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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.

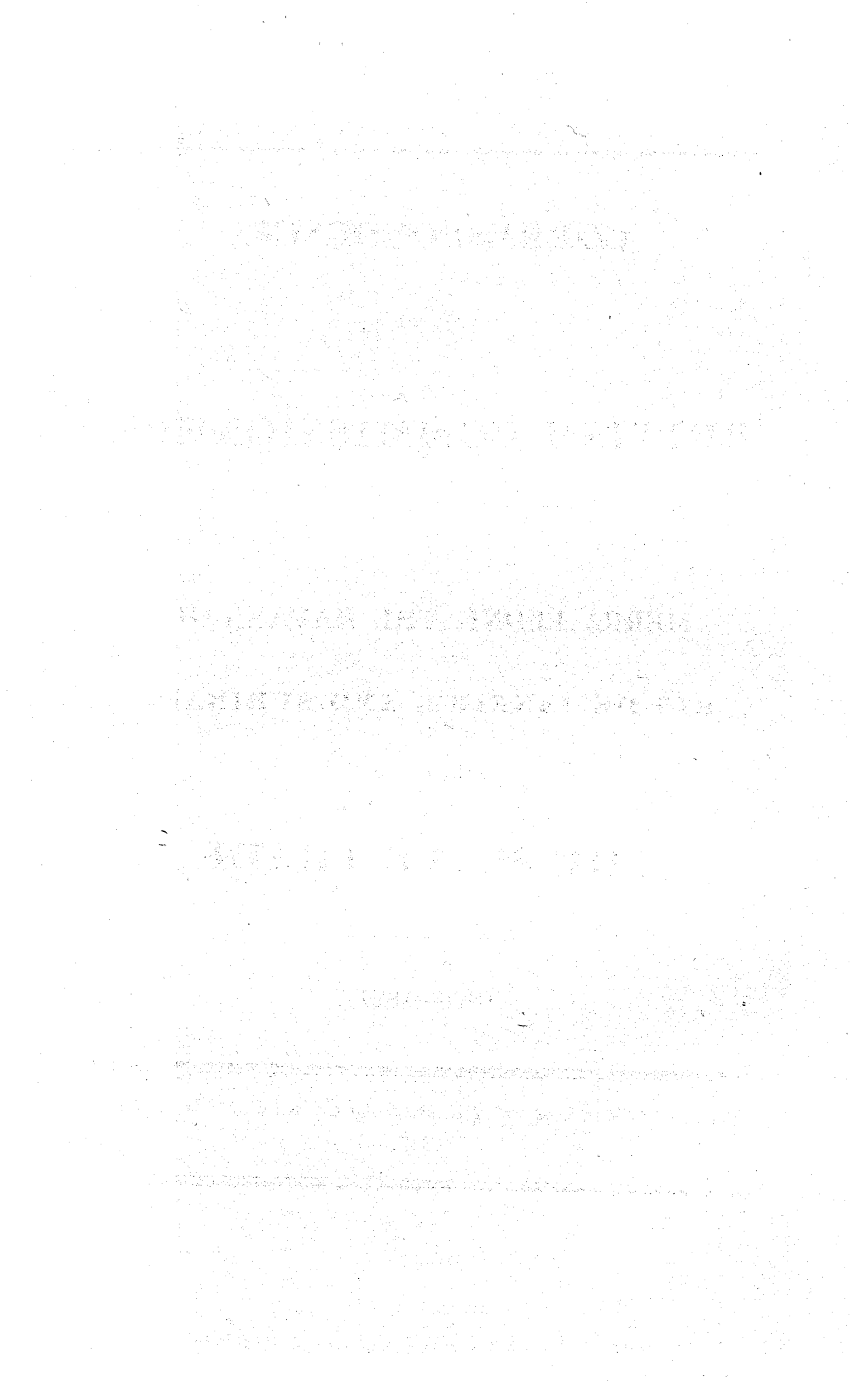
1826—1827.

*Presented to both Houses of Parliament, by Command of His Majesty,
1827.*

LONDON :

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Class A.

CORRESPONDENCE

WITH THE

BRITISH COMMISSIONERS.

SIERRA LEONE. (*General.*)

No. 1.

J. T. Williams, Esq. to Mr. Secretary Canning.—(Received April 24.)

SIR,

Sierra Leone, January 28, 1826.

I HAVE the honour to acquaint you that I arrived at this Place on the 5th instant, and that I lost no time in proceeding to make the requisite arrangements, previous to entering on the functions of the Office which His Most Gracious Majesty has been pleased to entrust to me.

On the 10th, I took the Oaths, in the form prescribed, before the Principal Magistrate, and in the presence of His Excellency Major-General Turner, and the Members of the several Mixed Commissions.

The various Despatches, of which I had the honour to be the hearer, were laid before His Majesty's Acting Commissioners, and, as they relate principally to circumstances of previous occurrence, I beg to refer you to their Despatches, for such information and explanation as may be deemed necessary.

I am given to understand, that some delay has taken place in transmitting the Reports of the Cases of several Vessels adjudicated. I am also aware that this has been mainly owing to the multifarious duties which have occupied, and still continue to occupy, the time and attention of His Excellency the Governor, in carrying into effect matters which are highly important to the present interest, and which materially concern the future prosperity, of this Colony. Some difficulty has also arisen from the absence and sickness of Clerks attached to the Commissioners.

I purpose having the honour again to address you in a few days, and to communicate such information as I have been able to acquire on the present state of the Slave-trade.

I am duly impressed, Sir, with the great importance of the Trust which has been reposed in me; and it shall be my endeavour to prove, by the most strict and conscientious attention to the performance of the duties of my Office, rather than by any present professions, how very anxious I am to merit your approbation, and how highly I value the Charge which has been confided to me.

I have the honour to be, &c.

(Signed)

JOHN TASKER WILLIAMS.

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

No. 2.

Mr. Secretary Canning to His Majesty's Commissioners.

GENTLEMEN,

Foreign Office, May 6, 1826.

I HEREWITH transmit to you, for your information, four 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.

J. T. Williams, Esq. to Mr. Secretary Canning.—(Received May 22.)

SIR,

Sierra Leone, February 28, 1826.

I HAVE the honour to enclose herewith, the Copy of a Letter addressed to me by the Commissioners of West African Enquiry, together with Copies of my Reply, and of the Documents with which they were furnished, in accordance with their Application.

I have the honour to be, &c.

(Signed)

JOHN TASKER WILLIAMS.

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

First Enclosure in No. 3.

Commissioners of West African Enquiry to J. T. Williams, Esq.

SIR,

Sierra Leone, February 14, 1826.

WE request the favour of you to direct that we may be furnished, from the Records of the Mixed Commission Court, with a Statement shewing the number of Slaves (whether men, women, or children) captured; the number adjudicated; and the number condemned at Sierra Leone, in each year; from the earliest period for which the same can be made out.

We have the honour to be, &c.

J. T. Williams, Esq.

(Signed)

JAMES ROWAN.
HENRY WELLINGTON.

Second Enclosure in No. 3.

J. T. Williams, Esq. to the Commissioners of West African Enquiry.

GENTLEMEN,

Sierra Leone, February 15, 1826.

I HAVE to acknowledge the receipt of your Letter of yesterday's date, and in reply beg to acquaint you, that I have instructed the Registrar of the Courts of Mixed Commission to furnish you, as early as possible, with the Documents which you require.

I have the honour to be, &c.

(Signed)

J. T. WILLIAMS.

Major James Rowan, and Henry Wellington, Esq.

Third Enclosure (A) in No. 3.

W. Smith, Esq. to the Commissioners of West African Enquiry.

GENTLEMEN,

Sierra Leone, February 23, 1826.

IN accordance with the directions of His Majesty's Judge of the Mixed Commissions, established at this Place for the prevention of the illicit Traffick in Slaves, I have the honour herewith to send you a Return of the number of Slaves captured, emancipated, and registered, with such other particulars concerning them, as appear by the Records in my Office, from the Establishment of the Courts of Mixed Commission up to the 6th day of February 1826, that being the date of the adjudication of the last Vessel.

I have the honour to be, &c.

(Signed)

WILLIAM SMITH.

Major James Rowan, and Henry Wellington, Esq.

Third Enclosure (B.) in No. 3, continued.

List of Vessels Adjudicated in the Court of the British and Spanish Mixed Commission, shewing the Number of Slaves Captured, Emancipated and Registered, from its Establishment to the 6th Day of February 1826.

| NAME of VESSEL. | Date of Capture. | Where Captured. | | By what Vessel Captured. | NAME of COMMANDER. | Date of the Condemnation of the Emancipation of the Slaves. | Number of Slaves Captured. | Number died before Adjudication. | Number Emancipated and Registered. | | | | REMARKS. | |
|------------------------------|------------------|------------------------------|---------------------|--|------------------------------------|---|----------------------------|----------------------------------|------------------------------------|-------|------|-------|----------|--|
| | | Latitude. | Longitude. | | | | | | Men | Women | Boys | Girls | | Total |
| Neustra Señora de Regla | Aug. 10, 1819 | 4.43. N | 9. 3. W | H. M. S. Morgiana | C. B. Strong | Sept. 13, 1819 | 1 | “ | 1 | “ | “ | “ | 1 | |
| Fabiana | Sept. 18, — | 4.10. N | 7.52. W | H. M. S. Morgiana | C. B. Strong | Oct. 7, 1819 | 13 | “ | 12 | “ | “ | “ | 1 | 13 |
| Jumetta | Sept. 30, — | 5.39. N | 1.21. E | H. M. B. Snapper | J. Henderson | Nov. 12, — | 9 | “ | 7 | “ | 2 | “ | “ | 9 |
| Esperanza | Dec. 10, — | 5.49. N | 9.57. W | H. M. S. Morgiana | C. B. Strong | Dec. 27, — | 40 | 1 | 10 | 12 | 14 | 3 | 39 | |
| | | | | | | | 63 | 1 | 30 | 12 | 16 | 4 | 62 | Total in the Year 1819. |
| Neustra Señora de Nieves | Dec. 11, 1819 | 7. 0. N | 2. 0. W | H. M. S. Morgiana | J. Nash | Jan. 3, 1820 | 122 | 1 | 25 | 24 | 42 | 30 | 121 | |
| Francisco | Jan. 30, 1820 | 10.10. N | 0.40. W | H. M. S. Tartar | Sir G. R. Collier | Feb. 8, — | 69 | “ | 53 | 6 | 8 | 2 | 69 | |
| Gazetta | March 2, — | 5. 0. N | 10.10. W | H. M. S. Tartar | Sir G. R. Collier | March 18, — | 81 | “ | 27 | 13 | 21 | 20 | 81 | |
| Neustra Señora de Monserrate | Oct. 16, — | 6. 8. N | 10.55. W | H. M. B. Thistle | Robert Hagan | Nov. 2, — | 84 | “ | 11 | 3 | 50 | 19 | 83 | One man died after emancipation, but before his description could be taken to be registered. |
| | | | | | | | 356 | 1 | 116 | 46 | 121 | 71 | 354 | Total in the Year 1820. |
| Anna Maria | March 23, 1821 | 4 26. N | Off the River Bonny | { H. M. S. Tartar & H. M. B. Thistle } | Sir G. R. Collier and Lieut. Hagan | May 16, 1821 | 491 | 90 | 191 | 81 | 73 | 55 | 401 | |
| La Caridad | Sept. 4, — | River Bonny, Bight of Biafra | | H. M. S. Myrmidon | H. J. Leeke | Nov. 7, — | 153 | 17 | 60 | 15 | 25 | 36 | 136 | |
| La Nueva Virgen | Sept. 7, — | River Bonny, Bight of Biafra | | H. M. S. Myrmidon | H. J. Leeke | Nov. 7, — | 140 | 34 | 56 | 14 | 11 | 25 | 106 | |
| | | | | | | | 784 | 141 | 307 | 110 | 109 | 116 | 643 | Total in the Year 1821. |
| Rosalía | Jan. 11, 1822 | River Pongos. | | H. M. B. Thistle | Lieut. R. Hagan | Jan. 31, 1822 | 60 | “ | 41 | 10 | 5 | 3 | 59 | One man died after emancipation, but before his description could be taken to be registered. |
| Joseph | Feb. 26, — | 7. 0. N | 10.30. W | H. M. S. Iphigenia | Sir R. Mends | June 18, — | “ | “ | “ | “ | “ | “ | “ | This Vessel had no Slaves on board, but was condemned for being engaged in the illicit Traffick in Slaves. |

(Continued.)

Third Enclosure (B.) in No. 3, continued.

| NAME of VESSEL. | Date of Capture. | Where Captured. | | By what Vessel captured. | NAME of COMMANDER. | Date of the Condemnation of the Vessel, and of the Emancipation of the Slaves. | Number of Slaves Captured | Number died before Adjudication | Number Emancipated and Registered. | | | | REMARKS. | |
|------------------|------------------|-------------------|------------|--|------------------------------|--|---------------------------|---------------------------------|------------------------------------|--------|-------|--------|----------|---|
| | | Latitude. | Longitude. | | | | | | Men. | Women. | Boys. | Girls. | | Total. |
| Dichosa Estrella | April 1, 1822 | Off Cape Mesurado | | H. M. S. Morgiana | Chris. Knight | June 18, 1822 | 29 | " | 10 | 9 | 6 | 4 | 29 | <p>This Vessel was upset off the Mouth of this Harbour in a violent tornado, and all the Slaves on board, excepting the 12 emancipated and registered, perished.</p> <p>Total in the Year 1822.</p> |
| Vecua | April 15, | 4. 22. N. | 7. 22. E. | H. M. S. Iphigenia and H. M. S. Myrmidon | Sir R. Meads and H. J. Leeke | June 25, — | 325 | 108 | 114 | 38 | 42 | 23 | 217 | |
| Ycanam | April 15, | 4. 22. N. | 7. 22. E. | H. M. S. Iphigenia and H. M. S. Myrmidon | Sir R. Meads and H. J. Leeke | June 25, — | 380 | 368 | 6 | 1 | 2 | 3 | 12 | |
| Josefa | August 19, | 3. 0. N. | 6. 35. E. | H. M. S. Driver | Thomas Wolrige | October 5, — | 216 | 33 | 183 | " | " | " | 183 | |
| | | | | | | | 1010 | 509 | 354 | 58 | 55 | 33 | 509 | |
| San Raphael | August 27, | 6. 19. N. | 2. 26. E. | H. M. S. Bann | Charles Phillips | " | " | " | " | " | " | " | " | <p>This Vessel was not condemned, but no Claimant appearing, the Court decreed the sale of the same on the 17th June 1823, and that the proceeds thereof should be lodged in the Registry to await further proceedings in this Case.</p> |
| Maria La Luz | July 3, 1823 | 4. 24. N. | 7. 11. E. | H. M. S. Owen Glen-closter | Sir R. Meads | Sept. 8, 1823 | 184 | 1 | " | " | " | " | 183 | |
| | | | | | | | 184 | 1 | " | " | " | " | 183 | <p>These Slaves were emancipated by decree of the Court, but could not be registered here, they having been landed and delivered over to the Commanding Officer at Cape-Coast-Castle on the fifth August 1823, in consequence of their very debilitated state.</p> <p>Total in the Year 1823.</p> |

(Continued.)

Third Enclosure (B.) in No. 3, continued.

| NAME of VESSEL. | Date of Capture. | Where Captured. | | By what Vessel captured. | NAME of COMMANDER. | Date of the Condemnation of the Vessel, and of the Emancipation of the Slaves. | Number of Slaves Captured. | Number Admitted before | Number Emancipated and Registered. | | | | REMARKS. | |
|---------------------------|------------------|-----------------------|------------|--------------------------|----------------------------|--|----------------------------|------------------------|------------------------------------|--------|-------|--------|----------|---|
| | | Latitude. | Longitude. | | | | | | Men. | Women. | Boys. | Girls. | | Total. |
| Concheta | June 13, 1823 | 4.31. N. | 8.38. E. | H. M. S. Owen Glendower | Sir R. Mends . . . | " | " | " | " | " | " | " | " | <p>This Vessel was not condemned, but the Court decreed the sale of the said Vessel and cargo, as perishable articles, on the 9th: February 1824, and the proceeds thereof were ordered to be paid into the Registry.</p> <p>The Court decreed that the Slaves which were brought in for adjudication in this Vessel were not entitled to be emancipated, they were however delivered over to the Colonial Government.</p> <p>Total in the Year 1824.</p> |
| Fabiana | Sept. 14, — | 4.28. N. | 7.21. E. | H. M. S. Owen Glendower | Sir R. Mends . . . | 118 | " | " | " | " | " | " | " | |
| Espanola | March 7, 1825 | 5.21. N. | 13.13. W. | H. M. S. Atholl | James A. Murray | 270 | " | " | 75 | 32 | 93 | 70 | 270 | |
| Segunda Gallega | Sept. 29, — | 6.13. N. | 3.18. E. | H. M. S. Maidstone . . | Charles Bullen . . . | 285 | 11 | " | 123 | 15 | 114 | 22 | 274 | |
| Clara | Nov. 4, — | 5.15. N. | 10.10. W. | H. M. S. Brazen. | George W. Willes . . . | 36 | " | " | 12 | 9 | 9 | 6 | 36 | |
| | | | | | | 591 | 11 | " | 216 | 56 | 216 | 98 | 580 | |
| | | | | | | | | | | | | | | |
| Teresa | Oct. 6, — | In Old Calabar River. | | H. M. S. Redwing . . . | Douglas C. Clavering | 197 | 191 | " | 6 | " | " | " | 6 | |
| Ana | Oct. 11, — | 3.50. N. | 9.2. E. | H. M. S. Redwing . . . | Douglas C. Clavering | 198 | 68 | " | 56 | 22 | 40 | 18 | 130 | |
| Ninfa Habanera | Nov. 7, — | Off Accra. | | M. M. S. Brazen. | George W. Willes Jan. 3, — | 231 | 3 | " | " | " | " | " | " | |
| | | | | | | 626 | 262 | " | 56 | 22 | 40 | 18 | 136 | |

This Vessel was upset in a tornado in the Bight of Benin, and only 6 Slaves were saved.

The Court decreed that the Slaves, to the number of 228, were not entitled to emancipation, they were, however, delivered over to the Colonial Government.

(Continued.)

Third Enclosure (B.) in No. 3, continued.

List of Vessels Adjudicated in the Court of the British and Portuguese Mixed Commission, shewing the Number of Slaves Captured, Emancipated and Registered, from its Establishment to the 6th Day of February 1826.

SIERRA LEONE.

(General.)

| NAME of VESSEL. | Date of Capture. | Where Captured. | | By what Vessel Captured. | NAME of COMMANDER. | Date of the Condemnation of the Vessel, and of the Emancipation of the Slaves. | Number of Slaves Captured. | Number died before Adjudication. | Number Emancipated and Registered. | | | | REMARKS. | | |
|----------------------|------------------|-----------------------|------------|--------------------------------|------------------------------------|--|----------------------------|----------------------------------|------------------------------------|--------|-------|--------|----------|--|-------------------------|
| | | Latitude. | Longitude. | | | | | | Men. | Women. | Boys. | Girls. | | Total. | |
| Nova Felicidade..... | July 30, 1819 | 2.23. N. | 9.50. E. | H. M. S. Pheasant .. | B. M. Kelly.... | Feb. 24, 1820 | 71 | " | 17 | 11 | 20 | 23 | 71 | These Slaves were emancipated, but not registered. | |
| Cintra | Oct. 26, -- | 6.29 N. | 11.12. W. | H. M. S. Morgiana.. | C. B. Strong ... | June 3, -- | 26 | " | 7 | 4 | 9 | 6 | 26 | | |
| St. Salvador .. | Jan. 25, 1820 | Off River Maana. | | H. M. S. Myrmidon . | H. J. Leeke.... | Liberated June 19, 1820 | " | " | " | " | " | " | " | | |
| | | | | | | | 97 | " | 24 | 15 | 29 | 29 | 97 | | Total in the Year 1820. |
| Donna Eugenia | March 23, 1821 | River Bouny. | 4 26. N. | H. M. S. Tartar and Thistle | Sir G. R. Collier and Lieut. Hagan | May 19, 1821 | 83 | 5 | 29 | 17 | 8 | 24 | 78 | | |
| Constantia ... | April 9, -- | 4.32. N. | 8.34. E. | H. M. S. Tartar and Thistle | Sir G. R. Collier and Lieut. Hagan | June 5, -- | 244 | 90 | 51 | 33 | 32 | 38 | 154 | | |
| Gaviao | April 9, -- | River of Old Calabar. | | H. M. S. Tartar and Thistle | Sir G. R. Collier and Lieut. Hagan | Liberated July 5, 1821 | " | " | " | " | " | " | " | | |
| Adelaide | July 25, -- | 4.15. N. | 0. 0. E. | H. M. S. Pheasant and Myrmidon | B. M. Kelly and H. J. Leeke | Sept. 17, 1821 | 232 | 24 | 116 | 42 | 40 | 9 | 207 | One man died after emancipation, but before his description could be taken to be registered. | |
| Conceicao ... | August 2, -- | River of Old Calabar. | | H. M. B. Snapper .. | Lieut. C. Knight | Sept. 26, -- | 56 | 2 | 22 | 5 | 11 | 16 | 54 | | |
| | | | | | | | 615 | 121 | 218 | 97 | 91 | 87 | 493 | Total in the Year 1821. | |

(Continued.)

Third Enclosure (B.) in No. 3, continued.

| NAME of VESSEL. | Date of Capture. | Where Captured. | | By what Vessel Captured. | NAME of COMMANDER. | Date of the Condemnation of the Vessel, and of the Emancipation of the Slaves. | Number of Slaves Captured. | Number died before Adjudication. | Number Emancipated and Registered. | | | | REMARKS. | |
|-------------------------|------------------|-----------------|------------|---------------------------------|------------------------------|--|----------------------------|----------------------------------|------------------------------------|--------|-------|--------|----------|-------------------------|
| | | Latitude. | Longitude. | | | | | | Men. | Women. | Boys. | Girls. | | Total. |
| El Conte de Villa Flor. | Feb. 21, 1822 | 11.47 N. | R. Bissau | H. M. S. Iphigenia | Sir R. Mends | March 13, 1822 | 172 | 1 | 70 | 46 | 25 | 30 | 171 | |
| Esperança | April 15, — | 6.27 N. | 3.52 E. | H. M. S. Morgiana | C. Knight | June 8, — | 149 | 2 | 102 | 14 | 29 | 2 | 147 | |
| Des de Fevreiro | April 1, — | 5.16 N. | 0.10-30 W. | H. M. S. Iphigenia | Sir R. Mends | June 22, — | 10 | — | 2 | 2 | 3 | 3 | 10 | |
| Esperanza Felix | April 7, — | 6.20 N. | 4.12 E. | H. M. S. Iphigenia and Myrmidon | Sir R. Mends and H. J. Leeke | July 4, — | 187 | 102 | 36 | 28 | 8 | 13 | 85 | |
| Defensora | April 27, — | 4.31 N. | 8.37 E. | H. M. S. Myrmidon | H. J. Leeke | July 4, — | 100 | 20 | 20 | 25 | 20 | 15 | 80 | |
| Estrella | June 29, — | 5. 1. N. | 5.20 E. | H. M. B. Thistle | Lient. R. Hagan | August 6, — | 296 | 4 | 207 | 85 | — | — | 292 | |
| Nymfa d. l. Mar | April 6, — | 6.17 N. | 2.55 E. | H. M. S. Iphigenia | Sir R. Mends | August 28, — | 2 | — | 2 | — | — | — | 2 | |
| St. José Hal-lam | June 23, — | 4.40 N. | — | H. M. B. Thistle | Lient. R. Hagan | August 28, — | 20 | 3 | 13 | 4 | — | — | 17 | |
| Commerciante | Sept. 7, — | River Cameroons | — | H. M. S. Driver | Thomas Wolrige | Dec. 7, — | 179 | 12 | 65 | 82 | — | — | 167 | |
| St. Antonio de Lisboa | October 6, — | 5.35 N. | 3.40 E. | H. M. S. Bann | Charles Phillips | Dec. 23, — | 336 | 19 | 197 | 116 | 4 | — | 317 | |
| Juliana da Pra-ça | Oct. 31, — | 5.43 N. | 3.17 E. | H. M. S. Bann | Charles Phillips | Dec. 30, — | 112 | 13 | 76 | 23 | — | — | 99 | |
| | | | | | | | 1563 | 176 | 810 | 425 | 89 | 63 | 1387 | Total in the Year 1822. |

(Continued.)

SIERRA LEONE. (General.)

Third Enclosure (B.) in No. 3, continued.

| NAME of VESSEL. | Date of Capture. | Where Captured. | | By what Vessel Captured. | NAME of COMMANDER. | Date of the Condemnation of the Vessel, and of the Emancipation of the Slaves. | Number of Slaves Captured. | Number died before Adjudication. | Number Emancipated and Registered. | | | | REMARKS. | | |
|------------------------------|------------------|--|------------|--------------------------|----------------------|--|----------------------------|----------------------------------|------------------------------------|--------|-------|--------|----------|---|-------------------------|
| | | Latitude. | Longitude. | | | | | | Men. | Women. | Boys. | Girls. | | Total. | |
| Conceição . . . | Nov. 13, 1822 | Off the Island of St. Thomas. | | H. M. S. Bann | Charles Phillips | Jan. 13, 1823 | 207 | 9 | 109 | 89 | 1 | | 198 | These two Vessels were liberated by decrees of the Court on the days hereinafter mentioned, the Slaves however were landed and delivered over to the Colonial Government, but not emancipated or registered. Total in the Year 1823. | |
| Magdalena da Praça | Sept. 29, — | 1. 9. N. 7. 54. E. | | H. M. S. Bann | Charles Phillips | Jan. 23, — | 33 | | 32 | 1 | | | 33 | | |
| Nova Sorte . . . | Oct. 14, — | 6. 5. N. 1. 25. E. | | H. M. B. Snapper . . | Lieut. T. H. Rothery | Liberated Feb. 5, 1823 | 122 | | | | | | | | |
| Sinceridade . . . | Dec. 3, — | 0. 80. S. 5. 26. W. | | H. M. S. Bann | Charles Phillips | Liberated Feb. 13, 1823 | 124 | | | | | | | | |
| Bom Caminho | March 10, 1824 | 1. 42. N. 3. 23. E. | | H. M. S. Bann | G. Woolcombe | May 15, 1824 | 334 | 7 | 196 | 50 | 63 | 18 | 327 | | |
| Maria Piqueua | May 8, — | About 4 or 5 miles distant from the Harbour of Port Antonio Princes. | | H. M. S. Victor | John Scott | July 14, — | 11 | | 5 | | 6 | | 11 | | |
| Diana | August 11, — | 2. 15. N. 5. 13. E. | | H. M. S. Victor | G. Woolcombe | Nov. 15, — | 143 | 29 | 45 | 21 | 27 | 21 | 114 | | |
| Dos Amigos Brazileiros | Sept. 18, — | 1. 40. N. 6. 8. E. | | H. M. S. Victor | G. Woolcombe | Nov. 15, — | 260 | 9 | 184 | 37 | 23 | 7 | 251 | | |
| Avizo | Sept. 26, — | 1. 33. N. 7. 7. E. | | H. M. S. Maidstone . | C. Bullen, C.B. | Nov. 19, — | 465 | 41 | 222 | 102 | 66 | 34 | 424 | | |
| | | | | | | | 1213 | 86 | 652 | 185 | 210 | 80 | 1127 | | Total in the Year 1824. |

(Continued.)

Third Enclosure (B.) in No. 3, continued.

| NAME of VESSEL. | Date of Capture. | Where Captured. | | By what Vessel Captured. | NAME of COMMANDER. | Date of the Condemnation of the Emancipation of the Slaves. | Number of Slaves Captured. | Number died before Adjudication. | Number Emancipated and Registered. | | | | REMARKS. | |
|--------------------------|------------------|-----------------|------------|--------------------------|-----------------------|---|----------------------------|----------------------------------|------------------------------------|--------|-------|--------|----------|--|
| | | Latitude. | Longitude. | | | | | | Men. | Women. | Boys. | Girls. | | Total. |
| Bella Eliza... | Oct. 23, 1824 | 2.21. N. | 5.42. E | H. M. S. Bann | G. W. C. Courtney | Jan. 31, 1825 | 371 | 12 | 161 | 49 | 79 | 70 | 359 | Thirty-five died after emancipation, but before the description could be taken to be registered, owing to the wretched state of disease they were in when landed, arising from dysentery and small-pox. Total in the Year 1825. |
| Bom Fin | Jan. 14, 1825 | 2.20. N. | 5.31. E | H. M. B. Swinger | Lieut. E. S. Clerkson | March 19, — | 149 | 4 | 40 | 44 | 41 | 21 | 146 | |
| Bom Jesus dos Navegantes | July 17, — | 4. 0. N. | 4. 4. E. | H. M. S. Esk | W. J. Purchas | Sept. 14, — | 280 | 14 | 104 | 76 | 54 | 32 | 266 | |
| Uniao | Sept. 9, — | 2.23. N. | 4.17. E. | H. M. S. Atholl | J. A. Murray | Nov. 4, — | 361 | 112 | 108 | 21 | 54 | 31 | 214 | |
| Paqueta da Bahia | Nov. 22, — | 5.15. N. | 0.30. E. | H. M. B. Swinger | Lieut. J. C. Giles | Jan. 10, 1826 | 1161 | 142 | 413 | 190 | 228 | 154 | 985 | |
| | | | | | | | 386 | 1 | 147 | 104 | 77 | 57 | 385 | |

ABSTRACT.

| | | | |
|--|------|--|-------|
| Total Number of Slaves Captured in the Year 1819 | 96 | Number died before Adjudication | 1462 |
| Ditto 1820 | 455 | Number Emancipated, but died before their Descriptions could be taken to be Registered | 38 |
| Ditto 1821 | 1399 | Number delivered over to the Colonial Government, not Emancipated or Registered | 626 |
| Ditto 1822 | 2753 | Number Emancipated but not Registered | 254 |
| Ditto 1823 | 670 | Number Emancipated and Registered | 7122 |
| Ditto 1824 | 1331 | | |
| Ditto 1825 | 1752 | | |
| Ditto 1826 | 1046 | | |
| up to February 6. | | | |
| Grand Total | 9502 | Grand Total.. | 9502. |

No. 4.

J. T. Williams, Esq. to Mr. Secretary Canning.—(Received May 22.)

SIR,

Sierra Leone, March 10, 1826.

NOTWITHSTANDING the acknowledged zeal, vigilance and activity, of His Majesty's Squadron on this Coast, and the unremitting assiduity of its Officers in the performance of their duty, to endeavour to check the illicit Traffick in Slaves; and, although His Majesty's Ships have lately captured more Vessels concerned in the prosecution of this detestable Trade, in a shorter space of time than, I believe, at any former period, since the establishment of the Courts of Mixed Commission: still, and it is with a feeling of painful regret I state it, no great diminution appears to have been the consequence—it is still most flourishing.

Of sixteen Vessels taken during the last nine months, seven had taken their Cargoes from Lagos, three from the River Calabar, two from Popo, and Parts adjacent thereto, all which Places are deep in the Bights of Benin and Biafra; and one from a Place called Manna, on the Windward Coast, and about 250 miles to leeward of this Colony: the *Dutch* Vessels "Z" and "La Venus," were bound to the River Bonny, and the "*Bey*" intended taking her Cargo on board from the Gallinas.

It would, therefore, appear evident from these facts, that the Rivers in the Bights of Benin and Biafra, form the principal sources of this Trade; and which is carried on to a great extent under the Flags of *Spain, France, Brazil* and *Holland*; the latter, in most cases, being made the cover of *French* property.

Whilst Miscreants, so engaged, continue to foster by its means the worst feelings of the Native Africans, by so powerfully exciting their cupidity, it cannot be expected that any permanent, or extensive good, can be effected in ameliorating their condition, or extending the blessings of civilization. It is, however, amidst all this evil, matter of congratulation, that in the neighbourhood of this Colony, there exists little, if any, remains of the Slave-trade. The River Sherbro' was, at one period, a principal Emporium for Slaves; but the policy of the late much-lamented Governor, Major-General Turner, gave a deep, and I hope, a death-blow to any further proceedings of that nature there.

The Havannah is the only Port from which Vessels under the *Spanish* Flag clear out for Africa. Whether from the just remonstrances of the British Government, or otherwise, they now clear out, under the pretence of legitimate Commerce, for the Islands of St. Thomas and Princes; which Islands, from their contiguity to the Bights of Benin and Biafra, greatly facilitate the carrying their real object, that of Slaving, into effect.

It has also come to my knowledge, that such Vessels as get off the Coast with safety, land their Slaves at the back of the Island, and then return into the Port of the Havannah in ballast.

Bahia is the principal Port from which Vessels under the *Brazilian* Flag are cleared out for a Slaving-voyage to Molembo; but, in every Case which has of late come before the Court of Mixed Commission for adjudication, it has been most satisfactorily proved, that their Cargoes had been shipped from Lagos: false Logs, and Journals of their Voyages being regularly made out, as if from the Port they swear they came from, and this, of necessity, induces a system of prevarication, and of the grossest perjury.

The vigilance and activity of our Cruizers have been the means of making the Slavers extremely cautious in their proceedings. Until the day of departure, although every preparation for the reception of their Victims is made, not a Slave is embarked; and when that does take place, it is distressing to reflect on the number which is thus taken on board. The poor Wretches may literally be said to be stowed in bulk. The consequence is, (either from contagious disease getting among them, or the length of time

before they arrive at their Place of destination, the Brazilian Vessels being generally very dull sailers,) that the number of deaths which occur, and the squalid, diseased and deplorable state of the Survivors, when landed, are shocking to humanity.

I purpose making the Cases under the *Netherlands* Flag, the subject of a Separate Despatch.

I have the honour to be, &c.

(Signed)

JOHN TASKER WILLIAMS.

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

No. 5.

G. Rendall, Esq. to Mr. Secretary Canning.—(Received June 2.)

SIR,

Sierra Leone, November 10, 1825.

IN consequence of the protracted illness of one Clerk, and the resignation of another, we were deprived of assistance during a period of three Months, and by the departure of one of these Individuals on leave to England, the Commissioners' Office was left without a Writer.

We were, therefore, induced to remove Mr. Bidwell from his Situation of First Clerk of the Registry, to do duty under the Commissioners, with leave to draw the full Salary of Second Writer; and we also engaged a young Gentleman (Mr. Bouverie) who had lately arrived from England as another Writer, with the half Salary of the First.

We sincerely hope, Sir, that these temporary arrangements will meet with your entire approbation.

I have the honour to be, &c.

(Signed) G. RENDALL.

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

No. 6.

G. Rendall, Esq. to Mr. Secretary Canning.—(Received June 2.)

SIR,

Sierra Leone, January 10, 1826.

I HAVE the honour to enclose, herewith, Abstracts of the Proceedings in the several Courts of Mixed Commission established in this Colony, during the last Year.

There were three Cases adjudicated under the British and *Spanish* Mixed Commission, all of them deemed Cases for condemnation, and the number of Slaves emancipated amount to 579.

The number of Cases adjudicated under the British and *Portuguese* Mixed Commission was four, all which were condemned, and the number of Slaves emancipated amount to 1020.

There were three Cases adjudicated in the British and *Netherlands* Mixed Court of Justice; no Slaves were on board any of them at the time of capture; but (falling under the several designations in the Additional Article to the Treaty signed at Brussels, the 25th of January, 1823) the Vessels and their Cargoes were condemned.

The total number of Cases adjudged during the past Year will thus be found to be 10, and the number of Slaves emancipated 1599.

I have the honour to be, &c.

(Signed) G. RENDALL.

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

First Enclosure in No. 6.

Abstract of Proceedings under the British and Spanish Mixed Commission at Sierra Leone, from the 1st of January 1825, to the 1st of January 1826.

(No. 1.)—The Schooner "*Espanola*," under Spanish Colours. Francisco Ramon Roderiguez, Master, was captured by His Majesty's Ship "*Atholl*," commanded by Captain James A. Murray, off the River Gallinas, on the 7th of March 1825, in Latitude 5. 21. North, and Longitude 13. 13. West, with 270 Slaves on board.

Part of the outward-bound Cargo of this Vessel was purchased at Charleston, viz. Tobacco, to the amount of 1200 dollars.

This Vessel was condemned on the 19th of March 1825, and her Slaves were emancipated on the same day.

(No. 2.)—The "*Segunda Gallega*," sailing under Spanish Colours, was captured by His Majesty's Ship "*Maidstone*," Commodore Bullen, C. B., on the 29th of September 1825, in Latitude 6. 13. North, and Longitude 3. 18. East, with 285 Slaves on board.

The Court condemned this Vessel and emancipated her Slaves on the 23d of November 1825.

(No. 3.)—His Majesty's Ship "*Brazen*," commanded by Captain Wilkes, detained the Schooner "*Clara*," otherwise "*Clarita*," Joze Morayo, Master, sailing under Spanish Colours, off Cape Mesurado, in Latitude 5. 15. North, and Longitude 10. 30. West, on the 4th of November 1825, with 36 Slaves on board. These were emancipated, and the Vessel condemned on the 23d of November 1825.

(Signed) GEO. RENDALL.

Second Enclosure in No. 6.

Abstract of Proceedings under the British and Portuguese Mixed Commission at Sierra Leone, from the 1st of January 1825, to the 1st of January 1826.

(No. 1.)—The Schooner "*Bella Eliza*," under Brazilian Colours, Placido Joze de Maio, Master, was captured by His Majesty's Ship "*Bann*," G. W. C. Courtenay, Esq., Commander, on the 23d of November 1824, in Latitude 2. 2. North, and Longitude 5. 42. East, with 371 Slaves on board (being three more than allowed by Passport.) 12 of whom died on their passage up to this Place. She was furnished with a Royal Passport from the Provisional Government at Bahia, dated the 21st of June 1824, authorising a Slave-trading voyage to Molembó.

The Master declared that he took the Slaves on board at Northern Molembó, and when desired to shew that Place upon the Chart, pointed to the Western Bank of the River Lagos, in Latitude 6. 10. North.

This Vessel was condemned, and her Slaves emancipated on the 31st of January 1825.

(No. 2.)—The Schooner "*Bom Fim*," sailing under Brazilian Colours, and commanded by Joaquim Joze de Britto Lima, was captured by His Majesty's Brig "*Swinger*," Lieutenant Edward Stewart Clerkson, Commander, on the 14th of January 1825, in Latitude 2. 20. North, and Longitude 5. 31. East, with 149 Slaves on board, 3 of whom died previous to adjudication.

This Vessel was furnished with a Royal Passport, dated at Bahia, the 23d of August 1824, authorising a Slave-trading voyage to Molembó.

The Master acknowledged having shipped the Slaves in Latitude 6. 16. North, and Longitude 3. 10. East.

The Vessel was condemned, and the Slaves emancipated on the 19th of March 1825.

(No. 3.)—On the 17th of July 1825, in Latitude 4. 0. North, and Longitude 4. 4. East, His Majesty's Ship "*Esk*," W. J. Purchas, Esq. Commander, detained the Sumaca "*Bom Jesus dos Navegantes*," sailing under the Brazilian Flag, Joaõ Perciro, Master, with 280 Slaves on board, (73 more than allowed by Passport) 13 of whom died on their passage up to Sierra Leone.

The Royal Passport given at Bahia, the 21st of January 1825, allowed this Vessel to trade for Slaves at the Ports of Molembó, with liberty to call at the Costa da Mina.

This Vessel was condemned, and the Slaves emancipated on the 14th of September 1825.

(No. 4.)—The Brazilian Schooner "*Uniao*," Jozé Ramos Gomis, Master, arrived here on the 21st of October last, detained by His Majesty's Ship "*Atholl*," Captain Murray, (His Majesty's Ships "*Esk*" and "*Redwing*" in company) on the 9th of September 1825, in Latitude 2. 33. North, and Longitude 4. 17. East, with 361 Slaves on board (being 66 more than allowed by Passport,) 112 of whom died on their passage up to this Place.

This Vessel was furnished with a Royal Passport, dated at Bahia, the 14th of July 1825, authorising a Slave-trading voyage to the Ports of Molembó.

The Master stated that he shipped the Slaves from the River Lagos.

The Vessel was condemned, and the Slaves emancipated on the 4th of November 1825.

(Signed) GEO. RENDALL.

Third Enclosure in No. 6.

Abstract of Proceedings in the British and Netherlands Mixed Court of Justice at Sierra Leone, from the 1st of January 1825, to the 1st of January 1826.

(No. 1.)—The Schooner "Bey" was captured by His Majesty's Ship "Maidstone," Commodore Bullen, C. B., on the 19th of May 1825, off the River Gallinas, sailing under the Netherlands Flag, and commanded by William Woodside having no Slaves on board, but falling under the several designations in the Additional Article to the Treaty signed at Brussels, the 25th of January 1823.

This Vessel was condemned on the 29th of June 1825.

(No. 2.)—The Brig "Z," sailing under Dutch Colours, and commanded by Denis Kere Derne, was captured off the River Andony or Sombrero, on the 31st of July 1825, by His Majesty's Ship "Maidstone," Commodore Bullen, C. B. having no Slaves on board, but falling under the several designations contained in the Additional Article to the Treaty, signed at Brussels, the 25th of January 1823.

The proof of illicit Traffick being clear, the Judges condemned the Vessel and Cargo on the 9th of September 1825.

(No. 3.)—On the 1st of September 1825, His Majesty's Ship "Atholl," Captain Murray, captured the Netherlands Schooner "La Venus," in Latitude 4. 12. North, and Longitude 5. 33. East, not having any Slaves on board, but falling under the several designations contained in the Additional Article to the Treaty signed at Brussels, the 25th of January 1823.

This Case was so exactly similar to those of the "Bey" and "Z," that the Judges, without hesitation, condemned the Vessel and Cargo on the 1st of November 1825.

(Signed) GEO. RENDALL.

No. 7.

G. Rendall, Esq. to Mr. Secretary Canning.—(Received June 2.)

SIR,

Sierra Leone, January 12, 1826.

I HAVE the honour to acquaint you that Mr. John Tasker Williams arrived in this Colony on the 5th instant, and having produced the Commission of His Most Gracious Majesty, appointing him Commissary Judge at Sierra Leone, under the Treaties with Foreign Powers for the suppression of illegal Slave-trade, we had the pleasure of introducing that Gentleman to the Portuguese and Netherlands Commissioners, as well as to the Local Authorities; and, upon the 10th instant, the several Courts of Mixed Commission were duly opened, wherein the prescribed Oaths of Office were administered by the Principal Magistrate of the Place, (Mr. Acting Chief Justice Rendall,) to Mr. Williams, who was then regularly installed as His Majesty's Commissary Judge.

The Archives of the Correspondence of the Commissioners at Sierra Leone will be delivered up to Mr. Williams at the earliest moment after the Proceedings of the Commissioners, *ad interim*, are duly recorded.

I have the honour to be, &c.

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

(Signed) GEO. RENDALL.

No. 8.

J. T. Williams, Esq. to Mr. Secretary Canning.—(Received July 12.)

SIR,

Sierra Leone, March 30, 1826.

WITH reference to my Despatch of the 10th of March, on the subject of the Slave-trade, generally, I now beg to enclose, as tending to corroborate

some of the statements therein made, Copy of a List, given to me by Captain Willes, of Vessels boarded by His Majesty's Ship "Brazen," during her late cruize.

The "*Feliz Africano*,"—(the slaves for which were said to be ready for embarkation, at the moment that might appear most favourable), is fitted for the reception of 670 human beings.

The "*Prince of Guinea*"—(during the last visit of the "Brazen" at "Whydah," this Vessel had just arrived there from America for De Souza, or Cacha as he is called on the Coast), a fine Brig, pierced for 16 guns, carrying a long 24-pounder on a pivot, and six smaller guns at the side; she was supposed to be better constructed for sailing than any Vessel out of America—entirely new. The Master of her stated, that De Souza had given him a very considerable sum of money to build her, fit her out, and load her; her Cargo was landing when the "Brazen" left.—The Master further stated, that she was going to Bahia with palm-oil, for the purpose of changing her Papers, when he would leave her. Captain Willes observed, that he did not suppose any Ship-of-War on the Coast could come up with her, and that there would, therefore, be but little chance of taking her, when she commences Slaving, (for which purpose she is declared to have been purchased and fitted,) unless during a calm, with Boats.—She will not take less than from 500 to 600 Slaves.

The "*Activo*"—(the last Vessel on this List), was detained and sent here for adjudication by His Majesty's Ship "Atholl."

I have the honour to be, &c.

(Signed)

JOHN TASKER WILLIAMS.

The Right Hon. George Canning,

&c. &c. &c.

Enclosure in No. 8.

Vessels boarded by His Majesty's Ship "Brazen."

"*BARBARITA*"—Schooner, 65 tons, 19 men, 1 gun, P. Blanco, Master and Owner, from Havannah, fitted for slaves; boarded by the "Brazen," off Quitta, 20th November 1825.

"*Magico*"—Brigantine, 130 tons, 35 men, 5 guns, Inza, Master, from Havannah; boarded off Whydah, 24th November 1825; fully fitted for slaves.

"*Eliza*"—Schooner, 85 tons, 25 men, from Saint Thomas, under Portuguese Colours, fitted for slaves; boarded off Whydah, 24th November.

"*Feliz Africano*"—Brig, 227 tons, 25 men, 2 guns, Antonio José Gabao, Master, from Bahia, under Brazilian Colours; boarded off Whydah, 24th November, slaves ready to embark, left her at Whydah early in February.

"*Bienfaisant*"—Brigantine, 69 tons, 12 men, Luzet, Master, from Rochelle, under French Colours; boarded off Whydah, 24th November, supposed to be Slaving.

"*Alliance dos Nagoens*"—Brig, 16 men, Luiz de Sylva, Master, from Bahia, under Brazilian Colours; boarded off Whydah, likely to take in her slaves at Little Elmina or Popo; boarded again off Whydah, 24th November; again at Little Elmina, 3d February.

"*Carlota*"—Brigantine, 176 tons, 30 men, 4 guns, José da Costa, Master, from Bahia, under Brazilian Colours; boarded 1st December, likely to take in slaves at Whydah.

"*Nova Brilliante*"—Brig, 260 tons, 20 men, 2 guns, Antonio Alvo de Silva Porto, Master, from Bahia, under Brazilian Colours; boarded by the "Brazen," off Badagry, 28th December.

"*Prince of Guinea*"—Brig, 260 tons, 17 men, 5 guns, from Philadelphia, under American Colours; Cargo said to be bought by De Souza, at Whydah; boarded there 30th December.

"*L'Entreprenante*"—Brig, 216 tons, 18 men, 2 guns, from Bordeaux, Gassris, Master, under French Colours; Cargo consigned to De Souza; boarded at Whydah 31st January.

"*St. Juan*"—Ketch, 49 tons, 18 men, 2 guns, Maul. Dos Santos De Costa, Master, under Brazilian Colours, with a Passport to carry 125 slaves from Molembó; boarded off Ningo, 3d February.

"*Caridade*"—Ketch, 106 tons, 21 men, 2 guns, José de Santa Tarava, Master, under Brazilian Colours; fitted for slaves; boarded to windward of Accra, 5th February.

"*Activo*"—Brig, 149 tons, 21 men, José Pinto, Master, under Brazilian Colours; boarded the 17th November, off Accra, and seen between Badagry and Porto Novo early in February

No. 9.

J. T. Williams, Esq. to Mr. Secretary Canning.—(Received July 12)

SIR,

Sierra Leone, April 5, 1826.

I HAVE very considerable pleasure in communicating to you the return to this Place, on the 1st instant, by the Government Steam Vessel "African," of his Honour D. M. Hamilton, Chief Judge of this Colony.

Mr. Hamilton immediately resumed his functions, as His Majesty's Commissioner of Arbitration, in the Courts of Mixed Commission, and of Justice, a circumstance which is to me most satisfactory, for several reasons, but particularly from the value I attach to the assistance, which his experience will enable him to afford me, in Cases of doubt or difficulty.

I have the honour to be, &c.

(Signed)

JOHN TASKER WILLIAMS.

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

No. 10.

Mr. Secretary Canning to J. T. Williams, Esq.

SIR,

Foreign Office, July 21, 1826.

I HAVE received your Despatch of the 5th of April, reporting that Mr. Hamilton had arrived at Sierra Leone, and had taken upon himself the functions of His Majesty's Commissioner of Arbitration.

I am glad to take this opportunity of expressing my approbation of the diligence, zeal, and good sense which you have shewn in the execution of your duties, during the time in which you have acted as His Majesty's Commissary Judge at Sierra Leone.

I am, &c.

J. T. Williams, Esq.

(Signed)

GEORGE CANNING.

No. 11.

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

(Extract.)

Sierra Leone, May 20, 1826.

WE have been honoured with your Despatch of the 23d of February, enclosing a Communication from the Admiralty, with several Letters and Enclosures from Vice-Admiral Sir Lawrence Halsted, relative to the "arrival at Cuba of a Spanish Vessel, reported to have re-captured, on the Coast of Africa, two Vessels concerned in the Slave-trade, which Vessels have been detained by a British Cruizer, and were on their way to Sierra Leone for adjudication."

We instituted immediate enquiry, in order to gain any information that might assist in elucidating this transaction.

The only Vessel that we could ascertain to be missing, was the Spanish Brigantine "Isabella," detained by His Majesty's Ship "Redwing," Captain Clavering, in Old Calabar River, at the same time (6th October 1825), as the Spanish Schooners "Teresa" and "Ana." With the melancholy fate of the "Teresa," you have already been acquainted, and the Cases of both Vessels have been communicated to you by His Majesty's late Acting Commissioners, in their Despatches of the 10th of January 1826, marked "Spain."

A few loose Papers were lodged in the Registry by Lieutenant Card, the Officer who boarded the "Isabella," the material ones having been conveyed away when the Vessel was deserted; and, as he had left Sierra Leone, no further information could be obtained: we were, therefore, of necessity obliged to defer our enquiries until the return of Captain Clavering.

The "Redwing" having returned to Sierra Leone from a Cruize, a Letter was addressed to Captain Clavering on the 4th of May on this subject; we received his Reply on the 13th, and of which we enclose a Copy.

Captain Clavering was also requested to furnish us with a List of the Officers and crew placed by him on board the "Isabella." A Copy of this Document we also beg leave to enclose for your information, and it is but justice to this excellent Officer to observe, that the number appears fully adequate to the duty.

Two Vessels are mentioned in Vice-Admiral Halsted's Letter to the Admiralty, but our enquiries have been fruitless as to any other than the "Isabella." It is, however, notorious, that a most nefarious system is pursued on the Coast of Africa by Vessels under the Flag of *Spain*.

One of their practices, as we have been given to understand, is to lay in wait for other Slave-vessels, take possession when their lading is completed, and transfer their cargoes.

It has come to our knowledge that the *Netherlands* Schooner "La Venus," (condemned as Prize to His Majesty's Ship "Atholl," Captain Murray,) was detained on her passage to Sierra Leone, by a Brig and Schooner off the Island of St. Thomas, on the 9th of September 1825.

We had no opportunity of conferring with the Party in charge of the *Netherlands* Schooner; but we have understood that, previous to boarding "La Venus," the Brig telegraphed to the Schooner, when she hoisted a red Ensign and pendant, bore up and fired a gun, shotted, at "La Venus;" "La Venus" then hoisted Dutch Colours, (not having any English on board,) the Schooner then shewed Spanish Colours, and again fired; "La Venus" then hove to, and Mr. Hodder, whose charge she was under, was then obliged to go on board the Schooner, where he was detained two hours, and improperly treated. During this time the Brig closed, and the Prize Master was removed from the Schooner on board of her. At noon Mr. Hodder was allowed to return, but with positive orders to keep between the Brig and Schooner. In the night they separated. The Brig was called by the Captain the "Don Pedro," pierced for 22, but mounted only 16 or 18, guns, with a complement of 88 men; painted black, with a white ribbon, sliding gunter royal masts, and had on board, he believes, 600 Slaves. The men on board wanted the Captain to take "La Venus," to which he would not agree.

The Schooner had 2 top-sails, 4 small guns, and a long one a midships on a pivot; does not recollect how she was painted; both Vessels were bound to the Havannah.

Another, and a very recent, instance has occurred. The "*Netuno*," a *Brazilian* Brigantine, detained by His Majesty's Ship "Esk," Captain Purchas, arrived here on the 2d instant, having had a rencontre on her passage with one of these Piratical Spanish Vessels, in which the Prize Master, Mr. Crawford, appears to have acted with a great degree of spirit and firmness.

(Signed)

JOHN TASKER WILLIAMS.
D. M. HAMILTON.

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

First Enclosure in No. 11.

Captain Clavering to J. T. Williams, Esq.

SIR,

His Majesty's Sloop "Redwing," Sierra Leone, May 13, 1826.

IN compliance with your request, I readily proceed to give such information as I am possessed of relative to the Spanish Brigantine "*Isabella*," detained by His Majesty's Ship under my command in October last, which Vessel has been missing since the day of her parting company for Sierra Leone, to which Port she was ordered for adjudication.

On the 5th of October 1825, the Boats were dispatched up the Old Calabar River in quest of Vessels concerned in illegally carrying on the Slave-trade. At day-light, on the 6th, a Schooner and a Brigantine were discovered coming down the River under sail, to whom the Boats immediately gave chase; on nearing them, both hoisted Spanish Colours; the headmost (the Schooner) wearing a broad pendant, opened a fire on the Boats, which was instantly returned, and, after a short contest of about a quarter of an hour, the Boats succeeded in closing, boarding, and carrying the Schooner. The Crew of the Brigantine, seeing the fate of their comrade, took to their Boats, and escaped amongst the Mangrove Bushes, carrying with them also the Papers of the Vessel. From this circumstance we only know of her being called the "*Isabella*," from the verbal Communication of the Captain, Francisco Granelle, and the Crew of the "*Theresa*," who had no hesitation in acknowledging that she was a Spaniard, belonging to Saint Jago de Cuba. This was further corroborated by some loose Letters found on board the Spanish Schooner "*Anna*," being No. 14 of the Papers deposited in that Case in the Mixed Commission Court at Sierra Leone, which, if necessary to be produced, may be obtained at that Court.

At the time of capture the "*Isabella*" had on board 273 Slaves, and the *Theresa* 248. The very crowded state of the former induced me to remove 50 of them into this Ship, which were afterwards put on board the "*Anna*," another Spanish Schooner, which arrived in safety, and was condemned at this Port.

As the fate of the "*Theresa*" is too well known, having been lost in a tornado, I shall confine myself to stating, that the "*Isabella*" parted company on the 9th October for Sierra Leone, officered and manned as per accompanying List, which I trust will be found sufficiently ample to prosecute such further enquiries as may lead to the detection of this most abominable piracy. Since the above period she has never been heard of.

From an attentive perusal of the Letters transmitted by Vice-Admiral Sir Lawrence Halsted to the Lords Commissioners of the Admiralty, I cannot but strongly suspect, that the Brigantine therein mentioned, and called the "*Juanita*," is the identical "*Isabella*," with the circumstance only of her name changed, as the date of her arrival, the 29th of November, corresponds but too well with the time she would have taken to perform that voyage, namely, a period of fifty-one days. The non-appearance of the Officers and men leads me also to the melancholy and distressing conclusion, that they must have been brought to an untimely end.

Having now given all the information that has come to my knowledge, I have only to add, that no official Report was made of her loss when I was last in Port, as it was then still within the bounds of possibility that she might arrive

I have the honour to be, &c.

John Tasker Williams, Esq.

(Signed)

D. C. CLAVERING.

P. S. Of the other Vessel, a Brig mentioned in Sir Lawrence Halsted's Letter, I know nothing further than that she could not be a Prize to any of His Majesty's Squadron on this Station, as no Portuguese Vessel had been detained at that time by the Squadron.

(Signed) D. C. C.

No. 12.

D. M. Hamilton, Esq. to Mr. Secretary Canning.—(Received Oct. 17.)

SIR,

Sierra Leone, August 7, 1826.

I HAVE the honour to acknowledge the receipt of your Letter of the 6th of May last, transmitting, for the information of Mr. Williams and myself, four Copies of Papers, marked A. and B, relative to the Slave-trade, which have been presented to both Houses of Parliament in the course of the present Year.

I have the honour to be, &c.

(Signed) D. M. HAMILTON.

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

No. 13.

D. M. Hamilton, Esq. to Mr. Secretary Canning.—(Received Oct. 17.)

SIR,

Sierra Leone, August 12, 1826.

WITH the deepest sorrow I perform the melancholy duty of communicating to you the loss of my much valued and esteemed Friend and Colleague, Mr. Williams, His Majesty's Commissary Judge, whose death took place the day before yesterday, after his suffering, under a lingering illness, for upwards of three Weeks.

During the short period of the residence of Mr. Williams in this Place, his mild manners and amiable disposition obtained him the friendship of all who knew him, and his loss has proved a source of universal regret.

By the death of Mr. Williams His Majesty has been deprived of the services of a most valuable and zealous Officer, who was always anxious for the proper discharge of the duties of the Office, with which His Majesty had been graciously pleased to entrust him.

Mr. Smart, His Majesty's Advocate, who is at present administering the Government of the Colony, this day, in the presence of the Chief Justice, took the Oaths prescribed by the Act, intituled, "An Act to amend and consolidate the Laws relating to the abolition of the Slave-trade," and entered on the duties of the Office of Commissary Judge to the several Commissions established in this Colony for the prevention of illicit Slave-trade.

I have the honour to be, &c.

(Signed) D. M. HAMILTON.

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

No. 14.

D. M. Hamilton, Esq. to Mr. Secretary Canning.—(Received Nov. 2.)

SIR,

Sierra Leone, August 28, 1826.

IN my Despatch of the 12th instant, I had the honour to inform you that, on that day, Mr. Smart, His Majesty's Colonial Advocate, who was then in the Administration of the Government of the Colony, had taken the Oaths required, and entered on the duties of the Office of Commissary Judge, *ad interim*, in the several Courts of Mixed Commission established at this Place, for the prevention of illicit Traffick in Slaves, in the room of Mr. Williams, deceased.

I now, Sir, beg leave to inform you that, on the 22d instant, Major-General Sir Neil Campbell arrived here from England with a Commission under the Great Seal, appointing him Captain-General and Governor-in-Chief over this Colony and its Dependencies; and he has, in pursuance thereof, assumed the Colonial Government, but has not yet taken upon himself the Office of Commissary Judge, nor do I think it probable he will during his present stay here, as he purposes in a few days proceeding to Cape Coast:—even were he installed in the Office, he could not possibly, during the short interval he intends remaining in the Colony, be expected to pay any attention to the concerns of the Courts of Mixed Commission.

Whether the General means to leave the Colony, during his absence, as has been heretofore the case, without any Commander-in-Chief, or whether he intends to take upon himself to appoint a Lieutenant-Governor, is a matter as yet, I believe, not determined. In the event of the former case, I shall immediately, on his departure, assume the Office of Commissary Judge, and call upon the Colonial Secretary to take upon himself the Situation of Commissioner of Arbitration; and I have no doubt but every thing will then go on in a proper manner. In the event of a Lieutenant-Governor being appointed, and assuming the Office of Commissary Judge, though I fear in that case the business of the Government must be attended to in preference to the business of the Commissions, yet I beg to assure you, Sir, that no exertion shall be wanting on my part in the performance of the duties of the Courts, and to keep the business from getting into arrear.

There are two Cases at present before the Courts for adjudication, which, I am sorry to say, have unavoidably lain over since the time of the late Commissary Judge being taken ill: the short period that Mr. Smart was in the Office, with the duties of the Government, precluded him from considering those Cases, so as to form his Judgment on them.

I would most respectfully beg your opinion, whether, in the event of the absence of both Foreign Commissioners, and of incapacity from temporary illness on the part of His Majesty's Commissary Judge, or Commissioner of Arbitration, the Individual retaining his health can legally constitute the Court of Mixed Commission.

I have the honour to be, &c.

(Signed)

D. M. HAMILTON.

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

No. 15.

D. M. Hamilton, Esq. to Mr. Secretary Canning.—(Received Nov. 14.)

SIR,

Sierra Leone, September 20, 1826.

UPON understanding that his Excellency Sir Neil Campbell would be detained here longer than I at first represented to you, in my Despatch of the 28th Ultimo, in consequence of His Majesty's Ship "Lively," which brought him out, and which was waiting to convey him to Cape Coast, having put to Sea in search of a Pirate, I lost no time in addressing to him, through the Colonial Secretary, a Letter, requesting him to make known to me, for your information, whether it was his pleasure to take upon himself the Office of Commissary Judge prior to his visit to the Gold Coast: a Copy of this Letter, and of the Answer, I have herein enclosed for your information. In consequence of this Correspondence his Excellency was sworn into Office on the 30th of August, as Commissary Judge on the part of His Majesty, and continued in that Office till the 9th instant, during which period one Case was disposed of. On the 9th his Excellency departed for Cape Coast, leaving a Commission with Lieutenant-Colonel Lumley, of the Royal African Corps,

appointing him Lieutenant-Governor, but with Instructions, I believe, only to assume the Government in the event of circumstances requiring his so doing. On Monday the 11th I, consequently, as Principal Magistrate of the Colony, assumed the Office of Commissary Judge, and appointed Mr. Reffell, the Colonial Secretary, Commissioner of Arbitration.

I beg leave to inform you, Sir, that two new Cases have been brought before the Courts for adjudication since I last had the honour of addressing you. In one of these Cases the Vessel brought in is the "*Principe de Guinea*," under *Brazilian* Colours, mentioned in the late Mr. Williams's Despatch of the 30th March last; she was captured after a severe action with a Tender of His Majesty's Ship "*Maidstone*," commanded by Lieutenant Tucker of that Ship, in which many lives were lost: she had on board previous to the action 609 Slaves, out of which two were killed and thirteen drowned during the fight; and thirteen died and two were drowned on the passage up; the remainder, 579 in number, arrived here in a healthy state, except several that, I understand, were wounded in the Engagement. In the other Case the Vessel brought in is called the "*Intrepida*," and was captured under *Spanish* Colours; she had on board when seized 290 Slaves, 56 of whom died in the passage up; the others were landed here in a state of miserable wretchedness from disease. The other Cases remaining in the Courts to be finally disposed of are two—the first of which is that of the "*Perpetuo Defensor*," captured under *Brazilian* Colours, with 366 Slaves on board; she was given up by the Captors, in consequence of her having been seized to the South of the Equator, but Mr. Macaulay, the then Acting Governor, being of opinion the Slaves ought not to be allowed to leave the Harbour, ordered the greatest part of them to be landed from one of the Colonial Vessels (to which they had been removed on their arrival, from motives of humanity) and to be taken possession of, and disposed of, by the Officers of the Colonial Government: the remaining part of the Slaves that were left on board being in a state of mutiny, the Claimant was obliged to land to prevent bloodshed; Mr. Macaulay having threatened to order The King's Advocate to prosecute criminally any one attempting to coerce them. These last were, in like manner, disposed of by the Colonial Government: in consequence a Claim has been made for costs and damages on behalf of the Owners of the Vessel, which have been decreed by the Court, but the Amount has not yet been exactly settled. The remaining Case is that of the "*San Benedicto*," under *Brazilian* Colours, seized by His Majesty's Ship "*Brazen*," Captain Willes; but as it was clearly proved that, though fitted for the Slave-trade, she had not had a Slave on board during the present voyage, the Court released her; but would not award demurrage, in consequence of her having been seized out of the limits, allowed by the Treaty and Convention, for Portuguese Vessels to carry on the Slave-trade. This Case, like the last, is not quite concluded; these two last Cases being Cases of restitution, have unavoidably taken up a great deal of time, but I am in hopes that, by the next Vessel sailing for England, I shall be able to transmit Reports of all the four Cases herein mentioned.

I have the honour to be, &c.

(Signed) D. M. HAMILTON.

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

First Enclosure in No. 15.

D. M. Hamilton, Esq. to J. Reffell, Esq.

SIR,

Freetown, August 29, 1826.

THE business of the Courts of Mixed Commission established in this Colony for the prevention of the illicit Traffick in Slaves, being at present at a stand, in consequence of the Vacancy of the Office of Commissary Judge on the part of His Majesty, and understanding yesterday, while

attending the Council, that his Excellency the Governor was likely to remain longer than he at first supposed in the Colony, in consequence of the departure of His Majesty's Ship "Lively" on a cruise, I have, therefore, to request you will be pleased to call his Excellency's attention to the 54th Clause of the Act of Parliament, passed in the 5th year of the reign of His present Majesty, intituled, "An Act to amend and consolidate the Laws relating to the abolition of the Slave-trade," and to the Regulations annexed to the Treaties and Convention recited in the said Act; and I have further to request you will be pleased to make known to me, for the information of His Majesty's Secretary of State for Foreign Affairs, whether it is his pleasure, during his present stay in the Colony, to take upon himself the Office of Commissary Judge.

Should his Excellency be pleased to signify his intention of assuming that Office, I will do myself the honour of waiting on him in my capacity of Chief Justice, at any time (that my health will allow,) that he may be pleased to appoint, to administer to him the usual Oaths.

I have the honour to be, &c.

J. Reffell, Esq.

(Signed)

D. M. HAMILTON.

Second Enclosure in No. 15.

J. Reffell, Esq. to D. M. Hamilton, Esq.

SIR,

Secretary's Office, Sierra Leone, August 29, 1829.

I HAVE the honour to acknowledge the receipt of your Letter of this Morning, relative to the Vacancy of the Office of His Majesty's Commissary Judge in the Courts of Mixed Commission established in this Colony, and, having submitted the same to his Excellency the Governor, to acquaint you that his Excellency is ready to take upon himself the duties of the said Office, in conformity to the Regulations annexed to the Treaties and Convention recited in the 54th Clause of the Act of Parliament passed in the 5th year of the reign of His present Majesty, and that his Excellency is desirous of taking the usual Oaths of such Office, at the Government-House to-morrow at Two o'Clock, at which hour his Excellency requests your attendance in your capacity of Chief Justice in order to administer the same to him.

I have the honour to be, &c.

D. M. Hamilton, Esq.

(Signed)

J. REFFELL.

No. 16.

Joseph Planta, Jun. Esq. to His Majesty's Commissioners.

GENTLEMEN,

Foreign Office, October 31, 1826.

I AM directed by Mr. Secretary Canning to acquaint you, that you may promote Mr. Magnus to the Situation of First Clerk to the British Commissioners, and Mr. Bidwell to the Situation of Second Clerk, become vacant by the promotion of Mr. Magnus.

These Appointments are to date from the 5th of July last, with the Allowances hitherto attached to those Situations, subject to the Regulations established as to leave of absence.

Mr. Canning has also considered the Representations which were made to him, under your sanction, as to the inadequacy of Salary attached to these Situations, and I have to authorise you, in consequence, to pay, from the 5th of January next, to the Individual holding the Situation of First Clerk, a Salary at the rate of £500 a Year, and to the Individual holding the Situation of Second Clerk, a Salary at the rate of £350 a Year; these Allowances being subject to the existing Regulations as to leave of absence; and I have further to authorise you to acquaint them, that, should their conduct obtain the approbation of their Superiors, and their health require a permanent retirement, at any time after a period of twelve years' actual service at their Post, Mr. Canning will be disposed to recommend them upon such retirement, for a Pension to an amount not exceeding one half of the Salary enjoyed by them in their Situation under the Commission.

Mr. Canning approves of the Arrangement, that the establishment of the Clerks under the British Commissioners shall be entirely separate from that of the Clerks under the Mixed British and Foreign Commissioners; and that the Appointment and Regulation of the Salary of the Clerks under the

Mixed Commission should be vested in the British and Foreign Commissioners jointly ; subject, as far as the British Commissioners are concerned, to the final approval of His Majesty's Secretary of State.

Mr. Canning also approves, that, in the event of the death, or of the absence of either or both of the Clerks of the British Commissioners, you shall procure such temporary aid as the Colony may afford, until the Vacancy is regularly filled up ; in the first instance, by an Appointment by the Secretary of State, in the other instance, by the return to his duties of the Clerk who may have been absent.

The Allowance to be made for temporary assistance on those occasions is left to your discretion ; but you will take care, of course, that it shall not, on any occasion, exceed the regular Salary attached to the Situation.

I should suppose, that, in most cases, it will not be necessary that the temporary Allowance should be placed on so high a scale.

I am, &c.

His Majesty's Commissioners. (Signed) JOSEPH PLANTA, JUN.

No. 17.

Mr. Secretary Canning to His Majesty's Commissioners.

(Extract)

Foreign Office, November 25, 1826.

I HAVE received your Despatches up to the 20th of September last.

The subject of Mr. Hamilton's Despatch, marked General, of the 28th of August, having been referred for the opinion of His Majesty's Law Officer, The King's Advocate has reported, that the Treaties, the Commission, and the Provisions of the Act of Parliament for carrying the same into effect, as consolidated in the 5 Geo. IV. cap. 13, furnish the only safe guide for the exercise of jurisdiction by the Members of the Mixed Commission Courts.

(Signed) GEORGE CANNING.

His Majesty's Commissioners.

No. 18.

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

SIR,

Foreign Office, November 25, 1826.

MR. SECRETARY CANNING has received your Letter of the 12th of August last, and I am directed to acquaint you, in answer, that Mr. Canning will have pleasure in recommending you for the Appointment which you solicit, of His Majesty's Commissary Judge in the Mixed Commission Court at Sierra Leone.

In notifying to you this Appointment, I am directed by Mr. Canning to explain to you the manner in which your future retirement will be regulated, in consequence of your filling Situations of different rank in the Commission.

You are already aware of the Regulation, that no Pension can be granted under the Commission, until the Person who may be permitted to retire shall have completed, at Sierra Leone, in Appointments by The King, under the Mixed Commission at that Place, a period of six years' actual service.

If an Officer in the Mixed Commission, having served in an inferior Situation, shall be promoted to a higher Post in that Commission, and shall be permitted to retire, previously to his having completed three years' actual service, at Sierra Leone, in that higher Appointment, the said Officer shall only receive the Pension allotted to the lower Situation in the Commission.

If, however, the service of the said Officer, in the higher Situation, shall

have exceeded the term of three years, and his whole service under the Commission the period of six years, and that he shall then be permitted to retire, he shall receive the Pension allotted to the higher Situation.

These Regulations will apply to your case; and, as it is intended that this principle shall be acted upon as the general rule for Pensions to be granted for services rendered in the Situations of Commissary Judge, Commissioner of Arbitration, and of Registrar under the Mixed Commission, I am directed to desire that you will deposit in the Archives of the Office at Sierra Leone, a Duplicate, which is herewith sent to you, of this Letter.

I am, &c.

D. M. Hamilton, Esq.

(Signed)

JOSEPH PLANTA, JUN.

No. 19.

Joseph Planta, Jun, Esq. to William Smith, Esq.

SIR,

Foreign Office, November 25, 1826.

MR. SECRETARY CANNING has received your Letter of the 14th of August last, and I am directed to acquaint you, in answer, that Mr. Canning will recommend you for the Appointment which you solicit, of His Majesty's Commissioner of Arbitration, in the Mixed Commission Court at Sierra Leone, which Situation has become vacant by the promotion of Mr. Hamilton to be His Majesty's Commissary Judge in that Court.

In respect to the Pension, which may hereafter be granted to you, I have to refer you to the Letter which, by Mr. Canning's direction, I have, under this date, addressed to Mr. D. M. Hamilton upon this subject, the Regulations contained in which will be equally applicable to you both, in your respective Situations.

I am, &c.

William Smith, Esq.

(Signed)

JOSEPH PLANTA, JUN.

SIERRA LEONE. (Separate.)

No. 20.

William Smith, Esq. to Mr. Secretary Canning.—(Received May 22.)

SIR,

Sierra Leone, March 15, 1826.

I HAVE the honour, herewith, to transmit to you a certified Return, taken from the Register in this Office, of the Number of Slaves emancipated from the 5th day of January 1825, to the 5th day of January 1826.*

The total number registered amounts to 1701.

I deem it also my duty to forward a Return of the Number of Slaves landed from the *Spanish Brigantine*, "Ninfa Habanera," amounting to 228.

These Slaves having been put on board the said Vessel, after capture, by the Caboocer of Popo, at the instance of the Captors, the Judges of the British and Spanish Court of Mixed Commission did not decree their Emancipation; they were, however, delivered over to the Colonial Government.

I have the honour to be, &c.

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

(Signed) WM. SMITH.

* *Mem*: This Enclosure contains the Names and Particulars of Emancipation and Registry of Slaves, from No. 5037 to 6737, inclusive.

No. 21.

George Rendall, Esq. to Mr. Secretary Canning.—(Received June 2.)

SIR,

Sierra Leone, January 12, 1826.

I HAVE the honour to acknowledge the receipt of your Despatch, dated the 7th of October 1825, enclosing, for our information, Copies of two Letters which had passed between the Foreign Office and the Colonial Department, on the subject of filling up, *ad interim*, Vacancies which may occur in the British Judgeships in the Mixed Commission at Sierra Leone.

I have the honour to be, &c.

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

(Signed) GEO. RENDALL.

No. 22.

D. M. Hamilton, Esq. to Mr. Secretary Canning.—(Received Oct. 17.)

SIR,

Sierra Leone, August 15, 1826.

I HAVE the honour to enclose, herewith, a Return of the Slaves emancipated by the Courts of Mixed Commission established in this Colony, for the prevention of illicit Traffick in Slaves, during the period from the 5th of January to the 5th of July, of the present Year.

By this Document you will observe that 1492 Slaves have been emancipated by those Courts in that period.

I have the honour to be, &c.

The Right Hon. George Canning, (Signed) D. M. HAMILTON.
&c. &c. &c.

Mem: The Enclosure contains the Names and Particulars of Emancipation and Registry of Slaves, from No. 6738 to 8227, inclusive, amounting to 1490 Slaves; 2 having died before they were registered.

No. 23.

Joseph Planta, Jun. Esq. to William Reffell, Esq.

SIR,

Foreign Office, November 25, 1826.

MR. SECRETARY CANNING has received your Letter of the 12th of August, and I have the pleasure to acquaint you, by his direction, that Mr. Canning will recommend you for the Situation of Registrar to the Mixed Commission Court at Sierra Leone, which Situation is become vacant by the Appointment of Mr. William Smith to be His Majesty's Commissioner of Arbitration in that Court.

The Salary attached to this Situation is £1000. a Year, but it is diminished by one half in those cases in which a Person holding the Appointment under the Commission, enjoys at the same time any other Situation, with Salary or Emolument under His Majesty's Government.

If, at any period, after six years' actual service at Sierra Leone, in your present Appointment under the Commission, you should be desirous of retiring, the Secretary of State will be disposed, upon due consideration of your services, to recommend you for a Pension, not exceeding in amount the sum of £500. a Year.

I am, &c.

William Reffell, Esq.

(Signed) JOSEPH PLANTA, JUN.

SIERRA LEONE. (Spain.)

No. 24.

G. Rendall, Esq. to Mr. Secretary Canning.—(Received June 2.)

SIR,

Sierra Leone, January 10, 1826.

I HAVE the honour to enclose, for your information, the Report of the Case of the Spanish Schooner "*Segunda Gallega*," whereof Agustin Capera was Master, brought in here for adjudication on the 31st of October last, having been captured in Latitude 6. 13. North, and Longitude 3. 18. East, on the 29th of the previous Month, by His Majesty's Ship "*Maidstone*," Commodore Bullen, C. B., with 285 Slaves on board.

The Court passed Sentence of condemnation of the Vessel, and emancipated the Slaves, on the 23d of November 1825.

I have the honour to be, &c.

The Right Hon. George Canning, (Signed) GEO. RENDALL.
 &c. &c. &c.

Enclosure in No. 24.

Report of the Case of the Spanish Schooner "Segunda Gallega," Agustin Capera, Master.

THIS Vessel arrived in the Harbour of Sierra Leone on the 31st of October 1825, with 276 Slaves on board, consisting of 132 men, 20 women, 105 boys, and 19 girls. On the 2d of November the Ship's Papers were brought into Court, duly attested, by William Gray, Lieut. of His Majesty's Ship, "*Maidstone*," Charles Bullen, C. B. Commodore, and Proceedings were commenced in this Case; a Monition was prayed and issued, citing all Persons having any right, or pretended right, to the said Vessel and Slaves, to appear and make claim, which was afterwards returned certified as duly served.

In Commodore Bullen's Declaration it is stated, that "on the 29th of September 1825, in or about Latitude 6. 13. North, and Longitude 3. 18. East, he detained the Schooner "*Segunda Gallega*," sailing under Spanish Colours, armed with 1 gun, 12 pounder, commanded by Dho Capero, with a crew of 29 men and boys, who declared her to be bound from the River Lagos to the Havannah, having on board 292 Slaves, viz. 145 men, 20 women, 108 boys, and 19 girls."

The Master in his examination, stated, that the Vessel, and the greatest part of the Slaves, belonged to himself, and that he took possession of her in April last; that she is 51 tons burthen; that the present voyage began at the Havannah, but cannot say whether it would have ended at Porto Rico or the Havannah; that 285 Slaves were taken on board during the voyage; they were all shipped at the River Lagos, and that none had died previous to Capture.

Antonio Roderiguez, Steward of the said Vessel, in his Answers to the standing Interrogatories, confirms the Evidence of the Master.

The Case of illicit Slave-trade being thus clearly proved, and no Claim having been made by the Owner, the Court passed Sentence of condemnation on the Vessel, and decreed the emancipation of the Slaves, on the 23d day of November 1825.

(Signed) GEO. RENDALL.

No. 25.

G. Rendall, Esq. to Mr. Secretary Canning.—(Received June 2.)

SIR,

Sierra Leone, January 10, 1826.

I HAVE the honour to enclose, for your information, the Report of the Case of the Spanish Schooner "*Clara*," otherwise "*Clarita*," detained by His Majesty's Ship "*Brazen*," Captain George Wicken Willes, off Cape Mesurado, on the 4th of November 1825, with 36 slaves on board.

This Vessel was brought in here for Adjudication on the 15th of November 1825, and the proof of illicit Slave-trade being perfectly clear, she was condemned by the Court on the 23d of the same month, the Emancipation of the Slaves being decreed on the same day.

I have the honour to be, &c.

The Right Hon. George Canning, (Signed) GEO. RENDALL.
 &c. &c. &c.

Enclosure in No. 25.

Report of the Case of the Spanish Schooner "Clara," otherwise "Clarita," José Morano, Master.

THIS Vessel was sent into the Port of Freetown on the 15th of November 1825, by Captain George W. Willes, with 36 slaves on board, consisting of 12 men, 9 women, 8 boys, 6 girls, and 1 infant. On the same day the Ship's Papers, with the Declaration of the Captor, were lodged in the Registry Office, duly attested by Mr. J. Batt, Admiralty Mate of His Majesty's Ship "*Brazen*." On the 16th of November, a Monition was prayed and issued, calling upon all Persons having, or pretending to have, any right, title, or interest in the said Vessel and Cargo, to appear and make claim, which was returned on the 23d, certified as having been duly served.

Captain Willes, in his Declaration, states, that on the 4th of November 1825, being in Latitude 5. 15. North, and Longitude 10. 30. West, he fell in with and detained the Schooner "*Clarita*," José Morano, Acting Master, with a crew of 14 men, armed with 1 gun and 20 muskets, and having on board 36 slaves, together with some tobacco, spirits, and other articles.

José Morano, the Master, in answer to the Standing Interrogatories, deposed, that the late Master was the Owner; that upon his decease, on the 18th of September last, he appointed himself to the command off Grand Currow; that the present voyage began at the Havannah, and was to have ended there. Gibraltar was the last clearing Port the Vessel sailed from; touched at Grand Currow, Teembo, and the Gallinas, on this Coast during the voyage; she was seized for having slaves on board off Cape Mesurado; sailed under Spanish Colours; her name was the "*Clarita*." The present Cargo consists of 36 slaves, and 450 rolls of tobacco; 33 slaves were taken on board at Teembo, from a man named Brown, and 3 at the Gallinas.

The Boatswain in his examination corroborates fully the evidence of the Master.

It appears by the Papers of this Vessel, that she cleared out from the Havannah with a Crew of 12 men, on the 22d of March 1825, for Gibraltar; that José Peres Munoz was then Master; that on the 4th of July he appeared before the Spanish Consul at Gibraltar, and obtained a Certificate of having shipped 15 men and boys, retaining only the Boatswain and 1 boy of the original Crew; he cleared out also on the same day for St. Thomas' and the Havannah. The whole of the Papers found on board consist only of a Passport for the Vessel, (therein called the "*Clara*,") a List of the Crew, printed rules to be observed by Masters and Officers of Spanish Vessels, a Mediterranean Passport, and a Bill of Health given at Gibraltar.

The case of illicit Traffick being clearly proved, and no Claim having been made on behalf of the Owner or Master, the Court, without hesitation, pronounced Sentence of Condemnation on the said Vessel, and decreed the Emancipation of the Slaves on the 23d day of November 1825.

(Signed) GEO. RENDALL.

No. 26.

G. Rendall, Esq. to Mr. Secretary Canning.—(Received June 2.)

SIR,

Sierra Leone, January 10, 1826.

I HAVE the honour to enclose, for your information, the Report of the Case of the Spanish Schooner "*Teresa*," whereof Francisco Granell was Master.

This Vessel was detained by His Majesty's Ship "Redwing," D. C. Clavering, Esq. Commander, in Old Calabar River, on the 6th of October 1825, with 248 Slaves on board, 50 of whom, on account of her crowded state, were put on board the Spanish Schooner "Ana," also detained by the "Redwing."

The "Teresa" was upset in a tornado on the 19th of October last, when all on board perished, except 8 of the Prize Crew, 4 Spaniards, and 6 Slaves.

The Court, deeming the proofs of illicit Slave-trade to be clearly established, pronounced that at the time of seizure the Schooner "Teresa" was liable to confiscation, and decreed the Emancipation of the surviving Slaves on the 3d day of January 1826.

I have the honour to be, &c.

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

(Signed) GEO. RENDALL.

Enclosure in No. 26.

Report of the Case of the Spanish Schooner "Teresa," Francisco Granell, Master.

UPON the 17th of December 1825, the Papers of this Vessel were brought into Court by Lieutenant Card, of His Majesty's Ship "Redwing" D. C. Clavering, Esq. Commander, and duly attested by him. On the same day, an Affidavit, made by Lieutenant Wilson and Thomas Mac Gowan, Esq., Admiralty Mate, both of His Majesty's Ship "Redwing," was filed, and was in substance as follows: That, on the 8th of October last, by order of Captain Clavering, they took charge of the detained Schooner "Teresa," with 248 slaves on board, and accompanied His Majesty's Ship "Redwing" to the River Cameroons and Cape Formosa. That said Schooner being very crowded, 50 slaves were removed into the Spanish Schooner "Ana;" that on the 19th of October last, at about 2. 30. A. M., being about half a mile from the Ship, with nearly all sail set, the Schooner was suddenly laid on her beam-ends by a tornado, and almost immediately went down; that, by clinging to spars, these Deponents, with 8 of the Prize Crew, 4 Spaniards, and 6 Slaves, were rescued by the Boats of the Ship, after being 7 hours in the water; that 186 Slaves, 4 of the Prize Crew, and 1 Spaniard, were unfortunately lost; 6 slave- had died of fever and dysentery previous to this occurrence. The usual Monition was prayed and issued on the 19th of December, calling upon all Persons having, or pretending to have, any right in the Spanish Schooner "Teresa" to appear and make due Claim; it was returned on the 26th, certified as having been duly served.

The Declaration of the Captor, Captain Douglas Charles Clavering, states, that on the 6th of October 1825, the Boats of His Majesty's Ship "Redwing" detained the Schooner "Teresa" in the Old Calabar River, in about Latitude 4. 35. North, and Longitude 8. 45. East; with 248 slaves on board, who were counted in the presence of the Master and Mate of the said Vessel.

A Certificate, signed "D. C. Clavering, Commander," "Francisco Granell," and witnessed by "Robert Card, Lieutenant," and "William Armstrong, Surgeon," was filed in Court on the 27th of December. It states, that Francisco Granell has petitioned to be landed at the nearest Port. in consequence of sickness and scurvy, which were increasing daily, by living on salt provisions, and which Mr. Armstrong, the Surgeon of the Ship, confirms; that, as the "Teresa" was lost, it was supposed his presence as a Witness was no longer required; that he freely and willingly (knowing the seizure to have been just) gave up all claim to indemnification for her loss; that, in consideration of the above circumstances, Captain Clavering acceded to his request, and landed him at Princes Island.

Pablo Fréxas, in his Answers to the Standing Interrogatories, states, that the Master, Francisco Granell, took possession of the Vessel at Saint Jago de Cuba. She was seized for having slaves on board; sailed under Spanish Colours. The present voyage began at Saint Jago de Cuba, and was to have ended there; it was the last clearing Port. She anchored in Cameroon and Calabar Rivers, to trade for Slaves; was armed with four carronades, some muskets, cutlasses and cartridges; fired one carronade and some muskets at the Boats; does not know who gave the orders to do so; 247 slaves were taken on board, some in the River Calabar, and the remainder in the Cameroons.

By the Vessel's Papers, it appears that the Schooner "Teresa," Francisco Granell, Master, of 85 tons burthen, with a Crew of 23 men and boys, cleared out from Santiago de Cuba on the 4th of May 1825, with a general cargo, for Princes' Island.

The proofs of illicit Slave-trade being so clear, the Court pronounced, that, at the time of seizure, the said Schooner "Teresa" was illegally engaged in the Traffick of Slaves, and, as such, subject and liable to confiscation, and decreed the surviving slaves belonging to the said Schooner "Teresa" to be emancipated on the 3d day of January 1826.

(Signed)

GEO. RENDALL

No. 27.

George Rendall, Esq. to Mr. Secretary Canning.—(Received June 2.)

SIR,

Sierra Leone, January 10, 1826.

I HAVE the honour to forward, for your information, the Report of the Case of the Spanish Schooner, "*Ana*," detained off the River Cameroons on the 11th of October 1825, by His Majesty's Ship "*Redwing*," Douglas C. Clavering, Esq. Commander, having on board at the time of the capture 103 slaves.

This Vessel arrived in the Harbour of Freetown, on the 25th of November last, with 130 slaves, 50 having been put on board from the "*Teresa*," and 45 from the "*Isabella*," and 68 out of the whole number having died on their passage to this Place.

The engagement of this Vessel in the illicit Traffick in Slaves being clearly proved, the Court passed Sentence of Condemnation on the 3d of January 1826, and decreed the Emancipation of the surviving Slaves.

I have the honour to be, &c.

The Right Hon. George Canning, (Signed) GEO. RENDALL.
 &c. &c. &c.

Enclosure in No. 27.

Report of the Case of the Spanish Schooner "Ana," Manoel Sierra, Master.

THE "*Ana*" arrived in Sierra Leone Harbour on the 25th of November 1825, in a wretched condition, having lost 68 slaves on the passage, as appears by the Affidavit of Mr. Taylor, Master of His Majesty's Ship "*Redwing*," Douglas Charles Clavering, Esq., Commander; he deposes that, on the 11th of October last, they detained, off the Cameroons, the Spanish Schooner "*Ana*," with 107 slaves on board, that 50 slaves were put on board said Schooner from the "*Teresa*," and 45 from the "*Isabella*," 2 other Prizes to His Majesty's Ship "*Redwing*," making in the whole 202 slaves; that on the passage up 68 died, chiefly from dysentery; that no Medical Officer was on board, but that Deponent administered medicine to the said slaves to the best of his power, and the greatest care and attention was paid to them. On the 26th of November, the Agent for Captors prayed, that the slaves might be landed, which the Court immediately allowed, the following number, viz. 50 men, 39 boys, 23 women, and 18 girls, making a total of 130 slaves, were then handed over to the Marshal of the said Court, and, ultimately, delivered by him to the Chief Superintendent of Liberated Africans. There were no means of ascertaining the survivors of the slaves belonging to each Vessel separately, as no precaution had been taken for that purpose.

The declaration of the Captor, Captain Clavering, which was filed in Court on the 28th of November, states, that on the 11th of October 1825, he detained the Spanish Schooner "*Ana*" off the River Cameroons, in Latitude 3. 50. North, and Longitude 9. 2. East, having on board 106 slaves, counted in the presence of the Mate, Francisco Carbonell (the Master having been left on shore at Bimbia.)

On the 5th of December the Vessel's Papers were brought into Court, and duly authenticated by Mr. Braund, Purser of His Majesty's Ship "*Redwing*."

The Motion was prayed on the 16th of December, and returned as duly served on the 26th.

Francisco Carbonell, Second Captain, states, in his examination, that the Master, Manoel Sierra, took possession of this Schooner at St. Jago de Cuba. She sailed under Spanish Colours, was seized for having slaves on board; the Schooner's name is the "*Ana*," she is about 80 tons burthen, had a Crew of 27 Officers and Mariners, exclusive of the Master. The voyage began at St. Jago de Cuba, and the Master said it was to have ended there, it was the last clearing Port; touched at Calabar to trade for slaves; first saw Capturing Ship off Bimbia; was captured about 4 leagues off the River Cameroons; was coming from Bimbia; was armed with 4 guns, 5 muskets, some cutlasses, powder, and a few balls; fired 2 guns at the Boats; cannot say who gave the order, as he was lying sick; does not know the Owner of the Vessel; 106 slaves were taken on board at Bimbia; 3 died previous to capture.

The evidence given by Mariano Casa, the Boatswain of the Vessel, is the same in substance with that of the Second Captain, except in the number of slaves said to have been taken on board. The Boatswain states that only 90 slaves were shipped at Bimbia.

The Papers of the Vessel shew that she cleared from Santiago de Cuba on the 8th of June 1825, with a general Cargo for St. Thomas', and a Crew of 25 men and boys commanded by Manoel de Sierra.

The proofs of illicit Slave-trade being thus clearly established, the Court passed Sentence of Condemnation against the Schooner "*Ana*," and decreed the Emancipation of the surviving Slaves on the 3d day of January 1826.

(Signed) GEO. RENDALL.

No. 28.

George Rendall, Esq. to Mr. Secretary Canning.—(Received June 2.)

SIR,

Sierra Leone, January 10, 1826.

I HAVE the honour to enclose, for your information, a Report of the Case of the Spanish Brigantine "*Ninfa Habanera*," José Puiz y Miro, Master, brought in here for adjudication on the 21st of December 1825, having been detained on the 17th of November, off Accra, by His Majesty's Ship "*Brazen*," Captain George Wicken Willes, for having carried 50 Slaves from Accra to Popoe: 231 Slaves were on shore at Popoe at the time of seizure, which the Master acknowledged to be the Cargo belonging to the said Brigantine.

The Cook belonging to the Vessel corroborated the evidence of the Master. It being clearly proved that 50 Slaves had been shipped on board the "*Ninfa Habanera*" during the present voyage, the Court felt no hesitation in passing Sentence of Condemnation of the Vessel, and gave it as their opinion, that most of the Slaves that were brought from Popoe to this Colony, did compose the Cargo belonging to that Vessel, but as they were not on board at the time of capture, the Court could not decree their Emancipation.

I have the honour to be, &c.

The Right Hon. George Canning,

(Signed) GEO. RENDALL.

&c. &c. &c.

Enclosure in No. 28.

Report of the Case of the Spanish Brigantine "Ninfa Habanera," José Puiz y Miro, Master.

THIS Vessel arrived in the Harbour of Freetown on the 21st of December 1825, with 228 slaves on board, consisting of 103 men, 70 women, 35 boys, and 20 girls. On the same day the Ship's Papers, duly authenticated by Lieutenant Walker, of His Majesty's Ship "*Brazen*," together with the Declaration of the Captor, Captain G. W. Willes, were filed in the Registry of the Court.

The usual Monition was prayed and issued on the 22d of December, and returned into Court on the 30th, certified by the Marshal as having been duly served.

The Declaration of Captain George Wicken Willes, commanding His Majesty's Ship "*Brazen*," states, that he detained the Spanish Brigantine "*Ninfa Habanera*," of the Havannah, off Accra, on the 17th of November 1825, for having had slaves on board for the purpose of illicit Traffick during her present voyage; and further, that, on the 22d of November, he obtained from Little Popoe 231 slaves, being the cargo of the said Vessel, acknowledged as such by the Master. José Puiz y Miro, as well as the Caboceer and principal People of Popoe.

The Master, José Puiz y Miro, in answer to the standing Interrogatories, deposed, that the Owner, Emecildo Laureyro, who lives in the Havannah, appointed him to the command of the Vessel on the 31st of May last. She has been called the "*Ninfa Habanera*" for the two last voyages, but was formerly called the "*Segunda Ligera*." She is 150 tons burthen, had a Crew of 46, Officers and Mariners; sailed under Spanish Colours; was seized for having carried 50 slaves from Accra to Popoe. The present voyage commenced at the Havannah, and was to have ended there; it was her last clearing Port; anchored at Quittah, Popoe, and Accra; at the first Place, to ascertain her Longitude, at the two last, to trade for slaves; was captured off Accra on the 17th of November 1825; was armed with 1 twelve-pounder, on a pivot, and 5 carronades, also some muskets, cutlasses, powder and shot. The slaves were put on board the Schooner by the Captain of the Man-of-war. Fifty slaves were taken on board from the time they commenced trading at Accra from the shore, and landed at Popoe; 21 men, 20 women, and 9 children. In answer to special Interrogatories, put by permission of the Court, he stated, that most of the slaves put on board at Little Popoe were the same that he purchased for the Brigantine taken; but some of the healthy ones were exchanged by the Caboceer of Popoe, with whom they were in charge, for sickly ones; they were all confined in one house, the men in irons, the women and children were not; they were in the actual possession of the second Pilot of the Brigantine; believes the Caboceer sent them on board, but cannot be positive; the son of the Caboceer of Popoe and two other people of that Place were on board at the time of capture; they were landed at Little Popoe. He purchased 50 slaves at Accra from a Caboceer named Ancrah. He lives nearer the Dutch Fort than the English; the Brigantine lay equally distant from the Danish and the Dutch Forts, out of gun-shot of the English Fort; the 50 slaves were shipped in Ancrah's Canoes; did not purchase any slaves from Mr. Hansen; made the bargain with Ancrah for the 50 slaves, who distributed the money among his friends; believes one is named Quarty Cudjoe, and knows that Ay; the

brother of Ancrah, is another; the latter is Mr. Hansen's head-man; part of the 50 slaves were supplied by him; does not know if they were on Mr. Hansen's account; Ay was with Ancrah daily; was there when the agreement was made for the 50 slaves; went once to Mr. Hansen's House to purchase a barrel of tar, and another time with a Spanish Captain to purchase a piece of silk. Mr. Hansen did not recommend Ancrah to him, nor did he ever speak about slaves; does not know if Mr. Hansen authorized the sale of the slaves, or whether the purchase was by his order, or on his account; Mr. Hansen did not send him to Ancrah, nor does he know if the slaves were furnished by Mr. Hansen's orders.

Luiz de Seppe, the Cook belonging to this Vessel, was also examined upon the Standing Interrogatories, and corroborated the evidence of the Master.

The Vessel's Papers shew that she was fitted out at the Havannah, from whence she cleared for Princes Island on the 14th of June 1825, with a general Cargo of dry goods, rum, tobacco, &c.

The fact of 50 slaves having been shipped on board the "Ninfa Habanera" at Accra, during the present voyage, and afterwards landed at Popoe, being clearly proved, the Court felt no hesitation, on the 3d of January 1826, in pronouncing Sentence of Condemnation against the Vessel, as having been illegally engaged in the Slave-trade at the time of capture, but as it was proved that no slaves were actually on board the "Ninfa Habanera" when detained by His Majesty's Ship "Brazen," and as no satisfactory evidence was given of the means by which the 231 slaves shipped at Popoe were obtained by the Captors, the Court could not decree their Emancipation; at the same time expressing its opinion, that most of the slaves brought to this Colony, in the said Brigantine "Ninfa Habanera," did compose the Cargo belonging to that Vessel.

(Signed) GEO. RENDALL

No. 29.

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

SIR,

Sierra Leone, March 25, 1826.

HEREWITH we have the honour to transmit to you, a Report of the Case of the Spanish Schooner "*Iberia*," detained by His Majesty's Ship "Brazen," Captain G. W. Willes, on the 27th December 1825, for being engaged in illicitly Trading in Slaves.

The Adjudication of the "*Iberia*," took place on the 21st instant, and as the Traffick in Slaves is by Treaty entirely prohibited to the Subjects of His Catholick Majesty, and this Vessel having been actually found with 422 slaves on board at the time of capture, no difficulty could arise regarding the decision, and Sentence of Condemnation was, therefore, pronounced against her.

We have the honour to be, &c.

(Signed) JOHN TASKER WILLIAMS.
GEO. RENDALL.

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

Enclosure in No. 29.

Report of the Case of the Spanish Schooner "Iberia", Andres Insua, Master.

THIS Vessel was captured by His Majesty's Ship "Brazen," Captain G. W. Willes, on the 27th day of December 1825, in Latitude 4. 25. North, and Longitude 3. 43. West, having, as he states in his Declaration, 325 slaves on board. She arrived in this Harbour the 22d January 1826, and was immediately visited by the Surgeon of the Court, who recommended, that as the slaves on board were in a very crowded state, and many suffering from dysentery, as well as 15 cases of small-pox, and also many emaciated and debilitated, that those in a healthy state should be allowed to be landed instantly, and those suffering from small-pox, dysentery, &c. be kept on board, and the Vessel placed in quarantine, till such time as the infection ceased. A Petition was immediately made to the Court to land the healthy slaves, which was granted, and the Vessel placed in quarantine for some days, owing to which the Papers in this Case were not filed until the 28th January; which having been done, a Monition was prayed for and granted on the 31st, citing the Parties interested in the Case, to appear and shew cause why she should not be condemned as lawful Prize.

This Vessel, by the Papers found on board, of which there were only four, viz. Passport, List of Crew, Countersign, and Bill of Sale, declare her to have cleared out from Havannah on the 16th July 1825, for the Island of Princes on the Coast of Africa, for legitimate Commerce, and not to trade for slaves; and yet, on the 6th of October following, she is boarded by the Boats of His Majesty's Ship "Maidstone," while lying at anchor at Lagos, as appears by the endorsement of the Boarding Officer on the back of her Papers. It is necessary to remark that, as no Log, or any other Papers or Writings than those above stated, were found on board of her, there can be no doubt but that they were destroyed during the chase of the said Vessel, which occupied 50 hours, yet the Master declares, in his Examination, that no Papers, Letters, Writings or other Documents, which were on board the Vessel, when she took her departure from the last clearing Port, and before capture, were burnt, torn, thrown overboard, destroyed, cancelled or concealed. He further declares, that the present voyage began at the Havannah, and when his Cargo was completed, it was to have ended there.—Havannah was the last clearing Post previous to capture. The Schooner anchored at Accra and Lagos; during the voyage in which she was taken; she anchored at Accra to purchase provisions, and at Lagos to trade, half of the Cargo having been damaged from the length of time it had been on board; he was obliged to purchase slaves, as he could not wait any longer to get palm-oil and ivory, and those slaves he took on board to sell along the Coast from Lagos to Accra, (he would have passed them up by land, but a war between the King of Lagos and the King of Badaggery prevented his doing so), and with the proceeds of them he intended to purchase palm-oil, ivory, and other produce; he further declares, that 422 slaves were taken on board altogether, from the time the trading for them commenced to the completing of the Cargo, and that he is the sole Owner of them, and of the Vessel, which last fact is corroborated by the Bill of Sale found on board, and the former by Pedro Salvo, Carpenter of the said Schooner, who, in every other material point, corroborates the Master's Declaration.

This Case presented no difficulty, the Treaty being plain and explicit, the Slave-trade to Spanish Vessels being totally prohibited.—The Court did not hesitate in pronouncing the condemnation of the said Schooner, and that 422 slaves were on board at the time of capture, 417 of whom were decreed to be Emancipated, 5 having died before Adjudication.

(Signed)

JOHN TASKER WILLIAMS.
GEO. RENDALL.

Sierra Leone, March 25, 1826.

No. 30.

D. M. Hamilton, Esq. to Joseph Planta Jun. Esq.—(Received October 16.)

SIR,

Sierra Leone, August, 15, 1826.

IN pursuance of the 75th Clause of the Act, passed in the 5th Year of the Reign of His present Majesty, intituled "An Act to amend and consolidate the Laws relating to the Abolition of the Slave-trade;" and, in obedience to the Instructions received from Mr. Secretary Canning relative to the same, I beg leave to enclose, in duplicate, a List or Return of all Spanish Vessels which have been Adjudicated in the British and Spanish Court of Mixed Commission established at this Place, from the 1st day of January to the 30th day of June 1826, both days inclusive.

I have the honour to be, &c.

*J. Planta, Jun. Esq.
&c. &c. &c.*

(Signed)

D. M. HAMILTON.

Enclosure in No. 30.

Return of Spanish Vessels Adjudicated by the British and Spanish Court of Mixed Commission established at Sierra Leone, from the 1st day of January to the 1st day of July 1826.

| NAME of VESSEL. | Date of Seizure. | Property Seized. | SEIZOR. | Date of Sentence. | Decretal part of Sentence, whether Forfeiture or Restitution. | Whether Property condemned has been sold or converted, and whether any part remains un-sold, and in whose hands the Proceeds remain. |
|-------------------|------------------|-------------------------------|--------------------|-------------------|---|--|
| Teresa | October 6, 1825 | { Schooner and 197 Slaves } | D. C. Clavering .. | January 3, 1826 | Condemned for illicitly Trading in Slaves.. | { This Vessel was upset and lost in a tornado in the Bight of Benin. } |
| Ana | October 11, — | { Schooner and 198 Slaves } | D. C. Clavering .. | January 3, — | Condemned for illicitly Trading in Slaves.. | { The Schooner sold, by public auction, and the Proceeds paid into the Military chest. } |
| Ninfa Habanera .. | November 7, — | { Brigantine and 231 Slaves } | G. W. Willes | January 3, — | { Condemned for illicitly Trading in Slaves, but the Court decreed that no Slaves were on board of the said Brigantine at the time of the capture thereof, and therefore the 231 Slaves which were delivered up to Captor, by the Caboccer of Popoe, were not entitled to Emancipation. } | { The Brigantine, sold by public auction, and the Proceeds paid into the Military chest. } |
| Iberia | December 27, — | { Schooner and 422 Slaves } | G. W. Willes | March 21, — | Condemned for illicitly Trading in Slaves.. | { The Schooner, sold by public auction, and the Proceeds paid into the Military chest. } |

Sierra Leone, July 1, 1826.

(Signed) D. M. HAMILTON.

D. M. Hamilton, Esq. to Mr. Secretary Canning.—(Received October 17.)

(Extract.)

Sierra Leone, August 7, 1826.

MR. WILLIAMS being yet very ill, it therefore becomes my duty to enclose, for your information, the Report of the Case of the Spanish Schooner "*Nicanor*," whereof *Jozé Le Grand* was Master, captured by a Boat of His Majesty's Ship "*Maidstone*," on the 20th day of May last, off Whydah, having on board 174 slaves, one of whom jumped overboard and was drowned prior to her arrival in this Harbour. She was bound, at the time of capture, from Little Popoe to the Havannah. The proof of illicit Slave-trade being very clear and unequivocal, the Court pronounced Sentence of Condemnation of the Vessel, and Emancipation of the Slaves on the 1st of July last.

Mr. Williams and myself think it our duty in this Case to call your attention to the fact of the capture having been made by a Schooner acting as a Tender to His Majesty's Ship "*Maidstone*;" and we beg your Instructions for our guidance in similar Cases.

The Right Hon. George Canning, (Signed) D. M. HAMILTON.
&c. &c. &c.

Enclosure in No. 31.

Report of the Case of the Spanish Schooner called the "Nicanor," whereof Jozé Le Grand was Master.

THIS Vessel, with 173 slaves, all in good health, arrived in this Harbour on the 12th of June last. On the day following, the Papers, with the Affidavit of Mr. Samuel Richardson, Admiralty-Mate of His Majesty's Ship "*Maidstone*," commanded by Commodore Bullen, were brought into Court, together with the Declaration of Lieutenant William Tucker, of that Ship, in which he certifies that "being in the command of a Boat belonging to the said Ship, detached to cruise for the prevention of the illicit Traffick in Slaves, on the 20th day of May 1826, being off Whydah, he detained the Schooner named the "*Nicanor*," sailing under Spanish Colours, armed with 1 gun (12-pounder,) commanded by *Jozé Le Grand*, who declared her to be bound from Little Popoe to the Havannah, with a Crew consisting of 19 men and 1 boy, and having on board 174 slaves, all healthy; viz 58 men, 57 women, 36 boys, 22 girls and 1 infant." He further certifies, "that the said Schooner appeared to be sea-worthy, and was supplied with a sufficient stock of water and provisions for the support of the said Negroes and Crew on their destined voyage to the Havannah." And he certifies "the same to be given under his hand on board the Boat of His Majesty's Ship "*Maidstone*," the 20th day of May 1826." Mr. Richardson, the Admiralty-Mate, in his Affidavit aforesaid, maketh oath, "That on the 20th day of the month of May last, being off Whydah, in a Boat of His Majesty's Ship "*Maidstone*," they seized and detained the Ship or Vessel called the "*Nicanor*," whereof *Jozé Le Grand* was Master, by reason that the said Schooner was employed in the illicit Traffick in Slaves contrary to the existing Treaties entered into with His Britannick Majesty and His Catholick Majesty The King of Spain.

By the "*Nicanor*'s Papers, consisting of a Spanish Royal Passport (by which it appears she cleared out for legitimate Traffick only, at the Islands of Princes and St. Thomas on the Coast of Africa,) a Mediterranean Pass, Role d'Equipage and another Document; it appears from the endorsements on them that prior to her capture on the 20th of May, she was visited by His Majesty's Ship "*Brazen*," Captain Willes. off Cape St. Paul, on the 18th of April last, and again by the same Ship, off Ningo, on the 26th of the same Month.

On the 20th of June, the usual Monition was prayed for and granted, calling upon all Persons having, or pretending to have, any right, title, or interest in the said Schooner and Slaves, to appear and make claim, &c. which was afterwards returned certified to have been duly served, and on the 22d day of the same Month, after the examination of the aforesaid *Jozé Le Grand* had been taken on the General Interrogatories, an Order of Court was made on the Petition of the Captors, stating their apprehension of the slaves becoming sickly, by reason of the badness of the weather, and the smallness of the Vessel for the landing of them, 173 in number,—1 having jumped overboard, and having been thereby drowned, on her passage to this Place since the capture. The Depositions of the Master and Cook, both clearly and unequivocally establishing the fact of illicit Slave-trading, the Court, on the 1st of July, pronounced Condemnation of the Vessel and Emancipation of the Slaves.

Prior to the Judgment being given in this Case, the Commissioners, on enquiring of Mr. Richardson, the Admiralty-Mate of His Majesty's Ship "*Maidstone*," ascertained that the Boat of the "*Maidstone*," said to have made this capture, was one of the Boats of that Ship attached to a decked Vessel, a Schooner, called the "*Hope*," and a Tender to the "*Maidstone*" Frigate,

and which Mr. Richardson believes to be the property of Commodore Bullen; her Crew consists entirely of Persons belonging to His Majesty's Ship "Maidstone," and she has been cruizing alone after Slave-vessels. She chased the "Nicanor" several hours prior to her being boarded by the "Maidstone's" Boat. She is commanded by Lieut. Tucker, and parted company with the "Maidstone" off the Island of St. Thomas in the beginning of May last.

(Signed) D. M. HAMILTON.

No. 32.

Mr. Secretary Canning to His Majesty's Commissioners.

GENTLEMEN,

Foreign Office, November 29, 1826.

I HAVE received your Despatch of this Series, marked Spain, of the 7th of August last, in which you call my attention to the Case of the "Nicanor," captured and condemned for illegal Slave-trade.

The peculiarity of this Case was, that the Slave-trader was captured by a Vessel acting under the command of Lieut. Tucker, as a Tender to His Majesty's Ship "Maidstone."

On this point I have to acquaint you, that, by a Communication from the Admiralty, it appears that it would be contrary to all the Regulations of His Majesty's Naval Service, to consider the Tenders as in any way distinct from the Ships to which they belong; and I have further to state to you, that it is the opinion of His Majesty's Law Officer that you have acted properly in the Case referred to, and that you should continue to act on the same principle in future Cases.

I have also to acquaint you, that, for the more fully carrying of this principle into effect, the Lords of the Admiralty have given orders, that the respective Officers commanding the Tenders in question should each be furnished with the signed Instructions required by the Treaties for the repression of the Slave-trade.

I am, &c.

His Majesty's Commissioners.

(Signed)

GEORGE CANNING.

SIERRA LEONE. (*Portugal and Brazil.*)

No. 33.

George Rendall, Esq. to Mr. Secretary Canning.—(Received June 2, 1826.)

SIR,

Sierra Leone, November 21, 1825.

I HAVE the honour to enclose, for your information, the Report of the Case of the Brazilian Sumacca "*Bom Jesus dos Navigantes*," whereof Joaõ Pereiro was Master, captured on the 17th of July last, by His Majesty's Ship "*Esk*," W. J. Purchas, Esq. Commander, with 280 Slaves (being 73 more than allowed by Passport) on board.

The British and Portuguese Commissary Judges agreeing perfectly in opinion, that this Vessel had taken on board the Slaves to the Northward of the Line, passed Sentence of Condemnation, and decreed the Emancipation of the Slaves, on the 14th of September last.

I have the honour to be, &c.

The Right Hon. George Canning (Signed) GEO. RENDALL.
 &c. &c. &c.

Enclosure in No 33.

Report of the Case of the Brazilian Sumacca "Bom Jesus dos Navigantes", Joao Pereiro, Master.

THIS Vessel arrived in the Port of Freetown on the 13th of August 1825, with 267 slaves on board, consisting of 106 men, 78 women, 40 boys, 27 girls, and 7 infants.

On the same day the Papers, duly authenticated, with the Declaration of the Captor, Captain Purchas, of His Majesty's Ship "*Esk*", were brought into Court, and proceedings commenced by the issue of a Monition, calling upon all Persons having any right, or pretended right, to the Vessel and Cargo, to appear and make claim, which was afterwards returned certified as duly served.

It is stated in the Royal Passport given at Bahia, the 21st day of January 1825, that this Vessel is 82½ tons, and carrying 22 men; that Antonio Narciso is the Owner; that she was bound to the Ports of Molembo, with the intention to call at Costa da Mina, and back to any Ports in the Brazilian Empire; and that any number of slaves not exceeding 206 are permitted at one time to be on board of her.

Captain Purchas's Declaration states, that he detained the "*Bom Jesus dos Navigantes*" on the 17th day of July last, in or about Latitude 4. 0. North, and Longitude 4. 4. East; that she was sailing under Brazilian or Insurgent Portuguese Colours, with a Crew of 20 men and boys, 1 supercargo and 7 passengers, and having on board 280 slaves (being 73 more than allowed by Passport); that these slaves consisted of 114 men, 80 women, 54 boys, 30 girls, and 7 infants.

Joao Pereiro, the Master, in answer to the standing Interrogatories, deposed, that he took on board the whole of the present cargo of slaves at Molembo; that he touched at Piccaniny, Elmina, Popoe, and Lagos, for the purpose of purchasing provisions and a canoe; that he does not understand navigation. In answer to special Interrogatories, he states, that Molembo and Onim are different places; thinks Molembo is close to Benin; does not know the Latitude North or South, or Longitude, where he took the slaves on board; slaves had been embarked 15 days when the Vessel was captured; had been three days from Onim when captured; a Spanish Schooner took all his corn and beans, which obliged him to go to Onim, having no money at any other Port; left his outward Cargo there; Spaniard boarded them close to the land, when he was going to Molembo from Onim, but did not know the Latitude or Longitude; did not know the day he arrived at or sailed from Molembo; left Onim for Molembo on the 28th of May; was 8 days on the passage; never purchased a slave at Onim, or in the Bight of Benin.

Gregorio Narciso, Cooper on board this Vessel, in answer to the standing Interrogatories, stated, that the Vessel went direct from Bahia to Molembo, and touched at no other Port; that the Slaves and the Canoe were purchased there. To the special Interrogatories,—Molembo and Onim are different places; does not know if Molembo is in the Bight of Benin, or the Latitude North or South where the slaves were taken on board, or how many days the slaves had been embarked, or had been at Sea previous to capture; could not tell why they were so far to the Northward; stated that a Spanish Vessel took from them a part of their beans, corn, and

farinha; went straight to Molembo, did not purchase provisions there, but after leaving Molembo they came close to the Bight of Benin to purchase beans, &c. there being none at Molembo.

Louis Ferrara, a seaman belonging to this Vessel, in his examination, stated, that the Vessel touched at Elmina for water, at Popoe for wood, at Onim to land the whole of the tobacco, and at Molembo to deliver the remainder of the cargo; that the whole of the slaves were taken on board at Molembo.

An Affidavit of 3 of the slaves, found on board of this Vessel, was produced on the part of the Captors, (the men having been sworn before the Registrar, according to the custom of their Country, to speak the truth,) state, that they were all sold at a Place called Aco to the Master of the "Bom Jesus dos Navegantes"; that Aco is a Town in the middle of a large Lake, fresh in the rainy season, and salt in the dry season; that they were first put into Coromantiu or Fantee Canoes, manned by Fantee men, then into a Sloop Boat, which carried them across the bar, where the surf was great and the water broke very heavy, to the "Bom Jesus dos Navegantes"; that they never saw land from the time the Vessel sailed until after she was captured, and that they were only 5 days on board before the capture took place.

Six more of the slaves were examined upon special Interrogatories put by order of the Court; they all state that they were embarked at a Place called Aco, and that they were only 5 days on board previous to the capture of the Vessel.

The Court having duly considered the fact of this Vessel being found so far to the Northward of the Equator, the prevaricating testimony of the Master and two other Witnesses, with the presence of not knowing the Latitude of Molembo from whence the slaves were taken on board, the proof afforded by the Log-books, and the concurring testimony of the slaves, did not hesitate to pass Sentence of Condemnation of the Vessel, and decree the Emancipation of the Slaves, on the 14th of September 1825.

(Signed) GEO. RENDALL.

No. 34.

George Rendall, Esq. to Mr. Secretary Canning.—(Received June 2, 1826.)

SIR,

Sierra Leone, November 21, 1825.

I HAVE the honour to enclose, for your information, the Report of the Case of the Brazilian Schooner "*Uniao*," Jozé Ramos Gomis, Master, sent into this Harbour for adjudication on the 21st of October last, having been detained on the 9th of the previous Month by His Majesty's Ship "*Atholl*," commanded by Captain James Arthur Murray, (His Majesty's Ships "*Esk*" and "*Redwing*" in company), having on board 361 slaves, all of which were stated by the Master and Mate to have been taken on board from the River Lagos, 112 of which died on their passage up to this Place.

The proof of illicit Slave-trade being so clear, (Lagos lying in about Latitude 6.10. North), the Court passed Sentence of Condemnation on the Vessel, and decreed the Emancipation of the surviving Slaves, on the 4th of November 1825.

I have the honour to be, &c.

The Right Hon. George Canning, (Signed) GEO. RENDALL.
&c. &c. &c.

Enclosure in No. 34.

Report of the Case of the Brazilian Schooner "Uniao," Jozé Ramos Gomis, Master.

THIS Vessel arrived in the Harbour of Freetown on the 21st of October 1825, with 249 Slaves on board, consisting of 138 men, 25 women, 53 boys, and 33 girls; 112 having died since capture on the passage up to this Port, as stated in the Affidavit of Mr. Rowe, Prize-Master, who deposes that they died principally from small-pox and dysentery; that no Surgeon was on board, but that the greatest care was taken of them. Mr. Shower, the Surgeon attached to the Mixed Commissions, visited the Vessel immediately on her arrival, and reported 11 cases of small-pox, and several of dysentery, then remaining. It was deemed expedient to place the Vessel under Quarantine Regulations, and precautionary measures were taken in the landing of the slaves, by which all contagion was happily avoided. On the same day the Ship's Papers were brought into Court duly authenticated, with the Declaration of Captain J. A. Murray, of His Majesty's "*Atholl*." A Motion was issued on the 22d of October, calling upon all Persons having, or pretending to have, any right or interest in the "*Uniao*" and slaves, to appear and make claim, which was returned on the 31st of October, certified as having been duly served.

By the Royal Passport, No. 16, dated at Bahia, the 14th of July 1825, it appears that the "*Uniao*" is of the burthen of 118 tons, and therefore authorized to carry any number of slaves not exceeding 295 at one time; that Vincente de Paulo e Silva was the Owner, and that she was bound to the Ports of Molembo, from whence she was to return to any of the Ports of the Empire.

Captain Murray's Declaration states, that, on the 9th of September 1825, being in or about Latitude 2. 33. North, Longitude 4. 17. East, he detained (His Majesty's Ships "Esk" and "Redwing" in company) the Schooner "Uniao," sailing under Brazilian Colours, armed with 2 guns, six-pouunders, commanded by Joseph Gomez, who declared her to be bound from Lagos to Bahia, with a Crew consisting of 24 men and 1 boy, having on board 361 slaves, said to have been taken on board at Lagos on the 1st of September, viz: 217 men, 30 women, 80 boys, and 33 girls.

The Master, Joze Ramos Gomis, deposeth, that 364 slaves were taken on board the "Uniao" during the voyage, all of whom were shipped at the River Lagos. The Vessel was captured near Princes Island. The Mate, Jozé da Rosa, in his Deposition, gives the same evidence. The Case of illicit Slave-traffic being thus clearly proved, (the River Lagos being in about Latitude 6. 10. North), the Court passed Sentence of Condemnation on the Vessel, and decreed the Emancipation of the Slaves, upon the 4th day of November 1825. (Signed) GEO. RENDALL.

No. 35.

George Rendall, Esq. to Mr. Secretary Canning.—(Received June 2.)

SIR,

Sierra Leone, January 10, 1826.

I HAVE the honour to enclose, for your information, a Report of the Case of the Brizilian Brig "*Paqueta de Bahia*," Bento Francisco de Carvalho, Master, detained by His Majesty's Brig "*Swinger*," J. C. Giles, Acting Lieutenant, Commander, off Accra, on the 22d of November 1825, with 386 Slaves on board, all of whom, the Master stated, were shipped at Whydah. The Court passed Sentence of Condemnation of the Vessel, on the 10th of January 1826, and decreed the Emancipation of the Slaves.

I have the honour to be, &c.

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

(Signed) GEO. RENDALL.

Enclosure in No. 35.

Report of the Case of the Brazilian Brig, "Paqueta de Bahia," Bento Francisco de Carvalho, Master.

THIS Vessel arrived in Sierra Leone Harbour, on the 23d of December 1825, with 385 slaves on board, consisting of 145 men, 97 women, 79 boys, and 64 girls.

On the same day Mr. Burnett, the Prize Master, brought into the Registry the Declaration of the Captors, and deposed that he boarded the Brig "*Paqueta de Bahia*," but found no Papers, the same having been taken by the Spanish Schooner "*Matilda*," John Segrera, Master, as appears by a Certificate, signed by the Master and Mate of the said Brig, and annexed to Mr. Burnett's Deposition.

The Declaration of the Captor states, that His Majesty's Brig "*Swinger*," J. C. Giles, Acting Lieut. Commander, detained the Brazilian Brig "*Paqueta de Bahia*," on the 22d of November 1825, in Latitude 5. 15. North, and Longitude 0. 30. East, commanded by Bento Francisco de Carvalho, with 386 slaves on board, shipped at Whydah.

The Master, in answer to the standing Interrogatories, deposed, that Manoel Joaquim de Almeida, the Supercargo, gave him the command of the Vessel at Molembo, about 8 months ago. She sailed under Brazilian Colours; the name of the Vessel is the "*Paqueta de Bahia*," is about 200 tons burthen, the present voyage began at Bahia, and was to have ended there, it was the last clearing Port sailed from; the Vessel anchored at Lagos and Molembo during the voyage, in which she was taken, and took on board at Molembo 388 slaves, of which he was plundered by the Spanish Schooner "*Matilda*," as also of his Ship's Papers, on his way from Molembo to Bahia. He then went to Whydah, where he took on board the present Cargo; that Joao Victa Moreira and Manoel Jozé de Maghalaens, were the Owners of the said Vessel; Francisco Felis de Sousa is the Lader of the slaves on board, Joao Victa Moreira Manoel Jozé de Maghalaens, himself, the first Pilot, and some of the Passengers are the Owners and Consignees of them; says 387 slaves were taken on board, all of them at Whydah, 1 died previous to capture, and 1 since; he ordered the remaining Ship's Papers to be thrown overboard, when the Man-of-War's Boats were about to board the Vessel.

Braz Riberio de Moreira, the Doctor belonging to this Vessel, in his Answers to the standing Interrogatories, confirmed the material points of the Master's evidence.

The case of illicit Traffick being thus clearly proved, and no Claim having been made, the Court passed Sentence of Condemnation of the Vessel, and decreed the Emancipation of the Slaves, on the 10th of January 1826.

(Signed) GEO. RENDALL.

No. 36.

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

(Extract.)

Sierra Leone, March 21, 1826.

WE have been honoured with your Despatch of the 5th December last, with Copy of a Note from the Marquis Palmella, announcing that His Most Faithful Majesty had judged it proper to remove M. Altavilla from the Office of Commissary Judge in the Mixed Court of Commission established at this Place.

The Letter addressed to M. Altavilla by M. de Palmella, and which accompanied the said Despatch, was delivered into the hands of M. Altavilla on the 10th of February, the day on which it was received.

We have been careful, Sir, in adopting such measures, conformably to the Stipulations of the Convention, so that the Service, with which the Commission is entrusted, will not suffer from the recall of M. Altavilla.

(Signed)

JOHN TASKER WILLIAMS.
GEO. RENDALL.

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

No. 37.

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

SIR,

Sierra Leone, March 21, 1826.

WE have the honour to acknowledge the receipt, on the 15th of last Month, of your Despatch of the 12th of January last, with its several Enclosures, transmitted for our information and guidance, being Copies of a Correspondence which has recently passed, upon the subject of a practice which has prevailed on the part of the Authorities in Brazil, to grant permission to Slave-vessels to touch at other Ports and Places than those which, by Treaty, they are allowed to enter.

These Documents are very gratifying to us, as they tend to lighten in a considerable degree the difficulties that we might feel in the Adjudication of Vessels detained for trafficking in slaves, and sailing under the Brazilian Flag.

In a Case which is not yet decided, but which is now occupying the attention of the Court, and on which we shall have the honour to report to you in a few days, one of the grounds on which the Claimant founds his claim, is the circumstance of the Brazils having been recognized as an Independent State, or Kingdom, by Portugal.

We hope soon to have the satisfaction to learn that the Lords Commissioners of the Admiralty, will have issued Instructions to the Officers of His Majesty's squadron on this Coast, in accordance with the application from your Department, because we are convinced their tendency will be most materially to cripple the facilities of the Parties interested in the furtherance of this most abominable Traffick.

We have the honour to be, &c.

(Signed)

JNO. TASKER WILLIAMS.
GEO. RENDALL.

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

No. 38.

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

SIR,

Sierra Leone, March 21, 1826.

WE have had the honour to receive your Despatch of the 13th January, with its Enclosures, being Copies of a Correspondence which has passed between yourself and His Majesty's Consul at Bahia, on the subject of Charters which had been offered to English Vessels, to proceed from that Port to Places in Africa, North of the Line. We return thanks to you, Sir, for this communication.

As the name of the Brig, "*George and James*," appears in Mr. Consul Pennell's Despatch of the 5th of November 1825, it may not be considered irrelevant to make a few observations regarding this Vessel, inasmuch as they will tend to shew how just is the view which was taken as to the object of the Parties who employed her.

A Person of the name of Dollond, came out to the Coast of Africa as Master of the "*George and James*," then the property, or said to be so, of Matthew Foster and Co. of London; he proceeded to Whydah, and there sold the Vessel to a Mr. Ramsay, who was his first Mate. Ramsay takes her to the Brazils, ships the Cargo stated in Mr. Consul Pennell's Letter, and proceeds back again to Whydah, where a considerable portion of such Cargo was distributed to several Vessels, which were, on that part of the Coast, trading for Slaves.

It is supposed that De Souza, the notorious Portuguese Slave-trader, who for so many Years has resided at Whydah and its vicinity, was the real Owner; that he furnished Ramsay with the dollars with which the Vessel was purchased, and that in reality, he (Ramsay) was only the nominal Owner, placed in command of her by De Souza, to protect his property by giving a false colour to the transaction. Ramsay died shortly after the return from Brazil. The Vessel was taken by His Majesty's Ship "*Atholl*," at, or off, Whydah, brought to Sierra Leone, tried under the Consolidated Slave-trade Abolition Act, in the Court of Vice-Admiralty, and condemned under the 4th Section of the said Act, the 17th day of October 1825.

We have the honour to be, &c.

(Signed)

JOHN TASKER WILLIAMS.

The Right Hon. George Canning,

GEO. RENDALL.

&c.

&c.

&c.

No. 39.

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

(Extract.)

Sierra Leone, March 25, 1826.

WE have the honour to send you, enclosed, a Report of the Case of the Brazilian Brigantine, "*Sam Joao Segunda Rosalia*," Amara Jose da Silva, Master, captured by His Majesty's Ship "*Atholl*," Captain James Arthur Murray, on the 28th November 1825, in Latitude 3. 31. North, Longitude 0. 54. East, having on board 258 Slaves.

This Vessel arrived at Sierra Leone the 9th February, and was tried and condemned in the British and Portuguese Court of Mixed Commission on the 21st instant.

Captain Murray, in his Declaration, states, that the Master acknowledged the Slaves to have been shipped at Lagos. This Man, unfortunately, died pre-

vious to the arrival of the Vessel here. The Examinations, however, of some of the most intelligent of the Slaves, proved satisfactorily, that Lagos was the Place from whence they were shipped. For more minute particulars we beg to refer you to the Report.

It is distressing to us to have again to observe, that a system of the grossest perjury prevails to a great extent, in the evidence given by many of the Parties concerned in slave transactions, who are examined on the standing Interrogatories. We feel this to be a most serious evil, and should be most desirous to check its progress, were we satisfied as to the extent of our power to do so.

(Signed) JOHN TASKER WILLIAMS.

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

Enclosure in No. 39.

Report of the Case of the Brazilian Brigantine, "Sam Joao Segunda Rosalia," Amara Jose da Silva, Master.

THIS Vessel was detained by His Majesty's Ship "Atholl," Captain James Arthur Murray, on the 28th day of November 1825, who, in his Declaration states, that, being in or about Latitude 3. 31. North, Longitude 0. 54. East, he detained the Brigantine "Sam Joao Segunda Rosalia," sailing under Brazilian Colours, commanded by Amara Jose da Silva, who declared her to be bound from Lagos to Bahia, with a Crew consisting of 18 men, 3 boys and 3 passengers, and having on board 260 slaves, said to have been taken on board at Lagos.

This Vessel arrived here on the 9th February, after an unusually protracted passage of 65 days, when scarcely a hope of her safety remained, and it was dreaded that she had shared the same fate as the unfortunate "Teresa." During this time 72 of the miserable beings on board died, principally, as is stated in an Affidavit of Mr. Richard Musgrove, the Midshipman in charge, "from want of food, the said Vessel being only provisioned for 30 days, and that, after the greater part of the provisions were out, they were put on an allowance of $\frac{1}{2}$ a pint of farina, and $\frac{3}{4}$ of a pint of water per day."

A Monition was prayed for and granted on the 9th February, and on the same day, a Petition was made to the Court, to be allowed to land the slaves, in consequence of their being much reduced by famine and sickness, which was immediately acceded to, the Court feeling most anxious to relieve, as far as lay in its power, the wretched sufferers,—and most miserable indeed was the spectacle that presented itself on their being landed.

It appears that this Vessel cleared out from Bahia for Molembo on a trading voyage for Slaves, and her Passport is dated the 6th of May 1825. In this Document it is stated, that "the said Amara Joseph da Silva, Master, and Emanuel Francisco Moreira, Owner, of the said Vessel, are under an obligation to enter solely such Ports on the Coast of Africa, where the Slave-trade is permitted,"—yet, on the 23d of July 1825, she was boarded by the Boats of His Majesty's Ship "Atholl," at Lagos, trading—and also by the Boats of His Majesty's Ship "Maidstone," on the 6th of October 1825, at the same Place; as appears by the Indorsements of the Boarding Officers, on the back of the said Passport.

No Log was found on board at the time of capture; but it appears by the Declaration of the Captor, that the Master, Da Silva, acknowledged the Vessel was bound from Lagos to Bahia. This person died on the passage to Sierra Leone, otherwise there is just ground for believing, that more particulars of the proceeding in this illicit voyage, would have been elicited.

The first Pilot and Supercargo, Prudencio Vidal de Albuquerque Vianna, and Manoel Gonsalves Coelho, Boatswain, being examined, on the usual Interrogatories declare, that the voyage commenced at Bahia for Molembo, and that the Brigantine went to Lagos to repair a leak she had sprung, and during her stay there, some trade was carried on by exchanging tobacco for cloths, for the Molembo Market; from which Place she went direct to Molembo, in South Latitude, where the Cargo of Slaves on board was shipped from the Shore. Prudencio Vidal de Albuquerque Vianna also declared, that after leaving Molembo, both the Master and himself were attacked with fever, and were confined to their beds; the second Mate, (the above-named Manoel Gonsalves Coelho), then took charge of the Vessel, and he knew nothing about Navigation. The day before the Vessel was taken, was the first day he had been able to go on deck—and then, for the first time, he took an observation, and found the Vessel was in 3. North Latitude, having then been out 14 days, without any other proof of such being the fact than their own unsupported declarations. Under these circumstances, 6 of the most intelligent slaves taken on board were examined, and they all declared, they were shipped at "Eco," which is the Native name for Lagos;—one, more intelligent than the rest, named Dalla, declared, "that, the name of the Place where he was shipped on board the aforesaid Brigantine, "is Eco." Eco is 9 days march from Benin; knows Badaggery, and it is 5 days march from Eco; that Eco is between Badaggery and Benin; saw the Ship by which the Brigantine was taken, on the 7th day after leaving Eco, and they were captured on the 9th day.—The whole of the slaves on board the captured Brigantine,

were taken on board at Eco, and they were all shipped in one day; he also states, he lived at Eco (Lagos) 3 Years; and has been at Badaggery, from 'Eco,' which he knows well."

Prudencio Vidal de Albuquerque Vianna, being again examined as to the Latitude and Longitude of Molembo, that he stated that the slaves were shipped on board at, declared it to be in 5 30. South and 13. East of the meridian of London, *but contumaciously refused to point out the place upon the Chart.* That this individual most grossly perjured himself is beyond doubt. This practice, which is much to be regretted, seems too frequently to obtain.

After having fully considered this Case, and taking into view that part of the Treaty which states, that "the proof of the legality of the voyage shall rest with the Claimants of Vessels, when taken to the Northward of the Line;" and no such proof being exhibited, the suspicious circumstance of no Log being on board, to account for the Vessel's course and proceedings, together with the Declarations of the Slaves, which left not a doubt as to the Place of shipment:

The Court condemned the said Brigantine as lawful Prize, and as taken in such illicit Traffick by His Majesty's Ship "Atholl," Captain J. A. Murray, and pronounced 258 slaves to have been taken on board at the time of capture, and emancipated the survivors, amounting in number to 186,—72 having died before adjudication.

(Signed) JOHN TASKER WILLIAMS.
GEO. RENDALL.

Sierra Leone, March 25, 1826.

No. 40.

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

SIR,

Sierra Leone, June 10, 1826.

WE have the honour to enclose an Abstract of the Case of the Sloop "Esperança" Joaõ Baptiste Lopes. This Vessel, the burthen of which is only 40 tons, was furnished with an Imperial Passport, authorizing her to proceed from Pernambuco to Molembo, for a Cargo of Slaves.

She was detained in the River Benin on the 4th of March, by His Majesty's Ship "Esk," Captain William Jardine Purchas, and sent here for adjudication.

On the 8th of June she was condemned in the British and Portuguese Court of Mixed Commission:—for the particulars, we beg your reference to the Report. We have the honour to be, &c.

(Signed) JOHN TASKER WILLIAMS.
D. M. HAMILTON.

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

Enclosure in No. 40.

Report in the Case of the Sloop "Esperança," Joao Baptiste Lopes, Master, sailing under Brazilian Colours.

THIS Vessel was detained by His Majesty's Ship "Esk," William Jardine Purchas, Esq. Commander, on the 4th of March last, in Latitude 5. 43. North, Longitude 5. 25. East, and arrived in this Harbour on the 3d of May.

On the following day (the 4th) the Papers in this Case were delivered into the Registry by the Prize-Master, Mr. George Herbert, a Midshipman of His Majesty's Ship "Esk," who, in his Affidavit, declares, that the said Papers were received by Captain Purchas from the first Pilot of the "Esperança." On the same day the Court was petitioned that a Monition might issue, the Prayer of which was granted.

On the 8th, an Affidavit of Mr. Richard Borough Crawford, Admiralty Mate of the "Esk," was filed, accounting for the absence of the Master of the "Esperança." He deposed, that being in a Boat of His Majesty's said Ship, he boarded the said Sloop in the River Benin, and found her in charge of José Carneiro dos Santos, first Pilot, who informed the Deponent that the Master, Joao Baptiste Lopes, was on shore at a Place called Gato, purchasing slaves.

The Captor, in his Declaration, sets forth, that he detained the Sloop "Esperança," under Brazilian Colours, on the 4th of March 1826, being then at anchor in the River Benin, commanded by José Baptiste Lopes, but who was then absent from the said Sloop; that José Carneiro dos Santos, the Pilot, stated to him, the Declarer, that the intended destination of the "Esperança" was from Benin to Pernambuco; and further declared, that 36 slaves were landed from the Sloop, when the Boats of His Majesty's Ship hove in sight. The Declaration also states, that 4 slaves were intercepted in the attempt of the Sloop's Boat to land them, and brought back to her.

The Monition was returned into the Registry, certified as having been duly served, on the 22d.

On the 8th of June the Case was adjudicated.

The acknowledgment of Jozé Carneiro dos Santos, the Pilot, in his examination of the illegal pursuit in which this Vessel was employed, a similar statement made by the Cabin-boy, Manuel Joaquim de Brito; and the fact of her having been found actually engaged in the Traffick in Slaves on a part of the Coast of Africa, where the Slave-trade is not permitted to the Subjects of The Emperor of Brazil, being clear and manifest; the Commissioners, without hesitation, condemned her as lawful Prize to the respective Governments.

Sentence of Condemnation was accordingly passed against her, and the slaves, 4 in number, were decreed to be emancipated.

(Signed) JOHN TASKER WILLIAMS.

Sierra Leone, June 10, 1826.

D. M. HAMILTON.

No. 41.

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

SIR,

Sierra Leone, June 10, 1826.

WE have the honour to transmit with this Despatch, for your information, a Report of our Decision in the Case of the Brazilian Brigantine "*Netuno*," Jozé Claudio Gomes, Master.

This Vessel was detained in the River Benin, on the 4th of March, and her condemnation was decreed, and her slaves emancipated, on the 8th instant.

In a late Despatch we acquainted you that the "*Netuno*," on her passage to Sierra Leone, had fallen in with, and being obstructed, had engaged a Brig under the Spanish Flag.

In conformity with the intention we then expressed, we made particular enquiry into the circumstances of this affair; and, in order, Sir, to put you in full possession of the facts, we deem it the better method to enclose Copy of a Memorandum which was made, at our request, by Mr. Crawford, the Prize Master, and which contains, in addition to the detail, a particular description of the Brig.

We certainly think that this young Officer deserves much credit for his cool and determined conduct on this occasion, particularly when the very small number of which his crew consisted, and the manner in which the Schooner was armed, as contrasted with the Pirate, be considered.

The escape was most fortunate; for had they succeeded in the detention, the consequence, in all probability, would have been most disastrous.

One shot from the Brig penetrated the hull of the "*Netuno*," and killed one unfortunate female slave in the hold.

We have the honour to be, &c.

(Signed)

JOHN TASKER WILLIAMS.

The Right Hon. George Canning,

D. M. HAMILTON.

&c.

&c.

&c.

First Enclosure in No. 41.

Report of the Case of the Brigantine "Netuno," Jozé Claudio Gomes, Master, sailing under Brazilian Colours.

THIS Vessel arrived in the River Sierra Leone on the 5th of May, under charge of Mr. Richard Borough Crawford, Admiralty-Mate of His Majesty's Ship "*Esk*," having on board, according to the Marshal's Report, 84 slaves. On the following day (the 6th) the Papers were filed in Court, and on the same day a Monition was prayed and granted.

The Declaration of William Jardine Purchas, Esq., Commander of His Majesty's Ship-of-War "*Esk*," sets forth, that, on the 4th day of March 1826, he detained, in the River Benin, the Brigantine "*Netuno*," (being at anchor there under Brazilian Colours,) Jozé Claudio Gomes, Master, who declared that the said Brigantine was bound from the River Benin to Pernambuco.

The Captor further declares, that when the said Vessel was boarded, 72 slaves were found on board of her; and he further states, that the Brigantine was supplied with provisions and water for 50 days, for the Negroes and Crew for the intended voyage.

The Declaration also states, that on the appearance of the Boats of the "*Esk*," a number of slaves in Canoes and in Boats were landed from the "*Netuno*," that one of the Boats so employed was intercepted in attempting to land, and brought back to the Brigantine; the Boat contained 20 Negroes, viz: 1 woman and 19 boys and girls.

It is also set forth in the Declaration, that a statement was made to the Captor by the afore-named José Claudio Gomes, that the number of slaves on board the Brigantine, when the Boats of the "Esk" hove in sight, amounted to 150—58 of whom they succeeded in landing.

On the 8th, an Affidavit of Mr. Richard Borough Crawford, the Officer in charge, was made and filed, setting forth that 7 of the slaves had died on the passage, and that 1 had been killed in the hold of the said Vessel on the 20th of March, (being then in Latitude 0. 5. North, Longitude 1. 2. East) by a shot from a Vessel, which is designated in the Affidavit as a piratical Brig.

The Monition was returned as duly served on the 22d, and the 29th of May was appointed for the Adjudication of the Case, but the indisposition of His Majesty's Commissioner caused it to be delayed until the 8th of June, when it took place.

José Claudio Gomes, Master of the Brigantine "Netuno," in his Examination upon the Interrogatories, deposed, that Francis Jacinto Pereira, a resident of Pernambuco, is the Owner of the "Netuno," that she was provided with an Imperial Passport to carry slaves to Molemo (under the usual restrictions and conditions;) that he proceeded from Pernambuco to the River Benin, which was the only Place where he anchored during the voyage in which he was taken. Francisco Pereira, the Deponent himself, the Pilot and the Boatswain were the Owners of the slaves. Himself had 10 slaves, the Pilot 3 and the Boatswain 2. They were all taken on board from the Shore at Bohee, in the River Benin. 158 slaves were taken on board from the commencement of trading until the appearance of the Boats of the capturing Ship. When they were found to be approaching, the Natives of Bohee came off in their Canoes, and took as many of the slaves out of the Brigantine as they could, but he knew not how many.

The testimony of Francisco Antonio Gomes, Cabin Boy, and Pedro José Gomes, Cook, confirmed, in most particulars, the previous Statement.

The slaves on board the Brigantine "Netuno," being thus acknowledged to have been shipped in the River Benin, to the Northward of the Equator, the fact of illicit Traffick was manifest.

Sentence of Condemnation was accordingly passed against her, and her slaves were decreed to be emancipated. His Majesty's Commissioners decided the number taken to be 92.

(Signed) JOHN TASKER WILLIAMS.
D. M. HAMILTON.

Sierra Leone, June 10, 1826.

Second Enclosure in No. 41.

Brazilian Vessel "Netuno," of 75 Tons.

(Memo.)

Sierra Leone, May 11, 1826.

The "Netuno" was detained by the Boats of His Majesty's Ship "Esk," in the River Formosa, on the 4th, and sailed from thence on the 6th of March, in company with the Brazilian Sloop "Esperanza," captured at the same time.

Sloop parted company in the night, in consequence of her superiority in sailing.

Contrary winds endeavouring to get to the westward till March 20, when at 3 P. M. in Latitude 1. 30. North, and Longitude 1. 31. East, by account, observed a Vessel in the S. E., standing towards us under all sail; 3. 50., Stranger fired two guns, prize hoisted an English Ensign; 4., B.ig, S. E. 2 miles, thought she was a Man of War. At 4. 50., Stranger 1 mile, tacked, stood towards her and shortened sail; at 5. observed Stranger shorten sail, and that she was not an English Man of War.

At 5. 10. filled, and in hoisting fore-top-mast studding sail, Stranger fired at us, then no Colours flying, but immediately after hoisted French Ensign and Pendant, beat retreat with drum, and lowered 5 ports a-side, hove to for her a second time; Stranger, when within 40 or 50 yards, hove to, (used a boatswain's call,) hailed Prize in English, and lowered a boat.

At 5. 20. P. M. boat came alongside with the Captain and 4 men, who asked whether we had slaves? also several other questions in Spanish and broken English. The Captain could not speak French, and on my remarking it to an English Interpreter, one of his Boat's-crew, at the same time observing that Brig was not a French Man-of-War, he replied that she was, but that the Captain was a Spaniard; and on my further interrogating him, the Captain, who had previously used threatening language, both Spanish and English, repeatedly ordered me into his Boat with Papers, &c. &c. I was often pointing to the Ensign, told him, Vessel was prize to an English Man-of-War, that I had no Papers for him, neither would I go into his Boat, adding again that she was not a French Man-of-War, and that he himself was a Spaniard. He, in a menacing manner and tone, said, I am a Spaniard from the Havannah, Brig "C. rolina;" into the Boat immediately; pronto, pronto, &c. &c., and concluded by ordering me to be silent, and his men to board; I dared them at their peril, told them to remain, and that the Papers should be produced. Now seeing the necessity of acting promptly, knowing with whom I had to deal, and resolving not tamely to give up my charge, I brought a brace of pistols, the only small arms in Prize, and supplied by the "Esk," and three distinct times asked the Captain and Interpreter whether he still remained determined to have me in his Boat with my Papers, &c., and finding him increase in abuse and threatening language, I shot the Captain and Bowman, and made the remainder of Boat's-crew jump overboard; holding by the gunwale they regained their Boat, and pulled to their Vessel.

The Pirate commenced firing 5 guns in the broadside, round and grape, returned by the Prize within from 30 to 50 yards; with one six-pounder carronade, round shot and cannister, from 5. 30. till 7. 15 P. M., when, observed, Pirate's Crew leave their guns and retreat forward; fired amongst them, Pirate ceased firing and hauled her wind; her gang-way ports in one, and part of fore-castle bulwark knocked down; we had at this time only 4 cartridges left.

The "Netuno's" Crew are 6 in number, she is armed with 2 six-pound carroades, 1 brace of ships' pistols, and 6 slave cutlasses; she has sustained considerable damage in sails and rigging, main-gaff wounded, trysail gaff shot away; also tack of fore-topsail, one shot between wind and water.

The slaves, 92 in number, were below during the contest, and fortunately escaped with only 1 woman killed, and one girl wounded.

The Pirate brig is pierced for 20, and mounts 10 guns, has a top gallant fore-castle, is painted with 2 white streaks to a billet head; ports true up, the inside of which are painted red, a large boat on booms, covered with tarpauling awning, and, from the noise and confusion during the contest, must have had a cargo of slaves.

(Signed)

R. B. CRAWFORD, Prize Master.
Admiralty Mate, His Majesty's Ship "Esk."

No. 42.

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

SIR,

Sierra Leone, June 10, 1826.

WE have the honour to enclose the Report of the Case of the Brazilian Brig "*Activo*."—This Vessel was seized by His Majesty's Ship "*Atholl*," Captain James A. Murray, on the 1st of February last, in Latitude 4. 24. South of the Equator, and Longitude 9. 37. West of London, and brought into this Port for Adjudication on the 17th of the same Month, with 164 slaves on board. Condemnation of the Vessel and Emancipation of the Slaves was prayed in the British and Portuguese Court of Mixed Commission, on the plea of her having carried on an illicit Traffick in Slaves to the North of the Equator, which plea was fully substantiated by proof, but it was acknowledged by the Captors that she was seized to the South of the Equator; and it appearing to us a Case exactly similar to that of the "*Sinceridade*," the principles of which have been so fully and ably investigated and reported on by our Predecessors, and whose Decision in that Case you were pleased to express your approbation of, we therefore decreed the restoration of the Vessel and Slaves, and referred it to the Registrar, to ascertain the amount of the costs, damages, and expences.

The Slaves in this Case quitted the Vessel a few days before the Adjudication took place; it has been reported to us, that they revolted against the Persons who were on board, and forcibly seized the Boats, and came on Shore, and they were taken possession of by Mr. Cole, the Collector of the Duties, on the part of the Colonial Government.

Mr. Lake, the Agent for the Captors, states, that he applied to Mr. Macaulay, the Acting Governor, on finding that the Colonial Government had taken possession of the Slaves, praying that they might be given up to him; upon which Mr. Macaulay observed, that no Slaves could be given up after being once landed in the Colony. It has, therefore, become a question now, whether the Captor should be adjudged to pay the value of those Slaves or not: the Proctor for the Claimant insists that the value of the Slaves must be awarded, because it was through the Captors not taking reasonable precaution that they mutinied and came on Shore. Mr. Macaulay having left the Colony for the Gambia, almost immediately after the revolt of these Slaves, we have had no communication with him on the subject. We shall not fail, Sir, as soon as this Case is finally closed, to make a further Report on it.

We have the honour to be, &c.

(Signed)

JOHN TASKER WILLIAMS,
D. M. HAMILTON.

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

Enclosure in No. 42.

Report of the Case of the "Activo," José Pinto de Araujo, Master.

THIS Vessel, under Brazilian Colours, being on her voyage to Pernambuco from Badagry in the Bight of Benin, in Latitude 6. 20. North, and Longitude about 4. East, was captured on the 1st of February last, in Latitude 4. 24. South, and Longitude 9. 37. West, with 166 slaves on board, by His Majesty's Ship "Atholl," James A. Murray, Esq. Commander, and was sent to this Place for Adjudication, where she arrived on the 17th day of February following, with 164 of those slaves; to wit—100 men, 20 women, 31 boys, and 13 girls, all in good health, except 7 of them, who were suffering from wounds and diarrhœa; the Master, 2 Cooks, and a Boy of her Crew, were also sent in her. On the day following (the 18th) the Ship's Papers, an Affidavit of Lieutenant Stephens, the Prize Master, and the Declaration of Captain James Murray, were brought into the Court by Mr. Lake for Mr. Macaulay, the Agent and Proctor for the Captors.

Among the Ship's Papers is a Royal Passport, (numbered 309) dated at Pernambuco, the 17th of August 1825, granted to José Carlos Marink da Silva Ferrao, President of the Province of Pernambuco for His Imperial Majesty.—It is stated in this Passport, "that the Vessel called "Activo" is 149 tons burthen, and carries 15 men; that José Pinto de Araujo is the Master, and that Antonio de Oliveira, José Antonio de Oliveira and Co. are the Owners; that they are Brazilians, and Subjects of the Brazilian Empire; that she is bound for the Port of Molembo on the Coast of Africa, calling at Babia and returning to Pernambuco; that the said Master and Owners are under an obligation to enter solely such Ports on the Coast of Africa, where the Slave-trade is permitted to the Subjects of The Emperor of Brazil."

In his Declaration, Captain Murray states, "that, on this 1st day of February 1826, being in about Latitude 4. 24. South, and Longitude 9. 37. West, he detained the Brig named the "Activo," sailing under Brazilian Colours, commanded by José Pinto, who declared her to be bound from Molembo to Pernambuco, with a Crew consisting of 17 men, 2 boys, and 1 Supercargo, and having on board 166 slaves, said to be taken on board at Lagos, previous to the 9th of January 1826." The words underscored were apparently written at another time, and with different ink to the other part of the Declaration. He further states, "that the said Vessel appeared to be sea-worthy, and was supplied with a sufficient stock of water and provisions for the support of the said Negroes and Crew for their destined Voyage to Pernambuco."

Lieutenant Stephens, in his Affidavit, deposes, "that on the 1st day of February 1826, being in Latitude 4. 24. South, and Longitude 9. 57. West, they seized and detained the Ship or Vessel called the "Activo," whereof José Pinto de Araujo was Master," thereby corroborating on oath the Declaration of Captain Murray, that the Vessel was seized to the South of the Equator.

It was not till the 6th of March following that Mr. Macaulay prayed the usual Monition, which was decreed and issued on the 8th, two days afterwards; and, on the 10th of March, Antonio José, the Cook, and Marcellina d'Almeira, were brought in by the Captors, and examined on the General Interrogatories, the Master being at that time too ill to attend to be examined. Antonio José, the Cook, swore positively to the slaves found on board being purchased and taken on board at Badagry, and although Marcelina d'Almeira did not positively depose the same thing, yet the inference drawn from his Examination left no room to doubt but that was the case; they both deposed to the "Activo" being a Brazilian Vessel, and under Brazilian Colours.

On the 13th of March a Claim was given in by Mr. Savage, the Proctor of José Pinto de Araujo, the Master, for Francisco Antonio, an inhabitant and native of Pernambuco, for the said Brig, her tackle, apparel, furniture, goods, wares, merchandize, and 166 slaves, natives of Africa, and for the value of such slaves as had departed this life since the capture, and for all costs, charges, losses, damages, demurrage, and expences that had arisen, or should arise, by means of the capture and detention of the said Brig and her Cargo: and on the same day, and at the same time, Mr. Savage brought into Court the Affidavit of the said José Pinto de Araujo, the Claimant, in which he deposes and saith, "that he is a Subject of His Majesty The Emperor of Brazil, and was Master of the said Brig at the time of the capture thereof by His Majesty's Ship "Atholl," James A. Murray, Commander; that the said Brig was so captured on the 1st day of February last, in the prosecution of her voyage from Molembo on the Coast of Africa, to Pernambuco in the Brazils, with a cargo consisting of 166 slaves, natives of Africa, and brought to Sierra Leone;" and he further saith, "that Francisco Antonio, of Pernambuco, a Subject of His Majesty The Emperor of the Brazils was, at the time of the said capture, and now is, the true, lawful, and sole Owner and Proprietor of the said Brig "Activo," her tackle, apparel, and furniture, and of the said cargo and slaves on board the same;" and he further saith, "that by the Certificate and Declaration of the Capturing Officer, the said Brig was not found to the North of the Equator, nor had she been chased from the North before being captured to the South;" and he further saith, "that the said Vessel and Cargo are further protected, from the circumstance of the Kingdom of the Brazils having been recognized as an Independent State or Kingdom by Portugal, through the mediation of Great Britain, and therefore, that the Slave-voyage on which the said Vessel was bound, was not an infringement of the Law of the New Empire, nor against the Law of Nations."

On the same day the said Master, having recovered from his indisposition, was brought in by the Captors, and examined on the General Interrogatories. He deposed, "that Francisco Antonio de Oliveira, who lives at Pernambuco, was the sole Owner of the Brig at the time she was seized; that 183 slaves were taken on board, from the time the trading for them commenced to the time of completing the cargo, and that they were all taken on board from the Shore at Molembo,

in 5. 30. South, and about 13°. East," (and he pointed out on the Chart 5. 30. South, and 11°. East, as the place.)

On the 27th of March, 6 of the slaves were examined by order of the Court, whose testimony clearly established the fact of their having been shipped on board at or near Badagry.

On the same day Mr. Savage brought in the Certificate given by Captain Murray, at the time of capture, to José Pinto de Araujo, which states, "that on the 1st day of February 1826, being in about Latitude 4. 24 South, and Longitude 9. 57. West, he detained the Brig named the "Activo," sailing under Brazilian Colours, commanded by José Pinto, who declared her to be bound from Moembo to Pernambuco, with a Crew consisting of 17 men, 3 boys, and 1 Supercargo, and having on board 166 slaves."

On the 12th of April the Court heard the Parties in this Case. Mr. Savage, for the Claimant; cited the Case of the "Sinceridade," adjudicated in this Court in the Year 1823, and argued that the present Case was exactly similar in principle to that, and therefore the Vessel and Slaves must be restored as claimed, with costs and damages.

Mr. Lake, on the part of the Captors, stated nothing that had not before been strongly argued in the Case of the "Sinceridade," reported in Class B, of Papers presented to both Houses of Parliament by Command of His Majesty, in 1824. He particularly insisted on the Treaty being entered into for the purpose of preventing illicit Traffick in Slaves; that the trading in Slaves to the North of the Equator was undoubtedly an illicit trading in slaves, which was clearly proved to have been done in this Case; and that, therefore, by the spirit of the Treaty, the Vessel ought to be condemned, and her Slaves emancipated.

On the 9th of May the Court proceeded to give Judgment, observing, that not the shadow of a doubt existed but that this Vessel had been engaged in an illicit Traffick in Slaves to the North of the Equator, the proof of which fact was extremely clear.

Her two Log-books most distinctly shewed, by the courses and distances entered in them, that she made the Coast of Africa in about 4. North Latitude.

An Endorsement of Captain Murray on the Royal Passport, uncontradicted by the Claimant, proved her to have been visited by that Officer in His Majesty's Ship "Atholl" off Elmina, on the 11th of November 1825, and to have been considerably out of the limits allowed by the Treaty, and specified in the Royal Passport, where she had permission to carry on a Traffick in slaves. The Depositions of the Cook, with those of the slaves, distinctly proved that the slaves were shipped at Badagry, and the Deposition of Marcellina d'Almeira tended strongly to establish the same fact. The Master indeed not only asserted, but most positively deposed on oath the contrary, but the Court was sorry to observe that no credit whatever could be given to his testimony. His Proctor did not venture distinctly to aver that the slaves were shipped on board at the real Molemo, which no doubt he would have done had there been any chance whatever of proving it. The Court therefore felt no hesitation in pronouncing that this Vessel had been engaged in the illicit Traffick in slaves at Badagry, in 6. 20. North Latitude, contrary to the Convention between Great Britain and Portugal, of the 28th of July 1817, and that it would be the duty of the Commissioners to decree Condemnation of the Vessel and Emancipation of the Slaves; did not the 4th Article of the Instructions intervene, a Copy of which Instructions are furnished to every British Ship of War employed to prevent the illicit Traffick in slaves, and form an integral part of the said Convention. This Article states, "That no Portuguese Merchantman or Slave Ship shall, on any pretence whatever, be detained, which shall be found near the Land or on the High Seas, South of the Equator, unless after a chase that shall have commenced North of the Equator."

By the construction put by the Court on this Article in the Case of the "Sinceridade," the right of visitation and search is limited on the part of the British to such Portuguese Vessels only as shall be found to the North of the Equator, or to the South thereof, in the event of a chase begun to the North. The fact that this Vessel was detained to the South of the Equator is acknowledged by the Captors. It is distinctly alleged by Captain Murray in his Declaration, and also in the Certificate he gave to the Master at the time of capture, and is as distinctly sworn to by his Lieutenant; no mention by them is made of any chase began to the North of the Line.

The Claimant distinctly averred that the Vessel had not been chased from the North before being captured to the South, which assertion was not attempted to be contradicted on the part of the Captors, and must, therefore, be taken to be true.

The Commissioners expressed their opinion that this Case did not differ from that of the "Sinceridade," the principles of which had been so fully and ably investigated by the late Mr. Gregory and Mr. FitzGerald.

The Vessel and slaves were, therefore, decreed to be restored to the Claimant for the use of the Owner and Proprietor thereof, with costs, damages, and expences, and referred it to the Registrar, to ascertain the amount thereof, and report the same to the Commissioners.

(Signed) JOHN TASKER WILLIAMS,
D. M. HAMILTON,

Sierra Leone, June 10, 1826.

No. 43.

D. M. Hamilton, Esq. to Mr. Secretary Canning.—(Received October 17.)

(Extract.)

Sierra Leone, July 25, 1826.

MR. WILLIAMS being too ill at present to attend to any business, I beg leave to enclose a Supplement of the Report of the Case of the Brazilian Brig "*Activo*," Joze Pinto de Araujo, Master.

In the Letter of Mr. Williams and myself of the 10th ultimo, we had the honour to state, that the slaves on board this Vessel having revolted and come on shore a few days before adjudication took place, were seized by the Colonial Government, and that Mr. Macaulay, the Acting Governor, having refused to give them up, it became a question whether the Captor should be adjudged to pay the value of those slaves or not.

Upon mature consideration of all the circumstances of the Case, we came to the conclusion, that the Claimant ought to be paid the value of his slaves, unless his having taken them on board to the North of the Equator should be considered a bar thereto, and we therefore thought the giving him a conditional Decree for their value, reserving the final decision of the Case for the British and Brazilian Governments, would be most equitable, and be a means of again drawing the attention of those Governments to the incongruity of the Convention in Cases similar to the present.

I beg leave to observe, that prior to our proceeding to Judgment in this Case, we proposed to both Parties, for the purpose of securing the liberty of the slaves, that they should enter into an Agreement similar to the one entered into by the Captor and Claimant in the Case of the "*Sinceridade*;" but without effect.

I beg leave further to observe, in consequence of so very considerable a time having intervened between the bringing the Case of this Vessel into Court and the final decision of the same, that, with the exception of the period from February 17th to March 6th last, while Mr. Rendall, the then Acting Commissioner of Arbitration, and Mr. Macaulay, the Captor's Agent, were attending the late General Turner on the Sherbro' Expedition, and of the period from April the 23d to May the 9th, during which I was confined to my house with severe illness, every exertion was made by the Court to bring the Case to a conclusion.

I conceive, Sir, I should be wanting in duty did I not state for your information that this is the first Case that I am acquainted with of slaves revolting in this Harbour, that have been brought therein for adjudication, either in the Courts of Mixed Commission or in the Court of Vice-Admiralty.

(Signed)

D. M. HAMILTON.

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

Enclosure in No. 43.

Supplemental Report of the Case of the Brig "Activo," Joze Pinto de Araujo, Master.

On the 26th day of May, the Registrar finished his Report on this Case (A.) in which he gave it as his opinion that the Claimant was entitled to £55 for costs of suit; £256 2s. 8d. for special damages and expences; £9,983 15s. for the total loss of 166 slaves; and £150 for 5 per Cent. on total of capital employed; making altogether the sum of £11,098 17s. 8d.

On the 8th of June Mr Savage, the Claimant's Proctor, prayed the Court to award to the Claimant, the sums stated in the said Report to be due to him, for the unlawful seizure and detention of the said Vessel, and for the total loss of 163 slaves.—Mr. Lake, the Proctor of Captain Murray, the Captor, prayed the Court not to award the sum of £9,983 15s. for the loss of the

slaves, inasmuch, as the said slaves mutinied and rose upon the Crew in charge of the said Brig "Activo," and forcibly made their way to the Shore; and were afterwards taken charge of by the Collector of Duties by the order of the Acting Governor.—The Court directed that the circumstances of the escape of the said slaves from the said Brig should be more particularly detailed and brought before it, before it proceeded to make its award on the Registrar's Report; in pursuance of which the Parties brought in and filed various Papers relative to the aforesaid circumstances, and on the 1st day of July the said Papers were read in Court, to wit—the Affidavit of Mr. Lake, the Captor's Proctor, (B), wherein, among other matters, he deposeth and saith, "that on or about the 4th day of April last, Lieutenant Robert Lee Stephens, of His Majesty's Ship "Atholl," and Prize-Master on board the Brig "Activo," received a written order from Captain William Fitz William Owen, of His Majesty's Ship "Leven" to leave the said Brig "Activo," and proceed on board His Majesty's Ship "Romney," for a passage to England, at the same time taking the Prize Crew on board His Majesty's Ship "Leven."—That in consequence thereof this Deponent sent on board the said Brig "Activo," 6 men to take charge of the Vessel and Slaves; that on the 29th day of April last, this Deponent did consider, for the benefit of the Captors, to call upon the Proctor for the Claimant to take charge of the said Brig and Slaves, by forwarding to Claimant's Proctor the following Letter to wit:—

SIR, (1) *Water-Street, 29th April 1826.*

ON behalf of the Captors of the Brig "Activo," Louis Pinto de Araujo, Master, I beg leave to deliver you up the said Brig and Slaves on board, and I beg you will let me know as soon as possible when you will take charge of her and the slaves. An early answer will oblige.

I remain &c.

(Signed) JOHN DEAN LAKE, for Captors.

Wm. Henry Savage, Esq. Proctor for Claimants.

"That thereupon and in answer thereto Deponent received from Claimant's Proctor the following Letter to wit:—

SIR, (2) *29th April 1826.*

IN reply to yours of this date, notifying on the part of the Captors, that you beg leave to deliver up the Portuguese Brig "Activo," and the slaves on board; I have to state that I shall as early as possible lay your Letter before the Judges of the Mixed Commission, but that until that Court restores, in form, the said Vessel and Slaves, the Claimant cannot interfere with her or consider himself responsible either for her safety or the custody of the slaves.

I am, &c.

(Signed) W. H. SAVAGE.

J. D. Lake, Esq. Proctor for Captors.

"That on the same day Deponent forwarded to Claimant's Proctor the following Letter, to wit:—

SIR, (3) *Water-Street, 29th April 1826.*

I BEG leave to acquaint you, that on behalf of the Captors, I am willing to enter into the same arrangement as regards the slaves on board the "Activo," as was done in the recent Case of the "Sinceridade," J. G. da Rocha, Master.

I remain, &c.

(Signed) JOHN DEAN LAKE.

Wm. H. Savage, Esq.

"And received in Answer the following Letter and Enclosure to wit:—

SIR, (4) *29th April 1826.*

I ENCLOSE you a Copy of a Letter I have just received from His Honour the Acting Governor.

And I beg to refer you to that part of the Regulations for the Mixed Commission, which directs 1s. to be paid for every day for each slave on board for the period Vessel is detained, and to press on you to victual the said slaves, (as I understand the Captors have for some time done), as it is notorious that such victualling cannot here cost 1s. each.

If, however, you have any difficulty in so doing I am willing immediately to sign with you a Petition to the Court to allow the slaves to be landed, provided that such landing shall not affect the rights of the Claimant, and those otherwise concerned in them.

I have the honour to be, &c.

(Signed) W. H. SAVAGE.

J. D. Lake, Esq.

SIR, (5) *Government House, April 29, 1826.*

MR. COLE, the Collector, having reported to me that there are no provisions on board the Brazilian Brig, for the Slaves; that in consequence they have become very riotous, and 21 of them have come on Shore, I have to desire you will take immediate steps for supplying these unfortunate people with sufficient provisions.

I am, &c.

W. H. Savage, Esq.

(Signed) K. MACAULAY, Acting Governor.

"That, during the said 29th and 30th days of April, and 1st day of May last, the said slaves growing impatient at not being landed, and having, as this Deponent verily believes, been informed (by what means your Deponent knoweth not) there was no likelihood of their being emancipated, did, by force and arms, escape from the said Brig "Activo," and land in this Colony; that, on their landing in this Colony, they were immediately seized by the Acting Collector of Duties; that this Deponent applied personally to his Honour the Acting Governor for permission to replace the said Slaves on board the said Brig "Activo," which permission his Honour the Acting Governor refused to grant, on the ground that they could not be dealt with as Slaves, being at

large in this Colony; that this Deponent hath used all the diligence in his power to keep the said slaves in the state they were brought in for adjudication, and none of the said slaves came on Shore with this Deponent's sanction or knowledge, save and except 6 slaves, who, after being examined by the Court, were safely placed on board again. And further, that this Deponent having given notice to the Claimant's Proctor that he, on behalf of the Captors, declined proceeding any further in the said Cause, did discontinue, on the 29th day of April last, to provision the said Slaves." The Affidavit of William Henry Savage, Claimant's Proctor, (C) corroborating so much of the Affidavit of Mr. Lake as relates to the Correspondence between Mr. Lake and him, was also read; also the Affidavit of Mr. Thomas Cole, Acting Collector of Duties, and Assistant Superintendent of Liberated Africans (D), wherein he deposes and saith, "that, on or about the 29th and following day of the month of April last, he, this Deponent, (whose Office is situated contiguous to the Sea) saw a number of black persons in a Boat pulling from the said Brig towards the Publick Watering Place of this Colony, where they landed; and, whilst standing on the Beach, he, this Deponent, sent one of the Clerks employed in the Liberated African Department, to ascertain who and what they were, when he understood that they had forcibly made their escape from the said Brig, where they had been confined without a sufficient quantity of food being issued for their subsistence; that shortly afterwards he, this Deponent, reported the circumstance to Mr. Reffell, the Colonial Secretary and Chief Superintendent of Liberated Africans, in the absence of his Honour the Acting Governor, (who had not reached Town from his Country residence), who directed this Deponent to take charge of and safely keep the said persons who had so escaped on shore; that on the Deponent afterwards waiting on his Honour the Acting Governor, with the Colonial Secretary, who reported what had been done in this Case, the said Deponent received a verbal order from his Honour the Acting Governor, to treat the said persons who had thus escaped, and were then on shore, in the same light and manner as emancipated Negroes, and that, in consequence, the said persons were so dealt with accordingly."

The Letter from the said Mr. Thomas Cole to the Registrar (E), stating the landing of the slaves, and his taking charge of them, was also read; the Affidavits of George Springle, the Shipkeeper (F), and Robert Leigh, his Assistant (G), were also read, setting forth the circumstances of the revolt and escape of the slaves. The Affidavit and Petition of Joze Pinto de Araujo (H), stating that the slaves had quitted the Vessel, was likewise read; and lastly, the Affidavit of Joze Pinto de Araujo and Furtunato Mina (I) were read, who make oath and say, "That at the time the said Brig was brought into this Harbour for adjudication, by His Majesty's Ship of War "Atholl," James Arthur Murray, Commauder, the Deponents, one other African, and a lad, were all the persons of the said Brig's original Crew on board as aforesaid who were brought up in the said Brig; that the remainder of the Crew, that is to say, the Pilot, Boatswain, Clerk, and 15 Sailors, were taken on board the "Atholl," and Deponents believe left this Colony in the said Vessel, and that they never did again join the said Brig, after being taken out of her on the night of the day the said Vessel was so as aforesaid detained; that he, the said Master, was sick, without necessary provision, and did therefore come on Shore as soon as possible after the arrival of the said Vessel in this Harbour, and more especially to be ready at all times to communicate with his Proctor relative to prosecuting the Claim for the said Vessel; and that he the said Master never had any command nor controul over the said Vessel or the slaves on board, and that he was always obliged to conform to the orders and regulations of the Prize-Master until he came on Shore. And the said Furtunato further says, that to his own personal knowledge the Master nor any one of the Crew of the said Brig had not any controul over the said Vessel and the slaves on board after her arrival in this Port, nor since capture. And that this Deponent and another man alone continued always on board, the lad before-mentioned having quitted the Vessel soon after her arrival here, and the other man, an African, when the slaves got on Shore. And Deponents further say, that the means to controul the said slaves were never in their possession or power, by reason of the Crew aforesaid having been taken away by the Capturing Vessel, and retained as part of her Crew."

Whereupon the Commissioners absolutely and unconditionally confirmed so much of the Registrar's Report, as he stated his opinion the Claimant was entitled to, for costs of suit and special damages and expences occasioned to the said Brig by detention; but, for the reasons set forth in the Decree (K), only conditionally confirmed the remainder of the said Report, that is to say, they only confirmed the same, in the event of the British and Brazilian Governments agreeing and declaring that the same ought to be confirmed, according to the true intent and meaning of the Convention between Great Britain and Portugal for preventing illicit Traffick in Slaves, but not otherwise.

(Signed) D. M. HAMILTON.

(A.)—Registrar's Report of Costs, Damages, and Expences.

To the trusty and well-beloved the Commissary-Judges, named in the Mixed Commission established at Sierra Leone.

WHEREAS by your Decree of the 9th day of May 1826, you pronounced the Brig *Activo*, Cargo and Slaves to have belonged as claimed, and decreed the same to be restored to the Claimant for the use of the Owner and Proprietor thereof, with costs, damages, and expences, and referred the consideration of such costs, damages, and expences to your Registrar, and that he should report the amount thereof. Now I do most humbly report, that, having received an Account of the same, brought in on behalf of the Claimant, and having taken the same, together, with what was urged by the Agents of the Parties on both sides, into consideration, I am of opinion that the Claimant is entitled, under your Decree, to the several sums mentioned in the Schedule hereunto annexed. All which is humbly submitted by

May 26, 1826.

(Signed) WM. SMITH, Registrar.

Schedule of Costs, Damages and Expences:

| | | £. | s. | d. | £. | s. | d. | |
|-----|------|---|-------|----|----|----|----|---|
| £55 | 0s. | Claimed as Costs of Suit. Allowed by agreement between both Parties - | " | " | " | 55 | 0 | 0 |
| | | FIRST, Special Damages and Expences occasioned to the Brig by detention. | | | | | | |
| £25 | 0s. | Claimed for a Jolly-boat. Allowed by Proctor for Captors to have been broken up by their orders. The boat is stated to have been at the time of detention in an un-sound state, although she was used after Brig's arrival in this Harbour. I therefore allow the sum of £12. for this Claim - £18 being the lowest amount a Boat answering the same purpose could be purchased for here; the difference I deduct for wear and tear of the one destroyed - | 12 | 0 | 0 | " | " | " |
| £12 | 0s. | Claimed for caulking Brig's long Boat. Allowed by agreement between both Parties - | 3 | 0 | 0 | " | " | " |
| £75 | 0s. | Claimed for a new cable of 12 inch 80 fathoms long, and an anchor lost by the Captors off the Island of Bannanas. Allowed by agreement between both Parties - | 75 | 0 | 0 | " | " | " |
| £12 | 12s. | Claimed for 2 coils of new rope on board at the time of detention, but now missing, and which do not appear to have been used for the Brig - | 12 | 12 | 0 | " | " | " |
| £8 | 8s. | Claimed for 2 bolts of canvass, 4 being on board at the time of detention, and 2 only now remaining. | | | | | | |
| £18 | 0s. | Claimed for 6 bolts of duck, used or made away with by the Captors. The Proctor for Captors is not willing to allow the above 2 charges, but brings no proof that those articles were not on board at the time of Brig's detention; while the Proctor for Claimant produces in proof the Affidavits of the Master and Cook, the latter of whom swears he saw them cut up by the Captors. I therefore allow the sum charged, the canvass and duck being new - | 26 | 8 | 0 | " | " | " |
| £20 | 0s. | Claimed for 1 lower, 1 top-mast, and 1 top-gallant steering sails. Allowed by agreement between both Parties, deducting one-third for new - - - - | 13 | 6 | 8 | " | " | " |
| £4 | 6s. | Claimed for loss of log lines, fishing lines, twine to make and repair sails, and cotton twist. Allowed by agreement between both Parties - | 3 | 16 | 0 | " | " | " |
| £3 | 0s. | Claimed for 2 muskets and 4 cutlasses. I allow 20s. each for the muskets, and 2s. 6. each for the cutlasses - - - - | 2 | 10 | 0 | " | " | " |
| £35 | 0s. | Claimed for casks supposed to have been burnt, as the hoops are still on board. Allowed by agreement between both Parties - | 10 | 0 | 0 | " | " | " |
| £12 | 10s. | Claimed for 100 gallons of aquadente, used by the Captors, at 5s. per gallon. Allowed by agreement between both Parties - | 6 | 5 | 0 | " | " | " |
| £2 | 10s. | Claimed for 15 gallons of vinegar used by the Captors. Allowed by agreement between both Parties - | 2 | 10 | 0 | " | " | " |
| £8 | 0s. | Claimed for a cask of palm-oil used by the Slaves and others since detention. Allowed by agreement between both Parties, 30 gallons at 2s. per gallon - - - - | 3 | 0 | 0 | " | " | " |
| £6 | 5s. | Claimed for a cask of olive-oil (25 gallons) not now to be found on board. Allowed by agreement between both Parties - | 4 | 0 | 0 | " | " | " |
| | | Carried forward - | £ 174 | 7 | 8 | 55 | 0 | 0 |

| | | £. | s. | d. | £. | s. | d. |
|--------------|---|------|----|----|--------|----|----|
| | Brought forward | 174 | 7 | 8 | 55 | 0 | 0 |
| £10 0s. | Claimed for wooding and watering Brig for Sea. Allowed by agreement between both Parties | 10 | 0 | 0 | " | " | " |
| £30 0s. | Claimed for property belonging to the Master, which is stated to have been used, taken away, or destroyed by Captors. I do not allow this charge, as I conceive the Master to have been very neglectful in almost abandoning the Brig, and thereby not taking due care of his own property | " | " | " | " | " | " |
| £20 0s. | Claimed to replace cabin stores for Sea | 20 | 0 | 0 | " | " | " |
| £60 0s. | Claimed for provisioning Brig for Sea. Allowed by agreement between both Parties | 50 | 0 | 0 | " | " | " |
| £1 15s. | Claimed for use of a Canoe, 7 days at 5s. per diem. This charge is made in consequence of the Boat of the Brig being at present unserviceable—which I allow | 1 | 15 | 0 | " | " | " |
| | SECONDLY,— | | | | 256 | 2 | 8 |
| £588 0s. | Claimed for demurrage, from the 1st of February to the 9th of May 1826 (98 days at £6. per day) detained Brig being 149 tons burthen per Passport. Allowed by agreement between both Parties | 588 | 0 | 0 | " | " | " |
| £66 0s. | Claimed for 11 additional day's demurrage, being from the period of the Sentence of Restitution to the closing of the Case. Allowed by agreement between both Parties | 66 | 0 | 0 | " | " | " |
| | No charge made under the Head of the THIRD Item. | | | | 654 | 0 | 0 |
| | FOURTHLY,— | | | | | | |
| £10,167 10s. | Claimed for the total loss of 166 slaves, value at the Place of destination (Pernambuco) 300 dollars each, each dollar being equal to 4s. 1d. British sterling money; the slaves were on board when the Brig was detained and brought to Sierra Leone for Adjudication, have been restored by decree of Court, but are not now on board. 163 slaves having been proved to be the number that escaped from the Brig, and that the value of each slave, at the Place of destination, is 254 mil reas, equal at 800 reas per dollar to 317½ dollars; therefore, deducting the 17½ dollars for charges and commission on the sale of each slave, I allow the sum charged for each of the 163 slaves, being in conformity with the 8th Article of the Regulations for the Mixed Commission, annexed to the Convention between His Majesty and His Most Faithful Majesty The King of Portugal, signed at London, 28th July 1817—163 at 300 dol. (4s. 1d.) each, £61 5s. | 9983 | 15 | 0 | " | " | " |
| | SIXTHLY,— | | | | | | |
| £450 0s. | Claimed for 5 per cent. on total of capital employed, valued at £9000. This estimate I consider as greatly exceeding the amount of money employed. On referring to an Invoice of a similar cargo on board of a Vessel brought in here for Adjudication, as is stated to have been on board the "Activo," and the Declaration of the Master, that the principal articles of his outward cargo consisted of 2100 rolls of tobacco and 12 pipes of aquadente, which, together with the value of the Brig, I estimate the whole at £3000, and have allowed upon that sum 5 per cent. in accordance with the 8th Article of the Convention, as stated in the last charge | 150 | 0 | 0 | " | " | " |
| | Total Amount | | | | 10133 | 15 | 0 |
| | | | | | £11098 | 17 | 8 |

(B.)—*Affidavit of the Captor's Proctor.*

APPEARED personally John Dean Lake, of Freetown, in the said Colony, Proctor, on behalf of Captain James Arthur Murray, and the Officers and Crew of His Majesty's Ship "Atholl," who, being duly sworn, deposeth and saith, that on or about the 16th day of February last, the said Brig "Activo," with 165 slaves on board, arrived in this Harbour, having been detained by His Majesty's Ship "Atholl" for being engaged in the illicit Traffick in slaves, in charge of Lieutenant Robert Lee Stephens of that Ship; that on the day after her arrival, the Papers and Documents were lodged in the Registry of the above Court; that there came up as Witnesses, in the said Case, the Portuguese Master, Louis Pinto de Araujo, the first and second Cook, and a Boy, all belonging to the said Brig; that about 8 days after the said Brig's arrival in this Port, the Master, Joze Pinto de Araujo, with one of the Cooks, proceeded to the Shore, from whence he refused to return; that the Deponent, in company with the said Lieutenant Robert Lee Stephens, proceeded to the House where the said Master, Louis Pinto de Araujo, was residing; that the said Lieutenant requested the said Master, Louis Pinto de Araujo, to proceed on board the said Brig, when the said Master, Louis Pinto de Araujo, in this Deponent's hearing, told the said Lieutenant "that he had nothing more to do with the said Brig "Activo," as she was detained against his will;" that the Deponent asked the said Master, Louis Pinto de Araujo, if he would give his consent for the said slaves to be landed, which the said Master declined, on the grounds of his having nothing more to do with the said Brig "Activo;" that at the request of the said Master, his private property was sent on Shore to him; that on or about the 4th day of April last, the said Lieutenant Robert Lee Stephens received a written order from Captain William Fitz-William Owen, of His Majesty's Ship "Leven," to leave the said Brig "Activo," and proceed on board His Majesty's Ship "Romney" for a passage to England, at the same time taking the Prize Crew on board of His Majesty's Ship "Leven;" that in consequence thereof, this Deponent sent on board the said Brig "Activo" 6 men to take charge of the Vessel and Slaves; that on the 29th day of April last this Deponent did consider, for the benefit of the Captors, to call upon the Proctor for the Claimant to take charge of the said Brig and Slaves, by forwarding the Letter marked (1); that thereupon Deponent received from Claimant's Proctor the Letter marked (2) in Answer thereto; that on the same day this Deponent forwarded to the Claimant's Proctor the Letter marked (3), and received in Answer the Letter marked (4) with its Enclosure (5); that during the said 29th and 30th days of April, and 1st day of May last, the said slaves, growing impatient at not being landed, and having, as this Deponent verily believes, been informed, by what means your Deponent knoweth not, there was no likelihood of their being emancipated, did by force and arms escape from the said Brig "Activo," and land in this Colony, as may be seen by two Affidavits of the Shipkeepers filed in the Registry of this Court; that on their landing in this Colony they were immediately seized by the Acting Collector of Duties, as may be seen by the Affidavit marked (D); that this Deponent applied personally to his Honour the Acting Governor, for permission to replace the said slaves on board the said Brig "Activo," which permission his Honour the Acting Governor refused to grant, on the grounds that they could not be dealt with as slaves, being at large in this Colony; that this Deponent hath used all the diligence in his power to keep the said slaves in the state they were brought in for Adjudication, and that none of the said slaves came on Shore with this Deponent's sanction or knowledge, save and except 6 slaves, who, after being examined by the Court, were safely placed on board again; and further, that this Deponent having given notice to the Claimant's Proctor that he, on behalf of the Captors, declined proceeding any further in the said Cause, did discontinue on the 29th day of April last to provision the said slaves.

(Signed) JOHN DEAN LAKE.

Sworn before me, this 12th June 1826,

(Signed) WM. SMITH, Registrar.

The Sub-Enclosures 1 to 5, are contained in the "Supplemental Report of the Case."

(C.)—*Affidavit of the Claimant's Proctor.*

PERSONALLY appeared William Henry Savage, who, being duly sworn, maketh oath, and saith, that he has read the Affidavit of John Dean Lake, Proctor in this Cause (Brig "Activo"), on behalf of the Captors; that the allusions made to this Deponent, as Proctor for Claimants in the said Cause, are true; that the Letter (1) was received by this Deponent, and the Letter (2) is the Answer thereto; that the Letter (3) this Deponent does not recollect receiving, but the purport of the said Letter was communicated to him, the Deponent, verbally, to the best of his knowledge and belief; that the Letter (4) with the Enclosure (5) were sent to the said John Dean Lake, as Proctor aforesaid, by this Deponent.

(Signed) W. H. SAVAGE.

Sworn before me, this 12th day of June 1826,

(Signed) WM. SMITH, Registrar.

The Sub-Enclosures 1 to 5, are contained in the "Supplemental Report of the Case."

(D.)—*Affidavit of the Acting Collector of Duties.*

APPEARED personally Thomas Cole, Esquire, Acting Collector of Duties in and for the Colony of Sierra Leone, and Assistant Chief Superintendent of Liberated Africans in and for the same, who, being duly sworn, deposeth and saith, that on or about the 29th and following day of the month of April last, he, this Deponent, (whose Office is situated contiguous to the Sea), saw

a number of black persons in a Boat pulling from the said Brig ("Activo") towards the Publick Watering-place of this Colony, where they landed, and whilst standing on the Beach he, this Deponent, sent one of the Clerks employed in the Liberated African Department, to ascertain who and what they were, when he understood they had forcibly made their escape from the said Brig, where they had been confined without a sufficient quantity of food being issued for their subsistence; that shortly afterwards he, this Deponent, reported the circumstance to Mr. Reffell, the Colonial Secretary and Chief Superintendent of Liberated Africans, in the absence of his Honour the Acting Governor, (who had not reached Town from his Country residence), who directed this Deponent to take charge of and safely keep the said persons who had so escaped on Shore; that on the Deponent afterwards waiting on his Honour the Acting Governor, with the Colonial Secretary, who reported what had been done in this Case, the said Deponent received a verbal order from his Honour the Acting Governor, to treat the said persons, who had thus escaped and were then on Shore, in the same light and manner, as Emancipated Negroes, and that in consequence the said persons were so dealt with accordingly.

(Signed) THOS. COLE.

Sworn before me, this 13th day of June 1826,

(Signed) Wm. SMITH, Registrar.

(E.)—*The Acting Collector of Duties to the Registrar.*

SIR,

Sierra Leone, May 2d, 1826.

I HAVE the honour to acquaint you, that 163 slaves, brought into this Harbour in the Portuguese Brig "Activo," have made their escape from that Vessel, and that I have, as Collector of this Port, taken charge of the said slaves.

I have the honour to be, &c.

Wm. Smith, Esq.

(Signed) THOS. COLE.

(F.)—*Affidavit of George Springle, Mariner.*

PERSONALLY appeared, George Springle, of Sierra Leone, Mariner, who, being duly sworn, deposeth and saith, that, on the 6th day of March last, by order of Mr John Dean Lake, (on behalf of the Captors), he, this Deponent, went on board and took charge of the detained Brig "Activo," J. P. de Araujo, Master, with a Cargo of Slaves, in the capacity of Ship-Keeper, the said Brig laying at anchor in the Harbour of Sierra Leone; that there likewise went on board said Vessel 5 men to assist this Deponent, besides 2 men who were on board, being part of the original Portuguese Crew, making in all 8 men, that on Friday the 28th of April last, the said slaves became very riotous and disorderly, and expressed, by signs and gestures, to this Deponent, that, if they were not allowed to go on shore, they would jump overboard; that in consequence of this threat, Deponent armed himself and the Crew, and stationed the Crew in different parts of the said Brig during the whole of Friday night; that, on the following day, no provisions being on board for the said slaves, Deponent came on Shore to apply for some, giving orders to the man left in charge not to allow any person to quit the Brig; that, as this Deponent was going down to the Beach to return on board, he saw 21 of the said slaves landing themselves from the Brig; that he immediately proceeded on board, and found the Long-boat, which was made fast astern alongside, with about 70 slaves in her; that himself and the Crew threatened to fire into the Boat if they did not come out of her; that, on this, a number of the slaves threatened, as before stated, to throw this Deponent and the Crew overboard; that this Deponent was afraid to make use of his arms, it being his firm belief that, if he had, himself and the Crew would immediately have been overpowered and murdered; and that, in the mean time, the said Slaves who were in the Long-Boat pushed from the Vessel and gained the Shore; that about 6 o'clock in the evening of the same day, a quantity of rice and palm-oil came on board for the use of the said slaves; that, when supper was prepared for them, they refused it, alleging "that they would not eat until allowed to go on Shore;" that on the whole of Sunday the 30th, they still refused their provisions, but appeared to this Deponent more moderate and less riotous; that, to prevent their getting the Long-boat, Deponent anchored her about a cable's length from the said Vessel, and hoisted the Jolly-boat up to the stern of the said Brig; that at day-light, on the morning of the 1st instant, the said Slaves armed themselves with pieces of iron hoops, billets of wood, and old knives, stolen from the Cabin, headed by six of the most powerful, who had heretofore acted in the capacity of Boatswains, and had assisted in checking the former disturbances; that part of them proceeded to lower down the Jolly-boat, whilst the rest, armed as before stated, defended them; that, having got the Jolly-boat in the water, 4 of the said Slaves went and brought the Long-boat alongside, into which they all got, and proceeded for the Shore.

(Signed) GEORGE SPRINGLE.

Sworn before me this 4th day of May 1826.

(Signed) Wm. SMITH, Registrar.

(G.)—*Affidavit of Bob Leigh, Mariner.*

PERSONALLY appeared, Bob Leigh, a native Mariner, who, being duly sworn, deposeth and saith, that he is employed to assist in taking care of the Brig "Activo" and Slaves; that, on Friday the 28th of April last, the Slaves acted in a most riotous manner; that in consequence he, this Deponent, was under arms for the whole of the night; that on Saturday the 29th of April, about 12 o'clock in the forenoon, the said slaves armed themselves with bludgeons, pieces of rope, iron hoops, &c., and seized upon a Boat, (belonging to the Shore), which was laying astern of the said Brig, and the Long-boat of the said Brig, 21 Slaves getting into the former and about 70 in the latter; that on this Deponent going to them to get them out of the Boat, they held up their bludgeons, whilst others drew their knives across their throats, and then pointed to the

water; that Deponent verily believes if he had struck one, himself and the Crew would have been instantly murdered; that the said Slaves reached the Shore in safety; that, on Saturday evening, the Slaves remaining on board refused to eat their supper, and that they ate nothing on Sunday; that on the morning of the 1st instant, about gun-fire, the remaining slaves again armed themselves, and proceeded to seize upon the Boats, menacing every one who opposed them; that he, this Deponent, was so alarmed, and thinking his life in danger, ran out to the jib-boom end, and hailed a Government Sloop laying near for assistance, which did not arrive until the said Slaves had got on shore.

(Signed)

BOB LEIGH, his × Mark.

Sworn before me this 4th day of May 1826.

(Signed) Wm. SMITH, Registrar.

(H.)—*Affidavit and Petition of Joze Pinto de Araujo, Master.*

PERSONALLY appeared, Joze Pinto de Araujo, who, being duly sworn, maketh oath and saith, that the circumstances stated in the within Petition (1) are in every respect true to this Deponent's knowledge and belief, and that the annexed Paper Writing, marked (2), this Deponent believes to be of the hand-writing of the Proctor for Captors, and was delivered unto this Deponent by the Proctor of this Deponent as being received by him from the said Proctor.

(Signed)

JOZE PINTO DE ARAUJO

Sworn this 9th day of May 1826, before me,

(Signed) Wm. SMITH, Registrar.

(1.)—*Petition of Jose Pinto de Araujo, Master,*

Sheweth,

THAT your Petitioner's Proctor hath put into the hands of your Petitioner the accompanying Letter,* by which your Petitioner is apprised that the Captors of the said Brig forbear any further proceeding in the Cause.

That your Petitioner is informed, and does believe that no attention is now paid to the ordinary duties of the said Brig "*Activo*," in pumping and cleaning her as usual.

That the whole of the slaves on board have quitted the said Brig, and are now on Shore, but that your Petitioner knows not by whose means or by whose orders.

That the ground tackling of the said Brig, from her long laying in this Harbour, is liable to part, from the severe winds which occasionally blow at this Season in tornados.

Wherefore your Petitioner most humbly prays your Honourable Court to appoint such early day, as to your Honours may seem fit, whereon to pronounce Judgment in the said Cause, and thereby enable your Petitioner to know in what manner to proceed with the said Brig for the benefit of those concerned therein.

And your Petitioner, as in duty bound, will ever pray,
(Signed) JOZE PINTO DE ARAUJO.

* See the "Supplemental Report" (1.)

(J.)—*Affidavit of the Master and Cook, and Petition of Proctor for Claimants.*

PERSONALLY appeared Joze Pinto de Araujo, Master of the said Brig "*Activo*," and Furtunado Mina, Cook of the said Vessel, who, being duly sworn, make oath and say, that at the time the said Brig was brought into this Harbour for Adjudication, by His Majesty's Ship-of-War "*Atholl*," James Ar hur Murray, Commander, the Deponents, one other African, and a lad, were all the Persons of the said Brig's original Crew on board as aforesaid, who were brought up in the said Brig; that the remainder of the Crew, (that is to say,) the Pilot, Boatswain, Clerk and 15 sailors were taken on board the "*Atholl*," and Deponents believe, left this Colony in the said Vessel, and that they never did again join the said Brig after being taken out of her on the night of the day the said Vessel was so as aforesaid detained; that he, the said Master, was sick without necessary provision, and did therefore come on Shore as soon as possible after the arrival of the said Vessel in this Harbour, and more especially to be ready at all times to communicate with his Proctor relative to prosecuting the Claim for the said Vessel, and that he, the said Master, never had any command nor controul over the said Vessel or the Slaves on board, and that he was always obliged to conform to the Orders and Regulations of the Prize-Master, until he came on Shore; and the said Fortunado further says, that to his own personal knowledge the Master, nor any one of the Crew of the said Brig, had not any controul over the said Vessel and the Slaves on board after her arrival in this Port, nor since capture; and that this Deponent and another man alone continued always on board, the lad before-mentioned having quitted the Vessel soon after her arrival here, and the other man, an African, when the slaves got on shore. And Deponents further say that the means to controul the said slaves were never in their possession or power, by reason of the Crew aforesaid having been taken away by the capturing Vessel, and retained as part of her Crew.

(Signed)

JOZE PINTO DE ARAUJO.

Swore before me this 10th day of June 1826.

(Signed) Wm. SMITH, Registrar.

his
FURTUNADO × MINA.
mark.

Petition of the Proctor, on behalf of the Claimant of the Brig "Activo."

Sheweth,

THAT in proof that the escape of the slaves from the said Brig "Activo," and in proof that no means were in the power of him, the said Master, by his Crew, to prevent the same, your Petitioner most humbly prays that the annexed Affidavit may be filed and receive the consideration of your Honourable Court.

And your Petitioner, as in duty bound, will ever pray.

June 10th, 1826.

(Signed)

W. H. SAVAGE.

(K.)—Decree of the Commissioners.

THIS day, in pursuance of the directions of the Court of the 8th day of the month of June last, "that the proof of the Circumstance of the escape of the 163 Slaves from the said Brig ("Activo") should be more particularly detailed, and brought before it, together with all Correspondence and Communications that had taken place between the Proctors in the Cause, and His Majesty's Colonial Authorities, on the subject of the said Slaves, supported by Affidavits;" the following Documents relative to the same were brought in and filed in the Registry of the said Court, and were this day read,—to wit:—

- 1st.—The Affidavit of John Dean Lake, the Proctor for the Captor, sworn, June 12, 1826.
- 2d.—The Affidavit of William Henry Savage, the Proctor for the Claimant, sworn, June 12, 1826.
- 3rd.—Letter from John Dean Lake to William Henry Savage, dated, April 29, 1826.
- 4th.—Letter from William Henry Savage to John Dean Lake, dated, same day.
- 5th.—Letter from John Dean Lake to William Henry Savage, dated, same day.
- 6th.—Letter from William Henry Savage to John Dean Lake, dated, same day.
- 7th.—Letter from K. Macaulay, Acting Governor, to William Henry Savage, dated, same day.
- 8th.—Affidavit of Thomas Cole, Acting Collector, sworn, June 13, 1826.

The following Documents, relative to the same subject, were also this day read, viz.:—

- 1st.—The Letter of Mr. Thomas Cole, Acting Collector, to the Registrar of this Court, dated, May 2, 1826.
- 2d.—Affidavit of George Springler, sworn, May 4, 1826.
- 3d.—Affidavit of Robert Lee, sworn May 4, 1826.
- 4th.—Petition and Affidavit of Jozé Pinto de Araujo, the Master, sworn May 9, 1826, enclosing Duplicate of Letter aforesaid, from John Dean Lake to W. H. Savage, of the 29th of April 1826.

The Report of the Registrar being also read, the said Commissioners confirmed so much of the same, as the Registrar therein stated his opinion the Claimant was entitled to, for Costs of Suit and Special Damages and Expences occasioned to the said Brig by detention, and in pursuance thereof, the said Commissioners did award and decree that James Arthur Murray, Esquire, the Captor in this Case, do pay to the said Jozé Pinto de Araujo, the Claimant, or to his lawful Attorney or Attornies, for his use, absolutely and unconditionally, the sum of £256. 2s. 8d. sterling money of Great Britain, for the said Costs of Suit, and for Special Damages and Expences occasioned to the said Brig by her detention.

And notwithstanding it appeared to the Commissioners by the Affidavits, and other Documents this day read, that the loss of the slaves might, in some measure, have been caused by the neglect of the Captor or his Agent, who had the charge and possession of them, and also of the said Brig, in consequence of his not furnishing them with food on the 29th day of April last, yet the Commissioners could not believe or conclude this to have been either the principal or the sole cause of the said Slaves leaving the Vessel, and coming on Shore; and although the Commissioners would not attempt to justify the mode in which the Claimant had been deprived of his slaves, nor the conduct of the Captor or his Agent, in not taking proper precaution to prevent those slaves leaving the Vessel, nevertheless, they conceived themselves bound to declare their opinion, that the absolute and unconditional confirming the whole of the Registrar's Report, would be contrary to the principles of equity, and would, in point of fact, be rewarding the Claimant, not only for a breach of the Convention between Great Britain and Portugal for the prevention of the illicit Slave-trade, but for a breach of the Laws of his own Country.

The Commissioners, at the same time that they considered the illegal conduct of the Captor in making this seizure to the South of the Equator, in direct opposition to his Instructions, could not lose sight of conduct much more illegal on the part of the Claimant, in carrying on the Slave-trade to the North of the Equator, contrary to the Licence granted him in his Passport by the Authorities of the Brazilian Government, and in defiance of the Convention aforesaid, and of the Laws of Portugal and Brazil.

The Commissioners having further considered that, by the Convention aforesaid, there is no Appeal from their Judgment in this Case, and having also considered it to be most desirable that some additional Measures should be adopted by the British and Brazilian Governments, for the prevention of such glaring violations of the Convention as the present, have, therefore, in the hope that this Case may particularly call forth the attention of both Governments, only conditionally confirmed the remaining part of the Registrar's Report; and, therefore, the said Commissioners did further award and decree that the said James Arthur Murray, Esq. the Captor in this

Case, do pay to the said Jozé Pinto de Araujo, the Claimant, or his lawful Attorney or Attornies, for his use, the sum of £654 sterling money of Great Britain, for the demurrage of the said Brig, provided the British and Brazilian Governments agree and declare that the said sum ought to be so paid, according to the true intent and meaning of the said Convention between Great Britain and Portugal for the prevention of illicit Slave-trade, but not otherwise.

And the said Commissioners did further award and decree, that the said James Arthur Murray, Esq. do pay to the said Jozé Pinto de Araujo, or his lawful Attorney or Attornies, for his use, the further sum of £9,983 15s. sterling money of Great Britain, for the total loss of 163 slaves, provided, as before, that the British and Brazilian Governments agree and declare, that the said sum ought to be so paid, according to the true iatent and meaning of the Convention aforesaid, but not otherwise.

And the said Commissioners did further award and decree that the said James Arthur Murray, Esq. do pay to the said Jozé Pinto de Araujo, or his lawful Attorney or Attornies, for his use, the further sum of £150, sterling money of Great Britain, being for Interest on the estimated Capital employed in the purchase and maintenance of her Cargo, provided, as before, that the British and Brazilian Governments agree and declare that the said sum ought to be so paid, according to the true intent and meaning of the Convention aforesaid, but not otherwise.

(Signed)

JOHN TASKER WILLIAMS
D. M. HAMILTON.

1st July 1826.

No. 44.

D. M. Hamilton, Esq. to Joseph Planta, Jun. Esq. (Received Oct. 16.)

SIR,

Sierra Leone, August 15, 1826.

IN pursuance of the 75th Clause of the Act, passed in the 5th Year of the Reign of His present Majesty, intituled "An Act to amend and consolidate the Laws relating to the Abolition of the Slave-trade;" and in obedience to the Instructions received from Mr. Secretary Canning relative to the same, I beg leave to enclose a List or Return of all the Cases of Portuguese Vessels which have been adjudicated in the British and Portuguese Courts of Mixed Commission established at this Place, from the 1st day of January to the 30th day of June 1826, both days inclusive.

I have the honour to be, &c.

Joseph Planta, Jun. Esq.

(Signed)

D. M. HAMILTON.

&c. &c. &c.

Enclosure in No. 44.

Return of Portuguese Vessels Adjudicated by the British and Portuguese Court of Mixed Commission established at Sierra Leone, from the 1st day of January to the 1st day of July 1826.

| NAME of VESSEL. | Date of Seizure. | Property Seized. | SEIZOR. | Date of Sentence. | Decretal part of Sentence, whether Forfeiture or Restitution. | Whether Property condemned has been sold or converted, and whether any part remains unsold, and in whose hands the Proceeds remain. |
|----------------------------|-------------------|-------------------------------|---------------------|-------------------|--|---|
| Paquete da Bahia | November 22, 1825 | { Brig and 386 Slaves } | Lieut. J. C. Giles. | January 10, 1826 | Condemned for illicitly Trading in Slaves.. | { The Brig sold, by publick auction, and the proceeds paid into the Military chest. |
| San Joao Segunda Rosalia } | November 25, — | { Brigantine and 258 Slaves } | J. A. Murray.... | March 21 — | Condemned for illicitly Trading in Slaves.. | { The Brigantine, sold by publick auction, and the Proceeds paid into the Military chest. |
| Activo | February 11, 1826 | { Brig and 166 Slaves } | J. A. Murray.... | May 9, — | { Restitution of Brig and Slaves decreed by the Court, the capture having been illegally made to the Southward of the Equator. | |
| Esperança | March 4, — | { Sloop and 4 Slaves } | W. J. Purchas ... | June 8, — | Condemned for illicitly Trading in Slaves.. | { The Sloop, sold by publick auction, but the Proceeds remain in the hands of the Commissioners of Appraisement and Sale, the Accounts not having yet been returned into the Registry. |
| Netuno..... | March 4, — | { Brigantine and 92 Slaves } | W. J. Purchas ... | June 8, — | Condemned for illicitly Trading in Slaves.. | { The Brigantine, sold by publick auction, but the proceeds remain in the hands of the Commissioners of Appraisement and Sale, the Accounts not having yet been returned into the Registry. |

Sierra Leone, July 1, 1826.

(Signed)

D. M. HAMILTON.

No. 45.

D. M. Hamilton, Esq. to Mr. Secretary Canning.—(Received Nov. 14.)

SIR,

Sierra Leone, September 20, 1826.

I BEG leave to enclose Copy of a Letter to me from Mr. Smith, the Registrar of the Courts of Mixed Commission, pointing out an error in favour of the British Government, in his Report of Costs and Damages in the Case of the Brig "*Activo*," reported to you by His Majesty's late Commissary Judge and myself, under date the 10th of June last, a Supplement to which Report was subsequently transmitted by me, under date of the 25th of July following.

I most respectfully beg to assure you, Sir, that not only the Registrar, but the British Commissioners, labour under the greatest difficulties in procuring data whereon to found their Judgment of the amount of Costs and Damages that ought to be awarded in Cases of the Restitution of Portuguese and Brazilian Vessels.

I should not be doing justice to my feelings, were I not to state to you the steady and unremitting support I have experienced from Mr. Smith the Registrar, in the performance of the duties of the Mixed Commissions, since the death of my Friend and Colleague, Mr. Williams, and I beg most respectfully to recommend him as a most zealous and active Officer.

The error mentioned in his Letter, so far as it applies to the "*Perpetuo Defensor*," can be easily altered, that Case not being yet finally settled.

I have the honour to be, &c.

The Right Hon. Geogre Canning. (Signed) D. M. HAMILTON.
&c. &c. &c.

Enclosure in No. 45.

William Smith, Esq. to D. M. Hamilton, Esq.

SIR,

Sierra Leone, September 13, 1826.

IN the recent Case of the Brazilian Brig "*Activo*," which was restored to the Claimant by Decree of the British and Portuguese Court of Mixed Commission, on the 9th May 1826, the Court referred the consideration of the Costs, Damages, and Expences occasioned by the Brig by detention, to the Registrar, and that he should report the amount thereof. On the 26th of the same Month I made the Report accordingly, after having taken every possible means in my power to ascertain the correctness of the different Charges, before I submitted them to the Court for its Award thereon.

On referring to the said Report, I find that 14,000 reis, or 17½ Spanish dollars, calculating the latter to be worth 800 reis, is the amount I have allowed, as being the sum payable for duties, charges and commission, collectively, on the importation and sale of each slave into Brazil.

At the time I made that Report, I conscientiously believed, from the best information I could obtain, that that sum was the full amount paid, and it was not until a few days since, on perusing the Correspondence with Foreign Powers, relating to the Slave-trade, 1825, 1826, Class B, presented to both Houses of Parliament by Command of His Majesty, 1826, and which arrived in His Majesty's Ship "*North Star*," from Mr. Canning, on the 4th of August last, that I perceived in Mr. Vice Consul Follett's Letter to Mr. Canning, dated Bahia, 25th January 1825, that the duties payable on the importation there of each slave are 22,000 reis, a sum considerably above what I, in my Report in the Case of the "*Activo*," allowed, without charges or commission: and I consider it my duty to enter into this explanation, in the hope that you, Sir, will make a representation to Mr. Canning on the subject, as there is a discrepancy in the amount of the same charge, in the Accounts of the "*Perpetuo Defensor*" and "*Activo*" which appears to me to require it.

I further beg to state that you, Sir, being fully aware of the difficulties in this Colony which the Registrar has to contend with, to ascertain the truth of the charges made, in Cases where Restitution is decreed, will, I am convinced, make every favourable allowance, for errors which will unavoidably happen, as in the "*Activo's*" Case, and that you will acquit me of partiality, either to Captors or Claimants, in the performance of my publick duties.

I have the honour to be, &c.

D. M. Hamilton, Esq.

(Signed)

WM. SMITH.

No. 46.

D. M. Hamilton, Esq. to Mr. Secretary Canning.—(Received December 22.)

(Extract.)

Sierra Leone, October 12, 1826.

I HAVE the honour to transmit, herewith, the Report of the Case of the Brazilian Brig "*Perpetuo Defensor*," whereof Antonio Mauricio de Mendonça was Master: she was seized by His Majesty's Ship "*Maidstone*," Commodore Bullen, on the 18th of April last, on her Voyage, as stated by the Master, from Molembo to Rio Janeiro, but, as proved to the Court, from Badagry, in 6. 18. North Latitude, to Rio Janeiro, with a Cargo of 424 Slaves. This seizure was made to the South of the Equator, and in sight of the Island of Anna Bona.

On her arrival at Sierra Leone, on the 23d of May following, the slaves on board were found to be in a most wretched state of suffering, from being afflicted with diarrhoea, dysentery and small pox, and it was deemed requisite, to prevent the introduction of the latter disease into the Colony, to place her under Quarantine; and in consequence of the representations of Commodore Bullen, and of the advice of the Colonial Surgeon, the sick and healthy slaves were separated from each other, and the latter put on board one of the Government Colonial Vessels, then lying unemployed in the Harbour; this was done by order of the Colonial Council, the Acting Governor being absent at the time in the River Gambia.

The cause of seizure, as alleged by the Captor, viz: *the having a British subject confined on board as a slave*, was not considered by the Court sufficient to bring the Case within its jurisdiction, and the Captor was requested to proceed in the usual manner for a breach of the Convention, but this he declined doing, and voluntarily restored both the Vessel and Slaves to the Master.

The Master not being satisfied with only receiving back his Vessel and Slaves, claimed from the Court, Costs, Damages and Expences, caused by the detention, and called on the Captor, by Monition, to proceed to Judgment in the Case; several Witnesses were therefore examined, who clearly proved the slaves had been taken on board at Badagry in North Latitude, upon which the Commissioners (the Claimant having been deprived of his slaves through the intervention of the Colonial Government), thought it would be most eligible in every respect to adjudicate the Cause on the same principles as they had decided that of the "*Activo*," and therefore, as in that Case, gave the Claimant only a conditional Decree for the Value of the Slaves, and the greater part of the Demurrage, and awarded him, unconditionally, so much as to enable him to pay the expences he had incurred while the Cause was depending, and to refit and victual his Vessel for a Voyage to Rio Janeiro.

I have the honour, herewith, to transmit, for your information, the Copies of 3 Decrees made in this Case, one of which is a final one.

The Right Hon. George Canning, (Signed) D. M. HAMILTON.
 &c. &c. &c.

First Enclosure in No. 46.

Report of the Case of the Brazilian Brig "Perpetuo Defensor," Antonio Mauricio de Mendonça, Master.

THIS Brig, which was seized by His Majesty's Ship "*Maidstone*" on the 18th of April last, to the South of the Equator, arrived in the Harbour of Sierra Leone on the 23d day of May, and was immediately put under Quarantine by the proper Officer, in consequence of her having several cases of small pox on board. The Acting Governor of the Colony, Mr. Macaulay, being at that time absent on a visit to the Settlement in the River Gambia, the Colonial Council, considering the wretched and diseased state the slaves were in, ordered, from motives of humanity, the healthy to be separated from the sick, the former to be put on board a Government Colonial

Vessel at that time lying unemployed in the Harbour, to be kept there during the time they should remain under Quarantine, and a considerable number were in consequence immediately removed, with the assistance of Commodore Bullen, to that Vessel.

No proceedings, however, were taken in the Case till the 3d of June, when the Ship's Papers, with the Affidavit of Lieutenant Lyall of the "Maidstone," were brought into Court, and also the Declaration of Commodore Bullen, the Captor, in which he sets forth, "that on the 18th day of April 1826, being off the Island of Anna Bona, he detained the Brig "Perpetuo Defensor," sailing under Brazilian Colours, commanded by Antonia Mauricio de Mendonça, who declared her to be bound from Molembo to Rio Janeiro, with a Crew consisting of 54 men and boys, and having on board 424 slaves, who all respectively declared, by the assistance of an Interpreter, that they were taken on board at Badagry, in 6. 18. North Latitude, about 12 or 14 days before seizure; that soon after boarding and examining the said Vessel, a person of the name of Cackau, confined as a slave on board thereof, did claim from the Officer employed, British protection as being a British Subject then and there held in slavery, and which protection was immediately granted by him the said Charles Bullen, by detaining the said Brig "Perpetuo Defensor," and sending her up to Sierra Leone, to answer for detaining a British Subject on board as a slave; that the said Vessel appeared to be perfectly seaworthy, and was supplied with a sufficient quantity of water and provisions for the support of the said Crew and Slaves on their destined voyage to Rio Janeiro, but that no Log of any description had been found or produced by the Master, with the exception of the false one from Molembo." This Declaration is dated the 18th of April 1826, on board His Majesty's Ship "Maidstone" off Anna Bona.

Lieutenant Lyall in his Affidavit sets forth, "that Commodore Bullen being duly authorized and empowered, according to the provisions of the Additional Convention to the Treaty between His Britannick Majesty and His Most Faithful Majesty, to make seizure of Vessels under Portuguese Colours engaged in the Slave-trade, on the 18th day of April last, being off the Island of Anna Bona, they seized and detained the Brig or Vessel called "Perpetuo Defensor," whereof Antonio Mauricio de Mendonça was Master, by reason that the said Brig had on board confined, as in slavery, a person declaring himself to be a British Subject, and claiming British protection."

In the Royal Passport, No. 408, one of the Ship's Papers, dated 29th of December 1825, it is stated "that the "Perpetuo Defensor" of 212 $\frac{12}{100}$ tons, and carrying 54 men, Antonio Mauricio de Mendonça, Master, and Joao Alvez da Silva Porto, Owner, Subjects of the Empire, is bound to the Port of Bahia, and from thence to Cabinda, on the Western Coast of Africa, from whence she is to return to Rio de Janeiro; that the said Master and Owner are under an obligation to enter solely such Ports of the Coast of Africa, where the Slave-trade is permitted to the Subjects of the Empire." On the same day (the 3d of June) an Affidavit of Edward Jeffreys, Surgeon of His Majesty's Ship "Maidstone," was also brought into Court, wherein he deposed "that he professionally attended a person of the name of Cacow, who was confined as a slave on board the "Perpetuo Defensor;" that the said Cacow was removed from the said Brig on board His Majesty's Ship "Maidstone" for better attendance, where he expired on the 27th day of May last." On the consideration of these Documents by the Court, it was intimated to Mr. Lake, the Proctor of Commodore Bullen, that unless he proceeded against the said Vessel and Slaves for illicit Slave-trade, in conformity to the Additional Convention to the Treaty between Great Britain and Portugal, for the prevention of illicit Traffick in Slaves, the Court could not take cognizance of the Case: upon which intimation he refused to proceed further, and on the 13th of June offered to deliver up the Brig and Slaves to the Claimant's Proctor, Mr. Savage. On the 26th of June a Petition of the said Mr. Savage, supported by his Affidavit, was brought into Court, alleging, that he had received from Mr. Lake, the Proctor of Commodore Bullen, the Seizor, a written Communication, informing him, Mr. Savage, that he, Mr. Lake, on behalf of Commodore Bullen, was ready to deliver to the Master the said Brig and Slaves on board, and requesting him, Mr. Savage, to take immediate steps for taking charge of the said Vessel and Slaves; it was further alleged in the said Petition, that he, Mr. Savage, had endeavoured to obtain permission to communicate with the said Master, then on board the said Vessel, but, in consequence of her being under strict Quarantine, he had not been able to do so, since the time of receiving instructions from the said Master to act as Proctor on his behalf, which was prior to his receiving the Communication from Mr. Lake as aforesaid; wherefore he prayed that the cause of the said Brig might not suffer by reason that through the said Quarantine he was withheld from communicating with the Master of her.

On the 21st day of June the Master of the Brig was released from Quarantine, and allowed to come on Shore, and on the 23d Mr. Savage brought into Court the Petition of the said Master, praying to be allowed to file his Claim, which was granted, and he, at the same time, brought in the Claim, with an Affidavit in support of it; on the same day he brought in the written Communication before-mentioned, from Mr. Lake to himself, wherein the former offers to give up the Brig and Slaves; also a Petition, praying a Monition against the Captor, calling on him to proceed to Adjudication, which was granted and issued on the same day. The Claim is "of Antonio Mauricio de Mendonça, the Master of the said Brig, a Subject of His Imperial Majesty The Emperor of the Brazils, for the said Ship, her tackle, apparel and furniture, goods, wares and merchandize, and 424 Africans, or so many as were on board thereof at the time of capture thereof, by His Majesty's Ship "Maidstone," Commodore Charles Bullen, C. B. Commander, and for the value of such slaves as may have departed this life since the said capture, as the sole property of Joao Alvez da Silva Porto, an inhabitant of Rio Janeiro, as protected by the Treaty or Convention between His Britannick Majesty and His Most Faithful Majesty The King of Portugal, dated the 28th July 1817; and for all costs, charges, losses, damages, demurrage and expences as have arisen, or shall or may arise, by means of the capture and detention of the said Brig, and her Cargo, the 424 Africans aforesaid." In the Affidavit in support of the same, the said Antonio Mauricio de Mendonça deposed to the truth of the matters and things contained in the said Claim, and al

further deposed, "that the said seizure took place on the 18th day of April last, in the prosecution of the Voyage of the said Brig from Molembo, on the Coast of Africa, to Rio Janeiro, in the Brazils, and was brought to Sierra Leone;" he further deposed, "that ever since his arrival in Sierra Leone he had been detained on board the said Brig, by reason of her having been placed under Quarantine until the 21st day of June now past, and that he, the Deponent, had not before any opportunity to proceed in his business, and in the Claim for the said Brig and the Cargo and Slaves on board; that at the time the said Brig was detained as aforesaid, the Island of Anna Bona was about 8 miles distant, the said Brig being then to the South of the Equator, and in full view of the said Island."

On the 25th of June, Mr. Macaulay, the Acting Governor, arrived from the River Gambia, and on the 26th, the Master, Antonio Mauricio de Mendonça, was produced, sworn and examined on the general Interrogatories, but nothing came out in his examination material for the Captors; he swore that 473 slaves were taken on board at Molembo from the shore, and that 49 died previous to capture.

On the 27th of June, the Court was informed, by command of the Acting Governor, that the said Brig was released from the Quarantine Regulations, and that the Government of the Colony would not provide or ration the slaves after that day. On the 29th, the Court received a Letter from the Colonial Secretary, stating, "that by command of the Acting Governor, he enclosed, for the information of the Court, a Letter addressed to him by the Prize Master of the "Perpetuo Defensor," Mr. Tollervey (an Officer of His Majesty's Ship "Maidstone"), and drew the attention of the Court to the 32d Section of the Act of the 5th of George the 4th, Cap. 113, and requested to know whether the Commissioners considered that Claim to be applicable to the Court of British and Portuguese Mixed Commission, and if so, to express the Acting Governor's desire that the Court would be pleased to give the necessary instructions for carrying the same into effect." In the Enclosure it is stated by Mr. Tollervey, that "he having received directions from Mr. Lake, the Proctor for Commodore Bullen, to give up to the Portuguese Claimants the slaves in the "Perpetuo Defensor" and the "Susan," Colonial Brig, on their claiming them on to-morrow (the 29th of June), that he therefore deemed it his duty to acquaint the Colonial Secretary, that from strong symptoms of discontent and anger manifested by the slaves to-day (the 28th), on some Person on the part of the Claimants attempting to take their number in his absence, and the clamorous manner in which he was surrounded on his return, that the "Susan" would not be safe on his leaving her and the "Perpetuo Defensor" to-morrow (the 29th)."

In the course of the day of the 29th of June, the Acting Governor and the Commissioners met, when the former observed, "that he conceived the slaves on board the "Susan" had obtained their freedom by being on board a British Government Vessel," to which the Commissioners answered, "that they thought otherwise," and pointed out to him the construction they put on the Act of Parliament in question, and the Treaties and Convention therein recited, and on the day following addressed a Letter to the Colonial Secretary, stating, "that in their opinion the Clause of the Act in question did not apply to the Court of the British and Portuguese Mixed Commission."

On the 30th of June, Mr. Savage, the Claimant's Proctor, addressed a written Communication to the Court, with several Enclosures, in consequence, as he states, of the Communication from the Acting Governor to the Commissioners; he sets forth "that on the 27th of June, the Seizor's Proctor addressed to him a Letter as follows, containing an Enclosure, to wit;

SIR,

Sierra Leone, June 27, 1826.

I beg leave to enclose you a Copy of a Letter I have just received from Mr. Cole, the Collector and Quarantine Master, respecting the support hitherto supplied the slaves on board the "Perpetuo Defensor" and "Susan," and I beg leave to remind you, that there are no provisions now on board the Vessels, and to press upon your attention the urgency of your victualling the said slaves.

I have the honour to be, &c.

W. H. Savage, Esq.

(Signed)

JOHN DEAN LAKE, for Commodore Bullen, C.B.

"The Enclosure is as follows:

SIR,

Sierra Leone, June 27, 1826.

THE Colonial Surgeon having reported to the Government that the contagious disease has totally disappeared from among the slaves on board the "Perpetuo Defensor" and "Susan," and should, in consequence, be released from Quarantine, I am commanded to give you notice, that the support of these people (hitherto furnished by me) will be discontinued as soon as I receive instructions from his Honour the Acting Governor to carry the recommendation of the Surgeon into effect.

I am, &c.

John Dean Lake, Esq.

(Signed)

THOMAS COLE, Colr. and Quarantine Master.

"And to which he made immediate Reply, declining to provision the slaves, for the reasons therein alleged.—The Reply was as follows:

SIR,

Sierra Leone, 27th June 1826.

IN reply to your's of this date, I am requested by the Claimant, to say, that the "Perpetuo Defensor," had when seized, provisions adequate to the full supply of the Africans, the Cargo of the said Vessel during the voyage; that her having been seized and brought to this Place, has consumed a period far beyond than necessary for the completion of the voyage, and if, therefore, the provisions are expended it can arise solely from this cause, and not through any omission or fault of the Claimant.

' I must inform you the Claimant is without the pecuniary means of procuring them food for their subsistence. The Seizors, or their Agent, therefore are called upon, for the cause of humanity in this Case, either to Petition the Colonial Government to provision them, or do it themselves, leaving the Costs thereof to after consideration.

' John Dean Lake, Esq.

' I have the honour to be, &c.

(Signed) W. H. SAVAGE.'

" As in fact, from there being no Mercantile Communication in this Colony with any Portuguese House, it was found impossible to raise money to effect such an object, as subsisting the slaves (upwards of 300 in number), without a guarantee; the Registrar of the Court having, however, since he, Mr. Savage, wrote the last Letter, distinctly stated to him, that the Judges of the Court did consider the Claimant bound to support the slaves, and that, if not fed, should any thing arise to cause a deterioration of their number, it would fall on the Claimant, he resolved to become guarantee for the supplies, to prevent any unfortunate result during the uncertainty existing, and gave directions that they should be provided for accordingly, and on the 28th instant, provisions were sent on board both Vessels, which, however, he had some difficulty in getting received. On the same day he wrote the following Letter, to the Proctor of the Seizor, to inform him of his intentions :

' SIR,

' Sierra Leone, 28th June 1826.

' I BEG leave to acquaint you that I have received directions from the Claimant in the Case of the Brig " Perpetuo Defensor," to supply the Africans on board with provisions, as well as those also on board His Majesty's Colonial Brig " Susan," which I shall endeavour to carry into effect immediately; but I have most distinctly to state, that the supply of the latter will only be continued until the sitting of the Court, when the sense of the Court will be taken thereon, as the Claimant considers those People who have been so removed, while Vessel was in charge of Captor, in the light of Persons landed in British Territory, and who will, therefore, claim every privilege the said removal may entitle them to.

' I am also to inform you, that the Claimant is himself personally unable, from severe indisposition, to look after the Vessel, and that all his Officers have been removed by the Captor, but he will endeavour to engage an Officer this day, whom, if engaged, shall proceed on board to-morrow morning.

' The removal of the European part of the Crew of the " Perpetuo Defensor," except two men and the Master, makes it almost impossible to expect that the slaves may be prevented from doing as they think fit, and, therefore, I must most particularly press on you, that, for the interest of the Seizor, the Officer and men put on board by the Seizor, may remain to assist in keeping the slaves on board until the final Judgment of the Court shall be given.

' I have the honour to be, &c.

' John Dean Lake, Esq.

(Signed) ' W. H. SAVAGE.'

" In writing the Letter of the 27th, and thereby distinctly stating, the Claimant did not possess the means to supply the slaves with provisions, he considered that the future support of the slaves would have been arranged under the authority of the 32d Section of the Act of the 5th George the 4th, Cap. 113, (this is the same Clause referred to by the Acting Governor in his Letter to the Court). that during the " Perpetuo Defensor's" having been in charge of the Seizors upwards of 240 slaves were removed to the Colonial Brig " Susan," and on his mentioning this to the Acting Governor, he most positively stated to him, that whatever might be the Decree of the Court those Persons could not, nor would he as Governor permit, that they should be put back into the " Perpetuo Defensor" as slaves, the Acting Governor having also distinctly stated to him, that provided those slaves, or any other, were restored by Decree, he would not permit them to be victualled or watered from this Colony, it therefore became a positive fact that the slaves from the moment they are brought in here, the Claimant cannot advantage by any Decree of Restitution, so as to effect their removal; that their being at once allowed to land, must only facilitate the proceedings, and ought not, he humbly conceived, debar the Claimant from indemnification.

" The circumstance of the slaves having been taken out of irons and permitted at large in the Vessel, the intercourse held with the liberated Africans who have been employed about them, their seeing others who had been detained as slaves going on Shore, has tended to create a feeling of insubordination which, if it is manifested, the present slender Crew of the " Perpetuo Defensor" must be unable to repress:—ten persons only of the original Crew of 54 having been suffered to remain by the Seizor, present additional reasons imperatively requiring the landing of the slaves, without injury to the interest of the Claimant.

An Affidavit of the Master of the said Brig, in support of many of the Allegations contained in the aforesaid Communication from Mr. Savage to the Court, was brought into Court at the same time.

On the same day, the 30th, was brought in the Affidavit of John B. Garel, who therein sets forth, " that on the 28th day of the present Month, he was requested by William Henry Savage, to proceed on board the Brig " Perpetuo Defensor," and His Majesty's Colonial Brig " Susan," and to take with him rice as provisions for the slaves on board those Vessels, and to see they were generally supplied with every thing necessary;—that he did therefore take 20cwt. of rice, and on the same day proceed on board, and has ever since continued to supply the said slaves with rice, salt and palm-oil, and on this day, by the further direction of the said W. H. Savage, is supplying them with fresh beef, and attending to see them furnished with water; that when he first went on board the " Perpetuo Defensor" there was only a Quarter-Master in charge on board, Deponent asked him to be permitted to count the number of slaves, provided the said Quarter-Master could not tell the number; that the said Quarter-Master said, that he could not tell the number, and therefore he, Deponent, began to count them, and got to about 50, when a black man, who told this Deponent he belonged to the " Maidstone" Frigate, spoke to the slaves

in their own language, as this Deponent believes; the slaves on being so spoken to began to shew signs of displeasure, and mixed themselves so with the others, that Deponent could not count them; that on taking the said provisions the first time on board, could not induce any person, either on board the said Brig or the Brig "Susan," to take charge of the said provisions, but that Deponent had been suffered to leave the rice on board the "Susan," and issues the same every morning."

On the 1st of July, while the Commissioners were sitting, adjudicating some other Cases, the Chief Justice was called on by Mr. Samo, the Acting King's Advocate, and Doctor Barry, Deputy Inspector of Hospitals, who produced an Affidavit of the before-mentioned John Tollervey, of His Majesty's Ship "Maidstone," who therein deposed, "that 91 Natives of Africa were then confined on board a Vessel in the Harbour, called the "Perpetuo Defensor," and, as he, the Deponent, verily believed, were intended to be carried away from the Port of Freetown for the purpose of being dealt with as slaves," and, on this Evidence, insisted they were entitled to a Writ of Habeas Corpus; this was, however, denied by the Chief Justice, who stated to those Gentlemen the reasons why he could not issue any such Process. Notwithstanding this refusal, Mr. Samo sent, on the 3d instant, a written Application to the Chief Justice, under date of the 2d, enclosing a Letter to him from Dr. Barry, and the same Affidavit of Mr. Tollervey, and again paying a Writ of Habeas Corpus. On the 4th of July, by appointment, the Chief Justice heard Mr. Samo and Dr. Barry on the part of the slaves, and examined on oath every person they thought proper to bring as a Witness in the Case, the principal one of whom was Mr. Ferguson, the Surgeon of the Royal African Colonial Corps. Dr. Barry acknowledged that he himself had never been on board the Vessel. Mr. Savage, the Claimant's Proctor, with the Claimant himself, were also heard, and two Affidavits of their's, sworn before a Justice of the Peace, allowed to be read in evidence, when the Chief Justice again refused to grant the Writ of Habeas Corpus, and gave his reasons for such refusal. This matter was heard in the presence of His Majesty's late Commissary Judge, the Clerk of the Crown, and Mr. Tollervey, the Prize-Master, in addition to the Persons before mentioned. The Copies of the Documents in this Case, certified from the Crown Office, are sent with this Report.

On the following day, the 5th of July, the slaves on board the "Susan" Colonial Brig were, by order of the Acting Governor, taken possession of by Mr. Cole, the Collector of Duties, and landed and disposed of, without either the knowledge or consent of the Court, in the same manner as those have been that have been adjudged to be emancipated by the Courts of Mixed Commission; and on the 6th of July the slaves on board the "Perpetuo Defensor," 88 in number, being in a state of insubordination, were landed by the Claimant's Proctor, and, by order of the Acting Governor, received and disposed of by Mr. Cole, as the others had been that were landed the day before from the "Susan." This was also done without either the knowledge or consent of the Court.

Mr. Lake, the Seizor's Proctor, about this time petitioned the Court to have 4 black Seamen and four of the Slaves examined on Special Interrogatories, which Mr. Savage, on the part of the Claimant, objected to; first, because there was no Portuguese Commissioner in the said Court; secondly, because the Regulations did not point out any such mode for ascertaining the facts of any Case; and, thirdly, because the People to be examined had not the dread either of temporal punishment, or religious obligations, to speak the truth, and that, being persons not speaking an European language, it was impossible to make them understand the questions put through an Interpreter, who must also be a liberated African, equally ignorant.

To the first objection of Mr. Savage it was answered, "that it was neither the fault of the British Government or the British Commissioners that there was no Portuguese Commissioner, and that if the Court, in the absence of the Foreign Commissioners, could legally condemn and release Vessels, they could also do any other act for which the Court was constituted, and could therefore order the Examination of the Seamen and Slaves of any Vessel before the Court." To the second objection, it was answered, "that it had been an undeviating practice of the Courts of Mixed Commission, since their establishment, to examine not only the Master and two or three of the principal Persons on board the detained Vessel, but also others of the Crew, also the Slaves, and any one else, by whose examination truth was likely to be elicited." To the third objection, it was answered, "that it contained assertions the truth of which must be ascertained at the time of examination, except that which states the ignorance generally of the liberated Africans, which is not true, as it is notorious that many of them had resided some time in the Colony, and were persons of some intelligence, and might be procured by Mr. Savage as Interpreters, if he chose." The prayer of Mr. Lake's Petition was therefore granted, and he this day produced Jose da Costa, Manoel Nogera, Antonio Mozambique, and Juan, Seamen of the Brig, who, being duly sworn, deposed, each and severally, "that they shipped on board the "Perpetuo Defensor," at Rio Janeiro; that Angola is the name of the first Land they made, coming out from whence they went to Ambrise;" and Jose Costa, for himself, deposed, "that they there lauded some Cargo; that they then went to Cabinda for a mast, and from Cabinda to Onim, and from thence to Badagry; saith there was no trading carried on, the Slaves on board her having been purchased for her by the Brig "Brilliante," and were lying ready for her at Badagry, which is the Place the Slaves were shipped at." And Manoel Nogera, for himself, deposed, "that, from Ambrise they went to Cabinda, and from Cabinda they went to Onim and Badagry; that there was no trading carried on; the Slaves were purchased by a Brig called the "Brilliante," and were lying ready at Badagry, which is the Place the Slaves were shipped at; knows it to be Badagry from having heard the Officers say so, and from his having made a voyage once before to Onim, and this Place being close to it." And Antonio Mozambique, for himself deposed, "that from Ambrise they went to Cabinda, and from Cabinda to Badagry; that there was no trading carried on, the Slaves on board the "Perpetuo Defensor" having been purchased for her by another Brig, called the "Brilliante," and were lying for her at Badagry, which is the name of the Place the Slaves were shipped at." And the said Juan, for himself, deposed, "that, from Ambrise they went to Cabinda,

and from Cabinda to Badagry; no trade was made for the Slaves at Badagry; the Slaves were purchased for the "Perpetuo Defensor" by another Brig, but he does not know her name; they were lying ready for her at Badagry, where they were taken on board."

On the 8th of July a Communication was made by Mr. Savage to the Court, setting forth that "under a persuasion that it was his duty to make the Commissioners acquainted with every circumstance as early as possible, which might afterwards come before the Court, he had to state, that, from the riotous conduct of the Slaves on board the "Perpetuo Defensor," and the slender Crew of the Vessel, rendered it absolutely necessary, to preserve life, that the Slaves should be put on Shore; and that, in the evening of the 6th, he caused the whole, 88 in number, to be landed, when they were immediately taken charge of by Thomas Cole, Esq., Collector and Acting Superintendent of Liberated Africans, and that he should duly authenticate the said facts."

On the 11th day of July, Ogoopooloo, Adoo, Alaconday, and Agarree, 4 of the Slaves that had belonged to the Cargo of the "Perpetuo Defensor," were produced, sworn, and examined, on the Special Interrogatories, by permission of the Court, who, each and severally, clearly deposed to the fact of their having been shipped at Badagry.

On the day following, the 12th, Mr. Savage alleged in a Petition brought in by him, together with 2 Affidavits, "that he having been consulted by the Master of the said Brig, on the proceedings towards the slaves left on board the "Perpetuo Defensor," who were in a state of riot on the 6th instant, occasioned as he, Mr. Savage, was informed, by the circumstance of the slaves finding they were detained when the others on board the "Susan" were landed; and as the said Master declared through his Messenger to him, Mr. Savage, that his life, and the life of his men were in danger, he, Mr. Savage, therefore, gave it as his opinion, they should be landed, and the circumstances brought before the Court; that therefore they were on the 6th day of July landed, in number 88, and delivered to the Colonial Government, whereupon he prayed the two before-mentioned Affidavits should be admitted as evidence in the Cause." The two Affidavits were sworn before the Registrar on the same day, (the 12th) the first of which is that of the Acting Master, Bento Francisco de Carvalho, who was hired in consequence of the illness of the Master, who deposed "that on the 29th of June last, he, the Deponent, was engaged to proceed on board, and take charge of the Brig "Perpetuo Defensor," by reason that Antonio Mauricio de Mendonça, the Master, was ill and unable to do so, which Deponent accordingly did; that the slaves on board were comparatively peaceable until the day those who had been previously taken from the "Perpetuo Defensor," and put on board His Majesty's Colonial Brig "Susan," were removed to the Shore: on that day Deponent saw a Canoe, which he believed to be one employed for the purpose of landing the slaves from the "Susan," manned with 3 Kroomen, come alongside the "Perpetuo Defensor," when Deponent asked them, through a hired labourer, for what purpose they were come, and they answered, that a white man had sent them to wait there, that while the Canoe was so alongside, this Deponent saw several persons on board the "Susan," standing up so as to be in full view of the slaves on board the "Perpetuo Defensor," making signs to them, the said slaves, by violent gestures, passing their fingers across their throats, taking billets of wood and other things, and pretending to strike, all which was seen by the slaves on board the "Perpetuo Defensor;" Deponent, by threats to the Kroomen in the Canoe, made them shove off; that the Housa-man belonging to the "Maidstone," by the name of Martin, was repeatedly, during that day, heard hailing, and talking to the slaves on board the "Perpetuo Defensor" from the "Susan," which gestures, signs, and speaking, this Deponent believes was for the purpose of inviting the slaves on board the "Perpetuo Defensor" to acts of violence, for the purpose of their getting on Shore; that during the remainder of that day and the night, this Deponent found, with the Crew on board, a great difficulty in keeping the slaves in order, the next day they at first declared they would not eat, as they wished to go on Shore, that they took by force the fresh meat that was brought off afterwards, and commenced cooking the whole; this Deponent remonstrated with them, telling them they should use it at two meals, but they said no, they would finish it at once, as they were determined to get on Shore before night; after they had finished their meal the whole of the slaves came aft, women, men, and children, and told Deponent they would go on Shore; Deponent understands a smattering of their language, his people did the same, some went and lowered the Boat down that was astern; this Deponent did all he could to persuade them, by signs, and talking to them, to induce them to be quiet, and they would not hear; the slaves armed themselves with cannon shot, sticks, and other things they could find on the deck, and threatened violence to Deponent and the two white men on board; on the lowering of the Boat two slaves got into her; this Deponent, however, made his people begin to hoist the Boat, when the 2 slaves got on board again; during all this time Deponent saw persons on board the "Susan" by signs encouraging the acts of the slaves; Deponent was alarmed for his life at the resolute behaviour of the slaves, and made signs to them to spare him and his Crew, while he hoisted the colours as a signal of distress, and fired a gun. The slaves on having this explained, sat down around the Cabin, and Deponent made the signal for assistance, and sent away a man with the Boat, to go inform the Master of his perilous situation. This Deponent called out for assistance to the Officer on board the "Susan," but he got into his Boat and went on Shore, and did not come to Deponent's assistance. That Deponent therefore finding it was out of his power to controul the slaves, without resorting to most violent means, after consulting with the Proctor of the said Master, landed the said slaves."

And Deponent further deposed, "that at the time he took charge of the said Vessel, the Slaves were all at large, that himself and two white men, and six men of colour, were all the persons on board since Deponent has joined the said Brig, and that himself and the said Crew were not able to keep them in subjection, especially as they, this Deponent believes, were excited to riot by what was said to them by Martin and others."

The other Affidavit is of Bento Jose de Carvalho, who deposed "that he was one of the Crew of the said Vessel, and was on board when she was captured by His Majesty's Ship "Maidstone," Commodore Charles Bullen, C. B. Commander, and has continued on board ever since;

That at the time of capture all the men slaves were in irons, and were then released by the orders of the said Commander, given in the hearing of this Deponent on board the said Vessel; that during the time the said Vessel was lying in this Harbour, and while in the possession of the Officer and Men of the "Maidstone," this Deponent saw an European come alongside in a Boat, who spoke to the British Officer in charge, and soon after the greater part of the said slaves were taken from the said Brig "Perpetuo Defensor," and carried on board the Colonial Brig "Susan;" that this Deponent is certain that neither the Portuguese Master, or any of his Crew, had any thing to do with the removal of the said slaves; that on the 29th day of June last, the Acting Master, Bento, came on board, and took charge of the "Perpetuo Defensor;" that from that time until the slaves were landed from the "Susan," and which by reason of being near to, was seen by the slaves on board the "Perpetuo Defensor," there was no very particular insubordination among the said slaves. The day the said slaves were landed from the "Susan," they then came aft, and demanded to be put on Shore in the same manner. A Canoe came alongside the "Perpetuo Defensor," during the time the slaves were landing from the "Susan," this Deponent does not know where it came from, it was manned by 3 Kroomen; while said Canoe was alongside, heard a black Sailor, whom this Deponent knows to belong to the "Maidstone," talking to the slaves on board the "Perpetuo Defensor," from the "Susan," and by the signs he made, this Deponent believes that he was persuading the slaves of the "Perpetuo Defensor," to get into that Canoe, and go on Shore; this Canoe was, however, forced away by Captain Bento. The slaves continued during the day dissatisfied, and on the following morning, after the landing of the slaves from the "Susan," the slaves on board the "Perpetuo Defensor," having had their breakfasts came aft, and being armed with sticks, billets of wood, cannon shot, and other things, demanded to be put on Shore; some of them lowered down the Boat astern, and two of the slaves got into it, but they were got back. The Acting Master then tried to persuade them to abstain from violence, and promised to see what the Authorities on Shore would do for them, and having pacified them a little, the Acting Master made signals of distress by firing a gun, and hoisting the Colours; that said Acting Master ordered Deponent to go and inform the Proctor for the Vessel of his dangerous situation, which Deponent did, and soon after the slaves were landed, and delivered to the Authorities of this Colony. This Deponent saw several persons on board the "Susan" on the same day, making signs to the slaves on board the "Perpetuo Defensor," and, as this Deponent believes, encouraging them to acts of violence; that Deponent is persuaded that if the said slaves were not landed, that they would have effected the same by force, and that he was in fear for his life and the lives of the Acting Master and Crew; that the Crew only consisted of 9 persons, that the slaves were at large, and therefore the said Crew were not able to keep them in subjection."

No further proceedings took place in the Cause until the 17th instant, when Mr. Lake, the Proctor for the Captor, brought in an Affidavit made on the 13th instant, by Captain D. C. Clavering, of His Majesty's Ship "Redwing." Captain Clavering deposed, "that on or about the 8th day of January last, a Brig, under Brazilian Colours, called the "Nova Brilliante," was boarded off Elmina by the Boats of His Majesty's Ship "Redwing;" that the same Brig was again boarded by a Boat of the said Ship in the latter end of February, off Badagry; and again in the latter Place, on the 7th of March last." This Affidavit corroborates the testimony of the 4 seamen to the point of the Brig "Brilliant" having been at Badagry as stated by them on or about the time the "Perpetuo Defensor" was there.

On the 1st of August, Mr. Lake, the Proctor for the Captor, after stating, first, "that the Vessel and Slaves had been given up to the Claimant since the early part of June last;" secondly, "that the said Vessel and Slaves had been received by the Claimants;" and thirdly, "that since the 7th day of July no Documents of any kind whatever had been filed by the Claimant in the said Case," prayed the Court would be pleased to dismiss the Captors, and not let them suffer for the neglect of the Claimants or their Agents. This Petition was rejected, on the ground that the delay was unavoidable in consequence of the severe illness of the Commissary Judge, independent of other circumstances, and also that Mr. Lake had made assertions in his Petition which were not facts; the first of which, that states "the Vessel and Slaves were given up to the Claimants since the early part of June last," is contradicted in Mr. Tollervey's Letter to the Colonial Secretary on the 28th of June, wherein he states, "he had received Instructions from Mr. Lake, the Proctor for Commodore Bullen, to give up to the Portuguese Claimants the Slaves in the "Perpetuo Defensor" and the "Susan;" Colonial Brig, on their claiming them the next day," and Mr. Tollervey dates this Letter on board the said Brig "Perpetuo Defensor." The third assertion, "that since the 7th day of July last, no Document of any kind whatever had been filed by the Claimant in the said Case," is contradicted by the Records of the Court, whereby Mr. Lake would have seen, had he applied at the Registry Office, which he ought to have done, that two Documents had been brought in by Mr. Savage since the 7th of July, viz: one on the 8th, and the other on the 12th of that Month.

The Commissioner of Arbitration, however, in the hope of facilitating the Cause, sat on the day following but one, when (both Parties having agreed to consider him alone to constitute a competent Court,) after the claim and proofs in the Case were read, he admitted the said Claim for costs, damages and expences incurred in consequence of the seizure of the said Brig and Cargo, and referred it to the Registrar to ascertain the amount thereof, and report the same to the Court. On the 23d of August, Mr. Savage brought into Court 2 Affidavits respecting a charge that had been brought before the Acting King's Advocate, respecting the slaves on board the "Perpetuo Defensor." The first of these Affidavits is that of John Garel, who deposed, "that on the 6th day of July last, during the time that this Deponent was executing the office of providing the slaves on board with provisions on behalf of the Claimant of the said Brig, that he was desired by William Henry Savage, the Proctor on behalf of the said Claimant, to attend at 3 o'clock of the same day, at the House of the Acting King's Advocate, the said Proctor informing this Deponent that the Acting Governor had desired the said Crown Officer to inquire into a charge made against this Deponent respecting the said slaves; that the Deponent and Proctor attended

accordingly at the house of the said Acting King's Advocate, when an Officer, belonging, as Deponent was informed, to the "Maidstone" Ship-of-War, made a charge against this Deponent, that he had been the means of preventing the escape of the slaves on board the "Perpetuo Defensor;" that the said charge was fully gone into before the said Acting King's Advocate, and dismissed as unsupported by evidence; and Deponent further says, that this Deponent was then informed by the said Acting King's Advocate, that his Honour the Acting Governor had requested it should be stated to this Deponent, that if this Deponent at all interfered to prevent the escape of the slaves, or to keep them on board, that he would be proceeded against according to law; in the other Affidavit, William Henry Savage, the Claimants' Proctor, deposed, "that on the 6th day of July last, he was informed by his Honour the Acting Governor, the Honourable Kenneth Macaulay, that in consequence of a complaint made to him, he desired that John Garel should attend the Acting King's Advocate at 3 o'clock, to have the said charge inquired into; that Deponent therefore gave such notice to the said John Garel, and with him attended the Office of the Acting King's Advocate; that a charge was brought against him, the said John Garel, for assisting the Portuguese in charge of the said Brig "Perpetuo Defensor" to prevent the slaves from escaping from the said Brig, and to keep them in confinement on board the said Brig; that Deponent stated that he had sent orders to the Acting Master to prevent any one from leaving the said Brig who were considered part of the Cargo, and therefore that any message delivered by the said John Garel, to that tenour and meaning was according to his Instructions; that the said Acting King's Advocate then stated, that he had it in command to state, that if John Garel, or any other person belonging to the Colony, employed about the said Brig or not, were to prevent the said slaves from leaving the said Brig, or to keep them on board, were aiding and assisting, they would be prosecuted. These Affidavits were not answered by the Proctor for the Captor, till after the Registrar had made his Report of the amount of costs, damages and expences, which was on the 29th of August, in consequence, as was stated by Mr. Lake, of his not knowing Mr. Savage had filed the said Affidavits, till he saw it mentioned in the Registrar's Report, he therefore brought in two Affidavits on the 6th day of September, in answer to them,—in the first of which he, the said John Dean Lake, deposed, "that on the 6th day of July last, at or about 4 o'clock in the Afternoon, he, this Deponent, being at Government House, in conversation with his Honour the Acting Governor, did see Mr. William Henry Savage enter the said House and inform his said Honour the Acting Governor that he, Mr. Savage, had come to the decision of landing a number of slaves that were on board the said Brig, and to abide the decision of the Court of Mixed Commission; that at the time this Deponent clearly and distinctly heard the said Mr. Savage express to his Honour the Acting Governor, that although he, Mr. Savage, had come to the decision of landing the said slaves, yet he had means in his power, or on board the said Vessel, to coerce the said slaves should he deem it expedient, and that he would take the chance of being paid the value of the whole of the said slaves, or no part thereof.

"That the said slaves were landed on the same evening by the direction and under the superintendence of the said Mr. William Henry Savage." In the other of these Affidavits the Honourable Kenneth Macaulay deposed, "that he had read the before-mentioned Affidavit of Mr. Lake, the Proctor in the said Cause, and had found that the several circumstances therein stated to have taken place, to be truly alleged."

In reply to these Affidavits, on the 11th of September following, Mr. Savage brought in an Affidavit made by him, in which he deposed, "that during the period that there existed some uncertainty respecting the feeding of the slaves on board the "Perpetuo Defensor" and the Colonial Brig "Susan," this Deponent waited on his Honour the Acting Governor of the Colony (Mr. Macaulay), and in conversation respecting the said slaves, his Honour declared unto this Deponent, 'that even if the Court of Mixed Commission were to restore Claimant the slaves, it would be impossible for Claimant to carry them away in slavery, as in his capacity of Acting Governor, he would not permit the said Vessel to procure provisions or water in this Colony for the use of the said slaves;' that the person employed in supplying provisions was brought up before the Acting King's Advocate, to answer for his conduct relative to the using some means to prevent the escape of the slaves, and charges of cruelty had also been made against the Acting Master, on which was founded a motion for a Writ of Habeas Corpus to remove the said slaves from on board the "Perpetuo Defensor," Deponent could not, therefore, venture to advise the adoption of any coercive measures towards the said slaves, so as to keep them in subordination, for fear of incurring the displeasure of his Honour the Acting Governor, and involving the Acting Master and Crew, and also this Deponent, in a criminal prosecution. And this Deponent having had represented unto him the very outrageous manner the slaves were acting, after they had seen their fellows landed from the "Susan," both towards the Acting Master and the slender Crew on board, did, therefore, to prevent any fatal consequence, either to the Crew or Slaves, and which Deponent had every reason to believe would take place if the said slaves were not permitted to be landed, and also taking into consideration the aforesaid Declaration of his Honour the Acting Governor, and the several circumstances before mentioned, did advise the Claimant to give way to necessity, and consent to the landing the said slaves, and that the Claimant having consented, this Deponent, on or about the 8th day of July, did wait on his Honour the Acting Governor, and state to his Honour that Claimant had come to the resolution of letting the said slaves be landed, and that this Deponent did, therefore, concert measures to carry the same into effect before the close of that day, being pressed thereto by the Acting Master and Crew, who further declared unto this Deponent their fears for their personal safety were so great that, unless the said slaves were landed before night, they, the said Acting Master and Crew, would quit the Vessel."

After this a delay of several days took place before the Court could further consider this Case, in consequence of the intervening of the Quarter Sessions, at which the Commissioners had to attend, and which was of much longer duration than is commonly the case.

On the 26th of September, the Court having maturely considered the Report of the Registrar, ordered the same to be referred back to that Officer to be amended, by striking out, under the

head of Special Damages and Expences, £256, being of opinion that the said sum was claimed for expences which the amount allowed for demurrage would cover. The Court further directed that in lieu of the sum of £225, allowed by the Registrar for the Interest of the supposed Capital employed, which includes the value of the Brig, that the Interest be allowed on the amount of the purchase and maintenance of the Cargo, which the Court conceived meant the purchase and maintenance of the slaves only, reckoning the value of the slaves and their maintenance at the cost-price in the Brazils, of the goods with which the slaves were purchased, and the means of their maintenance procured, in manner following, viz: 43 slaves shipped on board, according to the Master's statement, at £4 each, according to the Leeward price, and 2d. British sterling per head, per diem, for the maintenance of each slave, that being about the rate of maintenance of the liberated Africans when first landed in this Colony.

On the 28th of September the Registrar brought in the amended Report, wherein he stated his opinion that the Claimant was entitled to, first, £79, for special costs, damages, and expences occasioned to the Brig by detention; secondly, £1430 for demurrage, from April the 18th to the 26th of August at £11 a day, the Brig being $212\frac{20}{100}$ tons burthen; thirdly, £122 10s. for subsisting the slaves from the 29th of June to the 6th of July, at 1s. per day for each slave; fourthly, 79,716,000 reis for the total loss of 364 slaves, at 219,000 reis each, (under the fifth head no Claim was made); sixthly, £102 9s 8d. for 5 per cent on the amount of the Capital employed in the purchase and maintenance of the Cargo, amounting in the whole to £1,733 19s. 8d. and 79,716,000 reis.

After the Report was read, Mr. Lake, the Proctor for the Captor, prayed the Court that the said Report might be further amended by allowing for the total loss of 276 slaves only, instead of 364, by reason of the Claimant's Proctor having taken upon himself to land the 88 slaves from the "Perpetuo Defensor," there having been no necessity for his so doing, and insisted that there had been no violence manifested on the part of the slaves to warrant their having been put on Shore, nor were they at that time in a state of revolt; but as the Court were of opinion that the revolt and violence manifested by the slaves had been clearly proved by the Affidavits filed for that purpose, the allegations in which had not been attempted to be rebutted but by the simple assertion of Mr. Lake, which assertion did not accord with what had been said in the Letter to the Colonial Secretary, by Mr. Tollervey, the Prize Master; and as it had also been distinctly proved by the Affidavits of Messrs. Savage and Garel, that it was the determination of the Colonial Government not to allow any one to controul the said slaves from leaving the Vessel if they pleased, which although said to be answered by Mr. Macaulay, the Governour, and Mr. Lake, the Captor's Proctor, yet not one of the assertions in those Affidavits were even denied by them in their Affidavits, but only fresh matter alleged, stating that Mr. Savage had asserted he had the means in his power, or on board, of coercing the slaves if he chose it: the Court, therefore, being fully satisfied that the Claimant, Antonio Mauricio de Mendonga, was obliged to submit to circumstances, and being also of opinion that, if the slaves had not been excited to insubordination by Martin and others, there would have been no revolt, and consequently no necessity to land them, refused the prayer of Mr. Lake. The Court then confirmed unconditionally the sum allowed by the Registrar for Costs of Suit, and for Special Damages and Expences occasioned to the said Brig by detention, amounting to £79; the Court also confirmed unconditionally the sum allowed by him, for provisioning the slaves from the 29th of June to the 6th day of July last, amounting to the sum of £122 10s, and it having been represented and proved to the satisfaction of the Court, that the said Ship would be unable to proceed to Sea, unless the Master could raise a further sum of £150, by the Court giving a further unconditional award for that sum, the Commissioners, therefore, did also unconditionally confirm so much of the sum allowed by the Registrar in the said Report, for demurrage, as amounts to £50, making in the whole an unconditional award for £351 10s for costs of suit, special damages and expences, provisioning the slaves, and for part of the demurrage.

And the Commissioners being fully convinced that the Claimant in this Case had carried on an illicit Traffick in Slaves during the present voyage, inasmuch as it had been clearly proved that Slaves taken on board this Vessel were shipped from Badagry in 6. 26. North of the Equator, in direct defiance of the Additional Convention to the Treaty made between Great Britain and Portugal in the Year of our Lord 1817, for the prevention of illicit Traffick in Slaves; and the Commissioners, therefore, having deemed it just and equitable that the Case should be adjudicated on the same principles as the Case of the Brig "Activo," whereof José Pinto de Araujo was Master, which Case was lately before the Court, inasmuch as Commodore Bullen, the Captor, could not be aware of the decision in that Case at the time he made the present seizure; and the Commissioners being of opinion, as in that Case, that the absolute and unconditional confirming the whole of the amended Report would be contrary to the principles of equity, and would in point of fact be rewarding the Claimant, not only for a breach of the Convention between Great Britain and Portugal for the prevention of the illicit Traffick in Slaves, but also for a breach of the Laws of his own Country; and the Commissioners having considered in this Case, as in the former, that, by the Convention aforesaid, there is no appeal from their Judgment, and also that it was most desirable that some additional measure should be adopted by the British and Brazilian Governments, for the prevention of such glaring violations of the Convention as the present and that of the "Activo;" and in the hope that this Case may, in addition to the other, particularly call forth the attention of both Governments, have, therefore, only confirmed the remaining part of the said Report, in the event of the British and Brazilian Governments agreeing and declaring the same ought to be confirmed, according to the true intent and meaning of the Convention aforesaid, but not otherwise.

(Signed)

D. M. HAMILTON.

Second Enclosure in No. 46.

Decree of the Mixed Commission, 3d August 1826.

Portuguese Brig "*Perpetuo Defensor*," Antonio Mauricio de Mendonça, Master.

THE Proctors for Captor and Claimant having petitioned the Court to appoint an early day for the hearing of the Parties in the above Cause; His Britannick Majesty's Commissioner of Arbitration, sat this day for the purpose of furthering the Proceedings in this Case, the Proctors on each side agreeing to consider His Britannick Majesty's Commissioner of Arbitration, sitting by himself, in the unavoidable absence of His Britannick Majesty's Commissary Judge from severe illness, as a full and competent Court.

The said Commissioner of Arbitration, having heard the Claim and Proofs read, and the Proctors on both sides thereon, admitted the Claim for Costs, Damages and Expences incurred, in consequence of the Seizure of the said Brig and Cargo, and referred it to the Registrar to ascertain the amount thereof, and report the same to the Court.

Third Enclosure in No. 46.

Decree of the Mixed Commission, 26th September 1826.

Portuguese Brig "*Perpetuo Defensor*," Antonio Mauricio De Mendonça, Master.

THIS day the Court, after hearing the Report of the Registrar read, and the Proctors on both sides on the same, ordered the said Report to be referred back to the Registrar to be amended by striking out, under the head of Special Damages and Expences, the following sums: viz:—

- £22 0s. Amount of Baker's bill for 80 days.
- 22 0s. Amount of Butcher's bill for 80 days.
- 60 0s. To purchase provisions for Crew of 19 persons for a Voyage from hence to Rio Janeiro, a supposed Voyage of 60 days.
- 20 0s. To purchase Cabin stores.
- 15 0s. For wooding and watering.
- 19 10s. } For advance to Seamen hired here:
- 97 10s. }

the Commissioners being of opinion the said sums are expences, which the amount allowed for demurrage covers. The Commissioners further directed that in lieu of the sum of £225 allowed by the Registrar for the interest of the supposed Capital employed, which includes the value of the Brig, that the interest be allowed on the amount of the purchase and maintenance of the Cargo, which the Commissioners conceive means the purchase and maintenance of the slaves only, reckoning the value of the slaves, and their maintenance at the cost price in the Brazils of the goods with which the slaves were purchased, and the means of their maintenance, procured in manner following, viz:—473 slaves shipped on board according to the Master's Statement, at an average of £4 each, according to the Leeward price, and two-pence, British sterling, per head per diem for the maintenance of each slave, that being about the rate of maintenance of the liberated Africans when first lauded in this Colony, which appears to the Court to be a fair rate.

Fourth Enclosure in No. 46.

Decree of the Mixed Commission, 28th September 1826.

Portuguese Brig "*Perpetuo Defensor*," Antonio Mauricio de Mendonça, Master.

THE Registrar's Report, amended, as ordered by the Court on the 26th day of this instant month of September, being brought in and read, and Proctors on both sides being heard on the same, the Commissioners confirmed, unconditionally, so much of the said Report as the Registrar therein set forth the Claimant was entitled to for costs of suit, and for Special Damages and Expences occasioned to the said Brig by detention, amounting to £79; they also confirmed unconditionally so much more of the said Report as the Registrar stated the Claimant entitled to for provisioning the slaves, from the 29th of June to the 6th day of July last, amounting to the sum of £122 10s.; and it having been represented and proved to the satisfaction of the Court, that the said Ship would be unable to proceed to Sea, unless the Master could raise a further sum of £150, by the Court giving a further unconditional award for that sum; the Commissioners therefore did also unconditionally confirm so much of the sum allowed by the Registrar in the said Report for demurrage as amounts to £150. Whereupon the Commissioners did award and decree that Charles Bullen, Esquire, the Captor in this Case, do pay to the said Antonio Mauricio de Mendonça, or his lawful Attorney or Attornies, for his use, unconditionally, the before mentioned sums, amounting in the whole to £351 10s. being for costs of suit, special damages and expences, provisioning of the slaves and for part of the demurrage as aforesaid.

And the Commissioners having stated their conviction, that the Claimant in this Case had carried on an illicit Traffick in Slaves during the present Voyage, inasmuch as it had been clearly proved that the slaves taken on board this Vessel were shipped from Badagry, in 6. 26. North of the Equator, and 2. 52. Longitude East of Greenwich, in direct defiance of the Convention made between Great Britain and Portugal, in the Year of our Lord 1817, for the prevention of illicit

Traffick in Slaves; and the Commissioners, therefore, deeming it just and equitable that this Case should be adjudicated on the same principles as the Case of the Brig "Activo," whereof Jozé Pinto de Araujo, was Master, which Case was lately before this Court, inasmuch as the said Charles Bullen, Esquire, could not be aware of the decision in that Case at the time he made the present Seizure, and the Commissioners being of opinion, as in that Case, that the absolute and unconditional confirming the whole of the amended Report, would be contrary to the principles of equity, and would, in point of fact, be rewarding the Claimant, not only for a breach of the Convention, between Great Britain and Portugal, for the prevention of the illicit Traffick in Slaves, but also for a breach of the Laws of his own Country; and the Commissioners having considered in this Case, as in the former, that by the Convention aforesaid, there is no appeal from their Judgment, and also that it is most desirable that some additional measure should be adopted by the British and Brazilian Governments for the prevention of such glaring violations of the Convention as the present, and that of the "Activo," and in the hope that this Case may in addition to the other, particularly call forth the attention of both Governments, have, therefore, only conditionally confirmed the remaining part of the amended Report; and therefore the Commissioners did further award and decree that the said Charles Bullen, Esq., the Captor in this Case, do pay to the said Antonio Mauricio de Mendonça, or his lawful Attorney or Attornies, for his use, the sum of £1,280 for the remainder of the amount of demurrage of the said Brig, provided the British and Brazilian Governments agree and declare that the said sum ought to be so paid according to the true intent and meaning of the Convention aforesaid, but not otherwise.

And the said Commissioners did further award and decree that the said Charles Bullen, Esq., do pay to the said Antonio Mauricio de Mendonça, or his lawful Attorney or Attornies, for his use, the further sum of 79,716,000 reis, for the total loss of 364 slaves, provided, as before, that the British and Brazilian Governments agree and declare that the same ought to be so paid according to the true intent and meaning of the Convention aforesaid, but not otherwise.

And the said Commissioners did further award and decree that the said Charles Bullen, Esq., do pay to the said Antonio Mauricio de Mendonça, or his lawful Attorney or Attornies, for his use, the further sum of £102 9s. 8d. being for the interest on the estimated capital employed in the purchase and maintenance of the Cargo of slaves, provided, as before, the British and Brazilian Governments agree and declare that the said sum ought to be so paid, according to the true intent and meaning of the Convention aforesaid, but not otherwise.

No. 47.

Mr. Secretary Canning to His Majesty's Commissioners.

GENTLEMEN,

Foreign Office, December 30, 1826.

YOUR several Despatches up to the 12th of October, marked Portugal, have been duly received.

In reference to the Despatches containing Reports of the Cases of the Ships "Activo" and "Perpetuo Defensor," I have to refer you to the Case of the "Sinceridade," adjudged by you in the Year 1823, and to the Declaration which, in that Case, was made to His Most Faithful Majesty by the British Government, through The King's Envoy: that, on the one hand, no Compensation can, in equity, be due to Traders for losses sustained by them in Cases of Traffick carried on under circumstances which constitute illegal Trade; whilst, on the other hand, no Condemnation of a Vessel ought to take place when the capture is made at a Spot not absolutely within the Boundary prescribed for Capture by the Treaties.

This Declaration was not objected to by the Portuguese Government, and the principle of it, therefore, may be considered to be fully admitted.

As the Cases of Brazilian Vessels charged with illicit Slave Trade must be adjudged under the Compacts and Agreements with Portugal, until some further and special Convention shall be entered into upon the subject between the Countries of Great Britain and Brazil, there is at present no clear course for you to pursue, in regard to Brazilian Vessels, other than to act upon the spirit of the Compacts and Agreements with Portugal.

In regard to those Slaves who, under circumstances of illegal shipment, but unwarranted capture, shall actually have been brought to Adjudication, I have to acquaint you, that the principle on which the Court acted in the "Perpetuo Defensor," in decreeing such Slaves to be restored to the Master, for the use of the Claimant, was correct. But if special Cases should occur, in which the Court should be prevented, by unforeseen circumstances, from making such a Decree, or should be required to make any special disposition of such

Slaves, it must use its discretion as to what may be right to be done. The Court cannot, with propriety, condemn them, or make an Order for their Emancipation. The only expedient seems to be, that the Slaves should be placed under the superintendence of the Local Government by some Conditional Order. But this again will be subject to the Instructions which you may receive on the objection which has occurred in the Case of the "Activo" and "Perpetuo Defensor," on which I shall probably have, shortly, to instruct you farther.

I am, &c.

(Signed)

GEORGE CANNING.

His Majesty's Commissioners.

SIERRA LEONE. *(Netherlands.)*

No. 48.

Mr. Secretary Canning to His Majesty's Commissioners.

GENTLEMEN,

Foreign Office, March 13, 1826.

WITH reference to the Treaty with the Netherlands for the Prevention of Slave-trade, I have to acquaint you, that, by a Communication this day received from the Admiralty, it appears that the Instructions referred to in the said Treaty, have been issued to the following Ships and Vessels of His Majesty's Navy:

| Names. | Guns. | Commanders. |
|-----------------------------|----------|---------------------|
| <i>Hussar</i> | 46 | G. Harris. |
| <i>Brazen</i> | 26 | G. W. Willes. |
| <i>Primrose</i> | 18 | Oct. V. Vernon. |
| <i>Redwing</i> | 18 | D. C. Clavering. |
| <i>Dispatch</i> | 18 | Robt. W. Parsons. |
| <i>Ferret</i> | 10 | Wm. Hobson. |
| <i>Conflict G. V.</i> | 10 | Lieut. J. Chrystie. |

And that the Instructions, which had been issued to His Majesty's Ships "*Pyramus*," "*Ariadne*," "*Bann*," "*Victor*," "*Ringdove*," and "*Grecian*," have been recalled, and cancelled.

I am, &c.

His Majesty's Commissioners.

(Signed) GEORGE CANNING.

No. 49.

John Tasker Williams, Esq. to Mr. Secretary Canning.—(Received May 22.)

SIR,

Sierra Leone, February 15, 1826.

I HAVE the honour to transmit, herewith, a Report of the Case of the Dutch Schooner "*Hoop*," belonging to St. Eustatius, Jacob Walters, Master. She was detained, off Manna, on the 3d January, by a Boat of His Majesty's Ship "*Maidstone*," Commodore Bullen, and brought into Sierra Leone.

This Case came on for Adjudication in the British and Netherlands Court of Mixed Commission on the 23d of January, and was proved to come so clearly under almost all the Provisions of the Additional Article to the Treaty between His Majesty and His Majesty The King of the Netherlands, signed at Brussels, the 25th of January 1823, that I do not feel myself justified in trespassing on your time by any detail of particulars, but beg to refer you to the Report.

I have the honour to be, &c.

(Signed) JOHN TASKER WILLIAMS.

The Right Hon. George Canning,

&c.

&c.

&c.

Enclosure in No. 49.

Report of the Case of the Dutch Schooner "Hoop," Jacob Walters, Master.

THIS Vessel was detained on the 3d of January 1826, off Manna, by a Boat of His Majesty's Ship "*Maidstone*" (Commodore Bullen, C. B.) under the command of Lieutenant William Gray, of the same Ship.

The Declaration of Commodore Bullen states, that the Boat of His Majesty's Ship "Maidstone," under the command of Lieutenant Gray, being between the River Gallinas and Manua, and off Shore about 20 miles, detained the "Hoop," sailing under Dutch Colours, belonging to St. Eustatius, not having slaves on board, but falling under several of the designations of the Additional Articles to the Treaty with the Netherlands, of the 4th May 1818, signed at Brussels on the 25th day of January 1823, viz :

Having been found within the limits particularly specified in the aforementioned Treaty, and hovering about the said River Gallinas and Manua.

Having her hatches fitted with open gratings, instead of being fitted with close hatches, as usual in Merchant Vessels.

Having spare plank, numbered, cut and fitted, for readily laying a slave, or moveable, deck.

Having on board shackles, bolts and hand-cuffs, contained in casks, to appearance, at first sight, part of the Cargo for trade, being similarly packed to bread, beef, &c.

Having on board a greater number of water-casks, and many of them filled, more by far than requisite for the consumption of the Crew, as a Merchant-Vessel, and no Certificate produced by the Master from the Custom-House at which he cleared out, stating that sufficient security had been given by the Owners that such casks should only be used for the reception of palm-oil.

Having on board a quantity of mess kids.

Having on board large boilers, and also a great quantity of rice, the whole far beyond any probable requisite for the use of her Crew as a Merchant-Vessel, and no Manifest produced by the Master that the rice was part of the Cargo for trade.

The Papers and necessary Affidavits were delivered into the Registry on the 9th of January 1826, and a Monition was prayed for and issued on the 11th, citing the Parties interested in the Cause to appear, in proper time, before the Court; which Monition was returned to the Registry on the 19th.

This Schooner, when taken, had only 4 Papers on board, viz: her Passport, Clearance, Muster-roll and Log. Her Passport, granted by the Governor of St. Eustatius, "W. A. Von Spengler," on the 23d of November 1825, states her to be the property of John Hill, a Naturalized Subject of The King of Holland, residing in St. Eustatius. There is a Special Clause in the body of the said Passport, that it should hold "good for 12 Months for general navigation, excepting on the Coast of Guinea." ("Goed voor twaalf Maanden overal te navigeren uitgezonderd op de Kust van Guinea")

Her Clearance, signed by J. Verscheur, the Collector at St. Eustatius, on the 23d of November 1825, states her to have cleared out with a Cargo for exportation for the Coast of Brazil, and her Log, in positive contradiction, proves her to have come direct to the Coast of Africa, which she had made 2 days only previous to capture.

The Master, Mate and Steward, on their Examination, deposed, that the Schooner in question, and Cargo laden on board of her, were the property of the said John Hill, that their object in coming to the Coast of Africa was to trade for palm-oil and ivory, and totally denied all knowledge of the facts stated by the Captors, with the exception of the acknowledgment, that the Vessel was fitted with open gratings. The Master further deposed, that Instructions from the Owner for his future guidance had been sent to the Gallinas, to await his arrival there.

Under these conflicting circumstances, the Court decreed a Commission of Inspection and Survey to issue to the Marshal, and two other respectable Persons to proceed on board the said Schooner "Hoop," and to report thereon.

Their Report confirmed, in every material point, the Declaration of the Captor.

No Claimants appeared for the Vessel, and no doubt existing in the minds of the Commissioners as to the illegality of the Voyage in which the said Schooner "Hoop" was engaged when taken, Sentence of Condemnation was passed against her, and she was accordingly condemned as lawful Prize to the Crowns of Great Britain and Holland.

Sierra Leone, February 15, 1826.

JOHN TASKER WILLIAMS,

No. 50.

J. T. Williams, Esq. to Mr. Secretary Canning.—(Received May 22.)

SIR,

Sierra Leone, March 20, 1826.

WITH the present Despatch, I have the honour to transmit to you a Report of the Adjudication of the Schooner "*Amable Claudina*," Claudio Picaluga, Master, sailing under Dutch Colours. She was detained by His Majesty's Ship "*Atholl*," off the Castle of St. George d'Elmina, on the 12th of November 1825, and sent here to be tried before the British and Netherlands Mixed Court of Justice, by which Court she was condemned on the 6th of February last, for having been concerned in illegally trafficking in Slaves.

I also forward, herewith, the Report of the Case of the Brig "*Charles*," Louis L'Oiseau, Master, sailing under the same Flag, which Vessel arrived in this Harbour on the 21st January, having been captured by His Majesty's Brig-of-War, "*Conflict*," Lieutenant John Chrystie, Commander, off Duke's

Town, in Old Calabar River, on the 22d of December last; she is reported to be of 190 tons burthen, and is stated to have had on board, when taken, 265 Slaves; the trial of this Vessel took place on the 15th instant, and she was condemned as lawful Prize.

It is, indeed, matter of great regret to me, to have to report to you, Sir, that this baneful traffick appears to have assumed a novel feature, and which, until it be checked, must of certainty tend most materially to increase the misery inflicted on the wretched population of this ill-fated Country. The Slave-trade is now carried on to a much greater extent than has been hitherto known, under cloak of the Flag of His Majesty The King of the Netherlands.

During the last 8 Months, no less than 7 Vessels have been brought in by His Majesty's Squadron for Adjudication, viz: the "*Bey*;" "*Z*;" "*La Venus*;" "*Hoop*;" "*Amable Claudina*;" "*Charles*;" and "*Vogel*;" 6 of these Vessels were furnished with Papers from the Colonial Authorities at Saint Eustatius, and one at Curaçao.

The 3 first Cases were decided previous to my arrival; the circumstances which were developed in each of them, elucidated so clearly the object they had in view, as to leave no doubt on the minds of the Judges, as to the illegality of the pursuits in which the Parties connected with these Vessels were concerned.

For the particulars of the "*Hoop*," I beg to refer you to my Despatch, and Report of the 15th of February.

There are certain points connected with the "*Amable Claudina*" and the "*Charles*," more particularly the former, which I deem it my duty to submit to you.

Had it not been for the application which was made to Captain Murray, by the Authorities of His Netherlands Majesty's Government on the Gold Coast, I humbly conceive his power would not have been competent to any interference with any Vessel, bearing that Flag, under the walls of their principal Settlement. The peculiar circumstances of this transaction, called upon as he was by them to act, would, however, have rendered this observation on my part needless, did I not consider it to be my duty to communicate to you all such matters connected with this branch of the Publick Service, as may come to my knowledge. It would appear that the view which the Governor of Elmina took of this matter was, that the Moiety of the Proceeds of the "*Amable Claudina*" did, of right, belong to his particular Government on the Gold Coast, and, acting upon this impression, he wrote a Letter on the subject to His Netherlands Majesty's Judge. A translated Copy of this Letter was handed to me by Mr. Bonnouvrié, which I have deemed it best to forward to you, in order to guard against any observations that may, by possibility, be made; not that I anticipate any such, for the Vessel having been sent to this Court for Adjudication, the disposition of the Proceeds is so clearly provided for, as to leave no room for discussion.

I also transmit a Copy of Mr. Breggen Paauw's Letter to Captain Murray, with the Affidavit of the latter, as well as the Affidavit of Lieutenant Caiger, who took possession of the Schooner.

As all these Cases seem to bear a similar stamp, I have further thought it right to send you a Copy of the Licence granted by the Governor of St. Eustatius to the Persons concerned in the "*Amable Claudina*."

These Licences are evidently obtained (and that for the purpose of attempting to delude), by Parties who are not at all connected as regards the Person or the Property, with the Flag under which they endeavour to cloak their nefarious purposes.

The 2 Vessels, the "*Bey*" and the "*Hoop*" are, doubtless, American Property; the Owners naturalized at St. Eustatius. Two others, the "*Z*," and "*Venus*," are French; the Owners and Consignees being Messieurs Saubot, Joubert, and Co. of Martinique. Half the Cargo of the "*Amable Claudina*," was French Property belonging to Persons at Bordeaux; and the connection of the "*Charles*" with "*Guadaloupe*," renders her property, to say the least of it, doubtful.

I have thought it to be my duty to communicate with my Colleague, Mr. Bonnouvrié, on the nature of these Proceedings, and he has assured me, that he has made strong representations to his Government on the subject; these, I hope, may have a beneficial influence, and that His Netherlands Majesty may be pleased to direct the Governors of his Colonies to exercise greater caution, as to the Parties to whom such Licences are granted.

I cannot conclude my observations on this Case, without expressing my extreme regret, after the sense, you, Sir, had expressed of the Affair of the "Rosalia," and others, that a similar line of proceeding should have been followed in the present instance; and that such measures should have been adopted to influence the re-shipment of the slaves in the "Amable Claudina," at, or near, to Popoe. I thought it necessary to communicate verbally with Commodore Bullen on this subject, and should have done so officially, had I not felt a delicacy, arising from the fear that I might be considered as overstepping the line of duty which has been marked out for me.

The principal peculiarity in the Case of the "Charles," is, that she is the only Vessel of the late number under the Dutch Flag that has been taken with slaves on board. She also sailed under a Licence from the Governor of St. Eustatius, as appeared by the concealed Papers which were found on board. Amongst the French Papers which were first produced, there was one, dated at "Pointe a Pitre, Guadaloupe," 24th April 1825, only 3 days previous to the date of a similar Document at Saint Eustatius; it states her to be "Le Brick L'Eugene," Commandé par Le Sieur Louis Guion, Appartenant à Monsieur Victor Rancé, allant au Grand Cabotage." For the further circumstances of this Case, I beg your reference to the Report.

I find one Document among the Papers of the "Charles," a Copy of which I think of importance to send to you; it is a Receipt for the large sum of 600 dollars, received by "T. G. Groebe," the Government Secretary at St. Eustatius, for renewing the Register and Muster-roll, and for obtaining Security for 2000 dollars, which Security, it appears, by other Documents, was given that she should not be illicitly employed in the Slave-trade.

The last Vessel in the List, which I have given in the preceding part of this Letter, "The Vogel," arrived here on the 11th instant, she was taken off Grand Carrow, by a Boat of His Majesty's Ship "Brazen," Captain Willes, on the 22d of January last, on the plea of being fitted out for the Slave-trade. The Court will have to take this Case into consideration in a few days, when I shall have the honour to make my Report to you upon it.

I fear there may have been the appearance of a neglectful delay in some of my Communications, but this has been caused by circumstances, which I regret, but not by myself; they are such as, I trust, may not again occur, and I have, therefore, Sir, to pray your indulgence.

I have the honour to be, &c.

(Signed) JOHN TASKER WILLIAMS.

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

First Enclosure in No. 50.

Report of the Case of the "Amable Claudina," Claudio Picaluga, Master, captured under Netherlands Colours.

THE "Amable Claudina," a Schooner of the burthen of 85 tons, of which Claudio Picaluga was Master, was taken possession of in the Roadstead of St. George d'Elmina, by Lieutenant Caiger, acting under orders from Captain James Arthur Murray, of His Majesty's Ship "Atholl," on the 12th day of November 1825.

The Declaration of Captain Murray sets forth, that on the day specified, being off Elmina Castle, he detained the Schooner "Amable Claudina," sailing under Dutch Colours, commanded by Claudio Picaluga, who declared her to be bound from Bordeaux to the Coast of Africa, on the

ground of her having on board a moveable, or slave-deck, open gratings, and being fitted for the reception of slaves; that she was supplied with an extraordinary number of water-casks for a Cargo of Slaves, and also on the plea of her having had slaves on board during the Voyage which she was then prosecuting, being in contradiction to the Explanatory and Additional Articles to the Treaty of the 4th May 1818, between His Majesty and His Majesty The King of the Netherlands, signed at Brussels the 25th January 1823.

His Majesty's Ship "Atholl" having arrived at Sierra Leone (previous to the "Amable Claudina,") and representations having been made that His Majesty's service required her early departure to another Station, the Captor's Proctor petitioned the Court to be allowed to file the Papers, which was granted; and the said Papers, together with Captain Murray's Affidavit, were lodged in the Registry on the 3d January 1826.

On the 11th January, an Affidavit of Captain Murray was filed in Court, having attached to it a Letter delivered to him, the said Captain Murray, and thus addressed, "To the Captain of His Britannick Majesty's Ship of War, just arrived in Cape Coast Roads."

This Letter was from J. C. Vander Breggen Paauw, as second in command at Elmina Castle. It was dated "Elmina Castle, 11th November 1825," and states, that in consequence of the Governor, Major Last, being very ill, the management of the Publick Service devolved upon the Writer; and informing the Commander of His Britannick Majesty's Ship, that a Schooner, under Dutch Colours, came to anchor in those (Elmina) Roads that morning; that from her Papers and other circumstances, he had every reason to suspect that she was engaged in the Slave-trade.

Mr. Breggen Paauw further expressed it to be his sincere wish, as well as his duty, to put a stop to this detestable Traffick; and his hope, that the Commander of his said Britannick Majesty's Ship would examine the Vessel.

It was in consequence of this Letter, that Captain Murray proceeded to Elmina, and caused possession to be taken of the Schooner "Amable Claudina," on the grounds which have been previously stated in his Declaration, and sent her for Adjudication to the British and Netherlands Mixed Court of Justice at this Place.

On the same day (the 11th of January) a Monition was prayed, and issued accordingly.

Claudio Picaluga, the Master, in his examination on the Interrogatories, states himself to be a Genoese by birth; that his Place of residence is Curaçao; that he is a Naturalized Subject of The King of Holland; that he purchased the Schooner "Amable Claudina" at Curaçao, of which he is the sole Owner, and half Owner of the Cargo, the other Moiety being the property of Jose Giovanni Zangroui and of Chichiola Francischo, of Bordeaux; and that the said Schooner sails under a Licence from Paulus Roeloff Cantz'Laar, Governor of Curaçao, dated the 6th of October 1824.

That the present voyage of the said Vessel commenced from Bordeaux, whence she was destined to La Guayra. He states "that it was his intention to go to La Guayra; but, when he got to Sea, he altered his mind, and came to the Coast of Africa." He first touched at Teneriffe, to repair some damage the Vessel's masts had sustained: but it must be here remarked, that one of the Mates (George Buglass) positively swears, that it was for the purpose of obtaining "a greater number of men." Thence he proceeded direct to the Coast, anchored first at Popoe, professing it to be his intention to trade in palm-oil, ivory, &c. This the Mate aforesaid directly contradicts, and states it to be his belief "that the object was to procure slaves." Not finding the success or facility he expected at this Place, he proceeded to Dutch Accra, where he says he landed doubloons, to the value of 2000 dollars, to exchange for dollars; that having so landed this sum, he was unable to get the dollars in return, but was forced to take slaves to the number of 32. He acknowledges himself to be the Owner of the Slaves, but that it was not his intention to take them to the West Indies; and that he landed them at Popoe. The aforesaid George Buglass, (and this is corroborated by other evidence), on the contrary, declares, "that the slaves were only landed there (at Little Elmina, near to Popoe,) for security, three hostages having been taken on board for them, who were delivered up when the slaves were demanded, and reshipped by the Captors." The number they, and then, sent on board was 34, being two more than is stated by the Master.

On the 20th of January, a Claim, through a Proctor of the Court, on the part of Claudio Picaluga, was made for the restoration of the said Schooner, her apparel, tackle, and furniture, her cargo, and for the value of 32 slaves, as the sole property of himself, a Naturalized Subject of His Majesty The King of the Netherlands, an Inhabitant of Curaçao, and a Native of Genoa; and of two Naturalized Frenchmen, Natives of Old Spain, residing at Bordeaux, and as protected by the Treaty or Convention between His Britannick Majesty and His Majesty The King of the Netherlands, dated May 4, 1818; and for all costs, losses, charges, damages, demurrage and expenses, arising from the capture and detention of the said Vessel and her Cargo.

The 6th of February was fixed upon for the decision of the Court upon this Case; and, having deliberated with His Netherlands Majesty's Judge on all its points, and finding that her Licence, which is exactly in the same form as that of the "Hoop" (granted by W. A. Von Spengler), on which Vessel I had lately the honour to Report, having the same restricting Clause as to trading on the Coast of Africa; and also finding that her Passport and Custom-House Clearance from Bordeaux, her Muster-Roll, which is given under the Seal and Signature of the Dutch Consul, H. N. Houy, resident there; the Manifest of her Cargo, her Bills of Lading, all declaring her destination to be to La Guayra; and finding, that, instead of proceeding to such her Place of destination, she was found on the Coast of Africa, the only Place which her Licence forbade, with no other reason assigned by the Master of the said Vessel for such deviation than, that, on going out to "Sea, he had changed his mind;" and it being further elicited, by the Examinations of the Master and other Persons belonging to the Schooner, that Slaves had actually been on board during this particular voyage:

The Court was unanimously of opinion that the Vessel had evidently been engaged in a Traffick which was illegal, and therefore condemned the said Schooner "Amable Claudina" and her Cargo as lawful Prize to His Majesty's Ship "Atholl," and the respective Governments,

It appearing that the slaves, 34 in number, had been caused to be put on board at Little Elmina, near Popoc, by the instigation and influence of the Captors, a proceeding contrary to the Provisions of the Treaty, and to the Instructions of His Majesty's Government. The Court could not decree their emancipation, but they were delivered over to the charge of the Government of this Colony.

Sierra Leone, March 10, 1826.

(Signed) JOHN TASKER WILLIAMS.

Second Enclosure in No. 50.

(Translation.)

The Governor of Elmina to The Netherlands Commissioner.

SIR,

St. George de la Mina, November 14, 1825.

I TAKE the opportunity at hand to inform you, that on the 11th of this Month, there came to an anchor here under the Netherlands Flag, the Schooner "*L'Amable Claudina*," Claudio Picalluga, Master, and finding, on examination, that her Papers were not in good order, and it appearing out of several circumstances, that she was engaged in the illicit Traffick in Slaves, I found myself under the necessity of detaining the Vessel, and to declare her a Prize.

A few hours afterwards an English Man-of-War arrived off here, and being without sufficient means to secure the Prize, I found myself constrained to give her up to the said English Man-of-War, in order to be brought before the Mixed Commission Court at Sierra Leone for trial.

In the mean time I inform you, that I sent one of my Officers, Mr. Vander Breggen Paauw, on board the "*Amable Claudina*" as Prize Master, by whom the said Vessel was given up to the before-mentioned Man-of-War, together with the sum of 18,000*l.* which were found in the cabin, according to an accepted Receipt.

The just half of this Prize belongs to the Netherlands Government upon the Coast of Guinea; the other half becomes in favour of the English Man-of-War, the "*Atholl*." So I trust to your zeal, that care shall be taken of the half of the money which was found on board the "*Amable Claudina*," and more will probably be found in the said Vessel; also for the amount which the "*Amable Claudina*" and Cargo will produce at the Publick Auction.

And I expect the amount by the first convenient opportunity that will belong to this Government on the Coast.

The Knight of the Order of the Belgic Lion, Major and Commander, A. T. of the Netherlands Possessions on the Coast of Guinea. (Signed) F. LAST.

P.S.—All the Papers belonging to the Vessel are given into the hands of the English Captain, Murray. (Signed) F. L.
Mons. E. P. G. Bonnouvrié,

Third Enclosure in No. 50.

(Translation.)

The Commanding Officer at Elmina to Captain Murray.

SIR,

Elmina Castle, November 11, 1825.

IN consequence of The Chevalier Last being very ill, the management of the Publick Service having devolved upon me, I have the honour to inform you that a Schooner, under Dutch Colours, came to anchor in these Roads this Morning, and that from her Papers and other circumstances, I have every reason to suspect she is engaged in the Slave-trade.

As it is no less my sincere wish, than it is my duty, to do all I can to put a stop to this detestable Traffick, I take the liberty to acquaint you herewith, hoping you will examine the Vessel. I have detained the Master and some of the Crew on Shore, and shall do my utmost to prevent her escape from here.

I have the honour to be, &c.

The Captain of H. B. M. Ship-of-War, (Signed) I. C. VANDER BRÉGGEN PAAUW,
Cape Coast Roads. Second in Command.

Fourth Enclosure in No. 50.

Affidavit of Captain Murray.

PERSONALLY appeared James Arthur Murray, Esq., Captain of His Majesty's Ship "*Atholl*," who, being duly sworn, maketh oath and saith, that the Letter hereunto annexed, dated "*Elmina Castle*, 11th November 1825, signed J. C. Vander Breggen Paauw, Second in Command," and addressed to "*To the Captain of H. B. M. Ship-of-War just arrived in Cape Coast Roads*," was sent to this Deponent as Captain of the Ship-of-War just arrived in Cape Coast Roads, and is, as this Deponent verily believes, in the hand-writing of the said J. C. Vander Breggen Paauw, Second in Command at Elmina Castle, and is now delivered up by this Deponent without any addition, alteration, or subduction whatever, except the Indorsement of "*Letter from Elmina*," written on the back. (Signed) JAMES A. MURRAY,

Sworn before me, at Free Town, Sierra Leone, this 11th day of January 1826.

(Signed) Wm. SMITH, Registrar.

Fifth Enclosure in No. 50.

Affidavit of Lieutenant Caiger.

APPEARED personally, Herbert Caiger, Esq. First Lieutenant of His Majesty's Ship "Atholl," Captain James Arthur Murray, who, being duly sworn, deposed and saith, that on the 12th day of November last, being off Elmina Castle, on the Western Coast of Africa, by order of the said Captain James Arthur Murray, he, this Deponent, boarded and took possession of the Netherlands Schooner "*Amable Claudina*," whereof Claudio Picaluga, was Master, by reason that the said Schooner was employed in the illegal Traffick in Slaves, contrary to the Additional Article of the Treaty entered into between His Britannick Majesty and His Majesty The King of the Netherlands. And this Deponent further saith, that at the time of going on board the said Schooner "*Amable Claudina*," the said Claudio Picaluga, the Maste, was on Shore at Elmina Castle, with a Boat's Crew of 4 men; that the said Schooner was under the command and charge of the Chief Mate; that no Boat whatsoever from the Shore had had any communication with the said Schooner, and that she was not in charge of any Officer or Person sent on board by the Commandant of Elmina Castle. (Signed) H. CAIGER.

Sworn before me, this 3d day of January 1826,
(Signed) WM. SMITH, Registrar.

Sixth Enclosure in No. 50.

(Translation.)

Licence of the "Amable Claudina."

Most Serene, Most Illustrious, Illustrious, High and Well Born, Well Born, Venerable, Estimable, Sapiant, Prudent, Emperors, Kings, Republicks, Princes, Dukes, Counts, Barons, Burgomasters, Aldermen, Councillors, as also Judges, Officers, Justices and Governors of all good Towns and Fortresses, who shall see these Presents, or shall hear them read, Greeting,

WE, Paulus Roeloff, Cantz'Laar, Knight of the Order of the Netherlands Lion, Rear Admiral in the Service of His Majesty The King of the Netherlands, Governor of Curaçoa, and the Dependent Islands Bonaire and Aruba, and Commander-in-Chief of the Land and Sea Forces there stationed, &c. &c. &c. notify: that Claudio Picaluga, is Master of the Schooner, called "*Amable Claudina*," of 50 tons burthen, belonging to himself, a Subject of His Majesty The King of the Netherlands, and Inhabitant of this Island: and being desirous to give encouragement to the before named Master, we entreat all the above mentioned, and every one of them, to whom the Master alluded to shall come with his Vessel and the goods laden in her, to be pleased to give the before named Master a friendly reception and proper treatment, allowing him in his passage, upon his paying the customary tolls and imposts, to navigate, pass and frequent the Ports and Rivers, with the view of transacting his business, where and when he shall think proper, which favour we are willing to return.

Given under our hand and the Seal of the Government, at Curacao, the 6th of October 1824, the 11th Year of His Majesty's Reign.

To be in force for 12 Months for the purpose of Navigating all Seas, except those on the Coast of Guinea. (Signed) CANIZ'LAAR.

By order of His Excellency, (Signed) WM. PRING.

(Indorsed), Seen at Bordeaux, the 16th August 1825,

Consul for the Netherlands (Signed) H. N. HOUY.

Seen the 10th September 1825, Santa Cruz, in the Isle of Teneriffe, by A. BERUFF.
J. Voss.

Seventh Enclosure in No. 50.

Report of the Case of the Netherlands Brig "Charles," Louis L'Oiseau, Master.

THIS Vessel arrived here on the 21st of January 1826, having 243 slaves on board, 265 having been captured in her, and 22 having died during the passage to Sierra Leone.

The Declaration of the Captor, Lieutenant John Chrystie, commanding His Majesty's Gun-Brig "*Conflict*," sets forth, that being up the River of Old Calabar, he seized and detained the Brig "*Charles*," sailing under Dutch Colours, whereof Louis L'Oiseau, was Master, on the 19th day of December 1825, by reason that the said Vessel was employed in the Traffick in Slaves, contrary to the Treaty entered into between His Majesty and His Majesty The King of the Netherlands.

On the 23d day of January, the Papers in this Case were duly filed, together with the Affidavit of Mr. Henry Pryce Deschamps, Admiralty Mate of His Majesty's Brig "*Conflict*," and Prize-Master of the "*Charles*," which states, that the Papers, Writings and Documents, marked from No. 16 to No. 20, inclusive (being a set of French Papers for the said Brig under the name of "*L'Eugene*,") were delivered up to him by the Master of the said Brig; that he examined a Writing-Desk, which he found concealed in the Cabin of the said Brig, and found secreted in a drawer thereof, the Papers, Writings and Documents (No. 1 to No. 15), being the Dutch Papers of

the said Brig under the name of the "Charles," although told by the Master at the time of his delivering up the first Papers, that there were no others on board.

A Mouition was prayed for and issued on the 23th January, citing the Parties interested in the Cause to appear.

The French Papers found on board this Vessel, call her "L'Eugene," commanded by Louis Guion, belonging to M. Victor Rancé, of Pointe à Pitre, and are dated at Pointe à Pitre, Guadeloupe, as follow, viz:—

| | |
|--|--------------------|
| Register | 27th October 1824. |
| Passport | 27th October — |
| Role d'Equipage | 24th April 1825. |
| Invoice, signed Victor Rancé | 25th April — |
| Custom-House Clearance from Pointe à Pitre | 26th April — |

while the Dutch Papers found concealed on board, declare her to be the "Charles," commanded by Louis L'Oiseau, has her Clearance from Saint Thomas, dated 23d April 1825, her Invoice (corresponding in every particular with the one said to be made at Pointe à Pitre, and in the same hand-writing), dated also at Saint Thomas, on the 24th April 1825, signed by T. B. Audrize and Co. for the account and risk of Louis L'Oiseau, and the Muster-Roll Clearance for Rio Janeiro, and Passport, are dated at Saint Eustatius, the 27th April 1825.

It is, therefore, evident that the French Papers must be gross forgeries, it being out of all probability that she could clear out from Pointe à Pitre, on the 26th April, and have her Muster-Roll Clearance for Rio Janeiro and Passport from Saint Eustatius, the next day.

The Second Master, Jean Rouxel, in his examination on the Standing Interrogatories, stated, that she was seized for having slaves and Dutch Papers and Colours on board; that her name is the "Charles," but he believed she had also been called "L'Eugene," as he saw French Papers with that name in them on board of her; that he saw them, for the first time, when she was lying in Calabar River, where also the French Flag was first hoisted, and that the French Flag was flying when she was examined by the Man of War by which she was taken. He further stated, that the present Voyage commenced at St. Thomas, but he did not know where it was to have ended. St. Eustatius he declared to be the last clearing Port the Brig sailed from, previous to capture, and that she went there to procure Netherlands Papers; from which Port she went direct to Calabar to procure her Cargo of Slaves, 267 of whom were on board when the Brig was taken, and he believed the Master (Louis L'Oiseau) to have been the sole Owner of the Brig and Slaves at the time they were seized.

Thomas Ganse, Seaman on board, deposed, on the same Interrogatories, "that the Brig was seized for having Slaves and French Papers and Colours, and Dutch Papers and Colours on board, but that she sailed under Dutch Colours, and he only knew the Brig by the name of "L'Eugene;" that the present Voyage began at St. Thomas, but he did not know where it was to have ended; St. Eustatius was the last clearing Port she sailed from previous to capture, where the Dutch Papers were procured; and that she went to Calabar River to trade for slaves, but he could not tell the number that were taken on board;" he further declared his belief, "that the Master was the sole Owner of the Brig and Slaves at the time they were seized"

It appeared by the evidence of Lindor, a Cabin-Boy, "that this is the second Voyage in which the Brig has been employed in carrying on an illicit Traffick in Slaves, the first Cargo having been safely delivered at Surinam, that the present Voyage commenced at St. Thomas, and was to have ended there, after delivering the present Cargo, at Surinam."

The Declarations of Jean Rouxel, Thomas Ganse, and Lindor, the production of the fraudulent, if not felonious, French Papers, the concealment of the Dutch Papers, added to the fact of the slaves having been found on board; all these circumstances combined, made this Case so very clear, that the Court had no difficulty in condemning her as a lawful Prize, taken by His Majesty's Brig "Conflict," Lieutenant John Chrystie, Commander, and pronounced 265 slaves to have been on board at the time of capture, 22 of whom had died before Adjudication, and the remainder, in number 243, were emancipated.

Sierra Leone, March 20, 1826.

(Signed)

JOHN TASKER WILLIAMS.

Eighth Enclosure in No. 50.

Captain Louis L'Oiseau, Brig "Charles."

April 27, 1825.—Renewing Register and Muster Roll and amount paid for
obtaining Security for 2000 Spanish dollars 600 Sp. dolls.

Rd. Payment,
T. G. GROEBE.

No. 51.

George Rendall, Esq. to Mr. Secretary Canning.—(Received June 2, 1826.)

SIR,

Sierra Leone, August 20, 1825.

I HAVE the honour to acquaint you, that E. P. G. Bannouvié, Esq. His Netherlands Majesty's Commissary Judge, arrived in this Colony on the

15th instant, and that this Gentleman has entered upon the duties of his Office in the British and Netherlands Mixed Court of Justice.

I have the honour to be, &c.

(Signed)

GEO. RENDALL.

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

No. 52.

George Rendall, Esq. to Mr. Secretary Canning.—(Received June 2, 1826.)

SIR,

Sierra Leone, November 21, 1825.

I HAVE the honour to enclose, for your information, a Report of the Case of the Netherlands Schooner "*Bey*," William Woodside, Master, brought in here on the 23d of May last for Adjudication, having been detained on the 19th of the same Month off the River Gallinas, by His Majesty's Ship "*Maidstone*," Commodore Bullen, on suspicion of being engaged in the illicit Slave-trade, and falling under the several designations of the Additional Article to the Treaty signed at Brussels on the 25th of January 1823.

The Court were of opinion that sufficient proof of the illegal engagement in the Slave-trade had been afforded, and therefore passed Sentence of Condemnation on the Vessel and Cargo on the 29th day of June.

I cannot allow this Case to pass without noticing to you, Sir, what appeared evident, from the various proofs which were afforded, that the Netherlands Flag and Papers had in this instance been obtained for the purpose of fraudulently covering other property. The Vessel was American built, and, by the names of the Master and Crew on the Muster-Roll, it would appear they were Americans, or Englishmen.

The Second Mate, an American, was perfectly ignorant of the Dutch language, and stated that he did not know to what Countries the Crew respectively belonged. He appeared much astonished when he was informed that the Ship's Passport contained a Clause which forbade trading on the Coast of Guinea.

I have the honour to be, &c.

(Signed)

GEO. RENDALL.

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

Enclosure in No. 52.

Report of the Case of the Netherlands Schooner "Bey," William Woodside, Master.

THIS Vessel arrived in the Harbour of Sierra Leone on the 23d of May last, but owing to the changes in the Commissions at that period, the Proceedings were not regularly commenced until the 13th of June, upon which day the Ship's Papers were brought into the Registry, and duly attested by George A. Nixon, Master's Mate of His Majesty's Ship "*Maidstone*."

The usual Monition was issued on the 14th, calling upon all Persons having, or pretending to have, any right, title, or interest in the Schooner "*Bey*," to appear and make claim, which was returned on the 22d of June as duly served.

Commodore Bullen's Declaration states, that this Vessel was detained off the River Gallinas on the 19th of May 1825, being under Dutch Colours, armed with 1 gun, 12-pounder, William Woodside, Master, who being absent on Shore, William Wolper, the Commanding Officer declared her to be bound from St. Eustatius to the Gallinas with a Crew of 11 men, having no slaves on board, but falling under several designations of the Additional Article signed at Brussels, on the 25th of January 1823.

The Papers of the Vessel consist of a Roll of the Crew, a Bill of Sale, a Licence to carry Arms, and another to Navigate the Vessel for 12 Months, to any Port or Place except upon the Coast of Guinea, and are all dated in the Month of October 1824, at St. Eustatius.

The Depositions of all the Witnesses examined, viz.: the Second Mate, one Seaman and the Steward, shew that this Vessel was fitted at St. Eustatius, from whence she sailed to the Coast of

Africa direct, where she touched at Garraway, Grand Sestos, Cape Mount, Manna and Gallinas, to trade, that she was seized at anchor 5 miles off Gallinas, had one Passenger taken on board at Manna, Johannes Dahl, a Danish Mariner, that the Master, who is a Naturalized Dutchman, was the Owner; Vessel's Clearance and Log Book burnt at Manna by accident; has 30 bags of rice taken on board on the Coast; the Seaman states that part was taken on board at St. Eustatius; has 34 water-casks, some filled at St. Eustatius, others on the Coast; plank cut to fit the masts and pumps; Cargo sold to different Persons on the Coast. The return Cargo was to have been palm oil and camwood; it was not to have been slaves, to their knowledge. The Second Mate and Steward state, that Black Men were carried as passengers from one part of the Coast to another, which the Seaman denies.

The Deposition of Johannes Dahl shews, that he embarked as a passenger on board this Vessel at Manna, 2 months and a half previous to his Examination; is certain that 60 or 70 bags of rice, each weighing about 150lbs. were landed at Manna and Gallinas; thinks there were more coppers with steamers that would cook for 100 Negroes or Slaves; Vessel has carried Black Passengers, cannot swear they were free or Slaves.

A Commission of Survey was prayed on the part of the Captors, and granted on the 21st of June. The Report of the Commissioners was filed on the 27th, the substance being as follows: that the Schooner "Bey" is 60 tons admeasurement; length on deck 60 feet 2 inches; extreme breadth 18 feet 2 inches; one suit of sails complete; no goods, wares, or merchandize on board; armed with 1 long traversing 12-pounder gun in complete order; 2 brace of pistols, 6 cutlasses and 2 muskets; 1 quarter barrel powder, 40 cases of canister shot, 45 round shot and a small quantity of laugridge; 30 hogsheads of water stowed in the hold, containing about 2,000 gallons; 3 empty puncheons and 2 barrels on deck, capable of containing about 400 gallons more. The casks in the hold are stowed so as to form nearly a platform of themselves.

In the after part of the hold a platform, 6 feet by 10 feet 2 inches, was laid. Spare beams and planks fitted to the hold, by which they extended the platform 16 feet 5 inches in length, with the whole breadth of the hold; there were not boards enough to form a complete platform, but they found some pieces cut to fit the fore part of the Vessel, and when cut to fit the foremast. The height between the shifting platform and the deck was 3 feet 1 inch; found on board 11 buckets and 4 mess-kids; boilers divided into 4 parts, and with 2 steamers, capable of holding 31½ gallons; an oven for baking with range in front; found 37 bags of Carolina rice, containing 82 cwt.

From the Evidence, the Ship's Papers, and the Report of the Commissioners of Survey, the Court were of opinion that this Vessel was, at the time of her detention, within the limits specified in the Additional Article to the Treaty, concluded at the Hague the 4th day of May 1818, between His Majesty and The King of the Netherlands, signed at Brussels, the 25th of January 1823, and that in her outfit and equipment she fell within the 3d, 5th, 6th, 8th and 9th Designations therein mentioned. In addition to this *prima facie* Evidence of the Vessel's employment in the Slave-trade, the Court duly considered the other suspicious circumstances under which she was found, viz: being at anchor off one of the most notorious Slave Factories on the Coast of Africa, when the Licence of Navigation expressly forbade any approach to the Coast of Guinea; landing large quantities of rice at Manna and Gallinas, part of which had been brought from St. Eustatius, and part bought on the Coast; filling the casks with water on the Coast, although the Second Mate declared that palm oil was to have been part of return Cargo; having no Log Book kept either by the Master or two Mates; and further, that no satisfactory Evidence was offered on the part of the Owner or Master that this Vessel was otherwise legally employed at the time of detention.

The Court, therefore, passed Sentence of Condemnation of the Vessel and Cargo, on the 29th day of June 1825. (Signed) GEO. RENDALL.

No. 53.

George Rendall, Esq. to Mr. Secretary Canning.—(Received June 2.)

SIR,

Sierra Leone, November 21, 1825.

I HAVE the honour to enclose, for your information, the Report of the Case of the Netherlands Brig "Z," Denis K. Derne, Master, brought in here for Adjudication on the 17th of August last, having been detained on the 31st of July previous, by His Majesty's Ship "Maidstone," Commodore Bullen, off the River Sombrero, or Andony, not having any Slaves on board, but being fitted and equipped for the Slave-trade.

The proof in this Case being fully established, the British and Netherlands Commissary Judges passed Sentence of Condemnation of the Vessel, on the 9th of September 1825.

I beg leave to remark, that I conceive this Case bears great similarity to that of the "Bey," and is more fully developed by the discovery of Slave Irons and Coppers. The Master was Naturalized at Saint Eustatius, in April last, and in the Month of July he arrived on this Coast with a full Cargo under Dutch Colours. It is evident that French property is co-

vered in this Case, and shews with what facility false Papers can be procured at the Island of Saint Eustatius.

I propose forwarding with the General Report of the State of the Slave-trade, Translations of the Private Letters and Papers found on board this Vessel, as I hope they will prove the means of throwing some light on these nefarious transactions.

I have the honour to be, &c.

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

(Signed) GEO. RENDALL.

Enclosure in No. 53.

Report of the Case of the Netherlands Brig "Z," Denis K. Derne, Master.

THIS Vessel arrived at Sierra Leone the 17th day of August last, and the Ship's Papers duly authenticated, with Commodore Bullen's Declaration, were brought into Court the same day. A Monition was issued on the 20th of August, calling upon all Persons having, or pretending to have, any Claim in the Brig "Z." to appear and establish the same; this was returned as duly served on the 29th.

The Declaration of Commodore Bullen states, that on the 31st of July 1825, off the River Sombrero or Andony, he detained the Brig "Z." sailing under Dutch Colours, armed with 2 long six-pounder guns, 4 eighteen-pounder carronades, 2 swivels, 18 muskets, and 12 swords, commanded by Denis Kerne Derne, who declared her to be bound from St. Thomas to the River Andony, belonging to Saint Eustatius, with a Crew of 28 men and boys, not having on board slaves, but falling under the several designations of the Additional Article signed at Brussels the 25th of January 1823.

The Papers of the Vessel consist of a License of Navigation for 12 Months, to any Place except upon the Coast of Guinea, and a Passport given by the Governor of the Island of Saint Eustatius, in April 1825. A Muster-roll; List of Cargo, and Clearance, dated at Saint Thomas the 25th of May 1825. There are also numerous French Letters, Private Papers, &c.

The Master's Deposition states, that he was born at Brest, but naturalized at Saint Eustatius in April last. Took possession of the Vessel about 18 or 20 months since at Martinique; she was built at Nantes, has a large interest in the Vessel and Cargo; she was seized upon pretence of being engaged in the Slave-trade; sailed under Dutch Colours; had a French Flag on board, it was on board because she sailed under the French Flag formerly; has been called the "Z." since April last, was formerly the "Pauline and Amanda." The Voyage began at Saint Thomas and was to have ended there; was captured in 3. 30. North, and 6. East; bought the Vessel at Martinique from the French Government at Publick Auction; paid 6000 dollars for her; Vessel and Cargo were both insured for this Voyage in Paris, at a premium of 2½ per Cent.

The Depositions of the Surgeon, Boatswain and Cabin-cook, are alike in substance with that of the Master.

Three Affidavits, made by Edward Franklin, Lieutenant of His Majesty's Ship "Majdstone" and Prize-Master of the Brig "Z," were filed in this Case; the first on the 6th September 1825, stating that on the 26th of August Deponent found 86 slave-irons on board the Brig "Z," which had been concealed below; the second states, that, on the 7th of September, the same Deponent found 76 slave-irons, in addition to the 86 before mentioned, and that they were concealed under the powder in the hold; the third Affidavit states, that, on the 10th of September, Mr. Franklin discovered, in the after-part of the Brig "Z," a set of coppers capable of containing from 90 to 100 gallons.

A Commission of Inspection and Survey was prayed and issued on the 6th of September, and returned as duly performed on the 8th. The Commissioners report that the hatches of the Brig "Z" are fitted with open gratings, that she has spare plank more than sufficient to form a second or moveable deck; beams fitted with rabbits and grooves for receiving the same; that they found 80 pair of shackles, as well as a considerable number of iron bolts; from 10 to 15 tons of water in casks, butts, puncheons, and hogsheads, 51 mess kids, from 2 to 3 gallons each; 16 buckets of 2 gallons each; 6 poopoo tubs; boilers unreasonably large for the tonnage of the Vessel; from 30 to 40 bags of rice, as nearly as they could ascertain, mixed with calavances in bulk; also some casks of calavances; 4 twelve-pound carronades, 2 long nine-pounders, sundry small arms and cutlasses, with a considerable quantity of powder and shot of all descriptions.

The Court were of opinion that this Vessel was, at the time of capture, within the specified limits; and that in her equipment and outfit, she fell within 8 of the Designations named in the Additional Article to the Treaty, signed at Brussels on the 25th of January 1823, viz:—the 1st, 3d, 4th, 5th, 6th, 7th, 8th, and 9th; and as no evidence was offered on the part of the Master and Owner that the Vessel was legally employed at the time of her detention, the Court passed Sentence of Condemnation on the Vessel and Cargo, on the 9th day of September 1825.

(Signed) GEO. RENDALL.

No. 54.

George Rendall, Esq. to Mr. Secretary Canning.—(Received June 2, 1826.)

SIR,

Sierra Leone, November 25, 1825.

I HAVE the honour to enclose, herewith, a Report of the Case of the Netherlands Schooner "*La Venus*," André Desbarbes, Master, detained on the 1st of September off Cape Formosa, by His Majesty's Ship "*Atholl*," Captain James Arthur Murray, having no slaves on board, but falling under the several designations contained in the Additional Article to the Treaty signed at Brussels the 25th of January 1823, and sent in here for Adjudication on the 23d of September 1825.

The proof of this Vessel's engagement in the illegal Traffick of Slaves being clearly established, the British and Netherlands Judges condemned the Vessel and Cargo on the 1st of November 1825.

I feel it my duty to observe, that this is another Case wherewith I conceive the Netherlands Flag has been made a cover for French property, a practice which I expect will be found to have been of long and frequent occurrence, although it has escaped the vigilant notice of our Cruizers until lately.

I have the honour to be, &c.

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

(Signed)

GEO. RENDALL.

Enclosure in No. 54.

Report of the Case of the Netherlands Schooner "La Venus," Andre Desbarbes, Master.

THIS Vessel was brought into this Port on the 23d of September 1825 but owing to the absence of the Agent and Proctor for Captors, the Papers were not produced in Court until the 12th of October, upon which day Mr Hodder, Admiralty Mate, delivered them, duly attested, together with the Declaration of the Captor, into the hands of the Registrar, by whom they were duly filed. A Monition was issued, citing all persons having any right or interest in the Schooner "*La Venus*" and Cargo, to appear and make claim; this was returned certified as having been duly served.

The Declaration of the Captor, Captain James Arthur Murray, commanding His Majesty's Ship "*Atholl*," states, "that on the 1st day of September last, being in Latitude 4. 12. North, and Longitude 5. 33. East, he detained the Schooner "*La Venus*" sailing under Dutch Colours, armed with 4 six-pounder guns, commanded by André De-barbes, who declared her to be bound from St. Thomas, West Indies, to the Coast, with a Crew consisting of 27 men"

The Third Mate, in answer to the standing Interrogatories, states, "that the Master's name is Desbarbes, that M. Saubot appointed him to the Command at St. Thomas in June last; does not know upon what pretence the Vessel was seized; sailed under Dutch Colours, had a French Flag on board; does not know for what reason Voyage began at St. Thomas; does not know where it was to have ended; touched at no Places during the Voyage; Vessel was seized off Cape Formosa on the 1st of September, was steering for Princes Island, hauled close on a wind, because they were afraid Capturing Ship was a Pirate." In answer to special Interrogatories put by order of the Court, states, "the hatches of "*La Venus*" to be close, like common Merchant Vessels, has two bulk-heads, one to part off the cabin and the other the fore-castle from the hold; some plank on board, cannot say what quantity, or for what purpose it was to be applied; does not know if there are any shackles, bolts, hand-cuffs, or shackle-rivets on board; has a tier of water-casks, cannot state the number or quantity; does not know if there is a Custom-House Clearance for the same; there are mess-tubs and kids on board; does not know the number; does not know if any large coppers or boilers are on board, nor if any means of making more than one cooking place; has seen only two or three casks of rice, there may be more; some flour, does not know what quantity; cannot say whether the return Cargo was to have been slaves or not; cannot say for what purpose the articles he has stated to be on board were intended; does not know what Cargo "*La Venus*" carried off the last Voyage." Carl F. Schmeidcke, a Mariner, in his Answers to the standing Interrogatories, gives the exact substance of the Third Mate's Evidence, but differs in some of his Answers to the special Interrogatories as "that he has seen 6 or 8 planks marked; a dozen shackles on board; that there are a great many water-casks all full; has seen about 20 mess-kids, and four large tubs with covers; there is a great quantity of rice; believes from what he saw on board that the return Cargo was to have been slaves; believes the articles he has stated to be on board must have been intended for the use of slaves; heard from the people that the last Cargo was slaves; a Commission of

Survey was issued on the 17th of October, and the Report of the Commissioners filed on the 21st; they state that the main hatch of "La Venus" is open with loose iron bars to fix on the same; that there is on board a quantity of plank, numbered, cut, and fitted to form a moveable deck; that they found 131 pair of shackles or irons, with about 500 forelocks and 19 padlocks, evidently intended for slave chains; complete tier of water-casks, fore and aft, all nearly filled; they found 40 mess-kids, 14 buckets, 2 large mess-tubs, 6 poopoo-tubs, and large quantity of wooden-spoons; one large copper-boiler of 120 gallons, in addition to the usual cooking apparatus of the Crew; also 2 tons of rice and a small quantity of calavances." They state that the Vessel has the appearance of being fitted out for the Slave-trade.

The Court came to the conclusion, that the Schooner "La Venus" was at the time of her detention by His Majesty's Ship "Atholl," Captain James Arthur Murray, within the limits specified in the Additional Article to the Treaty, signed at Brussels the 25th of January 1823, and that in her outfit and equipment she came under the 3d, 4th, 5th, 6th, 7th, 8th, and 9th designations therein contained, and as no exculpatory evidence was offered on behalf of the Owner or Master, the Court passed Sentence of Condemnation on the said Schooner "La Venus" and her Cargo, upon the 1st day of November 1825. (Signed) GEO RENDALL.

No. 55.

Mr. Secretary Canning to His Majesty's Commissioners.

GENTLEMEN,

Foreign Office, July 8, 1826.

I SEND to you, for the information of yourselves, and of the other Gentlemen composing the Board of Commission whereof you are Members, the accompanying Copy of a Note, which I have received from His Netherland Majesty's Chargé d'Affaires at this Court; by which it appears, that the Netherlands Brig-of-War "*Panther*", destined for the West Indies, will be furnished with a Copy of the Treaty of the 4th May 1818, and of the Documents annexed thereto, for the suppression of the Traffick in Slaves.

I am, &c.

His Majesty's Commissioners.

(Signed) GEORGE CANNING.

Enclosure in No. 55.

M. Dedel to Mr. Secretary Canning.

Bryanston-Square, le 4 Juillet 1826.

LE Soussigné, Ministre Plénipotentiaire de S.M Le Roi des Pays Bas, a l'honneur de s'acquitter des Ordres qu'il vient de recevoir de sa Cour, en portant à la connaissance de Son Excellence Mr. Canning Premier Secrétaire d'Etat pour les Affaires Etrangères, que le Brick des Pays Bas "*de Panter*," de 106 hommes d'équipage et de 18 pièces de canon, commandé par le Capitaine-Lieutenant *Buys*, et qui avait ordre de partir le 1er Juillet pour les Indes Occidentales, sera pourvu d'un exemplaire du Traité du 4 Mai 1818, et de tous les autres Documents, qui sont relatifs à la répression du Commerce des Esclaves.

Le Soussigné, &c.

A Son Excellence M. Canning,
&c. &c. &c.

W. G. DEDEL.

(Translation.)

Bryanston-Square, July 4, 1826.

THE Undersigned, Minister Plenipotentiary of His Majesty The King of the Netherlands, has the honour, in compliance with the Orders which he has received from his Court, to inform his Excellency Mr. Canning, Principal Secretary of State for Foreign Affairs, that the Netherlands Brig "*de Panter*," with a crew of 106 men, and 18 pieces of cannon, commanded by Captain-Lieutenant *Buys*, ordered to sail on the 1st July for the West Indies, will be furnished with a Copy of the Treaty of the 4th May 1818, and of all the other Documents relative to the suppression of the Slave-trade.

The Undersigned, &c.

His Excellency Mr. Canning,
&c. &c. &c.

(Signed) W. G. DEDEL.

No. 56.

J. T. Williams, Esq. to Mr. Secretary Canning.—(Received July 12.)

SIR,

Sierra Leone, April 4, 1826.

I HAVE the honour to forward, herewith, a Report of the Case of the Schooner "*Vogel*," Jean Blais, Master, tried and condemned in the British and Netherlands Court of Justice, as Prize to His Majesty's Ship "*Brazen*," Captain G. W. Willes, on the 31st of last Month.

The fact of the abuse of the Flag of His Majesty The King of Holland, to cover the illicit practices of the Slave Dealers of other Nations, is so notoriously evident in this Case, that I have considered it to be my duty to forward, with the Report on it, a greater number of Documents than I should think it proper to trouble you with in ordinary Cases; it having occurred to me, that they may be useful, should you be pleased to consider it expedient, to communicate with the Government of His Majesty The King of the Netherlands on the subject of the Proceedings of the Colonial Authorities at St. Eustatius; for certainly the manner in which these Licences have been granted, as it would appear to every Applicant, evinces but little care for the respect and dignity of their National Flag.

The facility with which business of this description is effected at St. Eustatius, will appear by the following brief Statement:

Jean Blais was at the Island of St. Thomas on the 22d July 1825, where he appears to have made his arrangements, and to have proceeded immediately to St. Eustatius; for, in a few days after, we find him a Naturalized Subject of The King of Holland, as appears by his Certificate of Naturalization, dated 28th July 1825.

On the 4th of August he purchases the American Schooner "*Gallant*," (a matter which it is to be presumed, had been previously arranged at St. Thomas) for 2,250 pieces of eight, and changes her name to that of the "*Vogel*." Under the latter name a Licence is granted to her on the following day, to sail under the Netherlands Flag.

These Documents are all authenticated and signed by the Governor, "W. A. Van Spengler."

On the same day (5th August) she clears out, in ballast, to return back to St. Thomas.

On the 17th September she clears out at the Custom-House, at St. Thomas, for Princes Island, on the Coast of Africa.

Among the French Papers is an *Acte de Francisation*, dated Pointe à Pitre, Guadaloupe, 18th October 1823, for the Schooner "*L'Oiseau*," belonging to Monsieur Lafosse of that Place. The "*Vogel*" has the same signification, but could not be the same Vessel, the former being stated to be upwards of 80 tons, the latter only about 52.

Notwithstanding this her Role d'Equipage is dated at Pointe à Pitre, as well also as an Invoice of Goods shipped on board "*L'Oiseau*" (signed J. Lafosse, consigning the same, amounting to 8567 dollars, to Jean Blais) on the 17th September 1825; and her Custom-House Clearance from Guadaloupe to Princes Island, is dated the following day (18th September).

These Papers, I should conclude, must either be spurious, or they must be improperly obtained. The Role d'Equipage is dated the same day as the Clearance from St. Thomas (the 17th), and it would be indeed out of the scope of possibility, that these two matters should have been transacted, in the two Islands, on the same day; and equally improbable that the Vessel could reach Guadaloupe, so as to clear out from Pointe à Pitre on the 18th.

I have reason to believe, from every thing I can learn, that in the system now followed in this branch of the Slave-trade, there is a combination of the interests of Parties, some of which are resident at Guadaloupe, Martinique,

St. Thomas, and St. Eustatius. At the first Place is J. Lafosse, at the second a Monsieur Jean Delluc, and at St. Thomas Messrs. Ogereau et Dubois; and that there must be some Dutch Subjects concerned, at least in some instances, will I think scarcely admit of doubt; for in one of the Letters found on board the "Vogel," dated at Tradetown, I find the following expression: "J'irai donc à Surinam; veuillez y préparer vos ordres," [I will go then to Surinam; be so good as to prepare your Orders there.]

There is one Document, Copy of which I send *verbatim*. It is a Note addressed by Jean Blais to Joseph Tricon, the First Mate, and which proves distinctly the pursuit in which he was engaged. The articles which he directs to be sent on Shore, as the return to the King of the Place, for *une génisse*, (an heifer) are goods paid for the price of a Slave; what the exact nominal value would be at Cape Mount I have had no means of learning, but I have ascertained that, according to the prices of Merchandize in this Colony, the amount would be from 8 to 10 pounds.

I have the honour to be, &c.

(Signed)

JOHN TASKER WILLIAMS.

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

First Enclosure in No. 56.

Report in the Case of the "Vogel," Jean Blais, Master, sailing under Dutch Colours.

THE Schooner "Vogel," was detained off Grand Currow, on the Windward Coast, on the 22d day of January last, by Lieutenant Baldwin Wake Walker, in command of a Boat belonging to His Majesty's Ship "Brazen," G. W. Willes, Esq. Commander.

The Declaration of Captain Willes, sets forth, that in addition to the Dutch Papers found on board the "Vogel" the Master had on his person a set of French Papers calling her "L'Oiseau;" that the said Schooner was fitted for a Slaving Voyage, inasmuch as she had a large number of water casks stowed in her hold, and a greater quantity of rice than necessary for a Trading Vessel's Crew; it appearing that 3600lbs. had been put on board when she commenced her Voyage.

The Papers in this Case, consisting of French Papers from Guadaloupe, and Dutch Papers from Saint Eustatius, (a Schedule of the most important of which accompanies this,) were duly filed on the 18th of March, together with the requisite Affidavits

A Monition was prayed for on the 20th, which was regularly served and returned on the 29th.

Joseph Tricon, the First Mate, who was in Command of the Vessel, when she was detained, deposeth, in his Examination on the Interrogatories, that the Master, Jean Blais, took possession of the Schooner at Saint Eustatius; that she has been called the "Vogel," about 7 Months, previous to which she was called the "Gallant," and sailed under American Colours; that the Crew were all hired and shipped at St. Thomas, by the Master, to come to the Coast of Africa for a Cargo of Slaves; he further deposeth, that the Voyage began at St. Thomas, and was to have ended at Surinam, where the Cargo of Slaves were to have been landed, but he knew not to whom consigned; that the Schooner sailed direct from Saint Thomas to the Coast of Africa, and anchored at Cape Mount to trade for Slaves; at this place the Master, Jean Blais, landed the principal part of the Cargo of Merchandize, and remained on Shore, sending him, the Depo- nent, in command of the Schooner to Grand Currow, to purchase palm-oil and rice, while he, the Master, continued at Cape Mount to purchase slaves; he also states his belief, that the palm-oil and rice he was ordered to purchase, were for the purpose of feeding the slaves.

This man further deposeth, that there were 2 sets of Papers on board, one Dutch and the other French, that the Master gave him the French Papers when at Cape Mount, and instructed him to shew them in the event of his being boarded by an English Man-of-War, and the Dutch Papers should he meet a French Vessel of War; he also told him to call the Crew aft, and give them directions to support him: in this Declaration; that when the Schooner was taken he had the Dutch Papers in his pocket, and the French Papers were in his birth.

The foregoing Evidence was confirmed in all its material points, by the Deposition of Henry Williams, a Native of Riga, and a Seaman on board the said Schooner, who stated he knew her before she was called the "Vogel," and that she was, previous to this, named the "Gallant of Baltimore."

The Ship's Papers, and other Documents and Letters found on board this Vessel, manifested evidently the clandestine views of the Parties concerned in the Voyage: she was, when detained, within the limits prescribed in the Treaty between His Majesty and His Majesty The King of the Netherlands, signed at Brussels, the 25th January 1823. The Master, Jean Blais, the better to carry his illegal purpose into effect, had located himself at one of the principal and most noto-

tious Slave Factories on the Windward Coast; at this Place he landed nearly the whole of his Cargo, without shipping a single article of produce in return.

In the Declaration of Joseph Tricon, the First Mate, he hesitated not in acknowledging the object of the Master of the "Vogel" to have been the Traffick in Slaves, and he also declared his belief, that the palm-oil and rice, which he was employed to purchase, were for the purpose of feeding the slaves. Amongst the Papers are 2 Invoices; in C. No. 3. the 3d Entry is 3600lbs. of rice, whilst in No. 4. falsified by the Master, the rice is omitted, together with its value, 180 dollars, and yet the total amounts are made to correspond; in addition to this quantity, there was also found, amongst the Ship's Papers, a Receipt for 360 dollars, given for 5 tons of rice, (sold for Cash, and not a transaction in Barter,) to Captain Blais, off Cape Mount, by John Smith, Master of the "James Dunsmore," supposed to be a Liverpool trader.

The nature of the private Letters found on board, which, though so written as evidently to attempt to disguise and mislead, is, in several instances, so clear, as to shew the intent of the Parties. In the Letter of Instructions, from Blais to Tricon, he writes, "I have learnt, from good authority, that, if met on the Coast of Africa by the English Cruizers, the Netherlands Flag will not excuse us. I therefore direct you to be very careful, when any Ship appears that you may suspect, to run from her if it be possible."

In fine, the manner of her equipment and outfit, the circumstance of her being found on the Coast of Africa, in direct contradiction to the preventive Clause, in the Licence granted to navigate under the Dutch Flag, from the Colonial Authorities at Saint Eustatius, and every circumstance connected with the Case, leading to the decided conclusion, that the object in view was the illicit Traffick in Slaves.

The British and Netherlands Judges, perfectly coinciding in opinion, (and no claim or explanation being made or offered by any Person on account of the Parties interested), without hesitation condemned the said Schooner "Vogel," taken by His Majesty's Ship "Brazen," Captain G. W. Willes, as lawful Prize to their respective Governments.

Sentence of Condemnation was accordingly passed against her in the British and Netherlands Court of Justice on the 31st day of March 1826.

Sierra Leone, April 4, 1826.

(Signed)

JOHN TASKER WILLIAMS.

Second Enclosure in No. 56.

Schedule of Papers found on board the Schooner "Vogel."

DUTCH PAPERS.

- (A 1.)—CERTIFICATE of Naturalization of Jean Blais, dated St. Eustatius, 28th July 1825, signed by the Governor of that Island, W. A. Van Spengler.
- (A 2.)—A Bill of Sale from Frederick A. Reynolds, Owner of the American Schooner "Gallant," to Jean Blais, of St. Eustatius, 2,250 pieces of eight, dated 4th of August 1825, signed W. A. Van Spengler.
- (A 3.)—Licence to Jean Blais to navigate the Schooner "Vogel" under the Netherlands Flag, with Petition to carry guns; and Licence granted, stating that security had been given for 5,000 guilders, that he should not be employed in the Slave-trade, dated 5th August 1825, signed W. A. Van Spengler.
- (A 4.)—Muster Roll, dated 5th August 1825, signed W. A. Van Spengler.
- (A 5.)—Custom Clearance for the "Vogel" in Ballast from St. Eustatius to St. Thomas, same date.

DANISH PAPERS.

- (B.)—Clearance from Custom House at St. Thomas for Princes Island, on the Coast of Africa, dated 17th. September 1825.

FRENCH PAPERS.

- (C 1.)—Acte de Francaisation, dated Pointe à Pitre, Guadalupe, 18th October 1823, for the Schooner "L'Oiseau," belonging to Monsieur J. La Fosse, of that Place.
- (C 2.)—Role d'Equipage, dated at Pointe à Pitre, Guadalupe, 17th September 1825.
- (C 3.)—Invoice of Cargo shipped on board "L'Oiseau," consigned to the Master, dated at Pointe à Pitre, 17th September 1825, and signed J. Lafosse—amount 8,567 dollars.
- (C 4.)—An Invoice, similar to No. 3, with the exception of the third Entry, viz:—6 tierces of rice, 3600lbs 180dol., which is partially erased, and St. Thomas introduced instead of Pointe à Pitre, and it is signed by J. Blais, instead of J. Lafosse, the date is the same.
- (C 5.)—Custom House Clearance from Guadalupe, dated 18th September 1825, for the Island of Princes, on the Coast of Africa.
- (C 6.)—Copy of a Letter from Jean Blais, at Cape Mount, to Joseph Tricon; no date.

Enclosure (A 1.) in No. 56.

(Translation)

Certificate of Naturalization of Jean Blais.

WE, William Augustus Van Spengler, Colonel and Sea-Captain in the Service of His Majesty the King of the Netherlands, Governor of The Islands of St. Eustatius, St. Martin, and Saba, Commander-in-Chief of the Land and Sea Forces in this Island, &c. &c. &c., authenticate

and certify, by these presents, to every one whom it may concern, that Jean Blais, a Native of Bordeaux, in France, has this day taken, in our hands, the proper Oath of Allegiance to His Majesty; wherefore we entreat every one who may be shewn these presents, to consider the before mentioned Jean Blais, as a Subject of His Majesty, and to let him enjoy the right and the privileges belonging to him on that account. In faith of which these presents have been signed by us the Governor and Secretary of this Island, and confirmed by means of the seal of this Colony.

St. Eustatius, the 28th July 1825, the 12th Year of His Majesty's Reign.

By His Order, (Signed) T. G. GROEBE, Sec. (Signed) W. A. V. SPENGLER,

Enclosure (A 2.) in No. 56.

(Translation.)

Bill of Sale of the Schooner "Gallant."

WE, William Augustus Van Spengler, Colonel and Sea Captain in the Service of His Majesty The King of the Netherlands, Governor of the Islands of St. Eustatius, St. Martin and Saba, Commander-in-Chief of His Majesty's Land and Sea Forces in those Islands, &c. &c. &c.

Notify and acknowledge the personal appearance before us of Mr. Frederick A. Reynolds, Owner of the American Schooner the "Gallant," now lying in this Roadstead, who declared to have privately sold, and in virtue of these presents, transfers to, and in favour of, Mr. Jean Blais, Citizen of this Island, the above Schooner, "Gallant," with her masts, sails, rigging, anchors, cables, and other appurtenances, and to have done so in consideration of 2,250 pieces of eight, which he, Deponent, acknowledges to have already received without the deduction of a farthing, promising to guaranty the Schooner "Gallant," with her appurtenances, to the purchaser, the above-mentioned Jean Blais, against all claims and demands, either implied or expressed.

In attestation of which, these presents have been signed by us the Governor and Secretary of this Island, and also by the Deponent, and confirmed with the Seal of this Colony at St. Eustatius, the 4th of August 1825.

(Signed) FREDERICK A REYNOLDS.

(Signed) W. A. VAN SPENGLER,
T. G. GROEBE, Secretary.

Enclosure (A 3.) in No. 56.

(Translation.)

Petition of Jean Blais to carry Guns on board the "Vogel," and Licence to Navigate.

To His Excellency Mr. W. A. Van Spengler, Governor of the Islands of St. Eustatius, St. Martin, and Saba, Commander-in-Chief of His Majesty's Land and Sea Forces in the same, &c.

Jean Blais, a Citizen of this Island, submits, with the highest respect,

THAT Memorialist has this day purchased in this Town a Schooner called "*De Vogel*," (proved by the deed of sale certified by the Colonial Secretary), which, agreeably to the Right of Citizenship, which he has procured, he is desirous to place under the protection of the Netherlands Flag, and to obtain from your Excellency the requisite Sea-papers, in order thereby to advance the interests of his commercial pursuits.

That the Pirates, who are cruising everywhere, make it incumbent on all Commanders of Ships to provide themselves with arms, to be able in case of an attack to oppose it. For these reasons Memorialist addresses to your Excellency the humble Petition, to authorise him to keep on board his Schooner the arms which he found there, consisting of 2 pieces of ordnance, six-pounders, 12 muskets, and 6 sabres, together with the necessary proportion of ammunition, soliciting from his Excellency a favourable Reply to his Memorial.

St. Eustatius, August 4, 1825.

(Signed) JN. BLAIS.

The Governor of this and the Dependent Islands having seen the above Petition of Jean Blais, Citizen of this Island, has thought proper and resolved to grant the prayer of Memorialist, and it is hereby granted, in permitting him to carry on board his Schooner "*De Vogel*" 2 pieces of cannon, being six-pounders, also 12 muskets and 6 sabres, together with the necessary proportion of ammunition, upon the express condition of his giving, in addition to what is usual, an extraordinary and sufficient security of 5,000 guilders, Netherlands currency, not to employ the Vessel above mentioned in carrying on the prohibited Slave-trade, or to make an improper use of her armament.

Given under our hand and the Seal of the Government, at St. Eustatius, August 5th 1825, being the 12th Year of His Majesty's Reign.

(Signed) W. A. V. SPENGLER.

MOST-Serene, Most Illustrious, Serene, High and Well-born, Most Noble, Honourable, Estimable, Wise and Prudent, Emperors, Kings, Republicks, Princes, Dukes, Counts, Barons, Burgomasters, Aldermen, Councillors, as also Judges, Officers, Justices, and Governors of all good Towns and Fortresses, who shall see these Presents, or shall hear them read, Greeting,

WE, William Augustus Van Spengler, Colonel and Sea Captain, in the service of His Majesty The King of the Netherlands, Governor of the Islands of St. Eustatius, St. Martin,

and Saba, &c. &c. make known, That Jean Blais is Master of the Schooner called "De Vogel," of 51 $\frac{1}{3}$ tons burthen, the property of Mr. Jean Blais, a Subject of His Majesty The King of the Netherlands, and an Inhabitant of this Island; and being inclined to encourage the honest industry of the above Ship-Master, we beseech all the before-mentioned Personages, and each of them in particular, in all the Places at which the above Ship-Master may arrive with his Vessel and her Cargo, to be pleased to receive the above-named Master in a friendly manner; and to give him good treatment, allowing him, on his paying the usual tolls and imposts, when he shall come into their Harbours, Rivers, or Territory, to pass, navigate, and frequent them, in whatever manner he may have occasion, for the purpose of transacting his business, which favour we will gladly return.

Given under our Hand, and under the Seal of the Government of St. Eustatius, August 5, 1825, the 12th Year of His Majesty's Reign.

To be in force for a twelvemonth, with the view of enabling him to navigate all Seas excepting those on the Coast of Guinea (Signed) WILLIAM AUGUSTUS VAN SPENGLER.

Verified by Order,
(Signed) P. VERSCHUUR, Book-Keeper-General,
ad interim.

By his Order,
T. G. GROEBE, Secretary.

Enclosure (A 4.) in No. 56.

(Translation.)

Muster-Roll of the Schooner "De Vogel."

MUSTER-ROLL kept on board the Schooner "De Vogel," under the Netherlands Flag, lying in this Harbour, ready to sail, the Crew having been engaged by the Master at such Monthly Wages as are set down against the Name of each; and the Laws respecting the obedience to be paid by each of them to the Master, or to the Person placed over them, being herewith confirmed.

| | Dollars. |
|--|----------|
| Master - - - - Jean Blais - - - - | - |
| Steersman - - - - Josh. Tricon - - - - | 30 |
| Steersman's Mate - - - - Francis Boulanger - - - - | 25 |
| Boatswain - - - - Anty. Losan - - - - | 20 |
| Timmerman - - - - Gabillard - - - - | 20 |
| Sailor - - - - Pierre Moquet - - - - | 15 |
| Ditto - - - - Jn. Tomas - - - - | 15 |
| Ditto - - - - André Cristofle - - - - | 15 |
| Ditto - - - - Pierre Bodouin - - - - | 15 |
| Ditto - - - - Antoine Ferere - - - - | 15 |
| Ditto - - - - Joseph Ardisson - - - - | 15 |
| Ditto - - - - Nicolas Lament - - - - | 15 |
| Ditto - - - - Jean François - - - - | 15 |
| Cook - - - - Jean Baptiste - - - - | 15 |
| Butler - - - - Augustin - - - - | 15 |
| Boy - - - - Jean Louis - - - - | 10 |

Registered at St. Eustatius, Aug. 5, 1825.
(Signed) JEAN BLAIS, Owner.

(Signed) W. A. V. SPENGLER.
T. G. GROEBE, Secretary.

Enclosure (A 5.) in No. 56.

(Translation.)

Custom House Clearance for the "Vogel" from Eustatius.

CAPTAIN Jean Blais, of the Dutch Schooner "Vogel," bound for St. Thomas in ballast.
St Eustatius, August 5, 1825. (Signed) J. VERSCHUUR,

Anchorage Ps. 4. (Signed) R. MITCHELL. Acting Commissioner for Clearances.

Enclosure (B.) in No. 56.

Custom House Clearance for the "Vogel" from St. Thomas's.

CAPTAIN J. Blais, of St. Eustatius, with the Schooner "Vogel," of 52 tons burthen, intend to sail to Princes Island and the Coast of Africa, and has laden, dry goods and provisions.

PASSES FREE.

St. Thomas's Royal Custom House, September 17, 1825.

(Signed) NESNENOUEM.

Enclosure (C 1.) in No. 56.

(Translation.)

Act of Francisation of the Schooner L'Oiseau.

In the Name of the KING.

WE the Intendant of Guadaloupe and its Dependencies, declare that Mr. J. Lafosse, Ship-owner, domiciliated at Pointe à Pitre, is Proprietor (1) of the Ship "L'Oiseau," belonging to Pointe à

(1) To express if he is sole Proprietor, or conjointly with others, whose names and abode must be designated.

Pitre, and built in America, as has been certified, that Schooner has two masts and one deck, being 61 feet in length from stem to stern, 19 feet 3 inches in the greatest breadth, and 6 feet, 7 inches in height between decks; that it is of 80 $\frac{53}{94}$ tons, having been gauged according to the manner prescribed by the Law of the 12th Nivose, of the Year 2, (2) which is (3) a Schooner, that it has (4) no gallery on the fore-castle; that the Owner of the said Ship has fulfilled the accustomed forms prescribed by the Law of the 27th Vendimiaire, Year 2, to prove that it is French property; that the Declarations, Oaths, Bails, and Securities prescribed by the said Law, have been observed and executed on the 18th October 1823, and registered, No. 35, in the Register of the Customs, where the said Proprietor resides, therefore he has a right to sail under the French Flag. We command, in consequence, the Commanders of the Ships of the Kingdom, and all Publick Functionaries, to acknowledge the Vessel as French, and to cause it to enjoy all the Privileges belonging to Ships of the Kingdom, the Proprietor being obliged to conform to the Laws, and to take out the Licence and Commission prescribed.

Delivered the 18th October 1823. { The Governor and Administrator of Guadaloupe and Dependencies, for the King, (Signed) JACOB.

Registered and delivered at the Custom House in the Harbour of Pointe à Pitre, the 18th October 1823. } The Director General of Domains and Customs, (Signed) P. DE LA CHEVALERIE.

Received for the Duty of the present Instrument the sum of entered in the Register of Receipts, No. 281.— 48 Francs 60 Cents } The Treasurer, (Signed) NAVAILLER.

Register of the Greffier, folio 4, No. 27. Registered under No. 70, in the Office of Armaments. } (Signed) LE COMM. HERMITER.

(2) This blank is intended to insert the depth of the hold if the Ship has only one deck, conformably with Article IX of the Law.

(3) To express here its description, as a Brig, Schooner, &c.

(4) That it has one or none.

Enclosure (C 2.) in No. 56.

(Translation.)

Role d'Equipage of the Schooner "L'Oiseau."

YEAR 1825.

The 17th of the Month of September

No. 52. ARMING.

No. DISARMING.

GUADALOUPE.

QUARTER OF POINTE A PITRE.

(*Armament of the Month.*)

THE SCHOONER "L'OISEAU."

ROLL of the Crew of the said Schooner, of the burthen of 80 $\frac{59}{94}$ Tons, armed with 2 Cannons, belonging to Mr. Jean Lafosse, and commanded by Jean Blais, going on the great Coasting Trade.

| Movements. | Names and Surnames. | Places of Birth. | Rank. | Description. | | | Pay per Month. |
|------------|---------------------|----------------------------|--------------|--------------|---------|-------|----------------|
| | | | | Age. | Height. | Hair. | |
| | Blais, Jean - - | Europe - - | Captain - - | 27 | " | B. | 200F. |
| | Tricon - - - | " | Second - - | 27 | " | B. | 150 |
| | Blanc, Pascal - | " | Lieutenant - | 33 | " | B. | 100 |
| | François - - - | St. Maloes - | Mate - - - | 26 | " | C. | 90 |
| | Rosignol - - - | Havre - - - | Carpenter - | 35 | " | B. | 80 |
| | Michael, Jacques | Toulon - - - | Steward - - | 23 | " | B. | 80 |
| | François, Joseph | Curagoa - - | Cook - - - | 24 | " | B. | 80 |
| | Marius - - - | Marseilles - | Sailor - - - | 24 | " | B. | 70 |
| | Figarau - - - | Porto Rico - | " | 30 | " | B. | " |
| | Schmit - - - | St. Thomas - | " | 25 | " | " | " |
| | Manuel - - - | India - - - | " | 22 | " | " | " |
| | Ojé - - - | " | " | " | " | " | " |
| | William - - - | St. Thomas - | " | 23 | " | " | " |
| | Andre - - - | Germany - - | " | 25 | " | " | " |
| | Pitzen - - - | Curagoa - - | " | 21 | " | " | " |
| | Jacque - - - | { St. Bartho- lemew - } | { " - } | 56 | " | " | " |

WE, the undersigned, Owner and Captain of the Schooner "L'Oiseau," acknowledge the present Roll to be a true one, containing 16 Persons, whom we have engaged to sail on the great coasting trade, during a year, we giving security to produce them at the expiration of that period, and to observe towards them, during that voyage, the Laws of the Kingdom.

Done at Pointe à Pitre, Guadaloupe, 17th of the Month of September 1825.

(Signed) J. LAFOSSE. (Signed) JEAN BLAIS.

The 16 Persons, named in the present Roll, having been seen by me, Under Commissary, charged with the Department of Privateering, and with the Detail of the Classes and of Marine, Captain Jean Blais obtained permission to employ them for the great Coasting Trade, on the conditions stated in the security as above, and we enjoin him to transmit his Roll of the Crew to the Officer of the Classes, or any other Overseer in the Service of the Administration of the Marine, in the Harbour in which he may arrive; on the margin of which Roll, or in the corners, he shall be bound to specify the deserters, the persons dead, and disembarked, and to insert therein the date; and if he augments or replaces such Persons in the Harbours to which he may put in, he shall cause them to be added to the end of his Roll, from date to date; we command him also not to pass or repass any Passengers without presenting them to us, and making mention of them at the bottom of the present Roll, all which being subject to the penalties ordained by the Ordinances of the Marine.

Done at Pointe à Pitre, on the Day, Month and Year above set forth. (Signed) A. R. SIRE.

Seen on departure, Basse Terre, Pointe à Pitre, 17th September 1825. (Signed) CUPONDITH.

Seen on departure for Princes Island, Coast of Africa, Basse Terre, 18th September 1825, (Signed) Sr. SEGAULT.

Enclosure (C 3.) in No. 56.

(Translation.)

Invoice of Merchandize put on Board the Schooner "L'Oiseau," Captain Blais, and consigned to him, to wit:—

| | | Dols. | Cents. |
|---|------------------|-------|--------|
| 1158 Gallons of Rum | at 36 Cents. | 416 | 88 |
| 80 Barrels of Powder of 25lb | 2000lb at 25 | 500 | — |
| 6 Tierces of Rice | 3600 at 5 | 180 | — |
| 220 Muskets | at 5 Dol. | 1100 | — |
| 110 Bars of Iron of 15 to 16 lb. | 3600 at 6 Cents. | 216 | — |
| 220 Kettles | 1320 at 8 | 105 | 60 |
| 220 Ruffles at 2½ dozen | | 45 | 84 |
| 220 Cases of Gin, at 2½ | | 495 | — |
| 220 Pieces Guinea Blue | at 4 Dol. | 880 | — |
| 220 Ditto ditto White | at 3 | 660 | — |
| 220 Ditto ditto Limeneas | at 3½ | 770 | — |
| 3309 Ells to be divided into 220 pieces Nicanes | | 377 | 26 |
| 220 Pieces Chacelats | at 3¼ | 715 | — |
| 220 Handkerchiefs, Romales 15 in the piece | at 2 | 440 | — |
| 220 Ditto - - Kermitches 10 ditto | at 2 | 440 | — |
| 220 Ditto - - Blue - 10 ditto | at 2 | 440 | — |
| 220 Ditto - - Madrasses, Red and Blue, assorted | at 1½ | 360 | — |
| 45 Pieces of striped Silk of 20 yards to be divided into small pieces | | 180 | — |
| 10 Dozen Razors | at 4 | 40 | — |
| 9 Ditto ditto | at 3¼ | 29 | 25 |
| 20 Ditto Padlocks | | 26 | — |
| 1 Barrel of Flints | | 10 | — |
| 2524 Pounds of Tobacco | at 6½ Cents. | 164 | 6 |
| 220 Mirrors | at 8½ R. p. doz. | 19 | 47 |
| 60 Bundles of Necklaces and small Necklaces in form of a pipe | | 16 | — |
| | | 8625 | 36 |
| EXPENCES. | | | |
| Duties | | 100 | — |
| Expences of Negroes for sewing the Bales | | 20 | — |
| | | 8746 | 36 |

Pointe à Pitre, 17th September 1825.

(Signed) J. LAFOSSE.

Enclosure (C 4.) in No. 56.

AN Invoice similar to the above, with the exception of the 3d Entry, viz: 6 Tierces of Rice, which is partially erased, of Saint Thomas being introduced instead of Pointe à Pitre, and of its being signed by J. Blais instead of J. Lafosse.

Enclosure (C 5.) in No. 56.

(Translation)

Custom-House Clearance from Guadaloupe of the Schooner "L'Oiseau."

Extract from the Register of Declarations of the Departures of Ships.

THIS day, the 18th of the Month of September 1825, appeared at this Office Mr. Jean Blais, Captain of the Schooner "L'Oiseau," of Pointe a Pitre, of the burthen of 80⁵⁹/₉₄-tons, armed with 2 cannons, manned by a crew of 16 men, belonging to Mr. Jean Lafosse, who has declared that the Vessel is going to the Isle of Princes, Coast of Africa, and that she is laden with what follows, to wit:—

Ten hogsheads of rum, 80 barrels of powder, 6 tierces of rum, 220 muskets, 110 bars of iron, 220 cases of gin, 2,500lb of tobacco, 12 bales, 8 cases of different dry merchandize and hardware, 220 iron kettles, a barrel of flints, besides the private effects of the Crew: nothing more; submitting to the penalties enacted by the Ordinances.

Done in the said Office on the Day and Year above-written. The Receiver of Declarations,
(Signed) LACORY.

Enclosure (C 6.) in No. 56.

(Translation.)

Jean Blais to Joseph Tricon.

FATHER IN LAW,

LE ROI is within a league of the Ship, I have, therefore, been to his house, and after many things said, according to custom, we came to an arrangement: he told me that he was to give me a *heifer*, and that he wishes for the following articles, without being able to make any deduction whatsoever, to wit:—

One gun, 1 padlock, 1 mirror, 8 measures of powder, of the same form as the one that will be brought to you, 12 heads of tobacco, 1 ruffle, 48 handkerchiefs, as he observed to me, like the handkerchief which you have, 1 pen-knife, 2 gallons of rum, without water, 1 razor, 1 large kettle, 1 bar of iron, vr. 12, a bunch of necklaces.

And when he receives that, he has promised to give me something else, which will be a *Calf*.

I salute you,

(Signed) BLAIS.

I await your answer to obey it. Le Roi begs you to make him a present of a bottle of wine. He has only 5 slaves—those whom he shewed me were good ones.

No. 57.

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

SIR,

Sierra Leone, June 4, 1826.

WE have the honour to acknowledge the receipt of your Despatch of the 13th of March last, communicating to us the names of several Ships and Vessels of His Majesty's Navy, to which the Instructions referred to in the Treaty with His Netherlands Majesty for the prevention of Slave-trade, have been issued.

We have the honour to be, &c.

(Signed)

JOHN TASKER WILLIAMS.

The Right Hon. George Canning,

D. M. HAMILTON.

&c.

&c.

&c.

No. 58.

D. M. Hamilton, Esq. to Joseph Planta, Jun. Esq.—(Received Oct. 16.)

SIR,

Sierra Leone, August 15, 1826.

IN pursuance of the 75th Clause of the Act, passed in the 5th Year of the Reign of His present Majesty, intituled "An Act to amend and consolidate the Laws relating to the Abolition of the Slave-trade," and in obedience to the Instructions received from Mr. Secretary Canning, relative to the same, I beg leave to enclose, in Duplicate, a List or Return of all the Cases of Netherlands Vessels which have been Adjudicated in the British and Netherlands Mixed Court of Justice established at this Place, from the 1st of January to the 30th day of June 1826, both days inclusive.

I have the honour to be, &c.

(Signed)

D. M. HAMILTON.

Joseph Planta, Jun. Esq.

&c.

&c.

&c.

Enclosure in No. 59.

Return of Netherlands Vessels Adjudicated by the British and Netherlands Mixed Court of Justice established at Sierra Leone, from the 1st day of January to the 1st day of July 1826.

| NAME of VESSEL. | Date of Seizure. | Property Seized. | SEIZOR. | Date of Sentences. | Deceitful part of Sentence, whether Forfeiture or Restitution. | Whether Property condemned has been sold or converted, and whether any part remains unsold, and in whose hands the Proceeds remain. |
|-------------------|-------------------|---|---------------------|--------------------|--|--|
| Hoop | January 3, 1826 | { Schooner and Cargo of Merchandize.... } | Charles Bullen.... | January 23, 1826 | { Condemned for illicitly trading in Slaves. No Slaves were found on board at the time of Capture, but the said Schooner fell under the further Additional Article to the Treaty of the 4th of May 1818. } | { The Schooner and Cargo sold by publick auction, and the Proceeds paid; one Moiety into the Military Chest, and one Moiety to the Netherlands Judge. } |
| Amable Claudina.. | November 12, 1825 | { Schooner and 34 Slaves } | J. A. Murray | February 6, -- | { Condemned for illicitly Trading in Slaves; but the Court decreed that no Slaves were on board at the time of the Capture of the said Schooner, and therefore the 34 Slaves, which were put on board at the instance of the Captors, were not entitled to Emancipation. } | { The Schooner sold by publick auction and the Proceeds thereof, together with the Money found on board her at the time of Capture, paid; one Moiety into the Military Chest, and one Moiety to the Netherlands Judge. } |
| Charles | December 19, -- | Brig and 265 Slaves | John Chrystie | March 15, -- | { Condemned for illicitly Trading in Slaves. } | { The Brig sold by publick auction; one Moiety of the Proceeds paid into the Military Chest, and one Moiety to the Netherlands Judge. } |
| Vogel | January 22, 1826 | { Schooner and Cargo of Merchandize.... } | Geo. W. Wilkes .. | March 31, -- | { Condemned for illicitly Trading in Slaves. No Slaves were found on board at the time of Capture; but said Schooner fell under the further Additional Article to the Treaty of the 4th of May 1818. } | { The Schooner and Cargo sold by publick auction, and one Moiety of the Proceeds paid into the Military Chest, and one Moiety to the Netherlands Judge. } |

Sierra Leone, July 1, 1826.

(Signed)

D. M. HAMILTON, Arbitrator.

No. 59.

D. M. Hamilton, Esq. to Mr. Secretary Canning.—(Received Oct. 28.)

SIR,

Sierra Leone, August 26, 1826.

I HAVE the honour to acknowledge the receipt of your Despatch, dated the 8th July last, with its Enclosure, containing, for His Majesty's Commissioners, the information that the Netherlands Brig-of-War "*Panther*," destined for the West Indies, will be furnished with a Copy of the Treaty of the 4th of May 1818, and the Documents annexed thereto, for the suppression of the Traffick in Slaves

I have the honour to be, &c.

(Signed) D. M. HAMILTON.

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

No. 60.

Mr. Secretary Canning to His Majesty's Commissioners.

GENTLEMEN,

Foreign Office, December 5, 1826.

I HAVE to acquaint you, for your information, and that of the other Gentlemen composing the Mixed Board of Commission, of which you are Members, that it appears, by a Communication from the Admiralty, under date of the 25th ult. that the Instructions, referred to in the Treaty between Great Britain and the Netherlands, for the suppression of the Slave-trade, have been issued to the following Ships and Vessels of His Majesty's Navy :

| Names. | Guns. | Commanders. |
|-----------------------------|-------------|------------------|
| <i>Druid</i> | 46. | Lieut. Chambers. |
| <i>North Star</i> | 28. | Capt. Arabin. |
| <i>Scylla</i> | 18. | Wm. Hobson. |
| <i>Pylades</i> | 18. | G. V. Jackson. |

And that those Instructions have been recalled and cancelled, which had been issued to His Majesty's Ships "*Hussar*," "*Dartmouth*," "*Dispatch*," "*Ferret*," and "*Swinger*."

I am, &c.

(Signed) GEORGE CANNING.

His Majesty's Commissioners.

HAVANNAH.

No. 61.

His Majesty's Commissioners to Mr. Secretary Canning.—(Received March 9.)

SIR,

Havannah, January 1, 1826.

WE have the honour to enclose the Return required by the 75th Clause of the Act 5th George IV. Cap. 113.

We have the honour to be, &c.

(Signed)

H. T. KILBEE.

W. S. MACLEAY.

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

Enclosure in No. 61.

Half-Yearly Report of Cases adjudicated by the Mixed Commission at the Havannah.

| Date of Seizure. | Property Seized. | SEIZOR. | Date of Sentence. | Decretal part of Sentence, whether Forfeiture or Restitution. | Whether Property Condemned has been sold or converted, or remains unsold, and in whose hands the Proceeds remain. |
|------------------|--|--|-------------------|---|---|
| Oct. 5, 1825 | { Spanish Brigantine "Isabel," with 10 Negroes on board; no other Cargo. } | { Lieut. Edwd. Smith, commanding His B. M. Schooner "Lion" } | Oct. 17, 1825 | Forfeiture | { The Brigantine, Tackle, &c. have been sold, nothing remaining unsold. The British moiety of the net proceeds has been remitted to His Majesty's Secretary of State for Foreign Affairs. } |

(Signed)

H. T. KILBEE.

Havannah, January 1, 1826.

W. S. MACLEAY.

No. 62.

His Majesty's Commissioners to Mr. Secretary Canning.—(Received March 9.)

SIR,

Havannah, January 18, 1826.

IN a conversation, lately, with the French Consul-General, upon the subject of the Slave-trade, he informed us, and at our request had the goodness

to furnish us with a Copy of a Communication which he had received from the French Consul at Santiago de Cuba, respecting the re-capture, by a Spanish Slave Ship, of some Prizes which had been taken by His Majesty's Cruizers on the Coast of Africa. A report has reached us, that the British Crews of the Prizes had been murdered by the Spaniards, and in the hope that it may be of some use in the investigation of this atrocious affair, we have the honour to enclose a Copy and Translation of the Communication referred to.

We have the honour to be, &c.

(Signed)

H. T. KILBEE.
W. S. MACLEAY.

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

Enclosure in No. 62.

The French Consul at Santiago to the French Consul-General.

Monsieur le Consul Général,

Santiago de Cuba, le 14 Décembre, 1825.

LA Frégate de S. M. B. "L'Isis" appartenant à la Station de la Jamaïque est entrée dans ce Port avanthier.

Je ne doute pas que sa Mission, qui dailleurs est restée fort secrète, ne soit relative à un acte de Piraterie commis récemment sur la Côte d'Afrique par un Négrier Espagnol appartenant à ce Port, et nommé le "Gavilan" ou le "Feliz," Capitaine Zagarra, armé de 14 canons, lequel a enlevé deux Bâtimens Négriers pris par les Anglais, l'un Espagnol appartenant aussi au Port de Santiago, et l'autre Portugais, et en a attaqué un troisième qui s'est échappé.

Après cette capture le Capitaine Zagarra s'empara de tous les Nègres du Bâtiment Portugais, et renvoya avec ce même Bâtiment les équipages Anglais, et vint débarquer les Esclaves sur cette Côte, et entra ensuite ici ainsi que sa prise le 28 du Mois dernier, comme venant de St. Thomas; les Armateurs se sont hatés de faire repartir les deux Bâtimens.

Mon principal motif pour vous donner ces détails est, que pendant les Pirateries le "Gavilan" a arboré la flamme et le Pavillon Français, ce qui pourrait avoir donné lieu à des méprises ou à de faux rapports; mais je sais que les équipages renvoyés aboard du Bâtiment Portugais n'y ont pas été trompés.

Je ferai le même rapport à son Excellence le Ministre des Affaires Etrangères.

J'ai l'honneur, &c. &c.

(Signé)

S. DANNERY.

P. S. Du 15 Décembre. J'ai tout lieu de croire que les Autorités d'ici se sont bornées à nier d'avoir eu connaissance des Pirateries du "Gavilan," non plus du débarquement des Esclaves.

Mons. Angeluci, Consul-Général de France à la Havane.

(Signé) S. D.

(Translation,)

MR. CONSUL GENERAL,

Santiago de Cuba, December 14, 1825.

HIS Britannick Majesty's Ship "Isis," attached to the Jamaica Station, entered this Port the day before yesterday.

I have no doubt of her Mission, which has, however, been kept very secret, having relation to an act of Piracy, recently committed on the Coast of Africa by a Spanish Slaver belonging to this Port, and named the "Gavilan," alias the "Feliz," Captain Zagarra, mounting 14 guns; which Ship has captured 2 Slave-traders that had been taken by the English; the one a Spanish Vessel belonging likewise to the Port of Santiago, and the other a Portuguese, besides attacking a third, which made her escape.

After this Capture, Captain Zagarra, having taken possession of all the Negroes of the Portuguese Vessel and dismissed the English Crews in her, sailed for this Coast in order to land the Slaves, and finally entered here with his prizes, on the 28th ult, as if coming from St. Thomas; the Persons who fitted out the Ship have been in haste to send back to Sea the 2 Vessels taken.

My principal motive in giving you these details is, that during her acts of Piracy, the "Gavilan" hoisted the French Pennant and Flag, a circumstance which might have given rise to mistakes or false reports; but I know that the Crews discharged on board of the Portuguese Vessel have not been deceived by it.

I shall make the same report to his Excellency the Minister of Foreign Affairs.

I have the honour to be, &c.

(Signed)

S. DANNERY.

P. S. December 15. I have every reason to believe that the Authorities of this Place have confined themselves to a denial of having any knowledge of the Piracies of the "Gavilan," or of the landing of the slaves.

(Signed)

S. D.

M. Angeluci, Consul-General of France at the Havannah.

No. 63.

His Majesty's Commissioners to Mr. Secretary Canning.--(Received April 3.)

SIR,

Havannah, February 22, 1826.

THE Spanish Brigantine "*Magico*," was brought into this Port on the 26th ult. by His Majesty's Schooner "*Union*," Lieut. A. B. Lowe, Commander, having been captured on the 22d with 179 Negroes on board.

The Mixed Commission could not in this Case proceed, as directed by Treaty, to receive the Depositions of the Master and some of the Crew of the Prize, the whole of them having escaped on Shore before she was taken possession of by the "*Union*;" it was, therefore, judged necessary by the Court to summon the Officers of the latter for the purpose of corroborating, and, as far as was practicable, affording legal proof of the Statement made by the Commander, in his Affidavit, and in his Declaration of the state of the Prize at the time of capture; and also that the Commander himself should be requested to appear again, in order that he might be further examined respecting the inhuman conduct stated by him to have been observed by the Crew of the "*Magico*" towards the unfortunate Negroes.

Lieut. Lowe and two of his Officers were accordingly examined, and their Depositions, together with the Ship's Papers, which most fortunately were all found on board, placing beyond the possibility of a doubt both the identity of the Vessel, and the fact that she had been engaged in the illicit Traffick in Slaves, no further delay was considered necessary, and Sentence of Condemnation was pronounced on the 31st ultimo.

By these Depositions and Papers, it appears that the "*Magico*," of which Don Joze Inza was Master and ostensible Owner, sailed from hence on the 26th June 1825, for the Coast of Africa, where she arrived on the 16th August. She remained on the Coast until the 8th December, when she again sailed on her return from Grand Popoe; on the 20th of January she was fallen in with and chased by His Majesty's Schooner "*Union*," and having been brought to action in the course of the 21st, she was finally run a-shore by the Crew on the Morning of the 22d, near a point on the North side of this Island, called Manati, and shortly after taken possession of by the "*Union*." The Crew previously escaped to land with, it is supposed, about 200 of the Negroes, and many of the latter that remained were found severely wounded, some were hanging on at different parts of the Vessel, and from 20 to 30 of their dead bodies were seen in the Sea; all this being evidently the result of the endeavours employed to force them to jump overboard and swim to Shore. The Crew even carried their barbarity so far as to leave a lighted match in the powder magazine.

A Copy of the Declaration made by Lieut. Lowe of the state of the Prize at the time of capture; an Abstract of the Evidence taken; and Translations of the Sentence of Condemnation, and the Correspondence which passed between the Captain-General and the Mixed Commission, in the course of the Proceedings in this Case, are enclosed.

In their Sentence the Court have, in forcible terms, drawn the attention of the Captain-General to the inhuman conduct of the Crew of the "*Magico*," suggesting the expediency of apprehending and punishing the Delinquents, as well as of collecting the Negroes who had been landed by them, and who are, as well as those found on board, fully entitled to the benefit of Emancipation.

Of the 179 Negroes found on board at the time of capture, 3 died before disembarkation, and 1 immediately after, leaving the number emancipated 175. One of these, after his Certificate of Emancipation had been made out, was stolen while under the charge of the Person who had been named by the Captain-General to receive them from the Captor. The Mixed Commission did not fail to apprise his Excellency of this circumstance, and we understand, that the most effectual measures have been

adopted for the recovery of the Negro, the whole of the guard of soldiers that was placed over them, and two other individuals, being now in prison as implicated in the transaction.

The "Magico" is the Vessel respecting which a long Correspondence with the Captain-General, was reported last Year, and the result of her present Voyage, similar in every respect to the former one, which was then under discussion, is the best justification of the strong assertions which His Majesty's Commissary Judge ventured to make to you in those Despatches.

I have the honour to be, &c.

(Signed)

HENRY T. KILBEE,
W. S. MACLEAY.

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

First Enclosure in No. 63.

Declaration of Lieutenant Lowe.

I, A. B. LOWE, Lieutenant and Commander of His Britannick Majesty's Schooner "Union," hereby declare, that on this 22d day of January 1826, being then in or about Latitude 21. 20. North, and Longitude 76. 40. West, I detained the Brigantine "Magico," sailing under Spanish Colours, armed with 3 guns, nine-pounders, commanded by _____ who declared her to be bound from _____ to _____ with a Crew consisting of _____ men, _____ boys, _____ supercargo, _____ passengers whose names, as declared by them respectively, are inserted in a List at foot hereof, and having 179 slaves, said to be taken on board at _____ on the _____ day of _____ and are enumerated as follows:—

| | Healthy. | Sickly. | |
|---------------|----------|---------|-----------------|
| Men - - - - | 64 | 2 | Through Wounds. |
| Women - - - | 20 | 3 | Ditto. |
| Boys - - - - | 40 | 1 | Ditto. |
| Girls - - - - | 48 | 1 | Ditto. |

I do further declare, that the said Brigantine appeared to be seaworthy, and was supplied with a sufficient stock of water and provisions for the said Negroes and Crew on their voyage to her supposed destination near Havannah.

I do further declare, that I chased her from the 20th to the 22d of January 1826, when she ran a-shore, some where near Manati, on the North-side of Cuba, and landed, to the best of my opinion, at least 200 slaves, before I took possession of her; at which time the whole of the Crew deserted her by going on Shore, and were assisted by the Inhabitants, in my opinion, in landing the said slaves; also, that when on the Bahama Bank, on the 21st of January, I brought her to action, in consequence of firing at His Majesty's Schooner "Union," which lasted for better than half an hour, when she made all sail away, but still continued firing now and then from her stern Chasers. It is with regret that I am in duty bound to mention the barbarity of her Crew towards those unhappy creatures, the said Negroes, having actually cut several of those slaves for the intention, I suppose, of making them jump overboard; to the best of my opinion, I saw 20, or 30 Negroes drowned alongside, laying at the bottom, and what is still more horrid to the feelings of a Christian, when she was taken possession of there was a lighted match found in her Magazine of Powder, and very probably, had it remained there for a few minutes longer, the whole of those unhappy Negroes would have been blown up.

(Signed)

A. B. LOWE, Lieutenant and Commander.

Witness, W. W. WHITE, Mate.

A. HENDERSON BROWN, Surgeon.

Second Enclosure in No. 63.

Abstract of the Evidence in the Case of the Spanish Brigantine "Magico."

LIEUTENANT ALEXANDER B. LOWE, declared in his Affidavit, that he had captured this Brigantine in Latitude 21. 20 North, Longitude 76. 40. West, with 179 Negroes on board, and that he had found a tin case with the name "Magico" marked upon it, containing the regular Papers issued at this Port of Havannah, in the Month of June 1825, authorizing that Vessel to proceed to the Island of Saint Thomas, on the Coast of Africa, for the purpose of trading in Articles of lawful Commerce, but expressly prohibiting her from engaging in the Slave-trade. A Log-Book kept by the Mate Sanchez, was likewise found on board, together with his Commission granted by Admiral Gaston, and several other Papers of little importance, all of which were produced. Lieutenant Lowe added, that he had not given to the Master of the Brigantine the Certificate, as directed by Treaty, because there was no such Master on board, nor indeed any White Person whatever, at the time of the capture.

Upon a subsequent examination, Lieutenant Lowe deposed, that the Declaration of the state of the Vessel at the time of Capture was drawn up after a form, which had been given to him for that purpose, and that the blanks in it had not been filled up, because no Master or Crew had been found on board; that it was from the freshness of the wounds, the parts of the body in which they were received, and the several dead bodies which he saw in the Sea, that he had inferred what he stated in the said Declaration, namely, that in the precipitate flight of the Crew they had forced many of the Negroes to throw themselves overboard, in the hope that they would swim a-shore, but that he was not in possession of any facts to confirm his opinion; that from the number of Negroes he saw on Shore, he judged that they amounted to about 200, and that they were joined by several White Persons who had been, previously to the landing of the Negroes, near to two Huts, apparently of Fishermen: that he did not himself see the lighted match in the Powder Magazine, but that it was shewn to him by one of his Sailors who found it there.

Mr. George William White, Mate of the "Union," deposed, that the Brigantine was seen by the "Union" on the 20th January, and immediately chased; that she was brought to action on the 21st, and at length captured on the 22d, near the Point Manati, after having been run a-shore, the Crew and many Negroes having succeeded in reaching the land before the Schooner could come up; that he was ordered by his Commanding Officer to go on board the Brigantine, in which he found no White Person whatever, but a considerable number of Negroes, some of them wounded and several hanging on at different parts of the Vessel, from whence he inferred that they had forcibly been driven over-board: and this conjecture was confirmed by the circumstance of several dead bodies being seen at the bottom where the Brigantine was aground. That the Negroes in danger were immediately taken on board, and those wounded afforded every assistance; that the Ship's Papers were taken possession of and delivered over to the Commanding Officer; that the Negroes were numbered; and the Vessel having been got off, she proceeded to Sea under the command of the Deponent, as Prize Officer, and arrived at the Port of Havannah on the Evening of the 26th; that immediately after he boarded the Prize, he ordered the Powder Magazine to be searched, and that a Sailor, named Benjamin Phillips, brought up to him a match still lighted, which was found in the same.

Mr. George Crisp Dowers, Midshipman, serving on board the "Union" deposed to the circumstance of the capture of the "Magico" in the same terms as the last Witness; that he was not ordered on board the Prize until the evening of the day on which she was captured, from which time he remained in her until she arrived at the Port of Havannah, on the 26th of January.

Third Enclosure in No. 63.

(Translation.)

Sentence of the Mixed Commission in the Case of the "Magico."

THE Proceedings having been duly considered in this Cause, respecting the detention, effected on the Coasts of this Island, by the English Schooner of War, named the "Union," Alexander B. Lowe, Lieutenant in the Royal British Navy, Commander, of the Brigantine (*Magico*) with a Cargo of 179 African Negroes actually on board at the time of the capture; in which, although no Depositions have been received from Individuals belonging to the said captured Vessel, because they all fled a-shore with a part of the same Cargo, it is proved, in a manner which admits not of doubt, by all the principal Documents which were taken, and have been presented to the Commission, that the aforesaid Vessel is the Spanish Brigantine known by the name of "Magico," D. Joze Inza, Master and Supercargo, dispatched by the Department of the Commandant of "Matricula" of this Port, in the Month of June last Year, for the African Island of St. Thomas, and of which D. Pedro Sanchez was Mate, as appears by the Log-book upon her outward voyage, and upon her return up to the 20th to the 21st of the Month, which is now concluding, when the English Schooner of War began to chase her; proceeding, as is the practice in these Cases, briefly and summarily, the truth being ascertained, and good faith observed, and considering, that, in the above-mentioned Documents, there is sufficient ground for the final determination, it is declared to be well and legally effected, the capture of the aforesaid Vessel, and of the 179 Negroes found on board, and that the former is subject and liable to confiscation, together with her tackle, apparel, and whatever may be contained therein, with the exception of the aforesaid Negroes, who remain free from all slavery and captivity. It is accord-

ingly directed, that, with respect to the said Vessel and whatever belongs to her, a valuation be made thereof by the principal Masters of the Royal Arsenal, upon their previously swearing faithfully to perform this duty, the proper official application being made for this purpose, and that the same be exposed to publick auction before the Royal Notary, Don Joze Rafael de Meza, and be disposed of to the highest bidder, at the Auction Room of Don Antonio Galea, in order 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 directed that their Certificate of Emancipation be given to them, as soon as they shall be landed, by Don Rafael Gonzales Barranca, Deputy Secretary, who is hereby appointed to perform that duty; for which purpose an Official Letter, with a certified Copy of this Sentence, shall be addressed to his Excellency the Governor and 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 Treaty.

This Mixed Commission cannot pass over in silence the horrible conduct observed by the Crew of the Brigantine towards the unhappy Negroes, forcing them, by wounds, to throw themselves into the Sea, in order to escape from the English Schooner of War which was probably the cause of some of them being drowned, whose dead bodies were seen at the bottom where the former ran a-shore: and being persuaded that the well known zeal and love of justice of his Excellency will induce him to pursue the perpetrators of such an execrable crime, and also to cause the Negroes, dispersed and straggling on Shore, to be collected, on the ground that they, too, should be included in the benefit of Emancipation; it is hereby directed, that a certified and entire Copy of the Proceedings be made out for the purpose of being transmitted, separately, to his Excellency, as soon as the whole shall be concluded, in order that he may be pleased to proceed, with regard to those points, conformably to Law.

(Signed)

CLAUDIO MARTINEZ DE PINILLOS,
H. T. KILBEE.
RAFAEL GONZALEZ, Secretary.

Havannah, January 31, 1826.

Fourth Enclosure in No. 63.

(Translation.)

The Mixed Commission to the Captain-General.

MOST EXCELLENT SIR,

Havannah, February 1, 1826.

BY the accompanying certified Copy, your Excellency will be apprized of the final Sentence pronounced by this Mixed Commission in the Cause respecting the Capture of the Spanish Brigantine "Magico," with a Cargo of African Negroes, by the English Schooner-of-War "Union." In consequence thereof, the said Negroes are to be delivered up to the person whom your Excellency shall appoint, in order that they may be disposed of as you shall think proper, in conformity to the Treaty; and as the Commission have to assign to each Negro his Certificate of Emancipation, as has been done in the former Cases, they request that your Excellency will be pleased to communicate to them the name of the said Person, as soon as he shall be appointed, in order that they may proceed in the performance of that duty.

At the same time, your Excellency will observe the reservation made by the Commission to transmit to you an entire Copy of the Proceedings for the purposes which are stated, and which shall be done as soon as they are concluded.

God preserve, &c. &c.

(Signed)

CLAUDIO MARTINEZ DE PINILLOS.
H. T. KILBEE.

His Excellency the Captain-General.

Fifth Enclosure in No. 63.

(Translation.)

The Captain-General to the Mixed Commission.

MOST EXCELLENT SIR, AND GENTLEMEN,

Havannah, February 2, 1826.

I HAVE received, with your Official Letter, the Copy of the final Sentence, pronounced by the Mixed Commission, in the Cause relative to the Capture of the Spanish Brigantine "Magico," with a Cargo of bozal Negroes, by the English Schooner of War "Union;" I have taken the whole into due consideration, and under this day's date I have named Don Canuto Diez to receive the Negroes and to dispose of them in the same manner as the others, conformably to the Treaty; authorizing him likewise to proceed to the performance of the other Act relative to the Certificates of Emancipation, which are to be made out by the Mixed Commission, as was done in the two former similar Cases.

As soon as I shall receive the Copy of the Proceedings, I will take the proper steps, in conformity to the Treaty and to justice, against the perpetrators of the outrage committed when the above-mentioned Brigantine "Magico" ran a-shore.

God preserve, &c. &c.

His Excellency the Intendant, and the other
Members of the Mixed Commission.

(Signed)

FRANC^o DION^o VIVES.

Sixth Enclosure in No. 63.

(Translation.)

The Mixed Commission to the Captain-General.

MOST EXCELLENT SIR,

Havannah, February 3, 1826.

IN consequence of what we stated to your Excellency at the conclusion of our Official Letter of the 1st instant, in which was enclosed a certified Copy of the Sentence pronounced in the Cause, respecting the Capture of the "*Magico*;" we now transmit to your Excellency a certified Copy of the Proceedings up to that state of the Case, in order that you may be pleased to adopt the measures which you shall judge advisable. God preserve your Excellency, &c. &c.

(Signed) CLAUDIO MARTINEZ DE PINILLOS.
H. T. KILBEE.

His Excellency the Captain-General,

Seventh Enclosure in No. 63.

(Translation.)

The Mixed Commission to the Captain-General.

MOST EXCELLENT SIR,

Havannah, February 6, 1826.

THE Mixed Commission have concluded, by means of a Person of trust appointed by them, the act of assigning to the "bozal" Negroes belonging to the Brigantine "*Magico*," which was captured by the Schooner of War "*Union*," their respective Certificates of Emancipation, which were not delivered into their hands for the same reason that they were withheld in former Cases; and we now transmit them to your Excellency for the purposes stated in those Cases.

Although the number of Negroes captured was 179, only 175 Certificates have been assigned, 3 of the Negroes having died on board the Brigantine before the disembarkation, according to the Report made to the Commission by the Commander of the English Schooner, which is preserved amongst the other Proceedings in the Cause; and another having been stated to have died, by Don Canuto Diez, after they had been placed under his charge, of which it is probable that he will have made a Report to your Excellency.

Upon this occasion it has likewise been endeavoured to ascertain the ties of relationship that might exist amongst any of the said Negroes; and it having been discovered that such ties did exist in some Cases, the same has been noted down in the margin of their respective Certificates, for your Excellency's information.

The Mixed Commission cannot avoid taking this opportunity to inform your Excellency, that their Secretary has communicated to them that Don Canuto Diez had verbally stated to him, at about half-past two o'clock yesterday, that, after the List of the Negroes had been made out, and their Certificates assigned to them, he found that the one numbered 11 was missing, and it was inferred that he had been stolen on the morning of the same day; and this being altogether a most scandalous action, the Commission trust that your Excellency will employ all your zeal in the matter until the perpetrator be discovered, and the Negro restored to the liberty which he had already obtained, and of which it has been attempted to deprive him.

God preserve your Excellency.

(Signed) CLAUDIO MARTINEZ DE PINILLOS.
H. T. KILBEE.

His Excellency the Captain-General.

Eighth Enclosure in No. 63.

(Translation.)

The Captain-General to the Mixed Commission.

MOST EXCELLENT SIR, AND GENTLEMEN,

Havannah, February 9, 1826.

BY your Official Letter of the 6th instant, I have been duly apprized that the Mixed Commission has concluded the act of assigning to the "bozal" Negroes of the Brigantine "*Magico*," which was captured by the Schooner-of-War "*Union*," their respective Certificates of Emancipation, which Certificates were not delivered into their hands for the same reason that they were withheld in former cases, and you, therefore, transmit them to me. I have been likewise apprized, that, although the number of Negroes captured was 179, Certificates of Emancipation have been assigned to only 175, because 3 died on board the Brigantine before the disembarkation, according to the Report made to the Commission by the Commander of the English Schooner, which is preserved amongst the other Proceedings in the Cause; and before the List of the rest was made out, Don Canuto Diez reported to me the death of another, all being at the time under his charge.

Your determination appears to me to be very proper, regarding the investigation of the family ties which might exist among the Negroes, which are noted down in the margin of the said Certificates for my information.

With respect to what you state to me relating to the loss of No. 11, who, after his description was taken, was stolen, the Captain of the District of San Lazaro is proceeding in the necessary summary investigation for the purpose of discovering the author or authors of this crime, who shall be punished according to Law. God preserve, &c. &c.

His Excellency the Intendant, and the other
Members of the Mixed Commission.(Signed) FRANC^o. DION^o. VIVES.

No. 64.

His Majesty's Commissioners to Mr. Secretary Canning.--(Received April 21.)

SIR,

Havannah, February 22, 1826.

ON the 10th instant, the Portuguese Brig "*Aurora de Cabo*," Joaquim Francisco Flores, Master, sailed for Angola, on the Coast of Africa, and on the 19th, the Spanish Brigantine "*Xerxes*," and the Schooners "*Paulita*" and "*Hortensia*," Ramon Gonzales, Antonio Ferrer, and Vicente Gomez, Masters, sailed for St. Thomas and Princes Islands on the same Coast.

On the 18th instant, the Spanish Schooner "*Proserpina*," Jose Antonio Barrera, Master, arrived here professedly from the Danish Island of St. Thomas, but really from the Coast of Africa, with a Cargo of 85 Negroes, which she landed near Cabanas; this Vessel was fitted out at Cadiz.

It is reported that the Spanish Schooner "*Teagenes*" has landed 200 Negroes on the South side of the Island, but she has not yet entered this Port.

We have the honour to be, &c.

(Signed)

H. T. KILBEE.

W. S. MACLEAY.

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

No. 65.

His Majesty's Commissioners to Mr. Secretary Canning.--(Received May 19.)

SIR,

Havannah, March 16, 1826.

THE enclosed Translation of a Letter from the Captain-General to the Mixed Commission, is the only Communication which has yet been received from his Excellency, respecting the Representation made to him upon the cruel conduct of the Crew of the "*Magico*," towards the Negroes belonging to that Vessel.

His Excellency has not yet informed the Commission of the result of the measures which he had adopted for the recovery of the emancipated slave, reported in our Despatch of the 22d Ultimo, to have been stolen from the place in which the Cargo of the "*Magico*" had been deposited by his order.

We have the honour to be, &c.

(Signed)

H. T. KILBEE.

W. S. MACLEAY.

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

Enclosure in No. 65.

(Translation)

The Captain-General to the Mixed Commission.

MOST EXCELLENT SIR, AND GENTLEMEN,

Havannah, February 28, 1826.

IN conformity with the opinion which the Auditor of War has given me, I have directed the Authorities of this Island to adopt the necessary steps for the apprehension of the Individuals composing the Crew of the Brigantine "*Magico*," which arrived on these Coasts with a Cargo of African Negroes.

I have likewise transmitted to the Commandant of the Naval Forces, on this Station, a Copy of the Documents which you forwarded to me in your Official Letter of the 3d instant, from the consideration, that to the Naval Department belongs the cognizance of the crimes committed on board the aforesaid Brigantine.

And finally, I have transmitted likewise a certified Copy of the Proceedings to his Excellency the Minister of State, that all that has occurred with respect to the said Vessel may reach the knowledge of the King, my Master, in order that His Majesty may be pleased to resolve what may be His Royal Pleasure. All which I state to you in reply to your Letter above referred to.

God preserve you many Years.

(Signed)

FRANC. DION. VIVES.

*His Excellency the Intendant, and the other
Members of the Mixed Commission.*

No. 66.

His Majesty's Commissioners to Mr. Secretary Cuning—(Received May 19.)

SIR,

Havannah, March 23. 1826.

ON the 9th instant, His Majesty's Schooner "Speedwell," Lieutenant James C. Bennett, Commander, arrived here with a Cargo of Negroes belonging to the Spanish Brigantine "Orestes;" which Vessel had run aground near the Grass-cut-Keys, on the Bahama Bank, where she was found by the "Speedwell," on the 5th instant, the Negroes being still on board in a very wretched state, from want of water and provisions, but the whole of the Crew having landed on one of the Keys. Finding it impossible to get the "Orestes" off, Lieutenant Bennett took the Negroes on board his own Vessel, together with the Master, the Mate and a Passenger, not having room for any more of the Crew. The Master died shortly after he was taken on board the "Speedwell."

The Mixed Commission, having received the Affidavit of Lieutenant Bennett, and the Depositions of the Mate and Passenger of the "Orestes," pronounced a Decree on the 15th instant, emancipating the Slaves and condemning the Vessel, should she or any part of her ever be saved.

The Brigantine "Orestes," Don Joze Ramon Mutio, Master, sailed from this Port on the 20th of July 1825, for the Coast of Africa, where she arrived in the Mouth of September, and remained till the 10th of January, on which day she received on board 284 or 285 Negroes, and immediately set sail on her return to this Island. In the last days of February, she was chased by 2 British Schooners, from which, however, she escaped, but shortly after ran aground near Grass-cut-Keys. After 2 days the Crew made a raft, all the Boats, it appears, having been lost, and proceeded to one of the Keys, leaving the Negroes on board: they had been 3 days in this situation when the "Speedwell" appeared, and took possession of the "Orestes."

We have the honour to enclose an Abstract of the Evidence, and a Translation of the Decree of the Court.

Of the original number of Negroes received on board on the Coast of Africa, 22 according to one Witness, and 25 according to the other, died on the passage, previously to the day on which the "Orestes" ran aground; but neither of them was able to state how many were alive when she was taken possession of by the "Speedwell," both agreeing that several had been drowned in consequence of the great quantity of water which had entered the hold after the Vessel had struck.

According to Lieutenant Bennett's statement, many of the unfortunate Negroes must have died for want of proper provisions and of water, without which they had been for some days. He states, that there were 238 on board, besides several dead bodies, when he first visited the "Orestes," of which number 4 were drowned in the surf in attempting to get from the wreck into one of the Boats; 2 died on a Key on which they had been landed, previously to their being conveyed on board the "Speedwell," which lay at a considerable distance; 10 of those who had been alive on the evening of the capture were found dead on board the "Orestes" on the following morning; 10 died on board the "Speedwell," and 212 were handed over to the Person appointed by the Captain-General to receive them. Certificates of the deaths were presented to the Mixed Commission by Lieutenant Bennett.

In the 3 last Cases that have been decided by the Court, M. Pinillos has acted as Spanish Commissary Judge, and we have great satisfaction in stating, that, throughout the whole of the proceedings, he has manifested the same conciliatory disposition, and the same desire to act up to the spirit of the Treaty, which had in all the previous Cases, as has been reported to you, uniformly marked the conduct of the Spanish Members of this Mixed Commission.

By a Memorandum, endorsed on the Papers of the "Orestes," it appears that she had been visited by one of His Majesty's Cruizers on the Coast of Africa. Similar Memorandums have been found upon the Papers of other Vessels condemned by the Mixed Commission; and we have reason to believe that many, perhaps the greater number, of the Slave Vessels that land their Cargoes on the Coasts of this Island, have been boarded by Boats belonging to British Ships-of-War on the Coast of Africa, but were not detained, as they had not Negroes actually on board at the time, although there could be no doubt that their sole object in being there was to engage in the Slave-trade. It is the practice of those Vessels to wait till their Cargoes are ready, and then ship them at once and set sail immediately. The Mate of the "Orestes" stated, that her whole Cargo, amounting to 285, was shipped in 5 hours. It is obvious, therefore, that the greatest benefit would result from the adoption, by His Catholick Majesty, of an Article similar to the Additional Article of the 25th January 1823, to the Slave-trade Treaty between His Majesty and The King of The Netherlands; by which the Cruizers are authorized to detain, and the Mixed Commission to condemn, Vessels found under precisely the same circumstances, as the Spanish Vessels here referred to, which have so often been enabled to elude the vigilance of His Majesty's Vessels-of-War.

We have the honour to be, &c.

(Signed)

H. T. KILBEE.

W. S. MACLEAY.

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

First Enclosure in No. 66.

Extract of the Evidence in the Case of the Brigantine "Orestes."

LIEUT. BENNETT stated, in his Affidavit, and in his Declaration of the state of the Prize at the time of the capture, that he found the Brigantine "Orestes," on the 5th of March, aground in Latitude 23. 40 North, and Longitude 77. 20. West, off the Grass-Cut Keys, on the Great Bahama Bank, with 232 Negroes on board, the Crew having landed on one of the Keys; that the Negroes were in a very exhausted state, having been left several days without water, and that many had died; that the Master, who, with the rest of the Crew, was on one of the Keys, delivered up to him 6 Papers, which were produced, and proved to be the regular Ship's Papers issued at this Port of Havannah in the Month of July 1825; that finding it impossible to get the "Orestes" off the Reef, he took the Negroes out and put them on board the Schooner under his command, together with the Master of the "Orestes," Don Joze Ramon Mutio, (who died shortly after), the Mate and a Passenger; and that the very crowded state of his Schooner precluding the possibility of receiving on board the remainder of the Crew (30 Individuals), he left them on the Key on which he found them, supplying them with a sufficient quantity of provisions and water.

Charles Pourrailly deposed, that he was a Native of France, and engaged in Commerce; that he knew the Brigantine "Orestes," having sailed in her as a passenger; that the Captain was D. Joze Ramon Mutio, who died lately, but that he is not aware who the Owner was; that, on the 9th of January last, he sailed in her from Ayudo, on the Coast of Africa, without any other extraordinary occurrence happening, except that of having been chased by two English Schooners, until the 28th of February, when the "Orestes" grounded near Grass-Keys, being then out of sight of the Schooners; that they remained in this situation two days, at the expiration of which they formed a Raft, on which all the white People on board were conveyed to one of the Keys, the Negroes being left in the Vessel; that three days after, an English Schooner of War appeared in sight, the Commander of which came in his Boat to where the Crew was, and having learnt what had happened, and having received from the Master, Mutio, certain Papers, transferred the Negroes on board his Schooner, together with the said Master, the Mate, and the Deponent, and brought them into this Port of Havannah. the Master having died the day after the capture; that 284 Negroes were taken on board on the Coast of Africa, of which number 22 died previous to the Vessel grounding; but that he could not say how many there were at the time of the capture, several having been drowned in the hold, in consequence of the great quantity of water which entered after that misfortune; that the "Orestes" had no other Cargo but the Negroes; that the Papers which were given up by the Master were the regular Ship's Papers, and upon their being shewn to the Witness he immediately recognized them.

Salvador Estolt deposed, that he was a Native of Catalonia, that he was Mate of the Brigantine "Orestes," of which the late D. Joze Ramon Mutio, was Master, and D. Ventura Zagonera, Owner, as this Deponent infers from his being the Person who dispatched her in this Port; that he entered on board the said Vessel, as Second Mate, on the 16th of July 1825, and that on the 20th of the same Month, she set sail from this Port of Havannah for the Coast of Africa, where they arrived without accident towards the close of September; that they remained in the Road of

Ayudo until the 10th of January last, on which 285 slaves were embarked on board the "Orestes," with which they immediately set sail for this Island; that no accident happened during the Voyage until the 28th of February, when, after having been chased for two days by two English Schooners, from which they had escaped, the Vessel grounded near Grass Keys, on the Bahama Bank; that they remained there without leaving her for two days, at the end of which they made a Raft, on which the whole Crew proceeded to a neighbouring Key, leaving the Cargo of Negroes on board; that three days after an English Schooner of War appeared in sight, the Commander of which came to the Key on which they were, in his Boat, and having been informed of what had happened, he transferred the Cargo of Negroes, the Captain of the "Orestes," D. Joze Ramon Mutio, a Passenger, Don Carlos, whose Surname he does not know, and this Deponent, on board his Schooner, and set sail for the Port of Havannah, the said Mutio having died one or two days after the Capture; that during the Voyage, up to the day on which the Vessel ran aground, 25 Negroes had died, and that Deponent heard that several others had been drowned in the hold, the number of which he did not learn, and that consequently he could not say exactly how many there were at the time of the Capture; that the "Orestes" had no other Cargo but the Negroes; that she had not been brought into this Port, because it was impossible to get her off from the place where she was aground; that the Ship's Papers were delivered up to the English Commander; and those presented to the Court by the latter having been shewn to him, he immediately recognized them and said that they belonged to the "Orestes."

Second Enclosure in No. 66.

(Translation.)

Sentence of the Mixed Commission in the Case of the Brigantine "Orestes."

THE merits of this Cause having been taken into consideration, it is declared to be a good and lawful Prize, that made by the English Schooner-of-War "Speedwell," commanded by James C. Bennett, Esq. Lieutenant of the Royal Navy of His Britannick Majesty, of the Spanish Brigantine named the "Orestes," with a Cargo of 238 African Negroes, according to the Certificate of the Captor, relative to the state of the Vessel at the time of the capture; respecting which number the two Individuals belonging to the Crew of the "Orestes," who have been examined, have not been able to afford any information, as they say that they do not know how many were drowned in the hold, in consequence of the great quantity of water which entered when aground, as she was upon Grass-Cut Keys, on the Bahama Bank, where the said Vessel was abandoned, it having been found impossible to get her off and set her afloat. The Negroes are consequently declared to be free from all slavery and captivity, to the number of 212, to which the Cargo has been reduced, and which are already disembarked by order of his Excellency the Captain-General, under the charge of Don Felipe Rodriguez, and are placed in one of the Barracones outside the walls of this City, 26 having died subsequently to the capture, as appears by the Report made by the aforesaid Captor to the Mixed Commission, and annexed to the other Documents belonging to this Cause. Let the proper Certificate of Emancipation be given to them by the Deputy Secretary, who is named for that purpose; and with respect to the said Brigantine "Orestes," which remained aground on the Key where she was found, it is declared from this moment, that if she or any part of her be saved, the same is subject and liable to confiscation, in order that, being sold at publick auction, the proceeds may be applied to the benefit of the two Governments, observing, in that case, the necessary formalities for this purpose; and let a Certified Copy of this Sentence, with a proper Official Letter, be addressed to his Excellency the Captain-General, in order that he may be apprized of the same, which is likewise to be notified to the Captor.

(Signed)

CLAUDIO MARTINEZ DE PINILLOS.
H. T. KILBEE.

RAFAEL GONZALEZ, Deputy Secretary.

Havannah, March 15, 1826.

No. 67.

His Majesty's Commissioners to Mr. Secretary Canning.—(Received May 21.)

SIR,

Havannah, March 11, 1826.

WE have the honour to inform you, that Captain Hobson, of His Majesty's Sloop "Ferrett," brought into this Port, on the 15th ultimo, the Spanish Schooner "Fingal," which he had detained on the 3d, with a Cargo of 58 Negroes.

Sentence of Condemnation was pronounced by the Mixed Commission on the 20th ultimo.

The Schooner "Fingal," of which Don Dionisio Urquijo was Master and ostensible Owner, sailed from this Port on the 1st of February 1825, for the Island of St. Thomas, on the Coast of Africa; where, however, she did not touch, but proceeded to Cape Mount on the Continent. She remained there for several Months, and, at length, set sail on her return to this Island, on the

1st January of the present Year. The Master and two of the Crew, who were examined, stated, that the Schooner did not take on board any Negroes on the Coast of Africa, but that, 17 days after their departure, they fell in with a French Brig, which obliged them to receive on board 61. In relating this improbable story, the Witnesses differed in some not immaterial points, but it is rendered altogether unworthy of belief by the fact, that in the Log-book there is a Note inserted (which, though attempted to be blotted out, is plainly visible) of the death of a Negro on a day prior to that on which the Brig was said to have been fallen in with; and also by the total omission in the Log-book, in which, however, many other Vessels are stated to have been seen, of all mention of any such Brig, the meeting with which, it was peculiarly the interest of the Master to have noted down in the most explicit terms, as upon it he pretended to found his justification for the violation of the Laws of his Country in having Negroes on board his Vessel. No other event of importance is said to have happened in the Voyage until she ran aground near Salt Key; two days after which she was taken possession of by the Boats of His Majesty's Sloop "Ferrett," the Negroes having been previously landed on a small neighbouring Key, but as they were placed under the charge of 3 of the Crew, and were fully admitted by the Master and the other Witnesses, to belong to the Vessel, and to have been removed for the purpose of concealment from the English, the Court, without hesitation, came to a Decision that the Vessel should be condemned and the Slaves emancipated.

We have the honour to enclose an Abstract of the Evidence, and a Translation of the Sentence of the Court.

The "Fingal" was not reported to you among the Departures for the Coast of Africa last Year, because, in the daily lists published in the Newspapers, she was stated to have sailed for New Orleans.

We have the honour to be, &c.

(Signed)

H. T. KILBEE

W. S. MACLEAY.

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

First Enclosure in No. 67.

Abstract of the Evidence in the Case of the Spanish Schooner "Fingal."

CAPTAIN HOBSON stated, in his Affidavit, and in his Declaration, of the state of the Prize at the time of the capture, that he had detained this Schooner on the 3d of February, in Latitude 22. 12. North, and Longitude 75. 46. West, with 58 Negroes on board, exclusive of a female infant that was born the day after the capture, and lived only a few days; that he found the Schooner aground and the Negroes on shore on a small uninhabited Key, in the charge of 3 of the Crew, the Officer who went on board having been conducted to the place of their concealment by the Master, who fully admitted them to be his Cargo; and that he received from the said Officer, and now produced, 5 Documents which were delivered up by the Master, and which proved to be the regular Ship's Papers, issued at this Port of Havannah in the Month of January 1825, and authorizing the "Relampago" to proceed to the Island of Saint Thomas, on the Coast of Africa, for the purpose of trading in articles of lawful Commerce, but expressly prohibiting her from engaging in the Slave-trade.

Dionisio Urquijo deposed, that he was a Native of Bilbao; that he was Master and Owner of the Schooner "Fingal," in which he sailed from the Port of Havannah, on the 1st February 1825, for the Island of Saint Thomas, for the purpose of engaging in Lawful Commerce, but that he never touched at it, having, when in sight thereof, been informed, by a Portuguese Vessel, that he would not find any of the articles of which he was in want; that consequently he proceeded to the Coast of Africa, and in the vicinity of Cabomonte, he contracted with the Negroes of the Country the exchange of his Cargo for palm-oil, logwood, rice, and ivory, which articles were never delivered to him, although he waited for them for the period of eight Months and a half, with the exception of a small quantity of logwood, with which he determined to return, with the loss of almost the whole of his Cargo, which he had previously handed over to the said Negroes; that he accordingly set sail for this Port on the 1st January of this Year, and 17 days after his departure he fell in with a French Brig laden with slaves, the Captain of which, after asking for some provisions, which could not be afforded to him, sent on board the Schooner 61 Negroes, which the Deponent, from motives of humanity, could not avoid receiving, being told that if he did not, they would be thrown into the Sea; that the French Brig then departed, having previously

thrown overboard a swivel gun and various other arms that were in the Schooner; that the Deponent continued his voyage with the Negroes and ran aground near Salt Key on the 1st or 2d of February, and that on the 3d, 3 boats of an English Brig-of-War, which was in sight, approached, when the Negroes were landed on a small neighbouring Key for the purpose of concealing them from the English, and also of lightening the Vessel, 3 of the Crew being left in charge of them; that upon the arrival of the English boats they discovered the Negroes, and again brought them on board the Schooner of which they took possession, and ultimately brought her into the Port of Havannah; that the Negroes at the time of the capture amounted to 58, and that his intention was to bring them to Havannah, and relate what had happened with the French Brig; that there was no other cargo on board at the time of the capture, and that the Papers which he delivered up were the only ones he had on board.

Florencio Sugasti, a Native of Biscay, deposed, that Dionisio Urquijo was Master of the Schooner "Fingal," but that he did not know who was the Owner; that the Deponent belonged to the Spanish Schooner "Clara," which was wrecked on the Coast of Africa, when he and 5 others of the Crew requested to be received on board the "Fingal" as passengers, and that during the voyage he acted as Mate, but without any pay whatever.

That about the 31st of December last, they set sail from the Coast of Africa, with a small cargo of palm-oil and logwood, and 17 or 18 days after they fell in with a French Brig, laden with slaves, the Captain of which asked for a little rice, which was refused, and then forcibly put on board 61 Negroes, and went away, after throwing over-board the gun and some small arms that were in the "Fingal;" that they continued their voyage, and on the 1st or 2d of February, ran a-ground near Salt Key, 2 days after which 3 English armed Boats, belonging to a Brig-of-War in sight, appeared, when the Negroes were landed upon one of the small Keys, in order to conceal them from the English, and to lighten the Vessel, but were shortly after discovered upon the arrival of the Boats, by which they were again embarked on board the Schooner, of which the English took possession, and ultimately brought her into the Port of Havannah; that the number of the Negroes at the time of the capture was 58, 3 of the 61 having died during the voyage, and that there was no other cargo on board the Schooner at the time of the capture, the logwood having been thrown overboard when she grounded.

Benito Vasquez, a Native of Malaga, deposed, that Dionisio Urquijo, was Master of the Schooner "Fingal," and that he did not know the Owner; that he was received on board her, on the Coast of Africa, as a passenger, but that the Boatswain having been drowned he acted during the voyage in his place; that after he had been on board her about 3 Months they set sail on the 1st of January of the present Year, with a Cargo of logwood; that 17 days after they fell in with a French Brig laden with slaves, of which 61 were put on board the Schooner, the French Captain saying, that he had not provisions enough for them; that the latter then left them, first taking on board his Brig a swivel gun and other arms belonging to the "Fingal;" that this Schooner continued her voyage, and ran a-ground on some Keys, near the Coast of the Island of Cuba, 2 days after which 3 English armed Boats came up, and again put on board the Schooner the Negroes who had been landed on one of the Keys, for the purpose of lightening her; that the English then took possession of the Vessel, and brought her to the Port of Havannah; that at the time of the capture 58 of the Negroes were alive, 3 having died during the Voyage, and that there was no other cargo on board, the logwood having been thrown into the Sea to lighten the Vessel.

Second Enclosure in No. 67.

(Translation.)

Sentence of the Mixed Commission in the Case of the Schooner "Fingal."

THE merits of this Cause having been taken into consideration, and particularly it being observed, that it is noted down in the Log-Book on the 16th of January, a date prior to that when the Master, and the two other Individuals who have been examined, assert that the 61 Negroes were received from a French Brig, that a full grown Negro had died; this being clearly and distinctly visible, notwithstanding the attempt made to blot out the circumstance, by drawing several strokes of a pen across it, as was also done in the case of two other Negroes who died subsequently, and no mention whatever being made throughout the whole Log-book, of having fallen in with the aforesaid French Brig, as is done with other Vessels that were seen on different days, it is hereby declared to be good and lawful Prize, that made by His Britannick Majesty's Brig "Ferrett," William Hobson, Esq. Commander, of the Spanish Merchant Schooner named "Fingal," D. Dionisio Urquijo, Master, with a cargo of 58 African Negroes, viz: 41 males and 17 females, one of the latter having been delivered of a female infant the day after the capture; and that the said Schooner, her tackle, apparel, and whatever may be 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. With respect to the condemned Vessel, and whatever belongs to her, let a valuation be made thereof by the Principal Masters of this Royal Arsenal, who shall swear faithfully to perform this duty, in order that the same may be exposed to publick auction for the term required by Law, and be disposed of to the highest bidder, at the Auction Room of Don Antonio Galea, before the Notary, D. Joze Rafael de Meza, the proceeds being for the benefit of the two Governments, and let the said Vessel be for the present placed in deposit with D. Jayme Andreu, who shall likewise take the proper Oath, receiving the same by formal inventory; and with respect to the Negroes, let their Certificate of Emancipation be given to them by the Deputy Secretary, who is

hereby appointed to perform that duty, for which purpose let an Official Letter be addressed to his Excellency the Captain-General, requesting him to 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 with the letter and spirit of the Treaty; and when his Excellency shall have selected the said Person, it shall be notified to the Cap^tor to deliver the Negroes up to him, and the Schooner to the Depository, communicating to him now a certified Copy of this Sentence, of which the Master, D. Dionisio Urquijo, shall also be apprized.

(Signed) CLAUDIO MARTINEZ DE PINILLOS.
H. T. KILBEE.
RAFAEL GONZALES, Deputy Secretary.

Havannah, February 20, 1826.

No. 68.

His Majesty's Commissioners to Mr. Secretary Canning.--(Received May 21.)

SIR,

Havannah, March 11, 1826.

ON the 26th ult. the Spanish Brig "Currutaco," D. Juan Coll, and the Schooner "Escudera," D. Juan Tornella, Master, sailed from hence, the former for St. Thomas, and the latter for Princes Island, on the Coast of Africa.

We have heard that the French Frigate "Antigone" has captured a Slave-vessel of the same Nation, with upwards of 100 Negroes on board, not far from Santiago de Cuba. We have the honour to be, &c.

(Signed) H. T. KILBEE.
W. S. MACLEAY.

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

No. 69.

His Majesty's Commissioners to Mr. Secretary Canning.—
(Received June 12.)

SIR,

Havannah, April 15, 1826.

WE have the honour to enclose a Translation of a Letter addressed by the Captain-General to the Mixed Commission, and of the Reply of the latter, upon the subject of a Royal Order, issued by His Catholick Majesty, for the more effectual suppression of the illicit Slave-trade, carried on with this Island, which has been published in the Official Journal.

In this Royal Order, it is expressly stated, that The King has adopted Additional Measures, in consequence of the remonstrances of the British Minister at Madrid, although He himself does not consider those already taken to be inadequate to their object. It is directed that every Vessel from the Coast of Africa, shall, upon her arrival, deliver up her Log-book to be examined; and should there be any reason to suspect her of having been engaged in the Slave-trade, that the Captain-General, who alone is to take cognizance of such Causes, shall proceed to the investigation of the Case, and the punishment of the Delinquents. Persons of all classes are authorized to denounce Transactions of illicit Slave-trade, but no reward is offered to the Informer, unless he be a Slave, in which case he instantly becomes free; the Purchaser of illegally imported Negroes being subject to a fine of 200 dollars for each. The Clergy are directed to impress upon their Flocks that the carrying on the Slave-trade, since it has been prohibited by The King, is a moral offence. Those Negroes hereafter imported, who shall denounce the Vessel in which they have come, are declared to be entitled to their liberty, but not those illegally introduced, up to the present period.

And finally, it is ordered, that these measures shall not be carried into effect until after the Royal Order shall be published.

The strong incitement held out to Slaves to denounce transactions of illicit Slave-trade has created universal alarm and dissatisfaction here; and should Informers of that class receive encouragement and protection from the Tribunals of the Island, little doubt can be entertained that this measure will afford an effectual check to the Traffick.

We have the honour to be, &c.

(Signed)

HENRY T. KILBEE.
W. S. MACLEAY.

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

First Enclosure in No. 69.

(Translation.)

The Captain-General to the Mixed Commission.

MOST EXCELLENT SIR, AND GENTLEMEN,

Havannah, April 11, 1826.

UNDER date the 2d of January of this Year, his Excellency the Duke del Infantado, First Secretary of State, writes to me as follows:—

ROYAL ORDER.

Madrid, 2d January 1826.

MOST EXCELLENT SIR,

HIS Britannick Majesty's Minister here having remonstrated against the fraudulent Importation of Negroes into the Island of Cuba, in manifest violation of the Treaty of 1817, in the exact fulfilment of which the English Nation and Government have always taken so much interest, Our Lord the King could not do less than take this matter into consideration, for the more prudent determination of which he has not only consulted the Council of Indies and the Junta of His Ministers, but he has also acquired information from Persons in whose knowledge upon the subject he has reliance; and after maturely examining the several arguments and measures which have been proposed to him, he has been pleased to adopt those, which, in his high consideration, he has esteemed best adapted for securing more effectually the suppression of this illicit Traffick, although he does not believe to be insufficient the measures already taken and prescribed in the different Orders issued to the Authorities of that Island during the whole period that has elapsed from the conclusion of the above-mentioned Treaty of 1817, to this date.

Our Lord the King has accordingly resolved, that every Vessel proceeding from the Coast of Africa shall, immediately upon her arrival at the Ports of the Island of Cuba, deliver up her Log-book to the Naval Commandant, in order that he may examine it, and should there be any reason to suspect that the Vessel has brought and clandestinely landed Negroes, that he may instantly report the same to your Excellency, to the end that you may proceed to the proper investigation and punishment, in conformity to the Laws in force relating to the subject, it being well understood that, to your Excellency alone, with the advice of your Assessor, belongs the cognizance of such Causes; His Majesty, moreover, declaring, that any Person, of whatever class he may be, may denounce the Negroes who shall be received by smuggling, and, should the informer be a slave, that, in the very act he becomes free, the Purchaser being fined 200 dollars for each of the slaves he shall have acquired. His Majesty has likewise resolved, that the Very Reverend the Archbishop of Cuba, and the Reverend the Bishop of Havannah, shall impress upon the Rectors and those belonging to their respective Dioceses, that from the moment His Majesty was pleased to prohibit the Traffick in Negroes, its continuation in any manner whatever was no longer permitted in conscience, a real robbery being committed by those who should acquire any of them fraudulently; for which purpose, I write under this day's date, to the Minister of Grace and Justice, in order that he may give the necessary directions for the fulfilment of the same to the said Reverend Prelates.

His Majesty has also determined that those Negroes shall obtain their liberty, who shall denounce the Vessel in which they themselves may have come, subsequently to the order which your Excellency shall publish to this effect, but not those imported into the Island prior to its publication.

By Royal Order I transmit all this to your Excellency, for your information, and that of the Mixed Commission, and that you may communicate it to those whom it may concern, in order that this Sovereign Resolution may be carried fully into effect, as well by your Excellency as by the other Authorities of the Island, but your Excellency will not permit these measures to be put into execution until after that Resolution shall be published.

(Signed)

EL DUQUE DEL INFANTADO.

I transmit the above to you for your information, apprizing you, at the same time, that I communicate it to those whom it may concern, for the fulfilment of the same.

God preserve, &c.

(Signed)

FRANCISCO DIONISIO VIVES.

*His Excellency the Intendant, and the other Members
of the Mixed Commission.*

Second Enclosure in No. 69.

(Translation.)

The Mixed Commission to the Captain-General.

MOST EXCELLENT SIR,

Havannah, April 13, 1826.

THE Mixed Commission has received your Excellency's Official Letter of the 11th instant, in which is inserted the Royal Order of the 2d of January of this Year, by which His Majesty has been pleased to adopt the measures which he has deemed just and proper for the suppression of the illicit Traffick in African Negroes, in violation of the Treaty relating to this subject, of which Sovereign Resolution this Mixed Commission is duly apprized, observing in it all the interest His Majesty takes in attaining the object of that Treaty.

God preserve, &c.

(Signed)

H. T. KILBEE.
W. S. MACLEAY.
C. M. DE PINILLOS.
R. DE QUESADA.

His Excellency The Captain-General.

No. 70.

His Majesty's Commissioners to Mr. Secretary Canning.--(Received June 12.)

SIR,

Havannah April 16, 1826.

WE have the honour to inform you, that, on the 2d instant, the Spanish Schooner "*Minerva*," Manuel Fernandez, Master, and on the 14th, the Spanish Schooner "*Dolorita*," Joaquin Aureycochea, Master, sailed from this Port for the Coast of Africa.

We have the honour to be, &c.

(Signed)

HENRY T. KILBEE.
W. S. MACLEAY.

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

No. 71.

His Majesty's Commissioners to Mr. Secretary Canning.--(Received June 24.)

SIR,

Havannah April 30, 1826.

ON the 24th instant, the Spanish Schooner "*Jacinta*," Don Francisco Prieto; Master, sailed from this Port for the Coast of Africa.

Since the date of our Despatch of the 22d of February, we have not heard of the arrival on the Coasts of this Island of any Vessel with Slaves.

We have the honour to be, &c.

(Signed)

HENRY T. KILBEE.
W. S. MACLEAY.

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

No. 72.

His Majesty's Commissioners to Mr. Secretary Canning.--(Received June 24.)

SIR,

Havannah, May 2, 1826.

WE have the honour to acknowledge the Receipt of your Despatch of the 31st January last, in which you have been pleased to transmit to us Copies

of a Correspondence with His Majesty's Envoy at Madrid, upon the Subject of the Orders which His Catholick Majesty has recently addressed to the Captain-General of Cuba, for the more effectual execution of the Treaties between Great Britain and Spain, for the Abolition of the Traffick in Slaves.

In our Despatch of the 15th ultimo, we had the honour of forwarding to you the Communication made by the Captain-General to the Mixed Commission upon the same Subject, together with a Translation of the Royal Order which has been published here.

We have the honour to be, &c.

(Signed)

HENRY T. KILBEE.
W. S. MACLEAY.

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

No. 73.

His Majesty's Commissioners to Mr. Secretary Canning.--(Received June 24.)

SIR,

Havannah, May 2, 1826.

WE had yesterday the honour of receiving your Despatch of the 23d of February last, relative to the reported re-capture, by a Spanish Brig, which had arrived at Cuba, of 2 Slave Vessels, previously detained by a British Cruizer on the Coast of Africa.

No time shall be lost in making the enquiries which you direct, into the truth of this transaction; but we think it right to apprise you, that some delay will in all probability occur, the communication between this Place and Cuba being slow and unfrequent.

In our Despatch of the 18th of January last, we had the honour of transmitting to you a Communication, which we had received from the French Consul General, upon the subject of the above-mentioned re-capture.

We have the honour to be, &c.

(Signed)

HENRY T. KILBEE.
W. S. MACLEAY.

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

No. 74.

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

SIR,

Havannah, May, 31, 1826.

ON the 30th instant the Spanish Brig "*Breves*," (formerly the "*Conquistador*," an old and notorious Slave-trader) sailed from this Port for the Coast of Africa.

On the 27th instant the Spanish Schooner "*Teagenes*," arrived here in ballast.

In our Despatch of the 22d of February of this Year, it was stated that a report prevailed, that this Vessel had landed a Cargo of Negroes on the South side of the island, which report proves to be correct; and we have learned, that since the disembarkation, she has been employed by the Government in conveying Troops from Batabano, where they had proceeded by Land from Havannah, to Trinidad de la Isla.

We have heard that the Spanish Schooner "*Iris*," which sailed for the Coast of Africa in November 1825, has lately landed a Cargo of Negroes at Puerto Escondido, to the Westward of Matanzas. The Vessel, however, has

not arrived here, and it is even said, that she has been destroyed by her Crew to avoid detection: a report has been prevalent here, that she has had an action with one of His Majesty's Schooners, which she had beaten off.

We have the honour to be, &c.

(Signed)

HENRY T. KILBEE.
W. S. MACLEAY.

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

No. 75.

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

SIR,

Havannah, June 14, 1826.

HAVING learned from good authority that the Matanzas Steam Vessel "*Neptune*," which arrived here on the Evening of the 5th ultimo, had brought upwards of 100 Negroes, whom she had received on board at a small Port to the Westward of Matanzas, called Puerto Escondido, and who, probably, belonged to the Cargo of the "*Iris*," mentioned in our last Despatch; we resolved to lose no time in calling the attention of the Captain General to this matter, and accordingly, on the Morning of the 6th, we apprised him of the circumstance, and endeavoured to impress upon him, that it was particularly incumbent upon this Government, to make an example of the perpetrators of this scandalous violation of our Treaty, committed so shortly after the publication of His Catholick Majesty's Royal Order of January last, as, if they were allowed to escape with impunity, that Royal Order, would, like those previously issued on the same Subject, be considered as a mere dead letter.

His Excellency replied, that the Naval Department had not reported to him any such arrival of Negroes, but that he would immediately write to the Commandant of the Naval Forces, and direct him to investigate the Case. In subsequent conversations he stated, that he had not yet received any Answer, but on the 1st instant he transmitted a Letter, of which a Translation is enclosed, to His Majesty's Commissary Judge, communicating the result of the investigation made by the Naval Department; according to which it appears "that there was not the slightest ground for even a remote suspicion that the Steam Vessel had on board the Negroes referred to."

On the 7th instant another Letter was received from the Captain-General, in which was inserted the Report of the Auditor of War, respecting that Investigation, merely recommending that a Statement of the Case should be laid before His Catholick Majesty, lest intelligence of a different tenour should reach him through another channel.

Notwithstanding the result of the Investigation undertaken by the Naval Department, it is perfectly notorious that the Negroes were brought in the Steam Vessel, as stated in the foregoing part of this Despatch: several highly respectable Foreigners came passengers in her; and though none of them will venture to incur general odium, and perhaps some danger, by coming forward to give information upon the Subject, we have the most undoubted authority for assuring you that the fact is as we have related.

We have the honour to be, &c.

(Signed)

HENRY T. KILBEE.
W. S. MACLEAY.

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

First Enclosure in No. 75.

(Translation)

The Captain-General to the British Commissary Judge.

SIR

Havannah, June 1, 1826.

THE Commandant-General of the Naval Forces on this Station has transmitted to me, in an Official Letter, dated yesterday, the Proceedings adopted in consequence of the information which you gave me, and which I immediately communicated to him, respecting the denunciation of the Steam Vessel "Neptune" having introduced into this Port a number of "bozal" Negroes, brought from the Coast of Africa.

From the Declarations in the said Proceedings no such fact results, as will be seen by the Extract of the Decision upon those Proceedings, which I forward to you; but I transmit the same, notwithstanding, under this day's date, to the Auditor of War for his opinion; and I state this for your information, and will communicate to you the result in due time.

God preserve, &c.

(Signed)

FRANCISCO DIONISIO VIVES.

H. T. Kilbee, Esq.

First Enclosure (A.) in No. 75.

(Translation.)

Result of the Investigation made by the Naval Department.

(Extract.)

Havannah, May 13, 1826.

BY the Declarations received in this Cause, to the number of eleven, from the Master and Sailors of the Steam-Vessel "Neptune," the Passengers who were conveyed in the same from Matanzas to this Port, and the Custom-House Officers who searched her, it appears that on the 5th instant they sailed from the former for this Port, with a cargo of produce of the Country, none of the said Declarations affording the slightest ground for even a remote suspicion that the Steam-Vessel had on board the Negroes referred to in the Denunciation, arising apparently from an involuntary mistake, which has occasioned these Proceedings.

It has likewise been proved, in the most explicit and direct manner, that the said Steam-Vessel did not touch at any of the intermediate Ports on the Coast, neither did she communicate with any other Vessel, whence the disembarkation, or transfer to another Vessel, of the Slaves might be presumed.

Conceiving, therefore, that the mistaken impression under which the aforesaid Denunciation was made, is fully proved, and, consequently, no charge whatever resulting against the Master, Don Angel Bruzon, or any other Person, I am of opinion that Bruzon may be released from the arrest under which he has been placed, as well as the other Individuals of the Crew, who have likewise been detained, and that they shall be free to exercise their respective employments, since nothing has been proved against them that can injure their reputation, in which state of the Case I transmit the Proceedings to you that you may adopt the proper measures.

(Signed)

BARTOLOME MARQUES PACHECO.

The Commandant of the Naval Forces.

Second Enclosure in No. 75.

(Translation.)

The Captain-General to the British Commissary Judge.

SIR,

Havannah, June 7, 1826.

THE Auditor of War has, under date the 5th instant, made to me the following Report:—

" MOST EXCELLENT SIR,

" On the 6th of May, Mr. H. Kilbee, British Commissary Judge of the Mixed Commission, informed your Excellency, that he had been assured that upwards of 100 Negroes had arrived the day before in the Steam-Vessel from Matanzas; and, on the same day, your Excellency wrote to the Naval Department to proceed to the proper Investigation without delay. This was done; and, by the Declarations of the Crew, and of the Passengers who arrived in the Steam-Vessel, it is proved, to conviction, that no such Negroes came in her.

" As the Royal Order of the 2d of January of this Year commits to your Excellency alone the cognizance of these Causes, and the proceeding to investigation and punishment, conformably to the Laws in force upon the subject, you being consequently responsible for the observance of the same, and as the Remonstrance of His Britannick Majesty's Minister against the fraudulent importation of Negroes into this Island, gave rise to that Royal Order, and as the information upon which that Remonstrance was grounded was probably given by the British Commissary

Judge of the Mixed Commission, Mr. H. Kilbee, the same who communicated to your Excellency the fact respecting which this Investigation has taken place, the Auditor is of opinion that it is indispensably necessary that a Report be made to His Majesty upon the subject, lest any intelligence of a contrary tenour should reach him, and for his Sovereign information."

And having adopted this opinion, I transmit it to you, in continuation of what I stated to you upon the same subject in my Note of the 1st instant

H. T. Kilbee, Esq.

God preserve, &c.
(Signed)

FRAN^o. DION^o. VIVES.

No. 76.

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

SIR,

Havannah June 14, 1826.

ON the 5th instant, the Spanish Brig "*Pepe*," Don José Gomez, Master, well armed, and with a Crew, as we have heard, of upwards of 80 men, sailed for the Coast of Africa.

The Spanish Schooner "*Carlota*," which sailed for that Coast on 20th July 1825, arrived here to-day in ballast, and is announced in the Newspapers as coming from Bahia de todos los Santos, in Brazil. There can be little doubt, however, that she is really from Africa, and that she has landed a Cargo of Negroes, but as there is somewhat more mystery observed with regard to these Transactions now than formerly, we have not been able to learn the number of the Cargo, or the Place of Disembarkation.

We purpose taking an early opportunity of calling the attention of the Captain-General to this Case. We have the honour to be, &c.

(Signed)

H. T. KILBEE.

W. S. MACLEAY.

The Right Hon. George Canning,
Esq. Esq. Esq.

No. 77.

Mr. Secretary Canning to His Majesty's Commissioners.

GENTLEMEN,

Foreign Office, July 31, 1826.

I HAVE received your several Despatches up to the 14th of June last.

I approve of the unceasing watchfulness which you exercise in enquiring into, and reporting upon, the Undertakings in African Slave-trade from and to the Island of Cuba, Undertakings which, I am sorry to observe, from your Despatches, are not only as unremitting as ever, but are becoming still more undisguised, and continue in most instances unpunished, to the disgrace of the Island, and the apparent inefficiency of the Decrees of the Mother Country.

I enclose, for your information, the Copy of a Despatch which I have felt it proper to address, upon this occasion, to His Majesty's Envoy at Madrid.*

I am, &c.

His Majesty's Commissioners.

(Signed)

GEORGE CANNING.

* See Class B.

No. 78.

His Majesty's Commissioners to Mr. Secretary Canning.—(Received Sept. 6.)

SIR,

Havannah, June 28, 1826.

WE had the honour of receiving, on the 23d instant, your Despatch of the 10th of March last, in which you have been pleased to communicate to us,

that the Additional Articles to the Treaty of 1817, which were signed under the Government of the Cortes of Spain, have received the sanction of His Catholic Majesty, and have been transmitted to the Authorities in Cuba.

These Articles, together with the Declarations signed at Madrid, on the 2d of February 1824, have lately been communicated by the Captain-General to the Mixed Commission.

We have the honour to be, &c.

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

(Signed) HENRY T. KILBEE.
 W. S. MACLEAY.

No. 79.

His Majesty's Commissioners to Mr. Secretary Canning.—(Received Sept. 6.)

SIR,

Havannah, June 30, 1826.

WE have the honour to enclose Copies of the Register* of the Slaves Emancipated by Decrees of the Mixed Commission, since the date of Mr. Kilbee's Despatch of the 17th of December. They belonged to the Spanish Vessels "Magico," "Fingal," and "Orestes," and amount, in all, to 445.

We have the honour to be, &c.

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

(Signed) H. T. KILBEE.
 W. S. MACLEAY.

* Magico 175. Fingal 58. Orestes 212. Total 445.

No. 80.

His Majesty's Commissioners to Mr. Secretary Canning.—(Received Sept. 6.)

SIR,

Havannah, July 1, 1826.

WE have the honour to forward to you, the Return required by the 75th Section, 5 Geo. 4, Cap. 113.

We have the honour to be, &c.

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

(Signed) HENRY T. KILBEE.
 W. S. MACLEAY.

Enclosure in No. 80.

Half-Yearly Return of Cases Adjudicated by the Mixed Commission at the Havannah.

| Date of Seizure. | Property Seized. | SEIZOR. | Date of Sentence. | Decretal part of Sentence, whether Forfeiture or Restitution. | Whether Property condemned has been sold or converted, or remains un-sold, and in whose hands the Proceeds remain. |
|-------------------|--|--|-------------------|---|--|
| January 22, 1826. | { Spanish Brigantine "Mogico," with 179 Negroes, but no other Cargo. } | { Lieutenant A. B. Lowe, commanding His Britannick Majesty's Schooner "Union" } | January 31, 1826 | Forfeiture. | { The Vessel, tackle, &c. have been sold, nothing remaining un-sold. The British moiety of the proceeds has been remitted to His Majesty's Secretary of State for Foreign Affairs. } |
| February 3, — | { Spanish Schooner "Fingal," with 58 Negroes, but no other Cargo, } | { Captain Hobson, commanding His Britannick Majesty's Sloop "Ferret" } | February 20, — | Forfeiture. | Ditto ditto ditto. |
| March 5, — | { Spanish Brigantine "Orestes," with 238 Negroes on board. } | { Lieutenant Bennett, commanding His Britannick Majesty's Schooner "Speedwell" } | March 15, — | Forfeiture. | { The Vessel was found on Shore, and could not be got off. The Negroes alone were brought to The Havannah in the "Speedwell." } |

(Signed) H. T. KILBEE.
W. S. MACLEAY.

Havannah, July 1, 1826.

No. 81.

His Majesty's Commissioners to Mr. Secretary Canning.—(Received Sept. 6.)

SIR,

Havannah, July 3, 1826.

AS we stated in our Despatch of the 14th of June, we took an early opportunity of calling the attention of the Captain-General to the Case of the Spanish Schooner "*Carlota*," which sailed for the Coast of Africa in the Month of July 1825, and returned in ballast on the 14th Ultimo, being announced to have come from Bahia de todos Santos, although no doubt existed that she was really from the Coast of Africa direct, and had landed a Cargo of Slaves previously to her entering this Harbour.

We stated to his Excellency, that this was one of those Cases, of which so many had formerly been submitted to his consideration, of Vessels which are well known to have come from the Coast of Africa with Negroes, reporting false Places of departure; we put into his hands the Newspapers in which the departure and arrival of the Vessel were announced, and we expressed our regret at having to report this Case to our Government, so shortly after the publication of the late Royal Order of His Catholick Majesty, issued expressly for the more effectual suppression of the Slave-trade.

The Captain-General replied, that that Royal Order committed the examination of Vessels coming from the Coast of Africa exclusively to the Naval Department, from which he had received no Communication whatever respecting the "*Carlota*;" and he recommended, that we should address a Note to him upon the subject, which he said he would transmit to that Department.

We accordingly forwarded to him the Note, of which a Copy is enclosed, and have received in Answer two Letters, of which Translations are also enclosed; in the first of which his Excellency apprizes us, that he had transmitted our Note to the Commandant of the Naval Forces; and in the second he inserts the Reply of the Latter, stating that the Case should be investigated.

We have the honour to be, &c.

(Signed)

H. T. KILBEE.

W. S. MACLEAY.

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

First Enclosure in No. 81.

The British Commissioners to the Captain-General.

SIR,

Havannah, June 22, 1826.

IN compliance with your Excellency's desire, that we should state in writing what we mentioned to you yesterday verbally, we have the honour to apprise you, that we have observed the arrival of the Spanish Schooner "*Carlota*," in ballast from Bahia de todos los Santos, announced in the "*Diario de la Havana*," of the 15th instant, which Vessel sailed from this Port for Princes Island, on the Coast of Africa, on the 20th July 1825, and we confidently venture to assert, that no serious doubt can be entertained, indeed that it is a matter of notoriety, that, like the numerous other Vessels which have entered this Port under similar circumstances, she has really come direct from that Coast, and had landed a Cargo of Negroes in some of the Out-Ports of this Island, previously to entering this Harbour.

It will be most painful for us to have to report to our Government, this fresh Case of the violation of our Treaty, so soon after the publication of His Catholick Majesty's Royal Order of the 2d of January last, which it was confidently expected, would serve effectually to put a stop to the extensive illicit Slave-trade which has been so long carried on with this Island.

We avail ourselves, &c.

(Signed)

H. T. KILBEE.

W. S. MACLEAY.

His Excellency the Captain-General.

Second Enclosure in No. 81.

(Translation.)

The Captain-General to the British Commissioners.

GENTLEMEN,

Havannah, June 23, 1826.

I HAVE written, under this day's date, to the Commandant of the Naval Forces on this Station, as follows:—

"I forward to you the Translation of a Note which Messrs. H. T. Kilbee and W. S. Macleay, have addressed to me, in which they state what they have observed respecting the arrival of the Spanish Schooner "*Carlota*," in ballast, proceeding from Bahia de todos Santos, as announced in the Diario of this City of the 15th instant, which I likewise enclose; which Vessel sailed from this Port for Princes Island, on the Coast of Africa, the 20th of July last Year; with the other matters to which those Gentlemen refer; enclosing also the Diario of the 21st of July of last Year, in order that, with all these before you, you may be pleased to direct the investigation of the Case, to determine what may be proper in conformity to the Treaty and Sovereign Orders upon the subject."

And I transmit this to you in reply to your aforesaid Note.

God preserve you many Years,

The British Commissioners.

(Signed) FRANC^o. DION^o. VIVES.

Third Enclosure in No. 81.

(Translation.)

The Captain-General to the British Commissioners.

GENTLEMEN,

Havannah, June 30, 1826.

THE Commandant of the Naval Forces on this Station, writes to me, under date the 28th instant, as follows:—

"Most Excellent Sir, An enquiry is now making into the circumstances, that may serve to shew the nature of the Voyage of the Spanish Schooner "*Carlota*," from the departure of the same from this Port on the 20th of July last Year, up to her return on the 14th instant, for the purpose of ascertaining whether there be any ground for suspecting that she has been engaged in the illicit Traffick in Slaves; and until I shall be enabled to communicate the result to your Excellency, I state this in immediate Reply to your Official Letter of the 23d instant, in which you enclose a Translation of that of Messrs. Kilbee and Macleay."

And I transmit the above to you, in Reply to your Letter of the 22d instant, as I shall do whatever else may be communicated to me upon the subject by the said Commandant.

God preserve, &c.

The British Commissioners.

(Signed) FRANC^o. DION^o. VIVES.

No. 82.

Mr. Secretary Canning to His Majesty's Commissioners.

GENTLEMEN,

Foreign Office, September 11, 1826.

IN reference to my Despatch to you of the 31st July last, I send to you the accompanying Extract of a Despatch, dated the 18th ult., which I have received from His Majesty's Envoy at Madrid,* on the subject of the Representation made by you, as to the evasion of the Order recently promulgated by His Catholick Majesty, for the more effectual Suppression of the Slave-trade in Cuba.

You will lose no opportunity of collecting and transmitting to me accurate information, and supporting it, where you can, by collateral, in the absence of any direct Evidence, of any facts whereupon His Majesty's Government might feel called upon to found Representations to the Government of Spain, as to the non-execution of the Treaty of 1817, and particularly on those points wherein the new Decree of The King of Spain shall appear to be illusory in its effect.

I am, &c.

His Majesty's Commissioners.

(Signed) GEORGE CANNING.

* See Class B.

No. 83.

Henry T. Kilbee, Esq. to Joseph Planta, Jun. Esq.—(Received October 14.)

SIR,

Havannah, July 30, 1826.

THE state of my health rendering it necessary, as you will perceive by the enclosed Certificate, that I should try the effects of a more moderate Climate, I beg leave to apprise you of my intention to avail myself of the leave of absence for two Months, granted to me in your Letters of the 13th February 1823, and the 6th February 1824, to proceed to The United States.

I did not avail myself of this permission at the time it was granted, principally on account of the absence of His Majesty's Commissioner of Arbitration, conceiving that the Publick Service would be likely to suffer from the absence of both the British Commissioners at the same moment. This objection now no longer exists, Mr. Macleay being upon the spot; and I purpose, therefore, leaving the Havannah by the first Vessel which shall sail for New York.

I trust that this short absence from my Post, for the restoration of my health, after a constant residence here of seven Years, will not be considered as precluding me from availing myself next Year of the permission to return to England, granted by Mr. Secretary Canning, and communicated to me in your Letter of the 10th December 1825.

I have the honour to be, &c.

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

(Signed)

HENRY T. KILBEE.

Enclosure in No. 83.

Medical Certificate.

I, THE Undersigned, Practitioner of Medicine, do hereby certify, that H. Kilbee, Esq. is labouring under general debility, and obstinate hernia humoralis, occasioned by a long residence in this Climate; and I am of opinion that a change of Climate will alone be likely to effect the restoration of his health.

Havannah, July 28, 1826.

(Signed)

WILLIAM D. CLARK, M. D.

No. 84.

W. S. Macleay, Esq. to Mr. Secretary Canning.—(Received October 14.)

(Extract.)

Havannah, September 2, 1826.

IT is my painful duty to report to you an event, which I fear must tend to encourage the numerous Persons in this Island, who are engaged in the Traffick of Slaves, beyond all their former expectations.

On the Forenoon of the 16th ultimo, Captain Jackson, of His Majesty's Sloop "Pylades," being in company with His Majesty's Schooner "Magpie," under his Orders, chased a Vessel into this Port, which now proves to be the Spanish Schooner "Minerva," a Vessel that His Majesty's Commissioners had the honour of reporting to you in their Despatch of the 16th of April of this Year, as having sailed for the Coast of Africa, on the 3d of April last.

Being convinced that she was a regular Slave-trader, he sent in after her an Officer, with Orders to visit her, and then to report her arrival to the Captain-General and Commandant of the Naval Forces. Owing to the unfortunate circumstance of the two Lieutenants of the "Pylades" being at that moment on the Sick List, Captain Jackson was under the necessity of employing for this Service Acting Lieutenant Mr. Nott, who, on going on board the Vessel, found her occupied by a Spanish Officer and Guard.

Mr. Nott then reported her to the Flag Ship in Port, as a Slave-trader, and on requesting permission to search her, was referred to Commodore Laborde, then said to be at his House in Town. On calling at the Admiralty, he was

told to seek the Commodore at the Governor's, and not finding him at the Government-House, he reported the arrival of the "Minerva" to some of the Officers in attendance on the Captain-General, when one of them, apparently of rank, undertook to go immediately on board the suspicious Vessel, for the purpose of making enquiries into the truth of the statement. He would not, however, allow Mr. Nott to accompany him.

After the Spanish Officer had returned from his visit to the "Minerva," and had communicated with the Captain-General, he gave Mr. Nott to understand that His Excellency did not feel himself authorised to submit any information respecting her to Captain Jackson, until the Vessel had been officially reported to him by Commodore Laborde; Mr. Nott accordingly called a second time at the Admiralty, and, strange to say, was then told that the Commodore had gone into the Country.

Upon Mr. Nott's return to the "Pylades," with intelligence so deeply implicating the good faith and publick conduct of the Chief Authorities of the Island, Captain Jackson ordered Lieutenant Smith, in His Majesty's Schooner "Magpie," to come into Port for the purpose of gaining further Intelligence. By this time it was the general topick of conversation on the Wharfs, that the "Minerva" had actually upwards of 200 Negroes then on board. I have since, however, been given to understand, that in the interval between Mr. Nott's departure for his Ship, and Lieutenant Smith's arrival in Harbour, two Boatfulls of Negroes were landed from the Schooner at Casa Blanca, a Village on the side of the Port opposite to the Havannah.

However this may be, Lieutenant Smith, on hearing the story current among the Merchants on the Wharfs, placed Mr. Nott in command of a Boat, so as to watch the proceedings of the Schooner, and, between 11 and 12 at Night, this Officer observed no less than 6 Boats leave her, crowded with Negroes, who were finally landed at one of the most publick Wharfs of the Havannah.

Lieutenant Smith, with the most praiseworthy activity, lost no time in acquainting both the Captain-General and Commodore of this disgraceful occurrence: Captain Jackson the following day came into Harbour, in order to report the whole of the circumstances to His Majesty's Commissioners; and, in the mean time, Lieutenant Smith, having, by my advice, applied to the Commodore for permission to visit the Vessel, and obtained an Order for that purpose, found every mark of her just having landed a Cargo of Slaves.

Captain Jackson, on his arrival in Harbour, addressed a Letter to me, a Copy of which I have the honour to enclose, detailing the above circumstances, and I immediately transmitted his Letter to the Captain-General, stating, at the same time, that the "Minerva" was reported in the Havannah Journals of April last as having sailed for the Coast of Africa, and calling upon him, in as respectful a manner as I could devise, to put the Spanish Laws, and particularly the Royal Order, in force against such audacious Delinquents. Anxious, however, not personally to displease him, I avoided as much as possible dilating on that part of Captain Jackson's Letter which so directly affects the responsibility of the Authorities, and told him, that I was convinced he would take the proper measures to cause the Treaty and Royal Order to be respected; I thought it right to say, that, although the "Minerva" had not been brought before the Mixed Commission as a Seizure under the Treaty, she was obviously subject to the Spanish Laws; that, in fact, the proofs were complete against her, and that it only remained for his Excellency to put the Laws in execution.

Previously to delivering my Letter, of which a copy is enclosed, I had called upon his Excellency, in order to ascertain his feelings on the subject, and I learned from him, that, although he considered the Mixed Commission as having no concern with the affair, yet he was glad to have an opportunity of informing me, that, in obedience to the late Royal Order, he had submitted the whole affair to the Commodore; and, although he could not believe that the "Minerva" had landed any Negroes, he had, in consequence of what had been stated to him, issued the most positive directions to the Commissa-

rios of the various Barrios or Wards of the City, to arrest any Negroes that might have been landed.

About this time, it appears that Captain Jackson thought proper, of his own accord, to address a Letter to his Excellency, requesting permission to search the suspicious Vessel.

The Captain-General, in reply to my Letter, transmitted Copies, herewith enclosed, of the Answer he gave to Lieutenant Smith, on being informed by that Officer of the disembarkation of the Negroes, and also of the answer he made to Captain Jackson, on being asked by him for permission to seize the "Minerva."

His Excellency then proceeds to state, that the Treaty confines all legal detentions to the High Seas, although he must have recollected that one of the Vessels lately condemned by the Mixed Commission was taken, after having been run ashore on the Coast of this Island. He likewise says, that he has acted, throughout the whole affair, according to the Provisions of the late Royal Order; that he considers the assertion of Mr. Nott and the British Seamen, as to their having seen the Negroes landed, to be utterly incredible; that, although the "Minerva" is now reported from Porto Rico, and was formerly reported as having sailed for the Coast of Africa, there is no necessary inconsistency in the two Statements, and, finally, that I may depend on his attention to an affair, the cognizance of which concerns himself alone.

It is worthy of observation, that his Excellency carefully avoids any allusion to the remarkable facts set forth in Captain Jackson's Letter to me, of the "Minerva" having been reported to him by Mr. Nott immediately on her arrival, and of her having been then visited, not only by a Spanish Officer and Guard, but by one of his Excellency's own Staff.

On the receipt of his Excellency's Letter, of which a Translation is enclosed, I saw that the scenes of January 1825, with respect to the "*Magico*," which Mr. Kilbee has set so fully before His Majesty's Government, were about to be repeated, with the important difference, indeed, that the facts here were as notorious as noon-day, and the principal actors Persons in Authority in the Island. I accordingly addressed a Representation to the Governor on the subject.

To this Letter, of which a Copy is herewith enclosed, his Excellency has replied in a tone which has grieved me much; first, as it affords not the slightest hope of this Investigation under the Royal Order tending to any good; and secondly, inasmuch as he shews great dissatisfaction at my interfering in the matter at all, and particularly at my blaming the conduct of those Officers who visited the "Minerva" on the 16th.

His Excellency in this Letter, of which a Translation is enclosed, still avoids explaining the very extraordinary circumstances, of no measures being taken with respect to her on the day of her arrival, although reported to him, and visited by Spanish Officers and a Guard. He thinks proper to attribute the whole story of the "Minerva" being a Slave-trader, to idle rumour: he denies that the Reports in the "*Diario*" and "*Noticioso*," with respect to the arrival and departure of Vessels, are Official, because they are not headed with the words "*De Officio*," a title which I may, by the way, observe, is only used for the Promulgation of Decrees, &c.

His Excellency further states, in his Letter, that, although he continues to consider the assertion of Mr. Nott, and the Seamen of the "*Magpie*" to be quite incredible, he has, nevertheless, transmitted to the Office of the Marine the proposition I made him, of examining these Witnesses of the disembarkation, on Oath: he finally denies that he has approved of that permission given by the Commodore to Lieutenant Smith, by which this Officer was able to ascertain that the "Minerva" had just landed a Cargo of Slaves, and objects to this Visit being made a precedent for any similar examination in future.

The style in which this Letter is written, betrayed such displeasure at my interference, that I judged it right to assure his Excellency, that I had not exceeded my duty so far as in my Letter directly to blame him, although he

must feel that it was my office to make a full statement to him of an event, in which the responsibility and veracity of British Officers were so much concerned; and lastly, that I trusted the harmony which has hitherto existed between his Excellency and the British Commissioners, would not be disturbed by this unpleasant Affair.

I have the honour to enclose a Copy of this Letter, together with Copies of the Letters written to the Captain-General, by Captain Jackson and Lieutenant Smith, which I have requested from those Gentlemen, in order to make the whole Correspondence on the Subject more complete.

It is with the greatest sorrow that I have now to acquaint you, that Lieutenant Smith and all the Crew of His Majesty's Schooner "Magpie," except two, perished at Sea, close off the Havannah, on the 27th ultimo, owing to the Vessel being upset in a squall; this melancholy accident has been a general subject of conversation for some days past in the City: I was, therefore, not a little surprized to receive a Letter to day from the Captain-General, requesting the attendance of Mr. Nott and the two Seamen of the "Magpie" to give their evidence with respect to the landing of the Negroes; I have answered his Excellency, that Mr. Nott fortunately happens to be now on board the "Pylades," but that he alone survives of the Boat's Crew, which witnessed the disembarcation.

Captain Jackson, however, has just informed me, that Captain Wade, the Master of the "Mary Braide," a British Merchant Ship, trading between this Port and Liverpool, also witnessed the landing, and has declared his readiness to prove the fact on Oath before a Magistrate, as soon as he arrives in England.

From the various Letters of the Captain-General, and from the manner in which the Investigation under the Royal Order has been commenced, and is now carried on, I do not, I confess, anticipate otherwise than the acquittal of the "Minerva," in which case the Havannah will appear to the Slave-traders to be at once the safest and most profitable Port for their Vessels to enter; the Government having, I fear, already too plainly shewn, that it only considers the Traffick in Slaves to be a crime when the Vessel has allowed herself to be captured at Sea by a British Cruiser.

I am naturally anxious, with respect to the view that you, Sir, may be pleased to take of my own conduct in this affair, but I trust that it will appear to you that I have endeavoured to make the strongest possible representation of the circumstances, without losing sight of that respect which is due to the Local Government. If I had suppressed any fact from the knowledge of the Captain-General, I should be utterly unworthy the Office I have the honour to hold, and yet, unfortunately, I could scarcely hope to state all the facts to him without giving offence.

The Right Hon. George Canning, (Signed) *W. S. MACLEAY.*
&c. &c. &c.

First Enclosure in No. 84.

Captain Jackson to W. S. Macleay, Esq.

SIR,

His Majesty's Sloop "Pylades," Havannah, August 17, 1826.

YESTERDAY Morning, in company with His Majesty's Schooner "Magpie," I observed a suspicious Vessel off Cabanas, which was chased by us into this Port.

An Officer was immediately dispatched after her, who went on board, and found there a Spanish Officer with a Guard; nevertheless his belief was strengthened that she had slaves on board; he then went to the Flag Ship in Port, and stated that he believed her to be from the Coast of Africa, and requested permission and assistance to examine her; from thence he was referred to the Commander-in-Chief of the Naval Forces, residing at the Admiralty, where, on calling and stating the suspicions he had, he was directed to seek him at the Governor's; not finding him there, he submitted the particulars already stated, for the information of the Governor, to several Officers, one of whom, apparently of rank, proceeded with him to the Wharf, with a view of making

further enquiry; he went on board the suspicious Vessel for that purpose, desiring the Officer to meet him at the Governor's, where he should be furnished with every particular that he was desirous of.

After the Spanish Officer had landed and communicated with the Governor, he gave him to understand, that his Excellency did not feel himself authorised to submit any particulars respecting the Vessel, for the information of the Captain of the "Pylades," until she had been officially reported to him by the Commander-in-Chief of the Naval Forces, to whose Department the Case, as it at present rested, entirely belonged, and recommended him to acquaint the Commodore of the circumstances, but on calling at the Admiralty Office, it was reported by the Officers in waiting, that the Commodore was in the Country. It then drawing towards sun-set, the Officer returned to this Ship.

Upon the receipt of this intelligence, I dispatched Lieutenant Smith, in His Majesty's Schooner "Magpie," into Havannah, to get every possible additional information in a circumstance so suspicious. He, on going on shore, found a rumour prevalent in the City, that the Vessel in question had brought into Port between 200 and 300 Negroes.

This Officer, in obedience to my Orders, placed a Boat, in which was an Officer belonging to this Ship, in such a situation as to observe the motions of the Schooner during the Night. Lieutenant Smith informs me, that between the hours of 11 and 12, the Officer of the Boat observed no less than 6 Boats leave the Vessel, with a number of Negroes crowded in the bottom of each, who were finally landed at the Shipping Wharf, near the Church of San Francisco.

Lieutenant Smith also informs me, that he lost no time in acquainting the Captain-General and Commander-in-Chief of the Naval Forces, of the whole particulars, and that he had permission from the Commodore to go on board and examine her, in company with his Aid-de-Camp, when he had indubitable proof of her having had on board, and very recently landed a Cargo of Slaves.

I have endeavoured to be exact in relating every circumstance relative to this Vessel, and am convinced in my own mind, and perhaps you will agree with me, of the impossibility of a Vessel arriving in this Port, hauling into a regular discharging Wharf, and finally disembarking upwards of 200 Slaves at that hour of the Night, without the knowledge of the Police of this City. I, therefore, am of opinion, that the Vessel can be proceeded against by due course of Law, and have to request you will be pleased to adopt such measures as you may see necessary in this Case.

And have the honour, &c. &c.

W. S. Maclean, Esq.

(Signed)

G. V. JACKSON, Commander.

Second Enclosure in No 84.

The British Commissioner of Arbitration to the Captain-General.

SIR,

Havannah, August 18, 1826.

I HAVE the honour to transmit to your Excellency the Copy of a Letter, dated yesterday, which I have this moment received from Captain Jackson, Commander of His Britannick Majesty's Sloop "Pylades," and from which it appears that, on the 16th instant, when in company with His Majesty's Schooner "Magpie," under his orders, he chased a Vessel into this Port, which now proves to be the Spanish Schooner "Minerva."

The circumstances under which she escaped from him were so suspicious, that Captain Jackson thought it his duty to remain off the Harbour, and to dispatch an Officer of his Ship to visit the Vessel in Port, and afterwards inform your Excellency, and the Commander in Chief of the Naval Forces on the Station, of her arrival, in order that she might be searched by the proper Colonial Authorities, and that she might, if found guilty of a violation of the Treaty for the abolition of illicit Slave-trade, be forthwith brought to condign justice. This Gentleman, on visiting her, having failed to get any intelligence from the Spanish Officer, who appears to have boarded her previous to his approach, proceeded, according to his Instructions, to state the affair to your Excellency, when one of the Officers, as he believes, of your Staff, most readily undertook to make an immediate Investigation on board, the result of which, however, is not known.

The British Officer, moreover, endeavoured to call the attention of the Commander-in-Chief of the Naval Forces to the suspicious Vessel, but was not fortunate enough to find him either on board his Flag Ship, or at the House of the Admiralty.

The appearance of the Vessel was, however, so decidedly indicative of her having been engaged in the illicit Traffick of Slaves, that Captain Jackson in the Evening ordered His Majesty's Schooner "Magpie" to proceed into Port in order to obtain further information. On his arrival in Town, Lieutenant Smith, the Commander of this Schooner, found it a matter of publick conversation, that the "Minerva" had, at that very moment, upwards of 200 Negroes on board. Governed, however, by his respect for the Flag of His Catholic Majesty, and the high authority delegated to your Excellency, and, moreover, considering the Vessel, in consequence of the previous information given to you by Captain Jackson, to have been necessarily examined, nay, knowing her to be even still remaining under the immediate inspection of the Spanish Officers, who had been seen on board, Lieutenant Smith refrained from detaining her while actually in Port, and bringing her as a British Capture before the Mixed Commission. He therefore, contented himself with strictly observing her proceedings, the consequence of which was, that at a very late hour of the same night, an Officer, and two men under his orders, saw 6 Boats put off from the Vessel, and, on approaching them, these Boats were observed to be crowded with Negroes, who were at length landed at one of the most publick Wharfs of the Havannah: having

followed the Boats closely, the Officer and men say, that they are now ready to support this most important fact on oath.

I have further to remark that, according to Captain Jackson's Letter, it appears that Lieutenant Smith, who, by virtue of an Order from the Commandant of the Naval Forces, had authority to visit the "Minerva" yesterday afternoon, found all the peculiar and well-known marks of her having been fitted out for the Slave-trade. I observe in the "Noticioso," that the Vessel is there reported as having now come from Puerto Rico in ballast; but it appears from the "Noticioso" of the 4th April last, that she sailed from this Port for Princes Island on the 3d of that Month.

In short, I grieve to say, that this Vessel presents a clear and incontestable instance of the solemn Treaty between our respective Governments, being notoriously violated under the very eye of the Publick Authorities, and of the late Royal Order of His Catholick Majesty, being completely set at defiance.

It has been the invariable usage for the British Commissioners to represent to your Excellency every circumstance appearing to them to be an infraction of the Treaty, previously to performing their painful duty of submitting it to the consideration of His Majesty's Government; this course of proceeding I now follow, but I cannot avoid seizing the opportunity it affords of expressing my conviction, that so audacious a violation of the late Royal Order of His Catholick Majesty, and so open an insult to your Excellency's authority, when thus placed beyond all doubt by the Evidence of British Officers, cannot escape the most minute investigation in the proper Quarter; I am very far indeed from presuming to point out the line of conduct which the Government of this Island ought to pursue in an affair of this importance, but I may observe, that, although Captain Jackson has not brought the "Minerva" before the Mixed Commission, this Vessel and the Negroes arrived in her are still subject to the provisions of the Royal Order, as well as to anterior Spanish Laws; and the aversion which your Excellency has so lately and humanely declared yourself to bear towards this detestable Traffick, when connected with the anxiety which His Catholick Majesty has shewn to extinguish it, make me confident that ere this you have occasioned every measure to be adopted that the circumstances so imperiously require

I avail myself, &c.
(Signed)

His Excellency the Captain-General.

W. S. MACLEAY.

Third Enclosure in No. 84.

(Translation.)

The Captain-General to Lieutenant Smith.

SIR,

Havannah, August 17, 1826.

I HAVE received your Letter of this date, in which you inform me of the disembarkation of various Negroes from a Schooner which entered this Port yesterday, when chased by His Britannick Majesty's Ship "Pylades;" the circumstances of this affair falling properly within the cognizance of the Commodore on this Station, I have transmitted, this day, your Letter to him that he may take measures accordingly, and I have, moreover, given the necessary orders to the Petty Justices, that they may make the most secret and active enquiries on the subject of this said disembarkation.

God preserve, &c.

Lieutenant Smith, Commander of His
Britannick Majesty's Schooner "Magpie."

(Signed) FRANCISCO DIONISIO VIVES.

Fourth Enclosure in No. 84.

(Translation.)

The Captain-General to Captain Jackson.

SIR,

Havannah, August 19, 1826.

AS soon as I received Lieutenant Smith's Letter, dated 17th instant, informing me of the circumstances attending the arrival of the Spanish Schooner, I transmitted it to the Commandant of the Naval Forces, for his information, in order that he might take the necessary measures in conformity with the Royal Order of my August Sovereign, dated 2d January of the present Year. The Commodore has since replied, that he is now occupied with the affair, and, if from the result of his enquiries, he should find sufficient reason for proceeding against the said Schooner, he will do it by means of the Tribunal of this Captaincy General, to which the affair exclusively belongs, in conformity to the said Royal Order.

Thus have I answered your Letter of yesterday.

God preserve, &c

Captain Jackson, Commander of His Britan-
nick Majesty's Ship "Pylades"

(Signed) FRANCISCO DIONISIO VIVES.

Fifth Enclosure in No. 84.

(Translation.)

The Captain-General to the British Commissioner of Arbitration.

SIR,

Havannah, August 19, 1826.

I HAVE now before me your Letter of Yesterday, and also the Copy of the Letter which the Commander of His Majesty's Ship "Pylades," addressed to you, wherein he states, that he gave

chase to a Vessel, now proved to be the "*Minerva*," and which entered into this Port on the 16th instant.

You relate at length the various circumstances which rendered this Schooner suspicious, and as the facts to which you refer were, for the most part, communicated to me on the 17th instant, by the Commander of His Majesty's Schooner "*Magpie*," I enclose a Copy of my Answer to him, in order that you may be aware of the measure I took; I likewise enclose, for the same reason, a Copy of the Reply I gave yesterday on this affair to the Commander of His Britannick Majesty's Ship "*Pylades*."

You inform me that Lieutenant Smith, governed by his respect for His Majesty's Flag, and for the high authority which The King, my Master, has delegated to me, refrained from detaining the "*Minerva*" while she was in Port, and from bringing her as a British Capture before the Mixed Commission; from this it would appear that Lieutenant Smith might have made himself Master of the Vessel, and that he only refrained from pure deference to the motives you mention. Neither in the Treaty of 1817, nor in the Royal Order of 10th February last, wherein His Majesty directs the observance of the Additional Articles, nor in the Royal Order of the 2d January last, is there any door open for such an absurdity on the part of Lieutenant Smith; on the contrary, the conditions under which Vessels may be detained by Ships-of-War, are very clear, that is, the detention must always take place on the High Seas, with every attention that is due between Friendly and Allied Nations.

The "*Minerva*" being anchored within the Port, under the fire of the Fort and Squadron, and in the view of all the Superior Authorities of the Island, it would have been a violation of the immunity of His Majesty's Territory, on the part of Lieutenant Smith, to have taken possession of her.

My proceedings in the affair have been in exact conformity with the Royal Order of the 2d of January last, and the Office of Marine proceeds, as if the Vessel had come from the Coast of Africa, to the examination of the Log-book, and the verification of the facts stated by the Commanders of His Britannick Majesty's Vessels "*Pylades*" and "*Magpie*." I have, moreover, issued orders to the Petty Justices to investigate the disembarkation of Negroes, asserted to have been seen late at Night by three Individuals of the "*Magpie*," and to have taken place on the Wharf of San Francisco, a thing quite incredible that a contraband of this sort could be introduced into a City so populous, and in which Rounds and Patroles cross each other the whole night.

Every requisite aid has been afforded to facilitate proofs of the Schooner "*Minerva*," having come from the Coast of Africa, and among others, leave was given to Lieut. Smith to visit her, accompanied by an Officer of the Commodore on this Station; and you inform me, that he found on board all the peculiar and well known marks of her being fitted out for the importation of Slaves. I this day transmit these particulars to the Commodore, in order that he may enquire into the facts, and proceed accordingly; although I should suppose that the Spanish Officer above-mentioned must have made a report to him of his observations; I also call the attention of the Commodore to the observation you make, with respect to the destination for which you say the "*Minerva*" sailed in April last, and her arrival from Puerto Rico, although I do not perceive any inconsistency in the two statements, and the truth must appear from the Log-book.

You may rest persuaded that I shall take my measures conformably to the Treaty, its Additional Articles, and the Royal Order of the 2d of January last, and proceed in the investigation and punishment, if it should be necessary, of this affair, according to the existing Laws; it being well understood that the cognizance of such matters, according to what His Majesty has been pleased to regulate in the above Royal Order, concerns me alone, as advised by my Assessor.

God preserve, &c. &c.

The British Commissioner of Arbitration.

(Signed) FRANCISCO DIONISIO VIVES.

Sixth Enclosure in No. 84.

The British Commissioner of Arbitration to the Captain-General.

SIR,

Havannah, August 21, 1826.

I HAVE just had the honour of receiving your Excellency's Letter, dated the 19th instant, with Copies of two Letters addressed by you to the Commanders of His Majesty's Vessels "*Pylades*" and "*Magpie*," on the subject of the "*Minerva*."

From the manner in which your Excellency has been pleased to discuss certain of the various motives of Lieutenant Smith, for not attempting to detain the "*Minerva*," and to bring her before the Mixed Commission, I am led to imagine that you suppose that I do not believe them to have been perfectly correct, whereas, on the contrary, I am convinced that the union of activity and moderation shown by this Officer, and his Commander, Captain Jackson, throughout the whole affair, and above all, the very high respect which, as was their duty, they have both manifested to the Flag and Fort of His Catholick Majesty, and to your Excellency's Supreme Authority, will meet with the entire approbation of their Government.

They never could have viewed, for a moment, the possibility of detaining the Vessel against the will of your Excellency, much less did they ever indulge a wish so to do; but they certainly reckoned, that when employed in fulfilling the humane object of so many Laws of His Catholick Majesty, they would have met with every assistance from the Spanish Officers who visited

the "Minerva," towards the execution of these Laws, and that if the Vessel was not immediately seized by the Spanish Authorities, they might have been at least allowed to search or detain her themselves.

My sole object, therefore, for stating the various motives for Lieut. Smith's conduct, was to shew that he was not restrained from detaining this Schooner, by the least doubt as to her having been engaged in illicit Slave-trade, and being, therefore, justly condemnable under the Mixed Commission, but by considerations of a wholly different, though paramount nature.

Your Excellency is aware that, by the Treaty of 1817, in the event of a detention being declared illegal by the Mixed Commission, the Captor is bound to pay the damages that may have been incurred; yet Lieutenant Smith, and his Commander, Captain Jackson, were both so convinced of her guilt, as to be ready so far to take all the responsibility on themselves and only refrained from detaining her on account of the very proper and valid reasons which I have already had the honour of stating to your Excellency.

Considering this violation of the Laws to be so flagrant, they may perhaps have calculated on your Excellency's permission to search her, but the respect due to the Flag and Fort of His Catholic Majesty would not allow them to anticipate it.

The 5th Article of the Treaty expressly states, that "whenever a Ship-of-War shall meet a Merchant-man liable to be searched, it shall be done with every attention which is due between Friendly and Allied Nations."

And it is clear, therefore, that if Captain Jackson, or Lieut. Smith, had your Excellency's permission to detain this Vessel, or even if, after her entry, she had been seized by any of the Spanish Cruisers now in this Harbour, the circumstance of her having been detained in Port, would not of itself have withdrawn her from the jurisdiction of the Mixed Commission, or have rendered her less liable to condemnation under it.

I am not aware that the Treaty any where limits the detention of Slave-vessels to the High Seas; and, consequently, if a detention in Port could have taken place with regard to that reciprocal respect and attention which is due between Friendly and Allied Nations, then, in my humble opinion, that detention must have been held so far perfectly legal.

In my last Letter I ventured to express my conviction, that, although the "Minerva" has not fallen within the province of the Mixed Commission, your Excellency would proceed against her under the late Royal Order, and the Royal Cedula of December 1817, and I experience great pleasure in observing, that your Excellency is now pleased to confirm that opinion, and thereby to prove your anxiety to preserve that excellent understanding which now so happily exists between our respective Nations.

Your Excellency apprises me that the Office of Marine proceeds, under the Royal Order, against the "Minerva," as if she had come from the Coast of Africa, by first examining her Log-Book, and then verifying the various facts recited by the Commanders of the "Pylades" and "Magpie."

As to the Vessel having come from the Coast of Africa, it is matter of such publick notoriety in the Havannah, as to be beyond all dispute; but, were it not perfectly notorious, it is proved, by the Vessel having been officially reported in the "Diario" and "Noticioso" as having sailed for Princes Island, by her not subjecting herself to examination by the "Pylades," by her having been seen by several competent Witnesses to land Negroes, and by the appearance she presented to Lieutenant Smith, of having just landed a cargo of slaves; supposing even that it should turn out, that, before she reached the African Shore, she supplied herself with a cargo of slaves from another Vessel, she is not the less guilty, nor the less liable to condemnation.

As to the verification of the facts stated by the British Officers, I humbly trust, that your Excellency will see the absolute necessity of preventing the Tribunal to which the "Minerva" is now subjected, from coming to any decision contrary to the evidence of competent Witnesses, without giving them an opportunity of supporting their assertions by oath, particularly when these Persons, in interfering now, can have no possible object beyond their anxious desire for the elucidation of truth. I beg leave, therefore, to observe, that, previously to his sailing on his present Cruise, I had prepared Captain Jackson, for the possibility of the evidence of the Officer, Mr. Nott, and two men being required under the Royal Order; and that I have authority to state, that his intention is to return into Harbour in a few days, under the expectation of your Excellency deeming their evidence necessary.

Your Excellency expresses great doubt that the slaves could be landed, without detection, in the centre of a City so populous as the Havannah, exposed all night to the watches and rounds of the Police. To this I have merely to reply, that Mr. Nott and two men are ready to prove the fact of the disembarkation, on oath; and, that it is impossible they should be under any mistake, as they followed the Boat so close as not merely to see the Negroes crowded in the bottom, but even to have had a log of wood thrown at them by some Person concerned in this criminal transaction.

Indeed I am quite sure that your Excellency is not prepared to deny the landing of these slaves; a fact perfectly notorious, and which, I understand, has been even boasted of by those concerned in the disembarkation.

I must, therefore, with regret, express my entire acquiescence in your Excellency's remark,—a remark indeed already made by Captain Jackson—that this event could not have taken place without the knowledge of the City Police; but, if it most clearly appears that a Vessel, with slaves on board, may be chased by a British Cruiser into the Port of the Havannah, may be immediately reported as such to the proper Authorities, may be visited by Spanish Officers and a guard of Soldiers, and all this in open day, without such circumstances leading to her immediate seizure; it is difficult to believe that an inferior Officer, whether Civil or Military, would think it his duty to prevent the disembarkation of the Negroes, knowing them not to have been arrested by day-light, when the fact of the Vessel's containing Slaves was matter of publick conversation on the Wharf, he would scarcely conceive himself called upon to arrest them under the shade of night, and would, perhaps, even consider, that, in refraining from arresting them, he complied with the intentions of some Superior. It appears to me, therefore, that the circumstance of the disembarkation

barkation not being denounced by the City Police, proves nothing but their remissness, which was otherwise probable.

It is indeed lamentable to think that, although the Evidence against this Vessel be complete, in all its parts, and quite incontrovertible. it should rest solely on the Evidence of British Subjects, and that, through their energy and activity, it appears but too clear, that a Slave-vessel may arrive in open day in the Havannah, and discharge her Cargo, without being denounced or prevented by any Subject of His Catholick Majesty.

That remissness of duty, nay, absolute connivance at the detestable objects of this Vessel, is justly imputable to some one or other of the Individuals who visited the "Minerva" in their official capacity, must, I fear, be too manifest to both our Governments, on this Affair being represented to them; and I am certain your Excellency will agree with me, from the triumphant tone which the Friends of illicit Slave-trade assume, in speaking of this Event, that if the conduct of those whose duty it was to examine the Vessel, passes without remark, they will deem the safe disembarkation of these Negroes to have been viewed with satisfaction by the Government of the Island, instead of being a crime which the honour of both our Governments requires to be punished.

It is in this view of the matter that I may be permitted to express my satisfaction, that your Excellency has been pleased to approve of the Order given to Lieutenant Smith by the Commandant of the Naval Forces, in virtue of which he was able, in company with a Spanish Officer, to ascertain, for all the purposes of legal proof, according to Captain Jackson's statement, that the "Minerva" had just landed a Cargo of Slaves.

With reference to my remark, on the difference between the Official Reports in the Noticioso, of the destination of this Vessel, when she sailed from this Harbour in April last, and of the Place from which she is now said to have arrived, your Excellency is pleased to observe, that there may still be no inconsistency in these different Statements: of this I was perfectly aware, but the practice of officially reporting in the Journals false Places of departure of Vessels known to have come from the Coast of Africa, is so well known, as already to have been the subject of Communications between your Excellency and my Colleague, Mr. Kilbee; and I think that your Excellency will perceive that the discrepancy, which now exists, is more unfortunate evidence for the innocence of this Vessel, than it she had been reported direct from the Coast of Africa, particularly when, in place of arriving in ballast, Negroes were seen to be landed from her: had she been innocent, there would have been no necessity for any equivocation on her part.

The whole Case, in short, from beginning to end, is so plain, so supported by direct and indirect evidence, and withal so notorious, that the very attempts of the "Minerva" to prove herself innocent, only tend more to her Condemnation, and, unless the Treaty, and His Catholick Majesty's Cedula of 1817, together with the Royal Order of the 2d of January last, be all considered as perfectly nugatory, I cannot conceive how this Vessel can possibly avoid Condemnation, or her Crew escape punishment. As for the Negroes they are legally free already, by the very circumstance of their having been just landed, so that it only remains for the Government to discover them, which, as the landing and dispersion of them could not have taken place without the knowledge of the Police, can, of course, be easily effected.

I regret beyond measure this unfortunate occurrence, but I trust that your Excellency is convinced that I have studiously endeavoured to represent the whole details to you with the utmost deference: indeed, from gratitude for the urbanity which you have always been pleased to evince towards me, in the various Communications I have had the honour of holding with you, I should be wanting in duty to myself had it been otherwise; but, above all, I should fail in that deep respect which I owe your Excellency, as the Representative of His Catholick Majesty, and, moreover, be at the most egregious variance with my Official Instructions, did I venture to interfere with an investigation, that now, as you justly observe, concerns your Excellency alone.

I am, indeed, persuaded that every care will be taken to cause the Treaty and the Royal Order to be respected; and, if I may at any time have appeared to say more than the Case required, I trust you will attribute it, not to any intention to pass presumptuously beyond the strict line of my duty, but to a natural anxiety that the details of this affair may be seen by the Authorities of this Island in their true light, and, that both our Governments may be convinced not only that justice has been done to all Parties, but that those Persons here, whose office it is on each side to carry the Treaty into execution, have done all that could be expected of them.

I avail, &c.

(Signed)

W. S. MACLEAY.

His Excellency the Captain-General.

Seventh Enclosure in No. 84.

(Translation.)

The Captain-General to the British Commissioner of Arbitration.

Havannah, August 25, 1826.

SIR,

WHILE I considered your wishes complied with, in the Answer, which, on the 19th instant, I returned to your Letter of the previous day, inasmuch as I then conclusively manifested my intention to conform my measures in the affair of the suspicious Schooner "Minerva" to the Treaty of 1817, its Additional Articles, and the Royal Order of the 2d of January last, I have received your Letter of the 21st instant, in which the same details are recapitulated, but in a manner that has not a little surprised me, by the mode in which, quitting your functions as a Judge of the Mixed Commission, you endeavour to give them an unrecognized extension, for the purpose of blaming those high Authorities of the Island, who are responsible for their conduct only to their August Sovereign.

I have constantly endeavoured to preserve the greatest harmony both with you and with Mr. Kilbee, in the fulfilment of my duty, and of the Sovereign Orders of His Majesty; I have paid the greatest deference to the various hints that the Commissioners of His Britannick Majesty, and the Commanders of his Cruizers, have given to me; and when I confided in the candour of my proceedings, I observe, with regret, that my complaisance in receiving their Communications has not been sufficient to prevent our Correspondence in this affair of the "Minerva" from taking a disagreeable character, in consequence of the mode in which you express yourself in the Letter I am now about to answer.

In the second and following paragraphs you repeat the motives of Lieutenant Smith for not detaining the "Minerva," and say, that his respect for His Catholick Majesty's Flag, and my supreme authority, deserve the approbation of His Britannick Majesty's Government. On this head I have nothing to say, further, than that you may rest persuaded that the Treaty and the Sovereign dispositions of the 10th of February last, by which His Majesty directs the observance of the Additional Articles, bear reference only to Cruizers on the High Seas, while the Royal Order of the 2d of January this Year, refers to the Vessels which arrive from the Coast of Africa in this Port, as well as in all others of His Majesty's Possessions. The examination of the Log-Book belongs to the Office of the Marine; and if there should be found any motive of suspicion that the Vessel has either brought or clandestinely disembarked Negroes, that Office is bound to render account thereof immediately to the Captain-General, who is then to proceed according to the particular nature of the affair, and to the Laws prevailing on this subject. To detain or visit a Vessel within the Port, would be to usurp the province of the Resident Authorities, and to attack the Independence and Sovereignty of the Spanish Nation. In another paragraph of your Letter, you seem to found your belief of the "Minerva" having arrived from the Coast of Africa, on the publicity and notoriety of the affair; and you say, even if it had not been notorious, it is proved by the Vessel being announced officially as having sailed for Princes Island by the Diario and Noticioso. The same observation was made in your former Letter, and, as I said in my Answer, I transmitted that Letter to the Commandant of the Marine, in order that it might have its proper effect in the enquiry that has taken place, in conformity to the Royal Order of the 2d of January last.

With respect to the publicity and notoriety of the affair, which you allude to and regard as proof, it is requisite that when similar rumours are circulated, that he who knows this Country well should recollect, that the People here are accustomed to amuse themselves with all sorts of talk, fostering their curiosity with the most ridiculous and improbable reports, which spread with such velocity as to make it impossible to discover their origin.

In the Havannah there is no Official Journal, and when the Government makes a communication to the Publick, then the Article necessarily bears the heading "De Officio," in order that it may be distinguished from the others which are the productions either of the Editors, or of Private Individuals. If you had attentively read my Correspondence with Mr. Kilbee, you would have been convinced of this circumstance, at least so far as not to think that the information from the Publick Papers, without this requisite, possesses the character De Officio.

Continuing my deference towards the information you afford me, as likely to elucidate this disagreeable affair, I have transcribed for the Commandant of the Marine, that passage of your Letter wherein you request, that the Declarations may be heard, of the Officer, and two other Witnesses, who are ready to prove the fact of the disembarkation of the Negroes; this I have done in order that the said Commandant in the enquiry which is now going on, may avail himself of these Declarations, and act according as he may judge proper, since to him alone belongs such examination, conformably to the Royal Order of 2d January last. In this particular I can do no more.

You next say, that the fact of the disembarkation of the Negroes is well known in the Havannah, and that some have even been known to boast of having been employed in this transaction. Here, you again depend on the vulgar reports of idle Persons in order to present them as proofs. At a time when the judicial enquiry is going on, prudence dictates that we should wait the conclusion of the competent Judges, in order to form an exact and true judgment of the affair, and not allow our imaginations to advance an opinion, founded on popular conversation.

As little does it give room to just suspicion with respect to the Schooner's guilt, that she should have, as you say, fled from the English Ships-of-War, when she perceived them following her, because Privateers and Insurgent Ships-of-War, when they chase our Vessels, frequently make use of the English and American Flag.

In my former Letter of the 19th instant, I informed you that my proceedings in this affair had been in exact conformity with the above mentioned Royal Order of 2d January last, and that the Office of Marine proceeds, as if the Vessel had come from the Coast of Africa, to the examination of the Log-Book, and then to the verification of the facts stated by the Commander of His Majesty's Ship "Pylades," and of His Schooner "Magpie." In addition I have issued orders to the Petty Justices to inquire into the disembarkation of the Negroes, which it is asserted, was seen late at night by 3 Individuals of the said Schooner, and which took place near the Wharf of San Francisco: a circumstance which I deem incredible, namely, that a contraband of this kind should be introduced into a populous City, where the Rounds and Patroles cross each other the whole night.

On this last head, you say that Mr. Nott and 2 men are ready to prove on oath the fact of the disembarkation, and I, with the same respect which I have always paid to your Communications, have given notice of this to the Marine, that they, in consequence, may adopt suitable measures.

I am very sorry, however, that you should have been able to deduce from this fact, that it is difficult to believe that an inferior Officer, whether Civil or Military, would think it his duty to prevent the disembarkation of the Negroes, or, that knowing them not to have been arrested by day-light, when the fact of the Vessel's containing Slaves, was a matter of publick conversation, he would conceive himself called upon to arrest them under the shades of night, and would not perhaps even consider, that in refraining from arresting them he complied with the intentions of

some Superior. From this supposition, which is so very violent, and at the same time unfounded, there results a real inculpation of the Superior Authorities of this Island, who are now proceeding in the matter conformably to the Sovereign Orders, and, as I repeat, who are responsible for their conduct to their August Monarch alone.

When, in your Letter of the 18th instant, you informed me that Lieutenant Smith, in virtue of an order from the Commodore, had, in company with a Spanish Officer, passed aboard the "Minerva," and had there found all the peculiar marks of her being fitted out for the importation of slaves, I answered you, that I should transmit this information to the aforesaid Commodore, in order that the affair might be cleared up, and that he might take the proper steps thereupon, although the Officer who accompanied Lieutenant Smith, ought to have already reported to his Chief, whatever had been observed by the British Officer.

I considered that complaisance on the part of the Marine as a proof of the frankness and respect which we have always observed towards the Commissioners and Officers of His Britannick Majesty; but now that I perceive from your Letter, that you have formed an idea of my having approved of the permission given to Lieutenant Smith, to visit the "Minerva," I ought to rectify this mistake, that this visit may never be adopted as a precedent; explaining to you clearly, that the Commodore might, in the execution of his functions, through pure urbanity, have complied with the wishes of Lieutenant Smith; that he certainly did not ask my approbation of the measure; and that I do not see, in my Letter, any expression sufficient to lead you to suppose that I approved of it.

This is all I have to say in reply to your last Letter, and with this our Correspondence on the affair ought to cease; and as in the Regulations for the Mixed Commission, your functions are clearly marked out, I hope that hereafter you will confine yourself strictly to them.

God preserve you, &c.

The British Commissioner of Arbitration.

(Signed) FRANCISCO DIONISIO VIVES.

Eighth Enclosure in No. 84.

The British Commissioner of Arbitration to the Captain-General.

SIR,

Havannah, August 26, 1826.

I OBSERVE with the greatest regret, from your Excellency's Letter of yesterday, that I am thought to have exceeded the bounds of my Official Duty, in making my last representation to you on the subject of the "Minerva," and to have encroached, as most assuredly was quite contrary to my intention, on that Authority which belongs to the Government of this Island.

Your Excellency, on a reperusal of my Letter, will, however, as I hope, perceive that I have not forgotten my duty, so far as in that Letter to attribute blame, on my own part, to the Supreme Government. My Office certainly does not entitle me to take such a liberty. I have read over my Letter carefully, and I find that the passages which have excited your chief displeasure, are those wherein I have recorded, as was my duty, the opinions of Captain Jackson, Lieutenant Smith and others. I lament, therefore, exceedingly, that you should be dissatisfied with my remarks on the Case of the "Minerva," a subject upon which I perfectly adopt the opinion of your Excellency, that I am not called upon to address you further.

I am confident, however, that, when your Excellency takes into consideration how deeply the responsibility, and even veracity of British Officers, have been concerned in this most disagreeable affair, you will deem me justified in viewing it as one in which I might have been excused for making a more detailed statement to you than usual.

I cannot conclude without saying, that I well know, and shall ever gratefully recollect, your constant disposition to cultivate the best personal understanding with Mr Kilbee and myself; and I further beg to assure your Excellency, that nothing would grieve me more in my private as well as public capacity, than to think that this harmony should for an instant be disturbed.

I avail myself, &c.

His Excellency the Captain-General.

(Signed)

W. S. MACLEAY.

Ninth Enclosure in No. 84.

Captain Jackson to the Captain-General.

SIR,

His Britannick Majesty's Ship "Pylades," Havannah, August 18, 1826.

I HAVE the honour to inform your Excellency that, on the 16th instant, I chased a Schooner into this Port, and had very strong suspicion she was engaged in illicit Slave-trade.

I consequently sent a Boat, with an Officer to ascertain the truth, upon whose report I deemed it necessary to send Lieut. Smith in His Majesty's Schooner "Magpie" into this Port, who, together with the Officer and his Boats-crew, did make themselves masters of facts incontrovertible of her having had slaves on board, and landed them after her arrival in this Port.

The whole of the circumstances I believe your Excellency to be fully acquainted with, first by the Officer from this Ship, and secondly, by Lieut. Smith's Official Communication.

I beg your Excellency to observe with what unfeigned delicacy I have acted throughout this extraordinary transaction, not only in obedience to my Instructions, but from the personal respect

I have for the Spanish Flag, particularly in this Port, over which your Excellency so immediately presides.

Nevertheless, I feel it a duty incumbent on me to demand that Vessel, the "Minerva," at the hands of your Excellency, (she at this moment not being in the possession of any Official Authority,) that she may be proceeded against by due course of Law, according to the Articles of the Treaty now existing between their Britannick and Catholick Majesties.

I have the honour to be, &c.

His Excellency the Captain-General. (Signed) GEORGE VERNON JACKSON, Commander

Tenth Enclosure in No. 84.

Lieutenant Smith to the Captain-General.

SIR, *His Britannick Majesty's Schooner "Magpie," Havannah, August 17, 1826.*

AN unpleasant duty falls to my lot, in reporting to your Excellency, that between the hours of 11 and 12 last Night, 6 or 7 Boats full of Negroes were landed at the Shipping-Wharf from the Schooner chased into this Port yesterday, by His Majesty's Ship "Pylades," of which circumstance your Excellency had due notice by an Officer of that Ship.

To the above fact, I have *the most direct proof*, and I must, therefore, request your Excellency will be pleased to give such directions as you may think proper for the immediate detention of the said Schooner and Negroes.

I have the honour to be, &c.

His Excellency General Vives. (Signed) EDWARD SMITH, Lieut. and Commander.

Eleventh Enclosure in No. 84.

(Translation.)

The Captain-General to the British Commissioner of Arbitration.

SIR, *Havannah, September 2, 1826.*

DON BARTHOLOMEW MARQUES PACHECO, *Ayudante de Matriculas*, has addressed a Letter to me, dated this day, and which is as follows:—

"Most Excellent Sir,—In pursuance of the Letter addressed by your Excellency, on the 22d ult. to the Commodore, informing him that, among other things stated to you by the British Commissioner, Mr. Macleay, he had urged the necessity of examining the English Officer, Mr. Nott, and two other British Subjects, on the subject of the Spanish Merchant Schooner "Minerva," and as this enquiry has been entrusted to me, by order of the said Commodore, I beg, that in the event of those three Individuals being in this Harbour, the necessary measures may be taken to cause them to present themselves at this Office on Monday the 4th inst. at 9 in the Morning, for the purpose of giving their respective Declarations."

This I transmit to you, Sir, for the end solicited.

God preserve you many years.

The British Commissioner of Arbitration. (Signed) FRANCISCO DIONISIO VIVES.

Twelfth Enclosure in No. 84.

The British Commissioner of Arbitration to the Captain-General.

SIR, *Havannah, September 2, 1826.*

I HAVE the honour to acknowledge the receipt of your Excellency's Letter, dated this day, and in answer have to acquaint you, that Mr. Nott, who fortunately happens to be now on-board the "Pylades," will be ready at the *Commandancia de Matriculas*, to give his evidence on the subject of the "Minerva," on Monday the 4th inst. at 9 o'Clock, A.M.

Your Excellency is aware that the two Sailors, who, with Mr. Nott, witnessed the disembarkation of the Negroes from the "Minerva," belonged to His Majesty's Schooner "Magpie," of which the melancholy fate has been known for several days, and is so much to be deplored.

I avail myself, &c.

His Excellency the Captain-General. (Signed) W. S. MACLEAY,

No. 85.

The British Commissioners to Mr. Secretary Canning.—(Received Oct. 17.)

SIR, *Havannah, July 12, 1826.*

IN reference to your Despatch of the 23d of February last, directing us to

make enquiries into the truth of a statement respecting the re-capture, by a Spanish Brig, of 2 Prizes which had been taken by a British Cruizer on the Coast of Africa; we regret to have to inform you, that, notwithstanding our utmost endeavours, we have not been able to obtain any information upon the subject. If the Brig had arrived at this Port, we might probably have succeeded in getting verbal information respecting her proceedings; but as the transaction is connected with the Port of Cuba alone, written Communications would be indispensable; and it is scarcely necessary to state, that there is no Individual in this Island, whatever may be his principles, whom we could induce to commit himself so far as to undertake a written Correspondence for the purpose of investigating a Case of illicit Slave-trade.

We have not addressed the Captain-General upon the subject, because we do not consider that we are authorized to do so by your Instructions; besides such a step would be attended with no advantage whatever, as his Excellency would, undoubtedly, refer our application for information to the Governor of Cuba, who would of course return the same answer which he gave to Sir Lawrence Halsted.

We have the honour to be, &c.

(Signed) HENRY T. KILBEE.
W. S. MACLEAY.

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

No. 86.

The British Commissioners to Mr. Secretary Canning.—(Received Oct. 17.)

SIR,

Havannah, August 9, 1826.

SINCE the date of our Despatch of the 14th of June, 2 Spanish Vessels have arrived here which had previously landed Cargoes of Negroes, viz: the Brigantine "*Maria Isabel*," and the Schooner "*Santo Cristo de la Salud*," alias "*La Dichosa*."

As soon as we had reason to believe that these Vessels had certainly been engaged in the Slave-trade, we addressed a Note to the Captain-General, of which a Copy is enclosed, calling his attention to these Cases, and expressing our intention of reporting them to His Majesty's Government. His Excellency, in his Reply, a Translation of which is also enclosed, merely states, that he had referred our Note to the Naval Department.

Both the above-mentioned Vessels, we understand, were fitted out at Cadiz.

The Spanish Schooners "*Montanesa*" and "*Amelia*," have lately sailed for Princes Island, on the Coast of Africa.

We have the honour to be, &c.

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

(Signed) HENRY T. KILBEE.
W. S. MACLEAY.

First Enclosure in No. 86.

The British Commissioners to the Captain-General.

SIR,

Havannah, July 22, 1826.

SINCE we last had the honour of addressing your Excellency, we have observed the arrival of 2 Spanish Vessels, announced in the Newspapers to be in ballast from St. Thomas, which it is well known had previously landed Cargoes of Negroes on the Coast of this Island. Their names are the "*Maria Isabel*," a Brigantine, and the "*Santo Cristo de la Salud*," alias "*La Dichosa*," a Schooner. The latter was boarded a few days ago by a British Cruizer, but was not detained, as the Commanding Officer did not consider that he could produce legal proof of her having just landed a Cargo of Slaves, although he was perfectly convinced of the fact.

We feel it to be our duty to report these Cases to our Government, of which we have the honour to apprise your Excellency.

We avail ourselves, &c.

(Signed)

H. T. KILBEE.
W. S. MACLEAY.

His Excellency the Captain-General.

Second Enclosure in No. 86.

(Translation.)

The Captain-General to the British Commissioners.

GENTLEMEN,

Havannah, July 24, 1826.

ALTHOUGH the 2 Spanish Vessels that you announce to me in your Letter of the 22d instant, have in fact arrived from the Island of St. Thomas, which does not belong to Africa, the only Case in which they could be subject to the provisions of the Royal Order of the 2d of January last, and although one of these Vessels, when visited by a British Cruizer a few days since, was not detained by the Commanding Officer for want of the legal proof that she had disembarked a Cargo of Slaves, I have, nevertheless, transmitted your Letter to the Officer commanding the Naval Forces on this Station, in order that he may take such measures as may be necessary; persuaded, as I am, that you are convinced of my aversion to so detestable a Traffick. As soon as it may be in my power I shall take an opportunity of communicating to you the result.

God preserve you many years.

The British Commissioners.

(Signed)

FRANCISCO DIONISIO VIVES.

No. 87.

W. S. Macleay, Esq. to Mr. Secretary Canning.—(Received Oct. 17.)

SIR,

Havannah, September 3, 1826.

I HAVE the honour to acknowledge, on the part of His Majesty's Commissioners, the receipt of your Despatch of the 6th of May, transmitting 4 Copies of the Papers, marked A. and B., relative to the Slave-trade, which were laid before Parliament in the course of the present Year.

I have the honour to be, &c.

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

(Signed) W. S. MACLEAY.

No. 88.

W. S. Macleay, Esq. to Mr. Secretary Canning.—(Received Oct. 17.)

SIR,

Havannah, September 4, 1826.

I HAVE the honour to acquaint you, that Captain Jackson, of His Majesty's Sloop "Pylades," having received private intelligence that some of the Negroes landed in the Havannah from the Schooner "Minerva," on the 16th ult. were to be clandestinely conveyed to Matanzas in the Steam-vessel "Mexicano," which passes daily between the two Ports, lay in wait for her, and on the 21st ult. brought her back to the Havannah as a legal detention under the Mixed Commission, for having violated Article VII. of the Instructions annexed to the Treaty of 1817.

As the detention was clearly legal, I gave it as my decided opinion, that the "Mexicano" ought to be condemned, according to the terms of the 3d Article of the Regulations for the Mixed Commission.

My two Spanish Colleagues also came to the conclusion that the detention was legal, but singularly enough decided, that this detention ought to produce no penal consequences, and, therefore, adjudged the Vessel to be liberated, which has accordingly been done.

As this detention of a Passage-vessel for conveying Slaves along the Coast without a Passport, is the first Case of the kind, and involves in it some very important considerations; I regret, that the exceedingly short stay of His Majesty's Ship "Dartmouth" puts it out of my power at present to make a detailed Statement of the Affair, and to send you an Abstract of the Proceedings of the Mixed Commission, with the opinions of the Commissioners. These several Documents I shall not fail to transmit to you by the very first opportunity that may occur.

I have the honour to be, &c.

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

(Signed) W. S. MACLEAY.

No. 89.

W. S. Macleay, Esq. to Mr. Secretary Canning.—(Received Nov. 6.)

(Extract.)

Havannah, September 11, 1826.

IN my last Despatch I endeavoured to give you a brief outline of the affair of the "*Mexicano*" Steam-boat, but the very limited stay of His Majesty's Ship "*Dartmouth*" in this Harbour, and the state of the health of our Secretary, Don Rafael Gonzalez, did not enable me, by that opportunity, to lay the whole of the details before you.

I had the honour of stating to you, that during the time that Captain Jackson, of His Majesty's Ship "*Pylades*," remained in Harbour, for the purpose of investigating the very remarkable Case of the Slave-vessel "*Minerva*," he received private intelligence that 20 of her Negroes were to be clandestinely removed from the Havannah to Matanzas, in the "*Mexicano*" Steam-boat. He accordingly resolved to watch this Vessel, and on the 20th ult., almost as soon as she had put to Sea, he detained her when between the Moro and Coxemar. Having found, on searching her, that she had 20 Negroes on board, without a Government Passport for the purpose, he brought her back into this Harbour the following day, as subject to condemnation under the Mixed Commission, for having violated the 7th Article of the Instructions annexed to the Treaty.

I enclose, herewith, a Copy of Captain Jackson's Letter to the Mixed Commission, dated the 22d ult., from which, as well as from his Affidavit, also enclosed, it will clearly appear, that these 20 Negroes were bozals, and of very recent importation.

On receiving Captain Jackson's Report I immediately summoned a Court of the Mixed Commission, but unfortunately his Excellency the Intendant being very unwell with a fever, we were obliged to postpone the meeting until next day, when, although still exceedingly indisposed, his Excellency, rather than retard the publick business, proposed to have the Court held at his private house. I mention this circumstance, because it is one among many proofs which my Colleagues, the Spanish Commissioners, have given me, of their desire to obviate difficulties, and to expedite the business of this Commission.

In Mr. Kilbee's Despatch of the 31st of July 1824, he has stated to you that this Mixed Commission, in their construction of the 13th Article of the Regulations annexed to the Treaty, decided, on the 22d July preceding, 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. In pursuance of this decision, the Mixed Commission, on the Morning of the 23d ult., consisted of his Excellency the Intendant, Don Rafael de Quesada, and myself.

The Court was at first principally employed in hearing the Evidence, of which I have the honour to transmit, herewith, an Abstract, and in perusing a number of Affidavits and Memorials transmitted to us by the Captain-General, on the part of the Owner of the Steam-boat, the Owner of the Slaves, and the various Passengers or Persons who had goods on board the Vessel at the period of her detention.

Messrs. Acosta and Rollo, Don Bernardo Collozo, Don Juan Galup, and Don Joze Obando, severally transmitted Memorials and Protests, through the Captain-General, to the Mixed Commission, requesting that, as they had been in no way concerned with the cause of her detention, the provisions and other goods they had on board the "*Mexicano*" might be restored to them.

The Conde de San Fernando de Penalver likewise transmitted, through the Captain-General, a Memorial and series of Affidavits, which he had procured from his Estate in the Country, to shew that the 20 Negroes who were the cause of the "*Mexicano's*" detention, had been his property ever since the Month of January last, that they had resided from that time on his Estate near

Guanabacoa, and finally, that they were, at the period of their detention, on their way to his other Estate at Matanzas under the special care of his Attorney, Don Francisco Dias Bustamante.

I grieve, however, to be obliged to state, that, notwithstanding the Evidence and these Affidavits, I entertain little or no doubt as to these 20 Negroes having formed part of the Cargo of the "Minerva." The nature of the complaints under which they labour, which are well known to be the ordinary results of close confinement during the voyage from Africa, their total ignorance of the Spanish language, and excessive alarm at the presence of any White Person, render it almost incredible that they should have been in this Island ever since January last; even if the Person upon whose private information Captain Jackson made the seizure did not positively state them to be part of the Cargo of the "Minerva." Unfortunately, however, such is the system of terror pursued here with respect to the Slave-trade, that this Informant dared not give his testimony in Court, and, consequently; all the Evidence produced went to show, that the Conde de San Fernando had possessed these Negroes ever since January last, a period which I cannot help thinking has only been chosen in order to relieve the Owner from the consequences of the late Royal Order issued in that Month.

The Persons examined before the Commission were, the Captor, the Master of the detained Vessel, the Engineer, the Mate, and Don Francisco Dias Bustamante, who was on board in charge of the Negroes, as Steward or Attorney of the Conde de San Fernando.

Throughout the whole of these Examinations I owe it to my Colleagues to say, that they objected to only one question that I put to the Witnesses, namely, as to whether the Witness knew that these 20 Slaves had formed part of the Cargo of the "Minerva." The Spanish Commissioners stated, that if I thought the answer to this question could in any way influence my ultimate decision on the validity of the detention, and its consequences, they would not object to it, but that as no mention had been made of the "Minerva" in the course of the proceedings, except by myself, they must object to questions being put that had reference, as they thought, to matters quite foreign from those before the Court. I stated, in answer, that although I was aware that the above question might not tend to affect my decision in this Case, because this decision, to all appearance, would depend on considerations quite different; yet that I could not consent to the question being overruled, because such a proceeding might, in a Mixed Commission like this, where one of the British Commissioners was likely to be often absent, be a precedent injurious to the ordinary principles of Legal Evidence, which ought to be perfectly free. The question was accordingly put to the Witness, but as I saw, that if even the Evidence could establish the fact of these slaves having belonged to the "Minerva," of which there was not the shadow of hope, this circumstance could not affect my decision, as founded on the letter and spirit of the Treaty, I consented to close the Case, and to enter upon the discussion of the final Sentence.

From the opinion which I laid before the Court, and wherein I have endeavoured to answer every argument adduced by my Colleagues for the liberation of the Vessel, you will perceive that the fact upon which the detention was grounded, and by which its legality must be judged, namely, the want of a Government Passport, has never been disputed. In consequence of this I urged the necessity of her condemnation, according to the 3d Article of the Regulations, but the Spanish Commissioners, although they justified the detention, and even held it to be legal, so far as Captain Jackson was concerned, conceived that it ought to have no penal consequences, for the following chief reasons: First, because, although there is an ambiguity in the wording of the 7th Article of the Instructions, this Article, in their opinion, can only allude to the transportation of Slaves from one different Government to another, and not from one part of the same Island to another; and, secondly, because the Captain-General, acting upon this interpretation of the Article, has never been in the practice of granting Passports to Vessels carrying Slaves along the Coast.

In order to prove the accuracy of this latter assertion, the Spanish Commissioners proposed, that a Letter should be written by the Members of the Mixed Commission, jointly, to the Captain-General, requesting to know from him the usual practice observed with respect to the transport of Slaves by Sea from one Port of the Island to another. To this proposition I agreed, making my Colleagues at the same time understand, that his Excellency's Answer, so far as I was concerned, could not affect the Sentence of the Court, inasmuch as the fact of a violation of the 7th Article of the Instructions being once proved, condemnation of the Vessel ought to follow as a necessary consequence.

I have the honour to transmit Translations, herewith, of the Letter to the Captain-General, and of his Excellency's Reply.

My Answers to the above-mentioned Arguments of my Colleagues will be found at length in the Opinion laid by me before the Court, and of which I likewise send a Copy.

It has appeared to me that this Article 7 of the Instructions has little or no connexion with the rest of the Treaty or its Appendages, and consequently, although by Article 3 of the Regulations for the Mixed Commission, they are directed to condemn the Vessel in all Cases of legal detention, there is no explicit provision in the Treaty for the subsequent disposal of the Coasting Vessels so condemned, for the disposal of the Cargo they may have had on board, or for that of the Slaves who may have been the cause of the detention. The 7th Article of the Regulations, which authorizes the sale of condemned Vessels for the profit of the two Governments, and also the Confiscation of their Cargoes, and the Emancipation of the Slaves who may have been on board as objects of Commerce, seems to me to relate only to regular Slave-vessels coming from the Coast of Africa. I therefore found it necessary, according to my understanding of the Treaty, to decide that the "Mexicano" should be condemned, and await the future disposal of the two Governments, and that the Cargo on board, as well as the Slaves, should be returned to their respective Proprietors. In this view of the subject I signed the Sentence, restoring the Cargo and Slaves to such Proprietors; but dissented from the decision of my Colleagues as to the liberation of the Steam-Vessel. Of this Sentence I beg to enclose a Translation.

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

(Signed) W. S. MACLEAY.

First Enclosure in No. 89.

Captain Jackson to the Mixed Commission.

GENTLEMEN,

H. B. M's. Ship "Pylades," Havannah, September 22, 1826.

I BEG to acquaint you that previous to my sailing on the 20th instant, I had information that the Steam-vessel "*Mexicano*," from Havannah to Matanzas, had slaves on board, and as soon as it was practicable, I boarded her outside of this Harbour.

The Master denied having any on board, and refused to admit the Officer to search; however, I sent a party of Marines to show that opposition would be unavailing, and the result was, 20 Negroes were found secreted below, apparently of very recent importation, they having on new clothes, their heads shaved, and the Surgeon reports some of them to be in a very deplorable condition.

I sent on board, the Treaty concluded between Their Britannick and Catholick Majesties, dated 23d September 1817, and pointed out, that I detained her from a belief of his having acted in direct violation of Article 7 of the said Treaty, and assured him if he could produce any Authority for the transportation of the slaves, that I would immediately withdraw the Officer and Men from the Vessel.

He failed to do so, and only presented a Licence to sail his Vessel between Havannah and Matanzas, and declared he had no other Papers; I therefore felt I was but performing my duty in bringing her into Havannah for Adjudication before the Honourable the Commissioners of the Mixed Court.

I have the honour to be, &c.

(Signed)

G. V. JACKSON, Commander.

The Members of the Mixed Commission.

Second Enclosure in No. 89.

Affidavit of the Captor.

I GEORGE VERNON JACKSON, Commander of His Britannick Majesty's Ship "Pylades," hereby declare, that, on this 20th day of August, being near the Havannah, I detained the Steam-vessel, named the "Mexicano," sailing under Spanish Colours, armed with 2 guns, 9-pounders, commanded by Don Joze Lopez, who declared her to be bound from Hayannah to Matanzas, with a Crew, consisting of 22 Men, and 53 Passengers, whose names, as declared by them respectively, are inserted in a List at the foot hereof, and having on board 20 slaves, said to have been taken on board at Havannah, on the 19th or 20th of August, and are enumerated as follows, viz. :—

| | Healthy. | Sickly. |
|---------------|----------|---------|
| Men - - - - | 5 | 1 |
| Women - - - | " | 2 |
| Boys - - - - | 5 | 3 |
| Girls - - - - | 2 | 2 |

I do further declare, that the said Steam-vessel appeared to be seaworthy, and was supplied with a sufficient stock of water and provisions for the support of the said Negroes and Crew, on their destined voyage to Matanzas.

I do further declare, that the Master denied having any Slaves on board, and that he prevented a search being made for them, which obliged me to send greater force, when the said 20 Negroes were found secreted below, under a quantity of furniture, wood, &c. thereby convincing me that he was not ignorant of the illegality of his proceeding.

The Slaves appeared to be of very recent importation, they having on new clothes, their heads shaved, and many of them being in a deplorable condition.

(Signed)

GEO. V. JACKSON, Commander.

Witnesses, (Signed) PH. HOSTE, Senior Lieutenant.

A. D. WILSON, Surgeon.

[Here follows the List of Passengers.]

Third Enclosure in No. 89.

Abstract of the Evidence in the Case of the "Mexicano" Steam Vessel.

IN addition to the Evidence of Captain George Vernon Jackson, as set forth at length in his Affidavit, Don Joze Maria Lopez deposed, that he is a Native of Ferrol, aged 35 Years, and the Master of the Steam-boat "Mexicano;" that in this capacity he left the Port of Havannah, on the 20th instant, in order to proceed to Matanzas, to and from which Place he is in the habit of going and returning weekly with Passengers and goods; that he was detained at the Mouth of the Harbour, about the distance of a musket-shot from the Morro, by 4 Boats of an English Sloop-of-War for the purpose of examining his Ship, and that the English separated from the different Negroes then on board about 19 or 20, on account, as the Deponent understood, of their being suspicious, and that in consequence of this he was obliged to return with the said Steam-boat into Port; that there were several slaves on board besides the above-mentioned 19 or 20, and the 2 who were employed in the Navigation of the Steam-Boat, but that he, the Deponent, cannot state the exact number because, having been detained at the Mouth of the Harbour, he had not time to form that List of the Passengers which is usually made out during the voyage; that the 19 or 20 slaves set aside by the English had no Passport from the Government; that he, the Deponent, has never required any Government Passport for Slaves, but only a Written Permission from their Owners, when these did not accompany them on board, the presence of the Master having always been deemed a sufficient authority for the transport of his slaves; that the Person who presented himself with these 19 or 20 Negroes was Don Francisco Dias Bustamante, as Attorney or Agent of the Conde de San Fernando, their Master; that he, the Deponent, never could have denied to the Captors that there were Negroes on board, because many People of Colour were to be seen on deck at the time of the Steam-boat being boarded; that with respect to the 19 or 20 Negroes being concealed, he only knows that this was not done by the Deponent, or by his order, and that he is certain that part of the said Negroes, like the rest of the Passengers, were at times on deck, and part below in the fore-castle; that as some of them were diseased, or Sea-sick, it is not unlikely that such may have remained under cover below; that he knows not whether the above mentioned 19 or 20 Negroes were *bozales* or not, because he had not time to

ascertain the fact, nor thought it necessary to make the enquiry; that at the period of being boarded, the People of Colour, both above and below, were in perfectly free communication with each other; that beside the Passengers, the Steam-Boat had on board the luggage of the said Passengers, a quantity of *tasajo*, and other provisions for Matanzas, as well as various merchandize; that the Owner of the Steam-boat is Don Antonio Bruzon, an Inhabitant of this City, who has appointed the Deponent to be Master, with a salary; that he, the Deponent, has been 2 or 3 Years in that capacity; that the Vessel was armed at the time of her detention with 2 guns and some swords for the purpose of defending herself against Pirates; that he has neither destroyed, concealed, or kept back any Paper; that he gave no other Paper to the British Officer than his Licence for sailing between Havannah and Matanzas; that he, the Deponent, knows not whether the Owner of the Steam-boat knew the circumstance of the 19 or 20 Negroes being on board; that never since the Deponent has commanded the Steam-boat, has he been accustomed to ask a Passport for slaves, it being sufficient for him that their Master, or his Agent, accompanied them, or that they had from these Persons a Written Permission.

JOHN GILLESPIE deposed, that he is a Scotchman, and unmarried; that he was the Engineer on board the Steam-boat "Mexicano," on her last voyage to Matanzas; that this Vessel left the Havannah on the 20th instant, and was detained by the Boats of an English Sloop about half a league from the Morro, and brought back into Port; that, as at the time of the detention, he was employed at the Steam Engine, the Deponent knew not what occasioned the Vessel being detained nor what the Captors did on board; that there were Negroes on board, but that he does not know whether they were *bozales*; that all the Deponent's attention was given to the Engine, and that, consequently, he knew nothing beyond what he had stated.

DON JAYME ESCANDELL deposed, that he was Mate of the Steam-Boat "Mexicano," at the period of her last voyage to the Matanzas; that she sailed from the Havannah on the 20th instant, at 6 o'Clock in the Morning, according to custom; that the said Vessel was boarded and detained by 3 boats of the English Sloop-of-War "Pylades," at about the distance of a cannon-shot from the Morro; that the Officer commanding these Boats came on board for the purpose, as this Deponent learned from certain of the Passengers, who understood English, of examining the said Steam-boat, and of ascertaining whether there were slaves on board; that in fact the said Officer searched the whole Vessel, and separated from the rest about 19 or 20 Negroes; that this Deponent cannot state the exact number, he having at the time been otherwise employed; that he is ignorant whether the English Officer asked for any Passport; that the said Negroes carried no Passport with them; that it is not the custom for slaves to get Government Passports for the voyage from Havannah to Matanzas, a written Order from the Owners being sufficient when these do not accompany them; that he, the Deponent, knows not who is the Master of these Negroes in question; that he knows not the names or the number of Passengers on board, because the list of them is made out, not at the time of their going on board, but during the voyage; that he knows no Person that is a Proprietor, or has any interest in this Vessel except Don Antonio Bruzon; that the Captain of the Steam-Vessel did not refuse either to deliver up his Papers to the English Officer, to allow him to search the Vessel, or to shew him the Negroes on board; that neither at the period of boarding, nor afterwards, did the Deponent see any Person present himself to the English Officer, as the Owner of these 20 Negroes, or as the Person having charge of them; that he did not see these Negroes either conceal themselves, nor any Person conceal them; that these Negroes were in the fore-castle like all the other People of Colour, that some of them were on deck and others below; that he, this Deponent, knows not how these Negroes may have been disposed of at the time the Vessel was boarded by the English; that the English Officer experienced neither difficulty or delay in informing himself as to the Negroes on board; that the Deponent does not believe these Negroes to have been *bozales*, although he cannot be positive on the subject; that the Deponent knows not that any of the slaves on board the Steam-boat formed part of the cargo of the "Minerva," respecting which Vessel he knows nothing; that he was appointed Mate by Don Antonio Bruzon, about 10 Months ago; that the Master is Don Joze Lopez, whom the Deponent found acting in that capacity when he first entered into the service, and that the Steam-boat is armed with 2 guns, 19 muskets, and some small arms.

DON FRANCISCO DIAS BUSTAMANTE deposed, that he is a Native of Santander, and now an Inhabitant of this City; that he is unmarried and a dependent on the House of the Conde de San Fernando; that on Sunday the 20th instant, he proceeded in the Steam-boat "Mexicano" for Matanzas, taking with him 20 slaves of the aforesaid Conde, to place them on an Estate of his in the above vicinity; that the Steam-boat was boarded by the Boats of an English Sloop of War, whose Commander having insisted on examining her, and fallen in with the above-mentioned Negroes, detained the said Steam-boat, and brought her back into Harbour; that the said slaves had no Passport from the Government, it not being the custom to require any such Passport for removing slaves from one Estate to another, even although by Sea; that the Negroes were in the fore-castle when the English Officer came on board, and the Deponent was on the poop, by reason of which he knows not whether all or some of the slaves may not at that time have been below and under cover; that he knows not from whom the Conde de San Fernando bought the said Negroes, but that he recollects that they were placed by him so long ago as the Month of January last, on the Estate of Jesus Maria, situated in the District of San Geronimo, and Jurisdiction of Guauabacoa; that they were placed there for the purpose of being taken care of until further orders, as is affirmed by various Affidavits in the Statement produced before the Commission, in the name of the said Conde; that he, the Deponent, knows not if they can speak any Spanish, because they were not under his immediate care on the Estate; that he is ignorant whether they are Christians or have been baptized; that he knows that some of them are at this moment afflicted with an inflammation of the eyes.

Fourth Enclosure in No. 89.

(Translation.)

Affidavits respecting the Negroes found on board the "Mexicano."

IN the District of San Jeronimo de Penalver, Jurisdiction of Guanabacoa, on the 23d of August 1826, before me, Don Justo Lopez, Knight of the Royal and Military Order of San Ermenegilda, Captain of Infantry, attached to the principal Staff of the most faithful City of the Havannah, one of the Petty Judges of the aforesaid District, by Commission from his Excellency the Governor-General, &c., and before my Assessors duly sworn, Don Pedro Dominguez, and Don Sebastian Echabarría, has appeared the Presbyter, Don Manuel de Torres, Chaplain of the Sugar Estate Jesus Maria, belonging to the Conde de San Fernando de Penalver, to whom I administered the Oath according to the formula of his Ministry, upon which he engaged to speak the truth, and having then read the Warrant for this judicial Process, he said, that in the Month of January of this present Year, there came to this Estate 20 Bozal Negroes, of both sexes, for the purpose of being cured of their diseases, and that Don Francisco Dias Bustamante committed them to his care, in order that, if any of them should happen to die, it might not be before they had received the Holy Sacrament of Baptism; and the said Presbyter being asked if he recollected the day that these Slaves were taken from this Estate to be carried in the Steam-Boat "Mexicano" to Matanzas, said, that he does not recollect the precise day that they were taken from the Estate, but that it was some day in the course of last Week, and then having affirmed, that what he had said is the truth according to the Oath he had taken, he read this Declaration over, and having stated it to be in exact conformity with his evidence, he signed and ratified it as below with me and my Assessors.

MANUEL DE TORRES.

(Signed) JUSTO LOPEZ.
PEDRO DOMINGUEZ.
SEBASTIAN DE ECHABARRIA.

ON the same day of the aforesaid Month and Year likewise appeared before me and my said Assessors, the Licentiate, Don Francisco Valdes, to whom I administered the Oath in form, which he took by God and the Holy Cross, under which he engaged to speak the truth, and accordingly declared, that his name is Francisco Valdes; that he is a married man, aged 40 Years, by profession a Surgeon, which profession he now exercises on this estate, to which, in the Month of January last, there came 20 Bozal Slaves, 14 males and 6 females; that these Slaves were placed in the Infirmary, under the Deponent's care, for the purpose of being cured of certain diseases that afflicted them, such as diarrhæa and ophthalmia, or inflammation of the eyes; that these Slaves had remained in the said Infirmary until last week, when he, the Deponent, was consulted as to their being in a fit state to remove to the Sugar Estate Alcañsia, in the Jurisdiction of Matanzas; and, although 4 or 5 of them were not quite recovered from the complaint of the eyes, the Deponent stated, that he saw no objection to their being removed, which was accordingly done; and then the Deponent having affirmed that what he had said is the truth, according to the Oath he had taken, read this Deposition over, and having stated it to be in exact conformity with what he had said, he signed and ratified it as under, with me and my Assessors.

(Signed) JUSTO LOPEZ. (Signed) FRANCISCO VALDES.
PEDRO DOMINGUEZ.
SEBASTIAN DE ECHABARRIA.

Here follow three similar Affidavits, viz:—

1. Of Don Andres Burgotto, the Owner of the Estate, who gave the written order for the said 20 slaves being taken to Don Francisco Dias Bustamante, in the Havannah.
2. Of Don Juan Casablanca, who conducted them from the Estate to the Havannah.
3. Of Don Manuel Diaz, a neighbour, who deposes that he knows these 20 Negroes, and saw Don Juan Casablanca conducting them to the Havannah.

Fifth Enclosure in No. 89.

(Translation.)

The Mixed Commission to the Captain-General.

SIR,

Havannah, August 29, 1826.

IN consequence of the discussion which has taken place in this Commission, respecting the detention of the Steam-Boat "Mexicano," by the English Sloop-of-War "Pylades," and of the application to this Case of Article 7 of the Instructions annexed to the Treaty, we have agreed to request, that your Excellency will direct your Secretary of the Police Department to certify to us, whether, in the cases of slaves being transported by Sea from the Havannah to the Estates of their Masters, or from one Estate to another, it has been the custom to deliver Passports for the purpose, or whether it was quite sufficient that these slaves had a written Permission on the part of their Master, on every occasion that this Person or his Agent did not accompany them.

(Signed) CLAUDIO MARTINEZ DE PINILLOS.
RAFAEL DE QUESADA.

His Excellency the Captain-General.

W. S. MACLEAY.

Sixth Enclosure in No. 89.

(Translation.)

The Captain-General to the Mixed Commission.

GENTLEMEN,

Havannah, August 29, 1826.

IN reply to your Letter of this date, requesting to know whether, in the event of slaves being transported by Sea from the Havannah to the Estates of their Masters, or from one Estate to another, it has been the custom to issue Passports for that purpose, or whether it has been deemed sufficient that such slaves had the Permission of their Owners, when these Persons or their Attorneys did not accompany them; I have to inform you, that by Article 1st, Part 2d, of the last Regulation of the Consulado respecting runaway slaves, and by Article 10 of the Instructions for the *Capitanes de Partidos*, the Owners of Slaves, or even their Overseers, are authorised to grant written Licences for travelling, to their slaves, without which Licences they are considered as runaways.

With reference to the above Regulations, Owners, or their Overseers, grant written Permissions to their slaves, which authorise them, as well to travel along the high roads as to go from one Estate to another, and those Proprietors whose Estates are situated near the Sea, send their slaves by Coasting-Vessels, with a permission similar to that which is used for passing them by Land.

God preserve you many Years.

The Members of the Mixed Commission.

(Signed)

FRANC^o. DION^o. VIVES.

Seventh Enclosure in No. 89.

Opinion of His Britannick Majesty's Commissioner of Arbitration.

THE "*Mexicano*," a Passage Steam-boat sailing under Spanish Colours, was, on the 20th day of this Month, while on her Voyage from Havannah to Matanzas, detained between the Morro and Coxemar, by His Britannick Majesty's Sloop "*Polades*," Captain Jackson, on a charge of having violated the 7th Article of the Instructions annexed to the Treaty, and having thus become liable to condemnation under this Mixed Commission.

There are several discrepancies in the Evidence before the Commission, but none that in my opinion any way affect the main fact on which this detention has been grounded, and by which alone it must be declared lawful or not. This fact is, that 20 slaves were in the Steam-vessel at the time of her detention, on their way from Havannah to Matanzas, without the Vessel being provided with a Passport from the Government on the spot, furnished *ad hoc*. This is allowed on all sides to have been proved by the Evidence.

It appears to me also from the Evidence, that the slaves were concealed, or at least that delay and difficulty were placed in the way of the British Officers when searching for them, and that, while the other Slaves or Negro Servants on board were claimed by their respective Masters or Mistresses, these 20 were not so claimed. All this would go to shew a consciousness of there being some impropriety connected with them, which may possibly have been the deficiency of a proper Passport. There is no Evidence before the Court, however, to shew otherwise than that they are the property of the Conde de San Fernando, and were, when detained, on the passage from one of his Estates to another; and, therefore, as such property I am bound to consider them.

By Article 1. of the Regulations for the Mixed Commission, they are to judge according to the letter and spirit of the Treaty. Now with respect to the intentions of the High Contracting Parties who signed the Treaty, it is most clear, both from the whole of the tenour of this, and from the tenour of the Laws now existing, whether Spanish or British, relative to the Slave-trade, that it was the most anxious desire of their Britannick and Catholick Majesties, in signing that Treaty, to extinguish by its means this inhuman Commerce. Such being the spirit of the Treaty, it appears to me, that when two different passages of it are deemed to be in any degree conflicting as to their signification, we should adopt, as our guide, that passage the signification of which is the most in harmony with this spirit; so that, if one passage should distinctly authorize the detention of Coasting Vessels, having slaves on board, and another seem not so much to justify it, we ought to consider that passage which, by authorising the detention of such Vessels, agrees most with the grand object of the Treaty, that is, the abolition of the Slave-Trade, to be the true rule of our proceedings.

This remark I make when, supposing for a moment that, as has appeared to one of my Colleagues, there is a disagreement between certain passages of the Treaty, as, for instance, on the one hand, Article 10 of the Treaty, which says, "in order to render lawful the detention of any Ship, whether Spanish or British, the slaves found on board such Vessel must have been brought there for the express purpose of the Traffick;" also paragraph 2 of Article 1 of the Instructions, which says, "Ships on board of which no Slaves shall be found, intended for purposes of traffick, shall not be detained on any account or pretence whatever;" and, on the other hand, Article 7 of the Instructions, which stipulates that "no conveyance of Slaves from one Port in the Spanish Possessions to another shall take place, except in Ships provided with Passports from the Government, on the spot, *ad hoc*."

In paragraph 2 of Art. 1 of the Instructions, as above cited, I may observe, that owing to the punctuation of the Treaty, as signed in English, there is an ambiguity which does not occur in the same Treaty as signed in Spanish, since the former may leave us in doubt whether it is "Ships intended for purposes of traffick, on board of which no slaves shall be found," or whether it is, as the Spanish Copy of the Treaty expressly says, "Ships on board of which shall be found no slaves intended for the purposes of traffick," that are not to be detained. This ambiguity merits attention, because, if it be said that the meaning of the Article is, as may seem from the English punctuation, that Ships intended for purposes of traffick, that is Merchant-Ships, on board of which shall be found no slaves, are not to be detained, it is most clear that we have this paragraph in complete agreement with Art. 7 of the Instructions. If the other meaning be given to the paragraph, which it must be allowed is the only one it is susceptible of, according to the Treaty as signed in Spanish, then we are to understand, that no Ship is to be detained that does not contain Negroes destined for the traffick, a provision which, if taken to relate to all Ships whatever, is indubitably at variance with Art. 7 of the Instructions.

That this provision, however, does not relate to all Ships of whatsoever kind, can be shown, as follows:—

It is most evident, from its first line, that the whole of Art. 10 of the Treaty, relates to regular Slave-ships coming from the Coast of Africa, and, consequently, has not the least reference to Coasting Vessels from Port to Port of the Spanish Possessions, which may, like the "Mexicano," have slaves on board, without the proper Passports. The same observation holds good with respect to Art. 1 of the Instructions, namely, that it also has reference only to Ships regularly fitted out for the Slave-trade, and as all the secondary paragraphs of an Article have a reference to the primary one, it follows that, taking the Treaty as signed in Spanish, the meaning of the 2d paragraph, Art. 1 of the Instructions, is, that "Slave Ships, on board of which no slaves shall be found intended for purposes of traffick, shall not be detained on any account or pretence whatsoever." Indeed, that this is the true interpretation of Art. 10 of the Treaty, and of the paragraph 2 of the Instructions, sufficiently appears from these being the very provisions, which, in the opinion of both Governments, required alteration, and which accordingly gave rise to the Additional Articles signed in 1822, and lately confirmed by His Catholic Majesty.

Consequently there is no contradiction between the terms of Art. 10 of the Treaty, and paragraph 2, Art. 1 of the Instructions, which relate solely to regular Slave-vessels, and those of Art. 7 of the Instructions, which Article refers to Vessels not in the regular Slave-trade. Indeed, it is impossible to suppose that the High Contracting Parties should not have observed in these short Instructions so obvious an inconsistency as would result from making Article 10 of Treaty, paragraph 2, Art. 1 of Instructions, and Art 7 of Instructions, all refer to the same kind of Vessels. I, therefore, conceive that Art. 7 of the Instructions remains clear and uncontradicted, by any previous or subsequent part of the Treaty and its Appendages.

Thus, the main question before the Commission relates entirely to the legality of the detention of the Steam-boat, under Art. 7 of the Instructions, for, if the Commander of the "Pylades" be justified under this Article, I hold, from what has been already said, that no other passage of the Treaty can be brought forward to invalidate the detention.

But, before I consider the legality of this detention, it is necessary, from observations made in Court, that I should acknowledge that the Detainer seems to me to have erroneously connected the 3d paragraph of Art. 1 of the Instructions with Art. 7, inasmuch as he conceived it to be his duty, under the said paragraph, not to require Passports for 2 Negro Servants, that appear to have attended their Master on board, or at least, to have allowed all the Passengers, whether white or coloured, whom he found on deck, to go on Shore, whereas, in my opinion, there cannot be the least doubt that the true interpretation of the Treaty required that he should have only looked to Art. 7 of his Instructions, under which he detained the Vessel, and have insisted on a Government Passport being shewn to him by the Captain of the Vessel for all the slaves that might have been on board.

I find, however, that the Detainer's application to Vessels of all descriptions, of paragraph 3, Art. 1 of his Instructions, is perfectly analagous to the opinion of one of my Colleagues, who thought that paragraph 2, Art 1 of the Instructions, relates to Vessels of all descriptions. If one of these paragraphs relates to other Vessels than regular Slave-ships, then the other must also. But it is my firm opinion that neither have the least reference to the Case of a Vessel carrying Negroes from one Spanish Port to another, and consequently that by Art. 7, as was said before, any Ship with slaves on board, passing from one Spanish Port to another, without Passports from the Government on the spot, is liable most decidedly to detention.

It has been contended, however, by my Colleagues, that this Art. 7 relates only to the transfer of Negroes from one Spanish Possession, such as Puerto Rico to another, such as Cuba, but the words are clear, "*from one Port of the Spanish Possessions to another,*" that is, for instance, from the Havannah, a Port of Cuba, and consequently a Port of the Spanish Possessions, to another, Matanzas, likewise a Port of the Spanish Possessions. It is true that the Article applies also to the transfer of slaves from any Spanish Port, such as Puerto Rico to another, as the Havannah; but I do not see how, from the Spanish or English Copy of the Treaty, it can be contended, that this Steam-vessel was not, when detained, in the act of transporting Negroes from one Port of the Spanish Possessions to another. It might, perhaps, be said, that this detention is even more valid, according to the letter of the Treaty, than the detention of slaves passing from Puerto Rico to the Havannah would be, for the words in the Spanish Treaty are, "*del Gobierno de aquel Territorio,*" and not "*de los Gobiernos de aquellos Territorios,*" words that would, in my humble opinion, have more clearly applied to the transfer of Negroes from one Island to another having different Governors.

In every question of this nature, the spirit of the High Contracting Parties in signing the Treaty will be an excellent guide. Now, I conclude that it was the intention of Spain to destroy every opportunity of subterfuge, and consequent escape from just condemnation, on the part of

Slave-traders; and that, therefore, His Catholick Majesty determined to permit no slaves to pass from one of his Ports to another, in Ships unprovided with Passports for that purpose, thereby preventing the facilities which regular Slave-vessels on the Coast would have by their means for landing their Negroes.—By this Article 7, His Catholick Majesty may have intended to prevent such a case as a Slave Vessel, just arrived from Africa, placing Negroes on board the Steam-boats, and so procuring their clandestine entry into the Havannah, a case that has been publicly said to have occurred; whereas, were all Vessels transporting slaves provided with Passports from the Authorities of the Port from which they sailed, there could be no such collusion between Coasting Vessels and Slavers. From these circumstances, and the ardent desire which, in his late Decrees, His Catholick Majesty has shewn to destroy this Traffick, I infer that it was really his intention, by Article 7 of the Instructions, to prohibit any transportation of Slaves by Sea, without Passports for that purpose.

And that it was in this same spirit that the British Government concluded the Treaty I infer, not only from the detestation with which this Government is known to the civilized World to view every thing that aids the Traffick; but from the whole tenour of the analagous Article of that Treaty, which was concluded in 1817, between His Britannick and Most Faithful Majesty, for the attainment of the same object.

Now it is, on all sides, agreed, that the "Mexicano" had no passport from the Government of the Havannah for the 20 slaves belonging to the Conde de San Fernando, and whom this Steam-vessel was transporting from Havannah to Matanzas; she was therefore legally detained, according to the Instructions in the possession of the Detainer.

But it is said, that the Government of this Island has never been in the practice of giving Passports to Ships transporting Slaves from one Port to another. As, however, it can never be urged that the habitual infraction of a solemn Treaty justifies any particular Case of infraction when detected, it is impossible not to allow that the penalties attendant upon detection, according to the Treaty, have been justly and legally incurred by this Steam-boat.

One of my Colleagues has urged, that this Article 7 of the Instructions is only a precautionary or preventive one, not carrying any penalty along with it beyond the mere detention, and that, consequently, although the Commander of the "Pylades" was authorized by his Instructions to detain the Steam-vessel, no further penal consequences ought to ensue. Now true it is, that this Article 7 of the Instructions appears to me to be the only Article, either in the Treaty or its Appendages, which clearly authorizes the detention of other Vessels than regular Slave-traders. But I cannot perceive how this circumstance should in any way destroy all the penal consequences attendant upon detention. It is perfectly understood, that the detention of a Spanish Vessel on the Coast of Cuba, by a British Cruizer, can fall under the cognizance of no other Tribunal than this Mixed Commission. Now the 3d Article of the Regulations for the Mixed Commission, that is, *the general Regulation* for their proceedings, states as follows, that the Commissioners shall proceed to examine Papers and receive depositions, in order to be able to judge and to pronounce if the Vessel has been justly detained or not, according to the Stipulations of the Treaty; "and, in order that, *according to this judgment*, it may be condemned or liberated," I am clearly, therefore, of opinion, that, if the detention of the "Mexicano" be deemed just and legal by the Mixed Commission, Condemnation must follow, as the necessary consequence, according to Article 3 of the Regulations.

It has been said by my Colleagues, that the above interpretation of the Treaty is so severe, that it would subject any Vessel to condemnation which had two or three slaves on board, without Passports from the Authorities on the spot. On this head I would observe, first, that I know not but that such may have been the intention of the High Contracting Parties, in order to destroy the possibility of Coasting Vessels entering into collusion with Slave Vessels just returned from the Coast of Africa; and secondly, that, in giving my opinion on the legality of a detention, I do not feel myself entitled, in any way, to discuss how far the provisions of the Treaty may be severe, and much less to swerve, from what I may judge, to be the obvious meaning of the Articles. I am very willing, if my Colleagues desire it, that this matter should be submitted to the consideration of our respective Governments; but, so far as I am concerned, I have not the least authority to make alterations or modifications, that, in my opinion, can only be effected by the High Contracting Parties.

I now come to the question of the Slaves and Cargo, that, according to the evidence, have been detained on board the "Mexicano." Article 7 of the Regulations seems, at first sight, to be applicable to this subject, when it stipulates, that, "in the Case of the condemnation of a Vessel for an unlawful voyage, she shall be declared lawful Prize, as well as her Cargo, of whatever description it may be, with the exception of the Slaves, who may be on board as objects of Commerce, and who are therefore to be emancipated." My Colleagues have said, that this voyage of the Steam-boat was not unlawful, inasmuch as she was provided with a Licence to sail from Havannah to Matanzas; but, as all the regular Slave-vessels condemned by this Commission have had Licences to sail for the Coast of Africa, and have rendered their voyages home unlawful, by taking slaves on board, so the voyage of the "Mexicano" became unlawful, so far as concerns this Mixed Commission, the moment she took slaves on board without a proper Passport. If, therefore, this Article 7 of the Regulations be held to apply to all Ships, whether regular Slave-Vessels or not, the consequence would be, that the Cargo on board must be condemned, and the Slaves, who may have been on board as objects of Commerce, must be emancipated. Now it appears, from the evidence, that the Cargo of the "Mexicano" belonged, as might be supposed in a Passage-Vessel, to the Passengers and other Persons, in no way connected with the illicit part of this transaction; and it moreover appears, that the slaves who have been detained were on board, not as objects of Commerce, but merely for the purpose of being transported from one Estate of their Master to another. The result of this is, that, were we to hold Article 7 to apply to the "Mexicano," the Cargo, consisting of the property of Individuals wholly unconcerned with the illicit part of the transaction, must be condemned, and the slaves, although the very cause of the detention, not

being on board as objects of Commerce, must be returned to their Master—a consequence so monstrous, and obviously unjust, that I have no hesitation in stating my opinion, that Article 7 of the Regulations does not apply to all Vessels, but only to regular Slave-traders.

My view of the Regulations for the Mixed Commission is as follows: Article 3 is a general Article, authorizing them to decide on the legality or illegality of all cases of detention whatsoever. Article 4 then begins the particular Specification of the line of duty they are to pursue, with respect to the ordinary cases of the infraction of the Treaty, namely, regular Slave-vessels; and the following Articles, down to Article 10, relate to the same department of illicit Slave-trade; that is, not in any way to such a peculiar and difficult Case as this of the "Mexicano." It may then be asked, what ought to be done, according to the Treaty, with the Cargo and Slaves detained on board? My decided feeling on the subject is, that they ought to be returned to their respective Proprietors, for the Treaty does not in my humble opinion seem to have made any provision for this very novel Case of Detention, so far as the Cargo and Slaves are concerned. It is my duty to act upon the Treaty as I find it, and according to the interpretation, which I may think its Articles most obviously bear, not to attempt to remedy what may possibly be its defects.

I conclude, therefore, in stating to my Colleagues, that, according to the Treaty, it is my opinion, that the "Mexicano" was justly detained, and therefore must be condemned, and that she ought, as the Article 7 of the Regulations does not apply to such Vessels, to be placed forthwith at the disposition of the two Governments, for them to take such future measures with respect to her, as they may judge proper. With respect to the Cargo and Slaves on board, it is my opinion, that they ought forthwith to be restored to their respective Proprietors.

(Signed) W. S. MACLEAY.

Eighth Enclosure in No. 89.

(Translation.)

Sentence of the Mixed Commission in the Case of the "Mexicano."

HAVING considered the Proceedings of this Court, with respect to the detention of the Steam-boat "Mexicano," by the English Sloop-of-War "Pylades," having before us the Evidence furnished by the different Parties, and likewise the Information given by his Excellency the Captain-General in his Letter of yesterday, with reference to the Municipal Regulations, and to the practice in consequence of such Regulations, observed in cases of slaves being passed from this City to the Estates of their Masters, or from one Estate to another, such as was the particular Case, with respect to this Steam-boat, in which were 20 Negroes belonging to the Conde de San Fernando, who, after having kept them on his Sugar Estate *Jesus Maria*, District of Guanabacoa, was forwarding them, under the care of his Attorney; to his other Sugar Estate, called *La Alcanfia*, in the District of Matanzas, and considering that there is no proof that these Negroes were on board the Steam-boat for the express purpose of the Traffick; we, the Undersigned, unanimously declare, (the English Commissioner referring for the reasons of his particular Opinion to the Document which has been laid by him before the Court), that the said 20 Negroes ought to be restored to their Owner, and that the same rule ought to be adopted with respect to the cargo, of every description, that might have been on board the detained Vessel at the period of her detention.

Besides which, we, the Spanish Commissioners, have taken moreover into consideration, that Article 7 of the Instructions annexed to the Treaty, appears only applicable to Voyages beyond Sea, from one Port to another of different Provinces, without being capable of an extension to Voyages only Coasting, and which take place by Sea, from one point of the Island to another only for greater convenience, since similar Journeys may also be performed by Land; considering likewise, that, by means of such Coasting Voyages, Proprietors supply their Estates with necessaries, while they also make them serve for the transportation of their crops, without their being liable to examination, or any other formality; considering also, that, as the Steam-boat was proceeding to her destination, under the confidence and good faith resulting from this known practice, we, the said Spanish Commissioners, absolve her forthwith, directing that she be freely delivered up to her Captain; although it must be observed, that on this last head the British Commissioner has dissented from the decision of the majority of the Court, and has stated the reasons for his peculiar Opinion in the above-mentioned Document.

And finally, we, the Undersigned, unanimously declare, that, according to the Letter addressed to the Mixed Commission by the Captor, there having been considered, on his part, to be cause, at least sufficient, to subject the Vessel to detention, he, the said Captor, is not responsible for the damages that may have resulted from it. Let all those concerned be informed of this Sentence, and let it be communicated Officially, with a Copy, to his Excellency the Captain-General, in order that it may be duly executed.

(Signed)

CLAUDIO MARTINEZ DE PINILLOS.
RAFAEL DE QUESADA.
W. S. MACLEAY.
RAFAEL GONSALEZ, Secretary.

Havannah, 30th August 1826.

No. 90.

W. S. Macleay, Esq. to Mr. Secretary Canning.—(Received Dec. 8.)

SIR,

Havannah, September 30, 1826.

ON the 29th ult., His Majesty's Ship "Aurora," of 46 guns, commanded by Captain C. J. Austen, when in the immediate vicinity of Santiago de Cuba, detained the Spanish Brigantine "Nuevo Campeador," alias the "Argus," Juan Botel, Master, sailing at the time under Dutch Colours, and having 263 slaves on board. On searching her, Captain Austen found that she was provided not only with the usual Spanish, but also with a set of Dutch Papers, to serve for her protection, as the Master stated, from South American Privateers. The Vessel, however, clearly belonged to Santiago de Cuba, and was declared by the Master to be bound to that Port from Old Calabar, on the Coast of Africa, where she had taken on board 300 or 306 Negroes. About 40 of these had died on the passage from Africa, previous to her being captured, and the health of the 263 survivors was in such a deplorable state, that the Surgeon of the "Aurora" urged the necessity of immediately landing 36 of the most sickly, as well on account of the impossibility of these poor creatures being able to support the voyage to the Havannah, as in order to preserve the lives of the rest. Captain Austen, after some difficulty and delay, persuaded the Governor of Santiago de Cuba to take charge of these 36 Negroes, and to give a Receipt for them. The "Aurora" then left that Port with the Brigantine, and the remaining Negroes, for the purpose of having the Case adjudicated by the Mixed Commission here established.

While in the Harbour of Santiago de Cuba, Captain Austen was induced, by motives of humanity, to permit the Master, who was also the ostensible Owner of this Slave-vessel, to go on Shore, in order to visit his wife, who was reported to be in a dying state, he giving his solemn promise to return; instead of this, however, he took the opportunity of escaping from the City into the interior, as did subsequently also the greatest part of the Crew. Captain Austen, nevertheless, brought the Mate and 5 others, out of a Crew consisting, at the period of capture, of 21 men, into this Port, where he arrived on the 20th instant, after having lost 8 of the Negroes by sickness, on the passage from Cuba; 2 more died in this Harbour, so as to reduce the whole number of Negroes, delivered here into the care of the Person appointed by the Captain-General to receive them, to 217, of whom 6 have died since the disembarkation. Certificates of the deaths that took place during the time that the Negroes were under the charge of Captain Austen were delivered in by him with the other Papers.

The Mixed Commission, consisting of the two Spanish Commissioners and myself, having received the Affidavit of the Captor, and the Depositions of the Mate, and 3 of the Crew of the Slave-vessel, issued, on the 27th instant, a Decree condemning the Vessel and Cargo, and emancipating the Slaves, as well those landed at Santiago de Cuba, as those at the Havannah. I am truly happy to state, that this Case offered not the slightest difficulty, the Spanish Commissioners manifesting throughout the greatest desire to act up to the spirit of the Treaty.

I have the honour to transmit a Copy of the Letter addressed by Captain Austen to the Mixed Commission, and of his Declaration, with an Abstract of the Evidence, and a Translation of the Decree of the Court. I likewise forward Translations of the Letters addressed by the Mixed Commission to the Captain-General, on the subject of the 36 Negroes left in Santiago de Cuba, and of the Answer returned by his Excellency, in which he undertakes to secure their freedom as decreed by the Mixed Commission.

It appears, by Memorandums endorsed on the Papers of this Slave-vessel, that she was visited by the Boats of His Majesty's Ship "Maidstone," at the Mouth of the Calabar, on the 30th of June last.

I have the honour to be, &c.

(Signed) W. S. MACLEAY.

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

First Enclosure in No. 90.

Receipt of the Governor of Santiago de Cuba, for 36 Negroes.

RECEIVED by me, Don Isidore Barradas, Governor of Santiago de Cuba, at the earnest request of Charles John Austen, Esq. Captain of His Britannick Majesty's Ship "Aurora," the under-mentioned slaves, belonging to the Brigantine Schooner "Nuevo Campeador," captured by that Ship, and brought into the Port of Santiago de Cuba in consequence of the very sickly state of the slaves on board the said Schooner, which renders it absolutely necessary they should be landed, for the preservation of the health of the remainder of the slaves on their passage to the Havannah, to which Place she is bound for adjudication, as also that these unfortunate and wretched beings may receive the benefits of the Rites of the Church.

Men 23, women 6, boys 6, girl 1,—Total 36. (Signed) ISIDORE BARRADAS.

On Board His Britannick Majesty's Ship "Aurora," September 4, 1826.

Second Enclosure in No. 90.

Captain Austen to the Mixed Commission.

HONOURABLE GENTLEMEN,

His Britannick Majesty's Ship "Aurora,"
Havannah, September 20, 1826.

I BEG leave to acquaint you with my arrival at this Port in His Majesty's Ship under my command, with the "Nuevo Campeador," Spanish Brigantine, detained off St. Jago de Cuba, having at that time on board 263 slaves, from the Coast of Africa; for the further particulars of which I beg leave to refer you to the Documents which I have delivered to the British Commissioner, consisting of my Affidavits and other Papers, all of which are endorsed by me.

I beg leave to add, that Juan Botel, the Master of this Slave-vessel having represented to me by Letter (whilst we were lying in Santiago de Cuba, for the purpose of landing the sick Negroes which, after a long Correspondence with the Governor of that Place, I was enabled to do), that his Wife was dangerously ill, and earnestly entreated me to allow him to go on Shore to see her, I was induced on the score of humanity to allow him to do so, and have never seen him since, though I waited some hours in the Port for that purpose.

I have, &c.

(Signed) CHARLES JOHN AUSTEN.

The Members of the Mixed Commission.

Third Enclosure in No. 90.

Declarations of the Captor.

I, CHARLES JOHN AUSTEN, Captain of His Majesty's Ship "Aurora," hereby declare, that, on the 29th day of August 1826, being in or about Latitude 19. 46. North, Longitude 75. 56. West, I detained the Brigantine Schooner "Nuevo Campeador," sailing under Spanish Colours, but at the time of capture having Dutch Colours hoisted, armed with 1 eight-pounder, 24 muskets, 4 pistols, commanded by Juan Botel, who declared her to be bound from the Coast of Africa to St. Jago de Cuba, with a Crew consisting of 21 men, whose names, as declared by them respectively, are inserted in a list at foot hereof, and having on board 263 slaves, remaining from 300 said to have been taken on board at Old Calabar, on the Coast of Africa, 37 having died on the passage to St. Jago de Cuba: they are enumerated as follows, viz:—

| | Healthy. | Sickly. |
|---------------|----------|---------|
| Men - - - - | 156 | 2 |
| Women - - - | 47 | 6 |
| Boys - - - - | 37 | " |
| Girls - - - - | 14 | 1 |
| Total | 254 | 9 |

I do further declare, that the said Schooner appeared to be seaworthy, and was supplied with a sufficient stock of water and provisions for the support of the Negroes and Crew for their destined voyage to Saint Jago de Cuba, but completely inadequate for their sustenance from this Place to the Havannah.

I do further declare, that the state and condition of the health of the slaves has been represented by the Surgeon to me, to be so generally bad, as, in his opinion, absolutely to require their being landed so soon as it may be practicable to do so.

(Signed) CHARLES JOHN AUSTEN.

Witnesses. (Signed) J. V. D. LARCOM, Senior Lieut. of His Majesty's Ship "Aurora."
H. STOPFORD NIXON, 2d Lieut. of His Majesty's Ship "Aurora."
JAMES OSBORNE, Surgeon of His Majesty's Ship "Aurora."

[Here follows the List of the Crew of the Schooner "El Nuevo Campeador."]

I, CHARLES JOHN AUSTEN, Captain of His Britannick Majesty's Ship "Aurora," do further declare, that the Surgeon finding the state and condition of the health of the slaves so generally bad, as, in his opinion, absolutely to require their being landed so soon as it may be practicable to do so; and I further considering, that the time which must elapse before they could have reached the Havannah, to which Place it is my intention to carry the Schooner for adjudication, would in all human probability be attended with very fatal consequences to the lives of a large proportion of the Negroes; I did, therefore, on the 4th day of September 1826, disembark the following 36 slaves at Santiago de Cuba, were they now remain.

| | Healthy. | Sickly. |
|---------------|----------|---------|
| Men - - - - | " | 23 |
| Women - - - - | " | 6 |
| Boys - - - - | " | 6 |
| Girls - - - - | " | 1 |
| Total | " | 36 |

(Signed) CHARLES JOHN AUSTEN.

Witnesses, (Signed) J. V. D. LARCOM, Senior Lieut. of His Majesty's Ship "Aurora."
JAMES OSBORNE, Surgeon of His Majesty's Ship "Aurora."

Fourth Enclosure in No. 90.

Abstract of Evidence.

HENRY SCHOTZ, a Protestant, deposed, that he is a Native of Hamburgh, aged 32 Years, unmarried, and by profession a Seaman; that he served lately as Mate on board the Brigantine Schooner "El Nuevo Campeador;" that he arrived in this Port of the Havannah in the said Brigantine, which has been captured and carried in here by the English Frigate "Aurora," on account of their having been found on board a Cargo of Bozal Negroes, proceeding from the Coast of Africa, and destined for the Province of Cuba; that this Vessel sailed from Cuba, on the 30th May of this Year, the Deponent believing at the time, according to the Declaration of the Master, that she was bound to the Portuguese Island Del Principe; but that instead of this the Vessel proceeded straight to the River of Calabar, on the said Coast, where the said Master commenced a Traffick of Slaves, and obtained about 300, with whom he set sail for the said Province of Santiago de Cuba, near which Port the Schooner was captured; that the Master and Owner of the Schooner was Don Juan Botel, a Spaniard by birth, who was on board at the time the Vessel was captured by the English Frigate; that the Deponent is ignorant where the said Botel now is, because the Crew when taken were separated, the said Captain Botel being taken on board the Frigate, and this Deponent remaining on board the Schooner to take care of the Negroes; that he, this Deponent, can, however, state that, according to what he heard, the said Juan Botel remains on Shore at Cuba; that there were 263 Negroes on board at the time of the capture, the others having died on the passage from Africa to Cuba, and that of these 263, there were 36 left at Cuba in the care of the Government.

FRANCISCO FRASQUET, a Catholick, deposed, that he is a Native of Barcelona, aged 23 Years, unmarried, and by profession a Sailor; that he was lately in this capacity serving on board the Brigantine Schooner "Nuevo Campeador," Captain Don Juan Botel; that he has arrived here in consequence of the capture of the said Schooner, with a Cargo of Bozal Negroes on board, made by His Britannick Majesty's Frigate "Aurora," close off Santiago de Cuba; that the said Cargo of Negroes was taken on board at Calabar, on the Coast of Africa, where 300 or 306 were embarked; that the Deponent knows not how many of them were in existence at the moment of the capture, because many had died on the passage, and the Deponent was not present when they were numbered; that some of the captured Negroes remained at Cuba sick, but how many he knows not; that the said Schooner was fitted out and equipped for the voyage to Calabar; in the moresaid City of Santiago de Cuba, to which Port she was proceeding at the moment of capture; that Captain Don Juan Botel, according to what this Deponent has heard, remained at Cuba, the Captain of the Frigate having given him leave to go on Shore to visit his wife, who was

sick, and that he knows nothing of him, since that time; that the Deponent, on leaving Cuba for the Coast of Africa, was a common Sailor, but that the Boatswain, Pablo George, being taken so ill that it was found necessary to leave him in Africa, the Deponent then succeeded to his place, and was performing the duties of it at the time of the capture; that D. José Chamorro, who is inscribed on the List of the Crew as next in command to the Master and Mate, remains likewise in Cuba unwell, but that the Deponent knows not how he got on Shore.

LORENZO CITTERICH, a Catholick, deposed, that he is a Native of Venice, aged 34 Years, unmarried, and by trade a Sailor, that he came to the Havannah in the English Frigate "Aurora," which lately arrived in this Port, in consequence of having captured the Brigantine Schooner "El Nuevo Campeador," in which this Deponent was a sailor; that the said Schooner was captured close off the Morro of Santiago de Cuba, on account of there having been found on board a Cargo of Bozal Negroes; that the Vessel was then proceeding from Old Calabar, on the Coast of Africa, where she had taken on board 300 or 306 Negroes, of whom 36 or 37 may perhaps have died previously to the capture, that Don Juan Botel was the Owner, Captain, and Master of the said Schooner, and the Mate was Henrique Schotsz, who is now in prison with the Deponent, that the said Vessel was fitted out for the Voyage to Africa in Santiago de Cuba; that the Master, Don Juan Botel, remained in Cuba, although this Deponent does not positively know the cause of his having been allowed to land, any further than that he heard it was on account of sickness; that D. José Chamorro, who was one of the Crew captured on board the Schooner, remained also at Cuba, but the Deponent knows not how he contrived to get on Shore, because the said Chamorro remained on board the Schooner, and the Deponent was taken on board the Frigate; that Estevan Rodriguez, who is inscribed in the List of the Crew as Cook of the Schooner, was never employed in that capacity, the Deponent being the only Cook, from the moment of leaving the Port of Santiago de Cuba; that the said Rodriguez remains in Cuba, but how or why this Deponent knows not, and that Pablo George, the Boatswain, remained at Calabar sick.

LOUIS ROLLE, a man of Colour, and a Catholick, deposed, that he is a Native of Martinique, aged 26 Years, and by trade a Carpenter, that on Wednesday last he arrived in this Port on board the Brigantine Schooner "El Nuevo Campeador," captured by the English Frigate "Aurora," opposite to the Morro of Santiago de Cuba; that the cause of the said capture was a Cargo of Bozal Negroes having been found on board; that the Vessel at the time was proceeding from Calabar on the Coast of Africa, which Place she left with 300 or more Negroes, of whom, 260 or more were in existence at the period of her detention, the others having died on the passage; that this Deponent was Carpenter on board the Schooner; that the Master of the Vessel was Juan Botel, and that the Deponent is ignorant of there being any other Owner; that the said Botel and José Chamorro remained at Cuba, the former because his wife was sick, and the other he knows not on what account; and finally, that Pablo George was left sick at Calabar.

Fifth Enclosure in No. 90.

(Translation.)

Sentence.

Havannah, September 27, 1826.

HAVING taken into consideration the Judicial Proceedings consequent upon the detention of the Spanish Merchant Schooner "Nuevo Campeador," Don Juan Botel, Captain, Master, and Owner, with a Cargo of 263 Negroes on board at the time of her detention, which was effected in the immediate Vicinity of the Port of Santiago de Cuba, by the English Frigate "Aurora," commanded by Captain Charles John Austen; and having found, according to these proceedings, that, although the Declaration of the aforesaid Don Juan Botel is wanting, owing to this Person's escape in the City of Santiago, it is nevertheless most completely proved by the Declarations of the several Witnesses examined, and by the Papers of the Vessel, that the said Schooner having sailed from the aforesaid Port, in the Month of April in the present Year, with Papers and Cargo, as if for the Portuguese Island "El Principe," proceeded straight to Old Calabar, on the Coast of Africa, where she took on board 300 or 306 slaves, of whom so many died on her passage to Cuba as to reduce the number to 263, of which last number, according to the Evidence of the Captor and the Receipt of the Governor of the City of Santiago de Cuba, produced by the said Captor, 36 were left in the said City, on account of their extreme sickness, and 10, as appears by the Captor's Certificate, subsequently died. We do now, with due regard to the merits of the Cause, and according to the usual brief and summary mode of proceeding which has been adopted by the Mixed Commission in all such Cases, when the truth has been made manifest, hereby declare, that the capture of the said Schooner "Nuevo Campeador," and of the 263 Negroes found on board, is good and legal, and that the said Schooner, her tackle, apparel, and whatever she may contain, are subject and liable to confiscation, with the exception of the aforesaid Negroes, who are declared to be freed from all slavery and captivity. It is accordingly hereby directed that, with respect to the said Vessel, and whatever belongs to her, a Valuation shall be made thereof, under Oath, by the Principal Masters of the Royal Arsenal, who shall give in a proper Voucher to this effect, and that she shall be exposed to publick auction, in the presence of the Royal Notary Don José Rafael de Meja, in order that, being disposed of to the highest bidder, in the Auction-Room of Don Antonio Galea, 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 swear faithfully to perform his duty, and shall receive her from the

the Captor, according to formal Inventory; proceeding, moreover, without loss of time, to deliver to such of the said Negroes as are in this City, their Certificate of Emancipation, by the means, as is customary, of the Deputy Secretary, Don Rafael Gonzales Barranco, who is appointed to perform that duty. An official Letter, with a certified Copy of the Sentence, shall be forthwith addressed to his Excellency the Captain-General, in order that he may take the proper measures for that purpose; and with respect to those Negroes who are left in Santiago de Cuba, as the liberty to which they are entitled, ought not to be delayed, his Excellency shall be further requested to appoint in that City a Person in whom he has confidence, or to direct the Governor of it to appoint such a Person to deliver to them also their respective Certificates of Liberty, according to the form that has hitherto been adopted. For which purpose there shall be transmitted to Cuba, through the medium of his Excellency, the necessary printed Certificates, duly legalized by the Mixed Commission, having blanks to be filled up with the descriptions and peculiar marks of each Person, so as to secure their identity, and being marked from No. 1 to No. 36 inclusive, care being taken to suspend to the neck of each Negro, a small piece of tin-plate, corresponding with the number of the Certificate, and also to make out accurately a separate account of all that is written on each of these Certificates, so that it may be transmitted to this Mixed Commission, and form part of the Book in which all such accounts are inserted, while a Duplicate, or certified Copy, of this Document shall be left in Santiago de Cuba, for the purpose of clearing up any doubt that may in future occur; and, according to the mode of proceeding that has been practised in all such matters, the said Negroes are placed at the disposal of the aforesaid Governor of Cuba, for him to dispose of them during the years of their apprenticeship, in conformity to the Instructions which his Excellency will communicate to him.

(Signed)

W. S. MACLEAY.
CLAUDIO MARTINEZ DE PINILLOS.
RAFAEL DE QUESADA.
RAFAEL GONZALES, Secretary.

Sixth Enclosure in No. 90.

(Translation.)

The Mixed Commission to the Captain-General.

SIR,

Havannah, September 27, 1826.

BY the accompanying certified Copy, your Excellency will be made acquainted with the Definitive Sentence issued by this Mixed Commission, in the Case of the Capture of the Brigantine Schooner "*Nuevo Campeador*," with a Cargo of Bozal Negroes, by the English Frigate "*Aurora*," which Sentence declares the detention of this Vessel to be good and legal, and the said Negroes to be free from all slavery and captivity.

Among the Negroes found on board, there were 36 who, on account of ill health, were left at Santiago de Cuba, in charge of the Governor of that Place, according to the Receipt given by him to the English Captain, of which a Copy is herewith enclosed to your Excellency. In consequence of what has been determined in the said Definitive Sentence, the Mixed Commission now proceeds to deliver the Certificates of Emancipation to those Negroes who have been brought into this City, placing them forthwith at the disposal of your Excellency in the customary form. Not being able to do the same for those Negroes who were left at Santiago de Cuba, where the Commission has no Agent whatever, the Undersigned have deemed it their duty to request your Excellency, in this novel Case, to assist them in carrying the above-mentioned Sentence into effect, so that the Negroes left at Santiago may not have the important benefit of their liberty retarded. For this purpose the Undersigned herewith transmit and place at the disposal of your Excellency, 36 blank Certificates of Liberty, with 4 others, to be used in the event of any error in the former rendering them necessary.

God preserve your Excellency many Years.

(Signed)

W. S. MACLEAY.
CLAUDIO MARTINEZ DE PINILLOS.
RAFAEL DE QUESADA.

His Excellency the Captain-General.

Seventh Enclosure in No. 90.

(Translation.)

The Captain-General to the Mixed Commission.

GENTLEMEN,

Havannah, September 29, 1826.

WITH your Official Letter of the 27th instant, I received a certified Copy of the Definitive Sentence pronounced by you in the Case of the capture lately made of the Spanish Merchant Brigantine Schooner "*Nuevo Campeador*," with a Cargo of Bozal Negroes, and also 40 Certificates of Emancipation, duly signed by you, and numbered from 1 to 36, with 4 more, which 40 Certificates are destined for 36 Negroes left in Cuba, and belonging to the said Cargo. Entering into the anxiety expressed by you that I should, on my part, co-operate so as to give the aforesaid Sentence its full and proper effect with respect to the said 36 Negroes, and, in order that the benefit of their liberty may suffer no delay, I have acceded to your request, with the advice of the Auditor of War, and, in consequence, now transmit to the Governor of Santiago de Cuba the

Appointment of a Person in whom I have full confidence, and whose duty it will be to deliver the said Certificates, and to carry the other parts of the Sentence into effect. To this Person I transmit the above-mentioned Certificates, with 80 Copies of Forms for registering the descriptions of the said Negroes, and the like number of *Conditions*, all signed by me; so that every necessary precaution and measure may be taken for the dispatch of this affair, and for the disposal of the Negroes, in the usual manner. I have also, at the same time, directed him to send me, with the least possible delay, the particular kind of Register mentioned in the said Sentence, which, as soon as I receive, I shall, according to your request, transmit to you for the object you specify.

God preserve you many Years.

(Signed) FRAN^{co}. DIONISIO VIVES.

The Members of the Mixed Commission.

No. 91.

W. S. Macleay, Esq. to Mr. Secretary Canning.—(Received December 8.)

SIR,

Havannah, October 9, 1826.

On the 3d instant, the Spanish Brig "*San Pedro*," alias "*Currutaco*," Juan Coll, Master, which Vessel, as reported to you in the Despatch of His Majesty's Commissioners of the 11th of March of this Year, sailed from this Port on the 26th of February last, arrived here from the Coast of Africa, in ballast, after having landed a Cargo of Negroes on the Coast, to the Westward of the Island.

I have not been able to learn the number of Negroes she disembarked.

I have the honour to be, &c.

(Signed) W. S. MACLEAY.

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

No. 92.

Joseph Planta, Jun. Esq. to His Majesty's Commissioners.

GENTLEMEN,

Foreign Office, December 20, 1826.

IN compliance with the desire which you have expressed, that you should have some assistance for carrying on the details of your Correspondence with this Office, Mr. Secretary Canning has selected Mr Richard Belgrave Jackson, the bearer of this Letter, to be Clerk to His Majesty's Commissioners at the Havannah.

You will employ Mr. Jackson accordingly, in the business of the British Commissioners, in the manner in which he may be made most useful to the purpose for which he is sent out.

Mr. Canning has allowed to Mr. Jackson a Sum, by way of Outfit, which has been paid to him here; and he has assigned to him a Salary of £300. a Year, to commence from the 10th of October 1826, and to be augmented every Year, at the rate of £25. a Year, until the Salary shall reach the amount of £500. a Year. And Mr. Canning has been pleased to hold out to Mr. Jackson the prospect, that, provided he shall conduct himself to the satisfaction of his Superiors, a Pension, not exceeding the half of his Salary, may be granted to him after 12 Years actual service at the Havannah.

I am directed, by Mr. Canning, to acquaint you with this arrangement, and to request that you will pay to Mr. Jackson the Salary assigned to him, in Quarterly Payments, as it shall become due, including the same in the Contingent Accounts of the Commission, and drawing for it upon the Agent to the Commission, according to the Account and Vouchers which you will send in, with a Letter to me on the occasion.

I am, &c.

His Majesty's Commissioners.

(Signed) JOSEPH PLANTA, JUN.

No. 93.

Mr. Secretary Canning to His Majesty's Commissioners.

GENTLEMEN,

Foreign Office, December 30, 1826.

YOUR several Despatches, to the 9th of October inclusive, have been duly received.

I transmit to you, for your information, the accompanying Copy of a Despatch*, which I addressed to His Majesty's Envoy at Madrid on the 10th ult., upon the subject of the violations of the Treaty, as stated in your Despatches of the 9th of August, and of the 2d, 4th, and 11th of September last.

You will continue to watch over and report to me the particulars of every transaction which may come under your knowledge, connected with illegal Slave-trade upon the Coast of Cuba.

I am, &c.

His Majesty's Commissioners.

(Signed) GEORGE CANNING.

* See Class B.

RIO DE JANEIRO.

No. 94.

His Majesty's Commissioners to Mr. Secretary Canning.—

(Received April 10, 1826.)

SIR,

Rio de Janeiro, December 28, 1825.

WE have the honour to acquaint you, for your information, that His Imperial Majesty has been pleased to appoint Senhor João Carneiro de Campos to the Office of Commissary Judge of the Mixed Commission here established, which Office became vacant on the confirmation of Senhor José Silvestre Ribello to the Appointment of Brazilian Chargé d'Affaires to The United States of North America; and that our new Colleague, after taking the prescribed Oath before the Chancellor, was duly installed on the 7th instant.

We have the honour to be, &c.

(Signed)

HENRY HAYNE.

ALEX. CUNNINGHAM.

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

No. 95.

His Majesty's Commissioners to Mr. Secretary Canning.—

(Received April 10, 1826.)

SIR,

Rio de Janeiro, December 30, 1825.

SHORTLY after the signing of the new Slave-trade Treaty with the Brazilian Government, by Sir Charles Stuart, we were enabled fully to satisfy ourselves of the truth of suspicions, which we had entertained for some time, not only of irregularities, but actual malversation, on the part of some of those Persons who had been appointed to superintend the care and well-being of those Negroes who have received their Emancipation, from the Mixed Commission here established, under the late Convention with Portugal.

Having ascertained that Sn^r. Manuel Joaq^m. Gliz. de Magelloens, the present Curador of the Emancipated Negroes, had been collecting money in the capacity of Curador, under the semblance of authority from the Treasurer, from Persons to whom some of the emancipated Negroes had been apprenticed, under the condition of an annual payment for their labour, which sum was to be placed in deposit, to be divided amongst them, at the expiration of their term of servitude; that he had made this collection without the authority of the Treasurer, and had applied it to other uses than those prescribed by the Alvarà. We felt it to be our duty, after taking pains to satisfy ourselves of the facts, to call the attention of His Imperial Majesty's Government to a Transaction, in itself fraudulent and disgraceful, as well as prejudicial to the emancipated Negroes, to remain under the superintendence of a Man, who, if he could be guilty of such a crime, might be supposed to be fully equal to committing the more heinous one, of selling those into slavery who had been emancipated and placed under his especial superintendence, which abominable crime is said to have been practised, though we have not been able to obtain proof of a single instance of it.

To call the attention of His Imperial Majesty's Government to this Case, with the greatest chance of success, knowing that Sir Charles Stuart was in daily intercourse with the Ministers of State, we stated, verbally, the circumstances to his Excellency, with a view to his urging His Imperial Majesty's Ministers to an investigation into them, to which Sir Charles listened with readiness, and requested us to write to him a Letter on the subject, a Copy of which we have the honour to enclose for your information.

We earnestly hope, Sir, for the sake of the emancipated Negroes, that the system of superintendence of their welfare, which has hitherto been pursued, may undergo some reform, at least periodical investigation, or any other checks that can be devised to prevent a recurrence of the evils complained of, which, since a period has at length been happily fixed, for the entire and complete abolition of the Traffick, it will, doubtless, tend greatly to enhance the value of those Slaves already imported and, therefore, hold out greater temptation to the evil-disposed of re-enslaving those who have received their Manumission.

The system prescribed by the Alvarà of 26th January 1818, would, we conceive, in a great measure, meet its object, provided a reliance could be placed on the probity of those employed under it; and, if we might be allowed the liberty of suggesting an Amendment thereto, it would be, that the Curador should be obliged to keep a regular and accurate Register of all the emancipated Negroes, together with the names and address of all those who have hired them, who should be made responsible for them under a penalty, and answer for their appearance before their Superintendent twice a Year; and to give proof of death, or absconding, if either should have happened since the last Inspection, and the Superintendent himself should be obliged Half-Yearly, and always when called upon, to make his Report to the Juiz da Camarca, for the time being, or to some other Authority, in order to insure the fulfilment of his duty, and have a check upon his integrity; which, in our humble opinion, would greatly tend to prevent the abuses now said to be practised.

We have the honour to be, &c.

(Signed)

HENRY HAYNE.
ALEX. CUNNINGHAM.

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

Enclosure in No. 95.

The British Commissioners to Sir Charles Stuart.

SIR,

Rio de Janeiro, November 19, 1825.

FINDING, by the Slave-trade Convention between His Britannick Majesty and His Majesty The Emperor of Brazil, signed by your Excellency on the 18th October last,* that the Stipulations relative to the treatment of Emancipated Negroes, are similar to those contained in the late Convention with Portugal, under which we have been acting, we feel it to be a duty incumbent upon us to state to your Excellency, that some abuses and malversations in that particular, have, of late, come within our observation; to enable your Excellency, if you should think fit, to draw the attention of His Imperial Majesty's Government to the provisions contained in the 5th Article of the Alvarà of the 26th January 1818, with a view of rectifying the existing perversion of them.

Report says, that many of the emancipated Negroes have been sold as Slaves; of this we have no proof, but, since those who hired them have never been called upon to produce them before any competent Authority, such abuse is practicable.

The majority of the Negroes who have been emancipated by the Mixed Commission, were hired out to Individuals, who were to support, clothe, and instruct them, and pay a certain sum annually, which sum was to be deposited in a coffer with three keys, one to be kept by the Juiz da Camarca, another by the Curador, and the third by a Treasurer, and at the expiration of the fixed term of the Free Negroes' servitude, the balance was to be distributed among them. It is in this Department, Sir, that investigation is more especially necessary, as the Treasurer takes no steps to collect annually the amount due for the Negroes' services; and we have certain information that Manoel Joaqm. Gliz. de Magelloens, the Curador, has gone about with a List, as complete as he could make it, of those who are in possession of the Negroes hired out, whose interests and comforts he is especially appointed to watch, and has received the amount due, giving a receipt in his own name; which amount the Treasurer declares he has never received, and that

* Not subsequently ratified.

the Curador had no authority from him to collect any money on account of the emancipated Negroes.

This is an abuse which your Excellency will perceive requires to be checked, and investigation on the part of His Imperial Majesty's Government, may possibly throw light upon others, which are not within our reach.

We have the honour to be, &c.

(Signed)

HENRY HAYNE.

ALEX. CUNNINGHAM.

The Right Hon. Sir Charles Stuart, G. C. B.

&c.

&c.

&c.

No. 96.

His Majesty's Commissioners to Mr. Secretary Canning.—(Received April 10.)

SIR,

Rio de Janeiro, January 10, 1826.

AGREEBLY to your Instructions, to forward to you Half-Yearly Reports of the Cases which are brought to us for Adjudication, we have the honour to inform you, that no Case has been laid before us since our Report of July last.

We have the honour to be, &c.

(Signed)

HENRY HAYNE.

ALEX. CUNNINGHAM.

The Right Hon. George Canning,

&c.

&c.

&c.

No. 97.

Mr. Secretary Canning to His Majesty's Commissioners.

GENTLEMEN,

Foreign Office, May 16, 1826.

I HAVE received your Despatch of the 30th of December last, suggesting some Regulations for the amelioration of the treatment of emancipated Slaves.

I cordially concur in the object of these suggestions. I beg that you will take an early opportunity of conferring upon the point with your Brazilian Colleagues, and of making a joint representation on the subject, through the proper Channel, to the Brazilian Government.

You will press upon the Ministers of Brazil the adoption of Regulations better suited than the present appear to be, to their beneficent purpose; and, whenever such Regulations shall have been adopted, you will have the goodness to give, to the due execution of the new System, the benefit of your superintendence, reporting to me from time to time the result thereof.

I am, &c.

His Majesty's Commissioners.

(Signed)

GEORGE CANNING.

No. 98.

His Majesty's Commissioners to Mr. Secretary Canning.—(Received Nov. 28.)

SIR,

Rio de Janeiro, July 30, 1826.

WE have the honour to acknowledge the receipt, on the 20th ultimo, of two Copies of Papers, marked A and B, relative to the Slave-trade, which were presented to both Houses of Parliament, in the course of the last Session.

We have the honour to be, &c.

(Signed)

HENRY HAYNE.

ALEX. CUNNINGHAM.

The Right Hon. George Canning,

&c.

&c.

&c.

No. 99.

His Majesty's Commissioners to Mr. Secretary Canning.--(Received Nov. 28.)

SIR,

Rio de Janeiro, August 1, 1826.

WE have the honour to inform you, that during the Half Year, ending on the 1st of July last, no Slave-vessel was brought in here for Adjudication.

We were unable to forward this Report, at the usual time, owing to Mr. Hayne's being, at that period, dangerously ill of an inflammatory bilious fever; and Mr. Cunningham laid up, in consequence of a severe fall from his horse; but we are happy to say that we are now both convalescent; and have the honour to be, &c.

(Signed)

HENRY HAYNE.

ALEX. CUNNINGHAM.

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

No. 100.

Henry Hayne, Esq. to Mr. Secretary Canning.--(Received Dec. 16.)

SIR,

Rio de Janeiro, October 26, 1826.

IT is with great regret that I feel myself under the necessity of earnestly soliciting your kind interposition, to obtain for me His Majesty's gracious permission to return to England, for the purpose of re-establishing my health, which has of late suffered materially from the effects of the Climate.

I am at this moment in a great state of debility, the effects of a relapse, after only six weeks convalescence from my late serious illness.

I had hoped that I should have been able to have remained at my Post until the final abolition of the Slave-trade in this Country, which I still do not altogether despair of accomplishing, provided the change of air to the neighbouring Mountains answers the desired end, and it is only on its failure, and its being deemed highly expedient by the Faculty for me to remove to another Climate, that I should think of availing myself of the leave of absence I now solicit.

On this plea, Sir, may I entreat that such conditional leave may be forwarded to me, as will warrant my quitting my Post for the recovery of my health.

I have the honour to be, &c.

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

(Signed) HENRY HAYNE.

No. 101.

Joseph Planta, Jun. Esq. to Henry Hayne, Esq.

SIR,

Foreign Office, December 16, 1826.

MR. SECRETARY CANNING has received your Letter of the 26th of October 1826, and I am directed by him to state to you, that, under the circumstances which you mention, with respect to your health, Mr. Canning consents to your having a conditional leave to return to England for a period of six Months, if the state of your health should absolutely require it.

You are aware that your Salary will be diminished by one half during your absence, and that the period of your absence cannot be counted as "actual service at your Post," in consideration of which a Pension may eventually be granted to you.

I am, &c.

Henry Hayne, Esq.

(Signed) JOSEPH PLANTA, JUN.

No. 102.

Mr. Secretary Canning to His Majesty's Commissioners.

GENTLEMEN,

Foreign Office, December 30, 1826.

YOUR several Despatches, to the 26th of October last inclusive, have been duly received.

I am, &c.

His Majesty's Commissioners.

(Signed) GEORGE CANNING.

SURINAM.

No. 103.

Mr. Secretary Canning to His Majesty's Commissioners.

GENTLEMEN,

Foreign Office, March 13, 1826.

WITH reference to the Treaty with the Netherlands, for the prevention of the Slave-trade, I have to acquaint you, that, by a Communication received this day from the Admiralty, it appears that the Instructions referred to in the said Treaty, have been issued to the following Ships and Vessels of His Majesty's Navy:—

| Names. | Guns. | Commanders. |
|-----------------------|----------|---------------------|
| <i>Hussar</i> | 46 | G. Harris. |
| <i>Brazen</i> | 26 | G. W. Willes. |
| <i>Primrose</i> | 18 | Oct. V. Vernon. |
| <i>Redwing</i> | 18 | D. C. Clavering. |
| <i>Dispatch</i> | 18 | Robt. W. Parsons. |
| <i>Ferret</i> | 10 | Wm. Hobson. |
| <i>Conflict</i> | 12 | Lieut. J. Chrystie. |

And that the Instructions which had been issued to His Majesty's Ships "*Pyramus*," "*Ariadne*," "*Bann*," "*Victor*," "*Ringdove*," and "*Grecian*" have been recalled and cancelled.

I am, &c.

His Majesty's Commissioners.

(Signed) GEORGE CANNING.

No. 104.

His Majesty's Commissioners to Mr. Secretary Canning.—(Received April 21.)

SIR,

Surinam, January 18, 1826.

IN reference to the Correspondence reported in Class B. of the Papers laid before Parliament for the Year 1825, page 81, on the subject of the insufficiency of the Dutch Naval Force on this Station, to prevent the fraudulent importation of Slaves, and the promise therein expressed by the Minister of His Netherlands Majesty, that measures should be adopted in order constantly to maintain at Surinam a Cruizer, in aid of one of the Dutch Ships-of-War stationed in the West Indies; we feel it our duty to acquaint you, that there has been no Dutch Vessel-of-War here of any description since the 3d of July last, when the "*Mercure*" Brig (Captain Muller) left this Port for Curaçoa, and that we still continue without one, notwithstanding the frequent prevalence of reports of Slave-ships being off the Coast, and effecting illicit debarkations, but of which it is almost impossible to obtain any conclusive evidence.

We have the honour to be, &c.

(Signed) CHRIS. EDWD. LEFROY.
J. H. LANCE.*The Right Hon. George Canning,*
&c. &c. &c.

No. 105.

Mr. Secretary Canning to His Majesty's Commissioners.

GENTLEMEN,

Foreign Office, June 28, 1826.

I TRANSMITTED your Despatch of the 18th of January last, on the want of Dutch Cruizers at Surinam, to His Majesty's Ambassador in the Netherlands, with Instructions to represent to the Netherlands Government the circumstances stated in your Communication, and I now send to you the Copy of the Answer from the Netherlands Minister,* by which it appears that, since the Month of February last, the Dutch Brig-of-War "*De Valk*," has been cruizing upon that Station; and that measures have been taken to ensure in future the regular performance of this Service.

I am, &c.

His Majesty's Commissioners.

(Signed) GEORGE CANNING.

* See Class B.

No. 106.

Mr. Secretary Canning to His Majesty's Commissioners.

GENTLEMEN,

Foreign Office, July 8, 1826.

I SEND to you, for the information of yourselves, and of the other Gentlemen composing the Board of Commission whereof you are Members, the accompanying Copy of a Note, which I have received from His Netherlands Majesty's Chargé d'Affaires at this Court, by which it appears that the Netherlands Brig-of-War "*Panther*," destined for the West Indies, will be furnished with a Copy of the Treaty of the 4th of May 1818, and the Documents annexed thereto, for the suppression of the Traffick in Slaves.

I am, &c.

(Signed)

GEORGE CANNING.

His Majesty's Commissioners.

No. 107.

His Majesty's Commissioners to Mr. Secretary Canning.—(Received July 15.)

SIR,

Surinam, May 15, 1826.

WE have the honour to acknowledge the receipt of your Despatch dated March 13, 1826, acquainting us, that the Instructions referred to in the Treaty with the Netherlands for the prevention of the Slave-trade, have been issued to the following Ships and Vessels of His Majesty's Navy:—

| Names. | Guns. | Commanders. |
|-----------------------|----------|---------------------|
| <i>Hussar</i> | 46 | G. Harris. |
| <i>Brazen</i> | 26 | G. W. Willes. |
| <i>Primrose</i> | 18 | Oct. V. Vernon. |
| <i>Redwing</i> | 18 | D. C. Clavering. |
| <i>Dispatch</i> | 18 | R. W. Parsons. |
| <i>Ferret</i> | 10 | W. Hobson. |
| <i>Confict</i> | 12 | Lieut. J. Chrystie. |

And that the Instructions which had been issued to His Majesty's Ships "*Pyramus*," "*Ariadne*," "*Bann*," "*Victor*," "*Ringdove*," and "*Grecian*," have been recalled and cancelled.

We have the honour to be, &c.

(Signed)

CHRIS. EDWD. LEFROY.
J. H. LANCE.

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

No. 108.

Mr. Secretary Canning to His Majesty's Commissioners.

GENTLEMEN,

Foreign Office, December 5, 1826.

I HAVE to acquaint you, for your information, and that of the other Gentlemen composing the Mixed Board of Commission, of which you are Members, that it appears, by a Communication from the Admiralty, under date of the 25th ult. that the Instructions referred to in the Treaty between Great Britain and the Netherlands, for the suppression of the Slave-trade, have been issued to the following Ships and Vessels of His Majesty's Navy :

| Names. | Guns. | Commanders. |
|-----------------------------|-------------|------------------|
| <i>Druid</i> | 46. | Lieut. Chambers. |
| <i>North Star</i> | 28. | Capt. Arabin. |
| <i>Scylla</i> | 18. | Wm. Hobson. |
| <i>Pylades</i> | 18. | G. V. Jackson. |

And that those Instructions have been recalled and cancelled which had been issued to His Majesty's Ships "*Hussar*," "*Dartmouth*," "*Dispatch*," "*Ferret*," and "*Swinger*."

I am, &c.

(Signed)

GEORGE CANNING.

His Majesty's Commissioners.

No. 109.

His Majesty's Commissioners to Mr. Secretary Canning.—(Received Dec. 18.)

(Extract.)

Surinam, September 22, 1826.

WE have the honour to acknowledge the receipt of your Despatch, dated May 6, 1826, accompanied by the 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.

(Signed)

CHRIS. EDWD. LEFROY.
J. H. LANCE.

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

No. 110.

His Majesty's Commissioners to Mr. Secretary Canning.—(Received Dec. 18.)

SIR,

Surinam, September 25, 1826.

WE beg leave to enclose, for your perusal, three Public Documents regarding the Registration of Slaves in this Colony, with which we have been favoured by his Excellency the Governor, Numbered 1, 2 and 3, with their respective Translations, of which the following is a summary :—

No. 1, is a Publication of his Excellency, dated the 19th April 1826, for the purpose of putting in force a Decree of His Majesty The King of the Netherlands, dated 4th January 1826, whereby it is decreed :—

ART. 1.—That the present Registers shall be enlarged by an additional column, in which the increase and decrease of all Slaves is to be noted.

ART. 2.—Every Proprietor to give in, upon oath, a written Declaration of every increase and decrease of his slaves.

ART. 3.—The same to be given in within 3 days in Paramaribo, and within 14 days elsewhere, after they respectively happen.

ART. 4.—In default of so doing a Penalty is incurred of from 100 to 500 guilders.

ART. 5.—In the increase or decrease of the Slaves of any Person, by sale or purchase, the Declaration to contain the names of both Vender and Purchaser.

ART. 6.—A Receipt to be given by the Publick Officer on the fulfilling of Articles 2 and 9.

ART. 7.—The aforesaid Declarations, as soon as given in, to be noted in the additional column of the Yearly Registers, designated in Article 1.

ART. 8.—In case of increase or decrease of hired Slaves, the Person hiring must give notice to the Owner, within 24 hours if both reside in Paramaribo, and within 8 days if both, or either of them, reside elsewhere, under a Penalty of 25 guilders for each day's neglect.

ART. 9.—A written Declaration of all Bonds, or other Instruments affecting Slaves to be given in at the Capitation Tax Office, under pain of being held void.

ART. 10.—No name not known at the Capitation Tax Office, to be accepted without 2 known Securities, who shall be personally answerable for the contents of the Declaration, on neglect of which regulation the Registrar to be personally answerable.

ART. 11.—No Publick Officer to pass or execute any deed, without ascertaining that the Slaves thereby affected are registered, under pain of dismissal from his Office, and the act being void.

ART. 12 and 13.—No Slaves to be sold or hired out at publick vendue, without an extract from the Registers, under pain of the Vendue-Master being dismissed from his Office.

ART. 14.—No Slave to be freed, unless registered.

ART. 15.—No Sentence to be passed, or Decision made, by any Publick Authority, without ascertaining that the Slaves thereby affected are registered, under pain of such decision being held void.

ART. 16.—The Fiscal to have the superintendence of the Registry Office.

ART. 17.—On discovery of any fraud, the offenders to be dealt with according to Article 6 of the Decree of 18th August 1823.

ART. 18.—When any thing appears unsatisfactory, the Owner to be summoned.

ART. 19.—If convicted, the Slaves are forfeited to the Government, and the Owner dealt with according to Article 4.

ART. 20.—If not able to pay a fine, he is to be imprisoned from 1 to 6 Months.

ART. 21.—These alterations not to affect the Publication of the 18th August 1823, concerning the Capitation Tax.

ART. 22.—All Articles affecting Owners to be applicable to their Attornies.

ART. 23.—Extracts from the Registers to be furnished to every Person requesting the same, on payment of the Stamp-duty, and f10. if the number of Slaves therein mentioned be under 20, and f20. if above 20, the said fees to be for the benefit of the Registrar.

ART. 24.—A Registrar to be appointed.

ART. 25.—He can neither own nor administer Estates.

ART. 26.—He is bound under pain of dismissal, to give notice to the Fiscal of all frauds or neglects, or even suspicion thereof.

ART. 27.—He must attend at his Office from 8 to 11 A. M., and from 2 to 4 P. M. every day, Sundays and Holydays excepted, and he must be under the controul of the Book-keeper General.

ART. 28.—When the Registrar is by any cause detained from his Office, the Book-keeper General, with the Governor's sanction, to appoint a Person to officiate.

ART. 29.—The Book-keeper General to examine, verify, sign, and close the Registers at the end of every Year.

ART. 30.—The Inhabitants of Nickerie to give in their Returns within 3 days to the Landrost or Drost of that District, who is to forward them by the first opportunity to the Book-keeper General.

ART. 31.—One third of all fines to go to the Colony Chest, one third to the Fiscal's Office, and one third to the Registrar.

ART. 32.—This Decree to be in force from the 1st of this Month, and Returns of every increase and decrease of Slaves from that time to the day the Lists are given in, to be made within 14 days for Paramaribo, and within 1 Month for the other parts of the Colony, to be reckoned from the Publication of the Decree.

Here follows a Description of the Forms.

No. 2, is a Publication of his Excellency the Governor, dated the 5th May 1826, and made for the purpose of extending the Limitations of Articles 3, 30 and 32 of the above Decree, by

1st.—Allowing to the end of July to prepare the Registers.

2d.—The 14 Days and 1 Month mentioned in Article 32, to be reckoned from the 1st of August 1826.

3d.—The 14 Days mentioned in Article 3, are extended to 1 Month for giving in Returns for elsewhere than in Paramaribo.

4th.—The 3 Days mentioned in Article 30, are extended to 14 days, for the Inhabitants of Nickerie to make their Returns.

5th.—Certificates from the Capitation Tax Office to serve in place of extracts from the Registers, till the 31st July 1826.

No. 3, is a Publication of his Excellency the Governor, dated the 19th April 1826, whereby a Registrar is appointed with a fixed Salary of 12,000 guilders, Surinam Currency, in place of the Fees mentioned in Article 23, which are to go into the Colonial Chest.

We hope and trust that these measures will at length put an end to that abominable Traffick against which they are directed, and which, notwithstanding all that has been done before, we have strong grounds for believing has been till very lately carried on, though on a limited scale; but the precautions taken by those interested have been so great, that we have not been able to procure evidence sufficient to justify an application on our parts to the Governor on the subject.

We have the honour to be, &c.

(Signed)

CHRIS. EDWD. LEFROY.
J. H. LANCE.

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

First Enclosure in No. 110.

(Translation.)

Publication of the Governor of Surinam, 19th April 1826.

1826.

OFFICIAL PAPER.

No 1.

Publication.

Whereby is put into execution The King's Decree of the 4th January 1826, No. 92, containing some further Limitations and Provisions to amplify the Registers of the Slave Population in this Colony, to serve as an efficacious curb to the Slave-trade.

We Abraham de Veer, Knight of the Order of the Belgic Lion, Major-General in the Service of His Majesty The King of the Netherlands, Governor of the Colony of Surinam, and Commander-in-Chief over the Land and Sea Forces within the same, &c. &c. &c.

To all who shall see or hear read these Presents, greeting, be it known:

WHEREAS it has pleased His Majesty The King, by His Majesty's Decree of the 4th of January of this Year, 1826, No. 92, to make some further Limitations and Provisions to amplify the Registers of the Slave Population in this Colony, to serve as an efficacious curb to the Slave-trade.

And whereas his Excellency the Minister for the Navy and Colonies, entrusted with the execution of the said Decree, has sent us a Copy of the same, in his Letter dated 24th January aforesaid, La. I. No. 98 | 3, with orders to adopt the most proper measures for the speedy and due execution of the Limitations thereby made:

Having heard the deliberations and advice of our confidential Court;

We, therefore insert the aforesaid Royal Decree in these Presents, as follows :

No. 92.—We William, by the Grace of God, King of the Netherlands, Prince of Orange-Nassau, Grand Duke of Luxembourg, &c. &c. &c.

Considering that the Registers of the Slave Population, that are at present held in the Colony of Surinam, can be properly rendered serviceable to the efficaciously curbing of the Slave-trade, by the ordaining of some further Limitations and Provisions

On the Report of our Minister for the Navy and Colonies, of the 16th December last, La. J. No. 68.

Having seen the Joint Report of our Minister of Justice, and of the Department of Foreign Affairs of the 28 | 31 of the said Month No. 67 | 22.

Having renewed the Report of our Minister for the National Industry and Colonies, of the 4th December 1824, No. 28 | 491, likewise that of our Minister of Justice and of Foreign Affairs of the 29 | 31 thereunto next ensuing, La. P. No. 5.

Have decreed and do decree :

ART. 1.—The Registers that are held at the Office of the Capitation Tax, according to the Lists, which, as ordained by the Publication of the Governor and Court of the 18th August 1823, are rendered in to the said Office, of the Families and Individuals, who inhabit the said Colony, and also of their proper slaves, shall be enlarged by a column of Mutations, in order therein successively to mark the increase or decrease that may take place in the number of the slaves since the last Yearly List rendered in, until the date of the rendering in the ensuing List.

ART. 2.—Every Owner of slaves shall be bound and held to render in to the Office of the Capitation Tax a written Declaration, undersigned by him, and made under presentation of oath, of all increases and decreases which, after the giving in of his Yearly List to the said Office, may take place in the number of his slaves, either by birth, death, purchase, sale, donation, exchange, or in whatsoever other manner ; in which Declaration the name of the thereby denominated slave must be distinctly expressed.

ART. 3.—The declarations of all increases and decreases in the number of the slaves, such as the same are designated in the foregoing Article, must be given in within the time of 3 days, for as much as relates to the Town of Paramaribo, and within the time of a fortnight for as far as the said changes might happen elsewhere.

ART. 4.—Every Owner who purchases, sells, gives away, or obtains by donation, a slave, or from whose female slave a child is born, also whose slave dies, or to whom, in whatever manner, any increase or decrease in the number of his slaves occurs, after or since the giving in of his last Yearly List, and who should not make Declaration thereof within the period prefixed by the foregoing Article, shall, in similar manner as is limited by Article 6 of the aforesaid Publication of the 18th August 1823, forfeit a fine of not less than one hundred guilders (f100.) and of not more than five hundred guilders (f500.) unless he should prove satisfactorily to the Judge that he had no earlier notice of the increases or decreases that have taken place in the number of his slaves after the giving in of his last Yearly List.

ART. 5.—When the increase or decrease in the number of the slaves arises from transfer of Ownership, the Declaration thereof is to contain as well the name of the Person by whom the slave is transferred, as that of the Person to whom he is transferred, also the nature or title of the transfer, and by default of any of these requisites, the Declarations are not to be accepted at the Office of the Capitation Tax, and are to be considered as not made.

ART. 6.—In testimony of the giving in of the Declarations required by Article 2 and Article 9 of this Decree, a due Receipt shall be given by the Publick Officer hereafter to be designated, on which Receipt the date of the Month, and the number of the Year are to be noted, not in ciphers but in letters.

ART. 7.—As soon as the aforesaid Declarations are given in at the Office of the Capitation Tax, the contents of the same shall be noted in the Registers of the Yearly Lists, in the column of Mutations, designated by Article 1 of this Decree.

ART. 8.—When a child is born of a female slave during the time that she is either hired by contract, or by any other agreement bound in the service of any other Person than her Owner, or when a slave that, in a similar manner, is engaged in another's service, dies during that period, the hirer or holder of the same shall give notice thereof to the Owner within the time of twenty-four hours, if both are residing at Paramaribo, and within the time of eight days if both, or either of them, are residing elsewhere, under penalty of a fine of twenty-five guilders (f5.) for every day's neglect of so doing.

ART. 9.—A written Declaration of all bonds affecting slaves, whether the same be bound or mortgaged, separately or jointly, with the immoveable properties, whereto they belong, and whether such bond or mortgage be made privately, or before a Notary Publick, shall be given in at the Office of the Capitation Tax, by the Party concerned, in the form prescribed by Article 2, in order that the same may be duly noted in the Registers of the Yearly Lists in the Column of Mutations, and in default thereof the same Mortgage or Bond given in favour of a third Person shall be held null and void.

ART. 10.—In case in any of the Declarations, designated by the foregoing Articles, the name of any Person should appear, who is unknown in the Registers at the Office of the Capitation Tax, such a Declaration shall not be accepted unless the same be undersigned by two Sureties,

known at the said Office; and to the said Signature is hereby attached this effect or consequence, that the same two Sureties are held personally answerable for the contents of the same Declaration, and for the judicial consequence thereof, and this responsibility shall devolve on the Publick Officer appointed to keep the Registers, in case he should, without having taken the above prescribed precaution, have accepted and entered in the Registers, any Declaration in which may appear any name, either of a Purchaser or of a Seller, whichever it may be, who is not known in the Registers held at the Office of the Capitation Tax; and besides the said responsibility, such correction is hereby reserved as his Superiors may judge proper to give to him on this account.

ART. 11.—It is hereby most strictly prohibited to every Publick Officer or Authority to pass or execute, or to allow the same to be passed or executed before him, any act regarding the transfer of the Ownership of slaves under whatsoever title, or of hiring out, mortgaging or binding of slaves, unless it fully appear that such slave or slaves are known in the Registers of the Lists, which must appear by the citing the number and letter of the Books, under the penalty of the same act being void; and that the Publick Officers, who shall have acted contrary to this prohibition, be dismissed from their Offices.

ART. 12.—No slaves shall be sold at publick auction, unless it shall have appeared to the Vendue Master, from a due extract, that the same are known in the Registers of the Lists, under penalty of being deprived of his Office; and the Commissaries for the Vendues, who are thereto appointed out of the Body of the Court of Policy, are ordered to attend most strictly hereto.

ART. 13.—Neither shall any slaves be publickly rented out unless it appear, from a due Extract to the Publick Officer before whom this renting out takes place, that the same are known in the Registers, under penalty that the said Publick Officer be immediately dismissed from his Office.

ART. 14.—No regard shall be paid by the Court of Policy to any Petition, requesting to be authorized to act as Curator for a slave, in order to petition for Letters of Freedom for the same, nor to any Petition to obtain the said Letters, unless the Petition, in both cases, be accompanied by an Extract to prove that the slave thereby concerned is known in the Registers of the Lists.

ART. 15.—It is not allowed to any Publick Authority whatsoever to give any Appointment, Sentence, or Decision; in any case regarding the transfer of Ownership, or the hiring or binding out of slaves, before having been convinced, from a due Extract, that the same slave or slaves are known in the Registers of the Lists, under penalty that such Decision be annulled.

ART. 16.—It is enjoined to the Councillor Fiscal to take the utmost possible care for the strict performance of all the limitations in general contained in this Decree; in particular he shall be obliged to look over the Registers of the Lists in the Month of March of every Year, to examine and compare the same with the Quarterly Reports of the Captains of the several Burgher Divisions, likewise with the Registers of former Years, for which purpose the Secretary of the Court shall lay before the Councillor Fiscal, when thereto required, the said Quarterly Reports in the original, upon receiving a Receipt for the same; and the Councillor Fiscal is bound to give in to the Governor a summary Report of the result of his aforesaid Investigations, over and above which is reserved to the Councillor Fiscal the power to proceed to similar overlookings, examinations and comparisons, as often as he judges necessary.

ART. 17.—When it has appeared to the Councillor Fiscal, either from the like overlooking, examining or comparing, or in whatever other manner, that a Person has become Owner of one or more slaves, without having ascertained that the same, at the time of the transfer of Ownership, were known in the Registers of the slaves, unless such Person had become Owner of such slave or slaves, directly by way of legal importation, or also when it has therefrom appeared to the Councillor Fiscal that a Person has become Owner of a slave without having had the slave or slaves transferred to his name, within the period limited by this Decree, or likewise, when, from the aforesaid examining, it should appear to him that no Declaration has been made within the fixed period, of the decrease that any Owner has experienced in the number of his slaves, he shall, although the Declaration of the former and the latter case might have been made afterwards, nevertheless always be held and bound to act against the Defaulters, by applying such punishments as are decreed by Article 6 of the aforementioned Publication of the 18th August 1823, and which is referred to in Article 4 of our present Decree.

ART. 18.—If it should appear to the Councillor Fiscal, from the overlooking, examining, and comparing of the Registers, that, in the Yearly Lists, slaves are mentioned who do not appear in the List of the foregoing Year, and of whose acquisition, nevertheless, no annotation be found in the Column of Mutations, he shall be held to make the necessary enquiry thereinto, and summon the Owner to declare in what manner he has acquired the possession of such slave.

ART. 19.—When, from the proceedings, that, according to both the foregoing Articles are to be instituted, by the Councillor Fiscal, it should not be convincingly proved by the Owners, that such slave or slaves as have not been entered in the Registers of the Lists, or not been done so within the prefixed period, are born in the Colony of Surinam, or legally imported into the same, such slave or slaves shall be declared to be forfeited to the disposal of Government, and shall be dealt with in such manner as will be found right, without doing away with the punishments prescribed by Article 4, against the defaulting Owners.

ART. 20.—In case of total inability to pay the fine decreed by the aforementioned Publication of the 18th August 1823, and by this Decree, the punishment for such Defaulters may be commuted for an imprisonment from one to six Months, the expences of which shall be paid out of the Colony Chest, reserving, however, the right of recovering the same, when the said Defaulters do at any time become able to refund the same.

ART. 21.—Notwithstanding the new obligations laid on the Owners of slaves by our present Decree, the Yearly Lists prescribed by the Publication of the 18th August 1823, do still remain as the basis of the Capitation Tax, so that the said Tax shall be due for those slaves only that were in possession of the Owner on the 1st of January of each Year.

ART. 22.—All the Articles of this Decree regarding the Owners, are likewise applicable to their Attorneys, or Representatives, who, accordingly, in case of transgression, shall incur the same punishments, as are hereby decreed against the defaulting Owners.

ART. 23.—To all and every one, Extracts of the Registers shall be given at their request, provided they do pay, besides the Stamp duty, ten guilders (f10.) for the Extract when the number of the slaves therein mentioned be less than 20, and twenty guilders (f20.) when the number do surpass 20; from this payment, however, are exempted the Publick Authorities, to whom such Extracts might be requisite in the exercise of their functions, which shall in such case be given gratis; and further, the said fees shall be for the profit of the Publick Officer, who is to be nominated by the following Article.

ART. 24.—To do the work arising from this Decree, a separate Publick Officer shall be appointed and attached to the Office of the Capitation Tax; this Officer shall have to attend to the establishing, continuation, and keeping of the Registers, in the manner limited by this Decree, and shall be personally answerable therefor.

ART. 25.—The said Officer shall not hold any administration of Estates or Grounds, nor be in any manner concerned therein.

ART. 26.—Though it is enjoined to the Councillor Fiscal to overlook the Registers from time to time, the aforesaid Officer shall, nevertheless, be bound, on penalty of forfeiting his Situation, to give notice to the Fiscal's Office of such fraud, or neglect regarding this institution, as may be discovered or even suspected by him.

ART. 27.—He must officiate daily for the Publick Service, from 8 to 11 in the Forenoon, and from 2 to 4 in the Afternoon, Sundays and Holydays excepted, and shall furthermore regulate himself, after such further instructions, as shall be given to him by the Councillor Contoller of the Finances, under whose superintendence he is placed.

ART. 28.—In case of any impediment, whereby he might for a lesser or longer time be detained from his functions, the Councillor Controller of the Finances shall, under the approbation of the Governor, appoint another Functionary attached to the Department of the Finances.

ART. 29.—The Registers of the Lists shall be quoted on the first and last page, and further be marked with the initials of the Councillor Controller of the Finances in every page, in the Month of January of every Year; the same shall likewise be verified and closed by the Councillor Controller of the Finances at the expiration of every Year.

ART. 30.—In order to accommodate the Inhabitants of the Upper and Lower Districts of Nickerie, the same shall render in, within the time of 3 days, to the Land Drost, or to the Drost of the said Districts, the required written Declarations of all increases or decreases that may occur in the number of their slaves since the rendering in of their Yearly Lists, which Declarations must be made out as is limited by this Decree; and the Land Drost and Drost shall be obliged to send in the said Declarations by the first opportunity, to the Councillor Controller of the Finances, in order to enter them into the Office of the Capitation Tax, and in the Registers.

ART. 31.—By alteration of what is with regard hereto ordained, by the frequently mentioned Publication of the 18th August 1823, all fines, arising as well from the said Publication, as from our present Decree, shall devolve one third part thereof to the Colony Chest, one third part to the Fiscal's Office, and one third part to the Officer who has charge of the Registers.

ART. 32.—This Decree shall be considered to be put in force from the 1st of this Month, and those concerned shall be obliged to give in Lists of all Increases or Decreases that have occurred in the number of their slaves, from the 1st of this Month to the day they give in these Lists, which is to be done within a fortnight for as far as regards the Town of Paramaribo, and within a month for as far as relates to the further Part of the Colony, both to be reckoned from the day of the publication of this Decree.

And our Minister for the Navy and Colonies is charged with the execution of this Decree, and the same shall be made known to our Minister of Justice, and to the Department of Foreign Affairs.

Given at the Hague, this 4th day of January, in the Year 1826, the thirteenth of Our Reign.

(Signed) WILLIAM.

By His Majesty's Command, (Signed) J. G. DE MEY VAN STREEFKERK.

Agrees with its Original, The Greffier at the State Secretary's Office,

A true Copy, (Signed) L. H. ELIAS SCHOVEL.

The Secretary General of the Ministry for the Navy and Colonies,

(Signed) QUARLES VAN UFFORD.

And we, therefore, furthermore, adhering to the limitations of the Publication of the Governor and Court of the 18th August 1823, Official Paper No 5, have ordained the Five Forms of Declarations hereafter mentioned, to be observed by all and every one at the giving in of their

Declarations, according to the tenour of His Majesty's aforewritten Decree, for which end the said Forms shall be obtainable at the Office of the Capitation Tax, viz :—

1. Form of declaring the Birth of Slaves.
2. Form of declaring the Death of Slaves.
3. Form of declaring the Increase of One's Slaves, arising from purchase or any other title.
4. Form of declaring the Decrease of One's Slaves, arising from sale or any other title.
5. Form of declaring the Pledging of Slaves.

And do Command and Order that these Presents shall be duly published, affixed, inserted in the Official Papers, and in the Newspapers of this Colony, and also sent round through the different Divisions and Districts of this Colony, from Plantation to Plantation, and be made generally known by these means, in order that every one do regulate himself hereafter : And we do, in the Name of His Majesty The King, forbid the transgression of His Majesty's aforewritten Laws, within this Colony, under the penalties therein mentioned, the execution whereof shall be strictly and severely attended to.

Done at Paramaribo, in the Colony of Surinam, the 19th of April, in the Year 1826, the thirteenth of His Majesty's Reign. (Signed) DE VEER.

By his Excellency's Command, The Secretary of Government, (Signed) J. G. RINGELING.

Published the 21st next ensuing, The Secretary of Government, (Signed) J. G. RINGELING.

Translated from the Official Paper issued and published in this Colony, Paramaribo, the 31st July 1826. (L.S.) (Signed) J. G. RINGELING, Sworn Translator.

No. 129. Seen for legalisation of the signature of J. G. Ringeling, Esq. sworn Translator in this Colony. The Major-General, Governor of Surinam, (L.S.) (Signed) DE VEER.

Paramaribo, the 31st July 1826.

By his Excellency's Command, The Secretary of Government, (Signed) J. G. RINGELING.

Second Enclosure in No. 110.

(Translation)

Publication of the Governor of Surinam, 5th of May 1826.

1826.

OFFICIAL PAPER.

No 2.

Publication.

Whereby are extended Article 32, also Articles 3 and 30, of the Decree of His Majesty The King, of the 4th of January 1826, No. 92, regarding the Registers of the Slave Population in this Colony, put in force by the Publication contained in the Official Paper of this Year, No. 1.

We, Abraham de Veer, Knight of the Order of the Belgic Lion, Major-General in the Service of His Majesty The King of the Netherlands, Governor of the Colony of Surinam, and Commander-in-Chief over the Land and Sea Forces within the same, &c. &c. &c.

To all who shall see or hear read these Presents, greeting, be it known :

WHEREAS experience has taught that a longer period than that which has been hereto prefixed, is required to establish and keep the Registers of the Slave Population amplified with a column of Mutations, and, through those means, duly to execute the limitations of the Decree of His Majesty The King, dated 4th of January of this Year, No. 92, published in this Colony on the 21st of April last, and contained in the Official Paper of this Year, No. 1, and further to continue the same by the booking of the Mutations that have occurred from the 1st of January of this Year, and will occur in future, as is prescribed to be done by the limitations of His Majesty's said Decree; likewise, that longer periods must be granted for the sending in of the Declarations from Plantations, in order not to expose the Planter to the loss of the labour of his able workmen, through the necessity of sending, at every occasion, Boats to Paramaribo to carry over the said Declarations.

And whereas, by virtue of the Order given to us by his Excellency the Minister, by his Letter of the 24th of January last, No. 98 | 3, to adopt the most proper measures for the due, as well as for the speedy, execution of the Limitations made by the aforesaid Royal Decree, we have, with the advice of our confidential Court, resolved to provide for the aforewritten impediment, by means of further limitations, to the best effect.

Therefore, we do amplify and extend the Limitations of Article 32 in particular, and also of Article 3, and of Article 30, of the said Decree, and accordingly do ordain as follows :

ART. 1.—To establish the Registers of the Slave Population, amplified with a column of Mutations, as prescribed by The King's Decree of the 4th of January 1826, No. 92, and the writing of the said Registers, time is allowed to the last of the Month of July of this Year to the Officer appointed for the said Registers, to whom two Assistants are added; and the said Registers must be in readiness at that time.

ART. 2.—The period of 14 days and of a Month, within which, according to Article 32 of the aforesaid Royal Decree, the Declarations are prescribed to be done of all increases and decreases occurred in the number of the slaves, from the 1st of January of this Year to the day of the giving in of the Declaration, shall be reckoned to begin with the 1st of the Month of August of this Year; and the said Declarations must be given in to the Registration Office within the first 14 days, as for Paramaribo, and before the last day of that Month, as for Plantations, and all the Declarations of each Deponent must be contained in one Document, according to the forms prescribed.

ART. 3.—A period of a Month is, by extension, granted, instead of 14 days, to give in the Declarations ordained by Article 3 of the Decree, from elsewhere than of Paramaribo, it being, however, understood, that such Declarations shall contain all the Mutations that have occurred from the first to the last of each Month.

ART. 4.—A period of 14 days is granted instead of that of 3 days, stipulated by Article 30 of the Decree, to the giving in of the Declarations by the Inhabitants of the Upper and Lower Districts of Nickerie, to the Land-Drost, and to the Drost of the said Districts; this, however, only for as far as the said Inhabitants reside on Plantations.

ART. 5.—In the Cases stated in Article 11, 12, 13, 14 and 15, of the said Decree, wherein Extracts of the Registers are required, it will, during the intercourse or interlapse from the publication of the Decree on the 21st of April last to the 31st of the Month of July next, inclusive, suffice to produce Certificates of the Office of the Capitation Tax to prove that the slave or slaves thereby concerned is or are known on the Yearly Lists.

And for the rest, all the Limitations of His Majesty's aforesaid Decree remain in full force and effect.

And we do ordain and command that these Presents be duly published, affixed, inserted in the Official Papers and in the Newspapers of this Colony; also, that Copies of the same be sent to circulate from Plantation to Plantation, through the several Divisions and Districts of this Colony, and be made generally known through these means, that every Person do conform to the same.

Done at Paramaribo, in the Colony of Surinam, the 5th of May, in the Year 1826, the thirteenth of His Majesty's reign.

(Signed) DE VEER.

By command of his Excellency the Secretary of Government,

(Signed) J. G. RINGELING.

Published on the 6th thereunto next ensuing. The Secretary of Government,

(Signed) J. G. RINGELING.

Translated from the printed Copies, issued in this Colony of Surinam, Paramaribo, the 1st of August 1826. (L.S.) (Signed) J. G. RINGELING, Sworn Translator.

No. 131—Seen for legalisation of the Signature of J. G. RINGELING, Esq. Sworn Translator in this Colony.

Paramaribo, 1st of August 1826.

The Major-General, Governor of Surinam,

(L.S.) (Signed) DE VEER.

By his Excellency's Command, The Secretary of Government,

(Signed) J. G. RINGELING.

Third Enclosure in No. 110.

(Translation.)

Publication of the Governor of Surinam, April 19, 1826.

Paramaribo, Wednesday the 19th April, 1826.—No. 80.

N B. It is hereby requested, that at the citing of these Presents, the Date and Number of the same be likewise punctually mentioned.

We, Abraham de Veer, Knight of the Order of the Belgic Lion, Major-General in the Service of His Majesty The King of the Netherlands, Governor of the Colony of Surinam, and Commander-in-Chief over the Land and Sea Forces within the same, &c., &c., &c.

HAVING read the Letter, dated 24th January of this Year, Littera J. No. 98 | 3, of his Excellency the Minister for the Navy and Colonies, wherein his Excellency encloses to us a Copy of the Decree of His Majesty The King, dated the 4th of the said Month of January, No. 92, by which it has pleased His Majesty to make some further Limitations and Provisions to amplify the Slave Registers in this Colony, in order to serve as an efficacious curb against the Slave-trade, and further his Excellency, as being entrusted with the execution of the said Decree, empowers us to adopt the most proper measures for the speedy and due execution of the Limitations therein contained, and furthermore, his Excellency, as empowered by His Majesty, authorizes us to fix and appoint a Salary for the Publick Officer designated in Articles 23, 24, and 25 of His Majesty's Decree, and who is to be nominated by us to do the work arising from the said Decree, a minimum of the fees, which said Functionary has to demand and receive, for his profit, according to the tenour of the said Article 23, on which said Minimum accordingly he might reckon and rely as a stated income; and with regard whereto his Excellency the Minister will expect our Report and Proposal, in order to solicit His Majesty's sanction thereon:

Having heard the deliberations and advice of our confidential Court ;
 Have found proper and resolved :
 In fulfilment of the aforesaid Ministerial Order, and to the putting into effect of the aforesaid Decree of His Majesty, dated 4th January of this Year, No. 92, to issue and execute the following Publication, as its tenour purports :

(F. J.)

[See the Official Paper of this Year, No. 1.]

Under higher sanction, by alteration of the Clause of Article 23, of the aforesaid Royal Decree ; to order, as we do by these Presents, that the fees, designated and alluded to by the said Article, shall be held to the profit of, and paid to the Publick Treasury in this Colony, and that instead thereof, a stated Salary shall be appointed and allowed to the Publick Officer, which, according to Article 24 of the Decree, is to be nominated to do the work of the Registers, on which stated Salary the same might reckon and rely as a stated income, over and above which the one third part of all fines to be incurred and arising from His Majesty's said Decree, as well as from the Publication of the Governor and Court of the 18th August 1823, contained in the Official Paper of that Year, No. 5, remains allowed to the said Functionary in pursuance of Article 31 of the said Decree.

To nominate and appoint, as we do nominate and appoint by these Presents, A. A. Boers, Esq., at present Archivist at the Secretary's Office of the Court of Policy and Criminal Justice of this Colony, as Publick Officer, to do the work of the said Registers, according to the Limitations of the said Decree, on a fixed Salary of 12,000 guilders, Surinam currency, Yearly, to be reckoned from the 21st of this Month ; also on the one third part of the afore-mentioned eventual fines ; and the said A. A. Boers shall accordingly resign the said Office of Archivist, and the Yearly Salary of 4,000 guilders, Surinam currency, thereunto attached, shall cease with the 20th of this Month.

To cause Copies of these Presents to be sent to all the competent Authorities, with Conductory Letters where requisite, in order duly to execute the Limitations of these Presents, and of the afore-mentioned Publication.

To cause a Copy hereof to be sent to the nominated Publick Officer Boers, to serve as his Commission, to whom it is hereby enjoined to be sworn to the Office upon him conferred, also to fill and send in before the last of this Month to the Board of Administration of the Pension Fund, the List or Statement in triplicate, as required by the Regulation of the said Fund.

(Signed) DE VEER.

By his Excellency's command, The Secretary of Government,
 (Signed) J. G. RINGELING.

Agrees with the Original. The Secretary of Government,
 (Signed) J. G. RINGELING.

(Addressed) To the Mixed Court for the Abolition of Slave-trade, established in the Colony of Surinam. For a true Copy, the Secretary of the Mixed Court, for the Abolition of Slave-trade.
 (Signed) G. DE VEER.

Translated from the aforesaid true Copy, written in the Dutch Language.
 Paramaribo, the 31st July 1826. (L.S.) (Signed) J. G. RINGELING, Sworn Translator.

No. 127.—Seen for Legalisation of the Signature of J. G. RINGELING, Esq. sworn Translator in this Colony.
 Paramaribo, the 31st July 1826. (L.S.) (Signed) DE VEER.

By his Excellency's Command, The Secretary of Government,
 (Signed) J. G. RINGELING.

No. 111.

J. H. Lance, Esq. to Mr. Secretary Canning.—(Received December 18.)

SIR,

Surinam, September 25, 1826.

HAVING in the last dry Season experienced a very severe attack of sickness, from the effects of which I am not yet perfectly recovered, and a change to a colder Climate being recommended to me by my Medical Advisers, I should feel most sensibly obliged, if you, Sir, would have the goodness to procure His Majesty's permission for me to pass a few Months in England in the ensuing Year, for the purpose of re-establishing my health.

I have the honour to be, &c.

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

(Signed) J. H. LANCE.

No. 112.

His Majesty's Commissioners to Mr. Secretary Canning.—(Received Dec. 18.)

SIR,

Surinam, October 14, 1826.

WE have the honour to acknowledge the receipt of your several Despatches of the present Year, dated June 28th 1826, and July 8th 1826, with their respective Enclosures.

We have the honour to be, &c.

(Signed)

CHRIS. EDWD. LEFROY.

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

J. H. LANCE.

No. 113.

Joseph Planta, Jun. Esq. to J. H. Lance, Esq.

SIR,

Foreign Office, December 29, 1826.

MR. SECRETARY CANNING has received your Letter of the 25th of September 1826; and I am directed by him to state to you, that, under the circumstances which you mention, with respect to your health, Mr. Canning consents to grant you permission to return to England, in the ensuing Year, for a period of 6 Months, if the state of your health should require it.

You are aware that your Salary will be diminished by one-half during your absence, and, that the time during which you are absent, cannot be counted in that period of "actual service at your Post," in consideration of which a Pension may eventually be granted to you.

I am, &c.

J. H. Lance, Esq.

(Signed)

JOSEPH PLANTA, JUN.

No. 114.

Mr. Secretary Canning to His Majesty's Commissioners.

GENTLEMEN,

Foreign Office, December 30, 1826.

I HAVE received your Despatches up to the 14th of October 1826.

His Majesty's Government have learnt with much satisfaction, the Regulations which have been adopted for the Registration of Slaves in Surinam, with a view to the more effectual suppression of any attempts which might be made to carry on an illegal Traffick in Slaves in that Country.

I send to you, for your information, the accompanying Copy of a Despatch which, by His Majesty's Command, I have addressed upon this subject to His Majesty's Ambassador at the Court of The King of the Netherlands.*

I am, &c.

His Majesty's Commissioners.

(Signed)

GEORGE CANNING.

* See Class B.