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**Class A.**

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**CORRESPONDENCE**

WITH THE

**BRITISH COMMISSIONERS,**

AT

**SIERRA LEONE, THE HAVANA,**

**RIO DE JANEIRO, AND SURINAM,**

RELATING TO

**THE SLAVE TRADE.**

---

1831.

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*Presented to both Houses of Parliament, by Command of His Majesty,*  
1832.

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LONDON:

PRINTED BY R. G. CLARKE,

AT THE LONDON GAZETTE OFFICE, CANNON ROW, WESTMINSTER.

# Class A.

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# Class A.

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## CORRESPONDENCE

WITH THE

# BRITISH COMMISSIONERS.

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SIERRA LEONE. (*General.*)

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No. 1.

*Viscount Palmerston to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, March 7, 1831.*

I HAVE referred for the opinion of His Majesty's Advocate-General, the points on which, in your despatch of the 18th of October 1830, you request to have instructions for your guidance, under contingencies which may occur, with respect to those points, in any future case which may come before you, for adjudication in the Mixed Commission of which you are members.

The King's Advocate has reported it to be his opinion, that it would not only be extremely difficult, but also hazardous, to attempt to frame any instructions for the guidance of the Commissioners, on questions such as these proposed, in general terms, on isolated points.

Every case, he remarks, must be attended with circumstances peculiar to itself, which will probably enable the Commissioners to determine for themselves the real nature of the transaction, and it is their duty to apply the provisions of the Treaty to each case, according to the best of their judgment, founded upon the evidence which may be produced before them, of the effect of which, in the particular instance, they are much better qualified to judge, than any person can be, who is called upon to give an opinion upon abstract propositions, or speculative cases.

The King's Advocate, however, observes generally, that, as the slave-trade is now altogether prohibited to the Spaniards, it does not appear necessary, in order to subject a Spanish vessel to condemnation under the Treaty, to prove that the slaves were taken on board from the Coast of Africa; but that it will be sufficient to shew that, however they may have been originally acquired, they were detained on board and treated as slaves, and for the purpose of being disposed of as such, at the port to which the vessel may have been destined.

I am, &c.

*His Majesty's Commissioners.*

(Signed) PALMERSTON.

No. 2.

*His Majesty's Commissioners to the Earl of Aberdeen.—*  
(Received March 23.)

MY LORD,

Sierra Leone, January 5, 1831.

WE have the honour to transmit, for your Lordship's information, a general list of all the vessels adjudicated, and of the slaves emancipated and registered, by the British and Spanish, British and Portuguese, and British and Brazilian Courts of Mixed Commissions, at Sierra Leone, during the past year. There was no case adjudicated, during that period, in the British and Netherland Mixed Court of Justice.

By the enclosed list, your Lordship will perceive, that 18 cases were adjudged during last year; that 3,273 slaves were emancipated; and that 3,259 slaves were registered;—4 having died, and 10 having run away, after emancipation, but before registration;—that the number of cases adjudicated, from the establishment of the Mixed Commissions to this date, is 174, and the number of slaves emancipated and registered in this colony, is 23,310.

We have, &amp;c.

(Signed)

ALEX. FINDLAY.  
WM. SMITH.

*The Right Hon. the Earl of Aberdeen, K. T.*  
&c. &c. &c.

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*A List of Cases, adjudged in the Courts of Mixed Commission established at Sierra Leone, betwixt 1st January 1830, and 1st January 1831.*

Number of Cases adjudged between June, 1819, and 1st of January 1831.	Number of Vessels liberated between June, 1819, and 1st of January 1831.	Number of Cases adjudged between 1st January 1830 and 1st January 1831.	NATIONS.	NAMES of VESSELS.	CLASS.	CONDEMNED.	LIBERATED.	Number of Slaves on board at the time of capture.	Number of Slaves emancipated.	Number of Slaves emancipated and registered.	REMARKS.
157	11	1	Spanish.	Mania de la Concepcion	Schooner	Condemned.	"	79	79	79	Total number of slaves emancipated and registered, between June, 1819 and January, 1830 - - - - - 20,051 Total number of slaves emancipated, and not registered here, for reasons assigned in returns made to 1st January 1830* - - - - - *837 Total number of slaves emancipated, between 1st January 1830 and 1st January 1831 - - - - - 3,273 Total number of slaves emancipated, between June, 1819 and 1st January 1831 - - - - - 24,161 Of the above number deduct, for the reasons assigned, and marked thus * } 851 Total number registered up to this date 23,310
158	"	2		Manzanares	Brigantine	Ditto	"	354	349	348	
159	"	3		Altimara	Schooner	Ditto	"	249	198	185	
160	"	4		Loreta (al.)	Corunera	Ditto	"	186	183	183	
161	"	5		Santiago (al.)	Polasqui	Ditto	"	165	153	"	
162	12	6		Atafa Primo	Ditto	Condemned.	"	"	"	"	
163	"	7		La Veloz Pasajera	Ship	"	"	551	530	530	
164	"	8		{ Nueva Isabelita (al) } { Numero-Uno - - - }	Schooner	Ditto	"	141	139	139	
165	"	9	Portuguese.	Maria	Ditto	Ditto	"	35	35	35	
166	"	10		Nimpha	Ditto	Ditto	"	167	167	167	
167	"	11	Brazilian.	Emilia	Brig	Ditto	"	157	148	148	
168	"	12		Tenadora	Schooner	Ditto	"	432	320	320	
169	"	13		Emilia	Brigantine	Ditto	"	187	128	128	
170	"	14		Noa Lendia	Schooner	Ditto	"	184	159	159	
171	"	15		Nossa Senhora da Guia	Ditto	Ditto	"	310	238	238	
172	"	16		Primeira Rosalia	Brigantine	Ditto	"	282	242	242	
173	"	17		Umbeino	Schooner	Ditto	"	377	163	163	
174	"	18		Nova Resolucao	Ditto	Ditto	"	43	42	42	
								3,899	3,273	3,259	

\* One of these died before registration.  
 \* In consequence of 10 men having run away, after their emancipation, from the Hospital at Kiskey, where they were in charge of the Liberated African Department; and of 1 man and 2 boys having died after emancipation, and previous to their names and descriptions being taken, they could not be registered.

Sierra Leone, January 1, 1831.

(Signed) ALEX. FINDLAY.  
 WM. SMITH.

(Signed) WALTER W. LEWIS, Registrar.

## No. 3.

*His Majesty's Commissioners to the Earl of Aberdeen.*—(Received March 23.)

MY LORD,

Sierra Leone, January 5, 1831.

WE have the honour to transmit, enclosed, a certified copy of the list of slaves registered by the Courts of Mixed Commissions, in the half-year ending this day.

Your Lordship will perceive by that list, that the number of slaves emancipated and registered during that period was 1,024.

We have, &c.

(Signed)

ALEX. FINDLAY.  
WM. SMITH.

*The Right Hon. the Earl of Aberdeen, K. T.*  
&c. &c. &c.

Enclosure in No. 3. (Abstract.)

NAME OF VESSEL.	Number Registered.	Number Died before Registration, but Emancipated.	Number Emancipated.
Santiago (alias) Polasqui	153	"	153
La Veloz Pasagera -	530	"	530
Nueva Isabelita - -	139	"	139
Maria - - - - -	35	"	35
Nimpha - - - - -	167	"	167
Total - -	1,024	"	1,024

(Memorandum.)—Number Registered up to July 5, 1830 - - - - - 22,286  
" " " from July 5, 1830, to January 5, 1831 - 1,024  
Total - 23,310

January 5, 1831.

(Signed)

WALTER W. LEWIS, Registrar.

No. 4.

*His Majesty's Commissioners to Viscount Palmerston.*—(Received March 23.)

MY LORD,

Sierra Leone, January 12, 1831.

WE have the honour to acknowledge the receipt of your Lordship's despatch, dated the 9th of December 1830, transmitting, for our information, the copy of the answer which has been returned, by direction of the Lords of the Admiralty, to a communication made to them, by command of the Earl of Aberdeen, relative to the mortality among the slaves of captured vessels, on their passage to Sierra Leone.

We are happy to learn that their Lordships have given directions to the officer commanding His Majesty's squadron on this coast, to order that, when it is in the power of officers commanding ships making captures of slave-vessels, with a large number of slaves on board, a medical man shall be sent with such vessel; as we have not the slightest doubt of that measure being attended with much benefit to the health of, and the saving of many lives among, the unfortunate people that may hereafter be captured on board of vessels crowded with slaves.

We have, &c.

(Signed)

ALEX. FINDLAY.  
WM. SMITH.

*The Right Hon. Lord Viscount Palmerston,*  
&c. &c. &c.



## No. 5.

*His Majesty's Commissioners to Viscount Palmerston.—(Received April 12.)*

MY LORD,

*Sierra Leone, February 10, 1831.*

WE have the honour to acknowledge the receipt of your Lordship's despatch, of the 23d of December 1830, transmitting, for our information, 12 copies of an extract from instructions, prepared for the guidance of the Slave-trade restriction Commissions, and of which extract copies will be distributed, under the directions of the Lords of the Admiralty, to the commanders of His Majesty's ships and vessels, employed on the several naval stations for the suppression of illegal slave-trade.

We have, &c.  
(Signed)

ALEX. FINDLAY.  
WM. SMITH.

*The Right Hon. Lord Viscount Palmerston,*  
&c. &c. &c.

## No. 6.

*His Majesty's Commissioners to Viscount Palmerston.—(Received May 21.)*

MY LORD,

*Sierra Leone, March 10, 1831.*

WE have the honour to acknowledge the receipt of your Lordship's despatch, of the 31st of December 1830, acquainting us that the Lords of the Admiralty had stated, that they could not comply with the suggestion contained in our despatches to your Lordship, of last year, dated June 15th, and September 21st, that a vessel of war, furnished with instructions under the Treaties, should be stationed here, and made subject to the orders of the Governor of this settlement, as it is contrary to the custom of the service to place any of His Majesty's ships under a colonial government, but that strict orders have been given to the senior officer on the African station, for the prevention of the slave-trade, and the protection of the British settlements and commerce.

We have, &c.  
(Signed)

ALEX. FINDLAY.  
WM. SMITH.

*The Right Hon. Lord Viscount Palmerston,*  
&c. &c. &c.

## No. 7.

*His Majesty's Commissioners to Viscount Palmerston.—(Received Sept. 22.)*

MY LORD,

*Sierra Leone, July 5, 1831.*

WE have the honour to enclose to your Lordship herein, a certified copy of the list of slaves registered by the Courts of Mixed Commissions, established in this colony, from the 5th of January last, to this date.

Your Lordship will perceive by that list, that 1,183 was the number of slaves registered during the past half year, although 1,195 were emancipated, but this arises from 12 slaves having been landed and left at Fernando Po, out of the Spanish brig "*Marinero*."

We have, &c.  
(Signed)

ALEX. FINDLAY.  
WM. SMITH.

*The Right Hon. Lord Viscount Palmerston,*  
&c. &c. &c.

## Enclosure in No. 7. (Abstract.)

NAME OF VESSEL.	Number Registered	Number Died before Registration, but Emancipated.	Number Emancipated.
Maria - - - - -	497	"	497
Primera - - - - -	310	"	310
Marinerito - - - - -	376*	"	388†
Total - -	1183	"	1195

(Memorandum.)—Number Registered up to January 5, 1831 - - - - - 23,310  
 " " from January 5, to July 5, 1831 - - - 1,183  
 Total - - 24,493

\* 1 Man absconded before his description was completed.

† This number includes 15 slaves landed and left at Fernando Po, of which slaves 3 have subsequently arrived here, and have been registered.

(Signed) WALTER W. LEWIS, Registrar.

Registry Office, Courts of Mixed Commissions, Sierra Leone, July 5, 1831.

## No. 8.

*Viscount Palmerston to Henry William Macaulay, Esq.*

SIR,

*Foreign Office, October 25, 1831.*

WITH reference to the letter, which was addressed to you by Sir George Shee, under my directions, on the 17th instant, intimating to you, that your name would be submitted to His Majesty, for the vacant situation of His Majesty's Commissioner of Arbitration at Sierra Leone.

I have to inform you, that His Majesty's Government require, that you should abstain from being engaged, either directly or indirectly, in any commercial pursuits, whilst you hold office in the Mixed Commission, under the Treaties for the abolition of the African slave-trade, the two situations of Merchant and Commissioner of Arbitration at Sierra Leone, being incompatible with each other.

I am, &c.

(Signed) PALMERSTON.

*Henry William Macaulay, Esq.*

## SIERRA LEONE. (*Spain.*)

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No. 9.

*Viscount Palmerston to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, March 8, 1831.*

WITH reference to your despatches, on the subject of the "*Veloz Pasagera*," a Spanish-slave trader, captured by His Majesty's ship "*Primrose*," after an action, in which 3 British seamen lost their lives. I herewith send to you copies of a correspondence, which has taken place upon this subject with the Admiralty, of a despatch,\* dated February 3, which has in consequence been addressed to Mr. Addington, and of a note\* to M. de Zea Bermudez, dated February 26.

From these papers you will perceive, that the 24 men, a part of the crew of the "*Veloz Pasagera*," who were sent to England under orders from Lieutenant-Governor Findlay, will be forwarded to Spain, there to take their trial under the Spanish laws, for the offence which has been laid to their charge.

I am, &c.

*His Majesty's Commissioners.*

(Signed) PALMERSTON.

\* See Class B.

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First Enclosure in No. 9.

*John Barrow, Esq. to J. Backhouse, Esq.*

SIR,

*Admiralty Office, February 7, 1831.*

I AM commanded by my Lords Commissioners of the Admiralty, to transmit to you, herewith, for the information of Viscount Palmerston, a copy of a report, dated the 4th instant, from Mr. Jones, Solicitor of this Department, relative to the cases of 24 men, named below, part of the crew of the "*Veloz Pasagera*," a Spanish slave-ship, captured after an action by His Majesty's sloop "*Primrose*," and who had been sent to England from Sierra Leone as prisoners; being charged with the murder of three of the crew of that sloop, who were killed in the action; and to request that you will express to his Lordship the readiness of my Lords, as no case can be made against these men, to send them to Spain.

I am, &c.

(Signed) JOHN BARROW.

*John Backhouse, Esq.*

&c. &c. &c.

*Prisoners on board His Majesty's ship "Caledonia," at Plymouth.*

Alexander Nocetta. (Mate.)	German Bertram.	Juan Bermudez. (Gunner).
Curtis Galpin.	Andre Cardales.	Juan Alias.
Peter Anderson.	Antonio Leon.	Francisco Domingo.
John Lincoln.	Manoel Bardinez.	Henry Fauri.
John Peterson.	Ramon Lopez.	Joze Antonio Aquilar.
Antonio Parny.	Pero Pastoa.	Francisco Marin.
Manoel Carasco.	Joze Gonzalez.	Manoel Aparicio.
Mariano Hernandez.	Cayetano Llanes.	Juan Melis.

## Sub-Enclosure (A.) in No. 9.

*Mr. Jones to the Hon. G. Elliot.*

SIR,

Lancaster-Place, February 4, 1831.

IN obedience to the commands of my Lords Commissioners of the Admiralty, signified to me by Mr. Barrow's letter of the 27th ultimo, to report my opinion what may be necessary to be done in the cases of 24 prisoners, who formed part of the crew of the "*Veloz Pasagera*," a Spanish slave-ship, captured after an action by His Majesty's ship "*Primrose*," and who had been sent to England from Sierra Leone, as prisoners, by the order of Lieutenant-Governor Findlay, of that settlement, to be dealt with as His Majesty's Government may think proper, being charged with the murder of three of the "*Primrose's*" crew, who were killed in the action: I take the liberty humbly to submit to the consideration of their Lordships, the following report upon the subject.

From the enquiries which I have caused to be made at Plymouth, at which port the said 24 prisoners are detained, and from the depositions of Captain Broughton, and Mr. Butterfield, the 1st Lieutenant of the "*Primrose*," which have been taken, I find that the action took place, in consequence of the resistance, on the part of the Captain and crew of the "*Veloz Pasagera*," to a search of that ship by the "*Primrose*." That the attack was made by the "*Primrose*," which fired the first broadside;—that in the action 3 of the crew of H.M. ship, and 52 of the crew of the Spanish vessel, lost their lives, besides many others of the latter crew, who died of their wounds, and 5 slaves killed, out of a cargo of 555, which she had embarked. By the Act 5th George IV., cap. 113, the offence of carrying away persons on the high sea, to be dealt with as slaves, is declared to be piracy, and punishable with death; but this statute can affect only British subjects. Spanish owners, and officers of slave-ships, are for this offence, as appears by an ordinance of the King of Spain, subject to 10 years' confinement in the Philippine Islands; and it therefore appears to be clear, that the crew of this vessel cannot be deemed pirates.

By the Treaty between Great Britain and Spain, dated September 23, 1817, it is stipulated, that the national ships of war, of either country, being provided with special instructions, may visit vessels suspected to have slaves on board contrary to the Treaty, and if such be found, may detain the vessel, but no provision is made for the detention of the crew; and by the 5th Article of the Instructions, annexed to the Treaty, it is provided, that the search shall be made in the mildest manner, and with every attention which is due between allied and friendly nations.

In the present instance the Captain of the "*Primrose*" appears to have done all that could be required, to induce the Commander of the Spanish ship peaceably to permit the search, and he was consequently driven to the necessity of using force, to effect that lawful act.

On the other hand, the Spanish officer was bound to allow the search to be made, and in resisting it, became answerable for the consequences that ensued; but his responsibility, as it appears to me, is to his own Government, and to the laws of his country, which he has thus violated. To what extent his crew may have offended, in obeying his orders to resist the search, may be doubtful; but, however culpable their conduct may be according to the Spanish law, I am humbly of opinion, they cannot be made amenable for it to any British tribunal. In cases of this nature, arising out of a dispute between the ships of different nations, the crew of each are punishable only by the laws of their respective countries.

Under these circumstances, I beg to submit, whether it will not be proper to call the attention of His Majesty's Government to this case, in order, if it shall be deemed requisite, that a representation and demand of redress may be made to the Government of Spain on the subject; and in the mean time that the prisoners (the Captain not having been sent to England), should be placed at the disposal of the King of Spain's Minister in this country.

I am, &amp;c.

(Signed)

CHARLES JONES.

The Hon. G. Elliot,  
&c. &c. &c.

## Second Enclosure in No. 9.

*Sir G. Shee to J. Barrow, Esq.*

SIR,

Foreign Office, February 23, 1831.

I HAVE received, and laid before Viscount Palmerston, your letter to me of the 7th instant, relative to the 24 men there named, part of the crew of the "*Veloz Pasagera*," a Spanish slave-ship, captured after an action with His Majesty's sloop "*Primrose*," in the course of which 3 of His Majesty's subjects were killed.

Viscount Palmerston directs me to transmit to you, for the information of the Lords Commissioners of the Admiralty, the accompanying copy of a despatch, dated this day, which his Lordship has thought it right to address, upon this subject, to His Majesty's Envoy in Spain; and I am to request that you will be pleased to move the Lords of the Admiralty to issue directions, that, in conformity with the tenour of the intimation given to the Spanish Government, through that despatch, the 24 men in question may be sent to the nearest port in Spain, to be delivered up there to the competent Spanish Authorities, to be tried for the offence in which they have been concerned.

I am, &amp;c.

(Signed)

GEORGE SHEE.

John Barrow, Esq.  
&c. &c. &c.

## Third Enclosure in No. 9.

*J. Barrow, Esq. to Sir G. Shee.*

SIR,

Admiralty Office, February 25, 1831.

HAVING laid before my Lords Commissioners of the Admiralty, your letter of the 23d instant, with its enclosure, relative to 24 men, part of the crew of the "*Veloz Pasagera*," a Spanish slave-ship, captured after an action with His Majesty's sloop "*Primrose*," in the course of which 3 of His Majesty's subjects were killed; I have their Lordships' commands to acquaint you, for the information of Viscount Palmerston, that directions will be given, for the reception of those men on board H. M. S. "*Kent*," at Plymouth, which ship will sail on Wednesday next for Gibraltar, and by that conveyance due authority may be granted, by the Spanish Ambassador in this country, for these men being landed at Algeiras, without which their Lordships could not order their embarkation.

I am, &amp;c.

Sir G. Shee, Bart.  
&c. &c. &c.

(Signed) JOHN BARROW.

## Fourth Enclosure in No. 9.

*Sir G. Shee to J. Barrow, Esq.*

SIR,

Foreign Office, February 28, 1831.

I AM directed by Viscount Palmerston to send to you the accompanying translation of a note, dated 27th February, 1831, which his Lordship has received from the Spanish Minister accredited to His Majesty, together with the original letter, therein enclosed, addressed to the Spanish Commandant of Marine at Algeiras, and containing the official communication, requested in your letter to me of the 25th instant, in order that the 24 men, part of the crew of the "*Veloz Pasagera*," may be received from on board H. M. S. "*Kent*," by the proper authority at Algeiras, to be by him placed in safe custody, until the Spanish Government shall give the necessary directions, for their being tried according to the laws of Spain, for the offences with which they stand charged.

I am to request that you will be pleased to lay these papers before the Lords Commissioners of the Admiralty, for their Lordships' further proceeding thereupon.

I am, &amp;c.

The Secretary to the Admiralty.

(Signed) G. SHEE.

## No. 10.

*His Majesty's Commissioners to the Earl of Aberdeen.—(Received March 23.)*

MY LORD,

Sierra Leone, January 5, 1831.

ENCLOSED we have the honour to transmit to your Lordship, an abstract of the proceedings under the British and Spanish Mixed Commission, at this place, during the year 1830.

There were 8 cases adjudicated during that period, 7 of which were cases of condemnation, and 1 of restitution. The number of slaves emancipated was 1631.

We have, &amp;c.

(Signed)

ALEX. FINDLAY.  
WM. SMITH.

The Right Hon. the Earl of Aberdeen, K. T.

&amp;c.

&amp;c.

&amp;c.

D

## Enclosure in No. 10.

*Abstract of proceedings under the British and Spanish Mixed Commission at Sierra Leone, from the 1st of January 1830, to the 1st of January 1831.*

No. 1. The Spanish schooner "*Maria de la Concepcion*," Santiago Comas, Master, was captured in the Rio Pongos, on the 24th of March, with 79 slaves on board, by H. M. S. "*Primrose*," Edward Iggulden Parrey, Esq. Acting Commander. The boatswain, the only witness in this case, in consequence of the departure of the Master of the "*Maria de la Concepcion*" from this colony, having deposed, that those slaves had been shipped at a place called Bongolon, in that river, for the real account and risk of one Juan Fernandez, a resident of the island of Saint Thomas, the Court pronounced sentence of condemnation upon the "*Maria de la Concepcion*," and decreed the emancipation of the 29 slaves, on the 11th of May 1830.

No. 2. The Spanish brigantine "*Manzanares*," commanded by Manoel Alcantara, and owned by Francisco Muenta, was furnished with a royal passport, renewed at the Havana on the 27th of August 1829, for a commercial voyage to the island of Saint Thomas. She was captured, on the 1st of April 1830, by H. M. brig "*Black Joke*," Acting Lieutenant Coyde commanding, in latitude 6° 17' N., longitude 14° 13' W., with 354 slaves on board, who were proved, by the evidence adduced, to have been shipped at Cape Mount, for the account and risk of the before-mentioned Muenta. The Court, therefore, on the 11th of May 1830, condemned the "*Manzanares*," and emancipated her surviving slaves, 349 in number,—5 having died between the period of capture and adjudication.

No. 3. The Spanish schooner "*Altimara*," commanded by Pedro Sala, and furnished with a provincial passport from Cuba, dated the 24th of October 1829, was captured in latitude 4° N., longitude 5° E., on the 27th of March, 1830, by H. M. brig "*Clinker*," Lieutenant Matson, commanding, with 249 slaves on board. Both witnesses in this case having deposed, that these slaves had been shipped in the River Brass, the Court, at its sitting on the 11th of May 1830, condemned the "*Altimara*" as good and lawful prize, and emancipated her surviving slaves, to the number of 198,—51 having died since capture.

No. 4. The Spanish schooner "*Loreto*," alias "*Corunera*," was captured in latitude 5° 24' N., longitude 10° 8' E., on the 12th of May 1830, by H. M. brig "*Plumper*," Lieutenant Adams commanding, with 186 slaves on board. She was furnished with a royal commercial passport, for a voyage to the islands of Princes and Saint Thomas. It was proved, however, by the evidence, that she proceeded to Little Bassa, where, having lost her Master, by death, the first Mate, José Garcia Basurto, took the command, and that the 186 slaves, who were captured on board of her, were shipped at that place. The Court thereupon condemned the "*Loreto*," alias "*Corunera*," and emancipated her surviving slaves, 183 in number, on the 27th of May 1830,—3 having either jumped or fallen overboard, and drowned, during a tornado, on the passage to this port.

No. 5. The Spanish schooner "*Santiago*," alias "*Polasqui*," Francisco Paula Golget, Master, was captured with 165 slaves on board, on the 3d of August 1830, by H. M. S. "*Atholl*," Captain Gordon, in latitude 3° 41' N., longitude 7° 32' E. Those slaves having been proved, by the evidence adduced, to have been embarked in the River Bonny, for the account and benefit of one Lorenzo Maso, of Saint Iago de Cuba, who was likewise the Owner of the vessel; the Court, on the 31st of August 1830, pronounced sentence of condemnation upon the "*Santiago*," alias "*Polasqui*," as good and lawful prize, and decreed the emancipation of the surviving slaves, 153 in number,—12 having died since the capture, and previous to the passing of the said sentence.

No. 6. The Spanish schooner, "*Atafa Primo*," José Maury, Master, was furnished with a commercial passport, by the Authorities of St. Jago de Cuba, and was detained, on the 18th of August last, in latitude 3° 22' N., longitude 5° 16' E. by H. M. S. "*Medina*," Captain Webb, who stated, in his declaration, that he detained her for having on board 6 native Africans, detained in irons as slaves.

The evidence adduced, however, failed to substantiate the statement of the Captor, and proved that no illicit traffick whatever had been made by the "*Atafa Primo*" during this voyage. The Africans themselves, on being examined, having also positively sworn, that they were not slaves, and had gone on board the "*Atafa Primo*" of their own free will and accord; the Court, on the 6th of October, declared the capture of the "*Atafa Primo*" to have been premature and irregular, and ought not to have been made, and decreed the restitution to the Claimant of the said vessel, her tackle, apparel, furniture, and cargo, as were on board at the time of capture thereof, by H. M. S. "*Medina*," Edward Webb, Esq. Commander; and further decreed, that the costs of suit, together with such special damages only, as the Claimant could shew his cargo had sustained, by reason of the said capture, should be paid unto him, and referred it to the Registrar to ascertain the amount thereof. The Court further decreed, that the Claimant was not entitled to demurrage, as the "*Atafa Primo*" was considerably under 100 tons burthen.

The Registrar, on the 16th of October, reported, that the said Jozé Maury, the Claimant, was entitled, for the detention of his vessel, to the sum of £134. 15s. which amount the Court awarded should be paid by the Captor in this case, to the said Jozé Maury, or unto his lawful attorney or attorneys.

No. 7. The Spanish ship "*Veloz Pasagera*," furnished with the usual papers for a commercial voyage, was captured, under the command of Jozé Antonio de la Vega, the Owner, on the 7th of September, 1830, in latitude 5° 8' N., longitude 4° 17' E., by H. M. S. "*Primrose*," William Broughton, Esq., Commander, with 551 slaves on board, 5 others having been found dead on board, after an action which took place between the two vessels. It having been proved that the whole of those slaves were shipped at Jackin, near Whydah, the Court condemned the "*Veloz Pasagera*" as good and lawful prize, on the 16th of October, 1830, and emancipated the surviving slaves, 530 in number,—21 having died between the period of capture and adjudication.

No. 8. The Spanish schooner "*Nueva Isabelita*," alias "*Numero Uno*," was commanded by Filomeno Xiro, and furnished with a provincial passport from Cuba, for a commercial voyage to Princes Island. She was, however, captured, with 141 slaves on board, on the 17th of October, 1830, in latitude 6° N., longitude 14° 40' W., by H. M. S. "*Atholl*," Alexander Gordon, Esq., Captain. The evidence adduced clearly proved those slaves to have been shipped from Little and Grand Bassa; the Court, therefore, on the 29th of October, pronounced sentence of condemnation upon the "*Nueva Isabelita*," alias "*Numero Uno*," and of emancipation on her surviving slaves, 139 in number,—2 having died previous to adjudication, and since capture.

Sierra Leone, January 5, 1830.

(Signed)

ALEX. FINDLAY.  
WM. SMITH.

### No. 11.

*His Majesty's Commissioners to J. Backhouse, Esq.—(Received March 23.)*

SIR,

Sierra Leone, January 5, 1831.

IN pursuance of the 75th clause of the Act, passed in the 5th year of the reign of His late Majesty King George the Fourth, entitled "An Act to amend and consolidate the laws relating to the abolition of the slave-trade," we have the honour to forward, herewith, a return of all the cases of Spanish vessels, adjudicated in the British and Spanish Court of Mixed Commission, established at this place, from the 5th of July 1830, to the 5th of January, 1831.

We have, &c.

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

(Signed)

ALEX. FINDLAY.  
WM. SMITH.

## Enclosure in No. 11.

*Return of Spanish Vessels, adjudicated by the British and Spanish Court of Mixed Commissions, established at Sierra Leone, between the 1st of July 1830 and the 1st of January 1831.*

NAME of VESSEL.	Date of Seizure.	Where Captured.		Property Seized.	SEIZOR.	Date of Sentence.	Number of Slaves captured.	Number died before adjudication.	Total emancipated.	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.
		Latitude.	Longitude.								
Santiago (al.) } Polasqui - }	Aug. 3, 1830	3° 0' 41" N.	7° 0' 32" E.	{ Schooner and 165 slaves }	{ A. Gordon, Esq. H. M. S. Atholl - }	Aug. 31, 1830	165	12	153	{ Condemned for being engaged in the illicit traffick in slaves. }	{ Schooner and stores sold by public auction, and the proceeds paid into the military chest. }
Atafa Primo -	Aug. 18, —	3° 0' 22" N.	5° 0' 16" E.	{ Schooner and cargo of mer- chandize - }	{ Edward Webb, Esq. H. M. S. Medina - }	Oct. 6, —	"	"	"	Restitution.	{ Schooner and cargo delivered up to the Master. }
La Veloz Pa- sagera - }	Sept. 17, —	5° 0' 8" N.	4° 0' 17" E.	{ Ship and 551 slaves - }	{ W. Broughton, Esq. H. M. S. Primrose - }	Oct. 16, —	551	21	530	{ Condemned for being engaged in the illicit traffick in slaves. }	{ Ship and stores sold by public auction, and the proceeds paid into the military chest. }
Nueva Isabelita -	Oct. 17, —	6° N.	14° 0' 40" W.	{ Schooner and 141 slaves - }	{ A. Gordon, Esq. H. M. S. Atholl - }	Oct. 29, —	141	2	139	Ditto Ditto	Ditto Ditto
							857	35	822		

Sierra Leone, January 5, 1831.

(Signed) ALEX. FINDLAY.  
WM. SMITH.

(Signed) WALTER W. LEWIS, Registrar.



## No. 12.

*His Majesty's Commissioners to Viscount Palmerston.—(Received April 12s)*

MY LORD,

*Sierra Leone, January 25, 1831.)*

WE have the honour to enclose, with this despatch, our report of the case of the Spanish schooner "*Maria*," Jozé Rodriguez, Master, which vessel was condemned by us on the 19th instant, for carrying on an illegal traffick in slaves.

The "*Maria*" was captured by His Majesty's brig "*Plumper*," Lieutenant John Adams, Commander, on the 26th of December, 1830, off that notorious slave port Galinas; from whence her cargo of slaves, 505 in number, had, on the previous 24th, been shipped.

The "*Maria*" arrived here on the 4th instant, and, short as was the time between that period and the shipment of her unfortunate slaves (11 days), the small-pox had broken out among them; some were dangerously ill of dysentery, and others afflicted with a violent cutaneous disorder, called "*Craw Craw*," arising, most likely, from the inhuman state in which they were crowded together.

The "*Maria*" being only 133 Spanish tons burthen, and having on board, in addition to her slaves, 40 seamen (making a total of 545 persons), gave the almost unprecedented small space of 1 ton for the accommodation of 4 souls, and the quantity of provisions, water, &c. required for their support, during a voyage, probably of 40 days, to the Havana.

From the above causes 4 of the slaves died, previous to their being landed and delivered into the charge of the Colonial Authorities, which took place on the morning next after the "*Maria's*" arrival; and 4 died in the hospital afterwards, where the sick had been placed under medical attendance.

We beg to draw your Lordship's attention to the fact deposed to, in evidence, by the Master of the "*Maria*," that a person named Jozé Maria Perez has succeeded the well-known Pedro Blanco in the agency at the Galinas, for the purchase of slaves, for a company of merchants residing at the Havana.

The parties thus engaged in the unlawful traffick in slaves, will, we doubt not, endeavour to make the Galinas uphold its notorious character; we, however, have great hopes, from the judicious distribution of the squadron by Commodore Hayes, who has appointed one of His Majesty's ships to be constantly on this station, that a check will be given, to the hitherto successful speculations of those adventurers.

We have, &c.

(Signed)

ALEX. FINDLAY.  
WM. SMITH.

*The Right Hon. Lord Viscount Palmerston,*  
&c. &c. &c.

Enclosure in No. 12.

*Report of the Case of the Spanish Schooner "Maria," Jozé Rodriguez, Master.*

THE Spanish schooner "*Maria*," commanded by Jozé Rodriguez, was furnished with a royal passport from Madrid, endorsed at the Havana on the 7th of January, 1830, for a lawful commercial voyage to the Islands of Princes and St. Thomas. She was, however, captured with 505 slaves on board, on the 26th of December, 1830, in latitude 5° 26' N., longitude 11° 25' W., by H. M. brig "*Plumper*," Lieutenant Adams, commanding.

The "*Maria*" arrived in this harbour on the 4th of January, with 503 of her slaves on board, having lost 2 on the passage to this port. The Surgeon to the Court immediately visited her; and that officer reported, that, amongst the "*Maria's*" slaves were 39 cases of small-pox, 6 being very dangerously ill of dysentery, and several affected with *Craw Craw*: he therefore recommended that the small-pox cases should be sent, as soon as possible, to the Kissy Hospital, and that the rest should be landed at the Liberated African Yard. 501 slaves, on the following day, were accordingly

landed, and distributed as the Surgeon had recommended,—2 having died the night previous to their disembarkation.

On the 5th of January, the ship's papers of the "*Maria*" were brought into Court and filed; duly attested by the affidavit of Mr. Brickwood, the Prize-master. The usual monition, citing all parties interested to appear, was, at the same time, prayed for and issued. It was returned on the 12th, certified as having been duly served.

On the 6th of January, José Rodríguez, the Master, and Benito Rodríguez, the cook, were examined on the standing interrogatories.

The Master deposed, "that José Ruiz, a Spanish merchant, resident at the Havana, was the Owner of the "*Maria*," and appointed witness to the command in January last, at that place; that the present voyage began at Cadiz, and was to have ended at the Havana; that Cadiz was the last-clearing port; that the "*Maria*" sailed direct from thence to the Galinas, consigned for a cargo of slaves, to a Spaniard, named José María Pérez; that the said Pérez is agent at the Galinas, for the purchase of slaves, of a company of merchants residing at the Havana, and has succeeded to his present situation, through the retirement of a Spaniard, named Pedro Blanco; and that Pérez was the Lader, and José Ruiz the Owner and Consignee of the slaves, who were all shipped at the Galinas."

Benito Rodríguez confirmed the Master's testimony, that the present voyage began at Cadiz, was to have ended at the Havana, and that the slaves captured on board the "*Maria*" were shipped at the Galinas. There is, however, no document among the ship's papers, from the Authorities at Cadiz, to support their evidence, of that being the last clearing port the "*Maria*" sailed from previous to capture.—An attested copy of a bill of sale from Mr. John Martin, citizen of the United States of America, of the "*Maria*," of Philadelphia (commanded then by Mr. George Boyd), to Don Pedro Martínez, merchant of Havana, dated Cadiz, 12th of June, 1829, is the only document that was found on board, which has the name of that city attached to it.

The Court met for the adjudication of the "*Maria*" on the 19th of January, 1831, and the proof of the illicit employment of that vessel in the slave-trade, having been clearly established, condemned her as good and lawful prize to the Crowns of Great Britain and Spain, and as taken in such illicit traffick by H. M. brig "*Plumper*," Lieutenant Adams, Commander; and, at the same time, decreed the emancipation of her surviving slaves, to the number of 497,—8 having died since capture, viz. 4 previous to, and 4 after, disembarkation.

(Signed)

ALEX. FINDLAY.  
WM. SMITH.

Sierra Leone, 25th January, 1831.

## No. 13.

*Viscount Palmerston to His Majesty's Commissioners.*

GENTLEMEN,

Foreign Office, May 18, 1831.

I HEREWITH transmit to you, for your information, the copy of a letter, dated May 7th, and of its Enclosures, from His Majesty's Treasury, from which you will perceive, that the sum of Six Pounds, the estimated value of a quantity of spirits taken out of the Spanish schooner "*Santiago*," by the Commander of H. M. S. "*Atholl*," by whom she had been captured, has been paid into the Registry of the High Court of Admiralty by Messrs. Maude, as the agents of the officers and crew of H. M. S. "*Atholl*."

I am, &amp;c.

(Signed)

PALMERSTON.

*His Majesty's Commissioners.*

Enclosure in No. 13.

*The Hon. J. Stewart to Sir G. Shee.*

SIR,

Treasury Chambers, May 7, 1831.

I AM commanded by the Lords Commissioners of His Majesty's Treasury, to transmit to you the enclosed copy of a letter from Messrs. Maude & Co, also the affidavit therein referred to, relative to the value of a quantity of spirits that had been taken out of the Spanish schooner "*Santiago*," alias "*Polasqui*," captured by H. M. S. "*Atholl*;" and I am to request that you will lay the same before Viscount Palmerston, in order that His Majesty's Commissioners at Sierra Leone may be furnished therewith, and informed that the sum of Six Pounds, therein alluded to, has been paid into the Registry of the High Court of Admiralty.

I am, &amp;c.

(Signed)

J. STEWART.

Sir George Shee, Bart.  
&c. &c. &c.

## Sub-Enclosure (A.) in No. 13.

*Messrs. Maude to the Hon J. Stewart.*

SIR,

Great George-Street, March 28, 1831.

WITH reference to your application, of the 10th November last, for payment of the bounties on slaves in the "Santiago," alias "Polasqui," captured by H. M. S. "Atholl," we now beg leave to state, that we have paid into the Registry of the High Court of Admiralty Six Pounds, the estimated value of the 60 gallons of spirits taken out of the vessel; and we have at the same time to hand you, the copy of an affidavit which was made by one of our firm, when the sum in question was paid. Under these circumstances, we trust there will be no further obstacle to the payment of the bounties claimed.

We have, &amp;c.

The Hon. J. Stewart,  
&c. &c. &c.

(Signed) MAUDE &amp; Co.

## Sub-Enclosure (B.) in No. 13.

*"Santiago," alias "Polasqui," Golgete Master.—March 9, 1831.*

APPEARED personally, Charles William Hallet, of Great George-street, in the city of Westminster, Navy Agent, one of the partners in the house, known by the style or firm of Messrs. Maude & Co., of Great George-street aforesaid, Navy Agents, and made oath, that his said house are the Agents of Alexander Gordon, Esq., the Commander, and the rest of the officers and crew of H. M. S. "Atholl," the captors of the Spanish schooner "St. Iago," alias "Polasqui," whereof Francesco de Paula Golgete was Master, her tackle, apparel, furniture, cargo and slaves: and he further made oath, that he hath been informed, and believes, that, at the time of such capture, there was on board the said ship or vessel "Santiago," alias "Polasqui," a certain quantity of spirituous liquours, and that, in order to prevent an improper use thereof, on the part of the crew of the said vessel, he, the said Alexander Gordon, Esq. caused the quantity of 60 gallons (or thereabouts) thereof, consisting, as he believes, of rum, to be taken out of the said vessel, and put on board His Majesty's said ship "Atholl," where the same was consumed: and he further made oath, that, from enquiries which he hath made, he hath ascertained that the average price of rum, as allowed by the Victualling Board in the West Indies and South America, is 2 shillings per gallon.

(Signed) C. W. HALLETT.

Same day, sworn before me,

(Signed)

W. C. CURTIS, Surr.

## No. 14.

*His Majesty's Commissioners to Viscount Palmerston.—(Received May 21.)*

MY LORD,

Sierra Leone, March 10, 1831.

WE have the honour to transmit, herewith, to your Lordship, our report of the case of the Spanish brigantine "Dos Amigos," Juan Ramon de Muxica, Master, condemned by us, on the 5th ultimo, for having had slaves on board during the present voyage.

The "Dos Amigos" appears to have left the Havana about the middle of July last, ostensibly bound, on a lawful commercial voyage, to the Islands of Princes and Saint Thomas. She proceeded, however, to the River Cameroons, where, having remained 57 days, she was, on the 9th of November last, proceeding, with a cargo of slaves on board, out of that river, on her return to the Havana, when perceived by H. M. brig "Black Joke." The "Dos Amigos" immediately on observing the "Black Joke," returned up the river, and effected the disembarkation of the whole of her slaves, previous to the boats of that vessel having boarded and captured her, on the evening of the same day.

On comparing the inventory of the stores of the "Dos Amigos" (enclosed herein) taken by the Officers of the Mixed Courts, subsequent to her condemnation, with the list of things found on board by the Prize Officers, at the time of detention, we regret to state a deficiency appeared.

H. M. S. "Dryad" lying in the harbour at the time, we deemed it necessary to desire the Registrar (Mr. Lewis) to communicate with Commodore Hayes upon the subject of that deficiency, in order that an explanation thereof, might accompany our report of the case of that vessel to your Lordship.

Copy of the Registrar's letter, and of its enclosures, together with copy of the reply Commodore Hayes returned thereto, and of the enclosures therein,

in explanation of the deficiency, we have now the honour to forward for your Lordship's information.

We beg leave most respectfully to draw your Lordship's attention to the fact, of the inventory of articles found on board the "*Dos Amigos*" at the time of capture (Fourth Enclosure), not bearing the signature of the Senior Officer of the detained vessel, and also to the imperfect manner in which that inventory, notwithstanding the orders of the Lords of the Admiralty, has been taken by the boarding officers, although the "*Dos Amigos*" had no slaves, and but little cargo, on board at the time of capture.

We have, &c.

(Signed)

ALEX. FINDLAY.  
WM. SMITH.

*The Right Hon. Lord Viscount Palmerston,*  
&c. &c. &c.

First Enclosure in No. 14.

*Report of the Case of the Spanish Brigantine "Dos Amigos," Juan Ramon de Muxica, Master.*

THE Spanish brigantine "*Dos Amigos*," Juan Ramon de Muxica, Master, was furnished with a royal passport from the Havana, dated the 9th of July, 1830, for a voyage of lawful commerce to the Islands of Princes and Saint Thomas.

She was seized, on the 9th of November 1830, in latitude 3° 0' 53" N., longitude 9° 0' 24" E., by H. M. brig "*Black Joke*," Lieutenant Ramsay commanding, "for a breach of the explanatory article to the Treaty with Spain, dated the 23d of September, 1817; declared, at the time of such seizure, by the Master, to be bound from the Cameroons to the Havana.

The "*Dos Amigos*" arrived in this harbour on the 17th of December, in charge of Mr. R. K. Jenkins, Mate of the "*Black Joke*," and on the 18th, the Captor's Proctor prayed that the ship's papers might be filed, and the usual monition go forth. The prayer of this petition having been granted, the papers were brought into Court on that day, duly attested by the affidavit of Mr. Jenkins, the Prize-Master. The monition was, at the same time, issued, citing all persons interested to appear, and returned on the 27th, certified as having been duly served.

On the 20th of December, Juan Ramon de Muxica, the Master, and Sebastian Ferrer, the Cook, were examined on the standing interrogatories.

The Master deposed, "that he appointed himself to the command of the vessel taken, being the owner of her; that he does not know for what reason his vessel was seized; that the present voyage began at the Havana, which was the last clearing port previous to capture, and was to have ended there; that the "*Dos Amigos*" went direct from the Havana to the Island of Princes, where she remained one night, and from thence into the River Cameroons; that on the 9th of November, as detained vessel was leaving Cameroons, to proceed to Princes' Island, witness observed a vessel lying at anchor outside, from which boats put off and pulled towards witness's vessel; that seeing the vessel hoist Portuguese colours, and immediately get under weigh, witness feared she might be a pirate, and therefore put about and went into the River Cameroons again, where he had just come to anchor when boarded by capturing vessel's boats; that no resistance was made; that the outward cargo from the Havana consisted of wine, agudante, dry goods, &c.; that the present cargo consists of the remains of the outward cargo; and that bulk was first broken at the Cameroons."

Sebastian Ferrer, the Cook, in answer to the same interrogatories, deposed, "that the Brigantine went direct from the Havana to the River Cameroons," but upon the matters to which the other interrogatories relate, he was perfectly ignorant.

On the 23d of December, the Proctor, on the part of the Captor, prayed that special interrogatories might be put to the Prize-Officer, and one of the prize crew, of the "*Dos Amigos*." This was granted by the Court; and, on the same day, Mr. Jenkins, the Prize-Officer, and George Duncan, a seaman of H. M. brig "*Black Joke*," (one of the prize crew of the "*Dos Amigos*,") were examined.

Mr. Jenkins deposed, "that he was in command of the gig-boat of the "*Black Joke*," sent after the detained brigantine, when she was observed to leave the River Cameroons, about 9½ A. M., on the 13th of November; that the detained brigantine, on observing the "*Black Joke*" get under weigh to intercept her, wore round, and stood in for the River Cameroons; that the sea-breeze then springing up, the boat came up very slowly with the brigantine; that witness, on getting inside of the Cameroons, joined and passed the "*Black Joke*'s" other boat, which had been sent the previous evening up the river, to reconnoitre; that the brigantine anchored off King Bell's Town, just after sun-set,—witness's boat was then about 2 miles from brigantine; that witness saw about 30 canoes alongside the brigantine, previous to getting possession of her, and absolutely about 200 blacks landed in the said canoes from the brigantine; that the blacks were driven up into the bush by King Bell's people; that when he got alongside brigantine it was after sun-set, nearly dark; the detained vessel had been, he thinks, then at anchor half an hour; that on witness boarding the vessel, he observed, beneath the usual stand for slave-boilers, a quantity of fresh ashes, and that when he went below, he saw a slave platform, much covered with human excrement, and one tub of the customary description in slave-vessels, used for the purposes of nature, by the persons who had just quitted the vessel; that witness next day was satisfied, beyond a possibility of doubt, that the said tub had been used as

above stated ; that he also observed old pieces of canvas, along each side of the vessel, laid for the purpose of pillows, which canvas was wet with perspiration, from those who had just quitted the hold ; that the hold contained many leaguers of water, and a large quantity of yams, rice, beans, and firewood ; that when brigantine was first seen, witness's boat had a large white English ensign flying ; that, on the morning following the capture, King Bell's son came off to brigantine, and asked witness for what purpose the "Black Joke" (which vessel was at that time under weigh) was coming up the river, that witness answered, very probably to fire upon King Bell's Town, if he did not send off the slaves ; King Bell's son returned on shore, and shortly came off again, and requested that the Commander of the "Black Joke" might be asked not to fire upon his father's town, as he would send off 25 slaves, which were all he had belonging to detained vessel. The Commander of the "Black Joke" declined the offer of reshipping the slaves."

George Duncan deposed, "that he was in Mr. Jenkins's boat ; that when the brigantine came to anchor, the said boat was, he thinks, about 6 miles from her ; that witness distinctly saw 6 canoes leave her, and absolutely a great number of black people landed from them ; that the "Black Joke's" boat boarded the brigantine at about 7 o'clock in the evening, he thinks half an hour after she had come to anchor ; that there was on board the said brigantine a large quantity of water, rice, yams, and beans ; that he did not go below on the evening of capture ; and that the witness's boat had, during the whole of the chase, an English ensign flying."

Further special interrogatories were allowed to be put to Mr. William Coyde, Mr. Jenkins, Juan Roman de Muxica, and Sebastian Ferrer, on behalf of the Captors.

Mr. Coyde deposed, "that he was in charge of one of the boats of the "Black Joke," at the time of detention of the brigantine "Dos Amigos ;" that he saw the brigantine at day-break of the day of seizure, going out of the River Cameroons ; that he pulled after her ; that she wore round, and stood into the river again, on observing His Majesty's brig "Black Joke" getting under weigh ; that the brigantine was, at the outside, three quarters of a mile off, when she passed witness's boat, on her return up the river ; that witness distinctly observed, at that time, a crowd of black persons on her deck ; that the vessel came to at sun-set, within about a quarter of a mile of the shore ; and witness saw several canoes pass to and from her, and the shore ; that upon canoes leaving detained vessel, he most distinctly saw that they were full of blacks, most of whom were landed on the beach ; and the canoes returned to the brigantine, with apparently only a sufficient number of persons in each to navigate them ; witness's boat was, at this time, about one mile and a half from the detained brigantine ; that witness's boat boarded the brigantine about 10 minutes after Mr. Jenkins's boat ; it was just dark when he boarded ; thinks it must have been about 6 o'clock in the evening ; that the deck of the detained brigantine was in a filthy and confused state, when witness boarded her, and presented every appearance of having recently had slaves on board ; that about an hour afterwards, witness went into the between decks, where he smelt a stench ; that whilst there, he accidentally placed his foot upon human excrement, and saw 3 tubs also containing human excrement, in the between decks ; one was quite full, the other 2 were two-thirds full ; he is of opinion that the same could not have been deposited there by the crew of the detained vessel, as such a quantity, from that source, could not have accumulated under one month ; that there were on board brigantine, at the time of capture, large quantities of rice, calavances, beans, yams and water, allstowed below, in the manner usual in slave-vessels. This witness corroborated Mr. Jenkins's evidence as to the Native Chief's son having come off to offer to re-ship the slaves.

The answers of Mr. Jenkins to the special interrogatories put to him, did not elucidate any further points material to the case, than those he had previously deposed to.

Juan Ramon de Muxica, the Master, deposed, "that the brigantine had been in the River Cameroons 57 days previous to her detention ; that he had no written accounts of his transactions in the Cameroons, as he made his bargains with the natives, and then landed cargo for the purchase ; that the portion of cargo that he landed in the Cameroons was bartered for palm-oil and ivory ; had only received about 50 gallons of palm-oil, as the return cargo is not payable until the expiry of 6 months from the date of the barter ; that he had about 90 packages of fresh water on board, contained in leaguers and pipes ; that he does not know the quantity of yams, as he purchased all that came off to him, his crew having complained of the bread that he had ; that there was about 12 cwt. of rice on board, and a few beans, and calavances at the time of detention ; that he left the Cameroons with his remaining cargo, as he could not make any further trade there, and wished to go to the Island of St. Thomas, to sell what he had left, and endeavoured to get a freight thence to the Havana ; that there were not any native canoes about detained brigantine, at the time she returned to anchor in the River Cameroons ; that the platform on board was laid in the Havana, for the stowage and preservation of the dry goods ; that he had not, previous to the detention of the said brigantine, in any way whatsoever, received on board the said brigantine any slaves or natives of Africa, or bartered for any slaves ; and that he has never stated to any officers of the capturing vessel, that he had had slaves on board the detained brigantine, during the voyage in which she has been taken."

The Cook, Sebastian Ferrer, in answer to special interrogatories, knew nothing of the proceedings of the detained brigantine, except that she never had had slaves on board ; and he stated that he was to receive, as wages, 60 dollars per month.

In corroboration of slaves having been on board the "Dos Amigos" on the day of capture, the Proctor for the Captor prayed, that he might be allowed to file an affidavit of Lieutenant William Ramsay, who deposed, "that having been informed by Mr. R. K. Jenkins, that Osborne, a seaman belonging to H. M. brig "Black Joke," had mentioned to him some particulars relating to the voyage of the "Dos Amigos," which he had obtained from the Master, Juan Ramon de Muxica ; deponent immediately sent for the said Osborne upon the quarter-deck of H. M. said brig, and questioned him as to what deponent had heard from Mr. R. Jenkins ; to which Osborne replied, that the Master of the "Dos Amigos" had informed him, that he had embarked on board the said brigantine 563 slaves, and had landed them all, and thrown the coppers of the vessel overboard, during the chase by H. M. said brig "Black Joke," and her boats ; and that the said Osborne had further stated, that he could swear to what he had then told deponent ; and this deponent positively denied, ever having used any threatening or promising language whatever to the said Osborne, relative to the evidence he might be required to give in this case."

The above deposition was corroborated by the evidence of Mr. Coyde; and Mr. Jenkins, in an examination on special interrogatories, put by order of the Court, affirmed, upon oath, that the said Osborne had told him, as set forth by the two former witnesses.

Thomas William Osborne, the seaman above alluded to, was likewise examined in this case, but in consequence of his having sworn, that he had been threatened as to the nature of the evidence he was to give in this case, the Court expunged the whole of his testimony from the proceedings.

On the 22d of December, Juan Ramon de Muxica, the Master, was allowed to file his claim. He therein claimed "the said brigantine, her tackle, apparel, and furniture, as the sole property of himself, and the goods, wares, and merchandize as were on board at the time of the capture, as the property of himself and Juan Ramon de Muxica (the younger) of Bilboa, in Spain, and all costs, charges, losses, damages, demurrage, and expences, as had arisen, or might arise, by means of the capture of the said brigantine and cargo."

This claim was supported by his own affidavit, in which he deposed "that the said brigantine was so captured, in the prosecution of a lawful trading voyage from Havana to the Coast of Africa, with a part of a cargo of merchandize; and that he verily believed, that the said brigantine and cargo are protected from such capture and detention, by her passport, which authorizes the said brigantine to trade on the Coast of Africa, and by the Treaties of Amity and Commerce between His Britannick Majesty and His Catholick Majesty."

In further support thereof, the Claimants' Proctor prayed that special interrogatories might be put, on behalf of the Claimants, to George Duncan, Mr. R. K. Jenkins, Mr. William Coyde, Juan Ramon de Muxica, and Sebastian Ferrer. The Court granted the same to be put; and the persons were accordingly examined.

George Duncan deposed, "that the filth and excrement which he saw in the "*Dos Amigos*" was thrown overboard the second day after the detention; thinks that there was one gallon and a half of it; that there were about 3 or 4 sick seamen on board; that he did not think that the filth and excrement was the act of the said sick seamen; that his reason for so saying was that he considered such persons would not conduct themselves in so dirty a manner; that it was dark when the boat, in which witness was, boarded the "*Dos Amigos*;" that witness had been on board about 10 minutes when joined by Mr. Coyde's boat; that he saw 6 canoes leave the brigantine after she had anchored; that he was about 20 yards from them when they were landing the blacks; and that he thinks that the blacks were far too many for the crews of the canoes only."

Mr. Jenkins deposed, "that the canoes were manned by 6 or 8 persons each; that part of the canoes joined detained vessel, as she came up the river to anchor, and the remainder afterwards;" that some of them left before the brigantine anchored, and others afterwards, when witness was within pistol-shot of the vessel and fired at them; that it was dark when he boarded brigantine; that he could not take upon himself to swear that the blacks he saw in the canoes were slaves; but that he thinks they could not all of them have been the crews of the canoes, as the number of persons in each was such as, in his opinion, to endanger their safety; and that he distinctly observed, amongst the persons alluded to, children; that he had been on board detained brigantine about half an hour, when joined by Mr. Coyde's boat; that when he boarded, he found on board 3 or 4 sick seamen confined below in the forepeak; that he felt morally satisfied that the excrement could not have been caused by the said sick seamen, who were kept in a distinct and unconnected part of the brigantine; that he supposes it would have taken about 15 persons to produce the excrement above alluded to; and that when the people, who were landed from the canoes, were driven into the bush, he was about 100 yards from them."

Mr. Coyde swore "that when the detained vessel anchored, Mr. Jenkins's boat was close to the boat in which witness was; that he always kept sight of Mr. Jenkins's boat during the chase, until it got amongst the native canoes, which were close to the detained vessel; that the blacks he saw on board the said brigantine on the morning of the day of capture, he saw with his naked eye; that he verily believed they were slaves; that when brigantine anchored he was from one mile and a quarter to one mile and a half from her; that he did see many canoes leave her at the time in question.—believes about 20; that the 3 tubs of excrement, he found in the between decks, were capable of containing as follows:

- No. 1—about 7 gallons,
- 2—about from 10 to 12 gallons,
- 3—about from 10 to 12 gallons;

that he did not find any boiler or slave-irons on board; but that he found a stand for a boiler, under which were fresh ashes; that as the brigantine was coming to, he saw canoes leave her, and heard 2 pistols fired from Mr. Jenkins's boat; and that, as near as he could judge, his boat was about a quarter of a mile from the nearest canoes when the blacks were being landed from the "*Dos Amigos*."

The Master deposed "that it was about one hour and a half, or two hours after sun-set when the brigantine came to anchor on the evening of detention: it was a dark night; that both of the boats belonging to the "*Black Joke*" boarded at the same time, before he had completed anchoring his vessel; that there were about 10 seamen of the Spanish crew sick at the time of detention, some were delirious, and running about the decks; that the sick were kept in the between decks, and not in the fore-castle; that some of the crew who were well slept in the fore-castle, and some in the between decks, where the sick were; that he is not aware if any tub was placed below for the convenience of the sick, nor if any old sails or canvas were spread for their use; and that the human excrement, which had been observed on the lower deck at the time of capture, must have been the acts of the sick seamen who were kept there."

Sebastian Ferrer, the Cook, corroborated, in most parts, the Master's evidence; and further deposed "that there was a tub placed below for the convenience of the sick seamen, of whom there were 10 or 12; that he had seen the same emptied on several occasions; and that he had seen old sails belonging to the detained vessel, spread in the between decks for the use of the sick."

This closed the Claimants' case; and the Court, in order to arrive at the truth of the Master's assertion, that his vessel was engaged in a lawful trading voyage, issued a Commission for the survey and inspection of the "*Dos Amigos*." The Commissioners, in their report, stated, that the "*Dos*

*Amigos* had a frame in the cabouse, fitted for receiving a boiler of 2 feet 6 inches square, and 1 foot 8 inches deep; that she had 3 hatchways, one of them fitted with close hatches and for receiving slave-gratings (no gratings found) and the other two fitted with slave-gratings; that she had 2 air-scuttles with slave-gratings; that she had a shifting slave-deck, numbered and fitted to lay close on water-casks, as is usual in slave-vessels; that she had a quantity of iron bars and rods, for running through leg-irons for slaves; and that she had 48 casks (leagers and puncheons) of fresh water, then containing about 12,000 gallons."

On the 5th of February, the Court met for the adjudication of the "*Dos Amigos*," and having attentively considered the evidence, and heard the Proctors on each side, the Court delivered the following judgment:

The "*Dos Amigos*" has been detained and sent here for adjudication, for, as the capturing Officer expresses himself, "A breach of the Explanatory Article to Treaty with Spain, dated Sept. 23d, 1817;" and to prove that breach, by circumstances that necessarily attend the fact, has been the endeavour of the Captor. To effect this object on the side of the Captor, and to disprove it on the part of the Claimant, a mass of papers has been accumulated, which the Court has had to consider, in order to arrive at such a conclusion, that its sentence might be given conscientiously, without favour or affection to either Claimant or Captor.

Before the Court, however, proceed to give its judgment on the "*Dos Amigos*," and the reasons upon which that judgment is founded, it becomes necessary to remark, that the Court, in coming to the conclusion it has, has not taken into consideration the evidence of Thomas William Osborne; it has not taken that man's evidence into consideration, because he swears he was threatened as to the nature of the evidence he was to give in this matter before the Court, by Lieutenant Ramsay, his commanding Officer, who, however, denies the allegation most distinctly. Still Osborne having sworn he was threatened impugns his evidence; nor could the Court, after such an avowal, be justified in allowing his evidence to weigh with it. On these grounds, it must be expunged from the proceedings.

On examining the evidence of Messrs. Jenkins and Coyde, and the sailor Duncan, there is no denying that there is a discrepancy in their testimony on some, not very material, points.

The different periods when the two boats boarded the "*Dos Amigos*," are not correctly given. Mr. Jenkins, in that particular, disagrees with his own boatman, and with Mr. Coyde. Mr. Jenkins says, it was half an hour between the first and second boats boarding; Coyde and Duncan say, that it was only 10 minutes. The hour of the evening that the said boarding was effected, is also not accurately stated by the same parties; nor do they agree as to the number of tubs found on board, or the quantity of human ordure scattered over the platform of the "*Dos Amigos*."

It is a well known and an established fact, long on record, that persons in a state of excitement, occasioned by being in action with an enemy, or having their minds occupied by interest in chasing, have no accurate knowledge of the length of time passed whilst labouring under such excitement. Many have, under such circumstances, estimated the time so employed at only one-third, and most persons at one-half, the real elapsed time. The Court can, therefore, readily allow for the discrepancy, as to the time of the evening when the boarding took place, to have occurred from the excitement under which the officers and crews of the boats were labouring, when chasing the "*Dos Amigos*." Nor does the discrepancy of time itself disprove the allegation of the Captor against this vessel; and the discrepancy in the evidence, on this point, proves that there was no collusion among the witnesses, and that they spoke what they thought was really and truly the fact.

In presumptive evidence, and the evidence before the Court is all presumptive, it is laid down as the rule of guidance, that where the proofs are distinct and independent of each other, the probability of the fact increases in proportion to the number of proofs, for the falsehood of one does not diminish the veracity of the other; and further, it will be sufficient to prove those circumstances which usually attend the fact.

The fact is fully established to the satisfaction of the Court, that human excrement was strewed, in different places, about the lower platform of the "*Dos Amigos*," and that there was the usual smell, attendant upon vessels that have, or that may have had but a short time previous, slaves on board. It is also in proof that there was on board a tub, such as is always made use of by slaves, for the purposes of nature, which was partly filled; and although the evidence of Mr. Coyde, as compared with Duncan's and Mr. Jenkins, disagrees, both as to the number of tubs, and the quantity they contained, yet there is a sufficient proof that one tub of that description was on board; and that these two circumstances are circumstances that usually, the Court may say always, attend the fact of slaves having been on board.

Much doubt has been thrown upon this point of the evidence, because Mr. Jenkins swears he first examined the platform and found only one tub; and Mr. Coyde, who appears to have examined the platform, subsequently to Mr. Jenkins, found 3 tubs; and much has been made of this apparent discrepancy, by endeavouring to impugn the evidence of those two officers. But be it remembered, that when Mr. Jenkins searched the platform of the "*Dos Amigos*," it was dark, and he must have made the search by the imperfect light given by a candle in a lantern, and the Court can easily picture to itself the unpleasant duty that was; and that, when 1 tub had been found, and Mr. Jenkins saw the excrement strewed about the platform, he felt satisfied of the fact he wished to ascertain, and was eager, doubtless, to escape, as soon as possible, from the overpowering and disgusting smell of the hold. It has been attempted to prove that these filthy acts were the acts of the sick seamen, of whom there were some on board, and that the excrement about the platform originated from the same source; but the Court do not believe that excuse. For it appears strange that the Master did not know any thing about the accommodation for his sick men; and yet the Cook, who is generally totally ignorant in other matters, states the tub was there for their use. Assuming, therefore, that to be the fact, would sick men, with a convenience close to them, and we all know what sickness is in this country, and that no sick man will go an inch beyond what he is compelled to, would sick men, then, with a convenience close to them, go to different parts of the hold, for the purpose of easing human nature? The Court can positively deny that from painful experience, and common sense, is against such a conclusion.



Much stress has also been laid upon the contradictory statement, between Mr. Jenkins's evidence of the number of canoes seen leaving the "*Dos Amigos*," and the evidence of Messrs. Coyde and Duncan upon that subject. There certainly is a considerable disparity between the numbers each saw, particularly when Duncan was in Mr. Jenkins's boat. It must, however, be remembered, that Duncan was one of the rowers, and must have had his back towards the "*Dos Amigos*," and could only occasionally look behind him; whereas Mr. Jenkins had, in all probability, his eyes constantly fixed upon the object. But, although there is an inconsistency in the evidence of the number of the canoes, it does not invalidate the fact, that canoes, with many blacks on board, exclusive of the paddlers, were seen leaving the vessel, for they all agree therein.

The Claimant has questioned the truth of the evidence given by the officers and men, that they saw the said canoes leaving the "*Dos Amigos*" when it was dark; but Mr. Jenkins swears, that it was previous to the brigantine coming to anchor, just before dark, at an assumed distance of 2 miles; that he saw the canoes going off to the "*Dos Amigos*," and naturally, as it would appear, suspecting the object those canoes had to effect, he kept, as a sailor would say, "a brighter look out;" and allowing the fact to be that it was dark when the canoes were leaving her, Mr. Jenkins says, that they were only pistol shot off, while Duncan swears they were only 20 yards distant from his boat, and Mr. Coyde swears, that Mr. Jenkin's boat was in the midst of the native canoes.

This latter point does not agree with the evidence of Mr. Jenkins, and Duncan, but it must be observed, that Mr. Coyde was in a boat astern, and an object seen at a distance from that boat, where other objects appeared in the line of sight, the intervening distance between Mr. Jenkins's boat and the canoes could not be observed, and Mr. Jenkins's boat would appear to Mr. Coyde to be among the canoes so seen;—therefore his evidence is not contradictory, and appears to have been given exactly as he saw the matter.

It has been said, that it is impossible to see the distance in the dark the canoes are stated to have been from the boats. It is well known to most sailors, particularly old ones, and it is a common occurrence, that in chasing a vessel at night, when the watch is relieved, those who are to be relieved do not generally quit the spot where they are stationed, and from whence they can distinctly see the object being chased, until those who are to relieve them, and who, on first coming on deck, cannot see far from their own ship, can make the chase out distinctly. Therefore, it appears that, when a person is in the open air, as the light diminishes, the eye is capable of tracing objects with more than comparative power; that is, that it does not lose sight of the object in proportion to the diminution of light; consequently Mr. Jenkins, Mr. Coyde, and Duncan, being exposed as the rays of light diminished, and darkness set in, were enabled to see a considerable distance; and on water, it must be remarked, an object, during the night, is seen at a much greater distance than an object can be seen on land. The Court can, therefore, readily imagine that the witnesses did see, although it was dark, canoes leaving the "*Dos Amigos*," having on board blacks, who were not the crew of the canoes, and this will confirm Mr. Coyde's testimony, that he saw the blacks on board in the early part of the day.

The Claimant, as might be expected where he has so much at stake, has totally denied all participation in the slave-trade, in any way whatever; and his evidence is supported by the Cook of the "*Dos Amigos*," who appears to be extraordinarily ignorant of every thing, except upon the slave-trade points; and therein he directly denies any thing that has a tendency thereto:—and the Master has put in his claim for restitution, because he verily believes the brigantine "*Dos Amigos*," and cargo, are protected from such capture and detention by her passport, which authorizes the said brigantine to trade on the Coast of Africa. The passport of the "*Dos Amigos*" certainly does state, that she is bound for the Islands of Princes and St. Thomas, for lawful commerce; but the passport of every Spanish vessel captured in carrying on the slave-trade, since Spain, in 1820, totally abolished that traffick, has been of precisely the same tenour; and it remains with the Claimant to prove that he has been engaged in lawful commerce, and not in the traffick in slaves. The Court is of opinion, that he has totally failed in so doing. In endeavouring to account for several suspicious circumstances, he asserts, that the platform on board his vessel, was laid to stow away his outward-bound dry goods upon; that his returning up the river, when he saw the "*Black Joke*," was because he feared that vessel was a pirate; that he was going, first, he says, to Princes,—secondly, to St. Thomas, to dispose of the remains of his outward-bound cargo; that the yams on board were for the use of his crew; but he says not one word about the immense quantity of the fresh water stowed in the hold.

To ascertain the points connected with these assertions, the Court directed a Commission of Inspection of the "*Dos Amigos*" to issue. That Commission has been returned. The Commissioners therein state, that the platform on board the "*Dos Amigos*" is placed immediately on the top of the water-casks, and that that platform extends the whole breadth, and, fore and aft, the whole length of the vessel; that there were 87 to 90 bales of dry goods on board, fully appears by the manifest the Master handed in when under examination; but those bales would take up but a small space of room, compared with the hold of the vessel; and the Court must, therefore, assume that the platform was for other purposes. His excuse for going out of the river in order to sell his remaining outward cargo, required the Court to learn what that remaining cargo consisted of; and there appears, by the Commissioners' report, to be on board 315 pieces of Madras handkerchiefs, 22 pieces of Byrampants, 60 gallons of aguadente, 11 quarter-barrels of powder, and some other trifling articles. The Cook swears that he was to have 60 dollars per month; no legitimate commercial voyage could pay such extravagant wages. Now, would any rational man believe, that a vessel, manned with from 35 to 40 men, therefore being navigated at an enormous expence, would go on a voyage for the purpose of disposing of so small a quantity of goods, as the "*Dos Amigos*" had on board. The Court does not believe it; nor does it believe the excuse that she was going to either of those islands to obtain a freight to the Havana. The Court will not aver that that is impossible; but it will say, it is extremely improbable. It would, if it were true, be the first case the Court ever heard of.

His returning up the river, armed and manned as his vessel was, because, according to his own account, the "*Black Joke*" had a Portuguese flag flying, and he took her for a pirate, is, in the opinion of the Court, very incredible; and here it is to be remarked that a national vessel has a right, and we know it is constantly practised, to hoist the flag of any nation when chasing a vessel, but



certainly not to board under it. The probability is, that, seeing the British boats with the British flags flying, he made the best of his way back to disembark his cargo; and, in so doing, he would, of course, endeavour to obliterate every mark of a number of human beings having been on board. This will account for no coppers or leg-irons having been found, as, in all likelihood, they had been thrown overboard; but the Court see no explanation, why the stand belonging to coppers, such as is usual in slave-vessels, was there with fresh ashes under it.

The Commissioners of Inspection have reported, that the "*Dos Amigos*" was, in every way, fitted for the slave-trade, with the above exception of coppers and leg-irons, although iron bars, such as are usual to shackle many slaves together, are on board. If, therefore, the "*Dos Amigos*" came to this coast for lawful commerce, where was the necessity of such fitting? True it is that the subjects of Spain may fit up their vessels as they please, nor is such fitting-up of Spanish vessels grounds for condemnation by this Court; but Spain having a Slave-trade Treaty with Great Britain, for the repression of that traffick, such fitting-up is, and must, when other circumstances occur to support the Captor's allegation, be viewed as extremely suspicious, as it is well known that that fitting-up is only required for a human cargo; and if the "*Dos Amigos*" were positively lawfully engaged, why is her log discontinued on the day she anchored off Princes Island? that is another circumstance that bears upon its face the stamp of fraud. The Court is, therefore, of opinion, that the evidence of the Claimant is insincere and fictitious.

Without entering into consideration of the several conversations, that have been sworn to have taken place between the Native Chief's son and Mr. Jenkins, and Mr. Coyde; or that relative to what Lieutenant Ramsay and Mr. Jenkins, and Mr. Coyde, swear to have taken place between them and Thomas William Osborne, it will be sufficient to remark, that it is in proof, that negroes were seen on board the "*Dos Amigos*" the morning of capture; that negroes were seen being landed from her in the evening of the same day; that human excrement was strewed about the platform—an usual circumstance with vessels having slaves on board; that a tub, also containing human excrement, was found on board; that the usual stench attendant upon all vessels having slaves on board, was strongly smelt; that fresh ashes were found under a stand for a copper, whereon it is reasonable to suppose a copper must have been shortly before; or, why was the stand there? that the "*Dos Amigos*" is fitted for the reception of a human cargo; that her hold, at the time of capture, was full of casks, containing upwards of 12,000 gallons of fresh water; that an immense quantity of yams, rice, and calavances, were also on board; all form so strong a chain of circumstances, link by link, that each link increases the probability of the fact, that the "*Dos Amigos*" had had slaves actually on board, as those facts could not be attached to a vessel engaged in lawful commerce.

In cases of this kind, it is impossible, from the acting of the parties concerned, to adduce positive proof; yet the presumption in this case is equal to clear an undeniable proof, of slaves having been put on board for the express purpose of the illegal traffick, as all the above circumstances appear which necessarily attend that fact.

The Court, under such an impression, considers the "*Dos Amigos*" to have been lawfully detained, for a breach of the Additional Article to the Treaty with Spain of the 23d of September, 1817, and subject and liable to confiscation. The Court do therefore condemn the "*Dos Amigos*," her tackle, apparel, furniture, and cargo, as good and lawful prize to the Crowns of Great Britain and Spain, and as taken in the illicit traffick in slaves by H. M. brig "*Black Joke*," (tender to H. M. S. "*Atholl*"), Lieutenant Ramsay, commanding.

(Signed)

ALEX. FINDLAY.  
WM. SMITH.

Sierra Leone, 10th March, 1831.

## Second Enclosure in No. 14.

*Inventory of the Stores, &c. found on board the Spanish Schooner  
"Dos Amigos."*

THE vessel, sails, tackle, apparel, and furniture; 11 casks of provisions; lot of yams; lot of bread; 1 bag of rice; lot of calavances; 12 sweeps; 7 oars; 2 cabin stools; cabouse; about 60 gallons of aguadente; lot of kitchen utensils; 3 mess kits; 2 scuttle butts; 1 gang cask; 48 water casks; 1 goat; lot of tongues; 5 kegs of lard; 4 11-12ths dozen Kilmarnock caps; slave deck; 20 pieces byrampauts; 1 deep sea lead, hand lead and line; 1 bolt of canvass; 1 cask of wine; carpenter's tools; 1 box of sugar; 3½ barrels of flour; 1 box of perfumery; lot of vinegar; 1 demi-john; 1 scale; 240 pieces and 7 remnants of Madras handkerchiefs; 1 piece 2 remnants of red baize; 1 bull's eye; 2 copper pumps; ullage of palm oil; lot of grass cloths; 4 jars of oil; 2 jars of almonds; 1 glister pipe; 2 speaking trumpets; 3 compasses; 1 long gun; 1 musket; 14 boarding pikes; 3 swords; 1 cartouch box; 2 pistols; 3 horns; 1 belt; 8 kegs of powder; 30 cartridges; lot of ball cartridge.

(Signed)

FREDK. PYNE,  
NATH. THOMSON,  
Surveyors and Appraisers.

(Signed)

THOS. H. BARBER,  
Commissioner of Appraisalment and Sale.

(Signed)

WM. PRIGG, Marshal.

## Third Enclosure in No. 14.

*Mr. Lewis to Commodore Hayes.*Registry Office, Courts of Mixed Commissions,  
Sierra Leone, February 10, 1831.

SIR,  
I HAVE received the instructions of His Majesty's Commissioners, to represent to you, that, on the officers of the Mixed British and Spanish Court taking charge of the condemned slave brigantiae

"*Dos Amigos*," the stores hereunder described, were found to be wanting, according to the list of stores attached to the declaration of the capturing officer of the vessel in question.

I have the honour to subjoin a copy (Sub-Enclosure (A.) of the list referred to.

12 casks of provisions; 17 bags of rice; and half a cask of wine.

I am further instructed to state, that it will be the duty of His Majesty's Commissioners to enumerate the stores wanting in the "*Dos Amigos*," when their report of the case is transmitted to His Majesty's Principal Secretary of State for Foreign Affairs, and that they will be happy to forward, at the same time, any explanation that the Prize Officers may wish to offer upon this subject.

At the time of the capture of the "*Dos Amigos*" some articles were taken from that vessel into H. M. brig, "*Black Joke*," for the publick service, the particulars of which have been returned to the Court by Lieutenant Ramsay, and Mr. Coyde.

I am desired to transmit, for your information, copies (Sub Enclosures (B.) and (C.) of the returns alluded to, as copies of the same are to accompany the Commissioners' report of the case in question, to Lord Palmerston.

I have, &c.

(Signed) WALTER W. LEWIS, Registrar.

Commodore Hayes, C. B., His Majesty's Ship "*Dryad*,"  
&c. &c. &c.

Sub-Enclosure (A.) in No. 14.

*A List of things found on board the Spanish Brigantine "Dos Amigos," at the time of detention.*

1 suit of sails complete and bent, and a quantity of old canvass; 23 casks of salt provisions; 18 bags of rice; 13 bags of beans; 12 kegs of powder; 1½ pipe of rum; 1½ ditto of wine; a small quantity of trade cloth; ½ a coil of 2 inch rope.

(Signed)

WILLIAM COYDE, Mate, H. M. brig "*Black Joke*."  
R. K. JENKINS, Mate.

Sub-Enclosure (B.) in No. 14.

*Lieutenant Ramsay's Certificate.*

THIS is to certify, that the following articles were taken out of the "*Dos Amigos*," for His Majesty's use and, received on board H. M. brig "*Black Joke*," the said brig being at that time unable to hoist all her sails for want of rope, and the people likely to suffer from the deck leaking, and having no means of caulking the same:—60 fathoms of 2-inch; 10lbs. of pitch; 4 small balls of spun-yarn; 100 fathoms of 1½ inch; and a little spun-yarn.

(Signed)

WILLIAM RAMSAY, Lieutenant,  
Commanding the "*Black Joke*," tender.

A few yams were taken out of the "*Dos Amigos*," as the ship's company of the "*Black Joke*" had had no fresh provisions for 2 months, the "*Dos Amigos*" being quite full of yams at that time.

(Signed)

WILLIAM RAMSAY.

Sub-Enclosure (C.) in No. 14

*Extract of an Affidavit of Mr. Coyde, Mate of H. M. Brig "Black Joke."*

In the case of the Brigantine "*Dos Amigos*," Juan Ramon Muxica, Master.

APPEARED personally, William Coyde, Mate of H. M. brig "*Black Joke*," Lieutenant William Ramsay commanding. And this deponent further saith, that 1 keg of white lead, and 1 keg of green paint were also taken out of the said vessel, and used for the service on board of H. M. said brig "*Black Joke*," and that none of the said articles were inserted in the declaration of the Seizor, as that document had been sealed and delivered to the Prize-Officer of the said brigantine, before the said articles were removed on board.

(Signed)

WILLIAM COYDE.

On the 12th day of January, 1831, the said William Coyde was duly sworn to the truth of this affidavit, before me,

(Signed)

WALTER LEWIS, Registrar.

## Fourth Enclosure in No. 14.

*Commodore Hayes to Mr. Lewis.*

SIR,

*H. M. S. "Dryad," Sierra Leone, February 11, 1831.*

HAVE received the letter you have been directed to address to me, by His Majesty's Commissioners of the Mixed Commission Court at Sierra Leone, relative to a deficiency of stores appearing on board the "*Dos Amigos*," on the officers of the court taking charge of that vessel, as compared with the list attached to the declaration of the capturing officer; and in reply, I have to request the Commissioners, will either furnish me with their scale for estimating the fair and proper consumption of provisions, between the day of capturing, and the day of delivering the "*Dos Amigos*" into the charge of the officers of the said court, or an attested list of all the articles actually found on board, to enable me to enquire fully into the circumstances of the case.

I remain, &amp;c.

(Signed)

JNO. HAYES, Commo dore.

*Walter W. Lewis, Esq, Registry-Office, Sierra Leone.*

## Fifth Enclosure in No. 14.

*Commodore Hayes to His Majesty's Commissioners.*

GENTLEMEN,

*H. M. S. "Dryad," Sierra Leone, February 15, 1831.*

ON receiving your letter, dated the 10th instant, setting forth that, on the Officers of the Mixed British and Spanish Court taking charge of the condemned slave brigantine "*Dos Amigos*," there were found to be wanting, according to the list of stores attached to the declaration of the capturing officer of the vessel in question, 12 casks of provisions, 17 bags of rice, and half a cask of wine; and further stating, "that it will be the duty of His Majesty's Commissioners to enumerate the stores found to be wanting in the "*Dos Amigos*," when their report of that case is transmitted to His Majesty's Principal Secretary of State for Foreign Affairs, &c.," and having called upon the Commanding Officer of the "*Black Joke*" for his explanation of the case, which I have received, and examined with your attested inventory; and having duly considered the whole, and how likely it is for mistakes to arise, with respect to the contents of the different casks, and how exceedingly improbable that any improper transaction has taken place in this case, I can only add, that I feel perfectly satisfied with the explanation given by Lieutenant Ramsay, which I now enclose to you, and have the honour to be,

Gentlemen, &amp;c.

(Signed)

JNO. HAYES, Commodore..

*His Majesty's Commissioners, Sierra Leone.*

## Sixth Enclosure in No. 14.

*Lieutenant Ramsay to Commodore Hayes.*

SIR,

*H. M. S. "Dryad," at Sierra Leone, February 11, 1831.*

ACCORDING to your directions, I hasten to give you the necessary explanations to the letter, received by you from His Majesty's Commissioners of the Mixed Commission Court, stating, that the stores reported to the Mixed Commission Court to be on board the "*Dos Amigos*," are short 12 casks of provisions, and 17 bags of rice, and half a cask of wine, in comparison of the survey taken by Messrs. Coyde and Jenkins, Mates of the "*Black Joke*" (tender).

Allow me first to remark upon the difficulty of giving a proper explanation, when the survey taken by order of the Mixed Commission Court is not produced.

In that survey, if correct, Mr. Jenkins (Prize Master) informs me, there will be found an account of 11 casks of salt provisions, 2 of flour, 2 of vinegar, and 1 of anniseed, making the deficiency 7 casks of provisions, (instead of 12), 17 bags of rice, and half a cask of wine.

No doubt Messrs. Coyde and Jenkins in their report, called all the 23 casks salt provisions, but that was evidently a mistake, as Mr. Jenkins assures me, that there were 2 casks of flour, 3 of vinegar, (1 of which was used in fumigating) 1 of anniseed, and 17 of salt provisions, making in all 23 casks.

In further explanation allow me to state, that when the "*Dos Amigos*" was about to leave Fernando Po, I received a requisition from the Acting Superintendent of that Colony, stating, that there were about 150 Kroomen, that there was neither provisions or work for, and that although they were entirely idle, the Government was at a great expense for their subsistence, and he concluded by requesting, that I would send these Kroomen up to Sierra Leone, in the "*Dos Amigos*."

Having ascertained the truth of this representation, I gave Mr. Jenkins (the Prize Master) an order to receive 53 of these men; and as the Superintendent told me, that 1 small cask of pease, and a little suet, was all that could be spared from Fernando Po, I gave Mr. Jenkins an order to victual them in the most economical manner, on the provisions actually on board the "*Dos Amigos*," at time of capture; which, of course, must be accounted for by the proper department.

I sent provisions for my own prize-crew from the "*Black Joke*," leaving us less than 3 weeks on board, and without any means of getting more, except at Ascension.

I beg leave also to state, that the detained vessel, was 27 days in coming up, and 7 weeks.

at this port; during the 27 days, 53 Kroomen and 3 Spaniards subsisted on the provisions of the "Dos Amigos," and for the last seven weeks, 2 Spaniards have been subsisted in the same way; and, when we come to consider the usual allowance of these men, perhaps 6 casks of beef (each weighing 72 pounds), and 17 bags of rice, which is all the actual deficiency, will not be thought a large portion. Mr. Jenkins assures me, that the wine was actually used by the Spaniards.

In reference to papers Nos. 2 and 3, I have only to say, that every article there stated was taken in charge upon the books of the "Black Joke," and used, without evasion, solely for His Majesty's service.

I have, &c.

(Signed) WM. RAMSAY, Lieutenant,  
late commanding the "Black Joke" (tender.)

Commodore Hayes, C.B.,  
&c. &c. &c.

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Seventh Enclosure in No. 14.

*Statement of the Provisions belonging to the "Dos Amigos," issued to fifty-three Kroomen, Passengers, and to the Spaniards left on board.*

EACH Krooman was allowed  $\frac{1}{2}$  lb. of rice per day for 27 days, which amounted to 715lbs. or 6 bags. Twenty Kroomen, who assisted in navigating the vessel, received also each of them 5lbs. of salt meat per week, which amounted to 400lbs. or nearly 5 casks.

The Spaniards were upon no allowance.

3 bags of rice were much destroyed by vermin and thrown overboard.

(Signed) R. J. JENKINS, Prize Master.

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No. 15.

*His Majesty's Commissioners to Viscount Palmerston.—(Received May 21.)*

MY LORD,

Sierra Leone, March 16, 1831.

WE have the honour to forward, enclosed, for your Lordship's information, our report upon the case of the Spanish schooner "Primera," Gabriel Perez, Master, captured on the 22d of February, 1831, in latitude 6° 20' north, longitude 11° 32' west, by H. M. brig "Black Joke" (tender to H. M. S. "Dryad"), Lieutenant Castle commanding, having on board 313 slaves. 2 of these unfortunate creatures were killed by a shot fired from the "Black Joke," to bring the "Primera" to; a measure which Lieutenant Castle deemed necessary, as a tornado was coming on, during which the "Primera" would, in all probability, have effected her escape, she having disregarded several guns fired from the "Black Joke," loaded with blank cartridge.

The evidence having proved the slaves to have been embarked at the Galinas, the Court, on the 14th instant, unhesitatingly, pronounced sentence of condemnation on the "Primera," as good and lawful prize to the Crown of Great Britain and Spain, and decreed the emancipation of her surviving slaves, 310 in number,—1 having been born on the passage up, and 2 having died between the period of capture and adjudication.

We have, &c.

(Signed) ALEX. FINDLAY,  
WM. SMITH.

The Right Hon. Lord Viscount Palmerston,  
&c. &c. &c.

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Enclosure in No. 15.

*Report of the Case of the Spanish Schooner "Primera," Gabriel Perez, Master.*

THE Spanish schooner "Primera," Gabriel Perez, Master, was furnished with a royal passport, dated at the Havana, the 10th of May, 1830, for a voyage of lawful commerce to the Island of St. Thomas.

She was captured, on the 22d of February 1831, by H. M. brig "Black Joke" (tender to H. M. S. "Dryad,") Lieutenant Castle commanding, in latitude 6° 20' north, longitude 11° 32' west, with 311 slaves on board, (2 others having been killed, by a shot fired from the "Black Joke" to bring the "Primera" to;) all said to have been shipped at the Galinas on the day previous to capture.

The "*Primera*" arrived here on the 3d of March, with 311 slaves on board,—1 having been born, and 1 having died on the passage up. The Surgeon to the Court having visited her slaves, reported them to be in a very healthy state. They were, however, on petition of the Proctor for the Captor, setting forth their crowded state, allowed to be landed; and were delivered into the charge of the Liberated African Department on the 4th instant.

On the 4th, the ship's papers and the declaration of the Captor were filed, duly attested by the affidavit of Mr. Bosanquet, the Prize Master. The usual motion went forth on the same day, and was returned on the 11th, certified as having been duly served.

The Master, Gabriel Perez, and the Carpenter, Miguel Herrera, were examined on the 4th instant, on the standing interrogatories.

The Master deposed, that he appointed himself to the command of the "*Primera*," being the owner of her; that the present voyage began at the Havana, and was to have ended at some other part of the Island of Cuba; that the vessel sailed direct from the Havana to the Galinas, and from the Galinas to the Cape de Verds, to get repaired; that she returned from thence to the Galinas, and there shipped the whole of the slaves captured on board; that Francisco Ramon was the lader, and himself the consignee of the slaves; and that witness is the owner of 2 of the said slaves, but that he does not know the other owners.

Miguel Herrera deposed to the whole of the slaves having been shipped at the Galinas.

Full proof of the employment of the "*Primera*," in the illegal traffick in slaves having thus been adduced, the Court, on the 14th of March, 1831, pronounced sentence of condemnation upon her as good and lawful prize to the Crowns of Great Britain and Spain, and as taken in such illegal traffick by H. M. brig "*Black Joke*," (tender to H. M. S. "*Dryad*,") Lieutenant Castle commanding, and decreed the emancipation of her surviving slaves, 310 in number,—2 having died between the period of capture and adjudication; and 2 having been killed by a shot from the "*Black Joke*," previous to capture.

(Signed) ALEX. FINDLAY.  
WM. SMITH.

Sierra Leone, 16th March, 1831.

## No 16.

*Viscount Palmerston to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, June 8, 1831.*

I SEND to you the accompanying translation of a note,\* dated the 1st of June instant, which I have received from the Spanish Ambassador at this Court, relative to the 24 men, crew of the Spanish vessel "*Veloz Pasagera*," who were sent to this country, in the first instance, and afterwards to Alge-siraz, to be tried for the offence which they had committed, in resisting the search of H. M. S. "*Primrose*;" and I have to desire that you will furnish me with the originals, or attested copies of the evidence which came before the Court of Mixed Commission, upon this case, together with any other information which you may possess, or be able to obtain, in order that the same may be furnished to the Spanish Government, according to their desire, with a view to the trial of the offenders.

I am, &c.

(Signed)

PALMERSTON.

*His Majesty's Commissioners.*

\* See Class B.—No. 11.

## No. 17.

*His Majesty's Commissioners to Viscount Palmerston.—(Received Sept. 22.)*

MY LORD,

*Sierra Leone, June 4, 1831.*

WE have the honour to report to your Lordship, that H. M. brig "*Black Joke*," under the command of Lieutenant Ramsay, cruizing in the Bight of Biafra, for the purpose of intercepting vessels carrying on the illicit traffick in slaves, being off the River Calabar, on the 25th of April last, fell in with the Spanish brig "*Marinerito*," Francisco Cavieces, Master, having a cargo of slaves on board, with which she was bound from that river to the Havana.

The "*Marinerito*" having offered resistance to the "*Black Joke*," an

action took place between them, which, according to report, continued some hours; yet, notwithstanding the vast disparity of force between the 2 vessels, (the "Black Joke" being armed with only 3 guns, and manned with about 35 men, and the "*Marinerito*" being armed with 5 24lb. guns, and manned with from 60 to 70 men), the "*Marinerito*" was carried by boarding,—affording another proof of the superiority which His Majesty's cruizers maintain, over the lawless and desperate traffickers in slaves, however unequal the force of His Majesty's ship may be to that of her opponent.

The "*Marinerito*," after capture, was taken into Fernando Po, where 107 of the unfortunate slaves, who were reported to be in a most unhealthy state, were landed and placed in hospital, for medical treatment. She was dispatched from thence to this place for adjudication, on the 30th of April, and arrived here on the 23d ultimo.

Proceedings were immediately instituted in the British and Spanish Court of Mixed Commission, against the "*Marinerito*," for a breach of the Treaty between Great Britain and Spain, for the repression of the illicit traffick in slaves; and due proof thereof having been furnished, sentence of condemnation was passed upon that vessel, and the surviving slaves of those who were captured on board of her, were decreed to be emancipated, on the 3d instant.

We have since been informed, that it was the intention of the Master of the "*Marinerito*" to have shipped 600 slaves, but sickness having broken out amongst those whom he had already purchased, determined him upon leaving with the number captured on board his vessel, rather than wait to complete the number he originally intended to have taken. Many of the unfortunate slaves were, therefore, in a very bad state of health when they were shipped, and this will account to your Lordship for the great number that died between the period of the "*Marinerito's*" capture and her adjudication,—that being 38 days.

Our report of the case, we have the honour herewith to enclose, and beg, respectfully, to refer your Lordship thereto, for the detail of the proceedings before the British and Spanish Mixed Court, as well as for an account of the disposal of the slaves, who were landed at Fernando Po; the survivors of whom, with the exception of 4, who were too ill to be removed, were subsequently, sent from thence to this colony in H. M. brig "Plumper," and in H. M. cutter "Seaflower."

We regret that in this case, as in that of the Spanish ship "*Veloz Pasajera*," we are unable to furnish your Lordship with the Captor's account of the action, that was fought between the "Black Joke," and the "*Marinerito*." The only mention Lieutenant Ramsay makes in his declaration, respecting that affair, is the following indistinct, and unsatisfactory observation:—"I do further declare, that I have reason to suppose that the number of the crew and passengers of the "*Marinerito*," on quitting the Old Calabar, far exceeded the number specified by the ship's list and captain, as a great many were killed in the action, and some jumped overboard and were drowned, among the rest were 2 Englishmen. But from the account of some of her crew, there could not have been less than 70, including men, and boys, and passengers, which I consider to have been the case, especially when I see by her papers, she is allowed 92 seamen." We are, therefore, again compelled to refer your Lordship to the Admiralty for such further information as your Lordship may require; as doubtless a full account of the engagement, in which we learn Lieutenant Ramsay distinguished himself by his coolness and prudence, has been forwarded to their Lordships by Commodore Hayes, commanding on this station.

The captured crew were, we learn, left in custody at Fernando Po, with the exception of the Master and 4 seamen, who were brought up here. After the examinations had been concluded in the Mixed Commission Court, they were taken and examined before the sitting Magistrate of this Colony, on a charge "of having fired into H. M. brig "Black Joke," and shot and killed Isaac Foile, one of the crew of the said brig "Black Joke," on the 26th of April last, near the mouth of the River Calabar, on the Coast of Africa," which

charge, having been satisfactorily made out, they were fully committed for trial to the gaol of Freetown.

Copy of the examinations so taken before the Police Magistrate, we have obtained, and forward them enclosed for your Lordship's information.

We have, &c.

(Signed) ALEXANDER FINDLAY.  
WILLIAM SMITH.

*The Right Hon. Lord Viscount Palmerston,*  
&c. &c. &c.

First Enclosure in No. 17.

*Report of the Case of the Spanish Brig "Marinerito," Francisco Cavièes, Master.*

THE Spanish Brig "*Marinerito*," Francisco Cavièes, Master, was furnished with a royal passport, dated at the Havana, the 12th of November, 1830, for a lawful commercial voyage to the Islands of Princes and St. Thomas. She was detained, after an action, in which many of her crew were killed, and others jumped overboard, on the 26th of April, 1831, in or about latitude 3° 30' N. longitude 9° 15' E., by H. M. brig "*Black Joke*," (tender to H. M. S. "*Dryad*,") Lieutenant Ramsay commanding.

The "*Marinerito*" had on board, according to the Captor's declaration, 496 slaves, at the time of capture, who had been shipped at the River Old Calabar, on the 24th of April; and she was declared by the Master to be bound to the Havana. After detention, she was taken, by the Captor, to the settlement at Fernando Po, where, by his order, a survey was held on the state of health of the slaves captured on board her. The Surveyors reported that 107 of the slaves were so afflicted with disease, that, in order to preserve their lives, it was absolutely necessary that they should be landed, and placed in the hospital at Fernando Po. This was accordingly done on the 30th of April, and the acting Superintendent's receipt taken for them. A copy thereof, and a copy of the survey, are subjoined.

The "*Marinerito*" arrived here on the 23d of May, with 320 slaves on board, who were, on the following day, visited by the Surgeon to the Court. That officer reported, that there were on board about 16 cases of dysentery, and a great number of "*Craw-Craw*," the former, especially, in a very debilitated state. He, therefore, recommended that all should be landed as soon as possible. The whole of them, in number 319,—1 having died in harbour, were therefore, immediately landed and placed under the charge of the Liberated African Department.

On the 24th of May, the Captor's Proctor prayed that the ship's papers might be filed, and that the usual monition be issued. The prayer of this petition having been granted, the papers were duly filed on the same day, attested by the affidavit of Mr. Bosanquet, the Prize-Master, and the monition was issued; which latter was returned on the 31st, certified as having been duly served.

On the 24th of May, the Master, Francisco Cavièes, and on the 25th, the Carpenter, Agustín Casanovas, were examined on the standing interrogatories.

Francisco Cavièes, the Master, deposed, "that he was appointed to the command of the "*Marinerito*," about 7 months since, by one Pedro Martínez, a Spanish merchant, resident at the Havana; that the present voyage began at the Havana, and was to have ended there; that the vessel sailed direct to the River Calabar, for the purposes of legitimate trade, in which having failed, he purchased slaves; that resistance was made to capture, in consequence of the "*Black Joke*" firing upon the detained vessel in the night-time; and the capturing vessel not having, during the chase in the day-time, shown any colours, witness thought she might have been a pirate; that José Ruiz, a Spanish merchant of the Havana, was the owner of the detained vessel; that the First Mate, in consequences of witness's illness, was the lader, Pedro Martínez the owner, and José Fernandez, a Spanish broker, in the Havana, the consignee of the slaves; who were all shipped in the River Calabar."

Agustín Casanovas deposed, "that the present voyage began, and was to have ended, at the Havana; that the "*Marinerito*" sailed direct from that port to the Old Calabar for a cargo of slaves; that she there shipped the whole of the slaves captured on board; that Francisco Ruiz was the owner of the vessel, and believes that he was also owner and consignee of the slaves; and that resistance was made to capture, in consequence of the "*Black Joke*" firing upon the detained vessel."

An affidavit of 2 of the prize officers was, by permission of the Court, filed on the 26th of May. They deposed, "that on searching the trunk of the Master, previous to delivering the same to him, the deponents found therein 31 Spanish doubloons, sewed up in a silk handkerchief; and that the said doubloons were now in their possession, ready to be delivered or lodged in the registry of this Court."

On the 30th of May, the Proctor for the Captor prayed, that the affidavit of Lieutenant Creser, commanding H. M. brig "*Plumper*," just arrived from Fernando Po, with part of the slaves of the "*Marinerito*" on board, might be filed; which was accordingly granted.

The affidavit stated, that on the 3d of May, whilst H. M. brig "*Plumper*" was lying at anchor in the harbour of Clarence Cove, Fernando Po, the deponent received orders from Commodore John Hayes, to take on board the said brig 82 male slaves, part of the cargo of the Spanish brig "*Marinerito*," and to convey the same to the colony of Sierra Leone; that this deponent did accordingly receive on board H. M. said brig the said slaves; and that between the said 3d of May and the present day, 22 of the said slaves died from disease. The surviving slaves, on the same

day, were landed from H. M. brig "Plumper," to the number of 59, (leaving 1 slave unaccounted for) and delivered over to the Liberated African Department.

A certificate from the Surgeon of the establishment at Fernando Po, was presented to the Commissioners and filed by their order; which certified, that 15 of the slaves, forming part of the cargo of the "Marinerito," were still in hospital, under that officer's charge; that their state of health was such that their lives would be highly endangered by removal; and that 10 others had died in hospital; thus accounting for 106, out of the 107, slaves, who were originally landed from the "Marinerito," at Fernando Po.

The Court met for the adjudication of the "Marinerito" on the 3d of June; and the illicit employment of that vessel in the slave-trade having been fully proved, by the evidence adduced by the Captor in support of his case, pronounced sentence of condemnation upon the Spanish brig "Marinerito," her tackle, apparel, and furniture, and the goods, wares, and merchandize, laden therein, and upon the 31 Spanish doubloons found concealed in the Master's chest, as a part of the original cargo for the purchase of slaves, as good and lawful prize to the Crowns of Great Britain and Spain; and as taken in such illicit traffick in slaves by H. M. brig "Black Joke," (tender to H. M. S. "Dryad," Commodore Hayes, C. B.) Lieutenant Ramsay, commanding. The Court further pronounced, that 475 slaves was the number proved to have been actually on board the "Marinerito," at the time of capture, and decreed the emancipation of her surviving slaves, who were landed in this colony, to the number of 373,—86 having died since capture, viz. 49 on board the "Marinerito," and 22 on board H. M. brig "Plumper," during the passage of those vessels to this port, and previous to the slaves having been landed therefrom; 10 having died in hospital at Fernando Po, and 5 on shore at this place—leaving 1 slave wholly unaccounted for. The Court further decreed, that the 15 slaves certified to have been in hospital at Fernando Po, on the 3d day of May, 1831, or the survivors of them, at the time of passing sentence, should be likewise emancipated from slavery.

Slaves.

373 Emancipated in this Colony.

15 Or survivors, emancipated at Fernando Po.

86 Deaths.

1 Unaccounted for.

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475 On board at the time of capture.

(Signed)

ALEXANDER FINDLAY.  
WILLIAM SMITH.

Sierra Leone, 4th June, 1831.

Note.—6th June 1831.—H. M. cutter "Seaflower" arrived here this day from Fernando Po, with 3 of the slaves of the "Marinerito" on board, 3 others having died on the passage up. A letter (copy of which is subjoined) was received by that vessel, from Commodore Hayes, accounting for the 1 slave, who had not been accounted for, at the time the foregoing sentence was passed.

(Signed)

A. F.  
W. S.

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### Sub-Enclosure (A.) in No. 17.

#### *Report of Medical Survey at Fernando Po.*

PURSUANT to an order from Lieutenant William Ramsay, R. N., commanding H. M. brig "Black Joke," (tender to H. M. S. "Dryad,") commanding us to repair on board of the Spanish slave-brig "Marinerito," to hold a strict and careful survey on the state of the health of the slaves on board of the said brig.

We, whose names are hereunto subscribed, have accordingly held such survey, and have found 107 slaves so afflicted with disease, that, in order to preserve their lives, it is absolutely necessary that they should immediately be sent to the hospital at Fernando Po.

And we have taken this survey with such care and equity, that we are ready to make oath to the truth of our proceedings.

Given under our hands on board His Majesty's brig "Black Joke," at Fernando Po, this 30th April 1831.

(Signed) JAMES BUTTER,  
Acting Surgeon, Fernando Po.

(Signed) RD. DOUGLAS,  
Assistant Surgeon H. M. B. "Black Joke."

(Signed) JOHN CRICHTON,  
Assistant Surgeon, R. N., in medical charge of the prize-crew  
and slaves, on board the Spanish Slave-vessel "Marinerito."

These are to certify, that 107 slaves were landed from the "Marinerito," (detained by H. M. brig "Black Joke,") at Fernando Po, for medical treatment.

This 30th day of April 1831,  
at Fernando Po.

(Signed) JOHN BECROFT,  
Acting Superintendent of the Establishment at Fernando Po.



## Sub-Enclosure (B.) in No. 17.

*Commodore Hayes to H. M. Commissioners.*

GENTLEMEN,

"Dryad," Fernando Po, May 11, 1831.

WITH reference to my letter to you, of the 3d instant, stating, that out of the 107 slaves landed here by the "Black Joke," 81 had so far recovered as to be enabled to embark in the "Plumper," for a conveyance to Sierra Leone; and that it was my intention, so soon as the remaining number were in a fit state, to send them also by the first opportunity; I have now to inform you, that I have directed the "Seaflower," tender, to receive on board 6 of them, who are convalescent; and I enclose, for your information, the certificate of the Surgeon of Fernando Po, as to the state of those remaining in the hospital.

82 were to have been sent by the "Plumper," but 1 died on the beach, and 1 of those remaining in the hospital, on the 8th instant (as by report enclosed) died this morning, leaving now but 4 at Fernando Po.

I am, &amp;c.

(Signed) JNO. HAYES, Commodore.

*The Commissioners of Mixed Commissions, Sierra Leone.*

## Second Enclosure in No. 17.

*Examination of part of the Crew of the "Marinerito."*

Police Office, May 25, 1831.

PRESENT, LOGAN HOOK, P. M.

FRANCISCO CAVIECES, Augustin Casanovas, Lorenzo Rivero, Joseph Barrett, and Manoel Latino, part of the crew of the Spanish brig "Marinerito," brought up by constables, charged by Charles John Bosanquet, with having fired into H. M. brig "Black Joke," and shot and killed Isaac Foile, one of the crew of the said brig "Black Joke," on the 26th of April last, on the high sea, within the jurisdiction of the Admiral, near the mouth of the Calabar River, on the Coast of Africa.

Charles John Bosanquet sworn, states, that, on the morning of the 25th of April last, he was in H. M. brig "Black Joke," cruising off the mouth of the Calabar River, for the prevention of the slave-trade; fell in with, and gave chase to, a strange brig, showing no colours. At about 9 p. m. being within gun-shot, the "Black Joke" hoisted English colours, and fired 3 shotted guns at the strange brig, to bring her to, of which she took no notice. At about 9.30., while bearing on the "Black Joke's" starboard beam, she fired 3 shots at that vessel, and continued sweeping away; 10.30., a light air springing up, the "Black Joke" was enabled to close, on which the strange brig opened a heavy fire of grape and round shot at her, which was not returned by the "Black Joke" till about 11.15., when she opened fire from her larboard broadside. At about 12.15., the "Black Joke" being taken aback, the strange brig getting the wind before her, was enabled to distance her about half a mile, but, before her head could be got round in chase, the strange brig wore to renew the action, attempting to cross the "Black Joke's" bow, and firing into her starboard broadside. both vessels keeping up, the whole of the time, a heavy fire of grape and round shot and musketry. At about 3 a. m. on the 26th of April, the "Black Joke" had closed so near to the strange brig as to lay her larboard broadside on the strange brig's quarter, on which orders were immediately given to board, but, before it could be accomplished by all hands, the vessels separated again, leaving only Lieutenant Ramsay, the Commander of the "Black Joke," and about 7 of her crew, on board the strange brig; but her crew, after making a short but spirited resistance, became intimidated, and fled in all directions; numbers of them jumped overboard; some were killed, and as many as could get below.

Almost at the moment of boarding, Isaac Foile, one of the "Black Joke's" crew, a first-class petty officer, was killed by a shot from the strange brig; and, in the boarding, 6 more were wounded, but not dangerously. The strange brig proved to be the "Marinerito," having Spanish papers. She did not hoist any colours at any time during the action, but 2 Spanish ensigns were found on board her afterwards. She was armed with 5 22-pound guns, one of them on a pivot; and had a crew of between 60 and 70 men. Her cargo consisted of 475 slaves. She had come out of Calabar on the morning of the 25th of April, as witness was told by prisoner, Francisco Cavieces, who appeared to be the Master, and as it also appeared by the log-book and papers found on board her. At the time of boarding, when the vessels separated, endeavours were instantly made to close again, which was accomplished in a few minutes, but the "Marinerito" had already been taken possession of.

As the action took place at night, witness cannot particularize any of the prisoners as those that fought in it; but witness saw all the prisoners on board the "Marinerito" after she was taken. Prisoners are all the "Marinerito's" crew that have been sent up to this colony; the others were landed at Fernando Po, where they now are, some of them being wounded in the hospital. Witness does not think that the prisoner Manoel Latino took any part in the action, as, when day came, he was found below in the women's slave-room, which was securely battened down. At no time during the action was there any communication between the vessels by speaking to each other; previous to the action the vessels were too far distant, to allow of any thing of the sort.

Edwin Thomas Hinde sworn, states, he was on board the "Black Joke" on the morning of the 25th of April, when she fell in with the Spanish brig "Marinerito;" was a volunteer of the first class in her; the circumstances of the action have been correctly stated by the last witness. Witness was

not one that boarded; but, when the vessels were brought together again, after separating, witness went on board the "Marinerito;" saw all the prisoners on board her; they were being brought up from various parts of the vessel below; witness did not observe any of them in the act of resisting or fighting the "Black Joke."

John McCarthy sworn, states, that he was an able seaman on board the "Black Joke," on the 25th of April last, when she fell in with the Spanish brig "Marinerito," the circumstances of the action, as it took place, have been correctly stated by Mr. Bosanquet in his evidence. Witness was one that boarded the "Marinerito," did not notice any of the prisoners fighting in the action, but observed the Boatswain, who is now at Fernando Po, severely wounded, and another man, who is since dead, very active in it; shortly after boarding saw prisoner, Joseph Barrett, overboard, and threw him a rope. On the passage up to this colony, prisoner, Joseph Barrett, told witness that they on board the "Marinerito," knew the "Black Joke" when they saw her, and the Boatswain of the "Marinerito" said, he desired no better fun than to be at the English.

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DEFENCE.

Prisoner Francisco Cavieces says, he was the Master of the "Marinerito;" that he did not fire into the "Black Joke" first, but she at the "Marinerito." It was night when the action took place, and prisoner did not know that the vessel that he was fighting with was the "Black Joke," or that she was an English vessel; and did not, and could not, see the English colours, nor any other colours, on board the "Black Joke."

The other prisoners make the same defence. Joseph Barrett says, he is an Irishman; that he shipped in the "Marinerito" at Havana, because he could not get any thing else to do; and that he was sick at the time of the action, and took no part in it.

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ORDERED

To be committed to take their trial,

Police Office, Freetown, June 4, 1831.

I hereby certify the foregoing examinations to be a true copy from the Records of this Office.

(Signed) M. SMITH, Clerk of Police.

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No. 18.

*His Majesty's Commissioners to John Backhouse, Esq.—(Received Sept. 22.)*

SIR,

Sierra Leone, July 5, 1831.

IN pursuance of the 75th clause of the Act, passed in the fifth year of His late Majesty's reign, entitled "an Act to amend and consolidate the laws relating to the abolition of the slave-trade," we have the honour to transmit, herewith, a return of all the cases of Spanish vessels adjudicated in the British and Spanish Court of Mixed Commission established in this colony, during the period from the 1st of January last, to the 1st instant.

We have, &c.

(Signed)

ALEX. FINDLAY.  
WM. SMITH.

John Backhouse, Esq.

&c. &c. &c.

Enclosure in No. 18.

Return of Spanish Vessels adjudicated by the British and Spanish Court of Mixed Commissions, established at Sierra Leone, betwixt the 1st of January, and the 1st of July 1831.

NAME of VESSEL.	Date of Seizure.	Where Captured.		Property seized.	SEIZOR.	Date of Sentence.	Number of Slaves captured.	Number died before adjudication.	Total emancipated.	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.
		Latitude.	Longitude.								
Maria.....	Dec. 26, 1830	5° 21' N.	11° 25' W.	{ Schooner and 505 Slaves }	{ Lieut. J. Adams, H. B. M. brig Plumper }	Jan. 19, 1831	505	8	497	{ Condemned for being engaged in the illicit traffick in slaves }	{ Schooner and stores sold by pub- lick auction, and the proceeds paid into the military chest. }
Dos Amigos	Nov. 9, —	3° 53' N.	9° 0 24' E.	{ Brigantine and Stores }	{ Captain A. Gor- don, (Black Joke tender,) H. B. M. S. Atholl }	Feb. 5, —	"	None	"	{ Condemned for having had slaves on board, previ- ous to capture, for the purpose of the illegal traffick, in the particular voyage in which she was captured }	Ditto. Ditto. Ditto.
Primera. ...	Feb. 22, —	6° 20' N.	11° 32' W.	{ Schooner and 311 Slaves }	{ Commodore Hayes, C. B. (Black Joke tender,) H. B. M. S. Dryad }	March 14, —	311	2	310*	{ Condemned for being engaged in the illicit traffick in slaves }	Ditto. Ditto. Ditto.

\* There was one male infant born pending the adjudication of the "Primera."

(Signed) ALEXANDER FINDLAY.  
WAL. SMITH.

(Signed) WALTER W. LEWIS, Registrar.

## No. 19.

*His Majesty's Commissioners to Viscount Palmerston.—(Received Sept. 22.)*

MY LORD,

*Sierra Leone, July 9, 1831.*

WE were honoured on the 3d instant, with your Lordship's despatch, dated the 7th of March last, communicating to us His Majesty's Advocate-General's opinion, relative to the points on which, in our despatch of the 18th of October, 1830, we had requested instructions, from His Majesty's Government, for our guidance in respect to those points, in any future case which may come before us for adjudication; and informing us, that the King's Advocate had observed, generally, that, as the slave-trade is now altogether prohibited to the Spaniards, it does not appear necessary, in order to subject a Spanish vessel to condemnation under the Treaty, to prove, that the slaves were taken on board from the Coast of Africa; but that it will be sufficient to shew, that, however they may have been originally acquired, they were detained on board and treated as slaves, and for the purpose of being disposed of as such, at the port to which the vessel may have been destined.

We beg most respectfully to tender our thanks to your Lordship for this communication, as it relieves us from the doubts we entertained, and shall not fail to be guided in our conduct by the opinion of His Majesty's Advocate-General.

(Signed)

We have, &c.

ALEX. FINDLAY.  
WM. SMITH.

*The Right Hon. Lord Viscount Palmerston,*  
    &c.           &c.           &c.

## No. 20.

*His Majesty's Commissioners to Viscount Palmerston.—(Received Sept. 22.)*

MY LORD,

*Sierra Leone, July 9, 1831.*

WE have had the honour to receive your Lordship's despatch, of the 8th of March last, enclosing, for our information, copies of a correspondence that has taken place, by your Lordship's command, with the Admiralty; of a despatch, which your Lordship had addressed to Mr. Addington; and of a note to M. de Zea Bermudez.

By those papers we perceive that the 24 men, a part of the crew of the Spanish slave-ship "*Veloz Pasagera*," charged with the murder of 3 British seamen, who were sent to England under order from Lieutenant-Governor Findlay, will be forwarded to Spain there to take their trial under the Spanish laws, for the offence which has been laid to their charge.

We trust that the Spanish Government will not fail to inflict the full penalty of the law of Spain upon those men, for the crime they have been guilty of; as it appears too plainly necessary, from the recent similar outrage committed by the crew of the Spanish brig "*Marinerito*," when opposing the search of H. M. brig "*Black Joke*," that an example is required to be made, to operate as a warning to, and deter other Spanish subjects, carrying on an illicit slave-trade, from offering unlawful resistance, leading to bloodshed, to a British ship of war.

It will be extremely gratifying to us to learn that your Lordship's representation, through Mr. Addington, to the Spanish Government, to allow ships, evidently fitted up for illegal slave-trade, and found in prohibited latitudes, to be detained, has been attended with success.

We despair of seeing any diminution of the slave-trade under the flag of Spain, until that measure be adopted, and in full operation.

(Signed)

We have, &c.

ALEX. FINDLAY.  
WM. SMITH.

*The Right Hon. Lord Viscount Palmerston,*  
    &c.           &c.           &c.

## No. 21.

*His Majesty's Commissioners to Viscount Palmerston.—(Received Sept. 22.)*

MY LORD,

*Sierra Leone, July 9, 1831.*

WE have the honour to acknowledge the receipt of your Lordship's despatch, dated May 18, 1831, transmitting to us the copy of a letter, and of its enclosures, from His Majesty's Treasury, stating that the sum of Six Pounds, the estimated value of a quantity of spirits, taken out of the Spanish schooner "Santiago," by the Commander of H. M. S. "Atholl," by whom she had been captured, had been paid into the Registry of the High Court of Admiralty, by the Agents of the Officers and crew of H. M. S. "Atholl."

We have, &c.

(Signed)

ALEX. FINDLAY.  
WM. SMITH.

*The Right Hon. Lord Viscount Palmerston,*  
&c. &c. &c.

## No. 22.

*Viscount Palmerston to His Majesty's Commissioners.—(Received Nov. 19.)*

GENTLEMEN,

*Foreign Office, November 8, 1831.*

I SEND to you, for your information, the accompanying copy of an instruction,\* dated the 8th October last, which I have addressed to His Majesty's Envoy at Madrid, enjoining him to press the Spanish Government, to dispatch such orders to the Colonial Authorities in Cuba, as shall ensure the due fulfilment of the Slave-trade Abolition Treaty, between this country and Spain; and further, to agree to the adoption of a stipulation, whereby ships, when found in certain latitudes, equipped for the slave-trade, shall be held to be liable to condemnation, under the compacts between this country and Spain, for the suppression of the slave-trade.

I also enclose to you a copy of the last despatch,† dated August 15th, which I have received upon this subject from Mr. Addington.

I am, &c.

(Signed) PALMERSTON.

*His Majesty's Commissioners.*

\* See Class B.—No. 17.

† See Class B.—No. 14.

## No. 23.

*His Majesty's Commissioners to Viscount Palmerston.—(Received Dec. 6.)*

MY LORD,

*Sierra Leone, August 25, 1831.*

WE have the honour to acquaint your Lordship, that, on the 21st ultimo, the "Fair Rosamond," tender to H. M. S. "Dryad," commanded by Lieutenant Henry Vere Huntley, fell in with, in latitude 5° 30' North, longitude 4° 0' East, and after a chase of 24 hours, detained the Spanish schooner "Potosi," Juan Bautista Arana, Master, of, and bound to, the Havana, having on board 192 slaves, who had been shipped from Lagos, in the Bight of Benin, on the 18th of the same month.

The "Potosi" arrived here on the evening of the 12th instant, and was prosecuted in the British and Spanish Court of Mixed Commission, which Court, on the 22d following, (the fact of her employment in the illicit traffick in slaves being unquestionable) pronounced sentence of condemnation upon that vessel, as good and lawful prize to the Crowns of Great Britain and Spain, and decreed the emancipation of the surviving slaves captured on board of her, 183 in number,—9 having died between the period of capture and condemnation.

The case of the "*Potosi*" is one of the usual description of illicit slaving, (in which employment, we regret to state, she has made several successful voyages), and has no extraordinary features attending it, to which we wish to draw your Lordship's attention. Our report thereon, we have the honour to enclose herein.

The "*Fair Rosamond*," the capturing ship, was formerly the Spanish brigantine "*Dos Amigos*," condemned by the British and Spanish Court of Mixed Commission here, on the 5th of February last, and was purchased at publick sale, on account of His Majesty's Government, by order of Commodore Hayes, by whom she was made a tender to H. M. S. "*Dryad*." Previous to the "*Fair Rosamond*" quitting this, she was authenticated before His Majesty's Commissary Judge, *ad interim*, as being duly authorized and furnished with the instructions, under the several Treaties, signed by the Lords of the Admiralty, to make seizures of vessels engaged in carrying on the illicit traffick in slaves.

We have, &c.

(Signed)

The Right Hon. Lord Viscount Palmerston,  
&c. &c. &c.

ALEX. FINDLAY.  
WM. SMITH.

Enclosure in No. 25.

*Report of the Case of the Spanish Schooner "Potosi," Juan Bautista Arana, Master.*

THE Spanish schooner "*Potosi*" was furnished with a royal commercial passport, dated at the Havana, the 18th of December, 1830, declaring her to be commanded by Juan Bautista Arana, and authorising a voyage to the Islands of Princes and St. Thomas, for the purposes of lawful commerce. She was captured, on her return voyage to the Havana, on the 21st of July 1831, in latitude 5° 30' N., longitude 4° E., by the "*Fair Rosamond*," (Lieutenant Huntley commanding), tender to H. M. S. "*Dryad*," with a cargo of 192 slaves on board, who were declared by the Master to have been shipped at Lagos, on the 18th.

The "*Potosi*" arrived in this harbour on the evening of the 12th of August, with 186 slaves on board, having lost 6 by death, on the passage up. The Surgeon to the Court, early the next morning, proceeded on board, and reported, that the general aspect of the slaves was healthy, with the exception of from 10 to 12 cases of ophthalmia, several cases of itch, 1 bad case of dysentery, 1 of catarrh, and a few cases of ulcers. All these he recommended to be landed, for the benefit of medical attendance.

On account of the inclemency of the weather, at the present season of the year, the whole of the slaves, to the number of 185,—1 having died in harbour, were immediately landed, and placed under charge of the Liberated African Department.

The ship's papers of the "*Potosi*" were also, on this day (the 13th) brought into Court and filed, duly authenticated by the affidavit of Mr. John Gedge, the Prize-Master. The usual monition was issued on the 15th, returnable on the 22d of August, on which day it was returned into Court, certified by the Marshal to have been duly served.

On the 19th of August, the Master, Juan Bautista Arana, and the Cook, Antonio O'Teirra, were examined on the standing interrogatories.

The Master deposed, "that he was appointed to the command of the "*Potosi*," by the owner of her, Don Claudio Alvarez, a Spanish subject, resident at the Havana; that he there received possession of her, on the 18th of December, 1830; that the present voyage commenced at the Havana, and was to have ended there; that the Havana was the last clearing port, from which the vessel sailed previous to capture; that she touched at Princes Island, to obtain provisions and water for the slaves, who were afterwards received on board, at Lagos; that after a chase of 24 hours, during which witness used every means to escape, the schooner was captured by an English man-of-war schooner, which was the only vessel in sight during the chase; that the present cargo consists of 192 slaves, who were all shipped from the shore at Lagos; and that the late Supercargo, who died at Lagos, was the lader, and the aforesaid Don Claudio Alvarez, the owner and consignee thereof."

Antonio O'Teirra, the Cook, corroborated the foregoing evidence, as to the employment of the "*Potosi*" in the illegal traffick in slaves.

The Court met for the adjudication of the "*Potosi*" on the 22d of August, 1831; and the proof of that vessel's engagement in the illicit slave-trade having been fully established, condemned the said vessel, her tackle, apparel, and furniture, and the goods, wares, and merchandize laden therein, as good and lawful prize to the Crowns of Great Britain and Spain, and as taken in such traffick by the "*Fair Rosamond*," (Lieutenant Henry Vere Huntley commanding), tender to H. M. S. "*Dryad*," Commodore John Hayes; and decreed the emancipation of her surviving slaves,—183 in number,—9 having died between the period of capture and adjudication; viz., 6 on the passage up, 1 in the harbour, previous to, and 2 after, their having been landed.

(Signed)

ALEX. FINDLAY.  
WM. SMITH.

Sierra Leone, August 25, 1831.

No. 24.

*His Majesty's Commissioners to Viscount Palmerston — (Received Dec. 6.)*

MY LORD,

Sierra Leone, October 3, 1831.

WE had the honour, only on the 30th ultimo, to receive your Lordship's despatch, dated the 8th of June last; and in accordance with your Lordship's directions therein contained, we have the honour to enclose, herewith, attested copies of the evidence of Alexander Nocetty, the mate, and Juan Bermudez, the gunner, of the Spanish slave-ship "*Veloz Pasagera*," who were produced before the British and Spanish Court of Mixed Commission as witnesses in the case; and have, respectfully, to draw your Lordship's attention to the Registrar's letter to us, (copy of which is herewith forwarded) transmitting those documents, for an explanation of the reason why so little information, respecting the action between the "*Veloz Pasagera*," and H. M. S. "*Primrose*," was elicited from those persons. We beg to explain why 2 witnesses only, were examined,—that the "*Veloz Pasagera*," having been captured *flagrante delicto*, the Proctor for the Captor was of opinion, that their evidence was fully sufficient to establish against that vessel, as it did, the proof of her employment in the illicit traffick in slaves. We also enclose herein an attested copy of the evidence taken before the sitting Magistrate, Benjamin Campbell, Esq. at the Police Office here, on the 18th and 21st of October, 1830, when the charge against the 24 men, retained and sent up here as prisoners by the Captor, for having wilfully and feloniously murdered James Graham, John Allen, and William Bunker, 3 of the crew of H. M. S. "*Primrose*," on the 7th day of September, 1830, on the high sea, off Cape Formosa, in or about the latitude of 4° 30' N., and the longitude of 4° E., was fully established.

We respectfully refer your Lordship to our despatch, dated the 18th of October, 1830, enclosing our report upon the case of the "*Veloz Pasagera*," in which we stated to your Lordship, we had learnt that the Master, José Antonio de la Vega, having been seriously wounded in the action, was taken on board H. M. S. "*Primrose*," for the benefit of medical attendance, and that many of the Spaniards were supplied with a boat and provisions shortly after capture, and sent away to the nearest land they could make.

We are unable to inform your Lordship with the reasons, which induced the Captor to select the 24 men in question, out of the whole of the surviving crew of the "*Veloz Pasagera*," when it would appear that all alike were equally culpable. Captain Broughton, the Captor, who, we believe, is in England, may possibly be enabled to give your Lordship a satisfactory explanation why he adopted such a proceeding.

We have, &amp;c.

(Signed)

ALEX. FINDLAY.  
WM. SMITH.

The Right Hon. Lord Viscount Palmerston,  
&c. &c. &c.

First Enclosure in No. 24.

*Evidence of Alexandro Nocetty and Juan Bermudez, Mate and Gunner of the "Veloz Pasagera."*

Colony of } THESE are to certify, that the paper writings hereunto annexed, are true and  
Sierra Leone. } faithful copies of the examinations of witnesses, taken and filed as evidence in the  
Registry of the British and Spanish Court of Mixed Commissions, established at  
Sierra Leone, in the case of the Spanish ship "*La Veloz Pasagera*," whereof José Antonio de la  
Vaga was Master; which said vessel was condemned in the said Court of Mixed Commission,  
for being engaged in the illicit traffick in slaves, on the 16th day of October, 1830.

In faith and testimony whereof, I have hereunto set my hand, and affixed the seal of the Mixed  
Commissions, at Freetown, in the said colony, this 1st day of October, in the year of our  
Lord one thousand eight hundred and thirty-one.

(L. S.)

(Signed)

WALTER W. LEWIS, Registrar.

British and Spanish Court of Mixed Commissions, Sierra Leone.

In the Case of the Ship "*La Veloz Pasagera*," Don José Antonio de la Vaga, Master.

Monday, October 11, 1830.

ALEXANDRO NOCETTY, Mate on board of the said ship, being produced, sworn, and examined, on the standing interrogatories, deposes and saith as follows, viz.:

To the 3d, saith,—Don José de la Vaga is the name of the Master of the captured vessel. Witness has known him about 8 or 10 years. He was born, witness believes, at St. Ondira. The Master resides at Cadiz. Witness does not know if he is married.

To the 4th, saith,—The Master of the vessel is also the owner thereof. The witness has known the vessel for about 3 years; first saw her at Cadiz. She is Spanish built.

To the 5th, saith,—The witness was present when the vessel was detained. She was detained, witness believes, for having slaves on board; she sailed under Spanish colours. She had French and American colours on board, and also some private signals. They had French and American colours on board to deceive the Buenos Ayrean, and Colombian privateers.

To the 6th, saith,—The name of the captured vessel is "*La Veloz Pasagera*," which she has had to witness's knowledge, for the last 3 years. Does not know if she ever had any other name or names. She is 408 Spanish tons burthen. There were on board of her 4 officers, exclusive of the Master, and 108 mariners, witness believes. All the officers are Spaniards; the mariners are Portuguese and Spaniards, chiefly of the latter nation. The whole of the officers and crew joined the vessel at the Havana, excepting the Master and witness, who joined her at Cadiz. They were all hired by the Master.

To the 7th, saith,—The Master was the only person on board who had any interest in the vessel or cargo. The witness was first mate on board. There were not any passengers on board at the time of capture.

To the 8th, saith,—The present voyage began at the Havana, at which port it was to have ended. The Havana was also the last clearing port the vessel sailed from previous to capture; she left on the 28th August, 1828. The vessel has touched at many of the ports on the leeward coast, and at several of the islands, for the purpose of obtaining wood and water. The communication between the vessel and the shore took place in the ship's boats, and in the canoes of the natives.

To the 9th, saith,—In latitude 4° 36' north, and longitude 10° 50' east, of Cadiz, on the 6th September last, about 4 P. M. first saw the capturing ship, when the chase commenced. The vessel was detained on the following morning about half-past 7 A. M., in the longitude of Cape Formosa. The vessel was steering for the Havana, when first pursued. The vessel's course was altered, but no additional sail was made, on the appearance of the capturing ship.

To the 10th, saith,—The vessel has 20 guns mounted on board, they are 8 and 12 pounders. There are also about 50 muskets, 24 cutlasses, and 20 or 30 pairs of pistols, with 12 or 14 cwt. of gunpowder. The vessel was thus armed to defend herself against privateers. At the time of capture resistance was made by a little firing of the guns. The Master of the vessel gave orders for making resistance, and avoiding capture. There were not any orders for destroying the vessel's papers or for refusing to deliver them up.

To the 11th, saith,—The Master was, at the time of capture, also owner; witness not having known any one else interested in the vessel.

To the 12th, saith,—Does not know if any bill of sale was made to the said owner.

To the 13th, saith,—The present cargo, witness believes, belongs to some Spaniards, whose names he does not know, resident at the Havana, where the cargo was to have been delivered on their account. The cargo was laden by the Master.

To the 14th, saith,—The outward lading of the vessel was aguadente and 60,000 dollars, which were shipped at the Havana. The present cargo consists of about 550 slaves, who were all shipped from Jackin. None of the slaves died previous to capture; does not know how many have since died. The vessel came direct to this port after capture.

To the 15th, saith,—All the papers belonging to the vessel, which were found on board, were entirely true and fair.

To the 17th, saith,—None of the papers, bills of lading, letters, or other writings, which were on board, at the time she took her departure from the last clearing port, and before the capture, were burnt, torn, thrown overboard, destroyed, or cancelled, concealed, or attempted to be concealed, or delivered out of the vessel, or carried away in any manner whatsoever.

To the 18th, saith,—Does not know of any bills of lading, invoices, letters, or other writings, relative to the vessel and cargo, concerning which he is now examined, being in any other country.

To the 19th, saith,—There was not any charter-party signed for the voyage, in which the ship was seized and taken.

To the 20th, saith,—Does not know if the vessel or cargo is insured.

To the 21st, saith,—The whole of the outward cargo was landed at Adjadah. None of the present cargo was landed previous to arrival here.

To the 22d, saith,—At the time of capture, none of the stores, sails, or other articles whatever, were taken out of the captured vessel.

To the 23d, saith,—None of the stores, sails, &c. have been taken out of the vessel since her capture.

To the 24th, saith,—The Officer, that first boarded the vessel, from the capturing ship, was a Lieutenant.

To the 25th, saith,—Witness and the rest of the detained crew have been well treated, since the of capture.

(Signed) ALEXANDRO NOCETTY.

WM. <sup>his</sup> RAWLINS.

Mark.

This examination was taken, and the truth thereof sworn to, through the interpretation of William Rawlins, who was first duly sworn, faithfully to interpret between the parties in this cause.

Before me,

(Signed) WALTER W. LEWIS, Registrar.



British and Spanish Court of Mixed Commissions, Sierra Leone.

In the Case of the Ship "*La Veloz Pasajera*," Don José Antonio de la Vaga, Master.

Wednesday, October 13, 1830.

JUAN BERMUDEZ, Gunner on board of the said vessel, being produced, sworn, and examined on the standing interrogatories, deposes and saith as follows, viz.:

To the 3d, saith,—That the name of the Master of the vessel taken is José de la Vaga, whom witness has known for the last 2 years; does not know where the Master was born; he generally resides at Cadiz; he is a single man.

To the 4th, saith,—Does not know who appointed the Master to the command of the captured vessel. Witness has known the captured vessel only since he joined her, as gunner, in the Havana; at which port he first saw her. Does not know where the vessel was built.

To the 5th, saith,—Witness was present when the vessel was taken for having slaves on board. She sailed under Spanish colours. She has many signal flags or colours on board, amongst those, witness believes there are English, French, and American colours.

To the 6th, saith,—The name of the captured vessel is "*La Veloz Pasajera*," which she has had during the time witness has been on board of her; she never had any other name; does not know her tonnage; 4 officers, exclusive of the Master, and 103 or 104 mariners, formed the crew of the captured vessel. The officers are all Spaniards; of the crew 3 or 4 are Americans, and the remainder Spaniards. All the officers and mariners were shipped at the Havana by the Master.

To the 7th, saith,—The only person belonging to the vessel, having any interest in the ship or her lading is the Master, whom the witness is informed is owner of the vessel. There were several Spaniards, who had formerly belonged to condemned slave-vessels, on board, as passengers; witness cannot tell how many; they were embarked at Whydah, and destined to the Havana.

To the 8th, saith,—The present voyage began at the Havana, where it was ended. The Havana was also the last clearing port previous to capture. The captured vessel touched at many ports on the leeward coast to purchase fresh provisions.

To the 9th, saith,—Does not know the latitude or date of capture, as he was confined from illness to his hammock.

To the 10th, saith,—There are 24 guns mounted on board; there are also on board 60 muskets, 21 pairs of pistols, 60 cutlasses, 300 cartridges for guns, 9 barrels of gunpowder, about 1 cwt. each, and a quantity of musket cartridges. Does not know why she was so armed. At the time of capture the guns were fired 4 or 5 times, by the Master's order. Does not know if any orders were given to destroy, conceal, or refuse to deliver up any or either of the ship's documents and papers on board.

To the 11th, saith,—The Master was Owner of "*La Veloz Pasajera*" at the time of capture, to witness's belief.

To the 12th, saith,—He knows nothing of the matters to which this interrogatory relates.

To the 13th, saith,—Witness knows of no other person being interested in the vessel and cargo, but the Master.

To the 14th, saith,—The outward cargo of the vessel consisted of agudante, and 60,000 dollars. The present cargo consists of 550 slaves, who were all purchased from "*Cha Cha*," and shipped from the shore, near to Whydah. None of them died before capture; does not know how many have since died.

To the 15th, saith,—All the papers found on board the ship taken, are entirely true and fair.

To the 17th, saith,—Does not know if any of the papers, bills of lading, letters or other writings, which were on board the said ship at the time she took her departure from the last clearing port, and before the capture, were burnt, torn, thrown overboard, destroyed, or cancelled, concealed, or attempted, to be concealed, or delivered out of the vessel and carried away in any manner whatsoever.

To the 18th, 19th, and 20th, saith,—Knows nothing of the matters to which these 3 interrogatories relate.

To the 21st, saith,—Bulk, in the outward bound cargo was first broken at Whydah; none of the present cargo was landed previous to arrival in this port.

To the 22d, saith,—At the time of capture the witness's clothes were removed from the vessel, but being confined to his hammock, he does not know what became of them.

To the 23d, saith,—Nothing, to witness's knowledge has been removed from the captured vessel, since her arrival in this port.

To the 24th, saith,—The officer who first boarded the vessel from the capturing ship was a Lieutenant.

To the 25th, saith,—The detained crew have been well treated since the capture of the vessel.

(Signed) JUAN BERMUDEZ.

WM. <sup>his</sup>  
× RAWLINS.  
Mark

This examination was taken, and the truth thereof sworn to, through the interpretation of William Rawlins, who was first duly sworn faithfully to interpret between the parties in this cause.

Before me,

(Signed) WALTER W. LEWIS, Registrar.

Sierra Leone, October 1, 1831.

(Signed) WALTER W. LEWIS, Registrar.

## Second Enclosure in No. 24.

*Mr. Lewis to His Majesty's Commissioners.*Registry Office, Courts of Mixed Commissions,  
Sierra Leone, October 3, 1831.

GENTLEMEN,

HEREWITH I have the honour of laying before you, agreeably to your instructions, certified copies of the examinations of the 2 witnesses produced in the case of the condemned Spanish slave-ship "*La Velos Pasagera*."

I beg leave to explain, that it was with the utmost difficulty that I was enabled to obtain from the said witnesses, the very unsatisfactory account (contained in their replies to the 10th standing interrogatory) of the action which was fought, previous to the detention of "*La Velos Pasagera*," between her and the capturing ship, H. B. M. sloop of war "*Primrose*," in consequence of the anxious desire of the witnesses to avoid any expressions, which they considered calculated to criminate them of the offence of resisting legal search.

I have, &amp;c.

(Signed)

WALTER W. LEWIS, Registrar.

His Britannick Majesty's Commissioners.

## Third Enclosure in No. 24.

*Examinations taken at the Police Office, at Sierra Leone, in the Case of Persons belonging to the Crew of the "Velos Pasagera," charged with the Murder of 3 British Seamen.*

Police Office, October 18, 1830.

Colony of Sierra Leone.—PRESENT,—B. CAMPBELL, Esq., P. M.

ANTONIO PARRY ;—Manoel Carasco ;—Manoel Hernandez ;—German Bertram ;—Manoel Aparicio ;—André Cardales ;—Antonio Leon ;—Manoel Bardinez ;—Ramon Lopez ;—Pero Paston ;—Jozé Gonzalez ;—Caetano Llanes ;—Juan Bermudez ;—Juan Alias ;—Juan Melis ;—Francisco Domingo ;—Curtis Galpin ;—Peter Anderson ;—John Lincoln ;—John Peterson ;—Alexander Nocetta ;—Henry Fauri ;—José Antonio Aguilar ;—and Francisco Marin ;—brought up by warrant, charged with having wilfully and feloniously murdered James Graham, John Allen, and William Bunker, 3 of the crew of H. M. S. "*Primrose*," on the 7th day of September now last past, on the High Sea, off Cape Formosa, in or about the latitude of 4° 30' N. and the longitude 4° E.

Examination of William Broughton, Esq., Commander of H. M. said ship "*Primrose*," sworn, states,—that he is Commander of H. M. S. "*Primrose*,"—was passing from Princes to Badagry in that ship, when, on the 6th of September last, he fell in with a strange vessel, and chased, and came up with her in the night, at about 11 o'clock. Witness caused 2 shots to be fired to bring the strange vessel to, when she immediately shortened sail. Witness caused the "*Primrose*" to be tacked in her wake,—came along side of her, and sent a boat with Lieutenant Butterfield on board her ; who returned, and reported to this witness, that the strange vessel was the "*Velos Pasagera*," and that he had not been allowed to go below to search. Witness then hailed the "*Velos*," that he wished to send another boat on board her, stating, at the same time, that the vessel witness was in, was H. B. M. S. "*Primrose*;" the British colours were flying on board the "*Primrose*" at this time. To this, witness received several evasive answers,—once, that the "*Velos*'s" boats were too bad to be sent on board the "*Primrose*;"—again, that they, on board the "*Velos*," did not know it to be the "*Primrose*," as it was night. After this, witness hailed the "*Velos*," that he would keep by her during the night, and board her in the morning. Witness caused the "*Primrose*" to be kept close to the "*Velos*" all night, and between 5 and 6 o'clock in the morning bore down on her with the union-jack at the fore, the pendant at the main, and the British Ensign at the peak, to about 12 feet distant from the "*Velos*;" and then witness hailed her, and said, that if the "*Velos*" did not permit the "*Primrose*'s" boat to board her, and search, he would fire a broadside into her, and said, that he would give the "*Velos*" 5 minutes to determine. To this answers were returned, still persisting in refusing to allow the "*Primrose*'s" boat to come on board ; and then witness fired a broadside into her, being so close, that the vessels were nearly touching, which was immediately returned by the "*Velos*;" after this the vessels were in general action for about 14 minutes, when the "*Velos*" was entirely in the possession of the "*Primrose*," but witness was wounded, after the first broadside, by a pike, by whom witness cannot say. After the action witness caused the ship's company to be mustered, and found that 3 men had been killed, viz. James Graham, a seaman, and William Bunker, and Benjamin Allen, marines ; and that 9 men, besides witness, had been wounded, viz. Mr. Watts, the boatswain, and Mark Derrick, a marine, both dangerously ; George Martin, Henry Amy, John Compton, John Owens, Thomas Walker, Henry Stevens, and William Rust, seamen and marines, wounded, but whose wounds were not considered dangerous.

(Signed) WILLIAM BROUGHTON.

Examination of Edward Harris Butterfield, Esq., Lieutenant of H. M. S. "*Primrose*," sworn, states,—that he is 1st Lieutenant of H. M. S. "*Primrose*," was in that ship on the 6th of September

last, passing from Princes to Badagry, and in about 4° 30' N. latitude, and 4° E. longitude, when a sail was reported to be in sight, at about half-past 5 o'clock, P.M., and the "Primrose" made all sail in chase of it; the chase was once or twice out of sight, but at about 11 o'clock at night, it was discovered to be close-to, and standing towards the "Primrose," close hauled by the wind, when the "Primrose" fired a gun to leeward, and both vessels passing close to each other, the stranger was hailed from the "Primrose," and returned no answer; the "Primrose" tacked in her wake directly, and came up on the weather-quarter of the stranger, and hailed her; again desiring her to heave-to, and also fired 2 shotted muskets over her, on which she hove-to; and this witness went on board her, and found her to be the "*Veloz Pasagera*," a frigate-built ship, well known to the British squadron on the coast before,—this witness boarded her himself, once from the "Primrose," in Whydah Roads. On getting on board the "*Veloz Pasagera*," witness recognized one of her officers, Alexander Nocetta, and another seaman, who had been on board the "*Almirante*." Witness saw that all her numerous crew were at quarters, and prepared to fight, and observed, that, as the position of the "Primrose" became altered in regard to the "*Veloz*," the guns of the latter vessel were trained at her. Witness was shewn aft to the companion on the quarter-deck of the "*Veloz*," and was told by a person, who acted as interpreter to witness, that the Captain was ill, and unable to come on deck. However, a person, who was said to be the Captain, and whom witness afterwards ascertained to be the Captain, came to the bottom of the companion ladder, and witness, standing at the top, communicated to him, through the interpreter aforesaid, that he was an officer of H. M. ship "Primrose," which was the vessel then close-to, and that he came on board in order to search the "*Veloz*," and now desired to go round her decks for that purpose. To this the Captain, as aforesaid, through the interpreter, said, that he would not allow witness to do so, but offered witness his papers to look at, and said he was going to Princes for wood and water. Witness having examined the papers when he was on board before, declined to look at them again, and said, the second time, that he would go round the decks to search; and, after this, a third time, but was refused. Witness then returned on board the "Primrose," and made his report to Captain Broughton. After this, the "*Veloz*" was several times hailed from the "Primrose," without returning any answer. The "Primrose" also fired an unshotted gun, which was also taken no notice of; but, some time after, in answer to further hailing, some one on board the "*Veloz*" called out, that they would not either send a boat, or receive one, during the night, as they did not know what vessel the "Primrose" was, whether English or Columbian. This answer was not in English, but was interpreted by some one on board the "Primrose." The "*Veloz*" was then told that the "Primrose" would stay by her during the night, and board her in the morning; after which no further communication took place between the 2 ships till day-light. In the hailing that took place, from time to time, the "*Veloz*" was frequently informed of the character of the "Primrose." At day-light, on the 7th of September, the "Primrose" was to windward of the "*Veloz*," and went down to her, with the union-jack flying at the fore, a pendant at the main, and a British ensign at the peak, till within about half-pistol-shot, and hailing her, asked if she was ready to receive the "Primrose's" boat, when an answer was returned, that she would receive no boat, nor send one on board the "Primrose." Witness does not know whether this was said in English, or whether it was interpreted. The "*Veloz*" was then hailed from the "Primrose" by Captain Broughton, that if she did not heave-to and receive a boat at the expiration of 5 minutes, the "Primrose" would fire a broadside into her. To this an answer was returned, that Captain Broughton might do as he liked. Witness believes that this conversation passed in Spanish, and was interpreted. In about 5 minutes, the "*Veloz*" persisting in not allowing any communication, the "Primrose" fired a broadside into her, at the same moment receiving one from her. Of the crew of the "Primrose" at this time, witness saw John Allen, one of the marines, lying dead on her deck—witness thinks by a musket shot, but did not see the wound.

Immediately after the broadsides, the "Primrose" ran the "*Veloz*" on board, and boarded her on her fore-castle. There was considerable resistance offered to the boarding by the people of the "*Veloz*," and it was about a quarter of an hour before a footing was made good on her deck; but part of this delay was occasioned by the motion of the 2 ships. At this time Captain Broughton was wounded in the side by a sharp instrument, and said to witness, that he did not think he could last an hour. Witness was one of the first to board the "*Veloz*," and saw about 20 or 25 men on her deck, who offered violent resistance to the "Primrose's" crew, but were soon overpowered, and the greater part killed or wounded, though some ran and got below. Witness during the boarding, and before, saw several of the "Primrose's" crew with blood upon them, but did not ascertain any of them to be wounded, except one Compton, a seaman.

About an hour after getting possession of the "*Veloz*," witness sent several of the "Primrose's" people who were wounded on board her, as well as many of the "*Veloz's*" people. Witness does not recollect any of the names of the "Primrose's" people who were wounded, but Henry Amy, a seaman. Witness also went on board the "Primrose" himself at the same time.

Signed) E. H. BUTTERFIELD.

Examination of Alexander Lane, Esq. Acting Surgeon of H. M. S. "Primrose," sworn, states,—that he is Acting-Surgeon of H. M. S. "Primrose;" was on board that vessel in that capacity on the 7th of September last, when the action took place between her and the "*Veloz*." Witness's station was below, his duty to attend to the sick and wounded; witness had to attend the wounds of 12 persons, who got wounded in the action, viz. Captain Broughton; Mr. Fraser, the Master; Mr. Bentham, a Midshipman; Mr. Watts, the Boatswain; Henry Amy, Compton, Rust, and Martin, seamen; and Walker, Stevens, and Derrick, marines; the twelfth person witness does not recollect the name of.

Of these persons some were wounded with musket shot, some with sharp weapons, and some with pikes; 2 of them only were badly wounded, as witness judged, with grape shot; these were, Watts and Derrick; they were afterwards invalided, and left at Ascension, to be sent home. Witness cannot say what the effect of the wound on Watts may be; considers it to be very dangerous. All the other persons mentioned as wounded are now recovered, and doing well. Witness saw, during the action, John Allen, a marine, lying dead on the deck, shot through the head with a mus-

ket ball; 2 others were also reported to witness, during the action, to have been killed with musket shot, viz. James Graham, a seaman, and William Bunker, a marine. Witness is certain they were killed, but did not see them when dead.

(Signed) ALEXANDER LANE, Acting Surgeon.

Examination of John McInnes, a seaman of H. M. S. "Primrose," sworn, states,—that he is an able seaman on board H. M. S. "Primrose," in which ship he was cruising, in the early part of September last, off Cape Formosa; on the 6th of which month, in the afternoon, at about 5 o'clock, a sail was reported from the mast-head, and chased and closed in with during the night. At about 11 o'clock the chase crossed the bows of the "Primrose," at about half a mile distant, when 2 shot were fired from the "Primrose," and the chase hove-to; on which she was boarded by the first Lieutenant of the "Primrose," who returned, and reported the chase to be the "Veloz" frigate, and that he had been refused permission to go below; after which the "Veloz," who had again made sail, was hailed several times from the "Primrose" by Captain Broughton, and desired to heave-to, for the purpose of being boarded again, when answers were returned that she could not allow any further communication till day-light, and that, as her own boats were in pieces, she could not send any one on board the "Primrose." A blank cartridge and 2 shotted muskets were fired athwart the "Veloz's" bow, for the purpose of bringing her to, but without effect. The 2 ships were in company till day-light, when the "Primrose," being to windward, hoisted English colours, and bore down upon the "Veloz," within half-pistol-shot, and then hailed her, and desired her to heave-to, in order to be boarded, to which an answer was returned, that she would not permit herself to be boarded; that she had no slaves on board, and had as many guns on board as the "Primrose." On this, the "Primrose" ran close alongside the "Veloz," and a broadside was fired into her, which she returned with another broadside; and several scattered guns were fired on both sides. Immediately after the broadside, the "Veloz" was boarded on the bow by the "Primrose's" people, and, after a severe struggle of about half an hour, the "Veloz" was taken. William Bunker and John Allen, maines: and James Graham, a seaman, were killed by musket shot before the boarding; at the same time, Mr. Fraser, the Master, was wounded, also with a musket shot. In the first attempts to get on board, Captain Broughton, while on the fore-castle, was wounded in the side by a boarding pike thrown from the "Veloz." In the after attempts to board, Henry Amy, Captain of the fore-castle; George Martin, a seaman; William Rush and John Compton, seamen; and William Bates, a marine, were wounded in various ways. This witness was one of the first to get on board the "Veloz," and observed Antonio Parney, one of the "Veloz's" crew, with a pike in his hand, making violent resistance to the boarding. It was he that wounded Henry Amy with his pike; he also had other weapons which he used, viz. a cutlass and a musket. Witness says he cannot identify any other of the persons of the "Veloz's" crew as those that offered resistance to the "Primrose."

(Signed) JOHN MAC INNES.

Examination of Edward Demant, seaman of H. M. S. "Primrose," sworn, states,—that he is an able seaman of the "Primrose;" was present at the action between her and the "Veloz;" was one that boarded the "Veloz;" recognizes the prisoner, Manoel Carasco, as one who offered resistance to the "Primrose." Witness saw him throw a pike on board the "Primrose," which passed close to Captain Broughton and this witness, and stuck in the deck. Witness cannot point out any other person as having offered resistance; Mariano, German Bertram, and all the other prisoners, were taken on board the "Veloz," and were on board at the time of the action.

(Signed) EDWARD DEMANT.

#### ORDERED

That prisoners be remanded for further examination.

Police Office, October 21, 1830.

PRESENT.—B. CAMPBELL, Esq., P. M.

Case of the Crew of the "Veloz Pasagera" resumed.

The aforementioned prisoners brought up for further examination.

Examination of George William Bentham, Midshipman of H. M. S. "Primrose," sworn, states,—that he is a Midshipman of H. M. S. "Primrose," was on board that vessel, in that capacity, on the 7th of September last, when the action took place between her and the "Veloz Pasagera," at day-light that day; the "Veloz" was hailed from the "Primrose," through a Spanish interpreter, and desired to heave to, that the "Primrose" might send a boat on board her, to which an answer was returned, refusing to do so, when Captain Broughton hailed, that if the "Veloz" was not hove to in 5 minutes he would fire into her. One of the officers of the "Veloz," viz. Alexander Nocetta, answered in Spanish, that, if the "Primrose" did fire, all should go to hell together. The "Veloz" did not heave to, and at the expiration of the 5 minutes, Captain Broughton put his hand to his hat, by way of signal, as agreed on previously, and a broadside was fired into the "Veloz," the 2 vessels were at the time, so close to, as to be touching each other, and at the same moment, a broadside was fired into the "Primrose," and witness, about then observed John Allen, a marine lying dead on the deck. Immediately after the exchange of broadsides, orders were given by Captain Broughton to board, and attempts were made to get on board the "Veloz," but that vessel being much higher than the "Primrose," they were repelled for some minutes by the crew of the "Veloz," with pikes, cutlasses, muskets, bayonets, and cold shot; at this time witness saw Captain Broughton fall wounded in the forechains of the "Primrose;" in about 5 minutes, as witness judged, a footing was made good on the "Veloz's" deck. Witness was amongst the first of the boarders, and with the rest cleared the "Veloz's" deck, as far as the mizen mast, and was there wounded by a pike in the neck by a person who was cut down directly. Witness knows that all the prisoners were found on board the "Veloz" after the capture, but did not observe

any of them in particular at the time, with the exception of Alexander Nocetta, and Curtis Galpin. Witness is now recovered of his wound. Witness heard, after the action, that 2 other men besides Allen had been killed; viz. James Graham, a seaman, and William Bunker, a marine; Mr. Watts, the boatswain, and Mark Derrick, a marine, were badly wounded in the action, and have since been invalided, and left at Ascension to be sent home. There were several others wounded, but have all recovered.

(Signed) G. W. BENTHAM.

Examination of Allen John Bellingham, Midshipman of H. M. S. "Primrose," sworn, states,—that he is a Midshipman of H. M. S. "Primrose," was on board that vessel in that capacity, on the 7th of September last, when the action took place between her and the "Veloz." At day-light, on that day, the "Primrose," which had kept near the "Veloz" all the night before, ran down close to, and hailed her, through an interpreter, to heave to, and allow a boat to be sent on board her; an answer was returned, that it was impossible; when Captain Broughton said, that if she did not heave to in 5 minutes he would fire into her; an answer to this was returned from the quarter-deck of the "Veloz," that she had as much force as the "Primrose," and would not be boarded; at the same time another person called out, from the mizen-mast, that they would all go to hell together. Witness thinks that the person who said this was the boatswain of the "Veloz," who is not among the prisoners; he was left on board the "Primrose," when the witness was sent away in the "Veloz," and witness has since heard that he has been set at liberty. In a short time the "Primrose," by a signal from Captain Broughton, fired a broadside into the "Veloz," the vessels at the time touching each other; at the same moment a broadside was fired from the "Veloz" into the "Primrose." Immediately after this, Captain Broughton gave orders to board, and attempts (which were repulsed for some minutes) were made to get on board her. The "Veloz's" crew resisted with pikes, muskets, and bayonets, and from that vessel being so much higher than the "Primrose," they had some advantage; at this time witness observed that 2 or 3 of the "Primrose's" crew were wounded, viz. Henry Amy, George Martin, and a person whose name witness does not recollect. In a few minutes a footing was made good on the "Veloz's" deck, where witness saw about 15 of her crew resisting violently; they were soon overpowered, and the "Veloz" was soon in the possession of the "Primrose." Witness heard, after the action, that 3 of the "Primrose's" men had been killed, viz. James Graham, a seaman, John Allen and William Bunker, marines; but witness did not see them. Witness saw several persons who were wounded—Mr. Watts and Mark Derrick so badly, that they have since been left at Ascension, invalided, to return home—the others of the wounded have now recovered. Witness was one of the prize-crew put on board the "Veloz" to bring her up here; all the prisoners came up in her, and were here taken into custody. Witness cannot identify any person among them, as having done any particular act of violence in the resistance made to the "Primrose."

(Signed) A. J. BELLINGHAM.

Examination of Sherly Apthorpe, volunteer of H. M. S. "Primrose," sworn, states,—that he is a volunteer on board H. M. S. "Primrose"; was on board that ship, on the 7th of September last, when the action took place between her and the "Veloz." At day-light that day the "Primrose" bore down to the "Veloz," with a union-jack flying at the fore, a pendant at the main, and a British ensign at the peak, till at about half pistol-shot distant. Captain Broughton hailed the "Veloz" to heave to, in order to be boarded, which was answered in refusal; and Captain Broughton hailed, that if the "Veloz" was not hove to, he would fire into her, and that he would allow 5 minutes time to determine. This passed through an interpreter, and an answer was returned, that the "Primrose" might fire as soon as she liked; that the "Veloz" had as much force as she had. At the same time another person on board the "Veloz" called out, that if the "Primrose" fired, they should all go to hell together. In a short time, by a signal from Captain Broughton, the "Primrose" fired a broadside into the "Veloz," which was instantly returned from that ship, when immediately Captain Broughton gave orders to board, which was attempted, but, from the "Veloz" being so much higher than the "Primrose," was repulsed for some minutes. Witness at this time, saw Captain Broughton fall in the chains wounded. In a few minutes after witness saw James Graham, a seaman, fall dead, shot in the head by a musket-ball.

A few minutes after this, a footing was made good on the "Veloz's" deck, her crew overpowered, and she was in the possession of the "Primrose." Witness heard, after the action, that 2 other men were killed, viz. John Allen and William Bunker; several were wounded, 2 of them badly, viz. Mr. Watts and Mark Derrick, who have since been invalided at Ascension, and left to be sent home. The others of the wounded have since recovered. Witness was one of the prize-crew that brought up the "Veloz." All the prisoners came up in her, and were taken into custody.

(Signed) S. APTHORPE.

#### DEFENCE.

Prisoner Alexander Nocetta states,—that he is an Italian, but his family Spanish. He shipped in the "Veloz," at the Havana, at 90 dollars per month wages; states, that when the "Veloz" was hailed by Captain Broughton he, (this prisoner) did not answer, that if the "Primrose" fired into the "Veloz" they would all go to hell together. Prisoner says, that by the order of his Captain, he hailed the "Primrose," in answer to her threat to fire, and said, that the "Veloz" would not receive any boat to board her, and that the "Primrose" might do as she liked, prisoner said this in Spanish. He states also, that the person who hailed from the "Primrose" as interpreter, could not be understood on board the "Veloz" frequently; and he misinterpreted prisoner, if he said prisoner made use of the words abovementioned. Prisoner says, that he never hailed the "Primrose" in any other language but Spanish, and that no person on board the "Veloz" spoke to the "Primrose" in English to prisoner's knowledge.

Prisoner Curtis Galpin states,—that he is an American; that he shipped in the "Veloz" at Havana, at 40 dollars per month wages; was down below at the time of the action, stationed at one of the guns.

Prisoner Peter Anderson states,—that he is a Swede ; shipped in the “*Veloz*,” at Havana, at 40 dollars per month wages ; was on deck at the time of the action, stationed at the braces ; did not lift any arms, and got out of the way as soon as the firing commenced.

Prisoner John Lincoln states,—that he is an American ; shipped in the “*Veloz*” at Havana. On seeing the English colours hoist on board the “*Primrose*,” he declared he would not fight, left his quarters and went down below, and was not concerned in the fighting that took place.

Prisoner John Peterson states—that he was not one of the original crew of the “*Veloz* ;” about 18 months ago was taken by her out of the brig “*Congressa*,” which vessel was given up by part of her crew to the “*Veloz*.” Ever since that time prisoner has been detained on board the “*Veloz*” unwillingly ; has several times asked to be allowed to go on board American vessels they fell in with, and was refused.

Prisoner Antonio Parny admits—that he did fight the “*Primrose*,” by order of the Captain of the “*Veloz* ;” says, that Alexander Nocetta refused to fight, as many of the crew were unwilling ; that he (prisoner) wished to go below, during the fight, but was not allowed ; is a Spaniard ; shipped in the “*Veloz*,” at Havana, at 40 dollars per month wages.

Prisoner Manoel Carasco—is a Spaniard ; shipped in the “*Veloz*” at Havana ; fought the “*Primrose*” by the orders of his Captain.

Prisoner Mariano Hernandez (a black man) states—that he is a native of Havana, was cook of the “*Veloz* ;” shipped at Havana at 60 dollars per month wages ; took no part in the action.

Prisoner Germañ Bertram—is a Frenchman ; shipped in the “*Veloz*,” at Havana ; at 40 dollars a month wages ; he fought the “*Primrose*,” by order of his Captain.

Prisoner Andre Cardales—was not one of the original crew of the “*Veloz* ;” was taken by her out of the brig “*Congressa*,” and detained as prisoner ; he received no wages ; there was no understanding that he was to have any, and being in these circumstances he went down below during the action, and did not fight.

Prisoner Antonio Leon states—that he is a Spaniard ; shipped at Havana, in the “*Veloz*,” at 40 dollars per month wages ; fought the “*Primrose*” by the orders of his Captain.

Prisoner Manoel Bardinez states—he is a Spaniard ; was a prisoner on board the “*Medina*,” and by her put on board the “*Veloz* ;” was a passenger on board the “*Veloz* ;” was not to receive any wages ; did not fight.

Prisoner Ramon Lopez states—that he is a Spaniard ; shipped in the “*Veloz*,” at Havana, at 40 dollars per month wages ; fought the “*Primrose*” by order of his Captain.

Prisoner Pero Paston states—that he is a Spaniard ; that he shipped in the “*Veloz*,” at Havana, at 40 dollars per month wages ; fought the “*Primrose*” by order of his Captain.

Prisoner José Gorzales states—that he is a Spaniard ; shipped in the “*Veloz*,” at Havana, at 45 dollars per month wages ; fought the “*Primrose*” by order of his Captain.

Prisoner Caeteno Llanes states—that he is a Spaniard ; that he shipped in the “*Veloz*,” at Havana, at 40 dollars per month wages ; says the same as the last prisoner.

Prisoner Juan Bermudez states—that he is a Spaniard ; that he shipped in the “*Veloz*,” at Havana, as gunner, at 60 dollars per month wages ; was sick at the time of the action ; took no part in it.

Prisoner Juan Alias states—that he is a Spaniard ; that he shipped in the “*Veloz*,” at Havana, at 45 dollars per month wages ; took no part in the action.

Prisoner Francisco Domingo states—that he is a native of Manilla ; was put on board the “*Veloz*” by the “*Medina* ;” was passenger in her ; was to receive no pay ; took no part in the action.

Prisoner Henry Fauri states—that he is a Frenchman ; was Steward of the “*Veloz* ;” shipped at Havana, at 60 dollars per month wages ; took no part in the action.

Prisoner José Antonio Aguilar states—that he is a Spaniard ; shipped in the “*Veloz*,” at Havana, at 40 dollars per month ; fought the “*Primrose*” by order of his Captain.

Prisoner Francisco Marin states—he is a Spaniard ; shipped in the “*Veloz*,” at Havana, at 45 dollars per month wages ; fought the “*Primrose*” by order of his Captain.

Prisoner Manoel Aparicio states—that he is a Spaniard ; shipped in the “*Veloz*,” at Havana, at 45 dollars a month wages ; fought the “*Primrose*” by the order of his Captain.

Prisoner Juan Melis states—that he is a Spaniard ; shipped in the “*Veloz*,” at Havana, at 45 dollars a month wages ; fought the “*Primrose*” by order of his Captain.

#### ORDERED

To be committed, to take their trial.

*Police-Office, Freetown.*

Colony of } THESE are to certify, that the foregoing is a true and faithful copy of the evidence  
Sierra Leone. } taken on the 18th and 21st days of October, 1830, at this office, before Benjamin  
Campbell, Esq., J. P., on the examination of the within-mentioned persons, being  
part of the crew of the Spanish slave-vessel “*Veloz Pasagera*.”

In faith and testimony whereof, I have hereunto set my hand, and affixed the seal of the Police-Office of Freetown, in the aforesaid Colony, this third day of October, in the year of our Lord one thousand eight hundred and thirty-one.

(Signed)

M. SMITH.  
Clerk of the Peace.

(L. S.)

## SIERRA LEONE. (Portugal.)

No. 25.

*His Majesty's Commissioners to the Earl of Aberdeen.—  
(Received January 25, 1831.)*

MY LORD,

*Sierra Leone, December 3, 1830.*

WE had the honour, in our despatch of the 18th of October last, to report to your Lordship the departure of H. M. brig "Plumper," Lieutenant John Adams, Commander, to the rivers to the northward of this colony, in the hope of capturing, or of frustrating the intention of, several vessels, which were reported to be therein slaving. We have now the satisfaction to acquaint your Lordship, that, on the 7th of last month, Lieutenant Adams succeeded in capturing, in the Rio Pongos, the Portuguese schooner "Maria," Carlos Magnus Bergstrand, (a Swede), Master, having on board 35 slaves, who had been shipped on board the "Maria," the morning of capture, from the factory of one John Ormond, a native of the Rio Pongos, educated in England, whose slave-trading pursuits are notorious, and well known to this government.

The "Maria" arrived here on the following 13th, and was proceeded against in the British and Portuguese Court of Mixed Commission, for being engaged in the illicit traffick in slaves; and her employment in such illicit traffick having been duly proved, the Court, at its sitting, on the 25th ultimo, pronounced sentence of condemnation upon that vessel, as good and lawful prize to the Crowns of Great Britain and Portugal; and, at the same time, decreed the emancipation of the 35 slaves, who were on board the "Maria," at the time of her capture. Our report of this case we have the honour to enclose, for your Lordship's information.

The "Maria" was formerly the Spanish schooner "La Felis," and was sold, as appears by a bill of sale filed in the case, by one Francisco Casas, to Joaquim dos Santos Livramento, whose residence, according to the deposition of Bergstrand, the Master, is at St. Nicolas, one of the Cape de Verds. We, however, are dubious of Livramento being the true owner of the "Maria," from the circumstance of M. A. Martins, of Boavista, having appointed Bergstrand to the command of that vessel, from whom he also received possession of her; and Martins also being, according to Bergstrand's evidence, in conjunction with himself, consignee of the slaves captured on board the "Maria," induces us to believe that he (Martins) is the real owner of that vessel, and that Livramento's name, as owner, has been inserted in the "Maria's" papers, so that if that vessel were found carrying on an illicit traffick in slaves, Martins might be shielded from the obloquy attached to such unlawful pursuits as those in which she was engaged.

The "Maria" having been boarded by the boats of H. M. S. "Primrose," on the 25th of March last, then lying in the Rio Nunez, there is much reason to fear that she made a successful voyage between the period of her being so boarded, and the 24th of July last, the latter being the date on which, it appears, she left Brava for St. Jago; but, as there is no document-

to prove that she called there, the probability is, that she came direct to the Rio Pongos, anticipating a favourable issue to her present expedition.

We have reason to believe that the "*Maria*" was destined to take a large cargo of slaves; and it is strongly suspected that Ormond shipped the few found on board, to render her a lawful seizure, and thus evade the payment of the remaining number he had contracted to supply her with.

We have before reported to your Lordship, that the slave-trade was carried on in the Rio Nunez and Rio Pongos, with considerable success. Since then, Lieutenant-Governor Findlay has received a letter from a British merchant, Mr. Procter, who has factories established in those rivers, for the purchase of lawful produce, giving further details of the extent and continuation therein of that traffick. A copy of that letter we beg, most respectfully, to enclose, for your Lordship's information, the contents of which we shall also communicate to Commodore Hayes, who arrived here in the "*Dryad*" frigate, and assumed the command of His Majesty's squadron on this coast, on the 1st instant.

We have, &c.

(Signed)

ALEX. FINDLAY.  
WM. SMITH.

*The Right Hon. the Earl of Aberdeen, K. T.*

&c. &c. &c.

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First Enclosure in No. 25.

*Report of the Case of the Portuguese Schooner "Maria," Carlos Magnus Bergstrand, Master.*

THE Portuguese schooner "*Maria*," was furnished with a passport, dated the 23d of February, 1829, by Joaquim Pereira da Silva, Military Commandant of Boavista, one of the Cape de Verd Islands, for a voyage to the Coast of Africa, and to the Islands of Princes and Saint Thomas; which said passport was endorsed by Joao Selles Caldiera, the Military Commandant of the Island of Brava, on the 24th of July, 1830, on which day the "*Maria*" appears to have cleared out from that island for Saint Jago, the capital of the Captaincy of Cape Verds. She was captured in the Rio Pongos, with 35 slaves on board, on the 7th of November, by H. M. brig "*Plumper*," Lieutenant Adams commanding, who, in his declaration, states, that the said slaves were shipped in that river, on the day of capture; and that the "*Maria*" had no crew on board, they having deserted from the vessel previous to capture.

The "*Maria*" arrived in this harbour on the 13th of November, with the whole of her slaves on board. They were, on the 15th, visited by the Surgeon to the Court, who reported, that they did not labour under any specifick disease, but that the men and women were generally very aged, decrepid, and emaciated; he, therefore recommended their being early landed. They were accordingly, upon the petition of the Proctor for the Captors, disembarked, and delivered into the charge of the Liberated African Department, on the 21st of November.

On the 16th of November, the Captor's declaration, and the ship's papers, were brought into Court, and filed, duly attested by the affidavit of the Prize-master, Mr. Ball, and the usual monition having been prayed for, was issued on that day, and returned on the 23d, certified as having been duly served.

The Master, Carlos Magnus Bergstrand, was, in consequence of the desertion of the crew, previous to capture, the only witness brought up to be examined in this case. His evidence was taken on the 18th of November, when he deposed,—that he was appointed to the command of the "*Maria*" by, and received possession of her from, M. A. Martins, of Boavista, the consignee of the owner, Joaquim dos Santos Livramento, a resident of Saint Nicolas; that the present voyage began at Boavista, and was to have ended at the Island of Cuba; that the vessel went from the Cape de Verds to the Rio Pongos, Rio Nunez, and to the Galinas; that at the former of those places, from the factory of one John Ormond, the slaves, 35 in number, were shipped; and that they were consigned to himself and to M. A. Martins, and were to have been delivered at the Island of Cuba, at the best market.

The Court met for the adjudication of the "*Maria*" on the 25th of November 1830; and clear proof having been adduced of the illicit employment of that vessel in the slave-trade, pronounced sentence of condemnation upon her, as good and lawful prize to the Crowns of Great Britain and Portugal, and as taken in such illicit traffick by H. M. brig "*Plumper*," Lieutenant Adams commanding, and decreed the emancipation of her slaves, 35 in number,—none having died since capture.

(Signed)

ALEX. FINDLAY.  
WM. SMITH.

Sierra Leone, December 3, 1830.

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Second Enclosure in No. 25.

*Mr. Procter to Lieutenant-Governor Findlay,*

Sir,

Isles de Loss, November 10, 1830.

IN answer to your enquiries, as to the extent to which the slave-trade is carried on in Rivers Pongos and Nunez, and under what flags, I beg leave to state, that having been much of my time, during the last 2 years, in those rivers, I am enabled to do so from personal observation.



The slave-trade in the Rio Nunez has been carried on by French vessels, chiefly from Martinique and Guadaloupe, and a pretty considerable coasting and inland trade generally continues with Bissao. That in the Rio Pongos is more extensive than in the Nunez, and I have there noticed French, Spanish, and Brazilian, vessels.

I am sorry to observe that, in both rivers, the trade in slaves has gradually and rapidly increased since 1825, and, as a natural consequence, the trade in African produce and gold has decreased. I am sure the quantity of gold, brought to those rivers during the present year, does not amount to one fourth the value it did 4 or 5 years ago; and whenever I have asked the gold-traders to inform me, why this is the case, the answer has invariably been "that the slaves are much easier got than gold, and they can now obtain for slaves what goods they want."

It has appeared to me that the French flag, having afforded greater securities than any other, to those engaged in this trade, has induced many fresh adventurers to start up; and I have reason to believe that, in many instances, French vessels carry slaves on freight, and are thus enabled to complete their voyages in a much shorter time, and at less expense, than those of other flags.

I should think that, during the last 5 months, not less than 1,800 slaves have been shipped from the two rivers; and, I believe, 2 vessels are now ready to leave the Pongos, with cargoes of 150 each, and are only detained by the presence of H. M. brig "Plumper."

I have, &c.

His Excellency Lieut.-Col. Findlay,  
&c. &c. &c.

(Signed)

M. PROCTER.

### No. 26.

*His Majesty's Commissioners to the Earl of Aberdeen.—*  
(Received March 23, 1831.)

MY LORD,

Sierra Leone, December 20, 1830.

WE have the honour to report to your Lordship the capture, after a desperate resistance, of the Portuguese schooner "*Nimpha*," whereof Joaõ Bautista was Master, on the 25th of last month, during a calm, by the boats belonging to H. M. brig "*Conflict*," under the command of Mr. Rose, Master of that vessel.

The "*Nimpha*" had on board, at the time of capture, 167 slaves, who had been shipped from the factory of John Ormond, in the Rio Pongos, only 2 days previous to such capture.

The illicit traffick in slaves, in which the "*Nimpha*" was engaged, having been fully proved, sentence of condemnation was passed upon her, as good and lawful prize to the Crowns of Great Britain and Portugal; and the slaves taken on board her, were decreed to be emancipated on the 9th instant.

Our report upon the case of the "*Nimpha*," we have the honour to inclose, for your Lordship's information.

The "*Nimpha*" was furnished with papers from the Government of the Island of Boavista, declaring her to belong to Joaõ Ferreira da Silva, and Captain Izidoro Paula, both inhabitants of that island; but the Master and Mate both swore, that she was owned by Joaõ Ferreira da Silva, and M. A. Martins, of Boavista; which tends to confirm, in a great measure, our opinion, that Martins was also the owner of the Portuguese schooner "*Maria*," condemned on the 25th ult. The Master of the "*Nimpha*" further declared, (although he gave it not in evidence) that the slaves on board the "*Nimpha*" were shipped agreeably to an order M. A. Martins had obtained from the Portuguese Government, for the importation of a certain number of slaves, annually, into Boavista, to establish a fishery; but he produced no document to substantiate that assertion. Had he, however, done so, we should not have hesitated to condemn the "*Nimpha*," and emancipate the slaves, conformably to the tenour of our despatch to your Lordship, on that particular point, dated the 14th of June last.

We beg to subjoin a copy of the account of the action, which took place between the boats of the "*Conflict*" and the "*Nimpha*," that was filed with the Captor's declaration. Great praise is due to Mr. Rose, for the coolness and gallantry he displayed upon the occasion in question. The resistance made, and its consequences, will, we think, confirm your Lordship in the opinion, that the slave-trade is now being carried on by desperadoes, reckless of every consequence that may result, from defending so guilty and criminal a traffick.

The reason the Master gives for the resistance he made, is—that he took the brig of war to be a pirate, named the “*Christian*,” as the “*Conflict*” answered the printed description he had received in the West Indies, of such a piratical vessel being on this coast, which printed description he handed in when under examination ; and copy of which we beg to enclose herewith.

This, however, appears to us to be a very untenable excuse, for so wantonly opening a destructive fire upon a single boat, having only 1 officer and 6 hands in it ; and, subsequently, following that fire up with other destructive discharges of great guns and small arms, when the first boat of the “*Conflict*” was joined by another, manned and armed as the “*Nimpha*” was, to repel any aggression from pirates upon her. Our belief is, that it was the intention of the “*Nimpha*’s officers and crew, to sink the boats sent to board her, regardless to what nation they might belong, and thus effect their escape.

The surviving officers and crew of the “*Nimpha*” have been committed by the local Colonial Authorities, to the gaol of Freetown, to take their trial for the offence, with which they have in consequence been charged by the Law Officer here.

Among the papers found on board the “*Nimpha*,” and filed in the Registry, there are 3, which seem deeply to criminate an Englishman, named Edward Jousiffe, living at a place called Gambia, in the Rio Pongos, as a slave trader. One of these papers is a promissory note of Jousiffe’s, dated Gambia, Rio Pongo, 3d of July, 1830, to pay, on demand, to Mr. Francisco Morales (the alleged First Mate of the “*Nimpha*”) or order, 3 prime slaves. The other 2 are letters, both written by Jousiffe, one on his own account, dated November 18th 1830, addressed to Don Theodore Carrot, of Matanzas, giving Carrot an account, that “trade is very brisk,” and urging him to return as soon as possible ; that he (Jousiffe) will get him off very quick, informing him, at the same time, of the arrival of a Spanish schooner in the Rio Pongos, to Bailey Lightbourne (who is a mulatto woman) who had taken her up for 130, meaning 130 slaves. The other letter is also written by the said Jousiffe, for John Ormond, who has countersigned it. It is dated Rio Pongos, November 17th 1830, and addressed to Don José Fernandez, of the Havana. In this letter, Ormond, after requesting Fernandez to undertake the arrangement of his affairs at the Havana, says—“I shall be happy to do business with you out here, and, in case you think it worth your while, I shall be glad to become a shareholder in some of your vessels, or to open a contract to supply you here. The trade we do here is about 1,000 a year prime,”—meaning thereby, that 1,000 prime slaves were annually shipped by Ormond and Jousiffe ; affording another melancholy proof of the success which slavers, in that river alone, have experienced. Copies of the promissory note, and 2 letters in question, we beg to enclose herewith, for your Lordship’s information.

We cannot conceal from your Lordship our indignation against Jousiffe. He has long been suspected of being deeply engaged in slaving pursuits ;—the aforesaid documents fully prove, in our opinion, that such suspicion was but too well founded.

The Rio Pongos being out of the jurisdiction of this colony, the Council of this Government have advised Lieutenant-Governor Findlay to demand Jousiffe from the Chiefs of the Territory in which he is residing, in order that he, when obtained, may be tried, and, if convicted, punished, for the gross and criminal offences committed against the laws of his country.

We have, &c.

(Signed)

ALEX. FINDLAY,  
WM. SMITH.

*The Right Hon. the Earl of Aberdeen, K. T.*

&c.

&c.

&c.

## First Enclosure in No. 26.

*Report of the Case of the Portuguese Schooner "Nimpha," Joao Bautista, Master.*

THE Portuguese schooner "*Nimpha*" was furnished with colonial papers, signed by Antonio Joao de Deos Miranda, Military Commandant of the Island of Boavista, Cape de Verds; which papers declared her to be owned by Joao Ferreira da Silva and Captain Izidoro Paula. The "*Nimpha*" was captured on the 24th of November, after a severe action, in latitude 10° 4' N. longitude 15° 43' W., by the boats of H. M. brig "*Conflict*," George Smithers, Esq. Lieutenant, commanding, having on board 167 slaves, who were stated to have been taken on board in the Rio Pongos, on the 21st of November.

The "*Nimpha*" arrived in this harbour on the 29th of November, with 163 slaves on board,—4, who had been unfortunately wounded, having been taken on board H. M. brig "*Conflict*," for the advantage of surgical assistance.

The Surgeon to the Court immediately proceeded on board, and reported, that there were 10 persons afflicted with sores,—5 with bowel complaint,—1 with abscess,—and several with Craw Craw; he therefore recommended all the slaves being landed as soon as possible. They were therefore, on petition of the Captor's Proctor, disembarked, and delivered over to the Liberated African Department, on the 30th of November, 1830, and the 4, who were wounded, were received from H. M. brig "*Conflict*," and placed in the hospital at Kissy.

On the 30th of November, 1830, the Captor's Proctor prayed, that the ship's papers might be filed, and the usual monition go forth; which having been granted, the papers were brought into Court, duly attested by George Smithers, the Captor, and the monition issued, on the same day; which was returned, on the 8th of December, certified to have been duly served.

On the 3d of December, the Master Joao Bautista, and on the 4th, the Second Mate, Matteo Moya, was examined on the standing interrogatories.

The Master deposed,—that he was appointed to the command of the "*Nimpha*" by the consignee, one Durege y Monet, a Spanish merchant, and judge, at Matanzas; that the present voyage began at Boavista, where it was to have ended; that the vessel went direct from thence to the Rio Pongos; that the slaves were shipped in that river, from the factory of John Ommond, 2 days previous to capture; that Manoel Martins and Ferreira da Silva, residents of the Cape de Verds, were the owners of the detained vessel; that he is himself the lader, and Manoel Martins the sole owner, of the slaves, who were to have been delivered, for the risk and benefit of the said Martins, at Boavista, and that resistance was made at the time of capture, because he took the capturing vessel for a piratical brigantine (the "*Christian*"). Witness handed in a printed paper describing the said brigantine.

The Mate, Matteo Moya, corroborated the Master's evidence in every particular.

The Court met for the adjudication of the "*Nimpha*," on the 9th of December, and clear proof having been adduced of her employment in the illicit traffick in slaves, condemned the said vessel as good and lawful prize to the Crowns of Great Britain and Portugal, and as taken by H. M. brig "*Conflict*," Lieutenant Smithers commanding, and emancipated the whole of the slaves taken on board, 167 in number.

Sierra Leone, December 20, 1830.

(Signed) ALEX. FINDLAY.  
WM. SMITH.

## Second Enclosure in No. 26.

*Declaration relative to the Capture of, and exhibiting the state in which the Portuguese Schooner "Nympha" was found, when boarded by the Boats of His Majesty's Gun-brig "Conflict."*

ON the 24th of November, 1830, at 1 P. M., observed a schooner bearing S. E. by S., in latitude 10° 4' North, longitude 15° 43' West;—at 4, light airs, inclinable to calm. Sent gig, with Mr. Rose (Master) and 6 hands, to board her; a signal having been previously determined on, that, in case of necessity, another boat might be sent.

On the gig's approaching the schooner, she was unexpectedly saluted by a heavy fire of cannon and musketry. Her decks were covered with armed men, who fired repeated volleys at the boat, so that it was deemed prudent, and absolutely necessary, to proceed no nearer without assistance.

The signal was then made for boat, and at 6. 30., the pinnace, with an officer, 17 seamen, and 6 marines, well provided with arms and ammunition, joined the gig, and proceeded to board the schooner, under the command of Mr. Rose (the Master.)

At 8, calm and fine, found that, by the use of sweeps, the schooner headed the boats so fast that it required the utmost exertion of the boat's crew to come up with her.

At 8. 30., got within reach of her guns, and she again opened a tremendous fire on both boats, sweeping round at the same time to bring her broadside to bear upon them. As the boats closed her, a heavy charge of grape shot away 5 of the pinnace's oars, hulled her betwixt wind and water, and dangerously wounded several men.

The gig was then ordered to board her on the larboard, and the pinnace on the starboard side, but it was with great difficulty the pinnace reached the vessel, as she was filling with water very rapidly, from the quantity of shot which passed through her.

At 9, succeeded in boarding and capturing the schooner, but not without a most desperate resistance on the part of the crew. The contest lasted about 4 or 5 minutes.

The number of men seen on boarding her was so numerous, that it was surprising to find her decks clear in so short a time, but on examination, the Captain was found below in bed, under pretence of sickness. His Chief Mate was also below, and on being discovered, fired his pistol up the hatchway. The Second Mate and 18 men were discovered in various parts of the vessel: 3 were shot dead in the water, whilst endeavouring to obtain possession of the gig, 10 lay dead on her deck, and 7 others were taken up most dangerously wounded.

Having secured the prisoners, Mr. Rose (the Master) demanded the Captain's log, papers, &c., and having examined them, found her to be the Portuguese schooner "*Nimpha*," 2 days from Rio Pongo, bound to Boavista, with every requisite for carrying on an illicit traffick, and 169 slaves under hatches, counted on deck, in presence of the undersigned officers of His Majesty's brig "*Conflict*."

The schooner had on board 1 long 9-pounder mounted on a pivot, a 12-pounder carronade, with an innumerable quantity of muskets, pistols, cutlasses, bayonets, boarding-pikes, powder, and bags containing various combustibles; numbers of arms, powder, &c. were thrown overboard during the contest.

The number wounded on board the "*Conflict*" were as follows:—Mr. Rose, Master; Mr. Bradley, Master's Assistant; Mr. Hyne, Master's Assistant; Jos. Radford, A. B.; John Barnett, A. B.; John Cammell, A. B.; Hugh Chambers, Carp. crew; Sam. Dolbear, marine; slightly.—John Smith, A. B.; John Christian, A. B.; Charles Andrews, A. B.; Charles Dunn, marine; dangerously.

And we, the undersigned officers of H. M. brig, do hereby declare, that we are ready at any time, if required, to make oath to the truth of all and every part of the statement herein contained.

Given from under our hands on board the "*Conflict*," at Sierra Leone, this 30th November, 1830.

(Signed)

GEO. ROSE, Master.

G. L. BRADLEY, Master's Assistant.

WM. E. HYNE, Master's Assistant.

### Third Enclosure in No. 26.

#### *Copy of Printed Description of the Prussian Brigantine "Christian."*

##### NOTICE.

§§ 5,000 Reward.

##### The Prussian Brigantine "*Christian*."

J. G. RIECK, Master, of 216½ register tons, or 119 Prussian lasts, burden, of which a more particular description is annexed, left La Guayra, on the 27th of February, 1829, with a full load of coffee, bound for Hamburg, where she did not arrive, nor has she been heard of since, excepting that some Masters of vessels declared to have seen her on the 27th of June, 1829, about 2 miles off the Cape de Verd Islands, shewing a black flag, (with white border), painted black, with a red gang, and crowded with people. It is therefore supposed that she has fallen in the hands of pirates. As the owners are anxious for information regarding their vessel, they pray such individuals as may be able to furnish any, to communicate the same to the "*Seehandlungs Societat*," at Stettin, or to the undersigned merchants, of this island. The expences incurred in collecting or communicating such information will be readily defrayed, and if found to bring about a recovery of the vessel, and her inventory, the person or persons furnishing the same will receive a reward of 5,000 dollars.

The brigantine "*Christian*" was originally built of pine, in North America, but has since been rebuilt, from the keel, with oak timbers and planks, and has also been coppered. Her deck is plain; two masts; a plain stern, upon which is painted the letters "*C. R.*"; no gallery, but a galleon without a figure. She measured in Stettin, in Prussian feet, as follows, viz.

From the exterior joint of the stem to the exterior joint of the stern, 83 feet; the depth, from the surface of the deck to the undermost part of the keel, 13 feet 2 inches; greatest breadth, taken from outside to outside, 23 feet; breadth, taken from one-twelfth of the length distant from the stem, 18 feet 2 inches; breadth, taken from one-twelfth of the length distant from the stern, 19 feet 5 inches; (33 Prussian feet are about equal to 34 feet English.)

The brigantine was painted black, with a white gang; inner side of the railings green. She carried the Prussian colours, besides a white standard with a black cross; a standard with the name "*Christian*," and a number flag, with No. 2, together with a red cock, on blue ground in it (the Arms of the City of Stettin).

She was armed with 4 iron Swedish 3-pounders; 24 English pistols; 12 short French muskets, with bayonets, and 12 French hussar sabres; besides various nautical instruments and charts. There was also an English chronometer, marked No. 224, on board.

(Signed)

ZIRZOW and BLUME.

Island of St. Thomas, in America, April 1, 1830.

### Fourth Enclosure in No. 26.

#### *C. Jousiffé's Promissory Note.*

July 3, 1830.

I PROMISE to pay, on demand, to Mr. Francis Morals, or order, three prime slaves.

(Signed)

EDWD. JOUSIFFE,

Gambia, Rio Pongos.

Fifth Enclosure in No. 26.

*E. Jousiffe to T. Carrot.*

MY DEAR FRIEND

Rio Pongo, November 18, 1830.

I TAKE the opportunity of giving you a few lines by the Cooper, who is in the "*Nimfa*," hoping you arrived safe and in good health. I hope you will take the first opportunity of coming out, as I am making every preparation to receive you. Do not forget to bring me an organ, and a large bell for the factory, some good segars,—I am now quite out of that article. Charles has been taken, and is in Sierra Leone; poor fellow, the men-of-war would not give him a chance to escape. I have got your pea-jacket, my girl Mary had just put it away. I shall keep it for you, also some of your clothes are mixed with mine, but as they all fit, it is of no consequence. Trade is very brisk, but we are all out of tobacco, which is very scarce even in Sierra Leone. Do try and come as soon as possible; if you can get a vessel, do, as I will get you off very quick; only be very particular in laying in a cargo to suit the river, and plenty of good tobacco. I have began to build a new house for a dining and sleeping-house. A Spanish schooner has arrived to Bailey Leightbourne, and she has taken her up for 130. There is no more arrivals since you left. Hoping you are well,

I remain, &amp;c.

(Signed) E. JOUSIFFE.

*Don Theodore Carrot, Matanzas.*

*Note.*—The person named "Charles," alluded to in the beginning of this letter, is Charles Bergstrand, Master of the Portuguese schooner "*Maria*," taken by H. M. brig "*Plumper*," in October last, and condemned by the British and Portuguese Court of Mixed Commission, established at Sierra Leone, on the 25th of November 1830.

Sixth Enclosure in No. 26.

*E. Jousiffe to Jos. Fernandez.*

DEAR SIR

River Pongo, November 17, 1830.

I TAKE the opportunity of Captain J. B. Bracons, of the schooner "*Nimfa*," who is about to leave my port for the Matanzas, to address you on the subject of my affairs in the Havana and the Matanzas, which are in a very deranged state, but hope by my giving you the addresses of all parties concerned, you may be able to bring them to a settlement.

You will excuse my forwardness in addressing you, a stranger to me, but, during my short stay in the Havana, hearing so much of you, makes me think you a fit person to apply to, also the recommendation of Captain Bracons and several others. I beg of you to let me know the first opportunity, if you will undertake to bring all to a close; by the receipt of your reply, I will send you a full power of attorney to arrange every thing for me, for which I shall be happy to meet all expenses attending.

I shall be happy to do business with you out here, and in case you may think it worth your while, I shall be glad to become a shareholder in some of your vessels, or to open a contract to supply you here: the trade we do here is about 1,000 a year prime. For further information I refer you to Captain Bracons, or others that have been out here to me. Hoping you are well,

I remain, &amp;c.

(Signed)

E. JOUSIFFE, for BONGALONG,  
Rio Pongo, West Coast Africa:

(Signed) JOHN ORMOND.

*Jos. Fernandez, Havana.*

No. 27.

*His Majesty's Commissioners to the Earl of Aberdeen—(Received March 23.)*

MY LORD,

Sierra Leone, January 5, 1831.

WE beg leave to enclose to your Lordship, an abstract of the proceedings in the British and Portuguese Court of Mixed Commission, established in this colony, during the past year.

Only 2 vessels were adjudicated during the above period, in that Court; both cases of condemnation. The number of slaves emancipated amounted to 202.

We have, &amp;c.

(Signed)

ALEXANDER FINDLAY,  
WILLIAM SMITH.*The Right Hon. the Earl of Aberdeen, K. T.*

&amp;c.

&amp;c.

&amp;c.

## Enclosure in No. 27.

*Abstract of Proceedings under the British and Portuguese Mixed Commission, at Sierra Leone, from the 1st of January, 1830, to the 1st of January, 1831.*

No. 1.—The Portuguese schooner “*Maria*,” Carlos Magnus Bergstrand, Master, was furnished with papers from the Cape de Verd Islands, for a voyage to the Coast of Africa, and to the Islands of Princes and St. Thomas, and was captured in the Rio Pongos, on the 7th of November, 1830, with 35 slaves on board, by H. M. brig “*Plumper*,” Lieutenant Adams, Commander. The Master was the only witness in this case, the crew having deserted the “*Maria*” previous to her capture. He deposed, that the slaves were shipped in the Rio Pongos, from the factory of one John Ormond; that they were consigned to himself, and Manoel Martins, of Bonavista; and that Joaquim dos Santos Livramento was the owner of the vessel. The Court, on the 25th of November, 1830, condemned the “*Maria*” as good and lawful prize, and emancipated the 35 slaves captured on board of her.

No. 2.—The Portuguese schooner “*Nympha*,” Joao Bautista, Master, was furnished with colonial papers from the Island of Boavista, and was captured with 167 slaves on board, after a severe action, on the 24th of November, 1830, in latitude 10° 4' N., longitude 15° 43' W., by the boats of H. M. brig “*Conflict*,” Lieutenant Smithers commanding. The evidence in this case proved, that Manoel Martins, and Ferriera da Silva, both of Boavista, were the owners of the vessel;—that the slaves were shipped from John Ormond's factory in the Rio Pongos; and that they were to have been delivered at Boavista, for the real account of the said Manoel Martins. The Court, therefore, on the 9th of December, 1830, condemned the “*Nympha*,” as good and lawful prize, and emancipated her slaves, 167 in number.

(Signed) ALEXANDER FINDLAY.  
WILLIAM SMITH.

Sierra Leone, January 5, 1831.

## No. 23.

*His Majesty's Commissioners to J. Backhouse, Esq.—(Received March 23.)*

SIR,

Sierra Leone, January 5, 1831.

IN pursuance of the 75th clause of the Act, passed in the fifth year of the reign of His late Majesty King George the Fourth, entitled “An Act to amend and consolidate the laws relating to the abolition of the slave-trade;” we have the honour to forward, herewith, a return of all the cases of Portuguese vessels, adjudicated in the British and Portuguese Court of Mixed Commission, established at this place, from the 5th of July, 1830, to the 5th of January, 1831.

We have, &c.

(Signed) ALEX. FINDLAY.  
WILLIAM SMITH.

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

Enclosure in No. 28.

*Return of Portuguese Vessels adjudicated by the British and Portuguese Court of Mixed Commissions, established at Sierra Leone, betwixt the 1st day of July, 1830, and the 1st day of January, 1831.*

NAME of VESSEL.	Date of Seizure.	Where Captured.		Property Seized.	SEIZOR.	Date of Sentence.	Number of Slave captured.	Number adjudicated before.	Total number emancipated.	Decretal part of Sentence, whether forfeiture or Restitution.	Whether Property condemned has been sold and converted, and whether any part remains unsold, and in whose hands the Proceeds remain.
		Latitude.	Longitude.								
Maria - - -	Nov. 7, 1830	In the Rio Pongos -		{ Schooner and 35 slaves - }	{ John Adams, Esq. H. M. B., Plumper - }	Nov. 25, 1830	35	"	35	{ Condemned for being engaged in the illicit traffick in slaves }	{ Schooner and stores sold by public auction, and the proceeds paid into the military chest }
Nymph - - -	Nov. 24, -	10° 4' N. 15° 43' W.		{ Schooner and 167 slaves - }	{ G. Smithers, Esq. H. M. B., Conflict - }	Dec. 9, -	167	"	167	Ditto. Ditto.	Ditto. Ditto.
							202	"	202		

Sierra Leone, January 5, 1831.

(Signed) ALEX. FINDLAY.  
WM. SMITH.

(Signed) WALTER W. LEWIS, Registrar.

## No. 29.

*His Majesty's Commissioners to Viscount Palmerston.—(Received April 12.)*

MY LORD,

*Sierra Leone, February 10, 1831.*

WE have the honour to acknowledge the receipt of your Lordship's despatch of the 9th of December, 1830, acquainting us that the hypothetical case, under which we presumed Brazilians would still attempt to carry on the slave-trade had been submitted to His Majesty's Advocate-General, and that that officer had reported, that the Portuguese slave-trade is not, in his opinion, altogether abolished, in virtue of the stipulations in the Treaty of 1815, referred to by Mr. Smith, so as to render vessels slaving under the flag of Portugal, liable to be captured, wherever they may be met with, whether to the north or to the south of the Equator.

The King's Advocate having further reported to your Lordship, that the right of capture of Portuguese vessels carrying on the slave-trade, is only conceded under certain circumstances, and that, until Portugal shall have declared, that the trade in slaves has universally ceased, and is prohibited throughout her entire dominions, the Convention of July, 1817, will continue in force, and that His Majesty's cruizers must govern themselves by its provisions, in seizing and detaining Portuguese slave-vessels. We thought it prudent to communicate this view of the subject to Commodore Hayes, commanding His Majesty's squadron on this coast, in order that, through him, the Commanders of His Majesty's ships under his orders might be cautioned not to allow themselves, in their zeal for the repression of the slave-trade, to exceed the limits of the instructions for ships of war, contained in the Convention between Great Britain and Portugal of the 28th of July, 1817.

We have, &c.

(Signed)

ALEX. FINDLAY.  
WM. SMITH.

*The Right Hon. Lord Viscount Palmerston,*  
&c. &c. &c.

## No. 30.

*Viscount Palmerston to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, September 29, 1831.*

I HEREWITH transmit to you, for your information, the copies of a communication which has been received at this Office from the Admiralty, together with the copies of correspondence \* which has passed between M. de Sampayo, Mr. Hoppner, and myself, respecting the crew of the Portuguese vessel "*Nymphæ*," whose capture, after an action with H. M. brig "*Conflict*," and whose condemnation for illegal slave-trade, were reported in your despatch of the 20th of December, 1830. You will perceive that it has been judged most proper that these men, who had been sent from Sierra Leone to England, should be forwarded to Lisbon, for trial for the offence with which they are charged upon the occasion alluded to.

I am, &c.

*His Majesty's Commissioners.*

(Signed)

PALMERSTON.

\* See Class B.

First Enclosure in No. 30.

*J. Barrow, Esq. to J. Backhouse, Esq.*

SIR,

*Admiralty Office, April 15, 1831.*

I AM commanded by my Lords Commissioners of the Admiralty, to transmit to you, herewith, for the information of Viscount Palmerston, a copy of a report, dated the 13th instant, from Mr. Jones, Solicitor of this Department, relative to the cases of 4 men, named below, part of the crew of the



Portuguese schooner "*Nympha*," captured by the boats of the "*Conflict*," who have been brought to England, as prisoners, charged with firing on the said boats, and who are now detained on board the flag-ship, at Portsmouth, together with other papers on this subject, transmitted to this Office by the Colonial Department; and I am to request, that you will move Viscount Palmerston to take such measures as he may consider necessary in the case in question.

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

I am, &c.,

(Signed) JOHN BARROW.

Prisoners on board the "*Asia*," Portsmouth.

Joao Baptista, Captain; Francisco Morales, Mate; Mateo Moya, Second Mate; and Antonio Juan, seaman; late of the "*Nympha*."

Sub-Enclosure (A.) in No. 30.

*Mr. Jones to the Hon. G. Elliott.*

SIR,

Lancaster-Place, April 13, 1831.

IN OBEDIENCE to the commands of my Lords Commissioners of the Admiralty, signified to me in Mr. Barrow's letter of the 11th instant, transmitting one of the 9th, with its enclosure, from Admiral Sir Thomas Foley, reporting the arrival, at Portsmouth, of the "*William Miles*," merchant-ship, with the Master and crew of the Portuguese schooner "*Nympha*," charged with piracy, and also the Master of H. M. gun-brig the "*Conflict*," with 4 invalid seamen of that brig, who had been sent to England, as witnesses against the crew of the "*Nympha*." I take the liberty to acquaint you, for their Lordships' information, that having caused the Master of the "*Conflict*," and the said witnesses; to be examined touching this charge, I find that the "*Nympha*" was a vessel engaged in the slave-trade and, on the 24th of November last, was fallen in with, off Rio Pongo, on the Coast of Africa, by the "*Conflict*," which latter sent her boats to examine her. That the "*Nympha*" resisted the examination, and opened a heavy fire on the boats, without any previous firing on the part of the latter; and that after a severe contest, in which 11 of the "*Conflict*'s" crew were wounded, many of the "*Nympha*'s" crew were killed, and the 2 boats narrowly escaped being sunk; the "*Nympha*" was at length boarded and captured, and was found with 169 slaves on board, bound from Rio Pongo to Bonavista.

Under these circumstances, I am humbly of opinion, that the Master and crew of the "*Nympha*" cannot legally be dealt with as pirates, before any British tribunal, but, presuming this vessel to have been engaged in an illegal traffick, against the law of Portugal, and that, under the existing Treaties between that kingdom and Great Britain, the "*Conflict*" had a right to examine her. The conduct of her Master and crew, in resisting the search, appears to have been highly criminal, for which they are amenable to the laws of their own country; and I, therefore, humbly submit, for their Lordships' consideration, whether (as in the case of the "*Veloz Pasagera*") it ought not to be made a subject of representation and complaint, by His Majesty's Government to that of Portugal, with a requisition, that measures should be taken by the latter, for inflicting upon the Master of the "*Nympha*" and his crew, the most rigorous punishment the laws of Portugal will warrant. And, in the mean time, that the prisoners should be placed at the disposal of the accredited Minister of Portugal in this country.

I am, &c.

(Signed) CHARLES JONES.

The Hon. G. Elliott,  
&c. &c. &c.

Sub-Enclosure (B.) in No. 30.

*Lieutenant-Governor Findlay to R. W. Hay, Esq.*

SIR,

Sierra Leone, February 1, 1831.

AT the special sessions held here, on the 24th ultime, and continued, by adjournment, until this day, the Master and crew of the Portuguese schooner "*Nympha*," captured by the boats of H. M. brig "*Conflict*," with 167 slaves on board, were indicted for having fired at Mr. Rose, the Master of the "*Conflict*," and the officers and men, who proceeded, under his orders, to board that vessel, with the intention to kill, or do them some grievous bodily harm.

The Grand Jury found a true bill against the prisoners, 16 in number; but a doubt having arisen, as to the propriety of trying subjects of a foreign state under Lord Ellenborough's Act, 43 Geo. III. cap. 58., which appears by the 1st of Geo. IV. cap. 90. to be made applicable only to British subjects, indicted under the provisions of the Royal Commission, the King's Advocate deemed it expedient to withdraw the indictment, and not to put the prisoners on their trial, until this doubt shall be removed.

Commodore Hayes having this day ordered several of the men belonging to the "*Conflict*," who had been wounded in the attack upon the "*Nympha*," to be sent home in the "*William Miles*," merchant vessel, and having offered, if I thought it expedient, to send the Master, Mate, and part of the crew of the "*Nympha*" to England, to take their trials, or be otherwise disposed of, he would send Mr. Rose, the Master of the "*Conflict*," in charge of them, he being the principal witness against them; I have therefore considered it my duty to order Juan Baptista Bracon, the Master; Francisco Morales, Mate; Mateo Moya, 2d Mate; and Antonio Juan, seaman; to be sent to England,

in the merchant ship "William Miles," under the charge of Mr. Rose, the Master of the "Conflict," in order that they may be dealt with, as His Majesty's Government may deem most advisable.

I enclose a copy of the examinations taken in this case, at the Police Office, and I shall cause the remainder of the crew to be detained here, until I am made acquainted with the Secretary of State's instructions as to their disposal.

I am, &c.  
(Signed)

ALEXANDER FINDLAY,  
Lieut.-Governor.

R. W. Hay, Esq.  
&c. &c. &c.

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Sub-Enclosure (C.) in No. 30.

*Information taken at the Police Office.*

Colony of Sierra Leone.—PRESENT.—B. CAMPBELL, Esq. P. M.

December 1, 1830.

JUAN BAPTISTE,—Mateo Moya,—Antonio John Francisco Parayra,—John du Card,—Francisco Morales,—Louis Baben,—Joachim Francisco Louis Antonio,—John Sagarro,—Cayetano Estramaree,—Jaques Navarro,—Imay Mus,—Joachim Almeida,—Jose Pareira,—Antonio Garcia,—Diego Llambias,—Pedro Ponce,—Augustin Abraam,—Victoria Baswicke,—Antonio Bachiche,—Jose Antonio,—Jose Fernandez,—and Jose Romond,—brought up from on board Li. M. brig "Conflict," charged by Lieutenant George Smithers, Commander of H. M. said brig, with having, on the 24th of November last, on the high sea, on the Coast of Africa, near the Rio Pongos, in latitude about 10° 4' north, and longitude about 15° 43' west, feloniously fired into the boats of H. M. said brig, and wounded several of her crew.

Examination of Lieutenant George Smithers, Commander of H. M. said brig "Conflict," sworn, states,—that he is Commander of H. M. brig "Conflict." On the 24th of November last, was cruising in that vessel off the Rio Pongos, in latitude about 10° 4' north, and longitude about 15° 43' west, for the prevention of the slave-trade, when he fell in with the Portuguese schooner "Nympha." She was first seen from the mast-head, at about 1 o'clock P. M., distant about 11 miles; it being calm, deponent was not able to get the "Conflict" near the schooner, and therefore at about 4 o'clock, P. M., he dispatched the gig, under the command of Mr. Rose, the Master of the "Conflict," to board her, with instructions to intimate by signal, if he found the strange vessel to be of superior force. As the gig got near the "Nympha" she opened a fire upon it, which obliged it to draw back, and make the signal to the "Conflict" agreed on, and then witness dispatched the "Conflict's" pinnace to the assistance of the gig. On the 2 boats joining they pulled towards the "Nympha," who then opened a very heavy fire upon them; but they persisting, boarded the "Nympha," and took possession of her, which witness knew, by their steering towards the "Conflict" and cheering. 169 slaves were on board the "Nympha" at the time she was taken,—several of the "Conflict's" crew were wounded, as well as many of the "Nympha's"; the prisoners were all found in the "Nympha" after the action.

Examination of George Lee Bradley, Master's Assistant of H. M. said brig "Conflict," sworn, states,—that he is Master's Assistant of H. M. brig "Conflict." On the 24th of November last, was in that vessel cruising on the Coast of Africa, in latitude about 10° 4' north, and longitude about 15° 43' west, when, at about 1 o'clock P. M., a sail was reported from the mast-head; at about 4 P. M. she could be seen from the deck, and appeared to be a schooner; at about ½ past 4 o'clock, the "Conflict's" gig was sent to board her, with 4 seamen and 2 marines, under the command of Mr. Rose, the Master; on the gig approaching, the schooner opened a fire upon her, which caused her to draw back, when by signal she informed the "Conflict" that the schooner was too much for her, on which the pinnace, on getting up with the gig, both boats pulled towards the schooner, when she fired several shots at them, but which fell short: as the boats drew nearer, repeated volleys of musketry and cannon were fired at them, from the schooner, and several times the boats were struck by shot, nails, and other sorts of missiles fired from the cannon of the schooner, and 4 of the people in them were wounded, viz. John Smith, Charles Andrews, John Christian, seamen, and Durin, a marine; 5 oars on the starboard side of the pinnace were shot away, at once, by one discharge from the schooner's gun. The boats continuing to pull, got alongside the schooner, and boarded her with much difficulty, against a very violent resistance made by her people. Several volleys of musketry were fired into the boats while they were yet alongside. On gaining the deck, a desperate conflict took place between the crews of the boats and the schooner's people, which lasted about 5 minutes, when the schooner was entirely in the possession of the "Conflict." There were a great many killed of the schooner's people, witness believed about 9 or 10. Several others of the "Conflict's" people got wounded also on the boarding, viz. Mr. Rose, the Master, Mr. Hyne, Master's Assistant, and this witness, and some others; but they were only slightly injured. After the action, prisoners were all found on board in various parts of the schooner; and witness cannot identify any one of them as having been the persons who fought in the action.

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ORDERED,

That prisoners be remanded, for further examination on the 2d December, inst.

*The afore-mentioned Prisoners brought up for further Examination.*

PRESENT.—B. CAMPBELL, Esq. P. M.

December 2, 1830.

Examination of George Rose, Master of H. M. said brig "Conflict," sworn, states,—that he is Master of H. M. brig "Conflict;" on the 24th of November last, witness was in that vessel, cruising off the Rio Pongos, in latitude about 10° 4' north, and longitude about 15° 43' west, when, at about 1 p. m. a vessel was reported to be in sight from the mast-head; at about 4 o'clock p. m. she was in sight from the deck, and could be seen to be a schooner under all sail, sweeping towards the "Conflict;" it being a calm, the "Conflict's" gig was dispatched, under witness's command, with 6 or 7 men, to board her. Witness proceeded with the gig towards the schooner, and when nearly close enough to hail her, she opened a rapid fire of cannon and musketry on the boat; the shot fell beyond and all about the boat, but none struck her at this time. Witness, perceiving his force to be insufficient to attack the schooner, pulled out of the firing, and by signal to the "Conflict," requested assistance.

The pinnace came up in a short time, and then both boats pulled towards the schooner: as they got near, she again opened a fire upon them, and several times struck the boat with her shot; 5 of the pinnace's oars were shot away at once; both boats were hulled, and several men wounded. It was dark by the time the boats got alongside to board her. Witness heard, as he went along-side, some one on board the schooner call out in English, "Where's the boarding-pikes." Much resistance was made to the boarding, and several volleys of musketry were fired into the boats at this time; but the "Conflict's" people having gained the schooner's deck, very soon overpowered her crew, and got possession of her. She proved to be the Portuguese schooner "Nympha," under the command of Juan Baptiste, from the Rio Pongos, only 2 days out, laden with a cargo of 169 slaves.

The "Conflict's" people who were wounded in the action are as follows, viz. witness's self; Mr. Bradley, Master's Assistant; Mr. Hyne, of the same rank; James Radford, John Barnett, and John Cammel, seamen; Hugh Chambers, of the carpenter's crew; and Samuel Dolbar, a marine: these were but slightly wounded; but John Smith, John Christian, and Charles Andrews, seamen, and Charles Dunn, a marine, received wounds that are considered very dangerous.

The prisoner, Juan Baptiste, after the action, stated himself to be Captain of the "Nympha."—Prisoner, Mateo Moya, called himself the Mate; they and all the other prisoners were found in the schooner, after the action. As it was dark when witness got alongside the "Nympha" witness cannot particularize any of the prisoners, as the persons who fought the "Conflict's" boats.

The "Nympha" was brought into this port, where she now is, with prisoners, who were delivered over to the Civil Authority.

Cross-examined by prisoner Juan Baptiste.—Witness says, that the gig had no colours up, but that the "Conflict" had English colours up, and so had the pinnace. Witness further saith,—that when he first went to board the "Nympha" he was dressed in British uniform, which was conspicuous. Mr. Hyne was also in his uniform, as were also 2 marines, in full accoutrements, and the sailors were in such dresses, as were usually worn by sailors of British men-of-war.

Examination of Philip Kelk, Clerk of H. M. said brig "Conflict," sworn, states,—that he is Clerk of H. M. brig "Conflict," was sent in the gig, on the 24th of November last, to board the schooner, which proved to be the "Nympha." Witness shifted into the pinnace when she came up, and in her went alongside the "Nympha," at which time, witness heard some one on board her cry out, in English, "The damned English Sons of Bitches." This was before a footing was made good on the "Nympha's" deck.

Examination of George Tucker, one of the crew of H. M. said brig "Conflict."—George Tucker, sworn, states,—that he is one of the gunner's crew of H. M. brig "Conflict;" was in that vessel on the 24th of November last, when she fell in with the schooner "Nympha;" was sent in the gig to board her; as witness boarded her over the gangway, heard some one of her crew cry out, in English, "Where's the boarding-pikes for these English Sons of Bitches." Some days after the action, when the prisoners were on board the "Conflict," prisoner, Antonio Garcia, told witness, that they on board the schooner thought the "Conflict" was a merchant vessel, when they first saw her, and, if she had been such, they intended to have taken 2 anchors from her.

Prisoner, Jaques Navarro, also told witness, that if the gig had boarded them, the first time she came, it was their intention to have killed all the people in her.

## DEFENCE.

Prisoner, Juan Baptiste, says,—that he is the Captain of the Portuguese schooner "Nympha;" she belongs to M. Martinez and M. da Silva, of Bonavista; that he (prisoner) is a native of Barcellos, in Portugal. Prisoner says it is true he did fire at the "Conflict's" boats, as stated in the evidence; but he did it under a mistaken notion, that she was a pirate brig, called the "Christian;" that he (prisoner) heard was on the coast. Prisoner says, that he saw no colours, either in the boats or on board the "Conflict."

Prisoner, Mateo Moya, says—he is a Majorcan; was born and brought up at Majorca; that he shipped in the "Nympha," at Bonavista, at 60 dollars a month wages, as Second Mate; says, that what prisoner, Juan Baptiste, has said in his defence is true; and also, that when the boats came alongside the "Nympha," and they on board heard the people speaking English, they ran below, and made no further resistance.

John Sagarro states—he is a native of Barcelona, in Catalonia; was only a passenger in the "Nympha," from Rio Pongos to Bonavista. Prisoner was a seaman of the schooner "Maria," which vessel he left at the Rio Pongos.

Prisoner Cayetano Estremara states—he is a Spaniard, of Cadiz; that he shipped in the “*Nympha*” at Bonavista, at 30 dollars a month wages; further, that what Juan Baptiste and Mateo Moya have said in their defence, is true.

Prisoner Jacques Navarro states—he is a native of Genoa; shipped in the “*Nympha*” at Matanzas, from which place that vessel went to St. Thomas, next to Bonavista, and thence to the Rio Pongos. She went to Bonavista to get papers. Prisoner says the same as the last prisoner.

Prisoner Imay Mus states—he is a native of Minorca; shipped in the “*Nympha*” at Bonavista, at 30 dollars per month. Prisoner says, that what Juan Baptiste and Mateo Moya said in their defence, is the truth.

Prisoner Joachim Almeida states—he is a native of Oporto; went on board the “*Nympha*” at Bonavista, in order to get a passage to Havana.

Prisoner Jose Pareira states,—he is a native of Lisbon; was a passenger from the Rio Pongos to the Cape de Verd Islands.

Prisoner Antonio Garcia states,—that he is a native of Carthage; shipped in the “*Nympha*” at Bonavista, at 30 dollars per month. Prisoner denies that he told the witness, George Tucker, what he has stated in his evidence. Prisoner says further, that what Juan Baptiste and Mateo said in their defence, is the truth.

Prisoner Diego Llamias states,—he is a native of Minorca; shipped in the “*Nympha*,” at 30 dollars a month. Prisoner says the same as the prisoners Juan Baptiste and Mateo Moya.

Prisoner Augustin Abraam states,—that he is a native of Manila; shipped in the “*Nympha*” at St. Thomas, at 30 dollars a month. Prisoner says, further, the same as prisoners Juan Baptiste and Mateo Moya.

Prisoner Victoria Baswiche states,—he is an Italian; shipped in the “*Nympha*,” at Matanzas, at 45 dollars a month. Prisoner says, further, the same as prisoners Juan Baptiste and Mateo Moya.

Prisoner Jose Antonio states,—he is a Brazilian; and a passenger from Rio Pongos to the Island of Bonavista, on board the “*Nympha*.”

Prisoner Jose Fernandez states,—he is a native of Galicia, and was a passenger in the “*Nympha*.”

Prisoner Jose Romond states,—he is a native of Oporto; shipped in the “*Nympha*,” at 30 dollars a month;—further, the same as the prisoners Juan Baptiste and Mateo Moya.

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Sub-Enclosure (D.) in No. 30.

*Mr. Lashlan to R. W. Hay, Esq.*

SIR,

22, Great Alie-Street, April 12, 1831.

ON behalf of the Owners of the ship “*William Miles*,” R. D. Middleton, Master, I beg to lay the following vouchers before the Right Honourable Secretary of State, viz:—

His Excellency Lieutenant Governor Findlay’s order to receive 4 prisoners, and the Master of the “*Conflict*.”

Commodore John Hayes’s order to victual the same.

George Rose, the Master of the “*Conflict*,” gentleman, of being victualled, of himself having been messed, and of slops having been supplied; and leave to beg the usual remuneration may be made for the passage, and victualling of the prisoners for the passage, and mess at the Master’s table, Mr. Rose, and for the slops supplied to one of the prisoners.

I am, &c.

(Signed)

J. LASHLAN.

R. W. Hay, Esq.  
&c. &c. &c.

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Sub-Enclosure (E.) in No. 30.

*Order from Lieutenant-Governor Findlay to Mr. Middleton, Master of the “William Miles,” to provide a Passage to England for the 4 Prisoners, and for Mr. Rose.*

By his Excellency ALEXANDER FINDLAY, Lieutenant Governor of Sierra Leone.

(Signed) ALEXANDER FINDLAY, Lieutenant-Governor,  
&c. &c. &c.

To R. Middleton, Esq. Captain of the British bark “*William Miles*.”

YOU are hereby required and directed, to receive on board the ship under your command, as prisoners, for a passage to England, José Baptista, late Captain; Francisco Morales, late Mate; Mateo Moya, Second Mate; and Antonio Juan, Seaman; of the Portuguese schooner “*Nympha*,” condemned in the Mixed Commission Court for slaving.

You are further directed to find the above prisoners in provision, according to His Majesty’s scale therefore established. On your arrival in England, you will deliver the said prisoners to the proper authorities, and on your producing this at the Colonial Office, you will receive an order from His Majesty’s Principal Secretary of State for the Colonies, to receive the usual remuneration granted in

like cases : Mr. Rose, the Master of H. M. brig "Conflict," has received orders from the Commodore, to proceed to England in charge of those men ; you will also receive that officer on board of your ship.

Given under my hand and the Privy Seal, at Freetown, in the Colony of Sierra Leone, this 1st day of February, 1831, and of His Majesty's Reign the First,

By His Excellency's Command,

(Signed)

HENRY RISHTON, Colonial Secretary.

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Sub-Enclosure (F.) in No. 30.

*Order from Commodore Hayes to Mr. Middleton, Master of the "William Miles," to victual Mr. Rose, and the Prisoners under his charge.*

(L. S.)

MEMORANDUM.

"Dryad," Sierra Leone, February 2, 1830.

YOU are to victual Mr. Rose, Master of the "Conflict," at whole allowance, on board the ship you command, and the prisoners belonging to the "Nympha," at two-thirds.

(Signed)

JOHN HAYES, Commodore.

Mr. R. D. Middleton, Master of the Ship "William Miles."

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Sub-Enclosure (G.) in No. 30.

*Certificate of Lieutenant Rose of the delivery of 4 Prisoners sent home in the "William Miles" to the Flag-ship "Asia," at Portsmouth.*

THIS is to certify, that the 4 prisoners sent home in the ship "William Miles," R. D. Middleton, from Sierra Leone, under my charge, have been this day transferred on board H. M. S. "Asia," and that they have been victualled agreeable to the orders of Commodore Hayes, from the 2d of February to this day (both days inclusive) ; and further, that, during the same period, I have also victualled in accordance with the same orders ; and that I have likewise been messed at the Master's table, for which he has not received any remuneration. Further I certify, that, agreeable to my request, the said Master has supplied slops (as at foot), for the use of Antonio Juan, one of the prisoners under my charge, and which I considered to be absolutely necessary, the said seaman having been sent on board at Sierra Leone, nearly destitute of clothing.

Portsmouth, April 10, 1831.

(Signed)

GEO. ROSE, H. M. brig "Conflict, in charge of 4 Portuguese prisoners, by order of Commodore John Hayes, C. B.

1 blue twilled shirt.  
1 pair of shoes,  
1 pair of stockings.  
1 pair of kersey drawers.  
1 pair of Flushing trowsers.  
1 blue cloth jacket.  
1 Scotch cap.

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SIERRA LEONE. (Netherlands.)

No. 31.

*Viscount Palmerston to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, July 21, 1831.*

I HEREWITH transmit to you, for your information, the copy of a communication, which has been received at this office from the Admiralty, under date of the 16th instant, stating, that the instructions, referred to in the Treaty between Great Britain and the Netherlands, for the suppression of illegal slave-trade, have been issued to the ships and vessels of His Majesty's navy, therein mentioned; and that the instructions, which had been issued to H. M. ships, named in the margin of that letter, have been recalled.

I have to desire, that you will communicate this information to the Mixed Board of Commission, of which you are Members.

I am, &c.

(Signed) PALMERSTON.

*His Majesty's Commissioners.*

Enclosure in No. 31.

*John Barrow, Esq. to Sir G. Shee.*

SIR,

*Admiralty Office, July 16, 1831.*

WITH reference to the Treaty with the Netherlands, for the prevention of the slave-trade, I am commanded by my Lords Commissioners of the Admiralty, to request, that you will acquaint Viscount Palmerston, for communication to the Dutch Government, that the instructions referred to in the said Treaty, have been issued to the following ships and vessels of H. M. Navy, viz:—

Guns.	Ship.	Commander.
46.....	Shannon.....	Benjamin Clement.
42.....	Dryad.....	John Hayes, C. B.
18.....	Favourite.....	Joseph Harrison.
".....	Columbine.....	J. W. Gabriel.
".....	Hyacinth.....	William Oldrey.
12.....	Conflict.....	George Smithers.

And that the instructions, which had been issued to H. M. ships:—"Undaunted," "Sybille," "Medina," "Mersey," "Grasshopper," "Primrose," "Clinker," and "Icarus," have been recalled.

I am, &c.

(Signed)

JOHN BARROW.

*Sir G. Shee, Bart.*

*&c. &c. &c.*

## SIERRA LEONE. (*Brazil.*)

No. 32.

*Viscount Palmerston to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, January 20, 1831.*

WITH reference to your despatches, on the subject of the deficiency of the stores on board of the Brazilian schooner "*Nossa Senhora da Guia*," I herewith transmit to you, for your information, the copy of a letter, and of its enclosure, from His Majesty's Treasury, stating that £25. 5s. has been paid into the Registry of the High Court of Admiralty, being the amount of the articles said to have been deficient on board of the Portuguese vessel in question.

I am, &c.

(Signed) PALMERSTON.

*His Majesty's Commissioners.*

Enclosure in No. 32.

*Hon. J. Stewart to J. Backhouse, Esq.*

SIR,

*Treasury Chambers, January 15, 1831.*

I AM commanded by the Lords Commissioners of His Majesty's Treasury, to transmit to you the enclosed copy of a letter from Messrs. Goode and Clarke, on behalf of the officers and crew of H. M. S. "*Sybille*," and of the affidavit therein referred to; and I am to request that you will move Secretary Viscount Palmerston, to cause the same to be transmitted to His Majesty's Commissioners at Sierra Leone, for their information, as to the payment of the sum of £25. 5s. into the Registry of the High Court of Admiralty, being the amount of the articles, stated to have been deficient on board the Brazilian schooner "*Nossa Senhora da Guia*."

I am, &c.

(Signed) J. STEWART.

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

Sub-Enclosure (A.) in No. 32.

*Messrs. Goode and Clarke to the Hon. J. Stewart.*

SIR,

*Surrey-Street, Strand, November 17, 1830.*

WITH reference to your letter of the 29th September last, acquainting us, that their Lordships had desired, that the value of certain articles, stated to have been found deficient among the stores of the Brazilian schooner "*Nossa Senhora da Guia*," seized by the "*Dallas*," tender to H. M. S. "*Sybille*," should be paid into the Registry of the High Court of Admiralty; we beg to enclose the copy of an affidavit, sworn to by Mr. Thomas Burnett, as Lieutenant in the Royal Navy, and late Acting-Master of H. M. said ship, and to inform your Lordships, that the original affidavit has been deposited in the Registry of the High Court of Admiralty, together with the sum of £25. 5s. the value of the deficient stores, as deposed to by Mr. Burnett, and particularly specified in the list at the foot of his affidavit; we therefore trust, that their Lordships will be graciously pleased to direct payment of the usual bounties, on the slaves seized on board the said vessel, as also the moiety of the proceeds due to the seizers.

We have, &c.

(Signed) GOODE and CLARKE.

*Hon. J. Stewart,*  
&c. &c. &c.

Sub-Enclosure (B.) in No. 32.

*Affidavit of Mr. Burnett.*Brazilian Schooner "Nossa Senhora da Guia,"  
November 10, 1830.

APPEARED personally, Thomas Burnett, of Craven-street, Westminster, in the county of Middlesex, a Lieutenant in the Royal Navy, but late Acting Master of His M. S. "Sybille," Sir Francis Augustus Collier, late Commander, and made oath, that he has perused the list of stores, stated to have been deficient on board the said Brazilian schooner "Nossa Senhora da Guia," and enumerated on the other side hereof, and that he verily and in his conscience believes, that the said stores do not amount in value to more than the sum of Twenty-five Pounds and five shillings (£25. 5s.), as is now particularly specified in the list above referred to.

(Signed) THOS. BURNETT.

Same day the said Thomas Burnett was duly sworn  
to the truth of this affidavit.

Before me,	(Signed)	JOSEPH PHILLAMORE, SURR.
		£. s.
Two boats . . . . .		12 0
Four oars for a large boat, and for a stern boat . . . . .	}	1 0
One hemp cable . . . . .		12 0
One lead line, one log line . . . . .		0 5
		<hr/> £25 5

No. 33.

*Viscount Palmerston to His Majesty's Commissioners.*

GENTLEMEN,

Foreign Office, January 20, 1831.

WITH reference to your despatches, upon the subject of the Brazilian schooner "Nova Resoluçao," condemned for illicit slave trade; I herewith transmit to you, for your information, the copy of a letter, which has been received at this office from His Majesty's Treasury, from which it appears, that the Lords of His Majesty's Treasury, being satisfied with the explanation given, in respect to the deficiency in the stores of the "Nova Resoluçao," have issued directions for payment of the bounties, on the slaves seized on board of that vessel.

I am, &amp;c.

*His Majesty's Commissioners.*

(Signed) PALMERSTON.

Enclosure in No. 33.

*Hon. J. Stewart to J. Backhouse, Esq.*

SIR,

Treasury Chambers, January 4, 1831.

I AM commanded by the Lords Commissioners of His Majesty's Treasury, to transmit to you the enclosed copy of a report from Mr. Rothery, dated the 15th ultimo, on an application for bounty on slaves, seized on board the Brazilian schooner "Nova Resoluçao," and also for payment of the proceeds of the said vessel, in order that the same may be communicated to His Majesty's Commissioners at Sierra Leone; and I am to acquaint you, for the information of Secretary Viscount Palmerston, that their Lordships have given directions for the payment of the bounty, &c., in conformity with Mr. Rothery's recommendation.

I am, &amp;c.

J. Backhouse, Esq.  
&c. &c. &c.

(Signed) J. STEWART.

Sub-Enclosure in No. 33.

*W. Rothery, Esq. to the Lords Commissioners of His Majesty's Treasury.*

MAY IT PLEASE YOUR LORDSHIPS,

Vernon Place, Bloomsbury Square, Dec. 15, 1830.

IN obedience to your Lordships' commands, I have perused and considered the documents, herewith returned, consisting of letter from Mr. Hinxman, soliciting payment of a moiety of the proceeds of the Brazilian schooner "Nova Resoluçao," Januario Jozé da Cruz, Master.



Receipt from Mr. Ramsay, the Assistant Commissary General of Sierra Leone, for such proceeds.  
Further letter from Mr. Hinxman, dated October 20, 1830.

And with reference to my report of the 28th of August last, on the former application of Mr. Hinxman, I do further most humbly report to your Lordships, that it appears that the rope which had been found deficient from the stores of the "*Nova Resolucao*," was expended in repairing the fore-mast of that vessel, which had been struck by lightning on her passage to Sierra Leone, without which rope the vessel could not have reached her destination. I beg leave, therefore, to submit to your Lordships, that the explanation is satisfactory, and that there does not appear to me now to be any objection to the warrant being issued for the payment of the bounties on the 43 slaves seized on board this vessel, amounting to £430 which, under the A. 7 and 8 Geo. IV. cap. 74, is payable out of the Consolidated Fund.

In regard to the proceeds of the vessel and cargo, I beg leave further to report, that the British moiety thereof, amounting to 329*l.* 2*s.* 6*d.* has been paid into the Registry of the High Court of Admiralty, as submitted in my report of September 10 last, where the same now remains, subject to your Lordships' directions, and should your Lordships be of opinion, that the explanation is satisfactory, it will only be necessary for your Lordships to direct a letter to be written to Mr. Hinxman to that effect, and that he will be entitled to receive the same, on producing a proper authority for that purpose.

All which, &c.

(Signed)

WM. ROTHERY.

The Lords Commissioners of the Treasury,  
&c. &c. &c.

No. 34.

*Viscount Palmerston to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, February 10, 1831.*

WITH reference to your despatches, upon the subject of the Brazilian brigantine "*Primiera Rosalia*," seized by H. M. S. "*Sybill*," and condemned for illegal slave-trade; I transmit to you the accompanying copy of a communication from the Treasury, stating that the value of the stores, taken out of the "*Primiera Rosalia*," has been paid into the Registry of the High Court of Admiralty.

I am, &c.

(Signed)

PALMERSTON.

*His Majesty's Commissioners.*

Enclosure in No. 34.

*Hon. J. Stewart to J. Backhouse, Esq.*

SIR,

*Treasury Chambers, February 7, 1831.*

I AM commanded by the Lords Commissioners of His Majesty's Treasury to transmit to you the enclosed copies of a letter from Messrs. Goode and Clarke, and of the affidavit therein referred to, relative to the value of certain articles taken out of the Brazilian brigantine "*Primiera Rosalia*;" and I am to request that you will move Secretary Viscount Palmerston to cause the same to be forwarded to His Majesty's Commissioners at Sierra Leone, for their information, as to the payment into the Registry of the High Court of Admiralty of the value of the articles stated to have been deficient, belonging to the Brazilian vessel "*Primiera Rosalia*."

I am, &c.

(Signed)

J. STEWART.

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

Sub-Enclosure (A.) in No. 34.

*Messrs. Goode and Clarke to the Hon. J. Stewart.*

SIR,

*Surrey-Street, Strand, November 17, 1830.*

WITH reference to Mr. Dawson's letter of the 6th instant, acquainting us, that their Lordships had desired that, prior to any directions being given, relative to our letter of the 16th of September last, soliciting the payment of a moiety of the proceeds of the Brazilian brigantine "*Primiera Rosalia*," seized by H. M. S. "*Sybill*," the value of certain articles stated to have been found deficient among the stores of the said prize, should be paid into the Registry of the High Court of Admiralty; we beg

to enclose the copy of an affidavit sworn to by Mr. Thomas Burnett, a Lieutenant in the Royal Navy, and late Acting Master of His Majesty's said ship, and to inform your Lordships that the original affidavit has been deposited in the Registry of the High Court of Admiralty, together with the sum of £14. 10s. the value of the deficient stores, as deposed to by Mr. Burnett, and particularly specified in the list at the foot of his affidavit; we, therefore, trust that their Lordships will be graciously pleased to direct the payment of the moiety of the proceeds, due to the Seizors.

The Hon. J. Stewart,  
&c. &c. &c.

We have, &c.  
(Signed)

GOODE and CLARKE.

Sub-Enclosure (B.) in No. 34.

*Brazilian Brigantine "Primiera Rosalia," November 10, 1830.*

APPEARED, personally, Thomas Burnett, of Craven-street, Strand, Westminster, in the county of Middlesex, a Lieutenant in the Royal Navy, but late Acting Master of H. M. S. "Sybille," Sir Francis Augustus Collier, late Commander, and made oath, that he has perused the list of stores, &c. stated to have been deficient on board the said Brazilian brigantine "*Primiera Rosalia*," and enumerated on the other side hereof, and that he verily and in his conscience believes, that the said stores do not amount in value to more than the sum of £14. 10s. as is more particularly specified in the list.

(Signed) THOS. BURNETT.

Said day, the said Thomas Burnett was duly sworn to the truth of this affidavit.

Before me.

(Signed) JOSEPH PHILLIMORE, Jurte.

	£.	s.	d.
1 gun, 9-pounder, value	-	-	2 0 0
1 jib sail	-	-	3 0 0
1 top gallant sail	-	-	2 0 0
10 swords	-	-	1 0 0
6 cartouche boxes	-	-	0 10 0
5 muskets	-	-	2 0 0
1 lower studding sail	-	-	4 0 0
			£ 14 10 0

No. 35.

*His Majesty's Commissioners to the Earl of Aberdeen.—(Received March 23.)*

MY LORD,

*Sierra Leone, January 5, 1831.*

WE have the honour to forward to your Lordship, herewith, an abstract of the proceedings under the British and Brazilian Mixed Commission, established in this colony, during the past year.

Eight vessels were adjudicated during that period, which were all cases of condemnation, and 1,440 slaves were emancipated.

We have, &c.

(Signed)

ALEX. FINDLAY.  
WM. SMITH.

*The Right Hon. the Earl of Aberdeen, K. T.*  
&c. &c. &c.

Enclosure in No. 35.

*Abstract of proceedings under the British and Brazilian Mixed Commission at Sierra Leone, from the 1st of January, 1830, to the 1st of January, 1831.*

No. 1.—THE Brazilian brig "*Emilia*," Joao da Costa Ribeiro, Master, and Manoel Joaquim Romas e Silva, Owner, was furnished with an irregular slave passport from Pernambuco, and was captured with 157 slaves on board, on the 31st of October 1829, in latitude 3° 47' N., longitude 7° 30' E., by H. M. brig "*Clinker*," Lieutenant Matson commanding. The evidence in this case

proved that all the slaves had been shipped in the River Bonny, for the account and risk of the aforesaid owner of the vessel. The Court met for the adjudication of the "*Emilia*," on the 1st of May 1830, and pronounced sentence of condemnation upon the vessel, and decreed the emancipation of the slaves, 148 in number,—9 having died between the period of capture, and adjudication.

No. 2.—The Brazilian schooner "*Tentadora*," Ignacio Manoel de Oliveira, Master, was captured with 432 slaves on board, on the 1st of November, 1829, in  $5^{\circ} 26''$  N. latitude,  $4^{\circ} 18''$  E. longitude, by the "*Dallas*," tender to H. M. S. "*Sybille*," Lieutenant Harvey commanding. She was furnished with an imperial passport from Bahia, declaring her to be owned by Joao da Costa, junior, and authorizing a voyage for slaves to Molemo. It was proved, however, that she went direct to Lagos, at which place the said slaves were shipped for the real risk and benefit of the aforesaid owner of the vessel. The Court, therefore, condemned the "*Tentadora*," and emancipated the surviving slaves, to the number of 320, on the 1st of May, 1830,—112 having died since capture.

No. 3.—The Brazilian brigantine "*Emilia*," Manoel Simoes da Silva, Master, was furnished with a slave passport from Bahia, and was captured on the 9th of December 1829, by H. M. S. "*Atholl*," Captain Gordon, in latitude  $5^{\circ} 40''$  N., longitude  $3^{\circ} 54'$  E. with 187 slaves on board, who were proved to have been embarked at Ajuda, for the account of Joaz Joaquim Machado, the owner of the vessel. The Court accordingly, on the 1st of May, 1830, condemned the "*Emilia*" as good and lawful prize, and emancipated her surviving slaves, to the number of 128,—59 having died since capture.

No. 4.—The Brazilian schooner "*Nao Lendia*," Pedro Jozé Vraga, Master, was furnished by the Authorities at Bahia, with the usual papers for a slave-trading voyage to Cabinda; but was captured in latitude  $2^{\circ} 41' 8''$  N., longitude  $6^{\circ} 34' 8''$  E., on the 10th of December, 1829, by H. M. S. "*Medina*," Edward Webb, Esq. Commander, with 184 slaves on board. The evidence proved that the "*Nao Lendia*" was owned by Jozé Joaquim d'Oliveira, and that the slaves had been shipped, for that person's account, at Lagos. The Court, therefore, on the 1st of May, 1830, condemned the "*Nao Lendia*," as good and lawful prize, and emancipated the survivors of the slaves captured on board of her, in number 159,—25 having died since capture.

No. 5.—The schooner "*Nossa Senhora da Guia*," sailing under Brazilian colours, commanded by Joze Fernandez Soares, and owned by Joze Joaquim d'Oliveira, of Bahia, was captured with 310 slaves on board, on the 7th of January 1830, in latitude  $6^{\circ} 18''$  N., longitude  $3^{\circ} 30''$  E., by the brig "*Dallas*," tender to H. M. S. "*Sybille*," Lieutenant Harvey commanding. It was proved that all the slaves had been shipped at Lagos, and that they were the property of Joze Joaquim d'Oliveira. The Court, accordingly, on the 13th of May, 1830, pronounced sentence of condemnation upon the "*Nossa Senhora da Guia*," as good and lawful prize, and of emancipation upon her slaves, 238 in number,—72 having died since the capture.

No. 6.—The Brazilian brigantine "*Primeira Rosalia*," Joao Sabino, Master, was captured on the 23d of January 1830, by H. M. S. "*Sybille*," Commodore Collier, in latitude  $3^{\circ} 28''$  N., longitude  $7^{\circ}$  E., with 282 slaves on board, who were proved, by the evidence, to have been embarked at Lagos, and to have belonged to Manoel Francisco Moreira, (the Owner of the vessel) the Master, and some other persons. The Court condemned the "*Primeira Rosalia*," on the 13th of May 1830, and emancipated her surviving slaves, 242 in number,—40 having died since capture.

No. 7.—The Brazilian schooner "*Umbelina*," Joao Cardozo dos Santos, Master and Owner, was captured with 377 slaves on board, in latitude  $3^{\circ} 48''$  north, longitude  $4^{\circ} 12''$  east, on the 15th of January, 1830, by H. M. S. "*Sybille*," Commodore Collier commanding. The witnesses having deposed, that the said slaves were all shipped at Lagos, for the account and risk of the said Master and Owner of the vessel; the Court, on the 13th of May, 1830, condemned the "*Umbelina*" as good and lawful prize, and emancipated her surviving slaves, in number 163,—214 of the unfortunate beings having died since capture.

No. 8.—The Brazilian brigantine "*Nova Resolucao*," Januario Jozé da Cruz, Master, was furnished with an irregular passport from Bahia, for a slaving voyage to Cabinda. On the 2d of February, however, she was captured, in latitude  $2^{\circ} 25' 3''$  north, longitude  $1^{\circ} 9' 9''$  east, with 43 slaves on board, by H. M. S. "*Medina*," Captain Webb. The evidence in this case clearly proved, that the vessel was owned by Antonio Florindo da Silva Chaves, and that the 43 slaves had been shipped at Awey, for his sole account and risk. The Court having met on the 13th of May, 1830, sentence of condemnation was recorded against the "*Nova Resolucao*" as good and lawful prize, and her slaves decreed to be emancipated, to the number of 42,—1 having died since capture.

(Signed) ALEX. FINDLAY.  
WM. SMITH.

Sierra Leone, January 5, 1831.

*His Majesty's Commissioners to Viscount Palmerston.*—(Received April 12.)

MY LORD,

*Sierra Leone, February 10, 1831.*

WE had the honour to receive, on the 26th ultimo, your Lordship's despatch, dated the 10th of December, 1830, transmitting to us the copy of a complaint, that has been made to His Majesty's Government, by the Chevalier de Mattos, Brazilian Chargé d'Affaires, upon the subject of the alleged illegal capture and condemnation of the Brazilian slave-vessel "*Voador*," and of the cruel conduct of the Captor, Mr. G. W. Matson, of H. M. S. "*Clinker*;" and directing us to transmit to your Lordship, for the information of His Majesty's Government, such further information as might be in our possession, or as we might be able to obtain, in further elucidation of the conduct of the Captor.

The records of the proceedings instituted against the "*Voador*," filed in the British and Brazilian Court of Mixed Commission, do not give any further information upon that subject, than that which His Majesty's then Commissioners transmitted to the Secretary of State, in their report of the case of that vessel. We accordingly instituted enquiry into the matter, and learnt, that the surviving crew of the "*Voador*" had been brought to this colony; that they had been charged by the Captor, Lieutenant George W. Matson with feloniously and maliciously firing upon the officers and crew of H. M. brig "*Clinker*" and killing one of the same; that that charge had been substantiated before the Magistrates of Freetown; and that they were duly committed, to take their trial for the alleged offence.

Upon this information, we addressed a letter to the King's Advocate of this colony, requesting him to furnish us with such particulars of the case as might be within his knowledge.

A copy of the answer we received from that officer, together with a copy of its enclosure, we have the honour to enclose, for your Lordship's information.

Having also learnt that an officer, Mr. Coyde, was on board H. M. S. "*Dryad*," now in this harbour, who was in command of one of the boats of the "*Clinker*" when the affair complained of happened, we communicated with Commodore Hayes upon the subject, who directed Mr. Coyde to draw up a circumstantial account of the engagement, a copy of which account Commodore Hayes transmitted to us, and which we beg to enclose.

By these documents, it appears clear, in our opinion, that the complaint of the Brazilian Government against Lieutenant Matson is groundless, as the cause of the affray between the boats of the "*Clinker*" and the "*Voador*," and the unhappy results thereof, are entirely attributable to the violent and premeditated attack, made upon the British boats by the "*Voador's*" people, before those boats had boarded that vessel, and to their subsequent temerity after the boarding had been effected, in twice attacking the British officers and seamen, who, in their own defence, were necessitated to repel force by force, until they succeeded in subduing their assailants, and in effecting that object, the loss of life on both sides was occasioned.

We have, &c.

(Signed)

ALEX. FINDLAY,  
WM. SMITH.

*The Right Hon. Lord Viscount Palmerston,*

&c.

&c.

&c.

First Enclosure in No. 36.

*Mr. Samo to Mr. Smith.*

Sir,

*Sierra Leone, February 10, 1831.*

I HAVE to acknowledge the receipt of your letter, requesting information relative to some proceedings, instituted in this colony, against the crew of a Brazilian slave-vessel, called the "*Voador*."

I herewith enclose copy of the examinations, taken before the Police Magistrate at this place, on the charge therein mentioned; but, in consequence of the officers of H. M. brig "Clinker" not appearing, to give evidence at the Court appointed for the trial of such offences, the prisoners were released.

I have, &c.

(Signed)

JOHN SAMO,  
King's Advocate.

Wm. Smith Esq. H. M. Commissioner of Arbitration,  
&c. &c. &c.

### Second Enclosure in No. 36.

Police-Office, Freetown, November 13, 1828.

PRESENT.—CHARLES DOUGLAS, Esq. P.M.

ANTONIO FERRARA,—John Baptiste,—Francisco Monteiro,—Camento Francisco,—José Antonio,—Antonio Ferrara,—John Baptiste Ganebare,—Francisco Lopez,—Emanuel Gomez,—Pedro Ravero D'Andrade,—and Antonio,—brought up, and charged by Lieutenant Matson, with feloniously and maliciously firing upon the officers and crew of H. M. brig "Clinker," on the 18th August last.

William Coyde sworn,—is mate on board the "Clinker;" on the 18th of August, was in charge of the boats of the "Clinker," in the Bembia River, and about 5 in the evening, discovered the brigantine "Voadora," laying at anchor under Bembia Island; on approaching the vessel, hoisted English colours in both boats; in the act of hoisting the colours the "Voadora" fired a gun, loaded with round shot, and hoisted a Brazilian ensign; pulled up to the vessel, with a boat on each quarter, when the gig got alongside on the starboard side 2 shots were fired into her, either musket or pistol. Witness was in the other boat, and on getting up the vessel's side, found the whole of the crew armed, amongst which were the whole of the prisoners; desired the Captain to order his men not to fire, and pointed to the English colours, and said,—they belonged to an English man-of-war; the Captain said "Vive la Anglaise," "no fight;" while the Captain was addressing the crew, a shot was fired; does not know who it was; immediately on this shot being fired, the whole of the prisoners fired at witness and the remainder of his boat's crew; at this time Philip Woodley, seaman, fell mortally wounded. Witness then ordered his men to fire, which they did, and then witness received a wound in his head from a pistol; fell senseless, and does not know what went on for several minutes; on recovering found both parties fighting forward, and after a few minutes they all jumped over the bows of the vessel. Witness then ordered as many of the prisoners as possible to be secured; on coming aft, 1 of the witness's own men, named Andrew Johnson, came to witness, and said—the Captain wished to give up his sword; went with him, and was informed that a pistol had been snapped at Andrew Johnson first, but did not go off, and that he was again drawing another pistol, when witness ordered him to be shot,—he was shot and fell overboard. Witness could not see at this time, from the effects of the pistol which had been fired at him; 3 prisoners were brought to witness out of the cabin, whom he ordered to be secured—secured the rest, and put them below—knows nothing more of the matter, on account of being in such a weak state.

Prisoners declined asking the last witness any questions.

Francis Edward Saintsbury sworn,—is Master's Assistant belonging to the "Clinker," was in the gig on the 18th August, and accompanied the last witness; on opening the Bembia River, saw the before-mentioned vessel at anchor, and while hoisting her colours observed her to fire, and a round-shot fell wide of the boats, about 20 yards distance; pulled up on the starboard quarter alongside the vessel, when 2 muskets were fired at the boat, which went clear, boarded and met former witness, who had just boarded, speaking to the Captain for 2 or 3 minutes, when a man on the starboard side the fore-hatchway fired a pistol at the head of John Morton, which missed him. Witness on turning round, saw a man standing on the starboard gangway present a pistol at him, which he fired, but only went through his hat. Witness then shot him; the remainder of the crew then began to fire, amongst which were the whole of the prisoners; a general skirmish then commenced; and a short time after, the prisoner, Francisco Lopez, seized witness by the two shoulders; witness was going to knock him with a pistol which he held, when he said—he was a Manilla man and did not fight. Witness then desired him to go aft, which he did, and at the same time witness received a blow from the butt end of a musket on his arm, but does not know who from, which knocked him down, and remained down some time; on recovering, John Morton asked witness if he was hurt, witness said no, and got up; the whole of the prisoners were then aft, and witness going there also met Mr. Coyde, who was calling him, and said he was blinded—sent a man in the cabin, where there was a light, and a man who has since died; this man said—there was half a barrel of loose powder, and asked if it was to be handed on deck; witness said yes. Witness then ordered up a cartridge for the long gun, which was done, and he had it then loaded and double shotted, pointed it in shore, got under weigh the next day, and returned to the "Clinker,"—the whole of the crew were armed with muskets and pistols—(hat and pistol produced.)

Prisoners declined asking this witness any questions.

John Morton, seaman, belonging to the "Clinker," sworn,—was in the gig on the day in question with former witness, Mr. Saintsbury, and saw the schooner laying at anchor,—pulled towards her in

the boats, when within gun-shot, she fired; she had Brazilian colours flying; English colours were flying in both boats; the gig went on the starboard, and the cutter on the larboard side; both boats boarded; while witness was doing so, was fired at with either a musket or a pistol; another ball was then fired at the boat, got on board, and heard Mr. Coyde asking for the man who had fired at the boats; the Captain said, "Spara," and at the same time his men were drawn across the deck; they were all armed; Mr. Coyde pointed to the colours in the boats, and said,—he had come along side as friends; at this time they began to fire from forward at the people belonging to the boats; Mr. Coyde then ordered his men to fire, when Philip Woodly fell; they then fired, and rushed forward, some of the prisoners threw their muskets away, and jumped overboard, others went down below; was ordered to go below, and search, and secure the prisoners, and found a man named Josaro Arogoug in irons, and John Baptiste Gauebare laying in his hammock with fever; secured them and the other men, got the vessel under weigh; the whole of the prisoners were on board at the time firing commenced.

Prisoners decline asking any questions.

Andrew Johnson sworn,—is a seaman belonging to the "Clinker," and was in the cutter when they observed the "*Voadora*;" observed her to fire a gun, which was shotted, and hoist Brazilian colours before they got along side; went on board on the larboard side, when he saw Mr. Coyde, and heard him ask for the man who had fired at the gig, as 2 muskets had been fired before they boarded; while Mr. Coyde was talking to the Captain, observed Philip Woodley receive a ball in his neck, and blood streaming from it; did not observe him fall, turned round, and a man, one of the prisoners, but whom witness cannot point out, snapped a musket at him, which did not go off; witness struck him with a cutlass, a general skirmish then took place, some of the prisoners jumped overboard, others went down below, went after them till they were all subdued, and then returned aft; the Captain was standing on the starboard side of the taffrail; went and asked him to give up his arms, he had a loaded pistol in his right hand, and a sword under his left arm, he delivered the sword, and while doing so, flashed at him with the pistol, which missed, (the pistol produced) and it fell from his hand; witness made a thrust at him with his own sword, he fell over the stern, caught the davit-falls, hung a few seconds, when he was shot from the boats; while he was hanging, he was taking something from his breast, does not know what it was; identifies the prisoners as the crew of the "*Voadora*."

William Turner, one of the Carpenter's crew on board the "Clinker," accompanied Mr. Coyde in the cutter on board the "*Voadora*;" got on board, heard Mr. Coyde ask the Captain (who was standing aft), who was the man had fired at the boats before they got along side; while the Captain was talking, a shot was fired from one of the "*Voadora*'s" crew, and which witness believes, was the one that killed Philip Woodley; both parties then began a skirmish, 2 of the prisoners, Pedro Ravero D'Andrade, and Emanuel Gomez, flashed their musket and pistol at witness, it missed, they then jumped overboard; Jose Antony was hanging by the bob-stay forward, witness pointed his musket at him, when he said, "do not shoot me, I have been in the English service before;" did not fire, but sung out for Mr Coyde, and told him what the man had said; Mr. Coyde ordered them to be secured, and taken in board, this was done; on going below for irons to secure the prisoners, observed Josaro Arogoug in irons, and John Baptiste Ganebare sick in his hammock; on coming up again, the greater part of the men was secured on the quarter deck.

Thomas Sutton sworn,—is a marine on board the "Clinker," and was on board the "*Voadora*" when this affray commenced, and saw the Captain standing on the taffrail, and pull a pistol out of his breast, and snap it at Johnson; it did not go off; loaded his musket while he, the Captain, still was standing on the taffrail, and hit him when he fell over it; then went forward, and observed Mr. Coyde with his face blown up. The prisoners are part of the crew of the "*Voadora*;" they were all armed, and that several of them fired at the men when they boarded.

Lieutenant George Wilson Matson sworn,—is a Lieutenant in the Royal Navy, and commands H. M. brig "Clinker," having the Treaties from the Admiralty, authorizing him to search neutral vessels to prevent the illicit traffick in slaves; about the 14th or 15th of August, sent his boats away to the back of Bembia Island; the boats were under the command of Mr. Coyde; on the 20th they returned with a vessel, and the whole of the prisoners as prisoners.

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DEFENCE.

Deny the charge.

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ORDERED

To be sent to gaol to be dealt with according to law.

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Sierra Leone, Police Office, Freetown, February 4, 1831.

I certify the above to be a true Copy from the Records of this office.

MAGS. SMITH, Clerk of Police.

## Third Enclosure in No. 36.

*Mr. Coyde to Commodore Hayes.*

SIR,

H. M. S. "Dryad," Sierra Leone, January 28, 1831.

ACCORDING to your desire, I beg leave to lay before you the proceedings of the boats of H. M. brig "Clinker," under my command, on or about, the 18th of August, 1828, when attacked by the Brazilian brigantine "Voador."

On rounding Biubia point, the Brazilian brigantine "Voador" fired her long gun, loaded with round and grape, at the boats of H. M. brig "Clinker," although one of the boats had an English blue ensign flying, and the other an union-jack.

This fire was not returned by the boats, but, on getting alongside, a volley of musketry was fired by the crew of the brigantine into the "Clinker's" boats, and a ball passed through the hat of Mr. Edward Saintsbury, Master's Assistant, in charge of the gig;—this fire was not returned by the boats, the crews of which boarded the brigantine, and upon my demanding of the Captain of that vessel his papers, he pretended to comply, but at the same time made a signal to his crew, who immediately rushed aft, and commenced a determined attack on the "Clinker's" people, in which I was severely wounded, 1 man mortally, and 5 or 6 slightly. Until this time the "Clinker's" people had used no violence towards the crew of the brigantine, who were not overpowered for several minutes.

Upon the Brazilians calling for quarter, which was immediately granted them, the Captain of the brigantine offered his sword to one of the "Clinker's" people (Andrew Johnson) with one hand, and with the other attempted to fire a pistol at him, (which flashed in the pan); his crew, upon this, renewed the attack upon the "Clinker's" men, and before the brigantine could be taken possession of, her Captain and several of her crew were killed and wounded.

The brigantine was then taken down to the "Clinker," who sent her to Sierra Leone for adjudication, where she was condemned in the Court of Mixed Commission, for being illegally engaged in the traffick of slaves, and her crew committed to take their trial at the sessions, for the wanton and unprovoked attack on the boats of the "Clinker," but in consequence of the absence of the witnesses for the prosecution, they were discharged.

The relative force was as follows:—English, 1 cutter, 12 men; 1 gig, 5 men; including officers.

The loss on our side was 1 man mortally wounded; 3 severely, (including myself) and Mr. Saintsbury; and 5 or 6 others, slightly.

The "Voador" mounted 7 guns, had a crew of about 40 men, out of which 18 or 20 were killed and wounded.

For any other information, I have enclosed to you a copy of the depositions taken on oath before the Sitting Magistrate at the Police Office, and have the honour to be, &c.

Commodore Hayes, C. B.

(Signed)

WILLIAM COYDE, Mate.

&amp;c. &amp;c. &amp;c.

## No. 37.

*Viscount Palmerston to His Majesty's Commissioners.*

GENTLEMEN,

Foreign Office, May 27, 1831.

I HEREWITH forward to you, for your information and guidance, the copies of correspondence\* on the subject of a petition of V. S. dos Santos, a Brazilian subject, praying for leave to fetch, from the Coast of Africa, a cargo of slaves, which had originally been shipped for Rio de Janeiro, previously to the time fixed for the abolition of Brazilian slave-trade, but which, owing to a shipwreck, had been relanded on the coast before the completion of their voyage. You will perceive that in granting this petition, after investigation of the circumstances alleged, care has been taken that the compliance of His Majesty's Government with the demand in this instance, should not be considered as constituting a precedent or ground-work for future applications; and, accordingly, a petition of M. F. da Silva, which has been subsequently preferred by the Brazilian Minister for a similar indulgence, has, on consideration, been refused.

I send to you copies of the correspondence† which passed likewise on this latter occasion.

I am, &amp;c.

(Signed) PALMERSTON.

*His Majesty's Commissioners.*

\* Mr. Aston, Aug. 31, 1830; to Mr. Aston, Dec. 10, 1830—See Class B., Nos. 29 and 31, of 1830.—Mr. Aston, March 17, 1831—See Class B.

† M. Mattos, Feb. 26, 1831; to M. Mattos, April 20, 1831—See Class B.

Enclosure in No. 37.

*Viscount Palmerston to the Lords of the Admiralty.*

MY LORDS,

Foreign Office, May 27, 1831.

I HEREWITH send to your Lordships the copies of a correspondence, which has taken place with the Brazilian Government, on the subject of a petition of V. S. dos Santos, a Brazilian subject, praying for leave to fetch from the Coast of Africa, a cargo of slaves, which had originally been shipped for Rio de Janeiro, previously to the time fixed for the abolition of Brazilian slave-trade, but which, owing to a shipwreck, had been relanded on the coast before the completion of their voyage.

I have to request, that your Lordships will be pleased to take those steps which the case may require, in conformity with the assurance given to the Brazilian Government, in order that no impediment may be put, on the part of His Majesty's cruisers, to the completion of the passage, which, as it appears, was originally intended for these slaves, at a time when the slave-trade was legal on the part of Brazil.

Your Lordships, however, will perceive, that a compliance with this request was made to depend upon the result of a previous investigation into the facts of the case, and was accompanied by a declaration, that it should not be drawn into a precedent for future applications.

In accordance with this principle, I thought it right to decline acceding to a similar application, which was afterwards brought forward.

I send herewith to your Lordships, for your information, copies of the correspondence which took place between the Brazilian Minister and myself on the subject of this second application, preferred on the part of M. F. da Silva.

I am, &amp;c.

(Signed) PALMERSTON.

The Lords Commissioners of the Admiralty,  
&c. &c. &c.

No. 38.

*His Majesty's Commissioners to Viscount Palmerston.—(Received May 31.)*

MY LORD,

Sierra Leone, March 18, 1831.

WE have the honour to enclose herein, for your Lordship's information, the copy of a letter which Commodore Hayes, on the 10th instant, addressed to the Commissioners of the Mixed Commission Court, relative to the Treaty between Great Britain and Brazil, for the abolition of the African slave-trade.

The subject of Commodore Hayes's communication was discussed at a meeting of the British and Brazilian Commissioners, on the 15th instant; when, after serious consideration, a reply, of which we beg to enclose a copy, was unanimously adopted, and forwarded to the Commodore.

By that reply your Lordship will perceive, that the British and Brazilian Commissioners are of opinion, that no authority is delegated to them, by the Treaty of the 23d of November, 1826, to take cognizance of Brazilian vessels that may be captured, as pirates, for carrying on the slave-trade; and that the provisions of the Treaty, and additional and explanatory articles thereto, between Great Britain and Portugal, for the repression of the illicit traffick in slaves, cannot now be applied to Brazilian vessels carrying on that traffick; the application thereof to Brazilian slave-ships being limited to the period of the final abolition of the slave-trade by Brazil, which abolition took place on the 13th of March, 1830.

We feel extremely anxious to learn, whether this view of the subject be such as His Majesty's Government entertain thereon; and, as it is a matter of much importance, we have most respectfully to solicit your Lordship's early commands for our future guidance.

We have, &amp;c.

(Signed)

ALEX. FINDLAY.  
WM. SMITH.

The Right Hon. Lord Viscount Palmerston,  
&c. &c. &c.



## First Enclosure in No. 38.

*Commodore Hayes to the British and Foreign Commissioners.*

GENTLEMEN,

"Dryad," Sierra Leone, March 10, 1831.

A RUMOUR having got into circulation that, in the event of a vessel being sent into the port of Sierra Leone, by His Majesty's squadron, laden with slaves, and under the Brazilian flag, the Commissioners of the Mixed Commission Court will not feel justified in proceeding to adjudicate in this case, now that the Brazilian Government have made the trafficking in slaves piracy; I had considered the Court would proceed precisely in the same way in this case, so far as relates to the vessel and slaves, as in the case of a Spaniard or Portuguese, but whether the Commissioners will consider the Brazilian law to impose on them the task of passing sentence on, and executing the crew of the vessel, is no question for me to discuss. I may, however, have taken a wrong view of the case, and it therefore becomes my duty to request, to be put into full possession of the Court's determination on this point, in order to enable me to issue the necessary instructions to the Commanders of His Majesty's ships and vessels, composing the squadron on the West Coast of Africa. I trust the Commissioners will see the necessity for the making of this application, and that they will give the necessary orders for furnishing me forthwith with the determination the Court has come to, in the event of a Brazilian vessel with slaves being sent into the port of Sierra Leone by His Majesty's squadron under my command.

I have, &amp;c.

(Signed)

JOHN HAYES, Commodore.

The Commissioners of the Mixed Commission Court,  
Sierra Leone.

## Second Enclosure in No. 38.

*British and Foreign Commissioners to Commodore Hayes.*

SIR,

Sierra Leone, March 15, 1831.

WE have had the honour to receive your letter of the 10th instant, and in reply thereto, beg to refer you to the 2d and 3d Articles of the Treaty between Great Britain and Brazil, for the regulation and final abolition of the African slave-trade; by which you will perceive, that the several articles and provisions of the Treaties concluded between His Britannick Majesty and the King of Portugal, on this subject, on the 22d of January, 1815, and on the 26th of July, 1817, and the several explanatory articles which have been added thereto, are to be applied, *mutatis mutandis*, to the subjects of the High Contracting Parties, until the time of the final abolition of the slave-trade by Brazil, which abolition took place on the 13th of March, 1830.

The British and Brazilian Court of Mixed Commission would not, therefore, be authorised to apply the aforesaid Treaties, for the repression of the slave-trade, between Great Britain and Portugal, to Brazilian vessels, which may hereafter be captured, carrying on the slave-trade; such vessels would, undoubtedly, be guilty of piracy, but no authority is delegated to the British and Brazilian Court of Mixed Commission, by the Treaty of the 23d of November, 1826, to take cognizance thereof.

We have, &amp;c.

(Signed)

ALEX. FINDLAY.

H. M.'s Commissary Judge, *ad interim*.

(Signed)

JOZE DE PAIVA.

H. I. M.'s Commissary Judge.

(Signed)

WM. SMITH.

H. B. M.'s Commissioner of Arbitration.

Commodore John Hayes, C. B., His Majesty's Ship "Dryad."

## No. 39.

*Viscount Palmerston to His Majesty's Commissioners.*

GENTLEMEN.

Foreign Office, June 6, 1831.

WITH reference to my despatch to you, of the 27th of May last, respecting the requested removal of 691 slaves, from the bay of Lorenzo Marquez to Brazil, under the circumstances therein mentioned;—I have to send to you, for your information, the accompanying copy of a letter, which has been received at this Office from the Admiralty, and of a despatch\* which I have consequently addressed to His Majesty's Chargé d'Affaires in Brazil,

\* See Class B.

desiring him to acquaint the Brazilian Government, that directions have been given in accordance with the request preferred by the Brazilian Government, on the part of V. T. dos Santos, on this occasion.

I am, &c,  
*His Majesty's Commissioners.* (Signed) PALMERSTON.

Enclosure in No. 39.

*J. Barrow, Esq. to Sir G. Shee.*

SIR,

*Admiralty Office, May 30, 1831.*

IN return to the letter from Viscount Palmerston, to my Lords Commissioners of the Admiralty, of the 27th instant, respecting the removal of 691 slaves from the Bay of Lorenzo Marquez to Brazil, under the circumstances therein mentioned; I am commanded by their Lordships to acquaint you, for the information of Lord Palmerston, that they have directed the officers commanding on the Cape of Good Hope, and South American stations, to allow the vessel having the said slaves on board, to pass accordingly.

I am, &c.  
*Sir George Shee, Bart.* (Signed) JOHN BARROW.  
 &c. &c. &c.

No. 40.

*Viscount Palmerston to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, August 9, 1831.*

I RECEIVED your despatch of the 16th of September, 1830, in which you appear uncertain whether or not you accurately understood the opinion of the King's Advocate, of which a copy had been furnished to you, for your guidance, in the Secretary of State's despatch to you of the 2d of July, 1830, upon the subject of captures made by tenders, when apart from the ships to which they belong.

My attention has recently been called to this case, by a judgment of the High Court of Admiralty, to whose decision the application of Sir George Collyer for payment of the bounty for the slaves, captured in the "*Donna Barbara*," was referred; and the Judge in this case pronounced, that the capture was not made under such circumstances as entitled the Captors to the bounty. As he, at the same time, explained, at considerable length, the principles on which his decision was grounded; I think it may be useful to send to you a copy of the sentence, and I herewith enclose it. You will do right to act in conformity with the principles therein laid down; and I do not apprehend that you will experience any difficulty in applying those principles, to such cases as may hereafter be brought under your consideration.

I am, &c.  
*His Majesty's Commissioners.* (Signed) PALMERSTON.

Enclosure in No. 40.

*I. Nicholl, Esq. to Sir G. Shee.*

"DONNA BARBARA."

SIR,

*Doctors' Commons, July 14, 1831.*

HAVING been in communication with you, by direction of the Judge of the High Court of Admiralty, upon the subject of the claim of Sir Francis Augustus Collier, Commander of H. M. S. "*Sybil*," for bounties for the slaves captured in the above vessel; I beg to enclose you a copy of my letter to the Secretary of the Treasury, reporting the decision of the Court, rejecting the said claim; and also a correct copy of the judgment, for the information of His Majesty's Secretary of State.

I have, &c.  
*Sir George Shee, Bart.* (Signed) LTJED NICHOLL.  
 &c. &c. &c.

## Sub-Enclosure (A.) in No. 40.

*I. Nicholl, Esq. to the Hon. J. Stewart.*

SIR,

Doctors' Commons, July 14, 1831.

I WAS duly honoured with your letter of the 18th January last, transmitting to me several accompanying documents, in regard to the circumstances attending the capture of the Brazilian schooner "*Donna Barbara*," for being engaged in illegal slave-trade, and desiring that I would cause the question to be submitted to the judgment of the High Court of Admiralty, in the event of an application being made to that Court, on the part of the Captors; and I have now the honour to inform you, that the question as to the right of the commander, officers, and crew of H. M. S. "*Sybille*," to a moiety of the proceeds of the said vessel, and to the bounties for the slaves found on board her, has been brought to a decision in a summary manner, and that the Court having been furnished, at its desire, with documents, for the clear understanding of the facts and circumstances of the case, and having heard the matter fully argued, and taken time to deliberate, did, at an extra sitting held yesterday, pronounce against the rights of Sir Francis Augustus Collier, the Commander, and the other officers and crew of H. M. S. "*Sybille*," to the moiety of the proceeds and bounties, claimed as due to them for this seizure.

I have also the honour to annex, for the information of the Lords of the Treasury, a correct copy of the judgment delivered by the Court, in which the grounds and principles of this decision are laid down.

Hon. J. Stewart,  
&c. &c. &c.

I have, &c.  
(Signed) ILTID NICHOLL.

## Sub-Enclosure (B.) in No. 40.

*"Donna Barbara," Thomas Luiz, Master.*

## JUDGMENT.

THIS is a proceeding on the part of Sir Francis Augustus Collier, and the officers and crew of H. M. S. "*Sybille*," to enforce, by the process of this Court, their claim to bounties for a certain number of slaves, captured in this ship, the "*Donna Barbara*," and condemned under the Brazilian Treaty, by the Mixed Commission Court at Sierra Leone; and the Lords of the Treasury have concurred in referring the question to this Court. The Act of Parliament gives the Court of Admiralty power to decide on claims to share in the proceeds or bounties in such captures, although the condemnation has passed in another Court, and this is a jurisdiction which the Court exercises freely, so as to arrive at the real facts of the case. It did so in the Rio Pongos' case (1824), in which bounties were claimed for slaves, captured on an inland expedition, under a condemnation in general terms, that might have implied, without such examination, that bounties were due, as of course, for an ordinary capture at sea. The Court must exercise some enquiry in this case, because the plaintiffs themselves aver against the sentence, that there has been an error in describing the capture as made by the "*Paul Pry*," as a tender to the "*Sybille*." Whereas it is alleged the capture was actually made by the boats, of the "*Sybille*," independently of the interference or operation of the "*Paul Pry*."

I have made these observations, because an objection has been urged in argument which was not noticed in the Act, that as the Court at Sierra Leone has pronounced the capture to be legal, this Court will not impugn that sentence, or call into question any fact which may affect the legality of the sentence, as it is alleged any enquiry into the character and competency of the Captor will do incidentally. This argument might raise very important questions if it was pursued; it is to be observed, that the Act of Parliament empowers this Court to carry into effect the sentence of the Mixed Commission Court, and it may be questionable, how far the Court can be required to act ministerially with regard to such sentences, without any power of examining them. This is a special case, therefore, in which I do not wish to introduce more general questions than properly belong to it. The Act on petition does not deny the legality of the sentence, and it will not be necessary for me to do so. The question now to be decided does not depend on the Convention alone. The claim to bounties must be founded on the further act of the British Government in granting bounties, and on the directions given for the distribution of them.

The facts of the capture were shortly these:—the "*Sybille*" was lying at Fernando Po, and Sir Augustus Collier had dispatched Lieutenant Harvey with a slave-ship to Sierra Leone, for adjudication. On board the slave-ship he sent, at the same time, a small gig or ship's boat, and about 20 men, to man another gig, belonging to the "*Sybille*," which had been left at Sierra Leone for repair. At Sierra Leone was lying also a ship called the "*Paul Pry*," which had been purchased by Sir Augustus Collier, to be used in the service of the "*Sybille*," and, in vague and popular language, as a tender to the "*Sybille*," but without any orders from the Admiralty to that effect, and without any recognition of the Admiralty of any public character attached to that ship. She is described in the affidavit as being unarmed, and as being intended to be used as a sort of boat-house, or protection from the climate, for the boat's crew in returning down the coast, and the boat's crew were using her for that purpose at Sierra Leone, and made the capture by putting off from the "*Paul Pry*," when the prize appeared at the mouth of the harbour. It is said that there was a mistake on the part of the Court in making mention of the "*Paul Pry*," as connected with the capture, as Lieutenant Harvey distinctly informed the agent or proctor, that the capture was made by the boat's crew of the

"Sybille." I have no doubt that declaration was made, but not in contradiction to the use of the "Paul Pry," but as a further assurance, that the Captors were identically the crew of the "Sybille," a caution which I perceive the Court at Sierra Leone has used in other cases in dealing with the anomalous character of tenders. For the affidavit does not state, that Lieutenant Harvey was ignorant of the description given of the Captor, or that he remonstrated against it.

The bounties were first given by the 1st and 2d of Geo. IV. in 1821. So early as 1823, a case arose in the West Indies, in which the use of tenders in making captures under the Spanish Convention was first brought to notice, in the correspondence of the British Commissioner at the Havana; and in 1824 the "*Fabianna*," and in 1826 the "*Nicanor*," and the "*Principe de Guinee*," occurred at Sierra Leone, in which it became a question, how far the use of subordinate vessels, by the ships of war specifically authorised to make the capture, was reconcilable to the terms of the Treaty. In the "*Fabianna*" the Commissioners suspended their judgment, till they were advised that they ought to proceed; as it could not be the meaning of the Treaty that every departure from the rules or instructions included in the Treaty for the regulation of seizures should vitiate the capture; that the Contracting Parties, in adopting the marines of the two Powers, as instruments of seizure, might be supposed to have adopted the rules applied to the regulation of the naval service of the two Governments respectively; that exposition of the spirit of the Treaties appears to be reasonable. The Treaty purports—that it was to be executed according to the spirit,—and there was, at that time, a Commissioner of the Foreign Power, a member of the Court, who concurred in this interpretation. In our own service, tenders properly authorised have always been considered as identified with the ship to which they are attached, even when acting at very considerable distances. Such was the answer of the Admiralty in the "*Nicanor*" and "*Principe de Guinee*," and in other cases; and those captures were sustained. The Proclamation directs, accordingly, "that all rewards for arrests and seizures made by tenders employed by my order, or by the order of the Lord High Admiral, or any Commissioners for executing the office of Lord High Admiral, for the time being, or by boats or officers belonging to, and detached from, your Majesty's ships and vessels, are to be shared by the officers and men of the ship or vessel to which such boat or officers belong, in the same manner as if the seizure was made by the said ship or vessel." If the "Paul Pry" had been a tender so employed, the capture made from her might have been sustained as made by her, and the "Sybille" might have been entitled under the Proclamation. But that ground has not been relied on; but it is said the boat's crew are to be considered in their immediate relation to the "Sybille," notwithstanding their temporary and incidental connexion with the "Paul Pry," and that their acts will enure to the benefit of the whole ship's company. I should so far admit the explanation offered of the capture as to examine what rights can be communicated to the ship by a boat's crew so detached. It has been pointed out in the argument, that all the clauses of the instructions annexed to the Treaty seem to imply—that the capture should be made under the personal discretion and responsibility of the Captain, or Commander of the ship-of-war. He may send a Lieutenant to search and examine a suspected ship, and that claim furnishes some inference as to the use of boats, contemplated in the Treaty; but the Commander is to certify the papers, and do other acts, which are required as a guarantee for the cautious exercise of this new power of seizure given to the ships of another nation.

Here again I should be disposed to support the rights of the ship, in captures by boats, as far as could be shewn to be reasonable, or agreeable to the rules of the service. But the peace of the world is concerned in preserving with accuracy and precision, the lineaments which characterize the publick force of independent nations. I cannot extend these relations indefinitely, but must confine myself to such exposition of general terms, as may be consistent with the object of the service, and sanctioned by publick authority.

In the case of the "*Melomane*," which happened in 1803, on a question of prize of war, the very same relations, of a boat belonging to a King's ship, but acting from a tender belonging to the Captain of the King's ship, not authorized by the Admiralty, underwent much discussion; and, in that case, my predecessor being of opinion that the tender was not authorized to take for the benefit of the ship, held the ship's boat, which had been sent on board the tender, to be identified with that vessel, and merged in her character.

That might be a correct principle of construction to be applied to the very similar circumstances of this case; but I would not limit it by artificial construction, if I could find any authority in reason, or in any recognized usage of the navy for the proposition now advanced, that a capture (like the present) made by an open boat, at the distance of 1,500 miles from the ship, and without any reference to the discretion or judgment of the Commander of the ship, could be deemed a description of service, comprised in the clause of the Proclamation which I have read. Neither reason or usage, so far as I am informed, will justify such an interpretation, and I have used the best means of obtaining authentick information on the subject. The records of this Court do not furnish any instance of such extension. The reasoning of the Court in the "*Melomane*" was against it. I think the detachment of boats and officers, mentioned in the Proclamation, must be understood, with some limitation, and I can suggest no other, than such a practical dependence on the orders of the Commander, to be executed within the sphere of his personal superintendence and discretion, as will substantially connect him with the responsibility attached to the capture.

It is said in the Act, that the clause respecting detached boats, was introduced into the late Proclamation with reference to this class of cases. But that is not correct, since it was inserted first in the Proclamation of 1816, relating to the revenue seizures, and has been since continued, (vide Proclamations of 1824, 1825, and 1827.) It is said also, that in the "*Nicanor*" and the "*Principe de Guinee*," bounties were granted for slaves captured by the tender of the "*Maidstone*," lying at Sierra Leone, at a distance of 8 or 900 miles from the ship; and in one case, I believe, by boats from the tender. In the "*Fabianna*," which has been mentioned, there were no slaves on board, and no bounties have been paid. In the "*Nicanor*" and "*Principe de Guinee*" there was a special reference to the Admiralty, which recognized the use of that tender, and it must be presumed to have been properly authorized. These cases, moreover, were not referred to this Court, and therefore, whatever may have been done in them, if contrary to the letter or spirit of the law, will not justify me in exercising such a discretion.

It is said that no instructions under the Treaty have been furnished to any tender but the "Black Joke." The instructions under the Treaty seem to be confounded in the Act, perhaps by both parties, with the orders or permission of the Admiralty to employ tenders. Such employment is authorized, as I am informed, by official letters, sanctioning the purchase or use of such vessels, and it is granted only for a limited number of such vessels, with reference to the service on which the ship is employed, the number of her crew, and other considerations of a publick nature, by which the fitness and expediency of such a measure must depend.

No such permission is alleged in support of this claim, and I am bound to pronounce, that, taking the facts of this capture, in any way in which they can be represented, either as a capture by the "Paul Pry," or by the boat of the "Sybille," it will not entitle the "Sybille" to the bounties claimed under the Act of Parliament.

## No. 41.

*Viscount Palmerston to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, August 16, 1831.*

I HAVE referred, for the opinion of His Majesty's Advocate General, the subject of your correspondence with Commodore Hayes, as given in your despatch of the 18th of March, 1831.

The King's Advocate feels himself under the necessity of differing from you in your construction of the Treaty with Brazil of November, 1826, as given in that correspondence.

The enclosed copy of a note,\* which, by His Majesty's command, I have addressed to the Brazilian Chargé d'Affaires at this Court, upon his demand (of which a copy is also enclosed), for the instant dissolution of the Mixed Commission Courts of Sierra Leone and Rio de Janeiro, will shew to you the ground upon which the King's Advocate is of opinion, that the British and Brazilian Mixed Commission Courts, may still continue to apply the provisions of the Treaties for the abolition of the slave-trade, so far as to pronounce a sentence condemning Brazilian ships engaged in that trade, and decreeing the liberation of the slaves.

You will, therefore, continue, as heretofore, your proceedings in the British and Brazilian Mixed Commission Court, taking as the rules for your guidance, the observations laid down in my note to the Chevalier de Mattos of the 16th instant.

I am, &amp;c.

(Signed)

PALMERSTON.

*His Majesty's Commissioners.*

\* See Class B.—No. 71.

## No. 42.

*His Majesty's Commissioners to Viscount Palmerston.—(Received Sept. 22.)*

MY LORD,

*Sierra Leone, June 23, 1831.*

WE have the honour to enclose, herewith, the copy of a letter which has been addressed to us by M. de Paiva, His Brazilian Majesty's Commissary Judge, announcing to us his having received a communication from his Government, stating, that the commerce in slaves having finished, His Imperial Majesty did not think it any longer necessary, on his part, to have Mixed Commissions of the form of the 28th of July, 1817; and, in consequence, the Chargé d'Affaires in London had been ordered to communicate to the British Minister, His Imperial Majesty's resolution thereon; and that the Commission of Sierra Leone, having yet causes pending to decide, should be in force to the 30th of June, 1831. That, under these circumstances, after the current quarter, he would not be justified by his Government in paying any more contingent expenses; and requesting us to proceed to the adjudication of the Brazilian schooner "Ismenia," as his functions, after the above date, would cease.

A copy of the reply we transmitted that gentleman, we likewise have the honour to enclose; by which your Lordship will perceive, that while we acquiesced in the wishes of M. de Paiva, to proceed to the adjudication of the "*Ismenia*," before the 30th instant, such acquiescence was not to be held as pledging, in any manner whatever, His Majesty's Government to the extinction of the British and Brazilian Court of Mixed Commission, now established in this colony.

We have, &c.  
(Signed)

ALEX. FINDLAY.  
WM. SMITH.

*The Right Hon. Lord Viscount Palmerston,*  
&c. &c. &c.

First Enclosure in No. 42.

*M. Paiva to His Majesty's Commissioners.*

GENTLEMEN,

Sierra Leone, June 20, 1831.

I HAVE the honour to inform you, that I have lately received the following communication from my Government, viz. —

"I have to state to you, that the commerce in slaves having finished, the Government of His Imperial Majesty does not think it any longer necessary on his part, to have Mixed Commissions of the form of the 28th of July, 1817. And in consequence it has been ordered, that the Brazilian Chargé d'Affaires in London, do communicate to the British Minister, His Majesty's Imperial resolution on this behalf, and that the Commission of Sierra Leone, having yet causes pending to decide, shall be in force to the 30th of June, 1831. With which I acquaint you, for your information and execution."

Under these circumstances, after the current quarter, I shall not be justified by my Government, if I pay any more contingent expenses.

I have further to state that, as the Captor of the Brazilian schooner "*Ismenia*" has not come forward, according to my request, being now upwards of 12 months; and as according to the above order from my Government, after the 30th of this month, I cannot exercise the functions of Brazilian Commissary Judge; I request that we may proceed to the adjudication of the "*Ismenia*," before the expiration of the above date, that the affairs of the Brazilian Commission may be brought to a conclusion.

I have, &c.  
(Signed) JOZE DE PAIVA,  
His Imperial Majesty's Commissary-Judge..

*His Britannick Majesty's Commissioners.*

Second Enclosure in No. 42.

*His Majesty's Commissioners to M. Paiva.*

SIR,

Sierra Leone, June 21, 1831.

WE have the honour to acknowledge the receipt of the letter you addressed to us, under yesterday's date.

In reply thereto, we beg to inform you, that we have received no instructions from our Government, of a like nature to those which His Imperial Majesty's Government has communicated to you; therefore, our acquiescing, as we do, in your request, to adjudicate the Brazilian schooner "*Ismenia*" before the expiration of the 30th instant, is not to be held as pledging, in any manner whatever, our Government to the extinction, from that date, of the British and Brazilian Court of Mixed Commission, now established in this colony.

We have, &c.  
(Signed) ALEX. FINDLAY.  
WM. SMITH.

*Jozé de Paiva, Esq.*  
*His Imperial Majesty's Commissary Judge.*

No. 43.

*His Majesty's Commissioners to Viscount Palmerston.—(Received Sept. 22.)*

MY LORD,

Sierra Leone, July 2, 1831.

WE now have the honour to transmit, enclosed, for your Lordship's information, our report of the case of the Brazilian brigantine "*Ismenia*," which vessel was condemned on the 29th ultimo.

The circumstances attending the capture of the "*Ismenia*," in the River Cameroons, in latitude 4° 5' N., longitude 9° 20' E., by the boats of H. M. S. "Eden," and those attending the delay in bringing her case to adjudication, were communicated by us to His Majesty's Secretary of State, under date of the 27th of May, 1830. We, therefore, conclude it would be unnecessary to enter into a repetition of those facts in this despatch, having briefly adverted to them in our report, to which we beg respectfully to refer your Lordship. One circumstance occurred, however, during the sitting of the British and Brazilian Court, when the "*Ismenia's*" case was decided, which it is right that we should bring to your Lordship's knowledge; and that was, after sentence of condemnation had been passed upon that vessel, His Imperial Majesty's Commissary Judge protested against the sentence, and demanded that his protest should be entered of record upon the minutes of the Court. To this demand we decidedly refused to accede.

A minute thereof was entered upon the proceedings of the Court, and we have annexed to our report a copy of the same; which includes our reasons for such refusal, and which we hope may meet your Lordship's approbation.

We have, &c.

(Signed) ALEX. FINDLAY.  
WM. SMITH.

*The Right Hon. Lord Viscount Palmerston,*  
&c. &c. &c.

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First Enclosure in No. 43.

*Report of the Case of the Brazilian Schooner, "Ismenia" Joao Antonio da Silva, Master.*

THE Brazilian schooner "*Ismenia*," of Rio de Janeiro, owned by Manuel José Ribeiro Guimarens, of that city, and commanded by Joao Antonio da Silva, arrived in this harbour on the 10th of January, 1830, having been detained, on the 28th of November, 1829, in the River Cameroons, in latitude 4° 5' north of the Equator, longitude 9° 20' east of Greenwich, by Lieutenant Mercer, of H. M. S. "Eden," in command of a detachment of boats belonging to that ship, for a breach of the Convention between Great Britain and Brazil, for the repression of the illicit traffick in slaves. On the 12th, the ship's papers, together with the Captor's declaration, were brought into Court, and filed in the cause, duly authenticated by the affidavit of Lieutenant Roberts, of H. M. S. "Eden," and Prize Officer of the "*Ismenia*."

On the 13th, the Captor's Proctor prayed,—that a monition might go forth, citing all parties interested before the Court. The monition was granted on the same day; and was returned into Court on the 20th following, certified to have been duly served.

The Captor, in his declaration, stated—that, "on examining the "*Ismenia*," it appeared by her passport, numbered 785, that she was permitted to proceed to the Ports of Cabinda, Zaire, and Molembo, for the purpose of trading for slaves, with licence to carry 303, and a permission to touch at the Islands of St. Thomas and Princes. On examining her hold, it appeared that her bulk was broken, and a great part of her cargo landed at the town of King Bell, in the Cameroons; who declared that he had received a part of her cargo, for the purpose of trafficking in the country for slaves, and a number of irons for their confinement; likewise he had some slaves previously purchased for the "*Ismenia*" in his charge. Which said facts of her having broken bulk, landed a great part of her cargo, likewise her having slaves on shore at King Bell's Town, and being at the time at anchor off King Bell's Town, in the River Cameroons, in latitude 4° 5' North, and longitude 9° 20' East, being all contrary to the existing Treaties between His Britannick Majesty, and His Imperial Majesty the Emperor of Brazil, I detained the said vessel, for the purpose of being brought before the Mixed Commission Court, for a breach of the said Treaties."

The passport with which the "*Ismenia*" was furnished, was signed by Miguel de Souza Mello e Alvim, Minister and Secretary of State for the Marine Department at Rio de Janeiro, dated 28th August, 1829, and although licence was therein given for her to touch at Princes and St. Thomas, it contained the usual prohibitory clause "to enter solely such ports on the Coast of Africa, where the slave-trade is permitted to the subjects of the empire."

On the 15th following, the Master, Joao Antonio da Silva, and a seaman, named José Rodriguez, were examined on the standing interrogatories; and on the 20th, José Pádra, another seaman, was examined on the same.

The Master deposed—that he is a subject of Brazil; that Manoel José Ribeiro Guimaraens, the owner, appointed deponent to the command of the vessel taken; he resides at Rio de Janeiro, and is also a subject of the Emperor of Brazil; that he (deponent) was present at the taking and seizing of the "*Ismenia*"; he cannot state upon what pretence, or for what reason, she was detained; that the owner of the vessel came passenger in her from Rio de Janeiro to the Coast of Africa; he was not destined to any particular place, but to visit such ports as the vessel might touch at; and although he was the owner of the entire cargo, still deponent had the sole authority and disposal of it. The present voyage began at Rio de Janeiro, and was to have ended there; Angola was the first port the

vessel sailed for and touched at, during the present voyage; the vessel's bowsprit received some injury, by the carrying away of the chain bobstay and one of the shrouds, during boisterous weather on the outward passage; the whole of which was repaired at Angola. The owner landed a few packages at Angola, which were given to his friends as presents, but no part of the cargo was landed, nor was trade made with the settlers or natives. The vessel remained about 8 days at Angola, and afterwards sailed for Molembo, where she anchored on the 25th of October last; on which day part of the cargo was landed, and a further part a short time afterwards, for the purchase of from 350 to 370 slaves. Deponent having arranged his affairs at Molembo, and retaining a small assortment of merchandize on board, proceeded to Princes Island, on the 28th of October, for the purpose of procuring a supply of provisions and water, for the crew and the slaves. On the 1st of November, being then about 30 miles distant from Princes, a violent storm arose from the southward, which obliged him to take in the whole of his sails, and whilst in the act of lowering the mainsail, the mainmast gave way near the deck. The wind continued unabated for 7 or 8 hours, during which time they were obliged to scud under bare poles; and having, by means of the current and contrary wind, drifted so far to the northward of Princes, and it being impossible to set the after-sail, so as to beat to windward, they were obliged to bear up for the River Cameroons, where they arrived on the 2d of November, 1829, and anchored off King Bell's Town. That immediate preparations were made for repairing the defect of the mast, by the removal of the standing rigging, erecting sheers, and taking out the water-casks, which were stowed near it, and which employment occupied about 20 days; and having then performed such temporary repairs to the mast, as would have been sufficient to secure it till their arrival at Princes, they made arrangements for leaving that place. No trade whatever was made on shore at the Cameroons; but 1 cask of palm-oil, 18 scrivelloes, a quantity of yams, and stock for the use of the officers of the vessel, were purchased from the natives, who brought them alongside in canoes. Merchandize, to the amount of 40 dollars, was paid by witness to King Bell, as the custom or port charge, which is demanded from every vessel anchoring off his town. That on the 28th day of November, 1829, about 2 p. m. still lying at anchor off King Bell's Town, in the River Cameroons, a gig, with 2 officers and several men armed, went alongside, and shortly after, a larger boat, with an officer and a number of men. The last officer demanded the vessel's papers, which were delivered to him, and he at once took possession of her. No part of the cargo remained on board at the time of capture, but 1 small bale, containing 4 pieces of woollen cloth. No slaves were taken on board during the present voyage. That the passports, and other papers found on board the vessel taken, are entirely true and fair. That no papers of any description have been in any way cancelled or destroyed, or carried away in any manner whatsoever, during this voyage. That the invoice of the cargo and other papers were left on shore at King Bell's Town, and he was not allowed by the officer to go on shore for them.

José Rodriguez deposed—that Angola was the first port the "*Ismenia*" touched at during the present voyage; she anchored there to repair the bowsprit, which received an injury near the dead eye of the forestay in a tornado at sea, about 12 days before they reached the before-mentioned port. No merchandize was landed there, nor any trade made with the natives. They remained at Angola 8 days, and then sailed for Molembo, to trade for slaves. About 3 days after their arrival there, they landed the whole of the outward cargo, except 3 or 4 bales of merchandize. After a stay of 10 or 12 days at Molembo, the vessel sailed for Princes, to obtain a supply of provisions for the crew of the "*Ismenia*," and the slaves that were to have been purchased at Molembo. That one evening, about 6 o'clock, deponent heard the Master state, that they were approaching Princes, and about the same time, a violent tornado came on, which obliged them to clew up all the sails. After it abated, a heavy sea ran, which caused the vessel to pitch to such a degree, that the said mainmast sprang just above the deck, and prevented their setting the after-sails; the winds and the current being at this time against their proceeding to Princes Island, and finding the vessel drifting towards the coast, they bore up for the River Cameroons, and anchored off King Bell's Town. Preparations were made for taking the mainmast out, by taking off the standing rigging, and erecting sheers; but finding that an iron hoop would be sufficient to secure the damaged part, the mast remained. Cannot tell the number of days this service occupied, as he was sick. That just as the vessel was ready for sea, and still lying off King Bell's Town, she was taken possession of; but cannot state the day of the month. That all the papers which were found on board are true and fair. That bulk was first broken at Molembo; where the cargo was landed that was intended to purchase slaves. Four or five bales of assorted merchandize, one small canoe of salt, and some agudante, were landed at King Bell's Town, in the Cameroon's River, and placed in the custody of the Chiefs, for the purpose of bartering them for palm-oil, yams, and ivory. The object of purchasing the two former articles was to render it unnecessary for the vessel's proceeding to Princes, to purchase provisions, as they originally intended, before they met the accident at sea.

José Paidra swore—that Angola was the first port the "*Ismenia*" touched at during the present voyage. The vessel remained there 8 days; no part of the cargo was landed, except a few boxes and bales, as presents from the owner to some of the merchants on shore. The vessel then sailed for Molembo, which she reached after 10 days' passage, and where they landed nearly the whole of the outward cargo. After remaining there 3 days, they sailed for Princes; and on the 10th day, after leaving Molembo, a storm came on from the southward; and by keeping the vessel to the wind, the main-mast gave way under the deck, and they were forced to scud under bare poles. The storm continued unabated for 24 hours; and finding they could not set the after-sails, and the wind continuing from the southward, they steered for the River Cameroons; where they stripped the main-mast, and repaired the injured part by a strong iron hoop. All hands were employed in performing this work, which occupied about 5 days. The same day that the vessel's sails were bent, and they were prepared for sea, she was boarded and taken possession of, while lying at anchor off King Bell's Town in the Cameroons River.—Does not know if any cargo was landed there.

On the 22d, the Master prayed to be allowed to file his claim for the "*Ismenia*," which was granted. In his affidavit, in support of the said claim, he swore—that the "*Ismenia*" was captured on the 23th of November last past, in the prosecution of her voyage, and while lying at anchor in the River Cameroons, repairing her damaged mast, and making trade for palm-oil and other African pro-



duce. He further swore — that on the 12th of October, being laden with a general cargo, the said schooner landed a few papers of coral, not belonging to the said cargo; that on the 26th of the same month, sailed from Angola to Molembo; where the said vessel arrived on the 25th, and that the greater part of her cargo was landed, together with 2 persons in charge thereof, to make trade for a cargo of slaves; that said brigantine remained at Molembo 3 days, and then sailed for the Island of Princes to purchase provisions. That on the 31st of the same month, said brigantine was struck with a heavy tornado, and the main-mast very much injured; and that the River Cameroons being then the nearest port, deponent run for the same, in order to repair the damage the said brigantine had sustained. That while lying in the River Cameroons, trade was made for palm-oil and ivory; and on the 28th of November, she was captured by the boats of H. B. M. ship-of-war "Eden;" and that no slave or slaves have ever been shipped on board, during the present voyage.

On the 3d of February, the Proctor for the Captors informed the Court,—that his case was finally closed, and he prayed that an early day might be appointed for the adjudication of the "*Ismenia*." Previous to this date, however, His Majesty's warrants, constituting and appointing Walter William Lewis, Esquire, to be Secretary or Registrar to the Courts of Mixed Commissions established in this colony, had arrived under flying seal to Mr. Smith, His Majesty's Commissioner, who delivered the royal warrants immediately to Mr. Lewis, that he might forthwith enter upon the duties of the office, to which His Majesty had graciously been pleased to appoint him. Captain Alexander Maclean Fraser, of the Royal African Corps, who had, on the 12th of January assumed, (unlawfully as is subsequently proved) the Government of this Colony, and had taken upon himself the office of His Majesty's Commissary Judge, *ad interim*, declined to recognize Mr. Lewis, and arbitrarily insisted on retaining Mr. Thomas Cole, as Acting Registrar to the Mixed Courts, until His Majesty's Secretary of State's pleasure was known, regarding the non-recognition of Mr. Lewis. The Brazilian Commissary Judge and His Majesty's Commissioner of Arbitration, refused to acknowledge this measure of Captain Fraser's; and the consequence thereof was a cessation of all proceedings in the several cases then pending before the Mixed Courts. The Brazilian Commissary Judge and His Majesty's Commissioner of Arbitration, bearing in mind that no "formality should be left unobserved, the neglect of which might tend to invalidate in law the proceedings of the Commissions, when possibly questioned by any of the parties, refused to sit at any Court where Mr. Cole acted as Registrar, which they considered would be unlawful, as the office of Registrar had been filled by a person, appointed by His Majesty for that purpose.

This state of things lasted until the 26th of April, 1830, when the arrival of Lieutenant-Colonel Findlay, who had been appointed Lieutenant Governor of this Colony, put an end thereto. That officer immediately assumed the office of His Majesty's Commissary Judge, *ad interim*, recognized Mr. Lewis, administered the duly appointed oaths to him, and the business of the Commissions again proceeded with regularity. The papers and documents in the case of the "*Ismenia*" were a short time afterwards submitted for the consideration of the British and Brazilian Commissary Judges, when, on the 25th of May, the Brazilian Commissary Judge demanded the presence of the Captor, before he could proceed to the adjudication of that vessel, as reported to His Majesty's Secretary of State by His Majesty's Commissioners, under date of the 27th of May, 1830.

The Captor not having appeared up to the 20th of June, 1831, the Brazilian Commissary Judge officially notified to His Majesty's Commissioners, that, according to instructions he had received from his Government, he could not exercise the functions of his office after the 30th of that month, and requested that they would proceed to the adjudication of the "*Ismenia*," before the expiration of that date; to which proposition His Majesty's Commissioners assented, and reported the same to His Majesty's Secretary of State on the 23d of June, 1831.

The 29th of June was appointed for the hearing of the cause; but, previous thereto, the Court directed John Smith, a master mariner, usually residing at Fernando Po, to be examined, touching his schooner, and boats being employed to capture the "*Ismenia*," and directed a Commission of inspection and survey of the "*Ismenia*" to issue, to ascertain whether the damage the Master, Joao Antonio da Silva, had sworn the mast had sustained was true. The Commission was accordingly issued on the 23d of June, and on the following day it was returned with the Surveyor's report, which was as follows: "That the mainmast was sprung both above and below the deck, that below being secured with an iron strap; that there did not appear to have been any repairs whatever done to the mainmast above the deck; and that the repairs it had had below the deck would not necessarily oblige the vessel to go into any port to repair it, as such repairs as the mast had had could be readily done at sea, and would not certainly take a day to do." On the 24th, John Smith deposed,—that none of his vessels or boats were employed, as far as he knows, to convey any of the officers or men of H. B. M. S. "Eden" on board the Brazilian brigantine "*Ismenia*" during the time the latter vessel was in the River Cameroons.

The protracted proceedings in this case having at length finally closed, the Court met on the 29th, when, after hearing the evidence filed on behalf of the Captor, and on behalf of the Claimant, and the Proctor for the Captor thereon, no one appearing on behalf of the Claimant, who, together with the other witnesses, had quitted this upwards of 12 months previously, His Majesty's Commissary Judge, *ad interim*, delivered his opinion as follows:—

There appears so much contradiction in the evidence in the case of the "*Ismenia*," that I shall refrain from making any observation on it.

It is acknowledged by the Master, that he came to the Coast of Africa, with permission from his Government to purchase a cargo of 303 slaves at Molembo or Cabinda; and he states, in his evidence, that he landed goods at Molembo sufficient to purchase a cargo of 370 slaves, and that he then proceeded to Princes, to purchase provisions, it being stated in his passport, that he was at liberty to touch at Princes and St. Thomas.

This liberty granted by the Government of Brazil for their subjects engaged in the slave-trade, to touch at any port or place to the north of the Equator, where the slave-trade is carried on, is an infringement of the Treaty subsisting between that Government and Great Britain,

And the "*Ismenia*" having been found at anchor in the River Cameroons, in violation of her passport, and the first Article of the Treaty of the 22d of January, 1815, and the second Article of the

Additional Convention of the 28th of July, 1817. It is therefore my opinion, that the "*Ismenia*" was lawfully seized, and that she ought to be condemned, with her tackle, apparel, and furniture, and the goods, wares, and merchandize on board of her, as a good and lawful prize to the Crowns of Great Britain and Brazil, the same being seized by the boats of H. M. S. "*Eden*," and prosecuted by William FitzWilliam Owen, Esq. Captain, commanding the said ship.

His Majesty's Commissary Judge having concluded his opinion, the Brazilian Commissary Judge proceeded to give his, to the following effect:—

That the "*Ismenia*," without having slaves on board, had been arbitrarily detained, and brought to Sierra Leone, contrary to the 5th and 6th Articles of the Convention, and 1st Article of the Instructions annexed thereto. Neither had the "*Ismenia*" contravened the 1st Article of the Additional Articles, dated at Lisbon, the 15th of March, 1823. That, in the whole of the existing Treaties between the two Governments, he saw no justification for condemning the "*Ismenia*" upon an alleged breach of passport. The Brazilian Commissary Judge then quoted the 7th Article of the Additional Convention, and said,—had it been mutually contemplated by the two Governments, that Brazilian vessels legally licensed to pursue the slave-trade, should suffer condemnation for innocently visiting, in the course of their voyages, ports to the north of the Equator, such ports being specified in the Imperial passport, so important a question would not have been left in doubt. That, by the form of passport adopted by the Treaties, respecting the slave-trade, there is due provision made by his Government for the punishment of such Brazilian subjects, having licenses to carry slaves from the south of the Equator, who should take slaves from the north of the Equator. The alleged offence which the "*Ismenia*" was charged with was consequently one, the punishment of which his Sovereign reserved for the local Authorities and laws of His Empire. He was, therefore, of opinion that the "*Ismenia*" was unlawfully detained, and that she should be restored to the Claimant with costs and damages.

The two Commissary Judges thus differing in opinion, as to the sentence which ought to be passed on the "*Ismenia*," referred it to His Britannick Majesty's Commissioner of Arbitration (the only Arbitrator present) to decide thereon; who pronounced the following judgment:—

In giving my opinion upon the case of the Brazilian brigantine "*Ismenia*," I must, in order to meet the objections of the Brazilian Commissary Judge to the condemnation of that vessel, advert to the correspondence that has taken place between the two Governments, upon the subject of Brazilian vessels, which have been condemned by this Court upon precisely similar facts to those, which distinguish the case now under consideration. (His Majesty's Commissioner then read the Declaration\* of the British Government to the Viscount D'Itabayana, dated the 2d December, 1828.)

To the objection of the Brazilian Commissary Judge,—that the offence which was charged against the "*Ismenia*," was one, the punishment of which his Sovereign had reserved for the local Authorities of the Empire; I must refer to words of the passport, which says,—“And should they (that is the master and owner) fail to execute any of these conditions, they shall be liable to the penalties denounced by the Alvarà of the 26th of January, 1818.” Now one of the conditions of the passport, that of going *solely* to ports where the slave-trade was permitted, was, in the "*Ismenia's*" case, not complied with. The parties interested in that vessel had failed to execute that condition; therefore, they became liable to the penalties of the aforesaid Alvarà, and the 3d Article thereof decrees, that “In case of a vessel having been captured by a ship of war, such vessel and her cargo shall be subject to the provisions specified in the 7th Article of the Regulations concerning the Mixed Commissions, annexed to the Convention of the 28th of July, 1817;”—thus clearly shewing, that the guilty parties, vessel, and cargo, should be confiscated, and dealt with according to that Convention. The personal punishment of those parties was, certainly, by the 1st Article of the Alvarà, for the Judicial Authorities of Brazil to enforce.

Having thus answered the objections urged by the Brazilian Commissary Judge, I shall proceed to examine the reasons that have been adduced for the "*Ismenia*" being to the north of the Equator. It has before been stated by this Court,—that untoward accidents and circumstances, to which all vessels are subject navigating the high seas, might compel a vessel to bear up for the nearest port she could reach for assistance, and that port might, possibly, be to the northward of the Equator: in that case there would be fair, reasonable, and just cause for deviating from the express stipulations of her passport; and it would, indeed, be hard to visit such deviations with confiscation; but it would rest entirely with the parties captured to prove such necessity, and the innocence of their intentions.

The Claimant has founded his defence, as is plainly evident in his affidavit in support of his claim, and his own and the seamen's evidence, entirely upon being necessitated, by an act over which he had no controul—an act of Providence, which injured his mainmast—to bear up for the River Cameroons to repair that accident: upon this plea he claims the restitution of his vessel and cargo. Hence arises this question,—Was the "*Ismenia*" placed in such untoward circumstances, as to justify her deviation from the stipulations of her passport? All the witnesses agree that she was brought designedly to the northward of the Equator, under the old and untenable excuse, so often resorted to in this Court, by parties who have been similarly circumstanced to the Claimant, of going into Princes to procure provisions for the slaves intended to be shipped at Molembó; when she experienced a storm off that island, which damaged the mainmast. Presuming, therefore, that the "*Ismenia*" met with an accident there, (and it will be seen hereafter that no such thing occurred), it happened at a spot where the Claimant had no possible right to be; he was there unlawfully, consequently in his own wrong.

It is no justifiable argument for the Claimant, in his defence, to say,—that the "*Ismenia*" was, by her passport permitted by his Government, to go to ports to the northward of the Equator. Such permission is an extension of the Treaty, which Brazil is not justified in making in favour of her subjects; therefore it is illegal. It is, also, contrary to the fundamental principle of the Treaty, which confined Brazilian vessels, legally employed in the slave-trade, to enter, solely, ports to the south of the Equator.

On reference to the Surveyor's report, it will be seen, that the mainmast has been repaired

\* Vide printed Correspondence, Class B. 1828, page 102.

below the deck, with an iron hoop, and that it has also been sprung above the deck. By the same report, however, it is proved, that there was no necessity for the "*Ismenia*" to go into port for the trifling repair the mast has received, which might readily have been done at sea, and would not have occupied one day; and as the mast above the deck has not been repaired at all, and the "*Ismenia*" was brought up here with it in the present state, (which could not have been done had she not carried her mainsail) it must be plain that that injury could not have obliged her to go into the Cameroons. The contradictions between the Master and seamen, as to the time, after leaving Molembo, when the accident is said to have happened, and the number of days the crew were employed in repairing the damage sustained, are such as to throw the most suspicious character over the whole of their story, that such accident occurred during the present voyage. Were this, however, not sufficient to convey conviction of its improbability, or were the evidence of that nature that such suspicion could not reasonably attach thereto, one of the papers found on board (which the Claimant swears are all true and fair), puts the question beyond all doubt. That paper is the copy of a protest made by the Master, Joao Antonio da Silva, on the previous voyage. He therein states,—"that on the 3d of April of the present year (1829), latitude 20° 43' S., longitude 25° 49' 12" W. of the meridian of Lisbon, I found her bowsprit was sprung; it was mended so that we could proceed; with much care I was enabled to carry a little sail. On the 8th day of the present month, latitude 23° 31' S., longitude 17° 26' W. of the meridian of Lisbon, the mainmast sprung below and aloft, so that no sail could be carried upon it. I was forced to make for the Port of Molembo. When I arrived at Molembo, I found the mainmast and bowsprit unfit for use, and I sent the Carpenter of said vessel to procure spars for a mast and bowsprit, but could not find any. I remained there 19 days. I then intended to go to St. Thomas and Princes to see if I could find proper spars. In my voyage to St. Thomas and Princes, I stayed 3 days at St. Thomas, and could not find spars fit for a mast or bowsprit. I then went to the Island of Princes, and as it did not please Providence to assist me there, I was forced to keep in the injured mast, and go and look for one north of the Equator. I could not carry any sail to go to windward, therefore I went into the River Cameroons, thinking I might be able to find spars there. I therefore protest against the bad weather, and against every thing which has governed me, my officers, and men; and this I swear before Antonio Rebello, Mate of the said vessel, who has signed this."

That even this protest was false, the following extract from a letter of the Master to the same man, Antonio Rebello, about the same period, will prove:—

"I want to leave this place as soon as possible, for fear of being overhauled by some English man of war, for if the English find you here, you have nothing to defend yourselves with, and they will seize you. If they fall in with you, and ask where you are bound to, tell them, Molembo;—if they ask you why you are so much to the leeward, tell them you have come from St. Thomas and Princes, and have been trying to buy a bowsprit and mainmast, which had been sprung, and now you are going to Molembo to refit. All the men must say the same; they must do as you tell them."

How can it possibly be believed that such a coincidence of circumstances, so exactly alike, took place each following voyage. The very accident, and the very port, which, in his foregoing protest, he says, he went into on the voyage previous to this, agree with the accident he alleges to have occurred, and the port he actually went into during the present voyage. Nothing of the kind, I am fully persuaded, occurred during either the past or present voyage. I have not the slightest doubt, that he has made the alleged accident an excuse for going into the River Cameroons for the very purpose he went there before, that of carrying off a cargo of slaves. Another paper found on board, among many others of a similar nature, incontestibly proves that fact. It is a letter, dated the 22d of June, 1829, addressed by Joao Antonio da Silva to Antonio Joaquim, the Boatswain of the "*Ismenia*," at Bembia, an island lying in the mouth of the River Cameroons, in which he says,—“On the 24th of June you will leave this port; if the weather is good you must sail, for all the slaves are ready to be shipped on board; there is very little difference, 270 are the number in chains; there are a few left to complete the number. When the slaves are coming on board you must go aloft to see if any vessel is in sight; after the slaves are in, you must take the vessel to the cape at the mouth of the river, come to anchor, and lay there until the weather is favourable, when you must sail in the night."

It may be alleged that the proceedings of the "*Ismenia*'s" last voyage have nothing to do with the present undertaking. To such argument I do not agree. Where the self same circumstances occur this voyage that distinguished the last, I must infer that the self same object is in actual prosecution. To illustrate, further, the illicit nature of this voyage, I must again refer to some other papers found on board the "*Ismenia*." The papers I refer to, are the logs—one kept by the Claimant, the other by his Mate;—and like those logs which have been found on board of the Brazilian vessels, that have been brought before this Court, for precisely the same breach of the Treaty which is charged against the "*Ismenia*," they end before she gets into the first port (Angola), to which the witnesses swear she was bound. One of these logs ends on the 7th of October, that being the 31st day of the voyage, in latitude 10° 45' South, longitude 19° 34' East, of the meridian of Lisbon,—the other log ends on the 8th of October, the 33d day of the voyage, in latitude 10° 13' South, longitude 14° 0' East, of the meridian of London. The first log places the "*Ismenia*" off Bahia Longæ, about 100 miles from land—the other places her an equal distance in land; and, as the Master has acknowledged that he did not arrive at Angola until the 12th, these logs must have been discontinued, the one 4, and the other 5, days before he made that port.

As a further proof that no dependance can be placed on the testimony of these witnesses—the Master swears,—that no trade whatever was made on shore at the Cameroons; yet in his affidavit, in support of his claim, he deposes, no less than two distinct times, that he was making trade there for palm-oil and other African produce; and José Rodriguez swears, 4 or 5 bales of goods, 1 canoe of salt, and some aguadente, were landed there, to barter for palm-oil, yams, and ivory, in order to render it unnecessary for the vessel to proceed to Princes, to purchase provisions, as they originally intended.

How is it possible that such palpable contradictions could take place, had there been any truth whatever in the circumstances deposed to, or had the "*Ismenia*," innocently visited, in the course of this voyage, the port in which she was captured.

It was said by the first British Commissary-Judge, who sat in the Mixed Commissions, that "it would be a wild conceit to suppose that any court of justice should be bound by the mere swearing; it was the swearing credibly that was to decide its judgment." To this I most fully agree, and I am bound to express my positive conviction, that the witnesses in this case are not entitled to the least shadow of credit.

The Claimants of many vessels captured in 1827—the "*Hiroina*," "*Tentadora*," "*Independencia*," and others—attempted to deceive this Court as to the real nature of their voyages; but a more flagrant instance of fraudulent artifices, than that which distinguishes the case of the "*Ismenia*," never yet appeared. Her voyage was false and fictitious from the beginning to the end.

Under these circumstances I coincide in opinion with my British colleague,—that the "*Ismenia*," at the time of capture, was engaged in the illicit traffick in slaves, and, as such, subject and liable to confiscation under the Treaty. The Court, therefore, condemn the "*Ismenia*," her tackle, apparel, and furniture, and the goods, wares, and merchandize, laden therein, as good and lawful prize to the Crowns of Great Britain and Brazil, and as taken in such illicit traffick by H. M. S. "*Eden*," William FitzWilliam Owen, Esq. Captain.

(Signed)

ALEX. FINDLAY.  
WM. SMITH.

Sierra Leone, 2d July, 1831.

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 Second Enclosure in No. 43.

*Extract of the Minute of the Proceedings on the 29th day of June, 1831, before the British and Brazilian Court of Mixed Commissions, established at Sierra Leone; in the Case of the Brigantine, "Ismenia."*

HIS Imperial Majesty's Commissary Judge then, in the name of his Government, demanded that his protest, which he read and presented, against the sentence which had been pronounced upon the Brazilian brigantine "*Ismenia*," should be entered of record upon the minutes of the Court.

His Britannick Majesty's Commissioners replied, that the judgment which had been passed upon the Brazilian brigantine "*Ismenia*," was strictly according to the third Article of the Regulations for the Mixed Commissions.

That His Imperial Majesty's Commissary Judge, having differed in opinion on the case in question, the documents connected therewith had been submitted to the Commissioner of Arbitration, and the final sentence, which totally excludes subsequent proceedings, had been pronounced, conformably to the opinion of the majority of the said Commissary Judges, and the said Commissioner of Arbitration: His Britannick Majesty's Commissioners could not, therefore, accede to the demand made by His Imperial Majesty's Commissary Judge.

(Signed)

WALTER W. LEWIS, Registrar.

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 No. 44.

*His Majesty's Commissioners to J. Backhouse, Esq.—(Received Sept. 22.)*

SIR,

Sierra Leone, July 5, 1831.

IN pursuance of the 75th clause of an Act, passed in the 5th year of His late Majesty's reign, entitled "an Act to amend and consolidate the laws relating to the abolition of the Slave-trade," and also of an Act, passed in the 7th and 8th years of the reign of His late Majesty, entitled "An Act to carry into execution a Convention between His Majesty and the Emperor of Brazil, for the regulation and final abolition of the African Slave-trade:"—

We have the honour to enclose a return of all the cases of Brazilian vessels, adjudicated in the British and Brazilian Court of Mixed Commission, established in this colony, in the period from the 1st of January last, to the 1st instant.

We have, &amp;c.

(Signed)

ALEX. FINDLAY.  
WM. SMITH.

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

Enclosure in No. 44.

*Return of Brazilian Vessels, adjudicated by the British and Brazilian Court of Mixed Commissions, established at Sierra Leone, betwixt the 1st of January, and the 1st of July, 1831.*

NAME of VESSEL.	Date of Seizure.	Where Captured.	Property Seized.	SEIZOR.	Date of Sentence.	Number of Slaves captured.	Number died before emancipation.	Total emancipated.	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.
Ismenia.	Nov. 28, 1829	Off King Bell's Town, in the River Cameroons, in the Bight of Biafra	Brigantine and cargo	Capt. W. F. W. Owen, H. B. M. S. Eden.	June 29, 1831				Condemned for being irregularly licensed to touch at the Islands of St. Thomas and Princes, in her Imperial passport, No. 785, and dated at Rio de Janeiro, 28th August, 1829; which passport made it obligatory upon her, to enter solely such ports upon the Coast of Africa, where the slave-trade is permitted to the subjects of the Empire of Brazil; which here, by the second Article of the Convention to the Treaty between Great Britain and Portugal, signed at London, on 28th July, 1817, confined to the territories of His Most Faithful Majesty the King of Portugal to the South of the Equator; and for having been found lying at anchor in the River Cameroons, to the North of the Equator, contrary to the true intent and meaning of the first Article of the Treaty signed at Vienna the 22d of January, 1815.	Part of the cargo of the brigantine was sold at Fernando Po, on the 9th of December, 1829, by the Captor, and the proceeds thereof are lodged in the Registry of this Court. The brigantine and stores are in charge of the Marshal of the Court, and are to be sold by publick auction on the 7th July, 1831.

(Signed) ALEXANDER FINDLAY.  
WM. SMITH.

(Signed) WALTER W. LEWIS, Registrar.

Sierra Leone, July 1, 1831.

## No. 45.

*Viscount Palmerston to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, October 17, 1831.*

I HEREWITH transmit to you, for your information, the copy of a despatch\* and of its enclosure, from His Majesty's Chargé d'Affaires at Rio de Janeiro, stating, that an order has been issued by the Brazilian Government, enjoining the adoption of stricter measures for the prevention of the illicit importation of slaves, from the Coast of Africa into the Ports of Brazil.

I am, &amp;c.

(Signed) PALMERSTON.

*His Majesty's Commissioners.*

\* July 22.—See Class B.—No. 74.

## No. 46.

*Viscount Palmerston to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, November 9, 1831.*

I HEREWITH send to you, for your information, the copy of a despatch,\* which I have recently addressed to His Majesty's Chargé d'Affaires in Brazil, enjoining him to press for the adoption of a stipulation between this country and Brazil, whereby ships, when found in certain latitudes equipped for the slave-trade, shall on that account be deemed liable to condemnation for illegal slave-trade, under the Treaty of the 23d of November, 1826.

I am, &amp;c.

(Signed) PALMERSTON.

*His Majesty's Commissioners.*

\* October 8, 1831.—See Class B.—No. 79.

## No. 47.

*Viscount Palmerston to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, November 17, 1831.*

I HAVE received your despatch of the 2d of July last, on the case of the Brazilian vessel "*Islenia*," upon which, after reference made to the British Commissioner of Arbitration, in the British and Brazilian Court of Mixed Commission, at Sierra Leone, sentence of condemnation was pronounced, under a charge of the vessel having been engaged in an illicit traffick in slaves.

The King's Advocate has reported it to be his opinion, that you were perfectly right in refusing to accede to the requisition of the Brazilian Commissary Judge, that his protest against the sentence pronounced in this case, should be entered upon the records of the Court; for, as the proceedings in the case were in conformity with the provisions of the Treaty, the sentence was equally conclusive, as if pronounced by the two Commissary Judges; and the fact of the Arbitrator having been called in, is sufficient proof that a difference of opinion existed.

Under these circumstances His Majesty's Government are pleased to approve of your conduct, in declining to consent that the protest of the Brazilian Commissary Judge should be entered upon the records of the Court; and I have to instruct you to follow the same course, in any similar case which may hereafter occur.

I am, &amp;c.

(Signed) PALMERSTON.

*His Majesty's Commissioners.*

## No. 48.

*His Majesty's Commissioners to Viscount Palmerston.—(Received December 6.)*

MY LORD,

*Sierra Leone, October 8, 1831.*

WE have the honour to acknowledge the receipt of your Lordship's despatch, of the 27th of May last, enclosing to us the copies of a correspondence relative to a petition of Vincent Thomas dos Santos, a Brazilian subject, praying for leave to fetch from the Coast of Africa 691 slaves, who had been originally shipped for Rio Janeiro, previously to the time fixed for the abolition of Brazilian slave-trade, but who, owing to a shipwreck, had been relanded on the coast before the completion of their voyage.

We are happy to perceive, that, in granting the prayer of that petition, the compliance of His Majesty's Government therewith, should not be considered as constituting a precedent or ground-work for future applications; and that accordingly, for the weighty reasons assigned by your Lordship to the Brazilian Minister, on the 20th of April, 1831, the petition of M. F. da Silva, which had been subsequently preferred to His Majesty's Government for a similar indulgence, had been refused.

We beg, respectfully, to return our thanks for the communication of the above facts, and to assure your Lordship, that, should either of the cases in question come before us, we shall be guided by your Lordship's instructions.

We have, &amp;c.

(Signed)

ALEX. FINDLAY.  
WM. SMITH.*The Right Hon. Lord Viscount Palmerston,*  
&c. &c. &c.

## No. 49.

*His Majesty's Commissioners to Viscount Palmerston.—(Received December 6.)*

MY LORD,

*Sierra Leone, October 8, 1831.*

WE have the honour to acknowledge the receipt of your Lordship's despatch of the 6th of June last, having reference to your Lordship's despatch of the previous 27th of May, enclosing therein, for our information, the copy of a letter which had been received at the Department over which your Lordship presides from the Admiralty, and of a despatch which your Lordship had addressed to His Majesty's Chargé d'Affaires in Brazil, desiring him to acquaint the Brazilian Government, that directions had been given in accordance with the request preferred by that Government on behalf of Vincent Thomas dos Santos.

We have, &amp;c.

(Signed)

ALEX. FINDLAY.  
WM. SMITH.*The Right Hon. Lord Viscount Palmerston,*  
&c. &c. &c.

## HAVANA.

No. 50.

*W. S. Macleay, Esq. to the Earl of Aberdeen.—(Received Jan. 10, 1831.)*

MY LORD,

*Havana, November 10, 1830.*

I HAVE the honour to acknowledge the receipt of your Lordship's despatch, dated 18th August last, by which I am commanded, for the information of His Majesty's Government, to make application in the proper quarter, in order to learn the result of the investigation, which was promised to be made by the Colonial Authorities here, into the circumstance attending the case of the Spanish schooner "*Santa Rosa*;" and I have now to inform your Lordship, that, on the 4th instant, I addressed a note to the Captain-General on the subject. His Excellency's answer I have now the honour to enclose, and I am sorry that it should happen to be so far from satisfactory. It now appears, that exactly 3 weeks after the local Government had informed me, that it was resolved to enter seriously into the investigation of the case, the Captain and crew of the "*Santa Rosa*;" were set at liberty, and the vessel herself released, on the pretext that no progress had been made in the investigation, while the facts were so well known on the spot, that Lieutenant Tulloh on landing at Matanzas, was able to learn that she had disembarked 120 slaves in the River Canemar. It is needless to trouble your Lordship with any further remarks on a case, which, I regret to say, like all those which have fallen within the cognizance of the Spanish tribunals, offers no hope of impartial enquiry. An investigation, indeed, is stated to be still going on, but it is difficult to understand what advantage can result from it, when the accused vessel and her crew have been so many months ago released.

I have, &c.

(Signed) W. S. MACLEAY.

*The Right Hon. the Earl of Aberdeen, K. T.*

&c.

&c.

&c.

Enclosure in No. 50.

(Translation.)

*The Captain-General to W. S. Macleay, Esq.*

SIR,

*Havana, November 10, 1830*

IMMEDIATELY on receiving your note of the 4th instant, enclosing a copy of the despatch, addressed to you by His Britannick Majesty's Principal Secretary of State for Foreign Affairs, in which it is desired, that the result of the process formed against the schooner "*Rosa*," should be communicated forthwith to his Lordship, I directed the Escribano to lay the papers before me, and by the copy, which I now enclose, of the Report made to me by the Second Assessor-General of this Government, you will find that he informed me, that, as no progress had been made in the said affair, and as any claim for demurrage or damages ought to be avoided, it would be right to set the Captain, officers, and crew, at liberty, and to take the embargo off the said vessel; agreeing in this opinion, I gave orders for the most punctual compliance with it, but at the same time, however, wrote to the Governor of the City of Matanzas, desiring him to acquaint me if any thing could be verified, so as to accomplish the ends of justice.

As the Governor of Matanzas has not, up to the present date, given me any answer on the subject, I have now again enquired whether any progress has been made in the said investigation.

God preserve you many years,

(Signed)

FRANC. DION. VIDES.

*The Commissioner of His Britannick Majesty.*



Sub-Enclosure in No. 50.

(Translation.)

*Report of the Assessor to the Governor of Cuba.*

MOST EXCELLENT SIR,

Havana, May 14, 1830.

I EXPLAINED to your Excellency, in my opinion of the 20th April last, that the circumstances attending the entrance of the Spanish schooner "Rosa" into the Port of Matanzas, together with the representation made on the said subject by the Lieutenant of His Britannick Majesty's vessel of war "Pincher," afforded just motives for proceeding to an investigation into the fact, as to whether the said schooner had introduced negroes into the island. Your Excellency was pleased, in consequence, to direct proper measures to be taken, in order to see whether the inferences against the said schooner could be strengthened, but, nevertheless, no progress has been made, as the result of the measures that have been taken sufficiently shew. In the mean while, the Captain and pilot, with 5 sailors, remain arrested, and the vessel lies embargoed at her anchorage, which circumstances may certainly give rise to claims for damages that ought to be avoided, the more that there is no hope of making any progress in the investigation. Under this impression it appears to me, that your Excellency may order that the above individuals be set at liberty, and that the embargo be taken off the schooner, addressing a letter to this effect to the Governor of Matanzas, who may be also charged, in the event of any thing in future being verified in the affair, to give immediate information of the same to your Excellency. But it is for your Excellency to decide what may be most proper.

(Signed) JOZE ANTONIO VERDAGUER.

Havana, May 14, 1830.

I agree to the above, and let it be complied with.

(Signed) VIVES.

JOZE MANUEL LEAL.

A true copy.

(Signed)

ANTONIO MARIA DE LA TORRE Y CARDENAS, Secretary.

## No. 51.

*W. S. Macleay, Esq. to the Earl of Aberdeen.—(Received January 10, 1831.)*

MY LORD,

Havana, November 12, 1830.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch, marked *Circular*, and dated 31st August last, in which your Lordship is pleased to direct that, in compliance with a suggestion of the Lords of the Admiralty, His Majesty's Commissioners at the Havana shall in future endeavour to convey information respecting the movements of vessels suspected to be intended for illegal slave-trade, to any of His Majesty's Officers of the African Squadron, whenever direct opportunity may offer.

I beg to assure your Lordship, that I shall not omit to take advantage of every such opportunity, but it may be necessary at the same time to remark, that scarcely any vessels sail from this port for the Coast of Africa but slave-vessels, and it is not to be supposed that they will become the vehicles of any intelligence likely to operate against themselves. Indeed, whether they have slaves on board or not, there is nothing such vessels so much avoid as falling in with a British ship of war, which, by the mere endorsement of their papers, often tends to thwart their guilty speculations. I have, therefore, written privately to Vice-Admiral Colpoys, the Commander-in-Chief on this station, to enquire whether he can point out to me any direct and safe mode, of conveying information to His Majesty's cruizers on the Coast of Africa.

I have, &amp;c.

(Signed) W. S. MACLEAY.

*The Right Hon. the Earl of Aberdeen, K. T.*

&amp;c.

&amp;c.

&amp;c.

No. 52.

*W. S. Macleay, Esq. to the Earl of Aberdeen.—(Received January 10, 1831.)*

MY LORD,

*Havana, November 25, 1830.*

THE Spanish schooner "*Asturiana*," arrived in this port on the 6th instant, from the Coast of Africa. As she had previously landed a cargo of slaves on the coast, I communicated the fact to the Captain-General, and received the usual form of answer.

On the 14th instant, the large brig "*Vengador*," D. Juan Jozé Rodriguez, Master, sailed for the Coast of Africa, as did likewise, on the 20th instant, the schooner "*Marinerito*," commanded by D. Francisco Cabieses.

I have, &amp;c.

(Signed) W. S. MACLEAY.

*The Right Hon. the Earl of Aberdeen, K. T.*  
&c. &c. &c.

No. 53.

*W. S. Macleay, Esq. to the Earl of Aberdeen.—(Received January 25, 1831.)*

MY LORD,

*Havana, December 18, 1830.*

ON the 20th ultimo, the Spanish schooner "*Marinerito*," D. Francisco Cabieses, Master, sailed for the Coast of Africa, as did likewise, on the 26th ultimo, the schooner "*Segunda Gallega*," D. Jozé Luna, Master.

On the 9th instant, 2 brigs, the "*Andromaca*," D. Ramon Gonzalez, Master, and the "*Barbarita*," D. Salvador Felin, Master, arrived in this port, after having landed cargoes of slaves. I have made the usual communication on the subject to the Captain-General, and received the customary form of answer—that nothing, on investigation, has appeared against these vessels to implicate them in the slave-trade, and that there is nothing particular in these arrivals, except that the Boatswain of the "*Andromaca*" seems to have been assassinated.

I have, &amp;c.

(Signed) W. S. MACLEAY.

*The Right Hon. the Earl of Aberdeen, K. T.*  
&c. &c. &c.

No. 54.

*Viscount Palmerston to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, March 18, 1831.*

I HAVE submitted to His Majesty's Advocate General your despatches of the 6th and 7th of May, 1830, in which you detail the facts which had been brought to light, and the circumstances which had occurred, on the investigation of the case of the Spanish schooner "*Santiago*," detained for illegal slave-trade, and in which, adverting to the practice of the employment of British subjects in the Spanish slave-trade, you request instructions for your guidance; *first*, as to the claim which the confession of a British sailor taken in a Spanish vessel may, under particular circumstances, give him to the favourable consideration of the British Commissioners; *second*, as to the right of His Majesty's Commissioners, or British Naval Officers, to refuse to deliver up to the Local Government a person captured on board of a Spanish slave-vessel, and supposed to be a British subject; *third*, as to the test by which His Majesty's Commissioners ought to determine a man to be a British subject, who gives a false name or birth place, or makes a false entry in the muster-roll of a slave-vessel.

The King's Advocate has reported, that it is altogether impossible to draw up any general rule for the guidance of the Commissioners in these respects, or to prescribe *a priori* any particular test, by which the national character of an individual, suspected to be a British subject, and who may be found on board Spanish slave-vessel, may be ascertained.

The Commissioners, in the opinion of the King's Advocate, must be left to exercise their own discretion upon such points, according to the circumstances which may appear before them in each case, and the propriety of delivering up the individual in question to the local Government, must depend upon the general result of the investigation into his history.

With respect, however, to the first question proposed by the Commissioners, the King's Advocate observes, that the confession of a British subject, who may be found in the situation described by them, does not appear of itself, and in all cases, sufficient to entitle him to favourable consideration, although a combination of circumstances may justify the adoption of lenient measures in a particular instance, as in that of *Journee*, with respect to whom, the King's Advocate is of opinion, that the Commissioners have exercised a sound and wise discretion.

I am, &c.

(Signed) PALMERSTON.

*His Majesty's Commissioners.*

No. 55.

*W. S. Macleay, Esq. to the Earl of Aberdeen.—(Received April 7, 1831.)*

MY LORD,

*Havana, December 24, 1830.*

I HAVE the honour to acknowledge the receipt of your Lordship's despatch, of this year's series, dated 11th of October last, and transmitting, for the information and guidance of His Majesty's Commissioners, the copy of a letter, addressed by the Secretary of the Treasury to one of the Under Secretaries of State for Foreign Affairs, and which contains the opinion of the Lords of His Majesty's Treasury upon the course to be pursued, in the event of individuals, suspected to be British subjects, being hereafter found implicated in the slave-trade. And I beg leave to assure your Lordship, that strict attention will be paid to these instructions.

I have, &c.

(Signed)

W. S. MACLEAY.

*The Right Hon. the Earl of Aberdeen, K. T.*

&c.

&c.

&c.

No. 56.

*W. S. Macleay, Esq. to the Earl of Aberdeen.—(Received April 7, 1831.)*

MY LORD,

*Havana, December 31, 1830.*

I HAVE the honour to acquaint your Lordship that, on the 14th instant, the Spanish schooner "*Amistad Habanera*," D. Juan Bautista Arrarte, Master, arrived from the Coast of Africa, and, on the 22d instant, the brig "*Segunda Teresa*," D. Manuel Gil, Master. Both vessels had previously landed slaves, and were accordingly reported to the Captain-General, from whom I have received the usual form of answer.

On the 20th instant 2 Spanish schooners sailed for Africa, the "*Preferida*," D. Juan Martinez, Master, and the "*Potosi*," D. Juan Bautista Arrarte, Master. The last mentioned vessel cleared out openly for the Rio Lagos.

I have, &c.

(Signed)

W. S. MACLEAY.

*The Right Hon. the Earl of Aberdeen, K. T.*

&c.

&c.

&c.

No. 57.

*W. S. Macleay, Esq. to the Earl of Aberdeen.—(Received April 7, 1831.)*

MY LORD,

*Havana, December 31, 1830.*

I HAVE the honour to transmit, herewith, copies of the registers of the slaves emancipated by decrees of this Mixed Commission, during the year 1830.

In the interval between the delivery up of the negroes by the Captor to the Captain-General, and the issuing of their respective certificates of emancipation, there have died, according to the reports of the Captain-General,

On board the "*Santiago*".... . . . . 5  
 " the "*Emilio*" (a) "*Cæsar*".. 1  
 ———  
 Total dead... 6  
 ———

I have, &c.  
 (Signed)

W. S. MACLEAY.

*The Right Hon. the Earl of Aberdeen, K. T.*  
 &c. &c. &c.

Enclosure in No. 57.

*Abstract of the Registers of Negroes, who received their Certificates of Emancipation from the Mixed Commission, during the Year 1830.*

No.	Name of the Vessel condemned.	Males.	Females.	Total.
1	<i>Santiago</i> .....	36	64	100
2	<i>Emilio</i> , alias <i>Cæsar</i> ....	85	102	187
	Total	121	166	287

No. 58.

*W. S. Macleay, Esq. to the Earl of Aberdeen.—(Received April 7.)*

MY LORD,

*Havana, January 1, 1831.*

IN pursuance of the 75th Clause of Act 5, Geo. IV. cap. 113, I have the honour to report to your Lordship, that no slave-vessel has been brought for adjudication before this Mixed Commission, during the last half-year.

I have, &c.  
 (Signed)

W. S. MACLEAY.

*The Right Hon. the Earl of Aberdeen, K. T.*  
 &c. &c. &c.

No. 59.

*W. S. Macleay, Esq. to the Earl of Aberdeen.—(Received April 7.)*

MY LORD,

*Havana, January 1, 1831.*

AT the commencement of the year I proceed to lay before your Lordship an account of the actual state of the slave-trade of this island, so far at least as it has come within my knowledge.

In 1829, 45 vessels sailed from this port for the Coast of Africa, and it will

be seen from the list I have now the honour to enclose, that the result of only 8 of these voyages is unknown; that 32 of these vessels have safely landed their cargoes, and only 1 returned without slaves; that 1 schooner has been captured by an American vessel of war; that 1 has been condemned at the Havana, and 1 at Sierra Leone, to which place we have accounts also of the piratical brig "*Manzanares*" having been carried by His Majesty's cruizers.

The many departures for Africa during the years 1828 and 1829, gave me reason to expect a number of arrivals in 1830, and accordingly the arrivals during the last 12 months, when compared with those of the preceding year, will be found to have increased from 33 to 36. But the true criterion of the actual state of the slave-trade is the number of departures, and it affords me much satisfaction to report, that only 29 vessels have sailed for Africa, during the year just gone past, while 45 sailed in 1829, and no less than 63 in 1828. Your Lordship will perceive, from the enclosed list of the arrivals and departures during 1830, that more than one of the vessels arrived, have been fitted out from Spain, and that 5 of the vessels which sailed from the Havana have already returned, while several of them have been able to make 2 voyages to the Coast of Africa, within the 12 months.

The above-mentioned 3 lists refer, of course, only to the Havana, where alone His Majesty's Commissioners have the means of accurate observation; but I have every reason to believe, that several of the other ports of Cuba, more particularly the distant city and ancient capital of the island, Santiago de Cuba, carry on the traffick to a considerable extent. Indeed, 2 vessels belonging to Santiago have been lately captured by His Majesty's cruizers, and condemned at the Havana. Still, I suspect that the traffick is on the decrease there, as well as at the Havana. The failure of so many expeditions, either by the insalubrity of the African Coast, by shipwreck, or capture, the dangers and robberies to which slavers are exposed from one another, and above all, the low price of sugar in the European markets, must have produced as strong an effect in the other ports as in the Havana, towards the discontinuance of this traffick. But it grieves me to confess, that I cannot, in the slightest degree, attribute the small decrease of slave-trade that has taken place, to any measures that have been adopted, either by the Court of Madrid, or by this local Government, within the last year. There is too much reason indeed to believe, that the chief cause of the decrease is temporary and casual, and I cannot but fear that, without some stronger inclination on the part of the Spanish Government, to carry its decrees into execution, this illegal traffick will again become vigorous, whenever colonial produce shall have returned to its former prices.

In my despatch, dated 17th July last, I had the honour of fully explaining to your Lordship my reasons for suspecting that the Royal Order, dated 4th March, 1830, would have no effect whatever in repressing the slave-trade. My anticipations of its futility were, I am sorry to say, but too well-founded. That Royal Order has never been promulgated here, its existence is, so far as I am aware, not even known in the Havana, and the most notorious slave-vessels continue to sail for and arrive from the African Coast, with perfect impunity. Nay, the well-known slave-vessel "*Potosi*," under the command of a person, lately arrived with a cargo of slaves, cleared out publicly for the Rio Lagos only on the 20th ultimo. If, therefore, the Royal Order of 4th March last ever arrived in the Havana, it is impossible to understand, how the Court of Madrid can submit, to see it disregarded in so extraordinary a manner. At all events, such distressing facts must necessarily destroy the hope of any advantage being derived, from additional Royal Orders; and, in my humble opinion, sufficiently prove, that the only effectual measure Spain can now take for the abolition of the slave-trade, is to declare it piracy, or, at least, to make vessels, obviously fitted up for this detestable traffick, liable to condemnation, although not having their cargoes on board, at the moment of capture.

I have been informed by Lieutenant Tulloh, the Commander of one of His Majesty's schooners on this coast, that slave-vessels often make unfrequented ports on the south side of the island. and there tranship their negroes into

small coasting vessels, at the same time obtaining passports, from the authorities on the spot, for the purpose of bringing the slaves in small quantities, to the places where there is greatest demand for them. This officer has also stated to me, that whilst he was anchored at Xibarra, a Spanish brig arrived there, which had previously landed all her cargo of slaves at Puerto Rico, except 25, whom she had brought to Xibarra for sale, under the protection of a passport; also, that another time, when at Trinidad de Cuba, he observed on the day of his arrival, that 33 Africans had been landed there, by a small coasting sloop from Santiago, likewise under protection of a passport. In a despatch which I had the honour of addressing to the late Mr. Secretary Canning, dated the 11th September, 1826, it will be seen, that I suspected some advantage would thus be taken of Article VII. of the Instructions, annexed to the Treaty, and I see no remedy for the evil, unless, in the event of any new agreement with Spain, it may be judged advisable to abolish altogether, the right of granting passports for the conveyance of slaves by sea.

I am truly happy to state, that I have not of late heard of any British subjects serving on board slave vessels.

I have, &c.

(Signed)

W. S. MACLEAY.

The Right Hon. the Earl of Aberdeen, K. T.

&c. &c. &c.

First Enclosure in No. 59.

List of Departures from the Havana for the Coast of Africa, during the Year 1829, with the result of the voyages, as far as is known.

No.	Date of Departure.	NATION.	CLASS.	NAME.	MASTER.	REMARKS.
	1829.					
1	Jan. 13	Spanish	Schooner	Juanita - - - -	Santiago Alonzo -	Retd. July 20, 1829.
2	Feb. 1	Ditto	Brig	Doris - - - - -	Juan Bautista Arrate	" Sept. 26, —
3	" 1	Ditto	Schooner	Primera - - - -	Jozé Benito Pardo -	" July 12, —
4	" 1	Ditto	Ditto	Viscayna - - - -	Jozé A. Balandra.	
5	" 5	Ditto	Ditto	{ Loreto (al.) Coru- ñesa - - - - }	Felipe Basagoyti -	" Aug. 1, —
6	" 6	Ditto	Ditto	Herculina - - - -	Franco. de la Casa -	" Jan. 16, 1830.
7	" 12	Ditto	Ditto	Tres Manueles - -	Victoriano Laguna	
8	" 18	Ditto	Ditto	Gallito - - - - -	Francisco Garcia -	{ Condemned at the Havana.
9	" 22	Ditto	Brig	Rapido - - - - -	Antonio Cortina -	Retd. Mar. 16, 1830.
10	" 22	Ditto	Ditto	Cristina - - - - -	Joaquin Rodriguez.	
11	Mar. 6	Ditto	Ditto	Pajarito - - - - -	Jozé Villaneuva -	" Oct. 4, 1829.
12	" 6	Ditto	Schooner	Repetidora - - -	{ Jozé Fernandez de la Vega.	
13	" 8	Ditto	Ditto	Transito - - - - -	Francisco Galloso -	" Sept. 30, —
14	" 28	Ditto	Ditto	Segunda Gallega -	Juan Jozé Pequeño	" Mar. 2, 1830.
15	April 1	Ditto	Ditto	{ Ligera (al.) In- trepida - - - - }	Jozé Ramon Zavala	" Nov. 7, 1829.
16	" 1	Ditto	Ditto	{ Clarita (al.) Cen- tella - - - - }	Jozé Rodriguez -	{ Condemned at Sierra Leone.
17	" 1	Ditto	Ditto	Fenix - - - - -	Franco. de la Torre	{ Captured by the U. S. schooner " Grampus."
18	May 1	Ditto	Ditto	Pronta - - - - -	Fortunato Romero -	Retd. Oct. 8, 1829.
19	" 1	Ditto	Ditto	Aerostatica - - -	Jozé Maury - - - -	" Jan. 19, 1830.
20	" 2	Ditto	Ditto	Prueba - - - - -	Juan Martinez - - -	" Feb. 5, —
21	" 31	Ditto	Ditto	Manuelita - - - -	Domingo Bardier -	" Mar. 24, —
22	June 1	Ditto	Brigantine	Marinerito - - -	{ Domo. Anto. de Castro - - - - }	" Jan. 21, —
23	" 1	Ditto	Schooner	Pantica - - - - -	Antonio Pulles - - -	" Jan. 1, —
24	" 1	Ditto	Ditto	Segun el Tiempo -	Jozé Cando y Casas	" Feb. 22, —
25	" 14	Ditto	Ditto	Planeta - - - - -	Pedro Manejas - -	" Feb. 16, —
26	" 14	Ditto	Ditto	Amistad Habanera -	Antonio Urquijo - -	" Nov. 24, 1829.
27	" 24	Ditto	Brig	Aguila - - - - -	Mariano Carbo - - -	" Feb. 4, 1830.
28	July 21	Ditto	Schooner	Primera Gallega -	Francisco Cabieses -	" April 7, —

(continued.)

First Enclosure in No. 59, (continued.)

No.	Date of Departure.	NATION.	CLASS.	NAME.	MASTER.	REMARKS.
29	1829. Aug. 10	Spanish	Schooner	Primera - - - -	Gabriel Perez - -	Retd. Feb. 13, —
30	" 12	Ditto	Ditto	Potosi - - - -	Juan Bautista Zavala	" Feb. 26, —
31	" 18	Ditto	Ditto	Tentativa - - - -	J. M. Aurteneche -	" Mar. 2, —
32	" 31	Ditto	Brig	Manzanares - - - -	Manl. Alcantara -	} Said to be captured on the Coast of Africa.
33	" 31	Ditto	Schooner	{ Loreto (al.) Coru- ñesa - - - - }	Miguel de la Vega.	
34	Sept. 15	Ditto	Ditto	Indagadora - - - -	Juan Jozé Rodriguez	Retd. July 3, 1830.
35	Oct. 7	Ditto	Brig	Vengador - - - -	Agustin Capera - -	" Oct. 1, —
36	" 18	Ditto	Ditto	Servando - - - -	Francisco Saenz - -	} " July 9, — without slaves.
37	" 18	Ditto	Schooner	Barbarita - - - -	Gaspar Prats - -	
38	" 26	Ditto	Brig	Maria - - - -	Ildefonso Garcia.	
39	" 26	Ditto	Schooner	Transito - - - -	Jozé Vicente Torres.	
40	Nov. 5	Ditto	Ditto	Iberia - - - -	Antonio Mancebo -	" June 25, —
41	Dec. 1	American	Ditto	William Gardner -	W. F. Hill - - - -	} Sailed for Gallinas, with one passenger.
42	" 3	Spanish	Ditto	Urraca - - - -	{ Jozé Fernando de la Vega - - }	
43	" 17	Ditto	Ditto	Amistad Habanera -	Juan Bauta. Arrate	" June 16, —
44	" 28	Ditto	Ditto	Asumcion - - - -	Francisco Azpeltia	" June 21, —
45	" 29	Ditto	Ditto	{ Ligera (al.) Intre- pida - - - - }	Joze Ramon Zavala	" Sept. 9, —

ABSTRACT.

Returned without slaves - - - - -	1
Returned and landed cargoes - - - - -	32
Condemned at the Havana - - - - -	1
Condemned at Sierra Leone - - - - -	1
Said to have been captured on the Coast of Africa - - - - -	1
Captured by a cruizer of the United States - - - - -	1
Fate unknown - - - - -	8
Total - - - - -	45

Second Enclosure in No. 59.

List of Departures of Slave vessels for the Coast of Africa, during the Year ending 1st January, 1831.

No.	DATE.	NATION.	CLASS.	NAME.	NAME of the MASTER.	REMARKS.
	1830					
1	Jan. 11	Spanish	Schooner	Maria - - - - -	Jozé Rodriguez.	
2	Feb. 22	Ditto	Ditto	Aerostatica - - - -	Manuel Aldecoa.	
3	" 22	Ditto	Ditto	Barbarita - - - - -	Salvador Feliú - - - -	Retd. Dec. 9, 1830.
4	March 1	Ditto	Ditto	Pajarito - - - - -	Fortunato Romero.	
5	" 7	Ditto	Ditto	Marinerito - - - -	Antonio Pulles - - - -	" Oct. 19, 1830.
6	" 7	Ditto	Ditto	Asturiana - - - - -	Jozé Dordal - - - - -	" Nov. 6, —
7	April 4	Ditto	Ditto	Segunda Gallega - -	Santiago Manzana - -	" Oct. 22, —
8	" 21	Ditto	Ditto	Bella Juliana - - -	Jozé Escardo.	
9	May 1	Ditto	Ditto	Primera Gallega - -	Antonio Musar.	
10	" 13	Ditto	Ditto	Primera - - - - -	Gabriel Perez.	
11	" 21	Ditto	Brig	Almirante - - - -	Jozé Ramon Zavala -	} Cleared out for Bahia de todos los Santos. (continued.)

## Second Enclosure in No. 59, continued.

No.	DATE.	NATION.	CLASS.	NAME.	NAME of the MASTER.	REMARKS.
	1830.					
12	May 27	Spanish	Schooner	Manuelita - - -	Marcelino Rodriguez.	
13	June 8	Ditto	Ditto	Pantica - - - -	Pedro Manegat.	
14	" 28	Ditto	Ditto	Prueba - - - -	Antonio Ferreira.	
15	July 14	Ditto	Brig	Dos Amigos - -	Juan Ramon Mujica.	
16	" 19	Ditto	Ditto	Andromaca - - -	Ramon Gonzalez - - -	Retd. Dec. 9, 1830.
17	" 25	Ditto	Ditto	Urraca - - - -	Domo. Anto. de Castro.	
18	" 25	Ditto	Ditto	Joven Maria - -	Anto. Gonzalez Carabazal.	
19	" 26	Ditto	Schooner	Amistad Habanera	Juan Bauta. Arrarte.	
20	" 27	American	Brig	Lion - - - - -	J. Mackenzie - - - -	{ This vessel is said to have gone out, for the purpose of aiding Spanish slavers to get off their cargoes.
21	" 31	Spanish	Schooner	Indagadora - - -	Angel Ximenez.	
22	Oct. 1	Ditto	Brig	Negrito - - - -	Jozé Azpeitia.	
23	" 1	Ditto	Ditto	Coruñez - - - -	Jozé Maria Pequeño.	
24	" 13	Ditto	Ship	Montezuma - -	Jozé Vilanoya.	
25	Nov. 14	Ditto	Brig	Vengador - - -	Juan Jozé Rodriguez.	
26	" 20	Ditto	Schooner	Marinerito - - -	Francisco Cabieses.	
27	" 26	Ditto	Ditto	Segunda Gallega	Jozé Luna.	
28	Dec. 20	Ditto	Ditto	Preferida - - - -	Juan Martinez.	
29	" 20	Ditto	Ditto	Potosi - - - - -	Juan Bauta. Arrarte - -	{ Sailed for the Rio Lagos.

## Third Enclosure in No. 59.

## List of Arrivals of Slave-vessels from the Coast of Africa, during the Year ending 1st January, 1831.

No.	DATE.	NATION.	CLASS.	NAME.	NAME of the MASTER.	REMARKS.
	1830.					
1	Jan. 1	Spanish	Schooner	Pantica - - - -	Antonio Pulles.	
2	" 16	Ditto	Ditto	Herculina - - -	Francisco Torralvo.	
3	" 19	Ditto	Ditto	Aerostatica - -	Manuel Aldecoa.	
4	" 21	Ditto	Brig	Marinerito - - -	Juan Tobares.	
5	Feb. 4	Ditto	Ditto	Aguila - - - -	Mariano Carbo.	
6	" 5	Ditto	Schooner	Prueba - - - -	Juan Martinez.	
7	" 13	Ditto	Ditto	Primera - - - -	Canuto Diaz.	
8	" 16	Ditto	Ditto	Planeta - - - -	Pedro Manegat.	
9	" 22	Ditto	Ditto	Segun el Tiempo	Jozé Escardo.	
10	" 23	Ditto	Brig	Marinero - - -	Manuel Izquierdo.	
11	" 26	Ditto	Schooner	Potosi - - - -	Juan Bauta. Zavala.	
12	Mar. 2	Ditto	Ditto	Tentativa - - -	Jozé Ma. Aurteneche.	
13	" 2	Ditto	Ditto	Segunda Gallega	Jozé Gonzalez.	
14	" 16	Ditto	Brig	Rapido - - - -	Juan Anto. Cortina.	
15	" 24	Ditto	Schooner	Manuelita - - -	Domingo Vardier.	
16	April 7	Ditto	Ditto	Gallega - - - -	Franco. Cabieses.	
17	" 10	Ditto	Ditto	Santa Rosa - - -	Vicente Ricoma	{ Fitted out from Barcelona and chased into Matanzas by H. M. schooner Pincher.

(continued)



## Third Enclosure in 59, continued.

No.	DATE.	NATION.	CLASS.	NAME.	NAME of the MASTER.	REMARKS.
	1830.					
18	May 8	Spanish	Brig	Catalana - - -	Jayme Ricoma - -	} Also fitted out from Barcelona.
19	June 4	Ditto	Ditto	Andromaca - - -	Jozé Lucas Villavaso.	
20	" 16	Ditto	Schooner	Amistad Habenera -	Juan Baut. Arrate.	
21	" 21	Ditto	Ditto	Asumpcion - - -	Francisco Azpeitia.	
22	" 25	Ditto	Ditto	Iberia - - - -	Antonio Sollan.	
23	" 25	Ditto	Brig	Urraca - - - -	Juan Casas.	
24	July 3	Ditto	Schooner	Indagadora - - -	Juan Jozé Rodriguez.	
25	" 4	Ditto	Brig	Negrilo - - - -	Antonio Malbars -	} This vessel was reported to have come from the Cape de Verd Islands.
26	" 9	Ditto	Ditto	Servando - - - -	Francisco Saenz -	
27	" 16	Ditto	Schooner	Barbarita - - -	Gaspar Prats.	} Arrived without slaves.
28	Sept. 9	Ditto	Ditto	Ligera (al.) Intrepida	Jozé Ramon Zavala.	
29	Oct. 1	Ditto	Brig	Vengador - - -	Agustin Capera.	
30	" 19	Ditto	Schooner	Marinerito - - -	Ramon Agulliero.	
31	" 22	Ditto	Ditto	Segunda Gallega -	Santiago Manzana.	
32	Nov. 6	Ditto	Ditto	Asturiana - - -	Jozé Julia.	
33	Dec. 9	Ditto	Brig	Andromaca - - -	Ramon Gonzalez.	
34	" 9	Ditto	Ditto	Barbarita - - -	Salvador Filiú.	
35	" 9	Ditto	Schooner	Amistad Habanera.		
36	" 22	Ditto	Brig	Segunda Teresa -	Manuel Gil.	

## No. 60.

*W. S. Macleay, Esq. to the Earl of Aberdeen.—(Received April 7.)*

MY LORD,

Havana, January 18, 1831.

ON the 3d instant, the Spanish schooner "*Urania*," alias "*Cristina*," D. Jozé Benito Pardo, Master, arrived here, after having landed her slaves on the Coast. This vessel was not fitted out from the Havana, but the circumstances of the case were so clear, that I made the usual communication to the Captain-General respecting her arrival.

On the same day also, came into port a Brazilian Sumaca, the "*Santo Antonio Vencedor*," D. Lorenzo Antonio Rochadel, Master. She is said to have previously landed, on the Coasts of this Island, a cargo of slaves, which she had brought from Maranham, as passengers, under the protection of a Brazilian passport. In corroboration of this report, I may observe, that she is entered at the Custom-house as Portuguese from Maranham with tasajo and passengers, although only 4 of these last came into the Havana.

I venture to call your Lordship's attention to this case, as it is the first of the kind that has come under my notice, and because it seems to prove the abuses which may arise, from the Brazilians being allowed to transport slaves along these coasts. Under this pretext, as, I fear, has been the case in the present instance, they may bring their slaves to this island, where they bear a higher price than in the Brazils.

I have, &c.

(Signed)

W. S. MACLEAY.

*The Right Hon. the Earl of Aberdeen, K. T.*

&c.

&c.

&c.

## No. 61.

*W. S. Macleay, Esq. to the Earl of Aberdeen.—(Received April 7.)*

MY LORD,

*Havana, January 22, 1831.*

THE Brazilian vessel "*San Antonio Vencedor*," respecting which I had the honour of addressing your Lordship in my despatch of the 18th instant, sailed yesterday for Bahia de todos Santos.

On the 20th instant, the Spanish schooner "*Hossy*," D. Salvador Feliú, Master, cleared out publickly for Lagos; and the schooner "*Segunda Tentativa*," D. Ramon Nosedal, Master, sailed to-day for St. Thomas.

On the 7th instant, the schooner "*Veloz*," D. Francisco Antonio Sarraia, Master, arrived in this port; and on the 8th, the brig "*Joven Maria*," commanded by Juan Aranco. Both vessels had previously landed slaves on the coast.

I have, &c.

(Signed)

W. S. MACLEAY.

*The Right Hon. the Earl of Aberdeen, K. T.*

&c.

&c.

&c.

## No. 62.

*W. S. Macleay, Esq. to Viscount Palmerston.—(Received April 7.)*

MY LORD,

*Havana, January 31, 1831.*

I HAVE been honoured by the receipt of your Lordship's circular despatch, addressed to His Majesty's Commissioners at the Havana, dated 22d November, 1830, by which I learn that the King has been pleased to accept of the Earl of Aberdeen's resignation of the office of His Majesty's Principal Secretary of State for Foreign Affairs, and to confide to your Lordship the seals of that department.

I shall, therefore, in future, have the honour, in obedience to your Lordship's commands, to address my despatches and letters on publick business to your Lordship.

I have, &c.

(Signed)

W. S. MACLEAY.

*The Right Hon. Lord Viscount Palmerston,*

&c.

&c.

&c.

## No. 63.

*W. S. Macleay, Esq. to Viscount Palmerston.—(Received April 7.)*

MY LORD,

*Havana, January 31, 1831.*

I HAVE had the honour to receive your Lordship's despatch, dated 29th November, 1830, with 2 enclosures, by which I perceive, that the Lords of His Majesty's Treasury are of opinion, that the British subjects, found on board the Spanish vessel "*Emilio*," should be delivered up to the Civil Authorities, at the nearest British Colony, which may be in possession of a Commission under the Act 41 Geo. III., cap. 54, for the purpose of being brought to trial, and that measures have been taken, under their Lordships' directions, for carrying that proceeding into effect.

I have, &c.

(Signed)

W. S. MACLEAY.

*The Right Hon. Lord Viscount Palmerston,*

&c.

&c.

&c.

## No. 64.

*W. S. Macleay, Esq. to Viscount Palmerston.—(Received April 7.)*

MY LORD,

*Havana, February 1, 1831.*

I HAVE the honour to acknowledge the receipt of your Lordship's despatch, dated 30th November last, with its enclosure, by which I am informed, that 3 of the British subjects, found on board the Spanish vessel "*Midas*," were convicted, at the last Admiralty Sessions, and that Commissions under the 46th Geo. III., cap. 54, have been issued for the Islands of Jamaica and St. Christopher's, under which offences against the slave laws, may be tried at either of those islands.

I have, &c.

(Signed)

W. S. MACLEAY.

*The Right Hon. Lord Viscount Palmerston,*  
 &c. &c. &c.

## No. 65.

*W. S. Macleay, Esq. to Viscount Palmerston.—(Received April 7.)*

MY LORD,

*Havana, February 13, 1831.*

THREE vessels have lately sailed for the Coast of Africa, viz.—on the 3d instant, the Portuguese or Brazilian schooner "*Estela*," D. Jozé Maria Ibarcaria, Master, with the Spanish schooner "*Planeta*," D. Pedro Badia, Master; and on the 6th instant, the Spanish brig "*Andromaca*," D. Francisco Loureiro, Master.

Four Spanish brigs have also arrived in port, after landing slaves on the Coast, viz.—on the 23d ultimo the "*Semiramis*," D. Juan Bautista Manerse, Master; on the 26th ultimo, the "*Urraca*," D. Domingo de Castro, Master; on the 30th, the "*Almirante*," D. Juan Bautista Zavala, Master; and on the 31st ultimo, the "*Marinero*," D. Geronimo Villa, Master. I have received the usual form of answer from the Captain-General, respecting all these 4 vessels, the first and last named of which have, I understand, been fitted out from Spain. The brig "*Almirante*" is rather a singular case, and may perhaps, in more respects than one, merit your Lordship's special attention. This vessel was captured on the African Coast, with 466 slaves on board, by a tender of H. M. S. "*Sybill*," and was condemned on the 20th of March, 1829, by the Mixed Commission at Sierra Leone. She arrived here from Sierra Leone in ballast, under the Brazilian flag, and the command of N. Williams, Master, on the 13th of November, 1829. She then came consigned to an American house in this city, Messrs. Murdock, Storey, and Co., but I have not been able to ascertain who are the actual owners. On the 21st of May, 1830, she cleared out from the Havana, under the Spanish flag, and her old name of "*Almirante*," with a noted slave-trader as Master, her destination being, as it was declared, Bahia, in Brazil. These various circumstances I had the honour of stating to the Earl of Aberdeen, in my despatch, dated 16th of June, 1830, although at that time I had no more than suspicions, of her being about to return to this illegal traffick. When she arrived here, on the 30th ultimo, after having landed a cargo of slaves, I thought, as she still had the audacity to retain her old name, that it was my duty to inform the Captain-General, that she was a vessel well known to His Majesty's Government as having been formerly engaged in the slave-trade. I beg leave to enclose copies of our correspondence.

I have little doubt from private information, but above all, from the enclosed answer of the Captain-General, that the brig "*San Pedro*," alias "*Marinero*," there stated to have been fitted out from Cadiz, is the same vessel with the "*San Pedro*," alias "*Rapido*," respecting which the Earl of Aberdeen, in his Lordship's despatch, dated the 19th of August, 1829, directed His Majesty's Commissioners to procure intelligence. When I denounced this ves-

sel to the Captain-General, I only knew her by the name of "*Marinero*," nor did I know exactly from what part of Spain she was fitted out. It is truly lamentable to observe that the slave-trade, which had decreased in the Havana, should now have become so much more prevalent, from the ports of Spain.

I have, &c.

(Signed)

W. S. MACLEAY.

*The Right Hon. Lord Viscount Palmerston,*  
&c. &c. &c.

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First Enclosure in No. 65.

*W. S. Macleay, Esq. to the Captain-General.*

Havana, February 4, 1831.

THE Undersigned, Commissioner of His Britannick Majesty, has the honour to acquaint his Excellency the Captain-General, that it will be his painful duty to acquaint His Majesty's Government with the arrival in this port of the brig "*Almirante*," D. Juan Bautista Zavala, on the 30th ultimo; and of the brig "*Marinero*," D. Geronimo Villar, on the 31st, both vessels having previously landed slaves. The Undersigned takes the opportunity of stating to his Excellency, that the brig "*Almirante*" is already well known to His Majesty's Government, from her having been captured in 1829, on the Coast of Africa, with a cargo of slaves on board, and condemned by the Mixed Commission at Sierra Leone.

The Undersigned has the honour, &c.

(Signed)

W. S. MACLEAY.

*His Excellency the Captain-General,*  
&c. &c. &c.

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Second Enclosure in No. 65.

(Translation.)

*The Captain-General to W. S. Macleay, Esq.*

SIR,

Havana, February 4, 1831.

I HAVE received your letter of the 4th instant, in which you acquaint me, that it will be your duty to inform your Government of the arrival in this port of the brig "*Almirante*," D. Juan Bautista Zavala Master, on the 30th ultimo; and of the brig "*Marinero*," D. Geronimo Villar, on 31st, both vessels having landed slaves; and likewise, that the brig "*Almirante*" is well known to the Government of His Britannick Majesty from her having been captured in 1829, on the Coast of Africa, with a cargo of slaves on board, and condemned by the Mixed Commission at Sierra Leone; I beg to inform you, by way of provisional answer, that in obedience to the Royal Order of the King, my August Master, of the 2d January, 1826, I this day write to the officer, second in command over the naval forces on this station, in order that he may proceed to the necessary investigation, the result of which you shall be duly informed of.

God preserve you many years,

(Signed)

F. D. VIVES.

*The Commissioner of His Britannick Majesty.*

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Third Enclosure in No. 65,

(Translation.)

*The Captain-General to W. S. Macleay, Esq.*

SIR,

Havana, February 9, 1831.

IN his letter, dated yesterday, the officer second in command over the naval forces on this station writes me as follows:

"Most Excellent Sir,—The Commandant of "*Matriculas*" for this district writes me, under date of the 4th instant, that having examined the log-books of the brig "*Almirante*," which entered this harbour, after having come from Bahia de todos Santos and St. Thomas, on the 30th ultimo, he finds no mark of this mercantile expedition having been employed in the prohibited traffick of Bozal negroes. And in another letter, dated yesterday, he also informs me, that having examined the log-books of the Spanish brig "*San Pedro*," alias "*el Marinero*," which likewise entered this harbour from Cadiz and St. Thomas on the 30th ultimo, he finds no proof of this mercantile expedition having been engaged in the aforesaid prohibited traffick. And I beg to acquaint your Excellency with these circumstances, in answer to your Excellency's letter of yesterday, in which was transcribed a letter from His Britannick Majesty's Commissioner, Don W. S. Macleay, on the subject of the above-mentioned 2 vessels.

I now enclose this for your information, and may God preserve you many years,

(Signed)

F. D. VIVES.

*The Commissioner of His Britannick Majesty.*

## No. 66.

*W. S. Macleay, Esq. to Viscount Palmerston.—(Received April 27.)*

MY LORD,

Havana, February 28, 1831.

ON the 20th instant, the Spanish schooner "*Prueba*," Antonio Ferreira, Master, came into port, after having landed a cargo of slaves on the coast. I have not yet received any answer from the Captain-General respecting her.

On the 15th instant, sailed the schooner "*Urania*," alias "*Cristina*," Juan Bautista Arrarte, Master. On the 16th instant, the 2 schooners, viz. "*Ligeru*," Jozé Benito Pardo, Master, and the "*Amistad*," Juan Garcia, Master; and, on the 24th instant, the brig "*Urraca*," Juan Sagreras, Master. All four are destined for the Coast of Africa.

I have, &c.

(Signed)

W. S. MACLEAY.

*The Right Hon. Lord Viscount Palmerston,*  
 &c.                    &c.                    &c.

## No. 67.

*W. S. Macleay, Esq. to Viscount Palmerston.—(Received April 27.)*

MY LORD,

Havana, March 12, 1831.

THE answer received from the Captain-General, respecting the "*Prueba*," has been of the usual form. I have since reported to his Excellency the arrival of the schooner "*Viscayna*," D. Jozé Balandra, Master, which came into this port on the 9th instant, after having landed a cargo of slaves.

On the 6th instant, the Spanish schooner "*Veloz*," D. Joaquin Blanco, sailed for the African coast.

I have, &c.

(Signed)

W. S. MACLEAY.

*The Right Hon. Lord Viscount Palmerston,*  
 &c.                    &c.                    &c.

## No. 68.

*W. S. Macleay, Esq. to Viscount Palmerston.—(Received April 29.)*

MY LORD,

Havana, March 21, 1831.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch, of the 23d of December last, transmitting 3 copies of an extract from the Instructions, which have been framed for the guidance of the Slave-trade Restriction Commissions, and of which copies are about to be distributed, under the directions of the Lords Commissioners of the Admiralty, to the Commanders of His Majesty's cruizers employed in the suppression of the slave-trade.

I have, &c.

(Signed)

W. S. MACLEAY.

*The Right Hon. Lord Viscount Palmerston,*  
 &c.                    &c.                    &c.

## No. 69.

*W. S. Macleay, Esq. to Viscount Palmerston.—(Received April 29.)*

MY LORD,

*Havana, March 22, 1831.*

I AM honoured by the receipt of your Lordship's despatch, of the 24th of December last, enclosing, for the information of His Majesty's Commissioners, the copy of a despatch which your Lordship had, on that day, addressed to His Majesty's Minister at Madrid, instructing him to urge the Government of His Catholick Majesty, to agree to the conclusion of an Article, whereby Spanish vessels, which appear to be evidently fitted up for the slave-trade, will be, on that account, when found in prohibited latitudes, liable to be detained, and condemned under the Mixed Commissions for the restriction of illegal slave-trade.

I have, &c.

(Signed) W. S. MACLEAY.

*The Right Hon. Lord Viscount Palmerston,*  
 &c. &c. &c.

## No. 70.

*W. S. Macleay, Esq. to Viscount Palmerston.—(Received April 29.)*

MY LORD,

*Havana, March 23, 1831.*

I HAVE the honour to acknowledge the receipt of your Lordship's despatch, of the 28th December, 1830, enclosing, for the information of His Majesty's Commissioners, the copy of a letter received from the Admiralty, on the subject of the 2 British subjects found on board the "*Emilio*," slave-vessel, condemned at the Havana.

I have, &c.

(Signed) W. S. MACLEAY.

*The Right Hon. Lord Viscount Palmerston,*  
 &c. &c. &c.

## No. 71.

*W. S. Macleay, Esq. to Viscount Palmerston.—(Received May 7.)*

MY LORD,

*Havana, March 26, 1831.*

I HAVE the honour to inform your Lordship, that the answer I have received from the Captain-General respecting the "*Viscayna*," has been of the usual form, stating that nothing has been found inserted in her log-book, to implicate this vessel in the prohibited traffick. I have since received a similar answer with respect to the schooner "*Indagadora*," Angel Ximenes, Master, which arrived here on the 16th instant, after landing a cargo of slaves.

On the 15th instant, the American brig "*Lion*," J. Mackenzie, Master, which sailed from the Havana on the 27th July last, arrived here in ballast from Ayudá, on the Coast of Africa. I have not been able to learn whether she landed slaves previously to coming into port, but from the name of the person to whom she has come consigned, I rather suspect she was employed in giving aid, to some of the Spanish slave factories on the Coast of Africa.

On the 19th instant, the Spanish brig "*Felix*," D. Santiago Comas, Master, sailed for the African Coast.

I have, &c.

(Signed) W. S. MACLEAY.

*The Right Hon. Lord Viscount Palmerston,*  
 &c. &c. &c.

## No. 72.

*W. S. Macleay, Esq. to Viscount Palmerston.—(Received May 7.)*

MY LORD,

*Havana, April 2, 1831.*

ON the 26th ultimo, the Spanish brig "*Coruñes*," D. Jozé Maria Pequeño, Master, entered this port in ballast. She has come from the Coast of Africa, but as I hear that her slaves were taken from her at sea by another vessel engaged in the same nefarious traffick, and that consequently she landed none on this island, I have not deemed it necessary to represent the case to the Captian-General.

I have, &c.

(Signed) W. S. MACLEAY.

*The Right Hon. Lord Viscount Palmerston,*  
&c. &c. &c.

## No. 73.

*Viscount Palmerston to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, May 16, 1831.*

I HAVE received the despatch of Mr. Macleay, of the 18th of January, 1831, stating the arrival at the Havana of the "*Santo Antonio Vencedor*," a Brazilian sumaca, which was said to have previously landed on the Coast of Cuba, a cargo of slaves, which she had brought from Maranham as passengers.

You have acted correctly in calling my attention to the case; and had there been ground for such a measure, His Majesty's Government would have felt it to be their duty, to remonstrate with the Government of Brazil upon this point. The information with which you have furnished me, is not, however, sufficiently precise and particular to authorize the adoption, by His Majesty's Government, of such a proceeding thereon.

It is more than possible, that under pretence of conveying slaves from Brazil to the Havana, many abuses may be practised; but this species of traffick does not, in the opinion of the King's Advocate, appear to come within the prohibitions of the Treaties subsisting between the two countries for the abolition of the slave-trade; and, consequently, until a clear case of fraud shall be brought before His Majesty's Government, no communication can be made upon the subject, with propriety, to the Government of Brazil.

I am, &c.

(Signed) PALMERSTON.

*His Majesty's Commissioners.*

## No. 74.

*W. S. Macleay, Esq. to Viscount Palmerston.—(Received May 23.)*

MY LORD,

*Havana, April 20, 1831.*

ON the 31st ultimo, the Spanish slave-schooner "*Pantica*," Francisco Cuero, Master, entered this port; and on the 9th instant, the schooner "*Manuelita*," Jozé Terry, Master. I have reported both vessels to the Captain-General, and, with respect to the first of them, have received the customary form of answer. I understand, however, that both vessels landed slaves on the coast.

I have, &c.

(Signed) W. S. MACLEAY.

*The Right Hon. Lord Viscount Palmerston,*  
&c. &c. &c.

## No. 75.

*W. S. Macleay, Esq. to Viscount Palmerston.—(Received July 19.)*

MY LORD,

*Havana, April 30, 1831.*

I HAVE received the usual form of answer from the Captain-General, respecting the "*Manuelita*," mentioned in my last despatch. No other vessel has, however, arrived from the African Coast, since last I had the honour of addressing your Lordship. One very suspicious brig, the "*Amalia*," Juan Gonzalez Cepadas, Master, did indeed arrive on the 23d instant, from the West India Island of St. Thomas, but I have not been able positively to ascertain whether she landed slaves on the coast. There is, nevertheless, too much reason to fear that the above-mentioned island is made use of as a depôt, by Spanish slave-vessels, and as I am in daily expectation of seeing Vice-Admiral Colpoys here, I intend to call his attention to the subject.

The Spanish schooner "*Prueba*," Antonio Ferreira, Master, sailed yesterday for the Coast of Africa. I have, &c.

(Signed) W. S. MACLEAY.

*The Right Hon. Lord Viscount Palmerston,*  
&c. &c. &c.

## No. 76.

*W. S. Macleay, Esq. to Viscount Palmerston.—(Received July 19.)*

MY LORD,

*Havana, May 23, 1831.*

TWO notorious slave-vessels, viz: the schooner "*Indagadora*," Francisco Ruberosa, Master, and the brig "*Rapido*," Santiago Alonzo, Master, have sailed from this port for the Coast of Africa, the former on the 7th instant, and the latter on the 15th.

In my despatch of the 26th of March last, I had the honour of stating to your Lordship, that the brig "*Felix*," Santiago Comas, Master, had sailed for the Coast of Africa. I have since ascertained that so far I was misinformed, this vessel having, in reality, proceeded to Puerto Rico, and the West India Island of St. Thomas. I still, however, have reason to suspect, that her commerce is not altogether legitimate.

I have, &c.

(Signed) W. S. MACLEAY.

*The Right Hon. Lord Viscount Palmerston,*  
&c. &c. &c.

## No. 77.

*W. S. Macleay, Esq. to Viscount Palmerston.—(Received July 19.)*

MY LORD,

*Havana, June 17, 1831.*

I HAVE the honour to acquaint your Lordship, that, on the 22d ultimo, the Spanish brig "*Teresa*," Francisco Sarria, Master, sailed from this port for the Coast of Africa.

On the same day arrived in the harbour, after landing slaves on the coast, the schooner "*Tres Manuelas*," Victoriano Laguna, Master, a vessel that has been absent from the Havana, since the 12th of February, 1829. On the 4th instant, the "*Ninfa*," D. Vicente Ballesteros, Master, a large brig, fitted out from Spain, also came into harbour, after having landed a cargo.



of slaves. With respect to these 2 vessels, I have received the usual form of answer from the Captain-General. The slave-brig "*Negríto*," D. Francisco Azpeitia, also came in on the 12th instant; but I have not yet received any communication from the Local Government with respect to her.

I have, &c.

(Signed) W. S. MACLEAY.

*The Right Hon. Lord Viscount Palmerston,*  
&c. &c. &c.

No. 78.

*W. S. Macleay, Esq. to Viscount Palmerston.—(Received August 27.)*

MY LORD,

*Havana, June 24, 1831.*

I HAVE the honour to inform your Lordship, that His Majesty's schooner "*Pickle*," under the command of Lieutenant Thomas Taplen, arrived in this port on the afternoon of the 21st instant, with a slave schooner, having 157 slaves, and 15 other persons on board, including the crew. I beg leave to enclose the copies of a letter, addressed to me by the Captor immediately on his arrival, and of his declaration, by which it will appear that this schooner, called the "*Rosa*," was captured off the Stirrups Key, on the 18th instant, under Portuguese colours, and that she was under the command of Jozé Monteiro da Fonseca, on a voyage from Cachao, on the Coast of Africa, to Matanzas.

On examining the papers, delivered to me as those of the vessel, and of which there were 40, I found almost all of them, including the log-book, to be in the Portuguese language, and that they went to shew that the "*Rosa*" is a vessel belonging to Dofia Rosa de Carvalho de Alvarenza, resident in Cacheu, on the African Coast, with a passport and bill of health, as a Portuguese vessel, from competent Portuguese Authorities, to proceed from Lisbon to the Cape de Verd Islands and African Coast, the former of these documents being dated the 17th of November, 1830, and the latter on the 5th of January last, copies of both being herewith enclosed. I have selected from these numerous papers also a contract, of which I have the honour to enclose a copy, and which is dated Villa de Praya, in the Cape de Verds, 13th April last, between the aforesaid Rosa Carvalho Alvarenza and a person named Isidro Powell, by which contract, Isidro Powell seems to be appointed Supercargo of the "*Rosa*," with authority to sell negroes on the account and risk of the said Rosa Carvalho Alvarenza at Matanzas. The vessel appears to have proceeded from the Cape de Verds to Cacheu with the owner on board, who was at the latter place on the 16th of May last. It would appear, also, that several other persons at Cacheu entrusted negroes to Powell, to be sold at Matanzas, in proof of which I beg to enclose a copy of another document, dated at Cacheu, on the 16th of May last, and signed Cleto Texeira da Melta, there being among the papers several of a similar nature.

By another document, dated Cacheu, the 17th of May last, and which purports to be the instructions of the owner of the "*Rosa*" to the Captain, the latter, among other things, is directed to obey the orders of Isidro Powell, and to consider him not only as Supercargo, but as Master, during the voyage to Matanzas, on account of his being interested in great part of the "*Rosa's*" actual cargo. The muster-roll, of which I also have the honour to enclose a copy, shews that the Master and crew of the "*Rosa*," in all 12 persons, are natives of Portugal, or her colonies. As none other of the 40 documents, almost all shewing that Powell was, more or less, deeply interested in the expedition, seemed to me to throw doubt on those above specified, which were the chief papers of the vessel, I informed Lieutenant Taplen, verbally, that, if he had nothing further to produce against the "*Rosa*," it would occasion dangerous delay, and useless expence to bring her before a Mixed Commission, which was only authorized to take cognizance of British and Spanish slave-vessels. Lieutenant Taplen, anxious to have the vessel condemned at the

Havana, then informed me that there were other writings on board, found in Powell's trunk, and which this person had implored him not to make publick, as being entirely family papers. I, of course, demanded every paper found on board, to be delivered up to my inspection, and directed Lieutenant Taplen to make every effort, without actual violence, to get other papers from Powell, if he had such. I did not go on board myself, because, in the event of the "*Rosa*" being eventually brought before the Mixed Commission, any prior or *ex parte* examination, on my part, of the witnesses, would have been obviously improper; but I sent Mr. Jackson, the Clerk of His Majesty's Commissioners, on board, to make enquiries, and he reported to me, that the Master and crew were certainly not Spaniards; that the 2 Englishmen, passengers on board, declared the vessel was Portuguese, as well as Powell, who speaks English and Spanish with equal facility. Being in a wretched state of health, this man begged hard not to be sent back to Africa, and, on being asked the nature of certain papers, which the Englishmen declared they had seen him destroy during the chase, he swore they were private papers, and that the true papers of the "*Rosa*" had been given up by him to the Captor. On hearing these circumstances, and considering if he could prove the "*Rosa*" to be a Spanish vessel, that it was so clearly this man's interest to have her condemned at once in the Havana, I came to the conclusion that she was in reality Portuguese, which was corroborated by the perusal of the 128 additional papers, now produced by Lieutenant Taplen, and which were in fact, as Powell had said, principally of a private nature.

I therefore addressed the letter, of which a copy is enclosed, to Lieutenant Taplen, informing him, that this Mixed Commission could take no cognizance of the case; and I called on the Captain-General to state the circumstances to him. His Excellency said, that as the Havana Mixed Commission could not decide on such a case of capture, it was impossible for any Spanish Tribunal to adjudicate thereon; first, because the slave-vessel was Portuguese; and, secondly, because she had been captured at such a distance from Cuba, by a British ship of war. He, therefore, hoped, that I would get the vessel away from the Havana as soon as possible, as I must know that a great prejudice prevailed in the city, against his receiving any more "*Emancipados*" than could be helped. I promised that as the "*Rosa*" had sufficient provisions to carry her to Nassau, she should sail as soon as she had taken her water on board, which she was then in the act of doing, and I had previously learned from the Captor, that the negroes were all in such good state, as not to require to be landed at the Havana on account of their health.

Lieutenant Taplen now asked me my opinion as to the course he ought to adopt with the "*Rosa*." Copies of his letter, and my answer, I have the honour to enclose. Being unwilling to exceed my province, and interfere with what might be considered to be, more properly, the naval service of the station, I had some reluctance to give in writing any opinion on the subject; but I considered if Lieutenant Taplen fell into any mistake, by which human life might fall a sacrifice, I should incur a still greater responsibility, by having refused to advise him. It belongs to your Lordship to decide, how far my directions have been the most prudent that could have been offered in the case; but I beg most humbly to remark, it was absolutely necessary in any event that the "*Pickle*" should go to Nassau to victual (this being the ordinary place, appointed for that purpose to His Majesty's schooners on this coast), and it was evident, that the Captor not only would be able to get additional advice there, but have also the "*Rosa*" so far on her way to the only proper Commission, which could decide on the capture of a Portuguese vessel. Not being, however, exactly aware of the state of the Colonial laws in the Bahama Islands, with respect to the introduction of negroes, I recommended Lieutenant Taplen, not hastily to subject his prize to the operation of those laws, until he had consulted with the Local Authorities; and to let the "*Rosa*" heave to off the harbour, until some decision was taken on shore. If the Governor of the Bahamas would receive these negroes, and if the voyage to Sierra Leone should be deemed too long, to be undertaken by these unfortunate creatures, it appeared to me clear, that Lieutenant Taplen was entitled, by the Treaty with Portugal, to land them at Nassau, in which case, I told him that he might,

without leaving his station, send the "*Rosa*" and the papers, with a prize-crew to Sierra Leone, to have the case decided.

When I had stated to Lieutenant Taplen, that such appeared to me the most economical, as well as secure, mode of bringing the affair to a proper issue, he sailed from this with his prize, on the afternoon of the 22d for Nassau, New Providence, which is a voyage of about 4 or 5 days.

I have only further to observe on this affair, that having made enquiries concerning Powell, I learn he was born in the Havana, of American parents, educated in the United States, and formerly a clerk in a mercantile house here, which he left to engage in the slave-trade at Matanzas. That, with this exception, his character has been so far respectable, and that his skill in the slave-trade is so considerable, that his capture will affect the various factories in the Rio Pongos much. I beg to enclose the copy of a letter, that will shew his intimate connexion with them. He left Cuba for Africa in a Spanish vessel, the "*Juanito*," which is said to have arrived back at Matanzas with slaves. The papers of the "*Rosa*" prove that very nefarious proceedings are carried on at Cacheu, on the African Coast, as well as at the Cape de Verdes, and I would humbly venture to suggest to your Lordship, that His Majesty's Consul at St. Jago be supplied, from Sierra Leone, with the names of the persons implicated, in order that he may have his eye on them.

My object being merely to satisfy your Lordship, that the "*Rosa*" could not be condemned here, I have not thought it necessary to make more copies of her papers, than those which I now have the honour to enclose, but indeed as she was not in harbour 24 hours, there was no time to make more if I had been so inclined.

I have, &c.

(Signed)

W. S. MACLEAY.

*The Right Hon. Lord Viscount Palmerston,*  
&c. &c. &c.

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First Enclosure in No. 78.

*Lieutenant Taplen to W. S. Macleay.*

SIR,

*H. B. M. Schooner "Pickle," Havana, June 21, 1831.*

I HAVE the honour to inform you, that I have this day brought into the port of the Havana, a schooner, called the "*Rosa*," which I detained, when sailing under Portuguese colours, off Stirrup's Key, on the 18th instant, on account of having 157 negroes on board.

Having some doubts as to her nationality, as she was clearly bound for Matanzas, and the Super-cargo, Isidro Powell, calls himself a Spaniard, I now forward the ship's papers to you for inspection, in order that you may inform me, whether I ought to bring her for adjudication, before the Mixed British and Spanish Commission, of which you are a member.

I have the honour to be, &c.

(Signed) THOS. TAPLEN, Lieutenant, commanding.

*W. S. Macleay Esq. H. B. M. Commissioner, Havana.*

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Second Enclosure in No. 78.

*Declaration of the detention of the "Rosa" schooner, under Portuguese Colours.*

HIS Britannick Majesty's schooner "*Pickle*," Thomas Taplen, Esq. Lieutenant, commanding, while cruising off Stirrup's Key, on the morning of the 18th instant, discovered at 6. 30. A. M. a schooner running down, which vessel, as soon as she observed the "*Pickle's*" colours, hauled to the wind on the starboard tack, and made all sail. The "*Pickle*" immediately made sail in chase of her, —at 10 fired a shot, and again shewed our colours to chase,—chase shewing none, fired several shots to bring her to,—at 11 gaining fast on chase, she shewed Portuguese colours and hove to,—11. 30. boarded chase, when she proved to be the "*Rosa*" schooner, commanded by Jozé Antonio Fonseca, under Portuguese colours, 31 days from Cachao, Coast of Africa, with 157 slaves on board, bound to Matanzas.

The "*Rosa*" is a schooner of 95 tons burthen, with a crew of 12 men, having a blunderbuss, 10 muskets, and 12 swords, with half a keg of gunpowder, on board,—her rigging and sails are much worn.

The number of slaves we found, on counting them, to be as follows, viz :

	HEALTHY.	SICK.
Men . . . . .	76	2
Women . . . . .	56	"
Boys . . . . .	8	"
Girls . . . . .	10	"
Infants { Boys	2	"
{ Girls	3	"
Total	155	2

There were on board the "*Rosa*" 3 white men, one called Isidro Powell, who stated himself to be a native of the Havana, and that he was the supercargo of the vessel, and resided at Matanzas, shewing bills of lading at the same time.

The other 2 men, called Laurence M'Dowall Lindsay, and Henry Hassan, (Englishmen) stated, that they belonged to the West India Packet, a free trader from Liverpool, bound to the Cape of Good Hope, and Isle of France, and that they were wrecked on the island of Bona Vista, on the 4th of March last, from which island they had taken a passage in the "*Rosa*" for the Isle of May, but the Master of the "*Rosa*" proceeded to Cachao, and as they saw no prospect of obtaining a passage to Europe, on that part of the Coast, they again embarked on board the said vessel for Cuba, for the purpose of getting a passage to Europe.

(Signed) THOS. TAPLEN, Lieutenant, commanding.

Havana, June 21, 1831.

Witness, JAMES FINLAY, Clerk.

Third Enclosure in No. 78.

(Translation.)

*Passport of the Portuguese Schooner "Rosa."*

I, THE DUKE OF CADAVAL, of the Council of State, Assistant Minister in the Department of the Cabinet, Grand Cross of the Order of Christ, and of the Tower and Sword, and charged, out of course, with the post of Secretary of State for the Affairs of the Marine, and the possessions beyond sea, &c. make known to those who shall see this passport, that the schooner "*Rosa*" is about to sail from this port of the city of Lisbon, for the Cape Verd Islands, and the other ports on the Coast of Africa, whence she also is to return to the same city of Lisbon, and that her Captain is Antonio dos Santos Chaves, and her Owner Donna Rosa de Carvalho de Alvarenza, as is known, beyond a doubt, in this Secretary of State's Office, by the oath of the said Captain, and by the documents presented by him; and not only are all the above persons natives of Portugal, and subjects of these kingdoms, but no foreigner whatsoever is concerned in the said schooner. And as she, either on her outward bound voyage, or on her return, at sea, or in some port, might be met with by the Commanders and Officers of ships and other vessels of the said kingdoms, His Majesty the King, our Lord, commands them not to offer her any impediment. And he recommends to the Captains of the fleets, squadrons, and vessels of the Kings, Princes, Republics, Potentates, the Friends and Allies of the Crown of these kingdoms, not to obstruct her in the prosecution of her voyage, but, on the contrary, to afford her, in the performance of it, every assistance and favour, of which she may stand in need, under the full persuasion, that the same and an equal return will be made to those, who shall have been recommended by their Princes.

In testimony of which, He has ordered her to be furnished with this passport, signed by me, and sealed with the great seal of the Royal Arms.

Given in Lisbon, the 17th of November, 1830.

By order of His Excellency. (Signed)

THE DUKE OF CADAVAL.

(Signed)

JOAQUIM PEDRO DA COSTA.

Paid for the stamp, 480 reis, Lisbon, dated as above.

(Signed)

FONSECA, (No. 48.)

Fourth Enclosure in No. 78.

(Translation.)

*Bill of Health.*

I, JOAO GAUDENSIO TORRES, of the Council of His Most Faithful Majesty the King our Lord, Gentleman, and Knight of His Royal House; Commander of the Order of Christ; Desembargador Vereador of the Tribunal of the Senate of the Chamber; Supreme Superintendent of Health for the Court and Kingdom; and Judge Conservator of all its privileged persons, in all their civil and criminal causes, with prohibition for all other Justices, and with appeal by order of the same Sovereign, whom may God preserve, &c.; notify, that the Portuguese schooner "*Rosa*," bound to Cacheu, is putting to sea from this city and port of Lisbon; that her Captain is Antonio dos Santos Chaves; and that her crew consists of 12 persons, inclusive of the Captain; and because by the divine mercy, this city is free from the plague, and every other contagious disease, against which are taken all measures of precaution, directed by the regulations, she may be admitted to free pratique, wherever she shall present herself, unless any change should take place during her voyage: and the present bill is signed by me, and sealed with the seal of the glorious martyr St. Sebastian, as well as underwritten by the respective Secretary, after being entered in the proper book, in consequence of the register of the said vessel, which the undersigned Captain himself presented for that purpose.

And I, Francisco de Assis e Costa, Secretary to the Supreme Superintendence of Health, underwrote and signed it, as the said Captain did along with me, which I testify.

Lisbon, January 5, 1831.

The present is signed by the Councillor, Joao Jozé Mascarenhas, authorized thereto, as he holds the post of Supreme Superintendent of Health.

(Signed)

JOAO JOZE MASCARENHAS,  
de Acevado e Silva.

FRANCO. DE ASSIS E COSTA.

ANTONIO DOS SANTOS CHAVES.

(L. S.)

Fifth Enclosure in No. 78.

(Translation.)

*Contract between D. R. C. d'Alvarenga and I. Powell.*

WE, the Undersigned, Dom Roza Carvalho d'Alvarenga and Son, on the one part, and Dom Isidro Powell, on the other, do declare to have come this day to the following agreement:—That the two former have undertaken to the latter, to fit out the schooner "*Rosa*," and to provide her with every thing needful, to perform a voyage from this harbour of Cacheu, on the Coast of Africa, to the Port or Coast of Matanzas, in the Isle of Cuba, the said Messrs. Roza Carvalho Alvarenga and Son binding themselves, to put on board the said schooner, on their account, and at their risk, 100 slaves, all of them without any blemish or ailment, visible or known, the said slaves not to be of less stature than 5 palms, from the instep to the flap of the ear, nor older than 30 years; engaging also, that among the 100 slaves, there shall be no more than 30 women, and the other 70 shall all be men or boys: and that having safely arrived at the said port of Matanzas, they shall deliver to the said Dom Isidro Powell, the just mentioned cargo of 100 slaves, and that the said Dom Isidro Powell binds himself to pay, for every man or boy 250 Spanish patacas, and for every female 220 patacas, all in Spanish coin, that is to say, for every slave that shall arrive in health, and without any of the defects stated in this agreement, inasmuch as those who shall either be sick, or subject to the imperfections above alluded to, shall be valued at a price, to be stipulated in the present agreement, which valuation, for the sake of avoiding delay or dispute, shall be made in manner following: each of the parties concerned shall name a merchant of Matanzas, who shall make such a deduction from the price agreed upon, as shall be suitable to the value of the slave, and in case the umpires appointed should disagree, they shall nominate a third arbitrator, and no appeal shall be left us, that is, we shall be compelled to acquiesce, in the valuation decided on by the arbitrator, because the present transaction being merely confidential, and not permitted in the eye of the law, we cannot make choice of any more practicable method, than that of nominating umpires from among the most experienced persons of Matanzas; and in virtue of this present agreement, the undersigned Dom Isidro Powell engages, on his part, 7 days after the delivery of the slaves, to pay the amount of them, according to the stipulations, contained in this contract; he shall not be compellable to disburse any more than the value stipulated, seeing that the said Messrs Roza Carvalho d'Alvarenga and Son, are solely answerable for, and run the risk of, the ship, the slaves, and the voyage, the said gentlemen obliging themselves also, not to detain the schooner at Cacheu more than 3 days from her arrival in port. The said Dom Isidro Powell shall embark in the said schooner at Cacheu for Matanzas, to direct not only what course she is to steer, but also the treatment of the slaves, as to their diet, preservation, and cure; and on her safe arrival he offers his good offices, in seeing to the speedy disposal of the cargo. To the end of the certainty, and due accomplishment of all that is declared above, we have drawn 2 instruments of the same tenour and date.

Done at Villa Praia, Isle of St. Jago, Cape Verd, the 13th of April, 1831.

(Signed) ISIDRO POWELL.

(Signed)

D. ROZA CARVALHO D'ALVARENGA.

We, the Undersigned, Dom Roza Carvalho d'Alvarenga and Son, placing confidence in the strict integrity of Dom Isidro Powell, have resolved not to dispatch any confidential person of our's, in the schooner "*Rosa*," our property, for the purpose of delivering the 100 slaves to Dom Isidro Powell, nor are we disposed to appoint any person at Matanzas, by reason of our not being acquainted with

any : and whereas it is by the above contract required, that some one chosen by us should decide upon the value of the slaves that may arrive sick ; it is our determination, that the said Dom Isidro Powell do appoint some impartial individual, whom he may consider capable of representing us in the valuation of the sick slaves, inasmuch as we are so fully persuaded of the good conduct and rectitude of the said gentleman, that we nominate him Supercargo for this expedition of the schooner "*Rosa*," declaring, that we shall be satisfied with the result of this negociation, in whatever mode D<sup>m</sup>. I. Powell may conduct it. We likewise declare that out of the slaves which D<sup>m</sup>. I. Powell shall convey, 10 shall be free.

*Cachou, May 16, 1831.*

(Signed) DOM ROZA CARVALHO D'ALVARENGA & SON.

Sixth Enclosure in No. 78 (Translation.)

*C. T. da Metta to Dom Isidro Powell.*

*Cachou, May 16, 1831.*

BY the bill of lading enclosed, you will find that I have shipped on board the schooner "*Rosa*," Captain Joze Monteiro da Fonseca, 7 slaves, consigned to you, or, in your absence, to your order, for you to dispose of them on my account, and at my risk, at Matanzas. And if God convey the said schooner safe to the port above mentioned, I beg the favour of you to receive the slaves, and to sell them according to the price current in the island, and to my best advantage, and to remit to me the nett proceeds, by a safe conveyance, to the Isle of Saint Jago, Cape Verd, addressed to Mr. Ambrosio Gomez de Carvalho, and in his absence, to his order ; by all which you will oblige him who has the honour to be,

Your most obedient servant,

*Dom Isidro Powell.*

(Signed) CLETO TEXEIRA DA METTA.

Seventh Enclosure in No. 78. (Translation.)

*Instructions to the Master of the "Rosa."*

*To Jozé Monteiro da Fonseca.*

*Cachou, May 17, 1831.*

OUR schooner "*Rosa*," in whose papers you are mentioned as Master, being about to sail on a voyage from this river for Matanzas, in the Isle of Cuba, I draw up the following instructions for your government, keeping by me one copy, signed by you, to prove the conformity and concordance of both copies. You are to put to sea for the said port of Matanzas, having contracted with us to that effect, together with the second Mate and the crew, and engaged to be subject to the orders of the Supercargo, Mr. Isidro Powell, not only in this quality, but in that of Captain and first Mate, to whom you and the crew are to pay implicit obedience, in whatever the said Mr. Powell shall direct concerning the course, the working of the vessel, the discipline of the crew, and the care and treatment of the cargo, during the present voyage from this river to Matanzas ; for, in case Mr. Powell should resolve to remain at Matanzas, you will be in command of this schooner, on her voyage from that port to that of St. Jago da Praia, Isle of Cape Verd, with such a cargo as Mr Powell shall put on board our schooner, and you will then be under the orders of no one, on the return of the schooner for the port of St. Jago de Praia, because we have made this agreement. Finally, to enable you to obtain a clearer insight into the spirit of the pre-ent instruction, I must acquaint you, that Mr. Powell is concerned in a large portion of the cargo in question, and that, as he is a man deserving to be trusted by all persons of worth, I fully confide in him, and rely on the discretion, knowledge, and experience which he possesses, with regard to such ventures, especially in what relates to the course to be pursued, and the coasts of the Isle of Cuba, as well as the manner of landing the cargo where it may be most proper, in the vicinity of the port of Matanzas, in case he should deem it unadvisable to enter that port itself with the cargo. I hope, therefore, that you will endeavour, to the utmost, to see the present directions punctually executed, as our interest is concerned in it. In conclusion, I wish you a happy voyage, and a speedy return to port Praia.

We are, &c.

(Signed) D. ROZA CARVALHO AND SON.  
JOZE ANTONIO DA FONSECA.

## Eighth Enclosure in No. 78.

*Muster-roll of the "Rosa."**Governo Geral da Cappitania de Cabo Verde.*

*Matricula da Escuna Portugueza denominado "Rosa" que faz viagem destas Ilhas para Cacheu.*

Empregora.	Nomer.	Filiação.	Naturalidades.	Estados.	Annos de idade.	Annos de embarque.
Capitão e Piloto	Jozé Antonio da Fonseca	Franciejo Ant. da Forseca	Ilha Brava - -	Solteiro	26	12
Contramestre -	Maurício Gomez Contente	Belchior Roza - - -	Ilha da Boa Vista	Casado	25	10
Marinro. - -	Joao An onio - - -	Joao Ant <sup>o</sup> . Maria - -	Angolla - - -	Solteiro	30	"
"	Antonio Joaquim - -	Joaquim Antonio - -	Lisboa - - -	"	30	15
"	Franciejo das Nives - -	Joao Jozé - - -	Ilha de Sao. Antao.	Casado	28	7
Moço - - -	Antonio Jozé da Silva -	Jozé da Silva - - -	Braga - - -	Solteiro	25	4
"	Antonio Manoel - - -	Manoel Miguel - - -	Ilha de S. Nicolau.	Casado	22	2
"	Joao de Almeida -	Antonio de Almeida	Cabo Verde - -	Solteiro	14	3
"	Ambrizio Pereira - - -	Ambrozio Pereira - -	Cachen - - -	"	40	1
"	Roberto Pereira - - -	Protay Pereira - - -	"	"	25	2
"	Guilherme Loppez - -	Jozé Loppez - - -	"	"	12	1
"	Victorino Mendez - -	Jozé Mendez - - -	"	"	21	2

Foi juramentado o Cappitão sobre a identidade dos individuos conthendos nesta Matricula, e intimado para nao receber a suo bordo passageiro alguno sino passaporte deste Governo.

Secretaria do Governo na Villa da Praya, da Ilha de Sant Jago.

7 de Maio, de 1831.

(Signed) ANTONIO MARQUEZ DA COSTA SOAREZ,  
Secret<sup>o</sup>. do Gov<sup>o</sup>.

(Signed) JOZE ANTONIO DA FONCA.

## Ninth Enclosure in No. 78.

*W. S. Macleay, Esq., to Lieutenant Taplen.*

SIR,

Havana, June 22, 1831.

I HAVE the honour to acknowledge the receipt of your letter of yesterday, announcing the detention of the schooner "Rosa," sailing under Portuguese colours, with 157 slaves on board, and enclosing 40 various papers, as being those belonging to the vessel. I have also examined the 128 additional papers, which you have put into my hands this morning, and I beg leave now to inform you, that after carefully inspecting them, and separating those which appear to belong to other vessels, called the "Juanito" and "Prudencia," which may be Spanish, I have every reason to believe that the "Rosa" is a Portuguese vessel, chartered by a person named Isidro Powell at the Cape de Verde Islands for Matanzas, and therefore have no hesitation in saying, that the members of the Mixed Commission established at the Havana, could not take cognizance of the case, were this vessel to be brought before them.

As, however, the state of the health of the negroes may render it necessary, for the sake of humanity, that some of them be immediately landed, I beg to have your report on this subject.

I have the honour to be, &c.

(Signed) W. S. MACLEAY.

Lieutenant Thos. Taplen,  
Commanding H. M. Schooner "Pickle."

## Tenth Enclosure in No. 78.

*Lieutenant Taplen to W. S. Macleay, Esq.*

SIR,

*H. B. M. Schooner "Pickle," Havana, June 22, 1831.*

I BEG to acknowledge the receipt of your letter of this day's date, and in reply to that part of it, which relates to the state of health of the negroes on board the "*Rosa*," I have the honour to report, that the health of none of them is so bad, as absolutely to require their being landed at the Havana.

The particular and very disagreeable circumstances of this case, make me now, Sir, most anxious to have your opinion, as to the line of conduct I ought to pursue, and I hope you will favour me with it.

I have, &amp;c.

(Signed) THOS. TAPLEN, Lieutenant, commanding.

*W. S. Macleay, Esq.**His Britannick Majesty's Commissioner.*

## Eleventh Enclosure in No. 78.

*W. S. Macleay, Esq. to Lieutenant Taplen.*

SIR,

*Havana, June 22, 1831.*

IN answer to the request made to me, in your letter, dated to-day, I beg to inform, you that I have just seen the Captain-General on the subject of the "*Rosa*," and he informs me, that if the vessel cannot be brought before the Mixed Commission as a Spanish one, he cannot think of allowing any of the negroes to be disembarked, as no Spanish tribunal is competent to decide, on a detention by a British cruiser, at such a distance from the Island of Cuba, of a foreign slave-vessel, although the slaves on board may have really been intended for Matanzas. I must say, moreover, that the expence, delay, and utter improbability of eventual condemnation, which would attend your bringing the "*Rosa*" before any Spanish tribunal, make such a measure unadvisable. I also think, on looking over your instructions, that you have no authority to deliver her up to a Spanish tribunal, and that, in fact, the line of conduct you ought to pursue, is clearly pointed out by the 1st Article of your Instructions for seizing Portuguese slave-vessels, which directs, that you are "to bring them, as soon as possible, for judgment before that of the two Mixed Commissions, appointed by the 8th Article of the Additional Convention of this date, which shall be the nearest." I suppose I need not state to you that, owing to the separation of the Empire of Brazil from Portugal, the adjudication of this vessel, which is Portuguese, will more properly fall within the province of the Mixed Commission at Sierra Leone. As to the peculiarly disagreeable circumstances to which you allude, as attending the case, and by which I suppose you mean, the serious inconvenience of subjecting these poor negroes to another long voyage, I beg to call your attention to Article 8 of the said Instructions, which directs as follows: "If, however, urgent motives, deduced from the length of the voyage, the state of the health of the negroes, or other causes, require that they should be disembarked, entirely or in part, before the vessels should arrive at the place of residence of one of the said Commissions, the Commander of the capturing ship may take on himself the responsibility of such disembarkation, provided that the necessity be stated in a certificate, in proper form." My opinion, therefore, is, that you had best proceed from this to Nassau, and heaving the "*Rosa*" to off the port, go in yourself to the town, and on consulting there with the proper authorities, if it should appear, that the negroes of the "*Rosa*" cannot conveniently be carried to Sierra Leone, that you make the proper certificate to that effect, proceed with the vessel into the harbour, and deliver the negroes up to the charge of his Excellency the Governor of the colony, taking his receipt for them, and understanding well, that the final decision of the affair belongs to a Mixed British and Portuguese Commission.

I have, &amp;c.

(Signed) W. S. MACLEAY.

*Lieutenant Thomas Taplen,  
Commanding H. M. Schooner "Pickle."*

P. S. I am not exactly sure that the Sierra Leone Commission has not been transferred to Fernando Pó, but this you may learn perhaps at Nassau.

(Signed) W. S. M'L.

## Twelfth Enclosure in No. 78.

*Dom I. Powell to Mr. Amara.*

DEAR SIR,

*Río Pongos, April 26, 1829.*

IT is with pleasure I take the pen to announce you, that I arrived here last month with your son, Thomas Amara, whom, I am happy to inform you, is in excellent state of health, and regret to be deprived of the gratification of presenting a lost son to the arms of his good parents. I enclose you letters from Jane Dalton, and one from your son; in them you will find sufficient explanation respecting your son.



I forward you also my account against you, and approved by your son, Thomas Amara, amounting to 437½ dollars, which I expended in order to obtain him, and furnish his most necessary wants; you cannot imagine the trouble and risk I ran for the purpose of getting your son, as I was fitting the schooner in New York, with which I am come to this country; I have had him under my care since last October, and my treatment towards him has been kind and fatherly; he has had a berth in my cabin, and my table; you will see by the account, I have not charged you either passage money or board, and all the reward I demand is, that you will entertain a grateful remembrance of me.

Mr. John Ormond, the principal chief of this place, will send you a canoe and the letter; I have left your son in his charge, and as I am indebted to Mr. Ormond for the amount of the account against you, you will please to send for your son, and send the money to pay Mr. Ormond, the sum being 437½ dollars.

I shall send from Matanzas some vessels to your place next year, and in order that their cargoes may be ready, I will first send a large brig from the United States, with 2 clerks, to do my business in Gallinas.

Give my respects to King Sheaka, to Mr. Brocara Rogers, and my old good friend Mr. Robin Freeman; tell Mr. Freeman I shall never forget his kind treatment to me when I lived with him, and hope I shall have hereafter an opportunity, to give him some tokens of my gratitude.

I shall leave this river to-day with a fine cargo for Matanzas, and in the hope this will reach you well,

I remain, dear Sir, your friend,

Captain POWDER ISIDRO POWELL.

Mr. Thomas Amara, Gallinas.

No. 79.

*W. S. Macleay, Esq. to Viscount Palmerston.—(Received August 27.)*

MY LORD,

*Havana, June 30, 1831.*

THE Captain-General has returned the usual answer with respect to the brig "*Negrino*," whose arrival in this port I had the honour of stating to your Lordship, in my despatch of the 17th instant.

On the 19th instant, arrived the schooner "*Segunda Tentativa*," Ramon Nosedal, Master; and on the 24th instant, the schooner "*Segunda Gallega*," Leandro Ortiz, Master. Both these vessels have been denounced by me as from the Coast of Africa, but the answer of the Captain-General is, as usual, that nothing is to be found in their log-books, to implicate them in the prohibited traffick.

I have, &c.

(Signed)

W. S. MACLEAY.

*The Right Hon. Lord Viscount Palmerston,*

&c.

&c.

&c.

No. 80.

*W. S. Macleay, Esq. to Viscount Palmerston.—(Received August 27.)*

MY LORD,

*Havana, July 1, 1831.*

IN pursuance of the provisions of the 75th clause of Act 5, Geo. IV. cap. 113, I have the honour to report to your Lordship, that no slave-vessel has been brought for adjudication before this Mixed Commission, during the last half-year.

The Portuguese schooner "*Rosa*," with 107 slaves on board, was brought into the Havana on the 21st ult. by H. M. schooner "*Pickle*," but I have already had the honour of stating to your Lordship, that, in order to save time and expence, I did not allow the case to come before this Mixed Commission.

I have, &c.

(Signed)

W. S. MACLEAY.

*The Right Hon. Lord Viscount Palmerston,*

&c.

&c.

&c.

## No. 81.

*W. S. Macleay, Esq. to Viscount Palmerston.—(Received August 27.)*

MY LORD,

*Havana, July 14, 1831.*

I HAVE the honour to acquaint your Lordship, that on the 30th ult. the Spanish schooner "*Urraca*," Juan Sagreras, Master; and on the 1st instant, the Spanish schooner "*Urania*," alias "*Cristina*," Juan Bautista de Arrarte, Master, arrived from the African Coast. Both vessels are slavers, and I have received the usual form of answer from the Captain-General, respecting them.

I have, &c.

(Signed)

W. S. MACLEAY.

*The Right Hon. Lord Viscount Palmerston,*  
&c. &c. &c.

## No. 82.

*W. S. Macleay, Esq. to Viscount Palmerston.—(Received October 7.)*

MY LORD,

*Havana, August 5, 1831.*

I HAVE been honoured by the receipt of your Lordship's despatch of May 16, 1831, addressed to His Majesty's Commissioners, by which I am informed, that no communication on the subject, of the clandestine conveyance of slaves from Brazil to Havana, can with propriety be made to the Government of Brazil, until a clearer case of fraud shall have been brought under the notice of His Majesty's Government, than that of the "*Santo Antonio Vencedor*."

I have, &c.

(Signed)

W. S. MACLEAY.

*The Right Hon. Lord Viscount Palmerston,*  
&c. &c. &c.

## No. 83.

*W. S. Macleay Esq. to Viscount Palmerston.—(Received October 7.)*

MY LORD,

*Havana, August 8, 1831.*

I REGRET to have to inform your Lordship, that within the last month, no less than 5 slave-vessels have sailed from this Port for the Coast of Africa. They are as follow :

DATE.	CLASS.	NAME.	MASTER.
24th July	Schooner	Segunda Gallega	José Rodriguez.
" "	Brig	Urraca	Dom <sup>o</sup> . Anto. Castro.
27th "	Schooner	Juanita	Juan Baut <sup>a</sup> . Arrarte.
5th August	"	Manuelita	Pedro Badia.
7th "	"	Esperanza	José Ibargaray.

This last vessel cleared out for the Cape de Verde Islands, but there is no doubt of her being a slave-vessel.

I have, &c.

(Signed)

W. S. MACLEAY.

*The Right Hon. Lord Viscount Palmerston,*  
&c. &c. &c.

No. 84.

*W. S. Macleay, Esq. to Viscount Palmerston.—(Received October 7.)*

MY LORD,

*Havana, August 9, 1831.*

I HAVE the honour to enclose, for your Lordship's information, the translation of a note, addressed to the Mixed Commission by the Captain-General, in which his Excellency notifies, that the resignation of Colonel Don Rafael de Quesada, as Commissioner of Arbitration, having been accepted by the Spanish Government, Brigadier-General D. Juan Montalvo y O'Farril is nominated to act in his room, until His Catholick Majesty's pleasure on the subject shall be known.

On seeing myself thus, to my great regret, separated from a colleague, with whom His Majesty's Commissioners have ever been on terms of cordiality and friendship, I hope I may be permitted to state to your Lordship, that the impartiality of Don Raphael Quesada's decisions, on the various disputed questions, which have come before the Mixed Commission, has always been as conspicuous as the urbanity and good feeling with which he was accustomed to carry on the business of the Court, and, in short, that in no instance whatever, have I remarked this gentleman to be actuated by any other principles, than those of the strictest integrity and honour.

I have, &amp;c.

(Signed) W. S. MACLEAY.

*The Right Hon. Lord Viscount Palmerston,*  
&c. &c. &c.

Enclosure in No. 84.

*The Captain-General to the Mixed Commission.*

MOST EXCELLENT SIR, AND GENTLEMEN,

*Havana, August 8, 1831.*

IN his despatch, dated 22d of June last, his Excellency the Secretary of State for the War Department, writes me as follows:—

"Most Excellent Sir—The Secretary of State for Foreign Affairs, in his despatch, dated the 14th instant, informs me, that on the same day he made the following communication to Señor D. Rafael Quesada. 'Having given account to the King our Lord, of your representation, dated 17th of April, 1830, in which you solicit to be exonerated from the duties of Commissioner of Arbitration, in the Mixed Commission established in the Havana, I have to inform you, that His Majesty has been pleased to accede to your request.' And by Royal Order, I now communicate this to your Excellency, in answer to your despatch, No. 4,214, in which your Excellency enclosed the said representation of Don Rafael Quesada."

I now transcribe the above despatch, for the information of the Mixed Commission, and beg to state, that I have, *ad interim*, and until the determination of His Majesty shall be known on the subject, named as the substitute of the Señor Quesada, the Señor Brigadier General Don Juan Montalvo y O'Farril, to whom I have this day made the proper communication, in order that he may take upon himself immediately the duties of Commissioner of Arbitration. And I further have to observe, that I shall take the first opportunity of detailing to His Majesty, the measures I have adopted on this occasion.

God preserve your Excellency, and the other Members of the Commission, many years,

(Signed) FRANC<sup>o</sup>. DION<sup>o</sup>. VIVES.

*His Excellency the Intendant,*  
*and the other Members of the Mixed Commission.*

No. 85.

*W. S. Macleay, Esq. to Viscount Palmerston.—(Received October 7.)*

MY LORD,

*Havana, August 24, 1831.*

ON the 14th July, arrived the Spanish schooner "*Planeta*," Pedro Badia, Master; and on the 17th instant, the slave-ship "*Montezuma*," formerly the notorious "*Fama de Cadiz*." This vessel, after having landed about 600 slaves, was so much damaged by a storm on this coast, as to be now not seaworthy. I have the honour to state, that both the above vessels have been reported by me to the Captain-General, who has returned his usual answer.

I have, &amp;c.

(Signed) W. S. MACLEAY.

*The Right Hon. Lord Viscount Palmerston,*  
&c. &c. &c.

No. 86.

*W. S. Macleay, Esq. to Viscount Palmerston.—(Received November 20.)*

MY LORD,

*Havana, September 22, 1831.*

I HAVE the honour to inform your Lordship, that the Spanish brig "*Catalana*," Jozé Antonio de la Vega, Master, arrived yesterday in this port, after having landed on the coast a cargo of slaves. I have addressed the Captain-General on the subject of her arrival, but have not yet received any answer to my note.

I have, &amp;c.

(Signed)

W. S. MACLEAY.

*The Right Hon. Lord Viscount Palmerston,*  
&c. &c. &c.

No. 87.

*Viscount Palmerston to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, November 8, 1831.*

I SEND to you, for your information, the accompanying copy of an instruction,\* dated the 8th ulto. which I have addressed to His Majesty's Envoy at Madrid, enjoining him to press the Spanish Government to dispatch such orders to the Colonial Authorities in Cuba, as shall secure the due fulfilment of the Slave-trade abolition Treaty between this country and Spain, and to agree to the adoption of a stipulation, whereby ships, when found in certain latitudes equipped for slave-trade, shall be held to be liable to condemnation, under the compacts between this country and Spain, for the suppression of illegal slave-trade.

I also enclose to you a copy of the last despatch † which I have received upon the subject, from Mr. Addington.

I am, &amp;c.

(Signed)

PALMERSTON.

*His Majesty's Commissioners.*

\* See Class B.—No. 17.

† See Class B.—No. 14.

No. 88.

*W. S. Macleay, Esq. to Viscount Palmerston.—(Received December 14.)*

MY LORD,

*Havana, October 15, 1831.*

I HAVE the honour to inform your Lordship, that 3 more Spanish slave-vessels have lately arrived in this harbour, after having landed their respective cargoes of negroes on the coast. These vessels are as follows:—the schooner "*Veloz*," Ramon Agulleiro, Master, which arrived on the 25th ultimo; the schooner "*Ligera*," Jozé Benito Pardo, Master; and the brig "*Andromaca*," Francisco Logreiro, Master; both which last-mentioned vessels arrived on the 9th instant. These vessels have all been formally reported by me to the Captain-General, but the usual form of answer has been returned in each case, as well as in that of the "*Catalana*," reported in my despatch of the 22d of September last.

On the 1st of this month, the Spanish schooner "*Tentativa*," Jozé Garay, Master; and on the 9th ditto, the Spanish schooner "*Planeta*," Salvador Felin, Master; sailed from this port for the African Coast.

I have, &c.

(Signed) W. S. MACLEAY.

*The Right Hon. Lord Viscount Palmerston,*  
&c. &c. &c.

P. S.—Lieutenant Warren, commanding His Majesty's schooner "Speedwell," has just come into this port, and reports that a French vessel lately landed slaves at Trinidad, on the south coast of this island. He found that she had slaves on board, but conceiving that he had no authority to detain her, allowed her to prosecute her voyage.

(Signed) W. S. M'L.

### No. 89.

*W. S. Macleay, Esq. to Viscount Palmerston.—(Received December 14.)*

MY LORD,

*Havana, October 31, 1831.*

I HAVE the honour to inform your Lordship, that the Spanish slave-schooner "*Anistad Habanera*," Juan Garcia, Master, arrived in this port on the 23d instant, and was immediately reported by me to the Captain-General, who has returned the usual form of answer. The Spanish brig, "*Vengador*," Juan Jozé Rodriguez, Master, also arrived on the 26th instant, and was reported by me to his Excellency.

I have, &c.

(Signed) W. S. MACLEAY.

*The Right Hon. Lord Viscount Palmerston,*  
&c. &c. &c.

### No. 90.

*W. S. Macleay, Esq. to J. Backhouse, Esq.—(Received December 14.)*

SIR,

*Havana, October 4, 1831.*

I HAVE the honour to enclose, herewith, the copy of a note I have received from the Secretary of the Government of the Bahamas, and also of 2 documents, which accompanied it. These several papers relate to a horrible case of murder and piracy, committed on board the English brig "*Maria*," supposed to belong to Liverpool, while she was on the Coast of Africa. The only evidence of the fact, appears to depend on the deposition of a Krooman at Sierra Leone, a copy of which has been forwarded by the Governor of that Colony, to the Governor of the Bahamas, for the purpose of being transmitted to His Majesty's Commissioners at the Havana, to which port it is supposed that the pirate belongs. It is much to be lamented that this deposition should be so vague as to the circumstances of the piracy, more especially with regard to the date of it. It would, however, appear to have been committed only some months previous to June last, and I have therefore conceived myself entitled to suppose, that, if the piratical vessel has since come into the Havana, it must have been in the course of this year, 1831. Now, no vessel that has entered the Havana from Africa during this period, answers to the description of the Krooman, which would make the pirate to be a very large brig, manned by a crew of all nations, mounting 22 guns, and having more than 100 persons on board. It is, however, very likely that the poor negro, under the influence of his fear, may have exaggerated the vessel's size. I think, moreover, that the

fact of the vessel being Spanish, is very doubtful, from the negro's description of the Captain, whose red hair, red whiskers, and good English, do not agree at all with the usual characteristics of the Master of a Spanish slave-trader. Unfortunately the Krooman does not mention whether she was fitted up, as slave-vessels usually are for holding slaves, and, as he has made this omission, I am inclined to believe that she was not so fitted up. The truth is, the description of the negro answers much less to the regular slave-vessels, which have arrived in this port within the last year, than to other vessels, which have been imagined only to be connected with the traffick.

On referring to my despatch of last year, addressed to the Earl of Aberdeen, you will find that I ventured to call his Lordship's attention particularly to the brig "*Lyon*," J. Mackenzie, Master, which cleared out from this port as a Spanish vessel, for the Coast of Africa, on the 16th of July last year. This vessel returned on the 15th of March last, as I had the honour to state in my despatch to Lord Palmerston, of this year, and was reported from Ayuda, or Whydah, on the Coast of Africa. It is true the size and armament of this vessel is considerably less, than that stated in the negro's deposition, but I am, nevertheless, strongly inclined to suspect this vessel on many accounts. There was a mystery about her departure and arrival, and I never have been able to comprehend the reasons, why an American vessel should prefer the insecurity of sailing under the Spanish flag, and why, without being regularly fitted out as a slave-vessel, she should sail for the Coast of Africa from this port. She was dispatched, moreover, by a mercantile house, which, from all I have been able to learn, is fully capable of any iniquity, and arrived from Whydah, which appears, from the Krooman's deposition, to have been in the vicinity of the scene of this horrible piracy. The red port-holes, also, as far as can now be recollected, agree with her description; but I believe she carries only 3 guns. However this may be, she was sold here very soon after her arrival, and sailed from this port under the name of the "*Leon*," for Coruña, on the 23d of April last, commanded by a person of the name of — Soto.

The largest slave-vessel which has arrived in the Havana for many months past, from Africa, is the "*Montezuma*," late the "*Fama de Cadiz*." She was fully capable of committing the action; but then she is a ship, not a brig, and has been lately sold for the purpose of being broken up. It may, however, be well here to repeat, that Zangronez, who sent the "*Lyon*" to Africa, is a person whom I strongly suspect of being connected with pirates, and I have learned, that, last year, he chartered at Philadelphia a large American brig, the "*Latona*," of 300 tons, built for a man-of-war, and sent her under the command of a Captain Butler, a short stout man, to Whydah, where he has a regular agent.

I am sorry that my enquiries have not produced information more to the purpose; but you will perceive, that the deposition I had to proceed upon is very vague, as to that particular species of facts, by which a vessel may be traced out. The atrocity of this affair, however, fully proves how necessary it is, for the sake of British life and property, that immediate measures should be taken to annihilate the slave-trade, which this island continues so shamefully to carry on. There is scarcely one of these armed slave-vessels, that would not commit piracy if she had an opportunity; and as to armed vessels of any other class, sailing from this port for Africa, it is impossible to imagine that they can have any other motive, unless, perhaps, to assist slave-vessels which may be in danger of capture. I would, therefore, above all, recommend American, or, indeed, any other armed vessels, which profess to trade between this port and Africa, to the particular vigilance of His Majesty's cruisers on that coast.

I have, &c.

(Signed) W. S. MACLEAY.

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

## First Enclosure in No 90.

*Mr. Nesbitt to His Majesty's Commissioners.*

GENTLEMEN,

Nassau, August 30, 1831.

THE Governor of this colony has instructed me to transmit to you a copy of the despatch and enclosure, forwarded to his Excellency by Lieutenant-Governor Findlay, from Sierra Leone, for your information.

I have, &amp;c.

(Signed

C. R. NESBITT, Dep. Sec.

*The British Commissioners at the Havana.*

## Second Enclosure in No. 90.

*A. Findlay, Esq. to Sir J. C. Smyth, Bart.*

SIR,

Sierra Leone, June 6, 1831.

HEREWITH I enclose to your Excellency the copy of the deposition of a Krooman, taken on the 3d instant, before Logan Hook, Esquire, Police Magistrate of this Colony, relative to a horrible murder and piracy, committed on the English brig "Maria," supposed to belong to Liverpool. The deposition will give your Excellency the whole account which I have received of this transaction, and beg you will be pleased to forward a copy of it to the British Commissioners, of the Mixed Commission Court at the Havana; to which port it is supposed the pirate belongs; I have requested the Governor of Barbadoes, to send a copy of it to the Governor of each of the other West India Islands, in case the pirates should touch at any of them.

I have, &amp;c.

(Signed)

ALEX. FINDLAY,

Lieutenant-Governor.

A true Copy.

(Signed)

C. R. NESBITT,

Dep. Sec. of the Bahamas.

*His Excellency Major-General Sir J. C. Smyth, Bart. K. C. B.*

&amp;c.

&amp;c.

&amp;c.

## Third Enclosure in No. 90.

*In the Case of the Murder of the Master and Crew of the Brig "Maria."*

Examination of Jem Marny, a passenger of the said brig, taken at Freetown, in the Colony of Sierra Leone, the 3d day of June, 1831, before Logan Hook, Esquire, Justice of Peace in and for the said Colony.

PERSONALLY appeared Jem Marny, who being duly sworn, deposeth and saith,—that he was employed in H. M. cutter "Seaflower," and left this Port of Freetown in that vessel some months since, was put on shore at the Island of Princes with another Krooman, named Neverfear, at which place deponent and Neverfear went on board the English brig "Maria," Captain George, in order to get conveyed home to Kroo country. On the morning of the seventh day after leaving Princes, the "Maria" was hailed by a large brig, which came close to her, when out of sight of land, and in English, asked what vessel she was, what cargo she had on board, and what she was doing on the Coast; all of which particulars being answered by the Captain of the "Maria," he was asked by some one on board the strange brig, if he did not know that the "Primrose" had taken a vessel of their's, to which he answered, that he knew nothing of it, and if they on board the brig wished to know why it was done, they had better go to Princes, where the men-of-war were; at this, they on board the strange brig took offence, and saying "they would shew him the way to Princes," directly fired a gun into the "Maria," the shot from which struck her forward; they then desired the Captain of the "Maria" to come on board them in his boat, which he refused to do, on which the strange brig lowered 6 boats into the water, which, being filled with men, came towards the "Maria" to board her; the "Maria" made all sail to escape from them, but was outsailed by the strange brig, and in attempting to tack from her was boarded by the boats, the people from which jumped on her deck, with long knives in their hands, and immediately attacked and killed her mate and all her crew, who offered no resistance, and made no attempt to fight; there were 4 black men of Cape Coast on board, who all hid themselves below.

Deponent and his countryman, Neverfear, escaped to the rigging, but none of the English sailors got below or into the rigging,—all were killed;—the Captain of the "Maria" was down below at the moment when she was boarded, and came up on hearing the noise on deck, when he was immediately shot in the forehead with a pistol, by the person commanding the boarding party. After the Captain and crew of the "Maria" were killed, deponent and his countryman were called down from the rigging, when the Commander of the boarders asked him, what the cargo of the "Maria" consisted of, which deponent told him. The pirates then opened the hatches, and took all the ivory she had on board out of her to the strange brig, in 2 boat loads, also a quantity of gold, which was

taken out of the cabin in a small box, and some part of the cargo; viz. guns and cloth, after which they removed deponent and Neverfear, and the 4 Cape Coast people, to the strange brig; one of these last had his right arm cut off with a cutlass, because he did not come out of his hiding-place below, when desired to do so, but he was not killed. On getting on board the strange brig, deponent observed she had 10 large guns, similar to those of a sloop of war, on each side, and 2 pivot guns—1 a midship, and 1 forward, Deponent, by the talk of the brig's people, knew them to be Spaniards. Deponent has often seen and heard Spaniards speak before, and therefore knew those to be such, though he cannot speak Spanish himself. The pirate brig had no colours up at the time she attacked the "Maria," but afterwards deponent saw Spanish colours hoisted on board her. After the pirates had taken out of the "Maria" such things as they chose, they fired a broadside into her, at which time it was about half-past 4 o'clock, and between 6 and 7 o'clock she sunk. The Captain of the pirates asked deponent what countryman he was, and when deponent told him, he mentioned the names of several of the head men in deponent's country, and asked deponent if he knew them, which deponent said he did, and begged him to take him to his country; but he refused, and said he should take deponent to the Havana, to make his pocket heavy. Deponent on this began to cry and was driven below. Deponent was 2 days on board the brig; on the night of the second a tornado came on, during which deponent and Neverfear let themselves down into the sea, over the bows of the brig and gained a boat, which was towing astern, in which they escaped; they proposed to the 4 Cape Coast people to accompany them, but they were afraid to attempt it, and remained. Deponent and Neverfear had taken care to provide themselves with a small bag of biscuit, which they lived on during 6 days that they were at sea, drinking salt water. On the sixth day after leaving the pirate brig, they reached the Coast of Whydah, where they were received by Mr. Fernandez, a gentleman who was formerly in this colony, stopping at Mr. Macaulay's; he told deponent that the vessel they had escaped from, had been at Whydah shortly before to get water. Mr. Fernandez procured deponent and Neverfear a passage up the Coast. While deponent was detained on board the pirate brig, he never heard her name mentioned; he was asked by her officers respecting the British men-of-war, particularly the "Primrose" and the "Sea-flower" cutter.

The brig was painted with a white side, and the inside of the ports red; her masts raked, but not much; she had a very numerous crew, more than 100 in number, deponent believes, composed of people of all nations, Spaniards, Portuguese, Americans, and many who spoke English; they had many officers.

The Captain was a tall stout man, with large red whiskers and red hair; he spoke English well. Deponent does not know of what nation he was. The 2 stern guns of the brig were brass; she had a poop; her masts were not painted.

On the 3d day of June, 1831, the said Jem Marny was duly sworn to the truth of the examination, at Freetown, in the Colony of Sierra Leone, before me,

(Signed) LOGAN HOOK, J. P.

A true Copy.

(Signed)

C. R. NESBITT,  
Dep. Sec. of the Bahamas.

## No 91.

### *Viscount Palmerston to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, December 31, 1831.*

HIS Majesty's Government are anxious to learn the state and condition of the negroes, who have from time to time been liberated, under sentences of the Mixed Commission, established at the Havana, pursuant to the Treaty between Great Britain and Spain, for the abolition of the African slave-trade.

By a reference to Mr. Kilbee's despatch of the 29th of December, 1825, it appears that the Captain-General of Cuba, in communication with His Majesty's Commissioners, had agreed on certain conditions, on which the negroes, when liberated, should be distributed according to Treaty.

These conditions appear to be humane and judicious, and well calculated for the purpose of securing to the negroes kind treatment, during a certain period of probation, and their final liberation after that period, as also to afford them such knowledge, as may be conducive to their future welfare; and it is provided that they are to be presented to the Governor twice in each year, in order that he may enquire into their treatment, and afford redress, where ill-usage shall appear to require it.

In the year 1825, His Majesty's Commissioner, in transmitting the usual account of the registry of slaves emancipated (see Mr. Kilbee, July 5, 1825,) reported, that the Captain-General, on inspecting the negroes, had found them in a very advanced state of education, and well satisfied with their condition.

No farther communication, however, has been since received from the Havana on the state of the emancipated negroes; nor does any thing relative



to them appear in the correspondence of this department, excepting intimations, thrown out from time to time by the local Authorities of Cuba, of uneasiness at the presence of so many individuals of this description, and of plans which had, in consequence, been formed, for removing the whole of them from Cuba, to Europe, to Ceuta, or to their native part of Africa.

This measure, however, which would have been attended with great hardship to the negroes, was not carried into execution.

A considerable period having now elapsed, since His Majesty's Government have received any intelligence respecting these negroes, you are instructed to learn, and to transmit to me, such particulars respecting their present number and condition as can be obtained by you, without appearing to interfere with the local Authorities of the place, or exciting any jealousy on their part.

I am, &c.

(Signed)

PALMERSTON.

*His Majesty's Commissioners.*

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## RIO DE JANEIRO.

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No. 92.

*His Majesty's Commissioners to the Earl of Aberdeen.—*  
(Received January 10, 1831.)

MY LORD, *Mixed Commission, Rio de Janeiro, Nov. 8, 1830.*

WITH reference to our despatch, regarding the bark "*Eliza*," we have the honour to inform your Lordship, that owing to circumstances arising out of the illness of the Secretary, no Arbitrator was named until the 4th instant, when the lot fell on Mr. Cunningham.

We enclose copy of Mr. Pennell's reply to Mr. de Souza, as regards the admission of evidence, which he deemed it his duty to have entered on the protocol.

We also enclose copy of a memorandum, which Mr. Pennell translated and read to Mr. de Souza, on the 4th instant, before the ballot took place, in hopes of superseding the necessity of that measure: Mr. de Souza, however, was not to be shaken in his original opinion, founded, as he alleges, on the Convention, and the Alvarà of 1818; and it may deserve the consideration of your Lordship, whether this Government should be moved to revise the Alvarà, for the purpose of making it equally explicit with the Act of Parliament, as regards the attributes of the Mixed Commission.

Mr. Cunningham, having maturely reflected on the merits of the question, gave a decision against Mr. de Souza, and in consequence, the document furnished by Mr. Aston, becomes admitted as evidence on the proceedings (*autos*.)

We have the honour to enclose a copy of that decision, and also of Mr. de Souza's protest, against it. We did not think it advisable to object to this protest, regarding it only as an additional proof of Mr. de Souza's inflexibility, and being desirous of facilitating his communication with the Brazilian Government, on this question.

We have, &c.  
(Signed)

WM. PENNELL.  
ALEX. CUNNINGHAM.

*The Right Hon. the Earl of Aberdeen, K. T.*  
&c. &c. &c.

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First Enclosure in No. 92.

*Memorandum.*

*Rio de Janeiro, October 27, 1830.*

THE English Judge observed, that he does not concur in the opinion, given by the Brazilian Judge, and recorded in the Session of the 20th instant, seeing that it is contrary to the spirit of the Convention of July 28, 1817, and of the Alvarà of January 26, 1818, and to the positive expressions of the British Act of Parliament, 5 Geo. IV. Cap. 113. s. 57, as well as to the orders (*despatches*) of this Commission, dated 25th September and 18th instant. He also refers to the arguments adduced *vivá voce* by him, in the course of these proceedings, to demonstrate that the power denied to the Commission, by the Brazilian Judge, is indispensable for the purpose of pronouncing a just sentence.

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Second Enclosure in No. 92.

*Memorandum.*

*Mixed Commission, November 4, 1830.*

AT the meeting of yesterday, the Brazilian Judge having urged, that however he may respect British Acts of Parliament generally, yet he did not, in the present case, attach any importance

to that quoted (5 Geo. IV). The Undersigned deems it necessary to observe, that the Act in question is entitled to the highest consideration from the Mixed Commission, simply, because it is the Act of one of the High Contracting Parties, emanating immediately from the Convention, by which both are bound, and shewing the *bond fide* conviction of one of them, of the true intent and meaning of that Convention; if the Alvarà, emanating also from the same Convention, does not expressly contravene the Act of Parliament, the fairest inference in the present case is, that it is merely less explicit than the Act of Parliament, *not* that it intends any incongruity, much less any opposition. The latter inference would imply, either the want of a sound judgment, or the want of good faith in one of the High Contracting Parties—an implication highly odious. The Undersigned also submits to the consideration of the Mixed Commission, how much the course of examination, sanctioned by the Act of Parliament, is in unison with the general principles, on which the Convention is founded, and how much the construction contended for by the Brazilian Judge, is in opposition to those principles. He refers for illustration, to the consequences that would result from that construction, if the Experts (*Peritos*) summoned by the Mixed Commission to inspect the log-book, should depose on their examination, that to their certain knowledge, the "*Eliza*" was at this port, or at Pernambuco, at the time that the log-book represented her to be at Moçambique.

(Signed) W. P.

Third Enclosure in No. 92.

*Decision of the Commissioners of Arbitration.*

*Mixed Commission, Session of November 4, 1830.*

MR. CUNNINGHAM, the Judge Arbitrator, declared, that the extract signed by Arthur Aston, Chargé d'Affaires of His Britannick Majesty, ought to be added to the papers (*Autos*) as proof in the suit of the bark "*Eliza*," as he agrees in opinion with the English Commissary Judge.

Fourth Enclosure in No. 92.

*Protest of M. Souza.*

*Session of November 5, 1830.*

THE Brazilian Commissary Judge protests against the decision, made on the 4th instant, relative to the addition of the extract, signed by His Britannick Majesty's Chargé d'Affaires, or to any other papers offered by the British Commissary Judge, because it is contrary to what is contained in the instructions or regulations of this Commission, which neither the Judges, nor the Arbitrators can in any manner alter, in as much as they form an integral part between the two Governments, it not belonging to him to enter into the knowledge of what the English Judge advanced, respecting the particular instructions of the Admiralty of his Government. And in consequence, he would make known to his Government what has passed, and ask for the necessary instructions and orders, to which the English Judge answered, he should have great satisfaction, that it should come to the knowledge of His Imperial Majesty.

No. 93.

*His Majesty's Commissioners to the Earl of Aberdeen.—*

*(Received January 26, 1831.)*

MY LORD,

*Rio de Janeiro, November 19, 1830.*

WE have had the honour to receive your Lordship's circular despatch of August 31, 1830, informing us, that your Lordship had caused communication to be made to the Admiralty, from time to time, of the several despatches, which your Lordship received from us, respecting the movements of vessels, suspected to be intended for illegal slave-trade.

Your Lordship also informs us, that the Admiralty has stated to your Lordship, that it is hardly possible that information of this nature can be sent from England to the African squadron, in time to be of any use; it appears, therefore, that the Lords of the Admiralty have suggested, that the Commissioners should be directed to endeavour to convey (whenever any direct opportunity may offer) such intelligence, addressed to His Majesty's officers on the other side of the Atlantic.

Your Lordship having, therefore, been pleased to direct that we will comply with the suggestions thrown out by the Admiralty, your Lordship may depend upon our paying due obedience to those commands, whenever any direct opportunity offers for us, to transmit to the African squadron any information, respecting the movements of vessels from this coast, suspected to be intended for illegal slave-trade.

We have, &c.

(Signed)

WM. PENNELL.

ALEX. CUNNINGHAM.

*The Right Hon. the Earl of Aberdeen, K. T.*

&c.

&c.

&c.

No. 94.

*His Majesty's Commissioners to the Earl of Aberdeen.—*  
(Received January 26, 1831.)

MY LORD, *Mixed Commission, Rio de Janeiro, Nov. 24, 1830.*

WITH reference to our despatch of the 8th instant, and its enclosures, we have the honour to transmit, herewith, copies of Mr. Pennell's letters to Mr. Aston, subsequent to that period, and the enclosures, respecting the proceedings of the Mixed Commission, by which your Lordship will perceive, that the final sentence was not pronounced in the case of the brig "*Africano Oriental*" until the 17th instant.

Mr. Aston, in his intercourse with the Brazilian Government, will, we trust, induce them to adopt such a system of vigilance, as is called for by the chicanery of the slave dealers, and of their influence over the subordinate officers of government; it must, however, be admitted, that even with the best intentions, the government has no very easy task, to detect and punish the prevarications by which they are surrounded, and by which they are, or may be deceived.

We have, &c.

(Signed)

WM. PENNELL.

ALEX. CUNNINGHAM.

*The Right Hon. the Earl of Aberdeen, K. T.*

&c.

&c.

&c.

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First Enclosure in No. 94.

*W. Pennell, Esq. to Arthur Aston, Esq.*

SIR,

*Rio de Janeiro, November 12, 1830.*

I HAVE the honour to inform you, that the Brazilian Judge and myself, have this day passed sentence on the brig "*Africano Oriental*," to the effect, that the slaves shall be liberated, but without condemnation of the vessel, because she is Portuguese property.

I enclose copy of the sentence, and I have the honour to call your attention to the astounding fact, that out of 265 slaves, only 70 are forthcoming to receive the benefit of the sentence, of which number 13 are sick, the rest, 195, are alleged to have died since the 9th of September.

This statement must excite feelings, which I shall not attempt to describe, but I trust that your representation to the Brazilian Government, will awaken them to the fraud, of which there is such presumptive evidence, and to the adoption of such efficacious measures, as justice and humanity will dictate.

Before leaving the Mixed Commission this day, I proposed to the Brazilian Judge, that we should require a daily report respecting all sequestered slaves, subject to the jurisdiction of our Court, as regards their number, condition, treatment, &c. &c.; and that we should adopt any other measures, within the competency of the Court, which the fact now disclosed might suggest, as calculated to prevent its recurrence, in which he agreed.

I have, &c.

*Arthur Aston, Esq.*

&c. &c. &c.

(Signed)

WM. PENNELL.

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Second Enclosure in No. 94.

(Translation.)

*Sentence.*

SEEING these papers (*Autos*) they judge illegal, in conformity with the 3d Article of the Convention, of the 28th of June, 1817, additional to the Treaty of the 26th of January, 1815, the slaves shipped on board the brig "*Africano Oriental*," belonging to Joao da Silva Cavrao, a Portuguese subject, liable to the regulations of the 2d Article of the Law, of 26th of January, 1818, and that in consequence, they should have letters of liberty, as ordered by Article 1st, 7o, for the Regulation of Mixed Commissions, and be, by the Superintendent-General of Contraband, placed at the disposal of his Conservator, according to what is directed in the 1st Article 5 of the above mentioned Law of 1818, releasing the hull and appurtenances of the said brig, not being included in 1st Article 2 of the said Alvarà of 26th of January, 1818, which slaves were seized by the Judge of the Custom-House of this Court, and transferred to the Superintendent-General of Contraband, in observance of the order, given by the Secretary of State for the Affairs of Justice; all being shewn by the Act of apprehension D. 3, and by the passport D. 6 and 7, dated 17th of June, from Moçambique, and by the letter of orders

D. 11, original of the said Owner, Cavrao, directed to Joao Alvez da Silva Porto, to whom were consigned the said brig and her cargo. I declare the said slaves, in number to be 53, natives of Africa, to be free and emancipated, and placed at the disposal of His Imperial Majesty, as free servants and labourers. I say, the said slaves, in number to be 70, natives of the Coast of Africa, to be free, and liberated, and placed at the disposal of His Imperial Majesty's Government, as servants and labourers,—being 26 men, 9 women, 13 boys, 9 girls, and 13 sick, of whom the sex is not declared.

Rio de Janeiro, November 12, 1830.

(Signed) WM. PENNELL.

(Signed) JOAO FERREIRA DA SOUZA.

Third Enclosure in No. 94.

*W. Pennell, Esq, to A. Aston, Esq.*

SIR,

Rio de Janeiro, November 17, 1830.

WITH reference to my despatch of the 12th instant, I have the honour to inform you, that the number of slaves, liberated by the sentence of the Mixed Commission, dated that day, proved, on further investigation, to have been incorrect, and I now enclose a copy of the addition made to that sentence, dated this day, by which it appears that the whole number liberated is 72; namely,—

	31 Males.
	19 Females.
	6 Sick. Sex unknown.
	16 Seamen.
Total	72

The mortality therefore, from the 9th of September to this date, is 193 out of 265; or, excluding the 16 seamen (which exclusion from the sentence was a point argued), 193 out of 249. It is to be remarked, that the 16 slaves, called seamen, appear to be, and to have been free from sickness, although sequestered at the same time with the other 249.

Referring for further details to a personal interview,

I have, &c.

Arthur Aston, Esq.

&c. &c. &c.

(Signed)

WM. PENNELL,

Consul-General and Acting Commissary Judge.

Fourth Enclosure in No. 94.

(Translation.)

*Further Sentence.*

AND we further declare, by this present, by virtue of an official letter from Innocencio da Rocha Maciel, the person who is, and has been, entrusted with the said slaves; we proceeded to examine the state of them, and ascertain the number to which they are reduced; therefore, declaring, and giving further explanation of our sentence, we found that the slaves of the said brig "*Africano Oriental*," at present consist of 56, being 31 of the male sex, and 19 of the female, marked A. B., and 6 sick, sex unknown, and further 16 seamen, whom we declare, one and all, to be free and emancipated, and placed at the disposal of the Government of His Imperial Majesty, to serve as servants and free labourers.

Rio de Janeiro, November 17, 1830.

(Signed) WM. PENNELL.

(Signed) JOAO FERREIRA DA SOUZA.

No. 95.

*His Majesty's Commissioners to the Earl of Aberdeen.—(Received Feb. 16, 1831.)*

MY LORD,

*Mixed Commission, Rio de Janeiro, Dec. 17, 1830.*

WE have the honour to transmit, herewith, the copies of the following letters and documents, respecting the cases of the slave-ships, lately tried before the Mixed Commission.

- |                        |                                       |                                      |
|------------------------|---------------------------------------|--------------------------------------|
| No. 1.—26th November.— | Respecting the bark " <i>Eliza</i> ." |                                      |
| No. 2.—28th November.— | "                                     | a Judge Arbitrator. 2 Enclosures.    |
| No. 3.—7th December.—  | "                                     | brig " <i>D. Estevo de Atayde</i> ." |
| No. 4.—8th December.—  | "                                     | bark " <i>Eliza</i> ." 1 Enclosure.  |
| No. 5.—9th December.—  | "                                     | ditto ditto.                         |
| No. 6.—10th December.— | "                                     | Trustee of sequestered slaves.       |

No. 7.—15th December.—Respecting the bark “*Eliza*.” Sentence.  
2 Enclosures.

No. 8.—15th December.— “ “ *D. Estevao de Atayde*.” Sentence.  
2 Enclosures.

We trust to your Lordship’s indulgence, should any irregularity in these papers require it, as from the illness of the Secretary of the Commission, and the occasional absence of the Acting Secretary and Interpreter, the performance of some of the duties attached to these officers, fell upon us, at a time that we deemed it necessary to communicate the passing occurrences without delay to His Majesty’s Chargé d’Affaires.

We have, &c.  
(Signed)

WM. PENNELL.  
ALEX. CUNNINGHAM.

*The Right Hon. the Earl of Aberdeen, K. T.*  
&c. &c. &c.

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First Enclosure in No. 95.

*W. Pennell, Esq. to A. Aston, Esq.*

SIR,

*Rio de Janeiro, November 26, 1830.*

I HAVE the honour to inform you, that, after communicating the document transmitted in your despatch of the 5th of October, shewing, that the barque “*Eliza*” was in Pernambuco in January and February last, to Mr. da Souza, the Brazilian Judge, I objected to the examination of more witnesses belonging to the barque, unless they should be apprized of the existence of this document, and cautioned accordingly. After the decision of the Judge-Arbitrator, that this document should be admitted as evidence, Mr. da Souza acquiesced in this mode of proceeding, and, in consequence, 2 witnesses, after having been so cautioned, were examined. They both, however, swore, with great composure, in support of the log-book, which shews that she sailed, on the 18th of February last, from Africa, with a cargo of slaves.

Mr. da Souza expressed his conviction, that the oaths of the witnesses ought to have more weight than the document, in forming our judgment on the case, notwithstanding the circumstances which I pointed out, by which that document was corroborated, and he proposed that we should call more witnesses. I replied, that I should not object to their examination, but that I regarded further testimony from the ship’s crew as superfluous, and that I should listen with regret to the perjury which I anticipated. No more witnesses have been called. When to this statement is added Mr. da Souza’s recorded opposition to my proposal, to have the document in question verified by an appeal to the publick records of the country, and his recorded refusal to admit the oath of Mr. Dunlop (or of his examination), notwithstanding the decision of the Judge-Arbitrator respecting the document No. 1, I am persuaded you will perceive there was nothing left for me, but to close the argument, and to lament over the pertinacity of my brother Judge, after having observed that decorum throughout the discussion, which was due to him, on the supposition of his being guided by an honest, but erroneous conviction, leaving this and all other differences of opinion between us to a Judge-Arbitrator.

I have, &c.

(Signed)

WM. PENNELL.

*Arthur Aston, Esq.*  
&c. &c. &c.

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Second Enclosure in No. 95.

*W. Pennell, Esq. to A. Aston, Esq.*

SIR

*Rio de Janeiro, November 28, 1830.*

I HAVE the honour to enclose copy of a despatch, presented to me yesterday by Mr. da Souza dated the 25th instant, from the Secretary of State for Foreign Affairs, respecting the question, whether one Arbitrator is sufficient to solve all doubts, arising in one case, between the Commissary-Judges.

By this despatch it appears, that the Imperial Government has given a decision, contrary to the opinion of Mr. Serjeant Rough, and has also deviated from the principle of non-interference, which they had previously adopted. The inconvenience of this deviation is manifested by Mr. da Souza’s rejection of the affidavit, and also of the personal examination, of William Dunlop, by which conduct the Commission may be called upon to act on two contradictory principles of evidence—one admitting the document No. 1, the other rejecting the document No. 2, and both being what Mr. da Souza deems “*extra acta*” evidence, and therefore inadmissible. Perhaps the Brazilian Government, seeing this inconvenience, will deem it expedient, either to adhere to their first decision of non-interference (which, with great submission, I think the wiser course), or to direct Mr. da Souza to respect the principle on which the document No. 1 was admitted by Mr. Cunningham,

and by which No. 2 is equally admissible. With this view of the subject, I shall resist Mr. da Souza's pretension to exclude the affidavit, until I shall learn whether you will communicate with the Brazilian Government on the subject, or not.

I have, &c.

(Signed) WM. PENNELL.

Arthur Aston, Esq.  
&c. &c. &c.

P. S.—November 29.—Mr. da Souza, in a discussion this day, has consented to admit, under protest, the *vivâ voce* evidence of William Dunlop, as you will perceive by the enclosed memorandum.

(Signed) W. P.

Sub-Enclosure (A.) in No. 95. (Translation.)

*M. F. C. da Campos to M. J. P. da Souza.*

IN reply to your despatch of the 20th instant, in which you state, that a question had arisen in the Mixed Commission, Brazilian and English, whether the Commissioner Arbitrator, chosen to decide upon a certain point, on the form and engrossment of any process pending, on which the Judges should not agree, remains, *ipso facto*, elect, on all other questions that may occur, or may be likely to occur, as also in case of disagreement on the final sentence; it is my duty to inform you, that the Imperial Government, taking into consideration the 3d Article of the Additional Regulation, to the Convention of the 28th July 1817, which states, that the Arbitrator chosen, after a due examination of the proceedings (*autos*), ought to confer with the above mentioned Judge Commissioner, about the case in question, considers the power of the person elect to be restricted to the simple question for which he was called, as may be collected from a sound interpretation of the cited Article, and which was adopted by the 2 Lawyers you consulted. This I communicate to you for your intelligence, and that it may be made known to the said Mixed Commission.

Palace, November 25, 1830.

(Signed) FRANCISCO CARNEIRO DE CAMPOS.

Sub-Enclosure (B.) in No. 95. (Translation.)

*Memorandum.*

FOR the sake of reconciliation and of harmony, and being the wish of the English Commissary Judge, the English seaman, named William Dunlop, may appear to be interrogated before the Commission, the paper offered not being of any value, being extra-judicial; and the Acting Brazilian Commissary Judge not acknowledging the power in the Commission, to admit of informations (*denuncias*), according to what had occurred between the British and Brazilian. Commissary Judges,—Hayne and Rebello. The deposition shall be united to the Extract (Document, No 1.) protesting, however, against this proceeding as illegal, and contrary to the law and the spirit of the Convention, and this protest shall be united to the proceedings, in order to protect the rights of the parties interested.

Third Enclosure in No. 95.

*W. Pennell, Esq. to A. Aston, Esq.*

SIR

Rio de Janeiro, December 7, 1830.

I HAVE the honour to inform you, that I concurred in opinion with Mr. da Souza, Brazilian Judge, in a sentence of acquittal, as regards the brig "*Don Estavao de Atayde*" and her cargo. I have contended for an exception of 50 slaves, which appeared to belong to Portuguese subjects, and in this exception Mr. da Souza, after some discussion, acquiesced. I also objected to admitting in the sentence any right in the owners, to claim damages of any kind against the Seizors, in which Mr. da Souza, after some demur, acquiesced. The sentence, which was submitted to my consideration, is now ordered to be prepared for signature, with the foregoing modification.

I have, &c.

(Signed) WM. PENNELL.

Arthur Aston, Esq.  
&c. &c. &c.

Fourth Enclosure in No. 95.

*W. Pennell, Esq. to A. Aston, Esq.*

SIR,

Rio de Janeiro, December 8, 1830.

I HAVE the honour to inform you, that Wm. Dunlop was examined on oath, at the Mixed Commission, on such interrogatories as Mr. da Souza, the Brazilian Commissary Judge, deemed expedient to put to him, and his evidence proved that the "*Eliza*" was receiving a cargo of slaves in.

Moçambique, in the month of May last. Mr. da Souza has, however, protested against the admission of his evidence. I had acquiesced in the document, No. 1, furnished by you, being placed in the Appendix to the Autos, submitting on Mr. da Souza's authority thereto, as the formal and more regular proceedings of the Brazilian Court, and not wishing to raise any frivolous objections; but afterwards, in the course of a more animated discussion, I was surprized to find that Mr. da Souza attached *very considerable* importance, both in law and equity, to this locality of the document. I then perceived that I had, by his ingenuity, been led into a concession, of which I did not know the importance. This ingenuity I might have admired, had we been contending Advocates, but as brother Judges, I thought he should have given me the benefit of his superior information, and not have allowed me apparently to have depreciated a document, which I regarded as of transcendent importance. I there ore determined to require that it should be taken from the Appendix, and placed, with the other documents, in the body of the Autos, more particularly as another ballot was to take place for an Arbitrator, in giving a final sentence, and he, as well as Mr. da Souza, might attach importance to its locality, and allow it equally to influence his judgment; this requisition was, however, rejected by Mr. da Souza. I then appealed to Mr. Cunningham, the Judge Arbitrator, as to his intention, when deciding on the admission of the document, and he immediately stated, that his intention was such as I had contended for. Mr. da Souza still resisted; I then appealed to the words used in the protocol by the Secretary, in recording Mr. Cunningham's decision, "*unir se aos Autos.*" Mr. da Souza was still obdurate, and at length Mr. Cunningham consented to terminate the discussion by waiving his right so far, as to admit of another ballot for an Arbitrator, to decide on this question of locality: the lot fell on Mr. Cunningham, who immediately confirmed his former decision, and the Secretary in recording it, now used the words "*entranhar*" in place of "*Unir*;" Mr. da Souza still protesting. After this decision, that the document should not only be *united*, but *embowelled* in the Autos, I contended that the evidence called for a sentence of condemnation, but Mr. da Souza still contending for one of acquittal, we had again recourse to ballot, and the lot fell on Mr. Joao Perreira Darrigue Faro, the Brazilian Commissary Arbitrator. He desired time to peruse the Autos, and he will be prepared to decide to-morrow. In the mean time, I deemed it my duty to transmit to him the Act of Parliament, 5 Geo. IV., Cap. 113; and to call his attention to its accordance with the Alvarà of January 25, 1818.

I enclose the copy of my letter to him.

From these occurrences, added to my former representations, you will be able to appreciate the obstacles with which I have had to contend, and which I have endeavoured steadily and patiently to overcome; but which have, nevertheless, protracted the proceedings, much beyond the period contemplated by the High Contracting Parties.

I have, &c.

(Signed)

WM. PENNELL.

Arthur Aston, Esq.

&c. &c. &c.

### Sub-Enclosure (C.) in No. 95.

*W. Pennell, Esq. to the Brazilian Judge Arbitrator.*

SIR,

Rio de Janeiro, December 7, 1830.

WITH reference to what passed yesterday at the meeting of the Mixed Commission, I think it my duty to furnish you with the Act of Parliament 5 Geo. 4, cap. 113. and to call your attention to the section 57, page 1191, inasmuch as the section appears to me in unison with the Alvarà of 26th January, 1818, and particularly with the words, "*Todos os sobreditos cazos serao objecto de nuncia,*" sec. 111; and that both the Act of Parliament and the Alvarà, accord with the spirit of the Treaty and Convention, on which they are founded, as applicable to the admission of the document, No. 1, and of the evidence of William Dunlop, but against which admission the Acting Brazilian Commissary Judge has protested.

I have, &c.

(Signed)

W. PENNELL.

Joao Perreira Darrigue Faro, Esq.,

Judge Arbitrator, Rio de Janeiro.

### Fifth Enclosure in No. 95.

*W. Pennell, Esq. to A. Aston, Esq.*

SIR,

Rio de Janeiro, December 9, 1830.

I HAVE the honour to inform you, that the Brazilian Commissary Arbitrator, Mr. Joao Perreira Darrigue Faro this day gave his opinion, in conformity with that of Mr. da Souza, the Acting Brazilian Commissary Judge, thereby liberating the bark "*Eliza*" and her cargo; he founds this decision on the ship's papers, and on the evidence of the crew, deeming all other evidence (including, of course, that of William Dunlop, and of the document, No. 1.) inadmissible in the absence of a Captor, and as *extra acta*.

I have, &c.

(Signed)

WM. PENELL.

Arthur Aston, Esq.

&c. &c. &c.



## Sixth Enclosure in No. 95.

*W. Pennell, Esq. to A. Aston, Esq.*

SIR,

Rio de Janeiro, December 10, 1830.

I HAVE the honour to enclose the copies of 3 letters, which passed between the Secretary of the Mixed Commission and the Trustee of the sequestered slaves, and to observe that no answer has been given to the Secretary's letter of the 19th ultimo, from the Trustee, acknowledging the receipt of 2 letters from the Secretary, dated the 8th and 13th November last, excusing himself for the delay, and expressing his surprize at the impatience of the Judges, and stating that out of 265 negroes of the "*Africano Oriental*," only 56 were living, besides 16 sailors, included in the 265.

No. 2, from the Secretary, in answer to the foregoing, pointing out the contradiction between his statement and that of one sent to the Mixed Commission, under his authority, dated the 12th November, making a difference of 54 slaves in so short a space, and requiring explanation and certificates of death; also stating that the Commission received with dissatisfaction, the futile excuses contained in his letter.

No. 3, from the Secretary, stating, that he had not been able to give to the Mixed Commission those explanations they required, respecting the slaves, in consequence of no answer having been returned to his letter, and pointing out the great and even astounding mortality, which he (the Trustee) inculcates, and that the Commissioners had ordered him (the Secretary) to require, for the last time, satisfactory explanations, and that they would communicate to the Imperial Government any omission.

I deem it my duty to bring this correspondence to your knowledge, persuaded that you will act herein as will best accord with the sentiments of His Majesty's Government, under the unforeseen circumstances by which, in this instance, as well as in others, already laid before you, the proceedings of the Mixed Commission have been embarrassed or controlled.

I have, &amp;c.

(Signed)

WM. PENNELL.

Arthur Aston, Esq.  
&c. &c. &c.

## Seventh Enclosure in No. 95.

*W. Pennell, Esq. to A. Aston, Esq.*

SIR,

Rio de Janeiro, December 15, 1830.

I HAVE the honour to enclose copy of the sentence of acquittal of the barque "*Eliza*" and her cargo, furnished to me this day by the Secretary of the Mixed Commission.

Although this sentence is totally in opposition to my judgment, yet I find that the laws of the country require my signature to it, admitting, however, of the adjunction of the word "*Vencido*"—thus indicating constraint and disapprobation, and thereby reconciling me to that obedience to the law, to which I at first felt, in this instance, repugnant.

Relying, as I do, on the fact of the barque having been at Penambuco in February last, it follows that the passport granted by this Government was fraudulently used, for what the law now deems piracy; and that the sentence has been obtained by false documents, by perjury, and by the subornation of perjury. As the fact, however, admits of indubitable proof, and as that proof is within the reach of the Brazilian Government, it may be presumed, that they will cause an investigation, with a view (if not to disturb the present sentence at least), to prevent the commission of similar crimes.

I am, &amp;c.

(Signed)

W. PENNELL.

Arthur Aston, Esq.  
&c. &c. &c.

Sub-Enclosure (D.) in No. 95.

(Translation.)

*Copy of the Sentence of the Bark "Eliza.*

ON examination of the papers and documents of the vessel detained, and of the affidavits of the Captain and others of the crew, it appearing on the whole, that the voyage of the bark "*Eliza*," the property of Joao Alves de Silva Porto, a Brazilian subject, was not unlawful, seeing that she sailed within the time laid down for the abolition of the slave-trade, as is evidently shown by the Journal, and other papers, to which the regulations order that attention only shall be paid, therefore, and in consequence of a superiority of votes amongst the Commissioners, the Brazilian bark "*Eliza*," and all her cargo, is adjudged to be unduly detained, and the requisite order will be accordingly given to the Judge Superintendent of Contraband Goods, to take off the embargo, and liberate her.

(Signed)

WM. PENNELL, Vencido.

JOAO PEREIRA DE SOUZA.

JOAO PEREIRA DAIRIQUE FARO.

Rio de Janeiro, December 10, 1830.

## Eighth Enclosure in No. 95.

*W. Pennell, Esq. to A. Aston, Esq.*

SIR,

Rio de Janeiro, December 15, 1830.

I HAVE the honour to enclose copy of the sentence passed by the Mixed Commission on the brig "D. Estevao de Atayde," by which you will find that this vessel and her cargo have been liberated; but without cost or damages to the Seizors, and with the exception of 50 slaves, which belonged to a Portuguese subject, and are therefore emancipated, and placed at the disposal of the Brazilian Government, to be employed as servants and free labourers.

I have, &amp;c.

(Signed) WM. PENNELL.

Arthur Aston, Esq.  
&c. &c. &c.

## Sub-Enclosure (E.) in No. 95. (Translation.)

*Sentence on the Portuguese Vessel of War "D. Estevao de Atayde."*

ON examination of these documents, relating to the embargo laid on in this place by an Act, page 5, in virtue of an order from the Secretary of State's Office for the Affairs of Justice, dated 26th of July, the affidavits of witnesses, and other papers connected, and several measures ordained by the regulations, it appears, that the Brazilian ship "Flor de Moçambique," Master Joaquim Antonio Franco, and Owner Jozé Duarte Galvao, both Brazilian citizens, having sailed from this port of Rio de Janeiro, on the 13th of September of the foregoing year of 1829, manned and navigated according to law, in conformity with Article 4 of the Additional Convention to the Treaty of 1815, destined for the port of Moçambique, on the Eastern Coast of Africa, it happened, that the said vessel, after taking in her cargo of slaves, and sailing from the said port of Moçambique, on the 19th of January, of the present year, yet, within the time laid down by the Convention of the 2d of November, 1826, and orders, or ulterior agreements between the two Contracting Powers, for this port, with the slaves composing her cargo, the circumstances stated in the protests having taken place, obliged her to bear up for the said port of Moçambique, into which she entered on the 13th of March, of this year, and, there being condemned as unseaworthy, it became impossible for her to conduct the said slaves to their destination; in consequence of which, it being evident that the said cargo would be abandoned, and entirely lost, in so far as respects its owner, and that the slaves, to arrive in time, could not be brought in the said vessel that it was intended to bring them in, it was resolved upon to conduct them to the port of this city, in the Portuguese brig "D. Estevao de Atayde," and being substituted for the ship "Flor de Moçambique," Brazilian property, on account of the sad and fatal accident aforementioned; and on this account her acquittal appearing to be lawful, and according to what is set forth in Articles 2 and 4 of the Treaty of the 22d of January, 1815, in vigour before the Convention of 1826, and ulterior concessions or declarations between the two Contracting Parties; the said vessel is released from the detention and capture which took place, in pursuance of the order, dated the 26th of October, of this year, document for detention, and the slaves composing her cargo, are to be delivered over to her owner, Jozé Duarte Galvao, with the exception of those shipped by Joao da Silva Caerao, of the following marks—an O on each breast, an O on each shoulder, M on the right breast, belonging to a foreigner, a Portuguese, in conformity to Article 1 of the Additional Convention to the Treaty of the 22d of January, 1815, which are to be delivered up to the Judge of the district, as Judge Protector of the liberated blacks, to serve according to the Decree of the 26th of January, 1818, as free servants or labourers. The parties concerned cannot demand their expences, costs, or damages, seeing that it was necessary to establish the legality of what is above said.

(Signed)

WILLIAM PENNELL.  
JOAO PERLIRA DE SOUZA.

True Copy.

(Signed)

THEOPHILO DE METTO, Secretary.

Rio de Janeiro, December 10, 1830.

## No. 96.

*His Majesty's Commissioners to the Earl of Aberdeen.—(Received April 2.)*

MY LORD,

Rio de Janeiro, January 13, 1831.

WE have the honour to enclose a copy of a letter addressed to us, on the 21st ultimo, by Captain Hamilton, of H. M. S. "Druid," stating, that he had detained and brought into this port, for adjudication, the schooner "Destimida," having slaves on board, bound for Bahia.

All publick business in this country being postponed, during the Christmas

holidays, we could not obtain a meeting with our Brazilian Colleagues until the 11th instant, when Señor Joao Carneiro de Campos, being recovered from his late illness, resumed his seat at the Board.

Captain Hamilton also attended, and presented the papers found on board the "*Destimida*" at the time of her detention; having previously given a list of them to the Captain of the schooner, and put them under a sealed cover.

Captain Hamilton then made a declaration upon oath; and the Court adjourned till the 12th instant, when the sealed papers were opened, and inspected, and monitions were issued for the appearance of Raimundo Arribas, Captain of the "*Destimida*," his Boatswain, and 2 others of his crew.

On the 13th instant, Captain Arribas attended the Court, and answered the requisite interrogatories, which, with the answers, being of considerable length, the Court adjourned till the 14th instant, when the Boatswain and others of the crew will be also examined.

We are sorry that the continued illness of Señor Braz Martins da Costa Passos, the Registrar, deprives the Court of his able assistance; and, as Señor Theofilo de Metto, who acts for the Registrar, also performs the office of Interpreter and Secretary, we apprehend that we shall not be furnished with copies and translations of the proceedings, in time to transmit them to your Lordship, by the present conveyance of His Majesty's frigate "*Druid*."

We beg leave, however, to assure your Lordship, that nothing shall be wanting, on our part, to expedite the adjudication of the case of the "*Destimida*," after which we shall have the honour of laying the result before your Lordship, with the requisite documents, and with the least possible delay.

We have, &c.

(Signed)

ALEX. CUNNINGHAM.  
FRED. GRIGG.

*The Right Hon. the Earl of Aberdeen K. T.*

&c.

&c.

&c.

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Enclosure in No. 96.

*Captain Hamilton to the British Commissioners.*

GENTLEMEN,

H. M. S. "*Druid*," Rio de Janeiro Dec. 21, 1831.

IN laying before you the papers belonging to the schooner "*Destimida*," as noted in lists Nos. 1 and 2, as well as the copy of a certificate, No. 3, given by me to the Master of the said schooner, I hereby declare, that my reasons for detaining that vessel were as follows, viz:

On the morning of the 2d of December, 1830, when about 10 miles to the S. W. of Bahia, we observed a schooner to windward, which was supposed to be the same, that had been reported to me early that morning (the "*Druid*" was then at anchor in Bahia), as having made her appearance off the port, and stood out again; from her suspicious appearance we went in chase of her, and, on nearing her, fired a gun, and brought her down to us; she hoisted Portuguese colours. I sent Lieutenant Riall of this ship to board her, who returned and reported to me, that the Master of the schooner, Raimundo Arribas, informed him, that she was the Portuguese schooner "*Destimida*," bound from Saint Thomas, Princes, to Bahia, in ballast, belonging to Princes, Manoel Affonso Vincente da Conceicao, owner; that the schooner was making water, and he was anxious to get in. Lieutenant Riall also reported, that the schooner's papers were very irregular, not having a register, or clearance, from the last port the Master stated she had sailed from, and having 4 or 5 hands short of the number noted in the muster-roll, besides 5 negro slaves, that the Master pretended were part of her crew, who, on being questioned by Lieutenant Riall, could not answer to any of the names in the muster-roll. I sent Lieutenant Riall back to conduct her in to Bahia, accompanied by the "*Druid*," as, from her making much water, I was afraid to examine her further at sea, lest by detention, she should suffer, by being driven to leeward of the port of Bahia in her leaky state. On our getting into Bahia, in the afternoon of the same day, I sent Lieutenant Hoare, and Mr. Bean, the Carpenter of this ship, on board the "*Destimida*" to search, as well as to ascertain the nature of her leaks; they, after some time, and with much difficulty, discovered 50 male negro slaves, concealed in the bottom of the vessel, 48 of whom were taken on board this ship; Mr. Bean, the Carpenter, reporting, that it was necessary they should be removed from the schooner, for the purpose of careening her, to get at her leaks. It is believed that, besides the 50 slaves, the 5 before mentioned, which the Master of the schooner "*Destimida*" pretended were part of her crew, were slaves, purchased on her present voyage for traffick.

I further declare, that in consequence of the crew and the slaves stating, that the latter were put

on board at Whydah, as well as the schooner's log, which was discovered on board, beginning with her departure from that place, on the 26th of October, 1830, in latitude 6° 20' N., bound to Bahia; I have conducted the schooner to this port for adjudication, that vessel not having correct papers, as well as being irregularly employed in the slave-trade, in violation of the existing Treaties and Conventions between England and Portugal. She has no Royal passport, such as should be granted to Portuguese vessels, permitted to trade where that traffick still continues to be lawful.

I have to add, that, in consequence of the schooner making 2 feet water per hour on our leaving Bahia, although several leaks had been stopped by the "Druid's" carpenter, I thought it prudent to retain the 48 slaves on board this ship, as well as 3 of the schooner's crew, and the 5 slaves that the Master pretended were part of her crew, leaving the Master and 5 of the crew, as well as 2 slaves, on board the schooner, in charge of an officer and party of 18 men, to proceed to this place, in company with H. M. S. "Druid."

I am, &c.

(Signed)

G. W. HAMILTON.

Colonel Cunningham,  
&c. &c. &c.

Mixed British Commission, Rio de Janeiro.

N. B.—The earliest opportunity was taken after our arrival here, to send the slaves back to the schooner "Destimida."

(Signed)

G. W. H.

A true Copy.

(Signed)

ALEX. CUNNINGHAM.

### No. 97.

*His Majesty's Commissioners to the Earl of Aberdeen.*—(Received April 2.)

MY LORD,

*Rio de Janeiro, January 23, 1831.*

WE have the honour to state, that on the 22d instant, the Mixed British and Brazilian Commission decided unanimously upon the case of the schooner "Destimida;" the sentence of the Court being, in substance, that the 50 slaves found on board of the schooner should be emancipated, and furnished with certificates of liberty, according to the 7th Article of the British printed Regulations; and that the schooner, and her appurtenances, being the property of Portuguese subjects, and not comprehended in the 1st Article of the Alvarà of January 26, 1818, should be given up to the Master, Raimundo Arribas.

The sentence will be notified, without delay, to the Brazilian Judge of Contraband; and we trust that, in a day or two, the Judge will send the proper officer to take charge of the 50 blacks, and bring them on shore.

We have apprized His Majesty's Chargé d'Affaires, and Rear-Admiral Baker, commanding His Majesty's ships on this station, of these proceedings.

We lament that, in consequence of the continued illness of the Registrar of the Court, we are still obliged to postpone transmitting to your Lordship, the requisite papers in this case.

We have, &c.

(Signed)

ALEX. CUNNINGHAM.  
FRED. GRIGG.

*The Right Hon. the Earl of Aberdeen, K. T.*

&c.

&c.

&c.

### No. 98

*His Majesty's Commissioners to Viscount Palmerston.*—(Received April 30.)

MY LORD,

*Rio de Janeiro, February 12, 1831.*

WE forwarded by the "Zephyr" packet, a despatch, dated the 23d ultimo, to the Earl of Aberdeen, a duplicate of which was transmitted, on the 6th instant, by the "Lord Melville" packet.

We beg leave to refer your Lordship to that communication, and to add what has since occurred, in respect to the sentence of the Court of Mixed Commission, in the case of the schooner "*Destimida*," and of the 50 negroes adjudged to be emancipated.

The sentence was notified, without delay, and in the usual form, to the Juiz do Contrabando, whose province it is to carry the sentence into effect, to disembark the emancipated negroes, and to provide for their employment in this country, for a limited term of years, in pursuance of the Treaty between Great Britain and Brazil.

On former occasions it had been usual to affix the seal of the Chancellor Mor (High Chancellor of the Empire), to the sentences of the Mixed Commission, as an authority to the Juiz do Contrabando for their execution.

In consequence, however, of a late Act of the Legislative Assembly, it was understood that the functions of the Chancellor Mor were abrogated, or suspended, at least in so far as regards the proceedings in respect to the illicit traffick in slaves; but, it having happened, either that the Juiz do Contrabando was not officially in possession of the proceedings of the Legislature, upon that subject, or that the Juiz had doubts of the bearing of those proceedings upon the acts of the Mixed Commission, the Juiz thought it his duty to require, that the sentence of the Court, in the case of the schooner "*Destimida*," and of the 50 negroes, should be corroborated by the seal of the Chancellor Mor, who, on his part, declined to affix the seal, on the plea of the cessation of his authority.

The execution of the sentence being thus delayed, while the schooner "*Destimida*" and the 50 negroes remained in charge of Rear-Admiral Baker, involving the maintenance of the negroes, at the expence of the British Government, we received a letter, dated 3d February, from Rear-Admiral Baker, Commander-in-Chief on this station, urging the removal of the negroes as soon as possible.

On the same day, we applied to our Brazilian colleague, Sñr. Joao Carneiro de Campos, who was of opinion, that the seal of the Chancellor Mor could no longer be properly affixed to the sentences of the Mixed Commission; and he made an immediate application to the Minister for Foreign Affairs, for his Excellency's instructions upon the subject, which it was hoped would remove the difficulty.

We lament, however, to state to your Lordship, that the difficulty still subsists, though we confidently hope that it will be very soon removed; especially as we have had the honour of making a personal communication on the subject to His Majesty's Chargé d'Affaires.

We thought it the more particularly our duty to make that communication, as we had the honour, on the 10th instant, to receive a second letter from Rear-Admiral Baker, proposing, in case the negroes should not be removed by 12 o'clock this day, to withdraw His Majesty's officer, and men, from the schooner, and that the Mixed Commission should provide for the future maintenance of the negroes.

Apprehending that the proposition of Rear-Admiral Baker would involve a departure from the provisions of the Treaty with Brazil, in respect to the custody, and security, of the negroes, we had the honour of writing yesterday 2 letters to the Rear-Admiral on the subject; and we trust that the Rear-Admiral will suspend his determination, till the Brazilian Government can be successfully urged to remove the difficulty.

We shall hereafter submit to your Lordship our correspondence with Rear-Admiral Baker, if the question which has been raised, should have any further consequences.

Sñr. Theophilo de Metto, who was performing the office of Interpreter and Secretary to the Court, during the illness of the Registrar, Sñr. Braz Martins da Costa Passos, being also ill, and confined to his room; we are obliged to postpone the sending to your Lordship a copy, and a translation of the sentence of the Court, in the case of the schooner "*Destimida*," with other requisite papers.

We have this moment had the satisfaction to receive a letter from Rear-Admiral Baker, agreeing to suspend his determination.

We have, &c.

(Signed)

ALEX. CUNNINGHAM.  
FRED. GRIGG.

*The Right Hon. Lord Viscount Palmerston,*  
&c. &c. &c.

No. 99.

*His Majesty's Commissioners to Viscount Palmerston.—(Received May 5.)*

MY LORD,

*Rio de Janeiro, February 28, 1831.*

REAR-ADMIRAL BAKER having applied to Mr. Aston, His Majesty's Chargé d'Affaires, respecting the delay in the execution of the sentence in the case of the schooner "*Destimida*," and of the 50 negroes; we had the honour, on the 17th instant, to make a report to Mr. Aston on the subject, and to solicit his interference with the Brazilian Government, for the earliest removal of the difficulty.

Mr. Aston had the goodness to comply with our request, and, on the 21st instant, he was informed, by the Minister for Foreign Affairs, that the necessary steps had already been taken in the business; and, in fact, the 50 negroes were landed from the "*Destimida*," on the day just mentioned; and, on the following day, Rear-Admiral Baker gave up the schooner to the Master, Raimundo de Arribas.

The 50 negroes, are thus in charge of the Juiz da Comarca. They have been named, and are about to be furnished, respectively, with letters of emancipation, which are ready, and the negroes themselves will be employed in this country, according to the Treaties, for the abolition of illicit slave-traffic.

We have the honour to enclose to your Lordship, a translation of the sentence of the Mixed Commission, in the case in question, dated the 22d ultimo.

We have also the satisfaction to inform your Lordship, that the Registrar of the Court, Sñr. Braz Martins da Costa Passos, has informed the Court, in answer to an official enquiry, respecting the state of his health, that he hopes to be able to resume his duties, about the end of next month; when we shall have the honour to transmit to your Lordship, such papers as we have yet to furnish.

We have, &c.

(Signed)

ALEX. CUNNINGHAM.  
FRED. GRIGG.

*The Right Hon. Lord Viscount Palmerston,*  
&c. &c. &c.

Enclosure in No. 99.

(Translation.)

*Sentence of the Mixed Commission for the prevention of illicit traffick in Slaves, in respect to the Portuguese Schooner "Destimida," and 50 Slaves.*

*Rio de Janeiro, January 22, 1831.*

THESE acts having been seen, they (the Undersigned) adjudge, in conformity with the 3d Article of the Convention of the 28th July, 1817, in addition to the Treaty of the 26th January, 1815, and according to the last Treaty of the 23d November, 1826, the detention of the Portuguese schooner "*Destimida*," belonging to Manoel Alfonso Vicente da Conceição, a Portuguese subject of Princes Island, and the slaves embarked on board of her, and taken by the Commander of H. M. S. "*Druid*," as appears by the Act, fol. 2, subject to the disposition of the 2d Article of the Alvará, of the 26th

January, 1818, to be emancipated, and furnished with letters of liberation, according to the 7th Article of the Regulations of Mixed Commissions, the hull and appurtenances of the said schooner to be released, not being comprehended in the 1st Article of the above-mentioned Alvará; inasmuch as it is without question, upon the very face of the deposition of the Master of the schooner, folio 94, that he embarked the said slaves in the port of Ajudá, and he does not deny, that they were found on board of the schooner, concealed in the hold, in the act of the examination of the state of the same, which (the schooner) the said Commander caused to proceed, after having ordered her to be searched without finding them (the slaves), on the 2d day of December, 1830, 10 miles S. W. of Bahia, in consequence of having been denounced to him on the preceding day, the frigate being at anchor in the port of that city; it is to be observed, that the same schooner at one time drew near to the port, and at another was as if going from it, thus exhibiting herself suspiciously, from which, together with the above-mentioned deposition of the Master, it is certain that it was his intention and deliberate purpose, to conduct, as he was conducting, to that city, the before-mentioned slaves, although he calls them servants to learn trades, landing them, with permission of the Government of the above-mentioned city, in order to be re-exported from it (the city) for Ajudá, as soon as they should be expert in the trades for which they were intended, giving security for that purpose, to the satisfaction of the same Government, inasmuch as this idea disappears as soon as it is not shewn in proof, either by the enquiry, folio 94, or by some document, which would be indispensable, of an agreement made with the person or persons, to whom they (the slaves) belonged, committing the care to the Master, with reference to the destination on which they were proceeding. It is obvious, therefore, that, without the least doubt, they are slaves embarked for traffick, and in contravention of the said Alvará, which never can be allowed, admitting arbitrary pretences to the exclusion of facts, as at present, which also does not fail to be elucidated by the letter, folio 81, to the friend of the owner of the schooner, as the master says, in his deposition, figuring the embarkation of the slaves in question as that of elephant's teeth, for the case, without doubt, of being met and overhauled, concealing them, (the slaves) as in fact was done. For all these reasons, therefore, they (the Mixed Commission), declare the before-mentioned slaves, in number 50, all of the masculine sex, natives of the Coast of Africa, to be free and emancipated, and placed at the disposal of the Government of His Majesty the Emperor, as servants and free labourers.

(Signed) ALEXANDER CUNNINGHAM.  
JOAO CARNEIRO DE CAMPOS.

A true Abstract. (Signed) THEOPHILO DE METTO,  
Interpreter and Secretary Protempore.

A true Translation. (Signed) ALEXANDER CUNNINGHAM.

## No. 100.

*Viscount Palmerston to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign-Office, May 16, 1831.*

I HAVE received your despatches of this year's series, up to that of the 12th of February last. I have satisfaction in stating to you, that your proceedings in the case of the "*Destimida*," having been referred to His Majesty's Advocate-General, that officer has reported, that this case is under precisely the same circumstances as the "*Africano Oriental*," in respect to which the King's Advocate's opinion has already been intimated to Mr. Aston, in a despatch, which he will doubtless have communicated to you; and the King's Advocate is of opinion, that the sentence, decreeing the liberation of the slaves found on board the "*Destimida*," and restoring that ship to the Portuguese owners, is correct and proper.

I am, &c.

*His Majesty's Commissioners.* (Signed) PALMERSTON.

## No. 101.

*Viscount Palmerston to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, July 4, 1831.*

I HAVE received your several despatches, on the subject of the vessel the "*Africano Oriental*," which, under Portuguese colours, arrived at Rio de

Janiero, on the 6th of September, 1830, from Moçambique, where she had shipped 376 slaves, the property of subjects of Portugal; and having been seized on her arrival, was proceeded against in the Mixed Commission Court, under the Alvarà of January, 1818.

The King's Advocate, to whom this case has been referred, has reported his opinion, that the sentence was correct, in decreeing the slaves to be liberated, and the ship, being Portuguese, to be restored to the owners, the Alvarà not extending to the confiscation of the ship.

The King's Advocate has further observed, that the proceedings had in this case are satisfactory, in so far as they tend to shew, that the Brazilian Government are acting with good faith, in their endeavour to suppress this traffick, in conformity with the Treaties subsisting between Great Britain and Brazil.

I am, &c.

*His Majesty's Commissioners.*

(Signed)

PALMERSTON.

No. 102.

*Viscount Palmerston to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, July 4, 1831.*

I HAVE received your several despatches, on the subject of the vessel "*Eliza*," which was adjudged in the Mixed British and Brazilian Court of Commission at Rio de Janeiro, in the latter end of last year.

From the papers which you have transmitted, it appears, that the "*Eliza*," a Brazilian ship, arrived at Rio de Janeiro in September, 1830, with 519 slaves on board, and that these slaves were represented by the ship's papers, and the depositions of the crew, to have been shipped at Moçambique, in the month of February, 1830, but that they had not in reality been shipped until the month of May following.

This latter fact, on which mainly rested the decision of the case, was proved beyond a doubt, by an extract from the Custom-house books at Pernambuco, on which it appeared, that the "*Eliza*" was in that port in January and February, 1830; and, consequently, that the entry in the ship's books of a shipment of slaves at Moçambique, in the latter month, must have been false and fabricated.

This state of things received confirmation, from the evidence of Wm. Dunlop. This individual swore, that he had seen the "*Eliza*" at Moçambique, in May, 1830, and that she was then engaged in taking slaves on board, and, consequently, carrying on the slave-trade, after the period of its legal abolition, March, 1830.

The Brazilian Commissary Judge, it appears, objected to this evidence, on the ground that, under the 3d Article of the Regulations for the Mixed Commissions, no other evidence could be received but the ship's papers, and the depositions of the crew.

The matter was then referred to a Commissioner of Arbitration, who decided, that the evidence was admissible.

The Brazilian Commissary Judge still, however, refused to act on this decision, and insisted on a new lot being taken for a Commission of Arbitration to decide upon the sentence to be definitively given; and the Brazilian Government interfering, the decision as to the sentence to be given was left to a new Commissioner of Arbitration. He pronounced a sentence, whereby the "*Eliza*" and her slaves (with the exception of 56 Portuguese) were restored to the owners.

The ground, as recited in the sentence, for this restitution was, that according to the Journal and other papers, and the evidence of the crew, to which alone, in the opinion of the Commissioner of Arbitration, the regula-



tions direct that credit should be paid, the "*Eliza*" had sailed from Moçambique in February, 1830, and was consequently engaged in a traffick, at that time legal.

The effect of the sentence of the Commissioner of Arbitration, applied to in the second instance, has thus been to reverse the decision of the Commissioner of Arbitration applied to in the first instance, as to the inadmissibility of the evidence before adverted to.

The King's Advocate, to whom the papers on this case have been referred, has reported, that the reversal of the original decision, in this case, seems to have been founded upon an erroneous construction of the 3d Article of the Regulations for the Mixed Commission Courts.

The King's Advocate observes, that by these Regulations the Commissary Judges are directed, in the first place, to proceed to the examination of the papers of the vessel, and to receive the depositions on oath of the Captain, and 2 or 3 at least of the principal individuals on board; and that this, undoubtedly, is the primary evidence in the case; but that there are no words to be found in the 3d, or any other Article, which prohibit the reception of extrinsick evidence, if, in the course of the enquiry, any circumstances should arise, to throw a doubt or suspicion on the transaction, or on the evidence so produced. It is believed to be the constant practice of the other Mixed Commission Courts to receive such evidence: and the same practice undoubtedly prevails in the Prize Courts, which are equally bound, in the first instance, to look to the ship's papers, and the depositions of the crew; but which have never held themselves precluded from admitting other evidence, if the circumstances of the case seemed to require it; and if this were not permitted, it would be impossible to prevent the perpetration of the most barefaced frauds.

On these facts, the King's Advocate declares his opinion, that the evidence offered, particularly the extract from the Custom-house books at Pernambuco, a publick document, and therefore free from all suspicion of fabrication, ought to have been received, and, that being so received, the "*Eliza*" ought to have been condemned, and the slaves liberated.

The King's Advocate further declares his opinion, that the Commissioner of Arbitration, having been once chosen in a particular case, is the proper person to whom all subsequent matters of dispute in the same case ought to be referred, and that this is the sound construction of that part of the 3d Article of the Regulations, which relates to this point. The inconvenience of a different interpretation is sufficiently apparent in the present instance, as the second Commissioner of Arbitration has, as before stated, in effect reversed the decision of the first.

His Majesty's Government are persuaded, that the Brazilian Government will feel the full force and truth of these observations; the justice of which it is impossible to impugn; and they have transmitted a copy of this despatch to His Majesty's Chargé d'Affaires in Brazil, instructing him to press for a revisal of the proceedings in this case, and for a liberation of the individuals, who have thus illegally been reduced to the condition of slavery.

I am, &c.

(Signed) PALMERSTON.

*His Majesty's Commissioners.*

No. 103.

*Viscount Palmerston to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, July 4, 1831.*

I HAVE received your several despatches, on the subject of the vessel the "*D. Estevao d'Atayde*," which, under Portuguese colours, had arrived at Rio de Janeiro with 281 slaves on board.

These papers having been referred to the King's Advocate, that officer has reported, that the sentence is correct and proper, in decreeing the restitution of the ship, and of such of the slaves as belonged to Brazilian subjects, to their respective owners, together with the liberation of 50 slaves belonging to subjects of Portugal, and in further declining to give costs or damages to the owners, since it was firstly necessary to establish the facts, which were to justify the employment of the vessel in the slave-trade, after the period fixed for its abolition.

The King's Advocate has further reported, that the proceedings in this case are peculiarly satisfactory, as tending to shew that the Brazilian Government are acting with good faith, in their endeavour to suppress this traffick, in conformity with the Treaties between Great Britain and Brazil.

I am, &c.

(Signed) PALMERSTON.

*His Majesty's Commissioners.*

No. 104.

*His Majesty's Commissioners to Viscount Palmerston.—(Received July 15.)*

MY LORD,

*Rio de Janeiro, March 25, 1831.*

IN pursuance of the 75th clause of the Act, passed in the 5th year of the reign of His late Majesty Geo. IV. entitled, "An Act to amend and consolidate the Laws relating to the Abolition of the Slave-trade;" we beg leave to enclose a return of all the cases of vessels adjudicated in the British and Brazilian Court of Mixed Commission, established here, from the 31st of July, 1830, to 1st of January, 1831.

We have, &c.

(Signed) ALEX. CUNNINGHAM.  
FRED. GRIGG.

*The Right Hon. Lord Viscount Palmerston,*  
&c. &c. &c.

*Return of Vessels adjudicated by the British and Brazilian Court of Mixed Commission, at Rio de Janeiro, from the 31st of July, 1830, to the 1st of January, 1831.*

NAME of VESSEL.	Date of Seizure.	Where Captured.	Property Seized.	SEIZOR.	Date of Sentence.	Number captured.	Number died before adjudication.	Total emancipated.	Decretal part of Sentence, whether forfeiture or Restitution.	Whether Property condemned has been sold or converted, and if sold, in whose hands the Proceeds remain.
Africano Oriental	1830 Sept.	Rio de Janeiro	Brig - - - -	By order of the Brazilian Government to the Judge of Contraband, but the Consignee, Joan da St. Carmo, availed himself of the 4th Article of the Alvará of 1818, to bring the case before the Mixed Commission, on the 14th of September, 1830	1830 { Nov. 12 and 17 }	265	{ By report, 195 - - }	{ 70, including those proved to be sailors; 56 given over to the disposal of the Juiz do Camarço, for hired servants - - - }	Vessel restored, being Portuguese property, and not included in the 2d Article of the Alvará of 1818 - - -	{ Neither sold nor converted, but restored to the Owner or Consignee. }
Eliza	Sept.	Rio de Janeiro	A bark - - - -	Brazilian Government	Dec. 10 -	519	{ No deaths reported }	Not any - - -	Restored, under the plea of there being proof of her having sailed from Moçambique, within the term prescribed by the last Treaty -	{ Neither sold nor converted, but restored to her Owner. }
D. Estevão de Atayde	Oct. 6	Rio de Janeiro	Portuguese brig of war, with slaves on board, taken from the condemned Brazilian ship "Flor de Moçambique" after having been wrecked, at Moçambique - - -	Brazilian Government	Dec. 10 -	376	{ No deaths reported }	50	Restored - - -	{ Vessel restored and slaves given up to the Owner, Jozé da Silva, a Brazilian subject, in consequence of its being proved that the galera, "Flor de Moçambique" had shipped her cargo within the period named by the last Treaty; but with the exception of 50 slaves, belonging to a foreign subject (Portuguese), who were given over to the proper Judge, to be servants or workmen. }

(Signed) ALEX. CUNNINGHAM,  
FRED. GRIGG.

Rio de Janeiro, March 25, 1831.

No. 105.

*His Majesty's Commissioners to Viscount Palmerston.—(Received October 7.)*

MY LORD,

*Rio de Janeiro, July 27, 1831.*

IN pursuance of the 75th Clause of the Act, passed in the 5th year of the reign of His Majesty George IV., entitled "An Act to amend and consolidate the Laws relating to the abolition of the Slave-trade;" we beg leave to enclose a return of the only case of a vessel adjudicated, in the British and Brazilian Court of Mixed Commission, established in this city, between the 1st of January and the 1st of July 1831.

We have, &c.

(Signed)

ALEX. CUNNINGHAM.

*The Right Hon. Lord Viscount Palmerston,*  
&c.

FRED. GRIGG.

Enclosure in No. 105.

*Return of Vessels Adjudicated by the British and Brazilian Court of Mixed Commission at Rio de Janeiro, from the 1st of January to the 1st of July, 1831.*

NAME of VESSEL.	Date of Seizure.	Where Captured.	Property Seized.	SEIZOR.	Date of Sentence.	Number of Slaves captured.	Number died before Adjudication.	Total emancipated.	Decretal part of Sentence, whether Forfeiture or Restitution.	Whether property has been sold or converted; and if unsold, in whose hand proceeds remain.
Destimida	1830. Dec. 2	{ 10 miles } S. E. of Bahia	Schooner	{ Captain W. Hamilton, commanding H. M. Ship "Druid." } Brought before the Mixed Commission, January 11, 1831.	Jan. 22 1831.	50	not any	{ Fifty who were given over to be disposed of by the Juiz do Camarao as hired servants - }	{ The vessel restored, as being Portuguese property, and not included in the 2d Article of the Alvará of 1818. - }	{ The Owner, to whom she was restored, who sold her for a coasting vessel, to a Brazilian merchant. }

(Signed) ALEX. CUNNINGHAM.  
FRED. GRIGG.

*Rio de Janeiro, July 27, 1831.*

## No. 106.

*His Majesty's Commissioners to Viscount Palmerston.*—(Received Nov. 19.)

MY LORD,

*Rio de Janeiro, September 20, 1831.*

WE have had the honour to receive your Lordship's despatch of 4th July, 1831, on the subject of the "*Africano Oriental*," and her cargo of 376 slaves.

It affords us great satisfaction, that, after a reference of the case in question to the King's Advocate, the sentence had been found correct, in decreeing the slaves to be liberated, and the ship, being Portuguese, and not affected by the Alvarà of January 1818, to be restored to the owners.

We are also much gratified by the opinion of the King's Advocate, that the proceedings had in this case, tended to shew, that the late Brazilian Government acted with good faith, in their endeavours to suppress this traffick, in conformity with the Treaties subsisting between the two countries.

We feel confident that, in like manner, the Members of the present Government of Brazil are sincerely desirous that the tenour, and true spirit, of those engagements should be duly acted upon in future; though it may happen that their upright intentions, may be more or less opposed by the old Portuguese Lawyers, now become Judges and Advocates in the Brazilian Courts, and as such frequently consulted.

We have, &c.  
(Signed)

ALEX. CUNNINGHAM.  
FRED. GRIGG.

*The Right Hon. Lord Viscount Palmerston,*  
&c. &c. &c.

## No. 107.

*His Majesty's Commissioners to Viscount Palmerston.*—(Received Nov. 19.)

MY LORD,

*Rio de Janeiro, September 20, 1831.*

WE have the honour to acknowledge the receipt of your Lordship's despatch of the 4th July, 1831, stating that you had received our several despatches, on the subject of the vessel "*Eliza*," which was adjudicated in the Mixed Commission Court in Rio de Janeiro, in the end of last year.

Your Lordship has been so good as to inform us, that the papers of that case having been referred to the King's Advocate, that officer had reported, that the extrinsick evidence ought to have been received, and that the reversal of the original sentence, by a second Brazilian Commissioner of Arbitration, seems to have been founded upon an erroneous construction of the 3d Article of the Regulations for the Mixed Commission Courts. In consequence His Majesty's Government, feeling the full force and truth of the King's Advocate's observations, have transmitted a copy of the abovementioned despatch to His Majesty's Chargé d'Affaires in Brazil, instructing him to press for a revisal of the proceedings in this case, and for the liberation of the individuals, who have illegally been reduced to the condition of slavery.

Immediately on the receipt of your Lordship's despatch, His Majesty's Commissary Judge waited on Mr. Aston, and had a conference with him upon the subject, and provided him with all the necessary papers connected with, or arising out of, the proceedings against the bark "*Eliza*;" and Mr. Aston purposes communicating to us the result of his intended application to the Brazilian Government.

For our own part, we cannot flatter ourselves with the expectation, that Mr. Aston's representations, and endeavours, will be crowned with success, as the negroes have long since been all sold, and are probably now spread

about in various parts of the country; but it is to be hoped, that in all future cases, if similar questions occur, the King's Advocate's opinion, and Mr. Aston's remonstrance, may be referred to, and have their due weight, being founded upon a just and proper view of the 3d Article of the Regulations for the guidance of Mixed Commissions, and upon the basis of justice and common sense.

We have, &c.

(Signed)

ALEX. CUNNINGHAM.  
FRED. GRIGG.

*The Right Hon. Lord Viscount Palmerston,*  
&c. &c. &c.

No. 108.

*His Majesty's Commissioners to Viscount Palmerston.—(Received Nov. 19.)*

MY LORD,

*Rio de Janeiro, September 20, 1831.*

We have been honoured by the receipt of your Lordship's despatch of 4th July last, informing us, that your Lordship had received our several despatches, on the subject of the vessel "*Don Estevao d'Atayde*," which arrived at Rio de Janeiro, under Portuguese colours, with 281 slaves.

It is with great satisfaction, that we notice the reference of the papers, concerning the adjudication of this case by the Mixed Commission Court, to the King's Advocate, and that that officer had reported the sentence to be correct and proper, being the restitution of the ship, and of such of the slaves as belonged to Brazilian subjects, to their respective owners, the liberation of 50 slaves belonging to subjects of Portugal, and the declining to allow costs and damages to the owners; inasmuch as it was necessary to establish, in the first instance, the facts which were to justify the employment of the vessel in the slave-trade, after the period fixed for its abolition.

We have, &c.

(Signed)

ALEX. CUNNINGHAM.  
FRED. GRIGG.

*The Right Hon. Lord Viscount Palmerston,*  
&c. &c. &c.

## SURINAM.

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No. 109.

*J. H. Lance, Esq. to Viscount Palmerston.—(Received December 14.)*

MY LORD,

*Surinam, September 15, 1831.*

IN reference to a despatch from this Commission, of the 14th of September, 1830, relating to the treatment of the negroes, who had been emancipated by sentence of the Mixed Court established here; I have now the honour to inform your Lordship, that I have lately learnt, on authority on which I can rely, that the cultivation of sugar, described in the abovementioned despatch as being begun, and intended to be carried on, by the forced labour of the free negroes, under the charge of this Government, has been entirely abandoned. A few of the negroes still remain on the estate, and cultivate provisions for the Government; the remainder have been withdrawn, and are now employed in various ways, in different parts of the colony. Some of them, I understand, have been draughted into a black corps, maintained here by the Colonial Government; others of them are employed in keeping the streets of the town and the roads in good repair, and others on the fortifications of the colony.

I am happy to have it in my power to observe, that none of their present work is so severe and unremitting, as that which they have left; indeed, the effect of the late change shews itself, in their now appearing quite contented, and doing what is required of them, without its being necessary to have recourse to severe punishment.

I have, &c.

(Signed) J. H. LANCE.

*The Right Hon. Lord Viscount Palmerston,*  
 &c.                      &c.                      &c.

