanying Copy of a Despatch which Mr. Canning has received from *Mr. Gregory*, His Majesty's Commissary Judge at Sierra Leone, soliciting that His Majesty would be graciously pleased to confirm him in his *Seat in the Council* of Sierra Leone, to which he had been appointed by the Acting Governor of that Colony; and I am to request, that, in laying this Letter before Earl Bathurst, you will add, that so far as this Department is concerned, Mr. Canning sees no objection to the granting of Mr. Gregory's request.

I am, &c.

(Signed)

JOSEPH PLANTA, Jun.

R. Wilmot Horton, Esq.
&c. &c. &c.

Second Enclosure in No. 18.

Adam Gordon, Esq. to Joseph Planta, Jun., Esq.

SIR,

Downing Street, August 5, 1824.

IN the absence of the Under Secretary of State, I am directed by Earl Bathurst to acknowledge the receipt of your Letter of the 3d ultimo, transmitting the Copy of a Despatch which had been received from *Mr. Gregory*, His Majesty's Commissary Judge at Sierra Leone, soliciting that His Majesty would be graciously pleased to confirm him in his *Seat in the Council* of Sierra Leone, to which he had been appointed by the Acting Governor of that Colony; and to acquaint you, in reply, for the information of Mr. Secretary Canning, that his Lordship has given the necessary directions for confirming Mr. Gregory in his Seat in the Council of Sierra Leone.

I have the honour to be, &c.

(Signed)

ADAM GORDON.

Joseph Planta, Jun., Esq.
&c. &c. &c.

No. 19.

G. Rendall, Esq. to James Bandinel, Esq.—(Received Oct. 2, 1824.)

SIR,

Court of Mixed Commission, Sierra Leone, July 5, 1824.

I HAVE the honour to enclose herewith a Copy of the *Register of Slaves*, emancipated by decree of the Courts of Mixed Commission established at Sierra Leone, for the prevention of illicit Traffic in Slaves, during the period commencing the 5th day of January, and ending the 4th day of July, 1824.

I have the honour to be, &c.

(Signed)

G. RENDALL.

James Bandinel, Esq.

MEMORANDUM.—The Enclosure contains the Names and particulars of Emancipation and Registry of Slaves, from No. 3910 to No. 4236, amounting to 327 Slaves.

No. 20.

His Majesty's Commissioners to Mr. Secretary Canning.—(Received October 2.)

SIR,

Sierra Leone, July 15, 1824.

WE had the honour to receive on the 10th instant, your Despatch of the 25th of April 1824, conveying to us, His Majesty's gracious approbation of our conduct upon the difficult and doubtful Cases which have come under our investigation.

We are deeply impressed with a proper sense of His Majesty's gracious condescension in noticing our conduct with approbation, and we hope that our future proceedings may be deserving of His Majesty's favourable regard.

We have the honour to be, &c.

(Signed)

E. GREGORY.

D. M. HAMILTON.

The Right Hon. George Canning,
&c. &c. &c.

No. 21.

Edward Gregory, Esq., to Lord Howard de Walden.—(Received January 13, 1825.)

MY LORD,

Sierra Leone, November 4, 1824.

I BEG leave to acknowledge the receipt, on the 23rd of September last, of your Lordship's Letter of the 6th of August 1824, enclosing the copies of two Letters which had passed between the Department for Foreign Affairs, and the Colonial Department, relative to the request expressed in my letter of the 19th of April last, addressed to Mr. Secretary Canning, that I might be confirmed in the *Seat in the Council* at Sierra Leone to which I had been appointed by the Acting Governor of this Colony.

I am duly sensible of this mark of Mr. Secretary Canning's attention to the wishes that I ventured to express in regard to this confirmation of the appointment of the Acting Governor.

I have the honour to be &c.

(Signed)

E. GREGORY.

Lord Howard de Walden.
&c. &c. &c.

No. 22.

D. M. Hamilton, Esq., to Mr. Secretary Canning.—(Received January 13 1825.)

(Extract.)

Government House, Sierra Leone, November 1, 1824.

Referring you to the printed Papers presented to Parliament by Command of His Majesty in 1821, relative to the Slave Trade, numbered Ten and Eleven, with Enclosure in No. 11, at pages 48 and 49,

you will observe that I brought the case of the Spanish Ship "*Josepha*," Llarena Master, under notice of the Commissary Judges of the *British and Spanish Court of Mixed Commission*, but that no decision took place in that Case, for the reasons stated in the letter of the British Commissary Judge to the late Viscount Castlereagh. This seizure was sent to me by *Captain Willes* of His Majesty's Ship "*Cherub*," after his leaving the coast in 1818, and before my appointment to the Office of Registrar to the Mixed Commissions. The Cargo that was delivered to me by the Officer in charge, prior to the sinking of the Vessel, was sold by me, the Net proceeds of which, after deducting the expenses incurred on the Vessel in endeavouring to keep her above water, and the amount paid for the passage and stock of four of the Officers of the "*Cherub*" to England, remain now in my possession, amounting to £1478 13s. 11d., the principal part of the accounts of which I rendered *Captain Willes*, who was at this place last July, in His Majesty's Ship "*Brazen*," and who agreed with me in the propriety of submitting the matter to you, Sir, for your consideration, in the hope you would be pleased to direct in what manner the money in question is to be disposed of.

(Signed)

D. M. HAMILTON.

The Right Hon. George Canning,
&c. &c. &c.

No. 23.

D. M. Hamilton, Esq., to Mr. Secretary Canning. (Received .)

SIR,

Government-House, Sierra Leone, November 1, 1824.

THE extreme debility I now labour under from the severe fits of illness I have experienced, since unfortunately getting the endemic fever of this country, last July, induces me, though with much reluctance, to solicit the indulgence of leave to return to my native country, for a limited time, for the restoration of my health. Should you, Sir, have the kindness to grant this my request, an early notification of the same will be an additional favour conferred on me.

Mr. Gregory has most kindly authorized me to say that he will relinquish his prior claim to leave of absence, provided no unforeseen event renders his return to England absolutely requisite for his preservation.

I take the liberty of enclosing the certificate of Mr. Shower, the Colonial Surgeon.

I have the honour to be, &c.

(Signed)

D. M. HAMILTON.

The Right Hon. George Canning,
&c. &c. &c.

No. 24.

Edward Gregory, Esq., to Mr. Secretary Canning.—(Received January 13, 1825.)

SIR,

Sierra Leone, November 13, 1824.

MR. HAMILTON has expressed a wish to me to return to England, with *leave of absence*, on account of the frequent attacks of illness to which he has lately been subjected.

I have mentioned to Mr. Hamilton that I have indulged the hope that you would favour me with leave to quit this Colony for England, for a short period; but that if you should favour me thus, I would not avail myself of your leave unless compelled to do so by absolute ill-health. Mr. Hamilton's state of health is very precarious, and I should not excuse myself were I not to give way to his claims to the indulgence of leave of absence.

Although I am happy to give way to Mr. Hamilton in this instance, I humbly beg to express my hope to be favoured with your permission to return to England, for a short period, if my health should demand my return; and I beg to say that I will not avail myself of such permission unless in the case of positive ill-health.

I have been favoured by a kind Providence in regard to my health during my stay at Sierra Leone, but a continued residence therein of upwards of five years makes me, in some degree, apprehensive of the future influence of the climate and solicitous to provide against it.

I have the honour, &c.

(Signed) E. GREGORY.

The Right Hon. George Canning,
&c. &c. &c.

No. 25.

His Majesty's Commissioners to Mr. Secretary Canning.—(Received
January 13, 1825.)

(Extract.)

Sierra Leone, November 8, 1824.

WE have the honour to report to you, that *Messrs. Magnus and Bidwell*, the first, Writer to His Majesty's Commissioners, the second, Writer in the Courts of Mixed Commission, arrived at Sierra Leone on the 23rd of September last, and immediately entered upon the duties of their Situations.

Mr. Worrall, first Writer to His Majesty's Commissioners, it appears from the information of *Messrs. Magnus and Bidwell*, was prevented by severe illness from proceeding on the Voyage to this place.

(Signed)

E. GREGORY.

D. M. HAMILTON.

The Right Hon. George Canning,
&c. &c. &c.

No. 26.

Mr. Secretary Canning to D. M. Hamilton, Esq.

SIR,

Foreign Office, January 18, 1825.

I HAVE received your Letter of the 1st of November last, soliciting permission to return to Europe for the benefit of your health, and enclosing a Certificate of *Mr. Shower*, the Colonial Surgeon, as to the urgency for this permission.

Under these circumstances, His Majesty has been graciously pleased to grant your request.

You will, prior to your departure from Sierra Leone, make such provisional arrangements as are compatible with the Instructions and

Powers given to you, for rendering your absence of as little inconvenience as possible to the publick Service.

D. M. Hamilton, Esq.

I am, &c.
(Signed) GEORGE CANNING.

No. 27.

Mr. Secretary Canning to Edward Gregory, Esq.

SIR

Foreign Office, January 24th, 1825.

I HAVE received and have considered the subject of your Letter, marked separate, of the 13th of November, 1824; and I have to state to you, that you may consider yourself to have permission to return to England for a short period, if your health should imperiously demand your absence from Sierra Leone:—At the same time, I trust in your declaration, that you will not leave the Colony under this permission, unless there should be an absolute necessity for your doing so.

Edward Gregory, Esq.

I am, &c.
(Signed) GEORGE CANNING.

No. 28.

Joseph Planta, Junr., Esq., to D. M. Hamilton, Esq.

SIR,

Foreign Office, March 4th, 1825.

YOUR Letter of the 1st of November, 1824, to Mr. Secretary Canning, respecting the proceeds of the Spanish Vessel the *Josefa*, captured in the year 1818, by H. M. S. *Cherub*, Captain Willes, has been referred to the Admiralty, and to His Majesty's Advocate-General. I am directed by Mr. Canning to state to you, that it appears, from a reference to the Admiralty, that Captain Willes, at the time of capture, was not furnished with instructions under the Treaty with *Spain* for the Suppression of Slave Trade; and I am also to state to you, that His Majesty's Advocate-General is of opinion, that, as the seizure was not made under the Slave Trade Convention, it is not a Case in which Mr. Secretary Canning can be required to give any directions. The King's Advocate is farther of opinion, that, to the Claimants, if any should appear, Captain Willes will be responsible, and that it is Captain Willes who should give directions respecting the proceeds, which must be considered, in the mean time, to be in his care and custody. If there should be any grounds on which Captain Willes may expect to be exonerated by His Majesty's Government from that responsibility, it is for him to state those grounds, and to bring forward such application to the Admiralty.

D. M. Hamilton, Esq.

I am, &c.
(Signed) JOSEPH PLANTA, Junr.

No. 29.

Mr. Secretary Canning to William Smith, Esq.

SIR,

Foreign Office, March 21st, 1825.

HIS MAJESTY having been pleased to appoint you to be Registrar to the Mixed Commissions established at Sierra Leone, under the Trea-

ties with *Spain, Portugal, and The Netherlands*, for the repression of illegal Slave Trade, I herewith transmit to you the King's Warrant of Appointment to that effect.

You will proceed to Sierra Leone without delay; on your arrival at that place, you will present yourself to His Majesty's Commissioners, and shewing to them your appointment, request from them directions for your guidance in entering upon the duties of your situation, in the exercise of which, you will consider the Instructions which were addressed from this Department to the late Registrar, as the rule of your conduct, in the same manner as if they were addressed to yourself.

I am, &c.

(Signed)

GEORGE CANNING.

William Smith, Esq.

No. 30.

Mr. Secretary Canning to His Majesty's Commissioners.

GENTLEMEN,

Foreign Office, March 21st, 1825.

HIS MAJESTY has been pleased to nominate and appoint *William Smith, Esq.*, to be Registrar to the Mixed Commissions established at Sierra Leone, under the Treaties with Foreign Powers for the repression of illegal Slave Trade.

Mr. Smith will repair to Sierra Leone in the vessel by which this despatch is conveyed. He is instructed to present himself to you upon his arrival at that place, and to shew to you his appointment. I have to desire that you will administer to Mr. Smith, in proper form, the Oath prescribed to be taken by him; and that, having introduced him to such of the Foreign Commissioners as may be at Sierra Leone when this Despatch reaches you, you will instal Mr. Smith in his place as Registrar to the Mixed Commissions, and give him directions to enter upon the exercise of his duties in that situation.

I am, &c.

(Signed)

GEORGE CANNING.

His Majesty's Commissioners, Sierra Leone.

No. 31.

J. Reffell, Esq. to Mr. Secretary Canning.—(Received March 28th.)

(Extract.)

Secretary's Office, Sierra Leone, January 27th, 1825.

I DEEM it my duty most respectfully to acquaint you, that Acting Governor *Hamilton* has acknowledged my claims as Colonial Secretary to the situation, *ad interim*, vacant in the Courts of Mixed Commission, established in this Colony, and that I have accordingly taken the usual Oath of Commissioner of Arbitration, in conformity to the several Treaties, and entered upon the duties of the said office.

The Right Hon. George Canning.

&c.

&c.

&c.

(Signed)

J. REFFELL.

SIERRA LEONE. *(Spain.)*

No. 32.

Mr. Secretary Canning to His Majesty's Commissioners.

GENTLEMEN,

Foreign Office, May 29th, 1824.

I HAVE received, and have referred to His Majesty's Advocate-General, your despatches of the 20th of November, 1823, and 20th of January, 1824, relating to the case of the *Spanish* schooner, *Fabiuna*, sent in to Sierra Leone by *Lieut. Gray*, commanding two boats of His Majesty's ship, *Owen Glendower*.

The King's Advocate has reported, that the detention having been made by a competent officer, and the declaration, which was omitted, not being enjoined to be given in all cases, but only where held to be necessary, the circumstance that the captured vessel was sent in for adjudication by the subordinate officer, though an irregular act, was not so irregular but that you might have proceeded to adjudication. And the King's Advocate further points out, as what he holds to be the sound construction of the Treaty, that, although the Government may be answerable for losses occasioned by deviations from the Treaty, still every deviation does not necessarily invalidate a capture.

Under these circumstances, and in this view of the case, it appears to me, that you should rather have proceeded to adjudication, than have suspended your proceedings, and ordered the *Fabiuna* to be sold; and you will, therefore, act upon this opinion in this case, so far as the circumstances will allow of it, and on similar occasions.

I am, &c.

(Signed)

GEORGE CANNING.

His Majesty's Commissioners, Sierra Leone.

No. 33.

His Majesty's Commissioners to Mr. Secretary Canning.—(Received June 7, 1824.)

SIR,

Sierra Leone, February 23, 1824.

IN our despatch of the 10th of September last, we had the honour to state, for your information, that a Schooner called the *Conchita*, was captured on the 16th of June 1823, in Old Calabar River, by *Sir Robert Mends*, commanding His Majesty's Ship *Owen Glendower*; that she was from *Saint Jago de Cuba*; had a *Danish* flag; that her log-book which was in the *Spanish* language, stated her to be a *Danish* Vessel, but that the captor, *Sir Robert Mends*, declared her to be a *Spanish* Vessel; that the papers alleged to belong to her were tendered to the Court on the 29th of August last, and that the Proctor for the captor prayed immediate proceedings against her, but that, as neither the Vessel nor any person who could properly depose to particular facts relating to her detention

and to her papers, had been sent to *Sierra Leone* by Sir Robert Mends; and, as no proper reason was assigned why she was not sent to this place for adjudication, we did not think it right that proceedings should be instituted against her until her arrival, or until her absence should be properly accounted for.

We have now, Sir, the honour to state, for your further information in this Case, that on the 9th of December last the Principal Clerk in the Registry Office reported to us the arrival on that day of the *Conchita* in the Port of Freetown; that she had no Slaves on board, and was of the burden of sixty tons. On the 20th of December following, Mr. *Macaulay*, as Agent of Commodore Sir Robert Mends and the Officers and Crew of His Majesty's Ship *Owen Glendower*, after alleging the arrival of the said Schooner, prayed that the usual Monition might issue. Mr. *Macaulay* brought in two Declarations of Sir Robert Mends, one relative to her capture, and the other to the necessity of landing the Slaves from on board her at Cape Coast Castle. In the first of these Declarations, dated off Old Calabar River, the 20th of June 1823, Sir Robert sets forth that "on the 13th day of June 1823, being close to the entrance of Old Calabar River, which is situated in 4° 31" North Latitude, and 8° 38" East Longitude, he despatched the Boats of the *Owen Glendower* up the said River, under the command of *Lieutenant Clarkson*; that upon arriving in the River, the Lieutenant received information of a Spanish Schooner carrying on the Slave Trade being in one of the creeks, whither she had repaired upon receiving notice of the approach of the Boats for the purpose of concealment, and that her captain was then on shore actually employed in purchasing Slaves; that on the 16th of June 1823, the said Lieutenant *Clarkson* found in a place called the *Great Quaa Creek*, after a long search, a Schooner, from on board of which a great number of persons, the majority of whom were black, jumped overboard and swam to the shore; that upon boarding her, she was found completely deserted by her crew; but, in about four minutes afterwards a canoe came alongside, in which were three Slaves who had been purchased by her Captain, and on the following day fifty-five Slaves were sent off by Duke Ephraim, Chief of the before-mentioned River of Old Calabar, as forming part of the cargo of the said Schooner, which he declared to Lieutenant *Clarkson* to be a Spanish Vessel, and that these Slaves had been bought by her Captain from him; that she was furnished with double coppers for cooking; manacles, shackles, tubs, and other apparatus usually carried by Ships employed in the Slave Trade; that a platform was found in the hold; that she had on board a good quantity of water, and was in every respect fitted and prepared for receiving a cargo of Slaves; that from the papers and chart found on board, which were all written in the Spanish language, it appeared that she was called the *Conchita*; that she sailed from the Port of Saint Jago in the Island of Cuba, on the 28th day of March 1823, and arrived at Old Calabar River on the 4th of June following; and, that the only colours found on board were a Danish and American ensign."

In the other declaration, dated at Cape Coast, the 6th of August 1823, Sir Robert Mends sets forth that "the Negroes captured on board the said Schooner were removed on board the *Owen Glendower* for cure, the greatest part of them being in a sickly condition, and that after the loss of the *Maria La Luz*, a Spanish Schooner also captured by the *Owen Glendower*, the Negroes were removed on board her for a safe conveyance to *Sierra Leone*, but that after having been in the *Owen Glendower* six weeks, the major part of them became unhealthy; and, being then unavoidably detained at Cape Coast for the defence of

the Forts against the Ashantee army, his, Sir Robert Mends's, return to Sierra Leone became altogether uncertain; and that, under those circumstances, it was absolutely necessary to land them in the Castle, to be taken care of by the Government, as their longer detention on board would be attended with greater loss amongst them, and the extreme danger of spreading the contagion through the Ship."

On the 24th of December, the attestation of Lieutenant Clarkson with the *Conchita's* papers were brought in, and the usual Monition issued, calling upon all persons in general pretending any right, title, or interest, in the said Schooner, to appear and make legal claim for her, and the same was returned on the first of January following as duly served.

On the 15th of January following, at the Petition of the Proctor for the captors, the Case was heard, and the deposition of *Lieutenant Clarkson* of His Majesty's Ship *Owen Glendower*, and that of two seamen of the Schooner *Maria La Luz*, exhibited in proof of illegal Slave Trading. The first of these depositions alleged that "Lieutenant Clarkson having been deputed by Commodore Sir Robert Mends in the command of the boats of the *Owen Glendower* up the River *Old Calabar* on the thirteenth day of June last, he, Lieutenant Clarkson, was informed there was a Spanish Schooner slaving up one of the creeks, and on proceeding up the Great Quaa Creek, he found a Schooner lying at anchor in a narrow part of it, the mangroves not being more than twenty feet distant from either side of her; that on rounding a bend in the creek, close to where the said Vessel was lying, they first perceived her, and on their appearance, they saw a great many persons, principally black, jump overboard and gain the shore; that one child (black) was drowned just as they were endeavouring to rescue it; and that the rest, white and black, escaped into the surrounding woods; that on going on board they found her to be the Spanish Schooner *Conchita*, completely fitted for Slaves; with her platform laid; her water-casks full; her yams and provisions all on board. That her slave coppers were dirty, and from their appearance had been used in cooking that same day. That her Poopoo-tubs, which in Slave Vessels are used for the Slaves to pass their excrement into were dirty, and had human excrement in them; that her rice-kids and wooden spoons were dirty, and were evidently in use; that from these circumstances, and the further one of the filth and dirt on her platform, and the stench in the hold, deponent was certain Slaves must have been on board, and removed a very short time before she was boarded; that they immediately got her under weigh, and were proceeding down the creek, when three slaves were brought on board as belonging to her, without any application being made for them, or any communication having taken place with the shore; that on deponent making an application to Duke Ephraim for the Slaves, he sent off to deponent fifty-five, stating they were all he could find. That the Officers and Crew having jumped overboard, as aforesaid, or been on shore previously, never were under his control; that they had an opportunity, if they had chosen it, to have embarked on board the said Schooner, as she remained at Duke Ephraim's for forty-eight hours; and deponent has heard, and verily believes, the Master of the said Schooner destroyed himself three days after the capture."

The two seamen of the *Maria La Luz* deposed, "that they were seamen in and on board the Schooner *Maria La Luz*; that they knew the Schooner called the *Conchita*, and that they immediately recognised her on seeing her in company with the English Frigate *Owen Glendower*; that they saw the *Conchita* in the month of March last, at the Port of Saint Jago, in the Island of Cuba, where and when she was fitting

out for a voyage to the Coast of Africa for slaves, at the same time with the Schooner to which these deponents belonged; that the Schooner *Conchita* was commanded by a Spaniard of the name of *De Lima*; and deponents further said, that they were often in company with the crew of the said Schooner *Conchita*, who were all Spaniards; that she hoisted Spanish colours; that when they saw the said Schooner in the Calabar River, they immediately knew her again to be the same vessel that had been at Cuba, fitting out for a voyage to the Coast for Slaves."

On this evidence, and the absence of any claimant, the Proctor for the captors prayed condemnation of the vessel and emancipation of the slaves.

In expressing our sentiments upon this case, we adverted to the length of time that had intervened betwixt the capture of the *Conchita* and her arrival in this harbour. The employment of the vessel in this time had not been explained. We were of opinion that the *Conchita* ought to have been sent hither upon her capture, with all convenient despatch. It appeared to us that the captor, by keeping the vessel for so long a period, had not acted conformably to the first Article of the Instructions for the British and Spanish Ships of War employed to prevent the illegal traffic in Slaves, annexed to and forming part of the Treaty.

As the absence of a claimant could not, under the Treaty, be a reason for the condemnation of the vessel, the only point for our consideration was, whether sufficient proof had been given by the captors that the vessel had been illegally engaged in the traffic in slaves, and whether she had fallen under the provisions of the Treaty which rendered her liable to condemnation.

The master and crew of the *Conchita* had not been sent hither as witnesses in the case. It was alleged that they had fled from the vessel on the approach of the boats of the *Owen Glendower*. This allegation accounted for their absence, and was a reason why their evidence had not been furnished to the Court.

In the unavoidable absence of the master and crew of the vessel, we should have been satisfied if the evidence of the slaves who were stated to have belonged to the *Conchita* had been brought forward in proof of the embarkation of a slave, or slaves, for the traffic, prior to the detention of the vessel.

It had been alleged that when the boats of the *Owen Glendower* were approaching the *Conchita*, a number of persons, the majority of whom were black, jumped overboard. It was also alleged that the vessel was in that state at the time when the captors got on board, which shewed that slaves had recently been in the vessel. And the inference raised was, that the black persons who had been seen to jump overboard were the slaves who had caused the vessel to be in the state in which she was found by the captors.

It would have been very easy for the captors to have produced some of the negroes who had been delivered up to them by the Chief of Old Calabar as witnesses to prove what was now only matter of inference. If any of these negroes had been on board of the *Conchita*, as was inferred, previous to her detention, the point in question would be set at rest, and the vessel would be liable to condemnation. All these negroes, however, had been landed at Cape Coast. It was not asserted that they were all sickly, and could not be sent hither. We had, therefore, a right to suppose that it would have been easy for the captors to have produced some of them as witnesses in the case.

The only material points in the case that we found proved by other evidence than that of the captors, were the Spanish character of the vessel; her slave-trading outfit and designs, and the point of her being hid by her crew in one of the creeks of the river Calabar, on the approach of the English boats. The two seamen of the *Maria La Luz* had proved the first and second points. The third point was proved by an entry that was made in a log-book of the *Conchita*, that was kept in the Spanish language. The proof of these points was material, as that it brought the vessel, which, it appeared by a log-book, had assumed a *Danish* character, within the operation of the Treaty with *Spain*, and as that it shewed the illegal nature of the voyage of the *Conchita*. But proofs of these points alone would not make that vessel liable to condemnation; neither would surmises that the negroes, who had been seen to jump overboard from the *Conchita* on the approach of the English boats, were slaves designed for the traffic. It might not be improbable that these negroes were free natives of the river Calabar, who had assisted the crew of the *Conchita* in taking her to the creek where she lay concealed. This might be the less improbable, as the Spaniards of the *Conchita* were aware, a day or two before the capture, of the approach of the English boats, and would hardly have been so simple as to keep slaves on board, to testify to the captors the illegal trade in which they were engaged.

It appeared to us, Sir, that the captors had not furnished the best proof in this case that was in their power.

The first Article of the Regulations for the mixed Commissions annexed to the Treaty, provides that "the Commissioners shall give sentence as summarily as possible, and they are required to decide, as far as they shall find it practicable, within the space of twenty days, to be dated from that on which every detained vessel shall have been brought into the port where they shall reside,—first, upon the legality of the capture; second, in the case in which the captured vessel shall have been liberated, as to the indemnification which she is to receive.

"And it is hereby provided that, in all cases, the final sentence shall not be delayed on account of the absence of witnesses, or for want of other proofs, beyond the period of two months, except upon the application of any of the parties interested, &c.

Unwilling to decide upon the case, as the case then stood, we resolved to postpone giving our determination upon it until the 9th of February, which day would complete two months from the date of the arrival of the *Conchita* at this port. In acting thus, we wished to mark our sense of the remissness of the captors in not furnishing us with the evidence of the negroes that had been delivered up to them. We further wished to extend the time for determining on the case, in the hope that, by some possibility, these negroes might be sent hither in the interval. Accordingly, the case was directed to stand over until the 9th of February.

On the 9th of February we again met in Court on the case of the *Conchita*.

The Proctor for the captor stated that it had not been in his power to procure further evidence in the case; he again, therefore, prayed the condemnation of the *Conchita*, and the emancipation of her slaves.

Since the last sitting of the Court, on the 15th of January, we had further considered the circumstances of this Case, and the provisions of the Treaty, with its Explanatory Article of the 10th of December, 1822, that were applicable to them.

The Treaty enjoined the Commissioners to proceed as summarily as possible, and not to delay their decision beyond the period of two months

from the date of the arrival of the vessel at this port. But the Explanatory Article of the 10th of December, 1822, required that to cause the condemnation of a vessel, there "should be *clear and undeniable proof* that a slave, or slaves, had been put on board of a vessel for the purpose of illegal traffic in the particular voyage on which the vessel shall be captured."

Was there clear and undeniable proof that a slave, or slaves, had been put on board of the *Conchita* for purposes of illegal traffic previous to her detention?

Mr. Gregory had considerable doubts whether there was any proof at all that bore on this question, for he doubted extremely the propriety of admitting the captors to prove the charge which they had brought against the vessel. Mr. Gregory doubted very much whether it would be consistent with justice that captors should be prosecutors and witnesses in the same Case. Mr. Gregory could not think that in such a Case as the present he was imperatively bound to give a decision; certainly, he could not conscientiously pronounce one for the condemnation of the vessel. Mr. Gregory thought that the decision on the Case had better be postponed until proper and sufficient evidence should be produced.

Mr. Hamilton, without conceiving it requisite in this Case to consider the competency of the captors as witnesses, was of opinion that there was not that *clear and undeniable* proof of a slave, or slaves, having been put on board the *Conchita* for the purpose of illegal traffic in this voyage, that the Explanatory Article to the Treaty required; and was strongly inclined to think that as the captors, the only party before the Court, had refused to make application for further time, that the Commissioners were peremptorily called on by the first Article of the Regulations to give final sentence without further delay; but, in deference to the opinion of Mr. Gregory, and conceiving that no extra expense would accrue to any party thereby, was willing to agree with him in the postponement of the decision on the Case.

Accordingly, we intimated in Court our determination that the Case should be further postponed.

On the motion of the Proctor for the captor, the *Conchita* was ordered by the Court to be sold, the proceeds of her sale to be lodged in the Registry.

We would beg leave, Sir, to point your attention in this Case to the assumption of, or rather, perhaps, the attempt to assume, a Danish character by the *Conchita*.

No papers giving a *Danish* character to the vessel were, indeed, found on board, neither were any *Spanish* Clearance papers. In all probability these last were with the Captain on shore. But in a log-book kept in the *Spanish* language she was stated to be a *Danish* vessel, and a *Danish* flag was found on board, according to the statements of the captors.

This is the third Case that has come before the Mixed Court wherein a Foreign character has been assumed by *Spanish* Slave vessels. The Schooner "*Joseph*," adjudicated in the year 1822, assumed a *Swedish*; and the Schooner *Maria La Luz*, adjudicated in the month of September last, assumed a *French* character.

It will not escape your notice, Sir, that this assumption of a Foreign character by *Spanish* Slave vessels on this Coast may be productive of mischief, as it cannot fairly be expected that the Commanders of cruisers, in the honest and faithful discharge of their duty under the Treaties, should refrain, when a Foreign character is with so much effrontery attempted to be assumed by *Spanish* Slave vessels, from visiting vessels on board of which a Foreign flag may be hoisted. And it must some-

times happen that visitations will be made on board of vessels really belonging to Nations not parties to the Slave Trade Prevention Treaties.

We have the honour to be, &c.

(Signed)

E. GREGORY,
D. M. HAMILTON.

The Right Hon. George Canning,
&c. &c. &c.

No. 34.

His Majesty's Commissioners to Mr. Secretary Canning.—(Received
June 21, 1824.)

SIR,

Sierra Leone, April 14, 1824.

WE had the honour to receive, on the 11th Instant, your despatch furnishing us, for our information and guidance, with the copy of a *Declaration* which His Majesty's Ambassador at Madrid, and the Spanish Minister of State, concluded and signed at Madrid, on the 2nd of February, 1824, in correction of a *clerical error* which had crept into the Additional Article of the 10th of December, 1822, to the Treaty between His Majesty and the Catholic King, for the prevention of illegal traffic in slaves.

We have the honour to be, &c.

(Signed)

E. GREGORY.
D. M. HAMILTON.

The Right Hon. George Canning,
&c. &c. &c.

No. 35.

Mr. Secretary Canning to His Majesty's Commissioners.

GENTLEMEN,

Foreign Office, July 5, 1824.

BY advices received from His Majesty's Commissary Judge at The Havannah, it appears that, on the 14th of April, 1824, the brig *Conquistador*, Don Nicolas Escala, Master, and the schooners, *Mianor* and *Ninfa Habanera*, Don Domingo Acue and Don Francisco Loureiro, Masters, sailed from Havannah for the coast of Africa.

This intelligence has been communicated to the Board of Admiralty.

I am, &c.

(Signed)

GEORGE CANNING,

His Majesty's Commissioners, Sierra Leone.

No. 36.

His Majesty's Commissioners to Mr. Secretary Canning.—(Received
July 14, 1824.)

SIR,

Sierra Leone, May 18, 1824.

WE have the honour to report to you, that *Mr. Hamilton* has formally

entered upon his appointment of Arbitrator in the *British and Spanish Court of Mixed Commission*.

Having concerted with the acting Chief Justice of the Colony, *Mr. Kenneth Macaulay*, we met that gentleman at the Government-House, on the 28th of April last. His Majesty's Commission to *Mr. Hamilton* having been read, *Mr. Hamilton* took, before the acting Chief Justice, the oath prescribed to him by the commission, after which a certificate of this fact was drawn up and signed by the acting Chief Justice.

On the 15th instant, we met at the Mixed Commission Court-House. *Mr. Hamilton* exhibited to the acting Registrar the certificate of his having taken the oath as Arbitrator before the Chief Justice. A copy of the certificate was taken by the acting Registrar to be kept amongst the records of the Mixed Commission. His Majesty's Commission to *Mr. Hamilton* was read in open Court by the acting Registrar, and the Court was declared to be open for the despatch of business. A minute was made of these proceedings.

We have the honour to be, &c.
(Signed) E. GREGORY,
D. M. HAMILTON.

The Right Hon. George Canning,
&c. &c. &c.

No. 37.

Mr. Secretary Canning to His Majesty's Commissioners.

GENTLEMEN,

Foreign Office, September 3, 1824.

IN reference to your correspondence on the subject of the *Spanish schooner "Fabiana,"* I enclose to you the copy of a letter which has been received at this Office from the Admiralty, by which you will remark, that the charge of prosecuting that vessel devolved necessarily upon the subordinate officer, *Lieut. Gray*, only in consequence of the death of *Sir Robert Mends*, the commanding officer of the capturing ship. This explanation of the matter appears to me to be satisfactory.

I am, &c.

(Signed) GEORGE CANNING.

His Majesty's Commissioners, Sierra Leone.

Enclosure in No. 37.

J. W. Croker, Esq. to Joseph Planta, Jun. Esq.

SIR,

Admiralty Office, 19th August, 1824.

IN reference to your letter of the 28th of May last, relative to the *Spanish schooner, Fabiana*, detained by the boats of His Majesty's Ship, *Owen Glendower*, for illicit trading in Slaves, having been sent in to Sierra Leone, for adjudication, by the Subordinate Officer, without being previously brought to the Captain of His Majesty's Ship; I am commanded by my Lords Commissioners of the Admiralty to acquaint you, for the information of *Mr. Secretary Canning*, that it appears to have been in consequence of the death of *Sir Robert Mends*, and the consequent disarrangement of that Officer's original intentions, that the charge of prosecuting this Vessel devolved on *Lieut. Gray*; and that my Lords are not aware that any other course could be taken than that which was adopted.

I am, &c.

Joseph Planta, Jun. Esq.

(Signed) J. W. CROKER.

No. 38.

Edward Gregory, Esq., to Mr. Secretary Canning.—(Received October, 2, 1824.)

(Extract.)

Sierra Leone, August 4, 1824.

HIS MAJESTY'S Commissioners have informed you of the proceedings of the British and Spanish Court of Mixed Commission, in regard to the undecided Cases of the Spanish Schooners "Fabiana" and "Conchita." They mentioned, Sir, that those vessels had been ordered to be sold by the Mixed Court on the motion of the Proctor for the Captors.

I have now, Sir, to acquaint you that those vessels were sold as ordered by the Mixed Court, and that the nett proceeds of their sale will be paid into the Registry as soon as some points in the accounts of their sale are settled.

The nett proceeds of the sale of the "Fabiana" and the "Conchita" may amount to the sum of 400*l.*, Colonial Currency.

(Signed)

E. GREGORY.

The Right Hon. George Canning,
&c. &c. &c.

No. 39.

Edward Gregory, Esq., to Mr. Secretary Canning.—(Received October 2.)

(Extract.)

Sierra Leone, August 14, 1824.

WITH reference to the despatch which I had the honour to address to you on the 4th instant, I beg leave to inform you that the nett proceeds of the sale of the Spanish Schooner "Fabiana," amounting to the sum of 284*l* 19*s.* 11*d.*; and the nett proceeds of the sale of the Spanish Schooner "Conchita," amounting to the sum of 186*l.* 0*s.* 8*d.*, have been lodged in the Registry of the British and Spanish Court of Mixed Commission.

(Signed)

E. GREGORY.

The Right Hon. George Canning,
&c. &c. &c.

No. 40.

Edward Gregory, Esq., to Mr. Secretary Canning.—(Received November 11.)

SIR,

Sierra Leone, August 31, 1824.

YOUR despatch of the 29th of May, 1824, on the Case of the Spanish Schooner "Fabiana," reached Mr. Hamilton and myself on the 19th instant.

Mr. Hamilton and myself will not fail, Sir, to give attention to the

matter of your letter, and to the Case of the "Fabiana," as soon as he shall be recovered from the indisposition with which he has again been seized.

I have the honour to remain, &c.,
(Signed) E. GREGORY.

The Right Hon. George Canning,
&c. &c. &c.

No. 41.

*Edward Gregory, Esq., to Mr. Secretary Canning.—(Received
November, 11th, 1824.)*

SIR, Sierra Leone, August 31st, 1824.

ON the 19th instant, His Majesty's Commissioners had the honour to receive your despatch of the 5th of July, 1824, informing them that it appeared, by advices received from His Majesty's Commissary Judge at *The Havannah*, that the Brig "*Conquistador*" and the Schooners "*Nicanor*" and "*Nueva Havanera*" sailed, on the 14th of April, 1824, from that port for the Coast of Africa.

I have the honour to remain, &c.,
(Signed) E. GREGORY.

The Right Hon. George Canning,
&c. &c. &c.

No. 42.

*His Majesty's Commissioners, to Mr. Secretary Canning.—(Received
January 13, 1825.)*

SIR, Sierra Leone, November 9, 1824.

MR. GREGORY in acknowledging, under date of the 31st of August last, the receipt of your despatch of the 29th of May, 1824, had the honour to state that when Mr. Hamilton should be recovered from the indisposition under which he then laboured, attention would be given to the Case of the *Spanish Schooner "Fabiana,"* to which your despatch related.

We have now the honour to inform you that, in obedience to your Instructions, we have proceeded to the adjudication of the "*Fabiana*," and have brought her Case to a close. Sentence of condemnation was passed against that vessel on the 11th ultimo.

The depositions of the witnesses in the Case of the "*Fabiana*," shewed that a number of Slaves had been put on board of that Vessel, and that she was sailing out of the River *Bonny* with these Slaves, on her homeward voyage; that, perceiving the capturing boats, the "*Fabiana*" put back into the River, and landed the Slaves she had on board. On the capture of the vessel, the Slaves were demanded of the Native Chiefs of the River by the Captors, and a number of them were given up to the Captors on this demand.

The Proctor for the Captors on the day of trial, moved that the Slaves which had been delivered up to the Captors by the Native Chiefs of the River *Bonny* should be emancipated. But, in obedience to the Instruc-

tions received by us from you, Sir, some time since in regard to Slaves who might be given up to the Captors of Slave Ships by Native African Chiefs, we refused to pass a decree to emancipate the Slaves of the "Fabiana," and we declared that there were no Slaves found on board of that Vessel at the time of her Capture.

In the despatch marked *Spain*, of the 20th of January, 1824, which we had the honour to address to you relative to this Case, we mentioned that Captain Stokes, who succeeded to the command of His Majesty's Ship *Owen Glendower*, on the death of *Sir Robert Mends*, claimed to be considered as the Captor of the "*Fabiana*," the capture of that Vessel having taken place ten days after the death of *Sir Robert Mends*.

When the proceedings in the Case of the "*Fabiana*" had been gone into on the 11th ultimo, it was asked of the Proctor for the Captors whether he was advised that *Captain Stokes* intended to prosecute his claim to be considered as the Captor of that Vessel, the Commissioners having on the 15th of January, 1824, intimated that they were then unwilling to close the proceedings in the Case against *Captain Stokes*. To the question thus asked of the Proctor for the Captors of the "*Fabiana*," it was answered by the Proctor that he had written, soon after the Commissioners had expressed their opinions on the Case on the 15th of January last, to the general Agent in England for the *Owen Glendower*, stating what had been the determination of the Commissioners in regard to the "*Fabiana*," but that he had not learnt that *Captain Stokes* intended to do any thing in the matter of the claim formerly advanced by himself. We thought that sufficient time had elapsed to enable *Captain Stokes* to urge his claims to be considered as the Captor of the "*Fabiana*," if he had been disposed to urge them. And, accordingly, we proceeded to the adjudication of that Vessel, as already stated, and brought her Case to a close, considering that the Capture had been made by the boats of the *Owen Glendower*, under orders of *Sir Robert Mends*.

We have the honour to be, &c.,

(Signed)

E. GREGORY,

D. M. HAMILTON.

The Right Hon. George Canning,
&c. &c. &c.

No. 43.

His Majesty's Commissioners to Mr. Secretary Canning.—(Received Jan. 13th, 1825.)

SIR,

Sierra Leone, November 11th, 1824.

YOUR despatch of the 3d of September, 1824, reached us the day before yesterday. With this despatch we received the copy of the letter which had been addressed by the Secretary to the Admiralty to Mr. Under Secretary Planta, under date of the 19th of August, 1824, relative to the *Spanish Schooner "Fabiana,"* detained by the boats of His Majesty's Ship "*Owen Glendower*," for illicitly trading in Slaves, and sent into Sierra Leone for adjudication by a subordinate Officer of that Ship, without being previously taken to the Captain of the "*Owen Glendower*." The Secretary to the Admiralty states, that it appeared that it was in consequence of the death of *Sir Robert Mends*, the Commander of the "*Owen Glendower*," and the consequent disarrangement of that Officer's original intentions, that the charge of prosecuting the "*Fabiana*"

devolved on Lieutenant Gray; and that the Lords Commissioners of the Admiralty were not aware that any other course could be taken than that which was adopted.

With great deference and submission, we beg leave to represent to you, Sir, that the Lords Commissioners of the Admiralty must, we humbly conceive, have been misinformed respecting this Case, as no disarrangement of Sir Robert Mends' original intentions in regard to Vessels captured, as was the "Fabiana," for illicitly trading in Slaves, could possibly have taken place.

In our despatch, marked *Spain*, of the 20th of November, 1823, and *Spain*, of the 20th of January, 1824, stating the particulars of the Case of the "Fabiana," it was mentioned that *Lieutenant Gray* had been instructed by Sir Robert Mends to send any vessel captured by Lieutenant Gray to Sierra Leone without waiting to report the capture to *Sir Robert Mends*.

It will be seen, Sir, on reference to our despatch, *Spain*, of the 20th of November, 1823, that the "Fabiana" was brought to Sierra Leone on the 16th of October, 1823; that the Commissioners did not think proper to proceed with her Case on her arrival, but determined to wait for the arrival at Sierra Leone of Sir Robert Mends before they took further steps in the Case. The death of Sir Robert Mends was not known to the Prize Master of the "Fabiana" on the 20th of November, the date of our despatch, as at the conclusion of that despatch we mentioned that "it was said that Sir Robert Mends was at Cape Coast, and that he might be expected at Sierra Leone about Christmas." The prosecution against the "Fabiana" was commenced in the name of Sir Robert Mends, and in the understanding that that Officer was in existence.

We beg permission, Sir, to enclose herewith the Copies of *Affidavits* made in the Case of the "Fabiana" by *Mr. Batt*, Acting Second Master of the "Owen Glendower," and Prize Master of the "Fabiana," and of *Lieutenant Gray*, the Officer in command of the boats that captured that Vessel. The matter of these *Affidavits* was expressed in the despatches which we had the honour to address to you, Sir, relative to the Case of the "Fabiana."

From these documents it will clearly appear, that when the "Fabiana" was captured by Lieutenant Gray, and sent to Sierra Leone for adjudication, without being previously taken to the Captain of the "Owen Glendower," no disarrangement of Sir Robert Mends' original intentions took place. It will, Sir, clearly appear that Sir Robert Mends' original intentions were, as we have stated, that vessels captured by Lieutenant Gray should be sent to Sierra Leone without waiting to report the capture to Sir Robert Mends.

Mr. Batt states in his *Affidavit*, "that the instructions of Commodore Sir Robert Mends to the Deponent and the Officer in charge of the boats employed in the Expedition, at the time of their quitting His Majesty's Ship 'Owen Glendower,' were to the following effect: that is to say, that, in the event of any captures being made, any Vessel so captured was to be immediately despatched to Sierra Leone under the charge of the Deponent, *without waiting to report the same to him, the Commodore.*"

Lieutenant Gray in *his* *Affidavit*, amongst other matters, makes the following declaration: "I do further declare, that *having orders from Sir Robert Mends to send such Vessel as I might capture direct to this Port (Sierra Leone) for adjudication, and finding her (the 'Fabiana') supplied with a sufficient stock of provisions and other necessaries for that purpose, I sent her to this Port forthwith.* And I further declare, that Sir Robert

“ Mends died before I returned to His Majesty’s Ship ‘ Owen Glendower.’ ”

We are thus particular, Sir, as we feel it is of great importance, that you should think we do not omit to state every fact that may bear upon a question that our duty bids us submit to your notice, when we make our Reports of Cases which may have come before us in our judicial capacity. We trust that we shall not be understood to have been captiously particular in this instance. Nothing can be further from our intention.

We have the honour to be, &c.

(Signed)

E. GREGORY.

D. M. HAMILTON.

The Right Hon. George Canning,
&c. &c. &c.

First Enclosure in No. 43.

Affidavit of Mr. Joseph Batt in the Court of British and Spanish Mixed Commission.

Our Sovereign Lord the King against the Schooner Fabiana, Manoel Maria Comps, Master, her tackle, apparel, and furniture, and the Slaves taken or belonging to the same, by the Boats of His Majesty’s Ship Owen Glendower.

PERSONALLY appeared Joseph Batt, Acting Second Master of His Majesty’s Ship Owen Glendower, and maketh Oath, that on or about the 8th day of September last this Deponent was employed in the expedition against the Schooner Fabiana, on which day she was seen running through the Portuguese Channel at the Mouth of the River Bonny for the purpose of proceeding on her voyage to Havannah, as this Deponent was afterwards informed by the Master of the said Schooner; but immediately on the boats being sufficiently close to be observed, she hauled into a Creek in the River Bonny, where she landed her Slaves; and Deponent saith, that on boarding her she had every appearance of having had Slaves on board, Coppers large enough to cook for two hundred persons, and every other article necessary for the support of Slaves. That on the day she was seized, which was on the 14th day of September, King Peppel, one of the native Chiefs of the Bonny, sent on board a number of Slaves, stating that they were the same Slaves that were landed from on board of her on the 8th day of September; and Deponent further saith, that the Captain and Mate of the said Schooner Fabiana, together with all the Crew, except two, by their own request, were allowed to go on shore at Bonny on the day the seizure was made; and this Deponent further saith, that the Instructions of Commodore Sir Robert Mends to this Deponent and the Officer in charge of the Boats employed on the expedition, at the time of their quitting His Majesty’s Ship Owen Glendower, were to the following effect; that is to say, that in the event of any captures being made, any vessel so captured was to be immediately despatched to Sierra Leone, under the charge of this Deponent, without waiting to report the same to him, the Commodore.

(Signed)

J. BATT.

Sworn before me, at Freetown, this 4th day of November, 1823.

(Signed)

G. RENDALL, Acting Registrar.

(A true Copy.)

Sierra Leone, Nov. 12, 1824.

ROBERT HODDEN, Acting Registrar.

Second Enclosure in No. 43.

Affidavit of Lieutenant Gray in the Court of British and Spanish Mixed Commission.

In the Case of the Schooner Fabiana, Juan Manoel de Maria, Master.

Before Edward Gregory, Esquire, and Daniel Molloy Hamilton, Esquire, Commissioners, acting in the absence of the Spanish Commissioners.

I, WILLIAM GRAY, Esquire, do hereby declare, that, being an Acting Lieutenant of His Majesty’s Ship, Owen Glendower, I was deputed by Commodore Sir Robert Mends,

Captain of that vessel, with part of the crew and two boats of that vessel, to seize and detain any vessels which I might find in the River Bonny under the Spanish, Portuguese, or Netherlands Flag, trading in Slaves; that, when at the Mouth of the said River, I saw a Schooner, with the Spanish Flag flying, coming out, but which put back on observing us; that I immediately gave chase, but saw her landing what I verily believe to have been her Slaves, in the Creek into which she had run. That on boarding her she had every appearance of having just landed her Slaves, the Poopoo-Tubs being full of excrement, the rice in her coppers, &c. That on boarding her she proved to be the Schooner Fabiana, sailing under Spanish colours, armed with one nine-pounder and small arms, commanded by Juan Manoel de Maria, who declared her to be bound from the Havannah to the Coast of Africa and back, with a crew consisting of Twenty-four Men and Boys, said Master being Super-cargo. That on application to King Peppel he delivered up to me One Hundred and Twenty Slaves, which he declared to be all that remained out of her cargo, many having been lost and stolen in the hurry of landing them on the appearance of the Captors. Which Slaves are enumerated as under.

	Healthy.	Sickly.
Men	53	
Women and Girls	59	
Boys	8	
Total	120	

I do further declare, that, having orders from Sir Robert Mends to send such vessel as I might capture direct to this Port for adjudication, and finding her supplied with a sufficient stock of Provisions and other necessaries for that purpose, I sent her to this Port forthwith.

And I further declare, that Sir Robert Mends died before I returned to His Majesty's Ship Owen Glendower.

His Majesty's Ship Owen Glendower, lying in Sierra Leone Harbour this 20th day of December, 1823.

Witness, (Signed) J. BATT. (Signed) WILLIAM GRAY.

William Gray, Esquire, maketh oath that the contents of the foregoing Declaration are true. (Signed) WILLIAM GRAY.

Sworn before me this 20th day of December, 1823. (Signed) G. RENDALL, Acting Registrar.

Deponent, William Gray, saith, that the date of Capture omitted in the foregoing Deposition was the 14th day of September, 1823.

(Signed) WILLIAM GRAY.
Sworn before me this 24th day of December, 1823. (Signed) G. RENDALL, Acting Registrar.

Sierra Leone, 6th November, 1824.

(A true Copy.)

ROBERT HODDEN, Acting Registrar.

SIERRA LEONE. (Portugal.)

No. 44.

His Majesty's Commissioners to Mr. Secretary Canning.—(Received June 21, 1824.)

SIR,

Sierra Leone, April 14th, 1824.

WE had the honour to receive on the 11th instant, your despatch of the 10th of February 1824, furnishing us with ten copies of *Articles* signed at Lisbon on the 15th of March, 1823, *additional* to the *Convention* for preventing illegal traffic in Slaves, which was concluded at London on the 28th of July, 1817, between the King and *His Most Faithful Majesty*.

Agreeably to your Instructions, we shall, Sir, consider these Articles as binding upon us for the guidance of our conduct in giving effect to His Majesty's intentions in regard to the stipulations therein recorded.

We have the honour to be, &c.

(Signed)

E. GREGORY.

D. M. HAMILTON.

The Right Hon. George Canning,
&c. &c. &c.

No. 45.

His Majesty's Commissioners to Mr. Secretary Canning.—(Received June 21, 1824.)

SIR,

Sierra Leone, April 23d, 1824.

WE have the honour to report to you the circumstance of the detention of three vessels under the *Brazilian Flag*, by His Majesty's Ship "*Bann*," Captain *Courtenay*.

These vessels, the "*Minerva*," Ship, the "*Cerqueira*," Brig, and the "*Creola*," Schooner, were detained on the 30th of January, 1824, off the River *Lagos*, Latitude 6° 26" North, Longitude 3° 46" East. The "*Minerva*" and the "*Cerqueira*" arrived at *Sierra Leone* in the course of the last, and the "*Creola*" arrived hither early in the present month.

The papers of the "*Minerva*" were brought, soon after her arrival, into the Registry of the Mixed Court. The Proctor for the captor would have brought into the Registry, at the same time, the papers of the *Cerqueira*, but they were not taken in by the Registrar, as they could not be properly authenticated in the absence of Captain *Courtenay*, the captor.

The papers of the "*Creola*" were taken from her Prize-master at Sea, by the people of a vessel, which was supposed to be a Spanish Slave Trader, who plundered her of some part of her stores.

The Cases of the "*Cerqueira*" and of the "*Creola*" were not brought before the Mixed Court.

On examining the papers of the "*Minerva*," we found her to belong to *Bahia*; to be owned by a person at that place, and to be provided with a Passport by the Provisional Government of that place, acting under the authority of the *Emperor of Brazil*, authorizing a voyage to *Molembo* for slaves, by the way of the Islands of *Saint Thomas* and of *Princes*. We found that she sailed under the Imperial *Brazilian* flag, and that all her Clearance papers had been made out in accordance with the Imperial order of things in the *Brazils*.

The *Declaration* of the captor, Captain *Courtenay*, a copy of which declaration we have the honour to enclose, stated in effect, that the "*Minerva*" was detained by him on account of the informality of her Passport, which, as Captain *Courtenay* stated, "was furnished by the

Authorities of Bahia, acting under the individual who styled himself Emperor of Brazil, but which individual had never been, to Captain Courtenay's knowledge, recognised as such by His Majesty, or His Government; consequently was not qualified to grant Passports according to the provision of the 4th Article of the Treaty of the 22d of January, 1815," (Captain Courtenay must have meant the 4th Article of the Convention of the 28th of July, 1817) "which expressly provided that every *Portuguese* vessel must be furnished with a Royal Passport, and further provided by whom such Passports was to be signed at the several ports or places from which vessels employed in the legal traffic in slaves shall be fitted out."

Captain Courtenay "further declared that the Passport in question was informal in several other respects, which informality would be seen in the proper Court on inspection; he would merely state its being sealed with Arms called the *Imperial Arms of Brazil*, instead of the *Royal Arms of Portugal*."

The Master of the "*Minerva*" was not brought to Sierra Leone; he remained, as stated in Captain Courtenay's declaration, at Lagos. The Mate of the "*Minerva*" was examined upon the Standing Interrogatories on the 25th of March: he swore that no slaves had been taken on board during the voyage.

A Monition was issued, on the petition of the Proctor for the captors, citing all parties concerned in the Case to appear before the Court. The Monition was returned into the Registry on the 8th of April, but no claimant for the vessel appeared.

On our first view of the Case, as it was presented to us by the captor in his Declaration, we were of opinion that no sufficient ground had existed for the detention of the "*Minerva*." The alleged informality of her Passport could not be a sufficient ground for her detention, as by the 6th Article of the Convention it is expressly provided, that "no British or Portuguese cruiser shall detain any slave-ship not having slaves actually on board," or without "slaves have been put on board for the purposes of traffic," according to the Additional Article to the Convention of the 15th of March, 1823.

This opinion was not altered by the examination of the Mate of the "*Minerva*." The examination of this man did not shew any ground upon which the captor could justify her detention; and, therefore, under the circumstances of the Case, a sentence of condemnation could not be expected.

On the 17th of April a petition was presented to us by the Proctor for the captor, wherein he stated "that on perusing the examinations taken in the Case, it did not appear that any slave or slaves were actually on board at the time of the capture, or had been on board during the voyage in which she was captured, although the vessel was undoubtedly engaged in the illicit traffic; and that, as no claim had been made on the part of the owners of the vessel, the petitioner prayed that he might be allowed to withdraw the papers of the vessel from before the Court, in order that they might be returned to her."

We consented to the prayer of this petition, and the papers and the Case of the "*Minerva*" were accordingly withdrawn from the Court.

We understand that the papers of the "*Minerva*" were subsequently given up to the Mate of that vessel by the Proctor for the captors, and that she is now at liberty to depart from this place.

The Cases of the "*Cerqueira*" and the "*Creola*," were not, Sir, as we have already stated, brought before the Mixed Court. But we have been informed that the ground of their detention was similar to that of the "*Minerva*." We understand that the Brazilian or Portuguese crews

of those vessels have returned, by the consent of the Proctor for the captors, into the possession of them, and that the vessels are, in the same manner as the "Minerva," at liberty to depart from Sierra Leone.

We beg leave, Sir, to enclose, for your information, a copy of the English part of the slave-trading *Passport* of the "Minerva." You will observe, Sir, that excepting in the change from the Royal Portuguese to the Imperial Brazilian style, it is similar to the Model for the Passports for legal slave traders which is annexed to the Convention.

We should be extremely happy, Sir, to have your instructions upon this new point of the informality of the Brazilian Slave Trading Passports which has come before us. We should be extremely glad to learn whether His Majesty's Government will allow the validity of these Passports, and whether we are to adjudge, indifferently, (as at present we humbly apprehend that we must,) slave vessels under the Brazilian and under the Portuguese flag, by the Convention with *Portugal*, of the 28th of July, 1817.

We further beg leave, Sir, to enclose, for your information, a paper containing *Memorandums* respecting the "Minerva," the "Cerqueira," and the "Creola." The particulars connected with the two first vessels are extracted from their papers; the particulars regarding the third vessel are taken from information given to us by *José Rodriguez Ferreira*, the first Mate of the "Cerqueira."

We have the honour to be, &c.

(Signed)

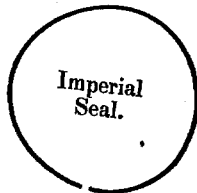
E. GREGORY.

D. M. HAMILTON.

The Right Hon. George Canning,
&c. &c. &c.

First Enclosure in No. 45.

Passport of the Brazilian Ship Minerva.



THE Provisional Government of the Province of Bahia make known to those that shall see this present Passport, that the vessel called *Minerva*, of two hundred and seventy tons, and carrying thirty-nine men, Manoel Joaquim de Almeida, Master, and John Victo Moreira, Owner, subjects of this Empire, is bound to the Port of *Molemo*, from whence she is to return to any of the Ports of the Empire of Brazil. The said Master and Owner having previously taken the required oath before the Board of Inspection, and having legally proved that no foreigner has any share in the above vessel or cargo, as appears by the Certificate of that Board which is annexed to this Passport. The said Manoel Joaquim de Almeida, Master, and John Victo Moreira, Owner, of the said vessel being under an obligation to enter solely such Ports on the Coast of Africa, where the Slave Trade is permitted to the subjects of this Empire, and to return from thence to any of the Ports of this Empire, where alone they shall be permitted to land the slaves whom they carry, after going through the proper forms, to shew that they have in every respect complied with the provisions of the Alvara of the 24th of November, 1813, which regulates the conveyance of Slaves from the Coast of Africa to the dominions of Brazil; and should they fail to execute any of these conditions, they shall be liable the penalties denounced by the Alvara of the 26th January, 1818, against those who shall carry on the Slave Trade in an illicit manner. And, as in going or returning, she may, either at Sea or in Port, meet officers of Ships and Vessels of the same Empire, His Majesty, the Emperor D. Pedro I. orders them not to give her any obstruction; and His Imperial Majesty recommends to the officers of the Fleets, Squadrons, and Ships of the Kings, Princes, Republics, and Potentates, the friends and allies of the Crown, not to prevent her from prosecuting her voyage, but on the contrary, to afford her any aid and accommodation she may want for continuing the same, being persuaded that those recommended by their Princes will on our part experience the same treatment. In testimony of which His Imperial Majesty has ordered her to be furnished by this Govern-

ment with this Passport, signed and sealed with the Great Seal of the Imperial Arms, which shall have validity only for going and returning, and for one voyage alone. Given in the Palace of the Government at Bahia, the twelfth of November, in the Year after the Birth of Our Lord Jesus Christ, one thousand eight hundred and twenty-three.

(Signed)



FRAN^{co} E. LISBOA PIRES DE CARV^o e ALBUQ^{RE} P.
 JOAQUIM JOZE PINHEIRO DE VAS^{cos} S.
 MANOEL GONSALVES MARIA BETENCOURT.
 FILESBERTO GOMES CALDR^A.
 ANTONIO e AUGUSTO DA SILVIA.

By Order of their Excellencies. JONATHAS ABBOTT.

This Passport, numbered, Five authorizes any number of Slaves not exceeding six hundred and seventy-five, being five heads per two tons, as permitted by the Alvara of the 24th of November, 1813, to be on board of this Ship at one time, excepting always such Slaves employed as Sailors or Domestics, and children born on board during the voyage.

(Signed)

FRAN^{co} E LISBOA PIRES DE CARV^o e ALBUQ^{RE} P.
 JOAQUIM JOZE PINHEIRO DE VAS^{cos} S.
 ANTONIO e AUGUSTO DA SILVA.
 MANOEL GONSALVES MARIA BETENCOURT.
 FILESBERTO GOMES CALDEIRA.

By Order of their Excellencies, JONATHAS ABBOTT.

Second Enclosure in No. 45.

Declaration of the Captor of the *Minerva*.

I HEREBY declare that the *Portuguese Ship Minerva*, of Bahia, under colours called by the crew *Brazilian*, and furnished with papers purporting to be of the same country, (but which are unknown to me as any national flag or papers,) was boarded and temporarily detained by His Majesty's Ship *Bann*, under my command, on the 30th January, 1824, for further investigation into the very suspicious circumstances under which I found her, she being, evidently and without a doubt, engaged in the Slave Trade at Lagos, in the Bight of Benin, Latitude 6° 26' 30" North; Longitude 3° 46' East; furnished with a Passport to carry 675 Slaves from Molembo, by the authorities of Bahia, acting under the individual who styles himself *Emperor of Brazil*, but which individual has never been, to my knowledge, recognised as such by His Majesty or Government, consequently not qualified to grant passports according to the provision of the 4th Article of the Treaty of the 22nd January, 1815, which expressly provides that every *Portuguese* vessel must be furnished with a Royal Passport, and further provides by whom such Passport is to be signed at the several ports or places from which vessels employed in the legal traffic in slaves shall be fitted out.

I further declare that the passport in question is informal in several other respects, which will be seen in the proper Court, on inspection. I will merely state its being sealed with Arms called the Imperial Arms of Brazil, instead of the Royal Arms of Portugal; the crew calling themselves *Brazilians*, are certainly nothing more or less than the rebellious subjects of His Faithful Majesty.

I further declare that in consequence of the Master of the *Minerva* being on shore at Lagos, as well as the Master of two other *Portuguese* vessels detained at the same time and place, I despatched the first Lieutenant (after waiting in vain for more than 24 hours in expectation of seeing them,) to communicate with the above Masters, and request they would return on board, in order that I might have a better opportunity of examining the business, and also of affording them an opportunity of explaining or clearing up what I considered sufficient grounds for the detention of their vessels;—that soon after the first Lieutenant's arrival in the River Lagos, and near the factory where the slaves purchased by the *Minerva's* cargo were deposited, a piratical, wanton, and furious attack was made upon the boats from the *Portuguese* and Natives, infuriated with the aquardente distributed among them; that the first Lieutenant, (Mr. Amsenck,) after an engagement of considerable time, finding his men were very fast dropping, and having already lost one killed, the second Lieutenant and six others wounded, without any apparent chance of success against a force so much superior, returned on board.

I further declare, in consequence of the informality and total invalidity of the Passport, the vessel being fitted in all respects for the reception of slaves, and being nominally destined for Molembo, but manifestly intended to complete her cargo at Lagos, I have sent her to Sierra Leone for adjudication in the Court of Mixed Commission.

I have not had it in my power to furnish the Master with the certificate of the seizure of his papers, as required by the 5th Article, in consequence of his non-appearance.

(Signed)

G. H. C. COURTENAY, Commander.

His Majesty's Ship *Bann*, off the River Lagos, 1st February, 1824.

*Third Enclosure in No. 45.**Memorandum regarding the Brazilian, or Portuguese, Ship Minerva.*

THE "Minerva" belonged to Bahia; was owned by João Victor Moreira of that place; was commanded by Manoel Joaquim de Almeida; had a crew of thirty-nine persons, including the Master. She had a cargo consisting of tobacco, aquardente, and piece goods; was fitted out for the Slave Trade, and was furnished by the Provisional Government of Bahia, acting under the authority of the *Emperor of Brazil*, with a Passport, dated the 12th of November, 1823, authorizing a voyage to Molembo for slaves, by the way of the Islands of Saint Thomas and of Princes'. She was allowed to carry 675 slaves, being the number proportioned to her burden of 270 tons. From Molembo, the "Minerva" was to proceed to Rio de Janeiro, by the way of Bahia.

The Minerva sailed from Bahia, under the Brazilian flag, on the 14th of November, 1823, and was detained off the River Lagos in Latitude $6^{\circ} 26''$ North, Longitude $3^{\circ} 46''$ East, on the 30th of January, 1824, by His Majesty's Ship "Bann," Captain Courtenay. The Master of the "Minerva" was on shore at Lagos when she was detained, and he was left there when the vessel was sent to Sierra Leone by the captor. The "Minerva" arrived at Sierra Leone on the 24th of March, 1824.

Memorandum respecting the Brazilian, or Portuguese, Brig "Cerqueira."

The Cerqueira belonged to Bahia, was owned by Joze Cerqueira Lima; was commanded by Manoel Cardozo dos Santos; had a crew of 42 persons, including the Master; was armed with eighteen guns, twelve pounders. She had a cargo of tobacco, aquardente, and piece goods; was fitted out for the Slave Trade, and was furnished with a Passport by the Provisional Government of Bahia, acting under the authority of the *Emperor of Brazil*, dated the 29th of October, 1823, authorizing a voyage to Molembo for slaves, by the way of the Islands of St. Thomas and of Princes. She was allowed to carry 761 slaves, being the number proportioned to her burden of $304\frac{1}{2}$ tons. From Molembo the "Cerqueira" was to proceed to Rio de Janeiro, by the way of Bahia.

The Cerqueira sailed from Bahia, under the Brazilian flag, on the 7th of November, 1823, and was detained off the River Lagos, Latitude $6^{\circ} 26''$ North, Longitude $3^{\circ} 46''$ East, on the 30th of January, 1824, by His Majesty's Ship "Bann," Captain Courtenay. The Master of the "Cerqueira" was on shore at Lagos when she was detained, and was left there when she was sent to Sierra Leone, by the captor. The Cerqueira arrived at Sierra Leone on the 15th of March, 1824.

Memorandum respecting the Brazilian, or Portuguese, Schooner "Creola."

The Creola belonged to Bahia; was owned by Vicente de Paola e Silva, of that place; was commanded by André Pinto de Silveira; had a crew of 26 persons, including the Master. She had a cargo of tobacco, aquardente and piece goods; was fitted out for the slave trade; was allowed to carry about 350 slaves; sailed from Bahia, under the Brazilian flag, on the 20th of October, 1823, with a professed destination for Molembo for slaves. From Molembo, the "Creola" was to proceed to Rio de Janeiro, by the way of Bahia.

The "Creola" was detained off the River Lagos, Latitude $6^{\circ} 26''$ North, Longitude $3^{\circ} 46''$ East, on the 30th of January, 1824, by His Majesty's Ship "Bann," Captain Courtenay. The Master of the "Creola" was on shore at Lagos when the "Creola" was detained, and he was left there when she was sent to Sierra Leone by the captor. The Creola arrived at Sierra Leone on the 1st of April, 1824.

No. 46.

His Majesty's Commissioners to Mr. Secretary Canning.—(Received July 14, 1824.)

SIR,

Sierra Leone, May 20, 1824.

IN our despatch of the 23rd ultimo, we had the honour to report to you the circumstance of the detention of *three* vessels under the *Brazilian* flag, by His Majesty's ship *Bann*, Captain Courtenay.

We stated that these vessels were, at the date of our despatch, at liberty to depart from Sierra Leone, in consequence of dispositions

made with the principal Officers on board of them, by the Proctor for the captor.

These vessels quitted Sierra Leone on the 29th of April. Their people said that they should go back to Lagos in quest of the Masters of the vessels, who had remained there when the vessels were captured and sent hither for adjudication.

We conceive it to be probable that an endeavour will be made to take on board at Lagos, and convey to Bahia, or Rio de Janeiro, the slaves that were in readiness to be embarked when the capture took place.

We have now the honour to report to you, Sir, the circumstance of the adjudication of a Brig, under the Brazilian flag, named the "*Bom Caminho*."

This Brig was taken in Latitude 1° 43' North, Longitude 3° 33' East, on the 10th of March last, by His Majesty's Ship *Bann*, commanded by Captain *Woolcombe*, with 334 slaves on board, whilst proceeding on her homeward voyage to Bahia. The slaves were acknowledged by the Master and Surgeon of the Brig, on their examination in the Mixed Court, to have been taken on board at Badagary, in the Bight of Benin, to the Northward of the Equator. This acknowledgment was sufficient for the condemnation of the vessel; and, accordingly, she was sentenced to be condemned, and her slaves to be emancipated. We beg leave, Sir, to enclose herewith a short *Report* of the principal facts of this Case, for your further information.

In this Case we have borne in mind the desire expressed in your despatch of the 17th of November, 1823, that we should cause to be inserted in the sentences of condemnation under the Commissions, a clause, stating whether any and what number of slaves were seized and found on board of Slave Ships, at the time of their detention and capture.

We have been satisfied, from the evidence given in this Case, that 334 slaves were on board of the "*Bom Caminho*," at the time of her detention by His Majesty's Ship *Bann*; and the Acting Registrar has received directions to insert a clause in the sentence of condemnation in the Case, recording our opinions on this point.

You will observe, Sir, in the enclosed Report, that the Slave Trading Passport of the "*Bom Caminho*," authorized that vessel to proceed from Molembo to Rio de Janeiro, by the way of Pernambuco and Bahia.

We omitted, contrary to our intention, to bring particularly under your notice in our despatch of the 23rd ultimo, the fact that the *Three* Slave vessels therein mentioned had permission to proceed with their slaves from Molembo to Rio de Janeiro, by the way of Bahia.

In the "*Printed Correspondence with Foreign Powers relative to the Slave Trade, presented to both Houses of Parliament by command of His Majesty, in the month of July, 1823,*" we find, at pages 92 and 95, (Class A.) that the attention of Mr. *Chamberlain*, His Majesty's Consul-General at Rio de Janeiro, and of Mr. *Pennel*, His Majesty's Consul at Bahia, had been turned to suspicious circumstances connected with the voyage to *Rio de Janeiro from Bahia* of two Slave Ships, named the "*Desengano*" and "*Toninha*," and that Mr. Chamberlain expressed his regret to the late Marquess of Londonderry, "that the Trade in slaves to the North of the Line continued to be successfully carried on by the shipping from Bahia, whose merchants had begun to supply Rio de Janeiro with negroes from Calabar, and other Countries in that part of Africa."

The circumstance that the four slave ships that have lately been brought hither for adjudication, were allowed to proceed with their cargoes of slaves to Rio de Janeiro from Bahia, must prove how well

founded were Mr. Chamberlain's suspicions that the merchants of Bahia supplied that Capital with slaves *illegally acquired by them*. We suppose that these four ships were to proceed to Bahia, in the first instance, the better to screen, by going through official forms there, the illegal character of their voyage from those disposed to inform against them at Rio de Janeiro.

Another omission in our above despatch, and for which, Sir, and for the omission above mentioned, we beg your indulgence, was that we did not mention particularly the circumstance that the *Passport* of the "*Minerva*," the "*Cerqueira*," and the "*Creola*," permitted those vessels to proceed to Molembo by the way of the Islands of Princes, and of Saint Thomas. His Majesty's Commissioners have again and again felt it to be their duty to notice to superior Authority the abuse that has been made of such permission; and once more they beg leave to notice that abuse in the instance of these vessels, aware, as they are, of the representations that have been made by you, Sir, on this subject, to the Government of His Most Faithful Majesty.

We have the honour to be, &c.

(Signed)

E. GREGORY,

D. M. HAMILTON.

The Right Hon. George Canning,

&c.

&c.

&c.

Enclosure in No. 46.

Report of the Case of the Brazilian, or Portuguese, Brig, Bom Caminho, Joaquim Luis d' Araujo, Master.

THIS Vessel was brought to Sierra Leone on the 24th of April, 1824, with 327 slaves on board. She was captured, with 334 slaves, on the 10th of March, 1824, in Latitude $1^{\circ} 42'$ North, Longitude $3^{\circ} 23'$ East, by His Majesty's Ship *Bann*, Captain Woolcombe. Seven slaves died after the capture on the Voyage to Sierra Leone.

The papers of the *Bom Caminho* were brought into the Registry on the 27th of April. A Monition was issued on the 28th of April citing the parties interested in the Case to appear before the Court. The slaves, at the instance of the captor and with the consent of the Master of the Brig, were landed on that day.

It appeared on an examination of the papers of the *Bom Caminho*, that she sailed under the Brazilian flag; was owned by Thome Alfonso de Moura of Bahia, was commanded by Joaquim Luis d'Araujo, and that she had a crew of twenty-seven persons, including the Master. It appeared that she was furnished with a *Passport* by the Provisional Government of Bahia, acting under the authority of the Emperor of Brazil, dated the 27th of November, 1823, authorizing a voyage to Molembo for 506 slaves, being the number proportioned to her alleged burden of $202\frac{1}{2}$ tons, and stating that she was to proceed from Molembo to Rio de Janeiro by the way of Pernambuco and Bahia. Her outward cargo consisted of tobacco and aquardente. The *Bom Caminho* sailed from Bahia on the 9th of December. She made Cape Palmas, Latitude $4^{\circ} 26'$ North, on the 20th of January, 1824. On the 29th of January she was boarded off Elmina from His Majesty's Ship *Owen Glendower*, and taken to Cape Coast, where Captain Woolcombe, the Commander, at that time, of the *Owen Glendower*, endorsed her papers, and warned the Master not to traffic in slaves to the Northward of the Equator.

The Master and Surgeon of the Brig were examined on the Standing Interrogatories. They both acknowledged that the slaves found in the vessel by the captor were taken on board at Badagary in the Bight of Benin, to the Northward of the Equator.

On the 15th of May, the Commissioners met in Court on this Case. No Claimant appeared for the vessel. Sentence of condemnation was passed against her, and her slaves were decreed to be emancipated. The Commissioners decreed that 334 slaves were on board of the *Bom Caminho* at the time of her capture.

Sierra Leone, May 20th, 1824.

(Signed)

E. GREGORY.

D. M. HAMILTON.

No. 47.

Mr. Secretary Canning to His Majesty's Commissioners.

GENTLEMEN,

Foreign Office, August 6th, 1824

IN reference to that part of your despatch of the 23d of April, of this year, (marked Portugal,) wherein you request Instructions for your guidance, in the case of Vessels sailing under the *Brazilian* Flag, and furnished with a Brazilian Passport, being brought in for adjudication under the Court whereof you are Members; I have received the King's Commands to state to you, that your proceedings in the case of the *Bom Caminho*, as detailed in your despatch of the 20th of May, 1824, have met with His Majesty's Approbation.

I am, &c.

(Signed) GEORGE CANNING.

His Majesty's Commissioners,
Sierra Leone.

No. 48.

*E. Gregory, Esq. to Mr. Secretary Canning.—(Received
October 2nd, 1824.)*

SIR,

Sierra Leone, August 5th, 1824.

HIS Majesty's Ship "*Victor*," commanded by Captain *John Scott*, captured on the 8th of May last, off Princes' Island, a Schooner-boat named the "*Maria Piquena*," that was on its return to the Island from the River *Gaboon* with a cargo of seventeen slaves, some ivory, gum, and bees'-wax. The Schooner-boat was about twenty-two feet long, and of about four or five tons burden; Captain *Scott* stated in his declaration that she was filled within eighteen inches of her hatches with ivory, &c., so that no human being could be admitted under the deck except in a sloping or laying position.

The Schooner-boat was chased, according to Captain *Scott*, from seaward; the crew endeavoured to run her aground, but were prevented from so doing by the English boats in chase; they contrived, however, to land on Princes' Island six slaves from the Schooner-boat; the captors, on taking possession of her, found eleven slaves on board.

Upon the representation of Captain *Scott*, the six slaves of the "*Maria Piquena*," that had been landed on the Island by her crew, were delivered up to Captain *Scott* by the government of Princes'. Captain *Scott* stated in his declaration that all the slaves of the Schooner-boat were in a state of starvation, and that one slave died a few hours after the vessel was seized.

Captain *Scott* left the Schooner-boat in the charge of the government of Princes' Island to await the decision of the Mixed Court at Sierra Leone: as she was unfit to perform the voyage hither, Captain *Scott* put the slaves on board of a Brig that he had seized, named the "*Vencedor*," and giving the papers of the "*Maria Piquena*" to the Prize Master of the "*Vencedor*," he despatched the latter vessel to this place.

The "*Vencedor*" arrived at Sierra Leone on the 31st of May. On the 9th of June, the papers of the "*Maria Piquena*" were given into the Registry. On the 22nd of that month, the Master and a Seaman

of that Vessel were examined on the Standing Interrogatories: their evidence afforded proof of the illegality of the voyage of the "Maria Piquena." It was confessed that the slaves that had been found on board of the Schooner-boat by the captors, had been purchased at the River Gaboon, to the Northward of the Equator.

Mr. Hamilton's engagements as Acting Governor of this Colony prevented a Court being held for the decision of this Case until the 14th of July. On that day, Sentence of condemnation was passed against the "Maria Piquena." Eleven slaves were decreed to have been found on board at the time of the seizure and detention of that Vessel: those slaves were emancipated under the Treaty, and delivered over to the Colonial Government.

I have the honour to enclose herewith, for your more particular information, a *Report* of the case of the "Maria Piquena," (Marked A.)

A great number of letters, written by persons at the River Gaboon to their friends at Princes' Island, were found on board of the "Maria Piquena," by the captors, and were given into the Registry with the papers of that vessel. The greater part of these letters were on trivial subjects: a few disclosed that the illegal slave traffic betwixt this Continent and Princes' Island was still openly and shamelessly carried on by the chief authority, and by the subordinate officers of that Island.

I have selected such letters as disclosed the pursuits of their writers and of the friends of those writers at Princes' Island. From the style of these letters it would not appear that there existed in that Island the least proper feeling in regard to the illegal traffic in slaves. I beg leave to enclose herewith copies of these letters, (marked B.,) with their translations into the English language.

The first letter is addressed to Joze Xavier Gonzaga de Silva, the President of the Governing Junta of Princes' Island. The writer of this letter was, at its date, at the River Gaboon, in a Schooner belonging to Princes' Island. The letter shews him to have been ready to engage in a commerce of a licit or illicit nature, as it promised to be most advantageous to his pecuniary interests, or to the pecuniary interests of his employer, who, it may not be unfairly inferred from the general style of the letter, was the President of the Junta of Princes' Island. In the postscript to this letter, you will observe, Sir, that the writer says that "he had spoken to Senhor Leonardo (the Master of the "Maria Piquena") about the ivory; that Leonardo would not pay him on account of the old debts, and that he could only get from him two slaves, which he then sent." I have been informed by the Master of the "Maria Piquena," that these two slaves were actually on board of that vessel at the time of her capture by the "Victor." The writer of this first letter acknowledges the receipt of sundry articles of merchandise that had been sent to him by De Silva. The paper No. 2, contains the invoice of this merchandise, as made out by De Silva, and establishes proof of the connexion that existed betwixt himself and his correspondent at the Gaboon.

The letter No. 3, is addressed by Joao Borges de Silva to his Brother at Princes' Island, and confirms the suspicions raised in regard to the illegal slave-trading designs of its writer.

By the letter No. 4, it appears that "a black boy was sent by the Schooner-boat, for whom freight was to be paid," by the person to whom the letter was addressed. The Master of the "Maria Piquena" has informed me that this boy was on board of his vessel when she was captured. Of course, therefore, the boy was intended for Princes' Island, although there is not any particular address on the letter.

The letter No. 5, relates to a past transaction, apparently of a Slave trading nature.

I enclose the letter No. 6, merely, Sir, that you may see that trade is the business even of the Clergy of Princes' Island. I much suspect that the ten or twenty ivory teeth spoken of by the writer of that letter, mean ten or twenty slaves, for the purchase of which he would not charge his friend with a commission.

To these letters I beg leave to add a seventh, (C.) which, Sir, is well worthy of notice when contrasted with the letter No. 1, in particular, and with the other letters, which shew that the Government of Princes' Island is any thing but active, as it asserts itself to be, in suppressing the illicit Slave Trade. The letter of which I here make mention was addressed by the persons composing the Junta of Government at Princes' Island to Captain Scott, on the occasion of Captain Scott's representation to them of the capture of the "Maria Piquena." Captain Scott forwarded that letter with the papers of the Schooner-boat. The first signature to the letter, is that of Joze Xavier Gonzaga de Silva, the President of the Junta, and the person to whom the letter No. 1 is addressed.

It will be needless for me, Sir, to draw your attention to the state in which the slaves of the "Maria Piquena" were found by the captors. The attention of every feeling mind, upon a knowledge of the facts of the case, must be drawn to that state.

I understand from the Master of the "Maria Piquena," that a new Governor from Portugal was expected at Princes' Island, in the month of February last. Perhaps the presence of a Governor, a stranger to the place, may be some check upon the pursuits of the illegal dealers in slaves.

I have the honour, &c.
(Signed)

E. GREGORY.

The Right Hon. George Canning,
&c. &c. &c.

Enclosure (A.) in No. 48.

Report of the Case of the Portuguese Schooner-boat, "Maria Piquena," Leonardo Guaresma, Master.

THIS vessel was detained on the 8th of May, 1824, off Princes' Island, by His Majesty's Ship *Victor*, commanded by Captain *Scott*.

The Declaration made by Captain *Scott*, at the time of the detention of the "Maria Piquena," stated, that "he, Captain *Scott*, boarded and seized that vessel at about four or five miles' distance from the harbour of Port Antonio, Princes' Island, after chasing her from Seaward; that, in the chase, she succeeded in landing six of her Slaves, which landing was distinctly seen; that, on taking possession of her, eleven Slaves were actually found on board; that they had been procured at the River Gaboon, which is twenty-seven miles to the Northward of the Equator; that the six Slaves which had been landed were recovered from the Governor of Princes' Island, upon a representation made to him; that the unfortunate creatures, seventeen in number, were in a state of starvation; that one of the number died a few hours after the vessel was seized, and several were in such a reduced state as to leave small hopes of their recovery."

Captain *Scott*'s Declaration further stated, that "the 'Maria Piquena' was, originally, a Ship's long-boat, about twenty-two feet long, and of about four or five tons burden; that she was filled, within eighteen inches of her hatches, with ivory, bees'-wax, and gum copal, which precluded the possibility of admitting any human being under the hatches, unless in a sloping or laying position."

In a Certificate of Captain *Scott*, it was stated, that "the 'Maria Piquena' had been delivered over to the Governor of Princes' Island to be taken care of until the decision of the Court of Mixed Commission at Sierra Leone should be known, owing to her being unsafe and unfit, in every way, to perform the voyage to Sierra Leone; that the Negroes had

been removed to the 'Vencedor,' a Brig that had been detained by the 'Victor,' in order to their being sent to Sierra Leone with the papers of the 'Maria Piquena.' It was not stated in what manner the ivory, gum, and bees'-wax, found on board of the Schooner-boat had been disposed of."

The Brig "Vencedor" arrived at Sierra Leone on the 31st of May, 1824. Some of the Slaves of the "Maria Piquena" died on the passage.

The papers of the "Maria Piquena" were not given into the Registry by the Agent for the Captors until the 9th of June. On the 14th of June, a Monition was directed to be issued, citing all parties interested in the Case to appear in proper time before the Court. On the 22d of June, the Master and a Seaman of the "Maria Piquena" were examined on the Standing Interrogatories.

The Master, Leonardo Gnaresma, deposed that the "Maria Piquena" belonged to himself; that she was under Portuguese colours, and had five Seamen on board; that the voyage began at Princes' Island, and was to have ended there; that the last place they sailed from was the Gaboon-River, where he took on board Slaves, gum, wax, and ivory.

The Seaman deposed to the same effect as the Master of the Schooner-boat.

The Monition in this Case was returned into the Registry on the 25th of June.

On the 14th of July, the Commissioners decided upon the Case. The only point that had presented itself to their notice, was that of the particular place of the detention of the Schooner-boat by the "Victor." The Captor had stated in his Declaration that the detention had taken place at four or five miles' distance from the harbour of Princes' Island. The Master of the Schooner-boat had deposed on his examination on the Standing Interrogatories, that "she was taken close to the harbour of St. Antonio, by one of the Man of War's boats." The seaman had said that "they first saw the capturing Ship at anchor in Princes' Island harbour; that they were taken close to the Fort Saint Antonio by a boat belonging to the Man of War; that they tried to pull in shore to get aground, but the boat overtook them."

The Seaman here admitted that there had been a chase, and that the Schooner-boat was intercepted in her endeavour to gain the shore. This admission gave the Commissioners reason to think that the assertion of the Captor, as contained in his Declaration, was mainly proved, and that the detention had not taken place within privileged limits.

The Slaves found on board of the "Maria Piquena," having been purchased to the Northward of the Equator, rendered her voyage illegal; and, accordingly, she was condemned as prize to the Crowns of Great Britain and Portugal.

The Captor having stated in his Declaration that six Slaves were landed from the "Maria Piquena" during her chase by him, and that he only found eleven Slaves actually on board when he took possession of her,—the Commissioners decreed that eleven Slaves only were seized and found on board of the "Maria Piquena" at the time of her Capture, and further decreed those eleven Slaves only to be emancipated from Slavery under the Treaty.

The Captors, on bringing the papers of the "Maria Piquena" into the Registry, did not give any account of the manner in which the ivory, bees'-wax, and gum, found on board of that vessel had been disposed of. The Court, on passing sentence of condemnation against the vessel, directed the Registrar to inquire respecting this matter, and to report to the Court the result of his enquiries. The Acting Registrar reported to the Court, on the 27th July, that he had received from the Prize Agent of the Brig "Vencedor," five escrevelloes (small elephant's teeth,) weighing thirty-four pounds; two teeth of ivory, weighing forty-six pounds, with three hundred and eight pounds of bees'-wax. The gum that was found on board of the "Maria Piquena" was not accounted for.

(Signed)

E. GREGORY.

Sierra Leone, August 5th, 1824.

Enclosure (B.) in No. 48.

Copies and Extracts of Letters relating to the Portuguese Schooner-boat, Maria Piquena.

(1.)

Prince Will, 27 de Abril, 1824.

ILLUSTRISSIMO SENHOR,

T. Coronel Jozé Xavier Gonzaga de Silva, Dignissimo Presidente do Governo e Comandante do Regimento da Milicia da Ilha do Principe.

EM primeiro lugar dezejo que esta emcontre á V. S^a. e as Illustrissimas Senhoras D. Maria Rôez e D. Maria da Cruz na pose de huma perfecta saude.

Participo á V. S^a. que levei para Santo Thomé dez dias de viagem, e entreguei o Senhor Paula tudo que V. S^a. lhe remeteo; parti de tres dias para este Rio onde cheguei a 15 do corrente mes e emcomtrei o Rio muito farto de tudo, que nem caso de nos elles fazem. O Rio presentemente tem algum marfim mais muito caro; de forma que ate agora so tenho 400 e tantas lb. Tem vindo a meo bordo muito marfim mais o seu preço e armas que elles

pedem não pode comprar. Vou vendo nesta semana se posso comprar algum, alem de que elles pedem muito caro; por hum marfim querem 3 e 4 armas. O Frances só na m^a. vista comprou mais de dois mil lb. e pagou por huma ponta de 50 lb., 70 Braça por não ter arame. E scruvelha não tem aparecido nada. Goma ate agora nemhuma lb., e nem ha q^m. q. tomar carregação para este fim como elles costumaõ tomar e deixar penhor. Pasa dois e tres dias sem não ver huma só canoa a bordo. O Frances emcheo o Rio de Fazenda, agoardente &c. e na outra banda o navio da Bahia que paga por hum Escr^o. 70 Braça; Frances 75 em toda miudeza. O Porto de Prince Will esta peor que o Guabene. V. S^a., não he senaõ ver canoa de Senhor filho de Prince Will pedir agoardente, tabacco; e senaõ mandar he dezordems; melhor explicarã, Vossa Senhoria o Senhor Leonardo. Deos Guarde a Vossa Senhoria muchos anos. De Vossa Senhoria seu Criado.

(Signed)

JOAO BORGES DA SILVA.

P. S. Fallei o Senhor Leonardo sobre o marfim. Este não me quer entregar das divias antigas so a pude receber este 2 Escravos que agora remeto. O Prince Will ate agora nada me entregou e recebi do Senhor Leonardo 7 panos grandes, 133 lb. de tabacco, 1 pano pequeno, 1 calderaõ, e tambem o que consta na pequena factura que V. S^a. lhe entregou, que saõ 50 panos, 20 p^o. Rumoll, 10 de Xita, 10 de l^o. azul; e supri a d^o., Senhor com huma Butija de azeite, 1 cabra e 11 $\frac{1}{2}$ braça de fazenda, mais 100 peixe; ate hoje 1^o de Maio estõ com 600 e tantas lb. de marfim; nada de goma.

Eu me acho alguma coisa doente de febre desde que sahi da Ilha ate agora.

(Signed)

J. BORGES.

Prince Will, 1^o de Maio, 1824.

(2.)

Factura particular entregue do Senhor Leonardo para dispor no Gabao por conta de q^m. pertencer.

50 Panos da Costa, d ^o . 2,000	R ^s . 100,
20 Panos da Rumoll, 3,200	64,000
10 Meas panos de Xita, 2,400	24,000
10 P ^o . de l ^o . azues dito, 2,400	24,000
	212,000

Para 353 lb. de marfim R. 600 211,800

(Signed)

XAVIER DE SILVA.

Ilha de Principe, 16 de Fevr^o., 1824.

(3.)

Senhor Manoel Gomez da Silva, Alferes do Regimento da Ilha do Principe.

MEU QUERIDO MANO,

EM primeiro que tudo desejo que esta minha emcontre a V. M. livre de todas as molestias, logrando huma perfeita saude em comp^a. da Snr^a. D. M^a. Roiz, m^a Comadre.

Eu sinto muito as ingraticõs que eu fis na ocaziã da sua molestia, e peço lhe perdaõ, visto que a nosa amizade não admite desavença. Eu me acho doente desde que sahi da Ilha, cercado de fevres servindome de cuberta a chuva.

Em quanto o negocio, meu mano, peor V. M. bem sabe onde está Frances pagando 75 Portugese da B^a. em Guabene pagando o mesmo, por cada cativo, fora as miudesas, daixas, &c.; como pode navio da Ilha falar. Recomendame o mano Ribeiro, Maria Joze, comp^a. Jeronimo, nosso avo, meu pai. D^o. G^o. a V. M. m^a. Seu Irmaõ

(Signed)

J. B. DE SILVA.

(4.)

Rio do Gabao, 30 de Abril, de 1824.

Illustrissimo Senhor Thenente, Francisco M^o. Xavier.

ESTIMAREI que esta lhe emcontre com huma prefecta saude igoalmente ao meu desejo. Snr recebe na mão do Leonardo, mestre da escuna, hum moleque meu, e tera bondade de lhe pagar o frete athé a m^a. chegada.

(Signed)

MANOEL RODRIGUEZ FURTADO.

(5.)

Rio do Gabao, 30 de Abril, 1824.

Illustrissimo Senhor Capitam Antonio Joze Francisco do Baros,

EM quanto escravo que mandei pella Escuna Madalena, foi hum muleque, que, V. S^a. bem sabe a que eu troquei com o Senhor Joao Borges; e hum foi huma palavra que me pagaraõ aqui na prezencia da tripulaçaõ d' Madalena.

Eu me acho ja pronto para-vir na Ilha quando vem a Escuna Madalena porque naõ posso paçar, ja mais fano e nem denfeita na mao do Gabao. Eu tenho 230lbs. de marfim a qual trago comiyo.

(Signed)

MANOEL GOMES PRIETO.

(6.)

Illustrissimo e Reverendissimo Senhor Padre Vigr^o. Jozé Gomes d' Andrade,

RECEBI a de V. R^{ma}. que muito estimei, por ficar V. R^{ma}. de saude. Deos lhe queira continuar com aquelas felicidades que V. R^{ma}. dez^o. Igualm^o. recebi o lenço, e a vela, e o mais, que tudo agradeço infinito. A vela agou a metade, por que os Ingleses tambem tem medo de trivoadas, cortaraõ a metade na revista que fizeraõ a embarcaçaõ. A cera que V. R^{ma}. me manda falar nao a remeto por naõ ter ainda, pois eston sem mindezas porem fica a meo cuid^o. em a comprar e como ainda tempo para caran nunca ficara V. R^{ma}. sem ela. Em quanto a troca dos bolos, naõ repare V. R^{ma}. nisso. A respecto da comisaõ, V. R^{ma}. quer que eu lhe peça huma injuria? Diso e naõ se alembre de comisons, nunca, quando eu comprase 10 ou 20 marfims, ou outra cousa ou mais. Diso nao era capas de levar a V. R^{ma}. comisons, pois V. R^{ma}. bem sabe que eu tenho a honra de ser seu criado, e hum criado que tem recebido tantos obzequios e deve V. R^{ma}. crer que tudo quanto me determinar com muito gosto me esforçare para cumprir as suas ordens e o que naõ for logo e logo sera pelas circunstancias do tempo porem nunca haverá falta. Agora remeto p^o. Snr Leonardo huma garafa com samijugas pois naõ tinha as mandado porque naõ sabia que V. R^{ma}. as queira e quando tive noticia foi em huma carta que V. R^{ma}. me dezia naõ se esqueça das bixas. Nao mando agora fio porem mandarei p^{ia}. pr^a. occasiaõ. Fico de saude graças a Deos e pronto para tudo quanto me determinar. Os Ceos g^o. a V. R^{ma}. muchos annos. Sou com consideraçaõ.

De V. R^{ma}.M^{to} seo Ven^{or} e obi^{mo} Cr^o.

(Signed)

MIGUEL DOS ANJOS POLICARPO.

Enclosure (B.) in No. 48.

(Translation.)

Copies and Extracts of Letters relating to the Portuguese Schooner-Boat, Maria Piquena.

(1.)

Prince Will, April 27th, 1824.

Most Illustrious Lieutenant Colonel Jozé Xavier Gonzaga de Silva,

IN the first place, I wish that this letter may find your honour and the most illustrious ladies, Dona Maria Rodriguez and Dona Maria da Cruz, in the possession of perfect health.

I have to inform your honour that I was ten days on the voyage to St. Thomas', and that I delivered to Senhor Paula all that your honour sent to him. I left the Island in three days for this River, where I arrived on the 15th of this month. I found the River so full of every thing, that no notice was taken of us. There is at present in the River some ivory, but very dear, so that up to this time I have only four hundred and odd pounds of that article. A great deal of ivory has been brought on board of my vessel; but the prices, and the circumstance of their requiring arms, had prevented me from buying. I shall see this week whether I can purchase some ivory, although they (the natives) may ask dear for it. For one tooth they want three or four arms. The Frenchman, alone, in my sight, bought more than two thousand pounds of ivory; and he paid for one tooth, weighing fifty pounds, seventy fathoms (of cloth,) as he had not any arms. There are not any escrevelloes, nor a single pound of gum, and no one will take goods to procure any, as they are accustomed to take and leave pawns. Two or three days pass without our seeing a single canoe alongside. The Frenchman has filled the River with cloths, aquardente, &c.; and, on the other side of the River, the vessel from Bahia, pays seventy fathoms (of cloth or of other goods having the same value) for a Slave. The Frenchman pays seventy-five, and in different articles. The port of Prince Will is worse than that of Guabene. Sir, there is nothing but the canoe of the son of Prince Will coming on board for aquardente and tobacco, and if these are not

given there is disorder. Senhor Leonardo will explain this better to your honour. May God preserve your honour many years.

Your Servant,
(Signed) JOAO BORGES DA SILVA.

P. S. I spoke to Senhor Leonardo about the ivory; he will not pay me, on account of the old debts. I could only get from him two Slaves, which I now send. Prince Will, until now, has not given me any thing. I have received from Senhor Leonardo, seven large cloths, one hundred and thirty-three pounds of tobacco, one small cloth, one iron pot, as also the articles mentioned in the invoice which your honour gave to him, viz.; fifty cloths, twenty pieces of romall, ten of calico, ten of blue cloth. I supplied Senhor Leonardo with one bottle of oil, one goat, and eleven and half fathoms of cloth, besides one hundred fish. Up to this day, the 1st of May, I have got six hundred and odd pounds of ivory, but no gum.

I have been rather unwell from the time of my leaving the Island until now.
(Signed) J. BORGES.

Prince Will, May 1st, 1824.

(2.)

Invoice of goods delivered to Senhor Leonardo, to be disposed of in the River Gaboon for the account of whom it may concern.

50 African cloths, dol. 2	R ^s . 100,000
20 Pieces of romall, 3,200	64,000
10 Half pieces of calico, 2,400	24,000
10 Pieces of blue cloth, 2,400	24,000

212,000

To be exchanged for 353 lbs. of ivory, at 600 Reiss
(Signed) 211,800

XAVIER DE SILVA.

Princes' Island, February 16th, 1824.

(3.)

Senhor Manoel Gomes da Silva, Ensign of the Regiment of Princes' Island.

My dear Brother,

IN the first place, I wish that this letter may find you free from sickness, and in perfect health, in company of Donna Maria Rodriguez, my gossip.

I am very sorry for my ingratitude on the occasion of your sickness, and I ask your pardon, as our friendship must not allow of disagreements. I have been sick since I left the Island, troubled with fevers, and exposed to the rain.

With respect to trade, my Brother, you know that it cannot be worse where Frenchmen are paying seventy-five, and Portuguese, from Bahia at Guabene, paying the same for each Slave, besides trifles, presents, &c.; Ships from the Island cannot do any thing. Remember me to brother Ribeiro, to Maria Jozé, to gossip Jeronimo, to our grandfather, and to our father. May God preserve you many years.

Your Brother.
(Signed) J. B. DE SILVA.

(4.)

Most Illustrious Lieutenant Francisco Martinez Xavier,

I WISH that this letter may find you in as perfect health as I desire you to be. Sir, receive from the hands of Leonardo, Master of the Schooner, a black boy of mine, and be so good as to pay to Leonardo freight for the same.

(Signed) MANOEL RODRIGUEZ FURTADO.

(5.)

River Gaboon, April 30th, 1824.

Most Illustrious Captain Antonio Jozé Francisco do Baros,

WITH respect to the Slaves that I sent by the Schooner "Magdalena," one was a boy, who, your honour well knows, I exchanged with Senhor Joao Borges; and one was for a palaver (a suit) that I had in the presence of the crew of the "Magdalena."

I am now ready to go to the Island, when the Schooner "Magdalena" may come; I cannot remain longer here. I have two hundred and thirty pounds of ivory, which I shall take with me.

(Signed) MANOEL GOMES PRIETO.

(6.)

Most Illustrious and Most Reverend Father Vicar, Jozé Comes d' Andrade,

I RECEIVED your reverence's letter with much pleasure, as it informed me of your health. May God continue to your reverence those felicities which your reverence may desire. I received the cloth, the candle, and the other things, for which I am very grateful. The candle was short by one half, as the English, who are also afraid of tornadoes, took half of it when they searched the vessel. I do not send the wax about which your reverence speaks, as I have not any yet, being without goods; but I will take care to buy some, and your reverence shall not remain without any. With regard to the exchange of cakes, your reverence need not think of it. With respect to commission, does your reverence wish me to commit an offence? Let not your reverence think of commission—never, even when I should buy ten or twenty teeth, or any thing else. I am not capable of charging your reverence with commission, as your reverence well knows that I have the honour to be your servant—and a servant who has received many favours from you. Your reverence may believe that I shall cheerfully endeavour to fulfil your orders, if not on the instant, when circumstances will permit. I now send by Senhor Leonardo a bottle filled with leeches. I did not send any before, as I did not know that your reverence wanted them. I do not send any thread, but will send some by the first opportunity. I remain in health, thank God, and ready for any thing that you may order. May Heaven preserve your reverence many years. I am with consideration,

Your Reverence's
Venerating and obliged Servant,
(Signed) MIGUEL DOS ANJOS POLICARPO.

Enclosure (C.) in No. 48.

The Junta of Princes' Island to Captain Scott.

Illm. S^r.

TENDO este Governo recebido o Officio de V. S^a. datada de 9 do corrente, e por não haver nesta Ilha traductor de Idioma Inglês, o mesmo Official portador tendo-o lido, nos deo por explicação que V. S^a. deteo em 5 milhas arredado da terra desta Ilha huma lancha de cuberta, denominada "Maria Pequena," propriedade de Leonardo Guaresma, que tendo sahido desta praça em Fevereiro com despacho para Gabaõ a marfim e goma, voltara no dia 8 do corrente com alguns escravos e que por este illicito trafico cometido pello d. dono e Mestre da lancha, Leonardo Guaresma, ficou detida a d^a. lancha que V. S^a. deixa presentemente com os pertences da lista assinada por V. S^a. entregue a este Governo athé a decisão da Corte de Sera Leõa.

Asseveramos á V. S^a. ficar entregue á este Governo a sobre dita lancha athé a decisão que V. S^a. nos refere.

Não podemos deixar de notar o animo do d^o. mestre da lancha em se atrever em hum commercio de contrabando quando bem sabe que nesta não pode entrar com semelhante carga de escravos contra o Tratado existente e do despacho com que desta sahio.

Se o intento do d^o. mestre hera lançar os escravos em terra fora do Porto por qualquer outra parte, estava bem enganado, pois sendo a nossa vigilancia tão activa a este respeito seriamos os primeiros verdugos para a punição de semelhante delito, e os escravos seguirião o fim expreso no d^o. Tratado existente.

D^o. G^o. a V. S^a. m^a. a^a. Em Junta do Governo da Capital e Ilha do Principe.

10 de Maio, de 1824. (Signed)

JOZE XAVIER GONZ^a. de S^r.

Illm. S^r. Joaõ Scott.

BERNARDO JOZE RAPOZA.

Commandante da Fragata Victor.

JOZE GOMES D'ANDRADE S^r.

Enclosure (C.) in No. 48.

(Translation.)

The Junta of Princes' Island to Captain Scott.

THIS Government received your despatch of the 9th instant. As there was not in this Island any person conversant with the English language, the Officer who brought the despatch read it, and explained to us that you had detained, at five miles' distance from this Island, a decked launch, named the "Maria Pequena," and owned by Leonardo Guaresma, which left this place in February, bound to the Gaboon for ivory and wax; and which was, on the 8th instant, on its return with some Slaves. The Officer further explained to us, that you had detained the said Schooner in consequence of the illicit traffic in which her Master, Leonardo Guaresma, had been engaged, and that you would leave her with this

Government, with the articles belonging to her, mentioned in the list signed by yourself, until the decision of the Court at Sierra Leone should be known.

We inform you that the said launch has been delivered to this Government.

We cannot but remark the effrontery of the Master of the launch in daring to engage in a traffic of a contraband nature, when he well knew that he could not come to this Island in defiance of the existing Treaty, and of the papers under which he sailed.

If it was the intention of the Master to land the Slaves outside of the harbour, or at any other place, he was deceived; as our vigilance being so active in regard to this contraband traffic, we ourselves would be his executioners to punish him for his crime, and the Slaves would be disposed of according to the Treaty.

May Heaven preserve you many years.

At the Assembly of the Government of the Capital and Island of Princes.'

(Signed) JOZE XAVIER GONZAGA DE SILVA.
BERNARDO JOZE RAPOZA.
JOZE GOMEZ D'ANDRADE SILVA.

10th of May, 1824.

Captain Scott, Commander of the Victor Schooner.

No. 49.

Mr. Secretary Canning to His Majesty's Commissioners.

GENTLEMEN,

Foreign Office, November 30, 1824.

I SEND herewith to you the Copy of a Despatch dated the 27th of August last, and of its enclosures, which I have received from His Majesty's Consul General in the Brazils*, containing an assurance from the Minister of State in that Country, that in taking the *dimensions of Vessels* fitted out for Slave-trade, a method shall henceforth be observed of measuring by some fixed and regular Tonnage, which may guard against the inconvenience of shipping an excessive quantity of Slaves in a given quantity of Tons admeasurement, as exemplified in the case of the *Nova Sorte*, and commented upon in your Despatch, marked Portugal, of the 8th of June, 1823.

I am, &c.

(Signed) GEORGE CANNING.

P. S. I send to you also, for your information, the copy of a Despatch, and of its Enclosures, from Mr. Chamberlain, dated the 18th of September, upon the same subject.

No. 50.

His Majesty's Commissioners to Mr. Secretary Canning.—(Received January 13, 1825.)

SIR,

Sierra Leone, November 5, 1824.

WE had the honour to receive on the 23d of September last, the despatch in which, with reference to the Instructions requested by us in the case of Vessels sailing under the *Brazilian* flag and furnished with a Brazilian Passport, you are pleased to state, that our proceedings in the case of the *Bom Caminho*, as detailed in our despatch of the 20th May last, Portugal, had met with His Majesty's approbation. We feel happy, Sir, at this intelligence, and we shall take the case of the *Bom Caminho* as a precedent for our guidance in cases of a similar nature that may come before us.

We have the honour to be, &c.

(Signed)

E. GREGORY.
D. M. HAMILTON.

The Right Hon. George Canning,
&c. &c. &c.

* See Class B.

No. 51.

His Majesty's Commissioners to Mr. Secretary Canning.—(Received March 7, 1825.)

SIR,

Sierra Leone, January 3, 1825.

SEVERE illness, with which we have both been visited, in the course of the last Four Weeks, has prevented, and its effects still continue to prevent, us from forwarding to you Reports of the Cases of Three *Brazilian*, or *Portuguese*, Slave Vessels, that were adjudicated by the British and Portuguese Court of Mixed Commission in the month of November last.

We hope to be enabled to form, and to despatch these Reports to England in a few days; in the meantime, we trust that the reason herein mentioned will be a sufficient excuse with you, Sir, for our not having transmitted them at an early period after the adjudication of the Vessels to which the Reports will relate.

We have the honour to be, &c.

(Signed)

E. GREGORY.

D. M. HAMILTON.

The Right Hon. George Canning,
&c. &c. &c.

No. 52.

Mr. Secretary Canning to His Majesty's Commissioners.

GENTLEMEN,

Foreign Office, March 16, 1825.

IN reference to my despatch to you, of the 30th of November last, on the subject of the *over-rating in Tonnage* of Vessels employed in the legal Slave-trade, I transmit herewith to you, for your information, the Copy of a Despatch dated the 11th of December, which I have recently received upon the subject from His Majesty's Consul General in Brazil, and of the answer which, by His Majesty's Command, I have this day returned thereto*

I am, &c.

(Signed)

GEORGE CANNING.

His Majesty's Commissioners, Sierra Leone.

* See Class B.

SIERRA LEONE. (*Netherlands.*)

No. 53.

Mr. Secretary Canning to His Majesty's Commissioners.

GENTLEMEN,

Foreign Office, May 28, 1824.

I HAVE to acquaint you, for your information, and that of the other Members of the Board forming your Commission, that His Majesty's Ship *Thetis*, of 46 guns, commanded by Captain *Sir John Phillimore*, has been furnished with the *Instructions* annexed to the *Treaty* of the 4th of May, 1818, between His Majesty and The King of *The Netherlands*, for the prevention of the traffic in Slaves.

I am, &c,
(Signed)

GEORGE CANNING.

His Majesty's Commissioners, Sierra Leone.

No. 54.

Mr. Secretary Canning to His Majesty's Commissioners.

GENTLEMEN,

Foreign Office, May 30, 1824.

I HAVE to acquaint you, for your information, and that of the other Members of your Commission, that the *Instructions* annexed to the *Treaty* between His Majesty and The King of *The Netherlands*, for the prevention of the Slave-trade, have been issued to the following Ships and Vessels of His Majesty's Navy: viz.—

Ship's Names.	Guns.	Commanders.
Gloucester - - -	74 - - -	George F. Rich.
Owen Glendower - -	42 - - -	Sir Robert Mends.
Ariadne - - -	26 - - -	Const. R. Moorsom.
Victor - - -	18 - - -	Thomas Prickett.
Swinger, G. B. - -	12 - - -	Lieut. John Scott.

And that the *Instructions* which had been issued to the *Iphigenia*, *Sybill*, *Tamar*, *Tees*, *Tyne*, *Thistle*, and *Snapper*, have been recalled and cancelled.

I am, &c.
(Signed)

GEORGE CANNING.

His Majesty's Commissioners, Sierra Leone.

No. 55.

*His Majesty's Commissioners to Mr. Secretary Canning.—(Received
June 20, 1824.)*

SIR,

Sierra Leone, April 5, 1824.

WE regret to inform you of the death of Mr. De Marrée, His Netherlands Majesty's Judge in the British and *Netherlands* Mixed Court at this place. This event occurred on the 2d instant.

The immediate cause of Mr. De Marrée's death was the fever of this Country, but he had for some time suffered much from a constitutional disorder.

We respectfully beg leave to submit to your consideration, whether it may not be well that the Government of His Majesty the King of The Netherlands should be informed through you, Sir, of Mr. De Marrée's death, as that Government cannot receive any direct information of this event from this Colony.

Mr. De Marrée's Public Papers will be lodged in the Registry of the Mixed Court, until the arrival of a Netherlands Commissioner:—his private Papers and Effects will be disposed of, under the direction of the Court of the Ordinary of this Colony.

We have the honour to be, &c.

(Signed)

E. GREGORY.

D. M. HAMILTON.

The Right Hon. George Canning,
&c. &c. &c.

No. 56.

*His Majesty's Commissioners to Mr. Secretary Canning.—(Received
July 14, 1824.)*

SIR,

Sierra Leone, May 18, 1824.

WE have the honour to report to you, that *Mr. Hamilton* has formally entered upon his appointment of Arbitrator in the British and *Netherlands* Mixed Court of Justice.

Having concerted with the acting Chief Justice of the Colony, *Mr. Kenneth Macaulay*, we met that Gentleman at the Government-house on the 28th of April last. His Majesty's Commission to Mr. Hamilton having been read, Mr. Hamilton took before the Acting Chief Justice the oath prescribed to him by the Commission, after which a Certificate of this fact was drawn up and signed by the Acting Chief Justice.

On the 15th instant, we met at the Mixed Commission Court-house; Mr. Hamilton exhibited to the Acting Registrar the Certificate of his having taken the Oath as Arbitrator before the Acting Chief Justice. A copy of the Certificate was taken by the Acting Registrar, to be kept amongst the Records of the Mixed Court. His Majesty's Commission to Mr. Hamilton was read in open Court, by the Acting Registrar, and the Court was declared to be open for the despatch of business. A minute was made of these proceedings.

We have the honour to be, &c.

(Signed)

E. GREGORY.

D. M. HAMILTON.

The Right Hon. George Canning,
&c. &c. &c.

No. 57.

Edward Gregory, Esq. to Mr. Secretary Canning—(Received Oct. 2, 1824.)

SIR,

Sierra Leone, August 4, 1824.

ON the 1st Ultimo only, Mr. Hamilton and myself had the honour to receive your Despatch, marked Duplicate, dated the 31st of December, 1823, acquainting us for our information, and for the information of the Gentlemen forming the Board of which we are Members, that a communication had been made to the Court of London, by the Netherlands' Ambassador, purporting that the Netherlands' Frigate, the "*Daageraad*" (Aurora), Captain Van der Hart, bound for the Coast of Guinea and the East Indies, had been furnished with a copy of the *Treaty* of the 4th of May, 1818, between His Majesty and the King of *The Netherlands*, and of the several documents annexed thereto.

The original of this Despatch has not been received by us.

A Minute has been made of the information which you have been pleased to communicate to us.

I have the honour, &c.

(Signed) E. GREGORY.

The Right Hon. George Canning,
&c. &c. &c.

No. 58.

Edward Gregory, Esq. to Mr. Secretary Canning—(Received Oct. 2, 1824.)

SIR,

Sierra Leone, August 4, 1824.

MR. HAMILTON and myself had the honour to receive, on the 1st Ultimo, your Despatch of the 6th of May, 1824, acquainting us, for our information and guidance, that *Instructions* under the Treaty with *The Netherlands*, for the prevention of the Slave Trade, had been furnished to His Majesty's Ships "*Isis*," "*Maidstone*," "*Eden*," and "*Surinam*;" and that the *Instructions* which had been issued to His Majesty's Ships "*Gloucester*" and "*Cyrene*," had been recalled and cancelled. A Minute has been made of this information.

I have the honour to be, &c.

(Signed) E. GREGORY.

The Right Hon. George Canning,
&c. &c. &c.

No. 59.

Edward Gregory, Esq. to Mr. Secretary Canning—(Received Nov. 11, 1824.)

SIR,

Sierra Leone, August 31, 1824.

HIS Majesty's Commissioners were honoured, on the 19th Instant, with your Despatches, dated 28th and 30th of May last.

The first Despatch acquainted the Commissioners that His Majesty's Ship *Thetis*, of forty-six guns, commanded by Captain Sir *John Phillimore*, had

been furnished with the *Instructions* annexed to the *Treaty* of the 4th of May, 1818, between His Majesty and the King of *The Netherlands*, for the prevention of the traffic in Slaves.

The second Despatch informed the Commissioners, that Instructions under the same Treaty had been issued to His Majesty's Ships "*Gloucester*," "*Owen Glendower*," "*Ariadne*," "*Victor*," and "*Swinger*." And that the Instructions had been recalled and cancelled which had been issued to His Majesty's Ships "*Iphigenia*," "*Sybille*," "*Tamar*," "*Tees*," "*Tyne*," "*Thistle*," and "*Snapper*."

A Minute will be made of these Communications.

I have the honour, &c.

(Signed) E. GREGORY.

The Right Hon. George Canning,
&c. &c. &c.

No. 60.

Mr. Secretary Canning to His Majesty's Commissioners.

GENTLEMEN,

Foreign Office, January 24, 1825.

I TRANSMIT to you, for your information, the Copy of a Note which the Count de Reede, one of the Ministers of the King of *The Netherlands*, addressed on the 10th Instant to His Majesty's Ambassador at that Court*, acquainting him, for the information of His Majesty's Government, that Mr. *E. P. G. Bonnouorié*, the Arbitrator in the joint Court at Sierra Leone, has been appointed to the Office of Judge in that Court, in the room of the late Mr. *J. A. de Marrée*.

I am, &c.

(Signed) GEORGE CANNING.

His Majesty's Commissioners, Sierra Leone.

No. 61.

Mr. Secretary Canning to His Majesty's Commissioners.

GENTLEMEN,

Foreign Office, February 28, 1825.

I SEND to you, for your information, and that of the other Gentlemen forming the Board of which you are Commissioners, the accompanying Copy of a Letter from the Secretary to the Admiralty, giving an account of Ships and Vessels in His Majesty's Navy, which have been furnished with the *Instructions* for Cruizers, referred to in the *Treaty* for the prevention of Slave Trade, concluded between His Majesty and the King of *The Netherlands* on the 4th of May, 1818.

I am, &c.

(Signed) GEORGE CANNING.

His Majesty's Commissioners, Sierra Leone.

* See Class B.

Enclosure in No. 61.

John Barrow, Esq. to Joseph Planta, Jun. Esq.

SIR,

Admiralty Office, February 17, 1825.

WITH reference to the *Treaty with The Netherlands* for the prevention of the Slave Trade, I am commanded by My Lords Commissioners of the Admiralty, to request you will acquaint Mr. Secretary Canning, for communication to the Dutch Government, that the *Instructions* referred to in the said *Treaty* have been issued to the following Ships and Vessels of His Majesty's Navy, viz:—

Ships' Names.	Guns.	Commanders.
Dartmouth - - - -	42 -	Hon. J. A. Maude.
Atholl - - - -	28 -	Jas. A. Murray.
Esk - - - -	20 -	Wm. J. Purchas.
Ringdove - - - -	18 -	Edwin L. Rich.
Grecian Cr. - - - -	10 -	Lt. John Cawley.

And that the *Instructions* which had been issued to His Majesty's Ships *Isis*, *Owen Glendower*, *Thetis*, *Edin*, *Driver*, and *Surinam*, have been recalled and cancelled.

I am, &c.

(Signed)

JOHN BARROW.

Joseph Planta, Jun. Esq.

No. 62.

Mr. Secretary Canning to His Majesty's Commissioners.

GENTLEMEN,

Foreign Office, April 4, 1825.

I HEREWITH send to you, for your information, the Copy of a Despatch from His Majesty's Commissary Judge at Surinam, dated the 6th of February, 1824, containing observations on the state of *The Netherlands' Laws*, as affecting the Captors of Vessels trading illegally in Slaves.

This Paper was forwarded to His Majesty's Ambassador at The Hague, with instructions to urge the Government of The Netherlands to promulgate some regulations, more favourable than those in force, to the capturing Vessel.

The King of *The Netherlands* has issued, under date of the 14th Instant, a *Decree* to the effect recommended; and I have the satisfaction to send to you, for your information, and that of the other Gentlemen forming your Commission, a Copy of the Despatch, dated the 25th Ultimo, from His Majesty's Acting Minister Plenipotentiary at the Court of The Netherlands, and of its Enclosure, in which the purport of this Decree is recorded*.

I am, &c.

(Signed)

GEORGE CANNING.

His Majesty's Commissioners, Sierra Leone.

* See Class B.

HAVANNAH.

No. 63.

Mr. Secretary Canning to His Majesty's Commissioners.

GENTLEMEN,

Foreign Office, February 24, 1824.

I HAVE to desire, that you will use your endeavours to collect and transmit to me, for the information of His Majesty's Government, the best statements which it may be in your power to obtain, as to the practice respecting the *manumission* and *free labour* of Slaves, which is described, in the enclosed memorandum, to exist in the Island of *Cuba*.

I am, &c.

(Signed)

GEORGE CANNING.

His Majesty's Commissioners.

Enclosure in No. 63.

Memorandum relative to Slaves in the Island of Cuba.

IT is stated, that in the Island of Cuba there exists the following system in favour of Slaves. That Slaves are generally appraised at 400 dollars; that a Slave paying down the fourth part of his value, or 100 dollars, immediately acquires the right to be *coartados*, that is, that he can work out, paying his master three reals de vellon, or bits a day, until he can make a further deposit, or if the master requires his service, he can oblige the man to work for him, paying the Slave one real; thus a deposit of 200 dollars gives the Slave a right to two reals daily, of 300 to three reals, and thus to completion of the payment of the whole sum in which he had been appraised: the dollar is worth only eight reals or bits.

No. 64.

His Majesty's Commissioners to Mr. Secretary Canning.—(Received March 20, 1824.)

SIR,

Havannah, February 18, 1824.

I HAVE the honour to acknowledge the receipt of your despatches of the 6th and 17th November, 1823*; and I shall not fail to pay all due attention to the Instructions therein contained, in any case on which occasion may arise for their application.

I have the honour to be, &c.

(Signed)

H. T. KILBEE.

The Right Hon. George Canning,
&c. &c. &c.

No. 65.

H. T. Kilbee, Esq. to Mr. Secretary Canning.—(Received May 14, 1824.)

SIR,

Havannah, February 29, 1824.

ON the 17th Instant, the French Brig *Victor*, A. P. Guillon, Master, entered this Port in Ballast, from the *Danish* Island of *St. Thomas*, having pre-

* See Class B, Session, 1824, Nos. 9 and 11.

viously touched at Matanzas; and on the 21st the *French Brig Agile*, also in Ballast, arrived from St. Thomas on the Coast of Africa.

Conceiving both these to be suspicious cases, I took an opportunity of mentioning them to the Governor. I stated to His Excellency, that it was of peculiar importance at the present moment that they should undergo a strict investigation, as, if they were allowed to escape with impunity, little doubt could be entertained that the *French* would speedily renew the illicit Slave Trade, which it was notorious they had carried on to a great extent with this Island, previous to the late rupture between *France* and *Spain*.

His Excellency replied that these cases had not escaped his observation, and that upon inquiry he had been informed that the *Victor* had been sent here without a cargo, for the purpose of being sold:—with respect to the *Agile*, he admitted that to be a suspicious case, but said that the Captain of the Port had reported to him that her Papers were correct, and that no circumstance had come to light, which could justify a well-grounded presumption that she had been engaged in illicit Slave Trade. His Excellency promised to give orders that all *French Vessels* which should hereafter arrive under similar circumstances should undergo a strict examination.

I have the honour to be, &c.

(Signed)

H. T. KILBEE.

The Right Hon. George Canning,
&c. &c. &c.

No. 66.

Mr. Secretary Canning to His Majesty's Commissioners.

GENTLEMEN,

Foreign Office, June 19, 1824.

HEREWITH transmit to you, for your information, Six Copies of Papers marked A. and B. relative to the Slave Trade, which have been presented to both Houses of Parliament, by His Majesty's Command, in the course of the present Session.

I am, &c.

(Signed)

GEORGE CANNING.

His Majesty's Commissioners.

No. 67.

H. T. Kilbee, Esq. to Mr. Secretary Canning.—(Received June 21, 1824.)

SIR,

Havannah, April 20, 1824.

THE *Spanish Schooner Brig Orestes*, Don Domingo Zurbano, Master, entered this Port in ballast, from *St. Thomas'*, on the Coast of Africa, on the 6th Instant.

This Vessel has been the subject of very general conversation here for some time, in consequence of a report in circulation that she had been captured by a British Ship of War. Her arrival, therefore, caused considerable sensation and very general satisfaction among the friends of illicit Slave Trade.

The very evening of the day upon which the *Orestes* arrived, I waited upon the Captain General, and apprized him of all the circumstances of the case that had reached my knowledge, dwelling particularly upon the notoriety of her having been engaged in the Slave Trade, and of the Report which had been in circulation, of her Capture by an English Cruiser;—and, I added, that unless some proceedings were instituted by the Government in this

most notorious case, I was much afraid that the illicit Slave Trade carried on with this Island would considerably increase, as little or no apprehension could henceforward be entertained by those engaged in it, of the infliction of any punishment by their own Government for their open violation of Law and Treaty.

The Captain General replied, that, in all the cases to which I had called his attention, he had uniformly directed the Captain of the Port to inform him whether any suspicious circumstances had come to light, from which a proof could be afforded, that the Vessels had been engaged in the Slave Trade; but that the latter had always reported, that the Ship's Papers were correct,—that no gratings or implements, such as are usually used in Slave Ships, had been found on board; and that the Captains and Crews, to a man, declared that they had been engaged in lawful commerce on the Coast of Africa.—His Excellency did not profess to be satisfied with these assertions, but he expressed his conviction, that the undertaking a prosecution without bringing it to a successful conclusion (of which, in the present state of things, little hope could be entertained) would unavoidably tend to the increase of the evil of which I complained. He promised, however, to inquire into the case.

Upon a subsequent occasion, His Excellency informed me that the same report had been made to him respecting the *Orestes*, as upon all the other cases which I had submitted to his attention.

I regret to have to inform you that, on the 14th Instant, the Brig *Conquistador*, Don Nicolas Escala, Master, and the Schooners *Nicanor* and *Ninfa Habanera*, Don Domingo Acue and Don Francisco Loureiro, Masters, sailed from hence for the Coast of Africa.

I have the honour to be, &c.

(Signed) H. T. KILBEE.

The Right Hon. George Canning,
&c. &c. &c.

No. 68.

H. T. Kilbee, Esq. to Mr. Secretary Canning.—(Received June 25, 1824.)

SIR,

Havannah, May 11, 1824.

I HAVE the honour to acknowledge the receipt on the 9th Instant of your Circular Despatch of the 31st of January, addressed to Mr. Jameson and myself, in which you have been pleased to notify to us certain arrangements respecting the computation of the period of Service, after which a *Pension* may eventually be granted to us, and the portion of Salary to be granted to us during the period we are absent from our Posts,—and directing us to be precise in stating the periods of our departure from and return to our Post; which directions shall be punctually obeyed.

I have the honour to be, &c.

(Signed) HENRY T. KILBEE.

The Right Hon. George Canning,
&c. &c. &c.

No. 69.

H. T. Kilbee, Esq. to Mr. Secretary Canning.—(Received June 25, 1824.)

SIR,

Havannah, May 16, 1824.

SINCE the date of my Despatch of April 20, two *Spanish* Vessels, namely, the Brig *Teresa*, Don Juan Sandrino, Master, and the Schooner *Socorro*,

Don Gabriel Castillo, Master, have entered this Port from the Coast of Africa. Two others have cleared out for that Coast—namely, the Brig *Victoria*, Don Jose de la Puente, and the Schooner *Relampago*, Don Jose Garay, Master.

In the conversation which I had with the Captain General respecting these Vessels, I received from his Excellency the same answer I have so frequently reported to you to have received, in precisely similar cases.

I have the honour to be, &c.

(Signed) HENRY THEO. KILBEE.

The Right Hon. George Canning,
&c. &c. &c.

No. 70.

H. T. Kilbee, Esq. to Mr. Secretary Canning.—(Received July 3, 1824.)

(EXTRACT)

Havannah, May 29, 1824.

I LATELY became acquainted in private society with *Mr. Randal*, an American Gentleman, who arrived here about a month ago from *The United States*.

In the course of conversation, *Mr. Randal* informed me that he had been apprized by his Government, that British Commissioners, under the Slave Trade Treaty with *Spain*, were resident here;—that he had been directed to enter into communication with them, to offer his assistance and co-operation for the attainment of the great object both Governments had in view, namely, the suppression of illicit Slave Trade; and to request any information that could be given him respecting *American Citizens*, or Vessels engaged in that Traffic.

In my reply, I explained generally to *Mr. Randal* the nature of the illicit Slave Trade carried on with this Island. I expressed my regret that no exertions, in the power of His Majesty's Commissioners to make, could check it, and that I feared, therefore, his assistance and co-operation under present circumstances could be of no avail.—I informed *Mr. Randal* that I believed that the *American* flag had not been employed in carrying on this traffic with the Island of *Cuba*, at least, for many years; but that, if public report was to be credited, some *American Citizens*, established here and at *Matanzas*, were engaged in it, under the flag of *France* or *Spain*.

(Signed) H. T. KILBEE.

The Right Hon. George Canning,
&c. &c. &c.

No. 71.

H. T. Kilbee, Esq. to Mr. Secretary Canning.—(Received August 5, 1824.)

SIR,

Havannah, June 14th, 1824.

THREE *Spanish* Vessels have lately arrived here under suspicious circumstances, namely, the Brig *Vengador*, and the Schooners *Chatica* and *Indomable*. The two first were reported, in the List of Arrivals daily published, to have come from *Sisal*; but it is observable that they both sailed from hence for the Coast of Africa towards the close of last year; and it is generally suspected,—indeed, I may say, it is notorious,—that they have now come direct from that Coast, with Cargoes of Negroes, which have been landed previous to

their entrance into this Port, and of course that they have not been at their alleged Port of clearance,

One Vessel, the Brig *Orestes*, a notorious Slave Trader, sailed for the Coast of Africa on the 13th Instant.

I yesterday took an opportunity of conversing with the Captain General upon the subject of the great increase of the illicit Slave Trade carried on with this Island of late. I apprized him that the persons engaged in that traffic have again ventured to expose Negroes for sale in the Barracones or Depôts formerly used for that purpose, which they had likewise done during the government of General Kindelan. I mentioned that all apprehension of the Law upon this subject being put into execution appeared to be at an end; and that it was well known that transactions for the sale of the illegally imported Negroes were carried on with almost the same publicity as before the Abolition: I particularly called his attention to the case of the Vessels mentioned in a former part of this Despatch, which were publicly announced as having cleared out from Sisal, when it was matter of notoriety that they had arrived direct from the Coast of Africa with Negroes;—this circumstance affording too much reason to fear that there had been, if not connivance, at least remissness, on the part of the Officer whose duty it was to examine the Papers of Vessels entering this Port, and to report the place of their departure;—and I concluded by stating, that there were at this moment several Vessels fitting out in this Harbour for the Slave Trade on the African Coast, and that there was no difficulty whatever in obtaining the money necessary for embarking in that traffic, shares for such speculations being greedily sought after, so great was the profit and so little the risk arising from adventures of this description.

The Captain General, in his reply, did not deny the facts stated by me, but lamented that he had not the means of preventing the evil complained of. He again expressed his conviction that any legal proceedings which should be instituted under the present circumstances, and without having the most complete proof of the commission of the offence, would be not only nugatory, but detrimental to the cause. With respect to the sale of Negroes in the Barracones, he promised to put a stop to that abuse.

I ventured to suggest to His Excellency, that even some shew of activity on the part of the Government here, although they should not go so far as to commence legal proceedings, would have the effect of creating alarm, and of deterring many from engaging in the traffic, and from purchasing the Negroes illegally imported.

It is but just to add, that the Captain General is placed in a very delicate situation. All those who surround him daily represent to him that the prosperity of the Island depends upon the continuance of the traffic, and that any attempt to suppress it, besides that it would be probably unsuccessful, would bring upon his Government the most general unpopularity and odium—which ought particularly to be avoided in the present critical circumstances and unsettled state of the *Spanish* Monarchy, the Government of which too, there is reason to believe, is very indifferent about the matter.

By my late Despatches, you will perceive that the increase of illicit Slave Trade here latterly has been very considerable. During the whole of last year ten Vessels cleared out from hence for the Coast of Africa, and during the present, there have already sailed for that Coast the same number. The great success of the illicit Traders, independent of the want of energy and activity manifested by this Government upon the subject, has not a little contributed to the increase of speculations of this description. Of the ten vessels that sailed last year, eight have returned to this very Port, and I find that the Captain of one of the remaining two has sailed again lately; it is therefore probable that he arrived with his Vessel at some other Port of the Island; so that, if that supposition be correct, there is only one out of the ten unaccounted for.

I have the honour to be, &c.

The Right Hon. George Canning.
&c.

(Signed)

H. T. KILBEE.

&c.

No. 72.

H. T. Kilbee, Esq. to Mr. Secretary Canning.—(Received August 5, 1824.)

SIR,

Havannah, June 30, 1824.

SINCE the date of my Despatch of the 14th Instant, the *Spanish Schooners, La Espanola, and La Especuladora*, have entered this Port, nominally, the one from *Sisal* and the other from *Curaçoa*, but I have reason to believe that they both came direct from the Coast of Africa with Negroes. I am told that the real name of the first is the *Descamisada*, an old Slave Trader; the other sailed for the African Coast in January last, as reported in my Despatch of the 12th of January last.

Two Vessels had cleared out for that Coast, namely, the *Clara* and the *Chatica*; the latter is mentioned in my Despatch of the 14th Instant, as having entered this Port under suspicious circumstances.

On the 17th Instant the *Spanish Brig of War Marte* brought in here a Slave Ship with upwards of four hundred Negroes on board, which she had detained a little to the Westward of this Port. The Court of Admiralty immediately assumed the cognizance of this case, but the Mixed Commission has since claimed the same, and the question is now before the Governor.

The short stay of His Majesty's Brig *Camelion*, by which I send this despatch, will not permit of my forwarding to you by her a detailed account of the proceedings in this case, with a Copy of the voluminous correspondence which has already passed; but I will not fail to do so by the earliest opportunity.

I am most happy to have to inform you that, in the proceedings upon this case, the most perfect unanimity has hitherto prevailed among the Members of this Mixed Commission, and that, on the part of my Spanish colleagues, I have met with a zeal to support the dignity and authority of the Court which I could not wish to see surpassed. From the profound legal knowledge and distinguished abilities of our Secretary, Don Raphael Gonzalez, we have derived the greatest benefit.

I cannot avoid mentioning, as a proof of the good faith and conciliatory spirit with which the Captain General has acted upon this occasion, that His Excellency, most readily and in the most obliging manner, consented to appoint the Gentleman whom I ventured to suggest to him, to supply the place of the Spanish Commissary Judge, *Don Claudio Pinillos*, at present absent from hence.

I have the honour to be, &c.

(Signed)

H. T. KILBEE.

The Right Hon. George Canning,
&c. &c. &c.

No. 73.

H. T. Kilbee, Esq. to Mr. Secretary Canning.—(Received Sept. 15.)

SIR,

Havannah, July 31, 1824.

I HAD the honour of informing you in my Despatch of the 30th Ultimo, that on the 17th of the same month, *His Catholic Majesty's Brig Marte* brought into this Port a Brig, called the *Maria de la Gloria*, with a Cargo of 400 Slaves, which she had detained the day before.

It was my original intention, as I did in the case of the *Antoñica*, to have immediately conversed with the Captain General upon the subject, and to have suggested to him the propriety of submitting the case to the cognizance of the Mixed Commission; but I was prevented from doing so, in consequence of His Excellency having unfortunately been attacked by a severe illness, which was generally apprehended to be the Yellow Fever, on the very

day the Vessel arrived. On the 20th, however, considering that any further delay might be very prejudicial, and understanding that His Excellency was somewhat recovered, although still too unwell to converse upon business, I addressed a Note to him, in which, as I did not think it advisable in my individual capacity, (the Spanish Commissary Judge, Don Claudio Pinillos, being absent,) to claim directly the cognizance of the case, I confined myself to requesting to be informed, whether it was not one that should properly be submitted to the Mixed Commission; suggesting, at the same time, the expediency of doing so, under existing circumstances, even although there should be a Spanish Tribunal competent to try the same; and mentioning the necessity, in the event of my suggestion being adopted, of the appointment of a Spanish Commissary Judge in the room of M. Pinillos.

On the following morning I received a reply from the Captain General, informing me that he had remitted my Note to the Spanish Admiral on this Station, the Court of Admiralty having already assumed the cognizance of the case, with a communication that he agreed in opinion with me, that it ought to be submitted to the Mixed Commission; adding his intention of naming a Commissary Judge, in the event of the Admiral being of the same opinion. His Excellency concluded by adverting to an observation in my Note, respecting the illicit Slave Trade carried on here, which, he conceived, reflected on his conduct, and upon which, therefore, he thought it necessary to give some explanation.

It having been very far from my intention to make any observation that could be in the slightest degree personally disagreeable to the Captain General, I immediately addressed a second note to him, in which, after expressing my thanks for the disposition he had manifested to promote the measure which I had suggested, and which could not fail to be acceptable to His Majesty's Government, I disclaimed any intention of calling his conduct into question, alleging that my sole object had been to impress upon him the greater propriety of submitting the present case to the cognizance of the Mixed Commission, in consequence of the existence of an acknowledged and extensive contraband Slave Trade carried on with this Island. I thought it but just to advert upon this occasion to the favourable manner in which His Excellency had always received me, whenever I had spoken to him on the subject of illicit Slave Trade; and to express my conviction that, if that evil had not been remedied, it was to be attributed to other causes, and not by any means to a disposition on his part to evade the fulfilment of the Treaty of 1817.

On the evening of the same day (the 21st), I received an official letter, dated the 18th, from Admiral Gaston, the Commander-in-Chief of His Catholic Majesty's Naval Forces on this Station, in which His Excellency states, that the Court of Admiralty had decreed that a communication should be made to the Mixed Commission, with an attested Copy of the Proceedings in that Court, respecting the extraordinary case of the *Spanish Privateer "Romano"* having captured a *Portuguese Brig* on the Coast of Africa, with a Cargo of four hundred Negroes, which Brig was a second time detained by the *Spanish Brig of War "Marte,"* on the 16th instant, between Bahiahonda and Mariel. By the enclosure in the Admiral's letter it appears, that the Court of Admiralty made this communication to the Mixed Commission, for the purpose of the latter offering any observations that might occur to them upon the case in question, but that it was by no means their intention to submit it to the cognizance of the Commission.

Immediately after the receipt of this letter, I waited upon the Captain General, who was nearly recovered from his indisposition, and I mentioned to him the necessity, under the present circumstances, of immediately appointing a Spanish Commissary Judge, in the room of M. Pinillos, in order that the Mixed Commission might take into consideration the letter and documents forwarded by Admiral Gaston; and I ventured to suggest to His Excellency

Don Andres de Jauregui, a most respectable Gentleman, who, from his high character and conciliatory disposition, was peculiarly well calculated for the office. His Excellency, in the most obliging manner, acceded to my suggestion, and promised to appoint M. Jauregui without delay. And accordingly on the following morning (the 22d) I received a note from him, dated the preceding night, in which, after apprizing me of a communication made to him by the Admiral, to the effect that my letter of the 20th had been submitted by the latter to the Legal Counsel of his Department, he informs me, that he had appointed Don Andres de Jauregui, Commissary Judge, ad interim, in the room of Don Claudio Pinillos.

Copies and translations of this correspondence are enclosed.

On the 22d, M. Jauregui took the oath prescribed by Treaty, and on the evening of that day we had our first meeting. After the perusal of the correspondence which had passed, it appeared to us both, that this was a case, the cognizance of which properly belonged to the Mixed Commission;—but before we came to any resolution upon this point, I apprized my colleague of the construction adopted at Sierra Leone, of the 13th Article of the *Regulations* for the Mixed Commissions, which treats of the mode of supplying the vacancies that may occur; it having been decided there, that, in the event of the absence of any of the Foreign Members, whose places could not be supplied, ad interim, the remaining individuals of the Commission should sit together as independent Judges; and I stated that, in pursuance of this construction, the British Commissioner of Arbitration being absent, his Spanish colleague, M. Quesada, should be summoned to attend, and take his place with the two Commissary Judges.

After considerable discussion, it was at length decided, that the construction of the Article in question established at Sierra Leone, should also be adopted by this Mixed Commission; and that, at all events, it would be advisable to summon M. Quesada upon the present occasion, as we should probably have to treat of the important subject of the powers of the Court.

It may not be immaterial to add, that we adopted the above construction in the contemplation of the case of the absence of the British Commissary Judge, when many inconveniencies would occur, the Treaty no where specifying, that his place is to be supplied by the Commissioner of Arbitration, which are obviated by that construction; but both M. Jauregui and myself were of opinion, that, in the present case of the absence of the British Commissioner of Arbitration, considering the 13th Article of the *Regulations* with reference to the 3d Article of the same, which treats of the form of Process, it would be more conformable to the tenor of both, that the Commissary Judges should proceed as usual, and only in the event of a difference of opinion, call in the Spanish Commissioner of Arbitration.

I enclose a Translation of the *Minute of the Proceedings* of this day, as drawn up by the Secretary, for the purpose of being placed amongst the Records of the Commission; and also of the Letter addressed to M. Quesada, the Spanish Commissioner of Arbitration, for the purpose of requesting his attendance. And I shall continue to enclose the Minutes of the Proceedings in this case, in the order in which they are alluded to in this despatch, together with the Letters and Documents to which reference is made.

On the morning of the 23d the Court met, when the Spanish Commissioner of Arbitration, M. Quesada, took his seat with the Commissary Judges, having previously made some observations upon the construction put upon the 13th Article of the *Regulations*, in virtue of which he had been invited to attend the Meeting.

The documents produced at the former sitting were then again read; and, as a preliminary measure, I suggested the expediency, for many obvious reasons, of the Mixed Commission coming to a resolution, not to enter into direct communication with any other Authority or Department but the

Captain General; which suggestion was immediately approved by the other Members, and adopted accordingly.

After due consideration of the Documents before the Court, and particularly of the Letter of the Admiral with its Enclosure, it was agreed unanimously, that the present case was one which belonged properly and exclusively to the jurisdiction of the Mixed Commission;—and it was resolved that a letter should be addressed to the Admiral, informing him that the Commission could not enter into direct communication with any other Authority but the Captain General, and hoping that he would speedily reply to the representation made upon the subject already by His Excellency;—adding, however, as a mark of respect to the Admiral, he having been pleased to address the Commission directly, that in their opinion, the Commanding Officer of the *Marte*, having detained a Vessel with Negroes on board, and having brought her into this Port, ought to have come directly to the Mixed Commission with the Papers of the detained Vessel, in conformity to the first Article of the Instructions for the Cruizers of the two Nations; the examination of which Papers belonged exclusively to that Court.

The Admiral replied to this letter by merely acknowledging its receipt.

Upon my return home after the Sitting of the 23d, I found a letter from the Admiral addressed to me, in consequence of that which I wrote to the Captain General on the 20th, and which had been transmitted by the latter to him; by which letter, and its enclosures, it was evident that the Court of Admiralty was resolved to continue to maintain the cognizance of the case.

Having observed in the opinion of the Fiscal of the Court of Admiralty, enclosed in the above letter of the Admiral, that it was indirectly insinuated that I had, upon the present occasion, allowed my zeal to exceed its proper limits,—that a tone and manner towards me are used throughout, which are altogether uncalled for by my conduct,—and that I am expressly charged with having taken upon me to attribute blame to the Court of Admiralty for the delay which had occurred in this case; I thought it necessary in my answer to the Admiral, after stating that I could not venture individually to give an opinion upon the communication made in his letter, the case being before the Mixed Commission, to deny, in the most explicit manner, the charge which had been made against me.

I subsequently received a reply from Admiral Gaston, containing a representation of the Fiscal, explanatory of the observation to which I had alluded; with which explanation I expressed myself to be perfectly satisfied.

I did not submit Admiral Gaston's letter of the 23d to the Mixed Commission till the 25th, the 24th being a holiday; and at a Sitting held that day, it was resolved, as it was now evident that the Court of Admiralty was determined not to relinquish the cognizance of the present case, that an energetic Remonstrance should be addressed to the Captain General upon the subject; and that His Excellency's protection should be solicited, for the purpose of reinstating the Commission in the free exercise of their Powers, of which they had been deprived by the Marine Department; adding a formal Protest against all the proceedings of that Department in the case.

On this and the following day (26th) communications were received from the Captain General, stating that he had required the opinion of Counsel respecting the Resolution of the Court of Admiralty, notified to him by the Admiral in a letter dated the 23d, which was to the same purport as that transmitted to me under the same date; and that he had been advised to consent to the disembarkation of the Negroes, and the Deposit of the same, as decreed by that Court.

On the 30th of June the Mixed Commission again met, but having learnt that the Captain General, although he had not yet replied to the Representation of the 25th, was seriously engaged in the consideration of the subject of it, they agreed that a renewal of the same at the present moment would be injudicious.

On the same day a letter was received from His Excellency, in which he states, that, in conformity with the opinion of Counsel whom he had consulted respecting the Representation of the 25th, he had come to the decision, that the present case properly belonged to the Mixed Commission, and that he had accordingly written to Admiral Gaston, requiring the Court of Admiralty to cease in the cognizance of the same, and to send him the original documents and proceedings, in order that he might transmit them to the Commission.

The latter, in reply, expressed their acknowledgments for the zeal with which His Excellency had endeavoured to maintain the Court in the full exercise of their Powers.

The Captain General again addressed the Commission on the 7th of July, and transmitted a letter which he had received from Admiral Gaston with all the original proceedings in the case: in which letter it was proposed that a Concord, or Joint Proceeding, should be established between the Commission and the Court of Admiralty.

At a Sitting held on the 8th this proposal was taken into consideration;—when, it appearing to the Court that all the objections to entering into direct communications and discussions with other Tribunals existed in greater force to the proposal of a Joint Proceeding; and that there were besides two invincible obstacles arising from the different forms of process of the two Tribunals, and from the different Courts to which their respective appeals lay; it was resolved, that a letter to this effect should be addressed to the Captain General, in which the original proceedings of the Admiralty should be returned, as they were not yet sent to the Commission for the purpose of their entering upon the consideration of the case, in conformity with their Powers.

On the next day, a letter was received from the Captain General communicating the opinion of Counsel, which His Excellency had adopted, that the whole original process and documents should be remitted unconditionally to the Mixed Commission, for the purpose of their proceeding to the adjudication of the case.

On the 10th the Court met, and, after taking into consideration the last letter with its enclosures, it was resolved that a letter should be addressed to the Captain General, acknowledging the receipt of the original process of the Admiralty, and the other documents; another to request His Excellency to take measures for the attendance of the Commander of the Brig of War before the Court, for the purpose of being examined on the morning of the 12th (the 11th being Sunday), and also to have the goodness to provide the Court with an Officer (both which requests were instantly acceded to); and a third, recording the solemn Protest, which the Court considered it to be their duty to renew upon the occasion of entering upon the free exercise of their Powers, against all the proceedings of the Marine Department in this case. In this last letter, the Commission also suggested to the Captain General the expediency of changing the depository of the Negroes, the owner of the Romano, for many reasons, not appearing to be a fit person for that charge; and His Excellency was entreated to take upon himself the charge of appointing another depository, and of adopting other requisite measures, the Court being entirely destitute of means for that purpose.

Subsequently the Captain General wrote to the Commission, forwarding a Letter from the Admiral with Enclosures, in which, upon the occasion of consenting that the Commander of the Marte should attend to give testimony before the Mixed Commission, the legal Counsel of that department enter into some observations respecting the Court of Admiralty's Jurisdiction, of which it was hoped that Court would not be deprived by the Commission.—To which observations it was replied, that the latter had not as yet exceeded their Powers, and would be careful not to do so in future.

You will perceive, throughout the whole of the proceedings and correspondence of the Marine Department and the Mixed Commission, during the discussion respecting the Court to which the cognizance of the present case pro-

perly belonged, that it was the constant endeavour of the former to keep out of sight the most material circumstance of the detention of the *Maria de la Gloria*, by His Catholic Majesty's Brig *Marte*, and to consider her solely as the Prize of the Spanish Privateer, *Romano*;—from whence it was deduced that, as the latter did not belong to the Royal Navy, and consequently was not provided with the Instructions annexed to the Slave-trade Treaty, the case could not be brought under the cognizance of the Mixed Commission, and necessarily belonged to the court of Admiralty:—and, moreover, that, as the *Romano* was a Privateer fitted out, and provided with Letters of Marque at this Port, it belonged to the Marine Department exclusively, to judge of the legality or illegality of the conduct of her Captain, in making the present or any other Prize whatever.

The Mixed Commission, on the contrary, always kept in view, and alleged that the *Maria de la Gloria* had been detained on the Coast of this Island as a suspicious Vessel, with Negroes on board, and brought into this Port by the Spanish Brig of War *Marte*, duly provided with the Instructions annexed to the Treaty; the first Article of which, after authorizing the Commander of a Ship of War, of either of the Two Nations, to detain Vessels engaged in the Slave-trade, adds, that “having detained them, he is to bring them, as soon as possible, for judgment, before that of the two Mixed Commissions which shall be nearest,”—and they asserted that the document produced to prove that the Vessel is Portuguese and Prize to the *Romano*, is not in the present stage of the proceedings entitled to any credit whatever, and may as well have been given to cloak a transaction really Spanish;—but that, even granting it to be fully entitled to credit, the Commander of the *Marte* was not authorized to present it to the Court of Admiralty, nor the latter to receive it; and the very act of that Court bringing forward the said Paper, as an argument that the case is of their jurisdiction, is a manifest proof of the illegality of their proceedings, and of having deprived of the exercise of their powers this Mixed Commission, to which alone it belongs to receive and examine all the Papers of the Vessel, and to decide upon the credit due to them.

On the 12th instant and following days, without intermission, the Court sat, and were engaged in examining witnesses, until the 16th, when, it appearing that the Brig *Maria de la Gloria* was really the property of Portuguese subjects of Brazil, and had been captured by the *Romano* on the Coast of Africa; they were of opinion that any further proceedings would only occasion delay; and, therefore, on that day declared that the detention of the said Vessel by the *Marte* was legal, considering the circumstances under which it had been effected; but abstained from pronouncing upon any other point connected with the case. It was likewise decreed that all the documents remitted by the Captain General should be returned, together with a certified copy of the proceedings of the Commission; and that His Excellency should be requested, in the event of its ever appearing by the future proceedings in the case, (as within the bounds of possibility,) that the Negroes had really been acquired by the Captain of the *Romano* in the way of traffic, direct or indirect, and consequently that the Portuguese Property was only apparent, to be pleased to order that the case be returned to the Mixed Commission, as in such event it would belong to that Court alone to condemn the Vessel; to declare the Slaves free; and to give them their Certificates of Emancipation.

A statement of the case of the *Maria de la Gloria*, with an Abstract of the Evidence, and the Decree of the Court, are enclosed.

On the 15th instant the Captain-General communicated the opinion of Counsel upon the suggestion made by the Mixed Commission, relative to the deposit of the Negroes, in their Letter of the 12th; and in that addressed to His Excellency on the 17th, informing him of the result of the proceedings of the Court, it was stated, that in consequence of that result, they of course could not now interfere in the deposit.

Although, among the Documents which I have the honour to enclose in this Despatch, you will find some of little importance, and not unfrequent repetitions, yet I have thought it better to forward to you the whole series, on account of the importance of the decision adopted respecting the Powers of the Mixed Commission; the result of which decision is, that this, and the Commission at Sierra Leone, are the only competent Tribunals to hear the causes of Spanish Slave Ships, even when detained by Vessels of War of their own Nation. Those documents will also serve to show in their proper light the zeal and firmness manifested by the Captain-General, in the support of the Mixed Commission during the contest respecting their powers: and finally with the whole of them before you, you will be enabled to form a more exact judgment of the conduct of the Commission, under circumstances both novel and difficult.

Upon this last point, I have only to observe that the most perfect unanimity prevailed during the whole of the proceedings; and that my Spanish colleagues continued to manifest the same zeal to uphold the dignity and authority of the Court, which I before stated they had displayed at the commencement.

I have the honour to be &c.

The Right Hon. George Canning,
&c. &c. &c.

(Signed) H. T. KILBEE

First Enclosure in No. 73.

H. T. Kilbee, Esq. to the Captain-General.

SIR,

Havannah, June 20th, 1824.

HAVING learnt from public report that a vessel, with upwards of Four hundred Negroes on board, has been captured and brought into this Port by His Catholic Majesty's Brig *Marte*, which arrived on the morning of the 17th instant, I consider it to be my duty, three days having elapsed, and no notification whatever of the said capture having been made to the Court of Mixed Commission, of which I have the honour of being a Member, to request that your Excellency will have the goodness to inform me whether this be not a case which should properly be brought under the cognizance of that Court.

I am not disposed at present to enter into the question of the right of the Government of the Island to direct this case to be tried by the *Spanish* Tribunals, as an offence committed against the Spanish laws, without any reference to the Treaty of 1817 between Great Britain and Spain; but, under existing circumstances, a most notorious and extensive contraband Slave Trade being carried on here, which your Excellency, as I have reported to my Government, has frequently stated to me verbally you have not the means of preventing, it appears to me, now that an occasion has at length presented itself, upon which the Government here has it in its power to act against those who have been so long violating both Law and Treaty with impunity, that the most satisfactory mode of proceeding would be to bring the case before the Mixed Commission.

By adopting this mode, which must necessarily appear preferable to His Britannic Majesty's Government, your Excellency will afford a convincing proof to that Government of your sincere wish to carry into effect, as far as lies in your power, the stipulations of the Treaty of 1817.

I have only to add, that should your Excellency think it advisable to comply with my suggestion, it will be necessary to appoint a Commissary Judge in the room of Don Claudio Pinillos, now absent, which appointment by Treaty rests with your Excellency.

I avail myself of this occasion, &c. &c.

His Excellency Don Francisco Dionisio Vives,
&c. &c. &c.

(Signed)

H. T. KILBEE.

Second Enclosure in No. 73.

(Translation.)

The Captain-General to H. T. Kilbee, Esq.

SIR,

Havannah, June 21st, 1824.

I HAVE received your official note of yesterday, relative to the entrance into this Port of a vessel with upwards of four hundred Negroes, captured by His Majesty's Brig *Marte*, and, in answer to its contents, I state to you that His Excellency the Commander-in-Chief of the Naval Forces having taken cognizance of this occurrence, I remit to him under this day's date your above-mentioned note, informing him at the same time of my agreeing in opinion

with you, that this case should be submitted to the Mixed Commission established here in virtue of the Treaty of 1817; and I am waiting for His Excellency's reply, in order that, should he be of the same opinion, I may name the Commissary Judge in the room of Don Claudio Martinez de Pinillos. I must add, that, having observed a paragraph in your note which may affect my responsibility, I am under the necessity of doing away the impression it might make without delay. It relates to your having stated to me, on various occasions, that illicit Slave Trade was carried on in this Island, to which I replied, that although I had had similar information, I had not received official intelligence from any of the local Magistrates of the fraudulent importation of Slaves, for which reason the Laws have not been put into execution against those aggressors, but the Government on its part has fulfilled its duty by circulating and repeating the strictest orders, to see if it could succeed in the apprehension and punishment of the violators of a Treaty solemnized between our respective Governments; with which I have answered your aforesaid note of yesterday.

God preserve you many years,

(Signed)

FRANCISCO DIONISIO VIVES.

The British Commissary Judge.

Third Enclosure in No. 73.

H. T. Kilbec, Esq. to the Captain-General.

SIR,

I HAVE the honour to acknowledge the receipt of your Excellency's official note of this day's date, informing me that you have been pleased, in consequence of the suggestion contained in my note of the 20th instant, to recommend to the Commander-in-Chief of His Catholic Majesty's Naval Forces on this station, to submit to the cognizance of the Mixed Commission, established here in virtue of the Treaty of 1817, the case of the Slave Vessel captured by H. C. M. Brig *Marte*, and I beg leave to express to your Excellency my sincere thanks for this mark of your desire to promote a measure which cannot fail to be acceptable to my Government.

With respect to the observation your Excellency has thought it necessary to make upon a paragraph of my note which you conceive may affect your responsibility, I regret extremely that I should not have expressed myself more clearly, my sole object having been to impress upon your Excellency the greater propriety of submitting the present case to the cognizance of the Mixed Commission, in consequence of the existence of an acknowledged evil, namely, an extensive contraband Slave Trade carried on with this Island, which must necessarily be a cause of dissatisfaction to my Government.

As, however, this subject has been touched upon, I think it merely an act of justice to state here explicitly, that, whenever I have felt it to be my duty to address your Excellency verbally upon illicit Slave Trade, I have uniformly met with a most satisfactory and flattering reception; and that I am firmly convinced that, if the evil of which I complained has not been remedied, it is to be attributed to the present state of the Spanish Law relating to this matter, and to circumstances peculiar to this Island, but by no means to any disposition on the part of your Excellency to evade the fulfilment of the engagements contracted by His Catholic Majesty in virtue of the Treaty of 1817.

I avail myself, &c. &c.

(Signed)

H. T. KILBEE.

His Excellency Don Francisco Dionisio Vives,
&c. &c. &c.

Fourth Enclosure (A) in No. 73.

(Translation.)

Admiral Gaston to the Mixed Commission.

GENTLEMEN,

BY the enclosed authenticated copy you will learn the extraordinary case of the Spanish Privateer called the *Romano*, having detained, on the Coast of Africa and roadstead of Onim, a Portuguese Brig with a cargo of four hundred Negroes, which, having manned, she directed to proceed to this Port; and that the said Brig was subsequently again detained by the Brig of War *Marte* between Mariel and Bahiahonda, on the Coast of this Island, on the 16th instant, both of them having anchored in this Port on the same day. The communication of which circumstance to you has been determined upon at a meeting of the Court of Admiralty, held at one o'clock this afternoon, for the purposes mentioned in the Proceedings inserted in the aforesaid authenticated copy.

God preserve you many years.

(Signed)

MIGUEL GASTON.

The British Commissary Judge and the Mixed Commission.

Havannah, June 18th, 1824.

*Fourth Enclosure (B) in No. 73.**Abstract of the Proceedings in the Admiralty Court, in the Case of the Vessel with Negroes, detained by the Spanish Brig of War, Marte.*

ORDER of Admiral Gaston, dated June 17, in consequence of his having received from the Commander of the Brig of War, *Marte*, a Report, with certain papers, relative to the detention of a Vessel with four hundred Negroes on board, which is now at anchor in this Harbour, directing the proper measures of precaution to be taken with respect to the Negroes, and that the Admiralty Council should be consulted with the least possible delay upon the case.

Report of the Commanding Officer of the *Marte*. Don José Apodaca, dated the 17th June, stating that, on the morning of the day before, he came in sight of a Brig, between the Ports of Mariel and Cabanas, sailing to the westward; that from her appearance, considering her to be suspicious, he prepared for action and fired a gun, at the same time hoisting his colours; that the Brig immediately hoisted hers and likewise fired a gun, and shortly after, without shortening sail or altering her course, she hoisted out her boat which, with three men, proceeded towards the *Marte*, for the purpose of receiving whom the latter lay to; but observing that the suspicious Vessel was abandoning her boat, continuing her course with all sail, the *Marte* again pursued her, and came up with her in half an hour; that he desired her to lay to, which order the other did not obey till threatened, and having asked from whence she came, a haughty answer was returned—"From sea, and that she was a Prize of the Brig *Romano*." That he afterwards sent his boat on board, well armed, and with orders to make a strict search; that, in the mean time, the boat which had been hoisted out by the suspicious Vessel, reached the *Marte* with a Mate on board, who delivered up certain documents which are enclosed; that seeing that her destination was the Port of Havannah, and that the vessel was sailing in a contrary direction, he (Capt. Apodaca) resolved to man her, and sent her into the said Port, in order that the Admiral might dispose of her as he thought proper. That her cargo consisted of four hundred African Negroes, and that they were in want of provisions and water, with which the *Marte* supplied them, and that they both reached Havannah on the night of the 16th.

List of the Documents relating to the Portuguese Brig, *Maria de la Gloria*, Prize to the Spanish Privateer, *Romano*, enclosed in the Report.

1. The Log Book of the Brig, *Marte*.
2. Letters of Marque of the Privateer, *Romano*.
3. A condemnation of the said Prize.
4. List of the Crew and Log Book of the same.

The Log Book of the *Marte* was not enclosed, nor that of the Prize.

Copy of the Letters of Marque.—These were granted to Don Joze Cotarro, Captain of the Privateer, *Romano*, of sixteen guns and one hundred and thirty-nine men, on the 17th of November, 1823; and authorize him to cruise against "the enemies of the Spanish Nation" in "los Mares de Indias," combating and hostilizing with the Spanish Flag the Vessels which belong to those Powers with which the King of Spain is at war, but at the same time respecting the Vessels and Coasts of the other Powers.

Condemnation of the Brig, *Maria de la Gloria*.—This is merely a paper given by Cotarro, Captain of the *Romano*, to the Officer he put on board the Prize; it states that he had fallen in with a Vessel calling herself *Portuguese*, though her papers prove that she belongs to Rebels to the legitimate Portuguese Government, for they say that they are subjects of the Empire of *Brazil*, as yet unknown to the European Nations except by the internal wars which are destroying it. That all the American Insurgents, both *Portuguese* and *Spaniards*, endeavour by all the means in their power to hostilize their respective Mother Countries;—ingratitude, of which hitherto no example is to be found! for it is the same as a father plunging a dagger into the breast of a son, and *vice versa*. Besides these most just reasons, the principal motive which induced him to capture her, was the circumstance of her being laden with Slaves, a most horrible traffic, contrary to humanity; and being prohibited to those who call themselves Portuguese, on that part of the Coast of Africa, he captured her, ordering the Prize Master to proceed to The Havannah, and submit the case to the Mixed Commission, in order that this dreadful evil may be remedied.—Dated from the Roadstead of Onim, 20th of April, 1824.

Representation or opinion of the Fiscal of the Admiralty upon the foregoing Report and Documents.—He states that he was prevented from replying immediately, as he was not in possession of the Treaty relative to the Slave Trade; but having it then before him, he was of opinion that, before all things, for the sake of humanity, the Slaves should be landed and left in deposit with Don Juan Perez, owner of the Privateer, *Romano*, directing him to take every measure of precaution for their preservation and security; but that in the meantime the Court should proceed in the investigation of this uncommon case, of the capture of a Vessel belonging to the Colony of Brazil, by another unprovided with the instructions mentioned in the Ninth Article of the Treaty, it appearing by that Treaty and the ordinances of the Navy, that the present cause, or the declaration whether the prize was good or bad, belonged to

the Court of Admiralty. But that as that Court, the Admiral, and the legal Counsel, are intimately united by their principles and philosophy with the ends and objects of the Treaty, he (the Fiscal) was of opinion that an authenticated copy of the proceedings should be immediately made out (with the exception of the journal of the navigation of the *Marte*), and transmitted with a polite official letter to the Court of the Mixed Commission, assuring the worthy Members of which it is composed that, to their observations and remarks every attention shall be paid in conformity with the above-mentioned Treaty.—This representation is dated the 18th of June.

DECREE OF THE COURT OF ADMIRALTY.

Royal Junta of Marine of the Station of The Havannah, June 18, 1824. Extraordinary.—Having examined this case, and in conformity with the above opinion of the Fiscal, the Court have agreed unanimously, that an attentive official letter should be addressed to the Court of the Mixed Commission, established here in virtue of the Treaty concluded between our Lord the King and the King of the United Kingdom of Great Britain and Ireland, relative to the Abolition of the Slave Trade, signed at Madrid on the 23d of September, 1817, forwarding to that Commission an authenticated copy of all the proceedings up to the present moment, in order that the Members of it may be pleased to communicate to this Court the objections and observations that may occur to them, respecting the case as it results from the said proceedings. That, without loss of time, steps be taken for the landing and deposit of the Negroes brought by the aforesaid Portuguese Brig, which has been detained by the Brig of War, *Marte*, now at anchor in this Harbour, in consideration of the long passage they have had, of the close confinement in which they are on board in this rigorous season of summer, and for the purpose of preventing the injury which their health must suffer by remaining on board, and likewise the possible loss of some of their persons; and that they be transferred to the Store Houses in Casa Blanca, belonging to Don Juan Perez, owner of the *Spanish Privateer, Romano*, to be placed under his care and responsibility, provided he shall give security to the amount of fifty thousand dollars to keep them at the disposal of this Tribunal. That Don Joze Soler be appointed Inspector for every thing relating to the securing of the said Negroes in the place destined for them; to their care, assistance, and food; and also the good treatment they ought to receive. That the said landing and deposit be effected as soon as all the formalities of the Board of Health shall be gone through, and provided no objection shall be made by the Captain-General, whose assistance shall be requested in the usual polite manner; and that the same shall be done in presence of an individual belonging to the Intendant's Department, who shall be named by the Collector of the Customs, of the Commander of the Brig of War, *Marte*, of Doctor Francisco del Calvo, together with the Notary Public; and that due distinction shall be made of sexes and classes, and consequently of the number of each. That three of the crew of the Brig in which the Negroes came, shall be appointed for their care and assistance, in addition to those whom the above-mentioned owner of the *Romano*, Don Juan Perez, shall think necessary; and that due notice be given as soon as any of the Negroes shall be taken ill or shall die; and lastly, that the examination shall be commenced of all the individuals of the said *Portuguese Brig*, of those belonging to the *Privateer, Romano*, who were appointed to man her, of the Commander of the Brig of War, *Marte*, Don Joze de Apodaca, and of any others that shall be considered necessary.

Signed in the usual form by the Admiral and the other Members of the Court of Admiralty.

[A note is added, respecting the delay in sending the letter to the Mixed Commission, which was occasioned by the illness of the Captain-General. The letter was dated the 18th, and not received till late on the 21st of June.]

Fifth Enclosure in No. 73.

(Translation.)

The Captain General to H. T. Kilbee, Esq.

SIR, Havannah, 21st June, 1824.
 UNDER this day's date His Excellency the Commander-in-Chief of the Naval Forces, writes to me as follows:

“Most Excellent Sir, I have just received your Excellency's letter of to day, in which you forward to me that of the British Commissary Judge, dated yesterday, claiming the cognizance of the cause to be formed respecting the detention and bringing into this Port by the King's Brig *Marte*, of a vessel with a cargo of Negroes; and although the Junta of Admiralty of this station has already agreed, at a sitting held on the 18th Instant, that the Mixed Commission should be informed of this case, (which, perhaps, may not yet have been done, on account of the delay in making out an attested copy of the documents,) I now transmit the said letter to the Auditor of the Navy for the corresponding effects, and I apprise your Excellency of the same, as the most speedy answer to your letter.”

All which I transmit for your information, adding that I have named Don Andres de Jauregui Commissary Judge ad interim, in the room of Don Claudio Martinez de Pinillos. God preserve you many years.

(Signed) FRANCISCO DIONISIO VIVES.

The British Commissary Judge.

Sixth Enclosure in No. 73.

(Translation.)

Minutes of the Proceedings of the Mixed Commission.

22nd June, 1824.

IN the always most faithful city of Havannah, on the 22nd June, 1824, in consequence of His Excellency the Captain-General having communicated that he had named Don Andres de Jauregui, Commissary Judge ad interim, and the latter having notified that on the morning of this day he had taken the proper oath in presence of His Excellency, the said M. Jauregui and Mr. Henry Kilbee, Commissary Judges, met together in the presence of me, the Secretary, and took into consideration the official letter of His Excellency the Commander-in-Chief of the Naval Forces on this Station, enclosing an authenticated copy of the proceedings in his Tribunal, in consequence of the capture made by the Brig of War of His Catholic Majesty *Marte*, to the westward of this Port, of a vessel with a cargo of Negroes from the coast of Africa, and of the Decree of the Court of Admiralty of this station, in which the latter adopted the opinion of their Fiscal, which was that the adjudication of this Prize, for the reasons he states, belongs to the Marine Department, but that nevertheless the Court should hear the objections and observations which the Mixed Commission may make respecting this point; and although the aforesaid Judges, even in this early stage of the proceedings, expressed their opinion that the Commander of the *Marte* ought to have presented himself in the first instance to the Mixed Commission, immediately after his arrival at this Port, in conformity with the tenor of the Treaty, and particularly of the first Article of the Instructions for the Vessels of War of both Nations; and consequently that it did not belong to the Marine Department to commence proceedings in this case, much less to decide upon the jurisdiction and powers of the said Commission, which it has endeavoured to do by proposing to hear the same upon this point; yet considering that at the decision to be taken in this extraordinary case the presence of the Spanish Commissioner of Arbitration, Don Rafael de Quesada, is necessary, both because the point to be discussed is the weighty and important one of the powers of the Commission, of which he is a permanent Member, and because during the absence of the British Commissioner of Arbitration, he ought to sit and decide upon all cases that come before the Commission, according to the tenor of the 13th Article of the Regulations for the Mixed Commissions, and the additional Article signed the 10th December, 1822;—they have agreed for the present that I, the Secretary, should address a letter to the said M. Quesada, requesting that he will have the goodness to meet them to-morrow morning at eleven o'clock, for the purpose of discussing the matter with due deliberation, and of deciding upon the answer to be given to His Excellency the Commander-in-Chief of the Naval Forces on this Station.

And the said Commissary Judges signed the present in my presence.

(Signed) H. T. KILBEE,
ANDRES DE JAUREGUI,

RAFAEL GONZALEZ, Secretary.

MEMORANDUM.

A letter was addressed to the Commissioner of Arbitration Don Rafael de Quesada, a copy of which accompanies this.

Don Rafael de Quesada notified in person his readiness to attend at the appointed hour.

Seventh Enclosure in No. 73.

(Translation.)

The Secretary of the Mixed Commission to the Spanish Commissioner of Arbitration.

SIR,

Havannah, 23d June, 1824.

AT six o'clock yesterday evening the Commissary Judges of the Mixed Commission, Mr. H. Kilbee and M. Andres Jauregui, (the latter having been appointed ad interim, in the room of Don Claudio Martinez de Pinillos,) met together to take into consideration an official letter of the Commander-in-Chief of the Naval Forces, in which he communicates to the Commission the proceedings in his Tribunal in consequence of the capture by His Catholic Majesty's Brig of War *Marte*, of a Vessel with a cargo of Negroes from Africa, and the Decree of that Court of Admiralty, on which the latter adopt the opinion of their Fiscal, who states that, for certain reasons which he mentions, he considers the adjudication of the said Prize to belong to that Court, but proposes, notwithstanding, that the Court shall hear the objections and observations of the Mixed Commission upon the subject.

Having read that letter, and the copy of the proceedings enclosed in it, the Commissary Judges abstained from coming to any decision by themselves, considering your presence to be necessary, both because the subject to be discussed is the most important one of the jurisdiction and powers of the Mixed Commission, of which you, as Commissioner of Arbitration, are a member; and because, during the absence of the British Commissioner of Arbitration, you ought always to sit and decide upon the cases that come before the Commission, accord

ing to the tenour of the 13th Article of the Regulations for the Mixed Commissions which form part of the Treaty, and the additional Article of the 10th December, 1822. And under this impression the aforesaid Commissary Judges confined themselves to directing that this case should be, communicated to you through me, as Secretary, in order that you may have the goodness to meet them this morning at eleven o'clock at the Intendant's house, which has hitherto been destined for holding their sittings, for the purpose of taking into consideration, with due deliberation, the subject of the letter of the Commander-in-Chief of the Naval Forces, and the Decree of the Court of Admiralty, and also of determining, as speedily as possible, upon what is to be done in this extraordinary and delicate case.

God preserve you many years.

(Signed) RAFAEL GONZALEZ, Secretary.

Senor Don Rafael Quesada.

Eighth Enclosure in No. 73.

(Translation.)

Minute of the Proceedings of the Mixed Commission.

23d June, 1824.

IN the always most faithful City of Havannah, on the 23d June, 1824, Messrs. Jauregui and Kilbee, Commissary Judges, and M. Quesada, Commissioner of Arbitration, assembled in the presence of me, the Secretary, for the purpose of determining the answer to be given to the official letter of His Excellency the Commander-in-Chief of the Naval Forces on this Station; when M. Quesada stated that, previous to entering upon the subject for which they were convoked, he thought it his duty to mention, that he had attended at the present session, and would attend at the others that might be held, from the desire of facilitating, as far as lay in his power, the speedy despatch of the present case, the Commissary Judges having once determined that, in consequence of the absence of the other Commissioner of Arbitration, his colleague, and in conformity with the 13th Article of the Regulations for the Mixed Commissions, he ought to sit and decide with them, without there being any difference of opinion between them, although he was inclined to think that he ought not to attend until such difference of opinion should occur, because in his conception the Article does not alter the form of proceeding pointed out in the 3d Article of the same Regulations, and has no other effect but that of leaving open the appeal to the other Mixed Commission. To which observation of M. Quesada the other members replied, by giving him thanks for this fresh proof of his public spirit, and of his desire of acting, as far as lay in his power, for the advantage of the public service; stating to him at the same time that they had decided upon calling upon him as they had done, because the above-mentioned 13th Article, when treating of the circumstance in which the Commission at present is, provides that "the remaining Individuals shall proceed to the Judgment of the causes which may be brought before them;" which words have induced them to believe that the bringing of these causes ought to be before all the Individuals who remain, belonging to, or that are members of the Mixed Commission; and likewise because they have learnt that this is the practice in similar cases which have occurred at Sierra Leone. This point having been settled, the Commission proceeded to discuss the principal object for which they had met, the Secretary having previously read the official letter of the Commander-in-Chief of the Naval Forces, with its enclosures, together with the correspondence which has passed between Mr. Kilbee and His Excellency the Captain-General, and all the rest of the proceedings in the present case. Messrs. Jauregui and Kilbee then repeated the opinion they had expressed at the sitting of yesterday, that the Commander of the *Marte*, as soon as he entered this Port with the Prize, ought undoubtedly to have presented her to the Mixed Commission; so much so, that in failing to do so, he had neglected to fulfil the stipulations of the Treaty; and M. Quesada having coincided with this opinion, they all unanimously agreed that the Commission should immediately take up this matter, until they should succeed in being restored to the due exercise of their functions. But considering that the Commission is composed of Members of the Spanish and British Nations, each having a direct dependence upon his respective Government; and that this Court can by no means be looked upon as one of the common Tribunals of the country to enter upon the usual discussions respecting jurisdiction, much less to submit to the disputes that may arise, being decided by the same Tribunal which endeavours to appropriate to itself what properly belongs to them, they agreed with the same unanimity that, upon the subject of their powers, as well as upon all others, the Commission ought not to enter into direct communication but with the Captain-General, who as the principal authority of the Island, represents the Sovereign of the Country in which they reside. Thus in conformity with this principle, the British Commissary Judge, observing that the *Marte* had entered this Port with a Vessel having Negroes on board, and that three days had elapsed without any notification of the case having been made to the Mixed Commission, addressed himself directly to His Excellency. And they resolved that this is the answer to be given to the Commander-in-Chief of the Naval Forces, acknowledging the receipt of his letter of the 18th, which Mr. Kilbee stated he had received on the 21st, adding at the same time to His Excellency, as an act of good harmony, (without its being understood that the Commission depart from the principles they have

laid down,) that according to the letter and spirit of the Treaty, and particularly of the 1st Article of the Instructions for the Cruisers of the two Nations, the *Marte* having detained the Vessel, her Commander ought to have come directly with the same to the Mixed Commission, to which alone it appertained to examine and ascertain the nature of her papers; and he never should have carried her to another Tribunal, nor should the latter have retained her, thereby depriving the Commission of their powers.

With this the sitting concluded. The Commissioners affixing their signatures in the presence of me, the Secretary.

(Signed) JAURÉGUI,
H. T. KILBEE,
RAFAEL DE QUESADA.

RAFAEL GONZALEZ, Secretary.

Ninth Enclosure in No. 73.

(Translation.)

The Mixed Commission to Admiral Gaston.

MOST EXCELLENT SIR,

Havannah, June 23d, 1824.

YOUR Excellency's official letter of the 18th instant, which was received on the 21st by the Commissary Judge of His Britannic Majesty, together with the authenticated copy of the proceedings in your Department respecting the capture by His Catholic Majesty's Brig *Marte*, of a Vessel with a Cargo of Negroes, could not be taken into consideration until this day's sitting of the Mixed Commission, it having been necessary that the Captain-General should appoint a Spanish Commissary Judge ad interim, in the room of Don Claudio Martinez de Pinillos, and the Individual selected not having taken the proper oath till yesterday.

The Commission perceive and acknowledge the consideration which your Excellency has had towards them in this case, when, upon the first intimation of the opinion of the Fiscal of the Court of Admiralty that the cognizance of the present cause belonged to that Court, you were pleased to direct that the same should be communicated to them for the purpose of hearing the observations and objections which they might make upon the subject.

But the Commission considering, from the object, and still more from the very form of their institution, that they are a Commission of the two States, are of opinion that, upon the subject of the exercise of their Powers, as well upon all others connected with them, they ought not to enter into direct communication with any other but the Chief Authority of the Island, as the immediate Representative of the Sovereign of the Country where they reside.

Accordingly in conformity with this principle, the British Commissary Judge, observing that the Brig of War *Marte* had entered this Port with her Prize on the 17th, and that no notification of the capture had been made to the Commission, addressed himself directly to the aforesaid Chief Authority of the Island, in a Note dated the 20th, who on the following day acknowledged the receipt of the same, and stated that he had transmitted it to Your Excellency; communicating also on the same day, that Your Excellency had informed him that you had forwarded the aforesaid Note for the opinion of the Auditor of Marine.

Under these circumstances, the Commission, abstaining from entering into discussions with the Court of Admiralty, as they will abstain from doing so with any other Tribunal, hope that Your Excellency will have the goodness to give the answer you may think advisable, as speedily as possible, to the Captain-General, respecting the aforesaid Note of the 20th instant, in order that they may not be under the necessity of renewing their Representations to His Excellency.

But, as Your Excellency has been pleased to address yourself directly to the Commission, from a spirit of urbanity, (without it being thereby understood that they depart from their principles,) this Court will state to Your Excellency, that, in their opinion, the Commander of the *Marte* having detained a Vessel with a Cargo of Negroes, and having entered this Port with the same, ought to have come directly to the Commission, as the Treaty directs in several parts, and particularly in the 1st Article of the Instructions for the Cruisers of the two Nations; and that all the rest must be considered as the result of the examination of the Papers, which belongs exclusively to the Commission, and to which Papers they would give due credit and consideration, according to their merit.

God preserve your Excellency many years.

(Signed) ANDRES DE JAUREGUI,
H. T. KILBEE,
RAFAEL DE QUESADA.

His Excellency the Commander in Chief of the Naval Department.

Tenth Enclosure in No. 73.

(Translation.)

Admiral Gaston to the Mixed Commission.

GENTLEMEN,

Havannah, June 25, 1824.

THE Admiralty Court of this Station has been duly informed of the contents of your

letter, dated the 23d instant, relative to the expediency of the Communications of this Department, upon the subject of the Negroes carried into this Port by the Brig of War *Marte*, being made to His Excellency the Captain General.

God preserve you many years.

(Signed) MIGUEL GASTON.

The Members of the Mixed Commission.

Eleventh Enclosure (A.) in No. 73. (Translation.)

Admiral Gaston to the British Commissary Judge.

SIR,

Havannah, June 23d, 1824.

HIS Excellency the Captain General has addressed to me an official letter, under date the 21st instant, enclosing that which you addressed to him the day before, relative to the Vessel with Negroes brought into this Port by the Brig of War "*Marte*," respecting which case you are officially informed by the letter which I wrote to you on the 18th, forwarding an authenticated copy of the proceedings of this Department; and, the Admiralty Court having been apprized of the contents of the above-mentioned official letter of the Captain-General, and of the claims made by you, have come to the decision which you will perceive by the enclosed copy of their further proceedings; and I hope, that by a perusal of the same you will be convinced of the propriety of the line of conduct adopted by the Court, in a case not included in the law promulgated respecting the Slave Trade.

God preserve you many years.

(Signed) MIGUEL GASTON.

The British Commissary Judge.

Eleventh Enclosure (B.) in No. 73. (Translation.)

Proceedings of the Court of Admiralty at The Havannah.

THE opinion of the Fiscal.—He states that he has been apprized of the official letter which, under this day's date, the Captain General has addressed to the Department, at the suggestion of the British Commissary Judge, appointed to reside here by his Government, in conformity with the *Treaty*, and the royal *Cedula* of the 19th December, 1817, relative to the Slave Trade; and his opinion is—That it be stated to His Excellency, that the zeal which that individual has manifested, is not greater than the exact legality with which the Marine Department has proceeded upon the present occasion; and that, by the communication made to him (the Commissary Judge) this morning, he will find explained the cause of the difficulties and delays which he has attributed to us. That our communication to Commissary Judges of the Mixed Commission never can be understood to deprive the Court of Admiralty of the exclusive cognizance to which it is entitled, of the initiative in the proceedings relative to a foreign prize taken at a distance from our coasts and territories by a Spanish Privateer, with lawful letters of Marque received here, as was the case with the *Romano*, under the command of Don Jose Cotarro. This Case, as has been already stated, as yet, appears not to be included in the above-mentioned Treaty, for the latter is limited to vessels, Spanish, English, or foreign, which, in violation of the law, or of the prohibition, shall come to carry on the traffic on the coasts, or near the dominions of the two High Contracting Parties. That is to say, of our beloved and desired King and Lord, or of the King of Great Britain; but the Slave vessel being the property of subjects of the kingdom of Portugal, and captured in these Seas for the reasons and causes which the Captor Cotarro thought sufficient; and being bound for our Port, in order that the justice or injustice of the Capture should be decided; it seems that, up to the present moment, this department has acted with that circumspection and consideration so proper and necessary in all cases in which the high principles of Public Right and the Law of Nations are involved, and in due observance of the Treaty which, in conformity with those principles our Cabinet has concluded with that of His Britannic Majesty. Having thus satisfied the invitation of the most worthy Captain General, who is always an object of admiration and respect to the writer, it should be stated to His Excellency, that the Marine Department proceeds and ought to proceed, as this Court exacts and requires, to the investigation of the Case of the Capture. That in conformity with the result of that investigation, the Court will finally decide whether the cognizance of the Case, or the determination as to its being a good or bad prize, belongs to it; and that if any doubts or objections should occur upon this point to the Mixed Commission, let the latter proceed to the encounter, or to the question of the competency. To that Commission *assembled* and *established* conformably to the Regulations of the said Treaty, it appertains to address the Court of Admiralty directly, without the intervention of the aforesaid Captain-General.

That this Reply, together with the Reports of Captain Cotarro, and of the Commander of the *Marte*, be transmitted to His Excellency, adding what was requested by the Junta in their former letter, and what was agreed to by the same; and, finally, that all this be notified to the said Commissary Judge, without enclosing to him the above-mentioned Reports, which

he has already received with the documents which were forwarded to him. Your Excellency and the Court will, notwithstanding, resolve whatever shall be considered most advisable.

Havannah, 21st of June, 1824.

(Signed)

COIMBRA.

Decree of the Court.

Royal Junta of Marine.

In the always most faithful City of Havannah. Extraordinary Meeting, June 22d, 1824.

THE official letter was laid before the Court, which the Captain-General addressed under date of yesterday, to His Excellency the President of the same, in which one from the British Commissary Judge, dated the 20th instant, was inserted, relative to the proceedings in the Case of the vessel with four hundred Slaves on board, which has entered this Port; and taking into consideration what has been stated by the Fiscal in the preceding paper, the Court have agreed, in entire conformity with the same, that both the aforesaid official letters should be answered by His Excellency the President of the Junta, (Admiral Gaston,) and that authenticated copies of the proceedings should be enclosed, in order that the claim advanced being relinquished, the Court may proceed in the exercise of their functions, and pronounce their decision respecting the conduct of Don Jose Cotarro, Captain of the Spanish Privateer *Romano*, in detaining the Slave vessel in question, and sending her to this Port, for the reasons he states in his paper—deferring until the period of that decision the handing over the cause for the ulterior effects to the authority which shall be competent to hear it, in virtue of the Royal orders that may be applicable to the present extraordinary Case. That being as it is an essential measure that the Negroes should be removed from on board, where they are much confined, to the injury of their health, and even to the great danger of their lives, particularly in the present season, to a convenient and airy situation on shore, with security for their persons, together with care and good treatment, as was indicated at the first sitting of this Court, on the 18th instant, when the store-houses belonging to Don Juan Perez, owner of the aforesaid Privateer *Romano*, which are situated in Casa Blanca, were proposed, the said Perez consenting, as he has done ever since their entry into this Port, to provide the Negroes with food, and to answer for their persons, giving for this purpose fifty thousand dollars security. The zeal of the Junta for the preservation of those Negroes having extended to the appointment of an Inspector for the same, for which charge D. Jose Soler, an inhabitant of this city, of good reputation, and considerable landed property, was named, notwithstanding that by all these precautionary measures apprehensions of any danger whatever are removed, still this Court will consent that the aforesaid Captain-General, by himself, or in union with the Mixed Commission, should propose any fit means for the security of the said Negroes, both at the time of their landing, and when they shall inhabit the stores of Perez, or any other place in which they may be left, adding the guard that may be thought necessary, all this until the first preliminary point shall be decided, the speedy despatch of which has been directed. And in consequence of the absence of the Commander of the Brig *Marte*, which Brig sailed from hence this morning, Lieutenant Don Alvaro Laserna is appointed to attend at the landing of the Negroes.

Thus provided, ordered, and signed, His Excellency the President, and the other members of the Court, together with the Auditor of Marine.

(Signed)

MIGUEL GASTON.

Twelfth Enclosure in No. 73.

H. T. Kilbee, Esq., to Admiral Gaston.

SIR,

Havannah, June 24th, 1824.

I HAVE the honour to acknowledge the receipt of your Excellency's Official Letter of yesterday's date, in which you have been pleased to transmit to me an authenticated copy of certain proceedings in the Court of Admiralty, relative to the case of the Slave Vessel detained by His Catholic Majesty's Brig *Marte*, and in which you express a hope that I shall be convinced of the propriety of the line of conduct adopted by that Court in a Case not included in the Law promulgated respecting the Slave Trade.

I beg leave to return your Excellency thanks for this communication, but individually I do not feel myself to be at liberty to express an opinion upon it, as the subject is now before the Mixed Commission, of which I have the honour to be a Member.

There is, however, an observation in the enclosure forwarded in your Excellency's letter, which, as it regards me personally, I cannot pass over unnoticed.

It is the passage in which it is insinuated that, in my letter addressed to the Captain-General on the 20th instant, I attributed to your Excellency and the other members of the Junta the blame of the delay which has occurred in the present case.

A mere perusal of that letter will be sufficient to convince your Excellency of the entire want of foundation for this insinuation, and that I have not, in the most remote or indirect manner, ventured to assume to myself what, in my individual capacity, would be a most

unwarrantable liberty, namely, the right of attributing blame to, or commenting upon, the conduct of any Spanish Authority or Corporation whatever, much less the High Tribunal over which your Excellency presides.

During my residence in this country I have hitherto had the good fortune to succeed in fulfilling my duty with my own Government, and at the same time in maintaining the most perfect harmony with that of this Island. This I attribute to the moderation which from the beginning I have observed in the communications I have found it necessary to have with the Authorities of His Catholic Majesty, and to my carefully abstaining, upon all occasions, from interfering in matters which did not properly belong to me.

That I have scrupulously observed this line of conduct for the last five years, the numerous Chiefs and Authorities who have ruled here during that period will bear witness; and your Excellency will not be surprised that I should feel deep regret to find myself accused publicly, and without due foundation, of departing from it,—nor that I should, as I now do, deny the charge in the most explicit manner.

I avail myself of this occasion, &c.

His Excellency Don Miguel Gaston.

(Signed)

H. T. KILBEE.

Thirteenth Enclosure (A) in No. 73. (Translation.)
Admiral Gaston to H. T. Kilbee, Esq.

SIR,

I FORWARD to you an authenticated Copy of the Statement made by the Fiscal of this Department upon the subject of your letter of yesterday's date, and likewise of the Resolution adopted by the Court of Admiralty in consequence thereof—thus answering your aforesaid letter.

Havannah, June 26th, 1824.

God preserve you many years.

Henry T. Kilbee, Esq.

(Signed)

MIGUEL GASTON.

Thirteenth Enclosure (B) in No. 73. (Translation.)
Proceedings of the Court of Admiralty at The Havannah.
Fiscal's Representation.

HE states that the Proceedings have been returned to him in consequence of the letter addressed to His Excellency the President of the Court by Mr. Kilbee, a very worthy Member of the Mixed Commission, complaining, in his private character, that in the letter sent to the Commission the day before, it was insinuated that, in his communication to the Captain-General, he had attributed to this Court the blame of the delay that had occurred in this case. The Fiscal therefore, in conformity with the severity of principles with which he has always discharged the duties of his office, and convinced of the rectitude of those of the Court, must state, that he regrets that he is not personally acquainted with that gentleman, whose reputation and conduct, ever since he first touched this soil, have confirmed the propriety of the selection made by the British Government in appointing him to an office in which are required virtues and qualities which it is well known he possesses. With this ingenuous statement, the Fiscal persuades himself that that gentleman will be convinced that there has not been the most distant idea of attaching blame to him in the proceedings of the Marine Department; and that, if the literal sense of the communication made to the Commission involves any involuntary insinuation, it was far from the intention of the writer to do so, and likewise of the members of the Court;—it having been necessary that the former, in order to excuse the delay which occasioned that Gentleman's Note of the 20th to the Captain-General, should relate the previous circumstances which occurred for having deferred giving due advice for three days after the entrance of the Vessel in question, solely with the desire of satisfying the Commission, of the proper zeal with which he, in the discharge of his duties, had addressed himself to the Chief Authority.

The expressions being thus explained which gave rise to the letter of that honourable Member, the writer is of opinion, that with this Reply, and the Resolution of the Junta, he will be satisfied of our consideration and respect, which are no less due to him for his public character, than for his social virtues.

Havannah, June 26th, 1824.

(Signed)

COIMBRA.

Decree of the Court.

Havannah, June 26th, 1824.

HIS Excellency the President and the other Members directed, in conformity with the preceding paper, that a polite letter be addressed to Mr. Kilbee, Member of the Mixed Commission, with an attested Copy of the same, and of the Resolution of the Court approving of it, in answer to his letter of the 24th instant.

(Signed)

MIGUEL GASTON.

Fourteenth Enclosure in No. 73.
H. T. Kilbee, Esq., to Admiral Gaston.

SIR,

Havannah, June 27th, 1824.

I HAVE the honour to acknowledge the receipt of your Excellency's letter of yesterday's date, enclosing an authenticated Copy of the Representation of the Fiscal of the Admiralty upon the subject of my letter of the 24th instant, and of the Resolution which, in conformity with that Representation, the Court of Admiralty have thought proper to adopt.

I cannot fail to be most perfectly satisfied with the explanation given by the Fiscal of the passage in his Representation of the 21st, to which I considered it to be incumbent upon me to call your Excellency's attention: and I beg leave to express my acknowledgments for the flattering terms which that gentleman has employed with regard to me, and of which the Court has been pleased to approve.

I avail myself, &c.

(Signed)

H. T. KILBEE.

His Excellency Don Miguel Gaston.

Fifteenth Enclosure in No. 73.

(Translation.)

Minute of the Proceedings of the Mixed Commission.

June 25, 1824.

IN the always most faithful city of Havannah, June 25, 1824, the Members of the Mixed Commission having met in the Hall of their Sittings, for the purpose of continuing to treat of the deprivation in which they are kept of the cognizance of the case of the prize made by the Brig of War *Marte*, Mr. Kilbee, the British Commissary Judge, produced an official letter addressed to him, under date the 23d instant, by the Commander-in-Chief of the Naval Forces, enclosing an attested copy of the representation of the Fiscal of that Department, and of the Resolution adopted by the Court of Admiralty, on the 22d, in conformity with that Representation, all which was in answer to the letter addressed to His Excellency by the Captain-General, on the 21st instant, in which was inserted that sent to the said Captain-General by Mr. Kilbee, under date the 20th, and the same was, by order of that Court, communicated to the latter for his information.

After the perusal of these documents, the Mixed Commission saw confirmed the determination of the Court of Admiralty, to retain the cognizance of the case of the vessel detained and brought into this Port by the Brig *Marte*, which that Court had improperly assumed, alleging, as a motive for this, a mere statement of the Captain of the Privateer, called the *Romano*, which is neither deserving of credit in the manner in which it is presented, nor, although the highest degree of credit should be given to it, would it be a sufficient motive to have authorized the Commander of the *Marte* to fail to perform what the Treaty and the Instructions for the Cruizers order him; that is, after having detained, as he did, the Vessel with a cargo of Negroes, to bring her directly to the Commission with all the papers found on board of whatever description, because the examination of those papers belongs exclusively to the said Commission; so that to say that the cognizance of the case belongs to the Court of Admiralty, because the captured papers prove it so, is the same as to place before the eyes of the world the infraction committed of the Treaty and Instructions by the mere act of having taken possession of the said papers and the prize, which ought to have been brought directly before the Mixed Commission.

For all which reasons the Commission, convinced that no favourable measure is to be expected from the Marine Department, not even from the insinuation made at the conclusion of their official letter of the 23d, and being determined not to enter into communication with any other but the Chief Authority of the Island, for the reason mentioned in their former Sitting, that the Commission is composed of Members of the two nations, each having an immediate dependence upon the Government by which he has been appointed, have agreed to address themselves energetically to the Captain-General, as that Chief Authority, in order that His Excellency, being aware of the well-founded claim of this Court to the cognizance of the case of the Vessel detained by the Brig *Marte*, and affording that protection which is due to the same, (being established here in virtue of the Treaty and for its fulfilment,) may be pleased to adopt the measures which he may consider to be advisable, for the purpose of transferring to the Mixed Commission the aforesaid case; calling particularly to his attention that eight days have already elapsed since the *Marte* arrived here with her prize, and consequently, that for the same period the Commission have been deprived of the use of their powers, as that prize ought to have been brought before the Court the moment she entered the harbour; and observing, likewise, to His Excellency, that the Marine Department, disregarding the claim made in the case, has proceeded to direct of itself the measures of landing the Negroes, of depositing the same with an Individual who, being the Owner of the Privateer,

teer, may likewise be a party interested in the question, and others of a similar description, which may hereafter become of serious importance; against all which the Commissions make their most formal protest; and here the Sitting concluded, the said Members affixing their signatures in my presence.

(Signed)

JAUREGUL.
H. T. KILBEE.
QUESADA.

RAFAEL GONZALEZ,
Secretary.

Sixteenth Enclosure in No. 73. (Translation.)

The Mixed Commission to the Captain-General.

MOST EXCELLENT SIR,

Havannah, June 25th, 1824.

THE Commander-in-Chief of the Naval Forces has communicated to the British Commissary Judge, in a letter, dated the 23d instant, the answer which he gave to your Excellency's of the 21st, in which you inserted that of the said Commissary Judge of the 20th. By that answer, the Mixed Commission have learnt the absolute determination of the Court of Admiralty to take cognizance of the case of the capture made by the Brig *Marte* of a Vessel with a cargo of Negroes.

The Commission had previously received another letter from the said Commander-in-Chief of the Naval Forces, enclosing an attested copy of the opinion of the Fiscal of his Department, and of the Resolution of the Court of Admiralty, to the effect that for the reasons therein stated the cognizance of the case of the prize belonged to that Court; in which Resolution it was proposed, that the Commission should make any objections or remarks that might occur to them upon the subject; and, in the answer returned on the 23d instant, for the purpose of acknowledging the receipt of that letter, it was stated to His Excellency, that the Commission declined entering into discussions relative to their powers with any other Tribunal whatever; nor would they communicate directly with any other but the Chief Authority of the Island, who represents the Sovereign of the Country in which they reside.

Accordingly, such is the opinion of this Commission upon the grounds that, being composed of Members of the two nations, Spanish and English, and each having an immediate dependence upon the Government by which he has been appointed, it is not possible to consider their Court upon the same footing as the other Tribunals of the Country, to enter into the ordinary discussions respecting jurisdiction, and much less to submit to the very Tribunal which has given rise to those discussions, deciding upon the same, as results from the opinion of the Fiscal and the Resolution of the Court of Admiralty, in which it is proposed to the Commission to allege their reasons, in order that that Court may come to a decision upon the same.

However, for the sake of harmony, (without its being understood that the Commission departed from the principles laid down,) it was stated to His Excellency, in the same letter, that the Brig *Marte*, being a cruiser of the Spanish Navy, and having detained another Brig with a cargo of Negroes, she ought to have brought her directly to the Commission, with the papers found on board, as is stipulated by the Treaty, and in particular by the 1st Article of the Instructions for such cruisers; because the examination of those papers ought to have been effected by none but the said Commission, who would give them the consideration they deserved.

This observation was made to His Excellency on account of his having previously insinuated that the foundation of the proceedings in his Department was derived from one of the aforesaid papers, in which it is stated that the cargo of Negroes belonged to Portuguese subjects, from whom the Privateer, called the *Romano*, captured it; adding that, for this reason, the present case was not included in the Treaty. By alleging which circumstance on the part of the Marine, it has been attempted, in the first place, to give validity to a mere statement of the Captain of the Privateer, destitute of credit for the present; it being very possible that he himself has been the violator of the Treaty, and that he meant to screen himself by this means in the event of the Vessel being fallen in with by any cruiser: in the second place, it was not recollected that the investigation of the truth or falsehood of the aforesaid statement, and the decision to be taken in either case, always belonged exclusively to the Commission, by whom it ought to be decided whether the Vessel has been properly detained or not: and in the third place, it was not perceived that, by merely mentioning the same statement of the Captain of the Privateer, they at once avow the infraction of the Treaty, for the reason before intimated, that it belonged to the Commission and to them alone to receive the papers from the captor, and to examine them; an act which consequently was performed by those who had not authority to undertake it.

And as the Naval Commander-in-Chief's reply to your Excellency leaves no hope whatever that the Court of Admiralty will of itself relinquish the cognizance of this case, the Mixed Commission have recourse to your Excellency, and make the most formal and energetical remonstrance upon the deprivation in which they are kept of their powers, in order that, availing yourself of your authority, you may be pleased to adopt the measures which you

shall consider to be necessary for maintaining them in the full exercise of their functions, calling at the same time particularly to your Excellency's attention, that eight entire days have already elapsed since the arrival of the Brig *Marte* with her prize; and that the most serious consequences may arise from the measures which the Marine Department has taken upon itself to adopt relative to the landing of the Negroes, and the deposit of the same with the Owner of the Privateer *Romano*, and others similar, against which the Commission make all the protests which they can and ought to make.

God preserve your Excellency many years.

(Signed)

ANDRES DE JAUREGUI.

H. T. KILBEE.

RAFAEL DE QUESADA.

His Excellency the Captain-General.

Seventeenth Enclosure in No. 73.

(Translation.)

The Captain-General to the British Commissary Judge.

SIR,

Havannah, June 25, 1824.

BY an official letter of the 23d instant, which I received yesterday, His Excellency the Commander-in-Chief of the Naval Forces has informed me of the Resolution adopted by the Court of Admiralty, respecting your claim that the cognizance of the case of the Slave Vessel captured by His Catholic Majesty's Brig *Marte*, should be submitted to the Mixed Commission established here; and although it appears by the said letter that he has also informed you of the same, I send it, with a memorandum that it shall be despatched with all preference, for the opinion of Legal Counsel, in order that I may be thoroughly informed upon the subject for my decision; which I communicate to you for your information, as I shall likewise the result.

God preserve you many years,

(Signed)

FRANCISCO DIONISIO VIVES.

H. T. Kilbee, Esq.

Eighteenth Enclosure in No. 73:

(Translation.)

The Captain-General to the Mixed Commission.

GENTLEMEN,

Havannah, 26th June, 1824.

UNDER this day's date, the Honorary Oidor Don Joze Franco has forwarded to me the following opinion:—

“In the present state of this case, it being still doubtful, whether the cognizance of belongs to the Mixed Commission or to the Court of Admiralty, which doubt may occasion some delay, I am of opinion that it is absolutely necessary that, before all things, and independent of the decision to be taken upon the aforesaid point, the landing of the Negroes, who still remain on board the Brig captured by the *Marte*, be carried into effect, and their establishment in a healthy and airy situation, where they shall be provided with food of a good quality, in order to avoid the danger to which they are now exposed, as appears by the Reports made to the Naval Commander-in-Chief. By the adoption of this measure, your Excellency takes upon yourself no responsibility; but, on the contrary, you escape that which you would undoubtedly incur, by neglecting to adopt it; and, consequently, the Court of Admiralty, having agreed upon every thing relative to this point on the 22d instant, and having, upon that occasion, directed every possible measure of precaution for the security of the said Negroes; your Excellency may, without delay, accede to what the aforesaid Naval Commander-in-Chief has solicited in his above-mentioned letter, relative to the point in question, without touching upon the decision to be taken upon the principal question, upon which I will give you my opinion as speedily as possible; and this circumstance may be communicated to the Mixed Commission for their information.”

And, having conformed with this opinion, I transmit it for your intelligence.

God preserve you many years.

(Signed)

FRANCISCO DIONISIO VIVES.

The Members of the Mixed Commission.

Nineteenth Enclosure in No. 73.

(Translation.)

Minute of the Proceedings of the Mixed Commission.

30th June, 1824.

IN the always most faithful city of Havannah, on the 30th June, 1824, the Mixed Commission met in the Hall of their Sessions, to continue to treat of the subject of the Brig detained by the *Marte*; and considering, that although no reply has been yet received to their representation of the 25th, yet as some of the Members knew to a certainty that the Captain-General was

seriously engaged in the prosecution of this affair, it appeared to the Court, that it would be unadvisable to renew their representation, and they therefore resolved to wait the result: hereunto affixing their signatures before me, the Secretary.

(Signed)

JAUREGUL.
H. T. KILBEE.
QUESADA.

RAFAEL GONZALEZ,
Secretary.

Twentieth Enclosure (A.) in No. 73. (Translation.)

The Captain-General to the Mixed Commission.

GENTLEMEN,

Havannah, 30th June, 1824.

UNDER this day's date, I have written to His Excellency the Commander-in-Chief of the Naval Forces, as follows:—

“Most Excellent Sir,—The Enclosure which accompanies this, will apprise your Excellency of the determination I have taken, respecting the claims made by the Mixed Commission established here, to have the cognizance of the cause respecting the entrance into this Port of a Brig with a Cargo of Negroes, as being a case of their exclusive jurisdiction; and I hope that your Excellency will be pleased to forward to me, as soon as possible, the original documents, in order that I may transmit them to the aforesaid Corporation, and prevent the continuation of the protests against the delay, which already have begun to be made; and with this I likewise have answered your Excellency's official letters upon this subject.” And I communicate the same to you, enclosing likewise a copy of the document above referred to, for your information; and the moment the proceedings reach me they shall be forwarded to you without delay.

God preserve you many years.

(Signed,)

FRANCISCO DIONISIO VIVES.

The Commissioners of the Mixed Commission.

Twentieth Enclosure (B.) in No. 73. (Translation.)

THE Enclosure in the Captain-General's letter to the Mixed Commission of the 30th June, 1824, consists of the opinions of two distinguished Counsel, Messrs. Franco and Fiero, both in favour of the case of the Brig, with Negroes detained by the *Marte*, being submitted to the cognizance of the Mixed Commission;—and likewise his decree adopted in consequence of these opinions, and which is as follows:—

Decree of the Captain-General.

Havannah, June 30th, 1824.

Let a copy of the two preceding Opinions, with which I conform, be transmitted, together with the present *Decree*, to His Excellency the Naval Commander-in-Chief, in order that, being aware of the reasons I have for requesting him to cease for the present in the cognizance of the cause referred to, His Excellency may forward to me the proceedings in the case in the state in which they now are, that I may transmit the same to the Mixed Commission established here; for, as I am the only authority here intrusted with the fulfilment of the stipulations of the Treaty relating to this subject, it is evident that the Commission ought to receive them through me.

(Signed)

VIVES.

Twenty-first Enclosure in No. 73. (Translation.)

The Mixed Commission to the Captain-General.

SIR,

Havannah, July 2d, 1824.

THIS Mixed Commission have received your Excellency's official letter of the 30th ult., enclosing the opinions of legal Counsel with which you have conformed, relative to the requiring from the Marine Department the proceedings in the case of the Slave vessel detained by the Brig of War *Marte*; and very grateful for the zeal with which your Excellency has endeavoured to maintain them in the full exercise of their powers, the Court resolved to express the same to your Excellency in the present case, the speedy despatch of which is, for so many reasons, necessary.

God preserve, &c. &c.

(Signed)

ANDRES DE JAUREGUL.
H. T. KILBEE.
RAFAEL DE QUESADA.

His Excellency the Captain-General.

Twenty-second Enclosure (A.) in No. 73. (Translation.)
The Captain-General to the Mixed Commission.

GENTLEMEN,

Havannah, July 7, 1824.

IN consequence of my representations that the Commander-in-Chief of the Naval forces should transmit to me the proceedings relative to the entrance into this Port of a Vessel with a cargo of Negroes, His Excellency has done so in the terms which will appear by his official letter which I enclose, together with the process, in consequence of what he has stated to me upon the subject.

I likewise forward to you a Representation addressed to me by Don Antonio Ferreyra da Costa, one of the crew of the above-mentioned vessel, claiming the same, as not being a lawful prize, in order that the said Representation may receive the consideration of which it may be deserving, in the proceedings on the case.

God preserve you many years.

(Signed)

FRANCISCO DIONISIO VIVES.

The Members of the Mixed Commission.

Twenty-second Enclosure (B.) in No. 73. (Translation.)
Admiral Gaston to the Captain-General.

MOST EXCELLENT SIR,

Havannah, July 6, 1824.

I FORWARD to your Excellency the original proceedings relative to the detention by the Privateer called the *Romano*, Don Jozé Cotarro, Captain, of a Portuguese Vessel, said to be the *Maria*, alias *La Gloria*, on the Coast of Africa, and Roadstead of Onim, with a cargo of Negroes; and brought into this Port by the Brig of War, *Marte*, Don Jozé Apodaca, Commander, who detained the said vessel between the Ports of Mariel and Cabanas of this Island. And I suggest to your Excellency how prudent it would be to adopt the measure of a concord or joint proceeding between the Mixed Commission and the Court of Admiralty, taking into consideration the Fiscal's representation, and the grounds stated by that Court in its resolution of the 2d instant. And with this, I reply to your Excellency's official letter of the 30th ultimo.

God preserve your Excellency many years.

His Excellency the Captain-General.

(Signed)

MIGUEL GASTON.

To this letter is annexed the Decree of the Captain-General upon the same, to the following effect:—

DECREE—"Let this letter be transmitted to the Oidor, Don Jozé Franco, for his opinion respecting its contents.

(Signed)

VIVES."

And likewise the opinion of M. Franco, which is as follows:—

"Your Excellency may direct that the proceedings of the Court of Admiralty, in the case of the detention of the Brig with Negroes by the Brig of War, *Marte*, and forwarded to you by the Commander-in-Chief of the Naval forces, in consequence of your representations addressed to him upon the subject, be transmitted to the Mixed Commission, with a recommendation of the measure proposed by the said Court of Admiralty in their resolution of the 2d instant, in order that the Commission may adopt the same, if there be no objection; and if there be any objection, that it be stated to your Excellency, to enable you to reply to the Naval Commander-in-Chief."

(Signed)

Havannah, July 7, 1824.

JOZE FRANCO.

I coincide with the foregoing opinion; and I direct the steps proposed in it to be taken immediately.

(Signed)

VIVES.

Twenty-third Enclosure in No. 73. (Translation.)
Minute of the Proceedings of the Mixed Commission.

July 8, 1824.

IN the always most faithful city of Havannah, on the 8th July, 1824, the Members of the Mixed Commission having met, an Official Letter from the Captain General was read, in which are enclosed the original proceedings of the Marine Department transmitted to His Excellency, with the proposal made by that Department to proceed in concord with the Commission, the Court of Admiralty still considering this case to be within their jurisdiction, because it belongs to them to judge of the conduct of the Captain of the Privateer, *Romano*, in the use he has made of the Letters of Marque granted to him; which proposal of a joint proceeding of the two Tribunals the Captain-General communicates, in order that the Commission may state to him whatever they may think advisable respecting the same.

The Mixed Commission, observing that the Process and Records do not come to their hands yet, for the purpose of their proceeding alone conformably to their powers, but solely for the object above specified; and perceiving at the same time that the Court of Admiralty have proposed the said joint proceeding, upon the principle that it belongs to them to hear and decide upon the conduct of the Captain of the Privateer in the use of the letters of Marque; they have judged it necessary, in the first place, explicitly to state, that they do not interfere, nor ever have pretended to interfere, in any manner whatever upon that point; for they have only considered the Slave Vessel captured, in the light in which it has presented itself, that is, as a prize made by a cruizer of war of His Catholic Majesty, and as such brought into this Spanish Port where the Commission resides: under which point of view, it is impossible to call in question that it is a case for their peculiar cognizance, which it was not lawful for any other Tribunal to receive, to lay their hands on the papers found on board by the Captor, or to take any step whatever, while the Mixed Commission is established here.

The Members have accordingly agreed that the letter of the Captain-General be answered, stating to His Excellency that, as well for this reason as for those which influenced the Court when they declined to discuss the question of jurisdiction with the Court of Admiralty, and above all on account of the invincible obstacle to the aforesaid concord, arising from the different modes of proceeding of the two Courts, and from the different Tribunals to which they would have to make their appeals, if necessary, it is not possible for the Mixed Commission to accept the proposal of a joint proceeding; adding that they hope that His Excellency will now adopt the final determination of placing them in the full exercise of their powers, without losing more time than that which has already elapsed, and which, well employed, would have been sufficient to bring the cause to a conclusion, and that for the said purpose the process of the Marine Department be returned to His Excellency with the other documents which accompanied it: and thus the Session concluded, the Members affixing their signatures in my presence. (Signed)

JAUREGUI,
H. T. KILBEE,
QUESADA.

RAFAEL GONZALEZ, Secretary.

Twenty-fourth Enclosure in No. 73. (Translation.)
The Mixed Commission to the Captain-General.

MOST EXCELLENT SIR,

Havannah, July 8, 1824.

THE Mixed Commission have received and taken into consideration your Excellency's Official Letter of yesterday's date, enclosing that of the Commander-in-Chief of the Naval Forces, with the original records and proceedings of his Tribunal, which His Excellency transmitted in consequence of your former representations, but at the same time proposing a joint proceeding, as a prudent and reasonable measure in the present case.

The Commission, perceiving that the proceedings are not transmitted to them as yet for the purpose of their entering into the consideration of the case in conformity with their powers, but merely that they may state their opinion respecting the proposal made, have confined themselves to a deliberate consideration of the representation of the Fiscal, and resolution of the Court of Admiralty, where the subject of the proposed concord is treated of; and they have observed in the same, that both the Court and the Fiscal, taking for granted that the Captain of the Privateer, *Romano*, had really made the prize from Portuguese subjects, state that the Marine Department has had well-grounded reason for desiring to take cognizance of all that relates to the conduct of that Captain in the capture. The Commission here think it necessary, before all other things, to state explicitly to your Excellency, that they never have attempted, nor ever will attempt, to interfere in the subject of the conduct of the Captain of the Privateer, because they are well aware that that is not their province; but that they have considered the case precisely in the point of view in which it has presented itself, that is, as a Slave Vessel detained and brought into this Port by His Catholic Majesty's Brig of War, *Marte*; it having been consequently the duty of the Commander of the latter to have brought the prize directly to the Mixed Commission, in order that they might decide respecting the legality of the detention, and proceed in conformity with the Treaty and the Regulations annexed.

Under this view of the case, the Mixed Commission being convinced, as your Excellency likewise is (as appears by your Decree of the 30th ult., and your Official Letter addressed to the Commander-in-Chief of the Naval Forces, a copy of which was sent to them), that the cognizance of the cause of the prize belongs exclusively to them; as well for this reason, as for that which they had for not entering into ordinary discussions about jurisdiction, cannot accept of the proposal of a concord which has been made to them; adding, that to such concord the very different mode of proceeding of the two Courts would always be an invincible obstacle; and still more, the Tribunal to which appeal was to be made in the event of that being necessary.

The Commission would wish, without loss of time, to commence the proceedings in this case, with so much more reason, as twenty-two days have already elapsed since the entrance

of the Slave Vessel into this Port; a period sufficient for bringing the whole proceedings to a conclusion, and which has unfortunately been lost by the opposition they have met with in the due exercise of their powers. But as your Excellency has remitted the original proceedings, for the sole purpose of stating their opinion respecting the concord; after having done which, as above stated, they conclude by returning to your Excellency the said proceedings, and requesting that you will be pleased to take your final determination with the brevity required by the nature and circumstances of the case, and compatible with the other extensive duties of your Government.

God preserve your Excellency many years.

(Signed)

ANDRES DE JAUREGUI,
H. T. KILBEE,
RAFAEL DE QUESADA.

His Excellency, the Captain-General.

Twenty-fifth Enclosure (A.) in No. 73. (Translation.)

The Captain-General to the Mixed Commission.

Havannah, July 9, 1824.

GENTLEMEN,

UNDER this day's date, the Honorary Oidor, Don Jozé Franco, has given me the following opinion:—

“Your Excellency may direct that the original process be returned to the Members of the Mixed Commission, in order that they may proceed in the case, the cognizance of which, according to the Treaty, belongs to them; adding the Memorials of Don Antonio Ferreira da Costa, and the Report made yesterday by Don Juan Perez, depositary of the Negroes brought in the Brig, in order that the said Commission may adopt the necessary measures respecting all these points, as to them it belongs; and you may reply to the Commander-in-Chief's last letter, forwarding to him a copy of the last transmitted to your Excellency by the Commission: reporting the whole case to His Majesty, with a copy of all the proceedings, for his Sovereign Resolution.”

And having conformed with this opinion in all respects, I communicate it to you, returning to you at the same time the original Process and other documents referred to, in order that, being now in the free exercise of your powers, you may dictate the measures you may think advisable.

God preserve you many years,

(Signed)

FRANCISCO DIONISIO VIVES.

The Members of the Mixed Commission.

Twenty-fifth Enclosure (B.) in No. 73.

Abstract of the original Proceedings in the Court of Admiralty at The Havannah, in the Case of the Brig, Maria de la Gloria, transmitted by Admiral Gaston to the Captain-General, and by the latter to the Mixed Commission, in His Excellency's Letter of the 9th July, 1824.

THE commencement of these proceedings was transmitted by the Admiral to the Mixed Commission in a letter, dated the 18th June. In the originals are included two of the papers referred to in the Report of the Commander of the *Marte*, which were not enclosed in the Admiral's letter of the 18th: the one is an extract of the log-book of the *Marte*, respecting the detention of the *Maria de la Gloria*; and the other, a list of the crew of the latter put on board by Cotarro, after his capture of her; with the log-book of the same, from the time of her separating from the *Romano* till the 14th June, two days before the detention by the *Marte*.

Then follows the Official Letter of the 21st June, of the Captain-General to the Admiral, in which is inserted that of the Commissary Judge of H. B. M. to the former, dated the 20th June. His Excellency concluded by stating, that he agrees in opinion with that Commissary Judge, that the case of the detained Vessel ought to be transferred to the Mixed Commission.

Here follows certain formalities respecting the visit of the Board of Health, &c.

Then the Fiscal's representation respecting the Captain-General's letter of the 21st, and the Decree of the Court upon the same, all which was remitted by the Admiral to the British Commissary Judge, under date the 23d.

Declaration upon oath of the Commander of the *Marte*, confirming his Report respecting the detention of the Brig, *Maria de la Gloria*, and adding that the Prize Master, or Captain of that Vessel, stated that there were several of her original crew on board at the time of the detention by the Master.

Report of the Board of Health.

Reply to the Captain-General, dated the 24th, notifying the decision of the Court respecting His Excellency's of the 21st, and urging the necessity of effecting the disembarkation of the negroes.

Petition of the Fiscal, praying that the disembarkation of the Negroes may be ordered by the Court without delay, the latter having declared their opinion that the case is of their jurisdiction, and that they be deposited with Don Juan Perez, owner of the Privateer, *Romano*, in order that the latter may be saved the expenses of Commission, &c., in case there should be a sentence in his favour. He urges the necessity of the disembarkation in the strongest terms.

Decree of the Court, dated the 23d June, directs, that notwithstanding the preceding Petition, the Court, as yet declining to take upon themselves alone the adoption of the measure of disembarkation, decree that another letter be addressed to the Captain-General with this Decree and the Petition, requesting His Excellency to give an answer as soon as possible respecting this point.

Letter to the Captain-General in consequence of the above, dated June 23d.

Letter to the British Commissary Judge, dated June 23d.

The Mixed Commission to the Admiral, dated June 23d.

Report from Don Juan Perez, respecting the wretched state of the Negroes on board the Brig *Maria de la Gloria*, dated 24 June.

The Fiscal's opinion respecting the two last documents; that the Commission be answered by merely acknowledging the receipt of their letter; the observations in which ought to be taken into immediate consideration. He here enters into some arguments to prove that the case belongs to the Court of Admiralty; one of which is, that the Negroes were *not* brought for the purposes of traffic, and therefore, by the Tenth Article of the Treaty, the Commission could not take cognizance of the same. He recommends that the Captain-General be again addressed upon the subject of the disembarkation of the Negroes.

The Decree of the Court, dated the 25th June, conforms with the preceding.

Letter from the British Commissary Judge, with the proceedings relative to the same.

Letter to the Captain-General, requesting his decision relative to the landing of the Negroes, dated June 25.

Letter to the Mixed Commission, same date.

Letter from the Captain-General to Admiral Gaston, enclosing opinion of counsel advising the disembarkation of the Negroes, and stating that he had conformed with the same, dated June 26th.

Order for the disembarkation of the Negroes; formalities and precautions adopted; security of fifty thousand dollars given by Perez, the depositary; number of the Negroes, 400; inventory of the Brig.

Letter to the Captain-General, acknowledging the receipt of that of His Excellency, dated the 26th, and requesting his resolution respecting the principal point under discussion, namely, to what Tribunal the case of the *Maria de la Gloria* belongs, dated 28th June. Report and Proceedings respecting some of the Negroes who were unwell, and also respecting an Inspector in the room of Don Joze Soler, who declined that charge; and of Don Victorino Sandaval, who was absent in the country. Don Joze Traviero appointed Inspector at the recommendation of the Fiscal; which charge he accepted.

Letter from the Captain-General to Admiral Gaston, enclosing the opinion of counsel that the case of the *Maria de la Gloria* belonged to the jurisdiction of the Mixed Commission, dated June 30th, and notifying his decree conforming to that opinion, and requesting the Admiral to transmit to him the original proceedings, in order that they may be forwarded to the Mixed Commission.

Representation of the Fiscal respecting the preceding letter. He alludes to the Captain-General conceiving himself to be authorized to decide upon the question of the jurisdiction of the Court, although he (the Fiscal) considers that to be the prerogative of the Supreme Government alone. He recommends the measure of a concord, or joint proceeding, between the Mixed Commission and the Court of Admiralty; it being unquestionable that it belongs to the latter to decide respecting the conduct of the Captain of the Privateer; and he advises that the original proceedings, required by the Captain-General, be forwarded to His Excellency with the proposal of the joint proceeding; and if this be not accepted, that the Court should protest solemnly against the deprivation of their Powers.

Decree of the Court, Havannah, July 2, 1824.—The Court having taken into consideration the letter of the Captain-General with his decree, declaring that this Court should cease to proceed in the case of the capture of a Slave Vessel by the Privateer *Romano*, Don Joze Cotarro, Captain, and should transmit the original proceedings for the purpose of transferring them to the Mixed Commission; and, having heard the opinion of the Fiscal, observed that it was necessary to put an end to the discussions upon this subject, the reasons alleged by this Department respecting their undoubted right to hear and determine exclusively, relative to the conduct of the Captain of the Privateer who captured the Slave Vessel, not having been considered sufficient; because they considered that it was more laudable to yield in a case which the Captain-General himself admits to be extraordinary and doubtful, it not being decided in the articles which determine the powers of the Commission, than to continue a contest which would paralyze the regular course of the proceedings, thereby causing serious injury; although their arguments appear to be the clearest and most convincing: conformably with these Principles, the Court have agreed unanimously that a letter be immediately addressed by the President to the Captain-General, with the original proceedings in the state in which they now are, recommending to His Excellency the expediency of adopting

the measure of a concord or joint proceeding between the Mixed Commission and this Court, which appears to be the most legal, in consideration of the singularity of the case to be tried, and of there being no law which expressly declares to what tribunal the cognizance of the same belongs; and by this means nothing will be risked, and the inconveniences arising from a Tribunal assuming powers which do not belong to it, will be avoided. But, if this arrangement should also be considered unadvisable, that then the said original proceedings be at the unconditional disposal of the Captain-General, upon His Excellency's responsibility, this Court saving their powers and decorum, by the manifestation they have made of the prudent motives which have determined them to desist, and by the formal protest that it be without prejudice to their jurisdiction; upon which point they acknowledge those authorities alone whom the laws point out, and not that of His Excellency in this respect; for the sovereignty from whence all laws proceed, has given to the Chief of the Naval Department in America, a plenitude of power which cannot be checked by any other local authority, without committing a violence that would disturb the appointed order for every public functionary in his department: and the Court hope that the Captain-General, taking into due consideration the reasons alleged in this day's proceedings, will adopt such measures as his sound judgment shall dictate, for the purpose of preserving the Court in the free exercise of their functions, His Excellency having already allowed himself to be made the channel for the communications which appear among the proceedings, and which the Mixed Commission ought to have made directly, in consideration of the installation of the same as a duly-authorized tribunal. The Court have likewise agreed that an attested copy of all their proceedings with a proper Report be forwarded for the information of His Majesty our Lord the King, separating the log-book of the *Marte*, which may be returned to the Commander of that Vessel; and, the members of the Court provided, ordered, and signed, &c.

(Signed) MIGUEL GASTON.
And the other Members of the Court of Admiralty.

Twenty-fifth Enclosure (C.) in No. 73. (Translation.)

Memorial of D. Antonio Ferreira da Costa to the Captain-General.

MOST EXCELLENT SIR,

Havannah, July 1, 1824.

DON ANTONIO FERREIRA DA COSTA, one of the crew of the Portuguese Brig *Maria de la Gloria*, and a petty officer of the same, which is the property of M. Joaquim Jozé de Oliveira of Bahia de Todos Santos, in Brazil, with the most profound respect, states to Your Excellency, that on the 24th of April last, being at the distance of forty leagues from the Port of Onim on the Coast of Africa, the said Brig being on her return from that Port to Brazil, with a cargo of four hundred and thirty-three Slaves of both sexes, was surprised and captured by the *Spanish* merchant Brig named the *Romano*, Don Joze Cotarro, Master, and brought from thence to the Isle of Pines; that not being able to reach the landing-place there, because the Vessel came within the Keys, she proceeded for Ortegoza, to the westward of Cabanas, and being in sight of the latter, she was detained, and brought to this Port of Havannah, by His Catholic Majesty's Brig the *Marte*. Your Petitioner is ignorant of the orders which could have authorized Captain Cotarro to commit such an outrage, treating a nation which is not at war with Spain, nor with any other Power, as an Enemy; and, in the same ignorance was the Captain and Supercargo of the Expedition, Don Juan Jozé Fonseca, who, with the first and second mates, and twenty-two of the Crew, were carried on board the *Romano*, by Cotarro, as prisoners.

Your Petitioner is under the necessity of making this frank Statement to Your Excellency, adding also the bad treatment he is actually suffering; and he therefore entreats that while he remains in detention, he may receive sufficient aid for his maintenance; and likewise that Your Excellency may be pleased to order the Vessel, the Slaves, and all the rest belonging to the same to be delivered up to him; protesting as he does in due form against the above-mentioned Brig *Romano*, her Captain Don Jozé Cotarro, and her owners, for the loss and damages sustained, conformably with justice.

(Signed) ANTONIO FERREIRA DA COSTA.

The Captain-General,
&c. &c. &c.

Twenty-fifth Enclosure (D.) in No. 73. (Translation.)

Memorial of D. Antonio Ferreira da Costa to the Captain-General.

Havannah, July 8, 1824.

DON ANTONIO FERREIRA DA COSTA, a petty officer belonging to the crew of the Portuguese Brig *Maria de la Gloria*, of which M. Joaquim Jozé de Oliveira, of Bahia de Todos Santos, in Brazil, is Owner, in consequence of the proceedings relative to the capture of the said Brig, states in due form to Your Excellency, that he has learnt from the

Notary of the Marine Department, that the whole process has been remitted to Your Excellency on the 6th Instant, and in this state of the case it is his duty to make a representation on behalf of the Interests of the Owner, apprizing Your Excellency at the same time of the culpable conduct of Don Juan Perez, Owner of the Brig *Romano*, who, by his Piracies, well known in this Port, has been the cause of all the evil that has occurred.

The principal individuals of the Vessel having been forcibly taken out of her by the Captain of the Piratical *Romano*, your Petitioner became the officer of most representation that remained on board; and in this character has remonstrated upon the case, and has been acknowledged by the Authorities as a lawful Representative of the Owners. For this reason, Perez having been appointed Depository of the Negroes, your Petitioner with five Negro Sailors belonging to the Vessel, two of which are free, and the other three slaves of the Owner, proceeded to accompany the said Negroes, for the purpose of assisting and taking care of them, but the aforesaid Perez drove them all away; and from this circumstance, it is to be presumed that he wants to act without witnesses; and, that having the Negroes at his disposal, he will falsely report the death of some of them, and will invent pretexts of a similar nature, which must necessarily be injurious to the interests of those concerned. But, independent of this consideration, Perez, as owner of the *Romano*, is responsible for the loss sustained: and accordingly last month he was condemned to restore to the Owners the French ship *Telegraph*, which was also captured by the *Romano*, and to make good the injury sustained; and this circumstance alone is sufficient for not entrusting to him the deposit of the Negroes, which is the same as giving them up to an enemy.

Your Petitioner, therefore, prays that, to prevent the evil consequences that may follow, the said Negroes be placed in the hands of another Depository, Don Joze Maria Acebal, a merchant of this city, instead of Don Juan Perez.

(Signed) ANTONIO FERREIRA DA COSTA.

The Captain-General.

The Petitioner likewise requests that, on account of the distress in which he is, he may be exempted from the use of stamped paper; and also, that the five Negro Sailors may be maintained by the new Depository.

Twenty-fifth Enclosure (E.) in No. 73.

Reports relative to the death and burial of one of the Negroes of the Brig Maria de la Gloria.

REPORT of Don Juan Perez to the Captain-General, dated July 8th, stating the death of the Negro on the preceding night.

Second Report from the same, dated likewise the 8th, stating that the Negro remained unburied, and requesting that a person might be appointed to witness the burial.

Decree of the Captain-General to the President of the Board of Health, directing him to appoint a Surgeon to examine the body, dated 8th July.

Report of the President of the Board of Health, that he had himself seen the dead body, and had ordered its burial.

Twenty-sixth Enclosure in No. 73. (Translation.)

Minute of the Proceedings of the Mixed Commission, July 10th, 1824.

IN the always most faithful city of Havannah, on the 10th July, 1824, the Members of the Mixed Commission having met, a letter from the Captain-General was read, in which, in consequence of what was stated to him by the Commission in their letter of the 8th, relative to the concord proposed by the Marine Department, His Excellency returned the original process and Records of that Department, with a Declaration that this Court might proceed in the case of the Prize, in conformity with their powers. And having taken this letter into consideration, the Court agreed that an answer should be sent to the Captain-General, acknowledging the receipt of the said letter, and expressing their satisfaction for the consideration they had received from His Excellency.

The Commission, having now to enter upon the exercise of their functions, have considered it to be their duty in the first place to protest anew, as they now protest in due form, against all the proceedings in the Marine Department, commencing with the circumstance of the Commander of the Brig *Marte* having repaired to that department, when it was his duty to have come to the Mixed Commission, subsequently against the admission by the Court of Admiralty of the case of the Prize, assuming the right to examine the papers: again, against the retention of the case until it was demanded by the Captain-General; and lastly, against all the other measures ordered by that Court, especially that of the deposit of the Negroes; which Protests, it is agreed, shall be communicated to the Captain-General, in order that it may never be thought that the Commission have consented to, or connived at those measures, and for all other effects.

And as, for the commencement of the proceedings, the sworn Declaration of the Commander of the Brig *Marte* is considered necessary, it was agreed that another letter should be

addressed to the Captain-General, requesting him to take the necessary steps for the appearance of the said Commander at eleven o'clock on the morning of the 12th instant, in the Hall at the Intendancy, destined for the sittings of the Mixed Commission; and also that, as the Court was unprovided with an officer to perform the external duties that might occur, His Excellency would be pleased to appoint a person of his confidence for that situation. All which was agreed to for the present, as a preliminary arrangement, until the members of the Commission should inform themselves thoroughly of the process forwarded to them; and they signed this in my presence.

(Signed)

JAUREGUI,
H. T. KILBEE,
QUEZADA.

RAFAEL GONZALEZ, Secretary.

Twenty-seventh Enclosure in No. 73. (Translation.)

The Mixed Commission to the Captain-General.

MOST EXCELLENT SIR,

Havannah, July 10th, 1824.

WITH your Excellency's official letter, dated yesterday, the Mixed Commission have received the original process and records of the Court of Admiralty in the case of the Capture made by the Brig of War *Marte*, of another Brig with a Cargo of Negroes on the coast to the westward of this Port; and being now in the free exercise of their powers, the Commission will proceed with all possible activity, in conformity with the Treaty and the Regulations annexed. And we state the same to your Excellency, in answer to your letter above referred to.

God preserve your Excellency many years.

(Signed)

ANDRES DE JAUREGUI,
H. T. KILBEE,
RAFAEL DE QUESADA.

His Excellency the Captain-General.

Twenty-eighth Enclosure in No. 73. (Translation.)

The Mixed Commission to the Captain-General.

MOST EXCELLENT SIR,

Havannah, July 10th, 1824.

THE Mixed Commission, considering it necessary for the commencement of their proceedings to have the sworn Declaration of the Commanders of Vessels of War which detain Slave ships, have to request that your Excellency will be pleased to direct the necessary steps to be taken, in order that on Monday the 12th instant, at eleven o'clock, Don Joze Apodaca, Commander of the Brig of War *Marte* may present himself in the Hall of their Sessions, to be examined respecting the Capture of a Negro vessel to the westward of this Port.

As the Commission is unprovided with a person to summon witnesses, and perform other necessary services for the speedy progress of the cause before them, they request that your Excellency will have the goodness to direct an Alguazil, or officer of justice, to attend them for that purpose.

God preserve your Excellency many years.

(Signed)

ANDRES DE JAUREGUI,
H. T. KILBEE,
RAFAEL DE QUESADA.

His Excellency the Captain-General.

Twenty-ninth Enclosure in No. 73. (Translation.)

The Captain-General to the Mixed Commission.

GENTLEMEN,

Havannah, July 10th, 1824.

IN consequence of your letter of this day's date, in which you request me to take steps in order that at eleven o'clock on Monday the 12th instant, Captain Don Joze Apodaca, Commander of the Brig of War *Marte* may attend at the Hall of your Sessions, to be examined respecting the Capture mentioned in that letter, I have written to the Commander-in-Chief of the Naval Forces, in order that he may give the necessary directions for that purpose; recommending at the same time to His Excellency brevity in the despatch of this affair.

And with respect to the officer of whom you make mention, I have directed Don Antonio Castillo, an officer of justice belonging to my Department, to present himself before the Commission at eight o'clock on the morning of the 12th, and that he be considered as an officer attached to the same, so long as you shall require him.

God preserve you many years.

(Signed)

FRANCISCO DIONISIO VIVES.

The Members of the Mixed Commission.

Thirtieth Enclosure in No. 73.
The Mixed Commission to the Captain-General.

MOST EXCELLENT SIR,

Havannah, July 12th, 1824.

FROM the persuasion under which the Marine Department acted, that the Court of Admiralty could take cognizance, before the Mixed Commission, of the Capture of the Slave vessel brought into this Port by His Catholic Majesty's Brig *Marte*, many evil consequences have followed, respecting which this Court, upon the occasion of entering upon the free exercise of their functions, cannot avoid remonstrating in the most solemn manner, in order that from their silence no erroneous deductions may hereafter be drawn. In conformity with their duty, therefore, the Commission have resolved to protest formally, as they now again protest before your Excellency, against all the proceedings in the Marine Department, commencing with the circumstance of the Commander of the *Marte* having repaired to that Department, when it was his duty to have come directly to the Mixed Commission: subsequently, against the admission by the Court of Admiralty of the case of the Prize, and assuming the right to examine the papers; next, against the retention of the case until its restoration was demanded by your Excellency: and finally, against the landing of the Negroes, on account of the incompetency of the authority that directed the adoption of that measure, although it is not denied that the motives for the same might have been just and philanthropic.

But the Commission are of opinion that the selection of Don Juan Perez for the depository of the Negroes should never have been made, because that individual being owner of the Privateer *Romano* may himself be liable to some responsibility, in the event of any irregularity on the part of that Privateer being proved; and to this may be added the complaint subsequently made against the said Perez by Don Antonio Ferreira da Costa. Influenced by these considerations, the Commission would wish to see the Negroes in the hands of another depository; but being entirely destitute of the means requisite for the care and assistance of the same, and observing likewise the constant practice at Sierra Leone, where every thing relative to the subject of deposit is done through the medium of the Governor, this Court earnestly entreats your Excellency to take charge of the nomination of another depository, worthy of your confidence, and upon the conditions you may judge necessary; which favour they hope to obtain from your Excellency, not so much on account of the practice above referred to, as of the consideration with which you have always treated them; and also, because your Excellency will easily perceive, that this Court, being entirely without means to avail themselves of, would be left in the greatest difficulty, from which unavoidable evils would result to them, but which the authority and prudence of your Excellency would easily overcome.

God preserve your Excellency many years.

(Signed)

ANDRÉS DE JAUREGUI,
 H. T. KILBEE,
 RAFAEL DE QUESADA.

His Excellency the Captain-General.

Thirty-first Enclosure (A.) in No. 73. (Translation.)
The Captain-General to the Mixed Commission.

GENTLEMEN,

Havannah, July 12th, 1824.

I INCLOSE to you the Official Letter of the Commander-in-Chief of the Naval Forces, with the attested Copy which he mentions, relative to the attendance requested by you of the Commander of the Brig of War *Marte*, for the purpose of being interrogated upon the subject of the capture of the Slave Vessel referred to; in order that you may direct that the same be annexed to the proceedings on the case now in your power for the ends of justice.

God preserve you many years.

(Signed)

FRANCISCO DIONISIO VIVES.

The Members of the Mixed Commission.

Thirty-first Enclosure (B.) in No. 73. (Translation.)
Admiral Gaston to the Captain-General.

MOST EXCELLENT SIR,

Havannah, July 11th, 1824.

BY the enclosed attested Copy, your Excellency will be apprized of the Representation of the Fiscal, and the Resolution of the Court of Admiralty, upon the subject of your Official letter of yesterday's date; and I have given orders for the attendance of the Commander of the Brig *Marte*, which your Excellency requested in the letter aforesaid, to which I now reply.

God preserve your Excellency many years.

His Excellency the Captain-General.

(Signed)

MIGUEL GASTON.

Thirty-first Enclosure (C.) in No. 73. (Translation.)
Fiscal's Representation.

IT is to the effect that it be stated to the Captain-General that the Court of Admiralty accedes to his request relative to the attendance of the Commander of the *Marte*, and that the Marine is ready to afford every assistance to the Mixed Commission for the investigation of the case, without prejudice to its own Jurisdiction; and that it is hoped, from the rectitude of the Captain-General and the Members of the Mixed Commission, that, in the event of the Negroes captured by the *Romano* proving not to be Spanish property, and not being destined to this Island, nor to other parts prohibited by Treaty, the Commission will be pleased to relinquish the cognizance of the case, and return the original proceeding in conformity to justice.—Dated July 11th, 1824.

Decree of the Court of Admiralty.

CONFIRMS the preceding Representation, and directs the same to be fulfilled in every respect; and that Copies of the Representation of the Fiscal and of this Decree be communicated to the Captain-General.

Signed by the Admiral and other Members of the Court.

Thirty-second Enclosure in No. 73. (Translation.)
The Mixed Commission to the Captain-General.

MOST EXCELLENT SIR,

Havannah, July 13th, 1824.

THE Mixed Commission have received your Excellency's letter of yesterday's date, with that of the Commander-in-Chief of the Naval Forces addressed to you the day before, enclosing an attested Copy of the Representation of the Fiscal, and of the resolution of the Court of Admiralty upon the subject of the request made by the Commission, that Captain Don Joze Apodaca should attend, for the purpose of being interrogated respecting the detention of the Slave Vessel, which case is now under the consideration of this Court.

The two last-mentioned documents remain in the hands of the Commission to be annexed to the legal proceedings in this case for the ends of justice; and the Court assure your Excellency that as yet they do not believe that they have exceeded, nor will they exceed, in the slightest degree, the limits of their powers; with which assurance they trust that they have satisfied the observations made by the Marine Department, which shall ever meet with the highest consideration from this Commission.

God preserve your Excellency many years.

(Signed)

ANDRES DE JAUREGUI.

H. T. KILBEE.

RAFAEL DE QUESADA.

His Excellency the Captain-General.

Thirty-third Enclosure in No. 73.
Case of the Brig Maria de la Gloria.

THIS Vessel was detained on the morning of the 16th of June, between the Ports of Mariel and Cabanas, by His Catholic Majesty's Brig *Marte*. Her detention was effected under the most suspicious circumstances. She was close in shore, sailing in a course in a directly opposite direction to the Port of her alleged destination: she was laden with Negroes, and she did every thing in her power to escape from the *Marte*. When at last her escape was impossible, her Captain, Don Bernabe Solano, asserted that she was prize to the *Spanish* Privateer *Romano*, and was proceeding to the Port of Havannah for condemnation, but had been obliged to make for that of Cabanas, being in great distress for want of water: (it is observable that a point of the Coast near Cabanas is the notorious and principal haunt of illicit Slave Traders.) The papers produced, to prove the truth of this assertion, were, 1st. a Copy of the Letters of Marque issued at this Port to the Captain of the Privateer *Romano*, Don Joze Cotarro;—2nd, a paper stating the reasons why Cotarro captured the Brig, and called by him a Condemnation;—3rd, a very imperfect list of the crew put on board the prize by Cotarro; and 4th, the log-book of the same, very ill kept, from the time of her separation from the *Romano* on the 24th of April, during her voyage round Cape St. Antonio, down to the 14th of June, two days before the detention of the Vessel by the *Marte*. But there were none of the original papers of the prize, while in possession of her professed owners the *Portuguese*, nor was her original Portuguese Captain, or any other ostensible officer on board. The paper called the Condemnation by Cotarro is a flourishing invective against the *Portuguese* and *Spanish American* Insurgents, and a still stronger invective against the Slave Trade, (Cotarro was himself an old Slave-ship Captain,) alleging as the reasons for the capture, that the Vessel belonged to Rebels to the Crown of *Portugal*, and sailed under an unknown

flag, and that she was engaged in the Slave Trade to the North of the Line; and he sends her to the Mixed Commission, in order that they may check this horrid evil of illicit Slave Trade.

Under these circumstances it was impossible not to suspect that the Brig in question was a *Spanish Slave Trader*; that the paper of Cotarro was given for the purpose of being produced, in the event of her falling in with a British Cruizer; that, but for the detention by the *Marte*, the cargo of Negroes would have been landed near Cabanas; and finally, that the whole story of the capture from the *Portuguese* was a mere fabrication, framed for the purpose of keeping the case from the cognizance of the Mixed Commission.

So strong was this impression that, even after the perusal of the Memorials of Antonio Ferreira da Costa, although their language was strong, it still remained, and the bringing forward this person was imagined to be a kind of under-plot to strengthen and confirm the original story.

Such was the state of things when the Mixed Commission entered upon the examination of Witnesses. From the testimony of Captain Apodaca, and the Officer of his Brig who took charge of the Prize, little information was obtained; that of Bernabé Solano, the Captain of the Slave Vessel, was confused and shuffling, and only served to confirm the suspicion that his object was to land the Negroes on the Coast. But when Antonio Ferreira da Costa was called, he gave such clear and consistent evidence, and in such an intelligent and satisfactory manner, that little doubt could be entertained of the truth of his statement, after a very long examination. His testimony was confirmed by that of Jacques Malangan, a French sailor belonging to the *French Ship Telegraph*, which had been captured by the *Romano* previous to her falling in with the Brig *Maria de la Gloria*, and who had been transferred on board of the latter, when she was taken and manned by Cotarro; it is still more strongly confirmed by Antonio Freitas, a sailor belonging to the *Portuguese Brig Vencedor*, likewise captured by the *Romano* before the *Maria de la Gloria*, and who had, like Malangan, been put on board the latter by Cotarro; but in this witness there concurred the peculiar circumstances of having sailed from the same Port as the *Maria de la Gloria* ten days after that Vessel, of his having recognised her as soon as he saw her on the Coast of Africa, and of his knowing her Owner, who lived opposite to his house.

From the concurrent testimony of these three witnesses, it appeared that the Brig *Maria de la Gloria*, Jozé Joaquin de Oliveira, Owner, and Juan Jozé Fonseca, Master, sailed from Bahia de Todos Santos, in *Brazil*, on the 8th of February, with regular papers despatched by the Government of the Country, bound for Molemo, but that she proceeded direct for Onim; that being at anchor there, and engaged in procuring a cargo of Negroes, the Privateer *Romano* arrived with two other sail, (the *Portuguese Brig Vencedor* and a *French lugger*.) her prizes, the latter being anchored at a considerable distance out of reach of communication with the *Maria de la Gloria*, while the *Romano* anchored near that vessel, entering into familiar communication with her, and stating that she had come from the Havannah for the purpose of Slave Trading, respecting which she requested information: that they remained together for some days, when an English Frigate appeared in sight, upon which the *Romano*, with her prizes, put to sea, and were pursued, and one of the latter, the *Vencedor*, was re-captured by the Frigate; that the *Maria de la Gloria*, not having as yet any Slaves on board, continued at her anchorage; that on the next day, the Frigate being out of sight, the *Romano* returned, and again entered into communication with the *Maria*; and (the latter being ready for sea on the 23d) offered to accompany her during the night for the greater security of both: that this offer was accepted by the *Maria*, and accordingly both Vessels kept together till, on the morning of the 24th, the *Romano* captured the other, and, having manned her, despatched her to the Island of Cuba to land the Negroes on the Isle of Pines, or at Ortegoza, according to Ferreira da Costa, the other two witnesses alleging ignorance of any particular point of the Coast to which the vessel was destined; that the two vessels separated on the 24th, when the *Maria de la Gloria* proceeded on her voyage, till making for the Port of Cabanas or its neighbourhood, she was detained by the *Marte*, and carried into the Port of Havannah on the morning of the 17th of June.

From the first appearance of any probability of the truth of the assertion that the Vessel was *Portuguese*, the Court directed their particular attention to that point, and the concurrent testimony of those three witnesses leaving no doubt that she was *Portuguese*, or rather the property of subjects of the Empire of *Brazil*, the Court considered that any further proceedings on their part would be useless, and would only tend to increase the delay which had occurred in this case, and which, in their correspondence, they had so strongly deprecated; as, according to the letter and spirit of the Treaty, it is evident that they are not authorized to try the cases of *Portuguese Vessels*. A Decree to that effect was accordingly issued on the 16th of July.

(Signed)

H. T. KILBEE.

*Thirty-fourth Enclosure in No. 73.**Abstract of the Evidence in the Case of the Brig Maria de la Gloria.*

CAPTAIN Apodaca, of the *Marte*, was the first witness called, and he confirmed the statement in his report to Admiral Gaston respecting the detention of the *Maria de la Gloria*, as well as the declaration given by him before the Auditor of Marine, (both included in the proceedings in the Court of Admiralty.) He declared that he received no other papers but those already produced by him, viz.—1. Copy of Letters of Marque of the *Romano*. 2. Statement of Captain Cotarro, of the *Romano*, respecting the capture of the Brig *Maria de la Gloria*. 3. Log-book of the latter, from the day she was taken by the *Romano* till two days before she was detained by the *Marte*. 4. List of the Crew of the *Maria de la Gloria*, with which she arrived here; it is signed by Cotarro. He added that he had not given the Captain of the detained Vessel a certificate of the papers received, from want of time, and being close to the Port; and that the authentic declaration, required by Treaty, he conceives to be contained in his Report to the Admiral.

The second Witness called, was the Ensign of the Royal Spanish Navy, Don Manuel Moreno, who stated, that he was the officer sent on board the Brig *Maria de la Gloria* by the Commander of the *Marte*; that upon his inquiring of the Captain of the former whence he came, he was answered that the Vessel was prize of the Privateer *Romano*, and bound to Havannah for adjudication; that he (Moreno) then asked why she was sailing away from the port of her destination, and why she had been captured? To which it was replied, that she was making for the Port of Cabanas, being in great distress for want of water, (with which she was accordingly supplied by the *Marte*), and that she was captured by the *Romano*, first, because she belonged to Rebels to the Crown of Portugal; and, secondly, because she was engaged in the Slave Trade to the North of the Line. He then asked what cargo was on board, and directed the hatches to be raised, and then found, for the first time, that there were Negroes actually on board; that he was then relieved by another officer, but upon his return to the *Marte*, he was again ordered on board the prize, where he remained till after they arrived at the Port of Havannah.

He declared that the Captain gave him no papers, but said that he had sent them on board the *Marte* with his mate; that there were four hundred and one Negroes on board; that the Crew was mostly composed of Spaniards, but that there were two Frenchmen belonging to the French ship *Telegraph*, which was also captured by the *Romano*; and when he desired the Captain of the prize, amongst the sailors ordered on board the *Marte*, to send some of the original crew of the said prize, the other said he had done so, without specifying their number or description.

D. Bernabe Solano was then called. He said that he had been one of the Mates of the Privateer *Romano*, Captain D. Jose Cotarro, which sailed from hence about seven months ago, and that having captured a Vessel, calling herself *Portuguese*, but sailing under an unknown flag, he was sent on board as prize-master, and ordered to proceed to Havannah for the condemnation of the prize; that the Vessel was called the *Maria de la Gloria*, and was captured near Lagos Bay, (he afterwards corrected himself, and said it was Onim,) on the coast of Africa, on the 23d of April last; that she was laden with four hundred and seventeen Negroes; and that Captain Cotarro had captured her because she was sailing under an unknown flag; and even, although she were *Portuguese*, as she said, the Slave trade to the North of the Line was not legal for her; he, therefore, manned her with eighteen or twenty men of his crew, taking out about the same number of the Portuguese, including all the officers, leaving only one white and five blacks of the original crew on board, who have arrived here in the prize, acting as sailors, and by no means considered as prisoners. He stated that he knew nothing about the original Portuguese Papers of the prize, which were not delivered to him, and that the only papers he received were the four which he delivered to his Mate to take on board the *Marte*, and when these papers were shown to him he recognised them.

He mentioned that there were two Frenchmen amongst his crew, who had belonged to the French ship *Telegraph*. He denied that he had ever attempted to get away from the *Marte*, or ever thought of abandoning his boat; that he continued his route towards Cabanas, merely because he was greatly in want of water, and could not therefore delay. He said that he did not recollect how long the *Romano* had been on the coast of Africa, and that she had not captured any other Slave Vessel but the Brig *Maria de la Gloria*, which he heard on board had been fitted out at Bahia de Todos Santos, in Brazil.

The Court having received a Memorial from Don Ant. Ferreira da Costa, who had previously addressed himself to the Captain-General upon the subject, praying that he and five Negro Sailors of the Brig *Maria de la Gloria* should be examined, for the purpose of proving that that Vessel was *Portuguese* property; this individual was directed to attend the Court, and was the fourth witness examined.

He stated that, on the 8th of February last, he sailed in the Brig *Maria de la Gloria*, of which Don José Joaquin de Oliveira was Owner, and Don Juan José de Fonseca, Master, from the Port of Bahia, in Brazil, bound for Molemo, on the coast of Africa, but that they proceeded direct to Onim, where the traffic was more advantageous; that while at anchor

there, the Privateer *Romano* arrived, and sent a boat on board the *Maria de la Gloria* to acquire intelligence; that the officer in command of the latter, the Captain being on shore, betrayed his fears that the Privateer was an English Cruizer, and offered to shew his papers, but the Spaniards assured him he was mistaken, and that they were themselves come for the purpose of engaging in the traffic from Havannah, and requesting intelligence upon the subject; that after remaining there for four or five days together, an English Corvette appeared in the offing, when the *Romano* immediately made sail, and was pursued by the Corvette, but escaped; that, on the following day, or that succeeding it, the *Romano* returned, and the Brig *Maria de la Gloria* being ready for sea, with her cargo of Negroes on board, the former offered to sail in company during the night, for which purpose she asked what course the Brig was about to take, alleging as a pretext that there was a strange sail in sight, and that they would be more secure together; that the *Maria de la Gloria* sailed in the evening of the 23d of April, and kept company with the *Romano* during the night, but that at about six o'clock in the morning of the 24th, the latter on a sudden fired three musket shots, and ordered her to lay to, and afterwards sent armed boats on board, notifying to her that she was prize to the *Spanish* Privateer *Romano*, because she sailed under an unknown flag, and was engaged in illicit Slave Trade; that successively the Captain, officers, and nineteen men of the crew, with all the ship's papers, were taken out of the Brig, and transferred on board of the Privateer, the deponent being the only white man left in the former, with five Black Sailors, two of them free, and three Slaves of Oliveira, Owner of the Vessel; that he remained on board in the quality of Steward, (Bodeguero,) and heard it publicly said that the *Maria de la Gloria*, when she parted company with the Privateer, was bound for the Island of Cuba, the prizemaster having orders from Cotarro to land the Negroes on the Isle of Pines, or at the Port of Ortegoza, (near Cabanas;) that they were unable to make the former, and when sailing for the latter, the Brig was detained by the *Marte*, when all the Negroes and part of the Crew were ordered below; that the pretext of want of water was false, as there were still four or five pipes full at the time of the detention, and that he must have known this, as it was his business to take care of the water. He added that among the people of the *Romano* put on board the *Maria de la Gloria*, were two countrymen of his, who said that they belonged to a *Portuguese* Brig, called the *Vencedor*, which had also been captured by the Privateer.

The next witness examined was Jacques Malangan, one of the Frenchmen on board the *Maria de la Gloria*. He stated that he sailed from Bourdeaux as a sailor on board the ship *Telegraph*, M. le Roux, Master, on the last day of January, bound for Lima, and that during this voyage, near the Cape de Verd Islands, the ship was captured by the *Spanish* Privateer *Romano*, for what reason he is ignorant, on the 20th or 21st of February, and that all but four of the crew were transferred on board the Privateer, he being one of those transferred, and were compelled by Captain Cotarro to serve on board the same; that after separating from the *Telegraph*, the *Romano* continued her course towards the coast of Africa, and at the Roadsted of Triton, (as he called it,) she fell in with an English Brig and a French lugger, the latter of which she captured; that she subsequently fell in with and captured a *Portuguese* Brig going to the coast of Africa, to engage in the Slave Trade; that she then proceeded with her prizes to the Roadsted of Onim, where she anchored with another *Portuguese* Brig, on board of which a boat was sent, the two prizes having anchored also, but at a considerable distance; that some days after, an English Frigate appeared in sight, when the *Romano* immediately made sail, was pursued, but escaped; the *Portuguese* prize, however, was taken by the Frigate; that the *Romano* returned to Onim on the next day, where the other *Portuguese* Brig had remained, and she being now ready for sea, the *Romano* proposed that they should keep company during the night, which proposal being accepted, the *Portuguese* sailed at about four in the evening, and the next morning was captured by the *Romano*, when the Deponent, with one of his countrymen, named La Croix, was ordered on board the Brig, which he found was named *Maria de la Gloria*, and in which he came to the Port of Havannah, in the neighbourhood of which the Brig was detained by the *Marte*, and brought into this Port.

The sixth and last witness examined was José Ant. Freites, one of the *Portuguese* who was said by Ferreira da Costa to be on board of the Brig *Maria de la Gloria*. He stated that he sailed from Bahia as a Sailor in the Brig *Vencedor*, José Sans, Master, and Vicente Paula, Owner; he does not remember what day, but forty-eight days after, being in sight of their destination, which was the coast of Africa, the Brig was captured by the *Spanish* Privateer *Romano*, upon the pretext that she was sailing under the flag of the Empire of Brazil; that the Captain, with some of his Slaves, who were Sailors, was sent on board a *Dutch* Vessel, which was in sight, and that part of the crew, among whom was the Deponent, were transferred on board the *Romano*; that the latter, with the *Vencedor*, and a *French* Lugger, said also to be a prize, proceeded along the coast in company until they reached Onim, when the two prizes were ordered to anchor at a considerable distance outside, while the *Romano* proceeded onwards, and anchored not far from another *Portuguese* Brig, which deponent immediately recognised to be the *Maria de la Gloria*, that vessel having sailed also from Bahia for the coast of Africa about ten days before the *Vencedor*; that the Captain of the *Romano* immediately sent a boat on board that Brig, and remained at anchor near her about three or four days, when an English Corvette appeared in sight, which compelled Cotarro to put to sea with his two prizes, one of which (the *Vencedor*) was re-captured by the Corvette; that the day following, the *Romano* returned to the Roadsted, and entered into communication with

the Brig *Maria de la Gloria*, which had remained at Onim, and offered to give her convoy; that the Privateer being already outside, the Brig put to sea about two or three o'clock in the afternoon, and the two Vessels remained near each other during the night, but at about six o'clock of the following morning, the Privateer fired two or three musket shots at the Brig, ordered her to bring to, and sent boats on board to man her, declaring that she was a good prize, because she sailed under an unknown flag, and was engaged in the Slave Trade to the North of the Line; that Deponent was one of the Sailors sent on board the *Maria de la Gloria* to man her, together with a countryman of his called Manuel, who also had been a Sailor on board the *Vencedor*; and that he came in the said *Maria de la Gloria* to Havannah, the day before entering which Port she was detained by the *Marte*.

He added that he knew the Owner of the *Maria de la Gloria*, who was Don Joaquin José de Oliveira, and lived opposite Deponent at Bahia, but that he did not know the name of the Captain of that Vessel.

(Signed)

H. T. KILBEE.

Thirty-fifth Enclosure in No. 73. (Translation.)

*Decree of the Court of Mixed Commission at Havannah, in
the case of the Brig Maria de la Gloria.*

Havannah, July 16, 1824.

HAVING taken into consideration the proceedings in the case of the detention by the Brig *Marte*, belonging to the Royal Navy of His Catholic Majesty, of which Captain Don Joze Apodaca was Commander, of a Brig called *Maria de la Gloria*, with a cargo of Negroes on board, between the Ports of Mariel and Cabanas to the westward of that of Havannah; the Court declare, that the said detention was legal, being of a Slave Vessel on the coasts of this Island, unprovided with any Papers to legalize her voyage.

But considering that, by the said proceedings, it appears that the above-mentioned Brig *Maria de la Gloria* was originally Portuguese property of Brazil, captured on the Coast of Africa, by the Spanish Privateer *Romano*; and considering also that, according to the letter and tenor of the Treaty, it does not belong to the Mixed Commission to try the cases of vessels which do not sail under the British or Spanish Flag, or which are not the property of subjects of either of those nations; and in no case to pronounce a decision respecting the conduct of the Privateer, in the capture which he made from subjects of what is called the Empire of Brazil, the Court likewise declare, that they ought and do abstain from giving a decision upon those points, and, consequently, upon that of the emancipation of the said Negroes, as they would have done had those Negroes been acquired by the Captain of the Privateer in the ordinary way of trade on the Coast of Africa.

Under these circumstances, the Court, relinquishing, as they do hereby relinquish, the cognizance of this case, order that the original Process and Proceedings of the Marine Department be returned to His Excellency the Captain-General, and that an attested copy of the same be kept amongst the Records of the Mixed Commission, with the exception of the Log-book of the Brig *Maria de la Gloria*; of which it will be sufficient to note down, in the proper place, the date of the commencement and the conclusion.

That an attested copy of the proceedings of the Commission be likewise transmitted to His Excellency, for the purposes that may be considered necessary in the cause, relative to the conduct of the Captain of the aforesaid Privateer; and that, moreover, the two original Memorials, addressed by Don Antonio Ferreira da Costa to His Excellency, be annexed; which documents came separate from the rest, and an attested copy of which is left in the collection of the proceedings carried on in this Court in defence of their powers: all this, in order that the proper Authority, to whom this case may be transferred, may commence proceedings with the knowledge of all that has passed in this Court upon the subject; and that, at the same time, the said Captain-General be requested to be pleased to direct, if, in the course of the proceedings in the cause, relating to the conduct of the Captain of the Privateer, it should happen to be proved in any way whatever (as is within the bounds of possibility) that he carried on, directly or indirectly, the traffic of Slaves, thus acquiring those in question, and that the Portuguese property was only apparent, that in such event, the case be returned to the Commission, for to the same it would belong, under the circumstance of the detention executed by the *Marte*, to condemn the vessel, to declare the Slaves free, and to give them certificates of emancipation.

(Signed)

ANDRES DE JAUREGUI.

H. T. KILBEE.

RAFAEL DE QUESADA.

Thirty-sixth Enclosure in No. 73. (Translation.)*The Captain-General to the Mixed Commission.*

GENTLEMEN,

Havannah, July 15, 1824.

UNDER this day's date the Honorary Oidor, Don Joze Franco, has given me the following legal opinion:—"The Mixed Commission being engaged in hearing the case of the capture of the Brig with a cargo of Negroes, may instantly, if they should be of opinion that there is just cause, vary the deposit, naming the person who is to take charge of the preservation of the same, for which purpose this Government will lend the necessary aid, as it did when the deposit was ordered by the Court of Admiralty, conceiving that its authority ought to be limited to this alone. It appears to me, notwithstanding, to be advisable to state, by way of indication, that the deposit in the hands of Don Juan Perez, ordered by the aforesaid Court, has been effected, with security to the amount of fifty thousand dollars, as is stated by the same, in their Decree of the 22d June last, and also with the intervention of a respectable individual who is to take care to give due advice to the proper authority, in case of any misconduct; and that it would not be easy to find any other person to take charge of the deposit with equal security: it may also be stated, that any change whatever might occasion ill-consequences which it is not necessary to mention, always considering the responsibility to which the present depositary is liable. Your Excellency may state this to the Mixed Commission, with the express declaration, that in the event of their directing, as they can, a change of deposit, and of their naming a person to take charge of the same, this Government will afford all the assistance in its power for that purpose."

And having conformed with this opinion, I communicate it to you in answer to your letter upon this subject, which is without date.

God preserve you many years.

(Signed)

FRANCISCO DIONISIO VIVES.

The Members of the Mixed Commission,

Thirty-seventh Enclosure in No. 73. (Translation.)*The Mixed Commission to the Captain-General.*

MOST EXCELLENT SIR,

Havannah, July 17, 1824.

THE Mixed Commission having taken into consideration the case of the Slave Vessel detained and brought into this Port by the Brig of War *Marte*, with all due brevity, at the commencement of the examination of the witnesses, whom it was considered to be necessary to call, in conformity with the regulations for their guidance, soon saw that there was a probability that the detained vessel was the property of *Portuguese*, or of subjects of what is called the Empire of *Brazil*, and that for this last reason she had been captured on the Coast of Africa by the *Spanish Privateer Romano*, Don Joze Cotarro, Captain. The Court, therefore, resolved to direct their attention principally to this important point of the property, because, according to the letter and tenor of the Treaty of 1817, it is not in their power to try the cases of vessels which do not sail under the *Spanish* or *British* Flag, or which are not the property of the subjects of one of those two nations. And as, in the subsequent proceedings, the circumstance of the vessel being the property of *Portuguese* subjects of *Brazil* was clearly ascertained, and as, on the other hand, it does not appertain to them to judge of the conduct of the Captain of the Privateer in the capture, the Commission, after declaring that the detention by the *Marte* was legal, the vessel detained having Negroes on board, and being unprovided with the papers necessary to legalize her voyage, have resolved, in a decree dated yesterday, to abstain from the further proceedings which, under other circumstances, would have been matter of course, and to return, as they now do, to your Excellency, the original Process of the Court of Admiralty, together with a certified copy of that of this Commission, the two Memorials addressed to you by Don Antonio Ferreira da Costa, and the reports relative to the death of one of the Negroes deposited, in order that your Excellency may be pleased to transmit them to the proper authority in the manner you may think proper; at the same time requesting that you will be pleased to direct, if in the course of the proceedings in the cause relative to the conduct of the Captain of the Privateer, it should happen to be proved in any way whatever (as is within the bounds of possibility) that he acquired the aforesaid Negroes by trading himself directly or indirectly, and that the property of *Portuguese* subjects of *Brazil* is merely apparent, that the case be returned to the Mixed Commission, for to the same it would belong, under the circumstance of the detention executed by a *Spanish* cruizer-of-war, to condemn the Vessel, to declare the said Slaves free, and to give them their certificates of emancipation.

The Commission, in consequence of the preceding statement, cannot now interfere in the deposit of the said Negroes, respecting which they addressed your Excellency on the 12th instant, in a letter which you advert was without date. This neglect has given them much pain, and they beg leave to state, as an excuse, that it arose from the celerity with which

every thing has been despatched in the present case, under the circumstance of the Secretary, from indisposition, being himself unable to write, and it having, consequently, been necessary to employ a hired clerk, no person of that description being attached to the Commission.

God preserve your Excellency many years.

(Signed,)

ANDRÉS DE JAUREGUI.

H. T. KILBEE.

RAFAEL DE QUESADA.

His Excellency the Captain-General.

No. 74.

H. T. Kilbee, Esq. to Mr. Secretary Canning.—(Received September 15, 1824.)

(EXTRACT)

Havannah, July 31, 1824.

BOTH the Captain-General and Admiral Gaston have expressed their determination to make full reports to their Government, relative to their respective conduct and proceedings in the case of the Brig *Maria de la Gloria*, as detailed in my preceding Despatch.

(Signed) H. T. KILBEE.

The Right Hon. George Canning,
&c. &c. &c.

No. 75.

H. T. Kilbee, Esq. to Mr. Secretary Canning.—(Received September 15, 1824.)

SIR,

Havannah, August 3, 1824.

SINCE the date of my Despatch of the 30th of June last, I regret to say no less than *eleven* Vessels have cleared out from this Port for the Coast of Africa, the names of which are contained in the enclosed list.

Two suspicious Vessels have lately arrived, viz., the Schooners *Paulita* and *Feliciana*, both of which cleared out from hence for the Coast of Africa, the early part of the present year.

I have the honour, &c.

(Signed) H. T. KILBEE.

The Right Hon. George Canning,
&c. &c. &c.

Enclosure in No. 75.

LIST of *Spanish* Vessels that have cleared out for the Coast of Africa from the Port of Havannah.

July	1	Brig	Teresa	D. Juan Bautista Aresti	Master.
"	8	Schooner	Matilde	D. Juan Lagreras	"
"	8	"	Nueva Francisca	D. Ant. Muniz	"
"	8	"	Viscayna	D. Andres de Meza	"
"	8	"	Tranquilidad	D. Juan Mandial	"
"	11	Brig	Magico	D. Joze Inza	"
"	18	"	Escupefuego	D. Ant. Palles	"
August	1	"	Isabel	D. Pedro Blanco	"
"	1	Schooner	Espanola	D. Pedro Garcia Luna	"
"	1	"	Pilades	D. Ant. Bourquet	"
"	1	Bark	Conchita	D. Franc ^o . Suarez	"

No. 76.

H. T. Kilbee, Esq. to Mr. Secretary Canning.—(Received September 18, 1824.)

SIR,

Havannah, August 18, 1824.

BY His Majesty's Ship *Icarus*, from Jamaica, I had the honour of re-

ceiving on the 14th Instant, the *Duplicate* of your Despatch of the 24th of February:—the original has never reached me.

I wish particularly to call your attention to the interval that has elapsed between the date of that Despatch and its receipt, lest you should imagine that I had neglected to fulfil the Instructions you had been pleased to communicate therein, that I should collect the best information in my power as to the practice respecting the *manumission* and *free labour* of Slaves, said to exist in *Cuba*.

When this important subject, as connected with our own Islands, was brought before Parliament last year, I directed my attention particularly to the consideration of it, conceiving that it might not be unacceptable to His Majesty's Government to receive a Report respecting the state of the law upon this matter, in the Colony of a Power which has, I believe, more than any other, encouraged the manumission of its Slaves. But I was soon induced to give up my undertaking, upon ascertaining that the Spanish Laws treat (if ever) only incidentally of the subject of African Slavery. That those which relate to Slavery in general are very ancient, being part of what are called "las leyes de las siete partidas;" many of which are obsolete, and others abrogated,—and that the system now in force, is derived principally from custom, not well ascertained, and from the decisions of tribunals, not unfrequently at variance. I shall now, however, again direct my attention to the subject; and whatever information I may be enabled to obtain shall be forwarded to you with as little delay as possible, in a matter involved in considerable doubt and obscurity.

I have the honour, &c.

(Signed) HENRY. T. KILBEE.

The Right Hon. George Canning,
&c. &c. &c.

No. 77.

*H. T. Kilbee, Esq. to Mr. Secretary Canning.—(Received
September 18, 1824.)*

SIR,

Havannah, August 18, 1824.

ON the 14th Instant I had the honour to receive the *Duplicate* of your Despatch (the original never having reached me), in which you have been pleased to transmit to me, a *Declaration* concluded and signed at Madrid, on the 2d of February, 1824, in correction of a *clerical error* which had crept into the *Additional Article*, of the 10th of December, 1822, to the Treaty between Great Britain and Spain for the prevention of illegal traffic in Slaves.

I lost no time in forwarding this Declaration to my Spanish Colleagues, with a note, of which a copy is enclosed, in which I expressed a hope, although they should not yet have received the Declaration, that they would have no objection to consider it as valid, should any case occur for its application, previously to its being officially communicated to them by their Government.

I have the honour to enclose likewise, a translation of the Reply of the Spanish Commissioners, expressive of their willingness to accede to my suggestion.

I have the honour, &c.

(Signed) H. T. KILBEE.

The Right Hon. George Canning,
&c. &c. &c.

*First Enclosure in No. 77.**H. T. Kilbee, Esq. to the Spanish Commissioners.*

GENTLEMEN,

Havannah, August 16, 1824.

I HAVE the honour to forward to you a translation of the *Declaration* signed at Madrid, on the 2d of February, 1824, by the Plenipotentiaries named for that purpose, by their Britannic and Catholic Majesties, in correction of a *clerical error* in the *Additional Article* of the 10th of December, 1822, to the Treaty of 1817, between Great Britain and Spain; in which a reference is made to the 14th Article of the Regulations for the Mixed Commissions, which ought to have been to the 13th Article of the same, according to the evident intention of the High Contracting Parties.

Although this Declaration should not yet have reached you, I hope you will have no objection to consider it as valid, in the event of any case occurring for its application during the interval until it shall be officially communicated to you by His Catholic Majesty's Government.

I avail myself, &c.
(Signed) H. T. KILBEE.

The Spanish Commissioners.

*Second Enclosure in No. 77. (Translation.)**The Spanish Commissioners to H. T. Kilbee, Esq.*

SIR,

Havannah, August 17, 1824.

WE have received with your note of yesterday's date, the translation you have been pleased to transmit to us, of the *Declaration* signed at Madrid, on the 2d of February, 1824, by the Plenipotentiaries named for that purpose, by their Catholic and Britannic Majesties, in correction of a *clerical error* in the *Additional Article* of the 10th of December, 1822, to the Treaty of 1817, in which a reference is made to the 14th Article of the Regulations for the Mixed Commissions, which ought to have been to the 13th Article of the same. And although we have not yet received this Declaration from our Government, we shall consider it as a guide for our conduct, having been transmitted by you, to whose communications we shall always give due consideration.

God preserve you many years. (Signed) ANDRES DE JAUREGUI.
RAFAEL DE QUESADA.

The British Commissary Judge.

No. 78.

H. T. Kilbee, Esq. to Mr. Secretary Canning.—(Received October 26th, 1824.)

SIR,

Havannah, September 4th, 1824.

I HAVE the honour to enclose a list of *ten* Vessels which have sailed from this Port for the Coast of Africa since the date of my Despatch of the 3d of August. The name of the first, the *Morgiana*, ought to have been included in the list sent in that Despatch; but she sailed under *American* Colours for the Cape de Verd Islands, where, I was told, she was going for a Cargo of Salt. I have since, however, learnt from good authority, that she is really *Spanish* property, and that her destination is the same as that of all the rest. Thus within eight months no less than *thirty-four* Vessels have sailed from this Port alone, notoriously, though not avowedly, for the purpose of engaging in the Slave Trade.

In a conversation which I had lately with the Captain-General, I took occasion again to draw his attention to the circumstance, which I have frequently mentioned to you, of Vessels, that are well known to have come from the Coast of Africa, and which had sailed from hence for that destination, being publicly and indeed officially reported to have arrived from Sisal and other Ports at which they never had touched; and I alluded to the manifest consequence to be drawn from that circumstance, that there had been great negligence, if not connivance, on the part of the Officers whose duty it was to examine the Papers of such Vessels.

His Excellency expressed much regret at the apparent truth of my obser-

vation, but stated explicitly that, although one of his Adjutants went on board of every Vessel that entered the Harbour, it was only for the purpose of receiving and examining the Passports of Passengers; but that the examination of the Ship's Papers and the Report of the Place of her Departure, was a duty performed by an Officer belonging to the Naval Department, over which he had no control.

I have the honour to be, &c.

(Signed) HENRY T. KILBEE.

The Right Hon. George Canning,
&c. &c. &c.

Enclosure in No. 78.

List of Spanish Vessels which have sailed from the Port of Havannah for the Coast of Africa.

July	31	Brig	Morgiana	Don Justo Sustache, Master.
August	11	Schooner	Clarita	Don Joze Ant ^o . Artamoni, "
"	17	Brig	Noticioso	Don Feliciano Jover "
"	17	Schooner	Medusa	Don Marcelino Moran "
"	23	Brig	Relampago	Don Santiago Manzana "
"	23	Schooner	Constante	Don Antonio Sanjurjo "
"	23	"	Chirigota	Don Franc. Aspeytia "
"	23	"	Iris	Don Domingo Zurbano "
"	23	"	Dorotea, alias La Deseada	Don José Gardullo "
"	23	"	Barbarita	Don Pedro Blanco "

No. 79.

Mr. Secretary Canning to His Majesty's Commissioners.

GENTLEMEN,

Foreign Office, November 20th, 1824.

I SEND to you for your information and guidance a Copy of the Act (Cap. 113.) passed in the last Session of the Parliament of the United Kingdom, for amending and consolidating the Laws of this Country, relating to the Abolition of the Slave Trade; and for your further information and guidance, in respect to the 75th Clause of that Act, I send to you the Copies of a Correspondence which has passed between this Office and His Majesty's Treasury upon the subject of the Enactment therein contained, for the transmission of certain *Lists and Returns* to His Majesty's Treasury*.

I am, &c.

(Signed) GEORGE CANNING.

His Majesty's Commissioners, Havannah.

No. 80.

H. T. Kilbee, Esq. to Mr. Secretary Canning. (Received 1st, December 1824.)

Havannah, September 20th, 1824.

(Extract.)—SOME days after the Mixed Commission had adopted the Decree reported in my Despatch of the 31st July last, in the case of the Brig *Maria de la Gloria*; Antonio Ferreira da Costa, who, being the only one of the original Crew left on board by her Captor, the *Romano*, had come forward and claimed the Vessel and Cargo on behalf of the Owner, presented a Memorial, in which he urged the Court to direct the same to be given up to him. Upon which it was decreed that the determination already taken should be notified to the Memorialist, by which he would perceive that the Court had not the power to decide as to the legality of the detention of the Vessel in question by the Privateer *Romano*.

* See enclosures in No. 9.

The same individual again addressed a Memorial to the Mixed Commission on the 25th Ultimo, soliciting our interference with the Court of Admiralty, and enclosing a Representation to that Court which the latter had refused to receive. Both these Documents are enclosed, and to the first is annexed the Resolution of the Mixed Commission, declaring that that Court had no authority to interfere under present circumstances. By them it appears that, when Ferreira da Costa first presented himself to the Court of Admiralty, and prayed that the Negroes might be taken out of the hands of Don Juan Perez, to whom, as Owner of the Privateer, it appeared peculiarly dangerous to intrust them, and deposited with another person, he was informed that, if he would give security for fifty thousand Dollars, as Perez had done, they should be deposited with him; but when unexpectedly he was enabled to produce security to a much greater amount, he was told that, being a Rebel to the Crown of *Portugal*, he could not be admitted as a Party, nor be heard at all in the Cause. He in vain alleged that there were then in Port two Vessels from *Brazil*, and others from the revolted Provinces of *Spanish America*, which were allowed to remain unmolested by the Government. The Court still persisted in the Resolution, and finally decreed that the Negroes should be distributed amongst the Planters of the Island, until the case should be decided by His Catholic Majesty, to whom it had been submitted.

Ferreira da Costa applied a third time to the Mixed Commission, praying for a copy of all the proceedings in the case, which was granted to him.

M. Pillero, a *French* Merchant established here, who has taken up the cause of Ferreira da Costa, has waited upon me several times in the course of his official applications to the Mixed Commission; and upon one occasion he expressed his intention of having recourse to the British Government, in the hope of obtaining some assistance and protection against the injustice with which he considered that he had been treated by the Court of Admiralty here. I gave him explicitly my opinion, that no assistance or protection could be afforded to him in the present case by the British Government or any of their Agents, the transaction being founded upon an act of illicit Slave Trading on the part of the *Portuguese* Vessel. I added that, as for myself, if any of my proceedings did indirectly afford assistance or countenance to his claim, it was because my object was that Slaves should not be introduced into the Dominions of His Catholic Majesty in express violation of the Treaty under which I acted, that being the point which principally and officially concerned me; but that I should not have hesitated in applying to the Government here to have the Vessel in question handed over to one of His Majesty's Ships of War, for the purpose of being carried to Sierra Leone or Rio Janeiro for adjudication, if I conceived for a moment that I were warranted in making such an application, and that there was any probability of its being acceded to.

The memorials of Ferreira da Costa, affording me well-founded motives for believing that a decision had been taken in the case, I addressed a note on the 30th August to the Captain-General, requesting His Excellency to be pleased to communicate it to me for the information of His Majesty's Government, such decision being intimately connected with the execution of the Slave Trade Treaty.

On the 31st the Captain-General replied that he had forwarded my note to the Naval Department; and on the 7th Instant he informed me that he had, under the same date, apprized the Mixed Commission of the result of the proceedings of the Court of Admiralty in this case.

In His Excellency's Letter to the Mixed Commission, are enclosed a public and Secret Decree of that Court, by the first of which it is ordered that, until the final decision of His Catholic Majesty, to whom the case has been submitted, shall be received, the Negroes shall be deposited upon certain conditions with the Planters and Inhabitants selected by the Court, upon the payment of a sum of money, by which means a fund would be obtained for the payment

of the expenses already incurred, and future expenses would be avoided.— The object of the secret Decree is to impress upon His Catholic Majesty the danger to which the Island would be exposed by at once giving their liberty without restrictions to African Negroes just imported, and indeed it would appear from some of the arguments used, by giving it to them at all.

After duly deliberating upon the contents of those Decrees, I thought it advisable to address another note to the Captain-General, to which I venture to request your particular attention, as containing the observations upon the proceedings in the present case which I consider it to be my duty to submit to your consideration. You will find that I have stated in substance that the public Decree of the Court of Admiralty, in so far as regards the distribution of the Negroes, is in violation of Law and Treaty: that it is grounded upon a necessity which does not exist. That it imposes conditions for the care of the same, inadequate to their object; that their security is thereby greatly endangered; and that it assumes a power to that Court which belongs exclusively to the Chief Authority of the Island. I have alluded to the delay in the case which appears to be attributed indirectly to the Mixed Commission, and to the circumstance of the reservation made by the latter, upon relinquishing the cognizance of the case, having been totally disregarded by the Court of Admiralty. With respect to the Secret Decree, I have observed that, if its object were to impress upon His Catholic Majesty the inexpediency of granting unrestrained liberty to Negroes just imported, there could be no objection to the Court taking that step, which however was unnecessary, no such system having ever been in contemplation; but that, if the object were to recommend that the stipulations of the Slave Trade Treaty should not be carried into effect, the subject would necessarily call for the intervention of His Majesty's Government. And at the conclusion I have expressly declared that my observations were not to be considered as intended to point out to the Court of Admiralty the line of conduct they ought to adopt, nor as animadversions addressed by me to the Captain-General upon their proceedings: that they were made to my Government, because I conceived it to be my duty to do so, and were repeated to His Excellency in the spirit of fairness and justice, in order that those concerned might not be taken unawares, and might be prepared in the event of His Majesty's Government thinking it expedient, in consequence of my Report, to make a Representation upon the subject to the Government of His Catholic Majesty.

In consequence of the indisposition of one of the Spanish Commissioners, no Resolution was adopted upon the subject of the communication made to the Mixed Commission by the Captain-General, although it had frequently been taken into consideration, until the 18th Instant, when it was agreed that the Court, not being authorized to discuss the proceedings of other Tribunals unless their own powers were concerned, should confine themselves to the circumstance of the Reservation made in their Decree of the 16th July having been totally disregarded by the Court of Admiralty; and that the observations, which it was thought necessary to make upon this point, should be communicated to the Captain-General for the purpose, if His Excellency thought proper, of their being submitted to the King with the other proceedings in the case.

I have the honour to enclose a minute of the Proceedings of the Mixed Commission at this Session, together with copies or translations of all the letters and documents here referred to.

In the conduct which I have observed upon the present occasion, I have, to the best of my judgment, kept within the limits of the Instructions contained in the late Marquess of Londonderry's despatch of the 27th of July, 1822. I have deviated from my usual practice of confining myself to verbal communications with the Captain-General, on account of the great importance of the subject, and the length of the observations I thought it necessary to make. I had in recollection the case of the *Antonica*, in which the Negroes were deposited with the Owners, and the subject referred to Madrid, from whence no

decision has ever been received; and thus those Negroes have hitherto remained, and will in all probability remain, as Slaves, in the hands of their Depositories, in direct violation of our Treaty. To prevent, if possible, a similar result in the present case, has been my great object; and for this purpose I have called the attention of the local authorities to the subject in the strongest manner that I considered my Instructions would justify, recording as it were, at the same time, the objections to the decision taken, previously to its being carried into effect.

(Signed) H. T. KILBEE.

The Right Hon. George Canning,
&c. &c. &c.

First Enclosure in No. 80, (Translation.)

Memorial of Antonio Ferreira da Costa to the Mixed Commission, and Reply of the latter.

GENTLEMEN OF THE MIXED COMMISSION, *Havannah, August 25, 1824.*

IN the name of Don Joaquin Joze de Oliveira, owner of the *Portuguese* Brig, called the *Maria de la Gloria*, I, Don Antonio Ferreira da Costa, with reference to the proceedings in your Court, respecting the Capture of the said Brig and her Cargo of Four hundred Negroes, by the Piratical Privateer, *Romano*, state;—That having repaired to the Court of Admiralty yesterday, in consequence of private information which I had received, that a final decision was to be taken respecting the fate of that expedition, I carried with me the annexed document, in order that it might be taken into consideration at the moment of the decision;—but I was given to understand that, on the 21st Instant, the Case had been decided, it having been ordered by that Court, that the Negroes should be distributed amongst the Planters of this Island, which resolution, together with the process, was to be submitted to the King.—And I also learnt that I am myself in danger of being prosecuted.—You, Gentlemen, cannot fail to perceive, in all this, the injury these measures must occasion to *Spanish* Commerce in general, as is demonstrated in the annexed Representation; but setting aside this consideration, and confining ourselves solely to the distribution of the Negroes, such a determination attacks the peculiar powers of the Commission, inasmuch as it is a contradiction to your previous just resolutions; for the Negroes are distributed either as Slaves, or as freemen,—if the former, it is a manifest violation of the Treaty, since, in virtue of it, no Slaves can be imported into the Island, nor ought you to permit it;—and if the latter, the judicious decision of the Commission is defeated, in which decision it is stated that their emancipation could not be decreed, nor the other penalties mentioned in the Treaty, the Vessel being *Portuguese* Property. There being, therefore, no other alternative, you are bound to proceed in the case, with all the plenitude of your powers.

Perhaps it may be said, that the Slaves are placed in deposit; but such a reply would be evading the question, first, because the Treaty does not authorize or permit such deposit; and secondly, because every one must be aware that the Depositories of the Negroes, will, at the end of a few months, report them to be dead, and substitute them in the place of any of their old Slaves, who may die;—and reducing them in this manner to Slaves, they will be enabled to evade the Treaty, to their own great advantage, so much so, that although the Court of Madrid should order the restitution of the Negroes, I should never be able to obtain possession of them, for, as they would be reported as dead, or run away, as I have already said, I should be deprived of all hope of ever recovering them.

It therefore appears that the Marine Department has endeavoured to oppose a State Tribunal, for such is your Court, and, moreover, the only one competent to hear the present Cause;—and it also appears that the same Department has rendered the Treaty nugatory, under frivolous pretexts, attacking, although indirectly, the peculiar powers of the Mixed Commission; and, in order to check it in its career, I humbly pray, that you will be pleased to direct, that a polite official Letter be addressed to the Court of Admiralty, requiring that Court to give up the process forthwith, and suspend all steps relating to the distribution of my Slaves.—And that seeing the truth of this statement, you will enter into direct communication with His Excellency the Captain-General, respecting the delivering up the Vessel, with her whole cargo, in order that the Slaves may depart from the Island, conformably to law and justice, or, at least, that the said Four Hundred Negroes be committed to my care, upon the security I have offered, for otherwise the powers of your Court will be rendered altogether nugatory.

(Signed) ANTONIO FERREIRA DA COSTA.

Reply.

Havannah, August 26, 1824.

IT having been already declared by the Mixed Commission that the present case is not within their jurisdiction, in so far as regards the capture made by the Privateer *Romano*, of

the *Portuguese Brig Maria de la Gloria*, and, consequently, none of the points arising from the same, as connected with the Tribunal of the Country, which has taken cognizance of the cause, with the exception of that upon which a reservation was made, the request made in the preceding Memorial cannot therefore be acceded to; the Party having to avail himself of his right, as far as he can and ought, in that Tribunal, for which purpose let the Memorial be returned to him, if he should require it; in which case, a certified Copy shall be kept, for the purposes that may be judged necessary.

(Signed)

JAUREGUI,
H. T. KILBEE.*Second Enclosure in No. 80.*

(Translation.)

*Memorial of Don Antonio Ferreira da Costa to the Court of Admiralty.**Havannah, August 24, 1824.*

I, DON ANTONIO FERREIRA DA COSTA, in the cause relative to the capture of the *Portuguese Brig*, called the *Maria de la Gloria*, conformably to law, say:—That having been informed that on the morning of this day the present cause is to be decided, and having likewise been apprized of the proposal made by the Fiscal respecting the fate of my Slaves, (for mine I ought to call them) in the name of my Principal, in spite of all those who persist in the contrary, without any just motive, considering that the doors of the Court have been closed to me, inasmuch as I have not been allowed to see the proceedings, for the purpose of stating the Rights of my Client, although copies of all these proceedings have been remitted to the Depositary, and even to the Piratical Captor, I humbly request that I may be permitted to submit to the Court the reasons which shew and prove the justice of my cause, and also the fatal consequences that may ensue to two nations, which have lived, and live in close alliance, if violating the sacred right of property, my entreaties are disregarded, and the distribution of the Slaves carried into effect in the manner proposed by the Fiscal.

The *Portuguese Brig Maria de la Gloria*, having been captured on the Coast of Africa, by the Privateer *Romano*, commanded by Don Joze del Cotarro, for no other reason but that of having a cargo of Negroes on board, from this very moment the improprieties commenced, for the daring Cotarro taking from the prize all her papers, without respecting the article of the ordinance, which declares him criminal for this act alone, sent her to the Coasts of this Island with an arbitrary condemnation, for the purpose, without doubt, of landing the Slaves, and selling them on his own account, probably depriving me, by the way, of my life; but fortunately we fell in with the *Marte*, and it is owing to this circumstance that the said Prize ever came to this Port.

Whatever interpretation may be put upon this circumstance, it can never be looked upon, so far as regards the *Romano*, but as a violent taking possession of the property of another, conduct so much the more criminal and deserving of punishment, as her letters of marque were limited to the American Seas, and yet she proceeded to the Coast of Africa to perpetrate these robberies. This was admitted by the Mixed Commission, the only Tribunal in this Island competent to try the cases of captures of Slaves; but let us not anticipate events, and, according to their natural order, let us now examine the steps taken in the present case, always to the great injury of my Principal, and to the manifest advantage of Don Juan Perez, who being identified with Cotarro, as surety for and owner of the *Romano*, is the person immediately responsible for all the damages.

With respect to the Mixed Commission, I have only to say, that by declaring that the Slaves could not, according to the Treaty, be emancipated, they marked out the path that should necessarily have been followed, namely, that the Vessel and Negroes should have been delivered up to their Proper Owner; but, when we expected that this would have been done, I was directed, in consequence of having repeatedly urged that the Deposit should be confided to other hands, to provide a security upon mortgage for Fifty Thousand Dollars, and likewise to produce a person to be answerable for the measures I was taking in the name of the House of Oliveira. It was imagined, without doubt, that in the unprotected state in which I was, in a country where I was unknown, and in which my Principal has no connexions, I should not be able to obtain this security—but the Court will be surprised to learn that scarcely had that order been notified to me, when I offered security upon a landed estate, for no less than One Hundred and Fifty Thousand Dollars; and that as soon as it was observed that my efforts had not been paralyzed in the manner that was intended, there was no longer any question about such security—a circumstance which proves and convinces in the most positive manner, either that there was not, and never had been any necessity for the same, or that if it really was necessary when it were offered by me, being amply sufficient, it ought to have been admitted, and the process should have been delivered to me, in order that I might proceed in the defence of the Party whom I represented, otherwise it may be justly demanded, why was that order issued unless it should be carried into effect, if I submitted to it, as in reality I did? But setting aside the circumstance, let us proceed to treat of other points much more important, because they demonstrate and convince with still

greater force, that nothing was thought of but the means best suited for the destruction of the Expedition. Accordingly, in consequence of my representations, it was replied that while the loyalty of Don Juan Perez was ascertained beyond all doubt, it was very extraordinary that the statements made by me who belonged to the Kingdom of *Brazil*, which was in a state of Rebellion against its lawful Monarch, should be admitted; and that therefore the charges I made against the said Perez, who was intrusted with the Deposit, could not be looked upon with indifference.

We very commonly allow ourselves to be ruled by our passions, to such a degree as to endeavour to sustain a point by that which most completely proves its falsehood; and thus it is that we hear the apology of Perez made, when the very matter in question is that which most condemns him; and if this be denied, let us ask what part does this same Individual, Don Juan Perez, bear in this affair? Certainly none but that of surety for, and owner of the Privateer Brig *Romano*. But it is undeniable that that vessel sailed from hence for the purpose of acting hostilely against the *French* nation, and it is equally undeniable that that respectable nation had committed no other injury against the government of the Havannah, which issued the letters of marque, but that of sustaining the rights of our Sovereign, against the ideas of the factious who had despoiled him of his sovereignty. Can he, therefore, be considered a faithful and loyal subject, who readily sacrificed his property in equipping and giving security for the Privateer? His Majesty, to whom the house of Oliveira will have recourse, through my mediation, will acknowledge, I have no doubt, the force of these arguments, and perceive that every possible means has been employed for the destruction of the expedition by the above-mentioned Perez, for no other reason but that the cargo consists of four hundred Negroes, whom he wants to introduce into this Island, contrary to the tenor of the Treaty. It was likewise asserted that the *Portuguese* Brig, *Maria de la Gloria*, belonged to a country in a state of insurrection; this being the principal ground upon which the Fiscal rested his demand for the distribution of the Negroes amongst the Planters of the Island. To judge correctly, particularly in administering justice, consistency is indispensable. How is it, then, that the attention is fixed upon this circumstance in the case of that Brig, and that she is detained in port until the Court of Madrid be consulted, while, at the same time, there are actually in the Harbour two *Portuguese* vessels, laden with salt beef, which have come likewise from the *Brazils*, and which are now landing their cargoes, before the eyes, and with the knowledge of the Government and in the presence of your Court, when the reasons being the same, it seems a matter of necessity, that the measures adopted respecting them should be similar? Are we not witnessing the commerce carried on with this place in vessels belonging to *Campeachy*, notwithstanding the insurrection of that country? And is it not very extraordinary, that the Fiscal should occupy himself with the insurrection of foreign countries, while he looks with indifference upon that of the Spanish Colonies, and upon the commerce constantly carried on between the latter and this Port?

It is certain that the point which the Fiscal has touched upon is a State question, which can be treated of only by the two Cabinets, and upon which the inferior authorities have not power to decide; it being still more evident, that the very interests of this Island and of those of the whole *Spanish* monarchy require, that this Court should refrain from such a dangerous interference, for, is it not probable that the mere detention of this vessel may give rise to a war between two nations, which live in close alliance, and whose commercial relations have continued and continue, notwithstanding the insurrection? Is it not undeniable that outrages and injuries of this description have always had this result? Is it not, moreover, to be presumed that the kingdom of *Brazil*, by way of reprisal, will condemn all *Spanish* vessels that enter its ports for the purpose of avenging this outrage, and of indemnifying its subjects? And in that case, against whom would the numerous Spanish vessels that frequent the ports of that kingdom have to complain, but the Court of Admiralty of the Havannah, which had occasioned such consequences, by interfering in an affair foreign to its institution, under whatever point of view it be considered? Whatever may be the issue of this affair, this Court well knows that I must give an exact and circumstantial report to my principal; and he will state to his Government the manner in which the private property of their subjects, sailing under their flag, has been treated in this Island, in order that due thanks may be given, provided no injury be done to the same, that Government being thus bound to observe a similar conduct towards Spanish vessels arriving in their country; or that they may adopt such measures as may be judged advisable, should the case be otherwise, for the purpose of securing, as is their duty, the private property of their subjects: but I cannot imagine for a moment that this Court will take upon itself a responsibility of such magnitude, particularly after the declaration of the Mixed Commission, the only tribunal in this Island which has powers to decide in cases relative to the Slave Trade.

But let us go back a moment to treat of these Slaves, for I now recollect that a most diligent search was made for the *Convention* concluded between my nation and *Great Britain*, relative to the Slave Trade, because, it appears, doubts were entertained, that these Slaves were purchased at a place permitted by that Treaty. According to the tenor of the same, my nation was authorized to carry on that trade in all the settlements they had in Africa, for the term of fifteen years. And, as it is admitted that the cargo in question was shipped at *Anim*, where there is a *Portuguese* settlement, it is, therefore, thus demonstrated, that not even

in this way can the detention be justified. But even supposing the case to be otherwise; allowing, I repeat, that the Slaves were purchased where there was no Portuguese settlement;—what authority has this Court to interfere in such a case, when it is well known that the Mixed Commission alone have powers to decide on such matters? Upon the above-mentioned supposition, it is the English nation that would be aggrieved, being that which is endeavouring to extinguish this trade. Can this Court be considered to have jurisdiction to decide in this cause, when the British Commissary Judge, resident here, although he had the process before him, refrained from touching upon this point, thus tacitly confessing that the investigation of it belongs exclusively to the British and Portuguese Commission?

On all sides, the most irresistible arguments present themselves for refuting the opinion of the Fiscal; thus, supposing the distribution of the Negroes effected, we may ask them, in what manner is it done? For they must be delivered either as free, or as Slaves; if the former, it will be the most complete contradiction of the decree of the Mixed Commission, which declares that the Negroes are not under circumstances to be declared free, nor could the other penalties of the treaty be enforced, the vessel being *Portuguese* property; and if the latter, it will be authorizing an illegality, inasmuch as the importation of Negroes into the Island, by consent of the Government, is contrary to Treaty. One of these two alternatives is inevitable, and whichever shall be adopted, I shall not fail to have recourse to the said Mixed Commission. The only means left for avoiding these difficulties, being to order the vessel and cargo to be delivered up to me, thus respecting the property of a foreigner, who has never, in his commercial transactions, done any injury to the Spanish nation; and, indeed, it cannot be doubted, that this Court, taking into consideration these reflections, with its characteristic prudence and justice, will accede to my proposal; for otherwise, that is, should the detention of the vessel be persisted in, I shall be under the necessity of applying to the Government, with the decree that shall be adopted, for the detention of the other vessels belonging to *Brazil*, which are now in this harbour, and for that of all vessels that are carrying on the trade of Campeachy and other places of *Spanish America*, in a state of insurrection; for the case is stronger with respect to them, and, consequently, they must be detained, notwithstanding the injury this Island must suffer from the interruption: but it is not to be presumed that we shall arrive at this extremity, for the Members of this Court, giving due weight to these arguments, will doubtless respect my property, and will not disregard the fatal consequences here detailed, in the event of the distribution of the Negroes being carried into effect. Wherefore, I humbly entreat this Court, to order that, in consideration of the robbery committed by the Privateer *Romano*, in violation of the law of nations, of the Portuguese Slave Vessel *Maria de la Gloria*, having given rise to the detention, the said vessel, with all her cargo, be instantly delivered up to me, for the purpose of being conveyed to their destination, admitting, if necessary, the ample security which I am ready to give, and have already offered, reserving to my principal his right of action against those who have occasioned him such loss and damages; all which I beg with costs, &c.

(Signed)

ANTONIO FERREIRA DA COSTA.

*Third Enclosure in No. 80.**H. T. Kilbee, Esq. to the Captain-General.*

SIR,

Havannah, August 30, 1824.

HAVING learnt from a Memorial, presented to the Mixed Commission established here, by Don Antonio Ferreira da Costa, that the Court of Admiralty has already come, or is about to come, to a decision in the case of the Slave Vessel called the *Maria de la Gloria*, I take the liberty to request that your Excellency will be pleased to communicate to me such decision for the information of my Government.

I make this request, because the question at issue in this case, and, consequently, the decision upon it, are most intimately connected with the execution of the Treaty for the Abolition of the Slave Trade, between Great Britain and Spain; and I therefore trust that your Excellency will agree with me as to the expediency of my being enabled to apprise His Britannic Majesty's Government, with as little delay as possible, of the resolution adopted by the competent *Spanish* tribunal upon the subject.

I avail myself of this occasion, &c.

His Excellency the Captain-General.

(Signed)

H. T. KILBEE.

Fourth Enclosure in No. 80.

(Translation.)

The Captain-General to H. T. Kilbee, Esq.

SIR,

Havannah, August 31, 1824.

I HAVE this day forwarded your official letter dated yesterday, to His Excellency the Commander-in-Chief of the Naval Forces, in order that he may be pleased to communicate

to me the decision adopted by his Court in the case of the *Portuguese* Brig *Maria de la Gloria*; and when I shall receive his answer, I shall comply with the request which you have made in your above-mentioned letter.

God preserve you many years.

(Signed)

FRANCISCO DIONISIO VIVES.

The British Commissary Judge.

Fifth Enclosure in No. 80.

(Translation.)

The Captain-General to H. T. Kilbee, Esq.

SIR,

Havannah, September 7, 1824.

IN an official letter under this day's date, I have informed the Mixed Commission of the result of the Proceedings in the Court of Admiralty, respecting the capture made by the *Spanish* Privateer *Romano*, of a *Portuguese* vessel named *Maria de la Gloria*, with a cargo of *bozal** Negroes; and I apprise you of the same, in consequence of what I stated to you upon the subject in my reply to you of the 31st ultimo.

God preserve you many years.

(Signed)

FRANCISCO DIONISIO VIVES.

The British Commissary Judge.

* *Bozal* means untaught; it is commonly applied to newly-imported Negroes.

Sixth Enclosure in No. 80.

(Translation.)

The Captain-General to the Mixed Commission.

GENTLEMEN,

Havannah, September 7, 1824.

UNDER date the 1st instant, His Excellency the Commander-in-Chief of the Naval Forces, writes to me as follows:—"Most Excellent Sir,—Having before informed your Excellency of the circumstance of the capture, made by the *Spanish* Privateer named the *Romano*, of a *Portuguese* Brig called the *Maria de la Gloria*, with a cargo of 'Bozal' Negroes, which ultimately was brought into this Port by the Brig of war *Marte*, the Royal Court of Admiralty have agreed to communicate to your Excellency, as I now do, the result of that case, which will appear by the enclosed certified copies of the Proceedings, as likewise of the secret resolution adopted, in order that your Excellency may be aware of the consequences of this extraordinary event, for the purposes that may be judged necessary, together with the names referred to in the resolutions, and which are as follows: Antonio Ferreira da Costa, White; Juan Oliviera, Antonio Mendes, Cayetano Felix, Manuel Pasé, and Antonio Oliviera, all Blacks. And I make this communication to you, enclosing, at the same time, copies of the above-mentioned proceedings, for the purposes which you may judge advisable.

God preserve you many years.

(Signed)

FRANCISCO DIONISIO VIVES.

The Members of the Mixed Commission.

Seventh Enclosure in No. 80.

(Translation.)

Public Decree of the Court of Admiralty, in the Case of the Brig Maria de la Gloria.

Havannah, 23d August, 1824.

IN the always most faithful City of Havannah, on the 23d day of August, 1824. His Excellency the President Don Miguel Gaston, &c. &c., and the other Members (here their names, titles, and employments, are inserted) of the Court of Admiralty, having assembled, again took into consideration all the proceedings in this cause, which have been before the Court upon the various occasions the subject has been treated of, and resolutions adopted in the same; the Memorial presented by the Agent of Don Jozé del Cotarro, Captain of the *Spanish* Privateer *Romano*, fitted out in this Port, was then read, and likewise the Representation of the Fiscal, in which, after analyzing the Process, he gives his opinion in what manner the Cause should be concluded for the present in this Tribunal. The motives upon which he grounds his opinion were attentively considered, and after a long and minute discussion, it was agreed unanimously, that the Court have not the power to decide upon all the points comprehended in this extraordinary cause, now brought to a conclusion, respecting the detention by the aforesaid Privateer *Romano* of the Brig called the *Maria de la Gloria*, which latter was brought into this Port by the Brig of the Royal Navy named the *Marte*, the Lieutenant of a Ship of the Line, Don Jozé Apodaca, Commander, because the peculiar circumstances of the case are not included in the common Laws in force upon the subject, nor does

the great importance of the same admit of a prudential determination at once, by coming to the decision which exclusively belongs to this Court. They pronounced that the said Lieutenant Don Joze Apodaca, Commander of the Brig *Marte*, acted well, and conformably to Ordinance, in bringing into this Port the *Maria de la Gloria*, with the cargo of four hundred African Negroes, and that the *Portuguese*, Antonio Ferreira da Costa, ought not to be heard in the cause, according to the determination taken in the proceedings respecting him under this day's date, which Individual, with the others of his Nation who came in the *Maria de la Gloria*, shall be placed at the disposal of His Excellency the Captain-General of this Island, with a list of their names, which shall be inserted in an attentive official letter, together with an authenticated copy of this day's proceedings, and of the resolution of the Court in a separate sheet, in order that his Excellency may be pleased to give them the destination he may think advisable, and that he may be aware of what has resulted from the entrance into this Port of the *Portuguese* Vessel, and of the distribution of the aforesaid four hundred Negroes in deposit, which is to take place. It was likewise determined that an authenticated copy of the original proceedings (autos), to prevent the possibility of their being lost, be submitted to our Lord the King, and that a duplicate of the same be remitted, should a better opportunity than the present offer itself for the Port of Cadiz, in order that the Royal Resolution may be declared respecting the detention effected by the Privateer *Romano*, and the consequences thereof, and respecting the disposal of the value of the detained *Portuguese* Vessel and her Cargo; recommending at the same time to His Majesty to dictate the rules which are to be observed in future in similar cases, including the Powers of this Court with respect to those of the Mixed Commission appointed for the fulfilment of the Treaty between our Lord the King and Great Britain, respecting the Slave Trade, in order that the obstacles may be avoided which for some time have obstructed the rapid course of the present case, thereby occasioning enormous expenses in the maintenance of the Negroes and of the Crew of the Vessel; the manner likewise being worthy of observation, in which the Mixed Commission has carried on its communications with this Court, not direct, as appears to be most obvious and simple, but through His Excellency the Captain-General: and as, during the interval that must elapse before this delicate Resolution of the supreme Government can arrive, the *Portuguese* Brig anchored in this Port, must be injured or destroyed by a long stay in this harbour, where it is so liable to be worm-eaten, it is to be sold by public auction, being previously valued by the different Masters of this Arsenal, and the produce of the sale kept in the Royal Naval Treasury until the final decision respecting the same. And moreover there being no proper funds for maintaining this multitude of men, and it being inexpedient that they should remain in useless idleness, the Court adopted also the opinion of the above-mentioned Fiscal, that the Negroes should be distributed amongst Inhabitants and Planters of well-known responsibility and character, under the Regulations which have been meditated long previous to this day; the opinions of all the Members of the Court agreed upon the following articles:—

1st. That this distribution be in quality of Deposit until the arrival of the above-mentioned Resolution of His Majesty; that the number of each lot shall not exceed ten or fifteen Negroes, and the period of returning them shall be within three days after notice given for that purpose, for the Depositories who are Inhabitants of this City, or within four leagues' distance; and for those who are at a greater distance, within eight days. 2d. That the Depository is to be bound to give wholesome and abundant food to the Negroes delivered to him, to clothe them according to the custom of the country; to instruct them in the doctrines of our Religion, in order that they may receive holy Baptism as soon as possible, to attend to them in sickness, and to pay the expense of the burial of such as may die. 3. That the Negroes shall be employed solely in common labours, such as free persons perform, without being punished or ill-treated in any way. 4th. That their conduct be watched, and that they be prevented from committing any excesses, it being understood that the Depositories shall be responsible for the same, conformably to the Laws in force upon this subject with respect to Fathers of families, and persons who maintain others in dependence upon them. 5th. That during the time the Negroes remain in deposit, they shall not be allowed to contract matrimony, on account of the inconvenience that might be thereby occasioned in carrying into effect the determination which shall be taken respecting their destination. 6th. That a List, with a description of all the Negroes deposited with Don Juan Perez, shall be formed, distinguishing Males and Females, and the different classes as to age, which shall be done at the time of the distribution agreed upon. 7th. That in the event of the death of any of the Negroes in deposit, due notice be given in this City and its Suburbs to the Commissaries of Divisions, and in the Country to the Captains of Districts, the Justices of which shall attend personally with two Inhabitants of good reputation, to certify that the deceased Negro was really one of those deposited, for the ascertaining which they shall examine those who live in the house, the neighbours, with any other persons, until they shall be convinced of the fact; they shall then make a Report, which the aforesaid two Inhabitants, in the presence of whom the whole investigation must be made, shall sign, and in which Report the description of the Negroes is to be inserted; and this, together with the Certificate of the Burial, is to be sent to his Excellency the President of this Court, in order that the necessary steps may be taken at the expense of the Depository. 8th. That for this purpose the Notary Public shall form a book in paper of the third stamp, which he shall keep, together with a certified copy of the present Decree; in continuation, the list of the names of the Negroes, and in separate Papers, when the distribution is to take place, the form of delivery to the Individuals the Court shall select, with the de-

scription of each Negro, and of which a legalized Copy shall remain with the Depository, including the Negroes thus described, whom he shall take away, in order that when necessary the proper use may, be made of the same. 9th. This Copy is to be presented to the Commissary of Division, or to the Country Justice, for the purpose of facilitating the investigation, in the event of the death of a deposited Negro, and for the ends mentioned in the 7th Article. 10th. That in case of a flight of any of the said Negroes, the Commissary of the Division, or the Captain of the District shall proceed to the investigation respecting such flight, together with two respectable Inhabitants, communicating the result to His Excellency the President of this Court, by a Report, in which shall be inserted the description of the absent Negro. 11th. For each of the Negroes distributed a sum of money shall be paid, the amount of which the Court will determine in another Session to be held for that purpose, previous to the delivery of such Negroes, which amount shall be in proportion to the great expenses occasioned in this case, from the entrance into this Port of the four hundred Negroes, and those which may be occasioned in future with the sick negroes who are incapable of any Service, and it shall be paid to the person who shall be named by this Court. 12th. That for the ascertaining the sum to be paid by the Depository for the number of Negroes which shall be allotted to him in the distribution, the fund required being proportionate to the expenses mentioned in the preceding Article, Don Juan Perez shall present an account of the expenses he has incurred, and the taxer of the Court shall proceed without delay to tax the costs in the present cause, but confining himself to those arising from the Duties performed by the Official Ministers of this Court. 13th. That the aforesaid Don Juan Perez, at the time of presenting the account of his expenses, shall annex, in a separate sheet, the number of Negroes alive, distinguishing their sex and classes, and specifying whether they be in health or not. 14th. These Articles for the regulation of the Deposit of the Negroes shall have the applications and restrictions which circumstances may require, for their complete and perfect security. 15th. That the tenor of these fourteen Articles shall be notified to each of the Individuals who shall receive Negroes at the time of the distribution, and it must be stated, in the respective lists, that they were fully apprised of the same, and that they were under the express obligation to fulfil them in all respects under the most strict responsibility. Thus ordered and signed by His Excellency the President, and the other Members of the Court, conformably with the opinion of the Auditor.

(Signed) MIGUEL GASTON,
&c. &c. &c.

Eighth Enclosure in No. 80.

(Translation.)

*Secret Decree of the Court of Admiralty in the Case of the Brig
Maria de la Gloria.*

Havannah, 23d August, 1824.

IN the always most faithful City of Havannah, on the 23d August, 1824, His Excellency the President, and the other Members of the Court of Admiralty, together with the Auditor and Fiscal of the same, remaining assembled for the purpose of drawing up the Secret Decree determined upon at the Session held this day, respecting the detention of the *Portuguese Brig Maria de la Gloria*, by the Spanish Privateer Romano, Don Joze del Cotarro, Captain, which Brig was brought into this Port by the Sloop of War *Marte*, commanded by Lieutenant Don Joze Apodaca, declared that not considering it to be prudent to give publicity, in the Report of the Proceedings at the above-mentioned Session, to the observation which the Court have to submit to the consideration of His Majesty, respecting the destination of the Negroes composing the Cargo of the detained Brig, they did it in the present form, stating that it would produce the most fatal consequences to the tranquillity of this Island, if the Africans should be allowed to remain here, for this class of men, when in a state of Slavery, engaged in field labours, in which they are chiefly employed, are maintained in subordination to their Masters, or to the persons who superintend them in their labours; but when they succeed in obtaining their liberty, they become immoral, do not apply themselves to work, and are distinguished in this populous Town for the crimes of every species which they commit, from whence arises the well-founded apprehension of the Inhabitants that, if the number of the free Negroes were augmented to an equality with that of the Whites, they would conspire against the latter, as they did in the *French part of Saint Domingo*; for which reasons the Court have considered it to be their bounden duty to make this indication, on account of the fatal results that may happen if the Negroes brought in the *Portuguese Brig* be allowed to remain in the towns *at once* free; without thinking it necessary to mention the important and well-founded motives for which all nations that have had, and that have Slaves, have dictated precautionary measures, in order not to increase the number of those emancipated, the Court being persuaded that addressing this short Statement to the enlightened zeal of our Lord the King, His Majesty will perceive how much the security of this precious part of the Monarchy is endangered by the introduction therein of a portion of free Negroes, who, united with those we already have, would probably disturb the tranquillity we enjoy; and the said Members signed the same.

(Signed) MIGUEL GASTON, and the other Members.

Ninth Enclosure in No. 80.
H. T. Kilbee, Esq., to the Captain-General.

SIR,

Havannah, September 12th, 1824.

I HAVE perused with due attention the Decrees of the Court of Admiralty in the case of the Brig *Maria de la Gloria*, which, as your Excellency stated to me in your letter of the 7th instant, you were pleased to transmit to the Mixed Commission under the same date; and, in conformity with the practice I have always adopted, of apprizing the Chief Authority of the Island of those apparent violations of the Slave Trade Treaty, which I conceive it to be my duty to report to my Government, I shall proceed to make to your Excellency the observations that have occurred to me respecting the decision taken in this case, in as far as I consider the same to be in contravention of the letter or spirit of that Treaty.

The provision of the public Decree of the Court of Admiralty, to which I would principally call your attention, is that by which it is directed that the Negroes belonging to the Brig *Maria de la Gloria* shall be placed in deposit, upon certain conditions, with individuals who are to pay a sum of money for the same. By this measure I conceive the Negroes are virtually reduced to a state of temporary Slavery; for their services being disposed of for a pecuniary consideration, without their participation in the same, and without their consent, they are to all intents and purposes Slaves under another name; and the persons with whom they are deposited are as much entitled to their services for a limited time, as a purchaser is to those of a common Slave. The measure is therefore in violation of the *Treaty* of 1817, and likewise of the Royal *Cedula* issued in consequence of the same, by virtue of which no newly-imported Negroes can remain as Slaves in the dominions of His Catholic Majesty.

Two motives are alleged as the chief grounds for the adoption of this measure, namely, the want of funds for maintaining the Negroes in future,—and the necessity of paying the expenses already incurred; by neither of which, I humbly conceive, can it be justified, even supposing that any necessity could justify an infraction of Law and Treaty.

As to the first, the difficulty is at once got over, a person having presented himself on behalf of the *Portuguese* Owner of the *Maria de la Gloria*, who is ready to accept of the deposit of the Negroes, giving ample security for their preservation, and subscribing to the conditions that may be imposed by the Government.

As to the second, which relates to the expenses that have already been incurred in Law-charges and in the maintenance of the Negroes, it appears to me that, until the case be finally decided, they should properly be borne by the person who alone has occasioned all the present difficulties, namely, the Captain of the Privateer *Romano*, and, in his default, by the Owner of the same, Don Juan Perez. The charge of maintaining the Negroes was voluntarily assumed by the latter; and when that individual came forward, and, although a party in the transaction, was recommended by the Fiscal, and approved by the Court of Admiralty, as the proper Depository of the Negroes, he could not have been ignorant, and much less the Fiscal and the Court, that, however responsible for any illegal conduct on the part of the Privateer, he never could under a legal decision, whatever it might be, derive any profit from the Negroes, or be entitled to any property in them, inasmuch as, since the Abolition of the Slave Trade by His Catholic Majesty, none of his subjects can legally acquire property in Negroes imported subsequently. Perez therefore, having voluntarily taken upon himself the charge of depository of the Negroes, for the reasons he best knows, although he, and the Tribunal that appointed him, were perfectly aware that he could in no case be declared Proprietor of the same, having persisted in holding this charge, although the above-mentioned individual presented himself on behalf of the *Portuguese* Owner at an early stage of the Proceedings, and proposed that another Depository should be named:—and moreover, as Owner of the Privateer, being answerable for all her acts, and consequently bound to pay all the expenses attending the capture of the Slave Vessel, at least until such capture be declared legal, I do not think that he is entitled at present to the disbursement of his expenses.

These observations have been made under the supposition that the capture of the *Maria de la Gloria* by the Privateer was effected under ordinary circumstances, and that there are no obvious reasons for doubting its legality. The fact, I conceive, to be far otherwise, as will appear by the following statement, which results from the proceedings had before the Mixed Commission.

The Privateer Brig *Romano* sailed from this Port on the 2d of December last with Letters of Marque authorizing her to cruise against the enemies of His Catholic Majesty, by which was understood the *French* Nation, although it was well known here at that date that the war between *France* and *Spain* had been brought to a conclusion. Her powers to act were limited to "*los Mares de Indias*," and yet she proceeded almost direct to the Coast of Africa, and after several other captures, fell in with and took the *Maria de la Gloria*. All the Officers and white people of the crew, with the exception of one individual, a common sailor, and the whole of her papers, were taken out of the Prize, which was then manned and sent to this Island, for the professed purpose of adjudication by the Mixed Commission established here, although that at Sierra Leone was very near at hand; and she was finally

* This in Spanish means American Seas.

detained by the *Marte* under circumstances which, I will take upon me to say, preclude any reasonable doubt that the object of the Captain was to land the Negroes clandestinely. At the time of the detention, there was no one of the *Portuguese* Officers on board, and none of the original *Portuguese* Papers. Papers, indeed, were produced, but such as it would be absurd to imagine that a person, considered by the Marine Department here as fit to be intrusted with the command of a large Privateer, should for a moment believe sufficient to authorize any Tribunal whatever to condemn a prize or declare her capture legal.

Under all these circumstances, I cannot perceive the expediency of adopting a measure in violation of Law and Treaty, for the purpose of reimbursing, and saving from other expenses, the individual who, as Owner of the Privateer, is necessarily responsible for all the consequences of the capture.

With respect to the distribution of the Negroes, (supposing that measure to be legal,) and the conditions imposed by the Court of Admiralty upon those who pay their money for them, I must express my conviction that those conditions will be found inadequate to the attainment of their object, that is, the security and good treatment of the Negroes; since there is no penalty specified for the non-performance of the same;—nor does the purchaser in any case forfeit his right to the services for which he has paid, it not being provided that the Negroes, under any circumstances, can be released from the services they are bound to perform for the Master that the Court of Admiralty may have selected for them, nor can they demand a change of Masters. So that their lot, in this respect, is harder than that of common Slaves, especially those who are “*coartados*,” under the Spanish Law. The third Article of the Conditions, in particular, appears to be very humane, directing, among other things, that the Negroes shall not be punished;—but, if they are punished, (and it is difficult to believe that they will not,) where is the remedy?—Is it to be supposed that a newly-imported Negro will go to the Court of Admiralty to demand redress of his Master or Depositary, even supposing that that Court had reserved to itself the power of giving him relief, which it has not?—That Article, therefore, and those of a similar description, must be considered, not only as inadequate to the attainment of their professed object, but as altogether nugatory.

There is a reflection connected with this measure of distribution, to which I cannot avoid alluding. The decision of the Spanish Government, solicited by the Court of Admiralty, may easily be received within six months, or even less; and will, beyond all doubt, be to the effect, either that the Negroes be declared free, or that they be delivered up to the Portuguese Owners, and sent out of the country—the latter alternative being more probable.—I ask, then, what *boná fide* Purchaser would give fifty dollars, (by public report that is the sum fixed upon,) or indeed any sum, for the services for so short a period of a “bozal” Negro just imported?—Is it not to be presumed that those who come forward to purchase under such circumstances, will have plans of remunerating themselves more certain than the mere labour of the Negroes?—Your Excellency’s penetration renders it unnecessary to pursue this reflection any farther; but I would advert to the heavy responsibility that would be incurred by the adoption of the measure in question, if it should be found that, at the expiration of the period of the deposit, a considerable number of the Negroes are not forthcoming.

But the distribution, or rather the entire disposal of the Negroes, whether it be by distributing them among private individuals, or employing them in the service of Public Establishments until they shall be able to maintain themselves, is, I conceive, (in conformity with the spirit of the Treaty of 1817,) the exclusive province in all cases of the Chief Authority of the Island. The seventh Article of the Regulations for the Mixed Commissions, annexed to that Treaty, is clear and explicit upon this point in the case of Negroes emancipated by those Commissions; and although the Royal Cedula of December, 1817, is silent upon the subject, yet, having been issued in consequence of, and in conformity to, the Treaty, it would seem that, in doubtful matters, it should be understood with reference to the same. The Tribunals of the Country consequently may, like the Mixed Commission in certain cases, condemn Slave Vessels, declare the Negroes to be free, and give them their Certificate of Emancipation; but there their powers cease, and the Negroes should then be delivered over to the Chief Authority. There are other strong reasons for the adoption of this arrangement, which the High Contracting Parties probably had in view when they thought it expedient to separate the important duty of the care of the Negroes after emancipation from the Mixed Commissions. It would appear that they considered the Chief Authority of the Country alone as adequate to this charge, because he, as presiding over the internal police, is the only one responsible for the conduct of such Negroes; and moreover the only one that has sufficient power to impose and exact the fulfilment of such conditions as may be judged necessary for the care and preservation of the same, and for securing to them the enjoyment of their liberty without restrictions at the expiration of a reasonable period. Even therefore, had the Court of Admiralty been authorized to condemn the Vessel, and emancipate the Negroes, the distribution would not have been within its powers; and much less so in the present case, in which that Court itself expresses doubts of being warranted to pronounce any decision whatever.

Under this view of the subject, the Decree of the Court of Admiralty, in so far as it regards the distribution of the Negroes upon the terms expressed, is in violation of Law and Treaty; those Negroes being thereby virtually reduced to a state of slavery. It alleges as grounds for the adoption of the measure, the want of funds to defray past and future

expenses ; when there is an individual bound by every consideration of law and justice to be answerable for the former ; and another voluntarily disposed to take upon himself the payment of the latter ; it imposes conditions for the care and good treatment of the Negroes, inadequate to their professed object, and indeed altogether nugatory ; it involves a consequence from whence arises a well-founded suspicion that the future security of the Negroes would be in imminent danger ; and, finally, it assumes a power to that Court which exclusively belongs to the Chief Authority of the Island, deposited in your Excellency's hands.

The Court of Admiralty having thought proper, in the above-mentioned Decree, to allude to the delay that has taken place in this case, it will be necessary to notice the subject. The Brig *Maria de la Gloria* entered this Port on the 17th of June, but her case was not submitted to the cognizance of the Mixed Commission till the 9th of July ; and on the 17th of the same, the Decree of the Court and copies of all the voluminous proceedings were transmitted to your Excellency. So that the delay certainly cannot be attributed to the Commission.

The interval from the 20th of June till the 9th of July was passed in the contest respecting the cognizance of the case, which point, when divested of all extraneous matter, which only serves to perplex and to confuse, is reduced to the simple question—whether the case of a Slave Vessel detained and carried into this Port by one of His Catholic Majesty's Cruizers, duly provided with the Instructions annexed to the Treaty, is of the jurisdiction of the Mixed Commission or of the Court of Admiralty ? Your Excellency has decided this question ; and I trust that the approval by your Government of that decision will preclude all future discussion upon the subject.

Your Excellency will recollect that the Court of Admiralty always claimed the cognizance of the case of the *Maria de la Gloria*, upon the ground that that Vessel had been originally captured by the Privateer *Romano*, and that it belonged exclusively to that Court to judge of the conduct of the latter in making that capture ; and as soon as the Mixed Commission had ascertained that there were well-founded motives for believing that such was the fact, they immediately abstained from further proceedings, and relinquished the cognizance of the case, with the reservation however, “ that if, in the course of the proceedings respecting the conduct of the Captain of the Privateer, it should be proved (as was within the bounds of possibility) that he had himself acquired the Negroes by traffic direct or indirect, and that the *Portuguese* property was only apparent, in that case the process should be returned to them, for to the Commission it would belong, in consequence of the detention by the *Marte*, to condemn the Vessel, to declare the Slaves free, and to give them their Certificate of Emancipation.” Under these circumstances, it is worthy of observation that the Court of Admiralty in their Decree have entirely refrained from touching upon this most important point, upon which it was their peculiar province to decide, and for which decision it certainly appears that they had sufficient grounds ; thus utterly disregarding the reservation made by the Mixed Commission.

With respect to the Secret Decree of the Court of Admiralty, I have only to observe that, if its object be to impress upon His Catholic Majesty the inexpediency of allowing Negroes in the state of those belonging to the *Maria de la Gloria*, to enjoy at once an unrestrained liberty, I entirely coincide as to the propriety of that object, but I apprehend that such a system never was in the contemplation of the Parties to the Treaty, or of the Government of this Island. Your Excellency at least, I have reason to believe, was prepared for the event of the Negroes being declared free by the Mixed Commission, and had resolved upon the adoption of a system respecting them, which would at the same time have secured their permanent welfare, and the order and tranquillity of the country. But if the object of that Court be (as it would appear from the tenor of their observations) to recommend to His Catholic Majesty not to carry into effect the stipulations of the Treaty of 1817, nor the provisions of His Royal Cedula issued in consequence of the same, the subject is of a more important nature, and will necessarily call for the intervention of His Britannic Majesty's Government.

Such are the observations I have felt it to be my duty to make to my Government respecting the proceedings in the case of the *Portuguese* Brig *Maria de la Gloria* ; and as, in the course of them, I have necessarily had frequent occasion to advert to the measures adopted by the Court of Admiralty, I beg leave explicitly to state, that I have done so by no means with the intention of venturing to point out to that Tribunal the line of conduct they ought to adopt. Neither are my remarks to be considered in the light of animadversions addressed by me to your Excellency upon the proceedings of the same, a step I am not authorized to take. I make the observations to my Government, because I conceive it to be my duty to do so ; and I repeat them to your Excellency, in the most perfect spirit of fairness and justice, in order that you, and any Department they may concern, may not be taken unawares, and may be prepared in the event of His Britannic Majesty's Government thinking it expedient, in consequence of my report, to make a Representation upon the subject to that of His Catholic Majesty.

I avail myself of this occasion, &c. &c.

His Excellency the Captain-General.

(Signed)

H. T. KILBEE.

Tenth Enclosure in No. 80.

(Translation.)

Minute of the Proceedings of the Mixed Commission.

September 18, 1824.

IN the always most faithful city of Havannah, on the 18th of September, 1824, the Members of the Mixed Commission met (as they had done upon some previous occasions,) for the purpose of taking into consideration the preceding official letter of His Excellency the Captain-General, and the copies of the proceedings of the Court of Admiralty, which documents were read with attention, and after a long conference respecting them, in which the principle was laid down that it did not belong to the Commission to discuss the proceedings of the tribunals of the country, unless the peculiar powers of the former are concerned, the said Members resolved unanimously that, without losing sight of that principle, they could not avoid observing that, by the above-mentioned copies of their proceedings, it appears that the Court of Admiralty have abstained from inquiring into, or at least from pronouncing an opinion respecting the conduct of the Captain of the Privateer in the capture of the Brig *Maria de la Gloria*, a conduct which well deserved to be scrupulously examined into for having sent that Vessel without her Captain, without any of her officers, and even without her own papers; which omissions, added to the circumstance of the Privateer being upon the coast of Africa, although her Commission was limited to the American seas, and also to the course taken by the captured Brig with her cargo of Negroes at the time she was detained by His Catholic Majesty's Brig *Marte*, give rise to serious and obvious suspicions: influenced by these considerations, the Commission, upon the occasion of transmitting the cause to His Excellency, made the special reservation of re-assuming the cognizance of the same, if, in the course of the proceedings to be taken respecting the conduct of the Captain of the Privateer, it should be discovered that he had in any way been concerned in the traffic by which those Slaves were acquired; which reservation is rendered nugatory, the same suspicions still existing; and the Mixed Commission, therefore, make this observation, limited however to this particular point, without touching upon the others contained in the copies of the aforesaid proceedings.

And considering that the Captain-General will make to the King a full Report of this case, the said Members resolved that an official letter should be addressed to His Excellency with a certified copy of this Resolution, in order that, if he thinks proper, he may likewise submit the present observation to His Majesty for the purposes that may be judged necessary; and they signed this in the presence of the Secretary.

(Signed) JAUREGUI.
H. T. KILBEE.
QUESADA.

RAFAEL GÓNZALEZ, Secretary.

Eleventh Enclosure in No. 80.

(Translation.)

The Mixed Commission to the Captain-General.

MOST EXCELLENT SIR,

Havannah, September 18, 1824.

IN consequence of your Excellency's official letter of the 7th instant, enclosing copies of the proceedings of the Royal Court of Admiralty in the case of the *Portuguese* Brig *Maria de la Gloria*, the Mixed Commission held a Meeting, and having taken the whole subject into consideration, a Resolution was adopted, a copy of which is herewith forwarded to your Excellency.

The circumstance of the Court of Admiralty not having made any mention whatever of the reservation made by this Court when they relinquished the cognizance of the present case, has attracted particularly their attention, as your Excellency will perceive by the above-mentioned Resolution; and the Mixed Commission consider that, in fulfilment of their duty, they could not avoid making the observations contained in the same.

God preserve your Excellency many years,

(Signed)

ANDREAS DE JAUREGUI.

H. T. KILBEE,

RAFAEL DE QUESADA.

His Excellency the Captain-General.

No. 81.

H. T. Kilbee, Esq. to Mr. Secretary Canning.—(Received Dec. 1.)

SIR,

Havannah, September 20, 1824.

THE disposal of Negroes, emancipated under the Slave Trade Treaty, is a subject which, in consequence of the proceedings in the case of the *Maria de la Gloria*, will probably be taken into consideration

by the *Spanish* Government; and I venture to suggest to you the expediency of its being declared by that Government, that such disposal should be confided in all cases to one authority alone, and that of course the Chief of the Island.

This arrangement is in conformity with our Treaty, and would, I conceive, be productive of many beneficial effects to emancipated Negroes. The mode of treating them would thereby be rendered uniform; and the Chief Authority would be better able, and I will venture to say better inclined, than any other to exact the fulfilment of such conditions as may be considered necessary to ensure to them good treatment, and the future enjoyment of their liberty without restrictions.

The great danger to which such Negroes would be exposed, while in the hands of the persons with whom they should be deposited or apprenticed, would be that, by being reported as dead or run away, and substituted in the place of deceased Negroes, they should thus be reduced to a state of slavery. To guard against this evil is no easy matter; but I would recommend that, independent of any other punishment which might be inflicted upon the perpetrator of so foul a crime, he should be liable to the payment of a fine of four or five hundred dollars (about the value of the Negro); the half of which should be given to the person denouncing the transaction. I would likewise recommend, that there should be appointed a Superintendent of emancipated Negroes, whose duty it should be to visit them and see how they were treated, and to make a Monthly Report upon the subject to the Captain-General and to the Mixed Commission, the appointment and removal for misconduct of which officer, I should certainly wish to see in the hands of the latter. His salary might easily be obtained by requiring the individuals, with whom such Negroes should be deposited, to pay four or five dollars a-year for each Negro; and he would thus have a direct interest in their preservation.

While I am upon this subject, I cannot avoid mentioning, that when the case of the *Maria de la Gloria* was first submitted to the Mixed Commission, it being generally believed that the statement of her being *Portuguese* property was a mere fabrication, and that she was really *Spanish*, and would consequently be condemned and the Slaves emancipated; the Captain-General did me the honour to consult me frequently respecting the disposal of the latter, manifesting a warm interest upon the subject, and a decided disposition to adopt any arrangement calculated to promote their comfort, happiness, and security.

I have, &c.

The Right Hon. George Canning,
&c. &c. &c.

(Signed)

H. T. KILBEE.

No. 82.

H. T. Kilbee, Esq. to Mr. Secretary Canning.—(Received Dec. 1.)

(Extract.)

Havannah, September 20, 1824.

“THE great number of Vessels that have lately sailed from hence for the Coast of Africa, rendering it probable that some of them may be fallen in with, and detained on their return by His Majesty's ships on this Station, I take the liberty to suggest that the latter may all be furnished with the instructions required by Treaty.

I mention this subject, because in the course of conversation, some time ago, with the Commanding Officer of one of the small Schooners fitted out at Jamaica for acting against Pirates, and which is just the kind of Vessel likely to fall in with a Slave Trader, he informed me that he was not provided with these instructions; adding, that his Vessel did

not require them, as she was to be considered as a tender belonging to the Flag Ship at Jamaica, which was duly authorized to detain Slave Vessels. I am quite convinced that my Spanish Colleagues would not be satisfied with this argument. Captain Forbes likewise, of His Majesty's Ship *Thracian*, lately shewed me what he conceived to be the proper instructions for detaining *Spanish* Slave Vessels; but, although he had several orders and documents which related to the subject, he was not in possession of the original instructions annexed to the Treaty. The Vessel has been a good while from England, and has I believe frequently changed Commanding Officers; in which changes, the document in question has probably been mislaid.

There is another point connected with His Majesty's Ships in these Seas, destined to cruise against *Spanish* Slave Vessels, to which I would request your attention; namely, the expense of maintaining the Negroes from the time of the entrance of a detained Slave Vessel into this Port, until her condemnation.

This is a very important consideration, on account of the extreme dearness of every thing in this country.

The Right Hon. George Canning, (Signed) H. T. KILBEE.
&c. &c. &c.

No. 83.

H. T. Kilbee, Esq. to Mr. Secretary Canning.—(Received Dec. 1.)

SIR, *Havannah, September 21, 1824.*

SINCE the date of my despatch of the 4th September, *three* Vessels have cleared out for the Coast of Africa; namely, the Ship *Urraca*, Don Juan Ferrer y Roig, Master, nominally for the Island of Madagascar, but really destined for Mozambique, and the Schooners, *Josefa* and *Feliciana*, Don Joze Antonio Tomas and Don Jayme Aulet, Masters, for St. Thomas'. The first is a large Ship well armed, and having a crew, I understand, of upwards of eighty men. The other two are old Slave Traders.

I have, &c.

The Right Hon. George Canning. (Signed) H. T. KILBEE.
&c. &c. &c.

No. 84.

H. T. Kilbee, Esq. to Mr. Secretary Canning.—(Received Dec. 28.)

SIR, *Havannah, October 9, 1824.*

THE enclosed *Memorandum* contains the information which, in obedience to the instructions communicated in your despatch of the 24th February, I have been enabled to collect, as to the practice respecting the *manumission* and *free labour* of Slaves, existing in this Island. I have consulted the most eminent lawyers and individuals connected with the Government upon the subject; and I venture to assure you that you may rely upon the correctness of the statement, as far as it goes, which I have now the honour to submit to you.

With respect to the *Memorandum* enclosed in your despatch above referred to, it is incorrect in supposing that Negroes are appraised at four hundred dollars, or any fixed price. I have known one sell for a thousand dollars; but the Tribunals will not permit such excessive valuations, when made for the purpose of enabling the Slave to liberate himself, or to improve his condition. Eight hundred dollars may be considered the maximum in such cases; and even this is thought high. Full-grown Negroes on plantations are, one with another, generally

valued at five hundred dollars; house servants may be averaged at six hundred; and mechanics at rather more. Even those imported clandestinely are, I understand, sold for upwards of four hundred dollars; and previous to the Abolition, when Colonial produce was much higher than at present, prime Negroes newly imported sold for five hundred and five hundred and fifty dollars, cash. The Memorandum is also incorrect in stating, that "if the Master requires the service of his '*Coartado*' Slave, he can oblige the man to work, paying the Slave a certain sum;" the fact being that in all cases the Master is entitled to the service of his Slave, whether "*Coartado*" or not, without any remuneration whatever. You will find, by the enclosed statement, how far this principle is modified in practice. The Memorandum, moreover, confounds Reales de Vellon with Reales de Plata (those alone current in all Spanish America); of the former of which there are twenty to the dollar, of the latter only eight.

If there should be any question of introducing into the British Possessions the system respecting Slaves which exists in this Island, there are some circumstances favourable to the Slave which are peculiar to the latter, and ought to be had in recollection.

Wages here are extremely high: a common field Negro earns four reales a day, and is fed; the salary of a regular house servant is from twenty to thirty dollars a month, besides being fed and clothed; and mechanics are paid from ten bits, or reales, to three dollars a day. With such wages, the "*Coartado*" Slave, who works out, is well able to pay his Master the daily quota proportioned to his price, and to lay by something towards the future attainment of his liberty; but it is evident that it would be impossible to do either, were wages much lower.

The large White Population, too (much greater in proportion than that of any of our West India Islands), is a great advantage to the Slaves, from the facility thereby afforded them to change Masters, by which many of the evils attending their state are in some measure remedied. The lot of household Slaves, who derive most benefit from this circumstance, is particularly favourable. They are almost always taught some trade, and are commonly shoemakers, or tailors, or segar-makers; and by well employing their leisure hours, they may easily acquire their liberty in seven years. Field Slaves, too, have their advantages. They are by Law entitled to a certain quantity of ground, with the produce of which, and the breeding of pigs and poultry which they sell at a great profit (all sorts of provisions being very dear), they may well look forward to acquiring money sufficient to become "*coartado*," and finally to being emancipated at no very distant period. It is also highly advantageous to the Slaves here, that public opinion, formed by time and custom, is favourable to granting them their liberty; and there is not a respectable man who would not feel ashamed to throw any obstacles in the way of a well-conducted Slave becoming free; on the contrary, my experience enables me to say that Masters are generally very willing to assist their Slaves in the attainment of this most desirable object.

The effects of the system in force here are fully seen by the state of the population of the Island; the last Census which, though not very exact, is sufficiently so for the present purpose, making the Whites 290,000, the free people of Colour 115,000, and the Slaves 225,000.

I have the honour, &c.

(Signed)

H. T. KILBEE.

The Right Hon. George Canning,
&c. &c. &c.

*Enclosure in No. 84.**Memorandum relating to Slaves in the Island of Cuba.*

Havannah, October 9, 1824.

IT has been the practice, at all times, of the Courts of Justice in the Island of Cuba, to approve and sanction such regulations as tend to meliorate the lot of Slaves; and this has gradually given rise to a system respecting them which, though principally founded upon custom, has acquired the force of Law, and many parts of which have been referred to and confirmed in Royal Decrees of the Kings of Spain.

One of these beneficial regulations is, that there is a public officer in every district, namely, the Syndic of the Ayuntamiento, who is the Official Protector of Slaves, and whose presence is necessary at every legal decision in which they are concerned, of which officer mention will be made in the course of the following observations.

Slaves in the Island of Cuba may be divided into two classes: those who are in *Venta Real* (Royal Sale), that is, who may be sold by their Master for any sum he chuses to demand; and "Coartados," that is, those whose slavery is as it were limited; this consists in a price being fixed upon them, which cannot be increased at the will of the Master.

Slaves may acquire their liberty by the mere grant of their Master, either during his life, or by testament; and the only formality necessary is, that they should receive a certificate called a "*Carta de libertad*." No security, as in the British Islands, is required that they shall not become a charge to the Parish; but Masters would not be allowed to emancipate such Slaves as from old age or infirmity are unable to labour, unless they provide for their future maintenance.

If a Slave can prove that a promise of Emancipation has been made to him by his Master, the latter will be compelled to perform it; and the parts of Wills which relate to this subject are always interpreted in the most favourable manner to the Slaves.

They may likewise obtain their liberty by purchasing it, and in this case the Master is not allowed to fix an arbitrary price; but if he and the Slave cannot agree upon it, two appraisers are named, one by the Master and the other by the Syndic of the Ayuntamiento on the part of the Slave; and in the event of a difference of opinion, the Judge names an umpire. Transactions of this nature are so much encouraged by Law, that the Master, when his Slave purchases his liberty, is exempted from the payment of Alcabala, which is a duty payable by the Vendor upon all sales, and in those of Slaves amounts to six per cent on the purchase-money. A Master will be compelled to sell his Slave, if the purchaser will engage to emancipate the latter at the expiration of a certain reasonable period. Masters who ill use their Slaves will likewise be compelled to sell them, and the valuation in both these cases is to be made in the manner above referred to. It is, of course, understood that a valuation is required only in case the Slave be in "*Venta Real*."

When services have been rendered to the State by Slaves, it has always been the custom to give them their liberty; but in this case the Government previously pays the Master their value.

A Slave once emancipated cannot be again reduced to slavery. Some opinions which have been given by the Courts here, and have been confirmed by the Council of Indies in Spain, will show how strictly this principle has been followed.

A Spanish Vessel called "*Nuestra Senora del Carmen*," with ninety-four Negroes on board, was captured in the year 1795 by *L'Enfant de la Patrie*, a French Privateer, the Captain of which, not knowing what to do with the Negroes, as he could not sell them in the French Colonies where the Trade was abolished, gave them up to the Spanish Captain, together with a document, in which he declared that he ceded them to the latter, in so far as was consistent with the laws of humanity and those of his country. The Vessel afterwards arrived at The Havannah, and the Negroes were sold. Subsequently disputes as to accounts arose among the owners, and a lawsuit was commenced; in the course of which doubts were expressed by the Court of the legality of the sale of the Negroes, it being held that the French Captain could not cede what he could not possess by the Laws of his country, that is, any property in the Negroes, who the moment they fell into his hands became virtually free. This point was referred to the decision of the King, and it was resolved by His Majesty in the Council of the Indies, that the Slaves should be emancipated, their sale having been illegal.

In the same year, the "*Brutus*," another French Privateer, captured the *Two Brothers*, an English Ship, with two hundred and seven Negroes on board, bound to The Havannah; and subsequently gave up the Ship, Cargo, and Negroes to Don Juan Pica, the Captain of a Spanish Vessel which had been previously taken by the "*Brutus*," upon consideration of receiving twenty-five thousand dollars.

The Vessel then proceeded to the Havannah, where the Negroes were sold. A lawsuit, however, was commenced between Pica and the English owners, and doubts, as in the former case, were expressed by the Court of the legality of the sale of the Negroes, and the case was referred to Madrid. It was there finally decided, but not till the year 1817, that the Negroes and their descendants, if there were such, should be emancipated, upon the ground that having been captured by a Vessel belonging to a Nation which had abolished the Slave Trade, they from that moment became free, and could not be again reduced to slavery by a subsequent cession. From the great lapse of time between the sale of the Negroes, 1795,

and the final decision which was received in 1818, few of the former could be discovered. Eight, however, were emancipated, some of them being children of those originally captured.

It is said that this principle was once carried still farther in a case in which a Slave purchased his liberty with money robbed from his Master, which robbery was afterwards discovered, and upon the Master applying to have the *Carta de Libertad* which he had given cancelled, and his Slave restored to him, it was held by the Court that the Slave being once free, must always remain so, and that the Master could only prosecute him for the robbery.

It has not been possible to ascertain with certainty whether this decision did ever take place, but if it did, it must have been in one of the inferior Courts.

Its legality, however, is questioned by the best-informed lawyers, who consider the transaction as null in toto, having been founded in crime. Indeed it is generally allowed that a Master may refuse his Slave to grant him his liberty, if the purchase-money has been improperly acquired. A case in point has very lately occurred. A Slave applied to a Judge to direct that he might be valued for the purpose of purchasing his liberty; but the Master objected that, shut up as he (the Slave) had been during his whole life on a sugar estate, it was impossible that he could legally have acquired so much money.

The Court, although acknowledging the principle that the illegal acquirement of the money was a sufficient bar to the demand of the Slave, held that such illegal acquirement must be proved by the Master, as it would be too hard upon the Negro to oblige him to account for all the money he had ever received.

Next to obtaining his liberty, the great object of the Slave is to become *coartado*. This has been before stated to consist in his price being fixed, and for this purpose the Master gives him a document called an *Escritura de Coartacion*, by which he binds himself never to demand more than a certain sum for the Slave, which sum is always less than the actual value of the latter, but has no relation whatever to the price originally paid for him.

As Slaves may acquire their liberty, so may they be "Coartados" at the pleasure of their Master. They may likewise become so by paying him a part of their value. There is scarcely a case in which this arrangement is objected to; but were there any difficulty, the form would be for the Slave to apply to a Court of Justice, through the Syndic, to be valued, and then pay a reasonable sum, (fifty or a hundred dollars) to his Master, who would be obliged to give him an *Escritura*, expressing that he was *Coartado* in the difference between such sum and his estimated value. Thus if a Slave be valued at six hundred dollars, and pay his Master one hundred, he will remain *Coartado* in five hundred; and no greater price can be demanded for him, whether he be sold to another Master, or be himself enabled to purchase his liberty. The Slave also, who is already *Coartado* in a certain sum, may pay any part of it, (by custom not less than fifty dollars,) and his Master is bound to admit the same. Again, if a Master be about to sell his Slave, the latter may oblige the purchaser to receive any part of the purchase-money, and remain *Coartado* in the remainder, and for the part paid by him no *Alcabala* is exacted, nor in general for any money paid by Slaves for the purpose of obtaining their liberty, of becoming *Coartados*, or of diminishing the sum in which they may be already *Coartados*.

It is a disputed point whether a Slave can oblige his Master to sell him, if he can find a purchaser who will *Coartar* him; this practice being considered to be liable to abuse, as a Master may thereby be deprived of the service of a valuable Slave, without the condition of the latter being materially improved. Thus a Slave brought up to some mechanical labour may be seduced from the service of the Master, who has had the trouble of teaching him, upon a purchaser presenting himself who is ready to *Coartar* the Slave in a sum inconsiderably less than his value. The practice is therefore generally discouraged, unless the purchaser be willing to *Coartar* the Slave in a sum considerably less than his value, in two-thirds of it for example, in which case no Judge would take upon himself to refuse the demand for a change of Masters. The meliorating the lot of the Slave, and the advancing him in the way of finally obtaining his liberty being held to be paramount to every other consideration. In all cases where a Slave demands to be sold to a purchaser who offers to improve his condition, either by engaging to emancipate him at the expiration of a reasonable period, or by agreeing to *Coartar* him, or to diminish the sum in which he is *Coartado*, the original Master will have the preference, and will not be obliged to sell him, if he be willing to confer the same benefit upon the Slave that the purchaser proposes.

The *Coartado* Slave enjoys likewise this great advantage that, if he be hired out by his Master, or, as is more common, if he be allowed to hire himself out, he is only bound to pay his Master one Real a day for every hundred dollars in which he is *Coartado*.

Thus if he be *Coartado* in five hundred dollars, he pays five Reales a day; if in four hundred and fifty, four and a half, and so on, Sundays and certain holidays being excluded; while the Master of a Slave in *Venta Real* is entitled to all the money the latter can earn.

The maxim of the law is that a *Coartado* Slave is as much a Slave as any other, excepting so far as regards his price, and the quota he is to pay his Master, if hired out; and consequently the latter is as much entitled to his personal service as to that of a Slave in *Venta Real*, but this is somewhat modified in practice. If a Slave come by descent to his Master *Coartado*, or if he become *Coartado* in his service, the Master is fully entitled to require that he shall serve him personally, and the Slave has no right whatever to demand to be allowed to work out. But when a *Coartado* Slave is sold, it being generally the custom here for the

Slave himself to seek for a new Master, he uniformly stipulates beforehand, whether he is to serve personally, or to work out, paying the usual daily quota; and the Judges will always compel the Master to observe such stipulation, unless indeed the Slave neglects to pay, in which case the only remedy is to exact his personal service.

In virtue of such arrangements, it is not uncommon for a Master having occasion to employ for a short period his *Coartado* Slave, who has stipulated to be allowed to work out, to pay the difference between the daily sum he should receive, and the wages usually earned by such Slave.

But in this case alone is the Slave, of whatever description he may be, paid for his labour by his Master, excepting indeed when field Slaves are employed upon Sundays and certain Holydays; this is, however, upon quite another principle.

During illness *Coartado* Slaves who work out are exempted from paying any thing to their Master, who, on the contrary, is bound to maintain and assist them in the same manner as his other Slaves.

In one case the sum in which a Slave is *Coartado* can be augmented, viz., when in consequence of any improper conduct on his part, his Master is, by the sentence of a Court of Justice, obliged to pay damages; the amount of which may then be lawfully added to the price of the Slave. But if the latter, as frequently happens, neglects for some time to pay the daily sum due to his Master, this debt cannot be added to his price, because it was the Master's fault that he had not recourse in time to the remedy which was in his power, namely, to compel the Negro to serve him personally. The law which so eminently favours the Slave, does not neglect his offspring. A pregnant Negress may emancipate her infant, even while still in the womb, and for this there is a fixed price, viz., twenty-five dollars; from the time of its birth till it be baptized, the infant may be emancipated for fifty dollars, and afterwards it may acquire its liberty, or be *Coartado* like other Slaves, its value of course during childhood being very low.

Such is the system existing in the island of Cuba respecting the manumission and free labour of Slaves; and although in the country parts, where there are few Magistrates, there may be, and undoubtedly are many abuses, yet in the Havannah, and other large towns, and in the more populous parts, it is efficiently observed. Indeed experience warrants the assertion, and to the honour of the island be it said, that this is the branch of the laws which is best and most impartially administered.

No. 85.

H. T. Kilbee, Esq., to Mr. Secretary Canning.—(Received
December 28, 1824.)

SIR,

Havannah, October 11, 1824.

I HAVE the honour to acknowledge the receipt this day of your despatch, dated the 19th June, in which you have been pleased to transmit to His Majesty's Commissioners here, a copy of the papers relative to the Slave Trade, which were presented to Parliament last Session.

I have &c.,

H. T. KILBEE.

The Right Hon. George Canning,
&c. &c. &c.

No. 86.

H. T. Kilbee, Esq., to Mr. Secretary Canning.—(Received
December 28, 1824.)

SIR,

Havannah, October 12, 1824.

SINCE the date of my despatch of the 21st ultimo, three *Spanish* Schooners, viz., the *Paulita*, *Anfritrite*, and *Minerva*, Don José Moyano, Don Juan Seton, and Don Pablo Barnet, Masters, have sailed from this Port to the Coast of Africa; and the *Serafina*, Don Jose Arteche, has arrived from thence, though she was publicly announced to have come from the British Island of *Antigua*, in ballast. I rather suspect that this Vessel sailed for Africa some months ago under another name.

In conversing with the Captain-General lately, I once more alluded to the practice of publicly and officially announcing Vessels well known to have come from the Coast of Africa, as having proceeded from Ports at which they never had touched; thus in a manner affording the sanction of at least one branch of the Government of the Island to their violation of Law and Treaty. His Excellency replied that he had been informed by the Naval Department, that the Vessels considered suspicious generally reported themselves to be from Sisal, a Port in the hands of enemies, and it could not therefore be ascertained whether their Report was true or false. I observed that fortunately this difficulty did not exist in the case of the *Serafina*, which was stated to have come from *Antigua*. The Captain-General said he would order the case to be investigated.

I have, &c.,
H. T. KILBEE.

The Right Hon. George Canning,
&c. &c. &c.

No. 87.

Mr. Secretary Canning to His Majesty's Commissioners.

GENTLEMEN,

Foreign Office, January 24, 1825.

I HAVE to acknowledge the receipt of your several despatches up to the 12th of October last.

I concur generally in the views which you have taken of the case of the *Maria de la Gloria*.

I have instructed His Majesty's Chargé d'Affaires at Madrid, in accordance with the suggestions contained in your despatch of the 31st of July upon this subject.

In reference to your despatch of the 20th of September, it is to be observed, that the Slaves in this case have not come strictly under the provisions of the Treaty; and the mode of distributing them does not therefore afford at present grounds for any Representation on the part of His Majesty's Government. But, as I presume from the manner in which the subject was treated between the Captain-General and Mr. Kilbee, that no specific directions have been given for the disposal of Slaves under the immediate protection of the Government, in the event of emancipation under the Treaty, I have instructed His Majesty's Chargé d'Affaires at Madrid, to request an explanation of the intentions of the Spanish Government upon this point.

I am, &c.,
GEORGE CANNING.

(Signed)
His Majesty's Commissioners,
&c. &c. &c.

No. 88.

*H. T. Kilbee, Esq. to Mr. Secretary Canning.—(Received
January 31, 1825.)*

SIR, *Havannah, 15th November, 1824.*

I HAVE been informed that the note I addressed to the Captain-General, under date the 12th September, which was enclosed in my Despatch of the 20th of that month, upon the subject of the decision taken in the case of the *Maria de la Gloria*, was by His Excellency communicated to the Marine Department; and that, at a Meeting of the

Court of Admiralty held in consequence, it was resolved that the observations therein contained, being made by the British Commissary Judge in his private capacity, and not as a member of the Mixed Commission in union with his colleagues, were not entitled to any consideration whatever, and should consequently remain unanswered. This Resolution was transmitted to the Captain-General, who, I hear, gave the Court of Admiralty to understand that the object of my note, as is very clearly expressed, was merely to apprise those concerned of the Report made to my Government upon the case, and consequently that it did not require any answer. His Excellency, however, has not addressed to me any communication upon the subject.

When it first transpired that it was the intention of the Court of Admiralty to make a distribution amongst the Planters and Inhabitants, of the Negroes belonging to the *Maria de la Gloria*, numerous applications to obtain them were made by persons of all classes, although no notification of that intention had been published. These applications, however, were speedily withdrawn or abandoned, as soon as the discussion which took place upon the case was generally known, at least by the more respectable part of the applicants; and, when the moment of distribution arrived, it was found necessary to advertise in the newspapers for those who had applied to present themselves. Similar advertisements have been since repeated, the last being dated so late as the 9th instant, and still, I understand, there are many of the Negroes that have not been distributed. Those who have received any of these Negroes in deposit, have paid fifty-one dollars for each; and I am sorry to say, from what I have been able to collect, that they are not, generally, of the most respectable classes; and there is too much reason to fear that there will be foul play. Indeed, I have heard, upon good authority, that more than one of the Depositories have already sold the Negroes confided to them, trusting that hereafter, if ever called upon, they will be able to make such an excuse as will pass.

These Negroes, in number four hundred and one, arrived here on the 17th June, and from that time to the first distribution, about the middle of October, which is by far the worst season of the year, only four or five died; if, therefore, a considerable number shall be reported to have died in the following healthy months, the consequence to be drawn is evident.

I have the honour to be, &c.

(Signed) H. T. KILBEE.

The Right Hon. George Canning,
&c. &c. &c.

No. 89.

H. T. Kilbee, Esq., to Mr. Secretary Canning.—(Received January 31st, 1825.)

SIR,

Havannah, November 15th, 1824.

I HAVE the honour to inform you that two of the Vessels which sailed from hence in the former part of the year for the Coast of Africa, namely, the Schooners *Nicanor* and *Tranquilidad*, have returned, both nominally from Sisal in ballast, but notoriously from Africa with cargoes of Negroes, which they landed previous to their entrance into this Port.

When I waited upon the Captain-General for the purpose of drawing his attention to these Cases, I requested that he would be pleased to inform me what had been the result of the Investigation, which he had

expressed it to be his intention to order into the Case of the Vessel which was announced to have come from *Antigua*; to which His Excellency replied, that upon consideration it had appeared to him advisable that I should address a Note to him upon the subject, as being a matter the investigation of which belonged to a department not under his immediate control.

I accordingly addressed to His Excellency the note of which a copy is enclosed, in which at the same time that I have studiously endeavoured to avoid as much as possible unnecessarily attributing blame to this Government, I have recorded in explicit but moderate terms my opinion of the barefaced and extensive illicit Slave Trade now carried on with this Island.

The *Atrevida*, Spanish Schooner, Don Isidoro Maxual, Master, sailed on the 5th instant for Princes' Island, on the Coast of Africa.

I have the honour to be, &c.

(Signed) H. T. KILBEE.

The Right Hon. George Canning,
&c. &c. &c.

Enclosure in No. 89.

H. T. Kilbee, Esq., to the Captain-General.

SIR,

Havannah, November 14, 1824.

IN compliance with the wish Your Excellency has been pleased to express, I shall proceed to make in writing those observations which I have upon various occasions submitted to your consideration verbally, respecting the practice which prevails of officially reporting, in the "*Diario del Gobierno*," false places of departure of Vessels well-known to have come from the Coast of Africa; the investigation of which matter, Your Excellency informs me, belongs to a Department of the Government not under your immediate control.

This practice was, I believe, first introduced towards the close of last year, and has latterly become almost universal. Vessels of the description I allude to, the names of which I have submitted to Your Excellency at the time of their respective arrivals, being announced as having come from Sisal, and sometimes from the Islands of *St. Thomas*, of *Curaçoa*, and even in one instance, from the British Island of *Antigua*, at which Port and Islands, particularly at the last, there is little doubt that they never had touched.

In the Reports which I have considered it to be my duty to make to my Government upon the subject of the illicit Slave Trade carried on with this Island, I have always stated the many obstacles which the Authorities have to encounter in their endeavours towards the suppression of that traffic; and I have felt inclined, until the introduction of the above-mentioned practice, to attribute the existence of that evil to the present state of the law, rather than to other less justifiable causes. Very improbable it certainly was, that Vessels which sailed for the Coast of Africa for the purposes, as they professed, of legitimate commerce, should one after another return in ballast; that others should, notwithstanding, venture to follow their example, and even the very same Vessels sail again for that Coast, and again return, still without one single exception, all in ballast; but, nevertheless, it *was* possible that they might have taken their measures so well, as effectually to elude the vigilance of those whose duty it was to examine them, and, if possible, detect the illegality of their proceedings. The Case, however, appears to me to be at present different. The Vessels that now sail for the Coast of Africa, although no reasonable doubt can exist of the real object of their voyages, and although upon their return it is matter of notoriety and public conversation, that they disembark cargoes of Negroes on the Coasts of this Island, are notwithstanding officially announced as arriving in ballast from places at which, as I have before stated, there is little doubt they had not touched. No less than forty-one Vessels have sailed in the course of the present year from this Port alone for Africa, of which number five have already returned under the circumstances here related; and there is too much reason to believe that the papers of these have not been examined as they ought to have been. Were the papers and Crews of such Vessels immediately upon their arrival to undergo a rigid examination, I am confident, that not only would an end speedily be put to the practice alluded to, but the illicit Slave Trade carried on here would be materially checked.

I confidently appeal to Your Excellency for the conclusion necessarily to be drawn from the existence of the state of things I have described, the effect of which has been to relieve those engaged in the Slave Trade from all apprehension on the part of their own Government,

and to increase that traffic in this Island, to a degree credible only to those who witness it.

I have the honour to avail myself, &c.

(Signed) H. T. KILBEE.

His Excellency the Captain-General.

No. 90.

H. T. Kilbee, Esq., to Mr. Secretary Canning.—(Received January 31st, 1825.)

SIR,

Havannah, November 28th, 1824.

SOME days ago I heard a report that the Spanish Privateer Brig *Romano* was off the Southern Coast of this Island with a cargo of three hundred and fifty Negroes, and that she had been seen by the Spanish Schooner of War *Bellona*, which arrived here on the 19th instant. This Brig, as you will recollect, was formerly reported by me as having sailed from hence under very suspicious circumstances; and your attention has since been called to her in the case of the Portuguese Brig *Maria de la Gloria*, which was captured by her on the Coast of Africa.

Shortly after I heard the above-mentioned report, I waited upon the Captain-General, and requested that he would have the goodness to inform me if it was correct. His Excellency replied that it had been reported to him that the *Romano* was on the Southern Coast with a cargo of Negroes, which it was her intention to land. That he had consequently issued orders to all the Authorities on that Coast to be on the alert, and to adopt all the means in their power to prevent the landing of the Negroes, or, in the event of their being landed, to intercept them. He also stated that he had heard, though not officially, that the *Bellona*, during a cruise on the Southern Coast, had seen the *Romano* at anchor near the mouth of the River Guanimar, and had sent her boat to inquire what vessel it was; and that the Captain of the *Romano* had replied, that he did not acknowledge any but the Constitutional Government of Spain, that his object was to land a cargo of Negroes, and that if the *Bellona* did not immediately depart, he would take measures to compel her. The *Bellona* was accordingly under the necessity of desisting from proceeding any further, her force being very inferior. The *Romano* mounts fourteen guns, and has a crew of upwards of one hundred and fifty men; while the *Bellona* has only ten guns, and her crew is, I believe, not complete.

The *Romano* has thus virtually acknowledged herself to be a Pirate, which her actions had sufficiently demonstrated before.

I have the honour to be, &c.

(Signed)

H. T. KILBEE.

The Right Honourable George Canning,
&c. &c. &c.

No. 91.

H. T. Kilbee, Esq., to Mr. Secretary Canning.—(Received January 31st, 1825.)

SIR,

Havannah, November 28th, 1824.

THE only answer I have as yet received to the note which I informed you, in my Despatch of the 15th instant, I had addressed to the Captain-General, is that of which a Translation is enclosed, in which His Excellency merely states that he had transmitted my said note to

the Intendant, to whose Department it belonged to adopt the proper measures in the case.

As the Captain-General had frequently, and upon one occasion most explicitly, stated to me that the investigation of the abuses, to which I had called his attention, belonged to the Naval Department, I took an opportunity of recalling this to his recollection. His Excellency admitted that that had been his opinion, but stated that, upon further inquiry, he had lately ascertained that, although it was the duty of the Naval Officer, called the Commandant of "*Matricula*," to keep a Registry of the names of the Sailors who arrive in Spanish Vessels, that Officer has no authority whatever to examine them respecting the place of their departure or the object of their voyage:—And that to the Department of the Intendant it exclusively belongs to investigate all cases of contraband of whatever description they may be, and consequently those of illicit Slave Trade.

On the 16th instant the *French Brig Marie*, P. Dauret, Master, arrived here in ballast, and was announced to have come from the *Danish* Island of St. Thomas'; but it is currently reported that she had really come direct from the Coast of Africa with a cargo of upwards of four hundred Slaves, which she had landed on some part of the Coast of the Island, previous to her entrance into this Port.

I have the honour to be, &c.

(Signed)

H. T. KILBEE.

The Right Honourable George Canning,
&c. &c. &c.

Enclosure in No. 91.

(Translation.)

The Captain-General to H. T. Kilbee, Esq.

SIR, *Havannah, November 17th, 1824.*
IN consideration of the motives stated by you in your official letter of the 14th instant, and as it belongs to the Department of His Excellency the Intendant to adopt the proper measures, I have transmitted to him your aforesaid letter this day for the corresponding effects.

God preserve you many years.

(Signed)

FRANCISCO DIONISIO VIVES.

H. T. Kilbee, Esq.

No. 92.

Mr. Secretary Canning to His Majesty's Commissioners.

GENTLEMEN,

Foreign Office, March 17th, 1825.

THE Despatches of Mr. Kilbee up to the 11th of December, 1824, have been duly received.

His Majesty's Government have taken into consideration the purport of Mr. Kilbee's Letter of the 20th of September, 1824.

His Majesty's Chargé d'Affaires at Madrid has been instructed to make representations to the Court of Spain upon the subject of the *maintenance and disposal of Slaves*, the cargo of Vessels captured under the Treaty with that Country for abolishing the Slave Trade.

Directions have been given by the Lords Commissioners of the Admiralty, that the several Tenders which may be detached from a King's Ship in the West-Indian Seas shall each be furnished with the signed Instructions required by the Treaty.

I am, &c.

(Signed)

GEORGE CANNING.

His Majesty's Commissioners.

No 93.

H. T. Kilbee, Esq., to Mr. Secretary Canning.—(Received March 16th, 1825.)

SIR,

Havannah, December 17th, 1824.

ON the 13th instant the Spanish Schooner *Bella Dolores*, Guerrero, Master, arrived here in ballast, reporting herself to have come from Madagascar.

I understand that this Vessel was fitted out at Cadiz for a Voyage to the Coast of Africa, from whence she has brought a Cargo of Slaves, who were landed previous to her entrance into this Port.

The daily arrivals and departures are in general published with great exactness in the Newspapers; but I observe, that the name of the *Bella Dolores* has not been mentioned in any of them.

I have the honour to be, &c.

(Signed) HENRY T. KILBEE.

The Right Hon. George Canning,
&c. &c. &c.

No. 94.

H. T. Kilbee, Esq., to Mr. Secretary Canning.—(Received March 16th, 1825.)

SIR,

Havannah, December 29th, 1824.

I HAVE the satisfaction to inform you that, on the 18th instant, His Majesty's Schooner *Lion*, Lieutenant *Liardet*, Commander, brought into this Port the Spanish Schooner *Relampago*, which she had detained on the 14th, with one hundred and fifty-nine Negroes on board.

The Captain and Crew of the Slave Vessel were, on the evening of her arrival, delivered up to the Captain-General, and by his order lodged in prison.

Lieutenant *Liardet*, not being in possession of the Instructions annexed to the Slave Trade Treaty with Spain, stated, in the Affidavit which he made before the Mixed Commission, that his Schooner was acting as tender to His Majesty's Brig *Carnation*, and was under the immediate orders of the Commander of the same, Captain *Maclean*, who is duly authorized and empowered to make seizures of Spanish Vessels engaged in the illicit traffic of Slaves. The *Carnation* arrived on the 19th instant, and Captain *Maclean's* Instructions having been laid before the Mixed Commission, all difficulties upon that subject were removed.

Proceedings were commenced without delay in the Mixed Commission, and on the 23d instant sentence of condemnation was pronounced.

This case presented no difficulties whatever. The *Relampago*, of which Don Lucas Padron was the ostensible Owner, and Don Joze Garay, Master, sailed from this Port in May last, regularly despatched, for the Coast of Africa, with all the necessary Papers, in which it was particularly specified, that her object was to trade in articles of lawful commerce, but by no means to engage in the Slave Trade. She proceeded direct to a point on that Coast, named *Menaroch*, where she remained a considerable time, and at length received on board a cargo of one hundred and sixty-two Negroes, and was, on her return, detained by the *Lion*, about two hundred miles to the Eastward of this Port.—There was no log-book on board, nor indeed any other papers but those received when she cleared out. Only three or four Negroes were stated to have died up to the period of the detention; but they were generally in an extremely weak state from want of proper food.

I have the honour to enclose an Abstract of the *Evidence*, and a Copy and Translation of the *Sentence* of the Court.

As Lieutenant Liardet expressed some doubts as to the classing of the Negroes at the time of the detention, in consequence of the crowded state of the Vessel, and the illness of many of them, it was thought advisable, in the Sentence, merely to state the total number found on board, without entering into further particulars.

Of that number, *viz.*—One hundred and fifty-nine, including one infant,—eight died on board, previous to their being handed over to the Spanish Government on the 24th instant, proper Certificates of the same having been presented to the Mixed Commission by Lieutenant Liardet, and one was reported to be missing, who was supposed, from extreme weakness, to have fallen overboard. The number landed, therefore, was one hundred and fifty, of which two died in the Depôt while the Certificates of Emancipation were making out.

I have the honour to enclose a printed Copy, together with a Translation of the *Certificate* of Emancipation.

As it was mentioned in the Sentence that the Certificates of Emancipation should be delivered by a person deputed by the Mixed Commission for that purpose, I made an offer to my Colleagues, which was accepted, to take upon myself the performance of that duty, in order, if possible, to give greater solemnity to the Act, in this first case of condemnation by our Court. I accordingly, together with the Secretary, who had the goodness to accompany me, was present at the making out the List of the Negroes, with the description of each, and the filling up the Certificates of Emancipation, a Copy of one of which, taken at random, is enclosed, with the part thus filled up translated. After the description of each Negro had been taken, and a name given to him, a piece of tin, with his number engraved on it, was fixed about his neck; and it was explained to him that he was a free person; but that he must, for a certain time, be placed under the care and authority of others, in order that he might learn the language and customs of the Country, and a mode of earning his own livelihood:—that the length of this time depended, in a great measure, upon his own conduct:—he was asked whether he had any relatives with him; and he was directed to observe particularly his Interpreters, that he might recollect them again if necessary;—and to take special care of his number.

You must be aware that, in the state of body and mind of African Negroes just imported, it was impossible to perform the task I had undertaken in a perfectly satisfactory manner. Every thing, however, was done which it appeared to me could conduce to the attainment of the great object I had in view; that is, to afford means of ascertaining the identity of each Negro hereafter.

It not being considered advisable to deliver to the Negroes themselves their Certificates of Emancipation, they were transmitted to the Captain-General in a Letter from the Mixed Commission, of which a translation is enclosed, and which contains some further details upon this subject.

The Captain-General early determined to place the Negroes, when emancipated, in the public establishments, where they would be more immediately under the observation of the Government, and less liable to the danger of being made away with; but as the number was greater than was required by those Establishments, he found it would be necessary to place some of them with private individuals. For this purpose His Excellency framed certain conditions, which he did me the honour to send to me in a private Letter, with a request that I would examine and make my observations upon them. Being at that time very busily engaged in the details of making out the List and description of the Ne-

groes, I was under the necessity of confining myself to submitting to His Excellency some notes which I had previously made upon the subject, but which it had been my intention to enlarge and correct.

I have the honour to enclose a Copy of those Notes, together with a printed Copy and a Translation of the Conditions finally adopted by the Captain-General.

It is obvious that the great danger to which the emancipated Negroes are exposed, is, that they should be made away with and reduced to Slavery while in their actual state of ignorance. The arrangements adopted by the Captain-General and the Mixed Commission include, I think, every precaution that can be taken to guard against this danger. For my own part, I know of no means likely to be more effectual but one, the employment of which humanity forbids, namely, to brand the Negroes with some known mark.

The most perfect unanimity prevailed amongst the Members of the Mixed Commission throughout the whole of the proceedings in this case; and it is peculiarly gratifying to me to have to inform you, that, on the part of my Colleagues, as well as on that of the Captain-General, I met with, not merely a disposition to obey the letter of the Treaty, but a warm and anxious desire to act up to its true spirit.

I have the honour to be, &c.

(Signed)

HENRY T. KILBEE.

The Right Honourable George Canning,

&c. &c. &c.

First Enclosure in No. 94.

Abstract of the Evidence in the Case of the Spanish Schooner Relampago.

LIEUTENANT LIARDET declared, in his Affidavit, that he had detained this Schooner on the 14th of December, in lat. 23° 8" north, lon. 79° 17" west, with 158 Negroes on board, (which number was afterwards altered to 159, an infant at the mother's breast having been omitted,) and that he found on board only five papers, which he produced, and which were regular Ship's Papers, issued at this Port of Havannah in April, 1824, authorizing the Relampago to proceed to the Coast of Africa for the purpose of trading in articles of lawful commerce, but by no means of engaging in the Slave Trade.

Jozé de Garay deposed, that he was a native of New Orleans, but from his infancy had resided in Spain;—that he was Captain of the Spanish Schooner Relampago, of which Lucas Padron, an inhabitant of the Havannah, was owner;—that he sailed from this Port early in May last for the Coast of Africa, for the purpose of engaging in lawful commerce;—that having arrived at the point of that Coast called Menaroch, he delivered his cargo to the King of the District, under a promise of receiving ivory, gold-dust, &c., for the same, which promise was not performed; and after waiting on the Coast for a considerable time, during which he lost his two principal Officers, and fell sick himself, he was under the necessity of receiving Negroes as the only return he could obtain for the goods he had delivered:—that he accordingly embarked 162 Negroes, for the maintenance of whom he obtained a quantity of rice, but that he had no other cargo:—that the five documents he delivered to the Captor, at the time of his detention, were all the papers existing on board;—that he received on board Felipe Lozada, and six other individuals belonging to the Spanish Schooner Biscayna, which was lost on the Coast of Africa, the said Lozada acting as Mate, but without any Salary;—that the number of Negroes on board the Schooner, at the time of the detention, was 158 or 159, three or four having died during the passage.

Felipe de Lozada deposed, that he sailed from this Port of Havannah, as Second Mate, in the Spanish Schooner Biscayna, for the purpose of trading in lawful commerce on the Coast of Africa;—that, four days after her arrival on that Coast, the vessel was lost, this Deponent escaping to the American Settlement there;—that having subsequently learnt that the Relampago was at Menaroch, he proceeded to that point, and obtained from her Captain, Jozé de Garay, a passage for himself and six of his companions to this Port;—that the number of Negroes received on board the Relampago was 162, of whom three or four died during the passage.

Manuel del Pino deposed, that he sailed from this Port in the Schooner Relampago as a sailor and helmsman (Timonel). This Deponent confirmed the Statements of the two preceding.

Havannah, December 29th, 1824.

*Second Enclosure in No. 94.**Sentence in the Case of the Spanish Schooner, Relampago.**Habana, y 23 Diciembre de 1824.*

CON el merito que resulta del Proceso, se declara bien y legalmente hecha la detencion de la Goleta Mercante Española nombrada *Relampago*, su Capitan Don José Garay, con cargamento de ciento cincuenta y nueve Negros Bozales, por la Goleta de Guerra Inglesa titulada *Lion*, su Comandante el Teniente de Navio D. Francisco Liardet; y por caída en pena de decomiso dicha Goleta *Relampago* sus jarcias, aparejos y cuanto pueda contenerse en ella, ecepto los mencionados negros, que se declaran libres de toda Esclavitud y Cautiverio. Y en su inteligencia se previene por lo que respecta al Buque condenado y demás perteneciente á él, que se proceda á su tasacion por los Maestros Mayores de Casa blanca, y, en su defecto, por los del Real Arsenal de este Apostadero, quienes jurarán de fidelidad para que se saque á pública subasta por el termino de derecho; y rematado en el mejor postor se aplique su producido á beneficio de los dos Gobiernos; poniendose el repetido Buque por ahora en Calidad de deposito a cargo de Don Jaime Andreu, quien aceptará y jurará igualmente este encargo recibiendo aquel por formal imventario. Yen Cuanto a los Negros que se les dé el Certificado de su emancipacion, entregandoselo la persona que se diputará al efecto luego que se desembarquen; para lo cual se dirijira oficio con copia Certificada de esta sentencia al Exmo Sñr Presidente, Gobernador, y Capitan Grál suplicandole se sirva nombrar la que fuere de su confianza para que los reciba y se encargue de ellos, mientras que S. E. les dé el destino que tenga á bien en conformidad de la letra y espíritu del Tratado celebrado sobre el asunto. Y cuando S. E. haya elejido la indicada persona, se hará saber al comandante apresador que se los entregue, numerados segun sus clases y sus sexos haciendose constar así en el Espediente.

(Firmado) ANDRES DE JAUREGUI,
HENRY T. KILBEE,
RAFAEL DE QUESADA.

RAFAEL GONZALES, Secretario.

Second Enclosure in No. 94.

(Translation.)

*Sentence in the Case of the Spanish Schooner, Relampago.**Havannah, December 23d, 1824.*

THE merits of this cause having been taken into consideration, it is declared, that the detention of the Spanish Merchant Schooner, *Relampago*, Don Joze de Garay, Master, with a cargo of one hundred and fifty-nine African Negroes, has been well and lawfully effected by the British Schooner of War, *Lion*, Lieut. Francis Liardet, Commander; and that the said Schooner, *Relampago*, her tackle, apparel, and whatever is contained therein, are subject and liable to confiscation, with the exception of the aforesaid Negroes, who are declared to be free from all slavery and captivity. And it is accordingly hereby directed that, with respect to the condemned Vessel, and whatever belongs to her, a valuation shall be made thereof by the principal Masters of Casa Blanca, or, in their default, by those of the Royal Arsenal of this Department, who shall swear faithfully to perform this duty, in order that the same may be exposed to public Auction for the term required by Law; and being disposed of to the highest bidder, that the proceeds may be applied to the benefit of the two Governments; the said Vessel being for the present placed in deposit with Don Jayme Andreu, who shall likewise take the proper oath, receiving the same by formal inventory. And with respect to the Negroes, it is declared that their Certificate of Emancipation shall be given to them, to be delivered by the person who shall be deputed to perform that duty, as soon as they shall be landed, for which purpose an Official Letter, with a certified Copy of this Sentence, shall be addressed to His Excellency the Captain-General, requesting that he may be pleased to name a person in whom he has confidence, to receive and take charge of them, until His Excellency shall dispose of them as he may think proper, in conformity to the letter and spirit of the Treaty which relates to this subject. And when His Excellency shall have selected the said person, it shall be notified to the Captor to deliver the Negroes up to him, numbered according to their classes and sexes; all which must be made appear in the proceedings in the case.

(Signed) ANDRES DE JAUREGUI,
HENRY T. KILBEE,
RAFAEL DE QUESADA.

RAFAEL GONZALES, Secretary.

*Third Enclosure in No. 94.**Certificate of Emancipation.*(No. 39.) *Hija del Numero anterior.*

Don Andres de Jauregui, Don Henrique Kilbee, y Coronel Don Rafael de Quesada, Miembros de la Comision Mixta establecida en esta Ciudad de la Habana, para el cumplimiento del Tratado celebrado entre sus Majestades Catolica y Britanica, sobre abolicion del Trafico

de Esclavos; el primero en la clase de Comisionado Juez Espanol, el segundo en la de Comisionado Juez Ingles, y el tercero en la de Comisionado de Arbitracion Español.

Certificamos que en el espediente obrado en esta Comision Mixta sobre la detencion que hizo la goleta Lion de la Armada de S. M. Británica, al mando del teniente de navío D. Francisco Liardet, de la goleta mercante española nombrada *Relampago* con cargamento de negros bozales; se pronunció sentencia definitiva, declarándose bien y legalmente hecha la mencionada detencion, y de consiguiente por libres los negros que conducia el buque apresado. Y siendo uno de ellos el que en Africa era conocido con el nombre de [*Yongó*] segun su informe dado por medio de [*Juan Bautista de Olla, esclavo de Don Tomas Gonzalez; y Tomas Villa, esclavo de Don Ramon Villa*] individuos de su misma Nacion é intérpretes de su idioma, presentes en este acto para ser en todo tiempo testigos de la identidad de su persona; cuya filiacion se anota al pie, al cual se le ha puesto ahora por nombre [*Coleta*.] le entregamos la presente, firmada de nuestra mano, y refrendada por el Secretario, quien tomará razon de este documento en el libro particular formado á el efecto, para que le sirva de carta de emancipacion, quedando sujeto al destino que en conformidad de dicho Tratado habrá de darle el Superior Gobierno de esta Ciudad é Isla.

Habana, y Diciembre 24, de 1824.

(Firmado) ANDRES DE JAUREGUI,
HENRY T. KILBEE,
RAFAEL DE QUESADA.

RAFAEL GONZALES, Secretario.

Edad [11 años.]

Altura [4 p. 2 pulg°.]

Senales [cicatriz o marca colorada en la frente y orejas sumam^{te}. pequeñas.]

Nacion [Ganga Longabá.]

Third Enclosure in No. 94.

(Translation.)

Certificate of Emancipation.

(No. 39.) *Daughter of the preceding number.*

Andrew de Jauregui, Henry Kilbee, and Colonel Rafael de Quesada, Members of the Mixed Commission established in this city of Havannah, for the fulfilment of the Treaty concluded between Their Catholic and Britannic Majesties, relative to the abolition of the Slave Trade; the first as Spanish Commissary Judge; the second as English Commissary Judge; and the third as Spanish Commissioner of Arbitration.

WE certify that, in the proceedings before this Mixed Commission, in the case of the detention by the Schooner Lion, of His Britannic Majesty's Navy, commanded by Lieutenant Francis Liardet, of the Spanish Merchant Schooner *Relampago*, with a cargo of Bozal (African) Negroes; a final sentence was pronounced, declaring the said detention to have been well and lawfully effected, and consequently the Negroes brought in the detained Vessel to be free. And one of them being known in Africa by the name of [*Yongo*.] according to his own statement, received by the interpretation of [*John Baptiste de Olla, slave of Don Thomas Gonzales; and Thomas Villa, slave of Don Ramon Villa*] persons of his Nation, and Interpreters of his language, who are present at this act, in order that in all times they may serve as Witnesses of the identity of his person; the description of which is annexed at the foot hereof; to whom the name has now been given of [*Coleta*.] and we deliver to him the present, signed by us, and countersigned by the Secretary, who shall take a note of this Document, in a particular book, to be kept for this purpose, in order that it may serve him as a Certificate of Emancipation, he remaining at the disposal of the Chief Authority of this City and Island, in conformity to the aforesaid Treaty.

Havannah, December 24, 1824.

(Signed) ANDRES DE JAUREGUI,
HENRY T. KILBEE,
RAFAEL DE QUESADA.

RAFAEL GONZALES, Secretary.

Age [11 years.]

Height [4 feet 2 inches.]

Marks [a red scar or mark on her forehead, and remarkably small ears.]

Nation [Ganga Longabá.]

Fourth Enclosure in No. 94.

(Translation.)

The Mixed Commission to the Captain-General.

MOST EXCELLENT SIR,

Havannah, 28th December, 1824.

THE Mixed Commission have concluded the act of assigning to the existing Negroes, of those captured in the Schooner *Relampago*, their certificates of emancipation, which were not delivered into the hands of the Negroes, from the consideration that, as they could not be sufficiently aware of the importance of those documents, they might possibly neglect and

lose them, for which reason it was thought advisable to withhold, and transmit them all to your Excellency, in order that, if you think proper, you may be pleased to direct, either that they shall remain deposited in the Government Secretary's Office, or that they shall be delivered to those with whom your Excellency may place the Negroes, and who will therefore have to give a receipt, as well for the persons of the latter, as for the certificates, being responsible for both.

In these documents, the Commission have endeavoured to take every means calculated to ensure the identity of each Negro emancipated. Besides his name in Africa, the christian name that has been given to him, as well as his nation, are inserted, and likewise the names of the interpreters who have been employed; the best description of each that was possible has been taken, all which is noted down in the certificates themselves, which are numbered from one to one hundred and forty-nine inclusive, that being the number of those which were made out. And with reference to these same numbers, notes of the said documents have been taken down in a book ordered to be kept for that purpose, a piece of tin having been tied about the neck of each Negro, with his number engraved on it.

Although the cargo at the time of the detention consisted of one hundred and fifty-nine Negroes, as is stated in the sentence, only one hundred and forty-nine certificates were despatched, eight of the Negroes having died on board, according to the reports made to the Commission by the Captor, and one at the time of disembarkation having been found missing, who probably, as is stated by the said Captor, had fallen overboard from extreme weakness; and another having died in the depôt before his certificate was made out. The Commission also apprise your Excellency, that a Negress included in the one hundred and forty-nine, and numbered fifty-seven, died likewise, after her certificate had been completed; so that, at the conclusion of the act here referred to, there remained in the depôt only one hundred and forty-eight Negroes.

And finally, the Commission submit to your Excellency, that, having endeavoured with particular care to find out whether, amongst these Negroes, there were any connected by family ties, in order that such might not be separated in their future destination, it has been ascertained that the Negresses numbered thirty-eight and thirty-nine, and those numbered sixty-nine and seventy are mothers and daughters, the last being only a few months old; that those with the numbers thirty-four and thirty-five are aunt and niece, and those with forty-four and forty-five sisters; for which reason they are placed in the list in continuation, and their relationship is noted in the margin of the certificate of each of them.

The Commission consider, that with this they have concluded the discharge of their functions in the present case, acknowledging most readily the speedy and effectual co-operation of your Excellency for the exact fulfilment of the Treaty.

God preserve your Excellency many years.

(Signed)

ANDRES DE JAUREGUI,
H. T. KILBEE,
RAFAEL DE QUESADA.

His Excellency the Captain-General.

Fifth Enclosure in No. 94.

Notes for the formation of Regulations to be observed with respect to Emancipated Slaves.

THERE shall be a barracon, or other secure place prepared to serve as a depôt for emancipated Negroes, where they may be kept in perfect safety, under the care of some responsible person, named by the Government for that purpose.

If the Negroes, on account of illness, the bad state of the vessel, or any other motive which may appear to the Government, or to the Mixed Commission to be sufficient, should be placed in the depôt before the sentence be pronounced, the necessary expenses of maintaining them shall be paid out of the proceeds of the sale of the vessel and cargo, provided such sentence be one of condemnation; but if the detention be declared to be illegal, those expenses shall be paid by the Captor or his Government.

The expenses in the depôt, after condemnation, are to be paid by the Spanish Government.

It is expedient that the Negroes should, if possible, remain on board until the sentence of condemnation be pronounced; after which they should be immediately landed, and placed in the depôt.

As soon as possible after the sentence and disembarkation of the Negroes, a list, with a description of each of them should be made out, in order that they may receive their certificate of emancipation from the Mixed Commission, which certificate, after each Negro is apprized of the nature of its contents, by means of interpreters of his nation, should be deposited with the person appointed to take care of the Negroes.

The list ought to contain the African name of each Negro—the sex—age—height—the African marks—and any other peculiarities, if there should be such—the Christian name that may be given, together with the name and place of residence of the interpreters, who are to serve as witnesses, in the event of there being any question of the identity of the Negroes.

The list and description of the Negroes should be made in the presence of the person

under whose charge they are placed, and of an individual named for that purpose by the Mixed Commission, which individual shall deliver the certificates of emancipation.

The expenses occasioned in making out this list, or muster-roll, are to be paid out of the proceeds of the sale of the vessel and cargo.

It is absolutely necessary that some officer under the Government should be directed to watch over the future condition of the emancipated Negroes; and it would be highly expedient that a superintendent should be appointed solely for this purpose. Were the number of those Negroes considerable, for instance four or five hundred, it would be easy to obtain a sufficient salary for such superintendent by exacting from every person who should receive as apprentices any of the Negroes, four or five dollars annually for each of them; and by this means the superintendent would have a direct interest in the preservation of their lives and health.

The duty of this officer should be to inspect personally the Negroes at least every two months, and to make an exact report of the state in which he finds them to the Government of the island, and to the Mixed Commission. The inspections should not be at appointed times, but when least expected. Above all, he should take every possible means of discovering whether there be any fraud when Negroes are reported to be dead, or run away. This officer should be named by the Government, and, if he fail in his duty, may be deprived of his employment by the same, without any intervention whatever, or at the request of the Mixed Commission. More extensive regulations may hereafter be framed for his guidance.

The emancipated Slaves should be as soon as possible bound as apprentices with individuals chosen by the Government, under the following conditions:—

First. Those Masters should be preferred who are well known to be humane, and who will teach the apprentices such occupation or trade as will enable the latter with facility to earn their livelihood after the expiration of their apprenticeship.

Second. No more than four Negroes should be given to any one Master, and special care should be taken not to separate husbands from their wives, or parents from their children.

Third. The term of apprenticeship shall be five years for those who are grown up, and seven years for boys and girls, and for those females who may have children unable to work; and at the expiration of these terms, if the Negro should still be unfit to gain his livelihood by himself, the Government may increase the term for three years at most, but in this case the apprentice shall not be sent to the same master, unless it shall appear in the clearest manner from the reports of the superintendent, and the affidavits, if they be considered necessary, of the persons who had such apprentice under their immediate charge, that the state of ignorance in which he is, is owing to his natural stupidity, and by no means to the want of instruction, or to the neglect of his Master.

Fourth. The Masters shall engage to feed and clothe the apprentices, and the child unable to work, if there should be such, of any of the females, to provide them with medical advice in sickness, and to bury at their expense such as may die; to instruct them in the Christian Religion, in order that they may be baptized as soon as possible; to teach them some specific employment or trade, by which they may most easily gain their livelihood at the expiration of their apprenticeship; to encourage and assist them as far as may be practicable in learning the Spanish language; not to treat them with severity, but as other apprentices are treated, and by no means as Slaves, since they are acknowledged by the law to be free; not to transfer them to any other person whatsoever; not to take them out of the island without the consent of the Government; and to present them to the superintendent whenever he shall require it.

Fifth. If a Master shall fail in the performance of any of these conditions, he shall pay a fine to the Government of from fifty to one hundred dollars, the half of which shall be given to the informer, be it the superintendent or any other; and with the other half a fund shall be formed for the purpose herein-after mentioned. And the Master shall moreover forfeit his right to the services of the apprentice, who shall be placed with another Master, should the Government think it advisable.

Sixth. If a Master die, the apprentices shall be placed by the Government with another; and the heir or the person who is in possession of them, shall, within four days, apprise the Superintendent and the Government of such death; and if he should fail to do so, he shall pay a dollar a day for every Negro apprentice for the period he shall keep them without the knowledge of the Government, which money shall be added to the aforesaid fund; and he shall moreover be subject to the fulfilment of all the conditions imposed upon the original Master.

Seventh. If any person who is not a landed Proprietor, or who can easily absent himself from the Island, shall apply for apprentices, good security shall be required from him to the amount of five hundred dollars for every apprentice he shall receive.

Eighth. In the event of the serious illness, or of the death, of any of the apprentices, the Master must give immediate advice thereof to the nearest local authority, to the Superintendent, and to the Government; and in the latter case he shall declare upon oath, that he believes that the deceased is the apprentice who was delivered to him with such a description; and he shall moreover facilitate to the Superintendent all the means in his power, such as the declarations of his servants, apprentices, and slaves, for the purpose of ascertaining the identity of the deceased.

Ninth. In the event of an apprentice running away, the Master must likewise immediately give advice thereof to the nearest local authority, to the Superintendent, and to the Government; and he, together with two or three of his household, shall declare upon oath, that the absent apprentice has really and truly run away; that he has no knowledge whatever of the place where he is; and that he has taken and will take all possible steps for recovering him.

Tenth. In the event of a Master, or any other person whatever, selling or otherwise making away with an apprentice, reporting him to be dead or run away, independent of the penalties imposed by Law for the perpetration of such an atrocious crime as that of stealing a free person, such Master or other person shall pay a fine of five hundred dollars, one half for the Informer, whether the Superintendent or any other; and the remaining half for the aforesaid fund.

Eleventh. The fines mentioned in these Regulations shall be recovered in the most summary manner, from the property, of any description whatever, of the delinquent.

Twelfth. The object of the fund above-mentioned, is to maintain emancipated Negroes who may be incapable of working at the time of their arrival; and also to provide all emancipated Negroes with proper assistance and attendance while they remain in the Dépôt.

Sixth Enclosure in No. 94.

Condiciones

CON que se reparten por el Gobierno los Negros que se han emancipado, conducidos á este puerto en el bergantin Español *Relámpago*, apresado por la Goleta *Lion* de S.M.B. conforme al Artículo septimo del reglamento para las Comisiones Mixtas establecidas en esta plaza; en cumplimiento del Tratado de 1817, para la abolicion del Trafico de Esclavos.

Artículo 1.

Que conforme al Artículo citado el Gobierno queda garante de la libertad de los espresados Negros; y serán entregados á las Corporaciones, ó particulares, bajo las precisas condiciones espresadas en los siguientes Artículos.

Artículo 2.

Los Negros serán mantenidos con alimentos sanos y abundantes, vestidos y calzados, segun se acostumbra en el pais con los domesticos, instruidos en los dogmas de nuestra Religion, para que á la mayor brevedad reciban el santo Bautismo, curados y asistidos en sus enfermedades, con la mayor proligidad y esmero, y pagando el entierro cuando fallecieren; enseñándoles ademas algun oficio, ó arte mecánico. En los mismos terminos serán tratados los hijos de las Negras, mientras sean incapaces de trabajar para mantenerse, dándose parte inmediatamente al Gobierno, cuando para alguna de dichas Negras, para constancia, y que en la partida de bautismo se espese su calidad de libre.

Artículo 3.

Los primeros domingos de los meses de Junio y Octubre deberán presentarse al Capitan-General todos los Negros emancipados para que este se asegure de sus adelantos en la civilizacion y vea si estan contentos.

Artículo 4.

En cualquiera tiempo que se note que alguno de los Negros recibe maltrato se le quitará á la persona ó Corporacion á quien se hubiere entregado; siendo de su obligacion presentarlo en el acto vestido y calzado, para confiarlo á otro que lo cuide y enseñe como corresponde; tampoco podrán sacarlos fuera de la ciudad y arrabales sin permiso del Gobierno; debiendo estar siempre prontos á presentarlos cada vez que se les pida.

Artículo 5.

Si falleciere la persona encargada de alguno de los Negros, se entregarán éstos, por el Gobierno, en manos de otra, con las mismas condiciones; y el albacea ó herederos darán parte al Capitan-General dentro de cuatro dias; en la inteligencia de que si no lo hiciere, pagará un peso diario por cada Negro mientras lo detuviere en su poder; quedando ademas sujeto á las penas señaladas por falta al cumplimiento de las condiciones.

Artículo 6.

Por cualquiera falta leve á estas condiciones, se impone la multa de cincuenta á cien pesos, la mitad para el denunciante y la otra para un fondo que tendrá por objeto mantener los Negros emancipados, que lleguen enfermos al depósito; proporcionándoles alguna comodidad durante el tiempo que se mantengan en él. En las faltas graves ademas de la multa perderá la persona encargada el derecho á los servicios del Negro, que se recogerá y entregará á otro, con las mismas condiciones.

Artículo 7.

Para poder hacerse cargo de uno ó mas Negros, es indispensable tener bienes raices conocidos, ó presentar una persona abonada á satisfaccion del Gobierno, que responda con la fianza de quinientos pesos por cada Negro que reciba.

Artículo 8.

En caso que la persona que se entregue de algun Negro, lo vendiere ó se deshiciere de él, dándolo por muerto, ó huido, ademas de las penas que señalan las leyes, por el atentado de vender á una persona libre, pagará una multa de quinientos pesos por cada uno, la mitad para el denunciante y la otra para el fondo.

Artículo 9.

Las multas mencionadas en estas condiciones se cobrarán ejecutiva y sumariamente de los bienes de cualquiera especie del delincuente á que queda formalmente comprometido.

Artículo 10.

A los Negros se les tendrá precisamente ocupados en los ejercicios comunes á la manera que se enseña á las personas libres, sin castigarlos con crueldad ni maltratarlos de manera alguna, reprendiéndolos con dulzura, y en caso de que por su mala indole se hagan incorregibles darán parte al Gobierno, para que disponga lo conveniente.

Artículo 11.

Se velará sobre su conducta manteniéndolos con toda seguridad, para que no cometan excesos; en el concepto que serán responsables de los que ocasionen con arreglo á las leyes que gobiernan, respecto á los padres de familia, y personas que mantienen en su dependencia á otros.

Artículo 12.

A los Comisarios de barrios se les dirigirá una copia de estas condiciones, para que en una vista que han de hacer los días primeros de cada mes, me den parte de cuanto observen acerca del buen trato y adelanto de los Negros; espresándome si estan ó no contentos.—En los establecimientos públicos dará esta noticia, en conciencia, el encargado ó superior de ellos.

Artículo 13.

En caso de enfermedad de alguno de los Negros se dará inmediatamente parte al Comisario del barrio, para que éste me lo dé de la asistencia, con que se cuida al enfermo y facultativo que lo visite. Si muriere se avisará al instante al Comisario, para que ocurra personalmente con dos hombres buenos á certificarse de que efectivamente el Negro muerto es el mismo que se espresa en la filiacion; inquiriendo ademas las noticias que crea convenientes de los individuos de la casa, vecinos, ú otras personas, hasta quedar convencido de lo cierto: esta informacion ó parte sumario será de oficio y en el mismo dia, acompañada de la certificacion del facultativo se entregará al Capitan-General para que se disponga el entierro, que será como queda dicho á costa de la persona, ó Corporacion á quien estuviere entregado.

Artículo 14.

En la Secretaria se llevará el asiento de los Negros repartidos, encabezado con estas condiciones, lista de ellos, filiaciones, personas á quienes estén entregados; y en legajos separados, por personas, se irán acumulando los documentos en que conste las novedades que ocurran de enfermedad, muerte, maltrato, &c., y sus resultados se anotarán en el libro, formándose mensualmente un estado general, con la mayor claridad y especificacion.

Artículo 15.

En caso de fugarse algun Negro la persona encargada dará inmediatamente parte al Comisario, para que pase en el acto á formar la averiguacion sumaria de oficio que concluirá y entregará en el mismo dia, interrogando á los demas Negros de la casa y las personas de la misma para comprobar la certeza de la fuga.

Artículo 16.

El tiempo por que se entregan los Negros es el de cinco años para los grandes y siete para los pequeños, y las hembras que tuvieren algun hijo incapaz de trabajar; pero si al espirar ese termino no estuviere todavia en estado de ganar la vida por si solo, podrá el Gobierno aumentar el plazo por tres años cuando mas. Pero en tal caso no se devuelve el Negro á la misma persona, á menos que haga constar por informes ó declaraciones, (si se cree necesario,) de los individuos que tienen el cuidado inmediato de los Negros, que el estado de ignorancia de estos proviene de su natural torpeza y falta de comprension y no por descuido y abandono de la persona á quien esté entregado.

Artículo 17.

Que del tenor á la letra de estos articulos de que queda hecha mencion se instruirá á cada uno de los individuos que reciban los Negros que se les señalen en el repartimiento; espresándose en los respectivos asientos quedar enterados de su contenido; como tambien de la obligacion espresa de cumplirlos exactamente y bajo la mas estrecha responsabilidad, dándosele ademas un ejemplar firmado de las presentes condiciones para que no pueda alegarse ignorancia.

Artículo 18.

Los gastos de mantencion á razon de dos reales y medio diario y otros muy pequenos que ha habido que suplir para la mejor conservacion de los Negros, se satisfarán por la Corporacion, ó personas á quien se entreguen.

FRANCISCO DIONISIO VIVES.

Habana, 26 de Diciembre, de 1824.

Sixth Enclosure in No. 94.

(Translation.)

Conditions

Upon which the Government distribute the emancipated Negroes brought to this Port in the Spanish Brig *Relampago*, captured by His Britannic Majesty's Schooner *Lion*;—conformably

to the Seventh Article of the Regulations for the Mixed Commission established in this City in virtue of the Treaty of 1817, for the Abolition of the Traffic in Slaves.

Article 1.

That, in conformity with the above-mentioned Article, the Government is guarantee for the liberty of the said Negroes, and they shall be delivered to the Corporations, or private individuals, under the precise conditions expressed in the following Articles.

Article 2.

The Negroes shall be maintained with wholesome and abundant food, and provided with clothes and shoes, according to the custom of the country in regard to Servants, instructed in the dogmas of our religion, in order that, as soon as possible, they may be baptized; they shall be provided with medical advice, and assisted with the greatest care and attention in sickness; and the expenses of the burial of such as may die shall be paid:—They shall, moreover, be taught some occupation or mechanical art; in the same manner shall be treated the children of the Negresses, so long as they shall be incapable of working for their own maintenance; and in case of an infant being born of any of the Negresses, immediate advice shall be given to the Government, in order that the same may be duly registered, and that, in the *Certificate of Baptism, its freedom may be expressed.*

Article 3.

The first Sunday in the months of June and October, all the emancipated Negroes shall be presented to the Captain-General, that he may be assured of their advancement in civilization, and that he may see whether they are satisfied.

Article 4.

Whenever it is observed that any of the Negroes has received bad usage, he shall be taken from the person or Corporation to whom he may have been delivered; the said person or Corporation being bound to present him immediately, clothed, and with shoes, in order that he may be intrusted to some one else, who will take care and instruct him in a proper manner. —Neither can the Negroes be withdrawn from the City or its Suburbs without permission of the Government, as the parties must always be ready to present them whenever they are so required.

Article 5.

If the person having charge of any of these Negroes should die, the Negroes shall be delivered by the Government to the care of another, under the same conditions; and the Executor or Heir shall report the same to the Captain-General within four days; and if he shall not do so, he shall pay one dollar a day for each Negro, so long as he shall retain them in his power, besides being subject to the penalties laid down for the non-performance of these conditions.

Article 6.

For any slight departure from these conditions, a fine is imposed of from fifty to one hundred dollars, half for the Informer, and the other half for a fund to be established for the purpose of maintaining the emancipated Negroes that shall arrive sick at the Depôt, and also for providing them with some conveniences during the time that they shall remain there. For any essential departure, besides paying the fine, the person in charge of the Negro shall forfeit all right to his services, and the latter shall be taken from him, and delivered to another under these same conditions.

Article 7.

To be intrusted with one or more of these Negroes, it is necessary to possess landed property, or bring forward a well-known person, to the satisfaction of the Government, who will be answerable in five hundred dollars for each Negro received.

Article 8.

In case the person to whom any Negro is delivered should sell or make away with him, reporting him to be dead or run away, such person, independent of the penalties established by the Laws, for the crime of selling a free person, shall pay a fine of five hundred dollars for each, one half for the Informer, and the other half for the Fund.

Article 9.

The fines mentioned in these Conditions shall be recovered in the most summary manner, from whatever description of property the delinquent may have, for the payment of which he is formally bound.

Article 10.

The Negroes shall be exclusively occupied in the same labours as those taught to free persons, without being chastised with cruelty, or being ill-treated in any manner whatever;—they shall be reprehended with mildness, and in case, from their bad disposition, they become incorrigible, information is to be given to the Government, that proper measures may be taken.

Article 11.

The persons having charge of these Negroes shall watch over their conduct, and prevent them from committing excesses; such persons being responsible for the same, according to the Laws in force, relative to Parents, and those who maintain others in dependance upon them.

Article 12.

To the Commissaries of the Barrios a Copy of these Conditions shall be sent, in order that, in an inspection which they are to make the first days of every month, they may inform

me of what they observe respecting the good treatment and advancement of the Negroes, stating whether they are satisfied or not. In the public Establishments, the person in charge of them, or the Superior, shall give this information according to their conscience.

Article 13.

In case of the sickness of any of the Negroes, immediate advice shall be given to the Commissary of the Barrio, in order that he may report to me the manner in which the sick Negro may be taken care of, and the medical person who attends him. If the Negro should die, advice shall instantly be given to the Commissary, in order that he may attend in person, with two men of known respectability, to ascertain that really and truly the deceased Negro is the same as is described in the List, making the inquiries, moreover, which he may judge necessary, of the individuals of the house, the neighbours, or any other persons, until he is convinced of the truth of the fact. This information, or summary report, shall be made out officially; and on the same day it shall be delivered, with the Certificate of the Medical Attendant, to the Captain-General, in order that the burial be ordered, which, as has been said, is to be at the expense of the person or Corporation intrusted with the Negro.

Article 14.

In the Secretary's Office shall be kept the Muster-roll of the Negroes distributed, at the top of which these conditions shall be placed; then the names and description of the Negroes, the persons to whom they are delivered; and in separate parcels, one for each person, the documents as they accumulate, in which are reported the occurrences of sickness, death, ill-treatment, &c., from which, notes shall be taken down in the book, and a general report made monthly, with the greatest clearness and exactness.

Article 15.

In case of any of the Negroes running away, the person in charge of him shall give immediate information to the Commissary, that he may instantly proceed officially to the summary investigation, which he shall conclude and deliver the same day, interrogating the other Negroes and individuals of the house to ascertain the certainty of the fact.

Article 16.

The time for which these Negroes are to be delivered is, five years for the full-grown, and seven for the children and the females who may have a child incapable of working;—but if, at the expiration of this term, they should not be in a condition to gain their livelihood by their own exertions, then the Government may prolong the term for three years more at the utmost. But, in this case, the Negro shall not be returned to the same person, unless it shall appear, by the reports and declarations (if thought necessary) of the individuals who have the immediate care of the Negroes, that their state of ignorance proceeds from their natural dulness and want of comprehension, and not from neglect or carelessness of the person to whom they were delivered.

Article 17.

Each of the individuals, to whom Negroes may be allotted in the distribution, shall be informed of the literal tenor of these Articles, and it shall be stated, in the respective Notes of each, that he was apprized of their contents, and that he was expressly bound to fulfil them exactly, under the most severe responsibility; and he shall, moreover, receive a signed Copy of the present Conditions, in order that he may not allege ignorance.

Article 18.

The expenses of maintenance, at the rate of two rials and a half per day, and other trifling expenses, that have been necessary for the better preservation of the Negroes, are to be paid by the Corporations or Persons to whom they may be delivered.

(Signed) FRANCISCO DIONISIO VIVES.

Havannah, December 26th, 1824.

No. 95.

*H. T. Kilbee, Esq., to Mr. Secretary Canning.—(Received
March 16th, 1825.)*

SIR,

Havannah, December 30th, 1824.

THE emancipation of the Slaves brought in the *Spanish Schooner Relampago*, has excited considerable sensation among the inhabitants of this place; and I understand that several representations have been addressed to the Government, pointing out the injurious consequences which, it is supposed, are likely to result from this measure.

The Captain-General, in conversation, informed me, that the Ayuntamiento had proposed to him to suspend the execution of the Sentence

of the Mixed Commission, but that he had refused to accede, alleging, that, if the application had related to a Spanish Law alone, he might have felt inclined to attend to it; but that, in the present case, there was, moreover, a solemn Treaty which the Spanish Government could not itself order to be suspended, without the consent of that of His Britannic Majesty.

I understand that the Ayuntamiento and Consulado have resolved to make representations to His Catholic Majesty, praying that he may be pleased to enter into some arrangement with the British Government for conveying the Negroes, who may be emancipated by the Mixed Commission, out of the Island;—their presence here being considered to be a most injurious example to the Slaves, and otherwise prejudicial to the Island.

I have the honour to be, &c.

(Signed) HENRY T. KILBEE.

The Right Honourable George Canning,
&c. &c. &c.

No. 96.

H. T. Kilbee, Esq. to Mr. Secretary Canning.—(Received March 16.)

(Extract.)

Havannah, January 1, 1825.

THE enclosed document will shew at one view the progress of illicit Slave Trade from the close of 1821,—when orders were received here from Spain to carry strictly into effect the stipulations of our Treaty, the excuses previously alleged being thus rendered unavailing,—up to the present period, when it has reached its actual extraordinary extent, no less than forty-four Vessels having sailed for the coast of Africa, and seventeen having arrived from thence, during the last year.

The names of the Vessels which have sailed for that coast, the first after the Abolition, being in the month of August, 1821, are taken from the *Diario del Gobierno*, or Government Journal, in which is published a daily list of arrivals and departures. They are announced as sailing for Africa, or the neighbouring islands, and, I understand, have inserted on their papers a strict injunction not to engage in the Slave Trade.

The arrivals are taken from the same source, and they are all announced as being in ballast, and as coming from the Coast of Africa itself, from St. Thomas's, or some other West India Island, and frequently of late from Sisal. At the early dates there was strong suspicion, but at present, I do not hesitate to say, that there is complete notoriety, that these Vessels have landed cargoes of Slaves on the Coasts of this Island previous to their entrance into this Port.

You will observe that amongst the arrivals there are many Vessels which did not clear out from hence. Some *Spanish* Vessels fit out in the Peninsula; and it is universally the practice of *French* Vessels to equip themselves for the traffic in France, where they can do so more economically than here; and after disposing of their Negroes in the Island,

they take on board a cargo of Colonial Produce for some of their own Ports.

The list includes such Vessels as have arrived at, and sailed from, this Port alone; and if the Trade be carried on in so open a manner before the eyes of the Supreme Government, whose attention is called to every particular case by His Majesty's Commissioners, it is natural to suppose, as indeed I understand to be the case, that it is carried on with scarcely any dissimulation in the other Ports of the Island.

I am not in possession of any means of ascertaining the number of Vessels which have sailed from the other Ports; but I believe I may safely say that it was at least half that which have sailed from hence. We have, therefore, by this calculation, sixty-six Vessels which have cleared out from the Island of Cuba, for the purpose of engaging in the Slave Trade during the last year.

The Schooner, *Relampago*, which was condemned by the Mixed Commission, is one of the smallest, even of the Vessels of her own class, employed in the traffic; and she took on board one hundred and sixty-two slaves; and if she had found them, would have completed the two hundred. So that to give to each Vessel two hundred and fifty as the number of Slaves she was intended to carry, is a low calculation. The demand made from this Island, therefore, during the same year, has been for upwards of sixteen thousand Slaves.

Undoubtedly all these Vessels will not return, but on the other hand many come with Slaves which have cleared out from European Ports; this being the case with four or five of the seventeen which arrived last year.

The very smallest Vessels cost in fitting out from twenty to thirty thousand dollars; and larger ones, of course, much more. One with another, they may be safely valued at forty thousand dollars each; so that the capital employed in the trade last year was upwards of two millions and a half of dollars.

These speculations are generally undertaken by a number of individuals, who take shares of one thousand dollars each; which shares are again not unfrequently sub-divided: you may, therefore, imagine the number of persons *directly* concerned in the traffic.

The evil having become of such magnitude, and the present system having been found utterly ineffectual for its suppression, some alteration would appear to be unavoidable.

To give the Mixed Commission, composed as it now is, fuller powers, and to make it the exclusive tribunal for hearing all causes connected with illicit Slave Trade, would, in my opinion, be the most effectual remedy; but there are so many insurmountable objections to this arrangement, that it would be useless to pursue the subject.

The Spanish *Law*, of which, lest you should wish to refer to it, I have the honor to enclose a printed copy, is now, the trade being entirely abolished, reduced to a general prohibition to all Spanish subjects to purchase Negroes on the Coast of Africa, under the penalties of the confiscation of Vessel and cargo (the Negroes being declared free), and ten years hard labour at the public works in the Philippine Islands to the Purchaser, Captain, Supercargo, and Mate. This law was published when the trade to the south of the Line was permitted; and in the contemplation of such trade, the Fifth Article declares "that the Foreign Vessels which may convey Slaves to any Port of my Dominions, must do so, subject to the Rules laid down in this my Royal Cedula, and in

case of contravention, shall be punished with the same penalties herein specified."

This law, you will perceive, is conceived in very general and very loose terms. The prohibition extends only to purchasing Slaves on the Coast of Africa; so that it might be argued, that to bring them from any other place is permitted. Who the purchaser is, does not clearly appear; here he is generally held to be the person who actually pays the money for the Slaves in Africa, and not the Share-holders in such adventures, who consequently run no danger but that of losing their money. The Petty Officers and Sailors are not liable to any punishment whatever; and as high wages are given, there is no difficulty ever found in obtaining men for Slave Ships. The Article which applies to foreign Vessels ought certainly to be adapted to the present circumstances, the trade being totally abolished; and it being very likely that, if many more Spanish Slave Vessels are captured by His Majesty's Cruisers, the traffic will be entirely carried on with this Island by means of *French* Vessels.

That this Law, therefore, should be new-modelled, or rather that another should be framed in its stead, appears to be a measure absolutely necessary. Any opinion of mine respecting the provisions of the new Law would be presumptuous, this being a subject which, as regarding our own Colonies, has been so often under the consideration of His Majesty's Government. But knowing by experience with what facility Laws may be evaded in this country, I would still venture to urge the expediency of the adoption of a clause for granting a liberal reward to those who shall denounce illicit traffic.

But above all things, it will be necessary to correct the public opinion of this country upon the subject of the Slave Trade. It is universally believed that the Abolition was a measure which Great Britain, under the cloak of philanthropy, but really influenced by jealousy of the prosperity of this Island, forced upon Spain. That the latter fulfils her engagements, as far as Great Britain is directly concerned, but that in reality she is indifferent upon the subject. Among the illicit Traders, it is the general persuasion that, if they escape the British Cruisers, they have nothing to fear. The trade itself is looked upon as any thing but criminal; it is, on the contrary, considered to be promoting the interests of the Island, and merely thwarting the selfish views of Great Britain. If the Spanish Government be really desirous of suppressing the Slave Trade, they must convince the people here that such is their desire; and that His Catholic Majesty is really of opinion that the true interests of the Island are intimately connected with the carrying that measure effectually into execution.

The Slave Trade with this Island is now as extensive as ever it was, and is necessarily carried on with greater cruelty. The Abolition by Spain, therefore, is merely nominal; and instead of promoting, only serves to injure the cause of justice and humanity.

(Signed)

HENRY T. KILBEE.

The Right Hon. George Canning,
&c. &c. &c.

First Enclosure

List of Arrivals and Departures of Vessels from and for the

ARRIVALS.

Date.	Nation.	Class.	Name.	Master.	Remarks.
1821					
1822 Jan.	French	Schooner	Louise . . .	Precau	
Feb.	Spanish	Ditto	M ^a . Josefa . .	J. B. Zabala .	Sailed again for coast of Africa in April.
March	Portuguese	Ditto	Paquete . . .	J. M. Nieves .	Do. do. July.
April	French	Ditto	Irene	P. du Pavillon .	
June	Ditto	Brig	La Rose . . .	M. Thomas . .	
July	Ditto	Schooner	Adolphe . . .	P. Lamarque . .	
"	Ditto	Brig	Aim ^{ble} . Henriette	C. Gozan . . .	
Sept.	Ditto	Schooner	Marie	H. Guyot . . .	
Nov.	Spanish	Ditto	Amb ^{le} . Socorro .	Jozé Inza . . .	Sailed again in Feb. 1823.
Dec.	Portuguese	Ditto	Paquete . . .	J. M. Nieves.	
1823 Jan.	French	Brig	Coureur . . .	M. Verrier	
June	Spanish	Schooner	A. Socorro . .	Jozé Inza . . .	Sailed again in October.
Aug.	Ditto	Ditto	Descamisada .	Juan Sandrino	
Oct.	Ditto	Ditto	Liberal	Antonio Sanjurjo	
1824 Feb.	French	Brig	Victor	A. P. Guillon	
"	Ditto	Ditto	Agile	M. Gouyt	
April	Spanish	Ditto	Orestes . . .	D. Zurbano . .	Sailed again in June.
"	Ditto	Ditto	Teresa	J. Sandrino . .	Do. July.
"	Ditto	Schooner	A. Socorro . .	G. Castello . .	Do. do.
May	Ditto	Ditto	Chatica . . .	Jozé Inza . . .	Do. June.
"	Ditto	Brig	Vengador . . .	J. Zorrilla . .	Do. August.
"	Ditto	Schooner	Indomable . .	J. Sangredas	
June	Ditto	Ditto	Española . . .	P. G. de Luna .	Sailed again in August.
"	Ditto	Ditto	Especuladora .	S. Manzana	
July	Ditto	Ditto	Paulita	A. Sanjurjo . .	Sailed again in October.
Aug.	Ditto	Ditto	Feliciana . . .	J. Anlet	Do. September.
Sept.	Ditto	Ditto	Serafina . . .	Jozé Arteché	
Nov.	Ditto	Ditto	Nicanor	D. Marques . . .	Sailed again in December.
"	Ditto	Ditto	Tranquilidad .	J. Mandial	
Dec.	French	Brig	Marie	P. Dauret	
	Spanish	Schooner	Bella Dolores .	- Guerrero	

DEPARTURES.

Date.	Nation.	Class.	Name.	Master.	Remarks.
1821 August	Spanish	Schooner	Correo de B ^a . Honda	.	Fate not known.
"	Ditto	Ditto	Maria Josefa	J. B. Zabala	Returned Feb. 5, 1822.
Oct.	Ditto	Ditto	Vecua	Vicente Gomez	Condemned at Sierra Leone.
"	Ditto	Ditto	Icanam	Antonio Moreira	Do. do.
1822 Feb.	Spanish	Schooner	San Rafael	F. Chunchurreta	Captured, but liberated at Sierra Leone.
April	Ditto	Ditto	Amable Socorro	Jozé Inza	Returned November.
"	Ditto	Ditto	Maria Josefa	Jozé Moyano	Condemned at Sierra Leone.
July	Portuguese	Ditto	Paquete	J. M. Nieves	Returned in December.
August	Spanish	Ditto	Rosalia	S. Manzana	Condemned at Sierra Leone.
"	Ditto	Ditto	Nieves	J. Manso	Perhaps this is the "Snow," condemned at Surinam.
1823 Feb.	Spanish	Schooner	Descamisada	J. Sandrino	Returned in August.
"	Ditto	Ditto	A. Socorro	Jozé Inza	Do. June.
May	Ditto	Ditto	Luisa	F. Loureira.	
"	Ditto	Ditto	Fabiana	J. M. Maria	Captured and carried to Sierra Leone.
"	Ditto	Ditto	Liberal	A. Sanjurjo	Returned in October.
Oct.	Ditto	Brig	Orestes	D. Zurbano	Do. April, 1824.
"	Ditto	Ditto	Teresa	J. Sandrino	Do. do.
"	Ditto	Schooner	A. Socorro	A. Pulles	Do. do.
Nov.	Ditto	Brig	Vengador	J. Zorrilla	Do. May, "
Dec.	Ditto	Schooner	Chatica	J. Inza	Do. do. "
1824 Jan.	Spanish	Schooner	Feliciana	J. Anlet	Returned in August.
"	Ditto	Ditto	Especuladora	S. Manzana	Do. June.
"	Swedish	Brig	Romprinsen	N. Colwily	
"	Spanish	Schooner	Paulita	A. Sanjurjo	Returned in July.
April	Ditto	Ditto	Serafina	J. Arteché	Ditto September.
"	Ditto	Brig	Conquistador	N. Escala.	
"	Ditto	Schooner	Nicanor	D. Acué	Returned in November.
"	Ditto	Ditto	Ninfa Havanera	F. Loureira	
May	Ditto	Brig	Victoria	J. de la Puente	
"	Ditto	Schooner	Relampago	J. de Garny	Condemned at Havana.
June	Ditto	Brig	Orestes	G. F. Vega	
"	Ditto	Schooner	Clara	J. Puig	
"	Ditto	Ditto	Chatica	R. Rival	
July	Ditto	Brig	Teresa	J. B. Areste	
"	Ditto	Schooner	Matilde	J. Sagreras	
"	Ditto	Ditto	A. Socorro	J. de las Nieves	
"	Ditto	Ditto	Nueva Francisca	Ant ^o . Muncz	
"	Ditto	Ditto	Biscayna	A. de Mesa	Lost on the coast of Africa.
"	Ditto	Ditto	Tranquilidad	J. Mandial	Returned in November.
"	Ditto	Brig	Magico	J. Inza	
"	Ditto	Ditto	Escupe fuego	A. Pulles	Captured by Columbians.
"	Brig	Morgiana	Justo Lustache	Pedro Blanco	Sailed under American Colours, but really Spanish.
August	Spanish	Ditto	Isabel	P. Garcia de Lima	
"	Ditto	Schooner	Española	A. Bousquet	
"	Ditto	Ditto	Pilades	F. Suarez	
"	Ditto	Bark	Conchita	J. A. Artamoni	Captured by Columbians.
"	Ditto	Schooner	Clarita	F. Jover	Do. do.
"	Ditto	Brig	Noticioso	M. Moran	Do. do.
"	Ditto	Schooner	Medusa	S. Manzana	
"	Ditto	Brig	Relampago	A. Sanjurjo	
"	Ditto	Ditto	Constante	F. Aspeytia	
"	Ditto	Schooner	Chirigota	D. Zurbano	
"	Ditto	Ditto	Iris	J. Gardullo	
"	Ditto	Ditto	Dorotea	P. Blanco	
"	Ditto	Ditto	Barbarita	J. Ferrer y Roig	
Sept.	Ditto	Ship	Urraca	J. A. Thomas	
"	Ditto	Schooner	Josefa	J. Anlet	
"	Ditto	Ditto	Feliciana	J. Moyano	
Oct.	Ditto	Ditto	Paulita	J. Seeton	
"	Ditto	Ditto	Anfitrite	P. Barnet	
"	Ditto	Ditto	Minerva	J. Maxual	
Nov.	Ditto	Ditto	Atrevida	J. Berazaluce	
Dec.	Ditto	Ditto	Esperanza	R. Gonzales	
"	Ditto	Ditto	Nicanor		

*Second Enclosure in No. 96.**Cedula of The King of Spain, relating to the Slave Trade,
December, 1817.*

EL REY.

LA introduccion de negros esclavos en América fue una de las primeras providencias que dictaron mis augustos Predecesores para el fomento y prosperidad de aquellos vastos dominios, muy poco tiempo despues de haber sido descubiertos. La imposibilidad en que estaban los indios de ocuparse en diferentes trabajos útiles, aunque penosos, nacida del ningun conocimiento que tenian de las comodidades de la vida, y de los cortísimos progresos que entre ellos habia hecho la sociedad civil, exigió por entonces que el beneficio de las minas y el rompimiento y cultivo de las tierras se entregaran á brazos mas robustos y activos. Esta providencia, que no creaba la esclavitud, sino que aprovechaba la que ya existia por la barbarie de los africanos para salvar de la muerte á sus prisioneros, y aliviar su triste condicion, lejos de ser perjudicial para los negros de Africa, trasportados á América, les proporcionaba no solo el incomparable beneficio de ser instruidos en el conocimiento del Dios verdadero, y de la única religion con que este supremo Ser quiere ser adorado de sus criaturas, sino tambien todas las ventajas que trae consigo la civilizacion, sin que por esto se les sujetara en su esclavitud á una vida mas dura que la que traian siendo libres en su propio pais. Sin embargo, la novedad de este sistema requeria mucho detenimiento en su egecucion, y asi fue que la introduccion de negros esclavos en América dependió siempre de permisos particulares que mis augustos Predecesores concedian segun las circunstancias de los lugares y de los tiempos, hasta que la de negros bozales fue generalmente permitida, asi en buques nacionales como extrangeros, por Reales cédulas de veinte y ocho de Setiembre de mil setecientos ochenta y nueve, doce de Abril de mil setecientos noventa y ocho, y veinte y dos de Abril de mil ochocientos cuatro, en cada una de las cuales se señalaron diferentes plazos para dicha introduccion: todo esto manifestaba bien claramente que la cristiana sabiduría de los Reyes consideraba siempre estas providencias como escepciones de la ley sujeta á condiciones variables. Aun no habia espirado el concedido en la de veinte y dos de Abril de mil ochocientos cuatro, cuando la divina Providencia me restituyó al trono á que me habia destinado, y de que intentó pérfidamente despojarme un injusto usurpador. Las turbulencias y disensiones suscitadas en mis dominios de América durante mi ausencia fijaron desde luego mi soberana atencion; y meditando con incansante desvelo las providencias mas adecuadas para restablecer el buen orden en aquellos remotos paises, y darles todo el fomento de que son capaces, no tardé en advertir que habian variado enteramente las circunstancias que movieron á mis augustos Predecesores para permitir el tráfico de negros bozales en las costas de Africa, y su introduccion en ambas Américas. En ellas ha crecido prodigiosamente el número de negros indígenas, y aun el de los libres, á beneficio de la regulacion suave del Gobierno, y de la cristiandad y temple humano de los propietarios españoles: el de blancos se ha aumentado mucho, y el clima no es tan perjudicial para estos como lo era antes de que las tierras se desmontasen y pusiesen en cultivo. Aun el bien que resultaba á los habitantes de Africa de ser trasportados á paises cultos no es ya tan urgente y esclusivo, desde que una nacion ilustrada ha tomado sobre sí la gloriosa empresa de civilizarlos en su propio suelo: al mismo tiempo la general cultura de Europa, y el espíritu de humanidad que ha dirigido sus últimas transacciones, al restaurar el edificio que la depravacion del régimen del usurpador habia destruido hasta sus bases, han escitado un conato general entre los Soberanos de Europa de ver abolido este tráfico; y en el Congreso de Viena, conviniendo en la necesidad de la abolicion, se ocuparon en facilitararlo por medio de las negociaciones mas amistosas con las potencias que tenian colonias, encontrando en Mi aquella disposicion que era consiguiente á tan laudable empeño. Estas consideraciones movieron mi Real ánimo á informarme de personas instruidas y zelosas de la prosperidad de mis Estados sobre los efectos que en ellos produciria la abolicion del tráfico de Negros. Vistos sus informes, deseoso de asegurar el acierto en materia de tanta trascendencia y gravedad, los remití á mi Consejo de las Indias con Real orden de catorce de Junio de mil ochocientos quince, para que me consultara lo que se le ofreciese y pareciese. Agregados todos estos copiosos materiales y los antecedentes del asunto, y visto lo que el propio Supremo Tribunal me ha expuesto en su consulta de quince de Febrero de mil ochocientos diez y seis, correspondiendo á la confianza que en él tengo depositada, y conformándome con su parecer sobre la abolicion del tráfico de Negros, y convenido con el Rey del reino unido de la Gran Bretaña é Irlanda, por un Tratado solemne sobre todos los puntos de interes recíproco que versan en esta notable transacion, y hecho cargo de ser llegado el tiempo de la abolicion, conciliados debidamente los intereses de mis Estados de América con los sentimientos de mi Real ánimo, y los deseos de todos los Soberanos mis amigos y aliados, he venido en resolver lo siguiente:

Artículo 1º.

Desde hoy en adelante prohibo para siempre á todos mis vasallos, asi á los de la Península como á los de América, que vayan á comprar negros en las costas de Africa que estan al norte del Ecuador. Los negros que fueren comprados en dichas costas serán declarados

libres en el primer puerto de mis dominios á que llegare la embarcacion en que sean trasportados: esta con lo restante de su cargo será confiscada para mi Real Hacienda, y el Comprador, el Capitan, el Maestre y Piloto irremisiblemente condenados á diez años de presidio en las islas Filipinas.

Artículo 2º.

La pena señalada en el artículo precedente no comprende al Comprador, Capitan, Maestre y Piloto de las embarcaciones que salgan de cualquiera puerto de mis dominios para las costas de Africa que estan al norte del Ecuador antes del dia veinte y dos de Noviembre del presente año, á los cuales les concedo ademas el plazo de seis meses contados desde dicha fecha para que concluyan sus expediciones.

Artículo 3º.

Desde el dia treinta de Mayo de mil ochocientos veinte prohibo igualmente á todos mis vasallos, asi á los de la Península como á los de América, que vayan á comprar Negros en las costas de Africa que estan al sur del Ecuador, bajo las mismas penas impuestas en el artículo primero de esta mi Real cédula; concediendo asimismo el plazo de cinco meses desde dicha fecha para que puedan completar sus viages los buques que hubiesen sido habilitados antes de la citada fecha de treinta de Mayo de mil ochocientos veinte, en que ha de cesar totalmente el tráfico de Negros en todos mis dominios, tanto en Espana como en América.

Artículo 4º.

Los que usando del permiso que concedo hasta treinta de Mayo de mil ochocientos veinte fueren á comprar Negros en las costas de Africa, que estan al sur del Ecuador, no podrán trasportar mas esclavos que cinco por cada dos toneladas del porte de su buque; y si alguno contraviniere á esta disposicion, será castigado con la pena de perder todos los que trasportare, los cuales serán declarados libres en el primer puerto de mis dominios á que arribe la embarcacion.

Artículo 5º.

Por el cómputo de cinco Negros por cada dos toneladas, no se hará cuenta con los que nacieren durante la navegacion, ni con los que fueren sirviendo en el buque en clase de marineros ó de criados.

Artículo 6º.

Los buques extrangeros que introduzcan Negros en cualquiera puerto de mis dominios deberán hacerlo con sujecion á las reglas que se prescriben en esta mi Real cédula; y en caso de contravencion serán castigados con las mismas penas que se señalan en ella.

Y siendo mi Real voluntad que todo lo referido se circule á mis dominios de América y Asia para su mas puntual observancia, lo comuniqué á mi Supremo Consejo de las Indias por decreto señalado de mi Real mano, con fecha de veinte y dos de Setiembre próximo pasado; y publicado en el propio Tribunal en primero del corriente, se acordó su cumplimiento, y que al mismo efecto se expidiese esta mi Real cédula: por la cual mando á mis Vireyes, Presidentes, Audiencias, Comandantes generales, Gobernadores é Intendentes de las Indias, sus islas adyacentes y de Filipinas, guarden, cumplan y egecuten, y hagan guardar, cumplir y egecutar cuanto queda ordenado en esta mi soberana determinacion, sin ir ni contravenir, ni permitir se vaya ni contravenga á su tenor en manera alguna, haciéndolo publicar por bando para el mismo fin, no solo en las capitales, sino tambien en los demas pueblos cabezas de partido de sus respectivos distritos, y comunicándolo igualmente cada uno en su territorio á los Tribunales, Justicias, Autoridades y personas á quienes de cualquier modo incumba su cumplimiento. Y de esta mi Real cédula se tomará razon en las Contadurias generales del expresado mi Consejo. Fecha en Madrid á _____ de Diciembre de mil ochocientos diez y siete.

V. M. prohibe para siempre á todos sus vasallos, asi de la Península como de América, la compra de negros en las costas de Africa, y señala término para las expediciones hechas á las del norte del Ecuador antes del veinte y dos de Noviembre de este ano, y para las que se hagan á las del sur del Ecuador antes del treinta de Mayo de mil ochocientos veinte, bajo las penas que se espresan.

Second Enclosure in No. 96.

(Translation.)

Cedula of The King of Spain, relating to the Slave Trade. Dec. 1817.

THE KING.

THE Importation of Black Slaves into America was among the earliest measures directed by my august predecessors for the cultivation and prosperity of those vast dominions, within a short period after their discovery. The Indians being disqualified from engaging in various useful, though laborious, occupations, by their ignorance of the accommodations of life, as well as by the small progress of civilization among them, it became necessary to intrust to arms more vigorous and more active the working of the mines, and the breaking up and tillage of the soil. This plan, which did not occasion, but only availed

itself of, the slavery already practised by the barbarous nations of Africa, with a view to save their prisoners from death, and to alleviate their melancholy condition, so far from being prejudicial to the Negroes of Africa, when transferred to America, afforded them not only the incomparable benefit of being instructed in the knowledge of the true God, and of the only Religion through which that Supreme Being is desirous that his creatures should adore him, but also all the advantages attending a state of civilization, without, however, subjecting them in their slavery to hardships more intolerable than those they had endured when free in their own country. But as the novelty of this system required great circumspection in its execution, the introduction of black slaves into America depended always on particular permissions granted by my august Predecessors, according to the circumstances of places and times, until it was generally permitted to import Negroes, in national vessels as well as foreign, by the Royal Cedula of the twenty-eighth of September, One Thousand Seven Hundred and Eighty-Nine, of the Twelfth of April, One Thousand Seven Hundred and Ninety-Eight, and of the Twenty-Second of April, One Thousand Eight Hundred and Four, in each of which, different periods for that Importation were appointed; all which clearly indicated that the Christian wisdom of the Kings uniformly considered these measures as exceptions to a law which was liable to undergo modifications according to circumstances. The term granted on the twenty-second of April, One Thousand Eight Hundred and Four, was not yet elapsed, when Divine Providence reinstated me in the Throne to which it had destined me, and of which an unjust Usurper perfidiously attempted to despoil me. The commotions and differences which had broken out in my American dominions during my absence, engaged immediately my attention; and meditating incessantly on the measures which might be most proper for restoring good order to those remote countries, and affording them all the protection of which they are capable, I quickly discovered that an entire change had taken place in the circumstances which induced my august Predecessors to permit the Traffic in Slaves on the African Coasts, and their importation into both the Americas. In those regions a prodigious increase is perceivable in the number of indigenous Negroes, and even in that of the Blacks of free condition, owing to the mildness of the Government, no less than to the Christian and humane conduct pursued by the Spanish proprietors; the Whites, also, are greatly augmented, from the climate being no longer so dangerous to them as it was prior to the lands being cleared of wood, and put under cultivation. Nor is the benefit which the Inhabitants of Africa derived from being carried to cultivated countries any more so urgent and exclusive, since an enlightened nation has undertaken the glorious task of civilizing them in their own native land, while the general Intelligence of Europe, and the spirit of humanity which has influenced its late transactions in restoring the edifice which the corrupt policy of the Usurper had destroyed to its very foundations, have roused the Sovereigns of Europe to a general effort for having this traffic abolished; and at the Congress of Vienna, concurring in the necessity of the abolition, they sought to bring it about by the most amicable negotiations with such Powers as possessed Colonies, and they met in me a disposition suited to a design so laudable. These considerations impelled my Royal mind to procure information from persons at once acquainted with the subject, and anxious for the prosperity of my Dominions, as to what effects were likely to be produced in the latter by the abolition of the Slave Trade. Being desirous to ensure success in a matter so momentous and so grave, I transmitted their information to my Council of the Indies, with the Royal Order of the fourteenth of June, One Thousand Eight Hundred and Fifteen, to give me such an opinion as the merits of the case should justify. After collecting all these copious materials, after taking a survey of the former steps adopted on this subject, and after considering what the Supreme Tribunal just mentioned has stated to me in its Exposition of the Fifteenth of February, One Thousand Eight Hundred and Sixteen; acting, moreover, on the confidence which I have reposed in that Body, and conforming myself with its advice relative to the abolition of the Traffic in Slaves; having also agreed with the King of the United Kingdom of Great Britain and Ireland, by means of a Solemn Treaty, on all the points of reciprocal Interest involved in this memorable adjustment; and being aware that the moment for the abolition is arrived, in consequence of the Interests of my American States being in accordance with the Sentiments of my Royal mind, as well as with the desires of all the Sovereigns, my friends and allies, I have resolved as follows:—

Article 1.

From this day forward, I prohibit, for ever, to all my subjects, both in the Peninsula and in Africa, to resort to the coasts of Africa, North of the Equator, for the purchase of negroes. All the blacks bought on those coasts shall be declared free in the first sea-port of my Dominions at which the vessel containing them shall arrive; that vessel, together with her remaining cargo, shall be confiscated for my Royal Treasury, and the Purchaser, the Captain, the Master, and the Pilot, shall, without fail, be sentenced to ten years' confinement in some fortress of the Philippine Islands.

Article 2.

The penalty assigned in the preceding Article does not apply to the Purchaser, Captain, Master, and Pilot, of such vessels as shall sail from any Port of my Dominions for the Coasts of Africa North of the Equator, previous to the twenty-second of November of the present year, to which persons I grant the further term of six months; to be computed from the above date, for the conclusion of their Expeditions.

Article 3.

From the thirtieth of May, One Thousand Eight Hundred and Twenty, I forbid likewise all my subjects in the Peninsula, as well as in America, to proceed to the coasts of Africa, South of the Equator, for the purchase of Negroes, under the same penalties as are denounced in the first Article of this my Royal Ordinance, granting also the term of five months from the date before mentioned, for the completion of their voyages, to those vessels that shall have duly obtained permission, prior to the said date of the thirtieth of May, One Thousand Eight Hundred and Twenty, at which the slave trade shall cease entirely in all my Dominions in Spain, as well as America.

Article 4.

Those who, under the license issued by me, till the thirtieth of May, One Thousand Eight Hundred and Twenty, shall buy negroes on the Coasts of Africa, South of the Equator, shall not be allowed to take on board more slaves than five for every two tons of the burden of their vessel; and if any one transgress this order, he shall forfeit all the negroes he may carry, who shall be declared free in the first port of my Dominions at which the vessel shall arrive.

Article 5.

In the proportion of five negroes to every two tons, shall not be comprehended those born during the voyage, nor such as shall serve on board in the capacity of sailors or servants.

Article 6.

Foreign vessels importing slaves into any Port of my Dominions, shall conform to the rules laid down in this my Royal Ordinance, and, in case of contravention, they shall incur the penalties specified in the same.

And it being my Royal Determination that all the above should be circulated in my Dominions of America and Asia, for the purpose of its punctual observance, I communicated it to my Supreme Council of the Indies, by means of a Decree, signed with my Royal hand, under date of 22d of last September; and it having been published in that Tribunal on the 1st instant, the fulfilment of it was decreed, as likewise, that, with a view to the same end, this my Royal Cedula should issue, by which I enjoin my Viceroy, Presidents, Tribunals, Commandants-general, Governors and Intendants of the Indies, of the Islands contiguous to them, and of the Philippines, to watch over, comply with, and execute, and to cause to be watched over, complied with, and executed, all that has been ordered in this my sovereign determination, without contravening, or permitting to be contravened, its tenor, in any wise, and to have it published as an Ordinance to the same effect, not only in the Capitals, but also in the other chief towns of their respective districts; and, furthermore, to communicate it, each in his Territory, to the Tribunals, Justices, Authorities, and persons on whom its fulfilment shall in any way be incumbent. And this my Royal Cedula shall be attended to in the Accomptant's Offices-General of my said Council. Done at Madrid, the December, 1817.

Y. M. Prohibits for ever to all your Subjects, as well of the Peninsula as of America, the purchase of Negroes on the Coasts of Africa, indicating as the proper time for Expeditions undertaken to the North of the Equator, to be that previous to the 22d of November of this year, and for those proceeding to the South of the Equator, that previous to the 30th of May, 1820, under the Penalties therein declared.

No. 97.

H. T. Kilbee, Esq. to Mr. Secretary Canning.—(Received March 16th, 1825.)

SIR,

Havannah, January 2d, 1825.

I REGRET to have to inform you that another French Vessel, the Brig *Gaspar*, L. Maillard, Master, has arrived here under suspicious circumstances; and there is too much reason to fear that she landed her cargo of Negroes upon the Coast, previous to entering this Port.

I have the honour to be, &c.

The Right Hon. George Canning,
&c. &c. &c.

HENRY T. KILBEE.

No. 98.

H. T. Kilbee, Esq. to Mr. Secretary Canning.—(Received March 16th, 1825.)

(Extract.)

Havannah, January 14th, 1825.

ON the 29th ult. His Majesty's Brig *Carnation*, in company with two

Schooners, chased a suspicious Vessel, which escaped into the Port of Cabanas. On the following morning an officer was sent in to examine her, and upon applying to the Commandant of the Fort for an officer to accompany him in the search, was referred to the Commander of the Spanish Brigantine of War, *Bellona*, then in the Port. The application was resisted by the latter, who stated that he had himself examined the Vessel, and that she was from Sisal in ballast. The British Officer persisting in his intention to execute his orders, he was at length accompanied by a Spanish Officer; and the Vessel proved to be the *Magico*, and had all the usual appearance of having just landed a cargo of slaves.

Upon the arrival of the *Carnation* here, Captain Maclean addressed a letter (1) to me, detailing these circumstances, and stating that there was strong presumptive proof that the Commander of the *Bellona* had aided in this violation of the Slave Trade Treaty.

I lost no time in transmitting Captain Maclean's letter to the Captain-General (2), stating at the same time that the *Magico* was one of the Vessels which had sailed from hence last year for the Coast of Africa, and that it was matter of notoriety that she had landed a cargo of Negroes in the Port of Cabanas. I likewise apprized His Excellency (3) of the actual arrival here of that Vessel.

The Captain-General in reply (4) informed me that he had submitted my letter and its enclosure to the Spanish Admiral; adding, that as the Ninth and Tenth Articles of the Treaty direct that no Vessel shall be detained, unless there be Slaves actually on board, he did not think my suspicions sufficient to warrant him in detaining the *Magico*; inviting me, however, to apprise him, if he were mistaken. I answered (5) by communicating to His Excellency the Explanatory and Additional Articles signed at Madrid in December, 1822; and I stated my reasons for the decided opinion which I gave, that the case of the *Magico* was within the reach of the Spanish Law, and that it was most necessary that vigorous measures should, upon the present occasion, be adopted by the Government.

To this the Captain-General merely observed (6), that he would take the necessary steps in conformity with the Treaty; but that as the Articles, to which I had alluded, had not been communicated officially by the Spanish Government, they could not be carried into effect by him. As this subject was mentioned, I considered it to be incumbent upon me to state explicitly my opinion (7), with the motives upon which it was founded, that the Articles in question, particularly the explanatory one, were binding upon the Government of this Island. In his reply (8), the Captain-General repeated the impossibility of his executing the Articles, without their being officially received from his Government; he expressed disapprobation at the Spanish Commissioners having consented to consider them as binding upon the Mixed Commission, and, after some further observations, communicated to me a letter from the Spanish Admiral, directing my attention to that part in which the latter states, that as yet the only charge proved against the Commander of the *Bellona* is, his having had the weakness to consent to a foreign officer searching a Spanish Vessel in a Spanish Port, an abuse arising from the conduct (which is specified) tolerated, on the part of foreign Vessels of War in the Out-ports of this Island. In my answer (9), I touched upon the minor points of His Excellency's letter, and stated that I would not fail to point out to His Majesty's Government the part to which he had directed my attention, of the Admiral's communication; upon which subject, had it not been entirely out of my province, many observations might have been made, the conduct of His Majesty's Naval Officers being a necessary consequence of the piracies committed on the coasts of this Island; but I dwelt more largely upon His Excellency's disapprobation of the

consent given by my Spanish colleagues to act upon the Explanatory and Additional Articles, alleging that such disapprobation, coming from a person in his high station, could not be a matter of indifference, and would probably induce His Catholic Majesty's Commissioners to withdraw the consent which they had previously given. I pointed out as forcibly as I could, the serious inconveniences which might follow; and entreated His Excellency to withhold the expression of his disapprobation; requesting him, however, to apprise me, for the information of His Majesty's Government, should his opinion remain unaltered, and should the consequence I apprehended with respect to my colleagues be likely to occur. His Excellency replied, that in giving his opinion (10), it had not been his intention to annul the arrangement made between the Commissioners of the two nations; and that in the event of the case occurring which was provided for by the Articles, the Mixed Commission might act with perfect liberty.

I expressed my thanks to His Excellency for this satisfactory communication (11), and thus closed the correspondence; from which it appears that the Admiral has ordered an investigation upon the conduct of the Commander of the *Bellona*, and that the Captain-General has directed the necessary steps to be taken with respect to the *Magico*, in conformity with the Treaty, from which, however, he excludes the Explanatory and Additional Articles signed at Madrid on the 10th of December, 1822.

I have the honour to enclose copies or translations of the whole correspondence.

From the manner in which the representation, respecting the *Magico*, has been received, both by the Captain-General and the Admiral, little good can be expected to result from the measures which are stated to have been adopted.

But although legal proof of guilt may not be obtained here, enough is known to enable the Spanish Government, if they really wish to discourage illicit Slave Trade, to pronounce their opinion of the transaction. A Vessel notoriously and undeniably lands a cargo of Negroes near a King's Fort, and close to a King's Vessel, in an Out-port where she had no right to enter, and where consequently she ought to have been strictly examined; she is asserted by a Spanish Naval Officer to have been actually examined, and that she is a Merchantman in ballast from Sisal; and she is afterwards found to have all the appearances peculiar to her real situation, that is, of having just landed a cargo of Negroes. This statement requires no comment.

In judging of my conduct in this transaction, I request that you will be pleased to recollect that I was called upon for my opinion. During the whole of the correspondence, it has been my constant endeavour to state the facts and arguments upon them in strong but respectful terms, always bearing in mind, as far as they were applicable to the situation in which I was placed, the instructions under which I act, and the injunctions which you have found it necessary to give to some of my fellow Commissioners under the Slave Trade Treaties.

(Signed)

HENRY T. KILBEE.

The Right Hon. George Canning,

&c. &c. &c.

First Enclosure in No. 98.

Captain Maclean to H. T. Kilbee, Esq.

SIR,
I BEG leave to acquaint you I sailed upon Wednesday, the 29th ult. from Bahia Honda, with His Majesty's brig "*Carnation*," Schooner Tenders "*Union*" and "*Assiduous*" in

H. M. Sloop Carnation, Havannah, January 4th, 1825.

company. We discovered shortly after coming out, two Brigantines to the Eastward, nearly of the same size and appearance; one we were pretty well assured was His Catholic Majesty's Brigantine *Bellona*, she having been spoke with the preceding day by the Union, and I also having seen her repeatedly in this Port: at forty minutes past three P.M. the Union made the signal for one of the above-mentioned Brigantines being suspicious, and she immediately made all sail, following her to the Westward, as also the Assiduous and ourselves: we previously observed the other Brigantine (which subsequently turned out *was really the Bellona*) standing for the Port of Cabanas.

From very light airs, none of us were able to near the chase until five o'clock, when the Union fired several shots over her, when she hoisted the Royal Flag of Spain, also a pendant, and fired a shot to windward, but would not heave to; at thirty minutes past five we fired three shots at her, to endeavour and bring her towards us, but without effect. She shortly afterwards tacked to the Eastward. The Union kept in sight, and followed until she got into Cabanas.

Upon the following day I despatched the Union into said Port, when her Commander learnt the Chase had arrived the preceding night between nine and ten o'clock, and had landed a cargo of Slaves immediately a-head of His Catholic Majesty's Brigantine *Bellona*: in going into the Port she must have passed close alongside that vessel. The Commander of the Union in going into Cabanas despatched an Officer to the Fort to request permission to examine said Brigantine; the Officer at the Fort stated he had nothing to do with her, as one of their Vessels of War was in the Harbour. The Commander went immediately on board the *Bellona*, to request that he might be attended by an Officer from that vessel to board the Brigantine; the Commander of the *Bellona* repeatedly objected to his boarding her, stating *he himself had examined her*, and that she was a Merchant Vessel from Sisal, without a cargo; the Commander of the Union, persisting in the execution of the Orders he had received, stated to the Commander of the *Bellona*, if not attended, he would take upon himself to board her. An Officer was then sent to accompany him. She proved to be the Brigantine "*Magico*." The Slaves had been landed, but the platform for them, as well as the water casks, were still on board, and they did not deny having arrived the preceding evening, being chased by three British Vessels of War, and having been fired at. She could not produce any Log-book, and stated the Master was on shore with all the papers.

I beg leave to observe there is strong presumptive proof that the *Bellona* must have aided in this violation of the Treaty for the abolition of the Slave Trade; and I request you may be pleased to make such remonstrances upon the occasion as is consistent with your public situation.

H. T. Kilbee, Esq.

I have the honour to be, &c. &c.
(Signed)

R. MACLEAN.

Second Enclosure in No. 98.

H. T. Kilbee, Esq. to the Captain-General.

SIR,

Havannah, January 5th, 1825.

I HAVE the honour to enclose the Copy of a letter which I have received from Captain Maclean, the Commander of His Britannic Majesty's Brig *Carnation*, stating, that on the 29th ultimo, in company with two Schooners under his orders, he had chased a suspicious vessel, which escaped into the Port of Cabanas, and which proved to be the Spanish Brigantine *Magico*.

This vessel, when boarded on the morning of the 30th ultimo by the Officer despatched by Captain M'Lean, for the purpose of examining her, appeared to have just landed a cargo of Negroes, and had still on board numerous Water Casks and other Articles used only in Slave Vessels. The British Officer met with no facilities in the execution of his orders, either from the Commandant of the Fort or from the Captain of the Spanish Brigantine, *Bellona*, which was at anchor not far from the *Magico*; and it is even stated that obstacles were thrown in his way by the latter. Indeed, such was the conduct of the last-mentioned Officer, and such the situation of his vessel with respect to the Slave Ship, that Captain Maclean has considered it to be his duty to report that there is strong presumptive proof that he had aided in this violation of the Treaty between Great Britain and Spain for the abolition of the Slave Trade.

I beg leave to observe that the *Magico* is one of the vessels to which I called your Excellency's attention in my Note of the 14th November last. She is announced in the *Diario del Gobierno* of the 12th July as having sailed for San Thomas on the Coast of Africa, and she now reports herself, according to the assertion of the Commander of the *Bellona*, to have come from Sisal; although it is a matter of notoriety and public conversation, that she landed her cargo of Negroes in the Port of Cabanas.

In pursuance of the line of conduct I have uniformly adopted, I take the liberty of

apprizing Your Excellency of all these circumstances, which it will be my painful duty to submit to the consideration of His Britannic Majesty's Government.

I avail myself, &c. &c.

(Signed)

H. T. KILBEE.

His Excellency the Captain-General.

Third Enclosure in No. 98.

H. T. Kilbee, Esq. to the Captain-General.

SIR,

Havannah, January 5th, 1825.

SINCE I had the honour of addressing Your Excellency this morning upon the subject of the Spanish Brigantine, *Magico*, I observe by the *Notocioso*, that that vessel has actually entered this Harbour, being announced as having arrived from *Sisal* in ballast.

I take the liberty of apprizing Your Excellency of this circumstance, conceiving it not to be improbable that it may escape your immediate observation, in the midst of the other numerous and important objects which necessarily occupy Your Excellency's attention.

I avail myself, &c. &c.

(Signed)

H. T. KILBEE.

His Excellency the Captain-General.

Fourth Enclosure in No. 98.

(Translation.)

The Captain-General to H. T. Kilbee, Esq.

SIR,

Havannah, January 6th, 1825.

I HAVE received your letter of the 5th instant, with its Enclosure; and in consequence of their contents, I have considered it to be my duty to transmit them both to His Excellency the Commander-in-Chief of the Naval Forces, in order that he, being apprized of the accusation which the Commander of His Britannic Majesty's Brig makes against the Commander of the *Bellona*, may proceed to the necessary investigation; assuring you, for my part, that I cannot persuade myself that the said Commander of the *Bellona* has afforded protection to the Brig *Magico*, believing her to be a Slave Vessel.

As, by the 9th and 10th Articles of the Treaty, it is directed, that no vessel shall be detained unless in the case of Negroes being found on board, I do not consider that the suspicions which you express, with respect to the *Magico*, are sufficient to warrant her detention; if however I should be mistaken in this opinion, I request that you will make me aware of it, for I feel it to be a very sacred duty to take care that the orders of the King, my Master, are punctually executed.—With this I have answered your two letters dated yesterday.

God preserve you many years,

(Signed)

FRANCISCO DIONISIO VIVES.

The British Commissary Judge.

Fifth Enclosure in No. 98.

H. T. Kilbee, Esq. to the Captain-General.

SIR,

Havannah, January 6th, 1825.

I HAVE received the Official Letter which your Excellency has done me the honour to address to me under this day's date, in reply to my two Notes dated yesterday, upon the subject of the Brigantine "*Magico*."

From the observations which your Excellency has made respecting the 9th and 10th Articles of the Treaty of 1817, I am led to imagine that you are not aware, that an explanatory article, of which I have the honour to enclose a printed Copy, has been subsequently concluded between our respective Sovereigns, in which it is expressly stated, that "if there shall be clear and undeniable proof that a Slave, or Slaves, has or have been put on board a Vessel for the purpose of illegal traffic in the particular voyage on which the Vessel shall be captured, then and on that account, according to the true intent and meaning of the Stipulations of the Treaty, such Vessel shall be detained by the Cruizers and finally condemned by the Commissioners."

Your Excellency, therefore, will perceive that, with the conviction under which His Britannic Majesty's Officers acted, it was solely their respect for His Catholic Majesty's Flag and Fort, that prevented them from capturing the *Magico* and bringing her to this Port for adjudication before the Mixed Commission, by which she would unquestionably have been condemned, had there been sufficient proof of her having had Slaves on board, although they should have been lauded previous to the capture.

But although the circumstance of the Negroes having been landed, and the Vessel having entered this Port, is sufficient to protect her from His Britannic Majesty's Cruizers, and to withdraw her from the jurisdiction of the Mixed Commission, she is still under the controul of the Spanish Laws, and still liable to all the penalties denounced by His Catholic Majesty's Royal *Cedula* of December, 1817.

In my communications with His Catholic Majesty's Authorities respecting illicit Slave Trade, I have always studiously refrained from taking upon myself to point out, in the most remote manner, the line of conduct which the Government of this Island ought to adopt; but as your Excellency has been pleased, with that frankness which has uniformly marked your conduct towards me, to invite me upon the present occasion to give my opinion upon that delicate subject, I feel that I should be failing in my duty were I to withhold it.

I conceive that it is not possible that stronger suspicions can exist, than those which attach to the case of the *Magico*. She sailed from this Port for the Coast of Africa on the 11th of July last, under her present Captain Don Joze Inza, who, as appears by the "Diario del Gobierno," had during the two previous years completed three voyages to the same Coast in different Vessels, with what object no reasonable doubt can be entertained.—After an absence of about five months and a half, she returned to a part of the Coast well known to be frequented by illicit Slave Traders; and when approached by His Britannic Majesty's Cruizers legally authorized to visit her, she made every effort to escape—hoisted the Royal Spanish Flag and pendant, which could have no effect upon the Columbians, if she imagined her pursuers to be such, but might well, as I believe in fact it did, prevent a British Man of War from firing into her.—She at length succeeded in getting into a Port not regularly qualified; and upon being examined on the following morning, was found to have all the appearances (which cannot easily be mistaken) of having just landed a cargo of Negroes. After remaining in that Port the time necessary for her purposes, she finally ventured to present herself before the very eyes of the Government, and boldly entered this Harbour, being publicly announced as coming in ballast, from Sisal, her Captain doubtless trusting once more to the good fortune which had so frequently favoured his enterprises.

This is not all.—I will take upon myself to say, that there is not an individual well versed in the mercantile affairs of this city, who does not know that the *Magico* is a regular Slave Vessel, and was fitted out solely for that traffic; and at this moment it is matter of notoriety and of common conversation that, after her escape, she landed a cargo of 350 Slaves in the Port of Cabañas: that escape, and her subsequent safe arrival here, being celebrated by all the friends of illicit Slave Trade, as a triumph achieved over the Cruizers of His Britannic Majesty.

Your Excellency, I believe, cannot but be aware that there is a general disposition existing here, to look upon the Abolition of the Slave Trade as an object purely English, in which the Spanish Government, to say the least, takes little interest; and this has given rise to a general persuasion, that if Slave Vessels escape British Cruizers, they have nothing to apprehend from the Spanish Authorities. To this persuasion more than to any other cause, I attribute the extraordinary extent of the illicit Slave Trade carried on with this Island;—and I trust that your Excellency will agree with me that it is time to correct the public opinion on this subject.

Under all these circumstances, and being invited by your Excellency, I give my decided opinion, that, as the *Magico*, if outside the Port, would be liable to detention by the Cruizers, and consequently to condemnation by the Mixed Commission; so inside, she, as well as the Negroes brought in her, are within the reach of the Spanish Law; that Law, as I have always conceived, being framed for the sole purpose of enabling the authorities of His Catholic Majesty to carry into effect the stipulations contained in the Slave Trade Treaty, to the printed Official Copy of which it is accordingly always annexed.

This case has attracted the Public attention in an extraordinary degree; and if the offenders are allowed to escape with impunity, I need not point out to your Excellency the injurious consequences that must necessarily follow.—If, on the contrary, vigorous measures are adopted, the most beneficial results may be expected, as then the illicit Slave Traders, will at length be convinced, that it is the real wish and determination of their own Government to put an end to that abominable traffic, which I firmly believe is as contrary to the true interests of this Island, as to the principles of justice and humanity.

I avail myself, &c.

(Signed)

H. T. KILBEE.

His Excellency, the Captain General,

Sixth Enclosure in No. 98.

The Captain-General to H. T. Kilbee, Esq.

(Translation.)

SIR,

Havannah, 7th January, 1825.

I HAVE received your Letter of yesterday's date in answer to mine of the same; and I have to inform you that all the necessary measures shall be adopted in conformity with the

Treaty of 1817; but at the same time I apprise you that the printed Additional Articles, which you have been pleased to transmit to me, and to which you allude in your above-mentioned Letter, have not been received by this Government through any Official channel; and cannot therefore be carried into execution until the resolution of His Majesty shall be known, to whom I will submit the matter by the first opportunity.

God preserve you many years,

(Signed)

FRANCISCO DIONISIO VIVES.

The British Commissary Judge.

Seventh Enclosure in No. 98.

H. T. Kilbee, Esq. to the Captain-General.

SIR,

Havannah 7th January, 1825.

BY your Excellency's Official Letter, of this day's date, which I have just received, I observe that you are pleased to state that, as the printed Articles, the one explanatory of, and the other additional to, the Treaty of 1817, which I had the honour to transmit to you in my note of yesterday's date, have not yet reached this Government Officially, they cannot now be carried into execution.

I now enclose to your Excellency a copy of a *Declaration* signed at Madrid on the 2d of February 1824, in correction of a clerical error which had crept into the above-mentioned *Additional Article*.

I transmit this document to your Excellency, that you may be apprized of its contents, but principally in order that you may be aware, that, since the fall of the Constitutional System during the existence of which those Articles were concluded, His Catholic Majesty has consented to the correction of an error in one of them, which he has consequently confirmed; and as both Articles were signed on the same day, and relate to the same Treaty, it is to be presumed that this confirmation was extended to the other.

I make this observation, in case it should be imagined that the engagements entered into by His Catholic Majesty with Foreign Powers during the Constitutional system, are not binding upon him, after the fall of that system, unless they be confirmed.

The Articles were sent to me Officially by my Government, and by me communicated in the same manner, so long ago as October, 1823, to my Spanish Colleagues; who agreed that they should be acted upon, although not yet received directly from their Government.

Your Excellency cannot for a moment doubt that the real and only cause of those Articles not having been communicated Officially to the Authorities here, was the confusion occasioned by the unhappy events passing in Spain during the year 1823. These Articles have little relation with any other Spanish Possession, and the execution of them belongs almost exclusively to the Government of this Island and to the Mixed Commissions. To imagine, therefore, any other cause for the omission, but that which I have mentioned, would be, in my opinion, a manifest injustice to His Catholic Majesty's Government.

But the Article which I quoted in my note of yesterday as applying to the case of the *Magico*, is not an *additional*, but an *explanatory Article*. It adds no new matter, but merely declares what, in the opinion of the two Governments, is the true intent and meaning of the Stipulations of the Treaty, as concluded in 1817.

For the truth of the assertion that the Spanish Government understands the Treaty in the manner pointed out in that Article, your Excellency has the authority of His Britannic Majesty's Government, communicated officially through me.

For all these reasons, as your Excellency has thought proper to mention the subject to me, I feel it to be incumbent upon me, to state explicitly, but with the greatest deference, my opinion, that the Articles in question, more particularly the explanatory one, are binding upon the Government of this Island.

I avail myself, &c.

(Signed)

H. T. KILBEE.

His Excellency the Captain-General.

Eighth Enclosure (A.) in No. 98.

(Translation.)

The Captain-General to H. T. Kilbee, Esq.

SIR,

Havannah, 9th January, 1825.

IN consideration of what you state to me in your letter of the 7th instant, I must again repeat that, until they reach me through some of the official channels, by which the orders of the King, my Master, are communicated to this Government, I cannot carry into effect the Explanatory and Additional Articles concluded at Madrid on the 10th December, 1822, nor the Declaration of the 2d February, 1824, which you enclose to me in your letter of the 7th instant.

I have read with surprise what you say to me respecting the consent to carry into effect the said Articles, given by the Individuals who, on the part of the Spanish Government

compose the Mixed Commission ; for they could not be ignorant that every alteration, explanation, or amplification, of whatever description, made in the Treaty by the two High Contracting Parties, ought to be communicated to the Commission by their respective Governments ; and I am fully of opinion that you would not have been so compliant in a similar case.

It is not the period at which the Articles of the 10th December, 1822, were concluded, that prevents me from carrying them into effect, but the circumstance of my not having received them through the proper official channel, which can be no other but His Majesty's Government ; and this I state to you, in order to preclude any mistaken interpretation that might be given to my letter of the 7th instant.

It is certainly much to be regretted that when, in October, 1823, you received the Articles in question, and communicated them to your Colleagues officially, you should not have made some indication to me ; for then, as you would have been apprized that I had not received them and could not fulfil them, we might in conjunction have reported the matter to our respective Governments, and the difficulty would ere this have been at an end ; it being very gratifying to me that you do justice to my Government with respect to the involuntary delay in communicating to me the above-mentioned documents.

With reference to what I stated to you under date the 6th instant, I have the honour to enclose a copy of the answer which I have received from His Excellency the Commander-in-Chief of the Naval Forces on this Station ; calling your attention very particularly to the second paragraph of the said answer, in order that, being apprized thereof, notwithstanding that I may write to the Admiral who commands the Forces of His Britannic Majesty at Jamaica upon the subject, you may have the goodness to take on your part whatever steps may be consistent with your powers to prevent a repetition of such disagreeable occurrences, which may disturb the peace and harmony which happily subsist between the two Governments.

God preserve you many years,
(Signed) FRANCISCO DIONISIO VIVES.

The British Commissary Judge.

Eighth Enclosure (B) in No. 98.

(Translation.)

Admiral Gaston to the Captain-General.

MOST EXCELLENT SIR,

Havannah, January 7th, 1825.

I HAVE taken into due consideration the letter and its enclosure which the British Commissary Judge addressed to Your Excellency the day before yesterday, copies of which accompany Your Excellency's of yesterday, in which at the same time you have been pleased to transmit me the answer you have given ;—all relative to the occurrence that has taken place in the Port of Cabañas between the Brigantine of our Lord the King, Bellona, and the British Schooner of War, Union, upon the subject of examining within the said Port the Spanish Merchant Brigantine *Magico* ; supposing the last to be a Slave Vessel, and imputing to the first the aiding in the violation of the Treaty between Spain and England for the Abolition of the Slave Trade.

Nothing can be more exact and opportune than the observation Your Excellency makes towards the close of your answer ; I shall, however, take the necessary steps for the investigation of the case, and according to the result take the proper measures with respect to the Commander of the Bellona, against whom there is as yet no charge proved, except his having had the weakness, forgetful of what the ordinance directs, to consent to the irregular pretension of a Foreign Officer to search a Spanish Vessel at anchor in one of our Ports, and under the fire of a Fortification and of a Vessel bearing the Flag of our Lord the King ; disagreeable occurrences, occasioned by its being tolerated that Foreign Vessels of War should frequent the Ports of this Island examining and sounding them, landing troops and forming huts on shore, respecting which I have lately received official Reports ; for to water and repair damages, they might do so in that of this Capital, where they would be in sight of the Chief Authorities, who would know how to fix proper limits.

All which I state to Your Excellency in reply to your above-mentioned letter.

God preserve Your Excellency many years.

(Signed)

MIGUEL GASTON.

His Excellency Don Francisco Dionisio Vives:

Ninth Enclosure in No. 98.

H. T. Kilbee, Esq. to the Captain-General.

SIR,

Havannah, January 10th, 1825.

HAVING already, at your Excellency's express desire, given my opinion upon the subject respecting which you were pleased to consult me, I should now consider the correspondence as brought to a close, and should confine myself to merely acknowledging the receipt of the

letter, with its enclosure, which you did me the honour to address to me on the 9th instant, were it not that Your Excellency has in that letter touched upon some new topics, which I do not think I should be justified in passing over in silence.

If the present difficulty would have been thereby prevented, I sincerely lament, with your Excellency, that I am not ordered by my Government to communicate to the Chief Authority of the Island, as well as to my Spanish Colleagues, the Instructions sent to me which are immediately connected with the particular duties of the Mixed Commission. To His Catholic Majesty's Commissioners, who act in conjunction with those of His Britannic Majesty, and whose consent and co-operation are absolutely necessary to the execution of such instructions, it is indeed a matter of course that they should be communicated without delay; but to your Excellency it has been probably thought that, there being no such urgent necessity, it would be sufficient, and perhaps more proper, that they should be transmitted in due course through the regular channel.

It is with the most profound regret that I perceive that your Excellency disapproves of His Catholic Majesty's Commissioners having consented to act upon the Articles of December, 1822, upon my communication alone. Such disapprobation, expressed by a person in your Excellency's high station, cannot be a matter of indifference, and must probably be followed by serious consequences; the immediate one, it is natural to suppose, being that my Colleagues, unwilling to be at variance with the Chief Authority, and from that just deference which is due to Your Excellency's opinion, will feel themselves bound to withdraw the consent which they had previously given,—a step pregnant with evils.

The suspension of the execution of those Articles is a matter of very different import as it regards this Government, and as it regards the Mixed Commission. The former has for the rule of its conduct, not only the Treaty, but the Royal Cedula of December, 1817, which is conceived in such comprehensive terms, that it appears to include every possible case of illicit Slave Trade; but the Commission has no other Law but the Treaty, and, if those Articles be not considered binding, will be deprived of some of its most important faculties of which it is likely to be called into the immediate exercise. The uniformity, too, between the Instructions of the Cruizers and those of the Commission will be destroyed; and we may witness the monstrous case of a British Cruizer, in the strict discharge of her duty, and in obedience to the orders of her Government, bringing in a Slave Vessel, regularly proved to be such, the detention of which the Spanish Commissioners, who form a majority, will notwithstanding be bound to declare illegal, and moreover compel the Captor to pay damages. Such a case is likely to occur daily; and would have occurred, but for the proper respect paid by British Officers to the Flag and Fort of Spain.

Your Excellency has been pleased to express your opinion that, in a similar case, I would not have been so compliant as my Spanish Colleagues. Permit me to say that, if I were not, I conceive that I should not perform my duty as I am ordered to perform it;—and a British Commissioner who would refuse to consent to the adoption of a modification of the Treaty, framed in its most perfect spirit—published in an official form by the Spanish Government—communicated by their Authorities—consented to and sanctioned, beyond the possibility of a doubt, by his own Government—who had neglected to transmit to him from some involuntary cause, for which delay they, however, were responsible, and which, he knew, they would deeply regret,—would, I am firmly persuaded, deserve and receive marks of His Majesty's displeasure, as he would be failing in one of his most important duties, namely, the promotion of a spirit of conciliation and harmony between the two Nations.

I shall not fail to point out to my Government that part of the letter of the Commander-in-Chief of the Naval Forces, enclosed in Your Excellency's of the 9th instant, to which you have been pleased to direct my particular attention; that being the only step which I am authorized to take in the matter.

I cannot conclude without earnestly entreating Your Excellency to pause before you take the important step of finally pronouncing your disapprobation of the consent given by His Catholic Majesty's Commissioners to consider as binding upon the Mixed Commission the Articles of December, 1822. The British Government have concluded those Articles upwards of two years—have communicated them to their Commissioners, by whom they have been reported to be in force, and to their Cruizers who are ordered to carry them strictly into effect:—what will be their surprise, therefore, to learn, after such a lapse of time, that the execution of them is now suspended, and perhaps that His Majesty's Officers are compelled to pay damages for carrying into effect their orders, issued in conformity with Stipulations long ago agreed to in the most solemn manner by Spain? Your Excellency is perfectly aware that the delay, however unintentional and involuntary, is to be attributed solely to the Spanish Government; and you are, I believe, as well convinced as I am, that when it shall reach the knowledge of His Catholic Majesty, it will be a subject of deep regret to Him, even although it be not actually productive of any evil effects. I would therefore entreat your Excellency to be pleased to withhold your disapprobation, in consideration of all these motives, and of the fatal consequences that may ensue. But should your Excellency continue of the same opinion, and should the consequence I apprehend with respect to my Colleagues be likely to occur, I request that you will have the goodness to apprise me thereof, in order that I may communicate the same without delay to His Majesty's Government.

I avail myself, &c. &c.

His Excellency the Captain-General.

(Signed)

H. T. KILBEE.

Tenth Enclosure in No. 98.

(Translation.)

The Captain-General to H. T. Kilbee, Esq.

SIR,

Havannah, January 12, 1825.

WHEN I stated to you my opinion upon the subject of the agreement made between you and the other Members of the Mixed Commission, respecting the Additional Articles of December, 1822, it was not my intention to annul that agreement, for that would be to exceed the faculties assigned to me by the Treaty. If, therefore, the case should occur, which is provided for by the said Articles, it being a matter committed exclusively to the Mixed Commission, the latter may deliberate with all the latitude which belongs to it, without my opinion being in any manner alleged as a motive for altering the agreement which has been made between you and the other Members of the Mixed Commission, respecting the execution of the said additional Articles.

This is all I have to say to you in reply to your Letter of the 10th Instant.

God preserve your Excellency many years,

(Signed)

FRANCISCO DIONISIO VIVES.

The British Commissary Judge.

*Eleventh Enclosure in No. 98.**H. T. Kilbee, Esq. to the Captain-General.*

SIR,

Havannah, January 13, 1825.

YOUR Excellency's Official Letter of yesterday's date has just reached me; and by it I perceive that the difficulty is removed, which I had apprehended from the expression of your Excellency's opinion, upon the subject of the consent given by His Catholic Majesty's Commissioners, to consider as binding upon the Mixed Commission the Explanatory and Additional Articles of December, 1822.

I request your Excellency will accept my grateful thanks for this most satisfactory communication which you have been pleased to make to me; and I avail myself, &c. &c. &c.

(Signed)

HENRY T. KILBEE.

His Excellency the Captain-General.

No. 99.

*H. T. Kilbee, Esq. to Mr. Secretary Canning.—(Received
March 16, 1825.)*

(EXTRACT.)

Havannah, January 15, 1825.

I LATELY received from the Captain-General the Letter, of which a Translation is enclosed, upon the subject of the Note I addressed to him on the 14th of November last, already forwarded to you. In this Letter His Excellency states that, according to the Report made by the Head of the Revenue Department, it was necessary that I should specify the Names, with various other particulars, of the Vessels which I had referred to in my above-mentioned Note, as having sailed for the Coast of Africa.

In my reply, a copy of which I have the honour to enclose, I repeated to the Captain-General, that all I knew respecting those Vessels was drawn from the newspaper called the *Diario del Gobierno*: I expressed regret that it should have been judged necessary to require information upon the subject, from one so peculiarly ill-calculated to afford it as myself. I, however, sent a list of the Vessels; and concluded by observing that, as those which sailed for the Coast of Africa were always enjoined not to engage in the Slave Trade, it was natural to suppose that exact and immediate information could be obtained respecting them, at the public office where such injunction was given, and, of course, noted down.

(Signed)

H. T. KILBEE.

The Right Hon. George Canning,
&c. &c. &c.

*First Enclosure in No. 99.**The Captain-General to H. T. Kilbee, Esq.* (Translation.)

SIR,

Havannah, January 11, 1825.

IN consequence of your Letter of the 14th of November last, which I transmitted to His Excellency The Intendant, in order that he might be pleased to direct the Administrator General of the Royal Revenue, to take the necessary steps for the purpose you point out, of which I informed you in my former Letter, of the 17th of the same month, I now state to you, that, for the better and more complete determination of this interesting point, according to what has been reported by the Administrator-General, it is necessary that you should mention the names of the Vessels to which you alluded, those of the Captains and Owners, if it be possible, and the day and month of their departure, specifying, also, those of their entry upon their return, with which explanations he will examine his Books and Notes, and will be enabled to state legally what may result from them.

God preserve you many years.

(Signed)

FRANCISCO DIONISIO VIVES.

The British Commissary Judge.

*Second Enclosure in No. 99.**H. T. Kilbee, Esq. to the Captain General.*

SIR,

Havannah, January 13, 1825.

YOUR Excellency having been pleased to inform me, in your Official Letter of the 11th Instant, that it is necessary, for the purpose therein mentioned, that I should state the names of the Vessels, with various other particulars respecting them, to which I alluded in my Letter of the 14th of November; I beg leave to observe, as I before apprized your Excellency, that my information upon the subject is drawn from the *Diario del Gobierno*; and I regret that, as I am altogether unconnected with commercial affairs, the Administrator-General of the Royal Revenue should have judged it necessary to require information respecting the particulars above referred to, from a person so peculiarly ill-calculated to afford it as myself.

Your Excellency, however, having expressed a desire for it, I have extracted from the *Diaris* the enclosed list *, in which, annexed to the name of each Vessel, will be found the date of the *Diario* in which its departure and its arrival, when that has taken place, are inserted.

For the only further particulars in my power to give, I refer the Administrator-General to the *Diaris* themselves.

Vessels which sail for the Coast of Africa or neighbouring Islands, the nature of their voyage being a matter of suspicion, are, I understand, enjoined strictly not to engage in the Slave Trade; it is natural to suppose, therefore, that in the public office in which such injunction is given, and, consequently, without doubt, noted down, exact and immediate information upon the subject may be obtained.

I avail myself, &c. &c.

(Signed) H. T. KILBEE.

His Excellency the Captain-General,

* The same as that enclosed in No. 96.

No. 100.

H. T. Kilbee, Esq. to Mr. Secretary Canning.—(Received March 16, 1825.)

(EXTRACT.)

Havannah, January 20, 1825.

ON the 17th and 19th Instant, the Spanish Brig *Conquistador*, and the Spanish Schooner *Clara*, entered this Port in ballast, and were announced to be, the first from Prince's Island, and the other from Sisal. The names of these Vessels will be found in the list enclosed in my Despatch of the 1st of January, as having sailed for the Coast of Africa last year. They are said to have landed their Cargoes of Negroes in the Port of Cabañas (into which the *Magico* escaped) or its neighbourhood.

In the present year we have thus already had four arrivals from the Coast of Africa, viz.—the *French* Brig, *Gaspar*; the *Magico*, and the two mentioned in this Despatch. Report says, that the first landed three hundred and

odd Negroes—the second, three hundred and fifty—the *Conquistador*, five hundred and fourteen—and the *Clara*, two hundred and twenty—in all, nearly fourteen hundred. Allowing, therefore, for the mortality during the passage, which is generally very considerable, you will perceive that the calculation, as to the extent of the traffic, made in my Despatch above alluded to, is far below the truth.

(Signed) HENRY T. KILBEE.

The Right Hon. George Canning,
&c. &c. &c.

No. 101.

H. T. Kilbee, Esq. to Mr. Secretary Canning.—(Received
March 20th, 1825.)

SIR,

Havannah, February 8th, 1825.

ON the 2d Instant, the *Spanish Schooner Chatica*, which sailed last year for the Coast of Africa, arrived here (as usual) in ballast, and was stated to be from the *Danish Island of St. Thomas*. She is said to have landed her negroes near Bahia-honda.

The *Magico* has been allowed to sail from hence for Baltimore; from which circumstance it is to be presumed that no proof has been obtained of her having been engaged in the Slave Trade.

This morning the *Spanish Brig San Joze* sailed for Princes' Island, on the Coast of Africa. She is a large vessel, well armed and manned.

A great alarm was excited amongst illicit Slave Traders, by the capture of the *Relampago*; and it was much increased by the presence of several of His Majesty's Vessels of War in this Port. The equipment of some vessels which were preparing for the Traffic, was consequently suspended, and the Share-holders manifested a strong repugnance to advance their money. This alarm, I am sorry to say, has quite subsided, various Slave Vessels having arrived since that capture, without being met by our cruisers. Four or five other Vessels are, I have heard, at this moment fitting out for the Traffic.

The release of a *French Slave Vessel*, which was captured and carried into Jamaica, has given great satisfaction here; as by that decision it is ascertained, that, although it should be found necessary to desist from the Slave Trade under the *Spanish Flag*, it may be carried on with impunity under that of *France*.

I have the honour to be, &c.

(Signed) HENRY T. KILBEE.

The Right Hon. George Canning,
&c. &c. &c.

No. 102.

H. T. Kilbee, Esq. to Mr. Secretary Canning.—(Received
March 20th, 1825.)

SIR,

Havannah, February 14th, 1825.

SINCE I had the honour of addressing you on the 8th instant, another of the Vessels which sailed last year for the Coast of Africa, viz., the Bark *Conchita*, has arrived here, having previously landed, according to common report, one hundred and eighty-nine Slaves in the neighbourhood of Bahia-honda. The *French Brig Gustave*, Héraud Ainé, Master, likewise entered this Port yesterday, and, it is said, had

a few days before landed upwards of four hundred Slaves in the same neighbourhood. She was announced as coming from *Savannah* in ballast.

A *Netherlands* Schooner, called the *Aimable Claudine*, which sailed from hence professedly for New Orleans, towards the close of last month, is, I have strong reason for believing, really destined for the Coast of Africa.

The *Iris* and the *Joaquina*, two *Spanish* Schooners, have cleared out at the Custom-house for Prince's Island, but they have not yet sailed.

I have the honour to be, &c.

(Signed)

HENRY T. KILBEE.

The Right Honourable George Canning,

&c. &c. &c.

No. 103.

Mr. Secretary Canning to H. T. Kilbee, Esq.

SIR,

Foreign Office, March 30th, 1825.

I HAVE received your Despatches up to the 14th ultimo, and I am glad to express to you my sense of the vigilance and industry with which you have watched over every attempt at an infraction of the Slave Trade Treaty with *Spain*, and of the judgment and moderation which have marked the communications which you have made upon the subject.

I am, &c.

H. T. Kilbee, Esq.

(Signed)

GEORGE CANNING.

RIO DE JANEIRO.

No. 104.

His Majesty's Commissioners to Mr. Secretary Canning.—(Received June 17th, 1824.)

(Extract.)

Rio de Janeiro, April 12th, 1824.

WE have the honour to inform you that, on the 10th instant, the first meeting of the Mixed Commission was held, since the departure of Senhor Joze Silvestre Rebello; Senhor Joao Perreira de Souza, the Commissioner of Arbitration, acting as the Brazilian Commissary Judge.

After the transaction of other business, we suggested, in obedience to your Instructions contained in your letter of the 17th of November, 1823, the insertion in the Sentence of Condemnation under the Commission, of a clause, stating, so far as can be ascertained from the Evidence, whether any, and what number of Slaves were seized, and found on board, at the time of detention, and capture. To this the Brazilian acting Commissary Judge readily assented, as no judicial inconvenience could arise therefrom.

We also mentioned the opinion of our Government with respect to the examination of Witnesses in open Court, to which it appeared there would be little or no objection, as this mode of taking Evidence is sanctioned in the lately-adopted Constitution. After the Easter Holidays the Commission will meet again.

(Signed)

H. CHAMBERLAIN.

ALEX. CUNNINGHAM.

The Right Honourable George Canning,

&c. &c. &c.

No. 105.

A. Cunningham, Esq., to Mr. Secretary Canning.—(Received June 17th, 1824.)

SIR,

Rio de Janeiro, April 16th, 1824.

IN the absence of Mr. Hayne, His Majesty's Commissary Judge, upon leave of absence, I have the honour to acknowledge the receipt of your Circular to the various Mixed Commissions established in Foreign Countries, for the Suppression of the Traffic in Slaves, dated 31st January, 1824, wherein Mr. Hayne and myself are reminded, by His Majesty's command, that, in the computation of the period of service after which a *Pension* may eventually be granted to us, that period only can reckon, during which we are upon service at our post; and, it is further stated to us, that, counting from the 5th of last January, one-half only of the *Salary* attached to our present situation can be granted to us, during the period at which we are absent from our posts; and we are therefore directed to be precise in stating the periods of our departure from our post, and of our return thereto, that the Salary to be received by us may be computed accordingly.

In reply, I beg leave to state, on the part of my absent Colleague and myself, that we bow with submission to His Majesty's commands, and will not fail to be precise in stating the periods of our departure from, and of our return to, our post, in the event of our having, at any time, obtained His Majesty's most gracious leave of absence from it.

I have the honour to be, &c.

(Signed)

ALEX. CUNNINGHAM.

The Right Honourable George Canning,
&c. &c. &c.

No. 106.

Mr. Secretary Canning to His Majesty's Commissioners.

GENTLEMEN,

Foreign Office, June 19th, 1824.

I HEREWITH transmit to you, for your information, six copies of Papers, marked A. and B., relative to the Slave Trade, which have been presented to both Houses of Parliament, by His Majesty's command, in the course of the present Session.

I am, &c.

(Signed)

GEORGE CANNING.

His Majesty's Commissioners.

No. 107.

His Majesty's Commissioners to Mr. Secretary Canning.—(Received August 20th, 1824.)

SIR,

Rio de Janeiro, June 16th, 1824.

WE have the honour to acknowledge the receipt of your Despatch, dated 10th of February, 1824, enclosing ten copies of Articles, signed at Lisbon on the 15th of March, 1823, additional to the Convention for preventing illegal Traffic in Slaves, which was concluded at London on the 28th of July, 1817, between the King and His Most Faithful Majesty.

We will not fail, Sir, to consider these Articles as binding upon ourselves for the guidance of our conduct in giving effect to His Majesty's

intentions, in regard to the stipulations therein recorded, and we will embrace the first opportunity of communicating them to our colleagues in the Board of the Commission of which we are members, and to invite them to act in conformity with the tenour thereof.

We have the honour to be, &c.

(Signed)

H. CHAMBERLAIN.

ALEX. CUNNINGHAM.

The Right Honourable George Canning,
&c. &c. &c.

No. 108.

His Majesty's Commissioners to Mr. Secretary Canning.—(Received September 20th.)

(Extract.)

Rio de Janeiro, July 6th, 1824.

WE have the honour to inform you that, since our last Report of January 22d, 1824, no Vessel has been brought into this harbour for adjudication, by any of His Majesty's Ships of War, under suspicion of having been engaged in the illicit Traffic for Slaves.

(Signed)

H. CHAMBERLAIN.

ALEX. CUNNINGHAM.

The Right Honourable George Canning,
&c. &c. &c.

No. 109.

His Majesty's Commissioners to Mr. Secretary Canning.—(Received September 20th.)

(Extract.)

Rio de Janeiro, July 12th, 1824.

IN addition to our despatch of June 16th, 1824, we have the honour to transmit herewith a Copy of the Minute of the Session of the Mixed Commission held on the 21st of June, accompanied by a Translation thereof, from which you will see, Sir, that we have delivered to our colleagues a copy of the additional Articles to the Convention of London, 28th of July, 1817, signed at Lisbon 15th of March, 1823, and at the same time invited them to act in conformity therewith.

We beg leave to point out more particularly to your attention the first paragraph of the enclosed Document, as shewing the precise answer we felt ourselves called upon to give, upon a subject in which we consider it improper for us at all to interfere, and indeed as one wholly foreign to the duties of the Mixed Commission; which answer, we trust, will meet your approbation.

(Signed)

H. CHAMBERLAIN.

ALEX. CUNNINGHAM.

The Right Honourable George Canning,
&c. &c. &c.

Enclosure in No. 109.

Paragrafos da Sessão, de 21 de Junho de 1824.

(Extract.)

SENDO presente em Meza a Portaria da Secretaria de Estado dos Negocios Estrangeiros de 3 do corrente mez, em que determina que nas informações que a Commissão der á mesma Secretaria de Estado deve declarar se os pertendentes, a quem ellas se referem, tem on não jurado a Constituição do Imperio: Os Commissarios Britannicos responderão, que lhes

parecia ser esta huma questão que não entrava nos seus poderes, como Commissarios Britannicos.

Os Commissarios Britannicos exposerão, quetendo recebido do Seu Governo no proximo Paquete ordem para apresentar em Meza Cópias dos Artigos Addicionaes à Convenção concluida em Londres em 28 de Julho de 1817 entre S. M. B., e S. M. F. para a prevençãõ do trafico illicito dos Escravos, assignados em Lisboa aos 15 de Março de 1823, communi-cavaõ estes Artigos aos seus Collegas na Meza da Commissãõ Mixta, e os convidavaõ a obrar na sua conformidade.

O Commissario Brasileiro, que serve de Juiz, respondeo, que elle faria chegar ao Seu Governo a communicaçãõ que acabavaõ de fazer os Commissarios Britannicos, juntamente com os ditos Artigos impressos.

(Signed)

BRAZ MARTINS COSTA PASSOS,
Secretario.

Enclosure in No. 109.

(Translation.)

Minute of the Session of 21st June, 1824.

THERE being laid before the Board, a Portaria, from the Secretary of State's Office for Foreign Affairs, dated 3d of this month, ordering that in all reports which the Mixed Commission might make, it should declare, whether the candidates to whom they relate, have, or not, sworn to the Constitution of the Empire; the British Commissaries answered, that they thought this was not a question which came within their powers as British Commissary Judges.

The British Commissary Judges represented, that having received orders from their Government, by the last packet, to present to the Court a copy of Articles, additional to the Convention made at London on the 28th of July, 1817, between His Britannic Majesty, and His Most Faithful Majesty, against the unlawful traffic in Slaves, signed at Lisbon on the 15th of March, 1823, they communicated those Articles to their colleagues of the Mixed Commission, and invited them to act in conformity therewith. The Brazilian Commissary Judge, ad interim, answered that he would transmit to his Government the communications which the British Commissary Judges had just made, together with the said printed Articles.

(Signed)

BRAZ MARTINS DE COSTA PASSOS,
Secretary.

No. 110.

His Majesty's Commissioners to Joseph Planta, Junior, Esq.—
(Received September 20, 1824.)

SIR,

Rio de Janeiro, 6th July, 1824.

WE have had the honour to receive your despatch of 12th May, 1824, enclosing, for our information, a copy of the Act of the 1st and 2d of George IV., cap. 99, relating to the proceeds of vessels, and cargoes of vessels, taken and condemned in the prosecution of the Slave trade.

We have the honour to be &c.,

(Signed)

H. CHAMBERLAIN,
ALEXANDER CUNNINGHAM.

Joseph Planta, Junior, Esq.,
&c. &c. &c.

No. 111.

His Majesty's Commissioners to Mr. Secretary Canning.—(Received
November 11th.)

SIR,

Rio de Janeiro, 30th August, 1824.

WE have the honour to acquaint you, that on the 10th of April last, Senhor Manuel Joze Friere de Carvalho petitioned the Mixed Commission to take cognizance of a reclamation and protest respecting the condemnation of his Sumaca, the *Esperanza Felix*, in 1822, at Sierra Leone.

The petition not being accompanied by the necessary documents, the Court refused to take the case into consideration.

On the 19th of the present month another petition was presented to the Court by Senhor Francisco Ignacio de Sequeira Nobre, also of the city of Bahia, owner of the Brig *Commerciante*, appealing from the sentence of condemnation pronounced against her in the year 1822, at Sierra Leone; which the Court refused to entertain, because contrary to that part of the 14th Article of the Regulations, which declares that there is to be no appeal against a sentence pronounced by the Commissioners of both countries; and in this case the sentence was given by the British and Portuguese Commissioners.

We beg leave to enclose you copies and translations of the Protocols of the two Sittings herein mentioned.

We have the honour to be, &c.,
(Signed) H. CHAMBERLAIN,
ALEXANDER CUNNINGHAM.

The Right Hon. George Canning,
&c. &c. &c.

First Enclosure in No. 111.

Minutes of the Sessions held on the 10th and 27th April, 1824, by the Mixed Commission at Rio de Janeiro.

EM Sessão de 10 de Abril de 1824, requero Manuel José Freire de Carvalho, que a Commissão Mixta tomasse conhecimento de huma reclamação e Protesta que fez na Bahia, sobre a sua Sumaca Esperança Felix, condemnada boa Preza em Serra Leoa.

A Commissão adiou a decisão para examinar os Papeis, e na Sessão de 27 do mesmo mez de Abril, proferio o seguinte despacho. "A Commissão não toma conhecimento do presente caso, por não apresentar a Parte, os documentos competentes."

(Assignado) BRAZ MARTINS COSTA PASSOS,
Secretario.

(Translation.)

AT the Session of the 10th of April, 1824, Senhor Manuel José Freire de Carvalho petitioned that the Mixed Commission should take cognizance of a Reclamation and Protest made by him at Bahia, upon his Sumaca, Esperanza Felix, condemned as a good prize at Sierra Leone. The Commission put off the decision to examine the papers, and in the Session of the 27th of the same month of April, pronounced the following despatch. "The Commission does not take cognizance of the present case, because the party has not presented the requisite documents."

(Signed) BRAZ MARTINS COSTA PASSOS,
Secretary.

Second Enclosure in No. 111.

Minutes of the Sessions of the 19th and 26th of August, held by the Mixed Commission at Rio de Janeiro.

EM Sessão de 19 de Agosto de 1824, requero Francisco Ignacio de Sequeira Nobre, Negociante de Praça da Bahia, e Proprietario de Brique Comerciante empregado no Comercio da Escravatura, e condemnado boa Preza na Serra Leoa, por sentença proferida em 1822, Appelação contra aquella sentença. A Commissão adiou o decizaõ para examinar os Papeis, e em Sessão de 26 do mesmo mez proferio a sentença seguinte. "Não compete a Commissão tomar conhecimento do presente cazo por estar fora da Convenção de Julho de 1817, segundo o Artigo 14 do Regulamento p^a. as Comissões mixtas: Entreguem-se os documentos á parte, passando Recibo. Rio de Janeiro, 26 de Agosto, 1824.

(Assignado) HENRY CHAMBERLAIN. SOUZA.
ALEXANDER CUNNINGHAM.

(Translation.)

IN the Session of the 19th of August, 1824, Francisco Ignacio de Sequeira Nobre, merchant of the city of Bahia, and owner of the Brig *Commerciante*, employed in the Slave trade, and condemned as a good prize at Sierra Leone, by sentence pronounced in the year

1822, petitioned by an appeal against the said sentence. The Mixed Commission put off the decision, in order to examine the papers, and in the Session of the 26th of the same month gave the following judgment:—

“The Commission cannot take cognizance of the present case, being without the Convention of 28th July, 18 7, according to the 14th Article of the Regulations for the Mixed Commission. Let the documents be delivered to the parties, they giving a receipt.”

(Signed) HENRY CHAMBERLAIN, SOUZA.
ALEXANDER CUNNINGHAM.

No. 112.

His Majesty's Commissioners to Mr. Secretary Canning.—(Received November 11, 1824.)

SIR,

Rio de Janeiro, 18th September, 1824.

WE have the honour to acknowledge the receipt of your despatch, dated 19th of June last, accompanying for our information six copies of papers marked A. and B. relative to the Slave Trade, which were presented to both Houses of Parliament, by His Majesty's Command, in the course of the last Session.

We have the honour to be, &c.,

(Signed)

HENRY HAYNE,

ALEXANDER CUNNINGHAM.

The Right Hon. George Canning,

&c.

&c.

&c.

No. 113.

Mr. Secretary Canning to His Majesty's Commissioners.

GENTLEMEN,

Foreign Office, November 20, 1824.

I SEND to you for your information and guidance, a copy of the Act passed in the last Session of the Parliament of the United Kingdom, (Cap. 113,) for amending and consolidating the Laws of this country relating to the abolition of the Slave Trade; and for your further information and guidance in respect to the 75th clause of that Act, I send to you the copies of a correspondence which has passed between this office and His Majesty's Treasury*, upon the subject of the enactment therein contained, for the transmission of certain Lists and Returns to His Majesty's Treasury.

I am, &c.,

(Signed)

GEORGE CANNING.

His Majesty's Commissioners,

&c.

&c.

&c.

No. 114.

His Majesty's Commissioners to Mr. Secretary Canning.—(Received December 25, 1824.)

SIR,

Rio de Janeiro, 25th October, 1824.

WE have the honour to inform you that no Slave vessel has been brought into this Port by any of His Majesty's Cruisers, for adjudication by the Mixed Commission here established, since our last quarterly report, dated the 6th July last.

We have the honour to be, &c.,

(Signed)

HENRY HAYNE,

ALEXANDER CUNNINGHAM.

The Right Hon. George Canning,

&c.

&c.

&c.

* See Enclosures in No. 9.

S U R I N A M.

No. 115.

Mr. Secretary Canning to His Majesty's Commissioners.

GENTLEMEN,

Foreign Office, May 28, 1824.

I HAVE to acquaint you for your information, and that of the other members of the Board, forming your Commission, that His Majesty's Ship *Thetis* of forty-six guns, commanded by Captain Sir John Phillimore, has been furnished with the Instructions annexed to the Treaty of the 4th of May, 1818, between His Majesty and the King of *The Netherlands*, for the prevention of the Traffic in Slaves.

I am, &c.

(Signed) GEORGE CANNING.

His Majesty's Commissioners.

No. 116.

Mr. Secretary Canning to His Majesty's Commissioners.

GENTLEMEN,

Foreign Office, May 30, 1824.

I HAVE to acquaint you for your information, and that of the other members of your Commission, that the Instructions annexed to the Treaty between His Majesty and the King of *The Netherlands*, for the prevention of the Slave Trade, have been issued to the following Ships and Vessels of His Majesty's Navy, viz.:

Ships' Names.	Guns.	Commanders.
<i>Gloucester</i> ,.....	74	G. F. Rich,
<i>Owen Glendower</i>	42	Sir R. Mends,
<i>Ariadne</i>	26	C. R. Moorsom,
<i>Victor</i>	18	T. Prickett,
<i>Swinger G. V...</i>	12	Lt. J. Scott;

and that the Instructions which had been issued to the Vessels *Iphigenia*, *Sybille*, *Tamar*, *Tees*, *Tyne*, *Thistle*, and *Snapper*, have been recalled and cancelled.

I am, &c.

(Signed) GEORGE CANNING.

His Majesty's Commissioners.

No. 117.

Mr. Secretary Canning to His Majesty's Commissioners.

GENTLEMEN,

Foreign Office, June 19, 1824.

I HEREWITH transmit to you, for your information, six copies of papers marked A. and B. relative to the Slave Trade, which have been presented to both Houses of Parliament, by His Majesty's Command, in the course of the present Session.

I am, &c.

(Signed) GEORGE CANNING.

His Majesty's Commissioners.

No. 118.

J. H. Lance, Esq. to Mr. Secretary Canning.—(Received June 24, 1824.)

SIR,

Surinam, March 29, 1824.

I HAVE the honour to acknowledge the receipt of your three Despatches, dated respectively, the 30th of October, the 17th of November, and the 26th of December, 1823, of last year, which arrived here on the 26th, 27th, and 28th Instant.

In obedience to your Instructions, I immediately acquainted Mr. Lammens, the Dutch Commissary Judge, with the substance of the Despatch of November 17, and suggested to him the propriety of the insertion, in the sentences of Condemnation under the Commission, of a Clause stating, so far as can be ascertained from the evidence given, whether any, and what number of Slaves were seized and found on board, at the time of detention and capture.

I am happy to say, Mr. Lammens immediately agreed to the insertion of such a Clause, in all the future Sentences of Condemnation under the Commission.

With regard to the *Certificates of Emancipation* granted by the Commissioners, when the Vessel itself is liberated; and also the examination of Witnesses in open Court, I shall not fail to press upon my Colleagues, the adoption of those Principles which you lay down upon those points, whenever circumstances shall arise which shall call for their application.

I have the honour to be,

(Signed) J. H. LANCE.

The Right Hon. George Canning,
&c. &c. &c.

No. 119.

J. H. Lance, Esq. to Mr. Secretary Canning.—(Received June 24, 1824.)

SIR,

Surinam, March, 30th, 1824.

I HAVE the honour to enclose for your perusal a Copy of a Paper which has lately been sent to every Plantation and to every Owner of Slaves in this Colony, and which is to be continued annually.

The object of the Government is to ascertain the Name, Age, Occupation, and Religion of every Slave in the Colony, which are to be set down by, and delivered in upon the oath of, the Director or Owner, as the case may be, in the order in which they are arranged in the Enclosure; and if a false Return is afterwards discovered to have been made, the Slaves omitted are instantly forfeited to the Government, and the person making such false Return will be criminally proceeded against before the Fiscal.

If this measure be properly enforced, I humbly conceive that it will more effectually put a stop to future illicit Importations of Negroes than any thing hitherto done for that purpose, and it will in many respects be equal to the Acts of Registration passed in the British Colonies.

I have the honour to be, &c.

(Signed) J. H. LANCE.

The Right Hon. George Canning,
&c. &c. &c.

Enclosure in No. 119.

Form of Return of Slaves.

Opgave van Slaven der Plantagien. 182 .	Ik Ondergetekende van de Plantagie genaamd toebehorende aan verklare dat de Slaven aldaar aanwezig, bestaan uit de navolgende hoofden, te weten :							
NAMEN.	Slaven.				Ouderdom.	Handwerk.	Godsdienst.	AANMERKINGEN.
	Mannen.	Vrouwen	Jongens.	Meisjes.				
Totaal.								

Aldus getrouwelijk en onder presentatie van Eede opgemaakt conform de Publikatie van den Hove van Politie en Kriminele Justitie de dato 18 Augustus 1823, te Suriname op heden den 182 .

Resultaat der belasting over een geheel Jaar.

Hoofdgelden voor Slaven zonder onderscheid van jaren, à f 7 : 10. per hoofd			
10 pCt. Verhoging			
Zegel regt. . .			
Totaal . .			

Nota. Deze Lijsten zullen in de maand Januarij van elk jaar verkrijgbaar zijn ter Generale Kontrôle van Financiën, en moeten ingevuld aldaar worden ingezonden vóór den laatsten van Februarij op eene boete van Vyftig Gulden.

Enclosure in No. 119.

Translation.)

Form of Return of Slaves.

Return of Slaves kept on the Estates. 182 .	I, the undersigned of the Estate, denominated the property of declare, that the Slaves maintained on this Plantation, consist of the following persons, viz. :							
	Slaves.				Age.	Trade.	Religion.	REMARKS.
NAMES.	Men.	Women.	Boys.	Girls.				
Total.								

The above is a true Return, made on oath, pursuant to the order issued by the civil and criminal Court of Judicature, dated August 18, 1823, and delivered at Surinam this 182 .

Imposts payable for one Year.

Head-money payable for Slaves without distinction of age at f 7: 10 per head

10 per cent. increase of ditto

Seal-duty

Total . .

Note. These Lists, blank forms of which may be had in the month of January of each year, at the Office of General Control of Finances, are, on being filled up, to be delivered in at the same, previous to the last day of February, under a penalty of fifty guilders.

No. 120.

Mr. Secretary Canning to His Majesty's Commissioners.

GENTLEMEN,

Foreign Office, July 7, 1824.

I HAVE received Mr. Lance's Despatch of the 30th of March, enclosing a copy of a Blank form to be filled up and renewed annually at every Plantation in Surinam, for the purpose of ascertaining the name, age, occupation, and religion, of every Slave in the Colony.

His Majesty's Government have perused with satisfaction the proof thus given by the Local Authorities of Surinam, of their sincere endeavours to second the humane intentions of their Sovereign, as recorded in the Treaty between Great Britain and the Netherlands, for the Abolition of the Trade in Slaves.

I am, &c.

(Signed)

GEORGE CANNING.

His Majesty's Commissioners.

No. 121.

J. H. Lance, Esq. to Mr. Secretary Canning.—(Received July 7th, 1824.)

SIR,

Surinam, May 3d, 1824.

I HAVE the honour to acknowledge the receipt, on the 30th ultimo, of your Circular dated January 31st, and also of your Despatch of the 4th of February, of this year, with the Enclosures therein contained*.

I have the honour to be, &c.

(Signed)

J. H. LANCE.

The Right Hon. George Canning,
&c. &c. &c.

No. 122:

J. H. Lance, Esq. to Mr. Secretary Canning.—(Received July 7, 1824.)

SIR,

Surinam, May 20, 1824.

I HAVE the honour to inform you that *Mr. Gerurd De Veer* was this day appointed by His Excellency the Governor, acting on the part of His Majesty The King of the Netherlands, Provisional Secretary of the Court of Mixed Commission here, on the resignation of *Mr. Guicherit*, who retires on a Pension.

Mr. Gerard De Veer took the requisite oath to-day, before the members of the Court assembled for that purpose at the request of the Governor, and when his appointment has been confirmed by His Majesty, he will be sworn in before the whole Court in due form.

I have the honour to be, &c.

(Signed)

J. H. LANCE.

The Right Hon. George Canning,
&c. &c. &c.

No. 123.

J. H. Lance, Esq. to Mr. Secretary Canning.—(Received September 9, 1824.)

SIR,

Surinam, July 21, 1824.

I HAVE the honour to acknowledge the receipt of your Despatch of February 4, and also of your Despatch dated May 28, 1824, and in obedience to your instructions contained in the latter, I immediately acquainted the other members of the Board, forming our Commission, that His Majesty's Ship *Thetis* of 46 Guns, commanded by Captain Sir John Phillimore, had been furnished with the *Instructions* annexed to the *Treaty* of the 4th of May,

* See Class B., Session 1824. Nos. 16 and 58.

1818, between His Majesty and The King of the *Netherlands*, for the prevention of the Traffic in Slaves.

Nothing of importance has occurred here since my last Despatch.

I have the honour to be, &c.

The Right Hon. George Canning,
&c. &c.

(Signed)

J. H. LANCE.

No. 124.

C. E. Lefroy, Esq. to Mr. Secretary Canning.—(Received October 19th, 1824.)

SIR,

Paramaribo, Surinam, August 20th, 1824.

I HAVE the honour to announce to you my arrival in this town yesterday, the 19th instant, and that I had the pleasure of finding Mr. Lance in good health; and that I have since waited upon His Excellency the Governor, to acquaint him with my resumption of my official duties.

I have the honour to be, &c.

(Signed)

CHRIS. EDWARD LEFROY.

The Right Hon. George Canning,
&c. &c.

No. 125.

Mr. Secretary Canning to His Majesty's Commissioners.

GENTLEMEN,

Foreign Office, November 20th, 1824.

I SEND to you, for your information and guidance, a copy of the Act, passed in the last Session of the Parliament of the United Kingdom, cap. 113., for amending and consolidating the Laws of this Country for the abolition of the Slave Trade; and, for your further information and guidance, in respect to the 75th Clause of that Act, I send to you the copies of a Correspondence which has passed between this Office and His Majesty's Treasury*, upon the subject of the Enactment therein contained, for the transmission of certain Lists and Returns to His Majesty's Treasury.

I am, &c.

(Signed)

GEORGE CANNING.

His Majesty's Commissioners.

* See Enclosures in No. 9.

No. 126.

His Majesty's Commissioners to Mr. Secretary Canning.—(Received December 13, 1824.)

SIR,

Surinam, September 15, 1824.

WE have the honour to acknowledge the receipt of your Despatch, dated May 30, 1824, acquainting us for our information, and that of the other members of our Commission, that the Instructions annexed to the *Treaty* between His Majesty and the King of *The Netherlands*, for the prevention of the Slave Trade, have been issued to the Ships and Vessels of His Majesty's Navy, following, (viz.) *Gloucester, Owen Glendower, Ariadne, Victor, Swinger*, with the number and names of their Guns and Commanders, and withdrawn from the following, (viz.) *Iphigenia, Sybille, Tamar, Tees, Tyne, Thistle, Snapper*.

We have the honour to be, &c.

(Signed)

CHRIS. EDW. LEFROY.

The Right Hon. George Canning,
&c. &c.

J. H. LANCE.

No. 127.

His Majesty's Commissioners to Mr. Secretary Canning.—(Received February 4th, 1825.)

SIR,

Surinam, November 28th, 1824

WE have the honour to acknowledge the receipt of your Despatch, dated July 7th, 1824.

We have the honour to be, &c.

(Signed) CHRIS. EDWARD LEFROY.

J. H. LANCE.

The Right Honourable George Canning,

&c.

&c.

&c.

No. 128.

Mr. Secretary Canning to His Majesty's Commissioners.

GENTLEMEN,

Foreign Office, February 28th, 1825.

I SEND to you, for your information, and that of the other Gentlemen forming the Board of which you are Commissioners, the accompanying copy of a Letter from the Secretary to the Admiralty*, giving an account of Ships and Vessels in His Majesty's Navy which have been furnished with the Instructions for Cruisers, referred to in the Treaty for the prevention of Slave Trade, concluded between His Majesty and the King of the Netherlands on the 4th of May, 1818.

I am, &c.

(Signed)

GEORGE CANNING.

His Majesty's Commissioners.

* See page Enclosure in No. 61.

No. 129.

Mr. Secretary Canning to His Majesty's Commissioners.

GENTLEMEN,

Foreign Office, April 4th, 1825.

THE Despatch of Mr. Lance, of February 6th, 1824, was communicated to His Majesty's Ambassador at the Hague, who was instructed to urge upon the Government of the Netherlands the expediency of rendering the Netherlands' Regulations, as to the Captors of Slave Traders, more favourable than they appear to have been to the capturing Vessel.

The King of the Netherlands, with that candour which does him honour, admitted the truth of the observations submitted to His Majesty; and has issued a Decree, by which the Officers and Crew of a Netherlands Cruiser, in the case of the Capture of Vessels, afterwards condemned by the Mixed Commission, shall obtain a grant of that portion of the seizure which by right belongs to the Netherlands' Government, the expenses of the trial in the Mixed Commission Court being first deducted; and further, that the Officers and Crew of a Capturing Vessel shall obtain the *nett* proceeds of all Slave Trading Vessels, taken in virtue of the Netherlands Law of the 23d of December, 1824.

I send to you a copy of the Note from the Netherlands' Minister to His Majesty's Acting Minister Plenipotentiary at Brussels, in which the Decree of the 14th of March, 1824, is recorded*.

I am, &c.

(Signed)

GEORGE CANNING.

His Majesty's Commissioners.

* See Class B.

