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CORRESPONDENCE

RELATING TO

THE SLAVE TRADE.

1827.

VIZ.

CLASS (A.)

Correspondence with the British Commissioners at
Sierra Leone, The Havannah, Rio de Janeiro, and
Surinam.

CLASS (B.)

Correspondence with Foreign Powers.

Presented to the House of Commons, by The KING's Command,
In pursuance of their Address to His Majesty, of the 25th of April 1828.

Ordered, by The House of Commons, to be Printed,
8 July 1828.

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CLASS A.

CORRESPONDENCE

WITH THE

BRITISH COMMISSIONERS.

SIERRA LEONE. (General.)

N° 1.

Joseph Reffell, Esq. to Mr. Secretary Canning.—(Received January 27, 1827.)

SIERRA LEONE.
(General.)

SIR,
HAVING, on the departure of his Excellency Sir Neil Campbell for the Gold Coast, by virtue of my office of Colonial Secretary in this Colony, been sworn into the office of His Majesty's Acting Arbitrator in the Courts of Mixed Commission established here, I have now the painful duty of acquainting you, Sir, of the serious and alarming illness of Mr. Hamilton, His Majesty's Commissary Judge in the said Courts, who has now been, for upwards of a fortnight, unable to attend to any business whatever. In this period I have used every exertion to forward the business of the Commissions, and devoted the whole time I could spare from the other various and important duties, which his Excellency's absence imposes upon me.

Sierra Leone, November 20, 1826.

The brigantine "De Snelheid," which was before the court prior to Mr. Hamilton's illness, was condemned by Mr. Bonnouvrié and myself on the 16th instant, the particulars of which I shall have the honour of forwarding to you, Sir, by a vessel which leaves this in a few days, together with the reports of two or three other cases lately decided by the courts, and which have been delayed by the illness of Mr. Hamilton, who presided at their adjudication.

The only case now before the court is the Brazilian brigantine "Heroína," seized by His Majesty's ship "Maidstone," Commodore Bullen, off Lagos, on the 17th October, having no slaves on board, and which vessel only reached this on the 11th instant.

I have the honour to be, &c.

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

(signed) *J. Reffell.*

N° 2.

Joseph Reffell, Esq. to Mr. Secretary Canning.—(Received January 27, 1827.)

N° 2.

SIR,
I HAVE the satisfaction to inform you, that the illness of His Majesty's Commissary Judge has taken a favourable turn; he is, however, still incapable of transacting any manner of business, which will account to you, Sir, I trust satisfactorily, for the accompanying despatches and reports being signed by me only.

I have the honour to be, &c.

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

(signed) *J. Reffell.*

N° 3.

Mr. Secretary Canning to His Majesty's Commissioners.

N° 3.

Gentlemen,

Foreign Office, January 31, 1827.

I HEREWITH forward to you three Instruments, bearing date the 30th of December 1826, by which His Majesty was graciously pleased to appoint Mr. Daniel Molloy Hamilton to be His Majesty's Commissary Judge, and Mr. William Smith

SIERRA LEONE.
(General.)

to be His Majesty's Commissioner of Arbitration, and Mr. Joseph Reffell to be Secretary or Registrar, to the Mixed Commissions at present established at Sierra Leone, under the treaties between Great Britain and the Netherlands, Great Britain and Spain, and Great Britain and Portugal, for the prevention of illegal slave trade, and pursuant to the several acts of Parliament, which have been passed for carrying those treaties into effect.

You will, at an early opportunity after the receipt of this despatch, take in due form the oath prescribed to you by the enclosed instruments; and you will administer to Mr. William Smith the oath prescribed to be taken by him, prior to the entering upon your further respective duties in the character assigned to you in His Majesty's commission of appointment.

You will announce these appointments to the foreign members of the Mixed Commission destined to act with you under the treaties above mentioned.

You will strictly follow the line of conduct pointed out in the instructions which have heretofore been given by His Majesty's secretary of state to His Majesty's Commissioners at Sierra Leone.

Further instructions will, by His Majesty's command, be transmitted to you, according as it shall appear that such instructions shall be necessary for your guidance.

I am, &c.

(signed) GEORGE CANNING.

His Majesty's Commissioners.

N^o 4.

N^o 4.

Mr. Secretary Canning to His Majesty's Commissioners.

Gentlemen,

Foreign Office, February 26, 1827.

IN reference to your despatches on the subject of the "Activo" and "Perpetuo Defensor;" and, in particular, to the point of the landing of slaves during adjudication; I send to you, for your information and guidance, the copies of a correspondence which has passed upon this subject between the colonial department and this office.

From this correspondence you will perceive, 1st, that slaves brought into Sierra Leone for adjudication, under the commission of which you are members, do not, pending such adjudication, become free, in virtue of their landing on a British possession, or of being put on board of a government vessel, inasmuch as their temporary character of slaves is recognized by the Acts of Parliament providing for their adjudication under that character.

2dly. You will perceive that such slaves may, on account of sickness or other sufficient cause, be lawfully disembarked and put on shore, pending adjudication, but that being so landed, the slaves must be kept and detained in *their character of slaves*, until sentence be pronounced whether they shall be restored or not.

3dly. You will perceive that the governor of Sierra Leone has been instructed to lend any assistance which you may require, in order to abridge the injurious confinement of the slaves on board of the vessels in which they are brought to Sierra Leone.

I am, &c.

(signed) GEORGE CANNING.

His Majesty's Commissioners.

1st Enclosure.
(A.)
in N^o 4.

R. W. Hay, Esq. to Joseph Planta, Jun. Esq.

Sir,

Downing-street, 14 February 1827.

I HAVE received the Earl Bathurst's directions to transmit to you, enclosed, for the consideration of Mr. Secretary Canning, a copy of a despatch, with its enclosures, from the late acting governor of Sierra Leone, representing the propriety of adopting measures for averting the injurious consequences which arise to the slaves who are carried to Sierra Leone for adjudication, from their confinement on board of the vessels in which they are taken, pending the proceedings before the courts of Mixed Commission.

I am further directed to enclose, for Mr. Secretary Canning's consideration, a copy of a report which Earl Bathurst has considered it necessary to require from His Majesty's law officers, on the question as to the legality of disembarking slaves who may be under process of adjudication; and as it is the opinion of His Majesty's law officers that slaves so circumstanced may, under the convention of the 28th of July 1817, with Portugal, be lawfully

lawfully disembarked at Sierra Leone, if sickness or other sufficient cause should so require, his lordship proposes to instruct the governor of Sierra Leone to communicate the opinion of His Majesty's law officers to the Commissioners of the courts of Mixed Commission established there, and to intimate to them, that, upon their requisition, he is instructed to lend any assistance which the Commissioners may require, with a view of abridging the injurious confinement of the slaves on board of the vessels in which they are brought to Sierra Leone.

SIERRA LEONE.
(General.)

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

I am, &c.
(signed) R. W. Hay.

Acting Governor Macaulay to Earl Bathurst.

1st Enclosure.
(B.)
in N° 4.

My Lord,

Sierra Leone, July 9, 1826.

HAVING been informed that disease and death were making dreadful ravages amongst the slaves confined on board some vessels in this harbour, waiting adjudication in the courts of Mixed Commission, and exposed to all the inclemency of this season of the year, I thought it my duty to draw the attention of the British Commissioners to the 52d sec. of the 5th Geo. 4. c. 113, by which it is enacted, "that when any slaves or persons treated, dealt with, carried, kept or detained as slaves, shall be captured or seized as prize of war, or as forfeited or liable to forfeiture to His Majesty, or otherwise proceeded against in and by virtue of any law, and brought to adjudication in the High Court of Admiralty, or in any court of Vice-Admiralty, or in any court of His Majesty's colonies or plantations, or elsewhere within His Majesty's dominions, which is or may be authorized to hold jurisdiction; in such cases it shall be lawful for the person or persons claiming any right or property in, or the possession of such slaves, and he is hereby required to put such slaves on shore."

I accordingly addressed a letter to them, requesting to know whether they considered this section to apply to their courts, and having in the interim had a personal interview with the Commissioners, I received from them an answer, stating, that they did not consider slaves under adjudication in their courts, subject to these regulations. The delay in one case, as your lordship will perceive, has been attended with loss of life to 73 out of 199 human beings, and the wretched survivors are in a state which leaves little hope that they will escape the same fate, seven of them having died the night they were landed.

I therefore take the liberty of bringing this subject under your lordship's consideration, that your lordship may be enabled, if you see fit, to ascertain whether the construction put by the British Commissioners on this section of the Act is correct; and if it is, I would humbly submit to your lordship the necessity of some more efficient regulations by which this horrible waste of human life may be prevented for the future.

The Right Hon. Earl Bathurst, K. G.
&c. &c. &c.

I have, &c.
(signed) K. Macaulay,
Acting Governor.

J. Reffell, Esq. to His Majesty's Commissioners.

1st Enclosure.
(C.)
in N° 4.

Gentlemen.

Secretary's office, Sierra Leone, 29 June 1826.

BY command of his honour, the acting governor, I have the honour to enclose for your information; copy of a letter addressed to me by the prize-master of the slave brig "Perpetuo Defensor," and to draw your attention to the following extract from the 5th Geo. 4. c. 113, sec. 32, eleven lines commencing, "and be it further enacted," and ending, "such slaves on shore," and to request to know whether you consider the said recited extract to be applicable to the court of British and Portuguese Mixed Commission; and if so, to express his honour's desire that you will be pleased to give the necessary instruction for carrying the same into effect.

J. T. Williams, Esq. }
D. M. Hamilton, Esq. }

I have, &c.
(signed) J. Reffell, Col. Sec.

The Prize-Master of the "Perpetuo Defensor" to J. Reffell, Esq.

1st Enclosure.
(D.)
in N° 4.

Sir,

Slave Brig "Perpetuo Defensor," Sierra Leone, June 28, 1826.

I HAVE received directions from Mr. Lake, the proctor for Commodore Bullen, to give up to the Portuguese claimants the slaves in this vessel, and the "Susan" colonial brig, on their claiming them, to-morrow.

I therefore deem it my duty to acquaint you, that, from strong symptoms of discontent and anger manifested by them to-day, on some person, on part of the claimants attempting to take their number in my absence, and the clamorous manner in which I was surrounded on my return, that the "Susan" will not be safe on my leaving her and this vessel to-morrow.

J. Reffell, Esq.

I have, &c.
(signed) John Tollervey, Prize-Master.

SIERRA LEONE.
(General.)

Affidavit of T. H. G. Honyman, Midshipman, in the Case of the "La Fortunée."

British and Netherland Mixed Court of Justice, Sierra Leone.

1st Enclosure.
(E.)
in N° 4.

In the case of the "La Fortunée," Jean J. Gimbert, calling himself Master.

PERSONALLY appeared Mr. T. H. G. Honyman, midshipman of His Majesty's ship "Brazen," Captain George Wickens Willes, who, being duly sworn on the Holy Evangelists, maketh oath and saith, that he was put on board the said schooner "La Fortunée," which had been captured by the "Brazen," with a cargo of slaves, on the 17th day of May 1826, and proceeded with all dispatch towards Sierra Leone, where she arrived on the 7th day of June following. That the vessel being a sharp schooner of only 99 tons, had on board when captured, 245 slaves, who were in a very crowded and sickly state. That every attention and care was paid to the said slaves during their passage up, they were allowed sufficient access to the air, and were supplied with all the comforts to be found on board; but that, notwithstanding this, 46 slaves, viz. 34 men, six women, one boy, and five girls died, as is more particularly specified in the annexed Schedule. That on the arrival of the said schooner in this harbour, she was visited by the medical officer belonging to the Mixed Court of Commission, and the slaves continued under his medical care till landed. That from the said 7th day of June until the 17th day of July, the said slaves remained on board the said schooner, waiting for adjudication, in a crowded and sickly state, much exposed to the inclemency of the present season, during which period 73 more of the said slaves, viz. 20 men, 15 women, 7 boys, and 31 girls died, as per annexed schedule, making in the whole a loss of 119 by death; and that, on the said 17th day of July, the survivors, 126 in number, were landed in a very sickly debilitated state. And deponent further maketh oath and saith, that every possible care and attention was paid to the comfort and health of the said slaves by the officers and men of the "Brazen," and every exertion made to save their lives.

(signed) T. H. G. Honyman,
Midshipman.

Sworn before me, this 22d day of July 1826.

(signed) W. Smith, Registrar.

1st Enclosure.
(F.)
in N° 4.

SCHEDULE.—Slaves on Board the La Fortunée.

SLAVES WHO DIED AT SEA.					SLAVES WHO DIED IN HARBOUR.				
	Men.	Women.	Boys.	Girls.		Men.	Women.	Boys.	Girls.
May 17	7	—	—	—	June 9	—	—	—	1
— 18	1	—	—	—	— 11	—	—	—	1
— 19	1	—	—	—	— 12	1	—	—	—
— 20	1	—	—	—	— 15	1	—	—	—
— 21	1	2	—	—	— 16	—	—	—	2
— 22	1	—	—	—	— 18	—	—	1	—
— 23	3	—	—	—	— 19	1	1	—	—
— 24	2	—	—	—	— 20	1	1	—	1
— 25	3	1	—	—	— 21	1	—	—	—
— 26	2	1	—	—	— 23	—	—	1	—
— 27	4	—	1	1	— 25	1	—	—	—
— 29	1	1	—	—	— 26	1	—	1	—
— 30	1	—	—	—	— 27	—	1	—	—
June 2	—	—	—	2	— 29	—	—	—	2
— 4	1	—	—	1	— 30	1	—	—	1
— 5	2	1	—	—	July 1	1	1	—	—
— 7	3	—	—	1	— 2	1	1	—	—
Totals	34	6	1	5	— 3	—	—	—	5
					— 4	1	—	2	5
					— 5	—	—	—	1
					— 6	—	1	—	2
					— 8	2	2	—	—
					— 9	1	1	—	1
					— 10	2	1	—	—
					— 11	2	1	—	—
					— 12	—	—	—	1
					— 13	—	1	—	1
					— 14	1	—	—	—
					— 15	—	2	—	1
					— 16	—	1	1	3
					— 17	1	—	1	3
					Died { In Harbour	20	15	7	31
					At Sea	34	6	1	5
					Totals	54	21	8	36

SIERRA LEONE.
(General.)

His Majesty's Law Officers to Earl Bathurst.

My Lord,

Doctors' Commons, Jan. 26, 1827.

WE are honoured with your Lordship's commands, signified in your Lordship's letter of the 18th November last, communicating the substance of a despatch received from the officer administering the government of Sierra Leone, reporting that two ships, the "Perpetuo Defensor," and "La Fortunée," were brought into that settlement for adjudication, under the convention with Portugal of the 28th of July 1817, before the Mixed Commission established under that convention; and your Lordship is pleased to request that we would report, for His Majesty's information, our opinion, whether slaves brought into Sierra Leone for adjudication under the convention with Portugal of the 28th of July 1817, can be lawfully disembarked and put on shore, under the 32d clause of the statute 5th Geo. 4, c. 113, or whether they can be so disembarked and put on shore under the instructions annexed to that convention, and 52d section of the statute, or whether there is any other provision of the convention or the statute, under which their disembarkation can be lawfully effected.

In obedience to your Lordship's commands, we have the honour to report, that slaves brought into Sierra Leone for adjudication, under the convention with Portugal of the 28th July 1817, can be lawfully disembarked and put on shore, if sickness, or other sufficient cause, should so require, under the authority, which we think must necessarily be implied from the treaty, and the annexed instructions, which are adopted by the 5th Geo. 4, c. 113, and also from the 52d clause of the Act, and other clauses therein. The general purview of which is to carry into effect the purposes of the treaty and instructions. The practical result of the whole of these provisions is, that the slaves must be kept and detained in their character of slaves, until sentence be pronounced, whether they shall be restored or not. We would further observe, that Article 8 of the instructions appears to us to afford the direct inference, that slaves under such circumstances as above adverted to, may be legally disembarked and put on shore at Sierra Leone.

We have, &c.

(signed)

Christ. Robinson.
Chs. Wetherell.
*N. C. Tindal.*The Right Hon. Earl Bathurst, K. G.
&c. &c. &c.

Joseph Planta, jun. Esq. to R. W. Hay, Esq.

Sir,

Foreign Office, Feb. 26, 1827.

I HAVE received and laid before Mr. Secretary Canning your letter of the 14th instant, upon the subject of the landing of slaves brought to Sierra Leone for adjudication under the Mixed Commission which is established there, pursuant to the treaties and acts of Parliament for the suppression of illegal slave trade.

I am directed by Mr. Secretary Canning to acquaint you, for the information of Earl Bathurst, that a copy of your communication will be transmitted to His Majesty's Commissioners at Sierra Leone, for their guidance upon the points in question.

In reference to your letter of the 24th of September 1826, I am, at the same time, directed to transmit to you the accompanying copy of two reports from His Majesty's law officers, upon the subject of the ships "Activo" and "Perpetuo Defensor," in which cases it appears that slaves were, during adjudication, declared by the authorities at Sierra Leone to have become free—in one instance, in virtue of their landing upon a British possession, in the other instance, in virtue of their being on board of a government vessel.

And I am to request that you will be pleased to lay these papers before Earl Bathurst, for his Lordship's information and consideration, as to any instructions which he may judge proper to issue upon the subject, for the guidance of His Majesty's colonial authorities at Sierra Leone.

I am, &c.

(signed) *Joseph Planta, jun.*R. W. Hay, Esq.
&c. &c. &c.

His Majesty's Law Officers to Mr. Secretary Canning.

Sir,

Doctors' Commons, Jan. 26, 1827.

WE are honoured with your commands, signified in Mr. Planta's letter of the 11th of November last, transmitting two despatches from His Majesty's Commissioners at Sierra Leone, detailing the circumstances which attended the capture and adjudication of the Portuguese brig "Activo," and also a communication which has been received from the Colonial Department upon the same subject; and you are pleased to request, that we would take this case into consideration, and report our opinion as to the decision pronounced by the authorities at Sierra Leone, in respect to the slaves who escaped ashore during the investigation of their case, without awaiting the decision of the commissioners.

In obedience to your commands, we have the honour to report, that with respect to the slaves belonging to the ship "Activo," inasmuch as a sentence was duly pronounced by the court of Mixed Commission, by which it was decreed that the vessel and slaves should be

1st Enclosure.
(G.)
in N^o 4.2d Enclosure.
(A.)
in N^o 4.2d Enclosure.
(B.)
in N^o 4.

SIERRA LEONE. be restored to the claimant for the use of the Brazilian owner, we are of opinion that the authorities at Sierra Leone were bound to have taken measures to procure that sentence to be carried into effect.

(General.)

It appears that a few days before adjudication was made, the slaves revolted against the persons who had charge of them on board, and came on shore, and were taken possession of by an officer of the customs, within the colonial jurisdiction, and that an application was made to the deputy governor by the agent of the captors, desiring him to give directions to deliver them up. This application was refused on the alleged ground that no slaves could be given up after being once landed in the colony.

The principle thus assumed, and which we think has been mistakenly borrowed from the decision of the court of King's Bench, in the well known case of "Somerset," the negro, namely, that a slave acquires his freedom from the mere circumstance of his landing upon the soil of Great Britain, is, in our opinion, wholly inapplicable to the case of slaves landing upon the territory of the colony of Sierra Leone, under the circumstances which give rise to the present question. We conceive that we need only remark, that the convention between this country and Portugal, and its annexed instructions, have been recognized and adopted by the 5th Geo. 4, c. 113, and that the court of Mixed Commission, which has been established in the colony of Sierra Leone, in pursuance of that statute, is a court of competent judicature, constituted for the very purpose of deciding on the legality of the capture or detention of vessels with slaves on board, brought in there for adjudication, and whose express duty it is to decree restitution of those vessels and slaves which shall be found to have been captured and detained contrary to, or not within the provisions of the treaty and the annexed instructions. To apply the doctrine laid down in Somerset's case, as an abstract or universal principle, to the case of the slaves who landed at Sierra Leone under the above circumstances, would involve the contradiction on the part of this country, and in the law itself, of establishing a regular tribunal at Sierra Leone, bound by the faith of a treaty, and by the positive directions of an act of Parliament, to decree the restitution of them to the claimant as slaves, and as having been illegally captured or detained by a British vessel, as the facts turned out, and at the same time of refusing to permit the sentence itself, which gave the claimant a judicial title to the slaves, to be carried into effect.

We have, &c.

(signed)

Christ. Robinson.
Chs. Wetherell.
N. C. Tindal.

The Right Hon. Mr. Secretary Canning,
&c. &c. &c.

2d Enclosure.
(C.)
in N^o 4.

His Majesty's Law Officers to Mr. Secretary Canning.

Sir,

Doctors' Commons, Jan. 26, 1827.

WE are honoured with your commands, signified in Mr. Planta's letter of December 29th last, transmitting three despatches, with their enclosures, containing a report of the case of the vessel "Perpetuo Defensor," and the course taken by the colonial authorities in respect to the slaves which were brought on board of that vessel; and you are pleased to request that we would take this case into consideration, and report our opinion thereupon.

In obedience to your commands, we have the honour to report, that the slaves put on board the "Susan," before the adjudication of the Mixed Commission Court, in the case of the "Perpetuo Defensor," ought to have been delivered to the claimant as a necessary consequence of that sentence which decreed restitution of them. The only ground upon which the local authorities at Sierra Leone refused to permit delivery of the slaves to be made, notwithstanding the sentence, was, that they had obtained their freedom from the circumstance of being on board a government vessel; but this ground is, in our opinion, untenable.

We beg to observe, that in a report, bearing the same date as the present, which we have had the honour of transmitting to you, respecting the delivery to the claimant of slaves belonging to another vessel, called the "Activo," after sentence of restitution, we have had occasion to state the grounds of our opinion, on a question involving the same principle as the present, more at large.

We have, &c.

(signed)

Christ. Robinson.
Chs. Wetherell.
N. C. Tindal.

The Right Hon. Mr. Secretary Canning,
&c. &c. &c.

N^o 5.

N^o 5.

Mr. Secretary Canning to His Majesty's Commissioners.

Gentlemen,

Foreign Office, February 26, 1827.

I SEND to you, for your information, the accompanying copy of a letter, dated the 22d ultimo, addressed to one of the under secretaries of state of this office, by one of the under secretaries of state for the colonial department.

From

From this communication you will perceive, that it is the intention of His Majesty's Government, that the Mixed Commissions established at present at Sierra Leone, should be removed from thence to the island of Fernando Po, so soon as the proper arrangements can be made for carrying this measure conveniently into effect.

You will be made acquainted in due time with the progress of the arrangement. In the mean time I have thought it right to inform you, that the measure is in contemplation.

His Majesty's Commissioners.

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

R. W. Hay, Esq. to Joseph Planta, jun. Esq.

Enclosure
in N^o 5.

Sir,

Downing-street, January 22, 1827.

WITH reference to the correspondence which has passed upon the subject of removing to the island of Fernando Po the courts of Mixed Commission, which are now established at Sierra Leone, under the provisions of the treaties with Portugal, Spain and the Netherlands, I am directed by Earl Bathurst to acquaint you, for the information of Mr. Secretary Canning, that in his Lordship's opinion, it is expedient that measures should now be adopted for preparing for the arrangement in question; for which purpose his Lordship proposes to dispatch a small vessel of war to Fernando Po, in order to prepare a suitable residence in that island for the reception of the several members of the courts of Mixed Commission, and of the slaves who shall be brought there for adjudication, as well as barracks for the accommodation of such troops as may be necessary to protect the establishment from the incursion of the natives; and I am further desired to enclose, for Mr. Secretary Canning's information, a copy of the instructions, which, by command of His Majesty, his Lordship proposes to address to the Lords Commissioners of the Admiralty upon the subject.

Joseph Planta, jun. Esq.
&c. &c. &c.

I am, &c.
(signed) R. W. Hay.

Earl Bathurst to the Lords Commissioners of the Admiralty.

Sub-Enclosure
in N^o 5.

My Lords,

Downing-street, January 19, 1827.

I AM to signify to your Lordships the King's pleasure that you select a naval officer of experience and discretion to proceed in a vessel of war to Fernando Po, in order to take measures for preparing a suitable residence in that island for the reception of the courts of Mixed Commission, which are now established at Sierra Leone, under the provisions of the treaties with Portugal, Spain and the Netherlands.

As the formation of this establishment will be placed under the authority of the governor of Sierra Leone, your Lordships will direct the naval officer, whom you may select for this service, to proceed in the first instance to that colony, for the purpose of conferring with him upon the subject of the arrangements to be adopted for the execution of his mission, in furtherance of which the governor will be instructed to detach a black company of the Royal African Corps, together with an adequate number of artificers and labourers, as well as to lend every assistance which he may have it in his power to grant in building materials and stores of every description, for the reception of which it will be necessary that a transport should accompany the vessel of war.

Upon arriving at Fernando Po, the naval officer will proceed to select the situation which he shall find best adapted for the proposed establishment, taking care to fix upon the place which shall appear to unite the greatest advantages in point of salubrity, and where the vessels brought for adjudication, and His Majesty's cruisers employed in this service, may most conveniently and safely resort. And if the ground, which shall be finally selected for the purpose, should be in the occupation of any of the native inhabitants of the island, their convenience must, as far as possible, be consulted in obtaining it, as it is His Majesty's special command, that the natives be treated with the utmost forbearance and kindness upon all occasions in which their interests, as owners of the soil, shall appear to be involved, in the arrangements to be made for this establishment. But you will strictly enjoin the naval officer not to enter into any treaty or political engagement whatever with those who may be in the exercise of any official authority in the island.

Your Lordships will further direct the naval officer to take the earliest opportunity which shall offer after his arrival at Fernando Po, for transmitting home a report of the assistance which he may have received on the western coast of Africa, for laying the foundation of the establishment, and of what further means will be required by him for completing the service entrusted to him. He must also be directed to report to the governor of Sierra Leone, whenever an opportunity may be afforded, the progress which he is making in the proposed undertaking, and he will be appointed superintendent of this establishment.

I am, &c.
(signed) BATHURST.

The Lords Commissioners of the Admiralty.

SIERRA LEONE.
(General.)

N° 6.

N° 6.

Joseph Reffell, Esq. to Mr. Secretary Canning.—(Received March 9.)

Sir,

Sierra Leone, January 1, 1827.

HAVING this day been sworn into the office of acting chief justice, and in right of which I have succeeded to the situation of commissioner of arbitration, *ad interim*, in the courts of Mixed Commission established here, vacant by the much-lamented death of Mr. Hamilton; and his Excellency Sir Neil Campbell being too ill to attend to any business, I deem it my duty to inform you, that the melancholy event alluded to occurred on the night of the 28th ultimo, after many weeks suffering from the consequences of long residence in this climate.

Mr. Hamilton's loss to the service, which he had, up to the period of his illness, been actively engaged in, is generally felt throughout the colony, and particularly so by the remaining members of the Mixed Commission.

I have the honour to be, &c.

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

(signed) *J. Reffell.*

N° 7.

N° 7.

His Majesty's Commissioners to Mr. Secretary Canning.—(Received March 9.)

Sir,

Sierra Leone, January 15, 1827.

WE have the honour to forward abstracts of the proceedings of the past year, under the Mixed Commissions established in this colony.

The number of cases adjudicated under the British and Portuguese Commission was eight; three of which were cases of restitution, and the remaining five were cases of condemnation; and the number of slaves emancipated was 1,238.

The number of cases adjudicated under the British and Spanish Commission was six, which were all deemed to be cases for condemnation. The number of slaves emancipated was 961.

The number of cases adjudicated under the British and Netherland Mixed Court of Justice was six; all cases of condemnation; and the number of slaves emancipated was 368.

We beg leave to enclose a list of cases adjudicated under the Mixed Commissions to this date. You will perceive, Sir, that the number of cases adjudged during the past year was twenty; the number of slaves emancipated was 2,567; that the total number of cases adjudged since the establishment of the Mixed Commission is eighty-two; and the total number of slaves emancipated, up to the close of the year 1826, is 9,326.

We have the honour to be, &c.

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

(signed) *N. Campbell.*
*Joseph Reffell.*1st Enclosure
in N° 7.

Abstract of Proceedings under the British and Portuguese Mixed Commission at Sierra Leone, from the 1st of January 1826 to the 1st of January 1827.

(N° 1.)—THE Brazilian brig "Pacqueta de Bahia," Bento Francisco de Carvalho, master, arrived at Sierra Leone on the 23d of December 1825, with 385 slaves on board, captured in latitude 5. 15. north, and longitude 0. 30. east, by His Majesty's brig "Swinger," acting lieutenant J. C. Giles, commander.

The illicit traffic in slaves having been clearly proved, and no claim made, this vessel was condemned, and her slaves decreed to be emancipated on the 10th of January 1826.

(N° 2.)—The Brazilian brigantine "Sam Joao Segunda Rosalia," Amara Joze de Silva, master, was captured by His Majesty's ship "Atholl," Captain J. A. Murray, in latitude 3. 31. north, and longitude 0. 54. east, sailing under Brazilian colours, with 258 slaves on board.

This vessel arrived at Sierra Leone after an unusually protracted passage of sixty-five days; seventy-two of the slaves having died on the passage, principally from starvation, the remaining number, 186, were landed the same day by permission of the Commissioners, and afterwards, on the condemnation of the vessel, emancipated by their decree.

It

It appears that this vessel cleared from Bahia for Molembo, on a trading voyage for SIERRALEONE. slaves; and the mate, super-cargo, and boatswain, in their examinations before the Court, attempt to prove that the slaves were all taken on board at Molembo, in latitude 5. 30. south. This statement is fully contradicted by six of the slaves, who depose very clearly that they were shipped at Lagos, situate between Badagry and Benin. The Court, therefore, condemned the brigantine on the 21st of March, as lawful prize to His Majesty's ship "Atholl." (General.)

(N^o 3.)—The Brazilian brig "Activo" was captured on the 1st of February 1826, by His Majesty's ship "Atholl," Captain James Arthur Murray, in latitude 4. 24. south, and longitude 9. 37. west, with 166 slaves on board, and arrived here on the 17th of the same month with 164 living slaves.

By her royal passport, a voyage from Pernambuco to Molembo, calling at Bahia, on her return to the port of her clearance, was authorized.

From the evidence adduced before the Court, it was clearly proved that the slaves had been shipped at Badagry to the north of the Line, in defiance of the convention between Great Britain and Portugal of the 28th of July 1817. And it would have been the duty of the Commissioners to have passed sentence of condemnation upon the vessel and slaves, did not the 4th article of the instructions for the ships of war interpose itself to prevent their coming to that decision, which article states that "no Portuguese merchantman shall, on any pretence whatever, be detained to the south of the Equator, unless chase shall have commenced to the northward."

The Court therefore, decreed the restoration to the claimant of the vessel and slaves, with costs, damages and expenses, the amount whereof to be referred to the registrar.

On the 26th of May, the registrar reported it to be his opinion, that the claimant was entitled to 55*l.* for costs of suit, 256*l.* 2*s.* 8*d.* for special damages and expenses, 9,983*l.* 15*s.* for the total loss of 166 slaves, 654*l.* for demurrage, and 150*l.* for 5 per cent. on the total amount of capital employed, making together the sum of 11,098*l.* 17*s.* 8*d.* Whereupon the Commissioners absolutely and unconditionally confirmed those sums allowed by the registrar in his report for costs of suit and special damages and expenses, occasioned to the brig by detention, and confirmed the remainder conditionally, that is, only 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 between Great Britain and Portugal.

(N^o 4.)—The Brazilian sloop "Esperanza," Joao Baptiste Lopes, master, was detained by His Majesty's ship "Esk," William Jardine Purchas, esq. commander, in the river Benin, in latitude 5. 43. north, and longitude 5. 25. east, and arrived in this harbour on the 3d of May 1826.

The fact having been clearly proved that the sloop had taken slaves on board, whilst lying in the river Benin, and part of them having been intercepted in the attempt to land them, when the boats of His Majesty's ship hove in sight; the Court pronounced sentence of condemnation against her, and decreed the emancipation of the four slaves so intercepted, on the 8th of June 1826.

(N^o 5.)—The Brazilian brigantine "Netuno," Joze Claudio Gomes, master, arrived in the river Sierra Leone on the 5th of May, having been detained by His Majesty's ship "Esk," Captain W. J. Purchas, at anchor, under Brazilian colours, in the river Benin. The master declared her to be bound from Benin to Pernambuco. On the appearance of the boats of the capturing ship, several canoes and boats put off from the brigantine with the intention of landing the slaves, one of which was intercepted, containing twenty slaves, making, with those on board, ninety-two; it appears that they succeeded in landing fifty-eight. On the case being tried before the Court, no doubts could possibly be entertained of her having been illegally engaged in slave trade. Sentence of condemnation was, therefore, pronounced against her, and her remaining slaves, eighty-four in number, decreed to be emancipated, on the 8th of June 1826.

(N^o 6.)—The Brazilian brig "Perpetuo Defensor" was seized by His Majesty's ship "Maidstone," Commodore Bullen, on the 18th of April, off the island of Anna Bona, and arrived here on the 23d of May, when she was put under quarantine, in consequence of having several cases of small pox on board; the colonial government ordered, from humane motives, that the healthy slaves should be separated from the sick, the former to be put on board a government vessel, then lying unemployed in the harbour. On the return of the acting governor (Mr. Macaulay) from the Gambia, these slaves were ordered by him to be landed, and given over to the colonial authorities. The remaining slaves on board the "Perpetuo Defensor" becoming discontented at being detained on board, whilst their companions in slavery had been suffered at large on shore, manifested such strong symptoms of insubordination, as to induce the proctor for the claimant to land them, having no means of control over them, coercion having been strictly forbidden by the acting governor. They were received by the colonial authorities.

The royal passport states her to have cleared from Rio de Janeiro to Bahia, and from thence to Cabinda, on the western coast of Africa, under an obligation to enter solely such ports where the slave trade is permitted to the subjects of the empire. In defiance of which, proof is adduced that her slaves were taken on board at Badagry in 6. 18. north latitude. But as claimant proved that the "Perpetuo Defensor" was taken to the south of the Equator,

SIERRA LEONE.
(General.)

Equator, without the chase having commenced to the northward, the Court admitted the claim of the master for costs, damages and expenses, and referred it to the registrar to ascertain the amount thereof.

The registrar's amended report was brought in on the 28th of September, when the Court confirmed, unconditionally, the sum of 79*l.* for special costs, damages and expenses; 122*l.* 10*s.* for provisioning the slaves from the 29th of June to the 6th of July; and on its being proved that the "Perpetuo Defensor" would be unable to proceed to sea, unless the master could raise a further sum of 150*l.*, by the Court giving a further additional award, the Commissioners did therefore award, unconditionally, a further sum of 150*l.* in part of the demurrage allowed in the registrar's report; making together an unconditional award of 351*l.* 10*s.*

And as the Commissioners were fully convinced that the claimant in this case had carried on an illicit traffic during the present voyage, they deemed it just that it should be adjudicated on the same principles as the case of the brig "Activo," confirming conditionally the remaining part of the registrar's report, if the British and Brazilian Governments should agree that it should be so confirmed.

(N^o 7.)—The Brazilian ship "Sam Benedicto," Joao Sabino, master, was detained by His Majesty's ship "Brazen," George W. Willes, esq. commander, on the 11th of June 1826, in latitude 6. 12. north, and longitude 1. 38. east, having twenty-five negroes on board. She arrived at Sierra Leone on the 10th of July following, when the case was brought before the British and Portuguese Mixed Court. By her imperial passport it appears she cleared from Bahia for Molembo to carry slaves, yet in violation thereof she sailed, according to the master's own declaration, direct to Lagos, in 6. 12. north latitude, to land her cargo. It was, therefore, evident that she was destined there for a cargo of slaves; yet there being no slaves on board at the time of detention, and none having been proved to have been taken on board during the voyage in which the ship was taken; the captors having failed to prove that the natives of Africa on board were slaves, and who subsequently admitted them to be free natives, and not detained in slavery; the Commissioners considered this a case of restitution, and admitted the claim of the master, Joao Sabino, for the ship and cargo, and such costs, damages and expenses as she might have sustained by the detention, and referred it to the registrar, to ascertain the amount thereof; and finally decreed, that the sums of 22*l.* 10*s.* for costs of suit, and 10*l.* for part of a cable lost by the captors, be unconditionally paid to the claimant by G. W. Willes, esq., commander of His Majesty's ship "Brazen." The Court did not allow any demurrage, as they considered that the captor had been led into error by the "Sam Benedicto" having been detained to the northward of the Line, in direct violation of her passport.

(N^o 8.)—The Brazilian brig "Principe de Guiné," Manoel Joachim de Almeida, master, was captured by Lieutenant Tucker, in command of a tender belonging to His Majesty's ship "Maidstone," after a smart engagement, in latitude 3. 22. north, and longitude 4. 11. east, and sent here for adjudication, where she arrived on the 2d of September.

Her passport authorized a voyage to Molembo, to return with a cargo of slaves, the violation of which, in being found to the north of the Equator, and the circumstance of her having taken her slaves on board at Whydah, in 6. 12. north latitude, being clearly proved, left no doubt as to the illegality of her voyage. The only question was as to the validity of the capture by the tender of the "Maidstone," without being accompanied by Commodore Bullen's declaration. But the Commissioners, bearing in mind the case of the "Fabiana," wherein His Majesty's advocate gave it as his opinion, "that the capture should not be invalidated by every departure from the instructions," condemned the "Principe de Guiné" as lawful prize, and decreed the emancipation of her slaves, on the 26th of September 1826.

2d Enclosure
in N^o 7.

Abstract of Proceedings under the British and Spanish Mixed Commission at Sierra Leone, from the 1st of January 1826 to the 1st of January 1827.

(N^o 1.)—THE Spanish schooner "Teresa," Francisco Granell, master, was captured by His Majesty's ship "Redwing," Captain Clavering, on the 8th of October 1825, with 248 slaves on board; but in consequence of their crowded state, fifty were removed into the Spanish schooner "Ana," (a prize also taken by the "Redwing,") and sent to Sierra Leone.

The "Teresa" was upset in a tornado on her passage up, when only six of the slaves, with eight of the prize crew, and four Spaniards, were saved, leaving 186 slaves, four of the prize crew, and one Spaniard, drowned: six of the slaves had died previous to this event.

This case was brought into court on the 17th December, when it being clearly proved that she was taken in latitude 4. 35. north, sentence of condemnation was passed upon her on the 3d of January 1826, and the surviving slaves decreed to be emancipated.

(N^o 2.)—The schooner "Ana," Manoel Sierra, master, under Spanish colours, arrived at Sierra Leone, on the 25th November 1825, in a wretched condition, with 130 slaves on board,

board, sixty-eight having died on the passage since capture,—fifty had been taken on board from the Spanish schooner "Teresa," and forty-five from the Spanish brigantine "Isabella," both prizes to the "Redwing," and the latter supposed to have been recaptured and carried into the Havannah. SIERRA LEONE.
(General.)

The "Ana" was taken off the river Camaroons, by His Majesty ship "Redwing," in latitude 3. 50. north, and longitude 9. 2. east, and therefore condemned in the British and Spanish court of Mixed Commission, and her slaves decreed to be emancipated, on the 3d of January 1826.

(N^o 3.)—The Spanish brigantine "Ninfa Habanera," Jozé Puiz y Miro, master, was sent into this harbour by His Majesty's ship "Brazen," Captain G. W. Willes, with 231 slaves on board, where she arrived on the 21st of December 1825. Proof having been adduced that this vessel had, during the voyage, been engaged in carrying fifty slaves from Accra to Popo, the Court condemned the vessel; but as it appeared that the 231 slaves were put on board at the instigation of the captors, after the detention of the vessel, the Court did not decree their emancipation, although it was of opinion that they did compose the cargo intended to have been taken on board that vessel.

N^o 4.)—The Spanish schooner "Iberia," Andres Insua, master, was captured by His Majesty's ship "Brazen," Captain G. W. Willes, on the 27th of December 1825, with 422 slaves on board, in latitude 4. 25. north, and longitude 3. 43. west; she arrived at Sierra Leone on the 23d of January 1826. Her papers declare her to have cleared from the Havannah for the Island of Princes, on the coast of Africa, for legitimate commerce, and not to trade for slaves. And the treaty with Spain being so plain and explicit as to the total prohibition of the slave trade, the Court had no hesitation in condemning the schooner, and decreeing the emancipation of her remaining slaves, five having died previous to adjudication; this sentence was passed on the 21st of March 1826.

(N^o 5.)—The Spanish schooner, "Nicanor," Joze Le Grand, master, arrived in this harbour on the 12th of June, with 173 slaves, having been captured by a schooner called the "Hope," commanded by Lieutenant Tucker, tender to His Majesty's ship "Maidstone," Commodore Bullen; and at that time detached to cruize. On the 20th of May 1826, being off Whydah, he detained the said schooner for being engaged in the illicit traffic in slaves, contrary to the existing treaties between his Britannic Majesty and his Catholic Majesty. By her royal passport it appeared that she cleared for the islands of Princes and St. Thomas, on the coast of Africa, for legitimate traffic only.

The evidence in this case having established the fact of illicit traffic, the Court pronounced, on the 1st of July 1826, sentence of condemnation against the vessel and slaves, and decreed the emancipation of the latter, 173 in number; declaring at the same time, that this seizure was made by a tender belonging to His Majesty's ship "Maidstone," and detached from that ship to cruize after slave vessels.

(N^o 6.)—The Spanish schooner "Intrepida," whereof José Antonio Herrera was master, was seized by His Majesty's ship "Esk," Captain William Jardine Purchas, on the 10th of August last, in latitude 2. 8. north, and longitude 6. 20. east, on her voyage from the river Bonny to the Havannah, with 290 slaves on board. Her Spanish pass authorizes a voyage to Princes Island on the coast of Africa, to return with articles of lawful commerce. Her cargo of slaves having been found on board, after being shipped in the river Bonny, made this distinctly to be a case for condemnation; that sentence was, therefore, pronounced against her on the 26th of September 1826, and her remaining slaves, 235 in number, decreed to be emancipated.

Abstract of Proceedings under the British and Netherland Mixed Court of Justice at
Sierra Leone, from the 1st of January 1826 to the 1st of January 1827.

3d Enclosure
in N^o 7.

(N^o 1.)—THE Dutch schooner "Hoop," Jacob Walters, master, was detained on the 3d of January 1826, off Manna, by His Majesty's ship "Maidstone," Commodore Bullen, C. B., as falling under the several designations of the additional articles to the treaty with the Netherlands, of the 4th May 1818, signed at Brussels on the 25th of January 1823; and on the case being brought before the Court, no doubts existing on the minds of the Judges, after going into the evidence, of her being completely equipped for a slave-trading voyage, she was condemned as lawful prize to the Crowns of Great Britain and the Netherlands, on the 23d of January 1826.

(N^o 2.)—The "Amable Claudina," Claudio Picaluga, master, captured under Netherland colours, was taken possession of in the roadstead of St. George d'Elmina, by His Majesty's ship "Atholl," Captain James Arthur Murray, on the 12th of November 1825, at the request of the lieutenant-governor of Elmina, Mr. J. C. Vander Breggen Paauw, for being fitted for the slave trade, in contradiction to the additional articles to the treaty of the 4th of May 1818, between their Britannic and Netherland Majesties, signed at Brussels the 25th of January 1823. On the arrival of the "Amable Claudina" at Sierra Leone, thirty-six slaves were on board; but it appearing to the Court that these had been caused

SIERRA LEONE.
(General.)

to be put on board at the instigation of the captors, the Court did not decree their emancipation, on the condemnation of the vessel and cargo as lawful prize, on the 6th of February 1826.

(N° 3.)—The brig “Charles,” Louis L’Oiseau, master, with 265 slaves on board, was taken by His Majesty’s gun-brig “Conflict,” Lieutenant Chrystie, commander, having Dutch colours and papers on board. She arrived at Sierra Leone on the 21st of January. On the case of this vessel being brought before the Court, it having been clearly proved that she was Dutch property, as well as engaged in the illicit traffic in slaves, the Court felt no hesitation in pronouncing sentence of condemnation against her, and decreeing the emancipation of her remaining slaves, 22 of them having died previous to adjudication.

(N° 4.)—The Dutch schooner “Vogel,” Jean Blais, master, was captured by Lieutenant Baldwin Wake Walker, in command of a boat belonging to His Majesty’s ship “Brazen,” Captain G. W. Willes, on the 22d of January 1826, off Grand Carrow. She was seized for having two sets of papers on board, Dutch and French, and for being fitted for a slaving voyage, having a greater number of water casks and more rice than was necessary for the purposes of her voyage.

The mate deposed on his examination, that the greater part of her cargo was landed at Cape Mount, where the master was left to purchase slaves, whilst he went in the vessel to purchase palm-oil and rice, which he believes was intended for feeding the slaves; thus clearly manifesting the illegality of the voyage. The Judges, therefore, pronounced sentence of condemnation against the schooner and cargo, on the 31st day of March 1826.

(N° 5.)—The schooner “La Fortunée,” Jean Jacques Gimbert, master, was captured by His Majesty’s ship “Brazen,” George Wickens Willes, esq. commander, in latitude 1. 42. north, and longitude 6. 22. east, whilst sailing under the Netherland flag, with 245 slaves on board, bound, as stated by the master, to Surinam. She arrived in this harbour on the 8th of June 1826, with her slaves in a very crowded and sickly state. She was sailing under Dutch colours, until the boat of the “Brazen” was in the act of boarding her, when they were changed to French, and a few papers *incomplete*, said to be her French papers, delivered to the officer boarding her. By the evidence of several of the witnesses examined in this case, it was proved that the Dutch papers were thrown overboard during the chase, as soon as they ascertained the “Brazen” to be a British ship of war. Still his Netherland Majesty’s Judge considered her to be French property, because none of the witnesses could read or write, and therefore could not be positive as to the papers that were thrown overboard being Dutch papers. His Britannic Majesty’s Arbitrator was therefore called upon for his opinion, and in conjunction with his Britannic Majesty’s Judge, passed sentence of condemnation upon the “La Fortunée,” as Dutch property, and decreed the emancipation of her slaves, on the 17th of July 1826.

(N° 6.)—The Netherland brigantine “De Snelheid,” whereof Paul Lieutaud was master, was seized by His Majesty’s ship “Brazen,” in latitude 0. 2. south, and longitude 7. 10. east, on the 28th of September 1826, with 23 slaves on board. She arrived at Sierra Leone on the 20th of October. This vessel had been taken from the former master, Lieutaud, by a Spanish ship (supposed to be a pirate), and her crew changed for the Spaniards that were on board at the time of capture by the “Brazen:” by them the twenty-three slaves on board were shipped, and subsequently many acts of piracy committed. However, it having been clearly demonstrated, to the satisfaction of the Court, that the outfit of the “Snelheid” was originally that of a slave-trader, and that her object in coming to the coast of Africa, when her destination was said to be for the Cape of Good Hope, was to carry away a cargo of slaves, the Court unhesitatingly pronounced sentence of condemnation upon her, but would not take cognizance of the slaves and gold found on board at the time of capture, as these were shipped after she had been taken by the Spanish ship from the master, Lieutaud, and were purchased with the plunder from an American vessel. This decision was made by the Court on the 16th of November 1826.

A LIST of Cases Adjudged in the Courts of Mixed Commission at Sierra Leone, between the 1st January 1826 and 1st January 1827.

Number of CASES Adjudged between June 1819 and 1st January 1827.	Number of VESSELS Liberated between June 1819 and 1st January 1827.	Number of CASES Adjudged between 1st January 1826 and 1st January 1827.	NATIONS.	NAMES of VESSELS.	CLASS.	Condemned.	Liberated.	Number of SLAVES on board at the time of Capture.	Number of SLAVES Emancipated.
63	8	1	Portuguese.	Paquete da Bahia	Brig	Condemned	-	386	385
64	-	2		{ San Joao Segunda Rosalia }	Brigantine	ditto	-	258	186
65	-	3		Activo	Brig	-	Liberated	166	-
66	-	4		Esperanza	Sloop	ditto	-	4	4
67	-	5		Netuno	Brigantine	ditto	-	92	84
68	-	6		Perpetuo Defensor	Brig	-	Liberated	424	-
69	-	7		San Benedicto	Ship	-	-	none.	-
70	-	8		Principe de Guiné	Brig	ditto	-	608	579
71	-	9	Spanish.	Teresa	Schooner	ditto	-	197	6
72	-	10		Ana	Ditto	ditto	-	198	180
73	-	11		Nimfa Habanera	Brigantine	ditto	-	231	-
74	-	12		Iberia	Schooner	ditto	-	422	417
75	-	13		Nicanor	Ditto	ditto	-	174	173
76	-	14		Intrepida	Brigantine	ditto	-	290	235
77	-	15	Netherlands.	Hoop	Schooner	ditto	-	none.	-
78	-	16		Amable Claudina	Ditto	ditto	-	34	-
79	-	17		Charles	Brig	ditto	-	265	243
80	-	18		Vogel	Schooner	ditto	-	none.	-
81	-	19		La Fortuncé	Ditto	ditto	-	245	125
82	-	20		Snelheid	Brigantine	ditto	-	23	-
								4,017	2,567

Total number of Slaves emancipated between June 1819 and January 1826 } 6,759

Total number of Slaves emancipated between 1st January 1826 and 1st January 1827 } 2,567

TOTAL number of Slaves emancipated between June 1819 and 1st January 1827 } 9,326

(signed) William Smith,
Registrar.

SIERRALEONE.
(General.)

N° 8.

N° 8.

His Majesty's Commissioners to Joseph Planta, jun. Esq.—(Received March 9.)

Sir,

Sierra Leone, January 15, 1827.

IN compliance with the instructions contained in your despatch, under date of the 31st of October 1826, we have communicated to Messrs. Magnus and Bidwell, that Mr. Canning has been pleased to direct us to promote them, the former to the situation of first clerk to the British Commissioners, with a salary of 500*l.* a year; and the latter to that of second clerk, with a salary of 350*l.* We have also acquainted them with Mr. Canning's intentions in regard to a retired pension, after twelve years actual service at their post.

We shall pay strict attention to Mr. Canning's wishes, conveyed in the other part of your despatch, relative to vacancies by death or absence of either, or both, of the clerks to His Majesty's Commissioners.

We have the honour to be, &c.

Joseph Planta, jun. Esq.
&c. &c. &c.

(signed) *N. Campbell.*
Jos. Reffell.

N° 9.

N° 9.

His Majesty's Commissioners to Mr. Secretary Canning.—(Received March 9.)

Sir,

Sierra Leone, January 17, 1827.

WE have the honour to transmit herewith a copy of the registry of slaves emancipated by the courts of Mixed Commission established in this colony, for the prevention of illicit traffic in slaves, during the period from the 5th day of July 1826 to the 5th day of January 1827.

You will observe, Sir, by this document, that 939 slaves have been emancipated in that period; that 934 were registered, and that five died between the time of emancipation and that of registration.

We have the honour to be, &c.

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

(signed) *N. Campbell.*
Jos. Reffell.

Enclosure
in N° 9.
(Abstract.)

REGISTER of Slaves Emancipated: 5th July 1826 to 5th January 1827.

	Number Registered.	Number died before Registration.	Number Emancipated.
La Fortunée - - -	120	5	125
Principe de Guiné - - -	579	- - -	579
Intrepida - - -	235	- - -	235
Total - - -	934	5	939

N° 10.

N° 10.

His Majesty's Commissioners to Joseph Planta, jun. Esq.—(Received March 9.)

Sir,

Sierra Leone, January 17, 1827.

ON reference to the correspondence of the past year, we find that the list of cases adjudged in the courts of Mixed Commission, from the 1st January 1825 to the 1st January 1826, was not forwarded with the abstracts of that year's proceedings. We take the liberty of correcting that omission, by transmitting the same herewith.

We have the honour to be, &c.

Joseph Planta, jun. Esq.
&c. &c. &c.

(signed) *N. Campbell.*
Jos. Reffell.

SIERRA LEONE.
(General.)

Enclosure
in N^o 10.

A LIST of Cases Adjudged in the Courts of Mixed Commission at Sierra Leone, between the 1st January 1825 and the 1st January 1826.

Number of CASES Adjudged between June 1819 and 1st January 1826.	Number of VESSELS Liberated between June 1819 and 1st January 1826.	Number of CASES Adjudged between 1st January 1825 and 1st January 1826.	NATION.	NAMES OF VESSELS.	CLASS.	Condemned.	Liberated.	Number of SLAVES on board at the time of Capture.	Number of SLAVES Emancipated.
53	5	1	Portuguese.	Bella Eliza	Schooner	Condemned	-	371	359
54	-	2		Bom Fim	Ditto	ditto	-	149	146
55	-	3		Bom Jesus dos Navigantes	Brigantine	ditto	-	280	266
56	-	4		Uniao	Schooner	ditto	-	361	249
57	-	5	Spanish.	Espanola	Ditto	ditto	-	270	270
58	-	6		Segunda Gallega	Ditto	ditto	-	285	273
59	-	7		Clara	Ditto	ditto	-	36	36
60	-	8	Netherlands.	Bey	Ditto	ditto	-	-	-
61	-	9		Z	Brig	ditto	-	-	-
62	-	10		Venus	Schooner	ditto	-	-	-
								1,752	1,599

Total number of Slaves emancipated between June 1819 and January 1825 5,160

Total number of Slaves emancipated between January 1st, 1825, and January 1st, 1826 1,599

TOTAL number of Slaves emancipated between June 1819 and 1st January 1826 6,759

SIERRA LEONE.

(General.)

N° 11.

N° 11.

J. Reffell, Esq. to Joseph Planta, jun. Esq.—(Received April 4.)

(Extract.)

Sierra Leone, January 27, 1827.

I HAD the satisfaction of receiving, on the 22d instant, your despatch of the 25th November 1826, in which you acquaint me that Mr. Secretary Canning has received my letter of the 12th August, and that he will recommend me for the situation of registrar to the Mixed Commission courts established here, which situation is become vacant by the appointment of Mr. William Smith to be His Majesty's commissioner of arbitration in that court.

Availing myself, Sir, of the first opportunity which has since offered for the transmission of letters to England, may I now most respectfully request that you will be pleased to represent to Mr. Canning, the deep sense of gratitude I feel for the kind consideration he has been graciously pleased to honour me with, and which, as it will ever be indelibly engraven on my mind, will, I hope, so govern me in the performance of my duties in the Commission, as best to show the sincerity of these professions.

In reference to the mention of salary attached to this situation, I beg leave to state, that it is my intention to request permission to resign the offices I am at present holding in the civil service of this colony, from the conviction that they will greatly interfere to prevent the due discharge of my duties as registrar to the Commissions, and that I therefore trust Mr. Canning will be disposed to allow me the enjoyment of the full salary of that appointment, which will then be the only one of emolument I shall hold under His Majesty's Government.

I beg that you will permit me, Sir, to add, that I feel most grateful to you for the kind manner in which you have been pleased to convey Mr. Canning's directions.

(signed) *Jo. Reffell.*Joseph Planta, jun. Esq.
&c. &c. &c.

N° 12.

N° 12.

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

Sir,

Sierra Leone, February 19, 1827.

WE have the honour to acknowledge the receipt of your despatch of the 25th November 1826, acquainting us that Mr. Hamilton's despatch (marked General) of the 28th of August, had been referred for the opinion of His Majesty's law officer, who had reported that the treaties, the commission, and the provisions of the act of Parliament for carrying the same into effect, furnish the only safe guide for the exercise of jurisdiction by the members of the Mixed Commissions.

We have the honour to be, &c.

The Right. Hon. George Canning,
&c. &c. &c.(signed) *N. Campbell.*
Jos. Reffell,

N° 13.

N° 13.

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

Sir,

Sierra Leone, February 19, 1827.

WE have had the honour to receive your despatch of the 29th of November 1826, approving of the decision of His Majesty's Commissioners in the case of the Spanish schooner "Nicanor," and acquainting us that, by a communication from the Admiralty, it appears that it would be contrary to 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 that the Lords of the Admiralty have given orders that the respective officers commanding the tenders should each be furnished with the signed instructions required by the treaties for the repression of the slave trade.

We have the honour to be, &c.

The Right Hon. George Canning,
&c. &c. &c.(signed) *N. Campbell.*
Jos. Reffell.

SIERRALEONE.
(General.)

N° 14.

His Majesty's Commissioners to J. Planta, jun. Esq.—(Received April 14.)

N° 14.

Sir,

Sierra Leone, February 19, 1827.

WE have received your letter of the 25th of November 1826, addressed to the late Mr. Hamilton, acquainting him that Mr. Canning would have pleasure in recommending him for the appointment of His Majesty's commissary judge in the Mixed Court at Sierra Leone, and establishing general rules as a principle upon which pensions may be granted for services rendered in the situations of commissary judge, commissioner of arbitration, and of registrar, under the Mixed Commission, the duplicate of which letter has, in compliance with Mr. Secretary Canning's desire, been lodged in the archives of the court.

We have the honour to be, &c.

Joseph Planta, jun. Esq.
&c. &c. &c.(signed) *N. Campbell.*
Jos. Reffell.

N° 15.

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

N° 15.

Sir,

Sierra Leone, February 21, 1827.

WE have the honour to enclose herewith, copy of a letter which has been addressed to us by Mr. Magnus, first clerk to His Majesty's Commissioners in this colony.

In most respectfully requesting your favourable consideration to Mr. Magnus's application, we deem it a duty we owe to that gentleman to state, that the zeal, attention and abilities he has displayed in the execution of his duties, during the period we have had the honour of officiating as His Majesty's Commissioners, have been as important to the service as creditable to himself, and that we feel satisfied, from the application of this gentleman to public business, that the duties of the situation he is desirous of obtaining your gracious consideration to fill, will not be allowed by him to interfere or prevent that due attention to the service of the Commissioners which has hitherto rendered him deserving of every consideration they had it in their power to show him.

We have the honour to be, &c.

The Right Hon. George Canning,
&c. &c. &c.(signed) *N. Campbell.*
Jos. Reffell.

S. M. Magnus, Esq. to His Majesty's Commissioners.

Enclosure
in N° 15.

Gentlemen,

Freetown, February 19, 1827.

HIS Excellency Sir Neil Campbell having done me the honour to appoint me clerk of the crown and court of recorder in this colony, I have respectfully to solicit, that you will be pleased to communicate the same to Mr. Canning, and that you will at the same time represent my conduct, in the discharge of the duties of the situation I hold as your clerk, as you may deem me entitled to, and which I trust may induce Mr. Canning's sanction to my continuing to fill a colonial appointment, in addition to the one I hold immediately from him, and that he will not consider it as in any way incompatible with the due discharge of my duties under the Mixed Commission, which it shall be my constant endeavour to prevent from falling into arrear by any increased occupation which may be imposed on me by the assumption of those offices.

The salary of this situation is 50*l.* per annum, and the fees attached thereto may probably amount to 150*l.* more: and should Mr. Canning be pleased to permit me to retain the appointment, it will afford much relief to me in a pecuniary way, from the circumstance of my being under the necessity of keeping up two establishments, in consequence of Mrs. Magnus's health having suffered so severely from her repeated attacks of fever, when in this country, as to prevent her return with me.

I have the honour to be, &c.

His Majesty's Commissioners.

(signed) *S. M. Magnus.*

SIERRA LEONE.
(General.)

N° 16.

J. Planta, jun. Esq. to His Majesty's Commissioners.

N° 16.

Gentlemen,

Foreign Office, April 14, 1827.

I AM directed by the Secretary of State to acknowledge the receipt of your despatch (marked Separate) of the 21st of February 1827, in which you forward and support the application of Mr. Magnus to retain the situation of first clerk to His Majesty's Commissioners at Sierra Leone, together with an appointment to which he has recently been nominated, under the government of that colony.

I am directed to state to you, that as you state yourselves to be confident that the duties of the latter-mentioned situation will not prevent a due attention being paid by Mr. Magnus to the service of the Commissioners, you may signify to Mr. Magnus the permission of the Secretary of State that he may hold, together with his present situation under the Commission, the appointment to which he has been nominated of clerk of the crown and court of recorder at Sierra Leone.

His Majesty's Commissioners.

(signed)

I am, &c.

Joseph Planta, jun.

N° 17.

N° 17.

Viscount Dudley to His Majesty's Commissioners.

Gentlemen,

Foreign Office, May 22, 1827.

I HEREWITH transmit to you, for your information, six copies of papers (marked A. and B.) relative to the slave trade, which have been presented to both Houses of Parliament by His Majesty's command, in the course of the present session.

His Majesty's Commissioners.

(signed)

I am, &c.

DUDLEY.

N° 18.

N° 18.

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

Sir,

Sierra Leone, April 5, 1827.

OUR attention having been attracted to a paragraph in the Gazette of this settlement, under date the 10th of March 1827, relative to the fate of the unfortunate officers and men of His Majesty's ship "Redwing," placed on board the detained Brazilian schooner "Disuniao," copy of which we have the honour herewith to enclose, and in which an allusion is made "that the master and owner of the 'Invincival,' was also the owner of the 'Disuniao,' and related the circumstances to a British naval officer," we considered it to be a duty we owed to humanity and justice (and particularly in reference to your letter to His Majesty's Commissioners, under date of the 23d February 1826*, enclosing a communication from the Admiralty, containing a statement of the arrival at Cuba of a Spanish brig, reported to have recaptured, on the coast of Africa, two vessels concerned in the slave trade, which vessels had been detained by a British cruiser) to cause the master of the "Invincival," which vessel was then for adjudication before the court of British and Portuguese Mixed Commission, to be sought for and examined, as to his knowledge of the lamentable circumstance of the murder of these brave men.

In forwarding to you, Sir, the copy of this examination on oath, we deem it necessary to point out, that the discrepancy between the statement published in the Gazette, and the report of the same by the master of the "Invincival," appears to have arisen from the naval officer alluded to (supposed to have been the prize-master of the "Invincival," on her passage here) understanding but very little Portuguese, and the master no English.

We have the honour to be, &c.

(signed)

N. Campbell.
*Jos. Reffell.*The Right Hon. George Canning,
&c. &c. &c.

Extract from the Sierra Leone Gazette of the 10th of March 1827.

A SPANISH schooner, detained by the "Redwing," having on board a cargo of slaves, when on her passage to Sierra Leone from the Bight of Biafra, some days after parting company with the "Redwing," fell in with the Brazilian schooner "Disunion," belonging to Rio Janeiro, from the river Cameroons, having on board a cargo of 275 slaves, which she detained. Mr. Jackson, the officer in charge, sent an officer and half his crew on board her. The Spanish schooner proceeding to Sierra Leone, accompanied by the "Disunion," (being south of the Equator), fell in with a large piratical brigantine, under Spanish colours, mounting thirteen guns, and having a numerous crew. From the circumstance of the original prize crew being distributed into two vessels, both fell a prey to the pirate, who took the slaves out of the "Disunion," and placed his prisoners, English and Brazilian, on board her. After parting company with the pirate, a dispute arose between the officers of the "Redwing," and the Brazilians, as to the port they should proceed to; the "Redwing's" officers wishing to proceed to Sierra Leone, and the Brazilians to Rio Janeiro. The Brazilians apparently agreed to the wishes of the "Redwing's" officers. On the succeeding day, taking advantage of the "Redwing's" people being off their guard, the Brazilians armed themselves with trade knives, a cask full being on the deck, and commenced an attack on the British officers, all of whom they succeeded in killing after a severe struggle. Part of the "Redwing's" crew, on seeing their officers killed, took to the rigging. The Brazilians opened a fire of musketry on them, and killed all. The master and owner of the "Invincival" was also the owner of the "Disunion," and related the preceding circumstances to a British naval officer. The name of the Spanish pirate could not be ascertained. She placed part of her crew on board the other Spanish vessel, and steered for the West Indies.

1st Enclosure
in N° 18.

Affidavit of the Master of the "Invincival."

2d Enclosure
in N° 18.

JOZE Antonio de Castro Guimaraes, being examined on oath concerning certain transactions respecting a Spanish schooner, prize to his Britannic Majesty's ship "Redwing," with a prize crew from that ship on board, deposes and saith, that he, deponent, learned from Antonio dos Santos, a sailor on board the ship "Invincival," of which deponent was master and owner, during the present voyage, in which she was taken by his Britannic Majesty's ship "Esk," that after the said schooner, prize to His Majesty's ship "Redwing," had parted from the "Redwing," she fell in, some days afterwards, with the Brazilian schooner "Disuniao," which about five years ago was owned by deponent, and was then owned by Antonio Jozé Vierra, and commanded by Fernando da Costa Piera, which vessel the British officer in charge of the Spanish prize schooner captured, putting on board an officer and part of his crew, with the intention of taking her also to Sierra Leone. On their way thither, they fell in with a large Spanish piratical brigantine, armed with thirteen guns, and having a considerable crew on board. The name of the brigantine was the "Gabaio," belonging to the Havannah, owned by the same persons as the Spanish prize schooner alluded to in the first part of this deposition; the two prizes were attacked by the "Gabaio," and, after a sharp engagement, captured, during which she displayed French colours. Many of the English and Brazilians were killed and wounded during the action, and after the two vessels were boarded and carried, the Spaniards used their knives most mercilessly, and mutilated all those that remained alive at the close of the engagement. After taking all the slaves out of the "Disuniao," and plundering her of almost every article of food, and her tackle and sails, as well as all the seamen's clothes, she was permitted to proceed to Rio Janeiro, where she arrived in safety about twelve months ago, with only five persons on board, including the captain, who were in a wretchedly mutilated state, some having their noses, ears and hands off, and covered with a number of knife-wounds, and as they were all Brazilians who arrived in her, deponent has reason to suppose the whole of the English crew must have been killed.

Deponent further saith, that the sailor from whom he learned the preceding particulars, had a number of wounds about his body, and one hand off, which he received during the engagement, and after the capture of the said "Disuniao" by the said brigantine "Gabaio," and that he was put on shore with the rest of the crew of the "Invincival," after she was taken by his Britannic Majesty's ship "Esk."

Deponent further states, that a slight notice was inserted in the Rio de Janeiro Gazette, of the arrival of the "Disuniao," and of the circumstances which had taken place on board her about twelve months past, at which time he, deponent, was at Rio de Janeiro, and saw it.

(signed) *Joze Antonio de Castro Guimaraes.*Sworn before me at Freetown, in the Colony of Sierra Leone,
this 28th March 1827,(signed) *Wm. Smith, Registrar.*

SIERRA LEONE.
(General.)

N° 19.

J. Reffell, Esq. to Mr. Secretary Canning.—(Received June 30.)

N° 19.

Sir,

Sierra Leone, April 19, 1827.

I HAVE the honour to acquaint you, that in consequence of his Excellency Sir Neil Campbell having left the colony on public service, for the Gambia, Lieutenant-colonel Lumley, the lieutenant-governor, this day took the oaths of commissary judge in the several courts of Mixed Commission established in this colony, before me as the principal magistrate.

I have the honour to be, &c.

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

(signed) *Jos. Reffell.*

N° 20.

N° 20.

His Majesty's Commissioners to Mr. Secretary Canning.—(Received July 27.)

Sir,

Sierra Leone, May 8, 1827.

WE had the honour to receive your despatch of the 31st of January 1827, enclosing His Majesty's commissions, appointing Mr. Daniel Molloy Hamilton to be His Majesty's commissary judge, Mr. William Smith to be His Majesty's commissioner of arbitration, and Mr. Joseph Reffell to be secretary or registrar, to the Mixed Commissions at present established here. Mr. William Smith and Mr. Joseph Reffell have, in consequence, this day taken the oaths prescribed to their respective appointments under the several commissions, and entered accordingly upon the duties of the situations to which His Majesty has been graciously pleased to appoint them.

We have the honour to be, &c.

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

(signed) *H. Lumley,
Wm. Smith.*

N° 21.

N° 21.

J. Reffell, Esq. to Joseph Planta, jun. Esq.—(Received July 27.)

Sir,

Sierra Leone, May 14, 1827.

I BEG leave most respectfully to inform you, for the information of the Right honourable Mr. Secretary Canning, that in virtue of His most gracious Majesty's commission, by which I am appointed registrar of the courts of Mixed Commission established in this colony, I, on the 8th instant, took the prescribed oath as such, before His Majesty's acting commissary judge, and entered upon the duties of my said office.

I further beg permission to add, that in consequence of the absence of his Excellency Sir Neil Campbell, the governor, on a visit to the Gambia, I am precluded from retiring from the offices I at present hold in the colonial department of this government, but which it is my intention to do when his Excellency returns.

I have the honour to be, &c.

Joseph Planta, jun. Esq.
&c. &c. &c.

(signed) *Jos. Reffell.*

N° 22.

N° 22.

His Majesty's Commissioners to Mr. Secretary Canning.—(Received July 27.)

Sir,

Sierra Leone, May 15, 1827.

WE have the honour to acknowledge the receipt of your despatch of the 26th of February last, with its enclosures, communicating for our information, the intention of His Majesty's Government to remove the Mixed Commissions, at present established here, to the island of Fernando Po, and the measures in contemplation for carrying that arrangement into effect.

We beg to return you, Sir, our thanks for this early communication, and have the honour to remain, &c.

(signed) *H. Lumley,
Wm. Smith.*

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

N° 23.

N° 23.

W. Smith, Esq. to Joseph Planta, jun. Esq.—(Received July 27.)

Sir,

Sierra Leone, May 19, 1827.

I HAVE the honour herewith to enclose to you, for the information of Mr. Secretary Canning, the copy of a letter which has been addressed to me by Doctor Fergusson, surgeon of the Royal African colonial corps, soliciting to be appointed surgeon to the Courts of Mixed Commission at the intended settlement at Fernando Po.

I beg most respectfully to state my humble opinion, that the appointment of a medical officer exclusively attached to the Mixed Commissions, would be a measure attended with beneficial results, both to the whole of the establishment of those Commissions, and to the unfortunate people who may be brought before the Courts for emancipation.

The situation Doctor Fergusson solicits has hitherto been held at a trifling salary by gentlemen whose various professional duties, in the army and colony, rendered their attention to the slaves, with very few exceptions, a mere matter of form: and during the illness of any of the officers of the Commissions, they were necessitated to apply for assistance to the colonial surgeon, and which it is but justice to that gentleman to say, he has ever cheerfully complied with.

The intimate acquaintance the gentlemen composing the Mixed Commissions have of Doctor Fergusson, their implicit confidence in his abilities, his thorough knowledge of the diseases of Africa, his successful practice, and his being inured to the climate, render him most eligible for the appointment he solicits, and a valuable acquisition to an infant colony; and I have pleasure in adding my personal tribute to his merits, from having experienced from him, during the severe attacks I have had here, the most unremitting attention; and it is, therefore, that I can most strongly recommend him to the favourable consideration of Mr. Canning, should such an appointment be deemed proper.

I have the honour to be, &c.

(signed) *Wm. Smith.*Joseph Planta, jun. Esq.
&c. &c. &c.

Doctor Fergusson to William Smith, Esq.

Enclosure
in N° 23.

Sir,

Sierra Leone, May 18, 1827.

HAVING understood that it is the intention of His Majesty's Government to remove the Courts of Mixed Commission from this station to Fernando Po, I have the honour to offer my services as surgeon on your establishment, in the event of such an appointment being deemed necessary.

I have served upwards of six years in the medical department of the army at Sierra Leone. I have also held a medical situation on the civil establishment of the colony during the whole of that period, and am now surgeon of the Royal African colonial corps, to which situation I was promoted through the unsolicited recommendation of the late Major-general Turner. For personal character and professional qualifications, allow me to refer to yourself, and the other officers of your court here, with whom I have been on terms of intimacy for some years.

I am uncertain whether the appointment of a medical officer to the Courts of Mixed Commission is contemplated; but should such be the case, and my offer of service accepted, I trust that, in nominating a salary to the situation, with such retired allowance, after having served a period of years, as may in the wisdom of His Majesty's Government be deemed suitable, it may be considered that the formation of a new settlement on the western coast of Africa, holds out a certain prospect of much mental anxiety and bodily trouble to the medical officer. Should my offer meet with a favourable consideration, I shall immediately apply to the proper authorities to be placed on the half-pay list of the army.

I have the honour to be, &c.

(signed) *W. Fergusson.*

William Smith, esq.

SIERRALEONE.

(General.)

N° 24.

N° 24.

His Majesty's Commissioners to Viscount Dudley.—(Received Sept. 18.)

My Lord,

Sierra Leone, July 5, 1827.

WE have the honour to transmit, herewith, a copy of the registry of slaves emancipated by the Courts of Mixed Commission, established in this colony for the prevention of the illicit traffic in slaves, during the period from the 5th day of January to the 5th day of July 1827.

You will observe, my Lord, by this document, that 2,178 slaves have been emancipated in that period, that 2,177 were registered, and that one died between the time of emancipation and that of registration.

We have the honour to be, &c.

The Right Hon. Viscount Dudley,
&c. &c. &c.

(signed) *H. Lumley.*
Wm. Smith.

Enclosure
in N° 24.
(Abstract.)

REGISTER of Slaves Emancipated; 5th January to 5th July 1827.

	Number Registered.	Number died before Registration.	Number Emancipated.
La Paulita - - -	189	- - -	189
Lynx - - - - -	251	- - -	251
Invincival - - -	250	- - -	250
Emilia - - - - -	175	- - -	175
Fama - - - - -	95	- - -	95
De Snelheid - - -	23	- - -	23
Venus - - - - -	188	- - -	188
Dois Amigos - - -	308	- - -	308
Conceição de Marie - -	198	- - -	198
Tres Amigos - - -	3	- - -	3
Creola - - - - -	288	1	289
Silveirinha - - -	209	- - -	209
Total - - - - -	2,177	1	2,178

N° 25.

N° 25.

William Smith, Esq. to Viscount Dudley.—(Received September 18.)

My Lord,

Sierra Leone, July 6, 1827.

I HAVE the honour to acquaint your Lordship, that his Excellency Sir Neil Campbell returned here, from the Gambia, on the 5th instant, and has resumed the duties of His Majesty's commissary judge, *ad interim*, to which office Lieutenant-colonel Lumley, lieutenant-governor, succeeded, on Sir Neil Campbell's departure from this, on the 17th of April last.

The Right Hon. Viscount Dudley,
&c. &c. &c.

I am, &c.
(signed) *Wm. Smith.*

N° 26.

N° 26.

The Earl of Dudley to His Majesty's Commissioners.

Gentlemen,

Foreign Office, September 26, 1827.

I HEREWITH transmit to you the copy of a letter, and of its enclosure, which I have received from Dr. Stewart, soliciting remuneration for his services as acting surgeon, attendant on the slaves arriving at Sierra Leone, from the 6th of September 1826 to the 24th of February 1827.

I shall

I shall be glad if you will address to me such observations as occur to you, in regard to this application of Dr. Stewart, to enable me to form a judgment as to the answer which it may be proper to give to him.

SIERRA LEONE.
(General.)

His Majesty's Commissioners.

I am, &c.
(signed) DUDLEY.

Dr. Stewart to Viscount Dudley.

Enclosure
in N° 26.

My Lord,
London, September 11, 1827.
I BEG leave to represent to your Lordship, that on the 6th September 1826, I had the honour to be appointed by the Court of Mixed Commission at Sierra Leone, their surgeon, and performed that duty to the 24th of February 1827, as vouched for by the certificate herewith enclosed, at which period my state of health obliged me to return to this country. As in most of the slave vessels that arrived at Freetown, during the above mentioned period, generally sickness prevailed to a very great extent amongst them, requiring both a careful and lengthened attendance, I would therefore most respectfully submit to your Lordship's favourable consideration, the propriety of granting such remuneration as my services may appear to your Lordship worthy of.

I have the honour to be, &c.
(signed) Alex. Stewart, Surgeon to the Forces.

The Right Hon. Viscount Dudley,
&c. &c. &c.

Certificate of Dr. Stewart's Appointment.

Sub-Enclosure
in N° 26.

COLONY OF SIERRA LEONE.

THESE are to certify, that Alexander Stewart, M. D. was appointed, on the 6th day of September 1826, surgeon to the Courts of Mixed Commission, established in this colony for the prevention of illicit traffic in slaves, as appears by the following extract from the minutes of the said Courts :

" Alexander Stewart, M. D. was sworn in as surgeon to these Courts, *pro tempore*, vacant by the departure of Dr. Cartan, who had been appointed thereto, *pro tem.* during Mr. Shower's absence in England—Doctor Cartan, having been obliged to quit this colony on account of severe illness." And further, that the said Alex. Stewart, M. D. has actually done the duty of surgeon to the aforesaid Courts, from the 6th day of September 1826, to the 24th day of February 1827.

In faith and testimony whereof, I have hereunto set my hand, and affixed the seal of the said Courts, at Freetown, in the colony of Sierra Leone, this 12th day of March 1827.

(signed) Wm Smith, Registrar.

(L. S.)

N° 27.

William Smith, Esq. to the Earl of Dudley.—(Received November 17.)

N° 27.

My Lord,
Sierra Leone, August 16, 1827.
IT is with feelings of deep regret and sorrow, that I have the painful task of acquainting your Lordship with the death of his Excellency Sir Neil Campbell, the governor of this colony, who was also acting as His Majesty's commissary judge in the Courts of Mixed Commission. This melancholy event took place on the 14th instant, after a short but severe illness.

The administration of this government having devolved on Lieutenant-colonel Lumley, he has accordingly assumed the duties of His Majesty's commissary judge, *ad interim*.

I have the honour to be, &c.
(signed) Wm. Smith.

The Right Hon. Viscount Dudley,
&c. &c. &c.

SIERRA LEONÉ.

(General.)

N° 28.

His Majesty's Commissioners to the Earl of Dudley.—(Received Nov. 17.)

N° 28.

My Lord,

Sierra Leone, August 18, 1827.

WE have the honour to acknowledge the receipt of your Lordship's despatch of the 22d of May 1827, transmitting, for our information, six copies of papers, marked A. and B., relative to the slave trade, which had been presented to both Houses of Parliament.

The Right Hon. Viscount Dudley,
&c. &c. &c.

We have the honour to be, &c.

(signed) *H. Lumley.*
Wm. Smith.

N° 29.

N° 29.

His Majesty's Commissioners to the Earl of Dudley.—(Received Nov. 17.)

My Lord,

Sierra Leone, August 22, 1827.

IT is extremely gratifying to us to have it in our power to report to your Lordship, that there is not at present any case for adjudication before the Mixed Commissions; nor has there been any since the Portuguese schooner "Toninha" was condemned on the 21st of July last. We have also heard, from private sources, that there were no slaves on the coast when the last intelligence from the squadron to the leeward was received. Whether this may have resulted from the activity of the squadron employed to prevent this nefarious traffic, together with the late decisions in the Courts of Mixed Commission, which have apparently paralyzed the audacious conduct of the traders in human flesh, or whether it may be attributable to the determination of the persons engaged in that trade, owing to the immense losses they must lately have sustained, to confine that traffic to the limits prescribed by the treaty, it certainly is matter of congratulation to all interested in the welfare of Africa; as it will tend, we hope, to meliorate the condition of the unfortunate natives of this continent, who, while they are excited by the lawless traders in their fellow-countrymen, cannot be prevailed on to turn their attention to innocent commerce, which the rich products of their country would abundantly furnish.

We have noticed, particularly this year, as compared with former ones, that an evident diminution of the illicit traffic has taken place under the flags of Spain and the Netherlands, there having been adjudicated in the Mixed Courts only three of the former and one of the latter, since the 1st of January last up to the present date, although it is much to be feared that a great portion of the traffic of those nations in slaves is covered under the flag of France, which, however, must have been greatly impeded by the activity of the French squadron, which ran down the coast a few months since, and is reported to have made many seizures.

Since the establishment of the Mixed Commissions up to the present date, there have been no less than fifty-nine vessels adjudicated in the British and Portuguese court here; and as it may be satisfactory to your Lordship to see at one view the glaring infractions of the treaty by the whole of them, we have extracted, from the archives of that court, the enclosed list, showing the ports from whence they sailed for the illicit traffic in slaves, and whether regularly or irregularly licensed. This document affords a convincing proof of the illicit intention of the parties, who procure passports for their vessels engaged in the slave trade to come to the northward of the Equator, and, under that assumed protection, await a favourable opportunity to carry off a cargo of unhappy creatures, which, notwithstanding the praiseworthy zeal and activity of the officers of the squadron in suppressing that trade by all means in their power, we regret they have too often succeeded in accomplishing, from the impossibility of the squadron guarding every point on the immense extent of this coast where it is carried on, and the great facilities afforded them by agents on shore.

The number that has been captured and condemned in the present year is unprecedented in the like period, and shows the increased extent to which this horrible traffic was extending itself, but for the salutary check it has sustained by the late decisions, in conformity, we hope, to the spirit of the treaty with Portugal of 1815, and additional convention thereto of 1817.

The Right Hon. Viscount Dudley,
&c. &c. &c.

We have the honour to be, &c.

(signed) *H. Lumley.*
Wm. Smith.

LIST of Fifty-nine Vessels adjudicated in the British and Portuguese Court of Mixed Commission, from its establishment up to the 22d of August 1827; showing the Ports from whence they sailed, and whether provided with regular or irregular Passports for carrying on the licit Traffic in Slaves.

SIERRA LEONE.

(General.)

Enclosure
in N° 29.

- 6 Had colonial licences from Cape de Verds, and the islands of St. Thomas and Princes.
 2 Had no ship's papers whatever.
 5 Were not furnished with passports for the slave trade according to treaty.
 6 Were furnished with passports from Pernambuco, viz. three to Molembo, two to Cabinda, and one to Molembo, with permission to touch on her way there at St. Thomas and Princes.
 2 Were furnished with passports from Rio Janeiro to Molembo.
 1 Was furnished with passport from Rio Janeiro to Molembo, to call on her way there at St. Thomas.
 19 Were furnished with passports from Bahia to Molembo.
 11 Were furnished with passports from Bahia to Molembo, to call at St. Thomas and Princes.
 3 Were furnished with passports from Bahia to the coast of Elmina, and St. Thomas and Princes.
 1 Was furnished with passport from Bahia to Molembo, to call on the coast of Elmina, and St. Thomas and Princes.
 1 Was furnished with passport from Bahia to Molembo, to touch at Sierra Leone, the coast of Guinea, and the islands of St. Thomas and Princes.
 1 Was furnished with passport from Bahia to Molembo, to touch at the coast of Guinea
 1 Was furnished with passport from Bahia to Molembo, to touch at St. Thomas.

59 Total.

ABSTRACT.

- 6 Colonial licences.
 2 No ship's papers.
 5 No passports according to treaty.
 6 With passports from Pernambuco:
 5 regular, 1 irregular.
 3 With passports from Rio Janeiro:
 2 regular, 1 irregular.
 37 With passports from Bahia:
 19 regular, 18 irregular.
 59 Total.

N° 30.

William Smith, Esq. to the Earl of Dudley.—(Received November 17.)

N° 30.

My Lord,

Sierra Leone, August 28, 1827.

HAVING had in each of the last two years an attack of the bilious remittent fever of this country, in the rainy season, by which my health is much impaired, and it being the opinion of the medical gentlemen, whose certificate I beg to enclose, that a temporary residence in England is necessary for the re-establishment of my health, I have, most respectfully, to solicit your Lordship's favourable representation to His Majesty, to grant me permission to return to England in the ensuing year for that purpose, at which period I shall have been three years at my post.

The Right Hon. Viscount Dudley,
 &c. &c. &c.

I have the honour to be, &c.
 (signed) *Wm. Smith.*

Medical Certificates.

Enclosure
in N° 30.

I HEREBY certify, that Mr. William Smith has had a severe attack of the bilious remittent fever of the country, in each of the two last years; and that by these and several minor and febrile complaints, his constitution is so much impaired that I consider a temporary residence in England necessary for the complete re-establishment of his health.

(signed) *W. Fergusson, Surg. R^l Af. C. C.*

Sierra Leone August 25, 1827.

I HEREBY certify, that the opinion above given by Mr. Fergusson, late acting-surgeon to the Mixed Commission Courts, appears to me to be perfectly correct, and I consider that a return to Europe for a short period is absolutely necessary for the re-establishment of Mr. Smith's health.

(signed) *William Barry, M. D.*
 Deputor Inspector of Hospitals.

Sierra Leone, August 27, 1827.

SIERRA LEONE.

(General.)

N° 31.

N° 31.

The Earl of Dudley to William Smith, Esq.

Sir,

Foreign office, November 22, 1827.

I HAVE received, and laid before the King, your despatch (marked Separate) of the 28th of August; and I have to convey to you His Majesty's gracious permission to return to this country in the ensuing spring for the sake of your health, for a period not exceeding six months residence in England.

William Smith, Esq.

I am, &c.
(signed) DUDLEY.

N° 32.

N° 32.

His Majesty's Commissioners to Viscount Dudley.—(Received December 10.)

My Lord,

Sierra Leone, September 28, 1827.

SUBSEQUENT to our despatch dated the 22d ult. His Majesty's brig "Conflict" arrived here from the leeward station, where she had been cruising some months.

From her commander, Lieutenant Wakefield, we have learnt that the squadron, up to the period of his quitting it, about the 14th of August, for this colony, had not made any seizures under the treaties for abolishing the slave trade, and only two suspicious vessels had been seen, one of which was chased by Commodore Collier in the "Sybille," and the other by the "Conflict," but both succeeded in escaping during the night. We have further learnt from Lieutenant Wakefield, that Brazilian vessels begin to come on this coast, furnished with mercantile passports to trade on the Costa de Mina, otherwise the coast of Elmina, which extends from cape Three Points, to the river Lagos, and he gave us a list of four vessels so circumstanced, which he had boarded at that notorious slave port Lagos, where they were lying at anchor, trading, as they pretended, for palm oil and other legitimate African produce; a copy of which list we beg to enclose herewith for your Lordship's information.

Lieutenant Wakefield expressed his conviction that they were furnished with two passports, one of which was for a slaving voyage, and that their object was to await a favourable opportunity for taking off a cargo of slaves, but the interest and connection amongst the crews of Brazilian vessels, from the master to the cabin boy, renders it extremely difficult to detect them in these nefarious practices.

Should either of these vessels succeed in escaping with a cargo of slaves, we much fear that very evil consequences will result from it, in as much as the illicit traders in slaves, finding themselves unmolested under the protection of their mercantile passport, will, we apprehend, come in numbers, and the good which we flattered ourselves would result from the late captures and condemnations will consequently be but of short duration.

Under the present treaty with Portugal for the suppression of the slave trade, we do not find that any penalty is attached to her vessels, or to Brazilians, which are found to the northward of the Equator, trading under a mercantile passport, although they may be fitted in every respect for carrying on that traffic, and which would afford strong presumptive proof that they were illicitly engaged. Brazilian vessels so situated will, we doubt not, like the Spaniards, continue under this new form to carry on the slave trade to the northward of the Equator, unless some strong measures are devised to check it, and nothing, in our humble opinion, and we state it with confidence, would more effectually tend to this desirable end than an additional article to the treaty with Portugal and Brazil, similar in all respects to the further additional article to the treaty with the Netherlands, the putting which in force has had the good effect of suppressing the trade under that flag.

Notwithstanding our fears on this point, it is with pleasure we report to your Lordship the confirmation of the decrease of the illicit traffic in slaves under the Spanish and Netherland flags. Not a vessel of either of those nations was in the Bights of Benin or Biafra when the "Conflict" left them. The only Spanish vessel so employed there, was some time previous condemned at Princes Island

as unseaworthy. There were, however, many French vessels engaged in that trade, several of which had been captured by a French brig of war, which was cruising in the Bights, and which we most sincerely hope may tend to diminish that nefarious traffic under his most Christian Majesty's flag, which has but too long been subverted to such vile purposes.

SIERRALFONE.
(General.)

We have the honour to be, &c.

(signed) *H. Lumley,*
Wm. Smith.

The Right Hon. Viscount Dudley,
&c. &c. &c.

LIST of Brazilian Vessels boarded by His Majesty's Brig "Conflict," Lieut. Wakefield, Commander, trading on the "Costa de Mina" under Mercantile Passports.

Enclosure
in N° 32.

Name of Vessel.	Name of Master.	Name of Owner.	Tonnage.	Where belonging to.	Where Boarded.
General Almeida	Joao Sabino	Cerqueira de Lima	180	Bahia	Lagos.
Comprador	M. J. Florie	Antonio de Arreiro	200	Bahia	Lagos.
Agoa da Bahia	Joaquim J. de Mello	J. J. Ferreira	112	Bahia	Lagos.
Vittoria	F. Maria.	Joze de Sacara	56	Bahia	Lagos.

N° 33.

William Smith, Esq. to the Earl of Dudley.—(Received December 10.)

N° 33.

My Lord,

Sierra Leone, October 6, 1827.

I HAVE the honour to inform your Lordship, that in consequence of the departure of Lieutenant-colonel Lumley, the lieutenant-governor, to the Gold Coast on public service, Mr. Reffell, the registrar of the Courts of Mixed Commission, has assumed, by virtue of his office of acting chief justice, the duties of commissary judge, *ad interim*, in those courts. Mr. Magnus has been appointed, under commission from the lieutenant-governor, acting registrar, during such time as Mr. Reffell may fill the superior situation; but continues also to do the duty of first clerk to His Majesty's Commissioners. The usual oaths have this day been administered to both these gentlemen.

I have the honour to be, be, &c.

The Right Hon. Viscount Dudley,
&c. &c. &c.

(signed) *Wm. Smith.*

N° 34.

J. Reffell, Esq. to John Backhouse, Esq.—(Received December 11.)

N° 34.

Sir,

Sierra Leone, October 9, 1827.

DEEMING it my duty to explain the circumstances under which I have taken upon me the office of commissary judge in the Courts of Mixed Commission established here, I beg leave most respectfully to enclose, herewith, the correspondence which took place between the lieutenant-governor and myself upon this subject.

Enclosure 1. is copy of a communication from the lieutenant-governor, requesting of me, in the event of its being required, to take upon myself the office in question, and which induced me to address the letter marked 2, pointing out the circumstances I was thus placed in, by the impossibility of reconciling the situation I hold in the Commissions with that he was desirous of my assuming; in reply to this I received Enclosure 3, urging the necessity of the arrangement, and mentioning the concurrence of Mr. Smith, His Majesty's commissioner of arbitration, in the change which would consequently occur in the courts. Upon the receipt of this letter, I considered it obligatory upon me, as a servant of the Government, to accede to a measure considered so necessary for the public service of the colony.

In

SIERRA LEONE.
(General.)

In requesting, Sir, that you will be graciously pleased to submit this statement to the Right honourable Viscount Dudley, may I be permitted to hope, that my conduct in assuming this important office, and temporarily vacating the situation of registrar, will be approved, and that it will be looked upon as an arrangement, rather forced upon me, in consequence of holding the temporary appointment of chief justice (which it has been my desire to resign, from the first moment I received my nomination from the Foreign Office), than to the most remote desire to be engaged in any other service than that of fulfilling my duty in the Commission.

It is expected that a chief justice, or King's advocate, will shortly arrive from England, when I shall retire from this colonial appointment, the remuneration for which is only 500*l.* a year, or equal to the moiety I am precluded drawing as registrar, in consequence of holding it, and therefore no pecuniary advantage to me.

John Backhouse, Esq.
&c. &c. &c.

I have, &c.
(signed) Jos. Reffell.

1st Enclosure
in N^o 34.

Lieutenant-Governor Lumley, to Joseph Reffell, Esq.

Sir,

Sierra Leone, Hill Barrack, Sept. 27, 1827.

ACCORDING to the tenour of the 14th article of the regulations for the Mixed Commissions, the vacancies as judge of the Commission Court should be filled up, *ad interim*, successively, by the governor, or lieutenant-governor, by the principal magistrate, and by the secretary.

The vacancy which my temporary absence at the Gold Coast will occasion, (as I am necessitated almost immediately to proceed there,) must be filled up by you as acting chief justice, the next in succession to me.

I therefore, in virtue of the said regulations, request you will be sworn in as judge of the Mixed Commission Court established here, when circumstances may require it.

With the highest regard and esteem, I have, &c.

(signed) H. Lumley, Lt-Colonel, and Lt-Governor.

Joseph Reffell, Esq. Acting Chief Justice.

2d Enclosure
in N^o 34.

Joseph Reffell, Esq. to Lieutenant-Governor Lumley.

Sir,

Sierra Leone, September 29, 1827.

I HAD the honour of receiving last evening your letter, relative to the office of judge in the Mixed Commission Court, becoming vacant on your intended departure to the Gold Coast, and requesting of me, as acting chief justice, in virtue of the 14th article of the regulations for the same, to be sworn in as judge thereof when circumstances might require it.

With reference thereto, I beg leave most respectfully to point out to your Honour the peculiar situation I am consequently placed in; that of either resigning the office of acting chief justice, or of obtaining the leave of His Majesty's Commissioners to be permitted, *ad interim*, to vacate that of registrar to the courts, and which latter office, as I have the honour of being appointed to it by His most gracious Majesty, is my most legitimate employment under His Majesty's Government.

Your Honour is fully aware, that from the moment of the commission constituting me registrar, arriving here, it has been my desire to resign into the hands of His Majesty's representative, the appointment I had the honour of receiving from his late Excellency, of acting chief justice, but that the circumstances in which the colony was and is still placed, for want of more experienced officers than myself, has hitherto induced me, on this consideration being pointed out, to continue in that situation, which, however, until the present moment, has never interfered with the duty I owe to the Commissions.

It is very far from my wish, at this peculiar period when your Honour is about to leave for a time the seat of government, to withdraw myself from any office in the colonial service; but your honour will see the impossibility of reconciling that I hold temporarily, under the circumstances it will place me in, with the performance of my duty as registrar in the Commissions, and I therefore most respectfully request that your Honour will be pleased to decide on what you consider best, and most likely to meet the approbation of His Majesty's Government at home, and it will be my duty cheerfully to comply with the commands I may in consequence receive.

A Brazilian vessel with upwards of 500 slaves having arrived last evening, will give employment for some time to the courts of the Commission, and therefore the necessity of the duties of commissary judge being immediately entered upon when your Honour leaves the colony.

His Honour Lieutenant-colonel Lumley.

I have, &c.
(signed) Jos. Reffell.

Lieutenant-Governor Lumley to J. Reffell, Esq.

SIERRA LEONE.
(General.)

Sir,

Sierra Leone, September 30, 1827.

IN reply to your letter of the 29th instant, I have the honour to state to you, that under the peculiar circumstances of this colony at present, without a chief justice or King's advocate, it would be highly prejudicial to His Majesty's service your resigning your acting situation as chief justice; as there is no person whom I could appoint to succeed you, that would be eligible to the situation you have filled so long (without any pecuniary recompense) with so much credit to yourself; and the valuable services you have rendered to this colony, by a zealous and conscientious discharge of your duties.

I have seen the Commissioner of the Mixed Commission Court, Mr. Smith, who fully agrees with me in the propriety, nay necessity, of carrying into effect the arrangements I had the honour of proposing to you, viz. your acting as commissary judge, during my absence at the Gold Coast, and Mr. Magnus, already of the Court, to act, *ad interim*, as registrar.

I have, &c.
(signed) H. Lumley,
L^t-Colonel and L^t-Governor.

His Honour Joseph Reffell.

3d Enclosure
in N^o 34.N^o 35.

The Earl of Dudley to His Majesty's Commissioners.

N^o 35.

Gentlemen,

Foreign Office, December 13, 1827.

I HEREWITH transmit to you the copy of a letter, which has been addressed to one of the under secretaries of state for this department, by one of the secretaries to His Majesty's Treasury, upon the subject of the expenses attendant upon the subsistence of captured negroes, between the time of their capture, and that of their condemnation.

I have to acquaint you, that the principle which has been laid down upon this head, is, first, that these expenses should be borne out of the proceeds of the vessel on board of which the slaves were found; and, secondly, if there should be no proceeds, or proceeds which are not sufficient, the expenses, or the residue of them, should be paid by that Government which will eventually have the advantage of the labour of the slaves.

I am accordingly to direct, that you will, in accordance with the suggestion in the enclosed communication from His Majesty's Treasury, pay to the superintendent of captured negroes, out of the proceeds of each respective vessel and cargo condemned under the Mixed Commission Court at Sierra Leone, so far as the amount of those proceeds will reach, the amount of the bills which shall have been duly notified to you by the superintendent, as having been drawn upon him for the subsistence of the negroes between the period of their capture and that of their condemnation, strictly limiting the application of the proceeds of each vessel to the expenses of the negroes specially belonging to it.

His Majesty's Commissioners.

I am, &c.
(signed) DUDLEY.

T. Frankland Lewis, Esq. to J. Backhouse, Esq.

Enclosure
in N^o 35.

Sir,

Treasury Chambers, November 28, 1827.

THE Lords Commissioners of His Majesty's Treasury having had under their consideration a letter from Mr. Wilmot Horton, relative to the refusal of the governor of Sierra Leone to allow the superintendent of liberated Africans in that colony to accept bills drawn by naval officers for the support of captured negroes, I have it in command to transmit to you copy of their Lordships minute on this subject, dated the 20th instant, and to request that you will lay the same before Earl Dudley, and move him to convey instructions to the Commissioners of the Mixed Commission Court at Sierra Leone, to pay over, out of the proceeds of the vessels and cargoes condemned there, to the superintendent of captured negroes, the amount of the bills which may have been drawn upon him for the subsistence of the negroes, previously to their condemnation, who may have been found on board such vessels respectively, and which instructions will be in conformity to the instructions conveyed by Mr. Secretary Canning to Consul-general Chamberlain, at the Brazils, on the 25th of August 1823.

I am, &c.
(signed) T. Frankland Lewis.

John Backhouse, Esq.
&c. &c. &c.

SIERRALEONE.

(General.)

Sub-Enclosure
in N° 35.

Treasury Minute, November 20, 1827.

READ letter from Mr. Wilmot Horton, dated 13th ult. on two letters from the Admiralty, relative to the refusal of the governor of Sierra Leone to allow the superintendent of liberated Africans in that colony any longer to accept bills drawn upon him by naval officers for provisions, &c. purchased for support of captured negroes, between the time of their detention and that of pronouncing the sentence of condemnation. Mr. W. Horton states, that there are two points of view in which it strikes Mr. Huskisson that it may be proper to consider this question: first, whether the superintendent, whose duties are confined to the control and maintenance of the Africans who have been judicially liberated from the condition of slavery, can strictly have any concern with those captured Africans, prior to their condemnation; and, secondly, whether it is expedient that an officer at Sierra Leone should continue to charge in his accounts an expenditure which neither the governor nor the Secretary of State have any means of controlling, or indeed of deciding from what source it should properly be defrayed, except in the case of Brazilian vessels, respecting which it has been agreed that these expenses should be paid, as costs, out of the proceeds of the sale of condemned ships and cargoes.

Read also a letter from Mr. Wilmot Horton, dated 27th ult. transmitting, by direction of Mr. Secretary Huskisson, copy of a letter, and its enclosures, which have been received from the governor of Sierra Leone, conveying the expression of his hope that the Secretary of State would approve of his conduct in having relieved the department of liberated Africans from the expense of providing for captured negroes, which should, in his opinion, be paid from the proceeds of the prizes.

My Lords resume the consideration of the letters of the Secretary to the Admiralty of 28 September and 6 October last.

Upon a consideration of this subject, it appears to my Lords, that the expense of maintaining captured negroes, from the day they are taken by any of His Majesty's ships, to the day of their condemnation in the court of Mixed Commission at Sierra Leone, and when they will be delivered over to the care of the superintendent of captured negroes, should be defrayed out of the proceeds of the vessels and the cargoes of the vessels in which they may be taken; but it is in that case necessary to make provision for the payment of any bills which may be necessarily drawn for the purchase of any provision for their subsistence; and my Lords are of opinion, that the governor of Sierra Leone should be directed to instruct the superintendent of captured negroes to accept and pay such bills, as heretofore, notifying to the Mixed Commission Court the amount of the bills which may be drawn and paid in each particular case; and my Lords will request His Majesty's Secretary of State for Foreign Affairs to instruct those Commissioners to pay over to the superintendent of captured negroes, out of the proceeds of the particular vessels in which the people may be taken, the precise amount of bills which may have been drawn for their subsistence before condemnation, and to pay the surplus only of the proceeds of such vessels and cargoes into the military chest; but if there are no proceeds of the vessels, &c. or if the amount of the bills drawn for the subsistence of the negroes should exceed those proceeds, the expense of their subsistence before condemnation, or the surplus of such expense beyond the actual proceeds, must, in their Lordships view, be borne by His Majesty, and cannot be more properly defrayed than by the superintendent of captured negroes.

N° 36.

N° 36.

The Earl of Dudley to His Majesty's Commissioners.

Gentlemen,

Foreign Office, December 13, 1827.

I HAVE received the letter of Mr. Smith, (marked Separate,) of the 19th of May last, enclosing, and recommending for my favourable consideration, the application of Dr. Fergusson, to be appointed surgeon to the Mixed Commissions, on the arrangement taking effect for the proposed settlement of the Commissions at the island of Fernando Po.

Taking into consideration the nature of the climate, and other circumstances connected with the service, I cannot doubt of the propriety of attaching a surgeon to the Mixed Commissions, as well for the sake of the members of the establishment itself, as for that of the slaves who may be brought before the Court for adjudication.

The salary which I think proper to allot to the situation is 300*l.* a year; with a distinct understanding, that no further allowance or provision, either at present, or in the shape of superannuation on retirement, will be granted to the person holding the appointment.

If, for this salary, it shall suit Dr. Fergusson to undertake the medical care of the establishment of the Mixed Commissions, and of the captured negroes, both previous

previous and subsequent to liberation, you are hereby authorized to notify to him **SIERRA LEONE.**
his appointment to that situation, and to include his allowance in your quarterly **(General.)**
account of the contingent expenses of the Commission paid by Great Britain.

The salary to Dr. Fergusson will, in such case, commence from the date of your arrival at Fernando Po.

His Majesty's Commissioners.

I am, &c.
(signed) DUDLEY.

N° 37.

John Backhouse, Esq. to Joseph Reffell, Esq.

N° 37.

Sir,

Foreign Office, December 22, 1827.

I HAVE received, and laid before the Earl of Dudley, your letter to me of the 9th of October last, explanatory of the circumstances under which, after the death of Sir Neil Campbell, governor of Sierra Leone, you took upon yourself the office of acting commissary judge in the courts of Mixed Commission established at that place; and I have received the directions of his Lordship to express to you his approbation of the conduct which you pursued upon that occasion.

Joseph Reffell, Esq.

I am, &c.
(signed) J. Backhouse.

SIERRA LEONE. (Spain.)

(Spain.)

N 38.

J. Reffell, Esq. to Mr. Secretary Canning.—(Received January 27, 1827.)

N° 38.

Sir,

Sierra Leone, November 18, 1826.

I HAVE the honour to inform you, that His Majesty's ship "Esk," William Jardine Purchas, esq. captain, detained the Spanish schooner "Intrepida," on the 10th of October last, in latitude 2. 8. north, and longitude 6. 20. east, with a cargo of 290 slaves on board, and sent her into this port for adjudication.

From the extremely crowded state of the slaves on board this vessel (she not being more than 100 tons burthen), ten had died previous to capture, and fifty-five between the period of her capture and condemnation.

The fact of the illicit traffic in slaves having been clearly proved by the evidence adduced before the Court, sentence of condemnation was passed upon her, and the slaves decreed to be emancipated.

The report of this case is herewith transmitted.

I have the honour to remain, &c.

(signed) Jos. Reffell.

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

Report of the Case of the Spanish Schooner "Intrepida," whereof José Antonio Herrera was Master.

Enclosure
in N° 38.

THIS vessel was seized by His Majesty's ship "Esk," commanded by William Jardine Purchas, esq. on the 10th of August last, in latitude 2. 8. north, and longitude 6. 20. east, on her voyage from the river Bonny to the Havannah, with 290 slaves on board; she was sailing under Spanish colours, armed with five guns (18-pounders), besides small arms, and was commanded by Francisco Reynaldo, who states that he shipped as second pilot on board of her, and took the command in consequence of the death of José Antonio Herrera, the master, and of Pablo Puig, the chief pilot.

A monition was issued in this case on the 11th of September, and returned duly certified on the 26th.

Francisco Reynaldo deposed, on the standing interrogatories, that the "Intrepida" was fitted out at the Havannah, from whence she sailed on the 10th of September 1825, to return with a cargo of slaves; she had twenty-five officers and mariners on board (exclusive of himself), who were all Spaniards, and were all hired and shipped at the Havannah,

SIERRA LEONE.
(Spain.)

except one man and his wife, natives of Africa, who were passengers going to the Havannah; that the schooner anchored and touched at the river Bonny, on the coast of Africa, during the voyage, at which place the whole of her slaves were purchased and shipped; that the former master, José Antonio Herrera, and himself, were the sole owners of the said schooner; that he was the lader, and the former master and himself the owners and consignees of the lading of slaves, and they were to have been delivered along the coast of the Havannah: 310 slaves were taken on board; twenty died previous to capture, but does not know how many have died since.

The examination of Juan Curasco, cook, on the standing interrogatories, corroborates the testimony of the acting master, Francisco Reynaldo.

The affidavit of the prize-master, Thomas Burnett, states, that owing to the extremely crowded state of the slaves on board (the schooner being only 100 tons burthen), fifty-five had died since capture, although every possible care and attention had been shown to them.

The Spanish pass from the Havannah authorizes a voyage to the island of Princes, to return with articles of lawful commerce.

The evidence in this case having clearly established the fact of the illicit traffic in slaves, the Court proceeded to judgment, and pronounced sentence of condemnation against this vessel on the 26th day of September 1826, and decreed the emancipation of the slaves.

(signed) *Jos. Reffell.*

The sum of 200 Spanish dollars, stated, in the captor's declaration, to have been taken out of the "Intrepida," and put on board His Majesty's ship "Esk" for safety, was claimed by Francisco, the passenger; and on proof being shown to the Court that the said sum was rightly claimed, and that the said passenger had no right, title or interest in the "Intrepida" or her cargo, the Court ordered the registrar to pay to him the sum of 200 Spanish dollars.

(signed) *Jos. Reffell.*

N^o 39.

N^o 39.

His Majesty's Commissioners to Joseph Planta, jun. Esq.—(Received March 9.)

Sir,

Sierra Leone, January 15, 1827.

IN pursuance of the 75th clause of the Act passed in the fifth 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 conformity with the instructions received from Mr. Secretary Canning, we beg leave to enclose, in duplicate, a return of all the cases of Spanish vessels which have been adjudicated in the British and Spanish court of Mixed Commission established here, from the 1st day of July 1826 to the 1st day of January 1827.

We have the honour to be, &c.

Joseph Planta, jun. Esq.
&c. &c. &c.

(signed) *N. Campbell.*
Jos. Reffell.

Enclosure
in N^o 39.

RETURN of Spanish Vessels Adjudicated by the British and Spanish Court of Mixed Commission established at Sierra Leone, from the 1st day of July 1826 to the 1st day of January 1827.

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.
Nicanor -	May 20, 1826.	Schooner and 174 slaves.	Charles Bullen, H. M. S. Maidstone.	July 1, 1826.	Condemned for illicitly trading in slaves.	The schooner sold by public auction, and the proceeds paid into the military chest.
Intrepida -	Aug. 10, 1826.	Schooner and 290 slaves.	W. J. Purchas, H. M. S. Esk.	Sept. 26, 1826.	Condemned for illicitly trading in slaves.	The schooner sold by public auction, and the proceeds paid into the military chest.

(signed) *Wm. Smith, Registrar.*

N° 40.

SIERRA LEONE.

(Spain.)

His Majesty's Commissioners to Mr. Secretary Canning.—(Received April 4.)

N° 40.

Sir,

Sierra Leone, February 2, 1827.

WE have the honour to enclose the case of the Spanish schooner "Paulita," condemned on the 25th of January 1827, in the British and Spanish court of Mixed Commission established here.

The circumstances respecting this vessel, as brought before the Court, making her clearly liable to condemnation, we had no hesitation in pronouncing sentence accordingly, and decreeing the emancipation of the surviving slaves.

We have the honour to be, &c.

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

(signed) *N. Campbell.*
Jos. Reffell.

Report of the Case of the Spanish Schooner "Paulita," Antonio Ferrera, Master.

THIS vessel, commanded by Antonio Ferrera, cleared from the Havannah on the 13th of February 1826, furnished with the usual papers for a licit voyage to the islands of St. Thomas and Princes, and was detained, on the 6th of December 1826, off Lagos, and in latitude 5. 4. north, longitude 4. 42. east, by the boat of His Majesty's ship "Maidstone," in charge of Lieutenant William Tucker, and for having at the time on board 221 slaves, said to have been shipped in the river Benin.

On the 7th of January the vessel arrived in this harbour, having lost thirty of the slaves by disease on the way up, and the survivors being in a very sickly and emaciated state.

On the 9th of January the papers were brought into court, duly authenticated by an affidavit of Lieutenant William Tucker, and the usual monition prayed for and granted, returnable on the 17th of the same month.

From the master's answers to the standing interrogatories, it appeared that he was also the sole owner of the "Paulita" and her cargo, and that he took possession of her at the Havannah; that the present voyage commenced and was to have ended there, or at any other port where he could have got a good market for the slaves, 221 of whom were taken on board altogether in the river Benin, and none of whom had died previous to capture.

This evidence was confirmed by Juan Moro, cook of the said schooner, in his answers to the standing interrogatories.

No claim having been made by the master and owner, the Court met on the 25th of January 1827, and having heard the evidence in support of the captor's declaration, without hesitation pronounced sentence of condemnation against her as lawful prize to His Majesty's ship "Maidstone," Commodore Bullen, C. B. commander, declaring 221 slaves to have been on board at the time of capture, thirty of whom had died on the passage up, and two in the harbour since the arrival of the vessel, leaving 189 to be delivered over to the colonial government, which number the Court decreed to be emancipated.

(signed) *N. Campbell.*
Jos. Reffell.

Enclosure
in N° 40.

N° 41.

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

N° 41.

Sir,

Sierra Leone, March 31, 1827.

WE have the honour to transmit, herewith, the case of twenty-three slaves seized in the Netherland brigantine "De Snelheid," by His Majesty's ship "Brazen," George Wickens Willes, esq. commander, and emancipated in the British and Spanish court of Mixed Commission on the 16th of March 1827.

This case, which was only brought before the court on the 13th of February 1827, by petition on behalf of Captain George Wickens Willes, and the officers and men of His Majesty's ship "Brazen," has been decided on the evidence of Sebastian Munoz, late a cabin boy on board the Spanish armed ship "Atalanta," filed with other proof in support of the petition. This evidence clearly defined the said slaves to have been dealt for, purchased, and shipped by Spanish subjects, forming the prize crew put on board the "Snelheid" by the captain of the said Spanish armed ship (which circumstance was referred to in the despatch of Mr. Reffell, marked "Netherlands," and dated 22d November 1826). This case being therefore brought under the third specification of the fifth article to the treaty between Great Britain and Spain, signed at Madrid on the 23d of September 1817, the

Court

SIERRA LEONE. Court had no hesitation in pronouncing the emancipation of the said twenty-three slaves, so seized and prosecuted by the said Captain George Wickens Willes, and the officers and men of His Majesty's ship "Brazen."
(Spain.)

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

We have the honour to be, &c.,
(signed) N. Campbell.
Jos. Reffell.

Enclosure.
(A.)
in N^o 41.

Report of the Case of certain Slaves seized and taken by His Majesty's ship "Brazen" on board the Netherland Brigantine "De Snelheid."

ON the 13th of February 1827, a petition was presented to the British and Spanish Court of Mixed Commission, on behalf of Captain George Wickens Willes, and the officers and men of His Majesty's ship "Brazen," setting forth "that on the 28th day of September 1826, His Majesty's ship 'Brazen,' under the command of the said George Wickens Willes, being off the island of St. Thomas, in latitude 0. 2. south, longitude 7. 10. east, fell in with and detained the Netherland brigantine 'De Snelheid,' then in charge of a prize-master and crew belonging to the Spanish armed ship 'Atalanta,' having on board twenty-three slaves, natives of Africa, that had been shipped in the river Nazareth by the Spanish crew, who bartered and traded for the same."—And further, "that the 'De Snelheid' was adjudicated and condemned in the British and Netherland Mixed Court of Justice, but that the said twenty-three slaves, having not been put on board by the original master and crew, were not included in the sentence of condemnation, and consequently were not emancipated by decree of that Court." And praying that, as clear and satisfactory proof could be produced that the said slaves were shipped in the river Nazareth, on account of, and by certain Spanish subjects, that such papers and documents in evidence of the same might be filed in the registry of the said court, that the usual monition might issue, and that the Court would be further pleased to decree the emancipation of the said twenty-three slaves, as seized and prosecuted by the said Captain George Wickens Willes, and the officers and men of His Majesty's ship "Brazen."

This petition being filed by permission of the Court, the 7th of March, the monition went forth, returnable on the 15th of that month.

The evidence filed in this case was:—First, a duly certified copy of the declaration of Captain Willes, of His Majesty's ship "Brazen," in the case of the Netherland brigantine "De Snelheid," which sets forth, that when he detained the said vessel, "she had twenty-three living slaves on board."—Second, the marshal's return of the said twenty-three slaves being landed here on the 23d of October 1826, and delivered over to the colonial government.—Third, the translation of a paper filed in the case of the Netherland brigantine "De Snelheid," being the declaration of the captain of the Spanish frigate of war "Atalanta," assigning his reasons for detaining the "De Snelheid" on behalf of his government (copy of which we have the honour herewith to enclose, N^o 1).—Fourth, the translation of another paper, being a list of the prize crew put on board the said brigantine by the "Atalanta" (copy of which we have also the honour herewith to enclose, N^o 2).—Fifth, an affidavit of Sebastian Munoz, a subject of his Catholic Majesty the King of Spain, who states, "that he was late a cabin boy on board the Spanish armed ship 'Atalanta,' whereof Don Joze Ferran was master, and afterwards one of the prize crew of the brigantine 'De Snelheid' or 'Enterprize,' taken by the said ship 'Atalanta' off Grand Bassa, on this coast; that the said brigantine continued in company with the 'Atalanta' for several days, but happened to lose sight of her one night; the prize-master, Don Geronimo Guardino, directed the course of the said brigantine to the river Nazareth, where they bartered for, traded, and shipped twenty-four slaves, one of whom shortly afterwards died. During the stay of the prize-master on shore, the boatswain, Don Gregorio Cabrera, took charge of the vessel, and sailed out of the river. Two days after they were at sea, they were captured by His Majesty's ship 'Brazen,' Captain George Wickens Willes, and at that time there were twenty-three living slaves on board, all of whom were brought to this colony and landed;"—and further, "that the whole of the persons who composed the prize crew on board the said brigantine were subjects of his Catholic Majesty the King of Spain."

The Court met for adjudication in the case of these slaves, on the 16th of March 1827, and delivered the following decree:—

The slaves now prayed to be emancipated are proved to have been taken on board the Netherland brigantine "Snelheid," which said brigantine was, at the time of capture by His Majesty's ship "Brazen," in the possession of a crew of Spaniards, which had been placed on board her by force, by the Spanish ship called the "Atalanta," and that the said Spanish crew had purchased and put on board the slaves so taken in the "Snelheid," in the river Nazareth. The opinion of the Court therefore is, that this case comes under the third specification of the fifth article to the treaty between Great Britain and Spain, signed at Madrid the 23d September 1817, and that as the slaves were purchased and put on board by Spanish subjects, they are, under that particular article of the treaty, entitled to their emancipation, and this Court accordingly emancipates the number so taken, being twenty-three, and as having been seized by Captain George Wickens Willes, of His Majesty's ship "Brazen."

(signed) N. Campbell.
Jos. Reffell.

SIERRA LEONE.

(Spain.)

Sub-Enclosure.

(A.)

in N^o 41.

(Translation.)

(1.)—Declaration of the Captain of the Spanish frigate “ Atalanta.”

AS captain, master and chief pilot, commanding the Spanish frigate of war “ Atalanta,” which vessel said from the port of Vigo on the 26th of June :—Having in the fulfilment of my duty, arrived, on the 23d of July 1826, in the neighbourhood of Grand Bassa, on the coast of Africa, I discovered, on the morning of that day, a brigantine schooner at anchor in the roadsted of Grand Bassa, of whose intentions I was desirous to obtain information, as she hoisted no colours. At half past six o'clock I perceived the said vessel get under weigh, and making all possible sail to the south-west, endeavouring to escape from my vessel, for which reason I crowded all sail in chase of her, in order to obtain the desired information. At half past ten in the morning I saw the said vessel tack, and stand towards the land, after having reconnoitred me; I then made sail to endeavour to speak to her. At mid-day, she was standing on a south-west course, under all sail, at which time we were in full chase for the purpose of examining her, which we had full powers to do, and in which object we finally succeeded. Being about five o'clock in the afternoon within a short distance of her, and seeing she hoisted no colours, we fired eight guns with fourteen and eighteen-pound shots, to oblige her to do it. At half past five we came to anchor close to each other in the roadsted of Grand Bassa, when she hoisted French colours, and sent a boat on board of us with French papers, showing her to be the “ Enterprize,” Lieutaud master; but as we knew, and it afterwards appeared, that she had both French and Dutch papers on board, I detained her on behalf of my government, and made her accompany me to Trade-Town.

Given on board the said frigate, the 24th of July 1826, and witnessed by the second and third officers of the said brigantine.

(signed) *Jose Ferran.*

(signed) *Hurel.
Beauford.*

I certify the preceding to be a correct translation of the original document filed in the British and Netherland Mixed Court of Justice, in the case of the brigantine “ De Snelheid,” and endorsed as “ N^o 11.” among that vessel's papers.

Sierra Leone, February 9, 1827.

(signed) *S. M. Magnus.*

(2.)—List of the Crew of the Brigantine Schooner “ Enterprize.”

LIST of the crew of the brigantine schooner called the “ Enterprize,” Prize-master Don Geronimo Guardino, who remains in charge with the crew put on board by the Spanish armed frigate called the “ Atalanta,” belonging to the department of Ferrol, and commanded by Don Joze Ferran. She was seized in the roadsted of Grand Bassa, for having had false French papers on board, besides Dutch ones, which latter were produced (after having repeatedly denied that there were any other papers on board) from under the cloak of the mainmast, where they had been concealed; and also in consequence of the attested declaration that the master, called Mons. Leton *, was residing in Trade-Town, with a part of the crew, trading for slaves; that he had already procured 180 negroes, slaves, and had merchandize to procure as many more. We landed the second and third pilots, and the rest of the crew on our arrival at Trade-Town, where the captain was residing, after he had refused to come on board, detaining three of them as evidence to condemn the vessel at a convenient opportunity.

Sub-Enclosure.

(B.)

in N^o 41.

(Translation.)

Captain of the prize, Don Geronimo Guardino.
2d ditto - - Don Manuel Ferran.
3d ditto - - Don Gregorio Cabrera.
4th ditto - - Don Francisco Saria.

SAILORS.

Andres Abelina Garcia,
Joze Martinez,
Pedro Duran,
Joze Ma. Montenegro,
Domingo Gonzales,
Franco. Atclay,
Manuel Solomon,
Baltazen Percy,
Juan Antonio Penego,
Franco. Golordo,

Manoel Gonzalos,
Andres Romero,
Inacio Societa,
Pedro Mera,
Ramon Arrunaga,
Francisco de los Santos,
Juan Bisente Estopa,
Sebastian Munoz,
Martin Collaro.

On board the afore-mentioned frigate, this 25th of July 1826.

(signed and sealed)

Joze Ferran.

(signed)

Manuel de Zalduondo.

I certify the preceding to be a correct translation of the original document filed in the British and Netherland Mixed Court of Justice, in the case of the brigantine “ De Snelheid,” and endorsed as “ N^o 10.” among the vessel's papers.

Sierra Leone, February 9, 1827.

(signed) *S. M. Magnus.*

* Lieutaud is evidently meant here.

SIERRA LEONE.

(Spain.)

N° 42.

N° 42.

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

Sir,

Sierra Leone, March 31, 1827.

WE have the honour to enclose the report of the Spanish schooner "Emelia," Manoel Prendez, master, condemned under the Mixed Commission, for illicit traffic in slaves, on the 16th of this month. She was seized in the river Bonny by the boats of His Majesty's ship "North Star," Captain Septimius Arabin, with 282 slaves on board. She arrived here on the 6th of March, with only 177 slaves, two of which number died before their landing. The smallness of the vessel may be considered as the principal cause of this shocking mortality, as the survivors were generally in a healthy condition.

We consider it our duty to report to you, that the master, in his examination, states that bulk was broken during the passage up, by the commander of His Majesty's ship "North Star," and four casks of rum and some other trifling articles taken out of her, no notice of which is made in the captor's declaration. We reserve to ourselves to report further on this subject, when we may have an opportunity of enquiring further concerning it from Captain Arabin, who will, we feel assured, satisfactorily explain his motive for this deviation from the usual practice towards vessels detained under the treaties with foreign powers.

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

We have the honour to be, &c.

(signed) N. Campbell.
Jos. Reffell.

Enclosure
in N° 42.

Report of the Case of the Spanish schooner "Emelia," Manoel Prendez, Master.

ON the 31st of January 1827, the boats of His Majesty's ship "North Star," Septimius Arabin, esq. commander, detained, in the river Bonny, the Spanish schooner "Emelia," Manoel Prendez, master, with 282 slaves, said to have been taken on board in that river. This vessel arrived here on the 6th of March, and on the following day the papers were lodged in the registry office. On the petition of the captor's proctor, same day, accompanied by an affidavit of the prize-master, Cordall Edwin, of the crowded state of the slaves on board the "Emelia," in consequence of which no less than 105 had died on the passage up, the Court allowed the immediate landing of them; two more had, however, died in the short space of time between her arrival and the landing of her slaves, as appears by an affidavit filed by the prize-master in the registry of the court. The cause of this dreadful mortality seems mainly attributable to the very crowded state of the slaves on board, the vessel being only 90½ tons, as per Spanish register.

On the 8th of March the monition went forth, and was returned on the 15th of the same month.

From the master's examination, it appears that he is a Spanish subject, and lives in the Havannah; that the owner, Don Jozé Tato, who appointed him to the command, is also a subject of the King of Spain, and lives at the same place; and that the present voyage began at the Havannah, and was to have ended there.

The Court sat to adjudicate this case on the 16th of March, and as the traffic in slaves has been totally abolished by his Catholic Majesty, and no claim having been made, a decree of condemnation was passed upon her, and the surviving slaves, 175 in number, emancipated.

(signed) N. Campbell.
Jos. Reffell.

N° 43

N° 43.

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

Sir,

Sierra Leone, March 31, 1827.

WE have the honour to enclose herewith, the report of the case of the Spanish schooner "Fama," Jozé Miguel, master, seized on the 6th of February 1827, in the Old Calabar, with 100 slaves on board, and condemned in the British and Spanish court of Mixed Commission, on the 16th of March 1827, as prize to His Majesty's ship "North Star," Septimius Arabin, esq. commander, and the surviving slaves, ninety-five in number, emancipated.

We beg leave to observe, Sir, that we have detailed very fully the substance of an affidavit made by the prize master put on board this vessel by Captain Arabin,
of

of His Majesty's ship "North Star," accounting for the absence of the master and crew, and that we have also quoted Captain Arabin's own words as his reason for not sending them up. SIERRA LEONE.
(Spain.)

In this case, the papers of the vessel, and the declaration of the captor, being sufficiently clear to enable the Court to proceed to condemnation, the absence of the master was not of consequence, although the Court felt it necessary to remark on the departure of the captors from the 6th article of the instructions to the two navies, and which, under other circumstances, might have caused some difficulty and embarrassment in the proceedings to adjudication.

We have the honour to be, &c.

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

(signed) *N. Campbell.*
Jos. Reffell.

Report of the Case of the Spanish Schooner "Fama," Jozé Miguel, Master.

Enclosure
in N^o 43.

THIS vessel, of the burthen of thirty-one Spanish tons, was detained in the Old Calabar on the 6th of February 1827, by the boats of His Majesty's ship "North Star," Septimius Arabin, esq. commander, having on board at the time of such seizure 100 slaves, five of whom died on the way to this port, where the vessel arrived on the 10th of March 1827.

Captain Arabin adds to his declaration, "that for the better accommodation of the slaves, and the security of the vessel, he considered it expedient to remove the crew and the master, at their own particular desire and request to be put on board the first Spanish vessel met by the 'North Star.'"

On the 12th of March the papers were brought into court, and the usual monition prayed for and granted, and on the 13th, on petition of the captor's proctor, the Court ordered the surviving ninety-five slaves to be landed.

On the same day an affidavit was filed by Henry King Bush, admiralty mate of His Majesty's ship "North Star," and prize master on board the "Fama" (accounting for the master's and crew's absence), to the effect that he was present in the cabin of His Majesty's ship "North Star," when Captain Arabin informed the said master, Jozé Miguel, that he must proceed in the said schooner "Fama" to the port of Sierra Leone, there to be examined in the said case; when the said master did entreat and supplicate the said Captain Arabin, not to send him, or any part of the said schooner's crew, to Sierra Leone, alleging, that from severe illness and debility, they were incapable of undertaking so long a voyage, and that as an opportunity would shortly offer by a vessel in the river Old Calabar, bound to the Havannah, the means offered for himself and crew more easily getting to their place of destination. And further, that the said master did also offer to grant unto the said Captain Arabin, a full and sufficient release and indemnification, giving up all claims he might have on the said schooner as master and owner, as the said schooner was legally seized, being employed in the illegal traffic in slaves, and contrary to the treaty with Spain; but which indemnification the said Captain Arabin declined receiving, imagining that no voluntary declaration would be received in this court as evidence; and after repeated and urgent entreaties on the part of the said master and crew not to be sent up to this port, Captain Arabin did agree to allow them to remain for the purpose above specified. This deponent further declared, that the said Captain Arabin could not have been aware of that part of the regulations which renders it imperious to send up the master and part of the crew for the purpose of being examined; and that in allowing the said master and crew to remain behind, the said Captain Arabin was actuated by feelings of the purest humanity, the said master and crew being in a very emaciated weak state.

From the papers of this vessel, it appears that she cleared from Cuba on the 25th of November 1826, with a cargo for the island of Fernando Po, and from a bill of sale found among them, that the master, Jozé Miguel, was also the owner of the said vessel, which was furnished with a passport to the aforesaid island.

The Commissioners having met and formed a court, on the 16th of March 1827, to adjudicate another Spanish vessel, and being informed that no further evidence could be had in this case, owing to neither the master nor any of the crew having been brought up, on the same day proceeded to the consideration of the evidence in this case then before the Court, which clearly proved the vessel to be Spanish property engaged in the traffic in slaves, contrary to the treaty between Great Britain and Spain, and as such, duly and rightfully seized, and liable to condemnation, which sentence was accordingly pronounced, and the surviving ninety-five slaves decreed to be emancipated. The Court further declared it to be proved, that 100 slaves were on board at the time of such capture by His Majesty's said ship "North Star," Septimius Arabin, esq. commander.

(signed) *N. Campbell.*
Jos. Reffell.

SIERRA LEONE.

(Spain.)

N° 44.

N° 44.

His Majesty's Commissioners to Mr. Secretary Canning.—(Received Aug. 15.)

Sir,

Sierra Leone, June 11, 1827.

IN our despatch of the 31st of March, of this series, enclosing report of the case of the schooner "Emelia," captured by His Majesty's ship "North Star," we had the honour to inform you that we should, when opportunity offered, enquire of Captain Arabin the necessity of breaking bulk in that schooner, as deposed to by the master of her. Since the date of that despatch the "North Star" arrived here, and the registrar was directed to communicate with Captain Arabin on the subject. Copy of his letter, together with Captain Arabin's reply, and Lieutenant Cory's affidavit, accompany this.

The explanation of this matter afforded by Captain Arabin was considered perfectly satisfactory. The rum was landed and sold by public auction, and the proceeds will be duly paid into the military chest on account of the schooner "Emelia."

We have the honour to be, &c.

The Right Hon. George Canning,
&c. &c. &c.(signed) *Hugh Lumley,*
Wm. Smith.

W. Smith, Esq. to Captain Arabin.

1st Enclosure
in N° 44.

Sir,

Freetown, May 2, 1827.

IN the case of the Spanish schooner "Emelia," lately captured by His Majesty's ship under your command, and condemned in the British and Spanish court of Mixed Commission, for illicitly trading in slaves, the master of the said schooner, on being examined on the standing interrogatories, deposed on oath, "that bulk had been broken since capture, and that four pipes of rum, one sail, and one telescope, had been taken out of her by the commander of the capturing ship;" such circumstance rendered it necessary for His Majesty's Commissioners to mention the fact to His Majesty's principal Secretary of State for Foreign Affairs, in reporting the case of that vessel; but they added, they waited your arrival here to obtain from you an explanation of the matter which would no doubt be satisfactory; and I am directed by them to request you will be pleased to state the necessity of that measure, that they may report the same for the information of Mr. Canning.

I have the honour to be, &c.

(signed) *Wm. Smith,*
Registrar, Mixed Commissions.To Captain Septimius Arabin,
Commanding H. M. S. "North Star."

Captain Arabin to William Smith, Esq.

2d Enclosure.
(A.)
in N° 44.

Sir,

His Majesty's ship "North Star,"
at Sierra Leone, May 3, 1827.

IN reply to your letter of this day's date, requesting that I would explain, for the information of the British and Spanish Court of Mixed Commission, the circumstances and necessity which led to the removal of certain articles from the "Emelia" schooner, prize to His Majesty's ship "North Star," under my command, as represented by the master of the said vessel in his examination before the Commissioners, I beg to state that the evidence given by the said master, of bulk having been broken, is totally incorrect. Upon the capture of the "Emelia," crowded with slaves to a most disgraceful, cruel, and shameful extent (so bad indeed that nineteen of the unfortunate victims of the master's barbarity were taken out of the vessel's hold actually suffocated, from the limited space into which the slaves were packed), there were found to be upon the upper deck some casks of spirits, for which it was impossible to provide the smallest degree of security, against either the crew of the vessel, or of the men from this ship who had charge of her for the intended passage to Sierra Leone: many of them were in such a state of deadly intoxication that I considered it to be imperiously my duty to remove those spirits into His Majesty's ship "North Star," not only for the better security of the spirit itself, but also as absolutely essential to the safety of the vessel on her passage to Sierra Leone; this necessity I communicated myself to the master of the "Emelia," and also my intention to remove a sufficient number of his crew, to leave the detachment of men, in charge of her from this ship, nothing to apprehend on the passage, which would further occasion the necessity of taking a spare sail from the vessel for the prisoners to sleep on; there not being any other means of accommodating them on board this ship, and his men being in a very sickly state, made it necessary to keep them separate, as much as could be, from my ship's company. The master of the "Emelia" made no objection whatever to these

these arrangements, but, on the contrary, appeared to approve of them, and was consulted as to the sail which could be best spared for the purpose. An entry was made in the log-book of His Majesty's ship under my command of these circumstances, from which it appears that *three* casks of spirits were accordingly removed for better security; and further, the whole of the circumstances are mentioned by me in the certificate given to the master at the time of capture, a copy of which certificate I beg to enclose for your further information, supposing that the master did not think proper to produce that document at the time of his examination.

SIERRA LEONE.
(Spain.)

With respect to the telescope, stated by the master of the "Emelia" to have been taken out of the vessel, I find upon enquiry that Lieutenant Cory, the senior lieutenant of His Majesty's ship "North Star," has it in his possession, and he declared that the master of the "Emelia" himself gave it to him, saying at the same time that he had no further use for it; and I have to add, that Lieutenant Cory will wait at the registry of the court to make affidavit to the circumstance.

Upon the arrival of His Majesty's ship "North Star" at this place, I gave directions for measures to be taken to have the spirits in question landed, in order to their being sold as prize property, of which circumstance you will have been made acquainted yesterday; and the spirits have been ready for delivery ever since, and only wait for a notification from the Court of Mixed Commission, of when and in what manner they are to be landed.

The "Emelia" having been purchased for me at public auction as tender to His Majesty's ship "North Star," and the sail in question being to all intents and purposes part of her tackle, apparel and furniture, I consider it to belong essentially to the vessel; but should the Commissioners, however, have any doubt or scruple upon the subject, it shall be immediately disposed of in such manner as they may think proper to direct.

I have the honour to be, &c.

(signed) *Septimius Arabin,*
Captain of His Majesty's ship "North Star."

William Smith, Esq.

Affidavit of Captain Arabin.

I, SEPTIMIUS ARABIN, captain of His Britannic Majesty's ship "North Star," hereby certify, that the boats of His Majesty's ship under my command, on the 31st of January 1827, detained in the river Bonny the schooner named the "Emelia," sailing under Spanish colours, armed with sixteen muskets and one eight-pounder, commanded by D. Manuel Prendez, who declared her to be bound from Havannah to Havannah, with a crew of eighteen men, no boys, no supercargo, no passengers, and having on board 282 slaves, said to have been taken on board in the river Bonny on the 31st day of January, and were enumerated as follows:—

2d Enclosure.
(B.)
in N° 44.

	Healthy.	Sick.
Men - - - -	223	—
Women - - - -	2	—
Boys - - - -	57	—
Girls - - - -	—	—
Total - - - -	282	—

And that the papers and documents seized by me on board the "Emelia," being marked from N° 1. to N° 5, are enumerated in the following list:—

- N° 1. Muster roll
2. Passport.
3. Manifest of custom house.
4. Mediterranean pass.
5. A sealed letter.

And I do further certify, that I found it to be absolutely necessary, for the better safety of the said schooner on her passage to Sierra Leone, to take out of her, and secure in the "North Star," three casks of spirits, which were upon the upper deck, and where there was no possible way of securing them; I also found it necessary to remove eighteen of the crew of the said schooner, and to take one spare sail from her for their sleeping accommodation, as prisoners, on board the "North Star."

Given under my hand, on board His Majesty's ship "North Star," off the Bonny,
1st February 1827.

(signed) *Septimius Arabin,* Captain.

SIERRA LEONÉ.
(Spain.)

Affidavit of Lieutenant Cory.

In the Case of the Schooner "Emelia," Manuel Prendez, Master.

3d Enclosure
in N° 44.

APPEARED personally Nicholas Cory, esq. senior lieutenant of His Majesty's ship "North Star," Septimius Arabin, esq. captain, who, being duly sworn, deposes and saith, that he was, at the time of the capture of the said vessel, with a cargo of slaves, on the 31st of January last, in the river Bonny; that after capture, deponent being on board the said vessel, the said master, in the presence of Mr. John Nott, admiralty mate of His Majesty's said ship (who is now absent on duty in a prize), did, of his own free will, tender to deponent a spy-glass, stating that he begged deponent's acceptance of the same, he the said master having no further use for it, as his vessel was a lawful prize; that deponent, supposing the said spy-glass to be the property of the said master, did accept the same, and which is now in deponent's possession; and deponent further saith, that the said glass having been tendered in the presence of the aforesaid Mr. John Nott, that officer on arrival will be able to substantiate the present affidavit.

(signed) *Nicholas Cory.*

Sworn before me, this 4th day of May 1827,
(signed) *Wm. Smith, Registrar.*

N° 45.

N° 45.

His Majesty's Commissioners to John Backhouse, Esq.—(Received Sept. 18.)

Sir,

Sierra Leone, July 5, 1827.

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," we beg leave to enclose, in duplicate, a return of all the cases of Spanish vessels adjudicated in the British and Spanish court of Mixed Commission established here, from the 1st day of January to the 1st day of July 1827.

We have the honour to be, &c.

John Backhouse, Esq.
&c. &c. &c.

(signed) *H. Lumley.*
Wm. Smith.

Enclosure
in N° 45.

RETURN of Spanish Vessels Adjudicated by the British and Spanish Court of Mixed Commission established at Sierra Leone, from the 1st day of January 1827 to the 1st day of July 1827.

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.
La Paulita	Dec. 6, 1826.	Schooner and 221 slaves.	Charles Bullen, H. M. S. Maidstone.	Jan. 25, 1827.	Condemned for illicitly trading in slaves.	The schooner sold by public auction, and the proceeds paid into the military chest.
Emelia	Dec. 31, 1826.	Schooner and 282 slaves.	Septimius Arabin, H. M. S. North Star.	Mar. 16, 1827.	Condemned for illicitly trading in slaves.	The schooner sold by public auction, and the proceeds paid into the military chest.
Fama	Feb. 6, 1827.	Schooner and 100 slaves.	Septimius Arabin, H. M. S. North Star.	Mar. 16, 1827.	Condemned for illicitly trading in slaves.	The schooner sold by public auction, and the proceeds paid into the military chest.

(signed) *H. Lumley.*
W. Smith.

Memo.—On the 16th day of March 1827, twenty-three slaves which were laden on board the Netherland brigantine "De Snelheid," but not emancipated at the time of the condemnation of that vessel, as the Court was of opinion that they were laden and owned by the Spanish subjects found in possession of her at the time of capture, were brought before the Commission and emancipated.

(signed) *W. Smith.*

His Majesty's Commissioners to the Earl of Dudley.—(received Dec. 10.)

My Lord,

Sierra Leone, September 28, 1827.

IN the month of October 1825, the boats of His Majesty's ship "Redwing" were dispatched by Captain Clavering to examine the river of Old Calabar, in search of vessels engaged in the illicit traffic in slaves. On proceeding up that river, two vessels, having Spanish colours flying, were observed coming down, each with a cargo of slaves on board. Chase was given to the nearest vessel, which, when the boats got within range, opened her fire upon them; she was, notwithstanding, boarded and captured, and proved to be Spanish schooner "Teresa," which was unfortunately upset in a violent tornado some days after her capture, and out of 199 slaves on board, only six were saved. Her consort (a brigantine) observing her fate, made no attempt at resistance, and the whole of her crew, panic struck, abandoned her and escaped in her boats to the shore, taking with them all her ship's papers.

Lieutenant Card, the then first lieutenant of the "Redwing," and in command of the boats, on taking possession of her, found on board 273 slaves, and only five papers, written in the Spanish language, dated so far back as 1816, but not in the least connected with the vessel to identify her as Spanish property, or even her name. The master and crew of the "Teresa" informed Captain Clavering that she was a Spanish vessel, called the 'Isabella.' She was dispatched here for adjudication, but unfortunately never arrived, and is strongly suspected to be the same brigantine which was captured by some piratical vessel of the same nation, and carried to Cuba, which Admiral Halsted demanded to be restored by the governor of that island; which supposition is strengthened by the subsequent deposition of the master of the Brazilian ship "Invincival," which was forwarded to Mr. Canning.

In consequence of the uncertainty of the fate of this vessel, no proceedings were had in this case before the British and Spanish Court of Mixed Commission, other than the filing the five papers, which had been taken from on board her by Captain Clavering, with the customary affidavit of Lieutenant Card, on the "Redwing's" arrival here from that cruize.

The "Redwing" having been dispatched to England in October 1826, with Major Rowan, commissioner of West African inquiry, as well as to repair some damage she had sustained on this coast, arrived back on this station in the month of June last, having none of her original officers on board, excepting Captain Clavering, who, during his stay here, petitioned the Court, through the medium of his proctor, to allow his affidavit of the seizure of the 'Isabella' to be filed in evidence, and the usual monition to issue, calling upon all parties to appear and defend the cause, preparatory to her adjudication. A copy of his affidavit we beg to enclose herewith.

In a conference with us, his proctor was informed that, under the very peculiar circumstances of this case, we declined entering into the matter (and cited as a precedent the case of the Spanish schooner "Conchita," which was captured without any crew on board, and not condemned), but would report them to your Lordship, as the Court could not be wrong in delaying the question, which could, without injury to the parties concerned, be gone into at a future period, when the opinion of higher authority should be received; whereas, if, in the present stage, the Court were to entertain the matter and pronounce a sentence, that sentence could not be reversed. This, however, he declined, stating to the Commissioners that he thought he could produce further proof, upon which the Court would be better able to pronounce judgment; but having failed in so doing, he has subsequently petitioned us to report the case as we originally proposed.

In the several cases of total loss brought before the Mixed Commissions, as in those of the Spanish schooners "Ycanam" and "Teresa," and the Portuguese schooner "Toninha," the ship's papers, proving the nationality of the vessel, were filed in court, and evidence of part of the crew produced to substantiate the fact of the illicit traffic in which they were taken. Neither of these important points are produced in this case.

In the case of the "Conchita," reported to Mr. Canning, February 23 1824, which vessel had been abandoned by her crew, prior to capture by His Majesty's ship "Owen Glendower," the then commissary judge (Mr. Edward Gregory) had

serious

SIERRA LEONE.
(Spain.)

serious doubts "whether it would be consistent with justice that the captors should be prosecutors and witnesses in the same case, and could not think that in such a case he was imperatively bound to give a decision. Certainly he could not conscientiously pronounce one for the condemnation of the vessel. He, therefore, thought that the decision of the case had better be postponed until proper and sufficient evidence should be produced."

In the latter part of this opinion the then commissioner of arbitration (Mr. Hamilton) agreed, and the Court accordingly determined that the case should be postponed. The "Conchita," then lying in the harbour, was, however, ordered to be sold, since which no further proceedings have been had in that case, from the inability, as we presume, of the captors to produce the proof required. The analogy of the two cases, on this particular point, being so exceedingly strong, together with the want of evidence and ship's papers, we conceive we should have acted very precipitately, had we allowed this very novel case to go to trial on the affidavit of the captor, without first representing the facts to your Lordship.

We, therefore, most respectfully submit to your Lordship's consideration, whether we can receive the prosecutor's affidavit as evidence in this case, and if the "Isabella's" having Spanish colours flying at the time of her capture, and the five papers, written in the Spanish language, found on board of her, are sufficient to warrant our considering her Spanish property; and whether, under those circumstances, we should be justified in decreeing that she was, at the period of capture, subject and liable to confiscation, for being engaged in the illicit traffic in slaves.

We have the honour to be, &c.

The Right Hon. Viscount Dudley,
&c. &c. &c.

(signed) *H. Lumley.*
Wm. Smith.

Enclosure
in N^o 46.

Affidavit of Captain Clavering.

In the Case of the Schooner "Isabella."

PERSONALLY appeared, Douglas C. Clavering, esq. captain of His Majesty's sloop of war "Redwing," who, being duly sworn, maketh oath and saith, that being in command of His Majesty's said sloop, and being a person duly and legally authorized to make seizures of vessels illegally engaged in the slave trade, under the treaty between his Britannic Majesty and his Catholic Majesty for the abolition of the slave trade, did, on the 6th of October 1825, in the river Old Calabar, on the coast of Africa, seize and detain the brigantine schooner called the "Isabella," sailing under Spanish colours, and having on board 273 slaves; and this deponent further saith, that the said schooner, called the "Isabella," was on the day of seizure aforesaid, sailing down the river Old Calabar, in company with the schooner "Teresa," also under Spanish colours, and already before this Court, and that on the boats of His Majesty's said ship of war "Redwing" taking possession of the said schooner "Teresa" after considerable firing and resistance, the crew of the said brigantine schooner "Isabella" deserted her, and ran away in their boats, taking with them, as this deponent has reason to believe, the papers of the said vessel "Isabella," none having been found on board thereof, but the letters already sworn to by Lieutenant Card, of His Majesty's said ship of war "Redwing," and filed in this honourable court; and this deponent further saith, that having taken forty-five slaves from the said vessel "Isabella," in order to afford more room and accommodation to the remainder left on board thereof, this deponent put into her, as a prize crew, three officers and twelve men, the same being a full and efficient crew, and sent her to this colony with the usual declaration of seizure, in order to be adjudicated in this honourable court; and this deponent further saith, that the said vessel, and the slaves on board thereof, have not since arrived, and that it is not through any fault or neglect of the captors thereof that the said brigantine schooner hath not arrived in this port; and this deponent further saith, that he verily believes the said schooner "Isabella," and the slaves on board the same, have been lost or seized by some of the piratical vessels frequenting this coast, and that the said prize crew, and slaves on board, have been murdered or lost, as none of them have ever yet been seen, nor their arrival at any country heard of; and this deponent further saith, that at the seizure of the said vessel "Isabella," the slaves on board were carefully counted in the presence of the proper officers, and that the number was 273; and this deponent lastly saith, that His Majesty's said ship "Redwing" having been in England since the seizure of the said brigantine schooner "Isabella" and slaves, none of the said officers are now on board the said ship who were present at the numbering and counting of the said 273 slaves, and therefore cannot be produced as witnesses in this case.

(signed) *D. C. Clavering,*
Commander.

On the 16th day of June 1827, the said Douglas C. Clavering was duly sworn to the truth of this affidavit.

Before me,
Jos. Reffell, Registrar.

SIERRA LEONE.

(Spain.)

N° 47.

The Earl of Dudley to His Majesty's Commissioners.

N° 47.

Gentlemen,

Foreign Office, December 31, 1827.

I HAVE received your despatches up to the 6th of October, inclusive.

Your despatch of the 28th September, on the case of the brigantine "Isabella," which had been captured by His Majesty's ship "Redwing," and was supposed to have been carried into Cuba by a piratical vessel, has been referred for the consideration of His Majesty's advocate general; and in concurrence with the report of that officer upon the subject, I have to instruct you, that it would not be proper that the Mixed Commission should do any act with reference to the ship, and to the slaves which were not brought within their jurisdiction, and with regard to which no regular evidence was presented to them. But with respect to the forty-five slaves taken on board the captor's ship, and brought, it is presumed, to Sierra Leone, the King's advocate is of opinion, that as there will be a necessity that the condition of such persons should be decided, the Court may admit proceedings as to them, on the papers brought in and the affidavit of the captors, and condemn them to His Majesty, to be dealt with agreeably to the act of Parliament, in default of any claim, and on due notice by public proclamation, according to the practice of the court.

I am, &c.

His Majesty's Commissioners.

(signed) DUDLEY.

SIERRA LEONE. (Portugal and Brazil.)

(Portugal & Brazil.)

N° 48.

J. Reffell, Esq. to Mr. Secretary Canning.—(Received January 27, 1827.)

N° 48.

Sir,

Sierra Leone, November 18, 1826.

I HAVE the honour to forward herewith, the report of the case of the Brazilian ship "Sam Benedicto," Joao Sabino, master, captured on the 11th of June 1826, in latitude 6. 12. north, and longitude 1. 38. east, by His Majesty's ship "Brazen," George Wickens Willes, esq. captain, and sent in here for adjudication, where she arrived on the 10th of July last.

From the proofs and evidence adduced in this case, it appears that Captain Willes detained the "Sam Benedicto" under the impression that the violation of her passport was a sufficient ground for seizure and confiscation, and upon that reading of the treaty between his Britannic Majesty and his most Faithful Majesty, for the suppression of the illicit traffic in slaves, urged the condemnation of the ship and cargo. The Commissioners, taking for their guidance the 5th, 6th and 8th articles of the additional convention to the said treaty of the 22d of January 1815, as well as the 1st article of the instructions intended for the British and Portuguese ships of war employed to prevent the illicit traffic in slaves, annexed to the said additional convention, did decree the restoration of the said ship and cargo, together with such costs, damages and expenses as had been incurred in consequence of the aforesaid seizure. But it appearing to the Commissioners that the "Sam Benedicto" having been taken to the northward of the line, in direct violation of her passport, had led the captor into error, the Court therefore further decreed that she was not entitled to demurrage for the period of her detention, and that the sums only of 22*l.* 10*s.* for costs of suit, and 10*l.* for part of a cable lost by captors, being a special damage, should be absolutely and unconditionally paid to the claimant, Joao Sabino, by George Wickens Willes, esq. commander of His Majesty's ship "Brazen."

I regret that some delay was occasioned in this cause by the severe indisposition of the two judges and the registrar; the "Sam Benedicto" having arrived here at that time of the year when sickness generally prevails from the effects of the continued and heavy periodical rains.

I have the honour to be, &c.

(signed) Jos. Reffell.

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

The "Sam Benedicto" and "Perpetuo Defensor" sailed from this port for Rio Janeiro on the 11th of October last.

(signed) Jos. Reffell.

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(Portugal & Brazil.)

Report of the Case of the Brazilian Ship "Sam Benedicto," Joao Sabino, Master.

Enclosure
in N^o 48.

THE ship "Sam Benedicto," Joao Sabino, master, sailing under Brazilian colours, was detained by His Majesty's ship "Brazen," George Wickens Willes, esq. commander, on the 11th day of June 1826, who, in his declaration, states, "that he detained and sent to Sierra Leone for adjudication, the Brazilian ship 'Sam Benedicto,' for slaving to the north of the equator, in latitude 6. 12. north, longitude 1. 38. east, having twenty-five negroes on board, contrary to the laws of her own government, and in violation of the several treaties entered into by the governments of Portugal and England, for the prevention of the illicit traffic in slaves." She arrived in this harbour on the 10th of July following, and on the same day the ship's papers were brought into court, duly attested by the affidavit of the prize-master, Mr. Charles Davies, admiralty mate of His Majesty's ship "Brazen."

On the following day, a motion was prayed to be issued by the proctor for captor, which was granted and returned on the 19th into court, certified to have been duly served.

On the 17th of July, a claim was filed by the master, Joao Sabino, supported by his affidavit, "on behalf of Joaquim Jozé de Oliveira, an inhabitant and native of Bahia, for the said ship, her tackle, apparel and furniture, goods, wares and merchandize, as were on board the said ship at the time of capture thereof by his Britannic Majesty's ship 'Brazen,' George Wickens Willes, esq. commander, and brought to Sierra Leone; and for all costs, charges, losses, damages, demurrage and expenses, as should or might arise by reason of the capture and detention of the said ship and her cargo."

The affidavit in support of the claim principally states, "that the said ship was captured, on the 11th day of June last, in the prosecution of her voyage from Bahia in the Brazils, along the coast of Africa to Molembo, with a cargo of merchandize, the produce of the Brazils; that the negroes on board at the time of seizure were free natives of Africa, and belonged to Accra, and were labourers, commonly called canoemen, and came on board of their own free will and accord, and that they were met with by the deponent at Onie (Lagos), they having there left some other vessel; and at the time the said ship was as aforesaid captured, she was beating up to Accra to purchase provisions through the assistance of the said canoemen, and to wood and water as necessary."

In consequence of the serious indisposition of the judges and registrar, no proceedings were had in this case until the 26th of July, when the master, Joao Sabino, was examined on the general interrogatories, who deposed "that he is a subject of the Emperor of the Brazils, and that Joaquim Jozé d'Oliveira is the owner of the ship and cargo, and appointed him to the command of her in March 1825; that the present voyage commenced at Bahia, and was to have ended there; that the ship sailed to, and anchored and touched at Lagos, in latitude 6. 12. north, longitude 4. 20. east, on the coast of Africa, during the voyage in which she was taken; she anchored there to land her cargo, which she had on freight to Luez Pacheco da Silva, and it was landed in canoes." He further deposed "that the ship was beating up the coast for Accra, to purchase provisions there, at the time of her being taken; that no slaves whatever had been taken on board during this voyage, and all her passports and other papers which were found on board were entirely true and fair, none false or colourable; that the said ship was provided with an imperial passport to carry slaves from Molembo, and that no papers, bills of lading, letters or other writings, had been destroyed from the time of her departure from Bahia to the period of capture, nor delivered out of the ship, or carried away in any manner whatsoever, and that bulk was first broken at Lagos, where the outward bound cargo was landed." Agustin Joze, a seaman, and Agustinino, a cabin boy, being examined on oath on the same interrogatories, fully corroborated the master's evidence in all the material points.

On the examination of this ship's papers, it appeared that she had cleared out from Bahia for Molembo, from which port she had an imperial passport to carry slaves, which her custom-house and other official documents fully confirmed; yet in violation thereof, she sailed, by the master's own declaration, direct to Lagos, in 6. 12. north latitude, 4. 30. east longitude, to land her cargo to Luez Pacheco da Silva, which he states he had on freight to him, but produced no corroborative proof that such was the fact, either by bills of lading, invoices, clearances, or any other method than his own unsupported declaration, which contradicts that part of his affidavit in support of the claim, which states "that he was in the prosecution of his voyage along the coast of Africa, to Molembo, with a cargo of merchandize."

It was, therefore, evident to the fullest conviction of the Court, that this ship was originally destined to Lagos for a cargo of slaves, and that Luez Pacheco da Silva was an agent to procure them, while the ship beat to windward to purchase provisions, wood and water for their support during the intended voyage; yet there being no slaves on board at the time of detention, and none having been proved to have been put on board during the voyage in which the ship was taken; referring also to the 5th and 6th articles of the additional convention to the treaty of the 22d of January 1815, which state "that the ships of war of their royal navies, which shall be provided with special instructions for this purpose, as hereinafter is provided, may visit such merchant vessels of the two nations, as may be suspected, upon reasonable grounds, of having slaves on board, acquired by an illicit traffic, and, in the event only of their actually finding slaves on board, may detain and bring away such vessels, in order that they may be brought to trial before the tribunals established for this purpose, as shall hereinafter be specified: provided always that the commanders of the ships of war of the two royal navies, who shall be employed on this service, shall adhere strictly to the exact tenor of the instructions which they shall have received for this purpose.

purpose. No British or Portuguese cruiser shall detain any slave ship, not having slaves actually on board ;” and to the 8th article of the same convention, which says “ that these Commissions shall judge the cases submitted to them, without appeal, and according to the regulations and instructions annexed to the present convention, of which they shall be considered an integral part.”—And again, in the 1st article of the instructions above alluded to, it says, “ ships on board of which no slaves should be found intended for the purposes of traffic, shall not be detained on any account or pretence whatever.”

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And the captors failing to prove that the natives of Africa on board of her were slaves, and who subsequently admitted them to be free natives, and not detained in slavery, the Commissioners considered this a case for restitution, in consequence of which the proctors endeavoured to settle the question out of court ; some communication, therefore, took place between the parties interested, which occasioned some delay, but not having come to any satisfactory arrangement, the case was brought before the Court on the 4th of September, by Kenneth Macaulay, proctor, on behalf of the captors, who prayed that the claim made might be rejected, and the ship and cargo condemned as good and lawful prize to His Majesty's ship “ Brazen,” for a violation of the treaties between his Britannic Majesty and his most Faithful Majesty the King of Portugal, for the prevention of the illicit traffic in slaves, in direct contradiction to the laws of Portugal, and of the passport granted to the said ship by the government of the Brazils, which said passport stipulates, that “ she was under an obligation to enter solely such ports on the coast of Africa, where the slave trade is permitted to the subjects of the united kingdom of Portugal, Brazil and Algarves ;” the said vessel having been detained in latitude 6. 12. north, and longitude 1. 38. east, having landed her outward cargo at Lagos, no doubt for the purpose of procuring a return cargo of slaves. He further prayed, that should the Court reject the prayer of his petition, it would be pleased to dismiss the captors without awarding any costs, damages and expenses against them ; captors having been led into error by a voluntary and reprehensible fault on the part of the master of the detained ship, he having violated the passport by being to the northward of the equator, the proofs of which were before the Court.

William Henry Savage, proctor, on behalf of the claimant, prayed “ the claim by him given, to be admitted ; and that, according to the treaties entered into between his Britannic Majesty and his most Faithful Majesty, captor had no right to detain said ship on any pretence whatever, there being no slaves on board, none having been put on board during this voyage for the purpose of traffic, wherefore he prayed that the Court would be pleased to award such costs, damages and expenses, as the claimant had sustained from his illegal detention. He further submitted to the consideration of the Court, that, constituted as it was at present, in the absence of the Portuguese judge, it was not competent to it to decree that the said ship was not entitled to demurrage ; it being stipulated in the 8th article for the regulation of the Mixed Commissions, which forms an integral part of the additional convention to the treaty of the 22d January 1815, signed at London, 28th of July 1817, “ that if it should be proved in a manner evident to the conviction of the judges of the two nations, without having recourse to the decision of a commissioner of arbitration, that the captor had been led into error by a voluntary and reprehensible fault on the part of the captain of the detained ship in that case only the detained ship, shall not have the right of receiving, during the days of her detention, the demurrage stipulated by the present article.” He, therefore, prayed that demurrage might be awarded claimant for the period of the said ship's detention.”

The Court having heard the claim and proofs read, directed the cause to stand over until the 6th for further hearing.

The Court met on the 6th, pursuant to adjournment, and having taken the claim and proofs into consideration, admitted the said claim, and pronounced the ship and cargo to belong as claimed, and, conformably to the provisions of the treaty, decreed the same to be restored to the claimant, for the use of the owner and proprietor thereof, together with such costs, damages and expenses, as had been incurred in consequence of the aforesaid seizure, and referred it to the registrar to ascertain the amount thereof, and report the same to the Commissioners.

It was also further decreed, that the said ship “ Sam Benedicto ” having been detained to the northward of the equator, in direct violation of her passport, which led the captor into error, that she was not entitled to demurrage for the period of her detention.

On the 18th of September, an account of the costs, damages and expenses, was submitted to the registrar by the claimant ; on the 22d he made his report thereon, and on the 26th it was read in open court, and the proctors on both sides having been heard in support of and against the claim made by the claimant, the Court referred the said report back to the registrar to be amended by striking out of the schedule of costs, damages and expenses, the following sums, to which he, in his opinion, considered the claimant entitled, viz. :

£.	s.	d.	
8	7	-	Allowed for butcher's and baker's bills.
54	-	-	[To furnish provisions to eighteen persons, for a voyage from hence to the Brazils, supposed to be sixty days.
20	-	-	
15	-	-	For wooding and watering.
£.97	7	-	

The Court disallowed the whole of those charges, as they would have been included in demurrage ; but the Court having decreed no demurrage in this case, cannot admit charges

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charges which would have the same effect as if demurrage had been awarded. The Court further decreed, that the remaining sums of 22*l.* 10*s.* for costs of suit, and 10*l.* for part of cable lost by captors, being a special damage, amounting to the sum of 32*l.* 10*s.*, be absolutely and unconditionally paid by George Wickens Willes, esq. commander of His Majesty's ship "Brazen," unto the claimant, Joao Sabino, or unto his lawful attorney or attorneys, for the costs of suit, and special damages and expenses, occasioned to the said ship "Sam Benedicto" by her detention.

(signed) *Jos. Reffell.*

N^o 49.

N^o 49.

D. M. Hamilton, Esq. to Mr. Secretary Canning.—(Received Feb. 12, 1827.)

Sir,

Sierra Leone, October 26, 1826.

I HAVE the honour to lay before you the report of the case of the Brazilian brig "Principe de Guiné," whereof Manoel Joachim de Almeida was master.

This very fine vessel was, on the 2d of August last, while lying at Whydah roads, boarded by Lieutenant Tucker, the captor, and on the next day, at the same place, by His Majesty's ship "Redwing," but no slaves were found on board of her at either of those visits.

On the 4th of August she embarked her slaves, 608 in number, and also twenty-five passengers, who were all seamen, and on the same day sailed from Whydah and was out of sight of land before evening. On the following morning she was seen from the Maidstone's tender, commanded by Lieutenant Tucker, which had been lying off waiting for her coming out. A chase commenced, which lasted till nearly noon of the next day, when the tender having come up with her, an action began between the two vessels, by her firing a broadside into the tender, which it was afterwards stated she did under the impression that the tender was a pirate. The action lasted upwards of two hours and a half, when she was carried by the tender running her bowsprit over her quarter, and boarding her. I am happy to say no lives were lost on the part of the tender in this affair. The gallant commander, Lieutenant Tucker, and one seaman, were severely wounded, and Mr. Pengelly, admiralty mate, slightly. On board the brig there were eleven seamen killed, one drowned, and fifteen wounded, besides two slaves killed, thirteen drowned, and twelve wounded.

On her arrival at Sierra Leone on the 2d of September following, her papers were immediately brought into court, and the case proceeded with. The proof being quite clear of her having taken on board her slaves, and also of her having been seized to the north of the equator, the Commissioners passed sentence of condemnation on the vessel, and decreed the emancipation of the slaves, on the 26th of the same month. This sentence was protested against by the claimant, on the ground that the seizure had been made by a vessel that was not a part of the British navy, or furnished with the requisite instructions to authorize the seizure and detention of slave vessels, as directed by the 5th article of the convention. The Court referred him to the provisions of that article, for making good any losses he might be able to prove he had unjustly sustained in the present case by any irregularity on the part of the captor in making the seizure.

I have the honour to be, &c.

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

(signed) *D. M. Hamilton.*

Enclosure
in N^o 49.

Report of the Case of the Brazilian Brig "Principe de Guiné," whereof Manoel Joachim de Almeida was Master.

THIS vessel was captured on the 6th day of August last, in latitude 3. 22. north, and longitude 4. 11. east, and dispatched to this place for adjudication, where she arrived on Saturday the 2d of September following.

On the 4th of the same month, the declaration of Lieutenant William Tucker, of His Majesty's ship "Maidstone," and his affidavit, with the ship's papers annexed, were brought into court, and Manoel Joachim de Almeida, the master, Manoel Feliciano, the surgeon, and Bento Martino da Costa, the cook, produced as witnesses, to be examined on the general interrogatories.

Lieutenant Tucker, in his declaration, states "that he is a lieutenant of his Britannic Majesty's ship 'Maidstone,' and being in command of a boat belonging to the said ship, did, on the 6th day of August last, being then in or about latitude 3. 22. north, and longitude 4. 11. east, capture the brig named 'Principe de Guiné,' sailing under Brazilian colours, armed with nine guns, viz.: four nine-pounders, four six-pounders and one twenty-four pounder,

pounder, and two swivels, commanded by Manoel Joachim de Almeida, who declared her to be bound from Whydah to Bahia, with a crew consisting of forty-seven men, and twenty-five seamen, passengers, and having on board 578 slaves, said to have been taken on board at Whydah, on the 4th of August 1826." This declaration is stated to be given on board the boat belonging to His Majesty's ship "Maidstone," on the 6th of August 1826.

In his affidavit he deposeth, "that on the 6th day of the month of August last, being off Whydah, in latitude 3. 22. north, longitude 4. 11. east, they seized and detained the brig or vessel called the 'Principe de Guiné,' whereof Manoel Joachim de Almeida was master, by reason that the said brig was employed in the traffic in slaves, contrary to the existing treaties entered into with his Britannic Majesty and his most Faithful Majesty the King of Portugal."

Among the ship's papers is a royal passport, dated at Bahia, the 3d of June 1826, in which it is set forth, "that the vessel called the 'Principe de Guiné,' of 280½ tons burthen, and carrying forty-seven men, and no passengers, whereof Manoel Joachim de Almeida is master, and Antonio Pedroso de Albuquerque owner, both subjects of the Brazilian empire, is bound to the port of Molembo, on the western coast of Africa, from whence she is to return to the port of Bahia; the said master and owner being under an obligation to enter solely such ports on the coast of Africa where the slave trade is permitted to the subjects of the empire." This passport is numbered twelve, and authorizes any number of slaves, not exceeding 701, to be on board the said vessel at one time, exclusive of such as shall be employed as sailors or domestics, and children born during the voyage.

On the same day a monition was prayed for and granted, citing all persons who had or pretended to have any right, title and interest in the said vessel and slaves, to appear and make lawful claim for the same, which was afterwards returned, certified as duly served.

On the day following (the 5th of September) the master, Manoel Joachim de Almeida, was examined on the general interrogatories, who deposed, "that he was born in Pernambuco, lives at Bahia, is a subject of the Emperor of Brazil; that Antonio Pedroso de Albuquerque, who lives at Bahia, and is a subject of the Emperor of Brazil, appointed him to the command of the brig taken; that he took possession of her about four months since; has known the said brig about six months; first saw her at Whydah, on the coast of Africa; she was built at Philadelphia in America; she was seized for having a cargo of slaves on board; she sailed under Brazilian colours, had also two American flags on board for signals; her name is the 'Principe de Guiné,' was, previous to that, called the 'Prince of Guinea;' there were forty-five mariners on board, some were Portuguese and some Brazilians; they were all shipped and hired by the aforesaid Antonio Pedroso de Albuquerque at Bahia; neither himself nor any of the officers had any interest in the brig herself; himself, the mate, surgeon and boatswain, had each an interest in the cargo of slaves taken; he himself was to have twenty-five slaves and the boatswain two slaves on completing the voyage, but he does not know the number the mate and surgeon were to have; there were some passengers on board at the time of capture, but he does not recollect the number or their names; they were taken on board at Whydah, about two days before the brig was taken; they were destined to Bahia, where they resided, having been left on shore at Whydah by the English cruizers, who had taken them out of captured vessels; the present voyage commenced at Bahia, and was to have ended there; the brig anchored and touched at Whydah, in 6. 20. north latitude only during the present voyage; she anchored and touched there to take in her cargo of slaves; communication took place between the brig and the shore by means of the native canoes; the capturing vessel was first observed in 5. north, on the morning of the 5th of August 1826; the place of capture was 3. 20. north; the chase of the brig commenced on the morning of the 5th of August, and she was taken on the 6th; there were nine guns mounted on board, and there were fourteen muskets, two pistols and twelve cutlasses, with ammunition, belonging to and on board of her at the time of capture; she was so armed for protection against pirates, as deponent had, on a former voyage, been robbed by one on the coast of every thing he had; resistance was made at the time of capture, by engaging the vessel by which she was taken three hours, as he did not know she was a British vessel, and the vessel by which he was formerly plundered did so under English colours, but proved to be the Spanish schooner 'Matilda;' had no instructions for resisting, but did so on his own accord for the aforesaid reason; Antonio Pedroso de Albuquerque was the sole owner of the brig about which he is examined, at the time she was seized; knows him to be such because he purchased her in the Brazils; a bill of sale was made by one Magee, an American, to the aforesaid owner, in the month of April last, in Bahia, and in presence of a notary public there; last saw such bill of sale at Bahia, but does not know what price or consideration was made for the said ship, but such price hath been satisfied. That himself and Francisco Felix de Souza, commonly called Chachah, at Whydah, are the laders, and the aforesaid Antonio Albuquerque was the owner and consignee of the slaves on board the brig taken, who are all Brazilians; this is the first voyage the brig has been engaged in the slave trade; the present cargo consists of 578 slaves; they were taken on board altogether, and were embarked in one day at Whydah from the shore."

On the 8th of September, Manoel Feliciano, surgeon on board the brig taken, was examined on the general interrogatories, who deposed, "that the brig, concerning which he was examined, was seized for having a cargo of slaves on board; she sailed under Brazilian colours, and had also some signal flags on board; that she is 280 tons burthen; there

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there were forty-five officers and mariners on board, exclusive of the master; that neither himself nor any of the officers and mariners on board had any part, share or interest in the brig taken; he himself had an interest in the cargo of slaves, having been promised by the owner, if the voyage was successful, that he was to have two per cent of them at the rate they were purchased at on the coast of Africa; heard that the master had an interest in them similar to his own; he was surgeon on board the brig; there were some passengers on board at the time of capture, they were Brazilian and Portuguese seamen taken on board at Whydah, on the 4th of August last, and were destined to Bahia; the brig anchored and touched at Whydah, in 6. 12. north latitude, only, during the voyage on which she was taken; she anchored there to take on board the cargo of slaves; communication took place between the brig and the shore by means of the native canoes; the chase of the brig commenced on the 5th of August, and she was taken on the 6th; nine guns are mounted on board her, there were also sixteen muskets, twelve cutlasses and two pistols, with ammunition, belonging to and on board of her at the time of capture; she was so armed for protection against pirates; resistance was made at the time of capture, by engaging the vessel by which the brig was taken three hours; this is the first voyage the brig has made in the slave trade from the Brazils; the present cargo consists of slaves; 578 men, women, boys and girls, and thirty infants at the breast, were taken on board all together from the shore at Whydah, in 6. 12. north latitude."

On the 11th of September following, the claim of the master, Manoel Joachim de Almeida, with an affidavit in support of the same, was brought in by Mr. Savage, his proctor. This claim is "for the said brig or vessel, her tackle, apparel and furniture, goods, wares, and merchandize, and 608 Africans, or so many thereof as were on board the said brig or vessel at the time of the capture thereof by the schooner 'Hope,' commanded by William Tucker, esq. lieutenant of His Majesty's ship 'Maidstone,' and brought to Sierra Leone, and for the value of such of the slaves as may have departed this life since the said capture; for the said brig, her tackle, apparel and furniture, and her cargo, as the sole property of Antonio Pedroso de Albuquerque, an inhabitant and native of the Brazils; and as protected by the treaty or convention between his Britannic Majesty and his Majesty the King of Portugal, dated the 28th of July 1817; and for his, the claimant's, private adventure of twenty-four Africans, included in the number before mentioned; and for all costs, charges, losses, damages, demurrage and expenses, as have arisen, or shall or may arise, by the means of the capture and detention of the said brig or vessel, and her cargo as aforesaid." In the affidavit, the said master deposes, "that he is a subject of his Majesty the Emperor of the Brazils, and was master of the said brig at the time of the capture thereof by the schooner 'Hope,' William Tucker, esq. lieutenant of His Majesty's ship 'Maidstone,' commander, and that the said brig was so captured on the 6th of August last, in the prosecution of her voyage from the coast of Africa to Bahia, in the Brazils, with a cargo consisting of 608 Africans, and brought to Sierra Leone; and he further maketh oath, that Antonio Pedroso de Albuquerque, of Bahia, a subject of his Majesty the Emperor of the Brazils, was at the time of the said capture, and now is, the lawful and sole owner and proprietor of the said brig 'Principe de Guiné,' her tackle, apparel and furniture, and 584 of the cargo of slaves on board the same; that deponent is the true, lawful and sole owner and proprietor of the twenty-four Africans, all of whom were purchased by deponent from merchandize belonging solely to himself; and deponent maketh oath, that he verily believes the said brig, cargo and slaves, are protected by the treaty or convention between his Britannic Majesty and his most Faithful Majesty; that this deponent has been informed that the said capture was made on behalf of Commodore Bullen, C. B., commander of His Majesty's ship 'Maidstone,' but that, from the time of the said capture, nor before the same took place, nor since, this deponent never has seen the said ship of war 'Maidstone,' and that he verily believes the vessel which was commanded by the said Lieutenant William Tucker, was not a vessel belonging to the royal navy of Great Britain, and therefore not authorized to seize, detain and bring in for adjudication any Portuguese vessel under the said treaty or convention; and he further maketh oath, that no person or persons other than the persons before-mentioned, have any right, title or interest in the said brig, her tackle, apparel and furniture, goods, wares, merchandize or slaves on board the same at the time of capture and seizure thereof, and that he is duly authorized to make the claim aforesaid, and the same is a true and just claim, and that he shall be able to make due proof and specification thereof."

On the 12th of September, a petition of Mr. Lake, the seizer's proctor, was brought in, in which he sets forth, "that an error had crept into the declaration of the captor, in consequence of their not having at sea the means of counting the slaves, and prayed that the same might be amended by inserting the true number of slaves, according to the number proved to have been on board by the affidavits filed with the said petition;" which was granted.

On the 19th of September, Mr. Savage, claimant's proctor, prayed that certain persons might be examined as witnesses on special interrogatories, on the behalf of the claimant in support of his claim, which was granted by the Court; and on the 20th of September Lieutenant William Tucker was accordingly examined, who deposed, "that he was in command of the schooner 'Hope' at the time of the capture of the 'Principe de Guiné,' Manoel José de Almeida, master; that he had to chase before capture, and carried on the chase in the schooner 'Hope,' on board of which was the boat of His Majesty's ship 'Maidstone,' that an engagement did take place between the 'Hope' and the captured vessel, in consequence of the latter (when the 'Hope' was nearing her, but not sufficiently close

close

close to be within hail) tacking, standing across the 'Hope's' bows, and opening a broadside upon her without showing any colours, nor were any shown during the whole time of the action of two hours and forty minutes; that British colours were shown before, during and after the engagement; that he is acquainted with the owner of the 'Hope': she was condemned by the mixed commission in this colony, and was purchased after condemnation by Commodore Bullen; that the said Commodore Bullen has, to the best of his belief, authority to sell the 'Hope,' and dispose of her in any way, without waiting for orders from Government; that he believes the 'Hope' is not rated as a British vessel of war; that himself and people under his command are borne on the books of His Majesty's ship 'Maidstone' for provisions and pay; that he has received from Commodore Bullen, the representative of the British Government on the high Seas on the Coast of Africa, instructions under the British and Portuguese treaty of the 28th of July 1817, addressed to him as commander of the 'Hope.'"

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On the day following (the 21st of September), the master and two seamen of the said brig were examined on the same side. The master, Manoel J. de Almeida, deposed, that it was forty-eight hours after losing sight of land that the brig was captured; that the capturing vessel was twenty-nine hours chasing the brig before she got up to her; that when she was chased by the schooner, deponent took the schooner to be a pirate. His reason for such opinion was, that there were plenty of pirates about those parts, and they made use of the colours of any nation; that he saw, by the aid of a telescope, the capturing vessel loading her guns before she got close up to the brig; that he fired first at the capturing vessel, because he took her to be a pirate; after which the schooner returned it immediately, and ran her bowsprit over the brig's quarter, from which the men on board the capturing vessel boarded and carried her; that no other vessel was in sight but the one by which the brig was captured, which is the "Hope," commanded by William Tucker; that eight persons were killed on the spot, one died of his wounds afterwards, and upwards of twenty were wounded; that since capture he has not fallen in with nor seen his Britannic Majesty's ship of war 'Maidstone.'

Jozé da Silva, seaman of said brig, deposed, "that it was about forty-eight hours after losing sight of the land that the brig was captured. The capturing vessel was in chase twenty-seven hours before she got up to the brig; he took the capturing vessel, during the chase, to be a pirate; his reason for so doing was, because she was a small schooner; that he saw the capturing vessel loading her guns before she got close up to the brig: she did not hail the brig; the brig fired first, because the schooner was taken to be a pirate. The action had continued about three hours, when the schooner ran her bowsprit over the brig's quarter, and carried her by boarding from it. No other vessel was in sight than the one that captured the brig; he does not know the name of the capturing vessel, nor the name of the officer who commands her. Eight persons were killed on the spot; one died of his wounds afterwards, and twenty were wounded, on board the brig; that he has not seen or fallen in with His Majesty's ship 'Maidstone' since capture."

Jozé Santos Leal, another seaman of said brig, deposed exactly the same as had been sworn to by Jozé da Silva, with the exception that instead of his stating his opinion, that he took the schooner for a pirate, *because she was a small schooner, it was because he heard that there were many pirates in those parts, and they used the colours of all nations.*

On the 23d of September following, Mr. Lake prayed the court to be allowed to examine the mate of the said brig on certain special interrogatories, in answer to the evidence of the claimant, which was allowed; and, on the 25th of the same month, Manoel Jozé Pinheiro, mate of the said brig, was examined, who deposed, "that the brig was boarded at Whydah on the 2d of August last, by a schooner under a British ensign and pendant, and that an officer, in English uniform, did go on board and endorse the brig's papers; he did not know that the schooner, which was chasing the brig, was the same one that boarded her in Whydah Roads on the 2d of August; that he does not know who is the commander of the capturing vessel; he is the same person who boarded and endorsed the brig's papers on the 2d of August in Whydah Roads; the papers of the brig were delivered up to the commander of the capturing vessel. After the action had ceased, the commander of the capturing vessel boarded the Principe de Guiné in a boat; he did not get on board from the bowsprit."

On the 26th of September following, the case was heard before the Commissioners, when it was strongly contended, on the part of the claimant, that the vessel and slaves ought to be restored; that, according to the 5th article of the convention, the visit and detention of slave-vessels could only legally be effected by those British or Portuguese vessels which formed part of the two royal navies, and by those only of such vessels which were provided with the special instructions annexed to the said convention; that it had been clearly proved that the schooner "Hope" was not a vessel of the royal navy of Great Britain; and even was it possible she could be so considered, yet it was as clearly proved that she had not the special instructions authorizing the visit and detention of slave-vessels. On the part of the captor, the Spanish cases of the "Fabiana"* and "Nicanor" were cited and relied on as precedents.

The

* For the case of the "Fabiana," see Papers presented to Parliament in 1824, 1825, pages 64 to 70 inclusive, in the former year, and pages 27, 36, 37, 38, 39, and 40, in the latter. See also Report of His Majesty's Advocate General in this case. The Report of the case of the "Nicanor" was transmitted to England in August 1826.

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The Court observed, that the stipulations, as to the observance of the instructions in the 5th article of the convention, seemed to imply, that, though the Government might be answerable for losses occasioned by deviation, it was not intended that the capture should be invalidated by every departure from the instructions; and as the breaches of the convention, by Brazilian vessels carrying on the slave-trade to the north of the equator, was now a common and notorious occurrence, even in view of the British cruisers, who could not molest them while no slaves were found on board, or could be proved to have been on board; and as the proof of the slaves having been taken on board to the north of the equator in this case was extremely clear, as well as the proof of the vessel having been seized in north latitude, the Court would, therefore, leave the claimant to apply to the British Government, if he chose, to make good any losses he could prove he had unjustly incurred by any irregularity on the part of the captor in making the present seizure.

The Commissioners consequently condemned the vessel as lawful prize, and decreed the surviving slaves to be emancipated.

(signed)

D. M. Hamilton.

N^o 50.

N^o 50.

His Majesty's Commissioners to J. Planta, jun. Esq.—(Received March 9.)

Sir,

Sierra Leone, January 15, 1827.

IN pursuance of the 75th clause of the Act passed in the fifth year of the reign of His present Majesty, entitled "An Act to amend and consolidate the laws relating to the abolition of the Slave Trade;" and in conformity with the instructions received from Mr. Secretary Canning, we beg leave to enclose, in duplicate, a return of all the cases of Portuguese vessels which have been adjudicated in the British and Portuguese court of Mixed Commission established here, from the 1st day of July 1826 to the 1st day of January 1827.

We have the honour to be, &c.

Joseph Planta, jun. Esq.
&c. &c. &c.

(signed)

N. Campbell.
Jos. Reffell.

Enclosure
in N^o 50.

RETURN of Portuguese Vessels adjudicated by the British and Portuguese Court of Mixed Commission established at Sierra Leone, from the 1st day of July 1826 to the 1st day of Jan^y 1827.

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.
Perpetuo Defensor.	April 18, 1826.	Brig and 424 slaves.	Charles Bullen, H. M. S. Maidstone.	- -	Restored to claimant by captors.	Brig delivered up to the master.
San Benedicto.	June 11, 1826.	Ship and cargo.	G. W. Willes, H.M.S. Brazen.	Sept. 6, 1826.	Restitution	Ship and cargo delivered up to the master.
Principe de Guiné.	Aug. 6, 1826.	Brig and 608 slaves.	Charles Bullen, by a tender and a boat of H. M. S. Maidstone.	Sept. 26, 1826.	Condemned for illicitly trading in slaves.	The brig sold by public auction, and the proceeds paid into the military chest.

(signed) *Wm. Smith, Registrar.*

N. B.—The proceeds of the sale of the sloop "Esperanza" and brigantine "Netuno," reported in the last Return as being in the hands of the Commissioners of Appraisalment and Sale, have since been paid into the military chest.

N^o 51.

N^o 51.

His Majesty's Commissioners to Mr. Secretary Canning.—(Received April 4.)

Sir,

Sierra Leone, February 2, 1827.

WE have the honour to enclose herewith, the report of the case of the Brazilian brigantine "Hiroina," condemned in the British and Portuguese court of Mixed Commission on the 24th of the last month, with our decision thereon.

This

This vessel being the first condemned in the court under the circumstances under which this case was brought before us, being detained to the north of the equator (Portugal & Brazil.) without having a slave or slaves on board, or having had any during the voyage, induced us, in the performance of our duty, to state very fully the reasons for taking the view we did of the case, and which led to the condemnation of the vessel; in adopting this course we were greatly influenced by the spirit of the treaty and convention, as referred to and treated on in the correspondence which has passed between the Brazilian government and Mr. Consul-general Chamberlain, on the subject of licences to slave vessels, and which was transmitted to the Commissioners for their information and guidance.

We feel it to be our duty to explain the delay which took place in the case of this vessel; owing, in the first instance, to the illness of the late Commissioner, Hamilton, which prevented the proceedings going on beyond the duties of the registrar; and, subsequently, from the claimant's proctor having been away from the colony, and the Court not wishing to allow the proceedings to go on in his absence, as the case was altogether a new one, and it might, therefore, prove injurious to the claimant, to whom they were desirous to give every opportunity of clearing his vessel; and lastly, from Sir Neil Campbell's illness, which prevented the case being brought before the court so early as, even under the circumstances stated, it otherwise might have been.

Trusting, Sir, that our proceedings in this case, and decision thereon, will meet with your approbation,

We have the honour to be, &c.

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

(signed) *N. Campbell.*
Jos. Reffell.

Report of the Case of the Brazilian Brigantine "Hiroina," whereof Michael Antonio Netto was master.

Enclosure
in N° 51.

THIS Vessel, commanded by Michael Antonio Netto, (who was stated to be on shore, sick,) and furnished with an imperial passport, N° 17, "obligating her to enter solely such ports on the coast of Africa where the slave trade is permitted to the subjects of the empire," was detained off Lagos, in the Bight of Benin, by His Majesty's ship "Maidstone," Commodore Charles Bullen, C. B. commander, who, in his declaration states "that he so detained her for being at anchor in a roadstead in the Bight of Benin, trafficking for slaves, with part of her cargo landed for that purpose, in direct opposition to the true intent and meaning of the 2d article of the additional convention signed at London, on the 28th of July 1817, as also of her said imperial passport, N° 17, and by virtue of the late correspondence on this particular subject with the Brazilian government, a copy of which has been transmitted him from the Lords Commissioners of the Admiralty; and further, that he therefore deemed it his duty to send her to the Mixed Commission Court at Sierra Leone, for adjudication." The vessel arrived here November 11, 1826, and on the 16th of the same month the papers were filed in court, and the usual monition prayed for, which being granted went forth on that day, returnable on the 25th of the same month.

From the evidence of Joze Machado Lopez, the mate, and two of the seamen, it appeared that, owing to the prevalence of foul winds, the vessel made Cape Palmas, but did not anchor there; from thence she touched and anchored at St. George D'Elmina, where she stopped two days to take in water, and where she also purchased, with aquadente, a canoe, from whence she went to Judo, a place between Badagry and Lagos, where she anchored and touched, to trade for country cloths, palm-oil, and provisions for the slaves to be purchased at Molembo, some of which articles were put on board, and that she remained there sixty-eight days, during which the master was on shore with a part of the cargo landed, consisting of tobacco, rum and cloth, and for the last thirty days of which only he was sick.

On the 21st of November the petition of the mate, or first pilot, J. M. Lopez, was granted (and filed with the claim and affidavit annexed), praying to be permitted to claim the said vessel as the sole property of Manoel Cardoza dos Santos, an inhabitant of Bahia, but no proof brought forward to support it, until December 12, when the claimant's proctor petitioned the court for leave to put special interrogatories to the witnesses, which was granted on the 18th, but nothing was elicited very material to the case, beyond what had been previously obtained by the standing interrogatories, nor was afterwards brought to light, by other special interrogatories on the part of the proctor for the captors, put, by permission of the court, on the 2d January 1827. The case remained thus until the 18th, when a petition of the captor's proctor for a speedy trial was granted for the 24th January, at which time the Court met, and having heard the evidence read over, and the proctors on both sides delivered the following decision:--

It appears that this vessel cleared out from Bahia on the 11th day of July 1826, taking her departure on the 12th, furnished with the usual papers, and an imperial passport authorizing

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authorizing her to take a cargo of slaves from Molembo, on the occidental coast of Africa; "the master, M. A. Netto, and M. C. dos Santos, the owner of her, being under an obligation to enter solely such ports on the coast of Africa where the slave trade is permitted to the subjects of the empire," and on the 17th October 1826, she was detained off Lagos in 6. 10. north latitude, having landed a part of her cargo, (as appears by the evidence of the mate and two seamen,) at a place called Judo, situated between Whydah, or Ajuda, and Lagos, by His Majesty's ship, "Maidstone," Commodore Bullen, in (as that officer says in his declaration) direct opposition to the true intent and meaning of the 2d article of the additional convention signed at London, 28th July 1817, and of her said imperial passport, N° 17. In the treaty with Portugal, dated 22d January 1815, the preamble states its object to be a gradual abolition of the slave trade, and the immediate abolition of the said traffic upon the parts of the coast of Africa which are situated to the northward of the line; and in the first article of the said treaty, it expressly declares, that after the publication thereof, it shall not be lawful for any of the subjects of the Crown of Portugal to purchase slaves, or to carry on the slave trade on any part of the coast of Africa to the northward of the equator, upon any pretext or in any manner whatever, and which first article is again referred to and confirmed by the fourth article of the said treaty.

In this treaty no authority is given to British cruisers to detain for adjudication vessels belonging to Portugal or Brazil, infringing the provisions thereof, although the two high contracting parties, in the second article of the said treaty, agree to adopt such measures as may best conduce to the effectual execution of the preceding engagement, according to its true intent and meaning: and which was fulfilled by the additional convention signed at London, July 28, 1817, (which, in the preamble, alludes to the said second article of the treaty,) the first article of which, after repeating the object to be the prevention of illicit slave trade, states, the two high contracting parties declare, that they consider as illicit any traffic in slaves carried on under the following circumstances:

By Portuguese vessels in any of the harbours or roads of the coast of Africa which are prohibited by the first article in the said treaty of January 22, 1815, which recited article expressly states it to be illegal to trade in slaves to the northward of the equator; and then, in order to define the limits in which the carrying on of the slave trade is allowed to be lawful, the second article of the said convention proceeds to point out those limits, viz. from 5. 12. to 8. 0. south, and from 8 to 18 degrees of south latitude; and to enforce obedience to these laws the fourth article stipulates, that every Portuguese vessel destined for the slave trade on any part of the coast where this traffic still continues to be lawful, must be provided with a royal passport conformable to the model annexed to the present convention, and which model forms an integral part of the same. It is therefore evident, in the opinion of the Court, that the negotiators had in view the entire suppression of this traffic under any circumstances, not only to the north of the equator, but to the most northern part of the Portuguese possessions on the western coast, viz. 5. 12. south, and that any attempt to violate this understanding was provided for by the words of the said passport, making it penal (should the parties contravene any of those conditions) to the extent denounced by the Alvarà of 26th January 1818, against those who shall carry on the slave trade in an illegal manner (and which law his most faithful Majesty engages himself to promulgate in the third article of the before-recited convention). The third article of which Alvarà gives the power to the Mixed Commissions to confiscate the vessel and cargo according to the seventh article of the regulations, by which those courts are to be guided in giving their decision.

In this case, therefore, the Court has to decide how far this vessel is liable to condemnation under the before-quoted treaties and the instructions attached to them, and particularly those for the guidance of the Mixed Commissions, which latter directs "that they shall judge according to the letter and spirit of them."

At the very first view of the matter, it is plainly evident that this vessel has broken faith with her government, and acted in defiance of the provisions of the treaty and convention (which are the only protection for the slave traffic in which this vessel is acknowledged to have been engaged) in being to the northward of the line, against the express condition of her passport, and which, being an integral part of the convention, brings her within the jurisdiction of the Mixed Commissions (a conclusion which is clearly admitted by the president of the government of Bahia and the minister of his imperial Majesty, in their correspondence with Mr. Consul Chamberlain); we must, therefore, look to the evidence adduced for good and sufficient reasons for her being to the northward of the line, and thus judge of the legality or illegality of the detention, which, by the fifth article of the instructions to the two navies, the claimant in this case is bound to furnish. The evidence of J. M. Lopez, the mate, in which the two seamen, Joze Vierra and Antonio Ferrara join, goes to prove the prevalence of contrary winds from the time of this vessel leaving Bahia till she made Cape Palmas, the vessel being kept upon a wind the whole way to endeavour to get to the southward; yet, in direct opposition thereto, her log (which J. M. Lopez, the mate, swears was kept by himself, and is the true log) proves this proceeding to have been premeditated, as it shows her course to have been N. E., N. N. E., N. E. by N., and E. N. E. for twelve days, the winds being S. S. E., E. S. E., and S. E.; and in six days more, being only eighteen days altogether from the time of her leaving Bahia, she makes Cape Palmas in 4. 22. north, where the log ends; he also swears that the studding-sails were first set when Cape Palmas was made; and it must be evident to a person only partially acquainted with nautical affairs, that to do so she must be running before the wind easterly; therefore had she been brought upon a wind from that point she would have made a S. S. E. course

off

off the coast, and consulting the chart it is plain that such a course would have taken her to Molembo, which port she originally fitted out for. Another circumstance, to which the greatest suspicion must attach, is the discontinuing of the log from the day Cape Palmas was made; no evidence is given why such an unusual practice was resorted to; clandestine motives may indeed be rationally attributed to such a proceeding. The same evidence goes on to state, that from Cape Palmas she went to, and anchored at, St. George d'Elmina in 5. 5. north latitude, where she remained two days, procured some water, and purchased a canoe, for which aquadente was bartered.

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Still going to the northward from this place (when it is notorious that the prevailing winds on the coast would have allowed her to lay off to the southward and eastward on the starboard-tack, and fetch St. Thomas on the equator, as British vessels usually do,) she proceeds direct to Judo, in the immediate vicinity of the greatest slave market to the northward of the line, where she anchors without any reason or pretext for doing so, but for the purchase of provisions to feed the slaves to be got at Molembo, and certainly this is an excuse which cannot be safely relied on. Supposing it to be true that the original destination has been altered in consequence, it is impossible to consider the fact as sufficiently established by the mere averment of the persons on board, who, if there be any fraud in the case, are parties to that fraud; and altogether it is a circumstance as improbable as it is un contemplated by the convention, and prohibited by her passport, expressly framed to prevent such trade, under the pretence of which the custom of going to the northward of the line had become so general as to induce a representation from the British government to that of his imperial Majesty, through Mr. Consul Chamberlain; and referring to the correspondence which passed between him and the Brazilian government, it will be seen, from the reply of M. Villela Barbosa, that it contemplates the treaty to be sufficient to prevent the abuse of the passports, which has been carried on to an unparalleled extent, there being, he says, "a treaty by which means are afforded for preventing the illicit trade in slaves; every measure therein established might be applied to the said purpose." And if it states its conviction to be such, and in defiance thereof the subjects of his Imperial Majesty still continue the same unlawful proceedings, they must bear the consequences that their own conduct entails upon them. It is not to be supposed that this Court can be deceived by an excuse so frail, as to believe that this vessel ran down into the very centre of the Bight of Benin, and thus protracted her voyage for months, only for the purpose of getting provisions for the slaves. The object of the voyage was too important to the parties concerned to allow any reasonable, unprejudiced man to think, for one moment, that time would be trifled away as it is attempted to be shown by the evidence. It will not admit of serious consideration, being contrary to every principle of commerce.

It is further in evidence that the vessel was at Juda sixty-eight days, and, by the mate's own declaration, the master was only ill thirty; the question then arises, what could he be doing on shore, with a considerable part of the cargo also landed, during the thirty-eight previous days? It is not even satisfactorily shown that he was purchasing provisions, palm-oil, and country cloths; some calavances, two small casks of oil, and some country cloths, being all that was sent on board during this very long period: but, even admitting he was intending to procure such articles, in order to fill up his vessel, would he, for so trifling a consideration, have gone so far out of his proper course, or run the risk to which he thus made himself amenable, of having his vessel seized, unless he had some clandestine object of a more lucrative description in view? The Court think not; looking at the case throughout, and taking the correspondence between Mr. Chamberlain and the Brazilian government as a guide by which the illicit traffic in slaves to the northward of the line is to be prevented.

The Court is of opinion that the "Hiroina" falls under the penalties denounced against vessels employed in the illicit slave trade. It may indeed be objected, that by the instructions to ships of war, the regulations for the Mixed Commission, and the fifth and sixth articles of the convention, that this vessel has been illegally seized; but the Court is of opinion, that those parts have reference only to the protection of parties legally carrying on the slave traffic, but who may be found either sailing or at anchor to the northward of the equator, and for which deviation they give, at least, some satisfactory explanation. It never could have been contemplated, when the treaty and convention were entered into, to afford protection to the lawless trader, or to a vessel acting, as in this case, which, although fitted for carrying on the traffic legally, has placed herself out of protection by acting so illegally, in not only being to the northward of the line, where she is expressly forbidden to be, and that, too, by purposely steering out of her course, but with a great part of her cargo landed at a port where she had been lying for so long a period, and which the imperial passport positively prohibits her entering.

The Court, therefore, consider the seizure, even on these grounds, justly and legally made, and under all these considerations, duly and carefully weighed, do most conscientiously believe this to be a case for confiscation under the treaty, and additional convention thereto, dated July 28, 1817, between Great Britain and Portugal, for the suppression of the slave trade, and do, therefore, condemn the "Hiroina," her tackle, apparel, and furniture, as good and lawful prize, and as taken in such illicit traffic in slaves by His Majesty's ship "Maidstone."

(signed) N. Campbell.
Jos. Reffell.

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(Portugal & Brazil.)

N^o 52.N^o 52.

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

Sir.

Sierra Leone, March 31, 1827.

WE have the honour to report to you the adjudication of the Brazilian schooner "Eclipse," Joao Antonio de Favia, master, which we transmit herewith, detained by His Majesty's ship "North Star," Septimius Arabin, commander, off Whydah, in or about latitude 6. 20. north, and longitude 2. 5. west, with no slaves on board. She arrived in this harbour on the 19th February 1827.

The case of this vessel was heard before the court on the 16th of this instant month, and it bearing so close a resemblance to that of the Brazilian brigantine "Hiroina," the court, under the same impression of the intent and meaning of the treaty between his Britannic Majesty and his most Faithful Majesty, for the suppression of the illicit traffic in slaves, and the additional article thereto, which induced it to decree that vessel to be a lawful prize, pronounced sentence of condemnation against the schooner "Eclipse" and cargo, for the violation of her passport, it being found trading at certain ports to the northward of the equator.

We have the honour to be, &c.

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

(signed) N. Campbell.
Jos. Reffell.

Enclosure
in N^o 52.

Report of the Case of the Brazilian Schooner "Eclipse," Joao Antonio de Favia, Master.

THE "Eclipse" was detained on the 6th of January 1827, by His Majesty's ship "North Star," Septimius Arabin, commander, in or about latitude 6. 20. north, and longitude 2. 5. west, off Whydah, sailing under Brazilian colours, with a crew consisting of twenty-five men and boys, and no slaves on board. She arrived in this harbour on the 19th of February following, on which day the papers were lodged in the registry office, with an affidavit of the prize-master, Mr. Charles Godby, admiralty mate; and a monition, as prayed for by the captor's proctor, issued on the 20th, returnable on the 28th of February.

Claim was made by the master, Joao Antonio de Favia, for the vessel and cargo, as the sole property of Antonio de Padua da Cunha Pimentel, and leave granted by the Court for the said claim to be filed on the 28th of February.

The case of the "Eclipse" is so analogous to that of the Brazilian brigantine "Hiroina," lately condemned as lawful prize in the Mixed Commission Court, that we do not consider it necessary to enter so fully into a detail of the case as was done when we had the honour to report on that vessel; it may not, however, be irrelevant to mention, that it is in evidence by the master, that this vessel had the orders of her owner to proceed direct to the northward of the line, and trade on the coast of Elmina for cloths, and this, in itself, is a strong reason for suspecting they must have been given wilfully, to take advantage of her passport to carry on a contraband trade, which passport, dated so recently as the month of September last, is irregular, in as much as it authorizes her to touch at St. Thomas and Princes on her voyage to Molembo, to neither of which ports has she during this voyage been, and which but too fully proves the collusion of the authorities in Brazil, in furthering the illicit traffic in slaves with owners of vessels so employed; apparently in open defiance of the solemn engagement of their government to Great Britain, upon the representation of Mr. Consul Chamberlain, to discontinue the practice of issuing such objectionable licences, to vessels fitted for the taking of slaves from ports and places, south of the equator, belonging to the Crown of Portugal.

It is also in evidence that this vessel landed her cargo to the northward of the Line, at Whydah and Popo, so notorious for being slave marts on the western coast of Africa, where she was full three months, having been frequently boarded during that period, as appears by the endorsements on her passport, by several of His Majesty's cruisers.

It is stated by the master, that she was there for the purpose of purchasing country cloths; but, during this very long period, there is no proof that even one had been received on board, in exchange for the cargo landed, and it appeared to the Court to be only for the purpose of misleading its judgment to make so frail an excuse. As usual, no log is produced, which, in every point of view, is liable to the greatest suspicion that an illegal object was the cause of its non-existence.

Referring again to the declaration of the Brazilian Government, and to that part of the treaty between Great Britain and Portugal for the suppression of the slave trade, which makes the passport an integral part thereof, and it having been proved to the fullest conviction of the Court that the passport of the "Eclipse" had been violated, as well as being in itself irregular, and not conformable to the model annexed to the treaty, which she was bound to be furnished with, and also being out of the limits prescribed to legal slave traders; the Court having met on the 16th of March, to adjudicate this case, unhesitatingly

tatingly pronounced sentence of condemnation upon the schooner "Eclipse," her tackle, SIERRA LEONE. apparel and furniture, and the goods, wares and merchandize, on board the same, as good (Portugal & Brazil.) and lawful prize, taken by His Majesty's ship "North Star," Septimius Arabin, com-
mander.

(signed) N. Campbell.
Jos. Reffell.

N^o 53.

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

N^o 53.

Sir,

Sierra Leone, March 31, 1827.

WE have the honour to enclose the report of the case of the ship "Invincival," seized under Brazilian colours, on the 21st of December 1826, in the river Cameroons by His Majesty's ship "Esk," with 440 slaves on board, which vessel was condemned in the British and Portuguese court of Mixed Commission, on the 16th of March 1827, and the surviving slaves 250 in number, emancipated.

The mortality on board being so much greater than the usual ratio of deaths, even in crowded slave ships, we deem it our duty to submit the circumstances which appear to have led to this melancholy loss of human life: before entering on this, however, it may not be inapplicable to state, that this vessel was twice struck by lightning on the way up; first on the 1st of January, by which the mizen-top-mast was shivered to pieces, and other damage done, with the loss also of one marine, and two slaves killed by the electric fluid; and secondly, on the 30th of January, which carried away the main-mast close to the deck, and killed two more of the slaves.

The first of these damages to the vessel was repaired, by their fortunately falling in with His Majesty's ship "Esk," a few days afterwards; but the latter, which could not be effectually replaced, extended the voyage to the uncommon length of sixty-one days, five of which were, however, spent in getting out of the river Cameroons; during this period was also experienced twenty-seven successive days of heavy rain with thunder and lightning.

The promoting cause of sickness on board seems fairly attributable to the very unprepared and dirty state of this vessel, when the slaves were shipped, arising from the master and crew being all sick, and the hurry in taking the slaves on board, in consequence of a disagreement of the master with the natives, who, he alleged, had cheated him out of sixty-three of the victims bargained for. Further, from the nature of the general provisions (farinha and jerked beef), which although of the best quality, and in abundance, the slaves could not be brought to live on, accustomed as they had been to yams and rice; this antipathy became so strong on the 23d day, that Lieutenant Tollervey, the officer in charge, was under the painful necessity of giving into their prejudice of eating their farinha dry, instead of cooked as before, in which state they continued to live during the rest of the passage up, and which no doubt created much of the disease on board.

The misfortunes of the voyage and the length of time it occupied, with the crowded state of the vessel, which almost prevented the possibility of separating the sick from the healthy, and further rendered it necessary in the early part of the voyage (until death thinned their numbers) to keep 200 of the slaves on deck, only sheltered by some spare sails from the inclemency of the weather, there is every reason to believe tended greatly to increase and extend the ravages of the ills the unfortunate people in this vessel laboured under; the whole of the crew put on board her by the "Esk" also suffered much, and one of them died on the passage.

The want of a medical man, or medical comforts, prevented any effectual relief being afforded to the afflicted slaves, who were dying hour after hour of the various diseases they laboured under, the principal of which were dysentery, ophthalmia, and scurvy.

The water on board the vessel was in abundance, and of the best quality, taken in at the Brazils; or even this extended death-list would most probably have been greater.

We have the honour to be, &c.

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

(signed) N. Campbell.
Jos. Reffell.

SIERRA LEONE.
(Portugal & Brazil.)

Report of the Case of the Brazilian Ship "Invincival," Jozé Antonio de Castro Guimaraes, Master.

Enclosure
in N° 53.

THIS Vessel, armed with five guns, with a crew of twenty-eight men and boys, was detained, on the 21st of December 1826, at anchor in the river Cameroons, by the boats of His Majesty's ship "Esk," W. J. Purchas, esq. commander, having on board at the time of said seizure, 440 slaves taken from the shore, on the day of capture and preceding one, 178 of whom died on the passage here (where the vessel only arrived on the evening of the 20th February 1827), and eight more before the landing took place, (which, on petition, was granted by the Court on the day following), besides four missing, supposed to have jumped overboard during the confusion and fright occasioned by the vessel being struck with lightning in the middle of the night of the 1st of January 1827.

The declaration of the captor and the ship's papers, duly authenticated, were brought into court on the 21st February, and the monition prayed for, which went forth returnable on the 28th of that month.

On the 24th of February, an affidavit of Lieutenant Tollervey, the prize master, was filed, respecting the death of the slaves, accounting for the great mortality from the crowded state of the vessel, and the heavy tornados and frequent rain on the passage to this harbour.

From the answers of the master of the "Invincival" to the standing interrogatories, it appeared that he was also the sole owner of the said vessel, and himself and Manoel Jozé Douart, of Rio Janeiro, the owners and consignees of the slaves on board her; that the present voyage commenced at Rio Janeiro, and was prosecuted to the river Cameroons (as the winds would not allow the vessel either to fetch Molembo or Princes Island), where, he says, 444 slaves were shipped (none of whom had died previous to capture), for the purpose of being taken to Rio Janeiro.

Neither of the other two witnesses in this case could take upon themselves to swear to the number of slaves taken on board.

On the 16th of March, the Court met for adjudication, and the case being clearly in violation of the treaty between Great Britain and Portugal, condemned the "Invincival," her tackle, apparel, and furniture, together with the goods, wares, and merchandize on board, and emancipated the surviving slaves, 250 in number, declaring 440 to have been on board at the time of capture, and as taken and seized by His Majesty's ship "Esk," W. J. Purchas, esq. commander.

(signed) N. Campbell.
Jos. Reffell.

N° 54.

N° 54.

Joseph Reffell, Esq. to Mr. Secretary Canning.—(Received June 30.)

Sir,

Sierra Leone, April 18, 1827.

HIS Excellency Sir Neil Campbell having left this, on service, for the Gambia, I deem it my duty to transmit herewith the case of the Brazilian schooner "Venus," condemned on the 9th of April 1827, by his Excellency and myself, in the British and Portuguese court of Mixed Commission established here, and the surviving 188 slaves on board of her emancipated.

The passport furnished to this vessel states her "to be bound to the port of Molembo, with intention to call at the islands of St. Thomas and Princes, on the occidental coast of Africa," in contravention of the treaty; but which ports, however, it appeared from the evidence of the master she had never touched at, but that, so far as can be judged from the time of her leaving Bahia (the 4th of November last), she must have steered direct for Judo, in latitude 6. 20. north, where she landed her cargo and took on board 191 slaves, with which she was captured on the 6th of February, in latitude 2. 20. north, by His Majesty's ship "Esk," W. J. Purchas, esq. commander, who states, in his declaration, that she had not any log on board. She was sent to this place for adjudication, where she arrived on the 15th of March, having lost but three slaves on the way up.

The discrepancy in the number of slaves (178) stated by the master to have been shipped, and the number found on board (191) at the time of seizure, may be accounted for by thirteen of those landed being infants at the breast, which the masters of slave vessels never reckon, considering the mother and infant as one.

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

I have the honour to be, &c.

(signed) Jos. Reffell.

Report of the Case of the Brazilian Schooner "Venus," Jacinto Presa, Master.

Enclosure
in N^o 54.

THIS Vessel, of the burthen of 133 tons, on the 6th day of February last, was detained in or about latitude 2. 20. north, and longitude 4. 20. east, by His Majesty's ship "Esk," William Jardine Purchas, esq. commander, and having on board at the time 191 slaves, said to have been taken on board at Ajudo (Whydah) on the 29th of January preceding.

The vessel arrived here on the 15th of March, with the loss of only three slaves on the way up, the rest being in a tolerably healthy state, and on the following day the papers were brought into court by the proctor for the captors, with the usual affidavit of the prize master, and a petition received that the same might be filed as evidence, and the usual monition issue.

From the evidence filed, it appeared that the vessel was owned by Don Antonio Pedrosa Alberquerque, a subject of the Emperor of Brazil, residing at Bahia, from which port she cleared on the 4th of November last, furnished with an imperial passport, N^o 39, authorizing her to carry 332 slaves from Molemo in south latitude, from whence she was to return to Rio Janeiro, with leave to touch on her way at Bahia; instead of which, however, she at once steered for Judo, in latitude 6. 24. north, where she anchored and touched, to trade for a cargo of slaves; 178 (as appears by the master's evidence) being there taken on board from the shore, none of whom had died previous to capture.

To confute this statement of the number of slaves taken on board, the Court had before it an affidavit of the prize master, that 191 slaves were on board at the time of the seizure, three of whom had died on the passage up, leaving 188 to be landed, which number was received by the marshal.

No claim having been made in this case, the Court met for adjudication, on the 9th April 1827, and the evidence clearly establishing the illegality of the voyage, condemned the vessel, her tackle, apparel, and furniture, as good and lawful prize, and as seized and prosecuted by Captain Purchas, and the officers and crew of His Majesty's ship "Esk." The Court further decided, that 191 slaves were on board at the time of capture, and declared the emancipation of the survivors, 188 in number, who, with the permission of the Court, had been previously landed.

(signed) Jos. Reffell.

N^o 55.

Joseph Reffell, Esq. to Mr. Secretary Canning.— (Received June 30.)

N^o 55.

Sir,

Sierra Leone, April 18, 1827.

IN the absence of his Excellency Sir Neil Campbell to visit the settlement of Saint Mary's in the Gambia, I have deemed it my duty to detail, for your information, the case of the Brazilian schooner "Dos Amigos," detained by His Majesty's ship "Esk," W. J. Purchas, esq. commander, on the 8th of February last, in latitude 1. 12. north, and condemned by his Excellency and myself in the British and Portuguese court of Mixed Commission, on the 9th of April, and the surviving slaves on board of her, in number 308, decreed to be emancipated: the report of which I have the honour to enclose.

This vessel cleared from Bahia on the 11th of February 1826, furnished with a regular passport, confining her to "enter solely such ports on the coast of Africa, where the slave-trade is permitted to the subjects of the empire;" yet in positive violation of this, the master declares that he steered from Bahia direct to Whydah and Badagry, on the coast of Elmina, in about 6. 20. north latitude, to the former to purchase provisions, and to the latter to buy slaves, where, he states, he obtained 308, but, as appears by the other evidence filed in the case, 320; three of whom had died previous to capture, and nine more on her passage to this port for adjudication, where she arrived on the 19th of March.

The difference of the twelve slaves, in the statement of the master, and the declaration of the captor, may be accounted for as in the case of the "Venus," condemned on the same day, by that number, being infants at the breast, not being taken into calculation by the master.

The "Dos Amigos" formerly sailed under American colours, and was called the "Zephyr;" she had been upon the coast previous to capture for nearly twelve months, and the greater part of that time lying at Whydah, the anchorage where she shipped her slaves, during which period she was boarded no less than ten times by the squadron; first, on the 25th of May, when she was discharging her cargo, and subsequently in June, July, and August, when she was found ready to receive her slaves, which, however, were not put on board until the 1st of February last, up to which time she appears to have been pretty generally visited, and even so recently as the 24th of January; thus affording a proof, that considerable delay is experienced

SIERRA LEONE. experienced in procuring slaves, at even the most noted slave-haunts to the north-ward of the line; a circumstance, however, I fear, more to be attributed to the increasing number of vessels arriving for cargoes, than to any diminution of the number of victims offered for sale.

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

I have the honour to be, &c.
(signed) *Jos. Reffell.*

Enclosure
in N° 55.

Report of the Case of the Brazilian Schooner, "Dos Amigos," José Joaquim Ladislao, Master,

THIS Vessel, of 136 $\frac{3}{4}$ tons burthen, was detained, on the 8th day of February last, in or about latitude 1. 12. north, longitude 8. 20. east, by His Majesty's ship, "Esk," W. J. Purchas, esq. commander, and having on board at the time 317 slaves, said to have been taken on board at Badagry, in latitude 6. 20. north, on the 1st day of that month.

The vessel arrived here on the 19th of March, with the loss only of nine slaves on the passage up, and the majority of the survivors in perfect health, on which day the proctor for the captors brought the papers, found on board her, into court with the usual affidavit of the prize master, and prayed that the papers might be filed and the usual monition issue, which went forth on the 20th, returnable on the 28th of the same month.

From the evidence filed in this case, it appeared that Vincente de Paulo Silva was the owner of the vessel, and that he is a subject of the Emperor of Brazil, residing in Bahia, from which port this vessel cleared so long back as the 11th of February 1826, furnished with an imperial passport, numbered 2, confining her to "enter solely such ports on the coast of Africa where the slave trade is permitted to the subjects of the empire," and to return from thence to Bahia with 341 slaves.

From the answers of the master to the standing interrogatories, it appears that, in violation of his passport, he steered direct from Bahia to Whydah and Badagry, on the coast of Elmina; to the former to purchase provisions, and to the latter to buy slaves, 308 being there taken on board from the shore, three of whom had died previous to capture.

In contradiction of the statement of the master, as to the number of slaves taken on board, the Court had before it the declaration of the captor, and also an affidavit of the prize master, which affirm 317 slaves to have been on board at the time of seizure, and prove nine to have died on the passage up, leaving 308 brought into his harbour, which number was received by the marshal.

The Court met for adjudication in this case on the 9th of April 1827, and the circumstances of the vessel having violated the convention between Great Britain and Portugal being clearly established, condemned her, together with her tackle, apparel, and furniture, as good and lawful prize, and emancipated the surviving slaves (who had been previously landed with the sanction of the Court) 308 in number, at the same time declaring 317 to have been on board the vessel at the time of capture by His Majesty's ship "Esk," W. J. Purchas, esq. commander.

(signed) *Jos. Reffell.*

N° 56.

N° 56.

His Majesty's Commissioners to Mr. Secretary Canning.—(Received June 30.)

Sir,

Sierra Leone, April 25, 1827.

WE have the honour to report, that there are now six vessels; viz. the "Independencia," passport No. 1, dated 19th January 1827; "Trajano," passport No. 2, dated 24th January 1827; "Tenterdora," passport, No. 41, dated 11th November 1826; "Carlota," passport, No. 50, dated 18th December 1826; "Venturosa," passport No. 38, dated 4th November 1826; and "Providencia," passport, No. 47, dated 5th December 1826, under Brazilian colours, in progress for adjudication before the British and Portuguese court of Mixed Commission established here, which vessels have been detained, with no slaves on board, and sent to this port within the last month, by His Majesty's ships employed on this station, for being found at anchor to the northward of the line, against the provisions of the treaty between Great Britain and Portugal.

These vessels are all from Bahia, and furnished with imperial passports (numbered and dated as in the margin) to take slaves from Molemo; the "Independencia," "Trajano," and "Carlota's" passports being regular in conformity to the treaty—the "Venturosa," "Tenterdora," and "Providencia's" irregular; the first, authorizing to touch at the islands of St. Thomas and Princes—the 2d, at those islands and the coast of Guinea, and the latter at Sierra Leone, the coast of Guinea, and

and the said islands, the whole of them being obligated to enter solely such ports on the coast of Africa where the slave-trade is permitted to the subjects of the empire. The passport of the "Providencia," so particularly remarkable as giving her leave to touch at Sierra Leone, is the only document found on board her. SIERRA LEONE.
(Portugal & Brazil.)

The defence set up by the claimants in all these cases, except that of the "Independencia," is, that they came to the northward of the line to procure provisions and water, although, in none of them, had the voyage from Bahia occupied above a month, and, in most of them, a shorter period: they had all more or less cargo on board, and, except the "Venturosa," had not been long upon the coast.

The defence of the claimant in the case of the "Independencia," taken in the roadstead of Accra by His Majesty's brig "Conflict," is, that the vessel having sprung a leak, four days after leaving Bahia, he was obliged, sixteen days after it was discovered, being then in latitude 2. 15. north, longitude 10. 13. west, to bear up for the nearest port, which he would lead the Court to believe was Accra. From a letter found on board this vessel from one Luis de Franca to Luis Antonio de Andrade, dated Bahia, the 19th of January 1827, it appears, that a ship called the "Maria de Gloria," had arrived there in safety with a cargo of slaves, and that they were at that time so abundant that they sold for less than 200 milreas each.

The preparatory evidence in all these cases will in a few days be finished, when the Court will be called upon to decide on the legality of their detention, and in doing so, we shall govern ourselves by the principles laid down by the Commissioners in the case of the "Hiroina," which, in its principal features, was very similar to the present ones.

In addition to these vessels, there are two others before the court; the first a vessel named the "Conceicao de Marie," from Bahia, detained to the northward of the line, with slaves on board, whose passport obligated her to enter solely such ports and places where the slave trade is permitted to the south of the line; in defiance of which she was boarded no less than eight different times by the squadron in about latitude 6. 10. north, where (at Whydah) she at last succeeded in shipping her miserable cargo of human beings, with which she was captured a few hours afterwards; thus clearly showing the illegal object of the Brazilian vessels have in coming to the northward of the line; the second, the "Tres Amigos," brought in three days ago by the tender of His Majesty's ship "North Star," having on board three female slaves. The circumstances attending this latter vessel are somewhat singular: she is furnished with a commercial passport from Rio de Janeiro to go to Angola, and from thence to the Cape de Verds, on her passage to which she entered this harbour, about three weeks since in ballast, and under the pretence of requiring water and provisions; having obtained which, she sailed on the 17th instant: shortly after, information was received that she had on board three if not more slaves, in consequence of which Lieutenant Crofton, commanding the tender of His Majesty's ship "North Star," then at anchor in this harbour, proceeded to sea, and succeeded in detaining her on the 19th instant, when the three female slaves were found concealed in a place under the caboose, one foot high and four feet square, where, in all human probability, they would shortly have been suffocated, had not Lieutenant Crofton fortunately got on board, unless their owner had thrown them overboard, as is asserted by the boatswain he threatened to do, when he found himself chased by the tender. It appears that the master had procured these slaves on the coast, and that he had kept them concealed on board during the whole time he lay in this harbour; his cold-blooded cruelty, in thus confining three living beings, could only be equalled by his impudence in offering to Lieutenant Crofton his gold watch and fifty pounds not to detain him.

We beg to add, Sir, that the particulars of all these cases will be transmitted for your information, as speedily as possible after they are adjudicated; the number of vessels, however, now brought before the court being so much greater than ever was known since the establishment of the Commissions, the preparatory evidence cannot be taken in the time it has usually been before the court; indeed the duties of the registrar for some time past have been most arduous, and the attention of the Commissioners much occupied with the cases of detention, so very different from those formerly made, most of the vessels now sent in being without any slaves on board.

We have the honour to be, &c.

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

(signed) *H. Lumley,*
Jos. Reffell.

SIERRA LEONE.
(Portugal & Brazil.)

N° 57.

His Majesty's Commissioners to Mr. Secretary Canning.—(Received July 27.)

N° 57.

Sir,

Sierra Leone, May 5, 1827.

WE have the honour to enclose herewith, the report of the case of the Brazilian brigantine "Trajano," Jozé da Silva Rios, master, condemned in the British and Portuguese court of Mixed Commission established here, on the 30th of April 1827.

This vessel, which left Bahia on the 28th of January 1827, furnished with an imperial passport, in conformity to the treaty, obligatory to her "to enter solely such ports on the coast of Africa where the slave trade is permitted to the subjects of the empire," was detained, on the 13th of March 1827, at anchor off Whydah, in latitude 6. 14. north of the equator, but with no slaves on board, by His Majesty's ship "Maidstone," Commodore Bullen, C. B. commander, and arrived here on the 4th of April 1827.

From the log of this vessel, it was clearly evident, that her intention was to come to the northward of the line from the moment she left Bahia, and from the evidence, not disproved by the claimant, on whom the burthen of proof in such cases lies, that her being at Whydah was to procure slaves; the particulars we have detailed very fully in the report, which we most respectfully beg to refer to in this case, and in which we hope our proceedings will be approved of.

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

We have the honour to be, &c.

(signed) *H. Lumley.*
Jos. Reffell.

Enclosure
in N° 57.

Report of the Case of the Brazilian Brigantine "Trajano," Jozé da Silva Rios, Master.

THIS Vessel, of the burthen of 218 tons, sailed from Bahia, on the 28th of January 1827, furnished with the usual papers, and an imperial passport, N° 2, dated the 24th of January 1827, authorizing her to take 545 slaves from Molembo, and obligatory on her "to enter solely such ports on the coast of Africa where the slave trade is permitted to the subjects of the empire," and, on the 13th of March 1827, was detained at anchor off Whydah, in latitude 6. 14. north, with no slaves on board (after having been previously boarded, as appears by indorsement on her passport, by His Majesty's ship "North Star," to leeward of that anchorage, that is to say, between there and Badagry, on the 2d of March 1827) by His Majesty's ship "Maidstone," Commodore Bullen, C. B. commander; who states, in his declaration of the 13th of March 1827, "that finding her at anchor in the Bight of Benin, off Whydah, a noted slave haunt, in latitude 6. 14. north, trafficking for slaves, being boarded to leeward of the said anchorage on the 2d instant, by His Majesty's ship "North Star," in direct opposition to the true intent and meaning of the 2d article of the additional convention, signed at London on the 28th of July 1817, as also of the one to which it refers, N° 1, of the treaty signed at Vienna on the 22d of January 1815, and also of her said imperial passport, N° 2, and by virtue of the late correspondence on this particular subject with the Brazilian Government, a copy of which has been transmitted me by my Lords Commissioners of the Admiralty, I have deemed it my duty to detain her for the before-mentioned direct breaches of such treaties, and send her to Sierra Leone Mixed Commission Court for Adjudication."

This vessel arrived here on the 4th of April 1827, and on the following day the papers were brought into court, duly authenticated by the officer in charge of her, (an Admiralty mate of His Majesty's ship "Maidstone,") and the usual monition prayed for and granted with leave to file evidence. The monition was returned on the 14th of the same month.

From the evidence of the master, Jozé da Silva Rios, on the standing interrogatories, it appeared, that, "the sole owner of the vessel and her cargo was Jozé Alvez da Crus Rios, who resides in Bahia, at which place he, the master, took possession of the vessel about six months since, but neither himself, nor either of the officers or mariners on board, had any part, share or interest in the vessel or her lading; that the present voyage began at Bahia, and was to have ended there; Bahia was the last clearing port the vessel sailed from previous to capture; she anchored at Ajuda (Whydah) in 6. 20. north latitude during the voyage; she anchored there being obliged to put into that port, (where there is a Portuguese fort,) to take in water, where she was captured. The merchandize on board her was to have been delivered at Molembo, in 5. 20. south latitude, for the real account, risk and benefit of the aforesaid owner. The cargo consists of cloth, tobacco and rum, and it is now all on board, as when first shipped at Bahia; he, the master, is the consignee of the same; no slaves whatever have been taken on board during the voyage."

This evidence was confirmed by the cook and a seaman of the vessel, in their answers to the standing interrogatories.

From the log of the vessel it appeared that, on leaving Bahia, in latitude 13. 9. south, longitude 38. 28. west, she was steered to make a southward and eastward course until the ninth

ninth day, when, being in latitude 22. 34. south, and longitude 28. 27. west, she is going from that day to the northward and eastward, until the 25th day of the voyage, when, being in latitude 4. 23. north, longitude 6. 26. west, land is seen in the longitude of the river Sestos, and soundings had in fifty fathoms; from this she steers a south-east course, apparently to round Cape Palmas, for the next day she is running with all sail set to the northward and eastward, which course is continued for six days more, being the thirty-first of the voyage, when, being in latitude 5. 37. north, and longitude 10 minutes west, and according to this reckoning off Accra, the log ends. Two or three tornadoes appear to have been experienced on the vessel's making the coast, but no entry is made of any damage being sustained from them, or the loss of any fresh water in consequence.

The master, in his claim for the vessel, her tackle, apparel and furniture, and her cargo, as the sole property of the before-mentioned Jozé Alvez da Crus Rios, maketh oath, (after stating that he verily believes that the said vessel and cargo are protected by the treaty or convention between his Britannic Majesty and his most Faithful Majesty,) "that the said vessel 'Trajano' was made to reach Ajuda (and was brought to an anchor under the fort, which, he believes, is called Fort St. Juan) on the coast of Africa, in order to procure a supply of fresh water, the said fort being in the possession of the Crown of Portugal; that by reason of the water of Bahia not being found to keep sweet under hatches, the said vessel 'Trajano' carried all her water on deck, but by the length of the voyage, upwards of thirty-four days, and several violent tornadoes that were experienced by the said vessel during the passage, the crew were reduced to one bottle each man for every twenty-four hours before their arrival at Ajuda aforesaid; that the casks below were filled with salt water, which, on arrival at Ajuda aforesaid, were emptied, and refilled with fresh, and that hulk was not broken, or any traffic made with the cargo of the said vessel for any purpose whatsoever during the voyage."

No evidence was filed in support of the aforesaid claim.

The first point for consideration in this case is, the fact of this vessel being found at anchor in a port to the northward of the line, in direct violation of the provisions of her imperial passport which made it "obligatory on her to enter solely such ports on the coast of Africa where the slave-trade is permitted to the subjects of the Brazilian empire by treaty."

From the log of the vessel it appears, that from the 9th day after leaving Bahia, being then in latitude 22. 34. south, and longitude 28. 27. west, to the termination of the log, she is making a north-east course to the exception of one day, when it was changed to the southward, apparently, from the latitude and longitude, for the purpose of rounding Cape Palmas. The winds in the log, judging from the rate of the vessel's sailing, are evidently laid down incorrectly; still on the face of it there is sufficient proof that the object of the master was to get to the northward; at times it shows him to have been steering with the wind from N. E., and making a N. N. W. course on the starboard tack, when, by laying on the larboard, he would have made a due east course (which was required) allowing for variation; at other times he is running free seven or eight knots in an hour, and thus making nothing, when, by keeping close to the wind, he would have made nearly his due course to the eastward; indeed, from his own admission, in his affidavit in support of his claim, that "the vessel was made to reach Ajuda" (Whydah), there can be no doubt but that this was the intention at the outset of the voyage, and that the vessel was steered accordingly.

The next point to be considered was, the reasons assigned for this violation of the imperial passport, and the object of selecting Whydah, a port frequented for no other purpose than the slave trade.

In the answers of the master to the standing interrogatories, he says, that "he was obliged to put into that port to take in water," and in his affidavit in support of his claim, that "this was rendered necessary by reason of the water of Bahia not being found to keep sweet under hatches, in consequence of which the vessel carried all her water on deck, but by the length of the voyage, upwards of thirty-four days, and several violent tornadoes that were experienced during the passage, the crew were reduced to one bottle each man for every twenty-four hours." From the log it appears that the vessel was in the latitude and longitude of Accra on the 31st day of the voyage, and that, therefore, if the procuring of water had been the object of the master, he would not have passed Elmina, Cape Coast Castle and Accra, where there exists no difficulty in procuring water, and have proceeded further to leeward in search of it, to a port where the greatest difficulty is experienced in communicating with the shore from the heavy surf. The reasons assigned, however, for the want of this necessary article are too improbable to gain belief, and in the absence of any proof being furnished to support this statement of the master, and the silence of the log respecting the loss of any water, must be disbelieved; the setting forth that the water of Bahia will not keep below hatches is the most shallow excuse ever offered for the serious consideration of a court, and only calculated to show to what duplicity the illicit traffickers have recourse to cover their barefaced violation of a solemn treaty, and the laws of their own government; great stress is laid in the evidence of no slave or slaves having been taken on board, and that bulk had not been broken. The first article of the treaty expressly declares, that "it shall not be lawful for any of the subjects of the Crown of Portugal to purchase slaves, or to carry on the slave trade on any part of the coast of Africa to the northward of the equator, upon any pretence or in any manner whatsoever." There can be no possible doubt that the going to Whydah in this case, under the plea of requiring water, was a mere pretext to carry on the slave trade to the northward of the line, either at that

port,

SIERRA LEONE.
(Portugal & Brazil.)

port, or at some other of the neighbouring haunts, and that the demand for slaves, which has latterly been so great, was the only cause of delay in the landing of the cargo, in the disposing of which, therefore, some difficulty no doubt was found. The circumstance of the vessel lying there, as is shown by the indorsement on her passport, at least ten days, is also pretty conclusive of the object of her touching at that port; as to the mention of a Portuguese fort being there, it can have no weight in the case, it has long been abandoned and left to the occupation of one Chatcha, otherwise De Sousa, whose name, as connected with slaving transactions from that port, is constantly before the courts.

The Court met for adjudication in this case on the 30th of April 1827, when, having duly considered the evidence filed, and in the absence of any negative proof on the part of the claimant, on whom, by the fifth article of the instructions to the two navies, the *onus probandi* lies, and bearing in mind the principles laid down by the Commissioners in the case of the "Hiroina," declares the vessel, first to have violated the conditions of her imperial passport, under which alone she could carry on the slave trade; and second, under the pretext of requiring water, she went to Whydah, where she was engaged in the slave trade against the first article of the treaty, and also of the second article of the additional convention thereto; and the Court, therefore, adjudged the said vessel condemned, together with her cargo, tackle, apparel and furniture, as good and lawful prize, and as seized and prosecuted by Commodore Bullen, C. B. commander of His Majesty's ship "Maidstone."

(signed) *H. Lumley.*
Jos. Reffell.

N° 58.

N° 58.

His Majesty's Commissioners to Mr. Secretary Canning.—(Received July 27.)

Sir,

Sierra Leone, May 5, 1827.

WE have the honour to enclose herewith, the report of the case of the Brazilian schooner "Tenterdora," Innocencio dos Santos Lopes, master, condemned in the British and Portuguese court of Mixed Commission established here, on the 30th April 1827.

This vessel, which sailed from Bahia on the 12th of November 1826, was detained, on the 14th of March 1827, at anchor off Judo, in latitude 5. 19. north of the equator, with part of her cargo landed, but with no slaves on board, by His Majesty's ship "Maidstone," Commodore Bullen, C. B. commander, and arrived here on the 9th of April 1827.

The passport granted to this vessel was irregular, as giving her leave to touch at the coast of Guinea, St. Thomas and Princes Islands, and, together with the evidence confirmatory of her being engaged in the slave trade to the northward of the line, rendered her, in the opinion of the Court, liable to confiscation under the treaty and convention between Great Britain and Portugal.

For the minute particulars of this case, we most respectfully beg leave to refer you, Sir, to the report we have enclosed, and which we have very attentively drawn up.

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

We have the honour to be, &c.

(signed) *H. Lumley.*
Jos. Reffell.

Enclosure
in N° 58.

Report of the Case of the Brazilian Schooner "Tenterdora,"
Innocencio dos Santos Lopes, Master.

THIS Vessel, of the burthen of 207 $\frac{1}{2}$ tons, left Bahia on the 12th of November 1826, furnished with the usual papers and imperial passport, N° 41, dated the day preceding, authorizing her to take 518 slaves from Molembo, and irregularly allowing her to touch at the coast of Guinea, St. Thomas and Princes Islands, with the usual and regular prohibition, making it obligatory upon her "to enter solely such ports on the coast of Africa where the slave trade is permitted to the subjects of the empire," and, on the 14th of March, was detained at anchor off Judo, in latitude 5. 19. north, with part of her cargo landed, but with no slaves on board (and having been twice boarded off Badagry, within a few miles of Judo, that is to say, on the 13th of January, and 25th of February preceding, as appears by indorsements on her passport, by His Majesty's ship "North Star," by His Majesty's ship "Maidstone," Commodore Bullen, C. B. commander, who states in his declaration, as the reasons for detaining her, his "finding her at anchor off Ajuda, a noted slave haunt, in latitude 5. 19. north, with part of her cargo landed, in traffic for slaves, as also having been repeatedly boarded by the British squadron employed on this coast for the suppression of the slave trade, constantly from the 13th of January 1827, at this anchorage and to windward, in direct opposition to the true intent and meaning of the second article of the additional

additional convention, signed at London on the 28th of July 1817, as also of the one to which it refers, N^o 1, of the treaty signed at Vienna on the 22d of January 1815, as also in direct contradiction of the said imperial passport, N^o 41, and by virtue of the late correspondence on this particular subject with the Brazilian Government."

SIERRA LEONE.
(Portugal & Brazil.)

On the 9th of April 1827 the vessel arrived in this harbour, and on the following day the papers found on board her were brought into court, with the usual affidavit of the officer in charge of the vessel, and the monition prayed for and granted, returnable on the 18th of the same month; permission was further given to the captor's proctor to file his evidence.

The evidence of the master on the standing interrogatories went to prove, "that Louis Antonio de Passo was the sole owner of the vessel and her cargo, and that he resided at Bahia, where he, the master, took the command of the vessel in November last, but that neither himself nor either of the officers and mariners on board had any share or interest in her or the cargo. The present voyage commenced at Bahia, and was to have ended there: Bahia was the last clearing port the schooner sailed from previous to capture; she anchored and touched at Judo, on the coast of Elmina, in 6. 23. north of the equator, and 2. 55. east longitude, during the voyage; anchored and touched there to purchase provisions, purchased there some calavances, corn and palm-oil, the communication taking place between the schooner and shore by means of the native canoes. The place of capture was in the roads of Judo, where the vessel had been lying about fifty days; the merchandize on board, of which he (the master) is consignee, was to have been delivered at Molemba in 5. 12. latitude, south of the equator, for the real account, risk and benefit of the aforesaid owner; it consisted of nearly 600 rolls of tobacco, about four boxes of cloth, and one pipe of aquadente. No slaves had been taken on board during the voyage; bulk was broken at Judo to purchase provisions."

This evidence is confirmed by a seaman of the vessel, examined in the case, in his answers to the standing interrogatories.

The answers of the cook of the vessel (the other witness in this case) to the 8th 14th and 21st standing interrogatories, were "that the vessel was obliged to put into Judo to purchase provisions and water for the use of the schooner's crew, and the slaves to be purchased at Molemba, but that the cargo is all now on board, as when first shipped at Bahia, no bulk having been broken."

From the log it appeared, that this vessel first made the coast at Cape Palmas on the 10th of December, and that after anchoring at different places between there and Judo, which latter port she made on the 20th of December, from which last date to the time of capture, the 14th of March, a period of eighty-four days, she was constantly hovering, sometimes at anchor at Judo, and sometimes under weigh, passing between there and Badagry, (places in sight of each other.)

On the 19th of April, a petition of the master was received, stating that having unsuccessfully applied to the several proctors of the court to defend his case, he was now obliged to come forward in person to do so, and praying that his claim, on behalf of the aforesaid owner of the vessel and her cargo, might be received, which was granted.

The affidavit in support of it, after stating that the vessel was captured in the prosecution of her voyage from Brazil to the coast of Africa, sets forth, "that no slave or slaves had been shipped or put on board during the voyage, and that the said schooner was specially permitted to be north of the equator, where she was found when taken."

The principal points of the evidence which occupied the consideration of the court in this case were, first, the irregularity of the imperial passport in allowing the vessel to touch at the coast of Guinea, St. Thomas, and Princes Islands. The form of passport, which document is an integral part of the additional convention of the 28th of July 1817, is therein prescribed, and the Court was of opinion, in order for it to be a security for vessels engaged in the slave-trade, that form must be adhered to; there is no authority given, either by the treaty or subsequent convention, to the authorities in the Brazils, to insert permission for the vessels to whom these passports are granted to touch at any place to the northward of the line; the passport, on the contrary, is expressly obligatory on the vessel "to enter solely such ports on the coast of Africa where the slave trade is permitted to the subjects of the empire." This prohibition in the body of the vessel's passport is also in direct contradiction to the leave irregularly given her to touch at the coast of Guinea, and the islands of St. Thomas and Princes, a permission which, in reference to the additional convention itself, and also the correspondence which has passed on this particular subject, of irregularly licensing vessels in the slave trade, by giving them permission to touch at ports to the northward of the line, the Court considered to be illegal, and subjecting the vessel to the consequences of condemnation, under the additional convention to the treaty of 1815.

The second consideration in this case was, the reasons assigned for this vessel's making Judo, and the object of her remaining there for the length of time it appeared from the evidence she did.

The evidence on the standing interrogatories goes to prove "that this vessel anchored and touched at Judo, on the coast of Elmina, to purchase provisions and water, and that some calavances, corn and palm oil were purchased there, and that bulk was broken to pay for the same." The necessity, therefore, for procuring provisions and water is the only reason assigned in this case for the vessel's anchoring and touching at that port: this excuse, so invariably set up on the part of the masters of slave vessels, as their reason for

making

SIERRA LEONE.
(Portugal & Brazil.)

making this noted slave haunt and others in its immediate neighbourhood, is too palpably false to admit of any serious consideration; the fact of this vessel leaving the Brazils on the 12th of November, and making the coast after a fine passage, as she did, on the 10th of December, as appears by her log, thus only making a voyage of twenty-nine days, renders it impossible that she could have either required provisions or water, unless she left the Brazils in an unfit state for the passage, in order to give the master an opportunity of going to some slave port to the northward of the line, under the pretext of obtaining those supplies—supplies which, however, if actually required, the master would have had no difficulty in procuring at any of the different places he anchored at on the coast, during the ten days the vessel was passing between Cape Palmas and Judo: if a doubt, however, could exist as to the object of this vessel's going to the noted slave port of Judo, under the pretext she did, the circumstance of her remaining there, and in the immediate neighbourhood, eighty-four days would be conclusive as to her object. The further fact, of a part of the cargo being landed, is sufficient proof that trade of some kind was being made there, which trade the Court cannot believe to be other than the purchase of slaves; the few provisions said to be received on board would never have led to the vessel's detention for nearly three months, at one of the worst anchorages on the coast, and where communication with the shore was both dangerous and expensive.

The Court met to pronounce judgment on this case on the 30th of April, when a written defence was handed in by the master, the claimant in the cause, to exactly the same purport as in the cases of the "Trajano" and "Carlota," condemned on the same day, with the addition that his passport, which was legal, authorized him to come to the northward of the line. The Court considered this defence in the same light as in the aforesaid previous cases of the "Trajano" and "Carlota," with the addition, that this permission in the passport being illegal, no advantage could be taken of it in the way of excuse for being found at anchor to the northward of the line.

With these views of the case, the Court condemned the vessel, her cargo, tackle, apparel, and furniture, as good and lawful prize to the two governments: first, for being irregularly licensed, and thus furnished with a pretext to come to the northward of the line, and secondly, for the vessel having been engaged in the slave trade at Judo, in latitude 5. 13. north of the equator, against the provisions of the treaty, and additional convention thereto, between Great Britain and Portugal, and as seized and prosecuted by Commodore Bullen, C. B. commander of His Majesty's ship "Maidstone."

(signed) *H. Lumley.*
Jos. Reffell.

N° 59.

N° 59. His Majesty's Commissioners to Mr. Secretary Canning.—(Received July 27.)

Sir,

Sierra Leone, May 5, 1827.

WE have the honour to enclose herewith, the report of the case of the Brazilian schooner "Carlota," Joze Francisco de Costa, master, condemned in the British and Portuguese court of Mixed Commission established here, on the 30th of April 1827.

The passport granted to this vessel, which left Bahia on the 22d of December 1826, was in conformity to the treaty, giving her no permission to enter any port to the northward of the line; in defiance of which she was found at anchor, on the 14th of March 1827, off Badagry, in latitude 6. 12. north of the equator, with a part of her cargo landed, but with no slaves on board, by His Majesty's ship "Maidstone," Commodore Bullen, C. B. commander, by whom she was detained and sent here, where she arrived on the 11th of April 1827.

The evidence in this case clearly established the fact of this vessel having been engaged in the slave trade to the northward of the line, for the particulars of which we would most respectfully refer you, Sir, to the report we have enclosed, and which we trust will be considered satisfactory,

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

We have the honour to be, &c.
(signed) *H. Lumley.*
Jos. Reffell.

Enclosure
in N° 59.

Report of the Case of the Brazilian Schooner, "Carlota," José Francisco de Costa, Master.

THIS Vessel, of the burthen of 176 tons, sailed from Bahia, on the 22d of December 1826, furnished with the usual papers, and an imperial passport, N° 50, dated the 18th of December 1826, permitting her to take from Molembo 440 slaves, and obligatory on her to "enter solely such ports on the coast of Africa where the slave trade is permitted to the subjects

subjects of the empire," and, on the 14th of March 1827, was detained at anchor off Badagry, in latitude 6. 12. north, with a part of her cargo landed, but with no slaves on board (and having been previously boarded by a boat of His Majesty's ship "North Star," off the said anchorage, on the 25th of February preceding, as appears by an indorsement on her passport), by His Majesty's ship "Maidstone," Commodore Bullen, C. B. commander, who states in his declaration, that he detains this vessel "finding her at anchor off Badagry, a noted slave haunt, in latitude 6. 12. north, with part of her cargo landed in traffic for slaves, as also before boarded by the British squadron employed on this coast for the suppression of the slave trade, at this anchorage, in direct opposition to the true intent and meaning of the 2d article of the additional convention, signed at London, on the 28th of July 1817, as also of the one to which it refers, (N^o 1.) of the treaty signed at Vienna, on the 22d of January 1815, and also of her said imperial passport, (N^o 50.) and by virtue of the late correspondence on this particular subject with the Brazilian Government."

SIERRA LEONE.
(Portugal & Brazil.)

On the 11th of April the vessel arrived here, and on the following day the ship's papers, numbered from one to four, were brought into court, duly authenticated by the affidavit of the officer in charge of her, and a petition of the captor's proctor received and granted, praying for leave to file evidence, and that the usual monition might issue, which accordingly went forth on the 14th of April, returnable on the 23d of the same month.

On the 20th of April (the day of taking the examinations on the standing interrogatories) a petition was received from the proctor for the captor, praying that the log of the vessel, which had not been filed with the original papers in the cause, might be admitted and filed among the papers, which petition was granted on the annexed affidavit, being also filed, of Mr. Samuel Richardson, mate in His Majesty's naval service, and serving on board His Majesty's ship of war "Maidstone," to this effect, "that on the vessel being detained, he was directed to board her, and demand her papers, which he did, and that among the papers received by him there was no ship's log or journal; that he was further ordered to take charge of the said vessel "Carlota," and bring her to this colony, which has been done, and the papers which he had received lodged in court; that he, this deponent, on consulting with the proctor for captor, having been informed that it was usual to bring the ship's log into court with the other papers, did, therefore, demand from the master of the said vessel "Carlota" the log-book, which is numbered 5, and that this deponent did receive the same voluntarily from the said master, and, since receiving the same, that he has not in any manner altered, added to, or made any subduction from the same."

From the evidence of the master on the standing interrogatories, it appeared that, "the owner of the vessel and the lader of the cargo on board, was Jozé Cerqueira Lima, and that Juan Antonio, of Molembo, was the consignee of the same; the said owner of the vessel and cargo resides at Bahia, where the master took possession of the vessel, on the 22d of December 1826, and that neither he himself, nor any of the officers and mariners on board, had any part, share, or interest in the vessel or her lading. The present voyage began at Bahia, and was to have ended there. Bahia was the last clearing port the vessel sailed from previous to capture. The first land made on the coast of Africa was Cape Lahon, but the vessel did not anchor or touch there, she then went to Accra, and anchored there one night, and from Accra she went to and anchored at Badagry. The reason she anchored at Accra was because it was night, he himself went on shore there in a canoe, and returned directly; she went to and anchored at Badagry, where she was captured, to procure fresh water and provisions, does not know how many days she was at anchor there, because, after the vessel made Cape Lahon, the log was discontinued. The cargo consists of roll tobacco, a little cloth, some aquadente and powder, the same was to have been delivered at Molembo for the real account, risk, and benefit of the aforesaid owner, but that bulk was broken at Badagry to purchase provisions."

This evidence is borne out by the other witness in the case (the steward of the vessel), in his answers to the standing interrogatories; he further says, that "the cargo landed consisted of a small quantity of tobacco and powder, but he does not know what quantity, nor for what purpose."

From the log of this vessel it appears that, for the first seven days after leaving Bahia, in latitude 13. 10. south, longitude 38. 21. west, she is making a south-east course, when, being in latitude 17. 41. south, longitude 31. 0. west, the course is changed to north-east, which she continues for the following twenty-four days, when, being thirty-one days from Bahia, the log ends, the vessel at the time being in latitude 5. 13. north, longitude 4. 5. west, and the land of Cape Lahon in sight. There is also an entry of the master's on the 23d day of the voyage, when in latitude 1. 8. south, longitude 14. 54. west, of his being obliged to bear up for a port, on account of the water below having become spoilt, from being stowed with the tobacco, which obliged them to mix it with wine to drink.

The claim of the master on behalf of the owner, and his affidavit in support of the same, merely set forth, as relates to the cause of the vessel's detention, "that the schooner was captured in the prosecution of her voyage from the Brazils to the coast of Africa, and that, during the present voyage of the schooner, no slave or slaves have been shipped or put on board her."

No other evidence was filed in this case by the claimant.

The points for consideration in this case were similar to those of the "Trajano," but, from the evidence filed, the proofs of this vessel being engaged in the slave trade to the northward of the line were much stronger against her, with the same evident intention, from the appearance of the log, of getting to the northward, instead of making an east

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SIERRA LEONE.
(Portugal & Brazil.)

course; there is an entry of the master, on the 23d day of the voyage, when in latitude 1. 8. south, longitude 14. 54. west, "of his being obliged to bear up for a port, on account of the water below having become spoilt from being stowed with the tobacco, which obliged them to mix it with wine to drink." Eight days after which the land is made in the longitude of Cape Lahon, where the log ends, notwithstanding the vessel must have run 500 miles to leeward afterwards in order to reach Badagry, where the master says he went to procure fresh water and provisions, thus attempting to make it to be believed, that if he had actually required water he would have run that distance, and passed by ports, where it could have been procured with much less trouble than at Badagry, where the surf renders all communication with the shore uncertain and difficult. It is also in evidence that he anchored one night at Accra, where this necessary article could have been obtained, had that been the object of coming to the northward. The circumstance, however, of this vessel being at anchor, as she must have been (judging from the time of her making the coast on the 21st of January), at least six weeks at the noted slave haunt of Badagry, and in constant communication with the shore, with part of her cargo landed, is evidence sufficiently conclusive of the intention of the voyage; it would be ridiculous to conceive she would remain such a length of time at that place for any other purpose than to slave trade; indeed, the breaking of bulk, when the master swears that the cargo was consigned to Juan Antonio, at Molembo, cannot be otherwise accounted for.

The Court met for adjudication in this case on the same day as in the "Trajano's," (the 30th of April 1827,) when the claimant handed in a written defence to the effect (after complaining that he could not get a proctor to conduct his defence, and was, therefore, obliged to do it in person) that by the 1st article of the instructions for the British and Portuguese Cruizers, it is provided, "that ships on board of which no slaves shall be found intended for the purposes of traffic shall not be detained on any account or pretence whatever," and that in his case, as none were found on board, nor had any been shipped or taken on board during the voyage, that he was unjustly seized, and further, that he was only amenable to this treaty, and not to the mere correspondence of certain ministers.

The Court having attentively considered the evidence filed in this case, together with the defence brought before it by the claimant, and in absence of any proof in favour of the claim, was of opinion, that this vessel, at the time of seizure, was engaged in the slave trade to the northward of the line in direct violation of the 1st article of the treaty, and the 2d article of the additional convention thereto; and that this precluded the claimant from taking advantage of the passage of the additional convention he referred to, which could only be contemplated to apply to such vessels as were legally carrying on the slave traffic, and not, as in this case, to parties setting at defiance the treaty and convention by the abuse of their passports, in purposely coming to the northward of the line for that purpose. The Court, therefore, as in the case of the "Trajano," decreed this seizure to have been justly and legally made, and accordingly passed sentence of condemnation upon the vessel, her cargo, tackle, apparel, and furniture, and as seized and prosecuted by Commodore Charles Bullen, C. B. Commander of His Majesty's ship "Maidstone."

(signed) *H. Lumley.*
Jos. Reffell.

N° 60.

N° 60.

His Majesty's Commissioners to Mr. Secretary Canning.—(Received July 27.)

Sir,

Sierra Leone, May 5, 1827.

WE have the honour to enclose herewith the report of the case of the Brazilian brig "Venturosa," Joaquim Pinto de Souza, master, condemned in the British and Portuguese court of Mixed Commission established here, on the 30th of April 1827.

This vessel left Bahia on the 6th of November 1826, and was detained, on the 14th of March 1827, at anchor off Badagry, in the Bight of Benin, in 6. 12. north latitude, with part of her cargo landed, but with no slaves on board, by His Majesty's ship "Maidstone," Commodore Bullen, C. B. commander, and arrived here on the 13th of April 1827.

The passport granted to this vessel was irregular, as authorizing her to call at the islands of St. Thomas and Princes, and the evidence sufficiently conclusive to show that the vessel was engaged in the slave traffic to the northward of the line.

We have very fully detailed the report of this case, and would, therefore, beg leave most respectfully to refer to it for those particulars which led us to pronounce sentence of condemnation against this vessel, and which we hope, Sir, will meet with your approbation.

We have the honour to be, &c.

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

(signed) *H. Lumley.*
Jos. Reffell.

Report of the Case of the Brazilian Brig "Venturosa," Joaquim Pinto de Souza,
Master.

Enclosure
in N° 60.

THIS Vessel, of the burthen of 203 $\frac{1}{2}$ tons, sailed from Bahia on the 6th of November, furnished with the usual papers, and an imperial passport, N° 38, dated the 4th of that month, authorizing her to take from Molembo 508 slaves, and irregularly allowing her to call at the islands of St. Thomas and Princes, with the usual and regular prohibition of its being obligatory upon her "to enter solely such ports on the coast of Africa where the slave trade is permitted to the subjects of the empire," and, on the 14th of March 1827, was detained at anchor off Badagry, in the Bight of Benin, in 6. 12. north latitude, with part of her cargo landed, but with no slaves on board, (having been twice boarded off that anchorage, by His Majesty's ship "North Star," that is to say, on the 24th of January and 25th of February preceding, as appears by indorsements on the passport,) by His Majesty's ship "Maidstone, Commodore Bullen, C. B. commander, on the grounds, as that officer states in his declaration, of his "finding her at anchor in the Bight of Benin, off Badagry, a noted slave haunt, in latitude, 6. 12. north, with part of her cargo landed in traffic for slaves, as also being repeatedly boarded by the British squadron employed on this coast for the suppression of the slave trade, as late as the 24th of January 1827, at this anchorage, in direct opposition to the true intent and meaning of the second article of the additional convention, signed at London, on the 28th of July 1817, as also of the one to which it refers, N° 1, of the treaty signed Vienna on the 22d of January 1815, and also of her said imperial passport, N° 38, and by virtue of the late correspondence on this particular subject with the Brazilian Government."

On the 13th of April 1827, the vessel reached this harbour, and on the following day, the papers were brought into court in the usual manner, and a petition received from the captor's proctor, for leave to proceed in the cause, and that the usual monition might issue, which was granted. The monition, which went forth on the 16th, was returned on the 24th.

The evidence of the master on the standing interrogatories went to prove that "the sole owner of the vessel and her cargo, was Antonio Pedrosa Alberquerque, who lives in Bahia, where he, the master, took possession of the vessel, about seven months ago, and that neither himself, nor either of the officers and mariners on board, had any part, share, or interest in her or the lading. The present voyage began at Bahia, and was to have ended there; Bahia was the last clearing port previous to capture; the brig anchored and touched at Badagry only, in 6. 20. north latitude, during the voyage; the reason of her anchoring there was, that after leaving Bahia she encountered a heavy gale of wind to the southward of the line, which carried away all her water, which was lashed on deck, and split her sails, and she was obliged to put into that port to procure water, purchase provisions, and repair her sails, before she proceeded to St. Thomas or Princes, to which ports her imperial passport allowed her to proceed; she was at anchor at Badagry for two months, during which frequent communication took place with the shore by means of the native canoes. The consignee of the lading of merchandize on board was Francisco Barbosa d'Oliveira, the supercargo of the vessel, left behind at Badagry, where he went on shore when the vessel first anchored, to purchase the provisions and water required; the said cargo of merchandize was to have been delivered at Molembo, for the real account, risk, and benefit of the aforesaid owner; it consisted of tobacco, aquadente, cloth, salt and powder: the powder consisted of sixty-nine casks, and was taken on board at Badagry in exchange for 700 rolls of tobacco, which were sent on shore there to pay for the same, as well as to purchase water and provisions; no slaves had been taken on board during the voyage. Bulk was only broken at Badagry."

This evidence is confirmed by the other two witnesses in this case, to the exception of their stating that the *master* is the *consignee* of the lading on board.

From the log (which terminates on the 17th of December 1826, and the forty-second day of the voyage off Cape Three Points, in latitude 4. 46. north,) it appears that on the 26th of November, the twenty-first day of the voyage, the master protests against the wind and sea as contrary, and avows his intention of bearing up for the first port on the coast of Elmina for the purpose of procuring water and provisions; on the following day he again protests against the wind and sea as contrary, and repeats his being, therefore, obliged to go to the first port on the coast of Elmina, to get water and provisions, before calling at St. Thomas and Princes on his way to Molembo, to the truth of which latter he swears.

A petition was received on the 19th of April from the master, stating, as in the case of the "Tenterdora," his being unable to get a proctor to conduct his case, and praying for leave to file his claim on behalf of the aforesaid owner, which was granted.

The affidavit in support of it was precisely the same as in the "Tenterdora's" case, the claimant merely confining himself to saying, that the vessel was seized in the prosecution of her voyage from the Brazils to Molembo, that she was specially authorized to come to the northward of the line by her imperial passport, and that no slave or slaves had been taken or put on board during the voyage.

The attention of the court, in this case, was directed to the like points, as in the case of the "Tenterdora," brought before it under the same circumstances; both vessels being irregularly licensed, and both seized on the same principles, and in the same neighbourhood.

SIERRA LEONE. The evidence in this case is, if possible, even stronger, however, against the vessel than in that of the "Tenterdora."
(Portugal & Brazil.)

The evidence of the master goes to prove, that "having encountered a heavy gale of wind to the southward of the line, which carried away all her water, which was lashed on on deck, and split her sails, he was obliged to put into Badagry, to procure water, purchase provisions, and repair his sails, before proceeding to St. Thomas and Princes islands, where the vessel's imperial passport allowed her to proceed." From the entries of the 26th and 27th of November, quoted from the log, some confirmation is given to this evidence; but, on the most cursory inspection, it was clearly evident that these entries were made in a totally different coloured ink, and evidently at a different period from the rest of the day's remarks, apparently after the log had terminated. The difference consisted in the ink used throughout the log being a deep black, and the entries alluded to being made in a pale ink, between a black and red. It was also remarkable, that in these notes no mention whatever is made of the gale of wind alluded to in the answers of the master on the standing interrogatories; and judging, from the rate of the vessel's sailing at the time, she must have had a favourable wind, as she was going, as appeared by the day's work, during the two days on which the entries were made, from four to five knots an hour, with nearly all sail set. The entries were, therefore, clearly entitled to no consideration, and made, of course, with no other view than as a pretext to go to Badagry, and mislead in the event of the vessel's being detained. But, admitting even the necessity for bearing up as protested in the log, why was the vessel not taken to the nearest port, which was St. George d'Elmina, only sixty miles to leeward of Cape Three Points, which was the first land made upon the coast, instead of the master's passing Elmina, Accra, Cape Coast, and other places, in order to get to the noted slave haunt of Badagry? The objects, however, of this vessel's going to that port were clearly obvious, from other parts of the evidence, and the want of provisions and water a mere pretext for doing so. The master states, in his answers to the standing interrogatories, that the consignee of the merchandize on board the vessel was the supercargo, and that he went on shore at Badagry on the vessel's first reaching that anchorage. Here, then, according to the master's own account, and allowing full time for the vessel running from Cape Three Points (the land first made on the 17th December) to Badagry, the supercargo must have been on shore eighty days, with a great part of the cargo with him, and, during which time, constant communication took place, by means of the native canoes, with the shore; the only trade the supercargo could be making for so long a time at this slave haunt, the Court was of opinion, must be the purchase of slaves; it would be absurd to think, that so much time, under any other pretence, would have been spent. As to the receiving the sixty-nine kegs of powder on board, it might have been to apply in a like barter at one of the other slave haunts in the neighbourhood, where that article was in demand; no doubt existing that the cargoes of slaves are procured from the different places in the Bight of Benin, between Whydah and Lagos. The falsifying the log is also in itself conclusive proof that the master in this case was clearly aware of the illegality of his proceedings.

The Court met for adjudication in this case on the 30th of April 1827, when the master and claimant handed in a written defence, word for word similar to that presented in the case of the "Tenterdora," condemned the same day, and which, of course, could only be considered by the Court in the same light.

The evidence, in the opinion of the Commissioners, being conclusive as to the violation of the treaty, and additional convention thereto, on the part of this vessel, (as in the case of the "Tenterdora,") the Court decreed the condemnation of the "Venturosa," her cargo, tackle, apparel, and furniture as good and lawful prize to the governments of Great Britain and Portugal, and as seized and prosecuted by Commodore Bullen, C. B. commander of His Majesty's ship "Maidstone."

(signed) *H. Lumley.*
Jos. Reffell.

N° 61.

N° 61.

His Majesty's Commissioners to Mr. Secretary Canning.—(Received July 27.)

Sir,

Sierra Leone, May 5, 1827.

WE have the honour to enclose herewith the report of the case of the Brazilian brigantine "Providencia," Joao Pedro de Souza, master, condemned in the British and Portuguese court of Mixed Commission established here, on the 30th of April 1827.

This vessel left Bahia in December 1826, and was detained on the 16th of March 1827, at anchor off Lagos, in 6. 23. north latitude, with part of her cargo landed, but with no slaves on board, by His Majesty's ship "Maidstone," Commodore Bullen, C. B. commander, and arrived here on the 19th of April 1827.

The passport granted to this vessel was irregular, giving her permission to touch at this colony, the coast of Guinea, St. Thomas and Princes Islands, and the evidence such as to leave no doubt on the mind of the court, that she was carrying on the slave trade to the northward of the line.

We

We beg leave most respectfully to refer to the case, which was undefended, for SIERRA LEONE. those particulars which led to this vessel's condemnation, and to express a hope that (Portugal & Brazil.) our decision will be approved of.

We have the honour to be, &c.

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

(signed) H. Lumley.
Jos. Reffell.

Report of the Case of the Brazilian Brigantine "Providencia," Joao Pedro de Souza, Master.

Enclosure
in N° 61.

THIS Vessel, of the burthen of 147 $\frac{1}{2}$ tons, furnished with an imperial passport from Bahia, N° 47, dated the 15th of December 1826, authorizing her to take 368 slaves from Molembó, and irregularly giving her permission to touch at Sierra Leone, Coast of Guinea, and St. Thomas and Princes islands, with the usual and regular obligatory clause "to enter solely such ports on the coast of Africa where the slave trade is permitted to the subjects of the empire," was detained on the 16th of March 1827, off Lagos, in 6. 23 north latitude, with part of her cargo landed, but with no slaves on board, (having been boarded at the same anchorage on the 26th of February preceding, by a boat of His Majesty's ship "North Star," as appears by indorsement on the passport,) by His Majesty's ship "Maidstone," Commodore Bullen, C. B. commander, who states in his declaration, dated the 16th of March, as the reasons for detaining her, "that he found her at anchor in the Bight of Benin, off Lagos, a noted slave haunt, in latitude 6. 23. north, with part of her cargo landed, in traffic for slaves, as also being repeatedly boarded by the British squadron employed on the coast for the suppression of the slave trade, at this anchorage collecting her cargo, constantly from the 26th of last month, in direct opposition to the true intent and meaning of the second article of the additional convention, signed at London on the 28th of July 1817, and of the one to which it refers, N° 1 of the treaty signed at Vienna on the 22d of January 1815; and also in direct contradiction of her said imperial passport, N° 47, dated the 15th of December 1826, irregularly licensing her to touch at the places before enumerated, and by virtue of the correspondence of Mr. Chamberlain, formally calling upon the Brazilian authorities to forbid the practice of issuing those licences, and by reason of which His Majesty's naval forces, were authorized to deal with those vessels according to the strict tenour of the existing treaties with Portugal, contained in a letter to me from the right honourable the Lords Commissioners of the Admiralty." The declaration then goes on to state, "that he (the mate) produced no log-book or papers of any description, clearance, &c. reporting that the master has them on shore with him, and I have every reason to believe her passport is intended for another vessel, and that she has been brought from the Americans of this coast, as can be clearly seen on her stern, that she has been at one time designated the '—', of Providence, and that very recently."

On the 19th of April the vessel arrived at this harbour, and on the following day the passport, being the only ship's paper found on board her, was brought into court, and a petition received and granted from the captor's proctor, praying for leave to proceed with the cause, that the said passport might be filed and the usual monition issue, which latter went forth on the 21st, returnable on the 29th of the same month.

From the evidence of Antonio Jozé da Costa, the pilot of the vessel, it appeared "that the sole owner of the vessel and her cargo, was Joaquim Jose d'Oliveira, and that he resides in Bahia, at which place the master, Joao Pedro de Souza, received the command of the vessel from him, and where he, the pilot, and the rest of the crew were shipped; her name is the "Providencia," believes she has always been so called, as it is still marked on her stern, in the same manner as when she belonged to the Americans; neither himself, nor either of the officers and mariners, had any part, share, or interest in the vessel or her lading, the same was consigned to the aforesaid master, and was to have been delivered at Molembó, in south latitude, for the real account, risk, and benefit of the aforesaid owner. The present voyage began at Bahia, and was to have ended there. Bahia was the last clearing port previous to capture; the vessel sailed to and anchored and touched at Commenda, Away, and Lagos, in north latitude, during the present voyage; she anchored and touched at Commenda and Away to trade for gold, and at Lagos to repair the main-mast, which was rotten, and to purchase provisions and get water, besides which the master was taken ill at Away, and he, therefore, went on shore at Lagos, to a factory there to get medical assistance, the vessel was at anchor there about twenty-one days, during which frequent communication took place with the shore by means of the vessel's launch, and two canoes from the factory. The vessel was captured in the roads of Lagos, being there at anchor with her topmast struck to repair the head of the mainmast. The cargo consisted of tobacco, aquadente, iron bars, cloth, and muskets, but he does not know the quantity of each. Some of the cargo was landed at Commenda, Away, and Lagos, but he, only being the pilot, and not having any thing to do with the cargo, cannot say what quantity was landed. No slaves had been taken on board during the voyage; the master took on shore with him at Lagos, the custom-house clearances, manifest, and list of crew, and all other papers belonging to the vessel, except the passport, which was delivered up to the captor by himself."

From the further evidence of the cook, and a seaman, of the vessel in this case, it appeared "that the gold purchased was taken on shore by the master at Lagos, and that tobacco,

SIERRA LEONE. tobacco, aquadente, and cloth were sent on shore at Commenda, and some muskets
(Portugal & Brazil.) and fowls received on board, some of the same articles were also landed at Away and
Lagos; at Away some fowls and hogs were received on board, but that nothing was
received at Lagos."

There was no claim in this case. This, which was the fifth case before the court on the same day, was evidently not the least conclusive as to the object of the voyage, and different from any other case ever before the Commissioners, from her imperial passport, which was the only paper found on board of her, giving her, a vessel engaged in the slave traffic, the extraordinary licence to touch at this colony; a permission as unwarranted as it is contemptuous towards the British government on this coast. The Court considered this case in every other part so exactly similar to the "Tentadora's" and "Venturosa's," that it only became necessary to point out some particular parts of the evidence in order to show that she was amenable to the same consequences as those vessels.

From the evidence of the pilot, and two others of the crew, it appeared that this vessel sailed to, and anchored and touched at, Commenda, Away, and Lagos, in north latitude, and that at each of these places she carried on a trade with the cargo of the vessel, which, however, they say, in another part of their evidence, was to have been delivered at Molembo, in south latitude. The evidence further proves, that the master went on shore to the factory at Lagos, taking with him the custom house clearances, manifest, and list of crew, and all other papers belonging to the vessel, except the passport. From the date of this passport (the 15th of December), it appears clear that the vessel must have left Bahia soon after the middle of December, when, allowing her thirty-five days to make the coast (which is ample time), she must have been upwards of fifty days trading upon the northward coast, twenty-one of which, according to the pilot's own showing, had been spent at Lagos, the place of seizure. It is clear, from the evidence of the landing of cargo at two other ports, that the master's intention was to avail himself most fully of the permission given him by his passport to make trade to the northward of the line, and at the same time, no doubt, make his arrangements for collecting a cargo of slaves. The kind of trade he must have been making at Lagos cannot for one moment be doubtful. The fact of his being on shore there, at the noted slave factory, (notwithstanding the evidence of the pilot, as to his having gone there for medical advice,) with a great part of the vessel's cargo, landed by means of the vessel's launch and canoes from that factory, speaks for itself, the only object which could induce the unlading the cargo, which had been put on board for slaves, and was to have been, if the evidence is believed, delivered at Molembo, must have been that the slaves were being procured at that port by the master. The taking on shore the papers of the vessel is also a most suspicious circumstance, as unexplained as the necessity which led the master to go to Lagos. Some mention is certainly made of the repairing the vessel's mast, but which, with the usual excuse for procuring provisions and water, uncorroborated as it was, could only be looked upon as a pretext for being there. The taking on shore the papers of the vessel, combined with the extraordinary and singular privilege given her of touching at this colony, would almost lead to the belief that they were fictitious documents.

The Court met for adjudication on the 30th of April, and, as in the similar cases of the "Venturosa" and "Tentadora," declared the vessel irregularly licensed, and as having been found at anchor trading for slaves to the northward of the line, viz. at Lagos, in 6. 23. north latitude, in violation of the treaty and additional convention between Great Britain and Portugal, and accordingly condemned her, together with the cargo, tackle, apparel and furniture, and as seized and prosecuted by Commodore Bullen, C. B. commander of His Majesty's ship "Maidstone."

(signed) H. Lumley.
Jos. Reffell.

N° 62.

N° 62.

His Majesty's Commissioners to Mr. Secretary Canning.—(Received July 27.)

Sir,

Sierra Leone, May 15, 1827.

WE have received your despatch of the 30th of December 1826, referring us, in regard to the decrees in the cases of the "Activo," and "Perpetuo Defensor," to the case of the "Sinceridade," in which it is clearly pointed out, that no compensation can, in equity, be due to traders for losses sustained by them in cases of traffic carried on under circumstances which constitute illegal trade, and approving of the principle upon which the Commissioners acted in the case of the "Perpetuo Defensor," in decreeing the slaves to be restored to the master for the use of the claimant.

We have the honour to be, &c.

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

(signed) H. Lumley.
Wm. Smith.

N° 63.

His Majesty's Commissioners to Mr. Secretary Canning.—(Received July 27.)

N° 63.

Sir

Sierra Leone, May 15, 1827.

WE have the honour herewith to acknowledge the receipt of your despatch of the 26th of February 1827,* enclosing for our information and guidance the copies of a correspondence which has passed between the department over which you preside, and that for colonial affairs, on the subject of the "Activo" and "Perpetuo Defensor," with the law officers opinion on the proceedings in those two cases. And we learn, with considerable satisfaction, that instructions have been issued to the authorities of this place, to lend any assistance required, in order to abridge the injurious confinement of the slaves on board prize vessels under adjudication in the courts of Mixed Commission.

We have the honour to be, &c.

The Right Hon. George Canning,
&c. &c. &c.(signed) *H. Lumley.*
Wm. Smith.

N° 64.

His Majesty's Commissioners to Mr. Secretary Canning.—(Received July 27.)

N° 64.

Sir,

Sierra Leone, May 17, 1827.

WE have the honour, herewith, to transmit the report of the case of the Brazilian schooner "Independencia," captured by His Majesty's brig "Conflict," Lieutenant Arthur Wakefield, commander, in the roads of Accra, on the 28th of February 1827, for a breach of the treaty and convention between Great Britain and Portugal for the suppression of the illicit traffic in slaves, as also of her imperial passport, marked N° 1, dated Bahia, the 19th of January 1827, which made it obligatory upon her "to enter solely such ports on the coast of Africa where the slave trade is permitted to the subjects of the empire of Brazil."

We have deemed it our duty to report minutely the circumstances of this case, in consequence of the master having made a claim for the vessel, on the ground that she sprung a leak after leaving Bahia, which obliged her to bear up for the nearest port on the coast of Africa to the northward of the equator, to obtain assistance to stop it, and in addition to which the proctor for the claimant, at the hearing of the case, contended, that by the 2d article to the instructions to British and Portuguese ships of war, employed to prevent the illicit traffic in slaves, the vessel was not liable to be detained, she being at the time of capture at anchor in the roadsted of Accra, and within gun-shot of the British fort; but the positive fact, that a vessel lying at anchor in those roads is equally within gun-shot of both the British and Dutch forts, they being situated only 500 yards from each other, and the anchorage being equidistant from each fort, it could not be satisfactorily maintained, that she was only in the roadsted of the one, when she must have been equally in the roadsted of the other, which allowed the one best suited for the purpose of obtaining her restitution to be stated; this, together with there being no lawful authorities at British Accra, to whom proper representations might be addressed, were circumstances of sufficient weight to induce the court to overrule that question.

As it is possible that a representation of this case may be made to you, Sir, grounded on the aforesaid 2d article, we have thought it proper to mention the matter and our reasons for rejecting the exception taken.

We most respectfully beg your reference to the report, for the particulars which led to condemnation of this vessel, on the 15th of May 1827.

We have the honour to be, &c.

The Right Hon. George Canning,
&c. &c. &c.(signed) *H. Lumley.*
Wm. Smith.

SIERRA LEONE.
(Portugal & Brazil.)

Report of the Case of the Brazilian Schooner "Independencia," Jacinto Antonio Pereiro Carneiro, Master.

Enclosure
in N° 64.

THIS Vessel, of the burthen of 201 tons, left Bahia on the 21st of January 1827, furnished with the usual papers and an imperial passport, numbered 1, dated on the 19th of that month, authorizing her to take 502 slaves from Molembo, and obligatory on her "to enter solely such ports on the coast of Africa where the slave trade is permitted to the subjects of the empire," and, on the 28th of February 1827, was detained at anchor in the roadsted of Accra, with no slaves on board, by His Majesty's brig "Conflict," Lieutenant Arthur Wakefield, commander, who states in his declaration, that he detained her "for the infraction of the treaties existing between His Majesty's government, and the imperial government of Brazil and Portugal: firstly, for a breach of what is stated in the preamble of the said treaty, and secondly, for the infraction of the passport, which is declared an integral part of the same treaty." He further declares, that "he has had the most positive assurance that this vessel was trading for slaves at Dutch Accra, from the authorities at British Accra, and that it moreover appeared that this vessel had been lying in the roads since the 15th instant, which evidently showed that her object must have been that traffic, and the fact of Dutch Accra having become, lately, a notorious slaving place is an additional corroboration; the fact of her having landed a part of her cargo, and her having a large quantity of slave provisions on board, in farinha and jerked beef, being also a proof that she was slaving, as she could not have landed it for provisions."

The vessel arrived in this harbour on the 30th of March 1827, and on the 2d of April, the ship's papers, taken on board her, were brought into court in the usual manner, by the officer in charge of the vessel, and a petition from the captor's proctor received and granted for the same to be filed and the evidence received, and that the usual monition might issue, which accordingly went forth, returnable on the 9th of the same month.

The answers of the master on the standing interrogatories, taken on the 3d of April, went to prove as follows, that "Joze Cerqueira Lima was the sole owner of the vessel and her cargo, and that he resides in Bahia, at which place he (the master) took possession of her in the month of December 1826, but that neither himself nor either of the officers, or mariners on board, had any right, share or interest in the vessel or her lading, which was to have been delivered at Molembo, and of which he (the master) was the consignee. The present voyage commenced at Bahia, and it was to have ended there and Rio Janeiro: Bahia was the last clearing port previous to capture; the schooner anchored and touched at Accra, on the coast of Elmina, during the voyage in which she was taken; she anchored and touched there because she was leaky, to repair, and because the prevailing winds would not allow her to get to the southward; she was at anchor there eight or nine days, during which period the leak, which was in her bows, was repaired; the place of capture was in the roadsted of Accra, he (the master) being at the time on shore. The schooner brought out a general cargo of tobacco, cloth, aquadente, powder and other articles, to Molembo last voyage, and it was shipped in Bahia; the present cargo consists of tobacco and aquadente; nothing was landed at Accra, except a small quantity of aquadente to pay a blacksmith for some work done, and to purchase a few fowls; no slaves had been taken on board during this voyage, nor has bulk been broken." He further declares "that all the passports and other papers, which were found on board the schooner, are entirely true and fair, none are false or colourable."

The boatswain, (another witness in this case,) in his answers to the standing interrogatories says "that the schooner anchored on the coast one day and one night, because it was calm, but that he does not know the name of the place, and that she then went and anchored at English Accra, on the coast of Elmina, where nothing was landed except a small keg of aquadente to pay a blacksmith for some work done, and for the hire of a house eight or nine days, which the master stopt at on shore, and also to purchase a few fowls."

The evidence of a seaman, (the third witness in this case,) on the standing interrogatories, confirms the testimony of the boatswain, as "to the vessel's having anchored on some part of the coast one night, and of her having afterwards gone to Accra, where she anchored and touched, being obliged to put into a port to repair a leak, and that they were pumping her every minute."

These two witnesses, in the rest of their evidence on the standing interrogatories, confirm that of the master.

From the examination of the master on the special interrogatories, put to him by permission of the Court, on behalf of the captors, the following evidence was obtained, "no papers, letters or books, have been delivered out of the said schooner, or carried away in any manner whatever; the cargo consisted of 409 rolls of tobacco, twelve pipes of aquadente; eight casks, containing twenty-five pounds each of powder, and some iron-bars; there were also some cotton and beads on board, belonging to himself, the pilot and boatswain, but he does not recollect the quantity of each; the cargo on board would not be sufficient to purchase the number of slaves intended to be taken; but last voyage the schooner left a considerable portion of her cargo with a person at Molembo, to purchase slaves preparatory to her shipping them this voyage, and the cargo now on board was to make up the deficiency." In another part of this evidence he says, "he left his clerk there last voyage with some merchandize, for the purpose of purchasing slaves during his absence; and that was the method the deficiency was to be made up; the winds would not allow the schooner to be at all

times

times directed to the port for which she appears to have been destined by her passport, SIERRA LEONE. Molembo being nearly opposite to Bahia, and the wind blowing from the former port, the schooner was obliged to tack and tack until she reached 2. 15. north, when the leak she had sprung obliged her to run direct to Accra from that latitude; the reason of the schooner's course being altered was in consequence of the leak; the first land seen was Cape Appolonia; the vessel anchored one night on the coast, it being calm; she then went direct to Accra; it was on the 5th or 6th day after leaving Bahia that he first discovered the vessel to be leaky; the leak was in the bow of the vessel, and he did enter a remark of her leaving in his log book: she made from twelve to twenty-four inches per hour, according as the winds were more or less fresh; and she made the latter quantity on the day she bore up for Accra; the leak was along the cutwater, and on each side of the bow, which was repaired by calking at Accra; it would have taken the schooner twenty days to have gone to either St. Thomas or Princes Island, from the latitude she was in when obliged to bear up, as she would have had to beat there; and, as the leak was increasing, she was obliged to put before the wind to reach the nearest port."

The following evidence was obtained from the boatswain in answer to the like interrogatories: "The merchandize now on board the schooner could not purchase such a cargo of slaves as it was intended should be taken from Molembo, the deficiency would have been supplied by means of the owner having a mercantile house there; a protest was made by the master relative to the leak after they got in sight of land, and it was signed by the master himself, the mate, and all the white men belonging to the schooner; twelve inches was the quantity of water the schooner made per hour at the time the leak was first discovered, and twenty-four inches the day she made land; the leak was found, on her arrival at Accra, forward in the forechains below the edge of the water, by the copper."

The affidavit of the master, in support of his claim, sets forth, that, "on the 25th day of January last, while the said schooner was on her said voyage from the Brazils to Molembo, she was discovered to have sprung a leak, and did make twelve inches of water every hour, which deponent believes to have arisen from some defect in the vessel, which was not discovered before her leaving the Brazils; that, by reason of the winds and currents, the said schooner or vessel was, on the 9th day of February, found to be in north latitude 2. 15. 30., and the leak to increase or decrease according to the strength of the wind; that therefore it was deemed necessary by this deponent, and he accordingly ordered the said schooner to be put free to the wind, for the purpose of making some place on the coast of Africa, where assistance might be obtained to stop the leak of the said schooner; that the said schooner was, therefore, brought to anchor in Accra Roads, but within shot of the British fort, and the cargo removed from the fore part of the vessel, where the leak was found, to the after-part of the said vessel, by which means her bow was raised, and this deponent enabled to set men to work to stop the said leak, in which work, and in unstowing and re-stowing the cargo, they were employed nine days; that no trade was made, nor any part of the cargo sent on shore, save and except a cask of spirits, which had been in ship's use, which was paid to the blacksmith on shore for work done to the said vessel, and for a few necessaries supplied for the use of the crew of the said vessel, while she was so as aforesaid detained off Accra, and that he shall be able to make due proof and specification thereof."

Special interrogatories were put to the master and boatswain, to support the facts alleged in his affidavit to his claim. On the 27th of April the proctor for the captors prayed to be allowed to file the affidavit of Messrs. Wilson and Davis, the officers in charge, which was granted. In this document, Mr. Wilson, the senior officer, states, that "he was present at the seizing and detaining of the schooner 'Independencia,' and that he did then and there inspect the said schooner, and that no appearance of the said vessel having been recently caulked could be discovered, or of repairs of any kind whatsoever, and that at the time of the seizure aforesaid, the bottom and sides of the said schooner were thickly covered with barnacles, and that at the time of the said seizure, no leak or appearance could be perceived. And that, during the time of the said vessel being at anchor at Accra, and subsequent to the seizure therefore, several bags containing cowries were received on board the said schooner, from some person or persons on shore; and that the same are now on board the said schooner;" and Mr. Davis states, that "during the passage from Accra to Sierra Leone, he perceived the sides and bottom of the said schooner thickly covered with barnacles; and that during the time of the said vessel being at anchor at Accra, and subsequent to the seizure thereof, he saw one bag, containing cowries, received on board the said schooner from some person or persons on shore, and that the same is now on board the said schooner." And they both depose, that "during the passage from Accra to this colony the said vessel was perfectly sound, and in the same state and condition as she is now in this harbour of Freetown." And in answer to that part of the deposition relative to the cowries, the proctor for the claimant, on the 4th of May, filed an affidavit of the boatswain, in which he states, "that while the vessel lay in Accra Roads he, having some coral belonging to himself, did purchase therewith from a coloured man who resided in the English fort of Accra a quantity of cowries, which he brought on board the said schooner, and that neither the master, nor any other person save himself, has any right, title or interest in the same."

The proctors for the parties having no further proof to offer on either side, the Court proceeded to consider how far the necessity of her coming to the northward of the line, under the alleged excuse of her having sprung a leak, was borne out in the evidence, and papers filed, upon the truth of which, the Court would be bound to decide upon the legality or illegality of the capture.

SIERRA LEONE.
(Portugal & Brazil.)

The master, in his log, stated, that on the 5th day of his departure, being then in latitude 10. 29. south, longitude 32. 53. west, having made, as appeared by the said log, a north-east course from Bahia, and run a distance therefrom of 400 miles, and being then about 200 miles only from the Rio Algoa, near Cape St. Augustin, on the coast of Brazil, between Bahia and Pernambuco, he "calculates the vessel to make twelve inches per hour," the wind, at this time being E. S. E., which would, had he been so disposed, have allowed him to lay his course back to Bahia, with the wind free, and which he could have reached in three days, according to the rate of the vessel's sailing, as she was the day that entry was made going six and seven knots per hour upon a wind, and she could of course have fetched into Rio Algoa in half the time; but, notwithstanding the perilous state of the vessel at that time, he still kept on the same course, going to the north-east until the 12th day of the voyage, when being in latitude 1. 34. south, longitude 25. west, he entered a remark, "that she is making twenty inches of water in *some* hours," thus showing clearly, that the leak, if there was any, was diminished: on the 20th day of his departure from Bahia, having crossed the line between the 14th and 15th days, still going to the north-east, and being then in latitude 3. 2. north, and longitude 8. 9. west, which is opposite to Cape Palmas, and only 90 miles due south from it, he entered a protest, in which he says, all combine with him, "being obliged to bear up for the nearest port to stop the leak," which protest the boatswain swore was entered after the land was made, and both him and the master agree, that that land was Cape Appolonia, and, as appeared by the log, it was on the 24th day of the voyage, and not on the 20th, it must be evident that the entry is fraudulent; from this point, however, he steered more easterly, thereby running down the coast until the 25th day of the voyage, when, being in latitude 5. 46. north, and 0. 10. 14. east longitude, the log ends, having run down a line of coast of upwards of 400 miles, and passed the principal ports on the Gold Coast of St. George d'Elmina, and Cape Coast Castle, without attempting to go into either of them to repair the leak he mentions, thereby clearly defeating the object he had in view when he entered his protest, or he would assuredly have gone into one of those ports, rather than run 100 miles past them down the coast in the dangerous state he would wish the court to believe his vessel was in, and most plainly invalidated that part of his examination, in which he also stated, he bore up for the nearest port, and produced this log as a corroborative proof of his deposition. It was also noticed, that 5. 46. north, would place his vessel 20 miles inland, in the longitude he says he was in; and that the greatest suspicion was attached to the log, as the aforesaid remarks, regarding the leak, and his being obliged to bear up, are all written in a totally different coloured ink from the other entries in the same day's work, and there could be no doubt but the entries were made after it was discontinued, and that they are fictitious, and for the purpose of endeavouring to cloak the clandestine purpose in view, and this appeared the more striking, as between the intervals of the aforesaid entries in the log no mention whatever was made of the leak, and certainly such an important matter, had it really been the fact, would, it must be supposed, have been noticed daily; added to which, the log of the pilot, which was filed with the other papers when the case was first brought into court, and which, according to the master's own showing, must be true, as he swore that "all the papers, bills of lading and other writings, which were found on board, are entirely true and fair," made no mention whatever of any such circumstance, but proved, beyond all doubt, the voyage, up to the day the log ceased, to have been most successful; and proved also, from the course steered being constantly north-east, and afterwards, when the coast was nearly made to east, north-east and east, that the intention of coming to the northward of the equator was premeditated from the moment of her leaving Bahia. But with the view to elicit the important point of the alleged leak more clearly, and considering that the affidavit filed by the officers in charge of her (Messrs. Wilson and Davis) ought to be supported by further proof of the matter, and which proof could only be obtained by issuing a commission of survey upon her, the court ordered such commission to be issued to William Cole, the surveyor of the court, Nathaniel Thompson, harbour-master, and James Fulbister, master of the schooner "Thomas," all experienced seamen, dated the 28th of April, directing them to "survey, inspect and view the said schooner 'Independencia' to reduce the same into a true, perfect and particular report in writing, and transmit a certificate by them subscribed, how far the said schooner had been repaired, or otherwise." And on the 30th of the same month they returned the commission into court, together with their report; and they therein stated "that in pursuance of a commission of survey to them directed, dated the 28th of this instant month of April, they went on board and alongside the schooner 'Independencia,' lying at anchor in the harbour of Freetown in this colony, and carefully and minutely surveyed and examined the same, and do report as follows;—she is a schooner of 130 tons or thereabouts, appears to be twelve months old, the seams between the plank, outside the forepart of the vessel, and up and down the stem, above the copper, are hard and firm, and the copper has no appearance of being removed since it was first put on her bottom; we could not observe any new calking round the bows, or in the seams up and down the stem, or the least appearance of any recent repairs whatever to any part of the vessel; and we do declare that we have taken this survey so minutely impartially and correctly, that we are ready to make oath to the same, if so required."

Here, then, was a clear corroborative proof of the truth and correctness of the log of the pilot, and that the entries of the alleged leak in the log of the master were totally false and fraudulent, as was also his evidence and that of the boatswain on this point; the latter of whom stated "the leak was found in the forechains below the edge of the water by the copper." Their further evidence, that the schooner was only eight or nine days at Accra,

was

was also contradicted by the log of the pilot, and the declaration of the captor, she having anchored at Accra on the 15th, and was captured on the 28th of February, making a period of fourteen days. Why this fact was suppressed could have only been for the purpose of endeavouring to mislead the judgment of the Court, because they could not satisfactorily explain why she remained there so long. SIERRA LEONE.
(Portugal & Brazil.)

Another very suspicious circumstance was the deposition of both the master and boatswain, "that no bag or bags of merchandize had been received on board at Accra," and yet, in answer to the affidavit of Messrs. Wilson and Davis, "that bags of cowries had been received there, and were now on board," the boatswain came forward with an affidavit, and swore "that he had bartered for the said cowries with a person belonging to the English fort at Accra, for coral;" here was a contradiction openly avowed, which fact alone was sufficient to induce the Court, were there no other, to look very suspiciously upon the whole of the evidence adduced by him, and although it had not the means of ascertaining whether cowries were an article of trade at Molembo, yet it had great doubts upon the subject, and was inclined, from the knowledge it possessed, that they form a very considerable article in trading for slaves at Popo, Whydah, Badagry, and Lagos, to believe that they were exchanged for the purpose of purchasing slaves at some of those places, and remarked, that whenever the boatswain had an opportunity, the transactions which took place at Accra were stated by him to have taken place with persons connected with the English fort, which was, doubtless, to give a fair colouring to the legality of the voyage, in which, it was endeavoured to be proved, she was engaged; but admitting that it had been so, that circumstance would not have diminished the illegality of it, and it was also impossible to maintain satisfactorily that the vessel was only within gun-shot of the British fort, which the master in his affidavit swore to, as it was a fact that a vessel lying in the Roads of Accra was equally within gun-shot of the Dutch and British forts, they being situated only 500 yards from each other, and the anchorage being equidistant from each fort, therefore impossible to say to a certainty in which she was, and which had in this case been made a pretext for claiming her restitution.

It is provided for by the treaties, that "with regard to all slave ships detained to the north of the equator, the proof of the legality of the voyage is to be furnished by the vessel, so detained;" and in this case, as had been clearly shown, the master had failed in every endeavour to establish the fact, and as it was fully proved to the satisfaction of the Court, that no necessity ever existed for his coming to the northward of the line, it could only presume that he came there fraudulently, and with an intention of carrying on an illegal traffic in slaves contrary to the provisions of the treaty and convention, as also of her imperial passport, marked N^o 1, dated Bahia, the 19th of January 1827, which made it obligatory on him "solely to enter such ports on the coast of Africa where the slave trade is permitted to the subjects of the empire of Brazil;" and, therefore, the Court condemned the said schooner "Independencia," her tackle, apparel, and furniture, and the goods, wares and merchandize laden therein, as good and lawful prize, and as taken in such illicit traffic by His Majesty's brig of war "Conflict," Lieutenant Arthur Wakefield, commander.

(signed)

H. Lumley.
Wm. Smith.N^o 65.

His Majesty's Commissioners to Mr. Secretary Canning. — (Received July 27.)

N^o 65.

Sir,

Sierra Leone, May 17, 1827.

WE have the honour to enclose, for your information, the report of the case of the Brazilian brigantine "Conceição de Marie," which vessel was captured off Whydah, in latitude 6. 10. north, longitude 2. 5. east, by His Majesty's ship "North Star," Septimius Arabin, Esq. commander, having on board 232 slaves, which had only been shipped from that place two hours previous to capture.

There being no claimant in this case, and the illicit traffic in slaves being fully proved, sentence of condemnation of the vessel, and emancipation of the surviving slaves, 198 in number, was passed on the 15th of May 1827.

We cannot omit this opportunity of again bringing before your notice, Sir, the important fact, that this vessel, although authorized by her imperial passport, N^o 16, dated Bahia, the 1st of July 1826, to enter solely such ports on the coast of Africa where the slave trade is permitted to the subjects of the empire of Brazil, sailed direct from Bahia to the northward of the equator, touching at Commenda to procure a canoe to carry on her nefarious traffic, on her way to Ajuda (Whydah) where she procured her cargo of slaves from the notorious Chachah (otherwise De Souza, whose name has been so often before the courts of Mixed Commission, as the most active trader in human beings on this coast), and at which place she was boarded no less than eight successive times during the period she was collecting her unfortunate cargo of victims, and at each time in a more forward state to receive them; but which, as the late orders from His Majesty's government respecting vessels so circumstanced

had

SIERRA LEONE had not been at the time received by the squadron, they were compelled to allow her to continue unmolested, although there was every moral certainty that she was illicitly engaged; thus clearly establishing the clandestine objects, vessels, licensed for the traffic in slaves, where it is still permitted, have in view in coming to the northward of the equator, but which we have the satisfaction of knowing, by a private communication from that indefatigable officer, Commodore Bullen, will be most effectually suppressed by the late decisions on this point; and which will, at last, we hope, yield to north-western Africa some of the blessings attendant upon the suppression of slavery, with which it has been too long and lamentably afflicted.

We have the honour to be, &c.

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

(signed) *H. Lumley.*
Wm. Smith.

Enclosure
in N^o 65.

Report of the Case of the Brazilian Brigantine "Conceição de Marie,"
Joao Pinto de Souza, Master.

THIS vessel, commanded by Joao Pinto de Souza, and owned by Vincente Ferrara Milles, both subjects of the empire of Brazil, was fitted out at Bahia, and sailed therefrom in the beginning of July 1826, furnished with an imperial passport, N^o 16, dated 1st of July 1826, authorizing her to take any number of slaves, not exceeding 279, from the port of Molembo, and being under an obligation to enter solely such ports on the coast of Africa where the slave trade is permitted to the subjects of the empire, and on the 4th day March 1827, she was captured off Whydah Roads, in latitude 6. 10. north, longitude 2. 5. east of Greenwich, by his Majesty's ship "North Star," Septimius Arabin, esq. commander, having on board 232 slaves, which had been taken on board at Whydah the same day. She arrived in this harbour on the 15th of April following, having lost thirty-five of the said slaves by death on the passage up, notwithstanding every care and attention was paid to them by the prize-master, Lieutenant Thomas Crofton, who, in his affidavit accounting for their deaths, states that it was in consequence of the crowded and leaky state of the vessel, and that one child was born on board during the same period.

On the 16th the papers were brought into court duly attested, and a monition prayed for and granted, which went forth the same day, and was returned, certified to have been served on the 24th following. On the same day a petition was also made to the Court to allow the surviving slaves to be landed, which was unhesitatingly allowed, and they were consequently delivered in charge to the colonial government.

Only two black men having been sent up as witnesses in the cause, on the 21st, Lieutenant Crofton accounted for the absence of the master in an affidavit, stating, that after the capture of the said vessel he heard the master beg and entreat Captain Arabin not to send him to Sierra Leone, but to allow him to be landed at Whydah; that in consequence of the very ill state of health of the said master, Captain Arabin, from motives of humanity, landed him at Whydah on the 5th of March. Little general information respecting the voyage could be obtained from the ignorance of the two witnesses; but on their examination on the standing interrogatories, the following facts were elicited: "that the voyage had commenced at Bahia, at which place it was to have ended; that the brigantine sailed direct to, and anchored and touched at, Commenda and Ajuda (Whydah) during the voyage in which she was taken; she anchored and touched at Commenda to purchase a canoe, and at Adjuda to purchase the cargo of slaves; that she left Adjuda at 6 p.m., and was captured at 8 o'clock p.m. of the same day. Chachah was the lader, and Vincente Milles the owner and consignee of the cargo of slaves on board the brigantine taken, and that they were all taken from the shore at Ajuda."

The fact of the illicit traffic in slaves being thus incontestibly proved, the Court passed sentence of condemnation on her on the 15th of May 1827, and emancipated the surviving slaves, to the number of 198, and decreed that 232 had been captured on board of her; that one had been born on the passage up to this place, and that thirty-five had died between the time of capture and condemnation of the said brigantine "Conceição de Marie."

(signed) *H. Lumley.*
Wm. Smith.

N^o 66.

N^o 66.

His Majesty's Commissioners to Mr. Secretary Canning.—(Received July 27.)

Sir,

Sierra Leone, May 17, 1827.

WE have now the honour to enclose, for your information, the report of the case of the Brazilian schooner "Tres Amigos," Manoel Francisco dos Santos Pires, master, which vessel was captured by a tender of His Majesty's ship "North Star," commanded by Lieutenant Crofton, on the 19th of April last, having on board three slaves.

This

This vessel originally sailed from Rio Janeiro on the 2d of September, with a cargo of merchandize for Angola; after delivering it, she cleared out from thence for the Cape de Verd Islands, intending to take a cargo of salt, from thence back to Rio Janeiro. On her passage to St. Jago she became distressed and put into this port to procure provisions and water, which having been supplied with, she sailed very early on the morning of the 17th of April for her destination. She had not got far out of the harbour when positive information having been received by the governor, Sir Neil Campbell, that she had on board some natives of Africa as slaves who had been concealed the whole of the time the vessel lay in this harbour, his Excellency instantly communicated the same to Lieutenant Crofton, who immediately pursued her, and succeeded in coming up with her on the night of the 19th of April, and after a diligent search, found three young females concealed under the fire-place of the caboose, and where, had they not been so providentially released, they must have been suffocated in ten minutes.

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(Portugal & Brazil.)

Among the papers of the vessel filed in court, certificates, signed by the judge and secretary of the custom house at Loando were found, authorizing her to have on board three domestic men slaves, as sailors, but no certificate or passport whatever for the three girls, who were stated to have been shipped at Loando; and it being satisfactorily proved that they were on board as slaves, without the vessel having any authority to carry them, as prescribed by the additional article to the treaty, signed at Vienna the 22d of January 1815, and of the 9th article to the instructions for British and Portuguese ships of war employed to prevent the illicit traffic in slaves, she was condemned as lawful prize on the 15th of May 1827, and the three slaves emancipated.

We respectfully beg your reference to the report, for the particulars of this case, and have the honour to remain, &c.

(signed) *H. Lumley.*
Wm. Smith.

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

Report of the Case of the Brazilian Schooner "Tres Amigos,"
Manoel Francisco dos Santos Pires, Master.

Enclosure
in N^o 66.

THIS Vessel, commanded by Manoel Francisco dos Santos Pires, and owned by Bernardino Antonio de Barros, both subjects of the empire of Brazil, and furnished with a commercial passport, (signed by the Visconde de Paranagua, dated Rio Janeiro, the 1st of September 1826), wherein it appears she was bound to Angola, with liberty to call at the islands of Cape de Verd during the voyage, sailed from Rio Janeiro on the 2d of September, with a cargo of merchandize to Angola, where, having discharged it, she cleared out from that port on the 30th of January 1827 for the island of St. Jago, with a crew of eight persons, including the master and three domestic slaves who were duly entered on his muster-roll as such, and for whom he took regular certificates from the judge of the custom house, countersigned by his secretary, as his authority under the treaty and convention between Great Britain and Portugal for the suppression of the slave trade, for having them on board. Distress on his way to St. Jago compelled him to put into Sierra Leone to procure provisions and water, which having been supplied with, he cleared out at the custom house on the 14th of April, and attested before the collector to seven persons, which he swore to be a true list of men belonging to the vessel, and took his departure for his destined port at three o'clock on the morning of the 17th, but had not got far out of the harbour when positive information was received by his excellency Sir Neil Campbell, that he had carried off some natives of Africa as slaves, and he immediately addressed a letter to Lieutenant Thomas Crofton, commanding a tender of His Majesty's ship "North Star," then lying in the harbour, of which the following is a copy, which was filed in the cause:

" On board the steam vessel 'African,'

Sierra Leone Harbour, April 17, 1827, 12 A. M.

" Sir,
" IT having been just reported to me by the Collector of Customs, that he had certain information that a Portuguese vessel, which left the harbour this morning, had carried off some natives of Africa as slaves, I request to draw your attention to the circumstance, and, as the vessel in question cannot be far distant, to suggest to you the propriety of your proceeding in immediate search of her in the vessel under your command, if in your power, consistently with the commodore's orders.

I have the honour to be, &c.

(signed) *N. Campbell,*
Governor of Sierra Leone and Dependancies.

" Lieutenant T. Crofton, commanding the
tender of H. M. S. 'North Star.'

" P. S. The collector has left the harbour in pursuit of this vessel, but there is little probability of his succeeding in an open boat."

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(Portugal & Brazil.)

Lieutenant Crofton, with the energy and activity characteristic of a British officer, immediately attended to the suggestion of the Governor, and went in pursuit of her, and at 10 o'clock on the night of the 19th, being in 8. 20. north, longitude 14. west, succeeded in overtaking her, and after a strict search found three young females concealed on board. This officer, in his declaration, stated that she had on board a crew of thirteen men and three slaves, said to have been taken on board at Loando, and that at the time of boarding the said schooner the said slaves were concealed in a false bottom of the caboose or fire-place, scarcely one foot high by four feet square, and had they remained in that situation for the space of ten minutes more, they must have been suffocated; and he further declared, that after capture of the said vessel, the said master, Manoel Francisco dos Santos Pires made him an offer of 50*l.* sterling, to allow him to proceed on his voyage to Cape de Verd Islands, without further molestation.

She arrived back in this harbour on the 21st of April, and on the 23d her papers were brought into court, duly attested by Lieutenant Crofton, and a monition prayed for and granted, which went forth on the 24th, and was returned the 1st of May, certified to have been duly served.

On the 4th of May the proctor for the master prayed for leave to file claim, and affidavit in support thereof, which was granted. In this affidavit the master swore "that the said schooner was captured on the 17th day of April, in the prosecution of her voyage from Sierra Leone, on the coast of Africa, to Cape de Verd, with no cargo, but having on board six African domestics belonging to him; that Bernardino Joze de Barros, of Rio Janeiro, a subject of his majesty the Emperor of the Brazils, was at the time of capture, and now is the true, lawful and sole owner and proprietor of the said schooner 'Tres Amigos,' her tackle, apparel, and furniture on board the same; that the six African domestics on board the said schooner are the property of this deponent, and consist of three men and three girls, and that he verily believes the said schooner and Africans are protected by the treaty or convention between his Britannic Majesty and his most Faithful Majesty; that the said Africans, namely three men, were domestics who have been brought up as mariners, and that the three girls were purchased for domestic use, at St. Paul de Loando, a city to the south of the line, appertaining to the Crown of Portugal, by this deponent, from Portuguese subjects and residents in the said city, and that the said six Africans were on board the said schooner as domestic servants only, and not for any purpose of traffic or sale. That the said schooner 'Tres Amigos' was a regular Brazilian merchant vessel, pursuing, at the time of capture, her legal voyage to a Portuguese port, and was not engaged in or permitted to trade in slaves, and therefore not liable to be searched or detained upon any pretence whatever; and that the said schooner 'Emilia' was not a vessel belonging to the royal navy of Great Britain, and thereby on no pretence authorized to search or detain the said vessel." In his examination on the standing interrogatories he deposed, "that he had four passengers on board at the time of capture, one was a seaman taken on board at Sierra Leone, for a passage to the Cape de Verd Islands, he was a black man, named Refino, the other three were small girls, taken on board at Angola. They were concealed under the fire-place at the time of capture, as he thought the capturing ship was a Spanish armed vessel that would plunder him; the three girls were natives of Africa, and were going to Rio Janeiro as his servants." In this he was supported by the testimony of Diego Baptista, the boatswain, and Dionizio Francisco, a seaman belonging to the schooner, almost word for word, in addition to which the former deposed the names of the girls to be Marie, Rosa, and Johanna, and were servants the captain was taking for his wife.

At the hearing of the case on the 15th of May, the proctor for the claimant contended, that this vessel was entitled to be restored, from the circumstance of her being a regular Brazilian merchantman, not engaged in or permitted to trade in slaves, and there was no authority in the treaty or convention, allowing the right of search to Portuguese or Brazilian vessels so situated; that the British were allowed, under certain regulations, to transport slaves from one possession to another, and that the same liberty was allowed to the Portuguese or Brazilians, by treaty and convention, according to a form to be agreed upon between the two governments, which form had not yet been agreed to, and it was therefore impossible the 'Tres Amigos' could be furnished with it; and her not having it did not show any proof of an illegal traffic if found with slaves on board, shipped from a port where it still continues lawful, for another possession belonging to the Crown of Portugal or Brazil. He further contended that the object of the master in offering 50*l.* to the commanding officer of the capturing vessel to allow him to proceed on his voyage to Cape de Verd without further molestation, was because he was satisfied that the detention of his vessel, if restored, which he had no doubt of, would cause such delay in his getting back to his original port (Rio Janeiro) as would cause him great loss, and therefore he hoped the Court would not put an unfavourable construction on that point. And should it, from what he had said, and the evidence adduced, be of opinion this was a case for restitution, he had directions from the claimant to say, he would deliver up the three girls to the government of the colony.

The Court, in proceeding to give its judgment on this case, remarked, that there existed not the slightest doubt of the "Tres Amigos" having been illicitly engaged in having on board three girls as slaves, without having any passport or certificate for them, contrary to the treaty and convention between Great Britain and Portugal, for the suppression of the illegal traffic in slaves. The discrepancy in the claim of the master, where he states they are domestic slaves, compared with his examination, that they were passengers taken on board at Angola, the concealment of them under the fire-place of the caboose, his proposal

to deliver them up to the government of the colony, and his offer of 50*l.* to the capturing officer to let him go unmolested, all tended most strongly to show the culpability of the master, and his knowledge of the illegality of the transaction. The fifth article of the convention most positively brought her within its provisions, as certain information was received that she had slaves on board, and it was perfectly evident that the master knew that he was not safe from seizure under the said treaty and convention thereto, had he not taken certificates, as provided for by the additional article to the treaty signed at Vienna, 22d January 1815, from the Portuguese authorities at Angola, for the three domestic men slaves he had on board as sailors; and from that circumstance alone he must have known it was equally incumbent upon him to have certificates from the same authorities for the girls, as domestic slaves, according to the additional article to the treaty before quoted, and although it was proved that they had been shipped within the limits prescribed by the second article to the convention, yet the acknowledgment of the master that she was not permitted to trade in slaves, her being without the requisite certificate from the authorities at Angola, to prove that they were domestic slaves, and the proof that they were actually on board as slaves, with no passport authorizing the vessel to carry them, all combined to bring her within the penalties of the treaty and convention, and made her liable to confiscation. The Court, therefore, condemned the said schooner "Tres Amigos," her tackle, apparel and furniture, and the goods, wares and merchandize laden therein, as good and lawful prize, and as taken in such illicit traffic by a tender of His Majesty's ship, "North Star," Septimius Arabin, esq. commander, and emancipated the three slaves.

(signed) *H. Lumley.*
Wm. Smith.

SIERRA LEONE.
(Portugal & Brasil.)

N° 67.

His Majesty's Commissioners to Mr. Secretary Canning.—(Received July 27.)

N° 67.

Sir,

Sierra Leone, May 17, 1827.

WE have the honour to enclose, with the present despatch, the report of the case of the Brazilian sloop "Conceição Paquete do Rio," of Pernambuco, commanded by Manoel Francisco de Silva Araujo, which was captured off the river Benin, in latitude 5. 44. north, on the 22d of March 1827, by His Majesty's ship "Maidstone," Commodore Charles Bullen, C. B. commander, for a breach of the treaty and convention between Great Britain and Portugal, for the suppression of the illicit traffic in slaves, and of her imperial passport, N° 20, dated Pernambuco, the 24th of January 1827.

The master made a claim for this vessel, together with costs, damages, and expenses, on the ground that she was specially permitted by her passport to come to the northward of the equator, and in his evidence deposed, in addition thereto, that foul winds, want of water, and his vessel leaking, obliged him to come to the northward of the equator, in which he was supported by Pauline Jozé, a witness in the cause, all of which evidence was most fully and most satisfactorily disproved. This, together with her being irregularly licensed to touch at the islands St. Thomas and Princes in her passport, in which she was under an obligation solely to enter such ports on the coast of Africa where the slave trade is permitted to the subjects of the empire of Brazil, led to her condemnation on the 15th of May 1827.

We have the honour to be, &c.

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

(signed) *H. Lumley.*
Wm. Smith.

Report of the Case of the Brazilian Sloop "Conceição Paquete do Rio," Manoel Francisco de Silva Araujo, Master.

Enclosure
in N° 67.

THIS Vessel, of the burthen of seventy-seven tons, commanded by Manoel Francisco de Silva Araujo, and owned by Francisco Mamede d'Almeida, both Brazilians and subjects of that empire, sailed from Pernambuco for Molemo, on the 28th of January last, furnished with an imperial passport, N° 20, dated Pernambuco, 24th day of January 1827, authorizing her to take any number of slaves, not exceeding 192, with leave to call at the islands of St. Thomas and Princes, on the coast of Africa, but being under an obligation "to enter solely such ports on the coast of Africa where the slave trade is permitted to the subjects of the empire of Brazil," and was captured off the mouth of the river Benin, otherwise Formosa, on the morning of the 22d of March 1827, by His Majesty's ship "Maidstone," Commodore Charles Bullen, C. B. commander, who in his declaration states, "that on the 22d day of March 1827, being cruizing off the entrance of the river Benin, in latitude 5. 44. north, he detained the cutter or sloop 'Conceição Paquete do Rio,' sailing under Brazilian colours, commanded by Manoel Francisco de Silva Araujo, hovering off the entrance

SIERRA LEONE.
(Portugal & Brazil.)

of the river Benin, in latitude 5. 44. north, in the Bight of Benin, a noted slave haunt, and by his own confession awaiting the rising of the tide to allow him to proceed in, as he states, to repair leaks, whereas the carpenter of His Majesty's ship under my command, by my direction, has thoroughly examined the said vessel, and reports that no such leaks exist; that on the contrary, the bilge water is actually stinking in her hold, with no pumps rigged for the purpose of freeing her, did such reported leaks exist, and which the said carpenter is ready to make oath to the truth of such his statement. All this being effected in direct opposition to the true intent and meaning of the 2nd article of the additional convention, signed at London on the 28th of July 1817, as well as of the one to which it refers, N^o 1, of the treaty, signed at Vienna on the 22d of January 1815, and also in direct contradiction of her imperial passport, N^o 20, dated the 24th of January 1827, irregularly licensing her to touch at the islands of St. Thomas and Princes, and by virtue of the correspondence of Mr. Chamberlain, formally calling on the Brazilian authorities to forbid the practice of issuing these licences, and by reason of which His Majesty's naval forces were authorized to deal with those vessels according to the existing treaties with Portugal, contained in a letter to me from the right honourable the Lords Commissioners of the Admiralty, I have detained her for being so irregularly licensed, and sent her to Sierra Leone Mixed Commission Court for adjudication. And I do further declare that on my first seeing him, he made sail from the said river the better, in my opinion, and for no other purpose than to enable him the time to draw up the document, N^o 6, forwarded with the vessel's papers, the ink of which was scarcely coloured at the time of its being given to the boarding officer, and which was not done until he found I intended to detain his vessel."

She arrived in this harbour on the 27th of April, and the same day the sloop's papers were brought into court, duly attested by the affidavit of Morris Hughes, gunner of His Majesty's ship "Maidstone," prize master, and the usual monition prayed for, with leave to file evidence; which being granted, the monition went forth the same day, and was returned on the 5th of May, certified to have been duly served.

The master, in his examination on the standing interrogatories, deposed, "that he did not know upon what pretence or for what reason the sloop was seized; that the present voyage commenced at Pernambuco, and was to have ended there; Pernambuco was the last clearing port the sloop sailed from previous to capture; the sloop did not anchor or touch at any ports or places during the voyage in which she was taken; after she was taken by the capturing ship, she was brought to an anchor by her commander, and it was in 5. 44. latitude, north of the equator; the reason of her being in that latitude was, because she could not reach St. Thomas or Princes Islands, where she had permission to touch at, in her imperial passport; and when the wind blew strong, she leaked much, and she was, at the period of capture, endeavouring to get into the Rio Formoso to repair the leak, as also to procure fresh water. The night before she was taken, at eight o'clock, the land was seen, and she was then in three fathoms water; the next morning the river was seen, and at eight o'clock the capturing ship was first observed, and at twelve o'clock the sloop was captured. The capturing ship, on closing, hoisted French colours and pendant, and fired a gun, and seized the sloop under those colours; English colours were not shown, either before or after capture; had no communication with the shore at all; the exact place of capture was at the mouth of the Rio Formoso, in latitude 5. 44. north of the equator. The sloop was tacking occasionally at the mouth of the said Rio Formoso, waiting for the flood tide to go in; her course was not altered during the voyage in which she was taken, excepting on first leaving Pernambuco; when she had run into 14. south, she met contrary winds, which drove her to the north, and, although she constantly kept upon the wind, she ultimately could only fetch Rio Formoso." He further deposed, "that Francisco Mamede d'Almeida, of Pernambuco, a subject of the empire of Brazil, was the sole owner of the sloop, and of the cargo of merchandize on board her, and that the said merchandize was to have been delivered at Molembo, for his real account, risk, and benefit; no slaves had been taken on board during the present voyage; that all the passports and other papers which were found on board are entirely true and fair, none false or colourable; the sloop was provided with an imperial passport to take slaves from Molembo in 5. 12. latitude south of the equator, with permission therein to touch at the islands of St. Thomas and Princes, and he intended to exchange aquadente and tobacco there for tortoiseshell for the owner, and to take in provisions also; bulk had not been broken during any part of the voyage, nor had bulk been broken since capture, that he was aware of."

Pauline Jozé, a sailor on board of the said sloop, deposed, "that he does not know upon what pretence or for what reason she was seized; the present voyage commenced at Pernambuco and was to have ended there; Pernambuco was the last clearing port previous to capture; the sloop did not anchor or touch at any ports or place during the voyage in which she was taken; after leaving Pernambuco, she encountered foul winds, and could not get to the southward; when the master called the people aft, and protested that he was obliged, in consequence of the foul winds and the sloop leaking much when the wind was fresh, to bear up to a port to the northward, to caulk the vessel and to get fresh water; does not recollect the date the protest was made; the land was made at eight o'clock the night before the sloop was taken, she being then in three fathoms water; no communication took place between the sloop and the shore; he does not know the place, latitude, or time the capturing ship was first observed; the place of capture was at the mouth of a river, but he does not know its name or latitude; she was tacking occasionally, waiting for the tide to get into the river, when she was captured; he does not know who was the

owner

owner of the sloop, nor the owners, laders, or consignees of the cargo of merchandize laden on board her; knows it was to have been delivered at Molembo, because his name was entered in the list of the crew to go there to deliver it; no slaves had been taken on board during this voyage; bulk had not been broken this voyage; bulk had not been broken since capture."

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On the 4th of May, the master petitioned the Court to be allowed to file a claim for the sloop, together with an affidavit in support of the same, which was granted. In this Affidavit he swears, "that he is a subject of His Majesty the Emperor of Brazil; and was master of the said sloop at the time of the capture thereof, by His Majesty's ship 'Maidstone,' Commodore Charles Bullen, C. B. commander, and that the said sloop was so captured on the 22d day of March last, in the prosecution of her voyage from Pernambuco to Molembo, and brought to Sierra Leone; that Francisco Mamede d'Almeida, of Pernambuco, a subject of his said Majesty the Emperor of Brazil, was at the time of the said capture, and now is the true, lawful and sole proprietor and owner of the said sloop 'Conceicao Paquete do Rio,' her tackle, apparel, and furniture, and of the cargo on board the same; that he verily believes the said sloop and cargo are protected by the treaty or convention between His Britannic Majesty and his most faithful majesty the late King of Portugal, and that he was specially permitted by his passport to come to the northward of the equator; that no person or persons, other than the person before named, have any right, title or interest in the said sloop, her tackle, apparel and furniture, goods, wares and merchandize on board the same at the time of capture and seizure thereof, and that he is duly authorized to make the claim annexed, and that the same is a just and true claim."

On the 12th of May, the proctor for captures filed an affidavit of Morris Hughes, the prize master, and Henry Lacon, midshipman, on board the said sloop with him, setting forth, "that on their going on board the said vessel, the deponents found the bilge-water of the said vessel very offensive and stinking, and the deponents did find two feet water in the said vessel's hold; and the said deponents do solemnly declare and make oath, that they verily believe that the said vessel had not been pumped for a considerable time before capture, that they caused the said vessel to be immediately pumped out, and after twelve hours she was found to have made at the rate of three inches in that time; that a day or two after capture, the said sloop was taken in tow by His Majesty's ship 'Maidstone,' that while the said vessel was thus towed, a tornado came on, and the said vessel's bows were at times under water, and she did at that time ship a quantity of water, which entered by the fore peak of the vessel; that by reason thereof, on being examined, at the end of the following twenty-four hours, she was found to have made twelve inches in that period; that since being cast off from the said frigate 'Maidstone,' and during the whole of the passage to this harbour of Sierra Leone, the said sloop has never been found to make other than from five to seven inches of water every twenty-four hours; that during the passage, and since parting from the frigate "Maidstone," which took place on the seventh day after capture, and until the said sloop arrived at Sierra Leone, the deponents caused the said sloop to be pumped each night and morning, and that no more was necessary, and that one person each time, making two spells at the pump each time, was able to pump the said vessel clear of water, and that at this present time the said sloop does not exceed five inches of water in twenty-four hours."

But the Court considering that proof of the fact set forth in that affidavit might be further substantiated, decreed on the same day a commission of survey to issue to Mr. Cole, surveyor to the courts of Mixed Commission, Nathaniel Thomson, harbour master, and James Creighton, master of the ship "Thomas Gelston," of Belfast, then lying in the harbour, all of them experienced seamen, in which they were strictly charged and commanded to survey, inspect and view the said sloop "Conceicao Paquete do Rio," and that they reduce the same into a true, perfect, and particular report in writing, and that they transmit a certificate by them subscribed of all the particulars, and how far a leak existed in the said sloop, and the quantity of water she made per hour; and on the morning of the 15th, they returned the commission, together with their report, in which they state, "in pursuance of a commission of survey to us directed, we proceeded on board the sloop 'Conceicao Paquete do Rio,' of the burthen of eighty tons, or thereabouts, lying at anchor in the harbour of Freetown, and do report as follows: that the vessel is fully laden with cargo; at twelve, thirty p. m. we sounded the pumps of the sloop, and found eleven inches water in the hold; we had the pumps tried, and they sucked*; we carefully sealed them up, until two, thirty p. m. and sounded them, and did not perceive that she had made any water in two hours; we left the vessel until six, thirty p. m. when we sounded again, and found no difference had taken place in six hours, and at eight a. m. of the following day we sounded again, and found she had made half an inch in nineteen hours and a half. We further state, that the said vessel is tight, and has no material leak, and we do declare that we have so carefully taken this survey that we are ready to make oath thereto, if so required."

This closed the case, and the Court proceeded to the examination of the particulars of it, by which it fully appeared, that the master in his deposition carefully abstained from any allusion to the protest, marked N° 6, which he delivered to Commodore Bullen, when he found he intended to detain him, probably under the impression that that document was not before

* A nautical term when the pumps can no longer draw up the water.

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before the Court, and which, in this case, was most important to show the artifice practised to elude the penalties of the treaty and convention under which he was seized. That document is dated on the 21st of March 1827, and on referring to his log, it is on the very day he made the river Formoso. And he, and the whole crew of the sloop, "protest in consequence of his being obliged to take on board fresh water, and being actually making considerable water by the stem and other places which could not be discovered;" this was in some measure substantiated by the evidence of Pauline Jozé, who deposed, "that the master called the people aft, and protested that he was obliged, in consequence of the foul winds, and the sloop leaking much when the wind was fresh, to bear up for a port to the northward, to caulk the vessel and get fresh water, but he does not recollect the date;" thereby proving to the satisfaction of the Court, that in this instance he was wilfully ignorant, as it could never be supposed, for one instant, that he did not know it was written the very day the river was made, or as is more probable, that it was written, as Commodore Bullen says, during the chase of the sloop on the morning of her capture. Both he and the master also swore, that the sloop did not anchor or touch at any ports or places during the voyage in which she was taken, and the latter says, she was only brought to anchor by order of the commander of the capturing ship, after she was captured, which could only have been for a short period, for the purpose of making arrangements to send her to this place for adjudication, consequently the leak could never have been repaired; and if there had been any, it must have remained in the same state as it then was; this was a plain fact that could not be controverted in any possible way, and referring to the depositions of Mr. Morris Hughes, the prize master, and Mr. Lacon, midshipman, on board with him, as also to the report of the survey, it was most positively and incontestibly proved, that that protest, and the statements contained therein, were totally false and fraudulent; and it was worthy of remark that no mention whatever of a leak is made in the log, which was a further proof that it never existed. The master further swore, that after getting into 14. south, she met contrary winds which drove her to the north, and although she constantly kept upon a wind, she ultimately could only fetch Rio Formoso, in 5. 44. north latitude; referring to his log, that part of his evidence which relates to his getting into 14. south, was fully borne out by it, but it also fully appeared by it, that he only went there to get a favourable wind for coming to the northward, as it is shown therein that the moment the wind would allow him he altered his course, which, from the day the aforesaid latitude was made, was constantly to the N. E. until he reached 1. 30. north, longitude 15. west of Cadiz, or 9. west of London; that, being within 180 miles of the coast, and nearly opposite Cape Palmas, from which point he again altered his course and ran E. S. E., which, allowing for variation and current, is a due east course, and gradually as he got down the coast, steering more northerly, until the day he was taken, and yet he would have the Court believe he kept upon the wind the whole way, when it is notorious that the prevailing winds in that latitude and longitude are from W. S. W. to S. W. and would have allowed him, had he been so disposed, to run directly before the wind for the islands of St. Thomas and Princes, which islands he pretends he could not fetch. The Court entered thus far into the merits of the case, to prove the falsity of the whole evidence adduced, as reasons for being at the particular point where she was captured, and having thus shown the total discredibility of it, the presumption follows that clandestine objects were in view, which the tissue of perjury was intended to cloak.

The master made his claim, grounded only upon his imperial passport, specially permitting him to come to the northward of the equator, and consequently protected by the treaty and convention between His Majesty and his most faithful majesty the late King of Portugal; and says nothing therein of his being necessitated to come to the northward, apparently relying on the permission given him to touch at the islands of St. Thomas and Princes as being fully sufficient for the restoration of his vessel, thereby confirming the opinion of the Court, that the intention of coming to the north of the equator was premeditated and not accidental, and that there never existed any necessity for his doing so. But the said treaty and convention does not authorize the Government of Brazil to permit their vessels fitted for the slave trade to come to the northward. The passport, which is an integral part of the convention, must be conformable to the model annexed to it, and in this case, showed upon the face of the one granted to the "Conceição Paquete do Rio," that it was not conformable to the said model:—which, together with her being by the very said document under an obligation to enter solely such ports on the coast of Africa where the slave trade is permitted to the subjects of the empire of Brazil, clearly brought her within the penalties denounced against those who are taken in an illicit traffic in slaves: as such the Court condemned the said sloop "Conceição Paquete do Rio," her tackle, apparel and furniture, and the goods, wares and merchandize laden on board the same, as good and lawful prize, and as taken in such illicit traffic by His Majesty's ship "Maidstone," Commodore Charles Bullen, C. B. commander.

(signed) H. Lumley.
Wm Smith.

N° 68.

His Majesty's Commissioners to Mr. Secretary Canning.—(Received Aug. 15.)

N° 68.

Sir,

Sierra Leone, June 18, 1827.

WE have the honour to enclose herewith the report of the case of the Brazilian brigantine "Creola," of Bahia, Manoel Jozé de Souza Guimaraes, master, captured by his Majesty's ship "Maidstone," Commodore Charles Bullen, C. B. commander, on the 11th day of April last, off the island of Fernando Po, having on board 308 slaves, who had been shipped three days previous in the river Calabar. Owing to the praiseworthy care and attention shown to the unfortunate creatures by the commodore, only nineteen died on their passage here.

We beg to bring to your notice, Sir, that this vessel came from Bahia direct to Calabar, under the alleged excuse to repair a leak, which, had that been the case, could have been more easily repaired at St. Thomas or Princes, where there are native shipwrights, and which islands she could have fetched with equal facility as the river Calabar, where it is well known there are none. From the fact of her having shipped a cargo of slaves in that river, no doubt can be entertained that her original intention in going there was to obtain that cargo, and which, in our opinion, affords a striking proof of the illegal objects, vessels, so circumstanced have in coming to the northward of the line.

The "Creola" was only 85 $\frac{3}{4}$ tons burthen, and authorized by her imperial passport, No. 37, dated Bahia, the 26th day of October 1826, to proceed to Cabinda and Molembo, and, as usual, under an obligation to enter solely such ports on the coast of Africa where the slave trade still continues to be legal to the subjects of Brazil. Although she was limited to carry only 214 slaves, the rapacity of the inhuman master induced him to cram nearly 100 more into her, making upwards of seven for every two tons, aggravating in a most cruel degree the horrid misery of his victims by such studied barbarity; putting the laws of his own government at defiance, as well as the treaty and convention, under which he procured a passport to carry on an illicit trade in slaves.

On her arrival here she presented the shocking spectacle of a living mass, and but for the "Maidstone" having towed her up, which shortened the passage to fourteen days, her craziness and bad sailing, would doubtless have prolonged it to a much greater length of time; dreadful must have been the consequences that would otherwise, at this particular season of the year, have ensued to the poor wretches, pent up in such a floating charnel, exposed on deck to the inclemency of tornadoes and heavy rains; colds, consumptions, dysentery and other complaints would have been engendered, from which many without doubt would have been relieved by death, and the survivors subjected to painful and lingering diseases or else liable to suffocation if forced below, in a confined space of three feet high, all that was allowed on board for such a number of unfortunate creatures to crowd into;—evils attendant upon the present inhuman mode of carrying on the illegal and nefarious traffic, which call loudly for redress. To such circumstances as these must be attributed the excessive number of deaths which have happened to so many of the vessels lately captured with slaves on board, and which it has been our painful duty so frequently to report.

We have the honour to be, &c.

The Right Hon. George Canning,
&c. &c. &c.(signed) *H. Lumley.*
Wm. Smith.

Report of the Case of the Brazilian Brigantine "Creola," Manoel Jozé de Souza Guimaraes, Master.

Enclosure
in N° 68.

THIS Vessel, of the burthen of 85 $\frac{3}{4}$ tons, commanded by Manoel Jozé de Souza Guimaraes, and owned by Antonio Pedroso de Albuquerque, both subjects of the empire of Brazil, was furnished with the usual documents from the authorities at Bahia, together with an imperial passport, N° 37, dated Bahia, the 26th of October 1826, authorizing her to proceed to the ports of Cabinda and Molembo, on the west coast of Africa, being under an obligation to enter solely such ports on the coast of Africa where the slave trade is permitted to the subjects of the empire, and limiting the number of slaves to be shipped on board her to 214, and was captured by His Majesty's ship "Maidstone," Commodore Charles Bullen, C. B. commander, on the 11th day of April 1827, between the Camaroons and the island of Fernando Po, having on board, according to the declaration of the commodore, 309 slaves, who had been shipped in the river Calabar three days previous.

She

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She arrived here on the 23d of May following, having, after capture, been sent by the commodore to await his arrival at Princes Island, from which port he took her in tow, and performed the voyage here in fourteen days, and was immediately visited by the medical officer to the court, who reported, that, from her crowded state, and twenty-five, among them being sick, he submitted the necessity of immediately landing them; and the proctor for the captor having thereupon petitioned that they might be landed and delivered to the proper authorities pending adjudication, an order was accordingly issued to that effect, and 289 persons were landed (twenty having, as was said, died on the passage up), and delivered over to the Liberated African department.

The monition, as usual, went forth, and was returned on the 2d of June, certified to have been duly served.

Both the master and boatswain, on their examinations on the standing interrogatories, confessed, that "the voyage began at Bahia, where it was to have ended; that Bahia was the last clearing port the vessel sailed from previous to capture. The vessel anchored and touched in the river Calabar, during the present voyage, anchored and touched there to repair a leak, but afterwards took in a cargo of slaves; that 308 slaves were taken on board altogether in the river Calabar from the shore, and that none had died previous to capture. The place of capture was near Fernando Po, in latitude 4. 6. north of the equator."

The Court met for the adjudication of this vessel on the 9th of June, and the proof of the illicit traffic in slaves having been clearly and undeniably substantiated, unhesitatingly condemned the said Brigantine "Creola," her tackle, apparel and furniture, and the goods, wares, and merchandize laden therein, as good and lawful prize, and as taken in such illicit traffic in slaves, by His Majesty's ship "Maidstone," Commodore Charles Bullen, C. B. commander, and emancipated the surviving slaves, to the number of 289, and pronounced that there were on board, at the time of capture, 308; nineteen having died previous to adjudication; there being no proof before the court that twenty had died, and both the master and boatswain of her swearing 308 only were taken on board, and that none had died previous to capture.

(signed) *H. Lumley.*
Wm. Smith.

N^o 69.

N^o 69.

His Majesty's Commissioners to Mr. Secretary Canning.—(Received August 15.)

Sir,

Sierra Leone, June 20, 1827.

WE have the honour to enclose herewith, for your information, the report of the case of the Brazilian brig "Silveirinha," of Pernambuco, Bernadino Jozé Ferreira, master, which vessel was captured, on the 12th of March last, in the river of Old Calabar, in latitude 4. 30. north, longitude 8. 20, east of Greenwich, by His Majesty's ship "North Star," Captain Septimius Arabin, commander, having on board 266 slaves, who had been shipped only the preceding day in the same river.

This vessel came direct from Pernambuco to Calabar, and, as in the case of the "Creola," affords another proof of the audacity with which the illicit trafficker in slaves comes to the northward of the equator, to purchase a cargo of wretched human beings, under the assumption that he cannot be interfered with, unless actually having on slaves on board; fitting out his vessel, and taking a passport authorizing him to take a cargo of slaves, at places where it still continues to be legal to the subjects of the empire of Brazil, to avoid the penalties attached to him by his own government, for fitting out for a slaving voyage to the northward of the equator, with the intention, not only most grossly to violate its laws, the moment he gets out of harbour, but also the treaty and convention framed expressly to prohibit such illicit traffic.

It is also worthy of remark, that the "Silveirinha" is the same vessel which Commodore Bullen fell in with at anchor at the island of Anna Bona, in October 1824*, having then on board a cargo of slaves in the most deplorable condition, and which, from her being out of the limits in which he was authorized to detain vessels illegally trading in slaves, he was reluctantly compelled to allow to prosecute her voyage to Pernambuco, although there existed every moral certainty that the slaves then on board her had been shipped to the northward of the equator.

We

* See Class B.—1825, 1826.

We have again to report to you, Sir, the inveterate evils attendant on the present **SIERRA LEONE.** mode in which the inhuman dealers in slaves carry on the illicit and abominable (Portugal & Brazil.) traffic; this vessel of eighty-two tons burthen, and limited to carry only 205 slaves, had on board, at the time of capture, 266, being an excess of sixty-one slaves in so small a vessel.

In consequence of her bad sailing, her voyage here was protracted to upwards of eleven weeks, during which period no less than fifty-seven of the unfortunate wretches of the master's avarice and cupidity fell victims to diseases brought on by his inhumanity, in crowding into the very limited space allowed by his own government so many more than he was legally authorized to ship: this circumstance necessitated a number to be continually exposed upon deck to the inclemency of the weather, which brought on that terrible scourge dysentery, and which, we regret to report, terminated fatally to so many.

We have the honour to be, &c.

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

(signed) *H. Lumley.*
Wm. Smith.

Report of the Case of the Brazilian Brig "Silveirinha," Bernadino Jozé Ferreira,
Master.

Enclosure
in N° 69.

THIS Vessel, of the burthen of eighty-two tons, commanded by Bernadino Jozé Ferreira, and owned by Bento Jozé da Costa, junior, both subjects of the empire of Brazil, was furnished with the usual documents from the authorities at Pernambuco, and an imperial passport, N° 302, dated Pernambuco, 20th of September 1826, authorizing her to take a cargo of slaves from Molembo, and restricting the number to be taken on board to 205.

On her voyage out she was boarded by His Majesty's ship "Maidstone," on the 14th of November 1826, in latitude 4. 20. north, longitude 3. 30. east, and again on the 11th of December 1826, by His Majesty's ship "Esk" at anchor in the river Calabar, awaiting the procurement of her cargo of slaves, which was subsequently taken on board there, and she was captured by His Majesty's ship "North Star," Captain Septimius Arabin, in the same river on the 12th day of March 1827, having on board, as Captain Arabin says in his declaration, 266 slaves, said to have been taken on board the day previous. He further states, in his declaration, that the master of the "Silveirinha" died on the day following to that on which she was detained.

She arrived here on the 31st of May, after a most tedious passage of upwards of eleven weeks, during which period fifty-seven of the unfortunate slaves died from dysentery, brought on by exposure to the inclemency of the weather; and, in consequence of the suffering state of the surviving slaves, a petition was presented to the court to allow them to be landed, which was immediately granted, and they were delivered into the charge of the Liberated African Department.

The same day the ship's papers were brought into court, duly attested by the affidavit of Mr. Nott, admiralty mate of His Majesty's ship "North Star," and the monition, citing all parties interested in the said brig to appear, was sent forth, and returned on the 14th of June, certified to have been duly served.

In consequence of the death of the master, two seamen of the said brig, of the names of Jozé Francisco Correiro, and Jozé da Silva, were the persons examined on the standing interrogatories, and they both deposed "that the present voyage commenced at Pernambuco, where it was to have ended; Pernambuco was the last clearing port the brig sailed from, previous to capture; she anchored and touched at the river of Old Calabar, during the voyage in which she was taken, she anchored and touched there for the purpose of purchasing slaves; the present cargo consists of slaves; do not know the number that were taken on board altogether; they were all taken from the shore in the river Calabar, and two had died previous to capture."

The court met to adjudicate this case on the 19th of June, and the fact of the illicit traffic having been incontestably proved, condemnation was accordingly passed upon the said brig, her tackle, apparel, and furniture, and the goods, wares and merchandize on board the same, and as taken in such illicit traffic by His Majesty's ship "North Star," Captain Septimius Arabin, commander, and emancipated the surviving slaves, to the number of 209, and pronounced 266 to have been on board at the time of capture, and that fifty-seven had died between the period of the detention and condemnation of the said brig.

(signed) *H. Lumley.*
Wm. Smith.

SIERRA LEONE.
(Portugal & Brazil.)

N° 70.

N° 70.

Viscount Dudley to His Majesty's Commissioners.

Gentlemen,

Foreign Office, August 31, 1827.

YOUR Despatches of this series, to the 20th of June inclusive, have been received at this office.

His Majesty's Government have duly considered your reports on the cases of certain Brazilian vessels; viz. the "Trajano," "Tenterdora," "Carlota," "Venturoso," "Providencia," "Independencia," and "Conceicao de Marie," which, under a charge of being concerned in illegal slave-trade, have been condemned in the Mixed British and Portuguese Court of Commission, established at Sierra Leone:—your reports upon these cases have also been referred for the opinion of the proper law officer of the Crown.

I have now to acquaint you, that His Majesty's Government entirely concur in the judgment which you have passed on the facts of each of these cases, declaring them to be grossly and systematically fraudulent. They consider the construction which you have put on the compacts between Great Britain and Brazil, bearing upon the facts set forth, to be perfectly correct; and to justify the decision which you have pronounced in the condemnation of these vessels.

You will continue, therefore, to apply, with due caution, to similar cases, the rule by which you were guided in the cases in question; having constant reference to the stipulations of the contracts between the two countries, and forming your judgments in strict accordance with the spirit of those stipulations.

I send to you, for your information, the accompanying copy of an instruction*, which, by His Majesty's command, I have this day addressed upon this point, to His Majesty's envoy at Brazil.

I am, &c.

His Majesty's Commissioners.

(signed) DUDLEY.

N° 71.

N° 71.

His Majesty's Commissioners to Viscount Dudley.—(Received September 18.)

My Lord,

Sierra Leone, July 4, 1827.

WITH the present Despatch, we have the honour to enclose the report of the case of the Brazilian brig "Bahia," of Bahia, commanded by Matthias Baptista de Carvalho, and owned by José Cerqueira Lima, both subjects of the empire of Brazil, and inhabitants of Bahia.

The "Bahia," was fitted out for a slaving-voyage to the port of Molembo, and was furnished with the usual documents, and an imperial passport, No. 4, dated Bahia, the 3d of February 1827, authorizing her to take on board 542 slaves, and being under an obligation solely to enter such ports on the coast of Africa where the slave-trade is still permitted to the subjects of the empire of Brazil.

She left Bahia on the 7th of February, and steered as direct a course as the winds would permit her, to the northward of the Line, having made Cape Three Points, in latitude 4. 40. north, longitude 2. 35. west, on the 11th day of March, and the 33d of the voyage. After calling at the Dutch possession of St. George d'Elmina and at Accra, she proceeded to Away, a place about ten miles to the eastward of Cape St. Pauls, and now becoming a well known place for procuring slaves, where she arrived on the 1st of April, and she was captured there at anchor, on the 3d day of that month, by His Majesty's brig "Conflict," Lieutenant Wakefield, commander, having her purchase up ready for the delivery of her cargo, part of which had been previously landed, with a large canoe astern, which was, doubtless, intended for shipping a cargo of slaves, to be procured, either there or at places to leeward of it.

The defence set up for being to the northward of the equator was, the usual one—of the want of provisions and water; but the gross prevarication of the mate, Pedro Joel Netto, so totally contradicting the defence, and the unsubstantiated testimony of the boatswain and cook, left no doubt on the mind of the Court of the

* See Class B.

the illicit object of this vessel, and it accordingly pronounced sentence of condemnation on her, on the 19th of June 1827.

SIERRA LEONE.
(Portugal & Brazil.)

We beg, my Lord, your reference to the report for the particulars of this case, which, as well as those condemned lately on the same point of the treaty, we have thought it best to report minutely, rather than such an abstract, as has hitherto been the accustomed mode, that the circumstances attending each may be fully developed, and that you may be enabled to judge of the particular merits of each case, how far we have acted according to the spirit and letter of that point of the treaty and convention under which we conscientiously deemed it our duty to condemn them.

We cannot refrain from bringing before your notice, my Lord, the defence set up by each of the claimants in the cases of the "Hiroina," "Eclipse," "Trajano," "Tenterdora," "Carlota," "Venturoso," "Providencia," "Independencia," and "Conceicao Paquete do Rio," which have lately been condemned upon the same principles as the "Bahia." Each claimant, on being examined on the standing interrogatories, invariably founded his principal defence upon requiring provisions and water, after passages from the Brazils to Africa, the longest of which were not more than thirty-five days, except in the case of the "Conceicao de Marie," and which, upon strict examination, was totally disproved. They also swore that the cargoes on board their several vessels were to have been delivered at Molembo, yet they all broke bulk and landed more or less of their cargoes, at ports and places to the northward of the equator, according as circumstances, or the length of their stay at the several places, permitted their doing so, previous to capture.

The extraordinary combination of the same circumstances happening to so many different vessels carried with it the conviction of its improbability, nor could it be for one moment credited, that vessels whose actual destination was to Molembo, in 5. 12. south latitude, could, after such short passages, be in the distress the claimants represented for provisions and water, or would come to the northward of the equator to procure them for the slaves intended to be embarked at that place. Such an object would protract the voyage for months, as the direct distance from Molembo to the Bight of Benin, where they were all captured, is full 11 degrees of latitude, and 8 degrees of longitude, and the winds and currents are directly adverse to her gaining that port, otherwise than by a most tedious passage of beating nearly the whole way there.

Common sense, as Mr. Chamberlain justly observes in his representation to the Brazilian government, revolts against such a belief. There can be but one motive for taking so circuitous and unnecessary a course, and that motive, undoubtedly the fraudulent one of obtaining illegally a cargo of slaves at, or near to, the very places where they were captured.

We beg leave to enclose an affidavit of the commissioners of appraisement and sale, and the gentlemen they selected to appraise the several vessels condemned, by which you will perceive, that the untenable defence of requiring provisions was made to evade the penalties of the treaty and convention which they had violated. The affidavit is in itself so strong as to require no comment of ours other than that it satisfactorily supports our opinion, that the evidence adduced in each case, on that particular point, was false and fraudulent, and confirms the illegal object of the vessels in question.

The cases of the "Creole" and "Silveirinha," lately reported to Mr. Secretary Canning, afford a strong analogous confirmation of the object Brazilian vessels, fitted for the illicit slave trade, have, in coming to the northward of the equator.

We have the honour to be, &c.

The Right Hon. Viscount Dudley,
&c. &c. &c.

(signed) *H. Lumley.*
Wm. Smith.

Report of the Case of the Brazilian Brig "Bahia," Matthias Baptista de Carvalho, Master.

1st Enclosure
in N^o 71.

THIS Vessel, of the burthen of 217 tons, commanded by Matthias Baptista de Carvalho, and owned by Jozé Cerqueira Lima, both subjects of the empire of Brazil, was fitted out at Bahia, for the slave trade, furnished with an imperial passport, N^o 4, dated Bahia, the 3d of February 1827, bound to the port of Molembo, on the occidental coast of Africa, authorizing her to carry 542 slaves, and under an obligation to enter solely such ports on the coast of Africa where the slave trade is permitted to the subjects of the empire of Brazil; and she was captured, on the 3d day of April 1827, lying at anchor in the roads of Aways, situate in 6. 20. north latitude, and about 1. 40. east longitude, by His Majesty's brig

SIERRA LEONE. "Conflict," Lieutenant. Arthur Wakefield, commander, who, in his declaration, states, (Portugal & Brazil.) "at the time she was boarded, she had her purchase up, ready for delivering her cargo; that she had a large canoe astern, such as is generally used for shipping slaves on that part of the coast, and that the mate informed him that she had been purchased at St. George d'Elmina, for the use of the vessel, and that they had landed part of their cargo in exchange for stock, water, &c. and for the above-mentioned canoe; and from the information of the mate and crew, she had been lying several days at St. George d'Elmina, Accra, and the port of Away." He further declared; that "the master, clerk and two servants remained on shore at Away, although sufficient notice had been given for their embarkation, and several canoes had been off to the brig."

She arrived at Sierra Leone on the 11th of May following, and, on the same day the papers were brought into court, duly attested by the affidavit of Mr. William Harriott, master of His Majesty's brig "Conflict," and prize master of the "Bahia," and a monition, citing all parties interested to appear, was prayed for and granted, which went forth on the 12th, and was returned certified to have been duly served, on the 19th of the same month.

On the 12th, the affidavit of Mr. Harriott was filed, accounting for the loss of the canoe the brig had astern when captured, "by reason of the rope or painter, by which the said canoe was secured to the stern of the brig, parting, during his voyage up, in consequence of which she went adrift and was lost."

The mate, Pedro Joel Netto, on his examination, deposed, that "the present voyage began at Bahia, and was to have ended there; that Bahia was the last clearing port the vessel sailed from previous to capture; she anchored and touched at Elmina, Accra, and Away, during the voyage in which she was taken; she anchored and touched at Elmina two days to repair the fore-topmast, to caulk the vessel, and to get fresh water; at Accra, to procure provisions and water; and at Away for the same purpose; the water of Accra being bad, and a sufficiency of provisions not to be had; that the exact place of capture was in the Roads of Away, the vessel being at anchor there; that the vessel could not be directed for the place to which she was bound on account of foul winds; her course was sometimes altered during the voyage, in order to try for a fair wind; that no slaves had been taken on board during the voyage; that Jozé Cerqueira Lima was the owner and lader of the merchandize on board her; it was consigned to the master, and was to have been delivered at Molemo; and bulk was broken during the present voyage at Elmina to pay for water, and at Away to pay for provisions."

The like evidence was also given by Domingos da Costa, the boatswain, and Miguel the cook, as to requiring provisions and water; but neither of them say any thing about the necessity of the brig's putting into Elmina to repair the mast; and the former mentions the accident merely to account for the deviation of her course; and neither of them say a word about caulking; nor does Pedro Joel Netto, in either of his further examinations, allege that as an excuse.

On the 19th the aforesaid mate, in the absence of the master, filed a claim for the vessel, together with costs, damages and expenses, as the property of Jozé Cerqueira Lima, an inhabitant and native of Bahia, and protected by the treaty or convention between his Britannic Majesty and his most Faithful Majesty, dated the 28th of July 1817; and in his affidavit in support of his claim, he swore that "the said brig was captured, on the 3d day of April last, in the prosecution of her voyage from Bahia, in the Brazils, to Molemo, on the coast of Africa, and brought to Sierra Leone; that Jozé Cerqueira Lima was, at the time of the said capture, and now is, the true, lawful and sole owner and proprietor of the brig "Bahia," her tackle, apparel and furniture, and of the cargo on board the same; that he is the true, lawful and sole owner of 315 pieces of white and striped cottons, which are, and have always been, in the birth or sleeping place of him, the deponent, and not in the hold of the vessel, where alone is the property of the owner; and he is the true, lawful and sole owner of the small cask of port wine which is marked with his name; that no slave or slaves had been, during the said voyage, shipped on board the said brig; that the said brig's fore-topmast was carried away in a tornado during the night of the 21st or 22d of October, to the best of his recollection; and that, being in want of water, and to procure the same, and get the repairs completed, the said brig was taken into St. George d'Elmina, from whence, not being able to get water, she proceeded to Away; and that in the master's absence he was duly authorized to make the said claim, which was a true and just claim, and he would be able to make due proof and specification thereof.

On the 26th following, the proctor for captor prayed that special interrogatories might be put to the witnesses, and the following further evidence was obtained from Pedro Joel Netto, who deposed, "that the master was on shore at Away at the time of capture; he quitted the vessel the same day she was captured; he did so for the purpose of trafficking for provisions and fresh water; he has not come to Sierra Leone, being at the time of the seizure of the vessel on shore; that tobacco, aquadente and iron bars were paid for the canoe, but he does not know the quantity; the canoe did not belong to the vessel, it was hired to bring off provisions and water, and the tobacco, aquadente and iron bars paid for such hire; the canoe belonged to Away; tobacco, aquadente and iron bars were landed at Elmina and Away, but he does not know the quantity; four small casks of water were received on board at Elmina, none at Accra, and a number of casks at Away, but he does not know the quantity; Elmina, Accra and Away were the only places the brig touched at since leaving Bahia, and before capture."

This was confirmed in almost every point by Domingos da Costa, who further deposed, "that a signal was made for the master to come on board, but he had not; and that tobacco,

tobacco, aquadente and cloth were landed at Almina and Away, and some of each was also paid for the hire of the canoe and people at the last place;" but nothing is mentioned by him respecting the landing of iron bars. SIERRA LEONE.
(Portugal & Brazil.)

On the 8th of June the Court put special questions to the witness, Pedro Joel Netto, to elicit further confirmation of his foregoing evidence; and he that day deposed, on oath, 'that he did not know the date of the brig's arrival at Elmina, she was there three or four days; he did not know the date of her arrival at Accra; she reached Away on the afternoon of the 1st of April; at Accra, he believed, she remained two days; water was the only article received on board at Elmina, but he does not know the quantity; water and provisions were received on board at Away, and also seven casks of shells, on account of the captain; he does not know the quantity of water; the provisions consisted of 376 fowls, besides ducks, sheep, goats, turkeys and pigs, but he does not know the number of each; the water was brought off to the vessel at Elmina and Away by a canoe from each of those places; he does not know how many trips they made; has forgotten when the log ended; the first land made upon the coast was Cape Three Points, at which time it was discontinued, because land was made.'

On the 17th of June an affidavit of Mr. Harriott, the prize-master, was filed in evidence, in which he swore "that at the time of the seizing and detaining the brig called "Bahia," whereof Matthias Baptista de Carvalho was master, to wit, on the 3d day of April 1827, the said brig was well and sufficiently supplied with beef, pork, flour, and other sea stores, for the consumption of the crew of the said vessel, to complete her intended voyage to Molembo." And this deponent further saith, that the "said vessel had on board at the time aforesaid three pipes and eight casks filled with fresh water, and one pipe in ship's use; that the slave coppers were also filled." And this deponent further saith, "that there were also on board thereof a considerable quantity of farinha, and jerk beef, and that the said vessel was in every respect in a fit and proper state to proceed on her said intended voyage."

This closed the evidence, and on the 19th of June the Court met for the purpose of adjudicating the case; and in pronouncing its judgment, remarked, that on referring to the log of the "Bahia," which was kept by the principal witness and claimant in this case, Pedro Joel Netto, the mate, it appeared that she left Bahia on the 7th of February 1827, and from the moment of her departure from that port, it proved the intention of coming to the northward of the line to have been premeditated, and not accidental owing to adverse winds; as it showed, that whenever the wind would allow she was steered to the northward and eastward, until she reached 1.25. latitude south, longitude 9.42. west, being then nearly in the longitude of Cape Palmas, and distant from it about 360 miles; her course is altered to east south east, which, allowing for variation and current, is about an east and by north course, and, consulting the chart, it is evident she must have been running down the coast, at the same time she was gradually drawing in for it; and this position is fully proved by referring to her latitude and longitude from that day, for she crossed the line to the northward on the 26th day of the voyage, and, for six days afterward, her course is continued the same, when, being in 3.9. north latitude, longitude 3.30. east, her course is altered to north north east for twenty-four hours, apparently with the intention of making the land, when, being in latitude 5.7. north, longitude 3.58. east, and the thirty-third day of the voyage, the log ends.

If the longitude entered in the log was, therefore, really correct, it would place the vessel off that notorious slave-haunt, Badagry; but presuming that the longitude was incorrect, it is evident that her running north north east, which, corrected for variation, is nearly a due north course, was to make the land as soon as possible, after rounding Cape St. Paul's; and as she was taken at anchor in Away Roads, about ten miles to the eastward of it, it would appear that that must have been the first place made on the coast, as the latitude and longitude, on the 32d day of the voyage, makes the vessel 120 miles from it south, and her having run 120 miles north, the day after, would appear to place the question beyond all doubt.

It is therefore totally impossible to reconcile the evidence of the witnesses with that afforded by the log, a circumstance which most assuredly throws a strong suspicion of criminality upon them, and more particularly upon the witness, Pedro Joel Netto, the mate, who was the very person that kept the log, but who, notwithstanding, in the most direct contradiction to that important record, swears, "that the vessel had been at Elmina and Accra," places which, on referring to it, she could never have visited, as on the day she was in the longitude of Elmina, she was in latitude 0.47. north, or a distance from it of 260 miles south; and the day she was in the longitude of Accra, she was in latitude 1.42. north, or a direct distance south of that place of 218 miles. He further swears, "the log was discontinued the day that land was made, and which land was Cape Three Points," also "to the vessel's being only nine days on the coast altogether, previous to capture;" referring again to the log, it will be seen to end on the 11th day of March, and that the vessel was taken on the 3d of April, thus making her twenty-three days upon the coast under the pretence of procuring provisions and water, when, by his own evidence, he was only so employed nine. Where was the necessity of concealing that fact, if it were not to endeavour to cloak the clandestine object of the voyage?

The receiving on board at Elmina only four small casks of water, and the vessel having landed there tobacco, aquadente and iron bars, is a very suspicious circumstance, as it is in the knowledge of the Court that roll tobacco, such as is brought upon the coast, is of the value of from 2*l.* to 4*l.* per roll, generally the latter; aquadente, 7*s.* 6*d.* per gallon, and iron bars the same high price; and indeed affords strong grounds for concluding, that those articles of the cargo were landed in payment of something more than the small quantity of water,

SIERRA LEONE.
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water, and the probability is, that it was in disbursement of the canoe, which the captor states in his declaration the mate told him was bought there, although the latter denies it in his evidence, and that it was intended for the purpose of being employed in the shipment of the slaves to be procured on the northward coast, this being the only way of getting them on board, and for the purchase of which most of the slavers touch at Elmina and other places to windward of it. Another circumstance to which suspicion must also be attached, is the receiving on board at Away, along with the stock and water, seven casks of shells, which shells are cowries, and which are notoriously known to be an article much in demand for the purchase of slaves at all places situated between that point and the river Formosa; and the Court must presume that those shells were in part payment of the tobacco, aquadente and iron bars landed there, and, although it is not disproved that the stock and water were taken in there, the receiving them on board is no proof that she was really and *bona fide* in that distress as to oblige her to go there for them.

The affidavit of Mr. Harriott, the prize-master, as to the sea provisions on board her at the time of capture, renders it quite conclusive that she could not have been in distress for want of them, as is attempted to be shown; they must have been shipped in Bahia, and on board during the whole voyage, as nothing but water was taken in at Elmina, and only fresh stock at Away; and this is the more strengthened, as farinha and jerk beef cannot be procured on the coast, of which there is a considerable quantity on board.

Pedro Joel Netto, the mate, in his affidavit in support of the claim, swears "that, on the 21st of October, the fore-topmast of the brig was carried away, and that being in want of water, and to procure the same, and get the repairs completed, the said brig was taken into St. George d'Elmina, from whence, not being able to get water, she went to Away."

The first of these allegations is upon the face of it totally false, as she did not leave Bahia until the 7th of February; but the Court will make all due allowance, and consider it to be a clerical error in the name of the month, and presume it to be meant for February; examining the log in support of this circumstance, it certainly does appear that on the 17th of February, and on the eleventh day of the voyage, being in latitude 13. 11. south, longitude 26. 25. west, carrying all sail, at forty minutes past one, A.M. she carried away the foretop and top-gallant masts, in consequence of which the jib was stowed, and she lay to in order to save the bowsprit and all the fore rigging, and to erect another mast in its stead, and on the following day the mast was rigged, and at five o'clock P.M. all sail was set, and she steered the same course she had been steering the night of the accident, which was a direct course for the western coast; here then is a positive contradiction to her having been compelled to put into Elmina to repair the mast, which he (the mate) in his own handwriting admits was performed at sea, and within 500 miles of the coast of Brazil, yet he would have the Court believe that necessity drove him into Elmina, and that he had preferred running across the Atlantic Ocean, upwards of 3,000 miles, to repair the mast, rather than bear up for his own coast to procure assistance, if it had been necessary to put into port to do so. The very assertion of such an incredible tale carries with it its own refutation, even if there was not a stronger one afforded by his log.

Neither the boatswain or cook make any mention whatever of the brig's having been obliged to put into Elmina to repair the mast, or to caulk her, and only the boatswain says anything about the matter at all, and that merely to account for the alteration of her course, so that the mate's evidence on those very particular points rests entirely on his own unsupported declaration, one point of which he appears to have thought untenable, as, except in his examination on the standing interrogatories, he carefully abstains from saying anything further respecting her caulking. She was only thirty-three days on her passage to the coast, and therefore, if the proper quantity of water had been put on board her, and she really had been in distress for it at the end of that time, the same must have been purposely made away with to allow of a pretext for coming to the northward of the equator; if the necessary quantity of water was not put on board for the voyage, it would plainly show, at the very commencement of it, its illegal object.

It has been clearly demonstrated, that the evidence as to the want of provisions has totally failed in establishing the fact; the Court must, therefore, look with more than suspicion upon the evidence as to the want of water. The mate contradicts himself on this point no less than three times: he swears, in his affidavit in support of his claim, "that he could get no water at St. George d'Elmina." On his examination on special interrogatories, he swears, "four small casks were taken on board there;" and, to a special question of the Court, he says, "water was the only article received on board there, but he does not know what quantity;" he further says, "None was taken on board at Accra," and, having a convenient memory to recollect or forget when his interest seems to require it, and it being a question of importance to ascertain what quantity was taken on board at Away, he says, "he forgets what quantity," although he was there only three days. Is it likely he should recollect so precisely the number of casks taken on board at Elmina, about which he has prevaricated so grossly, which happened some days previous to his going to Away, and not recollect the quantity taken on board there? The fact could not be maintained, and he knew it; and this appears the more apparent, as he could recollect, to a single fowl, the exact number taken on board there, and yet the more important matter he forgets, and, referring to the affidavit of Mr. Harriott, three pipes, eight casks, and the slave coppers, were filled when she was captured; and although the boatswain and cook swear water was taken on board at both places, yet it is remarkable that neither "know the quantity."

The proof of her being in distress rests upon the claimant, to justify her being to the northward of the line, where she is, by her passport, expressly prohibited from coming; and
the

the Court have no hesitation in saying, that not one single point brought forward has been proved; and if she really did call at the places the witnesses have stated, the log must be false and fictitious; and if she did not, the whole of the evidence must be gross perjury, and in either case affords strong proof of the illegality of the voyage.

This Court would not go so far as to say that every vessel found to the northward of the line, and in the boundaries within which His Majesty's ships are authorized to make captures, must come within the operation of the treaty upon that particular point, and therefore liable to confiscation; many untoward accidents and circumstances, to which all vessels are subject navigating the high seas, might compel her to bear up for the nearest port she could reach for assistance, and that port might probably be situated to the northward of the equator; in that case there would be a fair, reasonable and just cause for such deviation, and it would indeed be hard to visit such deviations with confiscation, where a reasonable and unavoidable cause can be substantiated for it; but it would rest entirely with the parties captured to prove such necessity, and the innocence of their intentions.

Looking collectively at all the facts of this case, the Court must pronounce the evidence of the witnesses, particularly Pedro Joel Netto, to be totally unworthy of belief; his wilfully suppressing the number of days the brig was on the coast, his prevarication about the water, the falsehood about repairing the mast, his deposing the whole of the cargo belonged to José Cerqueira Lima, and afterwards swearing a considerable part belonged to himself, together with the falsity of the log, all tend fully to confirm that conclusion; and therefore the Court is most decidedly of opinion, that the brig "Bahia" came wilfully and fraudulently to the northward of the equator, and the claimant having failed in establishing the absolute necessity of that measure, it must be presumed that she came there for the purpose of carrying on an illicit traffic in slaves, contrary to the treaty between Great Britain and Portugal, for the suppression of the slave trade to northward of the equator, signed at Vienna the 22d of January 1815, and of the second article of the additional convention to the treaty, signed at London the 28th of July 1817, and of her imperial passport, which forms an integral part of the aforesaid convention, which made it obligatory upon her to enter solely such ports where the slave trade is still permitted to the subjects of the empire of Brazil, which extend from 5. 12. to 18. of latitude, south of the equator.

The Court, therefore, do condemn the said brig "Bahia," her tackle, apparel and furniture, and the goods, wares and merchandize laden on board the same, as good and lawful prize, and as taken in such illicit traffic by His Majesty's brig of war "Conflict," Lieutenant Wakefield, commander.

(signed) *H. Lumley.*
Wm. Smith.

Affidavit of the Commissioners of Appraisement and Sale.

PERSONALLY appeared William Cole, and Thomas Harrison Parker, Commissioners of Appraisement and Sale to the Courts of Mixed Commission, established in this colony for the prevention of the illicit traffic in slaves, and Samuel Matthew Magnus and Joseph Emerson, sworn appraisers, who, being duly sworn on the Holy Evangelists, depose and say, that they individually and collectively, under the commission of appraisement and sale, issued by the Courts of Mixed Commission, against the vessels, viz. "Hiroina," "Eclipse," "Trajano," "Tenterdora," "Carlota," "Venturoso," "Providencia," "Independencia," "Conceição Paquete do Rio," and "Bahia," condemned in that court, proceeded on board them, in the discharge of the duties thereby imposed upon them, and in the delivery of their several cargoes they invariably found very considerable quantities of farinha and jerk beef on board of every one of them; that considerable quantities were landed and sold, but the supply was ultimately so great that no purchasers could be obtained for it, and in consequence, tons of each were obliged to be thrown overboard into the sea.

They further depose and say, that on breaking up the hold of the "Bahia," to discharge her cargo, they found, stowed away among the aquadente, one pipe of water.

Sworn before me this 3d day of July, 1827,
Jos. Reffell, Registrar.

(signed) *Wm. Cole.*
Tho. H. Parker.
S. M. Magnus.
J. Emerson.

2d Enclosure
in N° 71.

N° 72.

His Majesty's Commissioners to John Backhouse, Esq.—(Received Sept. 18.)

N° 72.

Sir,

Sierra Leone, July 5, 1827.

IN pursuance of the 75th clause of the Act, passed in the 5th year of the reign of His present Majesty, entitled "An Act to amend and consolidate the laws relating to the abolition of the Slave Trade;" we beg leave to enclose, in duplicate, a return of all the cases of Portuguese vessels adjudicated in the British and Portuguese court of Mixed Commission, established here, from the 1st day of January to the 1st day of July 1827.

We have the honour to be, &c.

John Backhouse, Esq.
&c. &c. &c.

(signed) *H. Lumley.*
Wm. Smith.

SIERRA LEONE.
(Portugal & Brazil.)

Enclosure
in N^o 72.

Portuguese Vessels
adjudicated.

RETURN of Portuguese Vessels adjudicated by the British and Portuguese Court of Mixed Commission established at Sierra Leone,
from the 1st day of January 1827 to the 1st day of July 1827.

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.
Hiroina -	17th Oct. 1826	Brigantine and cargo of mer- chandize.	Charles Bullen, H. M. S. Maid- stone.	24th Jan. 1827	Condemned for a breach of her imperial passport, marked N ^o 17, which obligated her to enter solely such ports and places south of the Equator where the slave trade is permitted to the subjects of Portugal, Algarves and Brazil, and against the true intent and meaning of the 2d article of the additional convention to the treaty with Portugal of the 22d of January 1815, signed at London, the 28th July 1817.	The brigantine and cargo sold by public auction, and the proceeds paid into the Military Chest.
Eclipse -	6th Jan. 1827	Schooner and cargo of mer- chandize.	Septimius Arabin, H. M. S. North Star.	16th Mar. -	Condemned for being irregularly licensed to touch at St. Thomas and the Island of Princes, on the west coast of Africa, in her imperial passport, marked N ^o 25, dated Bahia, 2d September 1826, in direct contradiction to that part of the said passport which made it obligatory upon her to enter solely such ports on the coast of Africa where the slave trade is permitted to the subjects of Portugal, Algarves and Brazil, and against the true intent and meaning of the 2d article of the additional convention to the treaty with Portugal of the 22d of January 1815, signed at London, on the 28th July 1817.	The schooner and cargo sold by public auction, and the proceeds paid into the Military Chest.
Invincival -	21st Dec. 1826	Ship and 440 slaves.	W. J. Purchas, H. M. S. Esk.	16th Mar. -	Condemned for illicitly trading in slaves	The ship sold by public auc- tion, and the proceeds paid into the Military Chest.
Venus -	6th Feb. 1827	Schooner and 191 slaves.	W. J. Purchas, H. M. S. Esk.	9th April -	Condemned for illicitly trading in slaves	The schooner sold by public auction, and the proceeds paid into the Military Chest.
Dos Amigos -	8th Feb. -	Brigantine and 317 slaves.	W. J. Purchas, H. M. S. Esk.	9th April -	Condemned for illicitly trading in slaves	The brigantine sold by public auction, and the proceeds paid into the Military Chest.

The schooner and cargo sold by public 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.

The schooner and cargo sold by public auction, and the proceeds paid into the Military Chest.

The brig and cargo sold by public auction, and the proceeds paid into the Military Chest.

(continued)
 SIERRA LEONE,
 (Portugal & Brazil.)
 Enclosure
 in N^o 72.
 Portuguese Vessels
 adjudicated.

Independencia -	Schooner and cargo of merchandise.	A. Wakefield, H. M. B. Con- flict.	15th May 1827	<p>Condemned for a breach of her imperial passport, marked N^o 1, dated Bahia, the 19th day of January 1827, which said imperial passport made it obligatory upon her to enter solely such ports on the coast of Africa where the slave trade is permitted to the subjects of the empire of Brazil, which, by the 2d article of the convention to the treaty between Great Britain and Portugal, signed at London, on the 28th of July 1817, is confined to the territories of his most faithful Majesty the King of Portugal to the south of the Equator, and against the true intent and meaning of the said 2d article, and of the 1st article to the treaty signed at Vienna the 22d of January 1815.</p>
Carlota -	Schooner and cargo of merchandise.	Charles Bullen, H. M. S. Maid- stone.	30th Apr. -	<p>Condemned for a breach of her imperial passport, marked N^o 59, dated Bahia, 18th of December 1826, which said imperial passport made it obligatory upon her to enter solely such ports on the coast of Africa where the slave trade is permitted to the subjects of the empire of Brazil, which, by the 2d article of the convention to the treaty between Great Britain and Portugal, signed at London, on the 28th of July 1817, is confined to the territories of his most faithful Majesty the King of Portugal to the south of the Equator, and against the true intent and meaning of the said 2d article, and of the 1st article to the treaty signed at Vienna, the 22d January 1815.</p>
Venturoso -	Brig and cargo of merchandise.	Charles Bullen, H. M. S. Maid- stone.	30th Apr. -	<p>Condemned for being irregularly licensed to touch at the Islands of St. Thomas and Princes, on the west coast of Africa, in her imperial passport, marked N^o 38, dated Bahia, 4th November 1826, which said imperial passport made it obligatory upon her to enter solely such ports on the coast of Africa where the slave trade is permitted to the subjects of the empire of Brazil, which, by the 2d article of the convention to the treaty between Great Britain and Portugal, signed at London, on the 28th of July 1817, is confined to the territories of his most faithful Majesty the King of Portugal to the south of the Equator, and against the true intent and meaning of the said 2d article, and of the 1st article to the treaty signed at Vienna, the 22d January 1815.</p>

SIERRA LEONE.
(Portugal & Brazil.)Enclosure
in N° 72.Portuguese Vessels
adjudicated.

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.
Trajano -	13th Mar. 1827	Brig and cargo of merchandize.	Charles Bullen, H. M. S. Maid- stone.	30th Apr. 1827	Condemned for a breach of her imperial passport, marked N° 2, dated Bahia, 24th of January 1827, which said imperial passport made it obligatory upon her to enter solely such ports on the coast of Africa where the slave trade is permitted to the subjects of the empire of Brazil, which, by the 2d article of the convention to the treaty between Great Britain and Portugal, signed at London, on the 28th of July 1817, is confined to the territories of his most faithful Majesty the king of Portugal to the south of the Equator, and against the true intent and meaning of the said 2d article, and of the 1st article to the treaty signed at Vienna, the 22d January 1815.	The brig and cargo sold by public auction, and the proceeds paid into the Military Chest.
Tentadora -	14th Mar. -	Schooner and cargo of met- chandize.	Charles Bullen, H. M. S. Maid- stone.	30th Apr. -	Condemned for being irregularly licensed to touch on the coast of Guinea, St. Thomas and Princes Islands, on the west coast of Africa, in her imperial passport, marked N° 41, dated Bahia, 11th November 1826, which said imperial passport made it obligatory upon her to enter solely such ports on the coast of Africa where the slave trade is permitted to the subjects of the empire of Brazil, which, by the 2d article of the convention to the treaty between Great Britain and Portugal, signed at London, on the 28th of July 1817, is confined to the territories of his most faithful Majesty the King of Portugal to the south of the Equator, and against the true intent and meaning of the said 2d article, and of the 1st article to the treaty signed at Vienna, the 22d January 1815.	The schooner and cargo sold by public auction, and the proceeds paid into the Military Chest.
Conseição de Marie.	4th Mar. -	Brigantine and 232 slaves.	Septimius Arabin, H. M. S. North Star.	15th May -	Condemned for illicitly trading in slaves	The brigantine sold by public 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.

<p>Providencia - 16th Mar. 1827</p>	<p>Schooner and cargo of merchandize.</p>	<p>Charles Bullen, H. M. S. Maidstone.</p>	<p>30th Apr. 1827</p>	<p>Condemned for being irregularly licensed to touch at Sierra Leone, coast of Guinea, and the Islands of St. Thomas and Princes, on the west coast of Africa, in her imperial passport, marked N° 47, dated Bahia, 15th December 1826, which said imperial passport made it obligatory upon her to enter solely such ports on the coast of Africa where the slave trade is permitted to the subjects of the empire of Great Britain and Portugal, signed at London, on the 28th of July 1817, is confined to the territories of his most faithful Majesty the King of Portugal to the south of the Equator, and against the true intent and meaning of the said 2d article, and of the 1st article to the treaty signed at Vienna, the 22d day of January 1815.</p>	<p>The schooner and cargo sold by public auction, and the proceeds paid into the Military Chest.</p>
<p>Trez Amigos - 19th Apr. -</p>	<p>Schooner and 3 slaves.</p>	<p>Septimius Arabin, by a Tender of H. M. S. North Star.</p>	<p>15th May -</p>	<p>Condemned for illicitly trading in slaves - - - - -</p>	<p>The schooner sold by public 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.</p>
<p>Conceicao Paquete do Rio. - 22d Mar. -</p>	<p>Sloop and cargo of merchandize.</p>	<p>Charles Bullen, H. M. S. Maidstone.</p>	<p>15th May -</p>	<p>Condemned for being irregularly licensed to touch at the Islands of St. Thomas and Princes, on the coast of Africa, in her imperial passport, marked N° 20, dated Pernambuco, the 24th of January 1827, which said imperial passport made it obligatory upon her to enter solely such ports or places on the coast of Africa where the slave trade is permitted to the subjects of the empire of Brazil, which, by the 2d article of the convention to the treaty between Great Britain and Portugal, signed at London, on the 28th of July 1817, is confined to the territories of his most faithful Majesty the King of Portugal to the south of the Equator, and against the true intent and meaning of the said 2d article, and of the 1st article to the treaty signed at Vienna, the 22d of January 1815.</p>	<p>The sloop and cargo sold by public 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.</p>
<p>Creola - 11th Apr. -</p>	<p>Brigantine and 308 slaves.</p>	<p>Charles Bullen, H. M. S. Maidstone.</p>	<p>9th June -</p>	<p>Condemned for illicitly trading in slaves - - - - -</p>	<p>The brigantine sold by public 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.</p>

(continued)
 SIERRA LEONE.
 (Portugal & Brazil.)
 Enclosure
 in N° 72.
 Portuguese Vessels
 adjudicated.

SIERRA LEONE.
(Portugal & Brazil.)

Enclosure
in N° 72.

Portuguese Vessels
adjudicated.

NAME of VESSEL.	DATE of SEIZURE.	PROPERTY Seized.	SEIZOR.	DATE of SENTENCE.	DECRETAL PART OF SENTENCE, whether Forfeiture or Restitutor.	Whether Property condemned has been Sold or Converted, and whether any Part remains Unsold, and in whose Hands the Proceeds remains.
Bahia - -	3d April 1827	Brig and cargo of merchandize.	A. Wakefield, H.M.B. Conflict.	19th June 1827	Condemned for a breach of her imperial passport, marked N° 4, dated Bahia; the 3d of February 1827, which said imperial passport made it obligatory upon her to enter solely such ports on the coast of Africa, where the slave trade is permitted to the subjects of the empire of Brazil, which, by the 2d article of the convention to the treaty between Great Britain and Portugal, signed at London, on the 28th of July 1817, is confined to the territories of his most faithful Majesty the King of Portugal to the south of the Equator, and against the true intent and meaning of the said 2d article, and of 1st article to the treaty signed at Vienna, the 22d of January 1815.	The brig and cargo sold by public auction, but the proceeds remain in the hands of the Commissioners of Appraisalment and Sale, the accounts not having yet been returned into the Registry.
Silveirinha -	12th Mar. -	Brig and 266 slaves.	Septimus Arabin, H.M.S. North Star.	19th June -	Condemned for illicitly trading in slaves - - - - -	The brig sold by public auction, but the proceeds remain in the hands of the Commissioners of Appraisalment and Sale, the accounts not having yet been returned into the Registry.

(Signed)

H. Lumley.
Wm. Smith.

N^o 73.N^o 73.

His Majesty's Commissioners to the Earl of Dudley.—(Received Oct. 15.)

My Lord,

Sierra Leone, July 23, 1827.

WE beg to enclose herewith, for the information of your Lordship, the report of the case of the Brazilian brigantine "Copioba," of Bahia, commanded by Joaquim de Arauja Braga, and owned by Francisco Pinto Lima.

The "Copioba" left Bahia on the 10th day of February last, from which port she was furnished with an imperial passport, N^o 6, dated Bahia, the 8th of February 1827, authorizing her to proceed to Molembo, and take on board any number of slaves, not exceeding 420, and giving her permission therein to touch at the coast of Guinea, although the same document made it obligatory upon her to enter solely such ports where the slave trade is permitted to the subjects of the empire. She was captured by His Majesty's brig "Clinker," Lieutenant Matson, commander, on the 15th day of May, at anchor at a place called Otopo, about nine miles to the eastward of Cape St. Paul, in latitude 5. 47. north, longitude 1. 50. east.

This vessel came direct from Bahia to the northward of the equator, having made Cape Palmas on the 24th day of March, on which day the log was discontinued, as is usual with all vessels engaged in the illicit traffic in slaves.

At the time of capture the greater part of her cargo was landed at Otopo, with her derrick rigged to deliver the remainder; having been there and at Accra together upwards of six weeks, the master on shore for the purpose, as was stated, of purchasing provisions, although considerable quantities of farinha and beef were on board her, which must have been taken in at Bahia, her water filled, and nearly ready for the reception of a cargo of slaves; which, together with the prevarication and false statements of the witnesses, and her being irregularly licensed to touch at the coast of Elmina, were circumstances which induced the court to pass sentence of condemnation upon her, on the 20th of July 1827.

The passport of the "Copioba" was not only violated by her deviating from its provisions, but was, in itself, irregular.

The Portuguese part of it allowed her to call at the Costa de Mina, (meaning Elmina, where canoes are frequently obtained for the furtherance of the slave trade,) and the English translation annexed, the more undefined limits of the Guinea coast.

The Costa de Mina, as it is termed by the Portuguese, comprehends, in its extent, part of the Gold coast, and nearly the whole of the Slave coast, extending from Cape Three Points to the river Lagos, including within those boundaries all the notorious slave ports to the northward of the equator.

We have the honour to be, &c.

The Right Hon. Viscount Dudley,
&c. &c. &c.(signed) *N. Campbell.*
Wm. Smith.

Report of the Case of the Brazilian Brigantine "Copioba," Joaquim de Arauja Braga, Master.

Enclosure
in N^o 73.

THE Brigantine "Copioba," of 169 tons burthen, cleared out from Bahia in the beginning of February last, for a slaving-voyage to Molembo, furnished with the usual documents for such a voyage from the authorities there. Her imperial passport, N^o 6, which was dated at Bahia, on the 8th of February 1827, states her to be "bound to the port of Molembo, to call at the Guinea Coast, on the occidental coast of Africa," being "under an obligation to enter solely such ports on the coast of Africa where the slave trade is permitted to the subjects of the empire of Brazil," and was authorized by the same passport to take on board any number of slaves, not exceeding 420. She was commanded by Joaquim de Arauja Braga, and owned by Francisco Pinto Lima, both inhabitants of Bahia, and subjects, of the empire of Brazil.

The "Copioba" sailed on the 10th day of February last from Bahia, and was captured by the boats of His Majesty's brig "Clinker," Lieutenant George William Matson, commander, on the 15th of May following, at anchor in the roads of Otopo, about nine miles to the eastward of Cape St. Paul's.

She arrived here for adjudication on the 12th day of June, and on the 13th the papers were lodged in the registry, accompanied by the affidavit of Mr. Frederick Saumarez Fraser, master's assistant of His Majesty's said brig, and prize master of the "Copioba."

A monition was also prayed for and granted, which accordingly went forth; and was returned on the 25th of June, certified to have been duly served.

On the 21st of the same month, the proctor for the captor filed an affidavit of Mr. Frederick Saumarez Fraser, master's assistant, and Henry Burton Weston, midshipman of His Majesty's brig "Clinker," in which they deposed, that "two days subsequent to the seizure

SIERRA LEONE. of the said sumaca "Copioba," to wit, on the 17th day of May 1827, they discovered
(Portugal & Brazil.) and found the log-book of the said sumaca "Copioba" marked N° 2, deposited in a corner of the cabin, concealed under several bags of farinha, and the log-book, marked N° 3, concealed in a case of sugar; both these logs were brought in and deposited in the registry on the 13th, with the other papers belonging to her.

Lieutenant Matson, the captor, stated in his declaration "that being off Cape St. Paul's, the boats of His Majesty's brig 'Clinker,' on the 15th of May 1827, found at anchor in Otoco, a roadsted about nine miles eastward of the Cape, the sumaca "Copioba" with her derrick tackle up, part of her cargo discharged and long-boat out, under Brazilian colours, having on board two guns, twenty men, and Joze Thomas Gonsabus commanding, who called himself the mate, and stated that the captain was on shore. A signal was made, which he stated had been previously arranged, to the captain to come off, and the officer waited twenty-four hours; none coming, he weighed, and joined His Majesty's brig in the offing on the 16th, about thirty miles south of the Cape;" he further declared, "that he detained the said sumaca for breaking her passport by landing part of her cargo to the north of the equator, and filling up his water, and being in a roadsted and near a well known place for the resort of vessels engaged in the illicit traffic for slaves. Joze Thomas Gonsabus, the commander, at the time of detention, stated the sumaca to be bound from Bahia to Molembo, and the excuse he gave for being in the above roadsted and discharging, was, that he came in there for stock;" and he further declared, "that the said sumaca appeared seaworthy, that she has the farinha, beef, irons and all preparations for receiving slaves on board, and that he has taken part of her crew, and sent her to Sierra Leone for adjudication."

Jozé Thomas Conçalves, mate of the aforesaid vessel, being examined on the standing interrogatories, deposed, that "the present voyage began at Bahia, and was to have ended there; Bahia was the last clearing port the vessel sailed from previous to capture; she anchored and touched at Accra and Otoco during the present voyage; she anchored and touched at Accra to buy a canoe and some cowries, and at Otoco to purchase provisions, get water, and to repair the mast of the vessel and the sails; at Accra communication took place between the vessel and the shore by means of a native canoe, and at Otoco by means of the vessel's boat, and the canoe purchased at Accra; first saw the capturing ship's boats at nine o'clock in the morning of the 15th of May, the vessel being then at anchor in the roadsted of Otoco, at which time and place she was captured; had no instructions or directions for destroying, concealing or refusing to deliver up any of the ship's documents or papers on board; that Francisco Pinto Lima, the owner, is also the lader and owner of the cargo of merchandize now on board the vessel, and the master is the consignee of the same; it was to have been delivered at Molembo in south latitude for the real account risk and benefit of the aforesaid owner; no slaves have been taken on board during the present voyage. All the passports and other papers found on board were entirely true and fair; he does not know if the vessel was provided with an imperial passport to carry slaves; that no papers were concealed or attempted to be concealed; bulk was broken during the present voyage at Accra and Otoco; at the former, cloth, aquadente and tobacco were landed to buy the canoe and cowries; and at the latter, cloth, aquadente and tobacco to purchase provisions."

The same evidence was also deposed to, nearly word for word, by Joaquim Luis, a seaman of the said vessel.

On the 6th of July, the proctor for captor prayed special interrogatories might be put to the witnesses, and the following further information was elicited from Jozé Thomas Conçalves, the mate, who deposed "that Accra and Otoco were the only ports or places the 'Copioba' touched at after her departure from Bahia, and previous to capture; the master of the 'Copioba,' at the time of capture was on shore at Otoco; he had quitted the vessel one month previous to such capture; his object in doing so was to purchase provisions; he has not come to Sierra Leone, because he was on shore at the time of capture; he can swear that the vessel was furnished with an imperial passport to carry slaves from Molembo, and that it forbid her to trade for slaves to the northward of the line, although the vessel might touch for provisions; the true cause why the vessel deviated so much from her prescribed course was on account of contrary winds; she was six or seven days at Accra, and about one month at Otoco; the first land made on the coast of Africa was Manna, to the southward of Cape Mesurado; can take upon himself to swear that no slaves have been bought, bartered or agreed for by the master or any other person belonging to the vessel during the present voyage; the real object of the 'Copioba' remaining so long at Otoco, was to repair the mast and put the vessel in order; the log-book, marked N° 2, was kept by the master; that marked N° 3, by himself. On the master going on shore he put his log with other papers into a cask for safety; his own log-book was kept in his birth; he cannot specify the quantity and quality of the goods wares and merchandize landed; and the object in purchasing cowries at Accra was to purchase provisions at Otoco."

No claim having been made for this vessel, the Commissioners proceeded to the examination of the papers submitted to them in this case.

Both the logs produced proved that, on leaving Bahia, in latitude 13. 8. south, longitude 38. 48. west, on the 10th of February, she steered south east, having the winds from north east for seven days, when, being in latitude 20. 38. south, longitude 32. 39. west, her course was altered to N. N. E. and N. E. by north, having the wind fresh from the east, E. S. E. and S. S. E. and she continued this course, varying a little more to the eastward occasionally,

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sionally, as she approached the coast of Africa, until the 24th of March, and the forty-second day of the voyage, when having, as appears by the master's log, N^o 2, made Cape Palmas, and had communication by a canoe from Manna, the log ends; showing most fully that he could have kept his vessel to the southward, which he was by his passport under an obligation to do, had he chosen to have done so; but having run into the south-east trade winds, he no sooner had an opportunity afforded him, than he instantly tacked his vessel, and for thirty-four days following ran to the north east, with the full intention of coming to the north of the equator, and this is corroborated by the heading of his log: for the first fifteen days of the voyage he says, she is bound from Bahia to Molembo: but on the 16th he alters it, and says she is bound from Bahia to the coast of Africa; the mate's log in every respect corroborates that of the master, with the exception that he makes the land, first discovered on the coast of Africa, to be Cape Lahon. Both logs constantly mention having fair winds, fine weather, calm sea, and returning thanks to their patron saint for a good voyage; affording a complete refutation of the mate's deposition, that "the true cause why the vessel deviated from her prescribed course was on account of contrary winds," nor could his evidence on the most material points be in the least credited, as it is full of contradictions; in his first examination he says nothing of the winds, but states that the reason for her coming to the northward, was "to buy a canoe and cowries at Accra, and provisions, water, and to repair the mast and sails of the vessel at Otoco, and the master's object in quitting the vessel at that place, and remaining so long on shore, was to purchase provisions;" yet he afterwards swears the real object of the vessel going there, was, "to repair the masts and sails," and certainly had that been the real object, it could have been better effected at Accra, where there are three European settlements, and where assistance could be more readily procured, than at the small native village of Otoco, situated upwards of 100 miles from any other place, and in the immediate vicinity of Away, which latter place has lately become notorious for being a slave port; nor could it be believed that the master could be engaged on shore there a month, for the purpose of procuring provisions only; his literally abandoning his vessel, when opportunity was afforded him by the captor to have gone on board if he had chosen, and prosecuted his claim before the court, shows strong culpability; this, together with the "Copioba" having been fifty-two days on the coast; the purchasing a canoe and cowries at Accra, without which it is well known to the court that the illicit traffic cannot be carried on; the greater part of the cargo having been landed, which the witnesses swore was to have been delivered at Molembo; the prevarication about the real object of going to Otoco; the fact of the concealment of the logs; the unblushing falsehood about the imperial passport; having on board farinha, beef, and irons; the two former completely falsifying the necessity of coming to the northward of the equator to purchase provisions, or her requiring any at all; together with her water being filled, her being nearly ready for the reception of a cargo of slaves at the time of capture; and her being irregularly licensed to touch at the coast of Guinea, in violation of that part of her passport which made it obligatory on her, to enter solely such ports on the coast of Africa where the slave trade is permitted to the subjects of the empire; and against the true intent and meaning of the treaty and convention; all combined to leave no doubt upon the mind of the Court as to the illicit traffic the "Copioba" was engaged in. Sentence of condemnation was accordingly passed upon her, on the 20th of July 1827, her tackle, apparel and furniture, and the goods, wares, and merchandize on board the same, as good and lawful prize, and as taken in the illicit traffic in slaves, by His Majesty's brig "Clinker," Lieutenant George William Matson, commander.

(signed) *N. Campbell*, Acting Commissary Judge.
Wm. Smith.

N^o 74.

His Majesty's Commissioners to the Earl of Dudley.—(Received Oct. 15.)

N^o 74.

My Lord,

Sierra Leone, July 24, 1827.

WE have the honour herewith to enclose the report of the case of the Portuguese schooner "Toninha," Clementi José Alvez Martinez, master, and owned by Manoel Antonio Martinez, of Bonavista, one of the Cape de Verd Islands.

The "Toninha" left Port Praya, in the island of St. Jago, for Bissao, on the main land of Africa, in the latter end of May last, with the newly appointed governor of the Portuguese settlement of Bissao on board, furnished with a passport from Caetano Procopio Godinha de Vasconcelles, the governor general of the Cape de Verds, dated the 25th of May 1827. She arrived there in the beginning of June, and sailed again on her return to the Cape de Verds, on the 15th of that month, having on board a quantity of rice, some wax, calabashes (dried gourds), with sixty-one slaves, and an infant at the breast, the latter of which was not included in the passport, as the mother and child are reckoned as one by the Portuguese, said to be domestics belonging to Caetano José Nozolini, a captain of infantry in the Portuguese service, and resident at Bissoa, and three slaves, also said

SIERRA LEONE. to be domestics, belonging to a Frenchman of the name of Duccros, the whole of (Portugal & Brazil.) whom were to have been landed at St. Jago.

Early in the morning of the 18th of June, the "Toninha" was discovered in the Bijuga Passage by His Majesty's ship "North Star," Captain Septimius Arabin, in company with the government steam vessel "African," having on board his Excellency Sir Neil Campbell, on his way down from visiting the Gambia. Chase was immediately given by the "African," who had taken on board an officer and boat's crew from the "North Star," which, after a short time, came up with and boarded her.

To account for having on board so many negroes, Caetano Jozé Nozolini, and Duccros, both of whom were also on board accompanying them to St. Jago, produced passports, signed by the acting governor of Bissao, Luis Antonio Basto, dated the 25th of May 1827, calling them domestic slaves, and permitting them to be transported in the "Toninha," to St. Jago; but after a minute investigation, they were all found to be newly purchased negroes; Captain Arabin consequently detained her for adjudication before the court of British and Portuguese Mixed Commission.

We beg to refer your Lordship to the declaration of Captain Arabin, copy of which accompanies the Report, for all the circumstances attending the capture of the "Toninha," and her unfortunate loss, which was subsequently borne out in evidence.

The fact of the "Toninha" having on board three passports, all dated the 25th of May 1827, one from the governor-general of the Cape de Verd Islands, at Port Praya, and the other two from Luis Antonio Basto, acting governor of Bissoa, made it fully evident that those granted by him must have been surreptitiously obtained, and consequently fictitious, as the master acknowledged that the one Caetano Jozé Nozolini produced had been procured by him previous to the "Toninha's" going to Bissao, in the expectation of her arrival there, and at which time she was actually at Port Praya.

The whole of this case affords a clear demonstration of the illicit traffic that has so long been carried on between the Portuguese settlements of Bissoa and Cacheo, and the Cape de Verd Islands, and of the deceptions and artifices practised upon the authorities of those settlements, to obtain, or their connivance in granting, passports for domestics, when the persons so called were truly and *bonâ fide* slaves, only to tranship them at the latter islands to Brazilian vessels of a larger size, which transport them across the Atlantic.

The "North Star" and "African" being, at the time of this capture, in the immediate vicinity of Bissao, it was deemed expedient to take the "Toninha" into that port with them, for the purpose of remonstrating with the authorities of that settlement upon such illegal practices, and of obtaining the fullest information thereon.

Copy of Captain Arabin's representation to the Governor of Bissoa, together with the reply, and translation thereof, accompanying this.

You will perceive, my Lord, by the Governor of Bissoa's letter, that he does not attempt to justify his predecessor, Luis Antonio Basto, nor the illicit traffic in which the "Toninha" was captured, but that he establishes the fact.

Had they really been domestic slaves, Caetano Jozé Nozolini would, without doubt, have brought forward proof thereof at Bissoa, in the very place where, had that been the fact, he could most readily have substantiated it; but, on the contrary, although the "North Star," "African," and "Toninha," remained there part of two days, no attempt at such proof was made, nor was any claim whatever preferred, before the court for them, either by him or on his behalf, and none on behalf of those said to be the domestics of Duccros.

After a full and minute investigation of this case, the Court met on the 21st of July, and passed sentence of confiscation upon the "Toninha," her tackle, apparel, and furniture, and the goods, wares, and merchandize on board her, as good and lawful prize, and emancipated the surviving slaves, to the number of fifty-eight, seven having died previous to adjudication.

There was also in this case a new feature upon which this vessel would have been, in our opinion, liable to confiscation, and that was, having slaves on board belonging to a Frenchman, contrary to the 3d stipulation of the 1st article to the additional convention, which makes it illegal for the Portuguese flag to be employed in that traffic for the account of the subjects of any other government; and this Frenchman has been for two years resident at Bissoa, openly engaged in bringing slaves to that place from the rivers Nunez and Pongas.

We cannot refrain from noticing to your Lordship, that, if the passport granted to Caetano Jozé Nozolini was surreptitiously obtained by him from Acting Governor Basto, under the impression that the persons for whom the passport was applied for were really domestic slaves, some allowance might possibly be made for his having been deceived; but in the case of Duccros no such excuse can be maintained, as he must have known the party to whom he granted the passport was a Frenchman, and that in so doing he was acting in direct contravention of the treaty on that point. Such conduct must entail upon him the reprehension it deserves, for con-
 vining at, and allowing the flag of his most Faithful Majesty to be prostituted to such vile abuses.

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We think it proper to mention, that among the ship's papers of the "Toninha," filed in the case, was a document, being a petition from Clementi Jozé Alvez Martinez to the governor general of Cape de Verd, for a license for a vessel called the "Andorinha" to depart from Villa de Praya, which was granted on the 20th of April.

Considering it probable that the "Andorinha" and "Toninha" were the self-same vessel, assuming either one name or the other as best suited the object of the owners, and that the elucidation of this matter might lead to the detection of further abuses in the traffic in slaves, the master was questioned concerning it, and he swore that that paper related to another vessel, which he had formerly commanded, and which belonged to the same owner as the "Toninha;" she was a prize, sold by the late commodore to Martinez; he had taken it on board the "Toninha" with other papers of his own. He further stated to the Court, on the day the "Toninha" was adjudicated, that the "Andorinha," as well as another vessel, called the "Prince of Guinea," also sold by Commodore Bullen to the same person, Manoel Antonio Martinez, had, since then, both sailed to the Brazils.

We have the honour to be, &c.

(signed)

N. Campbell, Governor,
 Acting Commissary Judge.
Wm. Smith.

The Right Hon. Viscount Dudley,
 &c. &c. &c.

Report of the Case of the Portuguese Schooner "Toninha," Clemente Jozé Alves
 Martinez, Master.

1st Enclosure.
 (A.)
 in N^o 74.

THE Schooner "Toninha," commanded by Clemente Jozé Alves Martinez, and owned by Manoel Antonio Martinez, of Bonavista, one of the Cape de Verds, originally left that island at the commencement of the present voyage, and proceeded to Port Praya, in St. Jago, where, after obtaining a passport from the governor general of Cape de Verds, Caetano Procopio Godinha de Vasconcelles, dated the 25th of May 1827, allowing her to proceed to the Portuguese settlement of Bissao, on the main land, and taking on board the newly appointed governor of that settlement, she departed, in the end of that month, for the place of destination. Having landed the governor of Bissao there, and taken on board a cargo of rice, wax, and calabashes, together with sixty-one slaves and an infant at the breast, belonging to a Portuguese resident at Bissao, named Caetano Jozé Nozolini, an officer of infantry in the Portuguese service, and three slaves belonging to a Frenchman of the name of Duccros, she left that port on the 15th day of June following, on her return to the Cape de Verds, and was to have delivered the slaves at St. Jago.

Early in the morning of the 18th day of June, the "Toninha," was discovered in the Bijuga Channel, by the "North Star," Septimius Arabin, esq. captain, His Majesty's ship being then in company with the government steam vessel "African." Chase was given, and the "Toninha," on being boarded, was found to have sixty-five slaves on board, who, after a strict examination, not answering the passports produced for them as domestic slaves; her having three passports on board, all dated the 25th of May 1827, one from the governor-general of the Cape de Verds, dated at Villa de Praia, allowing her to go from thence to Bissao, and the other two from the acting governor of Bissao, for the slaves on board to be delivered at St. Jago; and other circumstances connected therewith, determined Captain Arabin to detain her for adjudication. After her detention, she was taken by Captain Arabin to Bissao, which port she had left but three days previous to capture, in order to remonstrate with the authorities there upon the illegality of her voyage. After a stay there of nearly two days, Caetano Jozé Nozolini and Pedro Benjamin Duccros, who were going with the slaves to St. Jago, at their own special request, having been landed, the "North Star," "African," and "Toninha" left for Sierra Leone, and the day following, owing to the "Toninha," in attempting to be taken in tow, having got foul of the "African," the protecting-iron of whose paddle-box entered her deck, from which it was impossible to be extricated, and a heavy swell endangering the safety of both vessels, the "Toninha" was

obliged

SIERRA LEONE. obliged to be scuttled. The slaves and crew were, however, saved and sent on board His Majesty's ship "North Star."
(Portugal & Brazil.)

On Saturday the 30th of June, His Majesty's ship arrived here, and Captain Arabin made immediate communication to the Court to allow the slaves to be landed, which was granted, under the condition that they were kept in their character of slaves, until sentence of emancipation or restitution was decreed.

On Monday the 2d of July following, Captain Arabin's declaration was brought in, and the ship's papers were filed in the court, with the affidavit of Mr. Frederick Moore Boulton, lieutenant of the "North Star."

A copy of Captain Arabin's declaration, containing a full and minute account of the circumstances attending the capture, and subsequent unfortunate loss of the "Toninha," is annexed to this report.

The ship's papers filed were as follows, viz. :—

N^o 1. passport, N^o 109, for the "Toninha," from St. Jago, bound to Bissao, from Caetano Procopio Godinha de Vasconcelles, governor-general of the Cape de Verds, dated at Villa de Praia, island of St. Jago, 25th May 1827.

N^o 2. Passport for the "Toninha," from Bissao to St. Jago, from Luis Antonio Basto, acting governor of Bissao, dated the 25th May 1827, authorizing her to take on board Caetano Jozé Nozolini, and sixty-one of his domestic slaves.

N^o 3. Passport for the "Toninha," from Bissao to St. Jago, from Luis Antonio Basto, acting governor of Bissao, dated the 25th May 1827, authorizing her to take on board Pedro Benjamin Duccros and three of his domestic slaves.

N^o 4. Muster-roll of "Toninha," dated Villa de Praia, St. Jago, 27th May 1827, signed by Antonio Marques da Costa Soares, secretary to the governor.

N^o 5. Petition from Caetano Jozé Nozolini to Luis Antonio Basto, acting governor of Bissao, to embark sixty-one domestic slaves for the island of St. Jago, to cultivate, dated the 24th May 1827.

N^o 6. Petition from Clemente Jozé Alves Martinez, master of the brig schooner "Andorinha," to the governor-general of Cape de Verd, for a license to depart, dated the 26th April 1827.

N^o 7. Invoice of goods shipped on board the "Toninha," at Bissao, dated the 4th June 1827.

On the same day, a monition was prayed for, and granted, which went forth, and was returned certified to have been duly served.

An affidavit of Lieutenant Boulton was also filed, accounting for the death of seven slaves, four of whom had jumped overboard, and three died after capture.

On the 6th of the same month, a certified copy of Captain Arabin's representation to the governor of Bissao was filed, together with the original reply thereto.

In answer to the standing interrogatories, the master swore, "that the 'Toninha' was seized for having sixty-five blacks, domestics of a Portuguese officer belonging to Bissao; he had two passengers on board, they were not concealed at the time of capture; their names were Caetano Jozé Nozolini and Duccros; the first is a Portuguese by birth, and a captain in the service of that nation; the latter is a Frenchman, but he does not know his profession or occupation; they both came on board at Bissao on the 13th of June, and were destined to St. Jago, one of the Cape de Verd islands; the Portuguese for the purpose of seeing his family, and the Frenchman to look after debts; sixty-two of the blacks on board belonged to Caetano Jozé Nozolini, and the remaining three to Duccros; that the aforesaid passengers were the only persons concerned or interested in the blacks on board the vessel taken; the said blacks were to have been unshipped at St. Jago for the real account, risk, and benefit of the aforesaid possessors; no slaves had been taken on board; the sixty-five blacks found on board were domestics of the aforesaid Nozolini and Duccros, for whose transport they had passports from the late governor of Bissao; that all the passports and other papers found on board the vessel are entirely true and fair; none are false or colourable."

Jozé Luitao, a sailor belonging to the "Toninha," also deposed on oath to the principal facts of the master's evidence, and distinctly swore, "that only two passengers were on board, one called Caetano, and one Duccros; the former a Portuguese and a King's officer, the latter a Frenchman: that Caetano had his family with him which consisted of somewhere about sixty-two blacks," but he appears to know nothing further about Duccros, or whether he had any domestics on board or not, as he subsequently swears, "no slaves were on board, and the blacks were the family or servants of the Portuguese government officer."

The proctor for the captor, on the 11th day of July, prayed the Court to allow special interrogatories to be put to the aforesaid two witnesses, which was granted, and they both swore "that the slaves were shipped on board the 'Toninha,' on the 15th of June, at eight o'clock in the morning; that they came in two canoes with their masters; they were not confined in irons, but came of their own free will; they only went below to sleep, they were not confined; they both can and do take upon themselves to swear by the Holy Cross that the slaves were not in irons when they first saw the capturing ship, nor at any other time on board the vessel, and that no irons were taken off their legs and thrown overboard, or concealed previous to being boarded by the capturing ship." The master swore, that "one-half came on board his vessel with white men's clothes on—the remainder were furnished on Sunday (the day before seeing the capturing ship), with shirts and trowsers by

by their master, Caetano Jozé Nozolini ;" and the sailor, Jozé Luitao, swore, that "neither himself nor any one else issued shirts or trowsers to the slaves on the capturing ship being made out." SIERRA LEONE.
(Portugal & Brazil.)

The Court directed the master to be questioned respecting his having passports dated from St. Jago, and from Bissao, on the 25th of May, those places being several days sail apart, and why the paper, marked N° 6, called the vessel the "Andorinha:" and he swore that the reason of the passports being dated "one at Bissao and the other at St. Jago on the same day, arises from the one from Bissao being obtained from the governor there by Caetano before he (examinant) arrived there, and in expectation of it. The other being his own passport was obtained on leaving St. Jago;" he further swore, "that the paper writing, marked N° 6, related to another vessel which he formerly commanded, and which belonged to the same owner as the "Toninha;" she was a prize sold by the late comodore to Martinez; he had taken it on board the "Toninha" with other papers of his own."

On the 12th of July, the master filed a claim for the schooner "Toninha," her tackle, apparel, and furniture, goods, wares and merchandize, and freight for sixty-five domestics, natives of Africa, on board of the said schooner at the time of the capture and detention thereof by His Majesty's ship "North Star," Septimius Arabin, esq. commander, as the sole property of Manoel Antonio Martinez, of Bonavista.

In his affidavit in support of this claim, he urges restitution, on account that "the said domestics, natives of Africa, were not purchased by this deponent, or by any person for his account, or the account of the owner of the said schooner or vessel; that they were lawfully shipped according to the laws and usages of the port of Bissao, and were not removed by this deponent, or taken on board for any purposes of traffic."

On the same day, the proctor for the captor petitioned to be allowed to file an affidavit of Mahomedoo Jan, one of the Africans captured on board the "Toninha," and to put special interrogatories to three others, two of whom were Foulahs and one a Sombia Soosoo, and from their testimony the following facts were elicited: "one of the Foulahs had known Bissao for one month and a half, the other for two months, and the Soosoo for three months; the two Foulahs were both taken to Bissao as slaves, were confined in irons there, and were not allowed to go where they pleased; that there were about forty men, twelve women and two infants; the men and women were confined in irons with themselves; they were shipped on board of a vessel at Bissao in a big canoe, in the middle of the night, one in a canoe containing thirty men and twelve women, the other in a canoe containing nine slaves beside himself, which went for more, and immediately they came the vessel weighed anchor; neither of them, nor the other slaves on board, were allowed to walk about the deck, they were all confined in the vessel's hold in irons; that the morning the capturing ship was seen, a black man on board (a Grumetta) took all the slaves out of the hold, and knocked off their irons on deck, and Caetano, a white man, gave them clothes to put on, and allowed them to remain on deck, and that the same man who knocked off their irons threw them into the sea by order of Caetano." The Soosoo had been carried from Kakindy to Bissao as a slave, by a white man named Duccros, that he was not confined in irons at Bissao, but was not allowed to go where he pleased; he was shipped in the night with the other slaves, who were all confined in the vessel's hold in irons, except himself; he also confirmed the Foulah's testimony respecting the irons being knocked off the slaves and thrown into the sea, and clothes having been given them to put on, on the appearance of the capturing ship.

The affidavit of Mahomadoo Jan, after stating himself to be a Foulah, and giving an account of his captivity into slavery, says "that he was taken from Kakindy to Bissao with twelve other slaves, in irons, by a white man named Duccros; that they were taken to a house by the said Duccros, where they found fifty-nine other slaves confined in irons; that after remaining at Bissao three moons, during which period they were kept constantly in irons, they were all, one midnight, shipped on board a large vessel with two masts; that the vessel sailed directly they were all got on board; that at daylight of the third day after leaving Bissao, he saw a large ship and smoke-boat, (steam vessel,) that they were both trying to catch the vessel he was in; that when the white men on board the schooner saw the ship and smoke-boat, they told a black sailor to take off all the irons from the slaves and throw them into the sea, which was done, and that the white men gave him and all the other slaves clothes to put on.

The master of the "Toninha" and the sailor, Jozé Luitao, having both sworn to there being only two passengers on board at the time of capture, both of whom they knew had been landed at Bissao, and whose evidence in this case could not be obtained, appear to have done so under the impression that the testimony of the slaves (if questioned regarding the matter) could not be confirmed; but it having come to the knowledge of the Court that there were actually three passengers on board the "Toninha" when she was captured, and that the third passenger, an American, by name of Ephraim Marchant, said to be connected with Martinez, the owner of "Toninha," who the witnesses had carefully abstained from mentioning, had been brought down here by the "North Star," and was then in town; the Court ordered him to be brought forward and questioned on special interrogatories, and on the 19th of July, he deposed "that he does not recollect the day of the month the slaves were shipped on board the "Toninha," was confident it was between a Friday night and Saturday morning; he first saw them on board on Saturday morning; he could not take upon himself to swear that the slaves were not in irons, when they first saw the capturing

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capturing ship, nor that the irons were taken off the slaves when the said ship was first seen; he did not know but what shirts and trowsers might have been issued to the slaves on first seeing the capturing ship, and that they might have been forced to put them on; he could not say whether or not the irons of the slaves were concealed or thrown overboard, before the boat of the capturing ship boarded; he did not see them."

No claim was made either by Caetano José Nozolini, or Pedro Benjamin Duccros, for the slaves, nor was any brought forward on their behalf: both those persons appear to have considered it impossible to prove they actually were their domestics, and, therefore, gave up the case as hopeless, or assuredly they would not have abandoned proceedings for their recovery, which, considered as property, was of very considerable amount. Neither did they or the master, or any other person, attempt to prove that the slaves were domestics, during the time of the "North Star," "African," and "Toninha," were at Bissao, the very place the slaves were shipped at, and where it was to be presumed they could most readily have obtained witnesses to establish the truth thereof.

The circumstance of abandoning their claim, afforded strong grounds for believing they could not substantiate it, had they had the temerity to endeavour to persuade the Court to restore them, under the assumed protection of the passports granted by the acting governor of Bissao, which Clemente José Alves Martinez proved must have been surreptitiously obtained from him, before the "Toninha" had even left Port Praya, and that circumstance alone stamped them with a fictitious and fraudulent character.

Both Clemente José Alves Martinez and José Luitao swore, that the blacks on board were not slaves, and were never confined, treated, or dealt with as such. Their evidence, however, did not prove them to be domestics, and contrasted with that of Ephraim Marchant, (who, from being connected with Martinez, the owner of the "Toninha," might be supposed not an uninterested witness,) made it appear to be throughout, as regarded the slaves, false; for, although he gave his testimony with the greatest restraint, and evaded direct answers to the questions put to him, yet his deposing that he could not take upon himself to swear that the slaves were not in irons, was in reality an admission that they actually were, and his evidence bore out the testimony of the slaves themselves, in every particular which they swore had taken place on board, from the time of their shipment until capture; this, together with the clear and distinct account they gave of their captivity, their treatment and confinement at Bissao, and ultimate embarkation there in the dead of the night, ironed and confined below, and which suspicious time of shipment therefrom Ephraim Marchant confirmed boldly, for he said it took place between a Friday night and Saturday morning, was fully convincing of their being *bonâ fide* slaves, and not domestics.

The ground taken by the claimant for the restitution of the vessel and cargo, because the natives of Africa were not purchased by him, or by any person for his account, or the account of the owner of the "Toninha," that they were lawfully shipped, according to the usages of the port of Bissao, and were not removed by him for the purposes of traffic, was certainly one of the most novel ever brought before the Court, and which, if acceded to, would allow fraud in the illicit traffic to be practised to the greatest extent. Every vessel hereafter engaged therein might only be employed as carriers of slaves for another party, who had no interest in the vessel herself, and when captured, her restitution might be claimed upon the same principle—a principle which the Court instantly rejected.

That the slaves were not lawfully shipped was fully proved; it took place in the middle of the night, which would not have been requisite had it been legal; in addition to which, it ought to have been done under the sanction of the governor, who the "Toninha" had carried there; for, when it took place under the passport granted by the Acting Governor Basto, he was no longer in authority, and his act could not, at the time of the shipment, be a protection to the vessel.

The Governor of Bissao, in reply to Captain Arabin's representation, did not attempt to justify the conduct of the Acting Governor Basto, or the transaction in which the "Toninha" was engaged, but his letter was a confirmation of the illicit nature of her voyage.

The proofs having been thus clearly established, that the "Toninha" was engaged in the illicit traffic in slaves, the Court, on the 21st day of July 1827, pronounced that she was, at the time of capture, subject and liable to confiscation as good and lawful prize, and as taken in such illicit traffic by His Majesty's ship "North Star," Septimius Arabin, esq. commander, and emancipated the surviving slaves found on board of her, to the number of fifty-eight, and further pronounced that sixty-five were on board at the time of capture, and that seven had died between the time of the detention and adjudication of the said schooner "Toninha."

(signed) N. Campbell, Governor,
Acting Commissary Judge.
Wm. Smith.

Declaration of Captain Arabin.

I, SEPTIMIUS ARABIN, captain of His Britanic Majesty's ship "North Star," hereby declare, that, on the 18th day of June 1827, being in or about latitude 12. 0. north, longitude 16. 50. west of Greenwich, I detained the ship or vessel named the "Toninha," sailing under

1st Enclosure.
(B.)
in N° 74.

under Portuguese colours, armed with no guns, no pounders, commanded by Clemente José Alvez Martinez, who declared her to be bound from Bissao to St. Jago, with a crew consisting of seven men, no boys, no supercargo, three passengers, whose names, as declared by them respectively, are inserted in a list at foot hereof, and having on board sixty-five slaves, said to have been taken on board at Bissao on the 15th day of June, and are enumerated as follows :

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(Portugal & Brazil.)

	Healthy.	Sickly.
Men - - - -	44	—
Women - - - -	15	—
Boys - - - -	5	—
Girls - - - -	1	—
Total - - - -	65	—

I do further declare, that the said ship or 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 Cape Verd Islands.

I do further declare, that the said schooner "Toninha," being observed on the morning of the 18th instant, near the shoals of the Bijuga channel, where His Majesty's ship "North Star" could not with safety follow, the colonial steam vessel, the "African," on board of which was embarked His Excellency Sir Neil Campbell, being in company, very kindly went in chase of her, with an officer and boat from the "North Star." The schooner upon being boarded was found to have the slaves as before enumerated; there was also embarked on board of her a Signor Caetano José Nozolini, a captain in the Portuguese service, who resides habitually at Bissao, and is also a principal merchant there; he being seated upon deck, and dressed in full military uniform, stated sixty-one of the said slaves to be his domestics, with whom he was proceeding to the Cape Verd Islands, and for whom a passport was produced, containing the names of sixty-one Nozolinis, signed by the former governor of Bissao; that passport bears date the 25th of May, at Bissao, and the vessel's passport, signed by the governor-general of the Cape Verd Islands, proves the "Toninha" to have been at Porto Praya, island of St. Jago, where it bears date, on that very day; there are, however, other circumstances connected with this business, which distinctly go to prove either the connivance or privity of the authorities of Bissao, or the gross imposition which has been practised upon them, by obtaining a passport for domestics, and embarking therewith slaves, not answering in any respect the description or character of those for whom the passport is solicited; the slaves on board the "Toninha," so far from receiving the treatment of domestics, were actually in irons on board until the time of His Majesty's ship "North Star" being perceived on the morning of the 18th instant; the irons were then knocked off and thrown overboard, and clothes given to cover the nakedness of the slaves, in order to their being the more readily passed as domestics; they were collected at Bissao, and kept in irons on shore until the night preceding that on which the "Toninha" sailed from Bissao, when they were embarked on board, ironed together two and two. The concurrent testimony of the slaves goes to establish these facts beyond the possibility of refutation; and if further proof were required, the marks of the irons, still fresh upon the legs of these unfortunate victims, many in an ulcerated state from the effects of them, would satisfy the most sceptical; these poor wretches hailed the officer from this ship, who first visited the schooner, as their deliverer, and, with one accord, pointed out the situation from which they had been just liberated; and I further caused them to pass in rotation before his Excellency Sir Neil Campbell and myself, when they did the same thing, and gave every particular respecting their recent condition: there was also on board the "Toninha" a Frenchman, named Duccros, who states three of the slaves to be his domestics; but it is necessary to observe, that none of the slaves answer to, or appear to have any knowledge whatever of the names inserted in the passport of either Signor Nozolini or of Duccros.

Upon the arrival of the colonial steam vessel, and His Majesty's ship "North Star" at Bissao, on the 20th of June, an official representation of these circumstances was made by his Excellency Sir Neil Campbell and myself to the present governor of Bissao, who did not justify the conduct of the schooner "Toninha," or the imposition which had been practised upon his predecessor, but gave every assurance that no similar abuse should take place during his administration of that government. I do further declare, that, in the afternoon of the 21st instant, leaving Bissao to proceed through the eastern Bijuga channel, the "North Star" having proceeded under sail, the colonial steam vessel, in endeavouring to take the schooner "Toninha" in tow, unfortunately got foul of her, and the guard-iron of the paddle-box penetrating the deck, and otherwise doing material damage, there being a heavy swell at the time, it was found necessary to save the slaves by removing them to the steam vessel, which, with a small proportion of provisions, was just effected before the "Toninha" sunk, having been previously scuttled, a measure which had become essential to secure the safety of the steam vessel.

CREW

SIERRA LEONE.
(Portugal & Brazil.)

CREW OF THE SCHOONER "TONINHA."

Luis Jozé,
Joas Cata.
Joas Francisco.
Manoel Gonsalves.

Miguel Archaizo.
Luis Jozé.
Agostinho dos Cantos.

Passengers.—Caetano Jozé Nozolini, Pedro Benjamin Duccros, and Ephraim Marchant.

Given under my hand, on board His Majesty's ship "North Star," this 28th day of June 1827.

(signed) *Septimius Arabin*, Captain.

Witnessed by (signed) *James M^cConnell*, Surgeon.
Fredk. W. E. Boulbee, Lieut.

2d Enclosure.
in N^o 74.

Captain Arabin to the Governor of Bissao.

Sir,

H. B. M. S. "North Star," at Bissao, June 20, 1827.

I HAVE the honour to acquaint you, that in approaching the Bijuga Channel, on the morning of the 18th instant, in company with the colonial steam vessel, the "African," on board of which is embarked his Excellency Major-General Sir Neil Campbell, Governor-in-Chief of His Britannic Majesty's Settlements on the western coast of Africa, I met with the schooner named the "Toninha," under the Portuguese flag, having on board sixty-four of sixty-five negro slaves, who had sailed from the port of Bissao on the morning of Saturday the 16th, and bound to the Cape Verd Islands.

I have considered it my duty, acting under the existing treaties between Great Britain and Portugal for the suppression of the slave trade, and the instructions from my Government, to detain and send this vessel to Sierra Leone, for adjudication before the Mixed Commission at that place; and the object of my making this communication to you is, to point out, and to call your attention to the extraordinary circumstances attending the whole transactions of the schooner in question. There is embarked on board of her a Portuguese officer (Signor Caetano Jozé Nozolini) who resides habitually at Bissao, and, as must be known to your Excellency, is also a principal merchant there; he states sixty-one of the said slaves to be his domestics, with whom he was proceeding to Cape Verd Islands, and for whom he produces a passport signed by your predecessor in the government of Bissao; that passport bears date the 25th of May, and pretends to permit the removal of that officer's domestics in the schooner named the "Toninha," when it so happens that she was then actually at St. Jago. No further fact could be required to satisfy your Excellency of that instrument being altogether a surreptitious document, but there are other circumstances connected with this business, which will mark to you also the gross imposition which has been practised upon the authorities at Bissao. The slaves on board the "Tonina" so far from receiving the treatment of domestics, were actually in irons on board until the time of his Britannic Majesty's ship under my command being perceived, on the morning of the 18th instant; the irons were then knocked off and thrown overboard, and clothes given to cover the nakedness of the slaves, in order to their being more readily passed as domestics. They were collected at Bissao, and in irons on shore until the night preceding that on which the "Toninha" sailed from Bissao, when they were embarked on board, ironed together two and two. The concurrent testimony of the slaves goes to establish these facts beyond the possibility of refutation, and if further proof was required, the marks of the irons, still fresh upon the legs of these unfortunate victims, many in an ulcerated state from the effects of them, would satisfy the most sceptical. These poor wretches hailed the officer from this ship, who first visited the schooner, as their deliverer, and with one accord pointed out the situation from which they had been just liberated; and I further caused them to pass in rotation before his Excellency Sir Niel Campbell and myself, when they did the same thing, and gave every particular respecting their recent condition.

There were also on board the "Toninha" a Frenchman, named Duccros, who states three of the slaves to be his domestics; but it is necessary to observe, that none of the slaves answer to, or appear to have any knowledge whatever of the names inserted in the surreptitious passport of either Signor Nozolini or of Duccros.

I have been thus particular in calling the attention of your Excellency to this case, not doubting for one moment the anxious wish you must have to give effect to the treaties existing between our respective governments for the suppression of the slave trade, and as the instances have been notorious of slaves exported from the settlement of Bissao, over which you have so recently assumed the command, to the Cape Verd Islands, upon the pretext of their being domestics, and thence sold and shipped on board Brazil slave vessels, I feel confident that you will not view with indifference this instance of a most flagrant breach of those treaties, and the open attempt to impose upon, and take advantage of, the predecessor of your Excellency, in obtaining (surreptitiously, I have no doubt,) a passport for domestics, and embarking therewith slaves, not answering in any respect the description or character of those for which the passport was solicited.

I trust your Excellency will perceive, on the occasion which affords me the honour of making this communication, every disposition on my part to forward the views of your government, and to give you such information of facts and circumstances as will enable you to trace, and, I trust, to suppress, a system which has long been practised, of evading the

the treaties, and rendering ineffectual the measures of our respective governments, for promoting the civilization of the natives of Africa; and in the particular instance in question, I trust that your Excellency will be enabled to exonerate the authorities of Bissao (previous to your arrival) of all participation in so flagrantly counteracting the views and measures of their government. SIERRA LEONE
(Portugal & Brazil.)

In conclusion, I may be permitted to express with how much real regret I have now observed the honourable uniform of his most Faithful Majesty employed to cover such a transaction, which circumstance, together with the name of the officer, I shall make it my duty to report to my commander-in-chief.

His Excellency the Governor of Bissao.

I have the honour to be, &c.
(signed) *Septimius Arabin,*
Captain of H. B. M. Ship "North Star."

The Governor of Bissao to Captain Arabin.

Government House of St. Joseph of Bissao,
21st June 1827.

3d Enclosure
in N° 74.
(Translation.)

Illustrious Sir,

I HAVE the honour to reply to your official note of yesterday's date, informing me of the reasons which led you to detain the schooner "Toninha," for having been found with slaves on board, and on account of the contradiction of her papers.

I beg to assure you that I have in no instance permitted a like embarkation of an illicit cargo, contrary to the treaty between their Majesties the King of Great Britain and the King of Portugal, and to inform you, that as soon as I was appointed to this government, orders were issued to me for the strict observance of the treaties for the abolition of the slave trade, and not to permit the like commerce to be carried on from this place, nor from any other port to the northward of the equator. The authorities will not permit any person to elude the punishment due to such abuses.

This circumstance will convince you, that I have used every possible diligence to observe and maintain strictly every article in that treaty, to obtain the end proposed by the two high powers for civilizing this people.

I trust that you will be satisfied, from the before-mentioned official communication to me, of the Governor-general of the Cape de Verdes, that he could never have consented to the sale and embarkation of slaves on board a Brazilian vessel, but under the impression that they were domestics, when he knew it to be contrary to his instructions, as well as his duty, and that you will be pleased to believe in the uprightness of his intentions, which he so justly merits. And to accept the renewed expressions of the respect and consideration with which I have the honour to be, &c.

(signed) *Francisco Joze Muacho.*

The Illustrious Senhor Septimius Arabin,
Commander of H. B. M. Frigate "North Star."

N° 75.

His Majesty's Commissioners to the Earl of Dudley.—(Received Oct. 15.)

N° 75.

My Lord,

Sierra Leone, July 25, 1827.

SUBSEQUENT to the date of our despatch, dated the 24th instant, enclosing the report of the case of the Portuguese schooner "Toninha," Mr. Smith received from his Excellency Sir Neil Campbell, governor of this colony, a letter, enclosing an authenticated copy of the paper, marked N° 6, referred to in that despatch, with a translation of the same, and an affidavit of the master of the said vessel, which was taken before the acting king's advocate, relative to it, after the proceedings before the British and Portuguese court of Mixed Commission had terminated.

The only further elucidation obtained of this matter, which the master of the "Toninha" did not state before the court, is, that the cargoes of both vessels consisted of salt.

Copies of the original documents, and the letter of Sir Neil Campbell, we beg to enclose herewith, for your information.

We most respectfully beg to submit to your Lordship's consideration, the adoption of such measures as may seem to you best calculated for the prevention of the sale of vessels (purchased here and employed by His Majesty's ships on this station as tenders) to Portuguese or other nations, whose subjects are well known to be engaged in the illicit traffic in slaves; as there exists a possibility, from their being fine fast sailing vessels, of their being again employed in the illicit traffic they were originally captured and condemned for.

We have the honour to be, &c.

The Right Hon. Viscount Dudley,
&c. &c. &c.

(signed) *N. Campbell.*
Wm. Smith.

SIERRA LEONE.
(Portugal & Brazil.)

Sir Neil Campbell to William Smith, esq.

1st Enclosure
in N^o 75.

Sir,

Freetown, July 24, 1827.

I HAVE the honour to enclose the copy of a document which came before the mixed Commission Court some days ago, and which appeared to me to require some inquiry, as governor of this colony, and now to be proper to forward to you, hoping that you will agree with me in the necessity of stating the facts with this document in our report, for if the officers of His Majesty's squadron sell their prizes (after being condemned, bought in at this place and used for some time as tenders,) at the Cape de Verds, it evidently furnishes the immediate means for the slave trade in the vicinity of this colony. All His Majesty's ships employed in this squadron have power to employ any number of tenders; but this is the first instance of their being sold to *foreigners*, which has come to my knowledge. When captured vessels are purchased at this place, after condemnation, by any of the inhabitants, they are provided with British licences, and a consequent security against injurious employment, but there is no such security if they are purchased by *officers of the squadron* and sold without any papers. Perhaps you can, in your report, submit to His Majesty's Secretary of State for the foreign department, some mode of providing for the future against this, by an obligation or order from the Lords of the Admiralty, to oblige every vessel so condemned and purchased at this place to be registered, and sold again at no other place in Africa or in America.

I request that this letter, and the enclosure, may be forwarded with our report, or separately, as you may think best.

I have the honour to be, &c.

(signed) N. Campbell, Governor,
and Acting Commr Judge Mixed C. Court.

William Smith, Esq.

2d Enclosure
in N^o 75.

Petition of the Captain of the "Andorinha." [N^o 6.] Translation.

I, CLEMENTE Joze Alves Martinez, Captain of the Portuguese brig-schooner "Andorinha," beg to show you, that I have cleared out for my voyage, but cannot depart before I obtain the necessary licence from your excellency.

I beg your excellency, therefore, to allow me the above-mentioned licence; and I shall feel much obliged.

(signed) Clemente Joze Alves Martinez.

His Excellency the Governor-General,
Cape de Verds.

I permit you to go on your voyage.

(signed) Vas^o.

Government House, Villa de Praya,
April 26, 1827.

3d Enclosure
in N^o 75.

Affidavit of the late Captain of the "Toninha."

PERSONALLY appeared Clemente José Alves Martinez, late captain of the Portuguese vessel "Toninha," condemned by the Mixed Commission Court, established in this colony, who being duly sworn, through the interpretation of Manoel Dozario Costa (Portuguese interpreter to the said court of Mixed Commission) also duly sworn upon the holy Evangelists of Almighty God, deposes as follows: that he (deponent) is a Christian, and a native and subject of Portugal, that he was formerly master of the brig-schooner, called the "Andorinha," belonging to Manoel Antonio Martinez, of Bonavista, one of the Cape de Verd Islands, and owner of the vessel "Toninha" before mentioned; that the paper writing now exhibited to him (deponent), and hereunto prefixed, (and of which a translation in English is subjoined), is a true copy of his (deponent's) petition to the Governor-general of the island of St. Jago (one of the Cape de Verd islands), and clearance of that vessel, to wit the "Andorinha" aforesaid, from Porto Praya in the said island of St. Jago, to the island of Bonavista aforesaid; and further this deponent saith, that he has heard that the said vessel "Andorinha" together with the brig "Principe de Guinea," now called "Volante," was sold to the said Manoel Antonio Martinez, by the English Commodore (Bullen) at Porto Praya aforesaid; and further this deponent saith, that he left the said vessel "Andorinha," at Bonavista aforesaid, and that afterwards he saw her, the said "Andorinha," and also the said brig "Principe de Guinea" or "Volante," as aforesaid, depart from the harbour in Bonavista aforesaid, bound for the port of Bahia, in the Brazils; and that, as nearly as he can recollect, the date of the departure of the said "Principe de Guinea" or "Volante" as aforesaid, on her said voyage to Bahia, was the 15th day of April, or thereabouts, and that of the departure of the said vessel "Andorinha" as aforesaid, the

the 22d day of May, both in the present year 1826; and deponent further saith, that the cargoes of both the said vessels, to wit, the said "Andorinha," and the said "Principe de Guinea" or "Volante" consisted of salt; and further, at present, this deponent saith not. SIERRA LEONE.
(Portugal & Brazil.)

(signed) *Clemente J. Alves Martinez.*

Sworn before me, at Freetown in the said colony, this 23d day of July, in the year of Our Lord 1827, and of His Majesty's reign the eighth.

(signed) *Manoel Dozario Costa.*

(signed) *Michael Linning Melville,*
Acting King's Advocate, and Justice of Peace.

N^o 76.

The Earl of Dudley to His Majesty's Commissioners.

N^o 76.

Gentlemen,

Foreign Office, November 4, 1827.

WITH reference to your despatch of the 25th of July last, on the subject of the purchase and sale, by His Majesty's naval officers, of vessels which had been previously condemned as slave traders; I transmit to you, for your information, the accompanying copy of a letter from the Secretary to the Admiralty, stating that His Majesty's naval officers on the African station will be recommended not to purchase vessels, of the description alluded to, as tenders; but if they do so, it is to be under a clear understanding, that they are not to sell them again, unless it be into the King's service, and not to individuals in Africa or America.

I am, &c.

His Majesty's Commissioners.

(signed) DUDLEY.

J. W. Croker, esq. to John Backhouse, esq.

Enclosure
in N^o 76.

Sir,

Admiralty Office, Nov. 3, 1827.

HAVING laid before his Royal Highness the Lord High Admiral your letter of the 30th of last month, transmitting copies of a despatch, and its enclosures, from His Majesty's commissioners at Sierra Leone, respecting the expediency of imposing some restriction upon the eventual sale, by British naval officers, of condemned slave vessels, employed as tenders by His Majesty's ships on the African station; I am commanded by his Royal Highness to acquaint you, for the information of the Earl of Dudley, that directions have been given to the commodore commanding on the African station, to recommend to the officers under his orders not to purchase vessels of the description alluded to as tenders; but if they do so, it is to be under a clear understanding, that they are not to sell them again, unless it be into the King's service, and not to individuals in Africa or America.

I am, &c.

John Backhouse, esq.
&c. &c. &c.

(signed) *J. W. Croker.*

N^o 77.

The Earl of Dudley to His Majesty's Commissioners.

N^o 77.

Gentlemen,

Foreign Office, December 13, 1827.

I HAVE received from Messrs. Mello, Robertson, and Co. a letter, of which the enclosed is a copy, stating that obstructions have occurred, in regard to the obtaining of copies of the proceedings had under the Mixed Commission Court at Sierra Leone, in the cases of the Brazilian vessels, the "Commerciante," and "Conceicao," and requesting that directions may be given that the copies required may be prepared for them.

The reason assigned for the non-compliance of the officer at Sierra Leone with the application made in this case, appears to have been the want of means to furnish the copies, at the time the request was made, in consequence of the mortality which had unhappily prevailed in that settlement.

If this should have been the sole cause for non-compliance with the application, the papers will probably, before now, have been furnished by the proper officer.

In any case, it would perhaps have been more regular, that the parties, if they had felt a grievance, even of a temporary nature, should have applied for redress through their own government. With a view, however, of preventing delay, and of providing for the possible case of your having felt delicacy in this matter, whether owing to the ostensible cause for which the copies were demanded, that of appeal,

SIERRA LEONE. or for any other reasons, I think it right to authorize you to give the registrar a
 (Portugal & Brazil.) general instruction, to furnish copies of the proceedings had before the court, to parties offering to pay for them.

Due caution should, however, be used, that no opinion of the Court, on the object for which the documents may be required, should be implied by the permission to obtain them.

I enclose to you, for your information, a copy of the answer which has been returned to Messrs. Mello, Robertson, and Co. upon this subject.

His Majesty's Commissioners.

I am, &c.

(signed)

DUDLEY.

1st Enclosure
in N^o 77.

Messrs. Mello, Robertson and Co. to the Earl of Dudley.

Great Winchester-street,
October 29, 1827.

May it please your Lordship,
 ABOUT four years ago, there were carried to Sierra Leone, as prizes to British ships of war, two Brazilian vessels, the "Commerciante," a brig, of which Domingo Ribeiro Folha was master, and the "Conceição," a sumaca, of which Manoel Jozé Lourenço was master; both owned by Mr. Francisco Ignacio de Sequeira Nobre, of the city of Bahia.

These two vessels having been condemned at Sierra Leone, the owner directed us to obtain copies of all the proceedings in both cases, to be certified by the proper officer of court, stating his intention of appealing against the sentences of condemnation; and that by means of such certified copies of proceedings, which ought to include the date of the arrivals of the vessels at Sierra Leone, and those of their condemnations, and also the examinations at length of the witnesses there, he could make it appear to the court of appeal at Brazil that there were just and proper grounds for reversing the condemnations.

We applied accordingly to merchants in this city, who have correspondents at Sierra Leone, to obtain copies in full of all the proceedings in the two cases, to include the dates and the evidences as required, and to be duly certified, so as to be of full credence in the court of appeal. Our friends assure us, they have repeatedly written to Sierra Leone for the purpose; and that they have received for answer, once and again, there were no persons there, owing to a great mortality in the colony, who could furnish the documents we ask for.

Under these circumstances, we have no remedy but to trouble your Lordship with the present application, requesting that your Lordship will be pleased to direct that some one be appointed to prepare the copies above mentioned.

We are ready to pay such expences as are reasonable for the copies required, and we cannot imagine but that every facility will be given, which can enable our correspondent to bring his appeals before the Court.

We have the honour to be, &c.

The Right Hon. the Earl of Dudley,
&c. &c. &c.

(signed)

Mello, Robertson & Co.

2d Enclosure
in N^o 77.

John Backhouse, esq. to Messrs. Mello, Robertson and Co.

Gentlemen,

Foreign-office, November 26, 1827.

I AM directed by the Earl of Dudley to acknowledge the receipt of the letter which you addressed to his Lordship on the 29th of October last, applying, on behalf of the owners of the Brazilian vessels "Commerciante" and "Conceição" for copies of the proceedings had in the cases of these vessels, before the Mixed Commission Court at Sierra Leone.

The reason assigned for the non-compliance of the officer at Sierra Leone, with the application which you state to have been made to him on the part of the Brazilian owners, appears to have been the want of means to furnish the copies at the time the request was made, in consequence of the mortality which had unhappily prevailed in that settlement.

The papers requested, will therefore, probably, before now, have been furnished. Lord Dudley, however, with a view to prevent in any case misunderstanding and consequent inconvenience to parties, has caused an intimation to be made to the registrar of the Mixed Commission Court at Sierra Leone, that a copy of the proceedings should be furnished, whenever possible, to parties offering to pay for the same.

I am directed at the same time to remind you, that the party for whom you apply, is not held to be in strictness entitled to require of himself the interposition of the authority of his Majesty's Secretary of State, to obtain copies of the proceedings in the cases referred to. If there were any cause of complaint, it should most properly be addressed to the government of which the complainant is a subject.

It becomes necessary therefore to caution you, for the information of the parties concerned, that the notice which his Lordship has now taken of the matter is purely *ex gratia*, and as a general intimation calculated to obviate unnecessary delay in this case; and further, that as his Lordship cannot enter at all into the question of the object for which the papers are required, so neither can he consider himself bound to entertain any further particular application on the subject.

Messrs. Mello, Robertson & Co.

I am, &c.

(signed)

J. Backhouse.

SIERRA LEONE. (Netherlands.)

N° 78.

Joseph Reffel, Esq. to Mr. Secretary Canning.—(Received January 27, 1827.)

N° 78.

Sir,

Sierra Leone, November 17, 1826.

THE Netherland schooner "La Fortunée," Jean Jacques Gimbert, master, was captured by His Majesty's ship "Brazen," George Wickens Willes, esq. commander, on the 15th May 1826, with 245 slaves on board, and sent to this port for adjudication. She arrived on the 8th day of June last, when the case of this vessel was brought by the captor before the British and Netherland Mixed Court of Justice, and, after a strict and impartial investigation, the British judge considered the vessel liable to confiscation, as Dutch property, for being engaged in the illicit traffic in slaves, contrary to the existing treaties between His Britannic and Netherland Majesties. In this opinion, however, His Netherland Majesty's judge refused his concurrence, as he regarded "La Fortunée" as French property, and owned by French subjects. The proceedings were, therefore, submitted to His Britannic Majesty's arbitrator; and at a court, held for the adjudication of this case, on the 17th of July, he confirmed the opinion of His Britannic Majesty's judge, and pronounced, jointly with him, sentence of condemnation against the schooner "La Fortunée," and decreed the emancipation of her slaves.

The reasons which led His Netherland Majesty's judge to consider this vessel to be French property are given at length in the Report which I have the honour herewith to transmit.

I cannot close this despatch without submitting to your attention the evidence of Gimbert, the master of the schooner, which is throughout a tissue of false swearing, and is another of those numerous instances of persons concerned in slave trade transactions being guilty of the grossest perjury, on their examination before the Mixed Commission Courts.

I have the honour to be, &c.

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

(signed) Jos. Reffel.

Report of the Case of the Netherland Schooner "La Fortunée," Jean Jacques Gimbert, Master.

Enclosure
in N° 78.

THIS Schooner, sailing under the Netherland flag, was captured by His Majesty's ship "Brazen," George Wickens Willes, esq. captain, on the 15th of May, in latitude 1.42. north, and longitude 6. 22. east, and sent to this port for adjudication, with a cargo of 245 slaves on board, bound, as stated by the master at the time of capture, to Surinam. "La Fortunée" arrived in this harbour on the 8th day of June last, with her cargo of slaves in a very wretchedly crowded and sickly state, forty-six having died between the period of capture and arrival. On the same day the papers were lodged in the registry office, duly attested by the affidavit of the prize-master, Mr. Joseph Batt, Admiralty mate of His Majesty's ship "Brazen."

The captor states, in his declaration, "that, on the 15th day of May 1826, after a chase of ten hours, he came up with and captured or detained the schooner 'Fortunée,' in latitude 1. 42. north, longitude 6. 22. east, Jean Jacques Gimbert, calling himself captain, having, during the chase, shown Dutch colours (two of the same kind were found on board); that when the 'Brazen's' boat was in the act of boarding the said schooner, Dutch colours were changed to French; that, on demanding the Dutch papers, it was stated none were on board, but a few called her French papers, *incomplete* almost in every respect, compared with the papers French vessels have been found to be furnished with on this coast; moreover, the person before mentioned, calling himself captain, but who does not appear in any of the vessel's papers shown, stated, that, with his cargo of 245 slaves (in the most wretched condition), the vessel (being only ninety tons), was bound to Surinam; the crew are composed of various nations."

On the 9th day of June, a monition was prayed by the captor's proctor, which was granted, and returned on the 20th, certified to have been duly served.

A petition from the proctor for the captor, accompanied by an affidavit of the prize-master, Mr. Joseph Batt, was presented to the judges on the 10th, praying that a medical officer might be sent on board "La Fortunée" to report on the state of the slaves, which were represented, in the affidavit, to be in a very crowded and sickly state; that forty-seven had died since capture, and that a great number were then labouring under dysentery. The prayer of this petition was granted, and on the same day Dr. Cartau was directed to go on board. He states, in his report to the judges, "that there were then

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on board 198 slaves; of this number there were eighteen cases of ophthalmia, eleven men, two women, and five girls; and forty-six cases of dysentery, twelve men, five boys, eleven women, and eighteen girls, making the total number of sick on board sixty-four; many of the dysenteric patients were extremely emaciated; the disease seemed formidable, and the vessel is much crowded; under these circumstances he recommends that the sixty-four patients alluded to be landed with as little delay as possible, as the surest means of speedily removing the ophthalmia, and the only means of giving the dysenteric cases a chance of eventual recovery." The judges, bearing in view the declaration of the acting governor, Mr. Macaulay, in the case of the "Perpetuo Defensor," that no slaves, once landed, should be allowed to be carried away as slaves, on any pretence whatever, did not think it advisable, as the case then stood, to order any part of them to be landed; they, however, directed the medical officer attached to the courts of Mixed Commission to pay every attention to the unfortunate beings so unhappily situated; and he was unremitting in his exertions to afford them such relief as his medical skill, and the confined nature of the vessel, afforded; and he was further directed to report the quantity and quality of food necessary for their recovery; which he having done, the registrar was ordered to communicate with Mr. Lake, the proctor for captor, on the subject, and they were daily supplied with fresh beef and vegetables, which was made into nutritious soup, and doubtless tended to save the lives of many of the sufferers; the judges thus doing all that was in their power, under the peculiar nature of the circumstances in which they were placed, by the declaration of the acting governor.

On the 12th of June the master, Jean Jacques Gimbert, was examined on the standing interrogatories, and deposed, "that he was born at St. Troper, in the department of the Var, in France; he lives at St. Troper, and has lived there since he was born; is the subject of the King of France, has never been the subject of any other prince or state; he appointed himself to the command of the vessel taken, the former master, Jacques Laborde, having died at sea, in the latitude of Cape Verd, during the voyage out to Africa; he took possession of the schooner on the day the master died, which was in the month of June 1825, but he forgets the date; has known the said schooner since the month of May 1825; first saw her on the 2d of that month at St. Thomas, in the West Indies; believes she was built at St. Malo, in France; that he was present at the taking and seizing the schooner and her lading, concerning which he is examined; she was seized for having hoisted Dutch colours; the brigantine man of war chased the schooner, and fired a gun at her to bring her to, when deponent, who was lying sick in his bed, ordered a seaman (a passenger on board) to hoist French colours, but he hoisted Dutch; directly that he saw the man had made a mistake, he had the Dutch colours hauled down, and the French one hoisted; the man-of-war's boat was at that time about half way between the two vessels; the Dutch colours were flying about five or six minutes; the schooner sailed under French colours; there were also two Dutch flags on board; did not know they were on board until the schooner's arrival in Bonny, and they were afterwards made use of as signals between different vessels lying there; the name of the schooner taken is "La Fortunée;" has been called by that name since he knew her; does not know if she went by any other name or names; believes she is about seventy-five tons burthen, and that there were about fifteen officers and mariners on board at the time of capture, exclusive of himself; does not know to what country each of the said officers and mariners belong; they consisted of Frenchmen, Spaniards and Dutchmen; they did not all come on board at the same port; in the first instance the crew were all shipped at Guadaloupe, but when the schooner went to St. Thomas many of them ran away, because she staid in that port so long, and others were shipped in their stead; they were all hired and shipped in those ports by the late master, Jacques Laborde; he himself was shipped at St. Thomas, by Messrs. Gay and Company; neither himself or either of the officers and mariners had any part, share or interest in the schooner taken; he himself has an interest of 2,000 dollars in the cargo of slaves; he first shipped as supercargo, but is now master of the said schooner; three passengers were on board at the time of the capture; Boyer was the name of one, Vincent the name of another, but he forgets the name of the third; they were all black creoles of the French colonies in the West Indies, and were seamen by profession; they were taken on board in the river Bonny; two were destined to St. Thomas, and the other to Guadaloupe, those places being their homes; they had no property, authority, concern, directly or indirectly, regarding the schooner and cargo, or any part thereof; the present voyage commenced at Guadaloupe, and was to have ended there; St. Thomas was the last clearing port the schooner sailed from previous to capture; the schooner anchored and touched at St. Thomas and the river Bonny during the voyage in which she was taken; she went to St. Thomas to take in part of her outward cargo, and to Bonny to trade for slaves; communication took place between the schooner and the shore by means of the native canoes; he was lying ill in bed when the capturing ship was first observed, but he does not know the latitude or place; it was on the 15th of May last; the place of capture was about 1.30. north latitude, and 7.0. east longitude; the chase commenced at six o'clock in the morning, and she was taken at four o'clock the same afternoon; she was steering to the southward, making the best of her way to Guadaloupe, when first pursued; her course was altered about four points, and her foresail set, upon the appearance of the capturing ship, as deponent was fearful she was a French man-of-war, as she had French colours and pendant flying; no resistance was made at the time of capture; had no instructions or directions for endeavouring to avoid or escape from capture, or for destroying, concealing or refusing to deliver up any of the schooner's documents or papers on board; one of the part owners lives in Guadaloupe, whose name he does not know, and one lives at St.

SIERRA LEONE.
(Netherlands.)

St. Thomas, and their names are Gay and Company; knows the latter to be part owners from having appointed him to be supercargo, and they informed him of the other owner living in Guadaloupe, but he does not know him; they are all Frenchmen, living in the islands above stated, and are subjects of the King of France; Gay has lived about five years at St. Thomas, but before, he lived at Guadaloupe; knows nothing about the other partners; knows nothing about a bill of sale having been made to the aforesaid owners; Lalonde, the mate, under deponent's direction, he being ill at the time, is the lader, and Gay and Company, of whom he himself is one, are the owners and consignees of the cargo of slaves on board the schooner taken; and they were to have been delivered at Guadaloupe for the real account, risk and benefit of the aforesaid owners; can take upon himself to swear that he believes that at the time of lading, and at the present time also, if the said schooner and slaves shall be restored and unladen at the destined port, the same did, do, and will belong to the same persons he has stated to be the owners, and to none others; his ground for such his knowledge and belief is, that Gay and Company put on board the outward bound cargo to purchase the slaves; the present cargo consists of slaves; 252 were taken on board all at one time; but he cannot distinguish the number of each sex; they were all taken on board from the shore at the river Bonny, except one from the French schooner 'Theoniz,' belonging to Nantes, by the mate of that vessel, named Monsieur Goree; he had been bought at Bonny also; six had died previous to capture; fifty have died since up to this day; all the passports and other papers, which were found on board the schooner taken, are entirely true and fair, none are false or colourable; there were no other papers but French on board; no papers, bills of lading, letters or other writings, which were on board the schooner at the time she took her departure from the last clearing port and before capture, were burnt, torn, thrown overboard, destroyed, cancelled, concealed, or attempted to be concealed; bulk was first broken in the river Bonny; no slaves have been disembarked since capture."

Christopher Westcott, steward of the schooner, being examined on the same interrogatories, contradicts the master's deposition on several points; in his answers to the third and fourth interrogatories, he deposes "that the master's name is Jacques Gimbert, and that he has known him about thirteen months; that he does not know who appointed the master to the command of the schooner taken; the master took possession of her at St. Thomas, but he does not know at what time, as he he was in possession of her when he (deponent) joined the said schooner; has known the said schooner only since he (deponent) joined her, which is about thirteen months since; first saw her at that time at St. Thomas." To the fifth he deposed, "that the schooner had two Dutch ensigns on board, besides the French colours; had them on board to hoist when the Dutch papers were used; saw the Dutch ensign hoisted only once, on a Sunday, while lying in the river Bonny, but he does not know for what reason they were so hoisted." To the sixth he deposes, "that the crew consisted of Frenchmen, Spaniards, Italians, and one Dutchman; they all came on board at the same port; and were all hired and shipped by the master at St. Thomas." To the eighth he deposed, "that the present voyage commenced at St. Thomas, and was to have ended at Surinam, to which place he heard the master say the schooner was bound, with the cargo of slaves now on board; St. Thomas was the last clearing port the schooner sailed from previous to capture, from which place she went direct to Bonny to purchase slaves." To the eleventh he deposed, "that two or three brothers, of the name of Pardo, were the owners of the schooner at the time she was seized; knows them to be the owners from hearing the master repeatedly say so, and from their supplying the schooner with her outfit and cargo. They are Dutchmen from Curaçoa, living in St. Thomas, believes them to be subjects of the King of Holland; does not know how long they have lived at St. Thomas; heard they had lived in Curaçoa before." To the thirteenth he deposed, "that the master of the said schooner is the lader of the slaves on board; believes the aforesaid persons of the name of Pardo to be the owners of them, but he did not know the consignees; the slaves now on board were to have been delivered at Surinam, but he does not know for whose real account, risk and benefit, nor if the lader has any interest in the said slaves; can take upon himself to swear that he believes that at the time of the lading, and at the present time also, if the said slaves shall be restored and unladen at the destined port, the same did, do, and will belong to those he has stated to be the owners, and none others; his ground for such his knowledge and belief is, that they put the outward bound cargo on board to purchase the said slaves." To the fifteenth he deposed, "that there were two sets of papers on board, one Dutch and one French, but he does not know which set were the false ones." And to the seventeenth interrogatory he deposed, "that, during the chase of the schooner by the capturing ship, he heard the master tell the mate, Lalonde, to throw the said schooner's Dutch papers overboard, just as the boat was about to board her, and deponent saw the said mate throw them overboard, out of the quarter-deck port; they were in a tin box; knew there were a set of Dutch papers on board when the schooner sailed from St. Thomas; heard they were got at St. Eustatius, but never saw them made use of."

The examination of John Vincent, passenger, and acting as cook on board "La Fortunée," throws no additional light on these contradictory statements, except that, in his answers to the eighth and thirteenth interrogatories, he corroborates Westcott's deposition from the hearsay evidence of the seamen on board the schooner, as to the destination to Surinam. And in his answer to the seventeenth interrogatory, he says, "he was standing near the cabouse as the boats of the capturing ship boarded the schooner, and he saw the sailors take from their bags and pockets many letters and other papers, and throw them overboard;

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(Netherlands.)

board; but he saw nothing thrown overboard from the quarter-deck." After these examinations had been taken, the proctor for the captor petitioned the Court, on the 20th of June, for leave to put certain special interrogatories to the witness Westcott, as also to a slave named Victor, who acted as cabin-boy on board the schooner, which petition was granted; and Westcott deposed, "that he first knew Gimbert, the master of the schooner 'La Fortunée,' at St. Thomas, when the deponent joined the said schooner; never knew him by the name of Laborde, nor by any other name than that of Gimbert; has only known Gimbert as master of the said schooner; never knew him in any other capacity on board the said vessel; no officer or any other person on board the said schooner was lost by death off the Cape de Verd Islands, nor during the voyage out; when the man-of-war's boat, by which the schooner was detained, was coming alongside, himself, the master (Gimbert), and the mate (Lalonde), were standing close together on the deck, and he, deponent, heard the master tell the mate to go below and get the two sets of papers; that deponent then pointed out that the keys of the master's trunks were in the master's hat, which was hanging up in the cabin, (a person standing near the cabin-door of the schooner can see every thing which passed in the cabin,) and he saw the mate open the trunks, take out therefrom two sets of papers, which he brought up and delivered to the master; the master then put them in his lap, and kept them there till the man-of-war's boat was almost alongside, when some of the people forward called out 'it is an English vessel;' he then handed a tin box, containing the Dutch papers, to a black man, (one of the passengers,) and he handed it to the mate, who threw the box overboard by the master's orders. He was walking with Gimbert, the master, along the streets of Freetown, about two days after he had answered the standing interrogatories, and he, the said master, offered to sell his watch and give him half the amount he got for it if he would hold his tongue and say nothing about the papers that were thrown overboard, nor tell who was the owner of the schooner, to which deponent made no answer; saw the mate take the Dutch flags, and the tin box with the Dutch papers in, on shore once whilst lying in the river Bonny, and they were on shore about four days; they were taken on shore upon the appearance of some boats belonging to an English man-of-war going up the river, but he does not know the name of the man-of-war; he is sure the tin box containing the Dutch papers, taken on shore in the river Bonny, was the same that was thrown overboard when the man-of-war chased the schooner."

The examination of Victor is corroborative of Westcott's deposition on the point of the Dutch flag having been hoisted during the chase; and that a tin box had been thrown overboard through a side port.

On a retrospective view of the examinations in this cause, the judges had much difficulty in forming any conclusion, from the doubts which existed in their minds as to the real character of this vessel. The evidence of the master, Gimbert, together with the principal papers found on board, tended, in the early part of the proceedings, to prove her being French property, yet the appearance of those papers were far from being satisfactory, and there were circumstances of such discrepancy in the evidence of Gimbert, as compared with his own documents, and the evidence of others, which tended to create a disbelief as to his veracity. He states that he succeeded to the command of "La Fortunée," on the death of the former master, Jacques Laborde, in the month of June 1825; he is, however, named as captain in papers dated at St. Thomas, on the 4th of the preceding month of April. He swears also, that Laborde died at sea, in the latitude of the Cape de Verd Islands, in the month of June; he has noted this in the muster-roll, as having occurred on the 14th of July; and in his log-book, the day previous to anchoring off Bonny, it is inserted that the captain died at ten o'clock that day, the 11th of July. He says that he first saw the "La Fortunée" at St. Thomas, on the 2d of May, and that persons of the name of Gay and Company, French subjects, at St. Thomas, are the owners. In one of his letters he addresses Messrs. Pardo as such. This letter is without signature, but headed as coming from Jean Jacques Gimbert, commanding the schooner "La Fortunée," to Messrs. Pardo and Brothers, and relates to a misunderstanding between himself and the King of Bonny, respecting a greater lapse of time having transpired in the shipping of slaves than was agreed upon between them.

Messrs. Pardo and Brothers are also acknowledged in the letter, as having intrusted this adventure to his (Gimbert's) care.

Westcott's evidence, corroborated, in some degree, by the other witnesses, tends to prove the falsity of the master's depositions on oath, as will be seen by a reference to his (Westcott's) answers to the third, fourth, fifth, sixth, eighth, eleventh, thirteenth, fifteenth, and seventeenth articles of the standing interrogatories, as well as by his answers to the special interrogatories put to him, and thus accounts for those gross contradictions between Gimbert's statements and the document before alluded to. Still this was but the evidence of one individual against another, for the other examinations have been of trivial assistance in clearing this case from its obscurities, and the judges could not but regret, that greater attention had not been paid by the captor in the selection of the witnesses.

We will now proceed to point out the contradictions given to the master's statements, by the papers found on board the "Fortunée." In her French congé, registered at Point à Pêtre, the 5th of October 1824, "La Fortunée" is said to belong to Jean Pierre Savant, and Jacques Laborde to be the master. By an endorsement on the French Naturalization deed, dated at Point à Pêtre, it appears that the vessel had been sold on 26th of November 1823, and transferred to one Laurent; on the 25th of the following month, and by a custom-house document, called the "Extrait du Régistre des Déclarations de départ des Bâtimens," dated

dated the 5th of April 1825, Jacques Laborde is again named as captain of "La Fortunée," and Monsieur Laurent the owner, and clearing for St. Thomas, Africa, with certain merchandize. In the invoices of the cargo shipped at St. Thomas, and dated the 4th of April 1825, Gimbert is named as the master. And in a rough muster-roll, without signatures, dated in March 1825, Gimbert is stated to be master; in the muster-roll, duly signed, and dated the 4th of April 1825, Laborde is named as the master, and no such name as Gimbert is inserted in it.

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This documentary evidence tends forcibly to establish the utter falsity of Gimbert's deposition, as to the owners of the vessel having been Messrs. Gay and Co. and also to prove that Laborde and Gimbert are one and the same person; his object in making use of two names could only have been to cloak his illegal transactions.

A letter of introduction for Gimbert, dated at Bonny, the 6th of February 1826, addressed to Monsieur Garoute by P. A. Marée, commanding a vessel then in the river Bonny, is an additional corroborative proof of "La Fortunée's" intended destination to Surinam, and not to Guadaloupe, as affirmed by Gimbert in his examination. He writes, that Captain Gimbert, having communicated to me that there is a probability that he will proceed to Surinam, I availed myself of the opportunity to "offer him a letter of introduction to you, and to give him a copy of the instructions that you addressed to Delandre and Brothers;" which copy of instructions is annexed to the letter of introduction, and relates principally to the disembarkation of the slaves.

In the hope of eliciting further information, the judges had determined on examining the master, Gimbert, on certain special interrogatories, in which intention they were frustrated, from day to day, by his continued illness.

On the 22d of June a claim, with affidavit thereto, was filed by Jean Jacques Gimbert, "of St. Troper, département de la Var, in France, a subject of his most Christian Majesty the King of France, and master of the said schooner 'La Fortunée,' on behalf of Jean Baptiste Gay and Co. of the island of Guadaloupe, subjects of his said most Christian Majesty, the sole, true, and lawful owners and proprietors of the said schooner or vessel, her tackle, apparel, and furniture, and the cargo, consisting of 245 slaves, laden therein at the time of capture and detention by His Majesty's ship 'Brazen,' George Wickens Willes, esq. commander, and brought to Sierra Leone; for the said schooner, her tackle, apparel, and furniture, and the cargo laden on board, as the sole property of the said Jean Baptiste Gay and Company, at the time of capture and detention, as aforesaid; and as such, not being a vessel liable to adjudication before the said Mixed Court of Justice, claims, upon the said protestation, that the said cause be dismissed accordingly." The affidavit in support of the said claim, after briefly stating himself to be the master, and Jean Baptiste Gay and Company, sole owners and proprietors of the said schooner, and the cargo laden therein, says "the said schooner was seized and detained, on the 15th day of May last past, in the prosecution of her voyage to Guadaloupe, that she is truly and absolutely the property of French subjects, and of none other, and navigated by Frenchmen according to the law of France, and that he believes the said schooner called 'La Fortunée,' whereof he is master, is not a vessel amenable to the Court of Mixed Commission, before which she is now brought for adjudication."

Whether from the illness of the said master (Gimbert), or from any other cause with which the judges were unacquainted, no proof was filed, in support of the claim of the schooner being a French vessel, and the property of French subjects, navigated by Frenchmen according to the law of France; and in this state the proceedings remained some days, the judge of his Netherland Majesty not coinciding in opinion with his Britannic Majesty's judge, that there was sufficient evidence before the court to proceed to adjudication upon the capture, as a Dutch vessel, from the circumstance of no Dutch papers having been found on board, and that the witnesses (Westcott, Vincent and Victor) not being able to read and write, were not competent to know whether the papers, said to be thrown overboard, were Dutch or not; the proceedings were, therefore, submitted to the British arbitrator, the duty devolving upon him, there being no Dutch arbitrator here to draw lots according to the treaty, to whom the said proceedings were to be referred; and pending his forming his judgment thereon, a circumstance highly satisfactory took place, as it appears that Captain Willes, after he had dispatched the schooner to this port for adjudication, reflected on the insufficient nature of the evidence he had sent up with her, and that no Dutch papers having been found on board of her at the period of capture, the case would require strong corroborative proof that they had been made away with; he therefore endeavoured to elicit further information from the remainder of the crew of the schooner, who were then on board the "Brazen," in the course thereof, further additional light was thrown on the subject, and Captain Willes having detained another vessel, thought it prudent to send up two more witnesses in her.

They arrived here on the 10th of July, together with the voluntary declarations, taken by himself and witnessed by several of his officers, of nearly the whole crew; and on the day following (the 11th) the proctor for the captor prayed "that the carpenter and a seaman of the said schooner, having arrived in this colony for the purpose of giving their evidence in the said case, might be examined on the standing interrogatories, and that the voluntary declarations of the mate and part of the crew might be filed as evidence in the cause. The prayer of which petition was granted by the judges, so far as related to the examination of the witnesses on the standing interrogatories, but refused to allowed the declarations of the mate and crew to be filed in evidence, being against the practice of the court; and, on the 12th of July, Thomas Ferdinand, carpenter, was examined on the standing interrogatories,

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who deposed, "that the name of the master of the schooner taken is Jean Jacques Gimbert, has known him since the 10th of May 1825, that being the day deponent shipped on board the schooner; a Mr. Pardo appointed the master to the command of the schooner taken, and he lives at St. Thomas; the master took possession of her at St. Thomas, but he does not recollect the date; the aforesaid Mr. Pardo was the person who delivered such possession to him; has known the said schooner about two years, at which time he was employed to repair her by Mr. Saubot, of St. Thomas, who is a shipwright there; she then belonged to Mr. Pardo, but does not know where she was built; he was present at the taking and seizing of the schooner and cargo; she was seized for having hoisted the Dutch flag; she sailed under the Dutch flag; had a French flag also on board, she had it on board to hoist when French papers, which she had on board, were used; the name of the schooner taken is 'La Fortunée;' has been so called since the month of April 1825; she was before that period called "l'Amour de la Patrie;" knew her by that name when he was working upon her; there were eighteen officers and mariners on board, and they were all hired and shipped by the master at St. Thomas; the present voyage began at St. Thomas, and it was to have ended either at Surinam or Porto Rico, but he does not know which; St. Thomas was the last clearing port the schooner sailed from previous to capture; the schooner sailed direct to the river Bonny, and never touched at any ports or places during the voyage in which she was taken; she went to Bonny to trade for slaves; a Mr. Pardo was the owner of the schooner at the time she was seized; knows him to be the owner from giving directions regarding the repairs of the schooner, and from Gimbert, the master, drawing money from him for paying the schooner's expenses; he is a Dutchman by birth, and lives at St. Thomas; Gimbert, the master, is the lader, and the aforesaid Mr. Pardo is the owner of the slaves on board of the schooner taken, but he does not know the consignees of them; Gimbert is a Frenchman, Pardo is a Dutchman, lives at St. Thomas, and carries on his business there, but does not know how long he has lived there, nor where he resided before; believes the slaves now on board were to have been delivered at Surinam or Porto Rico, and for the account, risk, and benefit of Mr. Pardo; the present cargo consists of slaves, 255 were taken on board from the time the trading for them commenced to the completing of the cargo; they were all taken on board in the river Bonny, from the shore; he does not know if the passports and other papers, which were found on board the schooner taken, are entirely true and fair, or if any are false or colourable; knew at the time of her leaving the river Bonny, that she had two sets of papers on board, one Dutch and one French, and believes the Dutch to be the true papers; knew also that she went to St. Eustatius in April 1825, to procure Dutch papers, and returned back in a week to St. Thomas with them, but did not know when she left St. Thomas that she had French papers on board; she left that port with Dutch colours flying, and, after leaving, a strange sail kept company with her two days, which made the captain suspicious, when he called all hands aft, and gave them fictitious names to answer to the Dutch muster-roll; that during the chase of the schooner, he saw Gimbert, sitting upon his bed-place on the quarter-deck, examining some papers, which he took out of a tin box; he returned them into the tin box, and placed it on one side of him; on the other side of him was also another tin box, and when the man-of-war's boat was about to board, he (Gimbert) gave the tin box, the papers of which he had examined, and which deponent swears he believes were the Dutch papers, to Boyer, one of the passengers, who was at the helm, to throw overboard, and deponent saw Boyer throw them into the sea through the quarter-deck port."

On the 13th July, John Boyer, the other witness, was produced and examined on the standing interrogatories, who being but a passenger going from the river Bonny (where he shipped on board) to the West Indies, knew nothing concerning the proceedings of the schooner previous to his joining her; but his evidence of her proceedings after that period is important, from its corroboration of all the material points given in evidence by the other witnesses. He deposed, "the name of the master of the schooner taken is Gimbert; has only known him since the 1st of January last; does not know who appointed him to the command of the schooner, where he took possession of her, nor who delivered the possession to him; he was present at the taking and seizing of the schooner and her lading, she was seized for having hoisted the Dutch flag, and for having slaves on board; does not know under what colours she sailed; when she left the Bonny, she had French colours flying, and when chased by the man-of-war by which she was taken, she hoisted the Dutch flag, but when it was ascertained that the chasing ship was British, the Dutch flag was hauled down and the French one hoisted, which took place about one minute, before the man-of-war's boat boarded her; the name of the schooner taken is "La Fortunée;" does not know how long she has been so called; knew her at St. Thomas about twenty months ago, she was then called "l'Amour de la Patrie;" does not know where the present voyage began; heard the master (Gimbert) say the schooner was going to Surinam with the slaves on board, and if they did not sell well there, she would go to the Havannah with them, and from thence to St. Thomas; had instructions from Gimbert, the master, to throw overboard a tin box covered with canvas, and which Gimbert told him contained Dutch papers belonging to the schooner; he believes a Mr. Pardo to be the owner of the schooner at the time she was seized; believes him to be the owner from hearing the schooner's company say so; he does not know of what nation he is by birth; he lives in St. Thomas, but does not know how long he has resided there, nor where he resided before; Gimbert, the master, is the lader of the slaves on board the said schooner, but he does not know who are the owners and consignees of them; Gimbert is a Frenchman; the said master told him that the slaves, now on board, were to have been delivered

at Surinam, and if they did not fetch a good price there, he would take them to the Havannah, but he does not know for whose account, risk or benefit; the present cargo consists of slaves, but he does not know how many were taken on board, they were all taken on board in the river Bonny from the shore; he does not know if the passports and other papers, which were found on board the schooner taken, are entirely true and fair, or if any are false or colourable; when the schooner was chased, he saw the master (Gimbert) have two sets of papers in his hands, and then, for the first time, he knew she had one French and one Dutch set, but he does not know which is the true set; during the chase of the schooner, he (deponent) was at the helm, and could see into the cabin, that the master sat down on the top of his birth and called the second captain (Talon or Lalonde), who was forward, aft on the quarter-deck, and told him to go down, open his trunk, and bring the two sets of papers to him; deponent saw the second captain go down, open the trunk, and take out two tin boxes, which he delivered to the master; that he then opened one of them that was covered with canvas, which deponent saw contained papers, shut and covered it up again and gave it to him, telling him at the same time to throw it overboard; deponent asked him what it was, and the master replied, 'the Dutch papers, throw it overboard;' the master then took the helm from him, and deponent went to the lee side and threw the box into the sea about one minute before the man-of-war's boat boarded the schooner."

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Notwithstanding the additional strong proof adduced in evidence by the two last witnesses, agreeing almost verbatim with that afforded by the evidence of the three witnesses who were previously examined, and which now left no doubt upon the minds of His Britannic Majesty's judge and arbitrator, of the fact of the schooner being a Dutch vessel, owned by a Dutchman residing at St. Thomas, and of her master having destroyed her Dutch papers to avoid capture, endeavouring, under the cloak of the very incorrect French papers produced, to screen the vessel and cargo from confiscation; yet his Netherland Majesty's judge could not agree in the same opinion with them, giving as his reasons for such, the slight discrepancy in the evidence of Westcott and the other witnesses; the former having deposed that the mate threw the papers overboard, and the others deposing that Boyer, the passenger, was the person who did so; although the evidence of the latter witness, which was so strongly substantiated by Thomas Ferdinand, the carpenter, goes to establish the truth of the transaction, and that he was the person who actually threw the papers overboard; the fact that neither he nor Thomas Ferdinand were able to read or write made it impossible they could know whether they were Dutch papers or not, and his further opinion was, that, although the French papers were incorrect, she was a French vessel, which, together with her cargo of slaves, were the property of French subjects, and therefore not subject or liable to confiscation in the British and Netherland Mixed Court of Justice: the duty, therefore, of adjudicating this case fell upon the British judge and arbitrator, and, on the 17th of July, a court was held for this purpose, at which his Netherland Majesty's judge, after hearing the proctors on both sides, delivered his opinion as above stated, and at which the British judge and arbitrator also gave theirs; and after due, strict and impartial investigation of this case, the Court condemned the said schooner "La Fortunée," her tackle, apparel and furniture, and the goods, wares and merchandize laden therein, as good and lawful prize, and as taken in the illicit traffic in slaves, by His Majesty's ship "Brazen," George Wickens Willes, esq. commander, and decreed the emancipation of the slaves.

(signed) Jos. Reffell.

N^o 79.

Joseph Reffell, esq. to Mr. Secretary Canning.—(Received January 27, 1827.)

N^o 79.

Sir,

Sierra Leone, November 22, 1826.

I BEG leave most respectfully to acquaint you, that the Netherland brigantine "De Snelheid," whereof Paul Lieutaud had been master, arrived in this harbour on the 21st ultimo, having been seized off St. Thomas, on the 28th of September past, by His Majesty's ship "Brazen," George Wicken Willes, esq. commander, for being engaged in the traffic for slaves contrary to the treaties between Great Britain and the Netherlands, and having on board at the time twenty-three slaves.

On the same day the papers of the vessel were lodged in the registry of the British and Netherland Court, and the usual monition went forth, returnable on the 28th.

Claim for the vessel, her tackle, apparel, and furniture, with the merchandize laden on board at the time of seizure, as the property of Messrs. Pardo and Pardo, of the island of St. Thomas, was made on the 30th of October, by Etienne Adolphe Hurel, the mate, in the unavoidable absence of the master.

Owing to the continued illness of Mr. Hamilton, His Majesty's Commissary Judge, I deemed it my duty to accede to the request of Mr. Bonnouvrié, the judge of His Majesty the King of the Netherlands, to sit with him to hear the case of this vessel, and we accordingly met for this purpose, on the 16th instant, when,

after

SIERRA LEONE. after hearing the proctors on both sides, and referring to the papers, which clearly established the employment of the vessel in the slave traffic, we declared the said brigantine "De Snelheid" to have been so engaged during the present voyage, in violation of the additional articles to the treaty of the 4th of May 1818, between Great Britain and the Netherlands, and, therefore, liable to condemnation; which sentence was accordingly pronounced, so far as related to the vessel, her tackle, apparel, and furniture, but without including in it the twenty-three slaves, found on board at the time of capture, and which by the depositions appeared to have been subsequently shipped by the piratical crew, in whose custody the vessel was sailing, when seized by His Majesty's ship "Brazen," and also excepting the gold and dollars mentioned in the declaration of Captain Willes, and which, it is supposed, were plundered from an American vessel, and put on board "De Snelheid" by the pirate. The report of the case of this vessel I have the honour herewith to enclose.

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The following particulars relating to the capture of "De Snelheid," by the piratical ship "Atalanta," as alluded to in the depositions, and the subsequent transactions of the crew put on board by that vessel, to the time of seizure by the "Brazen," are from evidence given against the pirates, before the authorities here, on which they stand committed, to take their trial for piracy and murder;—Gregorio Cabrera being charged with having ordered one of the slaves to be flogged to death;—and, as in some measure connected with this case, I trust, Sir, you will approve of my detailing.

The Spanish armed ship "Atalanta," of fourteen guns and eighty-four officers and men, left the port of St. Andero some months since, but with what object does not exactly appear, although there is reason to believe on a slaving-voyage: being, however, on this coast, off Grand Bassa, on the 28th of July last, and having French colours hoisted, which were afterwards changed for Spanish, she fell in with "De Snelheid," at anchor, then commanded by the mate, Hurel, the master being on shore at Trade-Town, and having forcibly seized and plundered her, made the crew prisoners, landing them the following day on the coast, and in their place sent twenty-three men from the ship, to take the vessel to the Havannah; furnishing them with a document, being a declaration of the captain and first mate, to the effect, that "having arrived in the neighbourhood of Grand Bassa, on the coast of Africa, for the purpose of cruizing, discovered a brigantine schooner at anchor, which we had been informed carried two sets of papers, and sailed under different flags. She got under weigh, and we gave chase to her, and were obliged to fire eight guns, to make her show her colours; at length she showed French colours and sent her boat on board us with French papers, showing her to be 'l'Enterprise,' Lieutaud, master; but knowing she had Dutch papers also, we detained her to answer to our Government;" (This document is witnessed by Hurel, and the second mate of the brigantine) and also with instructions to sail in company. About fifteen days after this, having lost sight of the ship, it was proposed on board "De Snelheid," "to rob and make their fortunes;" and two days afterwards, falling in with an American schooner, called the "Cassandra," they plundered her of the whole of her cargo, which was taken on board "De Snelheid," with which they then proceeded to the river Nazareth, where the whole was landed for the purchase of slaves, twenty-four of whom were sent off to the vessel, when, in consequence of a report that the king of the country was about to seize the brigantine, from having been told she was piratically engaged, the boatswain got her under weigh, and put to sea, leaving the master and one man on shore. About forty-eight hours after leaving the river, and being off Princes Island, chase was given to a sail they supposed to be a Portuguese slaver, and which vessel the boatswain proposed plundering of her slaves. On it proving, however, to be a man-of-war, they endeavoured to escape, but were captured the same night, as before stated, off St. Thomas, by His Majesty's ship.

In conclusion, permit me, Sir, to observe, that this case was begun and carried on, under the sanction of both the judges, and that I only acted in the latter part of the proceedings, in consequence of the illness of Mr. Hamilton, and which, Sir, I hope, will meet with your approbation.

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

I have the honour to be, &c.
(signed) Jos. Reffell.

Report of the Case of the Netherland Brigantine "De Snelheid," whereof Paul Lieutaud was Master.

Enclosure
in No 79.

THIS Vessel was seized on the 28th of September 1826, in latitude 0. 2. south, and longitude 7. 10. east, by His Majesty's ship "Brazen," G. W. Willes, esq. captain, who states in his declaration "that he found her with three sets of papers, and having twenty-three living slaves on board, which, with all her papers, he sends to Sierra Leone for adjudication in charge of Lieutenant Henry Edward Wingrove, together with a small quantity of gold and dollars, which he has reason to suppose were plundered from an American schooner, called the "Cassandra," on the windward coast.

On the 21st of October, the vessel "De Snelheid" arrived in this harbour, and a petition was received from the captor's proctor, praying for permission to file the papers, and that the usual monition might issue, and naming Etienne Adolphe Hurel, who was mate of "De Snelheid," to be examined on the standing interrogatories; which prayer being granted, the monition went forth, returnable on the 28th, and the papers were brought into court by Lieutenant Baldwin Wake Walker, of His Majesty's said ship "Brazen," who in his affidavit states, "that the brigantine was seized, as before stated, by reason that she was employed in the traffic in slaves, contrary to the existing treaties entered into with his Britannic Majesty and his Netherland Majesty, and that the said papers were taken by him (the deponent) from Manuel Ferran, under whose command the said vessel was sailing at the time of capture."

On the same day the examination of the mate on the standing interrogatories was taken, —he deposed, "that the name of the master was Lieutaud; that he was born in France, and that he believed him to be a naturalized subject of the King of the Netherlands, and that he generally resided at St. Thomas; that he not know who appointed him to the command of the brigantine; he took possession of her at St. Thomas about the 10th or 12th of January 1826; does not know who delivered her to the charge of the master, nor where he lives; he was not present at the taking and seizing of the brigantine, but was first mate on board her, when she was taken by an armed vessel under patriot colours, on the 28th of July last past; the name of the brigantine is 'De Snelheid,' she sailed under Dutch colours; has not been called by any other name since he knew her; does not know if she went by any other name or names, nor how many officers and mariners were on board at the time of capture, as he was put on shore at Trade Town, about ten leagues from Grand Bassa, after the capture by the vessel under patriot colours; the present voyage began at St. Thomas, and he believes it was to have ended there; St. Eustatius was the last clearing port the brigantine sailed from previous to capture by the piratical vessel; the brigantine anchored and touched at Trade Town and Grand Bassa, on this coast, during the said voyage; at Trade Town to purchase provisions, and at Grand Bassa to take in water; five guns were mounted on board, besides eighteen carbines, twelve pistols, eighteen sabres, and bullets and ammunition; was so armed for protection against pirates; does not know the names of the owners of the brigantine; does not know to what nation or country the owners belong; they reside either at St. Thomas or St. Eustatius; does not know which of the two places; the cargo consisted of merchandize, was put on board by the owners, and consigned to the master, it was to have been discharged at the Cape of Good Hope, for the account and benefit of the owners; he believes the brigantine was laden the last voyage with mules; her present cargo consisted of cotton and woollen goods, powder, guns and rum; no slaves were taken on board prior to the time of her being captured by the vessel under patriot colours; does not know what ports or places the brigantine has been carried to since said capture, as the whole of the officers and crew (to the exception of three spaniards) were put on shore twenty-four hours after capture; has no knowledge of any but the Dutch passport and papers found on board."

On the 30th of October, a petition was received from the captor's proctor, for leave to put certain special interrogatories to the mate (Hurel) which being granted, was done on the 1st of November, when he deposed "that on the 28th of July, when at anchor off Grand Bassa, the brigantine had thirty-one men and one mulatto boy on board, and that her outfit and equipment was that of a merchant vessel; that she was fitted with close hatches; that there were no materials on board for fitting her with open gratings; that there was only the cabin, steerage and fore-castle bulk-heads; that there were no bulk heads on deck; that there was not a second deck, nor any spare plank to make one, there were a few planks on board, but they were for the occasional repairs of the vessel; that there were no shackles, bolts, handcuffs, nor irons of any kind on board; that there were about twenty-eight puncheons, of 110 gallons each, on board, sixteen of which were filled with fresh water at the time of the vessel's departure from St. Eustatius, and the remainder with salt, because fresh was not to be procured; he does not know whether there was a certificate from the custom-house of the clearing port (St. Eustatius), that sufficient security had been given by the owners that such casks should be used for the reception of palm oil; there were only two or three mess tubs or kits on board, there were only two boilers or coppers on board, the former fitted in the cabouse, with a tin one for the cabin use, the boilers contained about eight gallons; there were twelve tierces of rice on board, but no farinha or Indian corn; they were shipped on board as cargo, but does not know if they were entered in the manifest; the brig arrived on the coast on the 20th of July, the object of the master in calling at Trade Town and Grand Bassa was to procure water; no water could be procured at Trade Town, but the master was left on shore

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shore there to purchase fresh stock and provisions, while deponent, in charge of the vessel, was sent to Grand Bassa for water; the vessel was three days at Trade Town, where about twelve teeth of ivory were bought, and three days at Grand Bassa, when she was taken by the Spanish pirate; the master never joined her afterwards; there was no cargo landed at any place, to the exception of a small chest of articles to the master at Trade Town, to pay for the water and provisions.

On the 2d of November a petition was received and granted from the mate (Hurel) praying to be permitted "to claim the said vessel on behalf of the owners thereof, in the absence of the master," accompanied by the claim and annexed affidavit of the truth and circumstances in support of it. The petition states "that he was second officer of the brig on her present voyage from St. Thomas along the coast of Africa, and that on the 28th of July last, while the said vessel was at anchor off Grand Bassa, she was captured by a piratical vessel, at which time the master was on shore, and petitioner had the command, and that he, together with the crew, were landed near Trade Town; that the said piratical vessel was sometimes under French colours, but was manned with Spaniards, and that the petitioner, after being so landed, made the best of his way to this place, where he has been for a considerable time; that on the 19th or 20th of October, the said brigantine was brought into this harbour, having been captured or re-captured by His Majesty's ship of war "Brazen," and is now libelled in the British and Netherland Mixed Court of Justice; that the captain or master is unavoidably absent as aforesaid, and the petitioner was the person in command when she was piratically seized, and is now the only person in any manner authorized to act on behalf of the owners thereof." The claim states him to be a subject of the King of France, and is made for the vessel, her tackle, apparel and furniture, and the goods, wares and merchandize on board at the time of capture by His Majesty's ship "Brazen" as the sole property of Messrs. Pardo and Pardo, inhabitants of the island of St. Thomas, and who, in his affidavit in support of the claim, he swears are not only such, but also subjects of His Majesty the King of the Netherlands, and "the true, lawful and sole owners and proprietors of the said vessel 'Snelheid,' her tackle, apparel and furniture." He further swears, that "he believes the name of the piratical vessel to be the 'Atalanta,' and that during the time the brigantine was under the control of the master, Lieutaud, that the vessel was never engaged in the traffic for slaves."

On the 3d of November, a petition was received from the proctor for the captor, praying that a commission of inspection and survey might go forth to examine the brigantine, and which petitioner had reason to believe would tend materially to further the ends of justice; which being granted, the same was issued on the 4th, directed to Messrs. S. M. Magnus and Nathaniel Thompson; this was returned on the 6th with the report of the commissioners, who state as follows, "that her hatches, besides two air skuttles, such as are common in vessels engaged in the slave trade, were fitted for open gratings, but that no gratings were found on board; that she had spare plank on board, completely fitted and laid as a false deck, being marked and numbered from number 1, upwards; that there was on board one pair of shackles, and a considerable number of long iron bolts; that there were twenty-one puncheons, twenty-three leaguers, and two pipes on board, capable of containing from thirty to forty tons of water, also one mess kit, and four buckets of two gallons each; that there was a large iron cabouse, but no coppers fitted, that there were also sixty-one bags of farinha and rice, computed at about three tons, besides from 700 to 800 weight of biscuit; and that she was armed with one long nine-pounder, and two six-pounders, besides ten muskets, and fourteen cutlasses, with several kegs of powder, some cartridges, and shot of different descriptions."

Permission having been granted by the Court, on the prayer of the proctor for the captor, to put special interrogatories to Sebastian Munof, one of the crew of the brigantine, when seized by the "Brazer," the answers to the same were filed on the 6th. This deponent states, "that it was about four to six days after the 'Snelheid' was taken by the 'Atalanta' that he was sent on board; at that time the nature of the equipment and outfit of the said brigantine was that of a slave trader; there was a second deck laid fore and aft the vessel, and also three divisions, or apartments, in the hold; he cannot tell the number of water and other casks on board, they ran from fore to aft, and the second deck was formed upon them; there was a considerable quantity of rice on board, in barrels and casks; the Spaniards, who had possession after capture, purchased some farinha at the river Nazareth; and put on board her fifteen pipes of rum, and fifteen barrels of biscuit and rice; and water was left on board after the brigantine was seized by the 'Atalanta,' of which, nine pipes of rum, and some other articles that were stolen out of the 'Cassandra,' American brig, were bartered away for the slaves on board, in the river Nazareth; twenty-four slaves were put on board after the landing of the part of the cargo before mentioned; but one slave was killed by being flogged to death by order of Gregorio Cabrera, the boatswain, on board; there was no spare plank, water casks, slave irons, mess tubs or kits, slave boilers or coppers, rice or Indian corn, put on board the brigantine, after seizure by the 'Atalanta,' nor from any other vessel, nor by any person, excepting the 'farinha,' bought at the river Nazareth."

On the 7th of November, the surgeon of the courts reported, that, having visited the brigantine, he found the general appearance of the slaves healthy, to the exception of one, who he was of opinion should be landed and sent to the hospital, and in consequence of which, the proctor for the captor petitioned the Court for permission to land, not only the diseased slave, but also the others, the prayer of which being granted, provided the Colonial Government would receive them, they were accordingly landed on that date.

Two sets of papers were found on board this vessel, besides some Spanish documents, viz. French and Dutch: from the former (the French) it appears that she cleared from Guadaloupe, as a French vessel, navigated and owned according to the French law, on the 24th of March last, at which time she was called "l'Enterprize," and the captain's name "François Lieutaud," with a crew of thirty persons, including the claimant (Hurel), as second officer, and a surgeon, for the islands of Princes and St. Thomas, on this coast, with a cargo, consisting of fifty-two bales or packages of dry goods, eleven cases of muskets, 7,000 pounds of powder, 6,500 pounds of iron bars, fifteen bales of leaf tobacco, twenty puncheons of rum, and twelve tierces of rice, the vessel and cargo appearing to be owned by one Paul Lieutaud. From the latter (the Dutch papers) it appears that she cleared from St. Eustatius on the 10th of April following, having her name changed to "De Snelheid," and the same master assuming that of Paul Lieutaud; and also being called the owner, and a subject of his Majesty the King of the Netherlands; Hurel (the mate) and the crew appear to have continued on board, the names being the same in both sets of papers, making some trifling allowance for the difference between the Dutch and French languages in the spelling of them; the register or licence is of the usual description granted there (St. Eustatius), and authorizes the vessel's trading for one year to any part of the world except the Coast of Guinea; bond also being given by the master and apparent owner (Lieutaud), to the amount of 5,000 guilders, that the vessel should only be legally employed; there is no manifest of the cargo among these papers; it is merely stated that the vessel clears with a cargo of merchandize for the Cape of Good Hope, from St. Eustatius; it would seem that she proceeded to the Danish island of St. Thomas, from which she clears, as appears by the documents from that port, on the 11th of May, and as from St. Eustatius, for a voyage to the Cape of Good Hope. Among the papers there is also a French letter, without either signature, date, or address, and of which the following is a translation:—

"As the vessel and cargo are consigned to you, we have only to recommend you to act in every affair for our best interest; our friends, Messrs. Santiago and Company, at the Cape of Good Hope, the place of your destination, will do the same for us, to enable you to dispose of your cargo, and will not fail to procure a return cargo for you, with which you will proceed to St. Jago de Cuba, where you will consign yourself to M. Louis Dutocq, who will be informed of your arrival.

"At six leagues to windward of the Mooro of St. Jago there is a bay, which is called Suragua Grande, where you will effect your disembarkation; arrived before this place, you will hoist your flag of Provence at your mizen for a signal, and wait until the pilot comes on board, who will bring you a letter from Monsieur Dutocq, by which you will be instructed how to conduct yourself.

"Having disembarked, you will be pleased to remain near your cargo, and send back the vessel to us with the mate, with enough funds if possible to pay off the vessel; you will find our letters at Cuba; we therefore wish you a fortunate voyage.

"We remain, &c."

In consequence of the illness of His Majesty's commissary judge the case did not come before the Court for adjudication until the 16th of November, when, from his continued and serious indisposition, His Majesty's acting arbitrator sat, with the judge of his Majesty the King of the Netherlands, to hear and decide on the case as it stood before the Court. The proctor for the captor, after pointing out the contradictions between the answers of the mate (Hurel) to the standing and special interrogatories, and the statement set forth in his claim, and accompanying affidavit, and more particularly with respect to his knowledge of the owners of the vessel, whom in the former he swears he does not know, but in the latter deposes to be Messrs Pardo and Pardo, of St. Thomas, and this even in contradiction of the Dutch papers under which she sailed, and which show the master, Lieutaud, to be also the owner; and again, that he never knew the vessel by any other name than "De Snelheid," nor that she was furnished by any other than Dutch papers, although, by the French papers with which she sailed from Guadaloupe, and in which this man's name is entered as second officer or mate, it appears that she was, during the present voyage, called "l'Enterprize;" then moved the Court to pronounce sentence of condemnation of the vessel and cargo, which, from the papers found on board her, and the proofs filed in the case, there could be no doubt had been engaged in the slave traffic, contrary to the existing treaties between Great Britain and the Netherlands. He further urged, that, although the slaves on board her had been shipped since the seizure by the "Atalanta," and without any agency on the part of the original crew, still that, as it appeared they were partly purchased by the rum belonging to the cargo of "De Snelheid," they should be included in the sentence of condemnation. The proctor for the claimant made some observations; but, as he had filed nothing in support of the claim, this was not material to the case, and the judges therefore proceeded, after severely animadverting on the perjury of the mate (Hurel), to give judgment to the following effect:—

That, from the evident illegal object of the whole transaction, exemplified in the two sets of papers found on board, and distinctly shown in the French letter found among them, and which, although evidently written to deceive the vigilance of any legal examination, and consequently without name, date or address, they could only consider as instructions to the master, Lieutaud, in the disposal of the slaves this vessel was intended for; the circumstance also of the vessel being on these shores at the greatest slave marts on the windward coast, and the improbability of the story set up by the claimant that it was only to procure fresh provisions and water, together with the absence of the

master

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master on shore, further pointed out the true object of the voyage, and which, but for the capture by the "Atalanta," would, no doubt, have been realized; the equipment of the vessel, moreover, at the time of seizure, as sworn to by Sebastian Munof, and corroborated by the report of the Commissioners of Inspection and Survey, set aside any doubt which might exist on the minds of the judges; and they, therefore, condemned the vessel, her tackle, apparel and furniture, under the further additional article to the treaty of the 4th of May 1818, between Great Britain and the Netherlands, as good and lawful prize to His Majesty's ship of war "Brazen," G. W. Willes, esq. commander. With respect to the slaves on board shipped since the seizure by the "Atalanta" in the river Nazareth, and also the gold and dollars mentioned in the declaration of the captor, "which he has reason to suppose were plundered from an American schooner, called the 'Cassandra,' on the windward coast," being also a subsequent transaction, they are however of a different opinion; and as the case of this vessel is considered prior to her seizure by the "Atalanta," cognizance being only taken of the voyage while she sailed under the command of the master, Lieutard, and the original crew, the judges cannot include them in this sentence, which would otherwise have the effect of an interference in the acts of the Spaniards who forcibly seized, and since piratically employed, this vessel, and with which this Court can have nothing whatever to do.

(signed) *Jos. Reffell.*

N° 80.

N° 80.

His Majesty's Commissioners to Joseph Planta, jun. Esq.—(Received March 9.)

Sir,

Sierra Leone, January 15, 1827.

IN pursuance of the 75th clause of the Act passed in the 5th year of the reign of His present Majesty, entitled, "An Act to amend and consolidate the laws relating to the abolition of the slave trade," and in conformity with the instructions received from Mr. Secretary Canning, we beg leave to enclose, in duplicate, a return of all the cases of Netherland vessels which have been adjudicated in the British and Netherland Mixed Court of Justice established here, from the 1st day July 1826 to the 1st day of January 1827.

Joseph Planta, jun. Esq.
&c. &c. &c.

We have the honour, to be, &c.

(signed) *N. Campbell.*
Jos. Reffell.

Enclosure
in N° 80.

RETURN of Netherland Vessels adjudicated by the British and Netherland Mixed Court of Justice established at Sierra Leone, from the 1st day of July 1826 to the 1st day of January 1827.

Name of Vessel.	Date of Seizure.	Property Seized.	SEIZORS.	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.
La Fortunée	15th May 1826.	Schooner & 245 slaves.	G. W. Willes, H. M. S. Brazen	17th July 1826.	Condemned for illicitly trading in slaves.	The schooner sold by public auction, and one moiety of the proceeds thereof paid into the military chest; one moiety paid to the Netherland Judge.
De Snelheid	28th Sept. 1826.	Brigantine & 23 slaves.	G. W. Willes, H. M. S. Brazen	16th Nov. 1826.	Condemned for illicitly trading in slaves; the slaves found on board were proved to have been put on board "De Snelheid" by the crew of a piratical vessel after they had taken her; and therefore the Court decreed the 23 slaves were not entitled to emancipation, but that said brigantine fell under the further additional articles to the treaty of the 4th of May 1818.	The brigantine sold by public auction, but the proceeds remain in the hands of the Commissioners of Appraisement & Sale, the accounts not having yet been returned into the Registry.

(signed) *Wm. Smith, Registrar.*

N° 81.

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

N° 81.

Sir,

Sierra Leone, February 19, 1827.

WE had the honour to receive your Despatch of the 5th of December 1826, acquainting us, for our information, and that of the other gentlemen composing the Mixed Board of Commission, 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 certain of His Majesty's ships, and that those instructions which had been issued to His Majesty's ships "Hussar," "Dartmouth," "Dispatch," "Ferret," and "Swinger," have been recalled and cancelled.

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

We have the honour to be, &c.
(signed) *N. Campbell.*
Jos. Reffell.

N° 82.

Sir Neil Campbell to Mr. Secretary Canning.—(Received June 7.)

N° 82.

Sir,

Sierra Leone, March 31, 1827.

I HAVE the honour to forward herewith the report of the case of the brig "Lynx," Peter Eugene Terrasse, master, which vessel was detained on the 9th of January 1827, in latitude 2. 20. north, and longitude 6 east, sailing under Netherland colours, with 265 slaves on board, fourteen of whom died on the passage to this harbour, where the vessel arrived on the 8th of February 1827 and was condemned in the British and Netherland Mixed Court of Justice, as prize to His Majesty's ship "Esk," W. J. Purchas, esq. commander, on the 21st of February 1827, and the surviving slaves, 251 in number, emancipated.

The circumstances under which this vessel, evidently French property, obtained Netherland papers, and the master a certificate of naturalization, are similar to the case of the "Vogel," to which your attention was drawn by the late Mr. Williams, in his despatch, marked Netherlands, dated 4th April 1826, with the exception that, in this instance, the master swears, that he has never been at St. Eustatius since he was a boy, but that himself and the vessel remained at St. Thomas, to which port the papers and certificate of naturalization were sent from St. Eustatius, and which he further declares upon oath is a common practice of obtaining them.

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

I have the honour to be, &c.
(signed) *N. Campbell.*

Report of the Case of the Netherland Brig "Lynx," Peter Eugene Terrasse, Master.

Enclosure
in N° 82.

THIS Vessel was detained on the 9th of January 1827, in or about latitude 2. 20. north, and longitude 6 east, by His Majesty's ship "Esk," W. J. Purchas, esq. commander, who states in his declaration, "that she was sailing under Netherland colours, and commanded by P. Eugene Terrasse, who declared her to be bound to Martinique from the 'First River,' (from Cape Formosa) with 265 slaves, said to have been taken on board between the 3d and 4th of January 1827," fourteen of whom died on the passage here, where the vessel arrived on the 6th of February.

On the following day, the papers of the vessel were brought into court by Lieutenant Arthur Kellet, and a petition received from the captor's proctor for leave to file them, and that the usual monition might issue; this being granted, the same went forth on the 8th of February, returnable on the 17th of the same month.

From the evidence before the Court, it appeared that the vessel, which was owned by a Mr. Baronette, at Martinique, was taken possession of by the master in August 1826, from which colony she must have gone to the Danish island of St. Thomas, as on the 4th of September she takes her departure from that port, furnished with Dutch papers from St. Eustatius, dated in August, and sailed direct for the river "Brass," near Cape Formosa, where 270 slaves were taken on board, five of whom died previous to capture.

No claim was made in this case.

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(Netherlands.)

The Court met for adjudication on the 21st of February, and it being clearly a case of condemnation under the treaty between Great Britain and the Netherlands, decreed accordingly, and the emancipation of the surviving 251 slaves, who had already been landed by permission of the Court. The Court further declared 265 slaves to have been on board at the time of capture by His Majesty's said ship "Esk," W. J. Purchas, esq. commander.

(signed) *N. Campbell.*

N° 83.

N° 83.

His Majesty's Commissioners to John Backhouse, Esq.—(Received Sept. 18.)

Sir,

Sierra Leone, July 5, 1827.

IN pursuance of the 75th clause of the Act passed in the 5th year of the reign of His present Majesty, entitled, "An Act to amend and consolidate the laws relating to the abolition of the slave trade," we beg leave to enclose, in duplicate, a return of all the cases of Netherland vessels adjudicated in the British and Netherland Mixed Court of Justice, established here, from the 1st day of January to the 1st day of July 1827.

John Backhouse, Esq.
&c. &c. &c.

We have the honour to be, &c.

(signed) *H. Lumley.*
Wm. Smith.

Enclosure
in N° 83.

RETURN of Netherland Vessels adjudicated by the British and Netherland Mixed Court of Justice established at Sierra Leone, from the 1st day of January 1827 to the 1st day of July 1827.

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.
Lynx -	9th Jan. 1827.	Brig and 265 slaves.	W. J. Purchas, H.M.S. Esk.	21st Feb. 1827.	Condemned for illicitly trading in slaves.	The brig sold by public auction, and one moiety of the proceeds thereof paid into the military chest, and the other moiety to the judge of his Netherland Majesty.

(signed) *H. Lumley.*
Wm. Smith.

N. B.—The proceeds of the sale of the brigantine "De Snelheid," reported in the last return as being in the hands of the Commissioners of Appraisement and Sale, have since been received, and one moiety of the proceeds thereof paid into the military chest, and the other moiety to the judge of his Netherland Majesty.

(signed) *Jos. Reffell, Registrar.*

HAVANNAH.

HAVANNAH.

N° 84.

His Majesty's Commissioners to Mr. Secretary Canning.—
(Received February 24, 1827.)

N° 84.

Sir,

Havannah, December 8, 1826.

ON the 26th ultimo, the Spanish schooner "Hermosa Dolores," D. Joachim Auricochea, master, arrived here in ballast, and is announced in the newspapers as coming from the Danish island of St. Thomas, in seventeen days. There can be no doubt, however, that she has landed a cargo of negroes, although we have not been able to learn the number of her cargo, or the place of the disembarkation.

This vessel sailed for the coast of Africa, under the name of "Dolorita," on the 16th of April last.

We have the honour to be, &c.

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

(signed) *H. T. Kilbee.*
W. S. Macleay.

N° 85.

His Majesty's Commissioners to Mr. Secretary Canning.—
(Received February 24, 1827.)

N° 85.

Sir,

Havannah, December 8, 1826.

WE have the honour to acknowledge the receipt of your despatch of September 11th, enclosing an extract of a despatch from His Majesty's envoy at Madrid, and directing us to transmit to you accurate information, supported, where we can, by collateral, in the absence of direct, evidence of any facts connected with the non-execution of the treaty of 1817.

We shall continue to employ all the means in our power to obtain such information, but you are already aware of the peculiar difficulties in the way of His Majesty's Commissioners acquiring what may be termed legal evidence, regarding transactions connected with illicit slave trade.

Fortunately, however, in the recent case of the "Minerva," which is now before you, such evidence was produced as we scarcely ever expect to be enabled again to submit to you.

We have, &c.

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

(signed) *H. T. Kilbee.*
W. S. Macleay.

N° 86.

Mr. Secretary Canning to His Majesty's Commissioners.

N° 86.

Gentlemen,

Foreign Office, February 26, 1827.

I SEND to you, for your information, the accompanying copy of a communication which has been received at this office from the Admiralty, on the question of the alleged necessity, that the commander of a capturing vessel should, if required, be present at the adjudication of each vessel which he may have detained for illegal slave trade.

It appears that the opinion given by Mr. Macleay upon this subject was, in principle, correct. I think it right at the same time to point out to you, for your guidance, the last paragraph in the opinion given upon this subject by His Majesty's Advocate General and the advocate to the Admiralty.

You will there perceive that the declaration on oath of the captain of the captured vessel is not made necessary, in all cases, to the adjudication of vessels captured under the treaties on slave trade; and that the want of that declaration, therefore, will not invalidate the capture, nor obstruct the proceedings, unless the declaration should in the particular case be specially required.

I am, &c.

His Majesty's Commissioners.

(signed) **GEORGE CANNING.**

HAVANNAH.

Enclosure
in N° 86.

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

Sir,
Admiralty Office, February 6, 1827.
MY Lords Commissioners of the Admiralty having referred for the opinion of the King's and Admiralty advocates, a letter dated the 4th of November last, with its enclosure, from Vice-admiral Sir L. W. Halsted at Jamaica, relative to the interpretation of article 3, page 1172, of the Act 5 Geo. 4, cap. 113, entitled "An Act to amend and consolidate the laws relating to the abolition of the slave trade," I have it in command to send you herewith copies of the said letter and its enclosure from Vice-admiral Sir L. W. Halsted, together with a copy of the opinion of the above-mentioned law officers on this case, and to desire that you will lay the same before Mr. Secretary Canning, and request his attention to the difficulty complained of.

Joseph Planta, jun. esq.
&c. &c. &c.I am, &c.
(signed) J. Barrow.Sub-Enclosure
(A.)
in N° 86.

Vice-Admiral Halsted to J. W. Croker, Esq.

"Magnificent," Port Royal Harbour, Jamaica,
November 4, 1826.

Sir,
I BEG you will be pleased to lay before my Lords Commissioners of the Admiralty the enclosed letter from Captain Austen of the "Aurora," on the subject of an alleged necessity for His Majesty's ships proceeding to the Port of Havannah with any Spanish slave vessels they may capture in order to prosecute their condemnation. If, as therein stated, Art. 3, page 1172, of the 5th Geo. 4, cap. 113, entitled "An Act to amend and consolidate the laws relating to the abolition of the slave trade," really bear the interpretation which Mr. Macleay points out, and which, undoubtedly the Spanish Commissioners will give it in order to take the cruisers off their stations, that they may not have the chance to fall in with other slave vessels, it is unnecessary for me to observe to their Lordships how prejudicial it must be, and how much such a proceeding must tend to prevent the squadron under my command from cruising for the suppression of the illicit traffic in slaves with proper effect. I therefore have to request their Lordships will be pleased to take such steps as may to them seem fit for securing a just reading of the before-mentioned article, and as appears to me to be intended, that on the capture of a slave vessel and a compliance with article 6 of the "instructions for the British and Spanish ships of war employed to prevent the illicit traffic in slaves," contained in page 1169 of the Consolidated Act, already cited, she may be proceeded against before the Mixed Commission Court, on the evidence of the officer and others sent into port in charge of her.

John Wilson Croker, esq.
&c. &c. &c.I have, &c.
(signed) L. W. Halsted, Vice Admiral.Sub-Enclosure
(B.)
in N° 86.

Captain Austen to Vice Admiral Halsted.

H. M. Ship "Aurora," Port Royal,
November 3, 1826.

Sir,
REFERRING to my proceedings in accompanying the Spanish slave vessel, "Nuevo Campeador," captured by His Majesty's ship under my command, to the Havannah, which I was induced to do from the weakly state of many of the slaves, as well as the condition of her sails and rigging, I think it proper to acquaint you, that whilst there, Mr. Macleay the British commissioner, assured me, though not officially, in a conversation I had with him upon the subject, that unless a slave vessel was accompanied to the Havannah by the man-of-war who captured her, it would be impossible for him to proceed in her condemnation; in proof of which he pointed out to me the 3d article of the 5th of Geo. IV. cap. 113, of the regulations for the Mixed Commissioners, which, at the 6th line, states, "as well as the declaration on oath of the captor, should it appear necessary." And certainly it is to be feared that the Spanish commissioners would declare that it was necessary.

Vice Admiral, Sir L. W. Halsted, K. C. B.
&c. &c. &c. Jamaica.I have, &c.
(signed) Charles John Austen, Captain.Sub-Enclosure
(C.)
in N° 86.

Opinion of the King's and Admiralty Advocates.

(CASE.)

THE accompanying letter, dated the 4th November 1826, with its enclosure, from Vice Admiral Sir L. W. Halsted, as to the interpretation of article the 3d, of the Act 5th Geo. 4, cap. 113, being "An Act to amend and consolidate the laws relating to the abolition of the slave trade," with reference to an alleged necessity for a detained Spanish slave vessel to be accompanied to the Havannah by the man-of-war who captured her, in order to the declaration on oath of the captor being given before the commissioners in the proceedings

to be had against her, has been transmitted to the proctor for the Admiralty, with the directions of the Lords Commissioners of the Admiralty to lay the same before the King's advocate and the advocate of the Admiralty, for their opinion thereupon.

The opinion of His Majesty's advocate and the advocate of the Admiralty is accordingly requested thereon.

On general construction of rules prescribed for captures of war, the word taker, or captor, would not in all cases be restricted absolutely to the commander of the capturing ship.

The 1st article of the instructions to cruizers directs, that the commanders, &c. shall bring all vessels to a convenient port. But a subsequent article directs, that the taker or one of his chief officers, or some other person present at the capture, shall bring in papers, &c. &c.

The cases in which this question arises are not of an ordinary description; the instructions and regulations concerning them are settled by treaty with a foreign power, by which it is provided, that the detention of vessels as agreed upon shall be effected only by vessels provided with the special instructions annexed to the treaty, and that the commanders of the ships of war who shall be employed on this service shall adhere strictly to the exact tenour of the instructions which they shall receive.

It is to be observed also, that in these cases the discretion of the commander in the direction of the voyage, and the incidents attending it, are specially referred to, and may be of the utmost consequence as affecting the responsibility of his government, and the lives of the negroes on board the vessels detained.

In the instructions, article 1, it is directed, that the commander of a capturing ship is to bring ships detained before that of the two Mixed Commissions which shall be nearest, or which the commander shall upon his own responsibility think *he* can soonest reach. And in article 6, that on urgent motives for the disembarkation of the negroes, the commander of the capturing ship may take on himself the responsibility of disembarkation.

Both these articles appear to imply the presence of the commander.

In the regulations for adjudication (besides the 3d article which is particularly referred to) the 5th article provides, that in the authenticated declaration which the captor shall make before the commission the captor shall be bound to declare *his name*, and the name of his vessel, &c.

In the 6th article, providing that in the cases there stated the captor himself shall remain responsible, and in the 8th, providing for the case of the captor being led into error by the captain of the detained ship, and in the 12th, providing for the case of improper detention, and the captor not being able to justify himself, in which the government to which the captor belongs is bound to make inquiry and to inflict upon the captor, if he be found to deserve it, a proportionate punishment: in all these articles the word "captor" clearly appears to mean exclusively the commander of the capturing ship.

Upon consideration of the several matters, it appears to us, that in the 3d article of the regulations, in which the judges are directed to take depositions of the persons on board the detained vessel, as well as the declaration on oath of the captor, should it appear necessary, the word captor is to be interpreted the commander of the capturing ship.

We observe, however, that this declaration on oath is not made necessary in all cases to the adjudication, but the commissioners may proceed without it. The want of this declaration therefore will not invalidate the capture, neither will it obstruct the proceedings unless it should be specially required.

Doctors Commons, Feb. 2, 1827.

(signed)

Chris. Robinson.
J. H. Arnold.

N^o 87.

W. S. Macleay, Esq. to Mr. Secretary Canning.—(Received March 2, 1827.)

N^o 87.

Sir,

Havannah, November 18, 1826.

I HAVE the honour to acknowledge the receipt of your despatch of the 31st of July, enclosing a copy of your despatch to His Majesty's envoy at Madrid, on the subject of the African slave trade, to and from the island of Cuba.

I have, &c.

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

(signed) W. S. Macleay.

N^o 88.

W. S. Macleay, Esq. to Mr. Secretary Canning.—(Received March 2, 1827.)

N^o 88.

Sir,

Havannah, November 18, 1826.

On the 16th instant, the Spanish brig "San Jozé," Don Joze Gomez, master, arrived here in ballast, as from the Cape de Verd Islands; and, on the same day, also arrived here the Spanish schooner "Vigilancia Habanera." D. Domingo

Antonio

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Antonio de Castro, master, likewise in ballast, and reported in the newspapers as coming from the island of St. Thomas, on the African Coast.

The brig "San Jozé" sailed for the coast of Africa on the 5th of June last, under the name of "Pepe," as His Majesty's Commissioners had the honour to state to you in their despatch dated 14th of June last; and the schooner "Vigilancia Habanera" sailed from this port for the same coast on the 24th of April, under the name of "Jacinta," as was reported to you by His Majesty's Commissioners in their despatch dated 30th April last. Both these vessels are said to have larded their slaves at Puerto Escondido, in this island; the brig no less than 570 negroes, and the schooner 350.

Yesterday, also sailed for the coast of Africa the Spanish schooner "Temeridad," D. Antonio Echevarria, master.

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

I have &c.

(signed)

W. S. Macleay.

N^o 89.N^o 89.

His Majesty's Commissioners to Mr. Secretary Canning.—(Received March 9.)

Sir,

Havannah, December 18, 1826.

IN reference to your despatch of the 23d of February of this year, we have the honour to inform you, that Mr. Dannery, who is at present acting French consul here, and was French consul at Cuba at the time of the arrival at that port of the brig "Gavilan," mentioned in that despatch, lately stated to us in conversation the circumstances which had reached his knowledge respecting the transaction in which that brig had been engaged.

Mr. Dannery received his information from a French subject named Pautrier, who had been a petty officer on board the "Gavilan." The statement made by this individual fully confirms that made by Vice-admiral Sir Lawrence Halsted to the Governor of Cuba, namely that the "Gavilan" had recaptured, on the coast of Africa, two slave vessels, a Spanish brigantine, and a Portuguese schooner, which had been previously taken by a British cruizer, and were proceeding to Sierra Leone for adjudication; that a number of the slaves were transferred on board the "Gavilan," which vessel then sailed in company with the brigantine, and landed the slaves on the coast, not far from Cuba, into which port the "Gavilan" afterwards entered, and that the schooner was sent to Sierra Leone with the British crews of the prizes.

Pautrier always persisted in this story regarding the British crews, but it was generally believed at Cuba that they had been barbarously murdered by the Spaniards.

We asked Mr. Dannery whether it would be possible to obtain the testimony of Pautrier, or any other individual belonging to the "Gavilan." He replied that he did not know where any of them were to be found, but that he believed that Pautrier had returned to France.

We have, &c.

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

(signed)

Henry T. Kilbee.
W. S. Macleay.N^o 90.N^o 90.

His Majesty's Commissioners to Mr. Secretary Canning.—
(Received March 9, 1827.)

Sir,

Havannah, December 31, 1826.

SINCE our despatch of the 8th instant, one Spanish vessel, the "Hermosa Dolorita," Pedro Blanco, master, has sailed for the coast of Africa.

This vessel sailed for the same destination April 14th last, and returned to this port in ballast November 26th, as reported in our despatches of the 16th of April, and 8th instant.

We have the honour to be, &c.

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

(signed)

Henry T. Kilbee.
W. S. Macleay.

N° 91.

His Majesty's Commissioners to Mr. Secretary Canning.—(Received March 9, 1827.)

N° 91.

Sir,

Havannah, December 31, 1826.

WE have the honour to enclose a copy of the register of the slaves emancipated by decree of this Mixed Commission, since the date of our despatch of the 30th of June, of this year.

They belonged to the Spanish brigantine "Nuevo Campeador," and amount to 211. There were besides thirty-six negroes belonging to the same vessel deposited with the governor of Cuba, for which negroes certificates of emancipation were forwarded to the Captain-general, as reported in Mr. Macleay's despatch of the 30th of September last.

We have, &c.

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

(signed)

Henry T. Kilbee,
W. S. Macleay.

REGISTER of Emancipated Negroes from the Spanish Brigantine "Nuevo Campeador."

Enclosure
in N° 91.
(Abstract.)

No.	SEX.			
211.	Males	-	-	153
	Females	-	-	58
	211			

N° 92.

His Majesty's Commissioners to Mr. Secretary Canning.—(Received March 9.)

N° 92.

Sir,

Havannah, January 1, 1827.

WE have the honour to enclose, in duplicate, the return required by the seventy-fifth clause of the Act, 5 Geo. IV. cap. 113.

We have the honour to be, &c.

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

(signed)

Henry T. Kilbee,
W. S. Macleay.

Half-yearly RETURN of Cases adjudicated by the Mixed Commission at the Havannah.

Enclosure
in N° 92.

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.
20th Aug. 1826.	Spanish steam vessel Mexicano, with 20 negroes, and property belonging to various individuals.	Captain G. V. Jackson, commanding H.B.M. sloop Pilades.	30th Aug. 1826.	Restitution.	
29th Aug. 1826.	Spanish brigantine Nuevo Campeador, with 263 slaves, but no other cargo.	Captain C. J. Austen, commanding H.B.M. frigate Aurora.	27th Sept. 1826.	Forfeiture	The vessel, tackle, &c. have been sold, nothing remaining unsold, the British moiety of the net proceeds has been remitted to H. M. Secretary of State for Foreign Affairs.

Havannah, }
1st January 1827. }

(signed)

Henry T. Kilbee.
W. S. Macleay.

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N° 93.

N° 93.

His Majesty's Commissioners to Mr. Secretary Canning.—(Received March 9.)

(Extract.)

Havannah, January 1, 1827.

THE adventurers in illicit slave trade from this port, during the year 1825, were still more unsuccessful than during the preceding one, as will be seen by the enclosed list. Of the thirty-two vessels which sailed for the coast of Africa only fourteen, to our knowledge, have reached this island in safety. Three were captured and condemned by the Mixed Commission established here; six are said to have been carried into Sierra Leone, or lost on the coast of Africa, and of the fate of the remaining nine we are ignorant; some of the latter, however, have, in all probability succeeded in landing cargoes of negroes without our knowledge.

We also have the honour to enclose lists of the departures and arrivals of slave vessels during the year 1826.

In consequence of the ill success of the adventurers in the preceding year, and of the success of His Majesty's cruizers in the early part of 1826, (three prizes having been brought into this port within six weeks,) the number of departures has considerably decreased. It amounts to only fifteen, of which one was Portuguese; of these, five have already returned in safety, after landing cargoes of slaves, and one has been captured by a Colombian cruizer.

The number of arrivals in 1826 has been eleven, which have succeeded in landing about 3,000 slaves. In that number the vessels condemned by the Mixed Commission are not included. These had on board at the time of their respective captures, 738 negroes.

This diminution of the traffic, we regret to say, is to be attributed entirely to the ill success of the adventurers, and to other temporary causes mentioned in our last General Report, but by no means to the more effectual execution of the Spanish laws relating to this subject. The trade is carried on with the same publicity as hitherto, and vessels continue to sail openly for the coast of Africa, and return to this port, as usual, in ballast, after landing their cargoes of negroes.

The royal order of His Catholic Majesty, issued in January, and published here in April last, has not been productive of any good effect, and indeed has not as yet been acted upon, in any one instance, by the authorities of the island, but at the express instigation of His Majesty's Commissioners, and then without any satisfactory result, although in the most notorious cases,

Even the vessels which publicly sail for the coast of Africa do not upon their return excite suspicion, and no notice whatever is taken of them until His Majesty's commissioners call the attention of the captain-general to them. His Excellency then addresses himself to the chief naval authority, stating that certain suspicious cases had been denounced to him by us, and requesting information respecting them; as to the naval department it exclusively belongs to examine vessels in the first instance. The answer returned is, that the case shall be investigated, and then the matter is allowed to drop, or we are finally informed that there is no ground whatever for suspecting that the vessel in question has been engaged in the slave trade.

The royal order, by committing the examination of the vessel in the first instance to the commandant of the naval forces, who is to report to the captain-general any grounds of suspicion that may appear, almost entirely relieves the latter from the responsibility which he would necessarily incur from the infraction of the same were the whole of the proceedings to be carried on under his immediate directions. That commandant, too, is desired to examine the log-book alone; and as all laws upon this subject will certainly be interpreted in the strictest manner, when there is question of detecting violations of our treaty, he will confine himself to that step, and thus by merely omitting to mention any circumstances connected with their traffic in the log-book, which since the abolition has always been their custom, the masters of slave vessels are free from all danger of discovery. The not granting a pecuniary reward to free persons denouncing illicit slave-trade has been a most unfortunate omission, and the reward of their liberty offered to slaves giving such information is a measure so universally odious, and considered to be such a pernicious example here, that it is much to be feared that the tribunals will do all in their power to thwart, rather than afford them countenance and protection, should they venture to present themselves for that purpose; the more so, too, as the provision certainly involves a manifest injustice, for a slave is entitled to his liberty for denouncing an illicit transaction, in which any person whatever may be engaged,

engaged, although he be not his master, and no provision is made for remunerating the latter for the loss he thereby sustains, however innocent he may be. That our apprehensions in this respect are well founded, is we conceive sufficiently proved by the fact that, as yet, no slave has come forward to denounce any infraction of the law. The exhortations of the clergy upon this subject are, we suspect, neither zealously given or seriously attended to. The benefit of their liberty promised to slaves denouncing the vessels in which they shall be imported is merely nominal, for it is obvious that their ignorance on their first arrival will prevent them from taking advantage of it; and such a considerable period must elapse before they can be apprized of it, that it will be next to impossible for them to prove the vessel in which they came. In short, very soon after the first alarm excited by this royal order had subsided, it was very generally looked upon rather as a boon, than an injury, by the illicit slave-traders, for by directing that none of its provisions should be acted upon until after its publication it served to legalize all importations of slaves up to that period, at the same time that it was found in practice to be as much a dead letter as the laws previously in force relating to the same matter.

We are justified by past experience in believing that the legal authorities will exert all their ingenuity to evade the fulfilment of whatever orders may be received from Spain, the object of which is the suppression of the slave trade. We would therefore recommend, if the Spanish government have really that object in view, that they should, instead of transmitting orders from Madrid, empower the captain-general to adopt a more efficient system, and from time to time to make such changes as circumstances shall show to be necessary for the effectual fulfilment of our treaty, making him alone responsible for all infractions of it. His Majesty's Commissioners will be enabled to report whether he performs his duty or not.

This we conceive to be the most effectual remedy for the present abuses that could be adopted, excepting the declaring illicit slave trade to be piracy.

The Spanish government not long since gave a precedent for the measure which we recommend. Shortly after the fall of the constitutional system, when this island was surrounded with dangers, and believed to be in a very critical situation, they confided to the captain-general the most extensive powers for securing its tranquillity and preservation. They were then unquestionably sincere, and if they are so in their desire to suppress illicit slave trade, they cannot object to the measure now proposed.

The representations made to this government by His Majesty's Commissioners continue, as will be seen by our report, to be unproductive of any benefit. Unfortunately the information which we are enabled to communicate reaches us too late to be of much avail for the detection of the delinquents, for it is not till the suspected vessel actually enters this port, after landing her cargo of slaves, that we are in possession of any ostensible fact upon which to found a representation.

We have, on more than one occasion, alluded to the great difficulty in the way of our obtaining direct proof of acts, however notorious, of illicit slave-trading. It is only by offering pecuniary reward that any individual could possibly be induced to give evidence; and we are convinced that a cargo of slaves might be landed on the public wharf, and marched through this city, at the most public hours, without any one person consenting, from disinterested motives, to bear the odium, and incur the personal danger to which he would certainly be liable by coming forward as a witness to the transaction.

Even collateral evidence we are precluded from obtaining by our peculiarly isolated situation, by our being totally destitute of connection with any other part of the island, particularly those parts where the slave-trade is principally carried on, and by the suspicion with which, in transactions connected with this trade, we are looked upon by all.

We venture to state, that our reports to you are correct, because it is morally impossible that we should be mistaken. Within the last five years, 111 vessels have publicly sailed from this port for the coast of Africa, and not one has ever yet returned with a cargo of merchandize. Can the shadow of a doubt exist as to the traffic in which they have been engaged?

We are, moreover, borne out by the notoriety of these transactions, which is most complete, no concealment whatever being found necessary; and we most solemnly assure you, that we have ever most studiously abstained from all exaggeration, and that where the slightest doubt existed we have always given the local government the full benefit of it.

In two instances, fortunately, we were enabled to obtain, in the one circumstantial, and in the other direct, evidence of the most unexceptionable description, namely,

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that of officers of His Majesty's navy; and the result of the investigations undertaken by this government, in consequence of the representations made by His Majesty's Commissioners on those occasions, will serve to show more clearly than any observations we can make the real state of this question.

The first of these cases is that of the "Magico," which vessel sailed for the coast of Africa in the month of July 1824, and upon her return, towards the close of that year, was chased by British cruisers into the port of Cabanas, where she took refuge close to a Spanish fort and vessel of war, and on the following morning when visited, she was found to have all the well known appearances of having just landed a cargo of slaves. An investigation was ordered by the captain-general into this case, in consequence of the representations made to him, and it was finally declared that the vessel had not been engaged in illicit slave-trade. Some time after, however, she again sailed for the coast of Africa, under the same master, and dispatched by the same house, as on her previous voyage, and upon her return was again chased by a British cruiser, but fortunately did not succeed in reaching a port, and when captured, was found to have a cargo of slaves on board.

The other case is that of the "Minerva," which, being chased by a British cruiser, actually entered this harbour with a cargo of slaves, and there is the direct evidence of a British officer to the fact, that the slaves were landed during the night, at one of the most public wharfs of this city. The peculiar circumstances respecting the investigation of this case have been submitted to you too recently to require a repetition here; we shall, therefore, only observe, that the extraordinary conduct of the local government in that most scandalous infraction of our treaty, and the manner in which the certainly temperate representations made upon the occasion were received, have, by the impression which they have made, been productive of more injurious effects than any event connected with this subject that has yet happened.

(signed) *Henry T. Kilbee.*
W. S. Macleay.

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

1st Enclosure.
in N° 93.

RESULT of the Voyages of 32 Vessels which sailed from the Port of Havannah for the Coast of Africa, during the Year 1825, as far as can be ascertained.

CLASS.	NAME.	RESULT OF VOYAGE.
Schooner	Fingal	Captured by H. M. S. Ferret, and condemned at Havannah.
Brig	San Joze Aquila	Returned 9th Nov. 1825, after landing negroes.
Schooner	Iris	Returned 16th Sept. - ditto - ditto.
Ditto	Joaquina	Returned 29th Dec. - ditto - ditto.
Ditto	Ninfa	Returned 29th July - ditto - ditto.
Ditto	Jacinta	Returned 2d Dec. - ditto - ditto.
Brig	Conquistador	Returned 15th Dec. - ditto - ditto.
Ditto	Annibal	Returned 27th Dec. - ditto - ditto.
Schooner	Segunda Gallega	Said to be captured, and carried to Sierra Leone.
Ditto	Clarita	Said to have been lost on the coast of Africa after capture.
Ditto	Buenaventura	Returned 29th Dec. 1825, after landing negroes.
Ditto	Paulita	Returned 10th Dec. - ditto - ditto.
Ditto	Amazona.	
Ditto	Barbarita.	
Brig	Magico	Captured by H. M. S. Union, and condemned at Havannah.
Schooner	Ninfa Habanera	Said to be captured, and carried to Sierra Leone.
Ditto	Matilde	Returned 10th Dec. 1825, after landing negroes.
Brig	Asdrual.	
Schooner	Anfitrite	Returned 6th Dec. - ditto - ditto.
Ditto	Teagenes	Returned 27th May 1829 ditto - ditto.
Ditto	Iberia	Said to be captured, and carried to Sierra Leone.
Ditto	Carlota	Returned 14th June 1826, after landing negroes.
Brig	Orestes	Lost on the Bahama bank; the negroes taken on board H. M. schooner Speedwell, and emancipated at Havannah.
Ditto	Sirius	Said to be lost on the coast of Africa.
Schooner	Intrepida.	
Ditto	Minerva.	
Ditto	Ismenia.	
Brigantine	Teresa	Said to be captured, and carried to Sierra Leone.
Schooner	Iris	Destroyed by her crew, after landing negroes at Escondido.
Ditto	Nicanor.	
Ditto	Flecha.	
Ditto	Micaela.	

LIST of Arrivals from, and Departures for, the Coast of Africa, during the Year 1826.

2d Enclosure.
in N° 93.

DATE.	NATION.	CLASS.	NAME.	MASTER.	REMARKS.
ARRIVALS:					
18th, 1826	Spanish	Schooner	Proserpina	J. A. Barrera	Fitted out at Cadiz.
May 27th	Ditto	Ditto	Teagenes	Carlos Ferrer.	
-	Ditto	Ditto	Iris	F. Prieto	Destroyed by her crew, after landing negroes.
June 14th	Ditto	Ditto	Carlota	Lorenzo Jose Villo.	
July 3d	Ditto	Brigantine	Ma. Isabel	Baltazar Cardell	Fitted out at Cadiz.
- 21st	Ditto	Schooner	St. Cristo de la Salud (alias la Dichosa).	Ramon de Torres y Conde.	Ditto.
Aug. 16th	Ditto	Ditto	Minerva	Manuel Fernandez.	
Oct. 3d	Ditto	Brigantine	St. Pedro (alias Currutaco).	D. Juan Coll.	
Nov. 16th	Ditto	Ditto	St. Jose (alias Pepé)	D. Jose Gomez.	
- 16th	Ditto	Schooner	Vigilancia Havanera (alias Jacinta).	Domingo Antonio de Castro.	
- 26th	Ditto	Ditto	Hermosa Dolores (alias Dolorita).	D. Joachim Aurey-cochea.	Sailed again in December.
DEPARTURES:					
Feb. 10th, 1826	Portuguese	Brig	Aurora de Cabo	Jn. Franco Flores.	
- 19th	Spanish	Brigantine	Xerxes	Ramon Gonzalez.	
- 19th	Ditto	Schooner	Hortensia	Vicente Gomez	Captured by Colombians.
- 19th	Ditto	Ditto	Paulita	Anto. Ferrer.	
- 26th	Ditto	Ditto	Escudera	Juan Tornella.	
- 26th	Ditto	Brigantine	Currutaco	Juan Coll	Returned 3d Oct.
April 2d	Ditto	Schooner	Minerva	Manuel Fernandez	Ditto 16th Aug.
- 14th	Ditto	Ditto	Dolorita (alias Hermosa Dolores).	Joaquin Aurey-cochea.	Ditto 26th Nov.
- 24th	Ditto	Ditto	Jacinta	Franco. Anto. Castro	Ditto 16th Nov.
May 30th	Ditto	Brig	Breves (Conquist)	Agustin Capera.	
June 5th	Ditto	Brigantine	Pepé (San José)	Joze Gomez	Ditto 16th Nov.
July 30th	Ditto	Schooner	Monteaza	Juan Ramon Cortina.	
Aug. 6th	Ditto	Ditto	Amelia	Manuel Preados.	
Nov. 17th	Ditto	Ditto	Temeridad	Antonio Echavarría.	
Dec. 23d	Ditto	Ditto	Hermosa Dolores	Pedro Blanco.	

N° 94.

His Majesty's Commissioners to Mr. Secretary Canning.—(Received March 9.)

N° 94.

Sir,

Havannah, January 18, 1827.

THE Captain-general has lately informed the Mixed Commission, that the governor of Cuba had reported to him, under date the 20th December 1826, that of the thirty-six negroes left under his charge, in a very sickly state, by Captain Austen, of His Majesty's ship "Aurora," as reported in Mr. Macleay's dispatch of the 30th September 1826, twenty-five had died, and that the remaining eleven had received their certificates of emancipation, and been placed under the charge of certain individuals, upon the same conditions as the emancipated slaves who have been distributed here, by order of the captain-general.

We have the honour to be, &c.

The Right Hon. George Canning,
&c. &c. &c.(signed) *Henry T. Kilbee.*
W. S. Macleay.

N° 95.

His Majesty's Commissioners to Mr. Secretary Canning.—(Received March 9.)

N° 95.

Sir,

Havannah, January 31, 1827.

ON the 3d instant the Spanish schooner "Vigilancia Havanera," D. A. De Castro, master, and on the 10th instant, the French brig "Paul," F. G. Forcain, master, sailed for the coast of Africa.

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The Spanish schooner "Montañesa," which sailed for the same destination, on the 30th July last, as was reported in our dispatch of the 9th of August 1826, lately returned, and, according to common report, landed a cargo of slaves on the coast near Bahiahonda; but, on her passage round to this port, she was captured by the Mexican squadron under Commodore Porter.

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

We have the honour to be, &c.

(signed) *Henry T. Kilbee.*
W. S. Macleay.

N^o 96.

N^o 96. His Majesty's Commissioners to Mr. Secretary Canning.—(Received March 31.)

Sir,

Havannah, February 10, 1827.

SINCE the date of our dispatch of the 31st January last, the Spanish schooner "Monica," Don J. B. Sustacha, master, has sailed for the coast of Africa.

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

We have, &c.

(signed) *Henry T. Kilbee.*
W. S. Macleay.

N^o 97.

N^o 97. His Majesty's Commissioners to Mr. Secretary Canning.—(Received April 11.)

Sir,

Havannah, February 28, 1827.

ON the 21st instant, the Spanish brig "Breves," which sailed for the coast of Africa on the 30th of May 1826, arrived here in ballast, it being matter of notoriety, that she had previously landed upwards of 400 slaves, not far from Jaruco.

We have the honour to enclose a copy of the note which we have addressed to the captain-general upon this case.

Without venturing to employ the language of remonstrance, we have alluded to the manifest failure in their duty of the authorities here, in neglecting to enter upon the proper investigation immediately after the arrival of the vessel, in the present and similar cases, to which the strongest suspicions attach; thus disregarding the royal order of January 1826, until they receive a representation from His Majesty's Commissioners, by which means such a delay necessarily occurs as enables the parties concerned to screen themselves from discovery.

In the reply of the captain-general, of which a translation is also enclosed, you will find fully exemplified the defect in that royal order, which we pointed out in our dispatch of the 1st of January last, of committing the examination of the vessel, in the first instance, to the naval commandant, whose report is to form the groundwork of the proceedings of the captain-general, the latter being thus released from almost all responsibility.

His Excellency instantly adverts to the royal order, of which he quotes the words, alleging that we cannot but agree with him, that to the naval department alone it belongs to examine the log-books of suspected vessels, which duty he presumes they will have performed in the present case, but respecting which he, nevertheless, has written to them; and adding, that so long as the royal order shall remain unaltered by His Catholic Majesty, he cannot depart from the literal observance of it.

We have heard it reported that the brig "Xerxes," which sailed in February 1826, for the coast of Africa, has lately returned, and landed a cargo of slaves on the south side of the island; but she has not as yet entered this port. It was added, that the slaves had been taken possession of, after they had landed, by a body of pirates, and were afterwards ransomed by the owners.

This report has reached us in so loose and vague a manner as not to warrant our making any representation upon the subject to the captain-general.

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

We have, &c.

(signed) *H. T. Kilbee.*
W. S. Macleay.

The British Commissioners to the Captain General.

1st Enclosure
in N° 97.

Sir,

Havannah, Feb. 23, 1827.

IT is with much regret that we are under the necessity of calling your excellency's attention to a fresh case of violation of the treaty between Great Britain and Spain for the prevention of illicit slave trade, namely, that of the Spanish brig "Breves," which sailed from this port for the island of St. Thomas, on the coast of Africa, on the 30th of May 1826, and is announced in the "Diario" of this morning, as having arrived from the same in ballast, it being matter of notoriety that previously to her entering this port she had landed a cargo of upwards of 400 slaves some leagues to the eastward.

Although we ground our assertion upon the notoriety of the case, which in the present and similar transactions is so complete as to preclude all doubt, yet even were that notoriety wanting, we conceive that no question can be entertained on the subject, when it is recollected that, during the last four years since your excellency has assumed the government of the island of Cuba, upwards of 100 vessels have publicly sailed from the port of Havannah alone for the coast of Africa, and that not one of them has ever yet returned with a lawful cargo, all entering the port in ballast. Can it for a moment be supposed that such a ruinous commerce should be persisted in, as the carrying of valuable cargoes to the coast of Africa without obtaining any return whatever? or can a shadow of doubt exist, that the sole object of the adventurers was to engage in illicit traffic, of their success in which their continuing to carry it on is an unanswerable proof? experience as well as common sense forbids the contrary supposition, for every one of those vessels thus sailing for the coast of Africa, that has on its return been fallen in with by British cruisers, has been found with a cargo of slaves on board.

It is scarcely necessary to repeat here, what we have so frequently stated to your excellency, that, in bringing the present and similar cases under your consideration, our principal object is to apprise your excellency that we feel it to be our duty to report them to His Majesty's government.

It would ever be most gratifying to us to be enabled, at the same time, to afford you any information that might facilitate the detection of the delinquents, as we have done whenever the corroborating and unquestionable testimony of British officers could be produced; but, in the present case, we apprehend that our information can be of no avail, from the time that has elapsed since the arrival of the vessel, it being obvious, that if the investigation does not take place the moment she enters the port, the parties concerned will speedily be enabled to take such steps as will effectually screen them from discovery.

We make this observation, because we are led to imagine, from former correspondence with your excellency, that on some occasions our representations have been made the groundwork of the investigations subsequently instituted, the ill success of which is perhaps partly to be attributed to the delay which has thus necessarily occurred between the arrival of the vessel and the commencement of the proceedings.

We confidently trust, however, that the observation is not applicable upon the present occasion, and that the proper investigation took place immediately upon the arrival of the "Breves;" for (and in this we are convinced that your excellency will fully agree with us) if any case can occur peculiarly calculated to excite the vigilant attention of the proper authorities, and in which the royal order of January 1826 ought instantaneously to be acted upon, it is that of a vessel which publicly cleared out for the coast of Africa, which being, like the others that sail for that coast, naturally considered liable to the strongest suspicion, was, previous to her departure, especially enjoined not to engage in illicit commerce, and which, after an absence of between eight and nine months, enters this port in ballast, avowedly from the same coast.

The most speedy and strict investigation, we repeat, appears to have been peculiarly and indispensably necessary in the present case, even supposing the notoriety to be wanting, which we again aver to be most complete, that the vessel in question has succeeded in landing a cargo of slaves on the coast of this island.

We avail, &c.

(signed)

H. T. Kilbee.

W. S. Macleay.

His Excellency the Captain General.

The Captain General to the British Commissioners.

Gentlemen,

Havannah, February 24, 1827.

I HAVE just received your letter of this date, in which you are pleased to call my attention to the brig "Breves," which, as you state to me, sailed from this port for the island of St. Thomas, on the coast of Africa, on the 30th of May last year, and is now announced in the "Diario" of this morning as coming from the same island in ballast. I am duly apprized of all, and in reply for the present, until I communicate to you the result, I cannot avoid reminding you of the resolution of the King, my august Sovereign, of the 2d of January last year, in which he has deigned to direct as follows, "accordingly, our Lord the King has resolved, that every vessel proceeding from the coast of Africa shall, immediately upon her arrival in the ports of that island, deliver up her log-book to the commandant of the naval forces, in order that he may examine it, and should he find any ground for suspicion that the vessel has brought, and clandestinely landed, negroes, that he may report the same

2d Enclosure
in N° 97.
(Translation.)

to

HAVANNAH.

to your excellency, for the purpose of your proceeding to the proper investigation and punishment, in conformity to the laws in force on this subject, it being well understood that, to your excellency alone, with the opinion of your assessor, belongs the cognizance of such causes," &c.

You will agree with me that, according to the sense of that royal order, to the department of commandant of naval forces belongs the examination of the log-book of vessels coming from that coast; and I believe that this will have been done in the present case; nevertheless I have written officially what is proper on the subject, and I will apprise you of the result; at the same time I must observe, for your information, that until His Majesty shall alter the aforesaid sovereign resolution, I cannot depart from the literal observance of it; as likewise that I have always reported to my august sovereign the proceedings that have taken place, whenever you have stated to me your suspicions that the treaty respecting the abolition of the slave trade has been violated.

The British Commissioners.

God preserve you, &c.

(signed)

F. D. Vives.

N° 98.

N° 98.

His Majesty's Commissioners to Mr. Secretary Canning.—(Received April 27.)

Sir,

Havannah, March 19, 1827.

WE have the honour to enclose a translation of another note, which we have received from the Captain-general, upon the subject of the brig "Breves," mentioned in our despatch of the 28th of February.

From this, and his Excellency's former note, respecting the same vessel, you will perceive, that the royal order of January 1826 is reduced to a mere dead letter, by the manner in which it is acted upon by the authorities of the island.

The "Breves" returned here from the coast of Africa on the 21st of February.

On the 23d her arrival was announced in the newspapers, and on the same day we drew the attention of the Captain-general to the case. On the 24th, his Excellency, declaring that he was resolved to confine himself to the strict letter of the law, which does not direct him to interfere unless a vessel be previously denounced to him as suspicious by the naval department, referred the case to the latter. Then and not till then, although the vessel had publicly sailed for the coast of Africa, and had publicly returned from thence, that department ordered an investigation, which, with the same observance of the strict letter rather than the spirit of the law, was confined to the examination of the log-book; from which it appeared that the vessel had arrived at Princes Island, on the coast of Africa, in July 1826, and had remained there and at St. Thomas, apparently without any occupation, until the beginning of this year, when she sailed on her return to this port; and, consequently, no ground whatever was afforded for suspecting that the vessel had ever touched at any part of the coast of Africa, much less that she had landed slaves at any of the ports of this island.

No search was made for any other papers but the log-book, nor was any attempt made to elicit the truth by examining the crew; it thus being evident, that unless the master of a slave vessel shall be so absurd as to insert his own guilt in the log-book he is quite free from the possibility of detection.

The results of this and similar investigations are very soon and very generally known; and they are regarded by the public as marks of the ingenuity displayed by this government in thwarting the attempts made by His Majesty's Commissioners to check illicit slave trade, and as proofs of their decided disposition to connive at the continuance of the traffic.

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

We have the honour to be, &c.

(signed)

Henry T. Kilbee.
W. S. Macleay.

The Captain General to the British Commissioners.

Enclosure
in N° 98.
(Translation.)

Gentlemen,

Havannah, March 12, 1827.

UNDER date the 9th instant, the second in command of the naval forces on this station, writes to me as follows:—

" Most Excellent Sir,

" HAVING transmitted, with the proper instructions, to the commandant of Matriculas, your excellency's official letter of the 24th ultimo, and the accompanying translation, in which letter you are pleased to insert the reply which, under the same date, you addressed to the British Commissioners, upon the subject of the Spanish merchant brig 'Breves,' that officer has made to me the following statement:

Sir,

‘ Sir,
 ‘ HAVING examined the Log-book of the Spanish brig “ Breves,” the only document that has been presented relating to the last voyage of that vessel, it appears that, having sailed from this port on the 29th of May last year for the island of St. Thomas and Princes, she touched at the latter on the 30th (31st) of July following, where they remained repairing damages until the 1st (2d) October, when they again sailed for St. Thomas, and anchored there on the 2d (3d) of the same; from this last point they sailed for this port on the 5th, (6th) of January of the present year, where they arrived on the 21st of February: and from the examination of the Log-book it cannot be suspected that the said vessel had touched at any point of the coast of Africa, much less that she had conveyed or introduced slaves into any of the ports of this island.’

“ And I transmit this to your excellency in reply, and for the necessary purposes.”

I make this communication to you in consequence of what I stated in my former reply of the 24th ultimo.

The British Commissioners.

God preserve you, &c.

(signed)

Francisco Dion. Vives.

N° 99.

His Majesty’s Commissioners to Mr. Secretary Canning.—(Received April 27.)

N° 99.

Sir,

Havannah, March 19, 1827.

WE have the honour to inform you, that on the 1st instant the Spanish brig “ Nuevo Orestes,” Don Santiago Manzana, master, sailed from this port for the coast of Africa.

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

We have, &c.

(signed)

*Henry T. Kilbee.
 W. S. Macleay.*

N° 100.

Viscount Dudley to His Majesty’s Commissioners.

Gentlemen,

Foreign Office, May 8, 1827.

N° 100.

I SEND herewith to you the copies of a correspondence with the Conde de la Alcudia *, on the subject of a complaint which the Spanish ministry have brought forward, that you have exceeded the powers delegated to you by Treaty, and that you have used an improper tone in your communications with the local authorities of Cuba, more particularly in those communications which took place on the occasion of the arrival at the Havannah of the Spanish vessel “ Minerva,” suspected of trading illegally in slaves.

On carefully investigating that correspondence, I have satisfaction in observing to you, that you do not appear to me to have exceeded the bounds of that duty of constant watchfulness and inquiry as to the due execution of the Treaty with Spain, which is delegated to you as His Majesty’s Commissioners under that Treaty, and which under the instructions given to you it was your duty to exercise.

This duty should of course be always executed with the strictest respect towards the local authorities of Spain, nor does it appear to me that you have been wanting in your duty in this respect.

You will continue to exercise due vigilance in inquiring into the faithful execution of the Treaty; you will continue that inquiry with every possible deference, consideration, and respect, towards the local authorities, using, if possible, still greater caution and reserve in your conduct and language towards them; and you will, as heretofore, report to me continually the result of your inquiries for the information of His Majesty’s Government.

I am, &c.

His Majesty’s Commissioners.

(signed)

DUDLEY.

* See Class B.

HAVANNAH.

N° 101.

N° 101.

His Majesty's Commissioners to Mr. Secretary Canning.—(Received May 18.)

Sir,

Havannah, March 27, 1827.

IT is with the deepest regret that we have the honour to inform you, that the secretary to this Mixed Commission, Dr. Don Rafael Gonzalez, whose health has long been declining, died on the 20th instant.

As on former occasions we had repeatedly taken on ourselves to express to His Majesty's Government our high sense of his uprightness and zeal in the discharge of the duties of his office, it is unnecessary for us to dilate upon the great, and we fear, irretrievable loss, which must unavoidably result by his death to the Mixed Commission; but we may be permitted to say, from our personal experience, that it will be difficult to find such talent and sound legal knowledge united with so much temper and moderation.

At the suggestion of the Mixed Commission, the captain-general has appointed Don Rafael Gonzalez Barranco, son of the late secretary, and his substitute whenever he was prevented by illness from performing his duties, to continue to act as secretary until the pleasure of his Catholic Majesty shall be known.

We have, &c.

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

(signed)

Henry T. Kilbee.
W. S. Macleay.

N° 102.

N° 102.

His Majesty's Commissioners to Mr. Secretary Canning.—(Received May 18.)

Sir,

Havannah, March 31, 1827.

WE have the honour to report to you, that on the 22d instant the Spanish schooner "Las Tres Manuelas," Don Joze Gardullo, master, sailed from this port for the coast of Africa.

We have, &c.

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

(signed)

Henry T. Kilbee.
W. S. Macleay.

N° 103.

N° 103.

His Majesty's Commissioners to Mr. Secretary Canning.—(Received May 18.)

Sir,

Havannah, April 2, 1827.

WE had the honour to receive this day your despatch of the 30th of December last year, in which you have been pleased to transmit a copy of a despatch to His Majesty's envoy at Madrid, upon the subject of the violations of our slave trade Treaty with Spain, which were reported in our despatches therein referred to.

In obedience to your instructions we shall continue to apprise you of the particulars of any transaction that reaches our knowledge, connected with illegal slave trade upon the coasts of this island.

We have, &c.

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

(signed)

Henry T. Kilbee.
W. S. Macleay.

N° 104.

N° 104.

His Majesty's Commissioners to Mr. Secretary Canning.—(Received July 9.)

Sir,

Havannah, April 23, 1827.

IN reference to our former despatches relating to the obtaining for the brig "Magico," a British certificate of registry, and permission to clear out from this port under British colours, which vessel, after condemnation by decree of this Mixed Commission, had been purchased by a British subject; we have the honour to enclose the translation of a letter received from the intendant, stating, that his Catholic

Catholic Majesty has been pleased to approve of the determination taken by his Excellency to allow the "Magico" to clear out under British colours, and to order, that in all similar cases that may occur hereafter the same forms may be observed as were adopted by his Excellency upon that occasion.

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

We have, &c.
(signed) *Henry T. Kilbee.*
W. S. Macleay.

The intendant of Cuba to H. T. Kilbee, esq.

Sir,

Havannah, April 20, 1827.

HIS excellency Don Luis Lopez Ballesteros, Secretary of State for the Finance department has communicated to me, under date the 15th of January of the present year, the following royal order:—

" Most excellent Sir,

" In your letter of 1st July of last year, your excellency reported the difficulties that had occurred in the clearing out at the Custom-house of the brig 'Magico,' which had been captured with a cargo of negroes from Africa, and had been bought at public auction by one of His Britannic Majesty's subjects, and the determination taken by you, in consequence of the intervention of the British commissioners at the Havannah. His Majesty, having been apprised of all this, and in conformity with the opinion given by the supreme council of Indies on the 6th December last, has been pleased to approve of your excellency's determination respecting the clearing out of the said brig as the property of Mr. Robert Roxby, a subject of His Britannic Majesty, ordering, that in all similar cases that may occur in future the same forms shall be observed as in the present; since, in the absence of an English consul, there can be no objection to granting the certificates and proofs that may be required relating to the acquisition and ownership of the vessel, it being the business of the purchaser to ascertain whether the same be sufficient for navigating under the English flag conformably with the laws of his country; and I communicate this to your excellency for your information, and in order that it may be carried into effect."

And I transmit the same to you for your information, and for the necessary purposes.

God preserve you, &c.

H. T. Kilbee, esq.

(signed)

Claudio Martinez de Pinillos.

Enclosure
in N° 104.
(Translation.)

N° 105.

His Majesty's Commissioners to Mr. Secretary Canning.—(Received July 9.)

N° 105.

Sir,

Havannah, April 30, 1827.

ON the 5th instant, the Spanish schooner "Micaela," Don Juan Oleaga, master, arrived here in ballast, and was announced to be from Princes island on the coast of Africa.

This vessel cleared out for Teneriffe in the month of November 1825, but there was reason at the time to suspect, as was reported in Mr. Kilbee's despatch of the 30th of that month, that she was really destined for the slave trade upon the coast of Africa; and there is now little doubt, that previously to her entering this port she had succeeded in landing a cargo of slaves upon some part of the coast of this island, but we have not been able to ascertain the place of disembarkation, or the number of negroes.

We have, &c.

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

(signed) *Henry T. Kilbee.*
W. S. Macleay.

N° 106.

His Majesty's Commissioners to Mr. Secretary Canning.—(Received July 30.)

N° 106.

Sir,

Havannah, June 12, 1827.

WE have the honour to acknowledge the receipt of your despatch of the 26th February last, containing instructions respecting the question of the necessity that the commander of a capturing vessel should, if required, be present at the adjudication of each vessel detained for illegal slave trade, which instructions shall be strictly carried into effect, as far as depends on us, in any case that may occur for their application.

We have, &c.

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

(signed) *Henry T. Kilbee.*
W. S. Macleay.

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N° 107.

N° 107.

His Majesty's Commissioners to Mr. Secretary Canning.—(Received Aug. 13.

Sir,

Havannah, June 30, 1827.

TWO of the vessels which sailed for the coast of Africa in the early part of the present year, viz. the "Nuevo Orestes" and the "Vigilancia Habanera," have lately returned to this port, having previously landed their cargoes of slaves, amounting, as we are informed, to upwards of 700, in some of the small ports to the eastward.

We have the honour to enclose a copy of the note which we addressed to the captain-general respecting these vessels, together with a translation of his reply, merely stating that he had transmitted our note to the commandant of the naval forces.

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

We have, &c.
(signed) *Henry T. Kilbee.*
W. S. Macleay.

1st Enclosure.
in N° 107.

The British Commissioners to the Captain-General.

Havannah, June 26, 1827.

THE undersigned, His Britannic Majesty's Commissioners, in conformity with their usual practice, have the honour to apprise his excellency the captain-general that it will be their painful duty to report to His Majesty's Government the arrival here within these few days of two Spanish vessels, which no reasonable doubt can be entertained have been engaged in the slave-trade.

They are called the "Nuevo Orestes" and the "Vigilancia Habanera," alias "La Jacinta," and both sailed from this port in the early part of the present year for the coast of Africa; and they are now announced to have returned from the same in ballast.

The last-mentioned of these two vessels has completed three voyages to and from the coast of Africa, (as reported in the public papers) within little more than two years; and in each of the three she is stated to have returned in ballast; it will require more than common credulity to believe that such unprofitable commerce should be persisted in.

According to common report, which from the little mystery observed in transactions of this description may well be relied on, the number of slaves landed on the coast of this island by the "Nuevo Orestes" and "Vigilancia Habanera," previously to their entering this port (as announced in the "Diarios" of 21st and 25th instant) exceeds 700.

His Excellency, the Captain-General,
&c. &c. &c.

The undersigned avail, &c.
(signed) *Henry T. Kilbee.*
W. S. Macleay.

2d Enclosure
in N° 107.
(Translation.)

The Captain-General to the British Commissioners.

Gentlemen,

Havannah, June 27, 1827.

IN conformity with the royal order of January 2, 1826, I have this day addressed a despatch to the naval officer, second in command on this station, enclosing a copy of the letter you addressed to me, dated yesterday, relative to the entrance into this port from the coast of Africa of the vessels "El Nuevo Orestes," and "La Vigilancia Habanera," in order that, agreeably to the aforesaid royal order, the said officer may on his part take such measures as lie within his province, which I state to you in reply.

H. B. M's. Commissioners,
&c. &c. &c.

God preserve you, &c.
(signed) *Francisco Dion. Vives.*

N° 108.

N° 108.

His Majesty's Commissioners to Mr. Secretary Canning.—(Received Aug. 13.)

Sir

Havannah, July 1, 1827.

IN reference to the instructions directing us to transmit half-yearly returns of the cases adjudicated in the Court of the Mixed Commission established here, we have the honour to inform you, that no vessel has within the last six months been brought in here for adjudication.

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

We have, &c.
(signed) *Henry T. Kilbee.*
W. S. Macleay.

N° 109

His Majesty's Commissioners to Mr. Secretary Canning.—(Received Aug. 15.)

N° 109.

Sir,

Havannah, July 12, 1827.

IN reference to our despatch of the 30th ultimo, we have the honour to enclose a translation of a note which we have received from the captain-general, communicating to us the result of the investigation respecting the two slave-vessels, the "Nuevo Orestes," and the "Vigilancia Habanera," whose arrival was reported in that despatch.

The investigation was as usual confined to the examination of the log-books; and it is declared, as might be expected, that they did not afford the slightest ground for suspicion that the vessels had been engaged in the slave trade.

We have here again fully exemplified the utter inefficacy of the royal order of his Catholic Majesty, dated January 1826. It is scarcely possible for more notorious cases to occur, than those here mentioned; and we have no hesitation in asserting, that the authorities under whom the investigation took place could entertain no reasonable doubt that the vessels had been engaged in the slave trade; and nevertheless they are satisfied with perusing the log-books without making any other attempt to elicit the truth.

We have the honour to be, &c.

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

(signed) *Henry T. Kilbee.*
W. S. Macleay.

The Captain General to the British Commissioners.

Enclosure
in N° 109.
(Translation.)

Gentlemen,

Havannah, July 11, 1827.

UNDER date the 9th instant, the second in command of the naval forces on this station writes to me as follows:—

"Most excellent Sir,

'Having transmitted to the commandant of Matriculas for his report thereon, your excellency's official letter of the 27th ultimo, and the translation enclosed in it of that addressed to you by the British Commissioners, relative to the arrival at this port from Africa of the Spanish merchant brigantine "Nuevo Orestes," and the schooner "Jacinta," alias "Vigilancia Habanera," he has made it in the following terms:—

'Sir,

"As soon as the Spanish merchant brigantine 'Nuevo Orestes,' and the schooner 'Jacinta,' alias 'Vigilancia Habanera,' which sailed from hence, the former on the 1st of March, and the latter on the 3d of January last, bound for the island of St. Thomas and Princes Island, had anchored in this port, I devoted myself exclusively to the examination of their log-books, from which their does not appear the slightest ground for suspicion that these mercantile expeditions have been engaged in the prohibited traffic in slaves; this is all I have to report to you in conformity to your preceding decree, and to your former directions on this subject.'

"And I forward the above to your excellency in reply, and for the proper purposes."

All which I transmit to you, in consequence of the note which you addressed to me upon this subject.

God preserve you many years.

The British Commissioners.

(signed) *Francisco Dio. Vives.*

N° 110.

His Majesty's Commissioners to Mr. Secretary Canning.—(Received Aug. 15.)

N° 110.

Sir,

Havannah, July 13, 1827.

ON the 10th instant the schooner "Dolorita," which sailed for the coast of Africa on the 23d of December last, returned to this port in ballast, after landing her cargo of negroes, we have heard, a little to the eastward.

We have the honour to enclose a copy of the note which we have addressed to the captain-general, apprising his excellency that we have thought it our duty to report this arrival to His Majesty's Government.

We have lately learned that the brigantine "Xerxes" which it was reported, as was stated in our despatch of the 28th February of this year, had landed a cargo

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of slaves on the south side of the island in the month of February last, had been subsequently captured, and carried into Baltimore by a Colombian cruizer. The American papers state that she had succeeded in landing upwards of 400 slaves.

We have the honour to be, &c.

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

(signed) Henry T. Kilbee.
W. S. Macleay.

P. S. We have just received a note from the captain-general, of which a translation is enclosed, informing us that he has referred the case of the "Dolorita" to the naval department.

(signed) H. T. K. W. S. M.

1st Enclosure
in N° 110.

The British Commissioners to the Captain General.

Sir,

Havannah, July 11, 1827.

IN obedience to our instructions, we have the honour to apprise your excellency that we shall have to report to His Majesty's Government the arrival of another of the notorious slave-vessels which are fitted out at this port, viz. the schooner "Dolorita," which sailed for the coast of Africa on the 23d December 1826, and returned from the same on the 10th instant.

This vessel is an old African trader; and upon the present, as on her former voyages, she is announced to have returned in ballast. We have already repeatedly stated to your excellency that this is the universal practice of the numerous slave-vessels which land their cargoes at the different out-ports of this island.

His Excellency the Captain-General,
&c. &c. &c.

We avail ourselves, &c.
(signed) Henry T. Kilbee.
W. S. Macleay.

2d Enclosure
in N° 110.
(Translation.)

The Captain-General to the British Commissioners.

Gentlemen,

Havannah, July 13, 1827.

IN obedience to what is directed in the royal order of the 2d of January of last year, I write under this day's date to the second in command of the naval forces, enclosing to him a copy of your note, dated yesterday, relative to the arrival at this port from the coast of Africa of the schooner "Dolorita," in order that he may take the proper steps in conformity to that sovereign order.

The British Commissioners.

God preserve you many years.
(signed) Franco. D. Vives.

N° 111.

N° 111.

Viscount Dudley to His Majesty's Commissioners.

Gentlemen,

Foreign Office, September 3, 1827.

I HAVE received your despatches to the 13th July inclusive.

I transmit to you for your information the accompanying copy of a despatch which I have received from His Majesty's envoy at Madrid, dated the 29th of June*, containing the copy of a note which he had addressed to the Spanish minister, conveying to him the substance of your reports on the inefficacy of the proceedings for the suppression of the slave trade in the island of Cuba, and calling for a more authoritative interference on the part of the Spanish government.

It is to be hoped that this representation may induce the government of his Catholic Majesty to take some efficacious steps for putting an end to the gross violations of the compacts between His Majesty and his Catholic Majesty, which continue to be committed in that island.

In the mean time it will be your duty to continue, as heretofore, to keep a watchful eye upon these illegal undertakings; to communicate to the Spanish local authorities whatever you may learn respecting them; and to transmit to me, for the information of His Majesty's Government, the result of those communications.

His Majesty's Commissioners.

I have, &c.
(signed) DUDLEY.

* See Class B.

N° 112.

The Earl of Dudley to His Majesty's Commissioners.

N° 112.

Gentlemen,

Foreign Office, September 28, 1827.

WITH reference to your despatches on the subject of the "Dichosa," and "Maria Isabel," Spanish vessels, suspected of being concerned in the illegal traffic in slaves, I herewith send to you, for any observations which you may have to offer thereupon, the copy of a note, dated the 31st of August, and of its enclosures*, which I have received from his Catholic Majesty's envoy at this court, containing copies of the proceedings which were instituted at the Havannah in these cases, in order to ascertain the fact in question.

His Majesty's Commissioners.

I am, &c.
(signed) DUDLEY.

N° 113.

His Majesty's Commissioners to Mr. Secretary Canning.—(Received Oct. 7.)

N° 113.

Sir,

Havannah, July 31, 1827.

THE illicit slave trade from this port, which has been for some time on the decline, appears to be about to resume its former activity, no less than four Spanish vessels having during the present month sailed for the coast of Africa, and others being we understand in a state of preparation. The vessels which have sailed are the brigs "Guerrero" and "Gallo," and the schooners "Lambery," and "Indagadora," of which Joze Gomez, Ramon Gonzalez, Pedro Antonio Salduondo, and Santiago Manzana, are respectively the masters.

The "Guerrero" is an old slave-trader, and was formerly called the "San Joze." She is well armed, and has a crew of ninety men; and there can be little doubt that her purpose is to plunder of their cargoes of slaves any weaker vessels that she may fall in with on the coast of Africa. This, we have heard, is a very general practice of the Spanish slave vessels fitted out at this port, which are almost all well armed and manned.

The Right Hon. George Canning,
&c. &c. &c.We have the honour to be, &c.
(signed) Henry T. Kilbee,
W. S. Macleay.

N° 114.

His Majesty's Commissioners to Mr. Secretary Canning.—(Received Oct. 7.)

N° 114.

Sir,

Havannah, August 6, 1827.

THE Spanish schooner "Tres Manuelas," which sailed for the coast of Africa on the 22d of March last, entered this port in ballast on the 1st instant, reporting herself to be from the island of San Thomé, on that coast.

It is however well known that she had previously landed a cargo of slaves in one of the small ports to the westward of Havannah.

We have the honour to enclose a copy of the note which we addressed to the captain-general upon this occasion, together with a translation of his excellency's reply, merely informing us (as usual) that he had transmitted our note to the naval department.

The Right. Hon. George Canning,
&c. &c. &c.We have the honour to be, &c.
(signed) Henry T. Kilbee.
W. S. Macleay.

The British Commissioners to the Captain General.

Havannah, August 3, 1827.

THE undersigned, His Britannic Majesty's Commissioners, in obedience to their instructions, have the honour to apprise his excellency the captain-general that they will have to report to His Majesty's Government the arrival here from the coast of Africa (as announced in

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in N° 114.

* See Class B.

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in the "Diario" of to-day) of another Spanish vessel, viz. the schooner "Tres Manueles," under precisely similar circumstances as those to which they have so frequently had occasion to call his excellency's attention.

The undersigned think it right also to apprise his excellency the captain-general that they have felt it to be their duty to state to His Majesty's Government that this traffic with the coast of Africa, which had somewhat declined during the last year, appears to be again about to be carried on in all its former extent, no less than four Spanish vessels having publicly sailed from the port of Havannah alone for that coast, during the month of July.

The undersigned avail themselves, &c.

(signed)

H. T. Kilbee.

W. S. Macleay.

His Excellency the Captain General,
&c. &c. &c.

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in N° 114.
(Translation.)

The Captain-General to the British Commissioners.

Gentlemen,

Havannah, August 6, 1827.

IN conformity with the royal order of the 2d of January last year, I write under this day's date to the second in command of the naval forces on this station, enclosing to him a copy of your note of the 4th instant, relative to the Spanish schooner "Tres Manueles" having arrived at this port from the coast of Africa, in order that he may take the necessary steps in conformity to the said sovereign order, which I state to you for your information.

God preserve you many years.

The British Commissioners,
&c. &c. &c.

(signed)

Franco. Diono. Vives.

N° 115.

N° 115.

His Majesty's Commissioners to Mr. Secretary Canning.—(Received Oct. 7.)

Sir,

Havannah, August 13, 1827.

HAVING accidentally heard a report that some British sailors were in this city who had come from the coast of Africa in a Spanish slave vessel, we took every step in our power to investigate the matter, in order that we might be enabled to transmit immediate information upon the subject to His Majesty's Government, in obedience to the instructions contained in Lord Castlereagh's despatch of the 28th of November 1820.

After some days, and not without considerable difficulty, we at length succeeded in finding out and obtaining the attendance of some of those sailors, whose depositions on oath were taken, from which it appeared that they belonged to the British brigantine "Salisbury," Thomas Bryant, master, which on her voyage from Liverpool to Bonny, on the coast of Africa, was wrecked off Cape Mount on the 1st of June last, and abandoned on the following day by the master and crew, who were received on board the Spanish schooner "Tres Manueles," then lying at anchor near the same cape. As soon as the latter vessel had taken in wood and water, she proceeded to the Gallinas, where Bryant quitted her in his boat, with the intention of making for Sierra Leone, taking with him fourteen of his crew, and leaving the remaining seven, whom he had not the means of removing, under the protection of the Spanish captain, to be carried to the Havannah. For the satisfaction and security of these he gave a certificate, setting forth the necessity which had compelled him thus to leave them. Some days after the departure of Bryant, between 180 and 190 slaves were embarked on board the "Tres Manueles," when she immediately sailed, and on the 30th of July arrived at Vanes, a small port about six leagues to the westward of Havannah, where the slaves were landed. The sailors of the "Salisbury" were landed on the following day, and remained on shore till the 3d instant, when they were embarked in a small coasting-vessel, in which they arrived at the Havannah, the schooner having previously sailed from Vanes for the same port.

All the persons examined declared solemnly, upon oath, that they had received no wages, or emolument whatever, for their services during the time they were on board the Spanish schooner, and that they remained in her because they had no other means of saving their lives.

The names of the seven sailors are stated in the margin: [Edward Homan, James Smith, George Mitchell, George Fowler, Wm. Thompson, George Gibbs, and Henry Martin.] The first four are British subjects, and their depositions have been taken. The fifth, Thomson, said that he was born in Hanover, and from his accent, is evidently

evidently a foreigner, notwithstanding his name. The other two sailed from Marseilles in the American brig "Amelia," Renegon, master, on the 5th instant, without our being able to see them. We have been informed, however, that one of them (Gibbs) is an American citizen, and that the other is a black man, whose wife and family reside in London.

Of the four British subjects whose depositions were taken, two, viz. Homan and Smith, are at present on board the "William Salthouse," British brig, lying in this harbour; the other two, viz. Mitchell and Fowler, have sailed in the American ship "Fabius," Forbes, master, bound to New York.

As these individuals entered into the slave vessels under very peculiar circumstances we do not consider that this is a case to be communicated to His Majesty's envoy at Madrid, as directed in Lord Castlereagh's despatch before referred to without first submitting it to your consideration.

We have the honour to enclose copies of the depositions taken, and of the certificate left by the master of the "Salisbury," for the security of the sailors, whom he was under the necessity of leaving on board the Spanish schooner.

As it is proved in the clearest manner by these depositions that the Spanish schooner "Tres Manuelas," the arrival of which at this port was reported to you in our despatch of the 6th instant, had been engaged in the slave-trade, and had succeeded in landing a cargo of negroes in one of the out-ports of this island, we addressed a note to the captain-general, apprising him that it would be our duty to report this fact to His Majesty's Government; and in order to afford all the assistance in our power, with a view to facilitate the investigation into this case, we at the same time transmitted to his Excellency copies of the depositions of the British sailors, and of the certificate of the captain, and we informed him where the sailors were to be found, in the event of its being judged necessary that they should be examined before a special tribunal.

We have the honour to enclose a copy of the note which we addressed to the captain-general upon this occasion, together with a translation of the only reply which we have as yet received, merely acknowledging the receipt of our note, and stating that the proper course should be given to the documents enclosed in it.

It is to be lamented that in this case of illicit slave trade, which has been brought so completely home to the parties concerned, we should be indebted for the unquestionable testimony which we have been enabled to bring forward to the humanity of the master of the slave-vessel, in receiving the shipwrecked British crew on board his vessel, and in allowing those to remain there who could not be taken away by their captain, although necessarily aware of the risk he ran in so doing. But, however just a matter of regret this consideration may be to us, we did not think that it could justify us in departing from the line of conduct prescribed by our instructions.

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

We have, &c.
(signed) *Henry T. Kilbee,*
W. S. Macleay.

Deposition of Edward Homan.

APPEARED personally before me (Henry T. Kilbee, His Majesty's Commissary Judge of the Mixed Commission established at Havannah under the Treaty between His Majesty and the King of Spain for the prevention of the illicit traffic in slaves) Edward Homan, a native of North Yarmouth, in the county of Norfolk, and lately a seaman on board of the British hermaphrodite brig "Salisbury," who being duly sworn maketh oath and saith that he sailed from Liverpool on the 26th of April last, in the aforesaid brig, for Bonny, on the coast of Africa; and that on the morning of the 1st of June the vessel was wrecked near Cape Mount, and abandoned on the following day by the captain and the whole of the crew and passengers, consisting of twenty-one persons, who were received on board of a Spanish schooner lying at anchor near to the place where they were wrecked; that after remaining on board the said schooner for some days, the captain proceeded in the only boat he had for Sierra Leone, taking with him as many of the passengers and crew as he could, and leaving on board the aforesaid schooner this deponent and six other men; and this deponent further saith, that the said captain of the brig "Salisbury," whose name is Thomas Bryant, left with the mate of the Spanish schooner, the master of that vessel being then on shore, a written paper, in which he certified that he had left this deponent and the other six men on board the said schooner from necessity, not having himself any means for conveying them away.

This deponent further saith, that a few days after Captain Bryant had departed, a number of negroes, according to the best of his belief amounting to about 180, were embarked

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on board the aforesaid Spanish schooner at Gallinas, to which part of the coast she had sailed, after taking on board wood and water near Cape Mount; and that on the 20th of June they sailed from Gallinas for Havannah, and without any material accident arrived on the 30th of July at a small port about eighteen miles to the westward of Havannah, which port, he believes, is called Banis; that the slaves were landed there immediately after the arrival of the vessel, but where they were conveyed afterwards this deponent is ignorant; that this deponent, and the other six sailors belonging to the aforesaid British brig "Salisbury," were landed on the 31st of July, and remained on shore until the 3d day of this present month of August, when they were put on board a small coasting-vessel, in which they arrived at this port of Havannah on the following day; that the aforesaid schooner sailed from the said small port, which this deponent believes is called Banis, on the 1st of the present month, but that he does not know what was her destination. This deponent further saith, that he believes the name of the said Spanish schooner was the "Grand Manuel," and that he does not know the name of her master. The deponent likewise saith, that the written paper above referred to, which was delivered by Captain Bryant of the "Salisbury" to the mate of the Spanish schooner, was brought to this port by the master of the aforesaid coasting-vessel, and delivered into the hands of a person whom this deponent believes to be a custom-house officer, and who conducted this deponent, with the other six sailors of the aforesaid brig "Salisbury," to the governor, by whom they were sent to the commercial house of Messrs. Drake, Mitchell & Co.

(signed) *Edward Homan.*

In the city of Havannah, on the 6th day of
August 1827, the said Edward Homan was
duly sworn to the truth of this affidavit.

Before me, (signed) *H. T. Kilbee.*

In addition to his preceding deposition, the said Edward Homan solemnly declares on oath that he did not receive any wages or emolument whatever during the period he was on board the aforesaid Spanish schooner, and that he took his passage on board that vessel because he had no other alternative. This deponent further saith, that the names of the six men who came with him in the said Spanish schooner, who originally belonged to the aforesaid British brig "Salisbury," are, James Smith, Joseph Fowler, George Mitchell, and William Thomson, which four he believes to be British subjects; George Gibbs, who he believes is a citizen of the United States of America; and Henry Martin, a black man, married in England, but of what country this deponent is ignorant.

(signed) *Edward Homan.*

This additional deposition sworn before me,
Havannah, 7th August 1827, (signed) *H. T. Kilbee.*

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in N^o 115.

Deposition of James Smith.

APPEARED personally before me (Henry T. Kilbee, His Majesty's Commissary Judge of the Mixed Commission established at Havannah under the Treaty between His Majesty and the King of Spain for the prevention of the illicit traffic in slaves) James Smith, a native of Belfast, in the county of Antrim, in Ireland, and lately a cooper on board of the British hermaphrodite brig "Salisbury," who being duly sworn maketh oath and saith that he sailed from Liverpool, on the 26th of April of the present year, in the aforesaid brig, of which Thomas Bryant was master, for Bonny, on the coast of Africa, and that on the morning of the 1st of June, at about half-past three o'clock the said brig was wrecked at Cape Mount, and abandoned on the following day by the captain and the whole of the crew, amounting altogether to twenty-two persons, who went on board of a Spanish schooner which was lying off Cape Mount; that the said schooner, after taking on board wood and water proceeded to Gallinas, where she again anchored, and that a few days afterwards Captain Bryant proceeded in the only boat he had for Sierra Leone, taking with him as many of his crew as the boat could carry, and leaving on board the aforesaid schooner this deponent and six other men, giving at the same time to the mate of the said schooner (the master not being then on board) a written paper, in which he certified that he had been compelled by necessity to leave this deponent and the other six men in the said Spanish schooner, being destitute of means to convey them away; this deponent further saith, that ten days after the departure of the said Captain Bryant, that is, on the 20th day of June, a number of negroes, amounting, to the best of his belief, to between 180 and 190, were embarked on board of the aforesaid Spanish schooner, and that on the same day they sailed from Gallinas for the port of Havannah, and arrived on the 30th day of July at a small port, the name of which this deponent does not know, about six leagues to the westward of Havannah, where the slaves were immediately landed on the same evening; this deponent, with the other six men belonging to the aforesaid British brig "Salisbury," remaining on board until the following day, when they were landed, and lodged in a house on shore until the 3d day of this present month of August, when they were embarked on board a small coasting-vessel, laden with charcoal, in which vessel they arrived at this port of Havannah on the 4th day of August; this deponent further saith, that the aforesaid Spanish schooner in which he came from the coast of Africa, and which he understands is called the "Three Manuels," or the "Grand Manuel," remained in the small port at which they arrived on the 30th day of July, until the 1st day of this present month of August,

August, when she sailed, but he cannot say to what port she was bound: this deponent further saith, that he does not know the name of the master or mate of the aforesaid Spanish schooner, which he believes to be called the "Three Manuels," or the "Grand Manuel;" that he heard from one of the Spanish sailors on board, who understood the English language a little, that she was called the "Three Manuels," but that he has some recollection that she was called the "Grand Manuel" by the aforesaid Captain Bryant; this deponent likewise saith, that the written paper above referred to, which was delivered by the said Captain Bryant to the mate of the Spanish schooner, was brought to this port by the master of the aforesaid coasting-vessel, and upon the landing of this deponent and the other six men of the "Salisbury" in this city of Havannah, was delivered into the hands of a person whom he believes to be a custom-house officer, by whom they were conducted to the house of the governor.

This deponent has since learnt that the said paper was subsequently returned to one of the six men of the "Salisbury" who arrived here with him, which man was commonly called George Mitchell, and is now residing in this city; this deponent further saith, that the names of the six men, to the best of his belief, who came with him from the coast of Africa in the said Spanish schooner, were Edward Homan, Joseph Fowler, George Mitchell, William Thomson, George Gibbs and Henry Martin; that the four first he believes to be British subjects; the fifth, George Gibbs, to be a citizen of the United States; and that Henry Martin is a black man, of what country this deponent is ignorant; this deponent moreover solemnly declares upon oath that he received no wages or emolument whatever while he was on board of the Spanish schooner, and that he remained on board that vessel because he had no other alternative.

(signed) *James Smith.*

In the city of Havannah, the 7th day of August 1827,
the said James Smith was duly sworn to the truth
of this affidavit, before me,

(signed) *Henry T. Kilbee.*

Deposition of George Mitchell.

APPEARED personally before me (Henry T. Kilbee, His Majesty's Commissary Judge of the Mixed Commission established at Havannah under the Treaty between His Majesty and the King of Spain for the prevention of the illicit traffic in slaves) George Mitchell, a native of the city of London, in the county of Middlesex, and lately a seaman on board the British brigantine "Salisbury," who being duly sworn maketh oath and saith, that he sailed from Liverpool on the 26th April last in the said brigantine, Thomas Bryant, master, for Bonny, on the coast of Africa, and that on the morning of the 1st of June she was cast away near Cape Mount, and abandoned on the 2d or 3d day by the captain and crew, in all twenty-two persons, who went on board a Spanish schooner at anchor off Cape Mount; that the said schooner, after taking in wood and water proceeded to another part of the coast called Gallinas, and after a few days the said Captain Bryant proceeded in the only boat he had, for Sierra Leone, taking with him fourteen of the crew, and leaving this deponent with six other men in the aforesaid schooner, to the mate of which he, the said Bryant, gave a certificate, showing that this deponent and the other six men had been left on board the said schooner because the boat was not able to hold them: this deponent further saith, that nine or ten days after the said Captain Bryant had left the said schooner, about 180 negroes were received on board, immediately after which she set sail, her destination being, as this deponent understood, the port of Havannah; and that on the 30th July last she entered and anchored in a small port about eighteen or twenty miles to the westward of Havannah, which port, the deponent heard, was called Banes, and that there the negroes were immediately landed, this deponent and the other six men belonging to the aforesaid brigantine "Salisbury" remaining on board until the following day, when they were landed, and lodged in a house on shore until the 3d of this present month of August, on which day they were sent on board a small coasting-vessel, which conveyed them to this port of Havannah, where they arrived on the 4th of the same month.

This deponent further saith, that the aforesaid Spanish schooner in which he came from the coast of Africa remained in the aforesaid small port where the negroes had been landed until the 1st of this present month of August, when she sailed for the port of Havannah.

This deponent further saith, that he does not know the name of the master or mate of the aforesaid schooner, which he heard was called "Tres Manuelas."

This deponent likewise saith, that the certificate before mentioned, which was delivered by Captain Bryant to the mate of the Spanish schooner, was brought to this port by the master of the aforesaid coasting-vessel, and upon the landing of this deponent and the other six men of the "Salisbury," was delivered to a person in the office of the captain of the port, at which office this deponent on the same day claimed and received the said certificate, which is the same he now presents.

This deponent moreover solemnly declares upon oath that he has received no pay or emolument whatever during the time he was on board the aforesaid Spanish schooner, and that he remained on board that vessel because he believed that he had no other means of saving his life.

(signed) *George Mitchell.*

In the city of Havannah, the 8th day of August
1827, the said George Mitchell was duly sworn
to the truth of this affidavit, before me,

(signed) *Henry T. Kilbee.*

HAVANNAH.

Deposition of George Fowler.

4th Enclosure
in N^o 115.

APPEARED personally before me (Henry T. Kilbee, &c.) George Fowler, of Harwich, in the county of Essex, and lately a seaman on board of the British brigantine "Salisbury," who being duly sworn maketh oath and saith that he sailed from Liverpool in the month of April of the present year in the said brig, of which Bryant was master, for Bonny, on the coast of Africa; and that about the 1st or 2d of June the said brigantine was wrecked off Cape Mount, and abandoned by the captain and crew, amounting in all to twenty-two persons, who proceeded on board a Spanish schooner which was lying at anchor near the same cape; that after taking in wood and water the said schooner went to Gallinas, where Captain Bryant with fourteen of the crew quitted her in the only boat he had, with the intention of going to Sierra Leone, leaving this deponent with six other men on board of the aforesaid schooner because the boat was not large enough to hold them, he, Captain Bryant, previously giving to the mate of the said schooner a certificate, showing the necessity which compelled him thus to leave them; that some days after the departure of the captain, on or about the 20th of June last, a number of negroes, amounting to about 190, were embarked on board the aforesaid schooner, which on the same day sailed for Havannah, and arrived about ten days ago at a small port, the name of which this deponent believes to be Banes, about eighteen miles to the westward of Havannah, where the slaves were immediately landed, this deponent and the other six men remaining on board until the following day, when they were landed, and lodged in a house on shore until the 3d of this present month of August, on which day they were sent on board a small coasting-vessel, and arrived at this port of Havannah on the 4th of the same month: this deponent further saith, that the aforesaid Spanish schooner remained in the small port where the negroes had been landed until the 1st of this present month, when she sailed for Havannah; that the name of the said schooner this deponent believes to be the "Three Manuels," but is ignorant of the name of the captain or mate; this deponent likewise saith, that the certificate before mentioned was shown to the proper officer upon the arrival of this deponent and of the other six men of the "Salisbury," in this city, and that it is now in the hands of George Mitchell, one of the said men; this deponent moreover solemnly declares upon oath that he has received no pay or emolument whatever for his services while on board of the aforesaid Spanish schooner, and that he remained in that vessel because he had no other means of saving his life.

(signed) ^{his} George ~~x~~ Fowler.
mark.

In the city of Havannah, the 8th day of August
1827, the said George Fowler was duly sworn
to the truth of this affidavit, before me,

(signed) Henry T. Kilbee.

5th Enclosure
in N^o 115.

Certificate of T. Bryant, Master of the Brigantine "Salisbury."

THIS is to certify, that the Brigantine "Salisbury," wrecked on Cape Mount the 1st of June, our boat not being sufficient to take us to Sierra Leone, the captain of the "Trus Manwalla" (Tres Manuelas) humanely proffered seven seamen a passage to Havannah, and likewise furnished the remainder with every necessary required for our passage to Sierra Leone. To which every praise is due. The people left on board the schooner, names as follows:—

George Mitchell,	Edward Homan,
George Gibbs,	Henry Martin,
William Thomson,	James Smith.
Joseph Fowler,	

As witness my hand the 10th day of June 1827,

(signed) T. Bryant, Master.

To the firm of Horsfall and Tobin, Esqrs. Liverpool.

6th Enclosure
in N^o 115.

The British Commissioners to the Captain General.

Havannah, August 9, 1827.

THE undersigned, His Britannic Majesty's Commissioners, among other duties assigned to them, are directed to transmit immediate information to His Majesty's Government of all cases that may occur within their knowledge of British subjects being employed on board of slave vessels in any capacity whatever.

In pursuance of these instructions, the undersigned having accidentally heard that some British sailors had arrived at this port, who had been brought from the coast of Africa in a Spanish slave vessel, considered it to be their duty to adopt all the means in their power to investigate the matter, and have succeeded in finding out and examining several of those sailors.

From the depositions taken upon oath of those individuals the following statement is collected:—

In the month of April last the British brig "Salisbury" sailed from Liverpool for Bonny, on the coast of Africa, and on the 1st of June was wrecked off Cape Mount, and abandoned

abandoned on the following day by the master and crew, who were received on board a Spanish schooner which was lying at anchor near that cape. After remaining there a few days for the purpose of taking in wood and water, the schooner proceeded to another part of the coast, called Gailinas, where the master of the "Salisbury" quitted her in his boat, intending to make for Sierra Leone, and taking with him all of the crew but seven, whom he was under the necessity of leaving behind, and for whose satisfaction and security he gave to the person then in command of that vessel a certificate, setting forth the circumstances that had compelled him thus to leave them. On the 20th of June, some days after the departure of the English captain, the schooner having received on board about 180 negroes set sail for this island, and on the 30th July arrived at a small port six leagues to the westward of Havannah, where the slaves were immediately landed, and on the 1st instant she left the same for this port. The British sailors had been landed on the day previous, and placed in a house on shore, where they remained till the 3d instant, when they were embarked in a coasting vessel, in which they arrived here on the 4th; and the certificate given by their captain having been presented to a person, whom they imagined to be an officer belonging to the custom-house department, or to that of the captain of the port, they were by him carried to the captain-general's house.

It is not surprising that persons of the class of common sailors, utterly ignorant of the Spanish language, should not have been able to ascertain the names of the captain and mate of the vessel in which they came; but it is sufficiently evident, from the depositions taken, that the port at which the negroes were landed is Vanes, and that the Spanish schooner is the "Tres Manueles," which vessel, it will be in his excellency the captain-general's recollection, arrived here on the 1st instant, the very day she is stated to have left the small port where she landed her cargo of negroes.

The nature of the testimony is unexceptionable, as the individuals examined had an obvious interest in concealing the whole transaction, being well aware, that in confessing that they had been on board a slave-vessel they acknowledged that they had violated the laws of their country, and were consequently liable to punishment. Throughout the whole of their examinations too they showed a manifest reluctance to say any thing that could criminate the master of the slave-vessel, to whose humanity in allowing them to remain on board they consider that they owe their lives, and from whom they acknowledge that they uniformly received good treatment.

This act of slave-trading by a Spanish vessel, proved upon evidence so clear and unquestionable, it will be the painful duty of the undersigned to report to His Majesty's Government; and in conformity with their instructions, and their usual practice, they have the honour to apprise his excellency the captain-general that such is their intention.

Ever desirous, moreover, to do all that lies in their power to assist the government of the island in their investigations into cases of illicit slave-trade, the undersigned have the honour to transmit to his excellency copies of the depositions already taken; and of the certificate before referred to.

They also think it right to apprise the captain-general, in the event of its being judged expedient to examine the British sailors by a Spanish tribunal, that two of the four, whose depositions are enclosed, viz. Edward Homan, and James Smith, are on board the British brig "William Salthouse," now lying in this harbour, and that the other two, viz. George Mitchell and George Fowler, are in one of the boarding-houses in this city, frequented by foreign sailors. At the same time they would venture to suggest to his excellency, that it cannot be expected from the nature of the occupation of those individuals that they should remain much longer in this port.

The undersigned avail themselves, &c.

His Excellency the Captain General,
&c. &c. &c.

(signed) *Henry T. Kilbee.*
W. S. Macleay.

The Captain General to the British Commissioners.

Gentlemen,

I Have received your note, dated yesterday, enclosing several depositions, to which the proper course shall be given.

Havannah, August 10, 1827.

God preserve you, &c.

(signed) *F. D. Vives.*

The British Commissioners.

7th Enclosure
in No 115.
(Translation.)

N^o 116.

His Majesty's Commissioners to Mr. Secretary Canning.—(Received Oct. 7.)

N^o 116.

Sir,

Havannah, August 14, 1827.

SINCE the date of our despatch of the 31st ultimo two more Spanish vessels have sailed for the coast of Africa, viz. the brigantine "Emprardedor," Martin Vilar, master, and the schooner "Gertrudes," Jose Pruna, master.

The brig "Volador" has cleared out at the custom-house for the same destination, but has not yet sailed.

We have the honour to be, &c.

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

(signed) *Henry T. Kilbee.*
W. S. Macleay.

HAVANNAH.

N° 117.

N° 117.

His Majesty's Commissioners to the Earl of Dudley.—(Received Oct. 7.)

My Lord,

Havannah, August 18, 1827.

WE had this day the honour of receiving your Lordship's despatch of the 8th of May last, enclosing the copies of a correspondence with the Conde de la Alcudia, on the subject of a complaint brought forward by the Spanish government, that we had exceeded our powers, and had used an improper tone in our communications with the local authorities here, more particularly in the case of the "Minerva."

It is most peculiarly gratifying to us to learn that your Lordship does not consider that the bounds of our duty were exceeded upon that occasion, or that there was any failure in that respect which, we are well aware, is due, and which we have been ever most studiously careful, both in our conduct and language to show, to the authorities of his Catholic Majesty.

We shall, however, in obedience to your Lordship's instructions, endeavour to observe in our future proceedings still greater caution and reserve than heretofore towards those authorities.

We have the honour, to be, &c.

The Right Hon. Viscount Dudley,
&c. &c. &c.

(signed) *Henry T. Kilbee.*
W. S. Macleay.

N° 118.

N° 118.

His Majesty's Commissioners to the Earl of Dudley.—(Received Oct. 11.)

My Lord,

Havannah, August 31, 1827.

WE have the honour to report to your Lordship that the Spanish brig "Volador," Don Francisco Amigo, master, which was stated in our despatch of the 14th of August last, to have cleared out at the custom-house for the coast of Africa, sailed on the 15th instant for her destination.

We have the honour to be, &c.

The Right Hon. Viscount Dudley,
&c. &c. &c.

(signed) *Henry T. Kilbee.*
W. S. Macleay.

N° 119.

N° 119.

His Majesty's Commissioners to the Earl of Dudley.—(Received Oct. 11.)

My Lord,

Havannah, September 4, 1827.

WE have the honour to acknowledge the receipt of your Lordship's despatch, dated the 22d of May last, transmitting to us copies of the papers relative to the slave trade, which have been presented to Parliament by His Majesty's command.

We have the honour to be, &c.

The Right Hon. Viscount Dudley,
&c. &c. &c.

(signed) *Henry T. Kilbee.*
W. S. Macleay.

N° 120.

N° 120.

His Majesty's Commissioners to the Earl of Dudley.—(Received Nov. 24.)

(Extract.)

Havannah, September 30, 1827.

DURING the present month no less than seven vessels, of which a list is enclosed, have sailed from this port for the coast of Africa.

One of them was the "Tres Manuelas," which vessel was proved in the clearest manner, upon the evidence of four British sailors, to have landed a cargo of slaves in the port of Vanes, to the westward of Havannah, as has been reported in our despatch of the 13th of August.

As that vessel has been allowed to sail again, it is to be presumed that the investigation respecting her has been as unsuccessful as those undertaken in all other cases of illicit slave trade. We have not received from the captain-general any other answer to our representation upon the subject than that enclosed in the above-mentioned despatch; but we have heard that his excellency had referred the case to one of his legal assessors, who gave his opinion, that it was not within the powers of the British Commissioners to take depositions, unless when acting in conjunction with their Spanish colleagues, and that consequently those which accompanied that representation were entitled to no consideration whatever; more particularly as they were at variance with the depositions of the Spanish master and crew, taken in a legal manner before the competent tribunal.

We cannot positively assert that this opinion has been given; but if it has, the captain-general would probably have communicated it to us, had he not been convinced that we could easily have shown that it was not justified by the circumstances of the case. It is clear, from our representation, that the taking the depositions of the sailors was entirely a British act, performed by His Majesty's Commissary Judge in his capacity as a British agent, the persons examined being British subjects, and the matter under examination, whether, and under what circumstances, they had violated the laws of their own country; for the performance of which act he was responsible to His Majesty's Government alone. It was expressly stated that the depositions were forwarded to his excellency for the purpose of affording him information (which he had repeatedly invited us to give him) and of assisting him in the investigation of the case; and to show that we did not consider that those depositions were sufficient legal evidence in proceedings under the Spanish laws, it was pointed out where the individuals who had deposed were to be found, in order to their being examined, if necessary, before a Spanish tribunal.

So far were we from considering those depositions to be legal evidence for a Spanish court of justice, that we take this opportunity of stating, we entertained some doubts of our being at all authorized by the Act for the consolidation of the laws relating to the slave trade to administer oaths and take depositions in our separate capacity of British agents in the present and similar cases. The fifty-seventh clause of that Act which treats of this subject empowers the Commissary Judges, and perhaps, by implication, in certain cases, the Commissioners of arbitration, to administer oaths and take depositions "in the course of any proceeding before them under the said treaties, conventions, instructions, or regulations, or this Act," that is, it would appear in the regular proceedings of the Mixed Commission, in all which the Commissioners of the two nations are supposed to act conjointly; the only case of any separate proceeding to be found in the Act of Parliament being that mentioned in the fifty-sixth clause, whereby the British Commissary Judge is specially authorized to administer the proper oath to the secretary or registrar appointed by His Majesty. We thought, however, that sufficient authority was afforded for taking the depositions in the present case, by the precedents to be found in the papers presented to Parliament in the year 1823, Class (B), Nos 79 and 89, which do not appear to have been disapproved by His Majesty's Government. We judged too, that the depositions upon oath of the sailors would carry greater weight than their simple statements; this being a consideration of peculiar importance in the event of the local government suffering the witnesses to depart unexamined before a Spanish tribunal. And, finally, we were influenced by the persuasion that the depositions, far from being injurious to the parties deposing, might be of material advantage to them hereafter, inasmuch as their solemn and concurrent testimony would be thereby recorded to the facts which tended to exculpate them for making a voyage on board a slave-vessel, and might be produced in case of a prosecution being commenced against any of those individuals in their own country.

We venture to request your Lordship's particular attention to this case, which appears to us to bring the question, so long at issue, fairly to the test, as to whether the government of this island is, or is not, disposed to check illicit slave trade. Whether we have reported correctly or not the legal opinion given to the captain-general, there can be no doubt that the line of conduct which he has thought proper to adopt has been sanctioned by his legal assessors. We were enabled, by a combination of circumstances not likely to occur again, to furnish the captain-general with the depositions upon oath of four individuals who had actually come from the coast of Africa in a Spanish slave-vessel, and had witnessed the disembarkation of her cargo of slaves in a port of this island; and we apprised his excellency where those individuals

HAVANNAH.

viduals were to be found should it be judged necessary that they should undergo an examination before a Spanish tribunal, No attention was paid to the depositions; no such examination has taken place; the parties concerned in the transaction remain unmolested; the vessel itself has been allowed to sail again under the same master, beyond the possibility of a doubt for the purpose of again engaging in the same traffic; and no reply has been given to the representation which we made upon the occasion, but that of merely acknowledging its receipt.

The Right Hon. Viscount Dudley,
&c. &c. &c.

(signed) *Henry T. Kilbee.*
W. S. Macleay.

Enclosure
in N° 120.

List of Spanish Vessels that sailed from the Port of Havannah for the Coast of Africa,
in September 1827.

September 9	-	schooner	Tres Manueles	José Gandullo,	master.
- 9	-	ditto	Hermosa Dolorita,	Pedro Blanco,	ditto.
- 9	-	ditto	{Vigilancia Havanera,	} Franco. Cerro,	ditto.
			(alias Jacinta)		
- 12	-	ditto	Primera - -	Anto. Negrete,	ditto.
- 19	-	ditto	Araucana - -	Claudio Pitaluga,	ditto.
- 23	-	ditto	Medea - -	Joaquin Blanco,	ditto.
- 23	-	ditto	Segunda Teresa -	Mariano Carbo,	ditto.

N° 121.

N° 121.

His Majesty's Commissioners to the Earl of Dudley.—(Received Nov. 24.)

My Lord,

Havannah, October 4, 1827.

WE have the honour to enclose the translation of a note addressed by the captain-general to the Mixed Commission, announcing that his Catholic Majesty has been pleased, at the recommendation of his excellency, to appoint Don Juan Francisco Cascales, to be secretary to the Commission in the room of Don Rafael Gonzalez, deceased.

The Right Hon. Viscount Dudley,
&c. &c. &c.

We have the honour to be, &c.
(signed) *Henry T. Kilbee.*
W. S. Macleay.

Enclosure
in N° 121.
(Translation.)

The Captain General to the Mixed Commission.

Gentlemen,

Havannah, October 3, 1827.

UNDER date the 7th of August last, his excellency the minister of state writes to me as follows:

" Most Excellent Sir,

" I have laid before our Lord the King your excellency's two despatches of the 4th of April, the one acquainting me that you had named Don Rafael Gonzalez Barranco to be secretary, *ad interim*, of the Mixed Commission established at Havannah for the fulfilment of the Treaty relative to the abolition of the slave trade, which office had become vacant by the death of the secretary Don Rafael Gonzalez: and the other, transmitting and recommending a statement, accompanied by documents, of Don Juan Francisco Cascales, in which he solicited that office: and his Majesty being duly apprised of all this has been pleased to appoint the said Don Juan Francisco Cascales to be secretary, as your excellency proposes.

" By royal order I communicate this to your excellency for your information and guidance."

And I transmit the above to you for the same effects.

God preserve you many years.

The Mixed Commission.

(signed) *Francisco Dionisio Vives.*

HAVANNAH.

N° 122.

His Majesty's Commissioners to the Earl of Dudley.—(Received Dec. 28.)

N° 122.

My Lord.

Havannah, November 2, 1827.

WE have the honour to inform your Lordship that since the date of our despatch of the 30th of September last, two Spanish schooners, viz. the "Feliz Victoria," and the "Manuelita," have sailed from this port for the coast of Africa.

We have the honour to be, &c.

The Right Hon. Viscount Dudley,
&c. &c. &c.

(signed) *Henry T. Kilbee.*
W. S. Macleay.

RIO DE JANEIRO.

RIO DE JANEIRO.

N° 123.

His Majesty's Commissioners to Mr. Secretary Canning.—
(Received March 2, 1827.)

N° 123.

Sir,

Rio de Janeiro, November 20, 1826.

IN obedience to your instructions, contained in your despatch of the 16th of May last, we availed ourselves of the first opportunity of conferring with our Brazilian colleagues, on the subject of the abuses which existed in the administration of the regulations for the treatment of the emancipated slaves, with a view to making a joint representation on the subject to the Brazilian government.

Our Brazilian colleagues, in reply to our invitation, declined joining us in any representation to their government, on the plea that they were unauthorized to do so, since the convention, article 7, expressly took the emancipated slaves altogether out of the jurisdiction of the Mixed Commission, from the moment they were delivered over into the hands of the Juez da Comarca, but suggested that any representation we might think fit to make should be transmitted through our resident minister.

Immediately upon the arrival of Mr. Gordon, we drew up a statement of the existing abuses, and the evils attendant upon them, and transmitted it to him, with a request that he would be pleased to draw the attention of the Brazilian government to the abuses therein alluded to, and invite his imperial Majesty's ministers, at least, to an investigation of them, and to urge their intervention where it might be found necessary.

We also presumed, with deference, to suggest for Mr. Gordon's consideration, to propose or not, as he might think proper, to the Brazilian government, some simple measures, which in our belief were neither incompatible with the existing convention, or the Alvarà, with a view to the correcting the abuses complained of and bringing to light others that might be concealed:—

1st. That the Brazilian government should issue a decree, calling upon all those who had hired slaves emancipated by the Mixed Commission, or should possess them with or without authority, to render an account of them to ———, or whomsoever they might appoint to receive the same, within a stated period, and, on failure of compliance be subject to penalties, to be defined. Also, any one knowing of the concealment or ill-treatment of any of the said libertos to be called upon to declare the same before the said authority.

2dly. To name persons to investigate the conduct of the parties accused of neglect and malversation, and, if culpable, to replace them by persons of character and probity.

3dly. To order a general investigation into the actual state and condition of the emancipated slaves, with a view to correct all abuses.

4thly. To establish for the future a muster of the whole of the libertos at fixed periods, before proper authorities, to prevent a recurrence of abuses.

We also observed to Mr. Gordon, that, by the 7th article of the convention, the Brazilian government had guaranteed the liberty of all those individuals consigned to it by the Mixed Commission, and that this guarantee could not possibly be fulfilled so long as such abuses existed as those to which we have adverted.

W/e

RIO DE JANEIRO. We have the honour to enclose copy of our letter to Mr. Gordon, and of his reply, which states that Mr. Gordon had transmitted a copy of our letter to the minister for foreign affairs, accompanied by such remarks of his own as he trusted would induce the government to correct the abuses complained of.

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

We have, &c.
(signed) *Henry Hayne.*
Alex. Cunningham.

1st Enclosure
in N^o 123.

His Majesty's Commissioners to the Right Hon. Robert Gordon.

Sir,

Rio de Janeiro, October 31, 1826.

HAVING received Mr. Secretary Canning's commands, in consequence of our having apprized him of the existence of malversation in the execution of the regulations laid down in the alvarà of January 26, 1818, founded on the convention of July 28, 1817, relating to the welfare of the slaves emancipated by the Mixed Commission, to confer with our Brazilian colleagues on the subject, with a view to our making a joint representation to the government of his Imperial Majesty, pointing out therein the existence of great abuses in the administration of the regulations contained in the above-mentioned alvarà; urgently inviting them to an investigation of the abuses which might exist, in order to their being corrected, and suggesting, with due deference, some few additional regulations, the sole object of which would be to prevent a recurrence of abuses, or the rendering the existing law altogether nugatory, as it has become under its actual administration.

We availed ourselves of the earliest opportunity to confer upon this subject with our colleagues, who declined taking part with us in any representation to their government of that nature, not being authorized so to do, since the convention, article 7th, so expressly took the emancipated slaves altogether out of the jurisdiction of the Mixed Commission, from the moment they were delivered over into the hands of the juez de comarca; but they suggested, that if we thought proper to make any representation, it should be transmitted through our resident minister at this court, which, coinciding with our own views and intentions, on failure of our Brazilian colleagues taking part with us, we now beg to submit to you a statement of the malversations which exist in the administration of the laws relating to the slaves emancipated by the Mixed Commission.

Report says that a vast number of the emancipated slaves have been sold, and thereby re-doomed to perpetual slavery: of this we have not any positive proof, but the total want of caution to prevent such an abuse, is alone sufficient to arouse suspicion, and to warrant investigation.

In the first place, the register of the emancipated slaves, or *livro dos termos*, kept by the *escrivao* of the judge of comarca, which should be so correctly kept as to enable the corador or judge to put their hands upon any one of the said slaves (*libertos*) or upon the person who hired him or her, or their security (*fiador*) is, we know, in such a state of confusion and neglect, as to have many of the *libertos* names not only destitute of any *termo* (bond) as required by the conditions of hire, but even without the name of the person who first hired them; and others who are known to have been transferred without any *termo* being signed by the actual holders of them, or their names even entered in the said *livro dos termos*, by which shameful neglect those whose freedom is guaranteed by the government are lost sight of, and consequently the suspicions entertained of malversation, on the part of those whose duty it became to watch the interests of these helpless individuals, thereby becomes corroborated.

Secondly, the *curador*, by the alvarà, article 5, should be a person of known probity and good conduct, named and approved by the board of judicial council, and governor of the province, to serve three years and watch over the welfare of the *libertos*. An investigation into the conduct of the *curador* now serving will prove that he has shown himself not gifted with the above qualifications, but unworthy to hold the office, inasmuch as he has been guilty of collecting money (as *curador dos pretos libertos*) for their hire, from persons holding them, without authority either from the treasurer or juez da comarca, and never rendered any account of the same, as the treasurer has since verbally declared to Mr. Hayne; in proof of the receipt of which money, we beg to enclose the copy of a document given by him, the original of which is in our possession.

By this act alone he is assuredly unfitted for the office, and, we should presume, amenable to the laws of his country; added to which we have just learnt that he is under accusation, before the competent tribunal, of the actual murder of one of the *libertos*.

Thirdly, the hire of the *libertos* has never been regularly collected by the treasurer, nor have they, we have reason to believe, ever been inspected, generally or collectively; and although the latter is not positively stipulated for, yet it would appear to be indispensable to their well-being.

If we might be allowed to suggest any measures that might tend to correct the abuses complained of, and bring to light others that may be concealed, we would propose with that view, for your consideration, to make use of as you may think proper, the following steps being taken by the government, or others equivalent to them, which, we conceive, are not incompatible either with the existing law or convention.

First. That a decree should be issued, calling upon all those who hired slaves emancipated by the Mixed Commission (*libertos*), from the juez da comarca, on or subsequent

to the 30th of August 1821, or should at present possess them, with or without authority, to render an account of them to the juez da comarca, or whomsoever might be appointed to receive the same, and on failure of compliance with this decree within — days, the defaulters will subject themselves to all the penalties of the law.—Any one knowing of the concealment or maltreatment of any of the said libertos to be thereby called upon to declare the same before the above-named authority.

Secondly. To name persons to investigate the conduct of the parties accused of neglect and malversation, and if culpable, to replace them by persons of character and probity.

Third. To order a general investigation into the actual state and condition of the emancipated slaves, with a view to correct all abuses.

Fourth. To establish, for the future, a muster of the whole of the libertos, at fixed periods, before proper authorities, to prevent a recurrence of abuses.

You will observe, sir, that the convention, article 7, declares, that "each of the two governments binds itself to guarantee the liberty of such portion of the individuals as shall be respectively consigned to it." Now, we conceive that it will be impossible to fulfil this guarantee while such abuses exist, and those we have enumerated are within our own knowledge; what others may be concealed from our means of investigation, it is impossible to say; but if they are allowed to remain uncorrected, and unpunished, what evils to these helpless individuals may not arise out of them?

We earnestly hope and trust, sir, that, upon these facts being represented by you to the ministers of his Imperial Majesty, and on your urging them to an immediate investigation of the abuses which so unhappily exist, your appeal will meet with that prompt attention and consideration due to the case, to the objects of the convention, and the cause of humanity.

The Right Hon. Robert Gordon,
&c. &c. &c.

We have, &c.
(signed)

Henry Hayne.
Alexander Cunningham.

The Right Hon. Robert Gordon to His Majesty's Commissioners.

2d Enclosure
in N° 123.

Gentlemen,

Rio de Janeiro, November 6, 1826.

AFTER perusing with due attention the letter which you addressed to me, on the 31st of October, upon the subject of certain abuses in the execution of the law, founded on the convention of July 28, 1817, relating to emancipated slaves, I have judged that I should best meet your wishes by forwarding a copy of that letter to the minister of foreign affairs, the Marquess of Inhambupe; and I have taken care to accompany it with remarks of my own, which I trust may induce this government, not only to give their immediate attention to the subject but effectually to correct the abuses of which you complain.

Messrs. Hayne and Cunningham.

I have, &c.
(signed) R. Gordon.

N° 124.

H. Hayne, Esq. to Mr. Secretary Canning.—(Received March 2.)

N° 124.

Sir,

Rio de Janeiro, January 4, 1827.

I HAD the honour of addressing you on the 26th October last, for the purpose of urgently soliciting leave of absence, on condition that the illness under which I then laboured did not yield to the treatment I was pursuing.

It is with infinite disappointment and regret, Sir, that I have now to inform you, that the climate at this season has been so prejudicial to my complaint, as to induce my physician at length to give it as his decided opinion, that a sea voyage, and immediate and thorough change of climate, for a short time, is indispensable to the re-establishment of my health.

When you take into your consideration, Sir, this decided opinion, and the utter impossibility of my receiving your reply to my letter of October 26th under three months, and that His Majesty's service will in nowise be prejudiced by my absence, I trust you will be pleased to pardon the irregularity of which I am about to be guilty, in anticipating your acquiescence to my urgent request for leave of absence, which I feel can only be justified by the urgency of the case.

As soon as I shall have gone through the customary forms of quitting my post on leave of absence, and see my place filled in the manner prescribed by the convention, I have come to the determination of embarking in the first packet, and throwing myself upon your mercy, persuaded that you will do justice to the merits of my distressing case.

I have made Mr. Aston, in the absence of Mr. Gordon, acquainted with my intentions, both of whom can speak from personal knowledge of my sufferings.

I have, &c.

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

(signed) Henry Hayne.

RIO DE JANEIRO.

N° 125.

N° 125.

His Majesty's Commissioners to Mr. Secretary Canning.—(Received March 31.)

Sir,

Rio de Janeiro, January 6, 1827.

IN conformity to your instructions, we beg leave to inform you, that no slave vessel has been brought in here for adjudication since our last half-yearly report of the 5th of July last.

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

(signed) We have, &c.
Henry Hayne.
Alex. Cunningham.

N° 126.

N° 126.

His Majesty's Commissioners to Viscount Dudley.—(Received August 30.)

My Lord,

Rio de Janeiro, July 5, 1827.

IN conformity to our instructions, we beg leave to inform your Lordship that no slave vessel has been brought into this port for adjudication since our last report of January 6, 1827.

The Right Hon. Viscount Dudley,
&c. &c. &c.

(signed) We have, &c.
A. J. Heatherly.
Alex. Cunningham.

N° 127.

N° 127.

His Majesty's Commissioners to the Earl of Dudley.—(Received Oct. 23.)

My Lord,

Rio de Janeiro, August 15, 1827.

WE have the honour to acknowledge the receipt of your Lordship's despatch, dated 22d May last, accompanied by six copies of papers, marked A. and B., relative to the slave trade, which have been presented to both Houses of Parliament.

The Right Hon. Viscount Dudley,
&c. &c. &c.

(signed) We have, &c.
A. Heatherly.
Alex. Cunningham.

SURINAM.

SURINAM.

N° 128.

N° 128.

His Majesty's Commissioners to Mr. Secretary Canning.—
(Received January 27, 1827.)

(Extract.)

Surinam, December 6, 1826.

WE have the honour to enclose you a copy and translation of an ordinance, just published by the colonial government, containing six articles, of which the following is a summary :—

Art. 1, dispenses with the necessity of stating the name, age, calling or trade, and religion, in any of the future annual returns of the slaves of this colony.

Art. 2, directs the proper printed lists to be made use of.

Art. 3 and 4, require the verification of the above lists by the registrar of the slaves.

Art. 5, in case of discrepancy between the lists and registrations, provides that verification should only be given *pro tanto*.

Art. 6, charges the comptroller of the finances with the execution of this ordinance.

On referring to the decree of his Netherland Majesty, which we had the honour to transmit to you by our despatch, dated September 25, 1826, we are apprehensive the colonial ordinance, which we now enclose, will (by making the identification of slaves more difficult, and thereby holding out to the planters and administrators a temptation to the surreptitious replenishment of their numbers, by the substitution of new Africans for the slaves they lose by death, or other casualties,) materially facilitate the evasion, if it does not defeat the intention of his Netherland Majesty's decree. It does not, indeed, absolutely repeal that decree; but it repeals a previous regulation of the court of policy here, (a copy of which was submitted to you by Mr. Lance, in his despatch, dated March 30, 1824,) of which his Netherland Majesty's decree purports to be an amendment, and by the repeal of which the decree itself, as we fear, is considerably crippled, and rendered more indecisive in its operation.

(signed) *Chris. Edwd. Lefroy.*
J. H. Lance.

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

ORDINANCE OF THE GOVERNMENT OF SURINAM.

Publication,

Enclosure
in N° 128.
(Translation.)

For the purpose of modifying, and rendering more simple the yearly lists of families and slaves, that are to be given in at the office of the capitation tax.

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 naval forces in the same, &c. &c. &c. together with the members of the Court of Policy and Criminal Justice;

To all those who shall see or hear these presents read, greeting :

CONSIDERING that by the introduction of slave registers, such as those which, in consequence of His Majesty's decree of the 4th of January 1826, N° 92, are established by publication of the 19th April 1826, the government, once for all, is become acquainted with the names, age, calling or trade, and the religion of the slaves present in the colony;

Considering that, from this cause, there exists no necessity of repeating these distinguishing particulars every year, in such manner as was required to be done before, and since the publication of the 18th August 1823, by the rendering in of the yearly lists of families and slaves at the office of the capitation tax;

Considering that, therefore, there are, with regard to the administration, as well as for the convenience of the good inhabitants, sufficient terms efficiently to render more simple the form of these yearly lists;

Have decreed and decree :

Art. 1.—Commencing with the 1st of January 1827, the yearly lists of families and slaves, that are to be given in at the office of the capitation tax, for as much as regards the slaves, shall only contain their sex and number, without its being henceforward longer necessary therein to state their names, age, calling or trade, and religion.

Art. 2.—In order to proceed herein with the necessary uniformity, no other than the printed lists, which will be obtainable at the office of the capitation tax, by paying the trifling costs of paper and printing, shall be made use of.

Art. 3.—The receiver of the capitation tax shall not henceforward accept the yearly lists of families and slaves, unless the same lists be first verified by the registrar of the slaves.

Art. 4.—To that end every inhabitant whose list may contain slaves shall be obliged to present said list to the officer of the slave registry, to be verified before giving in the same to the receiver of the capitation tax, and the first named officer is ordered to compare such lists with the slave registers, and to verify the same as correct; in case it appear by the said comparison, that the number of slaves stated in the list agrees with the number, which, according to the registers, the person rendering such list possessed on the 1st of January.

Art. 5.—In case it should appear to the officer of the registry, by the said comparison, that the number of slaves stated in the yearly lists, do not agree with the number known in the slave registers, he shall only verify the same *in quantum pro*, and immediately give information of this difference to the counsellor fiscal, in order that the necessary inquiry be made by the same.

Art. 6.—The counsellor comptroller of finances is charged with the execution of these presents.

SURINAM.

We order and command that these presents be published, affixed, and inserted in the government official paper, and in the newspapers of this colony, and be furthermore caused to circulate in the different divisions and districts.

Done, resolved and decreed, in our assembly, held at Paramaribo, the 6th day of November, in the year 1826. (signed) *De Veer.*

By command of the Court.

The Acting Secretary,
(signed) *J. G. Ringeling.*

Published the 22d of November 1826

The Acting Secretary,
(signed) *J. G. Ringeling.*

Translated from the government official paper, published in the colony of Surinam, Paramaribo, November 22, 1826.

(signed) *J. G. Ringeling,*
Sworn Translator.

Seen for legalization of the signature of J. G. Ringeling, esq. as sworn translator of the English language in this colony.

Paramaribo, the 7th December 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.*

N° 129.

N° 129.

C. E. Lefroy, Esq. to Mr. Secretary Canning.—(Received April 14.)

(Extract.)

Surinam, February 1, 1827.

IN reference to your despatches, dated the 28th of June, and the 8th of July, of the last year, I beg to inform you, that we have neither seen or heard any thing in this colony of the "Panther" brig of war, Captain Brujs, and have indeed been wholly without any naval assistance here since June last, when the "Falcon" brig of war (Captain Van Ess) left this port (as we understood) for Curacoa.

I feel it the more incumbent upon me, Sir, to call your attention to this circumstance, as, only so late as December last, I received information of several slave vessels being off the Saramacca, and procured the arrest of two Frenchmen belonging to one of them, who had been bold enough to venture into the neighbourhood of the town of Paramaribo, trusting to their employers for their concealment.

These Frenchmen are now in confinement, awaiting such proceedings as his honour the fiscal, may think the evidence he can procure will warrant his instituting against them; but for want of any small war craft to send instantly in pursuit of them, the slave vessels escaped, but not (there is reason to fear) without one of them having effected her purpose of landing, and dispersing amongst the plantations contiguous to the point of debarkation, a considerable number of new Africans.

(signed) *Chris. Edwd. Lefroy.*

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

N° 130.

N° 130.

J. H. Lance, Esq. to Mr. Secretary Canning.—(Received May 8, 1827.)

Sir,

Surinam, December 8, 1826.

HAVING lately experienced another severe attack of fever, and the physician who attended me having given it as his opinion (as appears by the enclosed certificate) that an immediate change of air is absolutely necessary to the re-establishment of my health, I have been induced to avail myself of the conditional leave granted to the Commissioners here, by the late Marquess of Londonderry, by a despatch, dated March 21, 1821, and am about to make a short excursion to the neighbouring islands.

I have on this occasion communicated my intention to his excellency the governor, who has most kindly undertaken to send me immediate information, in case any thing should occur in which my presence is required; in the mean time I beg to assure you, Sir, that nothing but an absolute necessity should have induced me to quit my post at all, and that I shall return the moment my health will allow me.

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

I have, &c.
(signed) *J. H. Lance.*

Medical Certificate.

Paramaribo, December 6, 1826.

HAVING, in my capacity as physician practising in this colony, attended Mr. Lance in his late sickness, I hereby certify that Mr. Lance is in such a state of health, that I consider an immediate change of climate as absolutely necessary for his recovery.

(signed) *F. W. Hortmann,*
Medic. and Chir. Doctor.

Enclosure
in N° 130.

N° 131.

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

N° 131.

Sir,

Surinam, March 15, 1827.

WE have the honour to acknowledge the receipt of your despatch, dated December 5, 1826, informing us 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.
Druid - -	46 - -	Lieut. Chambers.
North Star - -	28 - -	Captain Arabin.
Scylla - -	18 - -	Wm. Hobson.
Pylades - -	18 - -	G. V. Jackson.

and that those instructions had been recalled and cancelled which had been issued to His Majesty's ships "Hussar," "Dartmouth," "Dispatch," "Ferret," and "Swinger."

We have the honour to be, &c.

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

(signed) *Chris. Edwd. Lefroy.*
J. H. Lance.

N° 132.

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

N° 132.

Sir,

Surinam, March 20, 1827.

WE have the honour to acknowledge the receipt of your dispatch, dated the 30th of December 1826, informing us of the satisfaction felt by His Majesty's Government, at the regulations adopted here for the registration of slaves, with a view to the more effectual suppression of any attempts which might be made to carry on an illegal traffic in slaves in this colony; and enclosing, for our information, a copy of a despatch which, by His Majesty's commands, you had addressed upon that subject to His Majesty's Ambassador at the court of the King of the Netherlands.

We have the honour to be, &c.

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

(signed) *Chris. Edwd. Lefroy.*
J. H. Lance.

N° 133.

Viscount Dudley to His Majesty's Commissioners.

N° 133.

Gentlemen,

Foreign Office, June 28, 1827.

I HAVE received your despatches, up to the 20th of March.

A representation having been made to the Netherland Government, upon the subject of the want of cruizers, which you state in your despatch of the 1st February to be felt on the coast of Surinam, His Majesty's Government have had the satisfaction to receive, through the British Ambassador, the answer, of which I herewith enclose you a copy.*

You

SURINAM.

You will perceive therefrom, that the Netherland Government have declared it to be the intention of his Netherland Majesty to send, in the course of the year, a reinforcement of two vessels of war to that station.

His Majesty's Commissioners.

I am, &c.
(signed) DUDLEY.

N° 134.

N° 134.

J. H. Lance, Esq. to Joseph Planta, jun. Esq.—(Received June 29.)

Sir,

Surinam, March 20, 1827.

I HAVE the honour the acknowledge to receipt of your letter of the 29th December 1826, conveying to me Mr. Canning's permission for my return to England, during this year for a period of six months, if the state of my health should require it. I beg to return my most sincere thanks for the early attention which my request has met with, and the readiness with which it has been granted; and unless events should occur, rendering my presence necessary here for the service of the Commission, I propose to avail myself of my leave in the month of July ensuing, being just previous to the setting in of our dry season, the most unhealthy period of the year; and I hope, after passing a few months in England, my health will be so far re-established as to enable me to go through the remaining period of my service, without experiencing any more of those violent attacks of fever, from which I have suffered so much during my residence in this colony.

Joseph Planta, jun. Esq.
&c. &c. &c.

I am, &c.
(signed) J. H. Lance.

N° 135.

N° 135.

His Majesty's Commissioners to Mr. Secretary Canning.—(Received Aug. 16.)

Sir,

Surinam, July 2, 1827.

MR. BRUNINGS, the late arbitrator of the Mixed Court established in this colony for the repression of the slave trade, on the part of his Netherland Majesty, having obtained His Majesty's permission to return home upon his pension, we have the honour to inform you, that Mr. Herman Rudolph Haijunga, member of the court of civil justice in this colony, has been appointed his successor, and that he was this morning duly sworn into such office.

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

We have the honour to be, &c.
(signed) Chris. Edwd. Lefroy.
J. H. Lance.